

**Enrolled Minutes of the One Hundred-Fourth Regular Meeting or Special Meeting
For the Twenty-Ninth Highland Town Council Regular Plenary
Business Meeting (Electronic/In person Hybrid) Monday, October 23, 2023**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, October 23, 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 Bernie Zemen, Councilor Toya Smith, Councilor Mark Schocke, Councilor Tom Black and Councilor Philip Scheeringa all participated in person.

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 President Tom Black presided over the meeting. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor Phil Scheeringa 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, Philip Scheeringa were present. Clerk-Treasurer, Mark Herak was also present. A quorum was attained.

Additional Officials Present: Mark Knesek, Public Works Director; Metropolitan Police Chief Ralph Potesta; John Reed, Attorney with Abrahamson, Reed & Bilse; Kenneth J. Mika, Building Commissioner; Redevelopment Director Maria Becerra; Mike Pipta, Fire Chief and Ed Dabrowski, Director of Information Technology were present. Alex Brown, CPRP, Superintendent of Parks was remote.

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

Minutes of the Previous Meetings: The minutes of the October 9, 2023 Plenary meeting were approved by general consent.

Special Orders: None

Comments from the Public or Visitors:

Larry Kondrat, Highland asked Council not to pass Resolution 2023-25. He said he objected to the passage of this. I don't think that consolidating the allocation areas is a wise move right now and in fact, at your study session last week, Dan Botich said there was no urgency as Redevelopment has no projects forthcoming, so I don't see the emergency. There are no objective reasons to consolidate the two (2) areas besides putting all the money into one pool. As Councilor Schocke correctly pointed out, the Redevelopment Commission could take the money and apply it to a single project. They claim they wouldn't do that. I would hope the Council would vote it down. This is not a good deal for the Town of Highland. Since we are

not allowed to speak at study sessions, I couldn't not express my thoughts at that time. He did ask the Council to approve the vacation of the public way on Jewett Street for the American Legion. This been going on for a few years. Shortly before this council came in, then Councilor Herak asked me to go down to the American Legion to introduce the Hometown Heroes ladies to the Commander of the Legion so they could get names of veterans for their banners and to assist in fund raising. In talking with the Commander, he asked me to get a hold of Councilor Herak about vacating Jewett Street.

The Clerk-Treasurer clarified his comments from the earlier public meeting regarding the proceeds from the BBQ Fest. He wanted to make it clear that no money was missing. All the money due the Town was accounted for.

Communications:

Trick or Treat, Tuesday, 5 -7 o'clock p.m., October 31, 2023

No Meeting, Monday, October 30, 2023-the 5th Monday of the month

The November 6, 2023 Highland Town Council Standing Study Session is cancelled to accommodate the set-up and use of the Plenary Meeting Room for voting on November 7, 2023.

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 1st. (*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. **Community Events Commission** *Multi-Year position.* (1) appointment to be made by the Town Council President. **Term: 4 years.** (*Positions currently held by Jacqui Herrera and Sandy McKnight*)
3. **Municipal Plan Commission** (1) (vacancy) appointment to be made by Town Council President. (*Note: Unexpired term of Hunter Balczo, Esq., (D), term ending 1st Monday January 2025) No more than two of any party. Current composition is 2 Republicans, 1 Democrat.*)

Council President Black said he would not make the appointment but rather let the new Council make the appointment.

4. **Redevelopment Commission:** (1) appointment to be made by Town Council President. *(Note: vacancy created by the resignation of Bill Leep – term expires 1st Monday in 2024)*

Council President Black said he would not make the appointment but rather let the new Council make the appointment.

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 11 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, Ben Reinhart, Sandy Ray and Kathy Smailis.*
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)*

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

General Orders and Unfinished Business:

1. **Adoption Hearing of the Proposed Fiscal Year 2024 Budget of the Waterworks District, pursuant to IC 6-1.1-17-20.** *Under amendments to IC 6-1.1-17-20, the proper officers of the special taxing district shall submit the proposed budget and property tax levies to the municipal fiscal body. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The final adoption vests with the Town Council. The final adoption vests with the Town Council.*
 - (a) Memorandum regarding Taxpayer remonstrance petition. *No petition was filed. No action is necessary for the Town Council to respond.*
 - (b) Public Hearing with the DLGF only if petition filed. **No action required**

- (c) Action on **Introduced Ordinance No. 1790**: An Ordinance of Appropriations and Budget Levies and Rates for the 2024 Budget of the Waterworks District. *Councilor Smith introduced the ordinance at the meeting of the Town Council of Monday, September 25, 2022. There was no further action pursuant to IC 6-1.1-17-3(a) and IC 6-1.1-17-5(a)(8).*

Councilor Scheeringa moved the passage and adoption of Ordinance No. 1790. Councilor Zemen seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. Ordinance 1790 was adopted pending the signature of the five Councilors.

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55965 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
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Ordinance / Resolution Number: 1790

Be it ordained/resolved by the Town Council of the Town of Highland that for the expenses of HIGHLAND WATER DISTRICT for the year ending December 31, 2024 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of HIGHLAND WATER DISTRICT, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the Town Council of the Town of Highland.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Town Council of the Town of Highland	Town Council	10/23/2023

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
8383	WATER DISTRICT DEBT SERVICE	\$333,457	\$408,956	0.0270
		\$333,457	\$408,956	0.0270

Name		Signature
Tom Black	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Bernie Zemen	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Toya Smith	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Mark Schocke	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Philip Scheeringa	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST		
Name	Title	Signature
Mark Herak	Clerk-Treasurer	

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1 Yes No

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31 Yes No

2. Adoption Hearing of the Proposed Fiscal Year 2024 Budget for the Town of Highland.
 - (a) Memorandum regarding Taxpayer remonstrance petition. *No petition was filed. No action is necessary for the Town Council to respond.*
 - (b) Public Hearing with the DLGF only if petition filed. No action required

- (c) Action on **Introduced Ordinance No. 1788**: An Ordinance of Appropriations and Budget Levies and Rates for the 2024 Budget of the Civil Town. *Councilor Smith introduced the ordinance at the meeting of the Town Council of Monday, September 25, 2023. There was no further action pursuant to IC 6-1.1-17-3(a) and IC 6-1.1-17-5(a)(8).*

Councilor Scheeringa moved the passage and adoption of Ordinance No. 1788. Councilor Smith seconded.

Councilor Schocke moved to amend the motion to remove from the Police Department Personal Service Budget, sub-category Salaries & Wages, line item code 111.10, part-time support services maintenance, in the amount of \$26,000 and move the money into Police Department Services and Charges Budget, sub-category Repairs and Maintenance, line item code 360.03, building maintenance instead of hiring a part-time maintenance person for \$26,000. Councilor Scheeringa seconded. He said in the event that a plumber or electrician is needed, the money would be in that line item and the Police Department can simply call one. Upon a roll call vote, there was one (1) affirmative and four (4) negatives, with Councilor Schocke voting in the affirmative and Councilors Zemen, Smith, Scheeringa and Black voting in the negative. The amendment failed.

Councilor Scheeringa wanted to know if the position was needed later date, could the position be created at that time.

The Clerk-Treasurer answered in the positive and went on to explain that if the budget is passed, the position is funded but the position is not created. The position still needs to be created in the salary ordinance which the Council will adopt mid-November.

Councilor Smith asked Chief Potesta is there currently a maintenance person for the building?

Chief Potesta answered no, they only have a janitor. He added, that is why I wanted this position. He gave the example from this past weekend. He said one of the toilets in the jail cell backed up. When Assistant Chief Vassar returned to work on Monday, he went and fixed it. That alone save us \$250. Things are always breaking and in need of repairs. If this position isn't created, we'll always be having to hire an outside service.

Councilor Schocke said he is all for maintaining the building which is why he suggested keeping the dollar amount but moving the money to building maintenance so when a toilet gets plugged, you can hire a qualified plumber. I don't believe, if you call a professional on a as need basis, you won't come near to the \$26,000 you are proposing.

Councilor Black asked if there was any other discussion and hearing none, called for the question.

Upon a roll call vote, there was one (1) affirmative and four (4) negatives, with Councilor Schocke voting in the affirmative and Councilors Zemen, Smith, Scheeringa and Black voting in the negative. The amendment failed.

Councilor Black called for the vote on the original motion, adoption of Ordinance 1788. Upon a roll call vote, there were five (5) affirmatives and no negatives. Ordinance No. 1788 passed pending the signature of the five Council members.

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55965 (7-16)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
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Ordinance / Resolution Number: 1788

Be it ordained/resolved by the Town Council of the Town of Highland that for the expenses of HIGHLAND CIVIL TOWN for the year ending December 31, 2024 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of HIGHLAND CIVIL TOWN, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the Town Council of the Town of Highland.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Town Council of the Town of Highland	Town Council	10/23/2023

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$9,722,063	\$6,800,000	0.4484
0180	DEBT SERVICE	\$752,000	\$853,339	0.0563
0254	LOCAL INCOME TAX	\$642,750	\$0	0.0000
0342	POLICE PENSION	\$845,790	\$1,550	0.0001
0706	LOCAL ROAD & STREET	\$438,827	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$1,110,254	\$0	0.0000
1151	CONTINUING EDUCATION	\$49,500	\$0	0.0000
1301	PARK & RECREATION	\$2,895,573	\$1,405,000	0.0926
1380	PARK BOND	\$1,396,468	\$1,248,624	0.0823
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$65,000	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$539,000	\$703,686	0.0464
2411	ECONOMIC DEV INCOME TAX CREDIT	\$630,000	\$0	0.0000
2430	REDEVELOPMENT - GENERAL	\$363,455	\$330,000	0.0218
2482	REDEVELOPMENT BOND	\$106,663	\$0	0.0000
6421	DISTRICT SOLID WASTE MANAGEMENT	\$192,725	\$0	0.0000
		\$19,750,068	\$11,342,199	0.7479

Home-Ruled Funds (Not Reviewed by DLGF)		
Fund Code	Fund Name	Adopted Budget
9500	Information & Communication Technology Fund	\$381,454
9501	VIPS/Park Public Safety Fund	\$6,000
9502	Special Events Non-Reverting	\$132,850
		\$520,304

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

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Name		Signature
Tom Black	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Bernie Zemen	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Toya Smith	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Mark Schocke	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Philip Scheeringa	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST		
Name	Title	Signature
Mark Herak	Clerk-Treasurer	

MAYOR ACTION (For City use only)			
Name		Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1 Yes No
 In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31 Yes No

3. Adoption Hearing of the Proposed Fiscal Year 2024 Budget of the Sanitary District, pursuant to IC 6-1.1-17-20. *Under amendments to IC 6-1.1-17-20, the proper officers shall submit the proposed budget and property tax levies to the municipal fiscal body. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The final adoption vests with the Town Council.*
- (a) Memorandum regarding Taxpayer remonstrance petition. *No petition was filed. No action is necessary for the Town Council to respond.*
- (b) Public Hearing with the DLGF only if petition filed. No action required

- (c) Action on Introduced Ordinance No. 1789: An Ordinance of Appropriations and Budget Levies and Rates for the 2024 Budget of the Sanitary District of the Town of Highland. *Councilor Smith introduced the ordinance at the meeting of the Town Council of Monday, September 25, 2023. There was no further action pursuant to IC 6-1.1-17-3(a) and IC 6-1.1-17-5(a)(8).*

Councilor Zemen moved for the passage and adoption of Ordinance No. 1789. Councilor Scheeringa seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. Ordinance 1789 was adopted pending the signature of the five Councilors.

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

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Ordinance / Resolution Number: 1789

Be it ordained/resolved by the Town Council of the Town of Highland that for the expenses of HIGHLAND SANITARY DISTRICT for the year ending December 31, 2024 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of HIGHLAND SANITARY DISTRICT, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the Town Council of the Town of Highland.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Town Council of the Town of Highland	Town Council	10/23/2023

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
8201	SPECIAL SANITARY GENERAL	\$2,410,012	\$262,000	0.0173
8280	SPECIAL SANITARY DEBT SERVICE	\$1,992,315	\$1,804,094	0.1190
		\$4,402,327	\$2,066,094	0.1363

Name		Signature
Tom Black	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Bernie Zemen	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Toya Smith	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Mark Schocke	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Philip Scheeringa	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST		
Name	Title	Signature
Mark Herak	Clerk-Treasurer	

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1
 Yes No
 Yes

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

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In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

No

New Business:

1. **Ordinance Number 1774-E:** An Ordinance to Amend Ordinance No. 1774 to establish the wage and salary rates of the Elected Officers, the Non- Elected Officers, and the Employee of the Town of Highland, Indiana particularly regarding change to the Staffing Authority of the Park & Recreation Department as it pertains to the authorized strength of the Park Secretary.

Councilor Zemen introduced and moved for the consideration of Ordinance No. 1774-E at the same meeting of its introduction. Councilor Smith seconded. Upon a roll call vote, a unanimous vote being necessary, there were five (5) affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved for the passage adoption of Ordinance No. 1774-E at the same meeting of its introduction. Councilor Smith seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five (5) affirmatives and no negatives. The motion passed. Ordinance No. 1774-E was passed and adopted upon the signature of the municipal executive at the same meeting of its introduction.

ORDINANCE No. 1774-E
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND ORDINANCE No. 1774-E to ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA PARTICULARLY REGARDING CHANGE to the STAFFING AUTHORITY of the PARK & RECREATION DEPARTMENT as it pertains to the authorized strength of the Park Secretary.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees;

WHEREAS, I.C. 36-5-3-2 provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the Town Legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2023 and thereafter as amended;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Staffing Authority of the Park & Recreation Department is modified and fixed, pursuant to the provisions indicated herein and as follows:

Section 1. That Section 11 (B)(1) of Ordinance No. 1774 be amended by repealing Section 11 (B)(1) of that Ordinance in its entirety and replacing with the following section, which shall be

numbered as Section 11 (B)(1) and read as follows:

Section 11. *Park & Recreation Department.* That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its Park & Recreation Department as follows:

	Incumbent Rate	Starting Rate
(B)(1) Park Secretary* (2)	\$ 20.79 hr.	\$ 21.39 hr.

** Once the current secretary has used all accrued vacation days, personal business days, comp time hours and unpaid holiday leave are exhausted, the staffing authority for the Park Secretary will revert back to one (1). Severance, if any, cannot be used to extend time.*

Section 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 3. That except where otherwise noted herein, other compensation and benefits matters not expressly provided herein for salaried and hourly employees and the Clerk-Treasurer shall be as set forth in the Compensation and Benefits Ordinance, commonly called the Employee Handbook as amended from time to time;

Section 4. (A) That an emergency exists for the immediate taking effect of this Ordinance which, shall become effective and shall remain in full force and effect from and *after the date of its passage and adoption* pursuant to any constrains currently in force in Ordinance No. 1774 and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed 25th day of October 2023. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed and was considered pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 25th Day of October 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

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

Attest:

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

2. **Works Board Order No. 2023-34:** An Order Authorizing and Approving the First Change Order to the Construction Contract with Milestone Contractors North, Incorporated related to the 2023 CCMG Street Improvement Project, DES #2300396, all Pursuant to I.C. 36-1-12-18 and Accepting the Recommendation of NIES Engineering, Incorporated to decrease the net cost to the original agreement between the Town of Highland and Milestone Contractors in the amount of Thirty-eight Thousand Two Hundred Sixteen Dollars and 45 Cents (\$38,216.45).

Councilor Smith moved the passage and adoption of Works Board Order No. 2023- 34. Councilor Zemen seconded. Upon a roll call vote of the elected officials, there were five (5) affirmatives and no negatives. The motion passed. Works Board Order No. 2023-34 was adopted pending the signature of the Town Council President.

TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2023-34

An Order Authorizing and Approving the First Change Order to the Construction Contract with Milestone Contractors North, Inc. for the 2023 CCMG Street Improvement Project, DES #2300396, all Pursuant to I.C. 36-1-12-18

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 heretofore authorized and approved a public works project for certain street resurfacing and other improvements in the public right-of-way to be funded, in part, by the State of Indiana and the Community Crossings Matching Grant program, with the project commonly known as the 2023 CCMG Street Improvement Project; and

Whereas, The Town Council has heretofore awarded a contract to Milestone Contractors North, Inc. for the Project on July 10, 2023 in the amount of Four Hundred Thirty-three Thousand Five Hundred Eighty-seven Dollars and 75 Cents (\$433,587.75); and

Whereas, during the course of construction of the Project, it has become necessary to adjust the original estimated quantities of materials to actual quantities used on the project; and

Whereas, NIES Engineering, Inc., a licensed engineer performing construction engineering services on this project has specifically identified and presented a description of such changes as the first addendum to the original construction contract with Milestone Contractors North, Inc., particularly in support of costs

associated with several bid items, which has a net effect of decreasing the contract cost by the amount of Thirty-eight Thousand Two Hundred Sixteen Dollars and 45 Cents (\$38,216.45); and

Whereas, the Town of Highland through its Town Council, which is also the Board of Works, now desires to accept and issue the order for change as described; and

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That Change Order No. 1 for the 2023 CCMG Street Improvement Project, as prepared by NIES Engineering, Inc., a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect; and

Section 2. That this first addendum is hereby ordered to be known as Change Order No. 1, issued to decrease the net cost to the original agreement between the Town of Highland and Milestone Contractors North, Inc., in the amount of Thirty-eight Thousand Two Hundred Sixteen Dollars and 45 Cents (\$38,216.45), bringing the total value of the entire agreement with any and all change orders approved to date to Three Hundred Ninety-five Thousand Three Hundred Seventy-one Dollars and 30 Cents (\$395,371.30); and

Section 3. That the proper officers are hereby authorized to execute the necessary documents with their signatures.

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 23rd day of October, 2023 having passed by a vote of 5 in favor and 0 opposed.

Town Council of the Town of
Highland, Indiana

Tom Black, President

Attest:

Mark Herak, Clerk Treasurer

3. Resolution No. 2023-25: A Resolution Approving Highland Plan Commission Resolution 2023-01 as its determination that Highland Redevelopment Commission Resolution No. 2023-15 (i) conforms to the Plan of Development for the Town of Highland and (ii) approves said Resolution and the Redevelopment Plan for the Highland Consolidated Redevelopment Area.

Councilor Zemen moved the passage and adoption of Resolution No. 2023-25. Councilor Scheeringa

seconded.

Discussion:

Councilor Schocke said he really didn't see a valid reason to put these 2 existing, allocation areas, separate and distinct together, other than to consolidate all the money which makes sense if you have one project for it or if you have multiple products for it but currently we've got no projects. So, I really don't see the benefit and I've asked this question multiple times to our consultant and the answer is always, we're putting all of the money in one account, which I again understand but it just doesn't make sense unless there's a purpose for doing so and I really don't see a valid purpose. So, for that reason I will not be supporting it.

Councilor Smith wanted to know that if the allocation zones were merged and the funds combined, would the Redevelopment Commission still have to come to the Council for approval.

The Clerk-Treasurer explained that once the money is allocated to that fund, with the Council approving their budget, the Redevelopment Commission can spend the money as they please.

The Redevelopment Director said the legislative body, the Council, would appropriate via approval of Redevelopment's budget.

Councilor Scheeringa said there was an executive session with a developer last week, so I am not certain all that can be said but the developer wanted to know how much funds were available.

Attorney Reed, who was in attendance at the executive session said we don't want to expound on who the developer is or what the development is, as that is the purpose of the executive session. He said no plans were formalized and nothing was voted upon. The purpose was to see what the developer might request in the form of funding. He said by combining the allocation areas, that would facilitate making these projects more likely to occur.

Councilor Schocke said there are currently two (2) separate funds, one with roughly \$5MM in funds and another roughly \$800,000. If you combine the two (2) funds, there's roughly a combined total of \$6MM. Dan Botich said it was his recommendation not to spend all the money on one (1) particular project. What I'm hearing today is that there is a developer who would require all of the funds which is contrary to what Dan Botich has recommended.

Attorney Reed said you don't necessarily write checks out of the fund but you can use the funds as security when issuing bonds to decrease the interest rates. In other words, if you have a hundred and fifty percent coverage ratio on a bond and you the funds available to make bond payments in the event that the proper amount of property taxes wasn't collected in that allocation zone, it gives the bond holders a warm and fuzzy. It will reduce the risk and reduce the interest rate.

The Clerk-Treasurer reminded the Council that as the Town receives the various tax draws for the various allocation areas, the money is receipted into cash. The Council will then have to appropriate the cash into an expense line.

Councilor Zemen moved the passage and adoption of Resolution No. 2023-25.

Councilor Scheeringa seconded. Upon a roll call vote of the elected officials, there were four (4) affirmatives and one (1) negative, with Councilors Zemen, Smith, Scheeringa and Black voting in the affirmative and Councilor Schocke voting in the negative. The motion passed. Resolution No. 2023-25 was adopted pending the signature of the Town Council President.

TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2023-25

A RESOLUTION APPROVING HIGHLAND PLAN COMMISSION RESOLUTION 2023-01 AS ITS DETERMINATION THAT HIGHLAND REDEVELOPMENT COMMISSION RESOLUTION NO. 2023-15 (I) CONFORMS TO THE PLAN OF DEVELOPMENT FOR THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA AND (II) APPROVES SAID RESOLUTION AND THE REDEVELOPMENT PLAN FOR THE HIGHLAND CONSOLIDATED REDEVELOPMENT AREA

WHEREAS, the Town of Highland, Lake County, Indiana (the "Town") Redevelopment Commission (the "Commission"), governing body of the Town's Department of Redevelopment (the "Department") and the Redevelopment District of the Town (the "District"), exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in Indiana Code ("IC") 36-7-14 titled Redevelopment of Areas Needing Redevelopment Generally; Redevelopment Commissions, *et seq.*, as amended from time to time (the "Act"), IC 36-7-25 titled Additional Powers of Redevelopment Commissions; and the Indiana Administrative Code 50 IAC 8;

WHEREAS, on August 22, 2023, the Commission adopted and approved Resolution No. 2023-15 (as the "Consolidating Amending Declaratory Resolution") declaring that the: (i) Highland Redevelopment Area and the Highland Commercial Corridors Redevelopment Area are consolidated and merged, together to be known as the **Highland Consolidated Redevelopment Area**; and (ii) Highland Redevelopment Plan and the Redevelopment Plan for the Highland Commercial Corridors Redevelopment Area are consolidated and merged, together to be known as the **Redevelopment Plan for the Highland Consolidated Redevelopment Area**, such that each redevelopment plan shall remain as originally adopted and approved, as amended from time to time and together considered as one plan pursuant to this Consolidating Amending Declaratory Resolution.

WHEREAS, on August 28, 2023 pursuant to Section 16(a) of the Act, the Commission forwarded and filed with the Highland Plan Commission (the "Plan Commission") said Consolidating Amending Declaratory Resolution including all supporting data for the purpose of its review and determination whether said resolution and the Redevelopment Plan for the Highland Consolidated Redevelopment Area conform to the plan of development for the Town (the Highland Master Plan) as well as to approve said resolution and redevelopment plan;

WHEREAS, the Plan Commission during a study session held on September 6, 2023 heard a presentation of the Commission staff and reviewed the Consolidating Amending Declaratory Resolution and the **Redevelopment Plan for the Highland Consolidated Redevelopment Area**, to determine said plan's conformity to the plan of development for the Town (the Highland Master Plan);

WHEREAS, pursuant to Section 16(a) the Act the Plan Commission, on September 20, 2023, approved Resolution No. 2023-01 as its determination, written order and finding of fact that the Commission's Resolution

No. 2023-15 (i) conforms to the plan of development (the Highland Master Plan) for the Town, and (ii) approved said Commission resolution and the Redevelopment Plan for the Highland Consolidated Redevelopment Area, without modification;

WHEREAS, on September 26, 2023 pursuant to Section 16(b) of the Act, the Plan Commission forwarded and filed with the municipal legislative body, being the Common Council of the Town, the Plan Commission's Resolution No. 2023-01, as fully executed and signed, as its determination, written order and finding of fact related and specific to the Commission's Resolution No. 2023-15; and

WHEREAS, Section 16(b) the Act requires approval by the municipal legislative body, being the Common Council of the Town, of the Plan Commission's Resolution No. 2023-01 and the action of the Plan Commission as an advisory commission to the Common Council of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. The actions of the Plan Commission on September 20, 2023 adopting and approving Resolution No. 2023-01 as its determination, written order and finding of fact that the Commission's Resolution No. 2023-15 (i) conforms to the plan of development (the Highland Master Plan) for the Town, and (ii) approved said Commission resolution and the Redevelopment Plan for the Highland Consolidated Redevelopment Area, without modification are in all respects approved, ratified and confirmed by the Common Council as the municipal legislative body pursuant Section 16(b) of the Act.

SECTION 2. The Clerk-Treasurer of the Town is hereby directed to:

- i. File a copy of this resolution and the attached Highland, Indiana Plan Commission's Resolution No. 2023-01 both as fully executed and signed as the permanent minutes of this meeting of the Common Council;
- ii. Forward this resolution as fully executed and signed to the Plan Commission for its files and permanent records; and
- iii. Forward this resolution as fully executed and signed to the Redevelopment Commission for its files and permanent records and its further approval actions pursuant to Sections 17 and 17.5 of the Act.

SECTION 3. This resolution shall be effective, as be in full force and effect, from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by Indiana Code 36-5-2-10(a).

DULY RESOLVED and ADOPTED this 23rd Day of October 2023 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

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

Attest:

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

4. Approval and instruction. Action to approve and instruct the Town Council President to affix his signature to the Memorandum of Understanding between Delta Institute (Delta) and the Town of Highland.

Councilor Zemen moved to approve the Memorandum of Understanding with the Delta Institute and to instruct the Council President to affix his signature. Councilor Scheeringa seconded.

Discussion:

Councilor Scheeringa said that after last week's meeting, I actually called somebody I knew on Lake County Parks and said I was all in favor of approving the Memorandum of Understanding as it benefits the Lake County Parks but what is the chance of the Lake County Parks doing the same to benefit the Town of Highland. He told Councilor Scheeringa that he would be in favor of that. He thought that was an outstanding idea and would carry that back to the management of the Lake County Parks. For that reason, Councilor Scheeringa is supporting the Memorandum of Understanding.

Councilor Black asked if there was any other discussion and hearing none, called for the question. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The Memorandum of Understanding was adopted pending the execution of the Agreement by both parties.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into as of this 24th day of September 2023 between Delta Institute (Delta), and the Town of Highland IN (THI). The purpose of this document is to outline team tasks and deliverables.

1. Services Description

- 1.1 Delta Institute and THI agree to work together in good faith collaboratively to achieve the project goals and deliverables.
- 1.2 Each party is and will remain a separate business entity, and this Agreement is specifically not a partnership and the parties hereby agree each shall bear its own costs and liabilities and shall not look to the other party for recovery of costs or liabilities related to errors or omissions, injury, or unrelated expenses.

2. Termination

Either party may terminate the agreement with 30 day notice by registered return receipt mail. Illinois law will govern this Agreement and any arbitration or court proceedings will take place in Illinois. Neither party has the authority to enter into agreements or assume any obligations on behalf of the other party.

William Schleizer
Chief Executive Officer
Delta Institute

Tom Black
President of Town Council
Town of Highland Indiana

5. Approval and instruction. Action to approve and instruct the Town Council President to affix his signature to the document of Notice of Affiliate Assignment of Lease by and between the Town of Highland ("Landlord") and Clear Wireless LLC ("Existing Tenant") transferring and assigning the lease to SprintCom LLC ("New Tenant").

Councilor Zemen moved to approve the Notice of Affiliate Assignment of Lease by and between the Town of Highland and Clear Wireless, LLC. Transferring and assigning the lease to SprintCom LLC and to instruct the Council President to affix his signature. Councilor Schocke seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The Notice of Affiliate Assignment was adopted pending the execution of the Agreement by both parties.



T-Mobile USA, Inc.
12920 SE 38th Street, Bellevue, WA 98006

VIA UPS OR CERTIFIED MAIL

October 10, 2023

TOWN OF HIGHLAND
CLERK-TREASURER
3333 RIDGE ROAD
HIGHLAND, IN 46322

Re: Notice of Affiliate Assignment of Lease by and between TOWN OF HIGHLAND (“**Landlord**”) and Clear Wireless LLC (“**Existing Tenant**”) for the Premises at 3738 RIDGE ROAD, HIGHLAND, IN 46322 (the “**Lease**”)

Site ID: CH88143A

Landlord Site ID: Lease Rent

Dear Landlord:

T-Mobile is continuing the process of simplifying its corporate structure by combining additional subsidiaries for corporate entity consolidation purposes. As part of that process, Existing Tenant desires to transfer and assign the Lease to another T-Mobile affiliate, SprintCom LLC (“**New Tenant**”). Effective August 31, 2023, New Tenant will be the successor-in-interest to the Existing Tenant as a result of certain mergers and internal transfers and distributions.

Pursuant to the requirements of the Lease, Existing Tenant hereby requests the consent from Landlord to the assignment of the Lease. In connection with the assignment, New Tenant, as assignee of the Lease, will assume all obligations of Existing Tenant, and acknowledges the address indicated below as the address for notice under the Lease. No other changes are being made to the Lease (except for the change to Notice Address below) and payments and invoicing will continue as they do under the existing structure.

If you agree to the assignment, please indicate your approval by signing in the space indicated below. All parties whose signatures appear below represent and warrant that they have the authority to execute this document on behalf of the party for which they sign.

Please sign this original document and return to T-Mobile to the attention of:

T-Mobile USA, Inc
12920 SE 38th Street
Bellevue, WA 98006
Attn: Lease Administration

Upon approval of the assignments, the new address for notices to T-Mobile shall be sent to Tenant:

SprintCom LLC
12920 SE 38th Street
Bellevue, WA 98006
Attn: Lease Administration
Site ID: CH88143A

Thank you for your prompt attention to this matter. If you have any questions about this request, please e-mail us immediately at PropertyManagement@T-Mobile.com, otherwise please return the countersigned consent to the physical address or email address above.

Sincerely,

Clear Wireless LLC

By:



Wendy Pantazis
Director, Technology Procurement

AGREED AND ACKNOWLEDGED:

TOWN OF HIGHLAND

By: _____

Date: _____

6. **Authorizing the proper officer to publish legal notice of a public hearing:** A Public Hearing to consider additional appropriations in the amount of **\$461,196.80** in the **Community Crossing Fund**. If approved, the public hearing will be held on November 13, 2023, at 6:30 P.M. O'clock in the Municipal Building, 3333 Ridge Road, Highland.

Councilor Zemen moved to authorize the publication of a legal notice of a public hearing to consider proposed additional appropriations in the Community Crossing Grant Fund in the amount of \$461,196.80. Councilor Schocke seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The publication and hearing were approved. The meeting will take place on the 11th day of November. The meeting is scheduled to begin at 6:30.

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

Thursday October 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 Community Crossing Grant 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 Community Crossing Grant 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). *I have also sent this request by electronic mail.*

The enclosed notice should be published *on or before* Monday, October 30, 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, November 13, 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 emailing me mherak@highland.in.gov.

Again, I thank you very much.

Sincerely,

Mark Herak
Clerk-Treasurer
Enclosures:
(1) Notice for Community Crossing Grant Fund

Authorizing the proper officer to publish legal notice of a public hearing; Public Hearing to consider additional appropriations in the amount of \$416,196.80 in the Community Crossing Grant 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 13th day of November 2023, will consider the following additional appropriations in excess of the budget for the current year in the following funds:

Community Crossing Grant

Acct. 2405-0000-41020 CCMG Projects 2023 Parkway Drive	\$188,322.00
Acct. 2405-0000-41021 CCMG Parkway Drive (CE)	\$27,283.30
Acct 2405-0000-41022 CCMG 2023 (CE)	\$28,797.50
Acct 2405-0000-41023 CCMG 2023 Project	<u>\$216,794.00</u>
Total 400 Series:	\$461,196.80

TOTAL for the FUND: \$461,196.80

Funds to support these additional appropriations in the **Community Crossing Grant 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

7. Public Hearing on a Petition to Vacate a Public Way or Easement. Petition filed by Attorney Nick Perko on behalf of the American Legion, requesting the vacation of an Easement Adjoining their property located at 2703 Jewett Avenue, pursuant to IC 36-7-3-12.

(a) Review of Proofs of Publication: TIMES 6 October 2023. Verify the certified mail to the abutting properties.

Town Copy - Mark Herak

Northwest Indiana Times
601 W. 45th Ave.
(219) 933-3333

I, Bailee Liston, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Northwest Indiana Times, a publication that is a "legal newspaper" as that phrase is defined for the city of Munster, for the County of Lake, in the state of Indiana, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
Oct. 6, 2023

Notice ID: T5GfjloqxzY2Kp0wL5Q
Publisher ID: 55757
Notice Name: american legion publication for vacation

PUBLICATION FEE: \$47.39

Bailee Liston

Agent

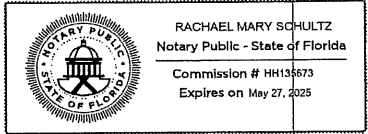
VERIFICATION

State of Florida
County of Charlotte

Signed or attested before me on this: 10/06/2023

Rachael Mary Schultz

Notary Public
Notarized online using audio-video communication



TOWN OF HIGHLAND LAKE
COUNTY INDIANA
NOTICE OF PUBLIC HEARING
Petition Requesting a Vacation of a Public Way And The Establishment of a 20 Foot Sanitary Easement
A Petition has been filed with the Municipal Clerk of the Town of Highland for Vacation of a Public Way a public way and the establishment of a 20 foot Sanitary Easement in the Town of Highland, which abuts the northern end of the petitioners property at Jewett Ave, Highland, and which public way is further described as follows:
All that part of Jewett Avenue lying between Block 9 and Block 10, of original Town of Highland, as per plat thereof, recorded in Plat Book 1, Page 69 in the Office of the Recorder of Lake County, Indiana, more particularly described as follows: Beginning at the Southwest corner of Lot 14 in said block 10, thence North 89 degrees 27 minutes 18 seconds East along the South line of said block 10, a distance of 250.00 feet to the Southeast corner of Lot 10 in said block 10; thence South 01 degree 01 minutes 48 seconds East along the South line of said Lot 10, a distance of 60.00 feet to a point on the North line of said block 9; thence South 89 degrees 27 minutes 18 seconds West along the said North line, a distance of 250.00 feet to the Northwest corner of Lot 1 in said block 9, thence North 01 degree 01 minutes 48 seconds West along the East right of way line of second street, a distance of 60.00 feet to the point of beginning.
The undersigned Petitioner, property owner, now dedicates the following described area as a permanent sanitary sewer easement to the Town of Highland for the purposes of installation, maintenance, repair and replacement of sanitary sewer infrastructure.
Commencing at the Southwest corner of Lot 14, Block 10 in the original Town of Highland as per Plat thereof, recorded in Plat Book 1, Page 69 in the Office of the Recorder of Lake County, Indiana, thence South 01 degree 01 minutes 48 seconds East along the South line of said Lot 14, a distance of 20.97 feet to the point of beginning; thence North 89 degrees 45 minutes 41 seconds East, a distance of 250.02 feet to a point on the South line of said original Town of Highland, thence South 01 degree 01 minutes 48 seconds East along the said South line extension, a distance of 20.00 feet to the Southeast corner of said Lot 14, thence North 01 degree 01 minutes 48 seconds West along said line, a distance of 20.00 feet to the point of beginning.
The hearing to consider this petition will be held by the Highland Town Council on the 23rd day of October, 2023, in the Meeting Room at the Municipal Building, 8333 State Road, Highland, Indiana 46039. Any interested person is invited to attend the hearing.
HIGHLAND TOWN COUNCIL TOM BLACK, President
By OFFICE of the TOWN CLERK/TREASURER

(b) Public Hearing on the Petition as filed.

Discussion:

Ken Mika, Building Commissioner explained the American Legion parking lot was or is part of Jewett Avenue that was plotted with the original Town of Highland. Through time, the downtown area was developed and platted so there was actually a 60 foot section of Jewett

Avenue that literally ran from Second Street east, all the way to the end or to the top of the hill. So, in essence, it became a public way. Every winter, Public Works would go over there to plow the lot so the Legion could use. The vacation was contemplated years ago when previous Public Works Director John Bach was here but it never came to fruition. Ordinance No. 1791 vacates the public way to the Legion. Because there is a sanitary sewer that runs from Second Street up to the end of the hill, which has to be maintained by the Town, the American Legion will have to dedicate back to the Town a 20' perpetual easement in order for the Town to be able to maintain that sewer which will be Works Board Order 2023-35.

A member of the American Legion wanted to clarify that the vacation is not the entire Jewett Street but only the 2700 block of Jewett or that portion that runs in front of the American Legion.

Larry Kondrat, Highland, said that basically the parcel of land in question runs parallel with Ridge Road, starting at the stop light and ending at the top of the hill. This has been talked about for forty-five (45) to fifty (50) years. Some people fantasize of running Jewett Street, from Second Street all the way down the hill and connecting it to the municipal lot. That is a silly notion.

Councilor Black closed the public hearing and called for the question.

(c) Consideration of proposed **Ordinance No. 1791**: An Ordinance to vacate a Public Way or Easement.

Councilor Zemen introduced and moved for the consideration of Ordinance No. 1791 at the same meeting of its introduction. Councilor Scheeringa seconded. Upon a roll call vote, a unanimous vote being necessary, there were five (5) affirmatives and no negatives. The motion passed. The Ordinance could be considered at the same meeting of its introduction.

Councilor Zemen moved for the passage adoption of Ordinance No. 1791 at the same meeting of its introduction. Councilor Scheeringa seconded.

Upon a roll call vote, a two-thirds vote being necessary, there were five (5) affirmatives and no negatives. The motion passed. Ordinance No. 1791 was passed and adopted upon the signature of the municipal executive at the same meeting of its introduction.

ORDINANCE No. 1791
of the
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE VACATING A PUBLIC WAY, PLACE OR EASEMENT PURSUANT TO INDIANA CODE 36-7-3 CHAPTERS 12 AND 16.

and **WHEREAS**, The Town Council of the Town of Highland is the Municipal Legislative Body of the unit;

WHEREAS, NAME of PETITIONER, has filed a petition with the Clerk-Treasurer as clerk of the municipal legislative body, requesting a public hearing on the matter of vacation of a public way, place or easement, the legal description of which is set forth herein; and

WHEREAS, The municipal clerk has caused through the petitioner, notice to be given in the manner prescribed in I.C. 5-3-1, as well as by certified mail to each owner of land that abuts the property proposed to be vacated, and such hearing has been conducted; and

WHEREAS, The Town Council desires to execute a vacation of the aforementioned public way, place or easement pursuant to Indiana Code 36-7-3 et sequitur;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, as follows:

Section 1. That the Town of Highland, by and through its Town Council of the Town of Highland, Lake County, Indiana hereby vacates and forever releases all right, title and interest in and to the following described public way, place or easement to the **American Legion Post 180**:

A public way which is an easement that abuts and is contiguous to the petitioner's property located at **2703 Jewett Avenue**, Highland, Lake County, Indiana, which public way or alley is further described as follows:

All that part of Jewett Avenue lying between Block and Block 10, of original Town of Highland, as per plat thereof, recorded in Plat Book 1, Page 86 in the Office of the Recorder of Lake County, Indiana, more particularly described as follows: beginning at the Southwest corner of Lot 14 in said Block 10, thence North 89 degrees 27 minutes 18 seconds East along the South line of said Block 10, a distance of 250.00 feet to the Southeast corner of Lot 10 in said Block 10: thence South 01 degrees 01 minutes 48 seconds East along the Southerly extension of the Easterly line of said Block 10, a distance of 60.00 feet to a point on the North line of said Block 9; thence South 89 degrees 27 minutes 18 seconds West along the said North line, a distance of 250.00 feet to the Northwest corner of Lot 1 in said Block 9, thence North 01 degrees 01 minutes 48 seconds West along the East right of way line of Second Street, a distance of 60.00 feet to the point of beginning.

Section 2. That the Town Council further finds and determines:

- (A) That the vacation would not hinder growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
- (B) That the vacation would not make access to the contiguous lands or lands of any aggrieved persons by means of a public way or difficult or inconvenient;
- (C) The vacation would not hinder the public's access to a church, school, or other public building or place; and
- (D) The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

Section 3. That this ordinance will be in full force and effect from and after its passage and adoption, subject and pursuant to provisions of I.C. 36-7-3-12(f).

Introduced and Filed on the 23rd day of October 2023. Consideration on First Reading Sustained a vote of 5 in Favor and 0 Opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 23rd day of October 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**

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

Attest:

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

8. Works Board Order No. 2023-35: An Order Authorizing, Approving, Accepting and Concurring in a Utility Easement Agreement with the American Legion, Highland, Indiana as Grantor and the Town of Highland as Grantee for a permanent sanitary sewer easement to the Town of Highland for the purposes of installation, maintenance, repair and replacement of sanitary sewer infrastructure.

Councilor Scheeringa moved the passage and adoption of Works Board Order No. 2023-35. Councilor Smith seconded. Upon a roll call vote of the elected officials, there were five (5) affirmatives and no negatives. The motion passed. Works Board Order No. 2023-34 was adopted pending the signature of the Municipal Executive.

The Town of Highland
ORDER of the WORKS BOARD NO. 2023-35

An Order Authorizing, Approving, Accepting and Concurring in a Utility Easement Agreement with the American Legion Post 180, Highland, Indiana as Grantor and the Town of Highland as Grantee

Whereas, The Department of Public Sanitation and Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has determined the need to maintain a **perpetual sewer easement** for the purposes of installation, maintenance, repair and replacement of sanitary sewer infrastructure on the piece of property conveyed to the American Legion Post 180 Post 180, 2703 Jewett Avenue, Highland, Indiana via Ordinance No. 1791, "Vacation of Public Way;

Whereas, The acquisition of a public easement upon property owned by the American Legion Post 180 Post 180, Highland, Indiana as Grantor, for the purpose of maintaining a perpetual 20' sanitary easement for the purposes of installation, maintenance, repair and replacement of sanitary infrastructure; and

Whereas, The Grantor wishes to grant to the Grantee, the Town of Highland, governed by and through its Town Council as the Works Board of the Town, a **perpetual easement** for the purpose of installing, constructing and utilizing the improvements herein referenced, which is legally described in a companion easement agreement;

Whereas, The Department of Public Sanitation and Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has determined that the sewer easement and the associated agreement for all appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), has determined that the sewer easement and the associated agreement for all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), now wishes to finally authorize, adopt and approve the utility easement agreement between the Town of Highland as Grantee and the American Legion Post 180, Highland, Indiana as Grantor;

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the Sewer Easement Agreement between the American Legion Post 180, Highland, Indiana (Grantor) and the Town of Highland (Grantee), which is incorporated by its reference, is hereby authorized, approved, accepted and ratified in each and every respect;

Section 2. That Town of Highland, as Grantee, accepts from the American Legion Post 180, Highland, Indiana, as Grantor the following:

(A) Town of Highland accepts its grant of a perpetual easement for the installation, maintenance, repair and replacement of sanitary sewer infrastructure and related appurtenances and structures according to the terms of the accompanying agreement, which is approved, accepted and ratified in each and every respect;

(B) Town of Highland accepts as Grantee, an easement conveyed, granted, and assigned by agreement from the American Legion Post 180, Highland, Indiana, as Grantor, an easement in, under, over and across the following legally described real estate, to-wit:

Commencing at the Southwest corner of Lot 14, Block 10, in the original Town of Highland as per Plat thereof, recorded in Plat Book 1, Page 86 in the Office of the Recorder of Lake County, Indiana; thence South 01 degrees 01 minutes 48 seconds East along the Southerly extension of said Lot 14, a distance of 20.97 feet to the point of beginning; thence North 89 degrees 46 minutes 41 seconds East, a distance of 250.92 feet to a point on the Southerly extension of the East line of Lot 10, in said original Town of Highland; thence South 01 degrees 01 minutes 48 seconds East along the said Southerly extension a distance of 20.00 feet; thence South 89 degrees 46 minutes 41 seconds West, a distance of 250.52 feet to a point on the Southerly extension of said Lot 14, thence North

01 degrees 01 minutes 48 seconds West along said line, a distance of 20.00 feet to the point of the beginning.

Section 3. That the agreement adopted by this order is incorporated herein as an exhibit to this order;

Section 4. That the Town Council President and the Clerk-Treasurer are hereby authorized and directed to evidence this acceptance, approval and adoption of the easements and agreement by affixing their signatures to the agreement.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of October 2023 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

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

Attest:

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

9. Approval and instruction. Action to approve and instruct the Town Council President to affix his signature to the Easement Agreement between Highland Post 180 American Legion ("grantor") and the Town of Highland ("grantee").

Councilor Schocke moved to approve the Easement Agreement by and between the Town of Highland and Highland Post 180 American Legion and to instruct the Council President to affix his signature. Councilor Smith seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The Easement Agreement was adopted pending the execution of the Agreement by both parties.

EASEMENT AGREEMENT

This EASEMENT AGREEMENT is made and entered into this 23rd day of October, 2023, by and between *American Legion Post 180, Highland, IN* (hereinafter sometimes referred to as "Grantor"), and the *TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, BY AND THROUGH ITS TOWN COUNCIL* (hereinafter sometimes referred to as "Grantee").

WITNESSETH THAT:

WHEREAS, Grantor owns and has title to certain real estate located in Lake County, Indiana, which is legally described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference. which real estate shall hereinafter be referred as to the "Dominant Estate".

WHEREAS, Grantor wishes to grant to Grantee by and through its Town Council a perpetual sanitary sewer easement for the purposes of installation, maintenance, repair and replacement of sanitary sewer infrastructure with any and all necessary manholes, connections, appliances, and all other appurtenances, on the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, it is mutually agreed by and between the parties hereto as follows:

1. **EASEMENT**. Grantor does hereby grant, assign, convey and set over to the Grantee a perpetual sanitary sewer easement for the purposes of installation, maintenance, repair and replacement of sanitary sewer infrastructure together with all other appurtenances and structures, in, under, over and across the following legally described real estate, to-wit:

See Exhibit "B" attached hereto and incorporated herein by reference. which real estate shall hereinafter be referred as to the "Servient Estate".

2. **USES.** Grantee is granted a perpetual sanitary easement for the purposes of installation, maintenance, repair and replacement of sanitary sewer infrastructure and all other appurtenances and structures on the Servient Estate. Grantee shall also have a continuing easement in, under, over, above and across the Servient Estate to inspect, maintain and/or repair the sanitary sewer infrastructure on the Servient Estate, together with the right of ingress and egress to and from the Servient Estate over adjoining portions of the Dominant Estate.

3. **NON-EXCLUSIVE EASEMENT.** This easement granted to the Grantee herein is not exclusive; Grantor reserves the right to use the Servient Estate for its purposes and/or to grant additional easements over the same property to other public utilities or private parties, provided said purposes and grants do not interfere with the rights herein granted to the Grantee.

4. **TERM.** Grantee shall have and hold said easement for utility purposes in perpetuity so long as said easement is used for the purposes set forth herein.

5. **REPAIR AND MAINTENANCE.** Grantee shall be solely responsible for all installation, maintenance, repair and replacement of the sanitary sewer infrastructure and all appurtenances located in, on, under, over, across, and through the Servient Estate. Grantee further agrees that in the event of future work, excavations or the like, in, under, over, or across the Servient Estate herein, Grantee shall substantially return the areas affected by such work, excavations and the like, to its pre-work condition.

6. **INDEMNIFICATION.** Grantee agrees to indemnify and save the Grantor harmless from and against any and all damages, losses, claims, demands, or costs proximately caused by the default, culpability, or negligence of said Grantee in the use, maintenance, operation, repair, renewal, or removal of such utility service.

7. **COVENANT RUNNING WITH THE LAND.** The easement herein granted, the restrictions herein imposed, and the agreements herein contained shall be an easement, restriction and covenant running with the land and shall inure to the benefit, and be binding upon, the parties hereto and their respective heirs, successors, assigns, and transferees, including but not in limitation, to all subsequent owners of said real estate and all persons claiming under them.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties have duly executed this Easement Agreement the day and year first-above written.

GRANTOR:

American Legion Post 180
Highland, Indiana

GRANTEE:

TOWN OF HIGHLAND, LAKE COUNTY,
INDIANA, BY AND THROUGH ITS TOWN
COUNCIL

By:

By: _____
Tom Black, President

Attest:

Attest:

Mark Herak ,
Clerk-Treasurer

Councilor Zemen commented that the Water Board will be meeting this Thursday. He said the Highland Neighbors for Sustainability held their monthly meeting last week. The meeting topic was Solar 101, and held at the Highland Public Library on October 11, 2023. There were three (3) speakers from the non-profit Solar United Neighbors and Faith in Place (they help churches get solar) talked about solar access and solar policy. He said the pumpkin smash' will be held on Saturday, November 4, from 10:00 o'clock a.m. to 1:00 o'clock p.m. at Main Square. Bring your pumpkins and jack-o-latern's to smash them against the bullseye. The smashed pumpkins will then be taken to the animal sanctuary for the animals to eat. He said he will reach out to Jeff Strack to see if the unsold pumpkins at Stracks couldn't be given to the neighbors of Sustainability and given to the animal sanctuary. The Community Garden clean -up is this Saturday, at 2:00 o'clock p.m. They will be getting the garden ready for next season. He offered his condolences to Councilor Scheeringa on the lost of niece Kennedy. He said he has a three (3) year old grandson and I can't even imagine something like that.

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

Councilor Smith acknowledged Ken Mika, Building Commissioner who said the BZA will be meeting this Wednesday. They have one item on the agenda. This is a carry-over from last month as the petitioner did not advertise in time. The only other item is whether the BZA will be meeting the Wednesday before Thanksgiving as they usually cancel that meeting. He commented that he is reviewing the plans for the Boutique Hotel scheduled to be built on the Cardinal Campus development. The developer is in the process of getting their contractor lined up and he expects to see some site work done yet this fall. He commented on the complaint from the owners of the apartment complex that is next to the Athletic Performance Factory on 45th Street. They had complained that balls from the complex were ending up on their property and they were worried that some of their tenants might get by the balls. Mr. Mika reached out to the owner of the Athletic Performance Factory the next day and told him of the complaint. The owner was unaware of the problem but would check the netting to make sure there was no gap in the netting. If there was a gap, he would get it fixed.

Councilor Smith then acknowledged Mark Knesek, Public Works Director who said they have experienced a couple of water breaks, one by the old ultra building and the other by Highland Autobody, which he feels was caused by hydrant flushing in the area. He wasn't satisfied with the crew flushing the hydrants so he had the crew pulled off the job. The Parkway Avenue water main project hit a snag on Friday and again today while directional boring. The contractor ended up losing the pipe from the bore machine. They pulled it out and tried it again. They got about 100 feet and could not go any further. They really don't know the cause, maybe tree roots or debris from when Ridge Road was widened. The contractor will now have to open cut with a trench. Mr. Knesek said he did talk with the resident whose property the open cut will go through and they are fine with it.

Councilor Smith concluded by saying she participated in the Trunk & Treat and had a really good time. She thought it was very cool. She thanks the HCCE for doing a great job. She then offered her condolences to Councilor Scheeringa on the passing of his niece.

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

Councilor Schocke began by acknowledging Park Superintendent Alex Brown who said it was unbelievable that a lot of fall stuff is winding down already. Soccer pretty much finished up this past weekend. Pop Warner football ended this last weekend and adult softball is winding down. Adult softball has a couple of more weeks. The Council's next meeting won't be until after the eleventh of November, so he mentioned the Veterans. Day Ceremony, Saturday, November 11th, at 11 o'clock a.m., at the Highway of Flags. The ceremony is being put on by the Daughters of the American Revolution. He said the Park Board is having a special meeting this Thursday night. We made an offer to an individual to replace Laura Wanicki and the offer was accepted. In order for her to give her present employer adequate notice, the Park Board is having a quick special meeting to approve the new hire. He said tomorrow morning he is having some surgery so he'll be off for the next couple of weeks but he'll be checking his emails daily and he'll still have his cell phone. In addition to offering his condolences to Councilor Phil Scheeringa on the loss of his niece, he also offered condolences to the family of Tim Sawyer Family who lost their son Matthew last weekend. Matthew was only 33 years of age.

Councilor Schocke wanted to express his appreciation to Alex Brown and to Trever Kinley and his park crew. He said the fields were tip top all soccer season. He said this weekend he had a double header with his daughters and a single game with his son. His son plays goalie and they call him the wall. He said he was looking to coaching basketball as the draft is November 8th. He wished Alex Brown good luck on his surgery and offered his condolences to Councilor Scheeringa on the loss of his niece.

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

Councilor Scheeringa acknowledged IT Director, Ed Dabrowski who said besides his normal activities and repairs, he has spent some time going through some of our major vendor software licenses. It's amazing the cost for licensing and how little do they. He stated that we have software licenses with major companies and the paperwork isn't correct. He's performing an internal audit to make sure the proper serial numbers are recorded on the licenses. He said he is working with Deputy Commander Cox on trying to find some additional funds before year end to expand our camera systems. The police department has a video room that pretty impressive with four (4) tvs for surveillance purposes. Not wanting to give away any secrets but there's some problematic areas that I'm working with the police department and Deputy Commander Cox to install cameras. One camera is slated to keep an eye on the downtown parking lot and another on the

parcs to prevent vandalism. The new speakers have been installed downtown and music is being played. He said he will be installing the proper tuner after he gets his flu shot tomorrow. He did ask for some guidance as to when he should start playing Christmas music as he got yelled at by a Park Board member for not playing the Christmas music soon enough.

Councilor Zemen said to start playing the Thursday of Thanksgiving.

Ed continued that we continue to see increases in the Town's cyber insurance requirements and he strongly feels the Town doesn't need it. The insurance companies are requiring more and more of the Town in order to maintain insurance coverage and it is leading to some issues. He had a police officer who was trying to sign into the system from his car to do a press release and he was having problems with the multi-factor authentication. The more the Town tries to comply, the more our premiums are going up. Rather than paying the high premiums to the insurance companies, he suggested to use the money to further secure our system from cyber- attacks. He said tomorrow he is meeting with a person on the Town's charging station. He said he acquired a tool that allows him to monitor the EV charging stations. He acquired the tool because one of our charging stations wasn't properly billing users. Once discovered, we took that charging station off line. The Town is making 2 cents per kilowatt. He said there is a large number of people who are being knocked off of Facebook or social media. He said to make sure you know your email addresses when you use social media as so often your email address has changed and when you go to use it, you get knocked off.

Councilor Scheeringa then called upon Chief Potesta who first thanked the Council for their support of the part-time maintenance position. I still believe it's needed and still believe we're gonna save a lot of money. So, thank you and I appreciate it. He continued, in the past 2 weeks since my last report, we had some incidents. I kept you guys apprised of a barricade situation we had this past Friday about 5:20 o'clock p.m. We got a disturbance call between a husband and wife and firearms were involved in the 2700 block of Hart Road. The husband and a friend decided to go into the garage and they refused to come out. We called out the Northwest Regional Swat Team. They surrounded the garage and eventually the subjects exited without an incident. The husband was charged with intimidation and pointing a firearm and was taken to Lake County Jail, where he bonded out the next day. His friend was charged with resisting for interfering in an investigation. He was actually released at the scene. In the past two (2) weeks, we only had two (2) auto theft cases and that was actually reported this morning. A 2016 Camaro and a 2024 Corvette were stolen off the lot at Garber Chevrolet. The thefts happened sometime over the weekend. The Camaro was recovered this morning in Chicago but the Corvette is still missing.

Councilor Zemen said to keep checking in Chicago as the Corvette will probably turn up there.

Chief Potesta continued that he had reported last time of a credit card scanner being found on one of the pumps at Pilot. He said they found another credit card scanner last week at the First Financial Bank on 45th. It was on one of their ATM machines. The

employees were notified and they immediately responded and removed it. The quick response prevented a lot of fraud to customer accounts and as of right now, we don't have any victims. He said we are seeing a lot of reports of people and businesses, mailing checks to pay bills and those checks are being intercepted before they make it to their destination. The last time we had this happen was at the Highland Post Office on Kennedy during the Christmas Season. In that particular case, the mail boxes were broken into. He said there are a lot of phone and computer scams going on right now and not just in Highland but all over the county. A couple of the Highland incidents. One of our residents was a victim using DC.com to put out job resume. He was contacted by a company in Europe. They went as far as to conduct a phone interview. The business in Europe sent him \$23,000 in checks and he deposited them in his account and then he ended up wiring them \$23,000 back to the company. Turns out the \$23,000 in checks came back fraudulent. The victim is out \$23,000. Another case, someone called a resident and identified themselves as an internal investigator for the Social Security Administration. They told the victim that they needed to verify a purchase made on Amazon. She told them that she didn't make any purchase from Amazon. They then said someone used her identity to purchase an apartment in New York. They attempted to get her bank account numbers and PIN numbers which she didn't provide. That's when they started threatening her with arrest. She realized at that point she was being scammed and hung up so she didn't lose anything. Just a note, Social Security and the IRS are not gonna be calling your house and threatening to arrest you. When scammers think they're losing you, they will start threatening you. One last one and this involves an elderly woman whose ipad froze up and then something flashed on her screen to call this phone number and they'll fix it. She called the number and a guy answered his phone or answered the phone and identified himself as an apple employee. They told her she needed to withdraw money from her bank in order to fix the issue on her ipad. They ended up transferring her to another subject, who said he worked at her bank and somehow they talked her into going to Walmart and Target to purchase \$4,000 in gift cards which she did she came back home. She called the scammers back and provided them with all of the numbers on the back of the cards. So, at this point she is out \$4,000. If you have elderly parents or relatives, please be aware of these scams. We've had two (2) burglaries in the past 2 weeks. One was at a business down on Express Drive and supposedly 6,000 gallons of used vegetable oil, worth \$24,000, was stolen. We got clear video of the suspect and the semi he was driving. We had one of the condos on the south end of Town that had their garage broken into and some car stereo equipment and Amazon packages were stolen. The department responded to six (6) domestic disturbances. Domestic disturbances are one of the most dangerous calls for our officers. We had two (2) arrests out of those six (6) incidents. There were three (3) DUI arrests in the past two (2) weeks. We had three (3) vehicles flee from our officers on traffic stops with one of those subjects being arrested while the other 2 chases we terminated because of the time of day and the amount of traffic in the area. There were eleven (11) shopliftings in the past two (2) weeks. Ten (10) of those businesses were on the South 41 corridor. He said next Saturday, the 28th of October from 10:00 o'clock a.m. to 2:00 o'clock p.m. will be the national prescription drug take back day. So, bring in all of your unused prescription medication for disposal. We do have a receptacle in our lobby, so residents can bring in their unused or outdated medication any day that the lobby is open. He said they plan on starting up the Citizen Academy either in March or April of 2024.

Councilor Scheeringa thanked the Chief for keeping the Council apprised on the domestic on Friday night. He was asked about it on Saturday morning at soccer.

Councilor Scheeringa then acknowledged Fire Chief Mike Pipta who said the new fire truck is assembled. The Department has two (2) firefighters going to be flying to Florida this Wednesday through Friday to do the inspection. Hopefully, we'll be getting it within the next month or so and looking forward to getting it into service. He said the Department has been experiencing a lot of miscellaneous calls but nothing really bad. There had been a lot of bad car accidents lately and a few fire alarms mixed in there.

Councilor Scheeringa said everyone knows he's pretty involved in soccer and as Councilor Schocke mentioned, soccer had a great season. We still got some travel teams practicing this week for a tournament this coming weekend. Thank you for everyone who participated in those events because family in our community. Yesterday, I lost my niece. A lot of people in this room reached out to me and it means the world to me. So, coming here tonight is a little bit of normalcy. My kids went to Girl Scouts stuff but it's tough losing a cousin, a niece or any family member but three (3) years old is too young. So, thank you everyone. Now, for some good news, at our last meeting I mentioned a thirteen (13) year old from Highland, Aiden Munos and he was battling cancer. The great news is he was able to ring the bell, walk out of the hospital and come home.

Long story short – the "business" sent him \$23,000 in checks which he deposited into his personal bank account then wired this same amount back to an account supposedly associated with the "Business" – lo and behold the checks were fraudulent – Victim out \$23,000

Caller identified himself as an "Internal Investigator for the Social Security Administration"

Told our victim they needed to verify a purchase from Amazon she made and then told her someone purchased an apartment in New York using her identifiers

Attempted to get victims bank account numbers and PIN numbers – she did not provide

Victim was then threatened with arrest but had the sense to eventually realize she was being scammed

Note: SSA and IRS do not make phone calls to your house...and the threat of arrest is one of their final straws scammers use to threaten you with if they feel like they're losing you

Another was a scam on our elderly victims IPAD

Ipad froze and a popup appeared displaying a phone number to call to fix it

Guy that answered identified himself as an Apple employee

Told victim she needed to withdraw money from her bank in order to fix the issue on her IPAD

Transferred her to another male who said he worked for her bank

They eventually talked her into purchasing \$4,000.00 Walmart and Target gift cards

She provided them with the numbers on the back of all cards.

Victim out \$4,000.00

Anyone out there who has elderly parents or elderly relatives...please make them aware of these scams

2 Burglaries

1 business back in industrial complex

Supposedly 6,000 gallons of used vegetable oil worth \$24,000 stolen

Clear video of suspect / vehicle – CID investigating

Condo garage entered – car stereo equipment and Amazon packages stolen

6 Domestic Disturbances – One of the most dangerous calls for police officers - 2 arrests

3 DUI arrests

Incidents of note in last 2 weeks

This past Friday @ 5:20pm

Received call of a disturbance (involving a firearm) between husband / wife

2700 Blk Hart Rd

Turned into barricade situation with husband and his male friend refusing to exit the garage

Northwest Regional SWAT Team called out.

Upon surrounding of the garage both subjects eventually exited without incident

Husband charged with Intimidation and Pointing a Firearm

Friend charged with Resisting Law Enforcement for interfering with an investigation

Husband eventually transported to LCJ where he was held for just over 24 hours and released on bond

Only 1 auto theft case:

Today – 1 2016 Camaro and 1 2024 Corvette stolen off the lot of Garber Chevrolet lot

Occurred sometime over the weekend – The Camaro has been recovered in Chicago

I reported a credit card skimmer was found on a gas pump at the Pilot last meeting

Since then another was found on one of the ATM's at 1st Financial Bank on 45th.

Employees were made aware of it and responded immediately thus preventing a lot of ^{FRAUD} damage to customer accounts.

As of now we have not heard of any victims

We've been seeing a rash reports of people / businesses mailing checks to pay bills and those checks being intercepted somehow before they make it to their destination

Last time this occurred we determined a US Postal mailbox had been broken into.

Unknown at this early stage if that's what is occurring here.

Increase in phone and computer scams

1 – Victim Used Indeed.com to put out job resume

Was contacted by a company in Europe – went so far as to conduct a phone interview

3 vehicles fled from out officers – 1 arrest – 2 chases terminated due to time of day and traffic
11 shopliftings – 10 at businesses on S. 41 retail corridor – 1 liquor store
1 Dine & Dash at restaurant on US 41

National Prescription Drug Take Back Day is this coming Saturday October 28th from 10a – 2p.
Bring in all your unused prescription medication for disposal.

We do have year round drop off in our lobby

Citizens Police Academy – March & April of 2024

Applications are online AND at our Support Services window in the PD lobby

- **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 recognized Redevelopment Director Maria Becerra, who began by offering her condolences to Councilor Scheeringa on the loss of his niece. She continued that last week, we did have a meeting with representatives of a commercial property. They are planning on redeveloping an existing property, possibly starting in

2024 and going into 2025. It was the initial meeting and the representatives asked that we keep this confidential at this time. Tomorrow is the restaurant crawl, being moved up one week. The restaurant owners decided that Halloween probably wasn't the best day to hold the crawl, so they moved it up. All the restaurants will be participating, with the exception of Greenwich which had other plans for that date. She said the parcels of land owned by the Town on Indianapolis Blvd were cleaned up last Friday of debris and down trees. The contractor came back today to finish the project. As far as the Redevelopment Commission supporting funding for a School Resource Officer, they are just waiting for a legal opinion from Attorney Reed. Attorney Reed is checking House Bill 1454. The electric outlets are done on the municipal parking lot. Only the staff will have keys to access the outlets. The outlets will be turned on only during events at the municipal lot.

Councilor Black offered his thanks to Sandy McKnight for putting together the fundraiser for the Hometown Heroes at the American Legion. He said there was a good turnout and everyone enjoyed themselves.

Councilor Scheeringa echoed Councilor Smith's comments regarding the trunk & treat. He too participated and had a great time and went through several bags of candy. He even had a friend on speed dial in case he needed additional candy.

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

Comments from Visitors or Residents:

Cathy Perrin, Highland, offered her condolences to Councilor Scheeringa on the loss of his niece and thanked Councilor Smith for attending the lecture on Solar One. She hoped that Councilor Smith learned something as she knows she learned a lot. She mentioned about the Highland Rookery Wetland Volunteer Native Plug Planting Event, next Thursday, October 26, at the Highland Rookery from 1 to 3:30 o'clock p.m. The event is sponsored by the Wetlands Initiative, the Nature Conservancy, the Lake County Parks and Recreation Department and the Audubon Great Lakes. Their goal is to plant several thousand native species and wildflowers at this family friendly event. She commented that the Highland Neighbors for Sustainability are partnering with NexTrex to collect plastic film. These plastics cannot be put in your curbside recycling bin as it clogs up the recycler's equipment. Residents are required to take it to Walmart or Meijer. NexTrex makes composite decking, using 95% recycled plastic film. She said if they collect 1,000 lbs., NexTrex will donate a free bench. She has three (3) containers that she would like to find locations to distribute around the community.



NexTrex Recycling Challenge

How does the challenge work?

- Register on NexTrex.com to obtain access to the Trex Portal
- Determine a 12-month collection time period
- Collect a minimum of 1,000 lbs.
- Report recycling totals at my.trex.com

- Weigh, record and attached pictures
- Deliver the collected plastic film to a participating retailer (see list) for recycling

Stores prefer smaller and more frequent amounts in the provided bin. Please contact store ahead of time with larger amounts.

What does Trex provide?

- Up to three recycling bins
- Posters

What can I win?



Trex Bench

What can be recycled?

All plastic must be clean, dry and free of food residue.



Register on the website NexTrex.com

Highland Neighbors for Sustainability is recycling plastic film.

We have partnered with the Trex Company which manufactures composite decking using 95% recycled plastic film and reclaimed sawdust. Once we collect 1000 pounds of film, Trex will award us a bench made of their recycled material.

Acceptable items include grocery & produce bags, plastic shipping envelopes (with labels removed), bread bags, cereal bags, dry cleaning bags, Ziploc bags, case overwrap and bubble wrap.

Plastic film cannot be recycled in residential recycle bins—the plastic gums up the machines at the recycling facility. The film can only be recycled at bins at stores like Meijer, Jewel, Kohl's and Wal-Mart. Now we can keep film out of the landfill and ensure that it is been recycled into a useful product.

Trex has given us 3 bins to collect plastic film from the public. We want to have the bins in places that are easily accessible to the public. The locations have yet to be determined.

Sincerely submitted,

Cathy Perrin

Highland Neighbors for Sustainability

Larry Kondrat, Highland, began by offering his condolences to Councilor Scheeringa on his loss. He then said he saw Councilor Schocke's name in the paper. He found it very disappointing if tyrants think that they could tell people what to think. I also understand that you're holding fast Councilor Black, congratulations. Nobody ought to be able to threaten any elected official who are exercising their beliefs. Individuals should be able to support any candidate they want. It takes a weak minded individual to be told that they can't like something. And then that week, Councilor Schocke is removed from his precinct committeeman position within the Republican Party because he wouldn't follow the tyrant's way of thinking.

Councilor Black 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 Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **October 11, 2023 through October 24, 2023.** Councilor Schocke 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 October 11, 2023 to October 24, 2023 in the amount of **\$924,541.30.**

General Fund, \$269,238.10; MVH Fund, \$24,768.03; LAW Enforcement Continuing Education, Training and Supply Fund, \$1,684.68; Information and Communications Technology Fund, \$7,182.23; LR&S Fund, \$551.96; Special Events, \$3,321.50; MCCD, \$16,580.66; Public Safety Income Tax, \$21,011.00; Donation, \$1,473.23; Community Crossing Grant, \$355,834.17; Solid Waste, \$155,200.00; Police Pension, \$67,695.41

Payroll Docket for payday of October 20, 2023 by fund:

General, \$278,253.01

Payroll Docket for payday of October 20, 2023:

Office of Clerk-Treasurer, \$16,078.20; Building and Inspection Department, \$10,624.03; Metropolitan Police Department, \$125,091.56; Public Works Department (Agency), \$74,148.83; Fire Department, \$1,792.80 and Information and Technology Department, \$4,009.55; Total Payroll: \$231,744.97.

Payroll Docket for payday of October 31, 2023 by fund:

Total Payroll by fund: \$79,044.72.

Payroll Docket for payday of October 31, 2023:

Boards & Commissions. \$10,642.82; Police Pension, \$67,587.76;

Total Payroll: \$78,230.58.

FIRE DEPARTMENT QUARTERLY

Payroll Docket for payday of October 20, 2023 by fund:

Total Payroll by Fund: \$53,394.41 4€

Payroll Docket for payday of October 20, 2023:

TOTAL PAYROLL: \$49,600.05

Adjournment of Plenary Meeting. There being no further business on the agenda, the Town Council President declared the regular plenary meeting of the Town Council of Monday, October 23, 2023, adjourned at 7:44 O'clock p.m.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of November 13, 2023.