

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



February 4, 2025

**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	Nicholas A. Recupito Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMCA, CMC, CPFIM Clerk-Treasurer	
Present	Chuck Becker Council Member	Ward 4	Absent	Jeff Bunge Town Manager	
Present	Greg Parker Council Member	Ward 5	Present	David Austgen Town Attorney	

PROCLAMATION - February 15th SRO (School Resource Officer) National Appreciation Day Chief Brittingham thanked the Council for giving them the moment. He recognized Sarah, Administrative Assistant, for putting this item together. Chief Brittingham stated February 15th is National School Resource Officer Appreciation Day. He stated they have two full-time SRO's, Dave Moake at the middle school and Dustin Corbin at the high school. They are very important positions and they are well received and liked. He stated it is not an easy job. He stated they have part-time SRO's. He stated you must go to training and be certified to be an SRO. He stated they have eleven that are certified. He recognized Sergeant Moake, Sergeant Kilgore, Sergeant Miller, Corporal Allande, Corporal Sulski, Corporal Pennington, Officer McDowell, Officer Corbin, Officer Meyer, Officer Dills, and Officer King. He stated not all are present tonight but he wanted to recognize them and thank them. He stated it is a special thing. President Recupito read the proclamation into the record.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** January 7, 2025
- 2. Claims:** All Town Funds: \$392,765.41 Wastewater Operating: \$180,139.31; Water Utility: \$103,032.16; Storm Water: \$76,780.40; Payroll: (1/30/25 & 1/31/25) - \$313,308.82.
- 3. Conflict of Interest - Kubiak**
- 4. Donations:** Fire Department – Golf Cart

Mr. Thiel asked about the title for the trailer and asked if the donation included the golf cart and trailer. He wanted that clarified. Mr. Carnahan asked if they had titles for both. Mr. Thiel stated Jennifer stated she would get with Margo to check with the BMV and see if anything extra was needed. Ms. Sandberg stated yes. They trailer will need to be registered. They are checking on the golf cart and will make sure they have all the proper paperwork to insure. A motion to waive the reading of the minutes and approve the consent agenda as listed was made by Richard Thiel with second by Greg Parker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

BZA/PLAN COMMISSION

1. Waiver of Moratorium request and water/sewer hookups for 10708 W. 133rd Place

Nathan Vis, on behalf of M&L Adventures LLC, stated they were previously before them requesting a waiver of the moratorium on developments over one acre and the subsequent moratorium prohibiting developments with high water usage. He stated they had asked for more information to go to the consultant. He stated it is his understanding that they have received a review. That review is favorable. The consultant indicated it was positive to get some movement on the 15-inch water main. That would help with disallowing the water to be stagnant right there. He stated he spoke with Town Officials and Mr. Austgen. They are still working towards some parameters on what high water usage is. He stated he would certainly concur with that. His client wants responsible development. Discussion continued on potential businesses and water usage. He stated his understanding is they can move forward this evening subject to the development and subject to further approval from the Town as they move forward with Plan Commission development. Mr. Austgen stated that is exactly what they talked about. There will also be supplemental agreements in the PUD project plan with a development agreement that will encompass this definition and objective criteria. Mr. Recupito stated with the

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

discussions being had and the understanding that if this does get a favorable nod, it would move on to the Plan Commission. That is where the jurisdiction would be over the uses and vetting the water situation. Mr. Austgen stated it does not get where it needs to be unless it gets past them tonight or subsequent to tonight. Mr. Recapito asked Mr. Austgen if his recommendation, if a motion is made, is contingent upon what. Mr. Austgen stated contingent upon all land use approvals being approved and received. He stated it is a PUD. They can look at the ordinance and see what that entails. Mr. Carnahan stated he spoke with Rich today and asked him to talk about water flow. Mr. Thiel discussed an email received from Kevin Baldwin at Christopher B. Burke Engineering. He stated the email will be forwarded to the Plan Commission and that is where it will be vetted more. Mr. Carnahan asked him if this would help the discoloration in the water. Mr. Thiel stated that is basically what Mr. Baldwin is saying. It is going to help with water quality in the area because of the fact that it is a 16-inch water main. Mr. Austgen stated the types of uses and the gallons per day demand as well as the February 4th communication should be part of the record. That is going to be the beginning of the identification of objective criteria. He advised that the letter be in the record. Mr. Recapito confirmed he meant the February 4th email.

A motion to approve with the attorney's recommendation that all land use approval be received and approved as well as include the letter from Kevin Baldwin dated February 4th in the record was made by Richard Thiel with second by Mary Joan Dickson. Mr. Austgen noted that Mr. Baldwin is the primary water utility engineer for the Town. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 7 – 0.

ORDINANCES & RESOLUTIONS

1. Town Manager Position Amendment Ordinance No. 1510

Council Member Parker read Ordinance No. 1510 by title only. Mr. Recapito stated this is an updated Town Manager job description ordinance.

A motion to approve the first reading of Ordinance No. 1510 was made by Mary Joan Dickson with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 7 – 0.

A motion to suspend the rules and allow for a second reading was made by Richard Thiel with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 7 – 0.

Council Member Parker read Ordinance No. 1510 by title only.

A motion to adopt Ordinance No. 1510 was made by Chuck Becker with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 7 – 0.

NEW BUSINESS

1. Affirm and Appoint the new Chief of Police, Mr. John Gruszka

Mr. Recapito stated with this recommendation they would have to instruct the attorney to draft a one year contract.

A motion to affirm and appoint John Gruszka as Chief of Police and instruct the attorney to draft a one year contract was made by Richard Thiel with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 7 – 0.

2. Nipsco Hager Substation - 10501 W 133rd Avenue

Mr. Parker stated they are doing upgrades. Mr. Kubiak reported that NIPSCO was looking for their confirmation that a one-lot subdivision would be required for the site. At the Plan Commission, it was asked of them to create a one-lot subdivision due to the fact they are adding property to the existing parcel and redoing the entire site. This will clean it up and create one legal lot of record before moving forward with the upgrades. He stated they are disputing with Christopher B. Burke that a one-lot subdivision is needed. They are looking for them to affirm what the Plan Commission decided. Mr. Kubiak stated they are adding quite a lot to the property. They do require that a legal lot of record go through the one-lot subdivision. Mr. Recapito asked what the action item was. Mr. Austgen stated there is a debate going on between the engineers, staff, and NIPSCO. It is concerning the authority NIPSCO claims it has under the administrative rules of the

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

Indiana Administrative Code to supersede local land use requirements. Mr. Austgen continued to discuss the difference of opinion. Mr. Carnahan asked his opinion. Mr. Austgen stated his opinion is it depends how much fight they have in them. He stated NIPSCO will do what they think they need to. He believes they should be entitled to the benefit of their land use approvals as validated by the United States Supreme Court. NIPSCO claims it has administrative rights from the general assembly and that they do not have to listen. Mr. Carnahan discussed what the engineer said. Mr. Austgen stated Mr. Kubiak is spot on with describing the custom and practice of the Town. He stated the problem becomes the interpretation between NIPSCO and the engineer. He stated Mr. Oliphant suggested a legal opinion be written. Mr. Austgen stated he is glad he did not write it yet. He stated he did not know what the timetable was for the project. Mr. Kubiak stated they were talking about doing it in 2026. Mr. Austgen stated sometimes the best method is to see what they can negotiate. Mr. Recupito confirmed what they are considering. Confirming that NIPSCO must go through the one-lot subdivision process. Mr. Austgen stated he would construe it that way based upon discussion. He is not certain why it is on the agenda. They either have custom and practice that they follow or they do not. Perhaps send staff back to work with the NIPSCO issue. He asked if Don was directly involved. Mr. Kubiak stated yes, in the first review of their plan. Discussion continued on the requirement for a one-lot subdivision.

A motion to defer 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.

3. Steuer/Oliphant - 13941 Morse St: Petitioner is requesting a waiver from the Developmental Moratorium for a One Lot Subdivision

Mr. Thiel stated back in the spring of last year, north of the Shades project, there was an easement needed for drainage. It is approximately 120 feet by 15 feet. During that time, there were several conversations with the landowner and Don Oliphant as far as working an agreement. In lieu of the easement, they would clean up the lot with a one-lot subdivision instead of going through the appraisal process. All the documentation is included in the packet. Mr. Thiel clarified that there is no development. It is only a one-lot subdivision. In no way does it give them any right to go and start developing. A brief discussion continued.

A motion to approve was made by Richard Thiel with second by Greg Parker. Mr. Thiel stated this will now go to Plan Commission and follow the normal process. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

UPDATE/DISCUSSION

- 1. Y25 Master Plan Update Proposal** – Mr. Recupito stated this was placed on the agenda but Mr. Bunge is out. He would rather have him present to discuss the item. Mr. Carnahan stated he did not want to discuss this particular item but he has had discussion with Mary Joan Dickson regarding updating items. He asked her if she wanted to discuss what she would like to see. Mrs. Dickson stated sometimes they lose items that they need to update like the Summerfest contract. Mr. Recupito stated they could get input from the Council for the next agenda.

REPORTS

- 1. Town Council** – Mr. Carnahan stated the Chamber of Commerce will be having their first luncheon next Tuesday, February 11th at noon at Harry O's. It is open to the public. Jeff Bunge will be the speaker. Mrs. Dickson stated for clarification, the gazebo was destroyed during a wind storm. It will be relocated to the north end of the park. It will have electricity that will be from the electric pole that the Summerfest put in. It will have electric for lights and music. Mrs. Dickson reported the Heart & Soul met on January 25th. It was well attended with just under 60 people. The Legacy Foundation staff was present as well as the national staff for Heart & Soul. The community is the first in the State to receive the \$80,000 grant. She discussed participating and volunteering. Mr. Thiel asked if they wanted to have comment on Department Heads being present at the second meeting. He stated today they did have input from Mr. Kubiak. He discussed the first meeting being on an as needed basis. Discussion continued on the matter.
- 2. Town Attorney** - Mr. Austgen stated they have a request from Mr. Jager of 13416 Cedar Street for an extension of water supply. He was present a few months ago. There is a 1-inch water line extension request. It is from the north side to the south side. He needed to

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

get a legal description of the Town's portion of the right of way as well as survey to show the easement. That is done. This item is ready to be acted on. Mr. Recupito asked if it was a tap. It was stated it is an easement. A brief discussion continued.

3. **Clerk-Treasurer** – Ms. Sandberg reported it has been a busy first month. W2's have been completed as well as 1099's and the 100R Report. The Lake County Solid Waste Annual Report was completed and submitted. The South Shore Convention & Visitors Authority Annual Report was completed and submitted. The Annual Video Franchise Fee Report was completed and submitted. Quarterly reports for grants and NIRPC projects are due. It is time to complete the Annual Financial Report as required by the State Board of Accounts. It is an in depth report regarding the Town's finances.
4. **Town Manager** – No report.
5. **Director of Operations** – Mr. Kubiak stated Public Works made it around town and got 52 bags of garbage picked up from along the roads.
6. **Police Department** – Chief Brittingham thanked the Council for their time and effort in the search for a Police Chief.
7. **Fire Department** – Mrs. Dickson asked Chief Wilkening about the upcoming food drive. She stated it was going to Hanover Township. She asked if they ever thought to donate to the food pantry on the east side of the lake. Chief Wilkening stated they donate to the food pantry all the time on that side of the lake. He stated at one point in time that food pantry got a lot more attention. He discussed it being a union project and discussed the needs of each pantry over the years. Mr. Carnahan discussed the volunteers at Project Love Food Pantry being upset they are not being taken care of. He stated the vast majority of people they take care of are in Cedar Lake. Chief Wilkening stated he was sorry to hear they are upset. A brief discussion continued.
8. **Parks Department** – Mrs. Ray reported they are closing in on the master plan. They are trying to get a meeting for the final public engagement. That will be scheduled in March. The Indiana Department of Natural Resources will be looking over any edits from that meeting and providing a final plan that will come before them for final adoption. Mr. Carnahan asked her to discuss the rain barrels. Mrs. Ray stated the rain barrels are available through UpCycle. It has been an initiative in town for many years. There is the opportunity to purchase rain barrels and composters. The link is on the Parks website. Sales continue through the end of the month.

PUBLIC COMMENT

David Crane, 14629 Dewey Street, stated he had a packet to share with the Council. He stated he was here tonight to respectfully ask the Town Council to conduct a study on the police staffing. He stated he has provided information from the justice department that he believes will assist them in the study. He stated he has also provided information from the FBI. It shows that most departments have 2.3 officers per 1,000 residents. He asked them to include his packet in the public record.

Richard Cribari, 13940 Hobart Street, and Adam Minick, 13930 Hobart Street, spoke on the condition of Hobart Street. Mr. Cribari stated it is in deplorable condition. It is filled with potholes. He stated people do not want to visit because of the street. It is terrible. He stated he has a sick wife that he has to take to appointments. He continued to voice concerns with the road. Mr. Cribari asked Mr. Carnahan to take a drive there. Mr. Carnahan stated they are going to do those roads. Mr. Cribari asked about patching in the meantime. Mr. Carnahan asked Tim if he could take care of that. Mr. Kubiak stated they are out there but the road is gone. Mr. Becker stated they cannot do much with the weather. Mr. Minick stated he spoke with Mr. King and they stated the Council is the hold up. Mr. Becker stated they just approved the project this year. Mr. Recupito stated the road project should be kicking off in the next few months. Mr. Minick voiced concerns with being unable to get information. He stated the road is gone. Mr. Recupito stated it is a total reconstruction project. Mr. Cribari and Mr. Minick continued to voice concerns with the road. Mr. Cribari voiced concerns with not getting a return phone call from the Town Manager's office. He asked about patching more until the project. Mr. Recupito asked Tim if it was worth taking a look at. Mr. Kubiak stated they are out there pretty regularly. They have done cold patch and put millings down. It needs to be redone. Discussion continued on the state of the roads in the area. Mr. Carnahan stated they applied for a community crossing grant. They have to match it and they will be working on those roads. Mr. Minick stated they have been hearing that for years. Mr. Carnahan stated it is record. Mr. Parker stated it is in play right now. It will happen this year. A lengthy discussion continued on the upcoming project and patching in the meantime. Mr. Cribari discussed a yellow house on Hobart Street that is unsafe. Mr. Thiel stated he believes that is on the list to come down. Mr. Cribari thanked them for the opportunity.

Thomas Ostrowski, 4010 Rollingwood Court, asked for clarification on what they did tonight. He stated they hired a new Police Chief and then they asked the attorney to draw up a contract for one year. He asked is that not backwards. He stated usually they have the contract drawn up first and then present it to the members to review and make sure it is what they want. He stated and then vote on it. Mr. Recupito asked Mr. Austgen for input. Mr. Austgen stated it is up to them how they want to do it. Mr. Ostrowski voiced concerns with the action that occurred with hiring.

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

Mr. Austgen stated the individual was not hired until the contract is signed. Mr. Ostrowski disagreed. A brief discussion continued.

ADJOURNMENT President Recapito called the meeting to adjournment at approximately 8:05 PM.

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

Robert Carnahan, Ward 1

Julie Rivera, Ward 2

Nicholas A. Recapito, 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, IAMCA, 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

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

Jennifer Sandberg

From: Margo Nagy
Sent: Tuesday, March 4, 2025 10:44 AM
To: Jennifer Sandberg
Subject: FW: Please Forward to Mr. Baldwin for His Review - Thanks!

From: Rich Thiel <rich.thiel@cedarlakein.org>
Sent: Tuesday, February 4, 2025 5:10 PM
To: Margo Nagy <margo.nagy@cedarlakein.org>
Subject: Fw: Please Forward to Mr. Baldwin for His Review - Thanks!

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Kevin Baldwin <kbaldwin@cbbel.com>
Sent: Tuesday, February 4, 2025 4:44:47 PM
To: Kirsten Smith <ksmith@cedarlakein.org>; Nick Recupito <nick.recupito@cedarlakein.org>; Rich Thiel <rich.thiel@cedarlakein.org>; Jeff Bunge <jeff.bunge@cedarlakein.org>
Cc: Ryan Kuiper <ryan.kuiper@cedarlakein.org>; Brandon Szamatowicz <brandon.szamatowicz@cedarlakein.org>; Tim Kubiak <tim.kubiak@cedarlakein.org>; doliphant@cbbel.com <doliphant@cbbel.com>
Subject: RE: Please Forward to Mr. Baldwin for His Review - Thanks!

External Email

Hi All,

Upon the assumptions provided for demands to this development, the approximate average daily demands are:

- 1x Pole Barn 2 GPM
- 4x Retail / Offices 4 GPM
- 1x Restaurant 5 GPM
- 2x Drive Through Businesses 5 GPM
 - TOTAL = 16 GPM Average Daily Demand for the full build out of the site.
 - Approximately 23,040 gallons per day

With no planned irrigation surge demand for the site, it appears to align with the initial minimal flow projections compared to the rest of the West Side water system. I have no objections to the proposed improvements.

It is recommended to revisit the water demands as new site plans and sequencing of construction come to light.

As stated previously, more demand in this location of the water system improves the water quality and turnover rate of the larger 16" WM located on 133rd.

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

Please let me know if you have any questions or need anything else.

Thank you,
Kevin

1

Kevin W. Baldwin, PE
Mechanical Engineer
Christopher B. Burke Engineering, Ltd.
9575 W. Higgins Road, Suite 600 Rosemont, IL 60018
Phone: (847) 823-0500 Fax: (847) 823-0520
E-Mail: kbaldwin@cbbel.com

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From: Kevin Baldwin
Sent: Thursday, January 23, 2025 1:43 PM
To: Kirsten Smith <ksmith@cedarlakein.org>
Cc: Ryan Kuiper <ryan.kuiper@cedarlakein.org>; Brandon Szamatowicz <brandon.szamatowicz@cedarlakein.org>; Tim Kubiak <tim.kubiak@cedarlakein.org>; Donald Oliphant <doliphant@cbbel.com>
Subject: RE: Please Forward to Mr. Baldwin for His Review - Thanks!

Thank you Kirsten.

My initial reaction is this is minimal flow projections but useful for the current system. The positive aspect of having the more demand in this location provides a better turnover rate of the larger existing 16" WM located on 133rd thus improving the water quality in the area.

I'll review more in depth later today / tomorrow.

Kevin

Kevin W. Baldwin, PE
Mechanical Engineer
Christopher B. Burke Engineering, Ltd.
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**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
MINUTES OF THE TOWN COUNCIL**

From: Kirsten Smith <ksmith@cedarlakein.org>
Sent: Thursday, January 23, 2025 8:24 AM
To: Kevin Baldwin <kbaldwin@cbbei.com>
Subject: FW: Please Forward to Mr. Baldwin for His Review - Thanks!

Good morning,
It was requested that this information be passed onto you. Thank you.

Very Respectfully,

2



Kirsten Smith
Administrative Assistant to the Town Manager
Telephone: (219)374-7400 x 1310
7408 Constitution Avenue | PO Box 707
Cedar Lake, IN 46303
Website: www.cedarlakein.org

From: Nathan Vis <ndv@nvislaw.com>
Sent: Thursday, January 23, 2025 7:16 AM
To: Kirsten Smith <ksmith@cedarlakein.org>; Jeff Bunge <jeff.bunge@cedarlakein.org>; Terrence Conley <tconley@cedarlakein.org>; Nick Recupito <nick.recupito@cedarlakein.org>
Subject: Please Forward to Mr. Baldwin for His Review - Thanks!

External Email

All -

Find attached overview per conversation two nights ago. Please confirm receipt and passing along to Mr. Baldwin for his review.

Thank you,

N

Nathan D. Vis, Esq.

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