

**Enrolled Minutes of the Ninety-first Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, September 12, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 12, 2011 at 6:38 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper, and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed with the Clerk-Treasurer his request to amend the agenda and allow the consideration of the request of Harry and Perila Stariha, who purchased property in Highland that carried a significant solid wastes fees arrearage.
3. The Town Council discussed Councilor Kuiper's suggestion that the current requirement to have the Town Council or the board of jurisdiction to approve any exempt salaried supervisory employee's requests for overtime pay.
4. Councilor Vassar suggested that at a future study session, the current provisions of the so-called "junk vehicle" ordinance be discussed. It was further suggested that meeting with Neighborhood Inc., regarding its bench program and with a representative from Lamar Advertising, to consider its proposal for an added Light Emitting Diode (LED) Sign for Indianapolis Boulevard.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 12, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Council President Novak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Commander George Georgeff, Metropolitan Police Department; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were present.

**Also Present:** Ed Dabrowski, IT Director; and PeggyGlennie of the Select Centennial Commission were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 22 August 2011 were approved by general consent.

**Special Orders:**

- 1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget in the **Special Public Safety Fund in the amount of \$13,759.00 and for the Municipal Cumulative Capital Development Fund in the amount of \$82,000.00.**
  - (a) Attorney verification of Proofs of Publication: The TIMES 30 August 2011. The Town Attorney verified that the proof was in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Town Council President called the hearing to order.
    - 1. Joe Barrick, 9919 Delaware Place, Highland, inquired about recent news accounts reporting possible relaxation of the flood zone status of his property owned Gordon Drive. It was noted that his question was not germane to the public hearing and Mr. Barrick could raise this matter at the end of the meeting under visitor comments. There were no other comments. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2011-37:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget of the in the **Special Public Safety Fund in the amount of \$13,759.00.**
  - (d) Action on **Appropriation Enactment No. 2011-38:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget of the in the **Municipal Cumulative Capital Development Fund in the amount of \$82,000.00.**

Councilor Herak introduced and moved the consideration of Enactments No. 2011-37 and 2011-38 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactments could be considered.

Councilor Herak moved the passage and adoption of Enactments No. 2011-37 and 2011-38 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactments were adopted.

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
Enactment No. 2011-37

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL PUBLIC SAFETY FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, AND I.C. 36-10-3 ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Public Safety Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL PUBLIC SAFETY FUND

Acct. No. 2XX.XX Standardized Hydrant Fittings:	<u>\$ 13,759.00</u>
<i>Total Series:</i>	<u>\$ 13,759.00</u>
<b>Total for Fund:</b>	<u><u>\$ 13,759.00</u></u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12<sup>th</sup> Day of September 2011. Consideration on the same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 12th Day of September 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
Enactment No. 2011-38

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND, ALL PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

**WHEREAS**, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Capital Development Fund**;

**WHEREAS**, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Capital Development Fund** and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND:

Increase Acct. 4XX.XX Asphalt Patch Machine	\$33,000.00
Acct. 4XX.XX Chip & Seal Machine	\$20,000.00
Acct. 4XX.XX Tire Machine	\$5,500.00
Acct. 4XX.XX Arc Welder	\$6,000.00
Acct. 4XX.XX Town Hall Repairs	\$10,000.00
Acct. 4XX.XX Salt Storage Facility Repairs	\$7,500.00

**Total Increase for Fund: \$ 82,000.00**

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12<sup>th</sup> Day of September 2011. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 12th Day of September 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Communications:**

*Amending the Agenda.* Councilor Herak moved that the agenda be amended to add the letter from Harry and Perila Stariha seeking a waiver and write down of an arrearage of unpaid Solid Waste Management Fees on property located at 10412 Kennedy Avenue, Highland, which they recently purchases but of which they were not aware. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended, adding the Stariha letter request.

*Letter requesting waiver and write down of previous tenant's unpaid solid waste fees.* The letter from Harry and Perila Stariha was read aloud in which they explain the recent purchase of property at 10412 Kennedy Avenue, Highland, and their discovery that the previous owner had unpaid solid management fees in arrearage in the amount of \$1,615.22. It was further explained that the prior owner was not made aware of the arrearage as the actual "customer" was the owner's daughter and son in law, and no other services were provided o the site except stormwater management. The previous owner and the current owner had no notice of the unpaid fees. The Clerk-Treasurer recommended that the fees be waived and written down as requested by the Starihas.

Councilor Herak moved and Councilor Vassar seconded to waive the liability and write down the arrearage of the previous tenant occupant in the amount of \$1,615.22. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The liability of the arrearage was waived and the full amount was written down.

*(It should be noted that the amount was estimated to be around \$1,600. The Town Council permitted the action with the actual amount to be fully recorded in the proceedings.)*

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for August 2011**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	5	0	5	\$1,237,055.00	\$14,230.00
Signs:	7	0	7	\$24,250.00	\$2,001.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	93	93	0	\$524,595.00	\$9,249.00
Garages:	3	3	0	\$51,245.00	\$1,158.50
Sheds:	2	2	0	\$7,082.00	\$272.50
Decks & Porches:	6	6	0	\$18,888.00	\$1,015.00
Fences:	8	8	0	\$33,611.00	\$903.00
Swimming pools:	2	2	0		\$146.00
Drain Tile /Waterproofing:	2	2	0	\$18,670.00	\$307.50
Misc.:	3	3	1		\$266.00
<b>Total:</b>	<b>131</b>	<b>118</b>	<b>13</b>	<b>\$1,915,396.00</b>	<b>\$29,549.00</b>
<b>Electrical Permits</b>	<b>13</b>	<b>8</b>	<b>5</b>		<b>\$2,656.00</b>
<b>Mechanical Permits</b>	<b>13</b>	<b>11</b>	<b>2</b>		<b>\$1,064.50</b>
<b>Plumbing Permits</b>	<b>10</b>	<b>7</b>	<b>3</b>		<b>\$1,813.35</b>
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>

Sewer/Storm Taps	0	0	0	\$0.00
Total Plumbing Permits:	10	7	3	\$1,813.35

**August Code Enforcement:**

Warnings: 161  
Citations: 3

**August Inspections:**

Building: 69      Electrical: 32      Plumbing: 17      Electrical Exams: 3

• **Fire Department Report for July 2011**

	Month	Y.T.D.
General Alarms	17	76
Car Fires	1	8
Still Alarms	6	35
Paid still alarms	7	
Total:	31	

• **Fire Department Report for August 2011**

	Month	Y.T.D.
General Alarms	13	89
Car Fires	0	8
Still Alarms	8	49
Paid still alarms	6	
Total:	21	

• **Workplace Safety Report for August 2011**

There were no incidents in August. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2011	Total in 2010	Restricted Days 2011	Lost Workdays This Year	Restricted Days Last Year (2010)	Lost Workdays Last Year (2010)
Parks	0	0	2	0	0	25	3
Fire	0	0	2	0	0	0	0
Police	0	2	9	0	0	39	23
Street	0	5	1	2	0	0	0
Water & Sewer	0	3	1	4	77	88	0
Maint.	0	0	1	0	0	68	0
Other	0	2	2	0	0	0	0
<b>TOTALS</b>	0	12	18	6	77	220	26

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1498:** An Ordinance of the Town of Highland, Indiana Concerning the Funding of a Judgement by the Highland Board of Sanitary Commissioners through the Issuance and Sale of Bonds, and other Matters connected Therewith.

Councilor Herak introduced and moved the consideration of Ordinance No. 1498 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a

unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1498 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**ORDINANCE NO. 1498**

**An Ordinance of the Town of Highland, Indiana concerning the funding of a judgment by the Highland Sanitary Board through the issuance and sale of bonds, and other matters connected therewith**

**WHEREAS**, The Highland Sanitary Board ("Board") of the Town of Highland, Indiana ("Town") has determined to issue bonds of the Highland Sanitary District ("Sanitary District") in an amount not to exceed \$800,000 to fund the judgment entered in the case of Lieberman et al v. Town of Highland and the Highland Sanitary District and to pay costs of issuance of the bonds (collectively, the "Judgment"); and

**WHEREAS**, The Town Council of the Town is authorized to approve the issuance of bonds of the District;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND INDIANA, THAT:**

**Section 1.** The Town Council hereby approves the issuance of bonds of the Sanitary District by the Board in an amount not to exceed \$800,000 to apply on the cost of the Judgment.

**Section 2.** The Town represents that:

- (i) The bonds are not private activity bonds as defined in Section 141 of the Internal Revenue Code (the "Code");
- (ii) The Town hereby designates the tax-exempt bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;
- (iii) The reasonably anticipated amount of qualified tax-exempt obligations (including tax-exempt leases but excluding qualified 501(c)(3) obligations and other private activity bonds) which will be issued by the Town and all entities subordinate to the Town during 2011 does not exceed \$10,000,000; and
- (iv) The Town, any body acting in the name of the Town, and any entities subordinate to the Town, have not designated and will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2011.

**Section 3. Effective Date.** This ordinance shall be in full force and effect from and after its passage.

Introduced and filed on the 12<sup>th</sup> day of September, 2011. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 12<sup>th</sup> day of September, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

Duly Ordained and Adopted this 12<sup>th</sup> day of September, 2011, by a vote of 5 ayes and 0 nays.

**HIGHLAND COUNCIL OF THE TOWN OF  
HIGHLAND, INDIANA**

Brian Novak, President

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

2. **Resolution No. 2011-35:** A Resolution Approving the Mediation Settlement Agreement Between the Plaintiff Class and the Town of Highland. The Town of Highland and its Sanitary District had been defending a class action lawsuit regarding incidents surrounding the storm events of September 2006. If adopted, this action will begin the process to settle the suit, Lee Lieberman et alia v. Town of Highland and Highland Sanitary District Cause No. 45D02-0712-CT-177. The final settlement amount is \$1,950,000, with \$780,000 to be paid by the Town of Highland Sanitary District and the balance of \$1,170,000 to be paid by the Town's insurer, Scotsdale Insurance.

Councilor Zemen moved and Councilor Herak seconded the passage and adoption of Resolution No. 2011-35. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
TOWN COUNCIL RESOLUTION NO. 2011-35**

**A RESOLUTION APPROVING THE MEDIATION SETTLEMENT AGREEMENT BETWEEN  
THE PLAINTIFF CLASS AND TOWN OF HIGHLAND**

**WHEREAS,** There is a class action litigation pending entitled "Lee Lieberman, et al. (hereinafter "Class") vs. Town of Highland and Highland Sanitary District (hereinafter collectively referred to as "Highland")", in the Lake Superior Court, Room No. Two, under Cause No. 45D02-0712-CT-177; and

**WHEREAS,** All parties and counsel attended a mediation session on August 25, 2011, wherein the Class agreed to accept One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000.00) in full release and settlement of all claims against Highland of which One Million One Hundred Seventy Thousand Dollars (\$1,170,000.00) shall be paid by Scotsdale Indemnity Company and National Casualty Company, as the insurer for Highland, and Seven Hundred Eighty Thousand Dollars (\$780,000.00) shall be paid by Highland; and

**WHEREAS,** The Town of Highland, Lake County, Indiana, desires to approve the Mediation Settlement Agreement as it is in the best interest of the Town of Highland and its citizens.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** The Mediation Settlement Agreement, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby authorized and approved in each and every respect.

**Section 2.** The Town Council hereby ratifies said Mediation Settlement Agreement and authorizes the Highland Sanitary District to implement the process to sell judgment bonds in order to satisfy the settlement contribution of Highland in this class action settlement.

**DULY, PASSED AND ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, this 12<sup>th</sup> day of September, 2011, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL/WORKS BOARD OF  
THE TOWN OF HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA,  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

AGREEMENT EXHIBIT on FILE

3. **Enactment No. 2011-36:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq., in the amount of \$5,501.88.

Councilor Herak introduced and moved the consideration of Enactment No. 2011-36 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2011-36 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
ENACTMENT NO. 2011-36

**An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq.**

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area**, particularly represented on Clerk-Treasurer's receipt numbers 035812, and 036897 in the total amount of \$ 5,501.88 as reimbursement in support of overtime costs for detailed personnel;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the actual overtime personnel expenses of said municipality related to the G.R.I.T funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

**Metropolitan Police Department**

Increase Account: #111.30 Sworn Overtime	\$ 5,501.88
<i>Total 100 Series Increases</i>	\$ 5,501.88

<b>Total of All Fund Increases:</b>	<b>\$ 5,501.88</b>
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**Section 2.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12<sup>th</sup> day of September 2011. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 12<sup>th</sup> Day of September 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

\_\_\_\_\_  
Brian J. Novak, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- Works Board Order No. 2011-34:** An Order Approving, Authorizing and Ratifying the Metropolitan Police Chief to Enter an Agreement between the Town of Highland Metropolitan Police Department and Anthony Balbo for Analyst Services related to the Child Predator Prevention Program Conducted in Consequence of a Federal Grant supporting its Operation, pursuant to IC 5-22 and §31.18(C) of the Municipal Code. Provides for a 17% increase in hourly pay rate from \$35 to \$41 for the analyst's services.

Councilor Herak moved the passage and adoption of Works Board Order No. 2011-34. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2011-34**

**AN ORDER APPROVING, AUTHORIZING AND RATIFYING THE METROPOLITAN POLICE CHIEF TO ENTER AN AGREEMENT BETWEEN THE TOWN OF HIGHLAND METROPOLITAN POLICE DEPARTMENT AND ANTHONY BALBO FOR ANALYST SERVICES RELATED TO THE CHILD PREDATOR PREVENTION PROGRAM CONDUCTED IN CONSEQUENCE OF A FEDERAL GRANT SUPPORTING ITS OPERATION, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.**

**Whereas**, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas**, The Metropolitan Police Chief has previously determined a need to contract for certain Contract Analyst services in conjunction with the application of the Child Sexual Predator Program Grant and has further determined that this contract qualifies as a special purchase, pursuant to Section §31.20 (I)(16) of the Highland Municipal Code;

**Whereas**, The contract price for the contracted services is in excess of \$10,000, pursuant to §31.18(C) of the Highland Municipal Code, requires the express approval of the purchasing agency; and

**Whereas**, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

**Whereas**, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas**, The purchase will supported by a duly approved appropriation in the **Child Sexual Predator Grant Fund**; and

**Whereas**, The Town Council now desires to approve, authorize and ratify the Metropolitan Police Chief to enter into a special service agreement pursuant to the terms stated herein,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby finds and determines that the term and provisions of the agreement herein including but not limited to the increased hourly rate of **\$41 per hour**, from its prior \$35 per hour, not to exceed 36 hours per week are reasonable and fair;

**Section 2.** That the Works Board further hereby finds and determines that the purchase does qualify as a special purchase, pursuant to IC 5-22-10 and § 31.20 (I)(10) of the Highland Municipal Code, in that purchase of the required services under another purchasing method set forth in the code would seriously impair the functioning of the using agency;

**Section 3.** That the agreement with Anthony Balbo to provide Contract Analyst services as described in the Child Predator Program Agreement, is hereby authorized, approved and ratified in each and every respect;

**Section 4.** That the Metropolitan Police Chief is now authorized, approved and ratified to execute the purchase agreement and any additional documents in order to implement this agreement from its date of September 12, 2011 and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

**Be it So Ordered.**

**DULY, PASSED, ADOPTED AND Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12<sup>th</sup> day of September 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**  
Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2011-35:** An Order Approving, Authorizing and Ratifying the Metropolitan Police Chief to Enter an Agreement between the Town of Highland Metropolitan Police Department and John Townsend for Analyst Services related to the Child Predator Prevention Program Conducted in Consequence of a Federal Grant supporting its Operation, pursuant to IC 5-22 and §31.18(C) of the Municipal Code. Provides for a 12% increase in hourly pay rate from \$25 to \$28 for the analyst's services.

Councilor Herak moved the passage and adoption of Works Board Order No. 2011-35. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2011-35**

**An Order Approving, Authorizing and Ratifying the Metropolitan Police Chief to Enter an Agreement between the Town of Highland Metropolitan Police Department and John Townsend for Analyst Services related to the Child Predator Prevention Program Conducted in Consequence of a Federal Grant supporting its operation, pursuant to IC 5-22 and §31.18(C) of the Municipal Code.**

**Whereas,** The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas,** The Metropolitan Police Chief has previously determined a need to contract for certain Contract Analyst services in conjunction with the application of the Child Sexual Predator Program Grant and has further determined that this contract qualifies as a special purchase, pursuant to Section §31.20 (I)(16) of the Highland Municipal Code;

**Whereas,** The contract price for the contracted services is in excess of \$10,000, pursuant to §31.18(C) of the Highland Municipal Code, requires the express approval of the purchasing agency; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

**Whereas,** The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas,** The purchase will supported by a duly approved appropriation in the **Child Sexual Predator Grant Fund**; and

**Whereas,** The Town Council now desires to approve, authorize and ratify the Metropolitan Police Chief to enter into a special service agreement pursuant to the terms stated herein,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby finds and determines that the term and provisions of the agreement herein including but not limited to the increased hourly rate of **\$28** per hour, from its previous amount of \$25 per hour, not to exceed 36 hours per week are reasonable and fair;

**Section 2.** That the Works Board further hereby finds and determines that the purchase does qualify as a special purchase, pursuant to IC 5-22-10 and § 31.20 (I)(10) of the Highland Municipal Code, in that purchase of the required services under another purchasing method set forth in the code would seriously impair the functioning of the using agency;

**Section 3.** That the agreement with John Townsend to provide Contract Analyst services as described in the Child Predator Program Agreement, is hereby authorized, approved and ratified in each and every respect;

**Section 4.** That the Metropolitan Police Chief is now authorized, approved and ratified to execute the purchase agreement and any additional documents in order to implement this agreement from its date of September 12, 2011 and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

**Be it So Ordered.**

**DULY, PASSED, ADOPTED AND Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12<sup>th</sup> day of September 2011 having passed by a vote of 5 in favor and 0 opposed.

HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2011-36:** An Order Authorizing and Approving the Fourth Change Order to the Construction Contract related to the Idlewild Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18. Adoption provides for a net \$17,879.70 reduction in the total contract.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2011-36. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland  
Order of the Works Board No. 2011-36**

**An Order Authorizing and Approving the Fourth Change Order to the Construction Contract  
related to the Idlewild Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Idlewild Avenue, with the project commonly known as the Idlewild Avenue Reconstruction Project; and

**Whereas**, The Town Council has heretofore awarded a contract to Walsh & Kelly, Incorporated for the Project on August 16, 2010 in the amount of Five Hundred Seventy-six Thousand Thirty-one Dollars and 75/100 Cents (\$576,031.75); and

**Whereas**, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

**Whereas**, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one proposed addendum to the original construction contract with Walsh & Kelly, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

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

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

**Section 1.** That Change Order No. 4 for the Idlewild Avenue Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

**Section 2.** That this fourth addendum is hereby ordered to be known as Change Order No. 4, issued to decrease the net cost to the original agreement between the Town of Highland and Walsh & Kelly, Incorporated in the amount of Seventeen Thousand, Eight Hundred Seventy-nine Dollars and seventy cents (\$17,879.70) bringing the total value of the entire agreement with any and all change orders approved to date to Five Hundred Fifty-four Thousand, Eight hundred seventy-four Dollars and 35/100 Cents (\$554,874.35);

**Section 3.** That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being Five Hundred Seventy-six Thousand Thirty-one Dollars and 75/100 Cents (\$576,031.75) which may not exceed Six Hundred Ninety-one Thousand Two Hundred Thirty-eight Dollars and 10/100 Cents (\$691,238.10), all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered**

**Duly Passed and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12<sup>th</sup> day of September 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL as the Works BOARD of the  
TOWN of HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

*Attest:*

**Michael W. Griffin, IAMC/MMC/CPFA**  
**Clerk Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

7. Authorization and Instruction to release 100% of the retainage related to the public works contract with Walsh and Kelly, Inc., for its work performed on the Idlewild Avenue Reconstruction Project. The final cost of the project is in the amount of \$554,874.35. The retainage amount is \$55,487.44. Garcia Consulting Engineers recommends the approval of the final invoice on the project and the release and payment of the retainage amount in full.

Councilor Zemen moved and Councilor Kuiper seconded, the authorization, approval and release of 100% of the retainage remaining on the balance to the credit of Walsh and Kelly in the amount of \$55,487.44 associated with the Idlewild Reconstruction Project. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The retainage was released.

8. **Resolution No. 2011-39:** A Resolution Authorizing and Assigning Administration of the Solid Waste Management Program from the Town Council as the Board of Works to the Board of Sanitary Commissioners, pursuant to IC 36-9-25-10.

Councilor Herak moved the passage and adoption of Resolution No. 2011-39. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
RESOLUTION NO. 2011-39**

**A Resolution Authorizing, Transferring and Assigning Authority for the Administration of the Solid Waste Management Program from the Town Council as the Works Board to the Board of Sanitary Commissioners and the Department of Public Sanitation, pursuant to IC 36-9-25-10.**

**WHEREAS**, Pursuant to its authority under IC 36-1-4, and IC 36-9-2, Sections 16 and 17, the Town Council adopted Chapter 170 of the Highland Municipal Code, in which it sets forth the management, collection, and regulation of solid waste in the municipality as well as setting forth reasonable user fees to support the costs associated with the program's administration; and,

**WHEREAS**, The Town Council acting as the Works Board and the Fiscal Body, operates the Solid Waste Management Program under the provisions of IC 36-9-2, Sections 16 and 17 and IC 36-9-30 et alia;

**WHEREAS**, The Public Works Director and the Clerk-Treasurer have advised the Town Council that operating the Solid Waste Management program under the provisions of IC 36-9-25, offers additional administrative, collections and fee enforcement remedies to the municipality that presently are not available while operating under the current authorizing statutes;

**WHEREAS**, The Public Works Director and the Clerk-Treasurer have recommended to the Town Council as the Works Board of the municipality, to authorize, transfer and assign the administration of the solid waste management program to the Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District, which operates under the provisions of IC 36-9-25, to employ the administrative and collections remedies that are available under its provisions;

**WHEREAS**, The proposed budget for FY 2012 has been enrolled, advertised and prepared anticipating the transfer, authorization and assignment of the management of the solid waste management program, from the Town Council as the Works Board to administration of the solid waste management program to the Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District;

**WHEREAS**, The Town Council is also the fiscal body of the municipality pursuant to IC 36-1-2-6(4), the legislative body pursuant to IC 36-1-2-9(5) and IC 36-5-2-2, and the Works Board, pursuant to IC 36-1-2-24(3) and as such is the proper body to authorize, transfer and assign the administration of the solid waste management program to the Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District and now desires to make the transfer,

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Town Council of the Town of Highland, as the Works Board, Fiscal Body and Legislative Body of the municipality now finds and determines:

- (a) That operating the Solid Waste Management program under the provisions of IC 36-9-25, offers additional administrative, collections and fee enforcement remedies to the municipality that presently are not available while operating under the current authorizing statutes;
- (b) That the Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District of the Town of Highland operates under the provisions of IC 36-9-25;
- (c) That the Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District of the Town of Highland operates under the provisions of IC 36-9-25;
- (d) That to authorize, transfer and assign the administration of the solid waste management program to the Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District, which operates under the provisions of IC 36-9-25, to employ the administrative and collections remedies that are available under its provisions, will affect greater effectiveness and efficiencies in the delivery of these services; and,
- (e) That it is highly desirable to cause this transfer as described herein;

**Section 2.** That the Town Council of the Town of Highland, as the Works Board, Fiscal Body and Legislative Body of the municipality hereby does now approve the transfer, authorization and assignment of the administration of the solid waste management program, from the Town Council as the Works Board to the Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District, to be effective not sooner than **January 1, 2012**;

**Section 3.** That the Town Council of the Town of Highland, as the Works Board, Fiscal Body and Legislative Body of the municipality further directs that Board of Sanitary Commissioners, the Department of Public Sanitation and the Sanitary District shall accept transfer, authorization and assignment herein described, pursuant to the provisions of IC 36-9-25-9, which particularly states: *"The board shall collect and remove garbage, ashes, and other waste materials to prevent the pollution of watercourses within the district and to protect the public health;"*

**Section 4.** That the Town Council of the Town of Highland, as the Legislative Body of the municipality, further takes legislative notice of the following statutory provisions, which are noted for their relevance to the objects and purposes of this resolution:

- (a) IC 36-9-2, Sections 16 and 17;
- (b) IC 36-9-1-8, particularly defining sewage works;
- (c) IC 36-9-25-9;
- (d) IC 36-9-25-10, subdivisions (11) and (13);
- (e) IC 36-9-25-11

**Section 5.** That upon adoption, the Clerk-Treasurer be and is hereby directed to transmit a copy of this resolution to the Board of Sanitary Commissioners to be included in its records and in the minutes of its meeting in which the resolution is received and acknowledged.

**Section 6.** That the Clerk-Treasurer, the Public Works Director and the Town Attorney be authorized and instructed to take such steps to implement and carry-out the purposes of this resolution, including preparing the necessary documents and amendments to the municipal code, including causing the current rates and charges associated with the solid waste management program to be adopted by the Board of Sanitary Commissioners, consistent with the effective date of the transfer herein described.

**DULY RESOLVED and ADOPTED** this 12<sup>th</sup> Day of September 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

9. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

9.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$100.00, for work associated with Highland Grove Mall Special Security.

9.2 The Metropolitan Police Chief requests favorable action for P. Vassar, who is an exempt salaried employee, Assistant Police Chief and Patrol Division Commander, in the amount of \$100.00, for work associated with Highland Grove Mall Special Security.

9.3 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$266.22, for work associated with a grant supported enforcement action, OPO/SEATBELT/OWI, 6 hours at \$44.37 hourly.

9.4 The Metropolitan Police Chief requests favorable action for G. Georgeff, who is an exempt salaried employee, and administration division commander, in the amount of \$266.22, for work associated with a grant supported enforcement action, OPO/SEATBELT/OWI, 6 hours at \$44.37 hourly.

Councilor Herak moved to approve the overtime pay as presented for Commander Potesta – for both his details -- and Commander Georgeff. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime pay was approved.

Councilor Herak moved to approve the overtime pay as presented for Assistant Chief Vassar. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Kuiper and Novak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The overtime was approved. Councilor Vassar abstained owing to Assistant Chief Vassar being his brother.

**Comments from the Town Council Members**  
**(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Chair the Select Centennial Commission* • *Chamber of Commerce, Liaison* • *Redevelopment Commission Liaison.*

Councilor Zemen acknowledged the Redevelopment Director, who reported that the revised Redevelopment Area and Plan for a Commercial Corridor was expected to be have a public hearing at the Redevelopment Commission meeting of September 14, 2011.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Board of Waterworks Directors* • *Liaison to the Board of Sanitary Commissioners.*

Councilor Herak commended the Police Officers who recently intervened to rescue and resuscitate an infant in distress.

- **Councilor Dan Vassar:** • *Plan Commission, member.*

Councilor Vassar acknowledged the Building Commissioner who offered a brief survey of matters before the Plan Commission.

Councilor Vassar also commended the Police Officers whose intervention saved an infant in distress recently.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Fire Chief who reported that the Fire Department would be conducting its annual Open House on October 8, 2011 with times to be announced.

Councilor Kuiper recognized the Metropolitan Police Chief who reported on arrests made involving suspects in a home burglary.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Chairman, Board of Police Pension Trustees* • *Municipal Executive.*

Town Council President noted that the Traffic Safety Commission would be considering special stopping times for 4th place and 100th Street.

Town Council President further noted that FEMA had recently approved letters of map revision changing the flood zone status for many properties near the Little Calumet River. It was noted that the premiums for flood damage insurance would be greatly reduced and in some cases, such insurance may no longer be necessary but probably still advisable.

#### **Comments from the Public or Visitors**

1. Joe Barrick, 9919 Delaware Place, Highland, inquired about the flood zone status of a property he owns on Gordon Drive as well as a property at 3314 Glenwood, Highland. He particularly inquired whether the flood insurance premiums would be reduced in cost and whether any such insurance would continue to be necessary. Mr. Barrick was advised that an informational mailer was in the works that would be distributed to the affected properties addressing many of the questions he posed.
2. Richard Heflin, 2723 Ross Street, Highland, complained about nails from roofing work were loosed upon the ground, causing him to have a leak and puncture in his tire. He inquired whether or not the building inspectors should not enforce contractors due care when performing work so as not to leave stray nails about.

Mr. Heflin also complained about stopped trains on Grand Boulevard blocking traffic. He asked about the ability of the police to write tickets and cite such stopped trains.

Finally, Mr. Heflin complained about what he stated was the absence of response to his calls complaining about fires burning in back yards in his neighborhood.

3. Rick Volbrecht, 9221 Parkway Drive, Highland, referenced a recently published letter to the editor, featured in the TIMES of Northwest Indiana, in which the author alleged that Highland municipal workers had not received raises in eight years. Mr. Volbrecht refuted the allegations, referring to data he obtained through an access to public records request he presented.

Mr. Volbrecht also referred to a court finding related to a class action lawsuit instituted by several residents against the Town of Highland for damages associated with a flood incident which occurred in September 2006. Mr. Volbrecht expressed his understanding of the court's rejection of the plaintiff's motion to be awarded summary judgment as well as the Town's motion to be held immune from civil liability owing to the on-going efforts to update and enhance the storm and waste water collection and management systems. Mr. Volbrecht suggested that the Town's assertion of immunity from liability may be owing to the failure to have written policy adopted by a proper governing body, regarding the matter.

The Town Attorney was encouraged by the Town Council President to respond and explain.

4. Ted Oberc, 2704 Lincoln Street, Highland, represented that he was a longtime insurance professional. He offered some clarification about the flood insurance associated with the flood zones managed by the Federal Emergency Management Agency. He suggested that it was seldom possible to be excluded from the necessity of carrying flood insurance, but depending on the level of the flood protection zone, the premiums could be greatly reduced from the usual high risk amounts.

Mr. Oberc further inquired as to the methodology and ways and means employed in allocating street lights in neighborhoods. Mr. Oberc further suggested that he believed that several streets in his neighborhood may require street lights. Mr. Oberc also reported that streetlights were being obscured by foliage at Richardson Street and Parkway Drive.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 23rd , 2011 through to September 12, 2011 as well as the payroll accounts payable dockets for the paydays of July 15 and July 20, 2011. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for vendors were allowed and the clerk-treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$427,147.00; Motor Vehicle Highway and Street (MVH) Fund, \$10,740.45; Local Road and Street (LRS) Fund, \$19,643.88; VIPS/Parks Public Safety Fund, \$3,305.21; Law Enforcement Cont. Education and Supply Fund, \$1,900.45; Flexible Savings Agency (FSA) Fund, \$687.52; Insurance Premium Fund, \$125,368.38; Information and Communications Technology Fund, \$5,198.32; Solid Waste Grant Fund, \$34,500.00; Civil Donation Fund, \$21.98; Major Moves Fund, \$52,768.58; Special Events Non Reverting Fund, \$969.49 Police Pension 1925 Plan Fund, \$56,180.10; General Improvement Fund, \$371.00; Traffic and Law Violations Agency Fund, \$18,528.50; Safe Neighborhood Grant Fund, \$6,235.327; Sexual Predator Grant Fund, \$4,480.00; Special Public Safety Fund, \$145,925.00; Payroll Fund, \$3.74; Total: \$913,974.92.**

**Payroll Accounts Payable Docket for July 15, 2011.**

*Office of the Clerk-Treasurer, \$12,459.02; Building and Inspection Department, \$6,731.12; Metropolitan Police Department, \$107,070.16; Fire Department, \$2,864.30; Public Works (Agency) Department, \$58,218.31; 1925 Police Pension Trust Fund, \$1,381.81 with adjustment for void check in the amount of (\$2,181.83). Grand Total: \$186,542.89.*

**Payroll Accounts Payable Docket for July 29, 2011.**

*Office of Boards and Commissions, \$8,387.00; Office of the Clerk-Treasurer, \$14,505.22; Building and Inspection Department, \$6,718.62; Metropolitan Police Department, \$115,304.94; Fire Department, \$18,093.13; Public Works (Agency) Department, \$57,619.20; 1925 Police Pension Trust Fund, \$56,126.27. Grand Total: \$276,754.38.*

**Adjournment.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, September 12, 2011 was adjourned at 7:58 O'clock p.m. There was no study session following the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer