

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
MINUTES OF THE TOWN COUNCIL**



January 31, 2018

**Fire Territory Public Hearing Advertised for 6:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**

Cedar Lake Town Council Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Absent	Greg Parker Council Member	Ward 6
Absent	John Foreman Council Member	Ward 2	Present	Richard Sharpe Council Member	Ward 7
Present	Julie Rivera Council Member	Ward 3	Present	Amy J. Gross, IAMC, MMC, CPM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

Hanover Township Advisory Board:

Present	Richard Niemeyer Advisory Board Member	Present	Mitch Lopez Hanover Township Trustee
Present	Scott Bourrell Advisory Board Member	Present	Patrick Schuster Township Attorney
Present	Maralynn Echterling Advisory Board Member		

PUBLIC HEARING:

Cedar Lake Fire Protection Territory

1. Introductions & Opening Remarks

- a. Hanover Township Trustee** – Mitch Lopez stated they have been putting this together for a while. They have listened to feedback from the people. They've come up with a great plan. He asked the Township Board President to read Township Resolution FT1-2018 by title. Richard Niemeyer read the resolution as follows:

A RESOLUTION ESTABLISHING A FIRE PROTECTION TERRITORY FOR THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, WITH HANOVER TOWNSHIP, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, PURSUANT TO THE PROVISIONS OF I.C. 36-8-19, ET SEQ., AS AMENDED, APPROVING ENTRY INTO A FIRE PROTECTION TERRITORY AGREEMENT, AND ALL MATTERS RELATED THERETO.

Mr. Lopez added they've worked hard with the feedback received. They made changes to the draft. It may not appease everyone but he believes they've come up with great terms to benefit everyone. He thanked everyone for their help and feedback.

- b. Cedar Lake Town Council President** – President Niemeyer asked Council Member Rivera to read Town Ordinance No. 1282 by title only into the record. She read the ordinance as follows:

AN ORDINANCE ESTABLISHING A FIRE PROTECTION TERRITORY FOR THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, WITH HANOVER TOWNSHIP, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, PURSUANT TO THE PROVISION OF I.C. 36-8-19, ET SEQ., AS AMENDED, APPROVING ENTRY INTO A FIRE PROTECTION TERRITORY AGREEMENT, AND ALL MATTERS RELATED THERETO.

President Niemeyer stated this has been a work in progress for quite some time. They wouldn't be here tonight if there wasn't a need and purpose for this. The Fire Department has had a great deal of turnover that has been publicized. They are having a difficult time competing with surrounding agencies but more than that they have a community that is rapidly growing both in the Township and the Town. They have had a partnership for 75 years and look to build upon that partnership. He addressed rumors regarding annexation. This would not give the Town any ability to annex any area outside of its boundaries. The annexation laws are extremely clear and have become more stringent. This wouldn't create a platform for annexation. This is something they feel will help to support the growth of the community and create a better platform long term for value for the taxpayers and to sustain a service. They are limited in their abilities to fund

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growing services by Indiana statute of the tax caps. This is a way to work within the system to provide the greatest value benefit for the taxpayer dollar.

- 2. Presentation – Cedar Lake Fire Chief** – Chief Wilkening stated nothing in their proposal has changed from the last time they met. The proposal is to put another fire station in the Township and renovate the current fire station. Another goal is to bring on more full-time staff to adequately respond to fires and emergencies. Currently, they are unable to do so at all times. The call volume has skyrocketed. It's to the point where they need equipment and personnel. He addressed the fire department staff and volunteers in the audience. He spoke of the commitment from these men. He briefly discussed the equipment needs. He added they are trying to become competitive to where they can keep people in the community as it grows. He briefly discussed response times. He asked for everyone's support in passing the territory and helping the fire department plan for the future.
- 3. Attorney – Review of Legal Requirements** - Town Attorney David Austgen stated Indiana code requires and prescribes the method and manner by which they conduct these initiatives. A joint public hearing was duly noticed in the newspapers and timely published in accordance with Indiana Code 5-3-1. Notice and publication have properly occurred. This is the first of three public hearings that will be noticed and conducted. This hearing is conducted under Indiana Code 36-8-19-6A4. This is where discussion of the ordinance and resolution and attached agreement is made. A technical public hearing will be forthcoming. That will be the next public hearing. That's where all the data in regards to the levy and budget will be covered. Mr. Schuster concurred. President Niemeyer asked Mr. Schuster if he reviewed the documents and if they are identical. Mr. Schuster answered yes.
- 4. Hanover Township – Resolution No. FT1-18** – Richard Niemeyer read the resolution into the record by title only.
- 5. Cedar Lake Town Ordinance No. 1282** – Council Member Rivera read the ordinance into the record by title only. President Niemeyer noted Section 18 of the Interlocal agreement, which discusses assets in the event the territory is dissolved and how they would be disbursed. The financial advisor couldn't make tonight's meeting but will be at the February 20th meeting. He asked for any action taken tonight to include a contingency upon review of this section to make sure that it is fair and equitable upon dispersal. He doesn't believe the way it is written considers a balanced approach. He asked both attorneys to make note.
- 6. Public Comment**

Ed Yerga, 3010 Sunrise Drive, stated he was the Fire Chief for the Merrillville Fire Protection Territory. In 2011, they went through this exact same process. He discussed changing times and lack of volunteers. Their fire territory enabled them to support their volunteers with full-time staff. He stated it is an example of two government entities coming together and doing good government. It is a uniform tax rate. They were able to replace aging equipment and supplement their volunteers a little more with pay. Their stipend almost tripled. He briefly discussed misconceptions with control of the fire department and authority of the territory board. He believes it is the fairest possible solution. He ended by pledging his support.

Ray Daugherty, 14309 Wicker Avenue, asked Mr. Yerga if they are having issues with adding another ambulance service. He was told if they do they would have to dissolve their territory and redo it. Mr. Yerga stated at the time they formed their territory they were contracted with a private ambulance service. It continues to be a private service today. As a fire department they are looking to see if it would be beneficial to go with another service. Anything in the future would have to be decided by the territory board. But no action has been taken by their board. The way he understands it is if they were to add another ambulance services, they would have to dissolve the territory and reapply for a new levy. Mr. Carnahan asked if they are thinking of having their own ambulance service. Mr. Yerga stated he constantly is because he knows the benefits both ways. They are still doing research to see if it is beneficial to the territory. Mr. Daugherty thanked Richard Niemeyer for being at every meeting and listening to what the people have to say. He added his appreciation for the fire department. He supports the fire department but doesn't think they need the territory. He agrees they need upgrades. He voiced concerns with the tax numbers. He discussed lack of faith with the Town Council. He stated he cannot trust them. He hopes Mr. Lopez has listened to what the people have said. Mr. Lopez stated he did listen and they took everyone's concerns and considered them before drafting the resolution. He stated the board would have equal representation. The board will not be controlled by either unit of government. It will be a joint effort. Mr. Lopez stated no agreement will be perfect but this will satisfy the majority. He added they will benefit from the station out in the Township. He briefly discussed funds and how the Township has not had a voice in the past. With the territory they will have equal say in spending. Mr. Daugherty voiced concerns with trusting the Town Council. Mrs. Rivera asked for an example. Mr. Daugherty answered the annexation. A lengthy discussion continued on annexation, the board, and funds. Mr. Niemeyer commented that he's read the draft many times. He voiced concerns with the board make up. He voiced concerns with the citizen being from both the Town and Hanover Township. Multiple conversations overlapped.

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Ben Martin, 12704 Marsh Landing Parkway, stated he has been a volunteer for ten years. Almost everyone he started with is gone. They try to recruit volunteers but they just don't get them. They need funds to provide better services. They've heard many opinions on where the money should come from but many of those options are not sustainable. He believes they have found the best option to make this happen. He stated he is a Hanover Township and Cedar Lake resident and supports the territory.

Rose Kleine, 12515 Calumet Avenue, she thanked them for having the meeting. She commented on the time of the meeting. She asked if be pushed further in the evening. She commented on the great job the fire department does. She discussed the ideas that have been floating around in regards to raising funds. She suggested putting a new station on US 41. Chief Wilkening stated they did do a study on location. US 41 is a bad area for a station. It's dangerous for pulling trucks out and doesn't better their response times by much. She asked Mr. Yerga about their board and if they had a territory board and a fiduciary board. Mr. Yerga answered they have a fire protection territory board. She thinks that make sense. President Niemeyer stated with this agreement there is only one board. The Town would serve as the treasurer. The funds would go through the Clerk-Treasurer because state statute requires one fiduciary provider. The Town Council wouldn't have any authority over the fire territory other than the day to day items like claims. Claims come through the fiduciary to be approved. If anything was disputed the board would handle the dispute. The board decides how the money is spent. The board would decide how the fire department operations run. The Town Council would have no authority over that. Mrs. Kleine stated that wasn't previously shared. President Niemeyer stated that is what they have been working on. They've been taking all the input and concerns. Mrs. Kleine asked about the representation of the board. President Niemeyer answered it is two elected officials from each entity and one citizen who is a resident of both Hanover Township and Cedar Lake. Mrs. Kleine stated she understands what he is saying but would prefer a Township resident. President Niemeyer briefly discussed demographics and fairness. Mrs. Kleine asked if the territory would cover part of an area that is not Cedar Lake or Hanover Township, like West Creek Township. Chief Wilkening stated no. President Niemeyer briefly discussed the territory having to respond to mutual aid by state statute. Mr. Carnahan briefly discussed land size of the Township versus the Town. President Niemeyer discussed allocation of resources and where assets are located. He doesn't think any final decisions have been made. The joint board will have the say. Mrs. Kleine stated she still doesn't have a clear understanding of what this will do to her taxes. President Niemeyer stated the financial advisor will be at the next meeting. The will make sure the financial advisor is accessible to everyone to answer all questions.

Mark Stenger, 13925 Wicker Avenue, stated it seems like they are rushing to make a decision. He made comments about the Town being broke and unable to do anything. He stated the Town was looking to them to fix a problem. He briefly discussed the annexation. He voiced concerns with the use of funds for attorney fees. Mr. Stenger added he spoke with the Town Manager of St. John. St. John's future plans are to annex to 125th and state line. He voiced concerns with a shrinking area and plans to build a station in Brunswick. He stated developers should be providing property or putting up a building. They should be helping pay for this service. He believes they are not thinking properly and making irrational decisions. He stated they should be hiring more people to help with response. He again mentioned making developers pay for these services. He voiced concerns with the tax rate and costs to remodel. A brief discussion occurred on costs. Mr. Stenger stated they need to add more fire help first and the Town needs to do that. President Niemeyer stated if they could give more money to the fire department they would. He added St. John is able to do the things they do because they are adding 400-500 homes a year. Cedar Lake's building permit fees are higher than St. John's. They just went up 40%. They've gone through all of the possible options. He discussed the high rate of department turnover. He stated this is not rushed. This has been two years in the making. This is not foolish or rushed. This is meant as a true partnership to take care of the issues of growth and need for the fire department. This is not a want. No one wants to be here doing this. They need to be here. A brief argument occurred.

Wayne Stoll, 13237 Calumet Avenue, asked Mr. Yerga about Merrillville's levy. Mr. Yerga stated it is \$2.3 million. Mr. Stoll asked about how that is assessed. Mr. Yerga answered for their equipment fund it is .0314 per hundred. For their other fund he couldn't give an exact answer. He gave an example. For a \$150,000 homeowner their taxes went up approximately \$191 a year. Chief Wilkening added that is just for fire service for Merrillville. Fire and ems service is provided here. Mr. Stoll asked what would be voted on tonight. Town Administrator Murr passed out packets. Mr. Stoll asked if the board would be making all the decisions. President Niemeyer stated he was correct. The board would have all the authority. He added that the fire territory cannot go outside of the tax caps. Mr. Stoll asked if the board could phase the territory. President Niemeyer stated within the first three years if they don't establish the levy to fill the need. They will not get to re-establish that. There is a deadline but it's not made by the board but the state. They can only go so slow. By statute they have to have this done by March 31st. A brief discussion occurred on the timeline of meetings. Mr. Stoll asked Mr. Lopez if all the questions have been answered. Mr. Lopez stated to the best of his ability they addressed all non-financial issues in the proposal. Mr. Stoll asked about the proposal. President Niemeyer stated what he had is what is being considered this evening. The Township can take a vote and the Town can take a vote but it is not the final vote. The Town still has to take a second vote. There will be a vote tonight. The second meeting will be more

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of a public information session and the third meeting will be the final adoption. Mr. Schuster stated the Township is not able to vote on the resolution this evening. President Niemeyer asked why. Mr. Schuster stated the statute provides that before they can take a vote they have to hold a public meeting at least 30 days before adopting it at which time they make available to the public certain information which will be made available by the financial advisors at the next meeting. President Niemeyer asked Mr. Austgen for his opinion. Mr. Austgen stated he doesn't agree but he won't argue. There is still technical data the board and Council await. President Niemeyer clarified the Township would not be voting this evening but the Town would consider a first reading. A brief discussion continued on the proposal and interlocal agreement.

Charlie Kaper, 8602 Lake Shore Drive, stated his concerns were more with the financial side. He stated he'd wait until the next meeting.

Council Member Rivera added not having the financial advisor in attendance this evening was unforeseen. She's disappointed because she believes many concerns would be answered. She added if anyone has questions and can't make the next meeting to get them to Mr. Lopez or Town Administrator Murr and they will get answers. Mrs. Kleine asked if they don't know the numbers how did they come up with what they will need for the purpose of the territory. President Niemeyer stated the financial advisors have done preliminary studies and the fire chief has submitted a proposed budget. Nothing has been adopted yet. What they have is draft information and at the next meeting they will have final information on what is needed. Mrs. Kleine further voiced concerns with not having concrete numbers. President Niemeyer stated they couldn't establish a concrete levy until they got to this point. Leading up to this point for the last year, the financial advisor has given draft numbers. Those final numbers would be available at the second and third meetings. Mrs. Kleine asked when the second and third meetings would be. President Niemeyer stated the second meeting would be on February 20th at 7pm per Mrs. Kleine's previous suggestion. February 28th at 7pm would be the third meeting.

Ray Daugherty, 14309 Wicker Avenue, asked about the expense for a new building in the Township. He commented that any fees would be done by County for anything outside of the Town limits. President Niemeyer stated that was correct.

Rose Kleine, 12515 Calumet Avenue, asked about how they recruit volunteers. Chief Wilkening discussed how they recruit but the difficulties with getting volunteers. Mrs. Kleine asked why people were leaving. Chief Wilkening stated time and training to be a volunteer were an issue. The biggest problem has always been daytime help. A lot of them have day jobs and can only volunteer at night. Mrs. Kleine further discussed volunteers.

Richard Niemeyer, Township Board Member, questioned how the territory would affect the schools. He voiced concerns with the schools levy being cut and possibly having another referendum. Mrs. Rivera stated that is something the taxpayers can control. Further discussion continued on the possible affects.

Mr. Carnahan stated the Town was in debt in 2017 of approximately \$917,000 and paid it back at the end of the year. The new year started with a surplus. Multiple conversations overlapped.

President Niemeyer added the school already receives about 60% of the property tax funds. They have the ability to go outside of the caps with a referendum. The Town doesn't have that ability. It is up to them to find ways to partner and solve problems.

Jim Debolt, 14975 W 102nd Avenue, stated he is a newer citizen of Hanover Township in Emerald Crossings. He stated the area is growing quickly. He discussed Emerald Crossing being home to many older citizens. He hears what everyone is saying but he doesn't want to see a tragedy because the fire department can't get there. He continued to voice concerns with response times.

7. Resolution No. FT1-2018 – Hanover Township

At the recommendation of the Township Attorney this item was deferred.

8. Ordinance No. 1282 – Cedar Lake Town Council

A motion to approve the first reading of Ordinance No. 1282 was made by Julie Rivera with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:00pm.

An Executive Session was advertised and conducted before the meeting, pursuant to IC 5-14-1.5-6.1(b). Refer to Memorandum of Meeting for topics discussed and those in attendance.

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COUNCIL OF THE CIVIL TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

Randell Niemeyer, President, Ward 5

Greg Parker, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Richard Sharpe, Ward 7

Amy J. Gross, IAMC, MMC, CPM
Clerk-Treasurer

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

- (b) As the meeting progresses, the following *memoranda* shall be kept:
- (1) The date, time and place of the meeting.
 - (2) The members of the governing body recorded as either present or absent.
 - (3) The general substance of all matters proposed, discussed, or decided.
 - (4) A record of all votes taken, by individual members if there is a roll call.
 - (5) Any additional information required under IC 5-1.5-2-2.5.