

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



July 16, 2024

**Public Meeting Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**

Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Mary Joan Dickson Council Member	At Large
Present	Julie Rivera Council Member	Ward 2	Present	Richard C. Thiel Jr. Council Member	At Large
Present	Nick Recupito Council Member	Ward 3	Absent*	Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	
Present	Chuck Becker Council Member	Ward 4	Present	Jeff Bunge Town Manager	
Present	Greg Parker Council Member	Ward 5	Present	David Austgen Town Attorney	

**Sarah Ely was present.*

PRESENTATION

Tim Brown stated they do these every three years. The Community Development Block Grant (CDBG) program for the County consists of four major agencies. The Lake County Community Economic Development Department, which covers 16 cities and towns, Gary, Hammond, and East Chicago. Those three cities are what they call entitlement cities. They have received money ever since HUD was in existence. His department did not come to exist until 1984. He stated in order to do that, they had to have all the cities and towns and the County agree to the three-year agreements. They do what is called a five-year consolidated action plan. Each year of that five years, there is an annual action plan. Every two years, Cedar Lake gets a portion of the Community Block Grant money that they get. He stated this is the three-year renewal time. They have the option to opt out. So far no one has done that. They ask for the resolution to be passed and the agreement to be signed. They will present those agreements in August to the County Commissioners. They sign them and then those all get sent to HUD. Mr. Carnahan asked if Lake County was the only one to have funds designated to them. Mr. Brown stated there are two counties in the State of Indiana that are called Urban counties. That is Lake County and Hamilton County. Everyone else is the larger cities or towns not considered urban. A brief discussion continued on entitlement cities. He discussed the difficulty in getting funding. He stated the difficult process is one of the reasons they created the department. He said one downside is that you only get funding every two years. That is due to cutbacks. He discussed the difficulty of being able to do projects with the cut funding. He stated they do eight communities one year and the other eight the following year. He stated it is approximately \$691,000 that gets divided up among the eight communities. Mr. Recupito asked what the match is on these. Mr. Brown stated none. There is no match from the local. He stated there are a lot of entities that choose to do a match. He stated the handicapped bathrooms were paid for with CDBG funds but there was not enough so the Town kicked in some. Mr. Bunge stated the Town's project was in Lynnsway and the ADA sidewalks and ramps. That was completed in the spring. The Town is not due for another allotment until 2025. He stated the department's fiscal year begins September 1st.

PUBLIC COMMENT

Bob Groszek, 14055 Deodor, discussed the agenda item for the extension of Beacon Pointe Unit 1. He stated it seems to be an ongoing thing. He stated in April an extension was requested to get the project done. He stated they have found out that they changed the plan because of costs. He stated he does not know what kind of updates the board may have. He voiced his frustration. Mr. Recupito stated he has been involved since he met with Mr. Groszek and some of his neighbors. There was a plan that was vetted by the neighbors affected. Now they want to change the plan. Mr. Recupito stated he spoke with engineer Don Oliphant. He is dealing directly with the Schilling Group. Mr. Recupito stated it is not acceptable. He stated it does not seem to be a priority for the people that need to correct it. He stated he received a slew of emails today between Don and the representative from Schilling. There are disagreements on what should be done. Don has been advocating for them on behalf of the Town but the developer wants them to scale back due to cost. Mr. Groszek stated if it was done right, they would not be here. Mr. Recupito stated according to Don it was not done right. Mr. Groszek stated they are being patient. Mr. Recupito stated he has not seen the plans but he has seen the discussion. The plans are going to differ from what was agreed on. He stated they may not be happy if the developer gets what they want. He stated once a plan is presented, it will be presented to them. Mr. Carnahan stated he spoke to Don and it was indicated they want to take the dam out. It is only two feet deep and they want to make it three feet deep and put a bubbler in there. It would go the whole length of the ditch. Mr. Recupito stated he spoke with him and stated it does not seem like it would do much if there is not water coming in to refresh. It is leveled out now. That is why Don is pushing for aeration. Mr. Recupito stated he is not happy with this at all. Mr. Groszek voiced concerns with the timeline and further extensions. Mr. Carnahan stated he asked Don if there was enough

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money for them to do the work and he assured him there was. Mr. Parker stated if it was approved and engineered a certain way, that is what should have been built. If that did not happen, they need to make sure it is corrected according to the way the subdivision was approved and engineered. Mr. Carnahan stated when he met them out there for a meeting, Jack Slager said that it was McFarland's responsibility but they were going to go ahead and do it. Mr. Parker asked what they were holding on that bond. Mr. Carnahan stated it was in the packet. Mr. Parker stated get it corrected and done the way it was engineered and pull the bond. Mr. Austgen stated they need to pull the bond first. Mr. Austgen asked if they had the expiration date. Mr. Recupito stated October 30th. Mr. Groszek stated July 30th. Mr. Parker stated that is not the way he wants to do things. They should not renegotiate at the end of a project. They want to be reasonable. Mr. Austgen reminded them there is no meeting between now and July 30th. They will need to extend to October 30th or pull the plug right away. Mr. Parker asked Mr. Recupito if they wanted to consider that tonight. Mr. Recupito stated absolutely. He stated he is tired of dealing with it for what the residents are going through. Mr. Carnahan stated they cannot stop other projects to make them do this. Mr. Austgen stated they have enough money in the performance bond. Mr. Groszek commended the first responders of the Town. Mr. Parker stated what they did last night was heroic and they are appreciated. A brief discussion continued on the bond and work to be completed still.

CONSENT AGENDA

- 1. Claims:** All Town Funds: \$1,160,270.21; Wastewater Operating: \$12,627.21; Water Utility: \$71,300.61; Storm Water: \$159,448.58; and Payroll: 7/3/2024 \$380,053.34; and June Remittances \$176,881.09
- 2. Donations:** K9 Donations to include the following: Kelly Cripe/ Focus Nutrition \$660.00; Northern Indiana Operators Joint Labor-Management PAC \$500.00; FOE Lady Auxiliary #2529 \$500.00; Lori Stolarz \$25.00; Fraternal Order of Eagles \$500.00; NIES Engineering \$200.00; Ziese & Sons Excavating \$250.00; CAL Homes INC/Luke Cotton \$50.00; Larry & Margo Nagy \$100.00; Bunge & Co – Lake Shore True Value \$50.00; Westland Development dba Cedar Lake True Value \$50.00; Reeves Fence Services Inc \$150.00; Olthof Homes, LLC \$200.00; Big Jims Concrete \$400.00; Sheehy Well & Pump Co \$50.00; Sterling Machine Co \$100.00; Cheryl Parker \$50.00; Craig & Loretta Williams \$225.00; Tech Credit Union \$250.00; Lawrence Property Group \$250.00; Pine Crest \$250.00; Yancey's House of Carpet \$200.00; Stan's Body Shop & Towing \$300.00; MTI Service Center of NWI \$100.00; Diamond Peak Homes \$1,500.00; Dawn Vaness \$25.00; Ray & Wally's Towing \$500.00; Cedar Lake DQ Grill & Chill \$200.00; Blue Warrior Tactics Inc. \$150.00; Robert Carnahan \$100.00; Police Department Equipment Donations to include the following: Schilling Brothers Lumber \$400.00; Alan & Gina Pieczul \$1,000.00; Jeff Bianchi \$1,000.00; In-Kind Donation to Police Department: 2,300 Dum Dums Lollipops for the 4th of July Parade; Fire Department Equipment Donations to include the following: Alan & Gina Pieczul \$1,000.00; Jeff & Liza Bianchi \$1,000.00
- 3. Manual Journal Entries:** June 1 – June 30, 2024

Mr. Carnahan noted in the reports from Jennifer, they received \$4,725 in the tourism grant fund. They currently have a fund total of \$4,926.25. Mrs. Dickson stated they have already obligated some of the money. Mr. Carnahan asked Tim about a claim for T&M Tire Service in the amount of \$574.25 for a PW 16 repair. He asked if that was the street department. Mr. Carnahan asked who is the company. Mr. Kubiak stated T&M Tire in St. John. Mr. Carnahan asked if there is a reason they are using them. Mr. Kubiak stated they are a mobile truck repair and tire service. They come out to the shop to do stuff. Mr. Carnahan asked if anyone in Town would do that. Mr. Kubiak stated no.

A motion to approve the consent agenda as presented was made by Greg Parker with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

ORDINANCES/RESOLUTIONS

1. Ordinance No. 1492 – S-33 Supplement to the Town Code

Mr. Parker read Ordinance No. 1492 by title only. Mr. Recupito asked Mr. Austgen about legals. Mr. Austgen stated this is not advertised. It is an ordinance they consider as part of the normal course of business. It is a codification update. The codification update is the code of ordinance of the Town. It is complete to date. Mr. Carnahan stated these are ordinances and resolutions that they have created and they take them and interpret them. Mr. Austgen stated they do not interpret anything. Mr. Carnahan stated it is not verbatim from what he has seen in the past. Mr. Austgen noted most ordinances contain recitals or covenants that explain what they are doing or what the ordinance action is about and what the enactment actually is, rules and regulations. Mr. Austgen stated they are cutting out all of the stuff that is not needed. Mr. Carnahan asked if someone reviewed.

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Mr. Austgen stated Jennifer said she did. He recalled the last time they discussed. Mr. Recupito asked if it is a two-reading ordinance. Mr. Austgen stated it is.

A motion to approve the first reading of Ordinance No. 1492 was made by Greg Parker with second by Mary Joan Dickson. Mr. Carnahan asked if it passes unanimously, would they do a second reading. Mr. Recupito stated he would prefer to do a second reading. It is something they have to do. Mr. Austgen stated it is statutorily required to codify the ordinances. It is the normal course. You may elect to not do it in one reading. Roll Call: Carnahan – No, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 6 – 1.

2. Resolution No. 1356 – Transfer Resolution

Mr. Parker read Resolution No. 1356 by title only. Mr. Recupito stated he spoke with Jennifer briefly about this. He asked Sarah if she had anything from Jennifer. Ms. Ely stated Jennifer said that everything that would be transferred is funded and she recommended approval. Mr. Carnahan asked Tim about the transfer of \$3,550 from emulsion to capital outlay. He asked if they had any problems. Mr. Kubiak stated they filled the emulsion tank for the season. They do not need the remainder. A brief discussion occurred on emulsion.

A motion to approve Resolution No. 1356 was made by Greg Parker with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

3. Resolution No. 1357 – 3-YR CDBG Cooperation Agreement

Mr. Parker read Resolution No. 1357 by title only. Mr. Recupito stated this dovetails on what Mr. Brown was speaking on earlier. Mr. Austgen stated this ratifies what he presented. Mr. Carnahan asked Mr. Brown if there was something that needed to be read. Mr. Brown stated the Section Three and Affirmative Action are not done for this. Mrs. Dickson requested that in the future they do not use acronyms and spell out titles on the agenda so the audience understands. Mr. Recupito asked Mr. Bunge to pass that on.

A motion to approve Resolution No. 1357 was made by Julie Rivera with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

BZA/PLAN

1. Accept a Performance Letter of Credit Extension to July 25th, 2025, in the amount of \$359,608.00 for Beacon Pointe East Unit 4

A motion to accept was made by Greg Parker with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

2. Accept a Performance Letter of Credit Extension to October 30, 2024, in the amount of \$341,736.80 for Beacon Pointe East Unit 1

Mr. Recupito asked for the opinions of the other members. He stated he made his opinion known. Mr. Parker asked Mr. Austgen if they could make it contingent on a timeline. He asked if they could give them a deadline. Mr. Austgen stated they could do that. He told them to keep in mind if they deny it, what they would have to do with the money and to go out and contract for and construct the improvement according to the engineer recommendation. Mr. Parker stated he was trying to decide whether to make a motion to pull it and do it or make a motion to give them a period of time to get it done. Mr. Thiel stated he does not agree with extending it. Mr. Kubiak added that if they do pull the bond, that puts it on them to get it done. A discussion occurred on the improvements to be made. Mr. Thiel asked if they could put a stipulation on the extension. For example, a 60-day extension, could they say it is the last one. Mr. Austgen stated yes. He stated that is probably better than pulling from the surety. He stated folks will expect you to construct and get this done. That will take resources, time, staff, and contracting. He discussed the rights of the contractor. They relied upon a decision and recommendation by the Plan Commission for where they were at when they were before the Plan Commission. They had \$341,736.80 of responsibility. They had X amount of time to fulfill the responsibility. Mr. Carnahan stated he wants to know if this plan is better than the other plan. He stated if it is not a better plan, he would like a way to have a motion where they make them do the original plan if it is better. Mr. Austgen stated they do not have the jurisdiction. Mr. Parker stated what the engineer is requiring or requesting them to do, needs to be in the motion. Mr. Thiel stated he would be more comfortable with a 60-day knowing the fact of Don's schedule and time for review. Discussion continued on the proposed motion and timeline. Mr. Austgen reminded them to share the details of any motion with the Plan Commission.

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A motion to accept the performance letter of credit with an expiration date of September 30, 2024, in the amount of \$341,736.80 for Beacon Pointe East Unit 1, with the approval of Don Oliphant on the repair being acceptable as well as the understanding that this will be the last extension granted was made by Richard Thiel with second by Greg Parker. Mr. Recupito added that Don is clear that the residents that live there will see the plans before they are signed off on. Roll Call: Carnahan – Yes, Rivera – No, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – No. Vote 5 – 2.

OLD BUSINESS

1. Award contract for Fire Department Emergency Vehicle Preemption Project Bid

Mr. Recupito stated he spoke with Jeff about this. He stated since the last meeting, it was deferred because they were in limbo with the Morse Street Water Line Extension. They were not sure on the delay costs. Now that they received the good news, they need to involve Mr. Lance Snedeker. Mr. Parker asked how confident they were that they were going to get the IDEM permit. Mr. Kubiak stated 99%. He stated they have been satisfied with everything they have gotten. Mr. Thiel discussed an email from Lance. There were two things mentioned in that email. The Town would oversee and manage the project and eliminate additional management cost by Core and the developer. Don Oliphant had commented to him that the quotes are good for 60-days. The preempter was delayed several times and the 60-days may have lapsed. Lance stated he expected that Hawk would still honor their quote upon request. Mr. Bunge stated he reached out to Hawk to see about their policy but has not received a response. Mr. Recupito stated they had concerns prior that they would eat up the contingency with water line delay costs. He asked based off the information received on the permit, what do the numbers look like. Mr. Snedeker stated they still remain. There is \$66,000 if they get the water main done by the end of September. If the project delay goes beyond, it will be \$5,100 per month for the downtime. That is in addition to the \$66,000 already mentioned. Mr. Recupito asked if the water line had to be installed and operational by the end of September. Mr. Snedeker stated ideally yes. Mr. Recupito asked Mr. Kubiak if they would get the water line done by the end of September. Mr. Kubiak stated they would get the boring crew out right away. He stated he believes it will be close. He stated if he was in their spot, he would consider the extra \$5,100 for October. Discussion continued on the potential delay costs and timeline inclusive of pressure testing the water line. Mr. Recupito asked if they were still considering having the construction fund pay for the preemption. That is why they deferred it because they saw there was some owner contingency that could pay. He stated is concern was shortfalls in the funding. Mr. Parker stated either way they roll the dice. Mrs. Haase stated what they have not brought into the conversation, and her and Jennifer are working on it, is the interest earned on the construction fund to date. She stated they engaged with Crowe to work on the arbitrage calculation. The interest rate exceeded the interest rate they had to pay. She stated the interest earned is at their discretion. Mr. Parker asked if she had a figure. Mrs. Haase stated it has not gone through final review. She stated they have moved the necessary rebate funds, the amount of penalty money that has to be paid to the federal government because they went over the internal rate of return on the bond. She stated the net number is includes from the beginning of the issue to the end of May interest earned. There is approximately \$232,248.96 of interest earned on the 2022A Construction Fund. There is approximately \$443,758.81 of interest earned on the 2022B Construction Fund. Mrs. Haase stated there is a delay in getting the statements and the trustee delays booking of the interest until the next month. She stated there is a total between the two in the rebate fund of \$126,031.29. That is an actual calculation they will have to remit at the five-year mark to the federal government. Mr. Parker stated he is good with paying for it. Mr. Snedeker stated there is \$101,000 that is also available that he had mentioned to Jeff. He stated there were some bond issuance costs that were not used. Those are available if needed. A brief discussion occurred on the bids received for the preemption project.

A motion to award the bid to Hawk Enterprises was made by Julie Rivera with second by Greg Parker. Mr. Bunge asked if that was contingent on the numbers not expiring. Mrs. Rivera added to her motion to include the award as long as the bid has not expired. Mr. Parker concurred. Mr. Recupito asked if they needed to identify the funding source in the motion. Mr. Austgen stated they should identify where they are paying for it from. Mrs. Rivera added to her motion for it to be paid for out of the 2022B Construction Fund. Mr. Parker concurred. Mr. Parker asked if it would create a road closure. Mr. Kubiak stated no. Chief Fisher stated Cliff said it will not except when they do the thermoplastics. A brief discussion continued on the project. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

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NEW BUSINESS

1. HCSC Indemnification Agreement

Mr. Recupito stated they have an indemnification agreement between the Town of Cedar Lake, Hanover Community School Corporation, B&D Sewer, and Skillman Corporation. He stated it is in regards to the water line. It was a suggestion of the Council to do something in regards to the depth of the water line. It is not to specification but the probability of it freezing is low. Mr. Kubiak stated the only time there would be concern is during winter break with the lower uses of water. The depth is pretty good. Mr. Recupito stated that if passed, the responsibility is on the school board. He stated they have to pass it contingent on the school board passing it. Mr. Bunge asked if there was an email from CBBEL that showed concerns on the wording of the agreement. Mr. Parker asked Mr. Austgen if he reviewed it. Mr. Austgen stated he drafted it and has seen nothing from CBBEL. Mr. Bunge stated he did not have it in front of him. He thought there was some response from the engineer. Mr. Kubiak stated B&D Sewer put the water line in when the school was built. He asked why they were included. Mr. Recupito stated Dave suggested that. Mr. Austgen stated he suggested everyone involved with it. Mr. Kubiak continued to voice his concerns with including B&D Sewer. Mr. Parker stated it does not necessarily mean they are on the hook for it, it just means the Town of Cedar Lake is off the hook. The other parties will have to figure it out in the event it fails. Mr. Recupito stated the superintendent asked whether B&D Sewer and/or Skillman had to be included. Mr. Recupito stated he told her per the attorney's recommendation, they had to be in there. Mr. Recupito stated it was requested that they approve it first and they asked for the Town to do it first. It will be contingent on their approval.

A motion to approve contingent on school board approval was made by Greg Parker with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

2. Mutual Aid Box Alarm Agreement

This item was approved by Board of Safety by a vote of 4-0 on June 26, 2024. Chief Wilkening stated it is the written mutual aid agreement among all the Fire Department's within the Indiana MABAS 207 District. It replaces a 40-year-old Lake County Fire Chief's Association Agreement. This allows the Town to respond to other communities and allow other communities to respond to them. He stated Mr. Austgen had it for a while to be able to look at it too. Mr. Recupito stated he had a letter from the Board of Safety Chair regarding their favorable recommendation.

A motion to approve was made by Robert Carnahan with second by Greg Parker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

3. Town-Hanover School Corporation Proposal Contract

This item was approved by the Board of Safety by a vote of 4-0 on June 26, 2024. Mr. Recupito stated there was a letter from Norm Stick, Board of Safety Chairman, in their packet. The proposed contract is to employ Town paramedics as part-time employees for sporting events when they are off duty. Mr. Thiel asked if this was for the trainer. Chief Wilkening stated it was for the trainer and would also cover any personnel at football games as well. Mr. Carnahan stated there would be no cost to them. Chief Wilkening stated the school would pay them directly. Mr. Recupito asked Mr. Austgen if he vetted this as well. Mr. Austgen stated in a manner of speaking.

A motion to approve was made by Robert Carnahan with second by Mary Joan Dickson. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

4. Approve Change Order No. 3 Request for Shades Subdivision Improvements Project, Phase 1 from \$1,829,771.37 to \$1,832,539.77

Mr. Recupito stated this is an increase of \$2,768.40. This represents a change order for additional roadway and storm water improvement work that was for plan revision number three for 140th Avenue and Edison Street. Some of the work is part of the Town approved Storm Board project on 140th Avenue. The remaining items represent field changes for quantities added. Mr. Kubiak stated this was an old storm drain pipe that was crushed and falling apart. They took the camera through it and found it was collapsed. They dug it out and replaced it.

A motion to approve Change Order No. 3 for Shades Subdivision Improvements Phase 1 was made by Robert Carnahan with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

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5. Requested purchase of 2024 John Deere XUV 835M HVAC MY24 GREEN

Mr. Kubiak reported this request is to replace the Kubota that was totaled out from an accident. It is approximately \$1,200 dollars more than the exact replacement for the Kubota. The cab and everything are far more user friendly. All of the attachments for the Kubota will all work on this vehicle. Mr. Parker asked if they would paint them green. Mr. Kubiak stated the plow is red like the rest of the trucks. He stated it is easier to drive and operate. Mr. Carnahan stated this purchase is for \$28,633.53. Mr. Kubiak stated yes.

A motion to approve the purchase was made by Greg Parker with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

6. Approve request in the amount of \$1,406.00 out of Town Council Promotion Line Item 101-002- 398 for Frisbees

Mrs. Dickson asked if they were used for the parade. Ms. Ely stated yes. This is traditionally how they are paid for they need a motion to approve it.

A motion to approve was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

7. Approve Woods of Cedar Creek Easements

- a. 14203 Rocklin Street, Cedar Lake, IN 46303
- b. 14149 Rocklin Street, Cedar Lake, IN 46303
- c. 6820 W. 142nd Place, Cedar Lake, IN 46303
- d. 6822 W. 142nd Place, Cedar Lake, IN 46303
- e. 6822 W. 142nd Place, Cedar Lake, IN 46303
- f. 14151 Rocklin Street, Cedar Lake, IN 46303
- g. 14205 Rocklin Street, Cedar Lake, IN 46303
- h. 14211 Rocklin Street, Cedar Lake, IN 46303

Mr. Parker stated these are for a Storm Board project. Mr. Austgen stated they are getting the easements and access to property.

A motion to approve was made by Robert Carnahan with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

8. Disbursement Request No. 15 from the 2022A Construction Fund for the Police Department Project in the amount of \$375,704.74

A motion to approve was made by Greg Parker with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

9. Disbursement Request No. 14 from the 2022B Construction Fund for the Fire Department Project in the amount of \$935,148.68

A motion to approve was made by Julie Rivera with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel –Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

REPORTS

- 1. Town Council** – Mr. Carnahan stated the Chamber of Commerce is having the Town-wide yard sale on Saturday August 3, 2024, from 8AM to 4PM. Folks can stop at the Chamber office to get a map and to get listed at a cost of \$5. The Chamber Golf Outing is August 25, 2024. It will cost \$90. There are 32 people signed up and there are only 40 available spots. Mr. Parker asked where they are playing at. Mr. Bunge stated Minne Monesse. A brief discussion continued on the golf outing. Mr. Carnahan stated he asked Jennifer if they could come up with bonding money so they could reconstruct 141st Avenue. He asked Sue if she was able to determine if they had bonding capability. Mrs. Haase stated she has not looked into this. She has not talked with Jennifer about it. Mr. Parker asked her to look into it for a future agenda item. Mrs. Haase stated they could. She stated further down there is a bond for equipment listed. Maybe it is something that could be done with that to keep costs down. When Jen gets back, she will get with her and talk about it. Mr. Carnahan stated the Street Committee had discussion and they allocated a certain amount for the community crossing grant. They did not have enough to go after 141st Avenue. They wanted to see if they could bond and reconstruct that road. Mrs. Haase stated she would talk Jennifer and they may end up getting with Corby to discuss it. Mr. Recupito added that he talked with Don and that project was brought up. He was unclear on direction. He suggested getting a price to survey the area. He is

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working on that. Mr. Thiel stated he spoke with Tim yesterday on the applications received. They were hoping to set up a few interviews this week. A brief discussion continued. Mrs. Rivera thanked not only police and fire but public works for their work at the tragedy yesterday. She found out public works was there helping to remove the tree. She stated something like that is not trained for and her heart goes out to everyone that was there. She thanked everyone for working together. Mr. Parker stated Adam Wornhoff needs to be recognized for his help with that too. He thanked McAllister as well for the help. Chief Fisher stated they are drafting letters of appreciation. Mr. Carnahan thanked superintendent Tim King as well. Mrs. Dickson asked Jeff if he had gotten any applications for the Park Foundation. Mr. Bunge stated not that he is aware of. Mrs. Cheryl Parker stated she turned hers in today. Mr. Thiel stated after the last Department Head meeting and discussion that occurred on Summerfest. He stated he discussed it with Mary Joan as well. There was discussion on conducting an exit meeting after the fact. He stated this way they are on the same page for the next year. This way if any changes need to be made with police, fire, public works, or parks. He stated it was mentioned that they may want to consider a full-time grant writer due to the volume of stuff that is required. He wanted to make that known. Mrs. Dickson stated in the past Summerfest had liaisons for meetings. They do not have that now. They have a meeting Monday. They will schedule a meeting with the Department Heads. They will communicate and coordinate a time that maybe a couple of the board members could make. The board will never be able to make it during the day. Chief Wilkening and Chief Fisher told her to name an evening and they will make it work. A brief discussion continued.

2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – No report.
4. **Town Manager** – Mr. Bunge stated he has been talking to the Lake Dale Regional Waste District. They have requested they get together for the annual meeting. Mr. Parker asked if they could have it before a Town Council or Utility Board meeting. Mr. Bunge stated it is there year to host. He did not believe there were any agenda items as of the moment. He stated the meeting is scheduled for Tuesday, August 13, 2024 at 6PM. That is the Tuesday between Council meetings. Mr. Carnahan reminded him that is the night Storm Board meets. Mr. Parker stated he would do his best. Mr. Bunge stated he received a call from the St. John Town Manager. He heard about the possible tornado that went through. He offered to work with our public works to send a crew in the next few days to help with trees and branches. Mr. Recapito asked him to extend a thank you.
5. **Director of Operations** – No report.
6. **Police Department** – Chief Fisher reported on the monthly calls report. He stated Summerfest went relatively smooth. Only once incident at the park and it was self-inflicted. He stated Friday seemed busier than Saturday night. He stated there were no real issues. Everything ran as it has in past years. Mr. Carnahan stated he was disappointed that Saturday was not as busy. Chief Fisher stated the fireworks were spectacular. A lot of compliments were received from the public. He thanked the fire department and public works for the phenomenal job done during last night's storm. The officers were second to none. It was a rough night but they got through it as a team. He stated Tim and his crew are amazing. Always there when something is needed. He stated same for the fire department. He stated they are helping the family that was affected by the tragedy. Mr. Parker stated they have his deepest condolences. He stated he is proud of the community and departments for stepping up. Chief Fisher stated he has multiple calls with community leaders that are asking how they can help out. Mr. Carnahan asked if the house would have to be demolished. Chief Fisher stated it is too soon to know. They went back today to help the family get some personal belongings out. He commended McAllister Excavating and Adam Wornhoff for coming out. They were in constant contact and helped with wire entanglements. Mr. Thiel asked if there was a response or information on the weed ordinance on 129th. Chief Fisher stated he did not as there were a couple incidents. He stated he would reach out to him tomorrow with an answer.
7. **Fire Department** – Chief Wilkening continued on what Chief Fisher was saying. Public Works was amazing and the first officers on scene. He stated it was an emotional night. He stated they did have problems with dispatch. It went into backup mode and they were unable to decipher how many calls they had. At one time they were dispatched to a structure fire, gas leak, three power lines down, and a tree on a house. Those were all over town and they had to call upon mutual aid. St. John and Lake Dale helped to cover calls. A brief discussion continued on the prior evening. Chief Wilkening mentioned staffing at the new station. He asked if they could sit and discuss that soon. Mr. Parker stated he thinks they need to do that.
8. **Parks Department** – Mrs. Ray reported the Park Board was not supposed to meet in July. In June they decided to schedule a special meeting. They will meet on July 18, 2025 at 5:30PM. She stated she prepared and emailed her Superintendent's Report to them. Mr. Carnahan asked about the Kiwanis Park ribbon cutting ceremony. Mrs. Ray stated they finished Kiwanis Park and July 30, 2024 would be the grand re-opening at 9AM. The Chamber of Commerce will be there to help assist. She stated it is the first ADA

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playground in the community. They wish to celebrate the accessible, all ability playground.

9. **CBBEL Monthly Report** – Mr. Bunge reported the Cedar Lake Dredge, Dredge America is no longer on site. They will return in August to complete final demobilization of the project. Pay Application #8 was submitted to the Town of July 9th. It was not in the packet as it did not make timing requirements. It is in the amount of \$277,000. It will not be the final total. There will be final adjustments. Mr. Carnahan stated that amount covered 19,712 cubic yards through May 15th. Mr. Bunge stated that is correct. He stated it does not say there has been more material taken out since then. Mr. Carnahan stated by the Chamber mud is pouring through the drain tiles from across the street. Mr. Bunge asked if that was from the Sumara property. Mr. Carnahan stated yes. Mr. Bunge stated he does not know if there are storm structures over there that need to be addressed. Mr. Parker stated when you get rain like there has been, there is not much to be done. Mr. Kubiak stated every inlet in the lake has the same. Mr. Parker stated they have things to deal with storm water but not torrential storm water. Mr. Carnahan stated he spoke to Don on 133rd where they are going to raise the road up two feet, the ground is bad they will have to put pilings down because there is not enough of a base. Mr. Parker stated the road is built on a marsh. A brief discussion continued.

Mr. Recapito stated they would take a five-minute break at this time before getting into discussion items.

UPDATE/DISCUSSION

1. Purchase of used fire truck from Fire Services

Mr. Thiel reported he received a phone call from two Board of Safety members that they were made aware of a possible used fire engine at Fire Services. Mr. Thiel stated he went up there on Thursday with Norm Stick and Larry Nagy. They went over the truck with Matt Tims from Fire Services. After that he reached out to Julie and Bob and asked if they would like to go and inspect. Norm reached out to Nick Mager. They met up at Fire Service on Friday. They had some discussion on the vehicle. Nick Mager provided a five page report on the truck. They were supposed to be conducting a draft test today by the Chamber. Nick had concerns with the drafting and did not want to damage anything while it was in the Town's possession. Mr. Thiel stated he wouldn't want them to do a draft test. He spoke with Matt and forwarded him the list from Nick. He stated the price is right to him for the truck and the two Board of Safety members. It is understood it will need some stuff such as equipment. They are selling the truck for \$75,000. They were told if they equip it with them, it would be approximately \$80,000, but Fire Services would know the truck price down to \$60,000. The truck was in Munster and was most recently rented out to Hanna. He stated he reached out to Matt Tims this afternoon after he received Mr. Mager's report. Mr. Carnahan asked what year it is. Mr. Thiel stated it is a 1998 HME Pumper truck. Mr. Parker stated it is pre-emissions. Mr. Thiel stated they were going to share the maintenance logs with Nick for review. Mr. Carnahan asked how many hours or miles were on the vehicle. Mr. Thiel stated the odometer was replaced and they believe it is around 30,000 miles. He believes there were approximately 3,040 hours on it. He stated he has not yet received a response from Matt. Chief Wilkening stated Nick and Fred Seniw went to look at it and the truck needs a lot of work. He stated \$80,000 would not equip that truck. He's not sure what list they went off of. Chief Wilkening stated the air packs alone are \$40,000. Mr. Thiel stated they would need to sit together and figure out what is needed. He stated this would be considered a reserve truck. He stated with the new public safety building, they understand they will need more than one truck. He stated he understands sometimes things seem too good but he believes they should not pass up an opportunity. Chief Wilkening continued to voice concerns with the cost to repair items on the truck. Mr. Parker voiced concerns with trucks that have federal emissions on them. A lengthy discussion continued on the truck and potential repairs. Mr. Thiel stated some of this discussion started with the fact that the older truck that they have in someone's storage. It is not worth putting the money into that one. He stated he knows other communities, like Lowell, they convert the old trucks into a public works truck. He stated he believes it could work out well someplace in public works. Mr. Kubiak stated they could check it out. Chief Wilkening stated they were hoping to keep the truck in the department as an antique. Mr. Thiel stated he does not think they are in a position to collect trophies. Mr. Parker asked about the age of the old truck. Chief Wilkening stated it is a 1993. Mr. Thiel stated to keep insurance on it is a wasteful use of tax dollars. Chief Wilkening stated it is to preserve the history of the fire department. He stated the old timers will be down here standing in front of them and protesting. Mr. Thiel stated if they want to start a fund to pay for all of the expenses they can. Chief Wilkening stated they will not put any money in, they will keep it running. Mr. Thiel stated the fact of it being on site is a cost. Chief Wilkening asked him how. Mr. Thiel asked if they keep insurance on it. Mr. Austgen stated yes. Mr. Parker asked if it is usable. Chief Wilkening stated yes. They can use it but they cannot use it as a frontline

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pumper because it does not meet the NFPA standards anymore because it does not have an enclosed cab. Discussion continued on the 1993 truck potential repairs and use. Mr. Parker stated he feels like they need to rebuild older equipment to avoid the headaches of the region emissions system and/or if they go new, they avoid diesel and go with gas. Chief Wilkening stated his plan was to get the new truck that was ordered. They would take the other truck and take it to Fire Service and have them refurbish it. Mr. Parker continued to voice his concerns with emissions and the new trucks. Mr. Parker and Chief Wilkening continued to disagree. Mr. Thiel discussed the truck that was ordered in 2022, the L9 Cummins engine is being discontinued. The next available upgrade will be anywhere from \$65,000 to \$85,000 to go with the M12. He stated that is why they were looking at other units as far as pumper trucks. He stated some of the KME180s come standard with the M12. He stated his concern is that besides the emissions, the engine is discontinued on a vehicle they do not even own yet. He stated that is another discussion. Mr. Parker stated public works has tried to be pragmatic with stuff. He stated anything after 2007 is a maintenance nightmare. Mr. Parker and Mr. Thiel continued to voice concerns. Mr. Thiel stated more stuff needs to be done as far as testing and communication with Fire Services. He stated the reason it is on the agenda for today is for the Council to consider purchasing it if it does end up being something that they want to spend the money on equipping it. Mr. Parker stated they are not saying they are just going to buy the truck. They want to examine it. Mr. Thiel stated they want to give Fire Service a commitment so it does not get sold out from under them. Chief Wilkening stated this is new to him. He believes they should not cut corners on public safety equipment. Discussion continued on public safety equipment. Mr. Parker continued to discuss concerns with emissions systems. He stated the new truck they are looking at is a problem. It is a potential upgrade or something else. Chief Wilkening asked him if he meant cancelling the new truck. Mr. Parker stated potentially. Mr. Thiel stated it is not necessarily cancelling it but they need to have a discussion with Council and Sutphen on the fact the engine is being discontinued. He stated he discussed this with Dave a few times. He said to put together a committee to sit down with Sutphen to discuss the changes. Mr. Austgen stated that is his recommendation. Mr. Thiel said discussion needs to occur with Sutphen. Mr. Carnahan stated they need to see if they have bonding capability to purchase it. Sue mentioned they have the ambulance, fire truck, and street sweeper. Now they are throwing in the reconstruction of 141st. Chief Wilkening asked for direction. Mr. Thiel asked Dave to explain the process. Mr. Austgen stated he expected a committee would contact Sutphen and have a strong dialogue over specs, costs, time periods, contract terms, and the agreement that the Town signed. He would expect all of that to occur. Mr. Thiel stated it needs to be soon. Chief Wilkening asked who is going to do it. He stated if they want him to reach out to them to schedule a time, he would. Mr. Thiel asked if it was something that him and Mary Joan as Council Affairs could do. He asked for Dave's recommendation. Mr. Austgen stated it would be an easier discussion if less people are involved. The committee is a little smaller. Council Affairs would work. It is how they wish to handle it. Mr. Parker stated if they are going to spend that kind of money, they want to make sure they have something that is good long-term from a maintenance standpoint. Chief Wilkening stated he wants them to hear it from the manufacturer. Mr. Thiel asked for the timeline on when they should see the truck. Chief Wilkening stated September 2025. Mr. Thiel stated they are worried about backing out of a deal that was signed July 5, 2022. He stated they were supposed to take position 24 to 36 months after signing the letter. Chief Wilkening stated all trucks are three to four years out. Mr. Thiel stated they could get one in six months. Chief Wilkening stated it is not the same truck. A lengthy discussion continued.

Mr. Thiel asked Mr. Austgen for his recommendation on moving forward to get an understanding with Fire Services, that they would like to purchase it if it is something that is feasible. Mr. Austgen stated they need to take action in a public meeting if they are interested in the truck. They will make an offer to purchase it contingent upon clarification of the equipment, cost, and on condition upon resolving the Sutphen purchase. Discussion transitioned to an ambulance. Mr. Parker stated if they are going to buy a new ambulance gas is the way to go. Mr. Thiel stated it has to be gasoline and it has to be four-wheel drive. Chief Wilkening stated the township is treacherous at times. Mr. Thiel stated they do have smaller boxes on some ambulances. You can go with an F350. He stated he does not like that idea. He discussed the strength of the frame. He stated those are discussions they have had knowing they have to purchase an ambulance as well. A lengthy discussion continued.

A motion to purchase the 1998 HME fire truck at Fire Service contingent on the clarification of equipment costs and resolving the Sutphen purchase was made by Greg Parker with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

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2. Bond – Fire truck ambulance and street sweeper

Mr. Carnahan asked if they should add the reconstruction of 141st. Mr. Thiel asked if that can be combined with an equipment purchase. Mr. Recupito stated he is unsure if they were going to make a motion. It is a discussion item. Mr. Parker stated he does not know that they need to take action on this tonight. Mr. Thiel stated he agrees but they do need to come up with a cost of an ambulance. Mr. Carnahan added that Sue was going to work with Jen and Corby. Mrs. Haase stated yes. Mr. Parker asked if anyone has spec'd one out yet. Mr. Thiel stated nothing in the form of a proposal. Mr. Parker asked if they needed specs. Mr. Austgen stated they do need specs. Mr. Thiel stated they made a suggestion that some communities have been going to smaller units. Mr. Parker asked if they needed specs if they find something on the ground somewhere that they can buy. Mr. Austgen stated no. Mr. Thiel stated they do have but he does not know if he liked the used one. A new one can be available soon. Mr. Thiel stated an ambulance starts to get pricier when it gets to the lift. The power cot and power loader are only good for so many years. Chief Wilkening stated they have to have a maintenance agreement on those. Mr. Parker stated they will probably buy another ambulance in the near future. There are three ambulances over there now and there was talk of selling one. Chief Wilkening stated they have a third ambulance that they need to replace. Mr. Parker stated he is not in favor of getting rid of an ambulance. He is in favor of purchasing an ambulance and keeping two at that fire house and two at this new one. He stated that way they wouldn't have to rely on mutual aid. He discussed having equipment at both fire houses. Chief Wilkening discussed the costs to keep the third ambulance running. Mr. Thiel stated Norm is in agreement on the ambulance that the cost to repair the old ambulance may exceed what they want to do on it. Mr. Parker stated they need to verify that with an inspection. Mr. Thiel stated Fire Service did. They are telling them no. Chief Wilkening discussed the costs to maintain the equipment and tools within the ambulance to keep it in service. Mr. Parker stated going forward, Todd will have to think more conservatively. They have more they have to take care of. It is going to be that way for the foreseeable future. Chief Wilkening stated he does not have a problem doing that. He stated he needs the direction. Mr. Parker stated nothing is etched in stone. They are brainstorming. A lengthy discussion continued on ambulances. Mr. Recupito asked Tim if he would be handling the street sweeper. Mr. Kubiak stated they have gotten several estimates. As soon as they have potential funding, they could. Mr. Recupito asked as far as the dollar amount of what they can get for a general obligation bond and what they can afford. Mr. Kubiak stated they were up to the \$225,000 to \$250,000 range. It was depending on what they ended up going with. Mr. Thiel stated there has been a lot of other discussion Mary Joan and him have had with Jennifer as far as funding sources. Everything under the sun besides bond stuff. He stated this is just for discussion right now. Mr. Carnahan stated there is the potential for getting a grant for a street sweeper. Mr. Recupito asked about the lead time on a street sweeper. Mr. Kubiak stated they have looked at a couple in the past. There were demo units available but they have waited. He stated they looked before but there are a lot of things to consider. Mr. Thiel stated this issue has had enough discussion. With the fact Jen is not here, nothing will be set in stone in the next two weeks. He asked for it to stay on the agenda for the next meeting. He stated Jen told them to come up with a list of what they are wanting. No quotes are done yet. Right now, is just discussion.

3. Garbage increase

Mr. Recupito discussed the contract they are in right now. Folks are paying \$20 per month for the residential garbage pickup. He stated there was an increase in the fees on June 1, 2024 that Republic Services charges the Town. They are running a deficit. They are spending more than they are taking in. He stated it is approximately \$10,000 a month. That is why the Council is considering raising the garbage rates. Mr. Parker stated they have to raise the rates. They need to figure out what that number is. Mr. Thiel asked if anyone had the chart. Mr. Carnahan stated he did. Mr. Recupito asked if it was the one from Jennifer. Mrs. Dickson asked if it is a new contract. Mr. Recupito stated it is the current one they are in. Mr. Thiel stated he had issues finding the email on his phone. He stated he believed it needed to go to Rate C. Mr. Recupito stated he was trying to pull up the email from Jennifer. He stated there were three comparisons. Rate C was \$20.75, Rate B was \$21.12, and Rate A was \$21.36. The suggestion was Rate A of \$21.36. He stated they need to keep in mind that each year from here on out on through the end of the contract there will continue to be an increase on what Republic charges. Mr. Thiel stated it was Rate A. Mrs. Haase added they have the ability on the contract to as it is a five-year contract with an additional year option. That is why the chart includes the period including June 1, 2026 through May 31, 2027. She added the dollar amount will go up on that. The analysis has additional in Rate A, with the allocation of some of the billing costs to calculating the rate. She stated they looked at the monthly billing. 50% of the revenue is billed to sewer, 20.57% is for water, 15.56% for trash, and 13.86% is for storm. Currently, trash pays no expenses for billing or anything else related. They are the third in the pecking order. Storm contributes a lot more but is the last one for the revenue generated. Mr. Thiel asked if it would be a \$1.36 increase. Mr. Recupito stated it would

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be the \$1.36 increase for the period of August 1, 2024 to May 31, 2025. He stated the public should know that surrounding communities are paying more. Someone stated Schererville is paying \$28 a month. He stated they are able to ride out the current contract and save the ratepayers some money. Unfortunately, it is something that has to be raised each year as they are losing money. They will eventually run out of money. Mr. Recupito asked Mr. Austgen about what needs to be done for an increase. Mr. Austgen stated there has to be a public hearing followed by reading of the ordinance. Mr. Parker asked if it could be ready for the next meeting. Mr. Austgen stated he needs the schedule. Mr. Thiel stated he would send the email from Jen. Mr. Recupito stated he believes it would be wise to have it projected out for the next two or three years instead of having to revisit it again next year. Let's just say here is what it is going to be through the end of the contract. Mr. Parker asked if they could graduate it. Mr. Austgen stated yes. Mr. Recupito stated that way they know what the rate is going to be each year through the end of the contract. A brief discussion continued. Mrs. Haase reminded them that the third year is the optional year. They will have to indicate that they will pick up the optional year sometime during the period of June 1, 2025 through May 31, 2026.

4. Gazebo and sundial locations

Mrs. Dickson stated Jen is not here to discuss the funding of it. She stated she would like to propose moving the sundial to where the gazebo was. She stated it is not a great location. She discussed making sure there is an outlet there. She discussed moving the gazebo down by the Yacht Club. She stated electric from the Summerfest pole could be run. She stated that way someone can use the gazebo to get married. She stated right now no one is going to use it because of the traffic. She stated she would like to talk to Jen about the funding for the movement of it and the reconstruction from the insurance money. Mr. Parker asked if there was a new location for the gazebo. Mr. Thiel stated not yet. His thought was the Parks is going through master planning. Mrs. Dickson stated this park site is not included. Mrs. Ray stated they are still waiting for feedback on questions. Mr. Thiel stated that adds to the discussion. If they were, he would like to see more involvement in the discussion of a location. He would like more thought and discussion. A brief discussion continued.

PUBLIC COMMENT

Kevin Toth, Hanover Township Trustee – 13333 Parrish Ave, he added to the conversation on the fire equipment discussion. He stated he agreed that shutting down the current station would be a bad move for the entire town. They would be extending call times. He asked for them to include his office in the discussions on equipment. He stated they have discussing themselves. They are getting to the point that they have money available. He stated he owns the fire engine and tanker. They talked about doing some things with that to maintain it and keep it running for a few more years. Mr. Parker stated that is probably the direction they will want to go. They are available to do that. He stated he has looked into buying another truck. He stated they are close to having the cash to be able to do that. He stated maybe they could buy an ambulance. He will need to talk to his board. Mr. Parker stated they are having to equip and staff a firehouse in Center Township. He asked if the Hanover Township funding just go for the Hanover Township side or can they cross township borders. Mr. Thiel stated they do on calls anyway. Mr. Toth stated they are using the engine right now for everyone. Same for the tanker. A lengthy discussion continued on equipment needs and future conversations for planning.

Kevin Toth, 9725 B 129th Place, recalled the conversation on the bonds earlier and the interest earned. He stated he does not know how they feel but they made profit on the bonds. He believes it should go back to repay the bonds not to buy extra things. Mr. Recupito asked Sue what the money can be used for. Mrs. Haase stated the limitation is once it is spent, it is gone. You do not want to use it for operational purposes. What the majority of entities do use the interest earned on is specific to police and specific to fire in the amounts that have to stay because that is what the bonds were issued for. Mostly it is capital items. She stated they can use it to buy equipment. She stated her and Jennifer discussed utilizing it for the next round of equipment leases. Mr. Parker asked if it could be used to pay down the bond. Mrs. Haase stated she would have to check on that. She would have to check the language in the bond. She does not know if it is possible. Mr. Toth stated it seems like a scheme to him that there is extra money. He stated they used the taxpayer's money to earn interest. Mr. Austgen stated that is not correct. They estimated what the cost of the project would be. That number the then Council acknowledged as the engineer estimate of probable cost for the project. The interest rate increases were unforeseen and that is why what happened here happened by way of accumulated interest. He stated had they known 5% interest would be the return on investment money they would have computed that and reduced the amount of principle raised in the bond issue and only raised what they needed to raise. That is how that works. Bond counsel signs off on it and the financial advisor signs off on it, and bond purchasers are looking at it. Even with all of that, they have an arbitrage item. They are going to segregate those funds and return them. Mr. Toth stated they should return it to the taxpayers and pay it on the bonds. Mr. Austgen stated it is way to easy to say that. There's a lot involved. He knows that. It makes it look like somebody did something wrong. Nobody did anything wrong. You may not like the project but in terms of the financing, no one did anything wrong. Mr. Toth

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continued to voice his opinion that the project should be paid off and not used to buy extra things. Mr. Austgen stated maybe that will happen. Mrs. Haase stated they have call parameters on the bonds too. They may not be able to do it for several years. A lot of times you can get a lower interest rate on bonds when you do not call them early. Once the bonds are in place, they are in place. The only time they can be paid early is if they reach the call date. She stated she would look at see what the parameters are. She stated she would have to review. They were shorter term bonds.

ADJOURNMENT President Recupito called the meeting to adjournment at approximately 11:00 PM.

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

Robert Carnahan, Ward 1

Julie Rivera, Ward 2

Nick Recupito, Ward 3

Chuck Becker, Ward 4

Greg Parker, Ward 5

Mary Joan Dickson, At-Large

ATTEST:

Richard C Thiel Jr., At-Large

Jennifer N. Sandberg, IAMC, CMC, CPFIM
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 section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.