

**New Carlisle Town Council**  
**124 E. Michigan Street, New Carlisle, Indiana**  
**General Meeting – January 11, 2011**

President Higgins called the meeting to order with Vice President Colpitts, Council Member Groves, Council Member Gelow, Council Member Vojtko and Clerk-Treasurer Sue Moffitt present. Also in attendance were Jack Mell, Josh Schweizer, Chris Antonucci, Mary Ann Swope, Tom Baker, Steve Hora, Ken Davis, Jill Doll, Candie Drake, Jeff Roseboom, Davy Doll, Bob Middlebrook and Joyce Forbes.

The meeting was opened with the Pledge of Allegiance.

**Appointment of Commissions**

President Higgins feels that this subject has caused much angst among employees. However, review of the Town Code Book clearly reveals that it is the responsibility and decision of the Council President to make these appointments. She has been in the position many times to make decisions of this nature and many times they were not popular.

President Higgins stated that her feeling is that these commissions should change yearly so that no one becomes overly involved with one department. She stated that council members are the people that taxpayers can go to with their concerns, questions and complaints. She believes that some have gotten too involved in the day-to-day running of their commissions and that when you trust employees you must step back and allow them to do their jobs.

Commissions were appointed as follows:

Dana Groves	Parks & Cemetery
Steve Vojtko	Police, Fire & Ambulance and also Council Appointee to the Library Board
John Gelow	Streets and Sidewalks
Ron Colpitts	Utilities and Council Appointee to the Area Plan Commission

President Higgins had previously spoken to each Council Member who had, without exception, been supportive of any appointments that she might choose to make.

**Minutes**

Council Member Groves moved to accept the minutes of the December 20, 2010 General Meeting as written. Seconded by Vice President Colpitts, the motion passed 3-0. Council Member Gelow and Council Member Vojtko abstained.

Council Member Groves moved to accept the minutes of the January 4, 2011 Special Meeting and Public Hearing as written. Motion seconded by Council Member Vojtko and passed unanimously.

**Recognition of Visitors**

President Higgins welcomed the new Hudson Township Trustee, Joyce Forbes, to the meeting. Mrs. Forbes said that as a newly elected Trustee, she met with her Advisory Board for the first time today. They reviewed the draft of the Fire and Ambulance Service Agreement and were all in favor of it as

written in its rough draft form. She thanked the Town Council and the Olive Township Trustee for the continued efforts to reach an agreement to continue to provide fire and ambulance service to Hudson Township.

Andrea Halpin stated that when complete, the final document will be provided to both Olive and Hudson Townships. Joyce Forbes asked that one correction be made to the draft as Hudson Township boundaries are solely in LaPorte County and do not extend into St. Joseph County.

Vice President Colpitts thanked Joyce for all of her work on the project as well, stating that it was a pleasure to work with her.

### **Employee Reports**

Jason Quirk

- President Higgins asked for Jason's recommendation on the requested reimbursement to Kate O'Connor's Pub in the Council packets.

Jason stated that he recommends that Kate O'Connor's be reimbursed the \$665.25 cost for replacement of a touch screen monitor although all precautions were taken and we are unable to determine absolutely that this was caused by the Town

Vice President Colpitts motioned to reimburse Kate O'Connor's \$665.25 for the touch screen monitor. Seconded by Council Member Groves, the motion passed unanimously.

Tom Baker

- Asked if the Council would like to proceed with exploring the possibility of adding one additional full time officer to the Marshal's Department.

President Higgins stated that she feels that approximately one half of the cost of the additional officer should come from the current Marshal's Department budget.

This was tabled until the January 25<sup>th</sup> meeting to allow Tom to prepare definitive figures.

Andrea Halpin

- Reports that she has been in trial and has not had time to complete the requested changes to the building inspector contract.

Vice President Colpitts motioned to extend the building inspector's contract with Bob Middlebrook with current provisions pending completion of the new contract. Seconded by Council Member Gelow, the motion passed unanimously.

Josh Schweizer

The fire department is looking into the replacement of the treadmill in their training facility. This is the most utilized piece of equipment. He has spoken with several companies and has

received the best quote on a light commercial grade 2010 model and asks Council approval to spend \$3400 from the fire department budget for its purchase.

President Higgins questioned the difference between commercial and personal treadmills. Josh explained that personal treadmills are made for use by one or two people while the light commercial treadmill is made for use by multiple people.

Josh stated that all of the equipment in the training facility has been donated except for the treadmill. The FD currently has a wellness program in place to encourage firefighters to stay fit and healthy and the treadmill use is a part of that program.

President Higgins asked for the opinions of council members.

Vice President Colpitts stated that he feels that taxpayer dollars for exercise equipment may not be the best use of those monies and suggested that possibly fund raiser monies could be used.

Josh stated that the City of South Bend has a fantastic training facility and taxpayer money is used for it.

Vice President Colpitts stated that he cannot justify how another Council spends their money. Further, he does feel that the fire department needs the treadmill.

President Higgins questioned the availability of the workout facility for others.

Josh stated that when the three governmental entities agreed to purchase the existing treadmill, employees of the town were allowed to use the facilities.

Council Member Gelow asked what the money from the fireman's ball and poker nights is used for.

Josh stated that \$15,000 of the money raised over the last three years has been put into CDs to put toward the purchase of a new command vehicle.

Chris Antonucci stated that they will pay \$3,000 for the treadmill and the Town can pay the \$15,000 for the command vehicle.

Steve Hora stated that the command vehicle has always, at least for the last two purchased, been paid for by the fire department through fund raisers, etc.

President Higgins asked for Council input.

Council Member Groves stated that the old one was used for a long time but \$3400 is a lot of money.

Council Member Vojtko stated that he would vote no at this time but he does not know the background or budget as he is the new appointee.

Vice President Colpitts stated that he feels that taxpayer money should go for firefighting.

President Higgins tabled the treadmill purchase until the January 25<sup>th</sup> meeting.

Steve Hora stated that the most important piece of firefighting equipment is the firefighter and a fit firefighter is extremely important.

Josh Schweizer stated that the firemen are required to fit a certain criteria as far as their physical ability.

Carol Middlebrook stated that there are firemen that use the workout equipment that can not afford to buy their own and they need to use the equipment.

Chris Antonucci

- With Governor Daniels' local government reform initiative and the possible removal of township trustees he asks the Council to research options and see what could result should this happen.

Vice President Colpitts stated that the Town needs to talk about a contingency plan. The Olive Township Trustee does not think anything will happen but he feels that this is very important and we must be prepared. There are experts on fire territories and he suggests that the Town have some informed individuals, possibly Paige Gregory of Umbaugh, present information. They might also look into having legal experts speak as well.

President Higgins appointed Council Member Vojtko and Vice President Colpitts to co-chair a fire territory committee to explore options. She asked that they bring tentative dates and committee members to the January 25<sup>th</sup> meeting.

Roger Nawrot

- Met with Anne Mannix and David Hatch today. They hope to submit the grant application for Zigler Street and Marvel Lane by Friday.
- He will not be in attendance at the January 25<sup>th</sup> meeting due to surgery.
- Recommend H & G as the lowest and most responsive bidder for the viaduct control project.

#### **New Business**

- Engineering Contract

One proposal for engineering services was received from Abonmarche Consultants.

The Abonmarche Contract was presented for 2011. Rates remain the same as 2010.

President Higgins read the rates for this contract as requested by Council Member Vojtko. Council Member Vojtko stated that the rates were very good.

Vice President Colpitts moved to accept the Abonmarche contract for Engineering Services. Seconded by Council Member Vojtko, the motion passed unanimously.

- Town Hall and Marshal's Department Cleaning Contract

One proposal for cleaning services for the Town Hall and Marshal's Department was received.

Michelle Thompson's proposal was presented with rates for the Town Hall being the same as 2009 and 2010. The rate for the Marshal's Department is \$25 less than the 2009 and 2010 contract.

Council Member Groves moved to accept the contract with Michelle Thompson for cleaning services for the Town Hall and Marshal's Department. Vice President Colpitts seconded the motion which passed unanimously.

- Humane Society Contract

Council Member Groves moved to accept the contract with the Humane Society for animal control. The motion was seconded by Council Member Vojtko and passed unanimously.

- Umbaugh & Associates

A contract for budget preparation was presented by Umbaugh and Associates.

Council Member Vojtko moved to accept the contract with Umbaugh and Associates for preparation of the 2011 budget. Council Member Groves seconded the motion which passed unanimously.

- 2011 Fire and Ambulance Contracts

These contracts were tabled for final review by Andrea.

### **Ordinances and Resolutions**

- Ordinance #1232 – An ordinance regulating firearms within the Town limits.

President Higgins read Ordinance #1232 by caption only for the third and final reading.

Public Comment on Ordinance #1232:

Steve Hora apologized for not being here before tonight but did previously speak with Sue. He does agree that there is no reason for recreational firearms use within the Town. However, he reads the ordinance to say discharge of firearms for any reason and he feels that this infringes on his 2<sup>nd</sup> Amendment rights. He does feel that this isn't the intent, but it is the way the ordinance reads.

Andrea stated that the Town cannot promulgate an ordinance that supersedes state statute. It would be somewhat difficult and potentially scary to try to cite every state statute in the ordinance that might be applicable. The Marshal has expressed that there would be no ordinance violation if a firearm was used for protection or self defense during a crime and it was referred to the prosecutor.

Steve stated that in reading the ordinance it seems to be unclear.

Andrea stated that we cannot set precedence that every state statute be cited so that there is no confusion. However, if the Council feels that the ordinance is confusing than it can be changed.

Council Member Vojtko reports that in reviewing the ordinance he questions the need for it.

Vice President Colpitts cited incidences recently that firearms were fired inappropriately but the police department had no recourse.

Steve Hora stated that he is in agreement with the intent but not the verbage as written.

Council Member Vojtko stated that he agrees with the concept but feels that it is poorly written.

Marshal Baker stated that this is not criminally punishable and is simply to deter people from discharging a firearm.

Vice President Colpitts said that this was sent to the attorneys to write and he has confidence that they wrote an ordinance that can be enforced.

The Clerk-Treasurer reminded the Council that this is the third reading of this ordinance and it cannot be changed at this point.

Vice President Colpitts moved to adopt Ordinance #1232. The motion was seconded by Council Member Gelow. President Higgins called for a roll call vote as follows:

Council Member Gelow	Aye	Vice President Colpitts	Aye
President Higgins	Aye	Council Member Vojtko	Nay
Council Member Groves	Aye		

The motion passed 4-1.

### **Council Reports**

President Higgins asked why the roof on the gazebo and benches were being done now.

Council Member Vojtko

- Asked to meet with Chris Antonucci and Josh Schweizer following tonight's meeting.
- Would like to address the meeting time as he feels that the time needs to be changed to 7 PM. He feels that it is unfair to the public to hold meetings at this time.

President Higgins stated that the meeting is the Council's time to conduct business and the 5 PM time has worked well for most everyone. She has not received any complaints on the 5 PM meeting time.

Following further discussion, Council Member Vojtko moved to change the meeting time to 7 PM.

The motion died for lack of a second.

Vice President Colpitts

- Submitted a Uniform Conflict of Interest Statement to President Higgins as the Clerk-Treasurer is his sister-in-law.

- Feels that there is need for a Town logo and would like the Council to sponsor a contest for the design. It could be used on letterhead, business cards, etc and would give the Town some positive recognition.

Council Member Groves asked to work on this project with Vice President Colpitts.

- Feels that the Council needs to hold an executive session regarding employee issues.

The Council set January 24, 2011 at 8:30 AM for an executive Session.

Council Member Gelow

- Thanked the employees for plowing the streets, alleys and sidewalks. He also read a letter from Jack Houston thanking the employees for their excellent efforts removing snow and plowing.

President Higgins

- A letter is being sent to Waste Management to express the gratitude of the Town for Rusty Hessel and the outstanding job he does.

Clerk-Treasurer Report

- Reminder that the first Area Plan Meeting will be on January 18<sup>th</sup> at 3 PM. The new appointee needs to arrive 15 minutes early to be sworn in by the Clerk.
- Apologized for not getting the Building Inspector Contract to Andrea for review and changes before yesterday afternoon. Vice President Colpitts stated that this was done at his request.

### **Public Comment**

Jack Mell reminded everyone that the proceedings in an executive session are confidential.

Mary Ann Swope requested photos following the meeting

### **Bills to be Paid**

Vice President Colpitts moved to pay all bills as presented. Seconded by Council Member Groves the motion passed unanimously.

### **Adjournment**

Council Member Groves moved to adjourn the meeting. Seconded by Council Member Vojtko, the meeting was adjourned at 6:33 PM.

Carolyn Higgins, Council President

Attest:

Susan I. Moffitt, Clerk-Treasurer