

**Enrolled Minutes of the Ninety-Second Regular Meeting or Special Meeting  
For the Twenty-Ninth Highland Town Council Regular Plenary  
Business Meeting (Electronic/In person Hybrid) Monday, April 24, 2023**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, April 24, 2023 at 6:30 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

\*This meeting was convened as both an in person and an electronic meeting. Some persons were participating remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When the agenda item provided for public comment, this was supported as well. Councilor Zemen, Councilor Toya Smith, Councilor Tom Black, Councilor Schocke, Councilor Roger Sheeman all participated in person and Councilor Tom Black participated via zoom.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding in the plenary meeting room before the president called the meeting to order.

The Town Council Vice-President Bernie Zemen presided. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Toya Smith, Mark J. Schocke, Thomas Black, Roger Sheeman were present. Clerk-Treasurer, Mark Herak was also present. A quorum was attained.

**Additional Officials Present:** Alex Brown, CPRP, Superintendent of Parks and Recreation, John Reed, Attorney with Abrahamson, Reed & Bilse, Mark Knesek, Public Works Director, Metropolitan Police Chief Ralph Potesta; Edward Dabrowski, Director of Information Technology; Maria Becerra, Redevelopment Director; William R. Timmer, Jr., CFOD, Fire Chief and Kenneth J. Mika, Building Commissioner were present.

*Guests:* Theresa Badovich (remotely) and Robin Carlascio (remotely) of the Idea Factory were also present.

**Minutes of the Previous Meetings:** The minutes of the April 10, 2023 Plenary meeting were approved by general consent.

**Special Orders:**

1. Consideration of Proposed Additional Appropriations: (controlled funds)  
Proposed Additional Appropriations in Excess of the 2023 Budget in the  
Hazardous Material Supplies Fund in the amount of \$3,372.00.
- (a) Attorney verification of Proofs of Publication: The TIMES 7<sup>th</sup> April 2023, which  
is more than 10 days and less than 30 days of the hearing.

\*\*\* Proof of Publication \*\*\*

State of Indiana )  
) ss:  
Lake County )

Personally appeared before me, a notary public in and for said  
county and state, the undersigned Nicole Muscari  
who, being duly sworn, says that She/he is Legal Clerk of the  
Northwest Indiana Times newspaper of general circulation printed  
and published in the English language in the Town of Munster in  
state and county afore-said, and that the printed matter attached  
hereto is a true copy, which was duly published in said paper for  
1 time(s), the date(s) of publication being as follows:  
April 7, 2023

TOWN OF HIGHLAND, CLERK TREASURER - LEGALS  
CHAD, ACCTS PAYABLE  
3333 RIDGE ROAD  
HIGHLAND IN 46322

ORDER NUMBER 114453

The undersigned further states that the Northwest Indiana Times  
newspaper maintains an Internet website, which is located at  
www.nwi.com website and that a copy of the above referenced  
printed matter was posted on such website on the date(s) of  
publication set forth above.

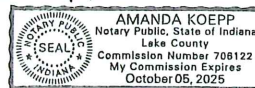
Nicole Muscari, Legal Clerk

By: A. Vingle

Subscribed and sworn to before me this 7 day of  
April, 2023

Amanda Koepf  
Notary Public

My commission expires:



Section: Legals

Category: 198 Legal - Lake County

PUBLISHED ON: 04/07/2023

TOTAL AD COST: 24.70  
FILED ON: 4/7/2023

TOWN OF HIGHLAND  
NOTICE TO TAXPAYERS OF  
PROPOSED ADDITIONAL  
APPROPRIATIONS  
Notice is hereby given the taxpayers of the Town of Highland, Lake County, Indiana, that the Town Council of said Municipality in said Municipal Building, 3333 Ridge Road, at 6:30 p.m. on the 24th day of April 2023, will consider the following additional appropriations in excess of the budget for the current year in the following funds:  
Hazardous Material Response Fund Acct. 4410-0000-24200 Hazard Materials Supplies \$ 3,372.00  
Total 200 Series: \$ 3,372.00  
TOTAL for the FUND: \$ 3,372.00  
Funds to support these additional appropriations in the Haz Mat Response Fund shall be supported by miscellaneous revenue, unreserved unobligated fund balance on deposit to the credit of the fund.  
Taxpayers appearing at such meeting shall have a right to be heard thereon. Taxpayers are asked to contact the Office of the Clerk-Treasurer at (219) 838-1080 to provide an email address to allow the Zoom platform information to be provided as the meeting is still being conducted as an Electronic/In Person Hybrid. You may also write to the Office of the Clerk Treasurer if you have concerns. The additional appropriations, as finally made, will be filed with the Department of Local Government Finance, for its review. The Department of Local Government Finance shall make a written determination of the sufficiency of funds within fifteen days of receipt of a certified copy of the action taken.  
TOWN COUNCIL of HIGHLAND  
Tom Black, President  
By: Mark Herak Clerk-Treasurer  
HSPAXLP  
4/7 - 114453

General Form No. 99P (Rev. 201

Prescribed by State Board of Accounts

ATTACH COPY OF ADVERTISEMENT HERE

Town of Highland, Clerk  
 (Governmental Unit) Treasurer

To: The Times Media Company

Lake County, Indiana

601-45th Avenue, Munster, IN 46321

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head - number of lines

Body - number of lines

Tail - number of lines

Total number of lines in notice

**COMPUTATION OF CHARGES**

50 lines, 1 columns wide equals 50 equivalent lines at .5041

cents per line

Additional charges for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

- 1 line

\$ 24.70

\$ 24.70

**DATA FOR COMPUTING COST**

Width of single column in picas 9p4  
 Number of insertions 1

Size of type 7.0 point.

114453

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper (1) times. The dates of publication being as follows:

April 7, 2023

Additionally, the statement checked below is true and correct:

- ..... Newspaper does not have a Web site.
- X... Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- ..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on .....
- ..... Newspaper has a Web site but refuses to post the public notice.

Date April 10, 2023

Nicole L. Muscari  
 Title: Legal Clerk

By:

(b) Public Hearing: There were no comments from the public

Councilor Zemen asked if there were any other comments and hearing none, he closed the public hearing and put it to a motion.

- (c) Action on Proposed Appropriation Enactment No. 2023-07: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Hazardous Material Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Schocke introduced and moved for the consideration of Enactment No. 2023-07 at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Schocke moved for the passage adoption of Enactment No. 2023-07 at the same meeting of its introduction. Councilor Sheeman seconded.

**Discussion:** None

Upon a roll call vote, a two-thirds vote being necessary, there were five (5) affirmatives and no negatives. The motion passed. The enactment was passed and adopted upon the signature of the municipal executive at the same meeting of its introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2023-07**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET for the HAZMAT RESPONSE FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Hazardous Materials Response Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Hazard Materials Response Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

HAZ MAT RESPONSE FUND

Acct. No. 4410-0000-24200 Hazardous Materials Supplies	\$3,372.00
<i>Total 200 Series:</i>	\$3,372.00
<b>Fund Total:</b>	<b>\$3,372.00</b>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on 24<sup>th</sup> day of April 2023. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 24th Day of April 2023, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

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Tom Black, President (IC 36-5-2-10)

ATTEST:

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Comments from the Public or Visitors: None

**Communications:**

The May 1, 2023 Highland Town Council Standing Study Session is cancelled to accommodate the set up and use of the Plenary Meeting Room as a polling place for the Primary Election to be held the next day. The May 8, 2023 Plenary Business Meeting remains on schedule.

The Board of Parks and Recreation shall hold a special meeting at 7:00 o'clock p.m., on Thursday, April 27, 2023, at the Highland Municipal Building located at 3333 Ridge Road, Highland, Indiana 46322 to obtain views of the citizens on community development and housing needs as they relate to the CDBG application.

Spring Cleanup is scheduled for May 9<sup>th</sup> to collect trash and rubbish generated by spring cleaning. Not included: construction debris, concrete, electronics, televisions, household hazardous waste and leaves.

**Staff Reports:** None

**Appointments:**

• **Statutory Boards and Commissions**  
*Executive Appointments*

1. **Economic Development Commission.** (1) Appointment to be made by the municipal executive, but requiring nomination from the Town Council. Term ends just before February 1<sup>st</sup>. *(Currently the position is vacant)*
  - a. Nomination by the Town Council. *(The council would pass a motion to nominate.)*
  - b. Appointment by executive. *(If nominee is acceptable, the Town Council President may appoint.)*

The Town Council President, as municipal executive, said he would delay this appointment until a later date.

**Home Rule Boards and Commissions**

2. • **Tree Board:** (1) appointments, to be made by the municipal executive, but requiring nomination from the Town Council. *(Position currently held by Natalie Stromberg.)*
  - a. Nomination by the Town Council. *(The council would pass a motion to nominate.)*
  - b. Appointment by executive. *(If nominee is acceptable, the Town Council President may appoint.)*

## *Legislative Appointments*

Regional Statutory Commissions or Boards

### **Home Rule Commissions**

- 1. Main Street Bureau Board:** (17) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2025. *There are currently 8 of the 17 in place and serving. Currently serving are Rhonda Bloch, Teri Yovkovich, Renee Reinhart, Alex Robertson, Diane Barr-Roumbus, James Roumbus, Sandy McKnight, Al Simmons and Ben Reinhart.*
- 2. Community Events Commission Multi-year positions:** (4) appointments to be made by the Town Council. **Term: 4 years.** *(Note: Currently vacant)*

*Single year positions:* (8) appointments to be made by the Town Council. **Term: 1 year.** *(Note: There are currently 7 of the 8 in place and serving, Jack Rowe, Carol Parker, Maria Armagast, Michelle Coon, Linda Carter, Rachael Carter, Erica Fizer Katsepas )*

**General Orders and Unfinished Business:** None

### **New Business:**

- 1. Approval and instruction.** Action to approve and instruct the Town Council President to affix his signature to the Notice of Withdrawal from the Aim Medical Trust effective January 1, 2024 pursuant to Section 8.2 of the Second Amended and Restated Agreement and Declaration of Trust of the Aim Medical Trust.

Councilor Schocke moved to remove the letter of Notice of Withdrawal from the Aim Medical Trust effective January 1, 2024 pursuant to Section 8.2 of the Second Amended and Restated Agreement and Declaration of Trust of the Aim Medical Trust and to authorize the Town Council President to affix his signature from the agenda. . Councilor Smith seconded.

Discussion: Councilor Sheeman asked how this made it onto the agenda as the Council didn't have any discussion about this.

Councilor Schocke said we did talk about this at our last study session.

The Clerk-Treasurer said he spoke another insurance agent, who after see Highland's claim history, advised against getting out of the trust but if the Council wants to go to the open market, he recommended the Town starts the process in August.

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The letter was removed from the agenda and Highland will remain in the Aim Medical Trust for the year 2024.



## TOWN OF HIGHLAND

Highland Municipal Building • 3333 Ridge Road  
Highland, Indiana 46322  
219-838-1080 • Fax 219-972-5097



Population 23,696  
Incorporated in 1910

VIA FACSIMILE: (317) 237-6206

Aim Medical Trust  
125 West Market Street,  
Suite 100  
Indianapolis, IN 46204

RE: Notice of Withdrawal

To Whom It May Concern:

Pursuant to Section 8.2 of the Second Amended and Restated Agreement and Declaration Of Trust of the Aim Medical Trust, please let this serve as notice of the Town of Highland's withdrawal from the AIM Medical Trust effective January 1, 2024.

Town Highland, Indiana

\_\_\_\_\_  
Tom Black, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Mark Herak, Clerk Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Printed on 50% recycled paper.

2. **Works Board Order No. 2023-10:** An Order of the Works Board Approving and Authorizing An Agreement between NIES Engineering, Incorporated and the Town of Highland to perform Professional Design Engineering services for the 2023 Community Crossings Matching Grant (CCMG) Street Improvement and Resurfacing Project in the Amount Not-to-Exceed \$25,500.00.



Councilor Schocke moved the passage and adoption of Works Board Order No. 2023-10 and for the Council President to affix his signature to the proposal letter for design engineering. Councilor Smith seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The order was adopted pending the signature of the Town Executive.

The Town of Highland  
Order of the Works Board No. 2023-10

An Order of the Works Board Approving and Authorizing An agreement between NIES Engineering, Incorporated and the Town of Highland to perform Professional Design Engineering services for the 2023 Community Crossings Matching Grant (CCMG) Street Improvement and Resurfacing Project in the Amount Not-to-Exceed \$25,500.00

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has determined to improve certain streets (Project) in the Town of Highland and had applied and been approved for a Community Crossings Matching Grant in the amount of \$274,438.00, which represents one-half the of the estimated total amount of the Project; and

**Whereas**, NIES Engineering, Incorporated has offered and presented an agreement to provide and furnish Professional Design Engineering Services in consideration for fees to be charged and billed monthly based upon a not-to-exceed amount of Twenty-five Thousand Five Hundred Dollars (\$25,500.00); and

**Whereas**, The Project includes the following streets as listed in the proposal as table 1; and

**Whereas**, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

**Now Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Professional Design Engineering Services proposal, (incorporated by reference and made a part of this Order) between NIES Engineering, Incorporated and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That the terms and charges under the agreement for design engineering services in the not to exceed fee amount of Twenty-five Thousand Five Hundred Dollars (\$25,500.00) is found to be reasonable and fair;

**Section 3.** That the Town of Highland, through its Board of Works, believes that NIES Engineering, Incorporated has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

**Section 4.** That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**DULY, PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana this 24th day of April, 2023 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

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Tom Black, President

Attest:

(IC 36-5-2-10)

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Mark Herak, Clerk-Treasurer  
(IC 33-16-4-1; IC 36-5-6-5)



April 17, 2023

Mr. Mark Knesek, Public Works Director  
Town of Highland, Indiana  
3333 Ridge Road  
Highland, IN 46322

RE: Proposal for Professional Design Engineering Services  
2023 Community Crossings Matching Grant (CCMG) Street Resurfacing Project

Dear Mr. Knesek:

Thank you for the opportunity to present this proposal for professional design engineering services for Highland's 2023 CCMG Street Resurfacing Project. Since INDOT has preliminarily awarded the full \$274,438.00 amount requested in Highland's 2023 CCMG Application #12571, the proposed design work will encompass all 9 road segments included in the application, as listed in attached Table 1.

Our proposal is based on providing engineering services including field survey work for intersection sidewalk ramps, preparation of basic street resurfacing plans and specifications suitable for competitive bidding and assistance during the bid process. We propose to provide design engineering services for a not-to-exceed fee of \$25,500.00. Billings will not exceed the budget without your prior authorization. We propose to provide engineering services based on the hourly billing rates presented in Table 2. Direct expenses such as reproduction and similar items will be billed at actual cost. Mileage will be billed at the current IRS approved rate. The attached "Standard Conditions for Professional Engineering Services" is included by reference.

Again, thank you for the opportunity to present this proposal. Your signature below and return of one copy of this proposal to our office will constitute your acceptance and our notice to proceed.

Yours very truly,  
NIES Engineering, Inc.

*Derek Snyder*  
Derek R. Snyder, P.E.  
Vice President

TOWN OF HIGHLAND, INDIANA

Accepted By: \_\_\_\_\_

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

cc: Highland Town Council  
Mr. Mark Herak

www.niesengineering.com  
mail@niesengineering.com

Table 1  
 Town of Highland, Indiana  
 2023 Community Crossings Matching Grant Application #12571

Project Locations		Estimated Construction Cost	Estimated Match
Street Name	Limits		
Branton Ave	Terrace Dr to 99th St	\$ 75,853.00	\$ 37,926.50
Teakwood Ln	Cedar Ln to Prairie Av	\$ 62,975.00	\$ 31,487.50
Cedar Ln	Briarwood Ln to Teakwood Ln	\$ 29,108.00	\$ 14,554.00
Teakwood Cir	Teakwood Ln to Dead End	\$ 20,203.00	\$ 10,101.50
Delaware Pl	Lakeside Dr to 97th Pl	\$ 239,149.00	\$ 119,574.50
98th St	Dead End to Delaware Pl	\$ 30,397.00	\$ 15,198.50
98th Pl	Dead End to Delaware Pl	\$ 30,397.00	\$ 15,198.50
99th St	Dead End to Delaware Pl	\$ 30,397.00	\$ 15,198.50
99th Pl	Dead End to Delaware Pl	\$ 30,397.00	\$ 15,198.50
<b>TOTAL COST:</b>	<b>Application #12571</b>	<b>\$ 548,876.00</b>	<b>\$ 274,438.00</b>

**Table 2**  
**2023 NIES Engineering Personnel Hourly Rates**

Classification	Hourly Rate	
	Regular	Overtime
Intern	\$50.00	\$60.00
Clerical	\$55.00	\$65.00
Senior Clerical	\$55.00	\$65.00
Administrative Assistant	\$70.00	\$85.00
Senior Administrative Assistant	\$85.00	\$100.00
Technician Level 1	\$70.00	\$85.00
Technician Level 2	\$90.00	\$105.00
Technician Level 3	\$105.00	\$120.00
Technician Level 4	\$110.00	\$125.00
Technician Level 5	\$120.00	\$135.00
Technician Level 6	\$130.00	\$145.00
Engineer Level 1	\$100.00	\$115.00
Engineer Level 2	\$110.00	\$125.00
Engineer Level 3	\$130.00	\$130.00
Engineer Level 4	\$145.00	\$145.00
Engineer Level 5	\$160.00	\$160.00
Project Manager	\$145.00	\$145.00
Senior Project Manager	\$170.00	\$170.00
Principal Level 1	\$155.00	\$155.00
Principal Level 2	\$165.00	\$165.00
Senior Principal	\$220.00	\$220.00

**STANDARD CONDITIONS FOR PROFESSIONAL ENGINEERING SERVICES**

The term "NIES Engineering" used in these terms and conditions is defined as: NIES Engineering, Incorporated of 2421 173<sup>rd</sup> Street, Hammond, Indiana 46323; its officers, partners, employees, sub-consultants and sub-contractors.

**1. REIMBURSABLE EXPENSES:**

- 1.1. Reimbursable expenses are defined as follows and shall be invoiced at direct cost:
- Reproduction of documents.
  - Shipping and mailing expenses.
  - Any other disbursements, application fees, etc., made on behalf of the Owner.

**2. INDEMNIFICATION:**

- 2.1. The OWNER agrees to hold harmless and indemnify NIES Engineering for and against all claims, damages, awards and costs of defense arising out of delays in NIES Engineering's performance resulting from events beyond the NIES Engineering's control.
- 2.2. Whereas construction job-site safety conditions are the sole responsibility of the Construction Contractor, the OWNER agrees to hold harmless and indemnify NIES Engineering for and against all claims, damages, awards and costs of defense arising out of claims related to Construction job-site safety.
- 2.3. The OWNER agrees to stipulate within the Contract Documents that the Contractor shall purchase and maintain, during the course of construction, "all-risk" builder's risk Insurance which names the Contractor, the Owner's agents, and NIES Engineering as additional Insureds.
- 2.4. It is understood and agreed that if NIES Engineering's Basic Services under this Agreement do not include project observation or review of the Contractor's performance or any other construction phase services, that such services will be provided for by the Client. If said services are provided for by the Client, then the Client assumes all responsibility for interpretation of the Contract Documents and for construction observation and supervision and waives any claims against NIES Engineering that may be in any way connected thereto. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold NIES Engineering harmless from any loss, claim or cost, including reasonable attorneys' fees and costs of defense, arising or resulting from the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the Contract Documents to reflect changed field or other conditions, except for claims arising from the sole negligence or willful misconduct of NIES Engineering.

**3. TERMINATION:**

- 3.1. This agreement between OWNER and NIES Engineering may be terminated by either party upon seven days, written notice in the event of substantial failure of performance of the material terms and conditions of this agreement by the other party through no fault of the terminating party.
- 3.2. If this agreement is terminated during the course of performance of the services, NIES Engineering shall be paid for the services performed during the period prior to the effective date of termination of the agreement.
- 3.3. If, prior to termination of this agreement, any services designed or specified by NIES Engineering during any phase of the service is suspended in whole or in part for more than three months or abandoned after written notice from the OWNER, NIES Engineering shall be paid for such services performed prior to receipt of such notice.

**4. BILLING/PAYMENTS:**

- 4.1. NIES Engineering reserves the right to adjust billing rates periodically as salary rates are adjusted and to use the most up-to-date billing rates in preparing project invoicing.

**5. REUSE OF DOCUMENTS:**

- 5.1. All reports, schedules, drawings, specifications of services of NIES Engineering for this project are instruments of services for this project only and shall remain the property of NIES Engineering until the OWNER has compensated NIES Engineering in full for services rendered pursuant to the AGREEMENT. Upon final payment for services and for each separately accepted and authorized proposal for additional services, ownership of instruments of service shall be vested in the OWNER. NIES Engineering, however, may retain record copies of all such instruments of service and may use such for NIES Engineering's exclusive purposes.
- 5.2. Any reuse of reports, schedules, drawings, specifications of services of NIES Engineering for this project without written verification or adaptation by NIES Engineering for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to NIES Engineering, or to NIES Engineering's independent professional associates or consultants, and OWNER shall indemnify and hold harmless NIES Engineering and NIES Engineering's independent professional associates and consultants from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle NIES Engineering to further compensation at rates to be agreed upon by OWNER and NIES Engineering.

**6. OPINIONS OF PROJECT COST, CONSTRUCTION AND OPERATION AND MAINTENANCE:**

- 6.1. Since NIES Engineering has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor methods of determining prices, or over competitive bidding or market conditions, NIES Engineering's opinions of probable Construction Cost are to be made on the basis of NIES Engineering's experience and qualifications and represent NIES Engineering's best judgment as an experienced and qualified professional engineer, familiar with the construction industry; but NIES Engineering cannot and does not guarantee that proposals, bids or actual Construction Cost will not vary from opinions of probable cost prepared by NIES Engineering. Similarly, opinions of Project Cost and Annual Operation and Maintenance Cost cannot be guaranteed because they depend upon numerous factors beyond NIES Engineering's control.

**7. MEDIATION:**

- 7.1. In addition to and prior to arbitration, the parties shall endeavor to settle disputes by mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect unless the parties mutually agree otherwise. Demand for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. A demand for mediation shall be made within a reasonable time after the claim; dispute or other matter in question has arisen. In no event shall the demand for mediation be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

**8. FIDUCIARY RESPONSIBILITY:**

- 8.1. CLIENT confirms that NIES Engineering has not offered any fiduciary service to client and no fiduciary responsibility shall be owed to client by NIES Engineering as a consequence of NIES Engineering's entering into this agreement with client.

**9. HAZARDOUS MATERIALS:**

- 9.1. As used in this Agreement, the term hazardous materials shall mean any substances, including but not limited to asbestos, toxic or hazardous waste, PCBs, combustible gases and materials, petroleum or radioactive materials (as such of these is defined in applicable federal statutes) or any other substances under any conditions and in such quantities as would pose a substantial danger to persons or property exposed to such substances at or near the Project site.
- 9.2. Both parties acknowledge that the NIES Engineering's scope of services does not include any services related to the presence of any hazardous or toxic materials. In the event NIES Engineering or any other party encounters any hazardous or toxic materials, or should it become known to NIES Engineering that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of NIES Engineering's services, NIES Engineering may, at its option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until the Client retains appropriate engineers or contractors to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations.
- 9.3. The Client agrees, notwithstanding any other provision of this Agreement, to the fullest extent by law, to indemnify and hold harmless NIES Engineering from and against any and all claims, suits, demands, liabilities, losses, damages or costs, including attorneys' fees and defense costs arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the Project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action, except for the sole negligence or willful misconduct of NIES Engineering.

**10. CONSEQUENTIAL DAMAGES**

- 10.1. Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the Owner or NIES Engineering, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation and any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the Owner and NIES Engineering shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.

**11. SEVERABILITY:**

- 11.1. If any clause or provision of this Agreement shall be held to be invalid in whole or in part, then the remaining clauses and provisions or portions thereof shall nevertheless be and remain in full force and effect.

END OF TERMS AND CONDITIONS

NIES-2023-B-IN

**CCMG APPLICATION 12454**  
(Parkway Drive Water Main and Street Improvement Project)

	Works Board	Sanitary Board	Water Board	Total
Construction (CCMG Items)	\$ 451,192.00	\$ 75,555.00	\$ 243,965.00	\$ 770,712.00
Construction (Non-CCMG Items)	\$ -	\$ -	\$ 615,200.00	\$ 615,200.00
<b>Total Construction Amount</b>	<b>\$ 451,192.00</b>	<b>\$ 75,555.00</b>	<b>\$ 859,165.00</b>	<b>\$ 1,385,912.00</b>
Engineering (CN)	\$ 35,000.00	\$ 6,000.00	\$ 69,000.00	\$ 110,000.00
<b>Total Project Amount</b>	<b>\$ 486,192.00</b>	<b>\$ 81,555.00</b>	<b>\$ 928,165.00</b>	<b>\$ 1,495,912.00</b>
50% CCMG Match	\$ (225,596.00)	\$ (37,777.50)	\$ (121,982.50)	\$ (385,356.00)
County Contribution	\$ -	\$ -	\$ (250,000.00)	\$ (250,000.00)
<b>Application 12454 Cash Need</b>	<b>\$ 260,596.00</b>	<b>\$ 43,777.50</b>	<b>\$ 556,182.50</b>	<b>\$ 860,556.00</b>

**CCMG APPLICATION 12571**  
(2023 Street Resurfacing)

	Works Board
Construction (CCMG Items)	\$ 548,876.00
<b>Total Construction Amount</b>	<b>\$ 548,876.00</b>
Engineering (PE)	\$ 25,500.00
Engineering (CE)	\$ 29,500.00
<b>Total Project Amount</b>	<b>\$ 603,876.00</b>
50% Match	\$ (274,438.00)
<b>Application 12571 Cash Need</b>	<b>\$ 329,438.00</b>

<b>Total Cash Need (Both Applications)</b>	<b>\$ 590,034.00</b>
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**PROPOSED FUNDING FOR BOTH APPLICATIONS - TOWN BOARD PORTION**

Budget Amount	\$ 100,000.00	2201-0017-39009	MVH
Budget Amount	\$ 257,000.00	2202-0000-39009	LR&S
Budget Amount	\$ 38,000.00	4401-0000-39009	CCI
Budget Amount	\$ 250,000.00	4436-0000-47118	CREDIT
<b>Total Funds Available</b>	<b>\$ 645,000.00</b>	<b>&gt; \$590,034.00</b>	<b>OK</b>

- Authorizing the proper officer to publish legal notice of a public hearing: Public Hearing to consider additional appropriations in the amount of \$4,405.88 in the Corporation General Fund – PD Sworn Overtime. If approved, the public hearing will be held on May 22, 2023, at 6:30 P.M. O'clock in the Municipal Building, 3333 Ridge Road, Highland.

Councilor **Schocke** moved to authorize the publication of a legal notice of a public hearing to consider proposed additional appropriations in the Corporation General Fund – PD Sworn Overtime in the amount of \$4,504.88 as indicated. Councilor **Sheeman** seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The proper officer was instructed to advertise for a public hearing to consider the additional appropriation for the Corporation General Fund in the amount of \$4,504.88. The



public hearing is to be held May 8, 2023 at 6:30 o'clock p.m. in the Municipal Building, 3333 Ridge Road, Highland.

The Clerk-Treasurer advised the Council that he had transposed the overtime amount in the public notice. It was printed as \$4,405.88 and it should have read \$4,504.88. The Town Attorney advised that in law it is called a scrivener's error, an unintentional mistake in drafting an agreement which does not affect the advertisement materially and will not require to be advertised.

He also advised the Council that he had transposed numbers in the previous additional appropriation for the Community Garden. The account should have read 4406-0000-39404 and he typed a 4406-0000-39004. The Attorney again said the transposed numbers were unintentional and no need to re-advertise.

**Town of Highland • Office of the Town Clerk-Treasurer**  
Highland Municipal Building • 3333 Ridge Road • Highland, Indiana 46322

Wednesday 19, 2023

ATTENTION LEGAL NOTICES

Ms. Nicole Muscari  
Amanda Koepp  
Christina Palama  
Customer Service Representative  
The Times  
601- 45th Avenue  
Munster, Indiana 46321

*Sent Via Facsimile & Electronic Transmission*

Re: Legal Notice for Hearing on Proposed Additional Appropriations in the Corporation General Fund

Dear Nicole Muscari, Amanda Koepp, Christina Palma:

Hello. Attached, please find one (1) notice for a public hearing regarding proposed additional appropriations in the Corporation General Fund as indicated. Please publish this notice one (1) time in satisfaction of I.C. 6-1.1-18-5 *et seq.* and I.C. 5-3-1-2(b). *have also sent this request by electronic mail.*

The enclosed notice should be published *on or before* Wednesday, April 26, 2023. As always, please *send two (2)* proofs of publication for our files. We should have these proofs as soon as possible following their publication in order to permit the Town Attorney to review them prior to the hearing. Our hearing is set for *Monday, May 8, 2023.*

If you have any questions, please feel free to contact me. Thank you for the processing of these requests. Also, if you will, please confirm your receipt by calling me at (219) 838-1080 Ext. 3334 or letting me know by e-mail.

Again, I thank you very much.

Sincerely,

Mark Herak  
Clerk-Treasurer  
Enclosures: (1) Notice for Corporation General Fund

**Authorizing the proper officer to publish legal notice of a public hearing: Public Hearing to consider additional appropriations in the amount of \$4,405.88 in the Corporation General Fund.**

TOWN OF HIGHLAND  
NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL  
APPROPRIATIONS

Notice is hereby given the taxpayers of the Town of Highland, Lake County, Indiana, that the Town Council of said Municipality in said Municipal Building, 3333 Ridge Road, at 6:30 p.m. on the 8th day of May 2023, will consider the following additional appropriations in excess of the budget for the current year in the following funds:

Corporation General Fund

Acct. 1101-0009-11130 PD Sworn Overtime	\$ 4,405.88
Total 100 Series:	<u>\$ 4,405.88</u>

TOTAL for the FUND: \$ 4,405.88

Funds to support these additional appropriations in the Corporation General Fund shall be supported by miscellaneous revenue, unreserved unobligated fund balance on deposit to the credit of the fund.

Taxpayers appearing at such meeting shall have a right to be heard thereon. Taxpayers are asked to contact the Office of the Clerk-Treasurer at (219) 838-1080 to provide an email address to allow the Zoom platform information to be provided as the meeting is still being conducted as an Electronic/In Person Hybrid. You may also write to the Office of the Clerk Treasurer if you have concerns. The additional appropriations, as finally made, will be filed with the Department of Local Government Finance, for its review. The Department of Local Government Finance shall make a written determination of the sufficiency of funds within fifteen days of receipt of a certified copy of the action taken.

TOWN COUNCIL OF HIGHLAND  
Tom Black, President

By: Mark Herak  
Clerk-Treasurer

4. Authorizing the proper officer to publish legal notice of a public hearing: Public Hearing to receive views from the public regarding an application to be filed by Board of Parks & Recreation and the uses for its Community Development Block Grant (CDBG) funds. If approved, the public hearing will be held on April 27, 2023 at 7:00 o'clock p.m. in the Municipal Building, 3333 Ridge Road, Highland.

Councilor Smith moved to authorize to ratify the action of the Clerk-Treasurer who published a legal notice of a public hearing: Public Hearing to receive views from the public regarding an application to be filed by the Board of Parks & Recreation and the uses for its Community Development Block Grant (CDBG). Councilor Schocke seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives and one (1) abstain with Councilors Smith, Schocke, Black and Zemen voting in the affirmative and Councilor Sheeman abstaining. The motion passed. The proper officer was instructed to advertise for the Highland Board of Parks & Recreation, a public hearing to receive views from the public regarding an application to be filed by Board of Parks & Recreation and the uses for its Community Development Block Grant (CDBG) funds. The public hearing will be held on April 27, 2023 at 7:00 o'clock p.m. in the Municipal Building, 3333 Ridge Road, Highland

**Town of Highland • Office of the Town Clerk-Treasurer**  
Highland Municipal Building • 3333 Ridge Road • Highland, Indiana 46322

Wednesday April 12, 2023

ATTENTION LEGAL NOTICES

Ms. Nicole Muscari  
Amanda Koepp  
Christina Palama  
Customer Service Representative  
The Times  
601- 45th Avenue  
Munster, Indiana 46321

*Sent Via Facsimile & Electronic Transmission*

Re: Legal Notice for Public Hearing to obtain the views of the citizens on community development and housing needs as they relate to submission for an application for a one (1) year program under the Community Development Block Grant by the Town of Highland, Board of Parks & Recreation.

Dear Nicole Muscari, Amanda Koepp, Christina Palma:

Attached, please find one (1) notice for a public hearing to obtain the views of the citizens on community development and housing needs as they relate to this application, as the Park Board will be submitting an application for a one (1) year program under the Community Development Block Grant as indicated. Please publish this notice one (1) time in satisfaction of I.C. 6-1.1-18-5 *et seq.* and I.C. 5-3-1-2(b). *I have also sent this request by electronic mail.*

The enclosed notice should be published *on or before Monday, April 17, 2023.* As always, please *send two (2)* proofs of publication for our files. We should have these proofs as soon as possible following their publication in order to permit the Town Attorney to review them prior to the hearing. The hearing is set for *Thursday, April 27, 2023.*

If you have any questions, please feel free to contact me. Thank you for the processing of this request under such short notice. Also, if you will, please confirm your receipt by calling me at (219) 838-1080 Ext. 3334 or letting me know by e-mail.

Again, I thank you very much.

Sincerely,

Mark Herak  
Clerk-Treasurer

Enclosures: (1) Notice for Public Hearing to obtain the view of the citizens on the submission of an application for a one (1) year program under the Community Development Block Grant by the Town of Highland Board of Parks and Recreation.

Authorizing the proper officer advertise for a public hearing by the Town of Highland, Board of Parks & Recreation, Lake County, Indiana: Public Hearing to obtain views of the citizens on community development and housing needs as they relate to an application for a one (1) year program under the Community Development Block Grant, created by the Housing and Community Development Act of 1974, as amended to date, to the Lake County Community Development Department.

TOWN OF HIGHLAND, Board of Parks & Recreation,  
Lake County, Indiana  
NOTICE OF Public Hearing

Notice is hereby given that the Town of Highland, Board of Parks and Recreation, Lake County, Indiana, will hold a public hearing at 7:00 p.m., Tuesday, April 25, 2023, at the Highland Municipal Building located at 3333 Ridge Road, Highland, Indiana 46322.

The Board of Parks & Recreation of said Municipality will submit an application for a one (1) year program under the Community Development Block Grant, created by the Housing and Community Development Act of 1974, as amended to date, to the Lake County Community Development Department.

Lake County will then compile and submit a one (1) year application to the Indianapolis Area Office of the U.S. Department of Housing and Urban Development.

The amount of the CDBG funding available for the year 2023 to the Board of Parks & Recreation of the Town of Highland, Indiana is \$104,168.

The purpose of this hearing is to obtain views of the citizens on community development and housing needs as they relate to this application.

The hearing is open to all residents of the Town of Highland. Any citizen desiring to speak on these matters will be afforded an opportunity to do so. The activities must be designed to benefit low to moderate income persons and to eliminate or prevent slums and blight.

Town of Highland, Indiana by its Board of Parks & Recreation,  
Chris Ray, President

By: Office of the Clerk-Treasurer  
Mark Herak  
Clerk-Treasurer

5. **WORKS BOARD ORDER NO. 2023-9B:** AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF SCOREBOARD INC. LLC., FOR OPERATIONAL AND RELATED SERVICES ASSOCIATED WITH A BEER GARDEN FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY FESTIVITIES.

Councilor Schocke moved the passage and adoption of Works Board Order No. 2023-9B. Councilor Smith seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The order was adopted pending the signature of the Town Executive.

**Town of Highland**  
Board of Works  
**Order of the Works Board 2023-9B**

An Order of the Works Board Accepting the Proposal of Scoreboard Inc., LLC. for Operational and Related Services Associated with a Beer Garden for the Town of Highland, Associated with Independence Day Festivities.

**WHEREAS,** THE TOWN OF HIGHLAND, AS PART OF ITS EXERCISE OF PUBLIC POWERS RELATED TO CULTURE AND RECREATION, GENERALLY CONFERRED IN IC 36-10-2, ANNUALLY MARKS THE ANNIVERSARY OF THE NATION'S DECLARATION OF INDEPENDENCE WITH APPROPRIATE FESTIVALS INCLUDING LIVE MUSICAL PERFORMANCE AS ENTERTAINMENT;

**WHEREAS,** SCOREBOARD, INC., LLC. , 121 N. GRIFFITH BLVD, GRIFFITH, INDIANA, 46319, HAS PRESENTED TO THE TOWN OF HIGHLAND A PROPOSED AGREEMENT FOR OPERATIONAL AND RELATED SERVICES ASSOCIATED WITH A BEER GARDEN FOR THE TOWN OF HIGHLAND TO BE CONDUCTED DURING THE 2023 INDEPENDENCE DAY FESTIVAL;

**WHEREAS,** IT IS RECOMMENDED TO THE PURCHASING AGENCY, THE APPROVAL OF THE PROPOSED AGREEMENT FOR OPERATIONAL AND RELATED SERVICES ASSOCIATED WITH A BEER GARDEN FOR THE TOWN OF HIGHLAND TO BE CONDUCTED DURING THE 2023 INDEPENDENCE DAY FESTIVAL AS SUBMITTED BY SCOREBOARD, INC., LLC.;

**WHEREAS,** THESE PROFESSIONAL SERVICES OWING TO THEIR UNIQUE REQUIREMENTS AND CHARACTER, AS A SERVICE, MAY BE PURCHASED IN A MANNER THAT IS DETERMINED TO BE REASONABLE, PURSUANT TO SECTION 3.05.090 OF THE HMC AND IC 5-22-6;

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction;

**Whereas,** The purchase price could exceed \$15,000.00, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency;



**Whereas**, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and,

**Whereas**, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

**Section 1.** That the proposal/agreement for operational and related services associated with a beer garden for the Town of Highland to be conducted during the 2023 Independence Day Festival of **Scoreboard Inc., LLC., 121 N. Griffith Blvd., Griffith, Indiana, 46319**, prepared and presented by its principal, Scott Bridges, is hereby accepted, approved and adopted in every respect, provided that **Scoreboard Inc., LLC.**, complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

**Section 2.** That the fee for performance of the services identified in the proposal of **fifty percent (50%) of all gross revenue associated with the beer garden sales** to be conducted during the 2023 Independence Day Festival **to be paid to the Town and the balance to be retained by Scoreboard Inc., LLC.**, is found to be reasonable and fair;

**Section 3.** That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, are both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

**Section 4.** That the Clerk-Treasurer is hereby authorized to issue a purchase order, if applicable, to **Scoreboard Inc., LLC.**, and the payments to Scoreboard Inc., LLC., under this agreement are approved subject to IC 36-5-4-2;

**Section 5.** That the Town Council President is hereby authorized and directed to execute the agreement approved by this order with the Town Council President's Signature.

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 24<sup>th</sup> day of April 2023 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

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Attest:

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-2-10.2;IC 36-5-6-5)

AGREEMENT

This Agreement made this 24th day of April, 2023, by and between the Town of Highland, 3333 Ridge Road, Highland, Indiana 46322, and Scoreboard Inc., LLC., 121 N. Griffith Blvd., Griffith, Indiana 46319.

Witnesseth:

1. Town of Highland grants to Scoreboard Inc., LLC., the certain rights, privileges, and space during the period of **June 30, 2023 through July 4, 2023**, to operate the beer garden tent at the Town of Highland 4<sup>th</sup> of July Festival, at Main Square Park, located at 3001 Ridge Road, Highland, Indiana 46322.
2. The privilege granted under this contract gives Scoreboard Inc., LLC., permission to operate the beer tent at said 4<sup>th</sup> of July Festival. In furtherance of this Agreement, Scoreboard Inc., LLC., shall:
  - a. Supply all required alcoholic beverages to be consumed at the festival (beer, cider, wine, seltzers, malt beverages, etc.). No alcoholic beverages other than beer, wine, seltzer, malt beverages, cider, ready to drink and water will be sold.
  - b. Scoreboard Inc., LLC., shall provide all necessary licensed servers.
  - c. Town shall provide all necessary security so as to ensure proper ID is acquired before any alcoholic beverage purchases are made.
  - d. Scoreboard Inc., LLC., shall provide all necessary general liability insurance with limits of \$1,000,000 per person and \$3,000,000 per occurrence/aggregate coverage. In addition, Scoreboard Inc., LLC., shall provide insurance for off-premise alcohol consumption, including "dram shop" and/or "liquor liability" insurance coverage with limits of \$1,000,000 per person and \$3,000,000 per occurrence/aggregate coverage. All policies stated above shall name the Town of Highland as an additional insured.
  - e. Scoreboard Inc., LLC., shall provide all manner of equipment needed to serve said beverages including: cold storage truck(s), table set-up, cups, and all other items customary to outdoor beer gardens.

f. Scoreboard Inc., LLC., shall set up and takedown all equipment at the conclusion of the festival. The grounds occupied by the beer tent shall be cleaned prior to July 6, 2023.

g. Scoreboard Inc., LLC., shall post in a conspicuous manner at the front of the beer tent on the opening day a sign showing a price of all articles to be sold under this contract. The size of the sign and place of posting shall be approved by the Town of Highland.

h. Scoreboard Inc., LLC., agrees to pay **fifty percent (50%) of all gross revenue associated with the beer garden sales** to be conducted during the 2023 Independence Day Festival to be paid to the Town of Highland;

i. The settlement of the percentage of alcohol sales shall be made on the closing of each night of the festival.

3. In case any action is brought against the Town of Highland for or on account of any failure, omission, or neglect on the part of Scoreboard Inc., LLC., to do or perform any of the matters to be done or performed or for injury or damages caused by the negligence of Scoreboard Inc., LLC., or any of its employees or workers, Scoreboard Inc., shall indemnify, defend, and save harmless the Town of Highland from any and all claims or liability and shall furnish proof of insurance naming the Town of Highland as additional insured, in amounts not less than stated in paragraph 2.d., above.

4. If and in the event that the 4<sup>th</sup> of July Festival is cancelled, for any reason, whatsoever, this Agreement shall be of no force and effect.

5. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

6. This Agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the transaction, and cannot be changed except by their written consent. Time is of the essence of this Agreement.

7. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

8. In the event either party shall be compelled to employ an attorney to enforce the provisions of this contract, the parties agree that the non-defaulting party shall

be entitled to all of his legal costs and expenses, including reasonable attorney fees, incurred thereby.

9. Any disputes that arise concerning this Agreement shall be brought in the Circuit or Superior Courts of Lake County, Indiana.

In Witness Whereof, the parties have executed this agreement this \_\_\_\_ day of \_\_\_\_\_, 2023.

SCOREBOARD INC., LLC.

TOWN OF HIGHLAND

\_\_\_\_\_  
Scott Bridges, President

\_\_\_\_\_  
Tom Black, President, Highland  
Town Council

CLAUSE (ADDENDUM) and AFFIDAVIT ADDENDUM TO BE ADDED TO CONTRACT  
FOR SERVICES TO BE PROVIDED TO TOWN OF HIGHLAND  
(as required by I.C. 22-5-1.7 -11, effective July 1, 2011)

#### Verification of Work Eligibility Status

1. Scott Bridges, Principal of SCOREBOARD INC., LLC., (hereinafter called "Contractor") understands and agrees that:

(A) it is required to enroll in and verify the work eligibility status of all employees hired after the date of this contract through the E-Verify program.

(B) This requirement shall be waived if the E-Verify program ceases to exist. For the purposes of this paragraph, the "E-Verify program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, s. 403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work *authorization status of newly hired employees under the Immigration Reform and control Act of 1986 (P.L. 99-603); and*

2. An authorized representative of the Contractor has signed the attached affidavit concerning the employment of unauthorized aliens.

*This contract clause is developed pursuant to SEA 590 codified as IC 22-5-1.7-11 (a)(1).*

**AFFIDAVIT OF SERVICE PROVIDER or CONTRACTOR  
WITH THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA  
REGARDING HIRE OF UNAUTHORIZED ALIENS**

State of Indiana            )  
  )        SS:  
County of Lake            )

**A F I D A V I T**

I, the undersigned, authorized representative, authorized officer or agent of **SCOREBOARD INC., LLC.**, hereinafter called "contractor", which has a contract for services or goods with the Town of Highland, Lake County, Indiana, having given solemn affirmation, hereby depose(s) and say(s), that the contractor does not knowingly employ an unauthorized alien.

**FURTHERETH AFFIANT SAYETH NOT.**

Signed: \_\_\_\_\_, Affiant.  
  SCOTT BRIDGES

**Certificate of Notary/Notarial Officer**

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me personally came and appeared **the affiant herein named**, at Highland, Indiana, known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me that she executed same for the purpose therein contained.

**In Witness Whereof**, I hereunto set my hand and official seal of the Town of Highland, Lake County, Indiana. The undersigned clerk-treasurer of the Town of Highland acting as a notarial officer under notarial authority by IC 33-42-9-7(a)(6). Authentication conforms to IC 33-42-9-12.

**Authority Expiration:** The Director of the Lake County Combined Board Certified the Election of March 2, 2022 officially on March 18, 2022. I was qualified to office upon my oath administered March 3, 2022, to serve for a term of twenty-two months commencing at Noon March 3, 2022, concluding before Noon January 1, 2024, and until a successor is elected and qualified, pursuant to IC 36-5-6-2(b).

**County of Residence:** L A K E.

(seal)

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Mark Herak, Town Clerk-Treasurer  
Notarial Officer

**Comments from the Town Council:**

*(Good of the order)*

- **Councilor Bernie Zemen:** *Liaison to the Board of Water Works Directors • Liaison and Plan Commission Member • Liaison to the Tree Board • Liaison to the Highland Neighbors for Sustainability.*

Councilor Zemen began by acknowledging Ken Mika, Building Commissioner who advised that the Plan Commission will be meeting next Wednesday. The only item on the agenda is the Osborne Partners Development Project which is a self-storage facility. They will be seeking a one lot subdivision and present their overlay district plan.

He then asked Public Works Director Mark Knesek if he had anything he wanted to report for the Water Board as it meets this Thursday. Mark said no but would report to the Water Board some of the things from the Water Board Convention.

Councilor Zemen said he was unable to attend last weeks Tree Board so he had nothing to report.

He then read a report on the April 18<sup>th</sup> Sustainability Meeting.

Highland Neighbors for Sustainability held their monthly meeting last Tuesday, April 18.

9 members volunteered planting trees with the Tree Board on April 2.

6 members volunteered at Park Pride Day Saturday.

Rhiannon, along with 3 other members, gave away "Grow Your Own" seedlings and hosted a planting activity, and John directed a musical ensemble at the Munster Earth Day event Saturday.

Highland Neighbors for Sustainability Recycling Team is working on getting recycling stations at the Fourth of July festival. They plan to work in shifts to make sure things are working smoothly.

They are researching a program called SolSmart. It's a free program offered by the Dept of Energy that eases the way for people in the community who are interested in getting rooftop solar.

International Dawn Chorus Day is coming up on Sunday, May 7. A Gibson Woods ecologist will open the Hessville county park at 4:30am to group members, to hear the morning chorus of birdsong during the height of mating season. The bird population in North America has declined by about 3 billion since the 1970s. This is a chance to experience nature while we still have it.

Native plant restoration on the bike path. Jean and Cathy have met with Alex Brown, NiSource restoration specialist Steve Barker and Fish and Wildlife biologist Jared O'Brien to discuss restoring wetlands habitat on the Nipsco right-of-way at the north end of the bike path, where standing water makes it difficult for the Parks Dept to mow.

Cathy was invited by the Highland Kiwanis Club and spoke at their monthly luncheon on April 13 about sustainability and recycling.

Connie was invited by the Munster Garden Club and spoke at their meeting on April 17 about sustainability efforts in the Region.

Connie was recently named one of Indiana University's 2023 Resilience Heroes, one of 12 throughout the state.

**Councilor Toya Smith:** • *Sanitary Board Liaison* • *Public Works Liaison* • *Advisory Board of Zoning Appeals Liaison* • *Liaison to the Building and Inspections.*

Councilor Smith began by acknowledging Ken Mika, Building Commissioner who advised that the BZA has one item on their upcoming agenda, an item that was tabled

from the previous meeting. The one item on the agenda was for a variance for a garage at 8327 Grace Street. He commented that the car wash has been progressing at a slow pace, as the decorative architectural panels are currently being installed. The gas station continues to make progress as well.

Councilor Smith then acknowledged Mark Knesek, Public Works Director, who reminded everyone what the Clerk-Treasurer had previously stated that spring clean-up is scheduled for May 9<sup>th</sup> to collect trash and rubbish generated by spring cleaning. Items not included are: construction debris, concrete, electronics, televisions, household hazardous waste and leaves. He said that Suburban Landscaping are going to start this Thursday on the north side of Highway Avenue by removing the old mulch and applying new mulch. The area where they are working will be blocked off to vehicular traffic. They hope to start the south side of Highway on Friday.

**Councilor Mark Schocke:** • *Park and Recreation Board Liaison* • *Council of Community Events Commission Liaison* • *Liaison to Main Street Bureau* .

Councilor Schocke acknowledged Park Superintendent, Alex Brown, who began by talking about this past Saturday's Park Clean-up Day. He commented that they had a lot of volunteers and got a lot done even though the weather was not nice. He thanked the Clerk-Treasurer for helping with the cooking, as well as, all the other volunteers. He said it is hard to believe that the adult softball league starts this week. He said the senior trip to Chattanooga Tennessee is booked. He said in addition to stopping at Look-Out Mountain, the seniors will be visiting museums along the way. He said the Daddy/Daughter dance is a week from this Saturday. Tickets are still available. He reminded everyone of the special meeting this Thursday being conducted by the Park Board to obtain views of the citizens on community development and housing needs as they relate to the CDBG grant application they are applying for. The grant will be used to make ADA improvements to the concession stands. The heights of the counters are too high to be wheel chair accessible so they need to be lowered. He said it sounds easy but it is not when you've got electric and plumbing built into the walls or windows. You've got to modify the big steel doors that are used to keep vandals out. He said they would like to make some ADA improvements to the concession stands bathrooms. The first step is to hire an architect.

Councilor Schocke reminded everyone of the dance recital on May 12<sup>th</sup>. He wanted to remind the public to get their tickets ahead of time.

- **Councilor Roger Sheeman:** *Town Board of Metropolitan Police Commissioners Liaison* • *Fire Department, Liaison* • *Chamber of Commerce Liaison* • *Information Communications and Technology Department Liaison*.

Councilor Sheeman began by acknowledging Ralph Potesta, Metropolitan Police Chief who said that he really didn't have anything to report as he was out of the office in training all of last week. .



He then acknowledged Fire Chief, Bill Timmer, who said it's been a busy week as they have had a number of fires, which seems they all happen on the weekend.

Councilor Sheeman then acknowledged Ed Dabrowski, IT Director who read to the Council his stats from April 10 to April 24.

	4/9/2023	3/26/2023
	4/22/2023	4/8/2023
CT	7	8
PD	7	7
PW	2	3
Parks	3	3
Bldg	4	3
Fire	1	0
Redev	2	1
Town	5	5
	31	30
High	0	1
Medium	1	2
Low	30	27
	4 hrs Admin Duties	4 hrs Admin Duties
	1.0 hr online training	1.5 hrs online training
	Working on improving	3 conversations with
	restore reliancy	Vendors regarding
	<i>Downtown Sand Spas</i>	equipment and services
	<i>walk down</i>	

April 24, 23

April 10, 23

He said he was working with a vendor on some type of software to restore resiliency. One of the biggest things in the world is data. I mean, that's your soul. It's like money in a bank. The biggest thing is how quickly you can restore data. The worst thing is to tell a client that it is going to take four (4) days to restore their data. This vendor is supposed to have revolutionary type of technology of software that it's in its infant stage that would reduce data recovery from four (4) days to a few hours. He said he is meeting tomorrow

with Brian Wynn from Sounds Cool Audio to walk the downtown looking at the sound system. He will be meeting around 10:30 o'clock a.m. and he invited the public to attend. He said they will examine the current state of the equipment which was purchased about 10 years ago. It was set up to just play basically Christmas music during the season. It wasn't meant as some sort of public address system or a warning system. The original quote was \$11,000 and that was just to fix what we have. If the Council wants something different, he's going to have to come the Council for a larger appropriation.

Councilor Zemen ask if that included getting some music over to Jewett? He said asked particularly about music on the north side of the street, not so much the south side.

Ed responded it did as he was going to try to get music over to Jewett to where Sips is located.

Councilor Schocke asked Ed who determined the level of concern? '

Ed responded he did. He briefly described how he determines the level. If its simple removing a staple from a keyboard it a low rating but if I come back to the Town Hall and something like the server is all dark or black, that's a major problem.

Councilor Sheeman concluded by thanking the Clerk-Treasurer for updating all of the minutes.

- **Town Council President Tom Black:** *Town Executive (I.C. 36-1-2-5-(4); I.C. 36-5-2-2; I.C. 36-5-2-7); • Board of Trustees of the Police Pension Fund, Chair (By Law) • Budget Committee Chairman • Redevelopment Commission Liaison and Member • Member of the Lake County Solid Waste Management District Board • Member of the Northwestern Indiana Regional Planning Commission (NIPRC) • Shared Ethics Representative.*

Councilor Black began by acknowledging Redevelopment Director Maria Becerra who began by saying Main Street had a meeting of April 12<sup>th</sup>. There was a good presentation by the Indiana Small Business Development Center. She had some handouts for anyone that might be interested. They have a listing of free resources to small businesses. They will help businesses put together a financial plan to present to a bank. They did spend some time with the Main street group. She said the Farmer's Market begins on June 1<sup>st</sup> and runs through October 30<sup>th</sup>. The Redevelopment Department office is accepting applications. The Community Garden's received a \$150 donation from the master gardeners. She reminded everyone that tomorrow night is the restaurant crawl. All the usual restaurants are participating except Traditions as they are going through an ownership change at the end of the month. She and Susan attended the Sustainability Meeting on April 18<sup>th</sup>. She said it was very well attended with new members joining all the time. She said Councilor Zemen will be presenting their report during his committee report. She thanked the Council for turning in their comments regarding the Commercial Improvement Grant. She will be

reviewing those changes with the Redevelopment Commission tomorrow night. She said she continues to work with Public Works Director Knesek and Building Commissioner Ken Mika on the way finding signs. She described it as a work in progress as they are trying to determine the exact locations and are working with the installer as to the depth of the signs. Shortly they will be sending postcards to the businesses to see who might be interested in participating. She said Drive Clean Indiana is wanting to make a marketing video of the electric charging stations that are located at the municipal lot. She encouraged the Council to participate in the video. This will probably take place in June.

Councilor Zemen asked the Clerk-Treasurer if he had anything he wanted to say.

The Clerk-Treasurer began by saying he will be coming before the Council to ask for an additional appropriation in conjunction with the Parks and the Police Department regarding installing cameras by the bathrooms located in the depot. The bathrooms have been experiencing a lot of vandalism over the last several weeks. The Police Department are in the process of getting a revised quote to install cameras. He then referenced Dan Botich's comments about paying off one of the bonds early. There are 2 installments remaining on the bond or an aggregate of \$210,000. By paying off the bond early will save approximately \$3,900 in interest, in addition to a slight reduction in the tax level. The Bond Counsel's cost to pay off early basically negates any interest saving so it would be my recommendation not to pay it off early. However, he advised the Council to look at the Highland Commercial Corridor as it has over \$4.8MM in cash built up. Since Ultra is located Highland Commercial Corridor and since the Town would like to develop that site, the Council and the Redevelopment Commission should work together and acquire the property, then tear it down to make it shovel ready for a developer. By owning the property, the Town would control the destiny of the property.

Councilor Sheeman said he appreciated Mr. Herak's remarks but his remarks are not on the agenda and he's not a sixth councilman, so I'm not sure why we engage in this conversation unless there's some specific question the Council has to ask of the Clerk-Treasurer. If you wish to have Mr. Herak's comments, I suggest you put it on the agenda.

Councilor Schocke and Councilor Zemen would like to hear the Clerk-Treasurer's comments.

The Clerk-Treasurer responded that you have to take Councilor Sheeman says with a grain of salt. This is an election year and he's a lame duck Councilman. He's gonna try to do whatever he can to promote his party.

That concluded comments from the Council and acting President Zemen then turned it over to comments from visitor's or residents, reminding them to limit their comments to 2 minutes.

**Comments from Visitors or Residents:**

Rick Volbrecht, Highland, began by saying his 2 daughters attended the Highland Public Schools from kindergarten through graduation. This is not a personal remark. I do not want the police chief to take it personally. This is business. This is strictly business. There is a political flight over a school referendum. I'm on the other side of the vote yes for the referendum. I'm not against them. They're good people. I happen to be on the other side. I'm on the no side. That doesn't make me Communist and I'm not a fascist. I'm a person who lives in Town and I've got an opinion. I'm entitled to it. The Police Chief appeared in a flyer in favor of the referendum. He appeared in his uniform on the flyer which I think is improper. I know several of you in the room tonight are lawyers. I am not looking for your opinion. I'm simply saying it's a legal question. I'm going to read to you a couple of words the Police Chief wrote. These are his exact words. He said by voting for the referendum, you are investing in the youth of Highland. You are investing in the future of the community. He's entitled to his opinion absolutely but to appear in uniform in a partisan flyer. If there's not a law against, there has to be an ethical issue. The Chief goes on to state unequivocally to vote yes. A yes vote is a vote for Highland. I am for our public schools. I am for safety. I spent over 8 months campaigning for the school Board. I didn't win but I stated unequivocally that I wanted to hire 5 police officers for the schools which would then give us 6 officers total. The cost would have been \$432,000 for 180 days worked and 8 holidays. That is not any close to the \$50MM the school town is proposing with this referendum. I supported the referendum initially as it was for school safety but now it is at \$50MM and they can't tell me what the money is being spent on. I've made these presentations to the School Board, month after month after month but do I get a response from the School Board. I've heard nothing. They don't respond to my comments. Several months back, the former police chief said that in the case of an emergency, the police could be at the school in a couple of minutes. A couple of minutes sounds really good but what have we learned from the most recent school shootings? That when the shootings began, the officers were not in the schools to deter or prevent the shootings. Ironically, prior to the school board election, I brought up about the referendum. I was told there was no referendum planned. Two days after the election, the school board starts talking about adding additional security and a referendum. They have attacked me mercilessly because I have an opinion other than theirs. I am a human being and entitled to my opinion and am entitled to respect.

Larry Kondrat, Highland, began by thanking the Clerk-Treasurer for being transparent. He said he had a legal question. I tried to attend a meeting. Let's pick a date, April 5<sup>th</sup>. The meeting had to do with the Council of Community Events. I came up to the front doors and the doors were locked and the Council of Community Events was inside meeting. I couldn't get in, so do I seek remedy from you guys or do I go to the public access councilor? I'm a little confused because I complained about them having an illegal meeting a couple of weeks earlier because they did not properly advertise the meeting in March and now I can't get in but I read from the minutes that some business was conducted. It appears from an email from Mrs. Carter that they booked some bands. I have the email Mrs. Carter sent if you like to see it. She comments about the open time slot because of the Kennedy Avenue mile and the Twi-light parade making it difficult for bands to get across Highway Avenue. With slot being open, we booked a 3 person band.

They can walk across the street with their equipment and it wouldn't impact the race or parade. I wonder how they're doing contracts? I thought Mr. Herak was in charge of the bands and beer garden? You can't have people just walking around doing their own thing because it causes chaos. I couldn't get into this meeting. I couldn't attend because the doors were lock. I'll admit I didn't try the door at the side or by Mr. Mika's office. I didn't go around to the back where the old police station was located and tried that door. So, what do we do about this? They held a meeting that the public couldn't get into. How long do we have to keep up with this?

Councilor Smith said the behavior of the HCCE is disrespectful to the Council.

Larry said it is disrespectful to Mr. Herak who the Council gave control to handle the bands and the beer garden and this group goes out and books a band. Is somebody going to tell me a remedy to this or do I need to take official action. I pulled on the door and it wouldn't open.

Attorney Reed said if they did book a band or sign a contract, it's not worth the paper it is written on. The bands can play, they just wouldn't get paid.

Blane Roberts, Highland, began by reading a prepared statement regarding the lighting problem caused in his neighborhood caused by Marcus Auto Leasing.

04/24/23

**Good evening, Town Council of Highland, dept heads, representative and guests.**

**We, the neighbors of Brantwood (Branton Ave) come to you to address an ongoing problem of glaring lights for over 6 months.—Some of us just recently became involved due seemingly slow process toward resolution-- as today we face the same issue. While we believe Highland Town Council and Marcus are working on solutions, we are becoming increasingly impatient given what we "see" literally. We believe there are unintended consequences that have impacted our community.**

**We are reasonable residents that are requesting reasonable accommodations for the maintenance of the quality of life we are accustomed to and deserve. It is our understanding that this is the role of our representative government.**

While we understand that there may be honest brokers and well-meaning parties attempting to resolve this issue, it has taken too long.

There are backstories that have led to where we are but we will omit the details of that (which does not serve as solutions). We request that Marcus turn off specific lights that are causing such distress to families pending long-term solution. Specific lights installed on the top wall /roof top facing south—which face out. It is this particular lighting product we are requesting turned off within the next 24 to 48 hours. Reportedly there have been attempts to adjust such lights without the intended outcomes by neighbors and any objective person/entity including Marcus. See photos. There are many appropriate pole lights, facing down on the existing property that could remain active.

We believe this is a reasonable request given the length of time of glaring lights that our community had to endure. We understand there are extenuating circumstances that may have led to this—and we have been patient. We are here not to point blame at this time but to request immediate temporary remedy--- while permanent remedy is pending.

We believe our neighbors should not endure another sleepless night, lack of enjoyment and privacy in their own homes.

Thank you in advance—to The Town of Highland and Marcus for your cooperation. We appeal to your better angels and since of community.

Regards,

Neighbors of Branton

Author—Blane Roberts

02/20/23

**Petition for Residentially Friendly Lights/and or Zoning Modification**

We the undersigned residents of Branton Ave and surrounding neighbors, urge the installation of residential friendly lighting by all businesses that abut our community boundaries. Specifically, along Indianapolis Blvd West. Branton ave is just west of Indianapolis blvd. We are requesting this as to protect our community from glaring lights that disrupt sleep and quality of life. We also urge our representatives to collaborate with businesses, if possible as we support our business community. Security of businesses can still be maintained.

We are simply asking our business community to be "good neighbors".

However, if such is unsuccessful, we are requesting the Highland Town Council modify existing zoning laws to reflect such to accomplish this goal.

We are committed as a community to see this to it's final conclusion. See signed petition.

Regards, Blane Roberts -  
223-504-3707



PETITION FOR RESIDENTIAL FRIENDLY LIGHTS /AND OR ZONING MODIFICATION-022023

1. 8842 Branton Ave : Printed Name Blane Raleto 2/20/23  
 Signature [Signature]
2. 8850 Branton Ave: Printed  
 Name Ellen Drennan Signature Ellen Drennan 2/20/23
3. 8906 ~~Lincoln Street~~ <sup>Branton Ave</sup> Printed  
 Name Tim Valente Signature Tim Valente 2/20/23
4. 8845 Branton Ave, Printed  
 Name Sandra M. Rozynki Signature Sandra M. Rozynki 2/21/23
5. 8837 Branton Ave Printed  
 name Joyce McToy Signature Joyce McToy 2/20/23
6. 8838 Branton Ave Printed  
 Name \_\_\_\_\_ Signature \_\_\_\_\_
7. 8833 Branton Ave Printed  
 Name TODD O'DAY Signature [Signature] 2/20/23
8. 8828 Branton Ave Printed  
 Name \_\_\_\_\_ Signature \_\_\_\_\_
9. 8825 Branton Ave Printed  
 Name ANDREW LERMAN Signature [Signature] 2/20/23
10. 8822 Branton Ave Printed  
 Name Brian Zygmunt Signature [Signature]
11. 8817 Branton Ave Printed  
 Name Tom Nicholas Signature Tom Nicholas 2/20/23
12. 8816 Branton Ave Printed  
 Name \_\_\_\_\_ Signature \_\_\_\_\_
13. 8802 Branton Ave Printed  
 Name \_\_\_\_\_ Signature \_\_\_\_\_
14. 8751 Branton Ave Printed  
 Names \_\_\_\_\_ Signature \_\_\_\_\_
15. 2325 Kenilworth Ave Printed  
 Name \_\_\_\_\_ Signature \_\_\_\_\_
16. 8907 Branton Ave Printed  
 Name \_\_\_\_\_ Signature \_\_\_\_\_
- 8914 Branton Ave Printed  
 Name \_\_\_\_\_ Signaure \_\_\_\_\_

Copy: Highland Town Council- Bernie Zeman and Highland Zoning/ Administration

He continued, we understand there were mitigating circumstances that led to this situation. We have been patient and we're not here to point blame at this time. We want to solutions as this condition has lasted over 6 months. Thank you very much for your time and your patience and thanks for working with us.

Attorney Reed began, I've been working on this for a while, probably, just like you said, too long but I think there was a there was a series of events that caused this situation. Marcus apparently had some thefts of some catalytic converters and some other vandalism on vehicles stored on their lot so obviously they have an interest in protecting those things. They had some lighting installed or changed, whatever you want to say it by a licensed contractor but that contractor did not get a permit to do that job. They are originally said, yes, they got a permit because this is Highland. The fellow who runs the dealership came back and said they didn't get a permit because the contractor called the Town and were told by a lady in the office that a permit would not be required. The only ladies in the office that would answer that phone are either Susan and Patti and those 2 people would never tell someone they would need a permit unless the check with Ken

Mika. So, obviously, someone is not telling the truth. During this time, Nipsco came along and trims the branches or cuts down the trees that are in their easement and growing into their power lines. Once the trees were removed or the branches trimmed, there was no shield between those gigantic lights and the homes directly behind Marcus Auto Leasing. It just made the situation much worse. I had Hyre Electric go out there to try to adjust the lights. I think it was good for a day or 2 but that adjustment really was not a perfect solution or close to one. They went back to adjust because Marcus Auto Leasing said that the adjustments were not putting enough light in the area of the vehicles for the cameras to see or pick up anything. I saw Mr. Robert's pictures. The lights are so bright that they light the street in front of the houses and not just the back of the houses. The house on the west side of the business was somewhat isolated before but after the adjustments were made, it went from bad to worse. I reached out to a local contractor who came up with 2 ideas. He is trying to find a shield that prevents the light from bleeding into the neighbor's homes. I'm not certain he'll find that solution. The owner of the property is reaching out to the contractor who installed the lights and change the direction of the light from facing into the neighbor's home and have the lights face Indianapolis Boulevard. That is the real solution to have the lights face the boulevard. If they would have come in for a permit in the first place, as they were supposed to, I guarantee that Mr. Mika would never have allowed this to happen. He wouldn't have granted them a permit with the lights shining into the neighborhood. This is the 2 things that are in the work. I wish it was faster. I wish I could get a contractor to just get out there, sit down with an engineer and a piece of paper and make it right. We do have a photo matrix plan and we do have things in our ordinance that prohibit this kind of thing from happening. It is a public nuisance.

Blane added, we are not disputing what is being said or the circumstances that led up to this but we don't want to have to wait another 6 months. We've already waited 6 months and nothing was done. We want to have the lights shut off right now while they figure out a solution. The lights currently face down. At least turn off the lights on the buildings so they don't shine into our neighborhood. If they don't have a permit, why can't the Town go in and require them to be shut off. We support businesses. We're not anti-business. They are asking us to be more patient but what about them. They can start by turning the lights off that are on the top of the roof.

Attorney Reed said Marcus Auto Leasing has bought the entire lot, all the way to Lincoln street. I think we can certainly request them to shut off the lights and appeal to them being a good neighbor and shut off the lights but if they don't our only other solution is litigation.

Councilor Schocke asked why they can't install motion lights like he has at his residence. The lights remain off until so motion causes them to turn on. I wonder if that would be a potential solution here? Any attempt to steal something would trigger the motion detector and the lights would come on.

Blane said I'm not here to tell Marcus Auto Leasing how to fix the problem. I view my role as a community member, as a neighbor. I'm proud of all my neighbors who came out to support this cause. He asked them to please stand up. All we want is the lights to be

turned out till Marcus Auto Leasing figures out a solution. We don't want to wait another week while they tell us another legitimate story. People have good intentions and then it still does work out and the lights remain on. We want them off until they can figure out a solution. We wake up every night with our sleep being disturbed by the glaring of lights.

Building Commissioner Ken Mika said in his opinion this is not rocket science and a solution should not have taken this long. There is technology out there. I think they need to react within a very short period of time otherwise from the Town's standpoint we're going to cite them and seek injunctive relief.

Blane said, why can't they shut off the lights and hire a security guard if they are worried about the vehicles in their parking lot. Understand we have all been very reasonable. I hope you can convince them to shut them off.

Kathy Boyd, Highland, wanted to comment on the Parkway Drive reconstruction project. She said she had some information she wanted to share with the Council. She said the information was not complete but her purpose is to try to save our beautiful trees. I'm hearing that saving trees is a concern in Highland. She never knew there was a tree board, so I'm feeling we're all on the same team. I'm asking the Council to help me in saving the trees. I'm told there are ways to avoid having to cut those trees down. I was told by the engineer on the project that all of the trees on the east side of Parkway will have to be removed.

Public Works Director said that is correct because there is a gas main on the west side of the street so we can't put the water main on the west side. The water main is under the curve on the east side of the street currently. It is made from cast iron and breaks all the time. In order to improve water pressure and provide better quality of drinking water, the project call for the installation of an 8" water line. In addition to the gas line, we have to deal with a 12" sanitary line and a 48" storm sewer. The only option we have is to put it on the east side of the street and remove the trees.

Kathy said I was told that the trees don't have to come down because of the various lines but because of the machine to dig the trench requires a 12' width, so why not get a smaller machine? It was explained to me that its only because of the width of the machine that is requiring the trees to be cut down. What happens if you have to deal with a narrower street? What do you do? I mean there's got to be a smaller piece of equipment for narrower streets? There's got to be a better way than ripping out all of these old beautiful trees.

Mark said if we cut one side of a root of a tree, we jeopardize the roots of the tree which could cause the tree to fall during construction or the roots would die later and fall. He said we could bore underneath the street but adds much more cost to the project.

Kathy said I read that you could put something around the water line that will give the water line an additional 70 years of life. There are cities like Lombard and Arlington Heights that have done it and in the end it is a lesser cost to the project because you don't

the cost of removing all of those trees. Taking down all of those trees will have a devastating effect to the whole community.

Her 2 minutes had expired and Councilor Zemen suggested that she and Public Works Director to take this up after the meeting.

Terry Steagall, Highland, began by speaking on the referendum. I think we need to support the referendum for the sake of the schools, to support their cause. The schools are important to the quality of our community and well-being of the residents. I would encourage everybody to vote, yes for the referendum. I think the Council needs to take a hard look at Redevelopment. The topic of Ultra came up tonight and that's been a subject that the Council clearly hasn't really aggressively addressed. The Clerk-Treasurer did provide some information tonight that makes the purchasing of the Ultra property and tearing it down to make it shovel ready doable. I think you should enter into negotiations with the owner of the property to get rid of an obsolete piece of property. It's an obsolete piece of property. You really can't redevelop a piece of property you don't own. The only thing you could do is control the property and tear it down and then have a developer come in and develop it. Even Councilor Schocke said Ultra would be an ideal project for a TIF district. We want people driving down the boulevard to a development versus a closed up building. I would encourage the Council and Redevelopment Commission to follow-up on the Clerk-Treasurer's suggestion about using the allocation money to purchase the property.

Jack Rowe, Highland, wanted to comment on the Community Events Meeting about the door being locked. Our meeting was held here in this room, so if anybody was at the door or not or anything like that, we weren't aware that the door was even closed. The secretary let us in so we came into the meeting room. We sat right here in this room, so if that door was locked, anybody who knocked or anything like that, we would have heard and run and opened the door. If there was somebody there, we didn't see them. If they would have knocked, we would have let them in. Secondly, the band that was booked or whatever, it wasn't a booked band. It was an idea that maybe we could put a band in the slot during the Kennedy Avenue race and the twi-light parade. We had mentioned it to Mr. Herak as Michelle Coon, who is on the Council of Community Events Committee has a son who plays in a band and she asked if your son's band could play in the open slot. When we looked at the spreadsheet there was an open spot and it looked like it was open. She brought up the idea and Linda Carter was going to confer with Mark. Linda reached out to Mark who advised the spot was not open as that spot was left intentionally open so as not to compete against the race or twi-light parade. There was no contract or nothing like that as we understand there will be a big screen televising the race and twi-light parade so those in the park can view.

Councilor Schocke asked about a possible nepotism or a conflict of interest by selecting a HCCE member son's band to perform?

Jack responded no because since all of the slots were filled and the band was never booked. He said the band played last year which is why their name was brought up

again. They played during the worst time last year as the festival was shut down do to thunderstorms in the area.

Carlos Aburto, Highland, said he had spoken with a couple of Council members regarding this topic sometime back and he wanted to ask the question publicly. As we are into springtime, I'm sure that I'm not the only one that notices the weeds growing on the thorough ways of Kennedy and Indianapolis Boulevard. It's starting to grow back now and in the summer it will get a lot worse. They grown on the side of the road and can grow up to 2 feet in height. It's not only on the thorough ways but also the parkways of private property, as they aren't maintained. He was wondering if, especially in the area of Meijer's, if anything can be done about it. It gets unsightly and it looks kind of bad to those driving through the Town. I was looking at the code and I really couldn't find anything that said that they had to take care of the weeds. The code spells out specific violations but I could not find anything that references weeds growing in the parkway.

Building Commissioner Ken Mika said the meridians and right of ways are the State's responsibility. Ken clarified that he wasn't talking about Kennedy Avenue. If it occurs on Kennedy Avenue, code enforcement will handle but again, if it's the boulevard, most of that is in the State's right of way and they are to maintain it. He said not all the property along the boulevard is in the right of way as there are certain sections, like in front of Meijer's, which is the property owner or developer's responsibility. But for the most part, along the boulevard, is right of way owned by the State and it's their responsibility to maintain. .

Carlos said he was just bringing it to the Town's attention before it gets out of hand. It gets especially bad in the summer as your going the bridge heading south past Meijer's. He asked if there was a particular ordinance that required the property owners to keep their parkways manicured.

Ken Mika said the Town could pursue unkept parkways in 2 different ways. They could treat it as a nuisance violation or a property maintenance violation. On property maintenance, if the grass gets higher than 6 inches, we will cite the property owner. He said that we are little more lenient this time of year realizing it is spring and the growing season but with the rain, some people can't get out on a particular weekend as they had hoped.

Carlos said I'm not trying to make more work for anybody but since the State isn't maintaining their right of ways, maybe Public Works can do it as it gets pretty bad in the summer.

Councilor Zemen asked if there were any other comments. Hearing none, he closed comments from the public and brought it back to the Council. He then asked for a motion to pay claims.

**Payment of Accounts Payable Vouchers.** There being no further comments from visitors or residents, Councilor Schocke moved to allow the vendors accounts payable vouchers

as filed on the pending accounts payable docket, covering the period **April 12, 2023 through April 25, 2023**. Councilor Smith seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Accounts payable vouchers April 12, 2023 to April 25, 2023 in the amount of **\$369,951.61**.

**General Fund**, \$250,779.30; **MVH Fund**, \$25,900.53; **LR&S**, \$4,549.54; **LAW Enforcement Continuing Education, Training and Supply Fund**, \$5,977.65; **Information and Communications Technology Fund**, \$8,980.71; **MCCD**, \$1,144.50; **Police Pension**, \$67,603.26; **Public Safety Income Tax**, \$5,016.12

Payroll Docket for payday of April 21, 2023 by fund:

Payroll Docket for payday of March 10, 2023 by fund:

General, **\$284,672.25**

Payroll Docket for payday of April 21, 2023:

Office of Clerk-Treasurer, \$16,359.03; Building and Inspection Department, \$10,208.83; Metropolitan Police Department, \$129,278.92; Public Works Department (Agency), \$73,111.15; Fire Department, \$5,036.25 and Information and Technology Department, \$4,009.55; Total Payroll: \$238,003.73.

Payroll Docket for payday of April 28, 2023 by fund:

Total Payroll by fund: \$79,134.49

Payroll Docket for payday of April 28, 2023:

Boards & Commissions. \$11,031.82; Police Pension, \$67,495.61;  
Total Payroll: \$78,527.43.

Payroll Docket for payday of April 21, 2023 by fund:

Total Payroll by fund: \$32,959.19

Payroll Docket for payday of April 21, 2023:

Fire Department Quarterly: \$30,617.05  
Total Payroll: \$30,617.05.

Adjournment of Plenary Meeting. There being no further business on the agenda, the Town Council Vice-President declared the regular plenary meeting of the Town Council of Monday, April 24, 2023, adjourned at 7:57 O'clock p.m.

Mark Herak  
Clerk-Treasurer

Approved by the Town Council at its meeting of May 8, 2023.