

**Enrolled Memorandum of the Meeting  
Study Session/Meeting (In person)  
Thirtieth Town Council of Highland  
Monday, October 21, 2024**

The Thirtieth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, October 21, 2024**, at 6:30 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

\*This meeting was convened as an in person meeting and lived streamed to the Town of Highland Facebook. Facebook permits the public to observe and record the proceedings but allows no interaction between and among the Town Council and members of the public. The public is able to participate in person. All Councilors were simultaneously seen and heard. Councilor Georgeff, Councilor Turich, Councilor Robertson, Councilor Black, Councilor Philip Scheeringa all participated in person.

**Silent Roll Call:** Councilors George Georgeff, Doug Turich, Alex Robertson, Tom Black, Philip Scheeringa, were present in person as indicated. The Clerk-Treasurer, Mark Herak was present to memorialize the proceedings. *A quorum was attained.*

**Officials Present:** IT Director Ed Dabrowski, Highland Fire Department Chief Mike Pipta and Metropolitan Police Chief Ralph Potesta were in person.

**General Substance of Matters Discussed.**

Appointments:

• **Statutory Boards and Commissions**

*Executive Appointments (May be made in meeting or at another time)*

Home Rule Commissions or Boards

1. **Shared Ethics Advisory Commission.** (1) appointment to be made by Town Council President. *(Note: Fill vacancy made by resignation of Rev. Tim Huizenga.) (Made pursuant to Article 5, Subdivision (A) of the Interlocal Cooperation Agreement Establishing the Shared Ethics Entity. Qualifications are to be persons who live work or hold property in the county. Further persons appointed must be of good character and not hold any positions within the local government.)*

**Legislative Appointments**

Home Rule Commissions

1. **Main Street Bureau Board:** (7) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2025. *There are currently 10 of the 17 in place and*

*-serving. Currently serving are Ben Reinhart, Renee Reinhart, Allan Simmons, Diane Barr-Roumbus, James Roumbus, Sandra McKnight, Sandy Ray, Kathy Smailis, Ben Tomera and Laura Pilewski.*

2. **Community Events Commission** *Multi-year positions: (1) appointment to be made by the Town Council. Term: 4 years. (Note: Currently vacancy)*

*Single year positions: (9) appointments to be made by the Town Council. Term: 1 year. There are currently 6 of the 9 in place and serving. (Note: Currently serving, Rachael Carter, Olga Briseno, Kathy Camp-Burke, Linda Carter, Jack Rowe and Kelly Bridges)*

- x. Discussion: Ordinance No. 1792-F: An Ordinance to amend Ordinance No. 1792 to Establish the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Highland, Indiana particularly regarding a change to the STARTING PAY and ESTABLISHING a Compensation Range in the Fire Department as it pertains to the Chief of the Department/Fire Inspector.

The Council said they reviewed the salary history of the various fire chiefs as provided in the 2024 AIM survey and were content with the salary range as outlined in Ordinance No. 1792-F.

The Council President hearing no further discussions, advised the Clerk-Treasurer to place the item on the October 28, 2024 plenary meeting agenda.

Memorandum of Meeting  
 Monday, October 21, 2024

Towns Over 2,000 Fire Salaries Aim 2024

Municipality	Volunteer Fire Department?	Volunteer Fire Department Benefits	Is your town part of a fire protection territory or district?	Fire Chief	Assistant (Deputy) Fire Chief	Firefighter 1st Class	Probation Firefighter
Avon	No		None of the Above				
Bargersville							
Brookville	Yes	Hourly Wage Clothing Reimbursement	None of the Above				
Brownsburg	No		Fire Protection Territory	117,911	103,843 - 108,860	57,000 (Year 2) 68,338 + stipends (Year 3)	52,000
Cedar Lake	Yes	Hourly Wage Clothing Reimbursement	None of the Above	89,250	77,250	66,356	
Chesterton	Yes	Clothing Reimbursement	None of the Above	91,614	86,267	63,890	58,575
Cicero	No		None of the Above	83,163	78,221	64,575	
Clarksville	No		Fire Protection Territory	79,045	71,801	55,995	52,892
Cloverdale							
Coydon	No		Fire Protection District				
Cumberland	No						
Danville	No		None of the Above	86,000	81,000	68,000	64,000
Dyer	Yes	Hourly Wage	Fire Protection District	89,116	4,965 / month	60,000 PT	47,380 PT
Edinburgh	No		None of the Above				
Fairville	No		Fire Protection Territory				
Fowler	Yes	Hourly Wage Clothing Reimbursement					
Fremont	Yes	Hourly Wage Clothing Reimbursement	None of the Above	65,000	58,000	52,000	
Georgetown	No		Fire Protection Territory				
Greentown	No		None of the Above				
Highland	Yes	Hourly Wage Clothing Reimbursement	None of the Above	79,910	1,983 PT	18.90 / hour PT Volunteer paid per call	18.90 / hour PT Volunteer paid per call

Memorandum of Meeting  
 Monday, October 21, 2024

Towns Over 2,000

Fire Salaries

AIM 2024

Municipality	Volunteer Fire Department?	Volunteer Fire Department Benefits	Is your town part of a fire protection territory or district?	Fire Chief	Assistant (Deputy) Fire Chief	Firefighter 1st Class	Probation Firefighter
Hunkertown	No		Fire Protection District				
Kouts	Yes						
LaGrange	Yes	Hourly Wage Clothing Reimbursement	None of the Above	3,000	1,500		
Leo-Cedarville	No		Fire Protection District				
Merrillville	Yes	Hourly Wage Clothing Reimbursement	Fire Protection Territory	92,458	86,068	68,256	61,782
Middlebury							
Munster	Yes	Hourly Wage Clothing Reimbursement	Fire Protection District	83,780	33.57 / hour	19.84 / hour	19.84 / hour
New Palestine	No		None of the Above				
New Whiteland	Yes	Hourly Wage Clothing Reimbursement	None of the Above	15,500		15 / hour	
Newburgh	Yes	Clothing Reimbursement	None of the Above				
North Manchester	Yes	Hourly Wage Clothing Reimbursement	None of the Above	14,332 PT	7,734 PT	53,156	
Ossian							
Paoli	Yes	Clothing Reimbursement	None of the Above	20,000			
Pittsboro	No		Fire Protection Territory				
Plainfield	No		Fire Protection Territory	109,283	100,360	72,290	69,160
Schererville	No	Hourly Wage	None of the Above	104,185	90,181	75,362	58,442
Sheridan	No		None of the Above	79,050	69,992	66,000	55,750
Speedway	No		None of the Above	108,814	100,705	75,031	
Syracuse							
Walkerton	Yes	Clothing Reimbursement	Fire Protection Territory				
West Terre Haute	No						
Whiteland	No	Hourly Wage	None of the Above	25,000	23,000	17 / hour	17 / hour PT

ORDINANCE No. 1792-F  
of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND ORDINANCE No. 1792 to ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA PARTICULARLY REGARDING A CHANGE to the STARTING PAY and Establishing a Compensation Range of the FIRE DEPARTMENT as it pertains to the CHIEF of the DEPARTMENT/FIRE INSPECTOR.

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees;

**WHEREAS**, I.C. 36-5-3-2 provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS**, I.C. 36-5-3-2(b), further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

**WHEREAS**, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

**WHEREAS**, The Town Council of the Town of Highland, as the Town Legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2024 and thereafter as amended;

**WHEREAS**, The Town Council of the Town of Highland, as the town legislative body, has been advised that it is necessary change the STARTING SALARY and create a COMPENSATION RANGE for the Fire Chief within the Fire Department; and

**WHEREAS**, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the wage and salary ordinance as it pertains to the Fire Department; and,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana, that the Salary of the Chief of the Department/Fire Inspector is modified and a compensation range created, pursuant to the provisions indicated herein and as follows:

**Section 1.** That Section 12 (A) Chief of the Department/Fire Inspector of Ordinance No. 1792 be amended by repealing Section 12 (A) of that Ordinance in its entirety and replacing with the following section, which shall be numbered as Section 12 (A) and read as follows:

**Section 12.** *Fire Department.* That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Fire Department** as follows:

	<b>Starting Rate</b>
(A) Chief of Department/Fire Inspector ( 1)	\$3,073.48    \$4038.46

**Section 2.** That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

**Section 3.** That except where otherwise noted herein, other compensation and benefits matters not expressly provided herein for salaried and hourly employees and the Clerk-Treasurer shall be as set forth in the Compensation and Benefits Ordinance, commonly called the Employee Handbook as amended from time to time;

**Section 4.** Rewritten job description will be on file for any position created, modified and authorized by this ordinance and maintained on file with the Fire Department and the Office of the Clerk-Treasurer;

**Section 5.** That an emergency exists for the immediate taking effect of this Ordinance which, shall become effective and shall remain in full force and effect from and *after the date of its passage and adoption* pursuant to any constrains currently in force in Ordinance No. 1792 and until its repeal or amendment by subsequent enactment;

**Section 6.** That the provisions set forth in Section 1, shall be effective from October 28, 2024 and continue thereafter until amended , modified or repealed by passage and adoption of a successor ordinance.

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed 14th day of October 2024. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 28th Day of October 2024, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of

in favor and opposed and abstention. .

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

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Philip Scheeringa, President (IC 36-5-2-10)

Attest:

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

- x. **Discussion:** An Ordinance establishing the Town of Highland Downtown District a Designated Outdoor Refreshment Area. The Council to review the guide lines as established by the Alcohol and Tabaco Commission, as well as the Griffith Ordinance, the City of Batesville Ordinance which is the recommended model by the Alcohol and Tabaco Commission and the Ordinance created by Council Robertson.

Councilor Robertson said he had some changes to kind of throw out into the ether. He said, he hasn't had a chance to sit down and work on it because he is working so much overtime but he should have something in a few weeks. He said first on the list of the priorities is to get the map drawn up in its final version, which means the Council needs to establish the boundaries. I think we should add some language in the ordinance about garbage cans as there currently nothing in the ordinance. He thought language should be in there stating that each business selling refreshments should have a garbage can out front, as the cups are disposable. Some of the other things he said were discussed at the last meeting that need to be resolved includes pricing during the festivals and events. He would like to see different hours just for Main Square if Main Square is included in the DORA. The different hours would only be during festivals. He offered clarification about 200 feet from the front door of a church or school. The statute reads that if you are within 200 of the front doors of a church or school, you need written permission from them. However, per IC 7.1-3-21-11, section 7, states if the wall of a church or school are separated from the DORA by at least 85 feet, including a 2 lane road of at least 30 feet in width, then their permission isn't required, which would cover us for all of those locations. He said he would like input from the Council.

Councilor Turich reoffered his help to Councilor Robertson as he wanted to learn more about it. He said it would allow him to get more into the weeds. He said he would do whatever as he has been travelling, he's noticed more and more DORA designations..

Councilor Robertson reiterated the big thing was to get the new map drawn up. What he originally drew up was really just an overview. He was trying to capture all of the establishments that have licenses downtown. Then we need to hone in whether we should include the park or the municipal lot? It all rests on the vision of the Town on festivals and how do we grow them. When developing the map, what other events do we want within our community? The municipal lot was included because the Main Street Bureau asked that they be able to serve beer or wine at their Farmer's Market. He said it is really difficult to get a vendor to do that with the DORA. You could simply say no and have them grab a refreshment at one of the establishments within the DORA and walk over to the Farmer's Market. Some of the non-restaurant business owners expressed an interest in doing something like a BYOB. The problem is that there is really no BYOB permit in Indiana so you can't let them do that. It would be the discretion of the businesses to determine whether they allow patrons with DORA cups inside their establishment. The DORA establishes stricter guidelines or rules once the patron exits the doors of an establishment. He said, even if the DORA isn't passed, the Town should pass an ordinance and tighten up the rules for alcohol downtown.

Councilor Robertson was asked about whether he had talked with the other businesses downtown and got their feedback about the DORA. He said for the most part they were in favor of it. The person who owns the Gaming Store downtown expressed some concerns as his business is kids friendly and he didn't want someone walking into his business with alcoholic refreshments. Councilor Robinson told him that the business establishes his own rules and regulation. He might have it as it draws later in the evening and the older crowd visits his establishment, he might want to allow alcoholic refreshments being brought into his business

Councilor Turich asked Councilor Robertson what problem will the DORA sell for the Town? What is the benefit to the Town?

Councilor Robertson responded that the Town really doesn't have any ordinances in place to control alcohol in the downtown. He said during the big restaurant crawls a few businesses in their own ignorance were selling open alcohol to go out on the street, which is a big no-no. It could have put their license in jeopardy. It's not the Town to enforce. It's the ATF. A DORA will allow people to walk out of the establishment in a more safely manner as guidelines will be in place. If an establishment has a to-go provision, a patron can grab as many alcoholic beverages as they want and could walk outside and start drinking. As long as the person is not intoxicated, there's really nothing one can do to regulate. With a DORA, you cannot bring alcohol into the DORA area. The only alcohol in the DORA area, has to be purchased from one of the establishments in the DORA area and you can only carry a maximum of two (2) drinks. The glass size would be sixteen (16) ounces and the glass (usually plastic) must contain the establishments name. This is so the police can easily identify someone trying to bring their own alcohol into the DORA area. He said that establishments can opt out at anytime or establishments can prevent DORA carry patron to walk into their business or to leave. He said with the DORA, you can limitations during the Town's festivals as to times or prohibit patrons coming onto park property with refreshments purchased not from the



beer garden vendor. Councilor Robinson felt the biggest impact of establishing a DORA is the benefit to businesses that don't carry alcohol. Businesses can still prohibit alcohol from entering their business.

The Council President agreed with Councilor Robertson that the proposed ordinance needed some additional refinement. He said he would wait until Councilor Robertson was ready and wanted to have it placed on a plenary meeting agenda.

- x. **Discussion:** Reminder that the Council has a public hearing to consider an additional appropriation in the amount of \$30,000 in the Municipal Cumulative Street Fund for the sidewalk replacement program.

The Council commented that it was a big bonus that the sidewalk program was doing so well and that the people were working with public works on the program improve their properties.

**TOWN OF HIGHLAND  
NOTICE TO TAXPAYERS OF PROPOSED  
ADDITIONAL APPROPRIATIONS**

Notice is hereby given the taxpayers of the Town of Highland, Lake County, Indiana, that the Town Council of said Municipality in said Municipal Building, 3333 Ridge Road, at 6:30 p.m. on the 28th day of October 2024, will consider the following additional appropriations in excess of the budget for the current year in the following funds:

Municipal Cumulative Street Fund

Acct. 4431-0000-44010 Sidewalk Replacement \$30,000.00

TOTAL for the FUND: \$30,000.00

Funds to support these additional appropriations in the Municipal Cumulative Street Fund shall be supported by miscellaneous revenue, unreserved unobligated fund balance on deposit to the credit of the fund.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations, as finally made, will be filed with the Department of Local Government Finance, for its review. The Department of Local Government Finance shall make a written determination of the sufficiency of funds within fifteen days of receipt of a certified copy of the action taken.

TOWN COUNCIL of HIGHLAND  
Philip Scheetinga, President

By: Mark Harak  
Clerk-Treasurer  
10/14, 10/21 - #####

HSPAXLP

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Additional Appropriation October 28, 2024 - Page 2 of 2

**Town of Highland  
Appropriation Enactment  
Enactment No. 2024-29**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET  
for the MUNICIPAL CUMULATIVE STREET FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-  
5-3-5.**

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 Street 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 **Municipal Cumulative Street Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE STREET FUND

Acct. No. 4431-0000-44010 Sidewalk Replacement	\$30,000.00
<i>Total 400 Series:</i>	\$30,000.00
<b>Fund Total:</b>	<b>\$30,000.00</b>

**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 28<sup>th</sup> day of October 2024. Consideration on same day or at same meeting of introduction sustained a vote of in favor and opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th Day of October 2024, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Philip Scheeringa, President (IC 36-5-2-10)

**ATTEST:**

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**Mark Herak**  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- x. **Discussion: Works Board Order No. 2024-47:** An Order Authorizing and Approving the Payment of Elective Honoraria to St. Joseph College, Rick Trater and Seth Leon in Recognition of and in their Goodwill for their Assistance and Support of the Events under the Community Events Commission and Authorizing the Payment of Elective Honoraria ( \$100 each) for Their Participation in the Annual Highland Independence Day Festival. (there as confusion as to whether these honorariums were for the 4<sup>th</sup> of July or the BBQ Festival. Councilor Robertson was to verify.

Councilor Robertson commented that the honorariums weren't just for the Independence Day Festival but also for Memorial Day. Seth Leon sang God Bless America as part of the Memorial Day Service.

Councilor Scheeringa asked why the delay. Councilor Robertson said the paperwork got missed.

The Council President hearing no further discussions, advised the Clerk-Treasurer to place the item on the October 28, 2024 plenary meeting agenda.

**THE TOWN of HIGHLAND**  
**WORKS BOARD ORDER NO. 2024-47**

An Order Authorizing, and Approving the Payment of Elective Honoraria to the Select Event Participants in Recognition of and in Goodwill for their Assistance and Support of the Events under the Aegis of the Community Events Commission and Authorizing the Payment of Elective Honoraria for Their Participation in the Annual Highland Independence Day Festival.

**Whereas,** The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas,** The Highland Community Events Commission and the Town Council of Highland did rely on the support and special services of the many volunteers from community groups in carrying out its programing for the year;

**Whereas,** The Town Council has been reliably advised that it has been customary and is highly desirable for the payment of an honorarium or stipend to some of

the participating community groups in recognition of their laudable support and contribution to the special event programming during the recent festival;

**Whereas,** The Town Council has been further reliably advised that many volunteers from community groups did expend time, labor and creative process to support the Town of Highland's community programming during the Independence Day Festival;

**Whereas,** Under its authority of IC 36-1-3, the Town Council passed and adopted Section §2.35.030 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and,

**Whereas,** The Town Council has reviewed the matter, and now desires to make findings and determinations related to the support and authorization of the awarding of honoraria to certain groups,

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

**Section 1.** That the following named groups, bands or individuals, which participated in the most recent **Independence Day**, as identified be paid an elective honorarium in the amount specified, in appreciation and recognition of this participation as follows:

(A)	St. Joseph College	\$ 100.00
(B)	Rick Trater	\$ 100.00
(C)	Seth Leon	\$ 100.00

**Section 2.** That the Town Council further finds and determines that the activities and expenses as described herein, if not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the Special Events Non Reverting Fund, when proper appropriations are accordingly approved;

**Section 3.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and accounts for the benefit of each of the several identified groups, depicting the expense as an Honorarium, in the amount herein fixed, to pay all groups as indicated and to take such other measures to carry-out the purposes and objects of this order;

**Section 4.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund or funds and accounts for the benefit of each of the several named parties herein identified, depicting

the expense as an Honorarium or Stipend, in the amount herein fixed, to be paid according to law;

**Section 5.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

**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 28th day of October 2024, having passed by a vote of in favor and opposed.

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

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Philip Scheeringa, President (IC 36-5-2-10)

Attest:

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- x. **Discussion:** Ratify Works Board Order Number 2024-49: An Order of the Works Board Accepting the Performance Agreement with: Nelson Franco; for Professional Entertainment and Stage Services for the Town of Highland Associated with the Trunk and Treat Party and to comply with IC 22-5-1.7 et seq

The Council asked why they were ratifying after the fact. Councilor Robertson said he only received the contract after last Monday's Town Council's Plenary Meeting. He said it was actually talked about in the HCCE's August meeting but nothing was followed through on. The Council asked Councilor Robinson to ask the HCCE to tighten up their process a little bit.

The Council President hearing no further discussions, advised the Clerk-Treasurer to place the item on the October 28, 2024 plenary meeting agenda.

Entertainment  
2505-0000-38609

PERFORMANCE AGREEMENT

Town of Highland  
3333 Ridge Road  
Highland, IN 46322

Date: October 3, 2024

Entertainer:  
Band Name: Nelson Franco  
Address: 3047 100th Pl  
City, State Zip: Highland IN 46322  
Phone: (219) 614-1703

For: Trunk or Treat Party  
3001 Ridge Road  
Highland, IN 46322  
Date: October 19, 2024  
Highland Council of Community Events

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Description

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This agreement is for the personal services of performers on the engagement described below, is made on October 3, 2024 between Town of Highland – Highland Council of Community Events (hereinafter "Purchaser") and Nelson Franco (hereinafter "Artist").

1. Name and address of place of performance: Trunk or Treat Party – 3001 Ridge Road – Main Square Park – Highland, Indiana 46322
2. Date of Performance: October 19, 2024
3. Performance time: 10:00am – 12:00pm
4. Contact: Sandy Mcknight 219-545-3800
5. Type of Event: Trunk or Treat Party
6. Special provisions: None
7. Contract price: \$200.00, flat guarantee, made payable to Nelson Franco after the concert.
8. It is understood that this contract agreement is binding on both Purchaser and Artist. If Purchaser cancels the engagement for any reason other than an Act of God, including, but not limited to, a pandemic, the full amount is due to the Artist. If the engagement is cancelled by the Artist for any reason other than an Act of God, they are to provide alternate entertainment.
9. No Reliance on Outside Representations. The Parties represent and warrant that in making their decision to enter into this Agreement they have been represented by their own counsel and that they have not, except as herein stated, relied upon any express or implied representations of the other's agents or representatives concerning any matter related to this Agreement. The Parties acknowledge that they either: (a) have fully obtained whatever information and advice they desire regarding the effect of this Agreement; or (b) are willing to go forward with this Agreement without that information or advice and to assume whatever risks that decision may entail.

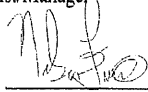
10. **Binding Effect:** This Agreement will be binding on the parties and will inure to the benefit of and bind their respective heirs, personal representatives, successors and assigns.
11. **Attorneys' Fees:** In any action brought by any party to enforce the obligations of the other party or parties under this Agreement, the prevailing party will be entitled to collect such party's or parties' reasonable outside counsel fees, costs and other litigation expenses in such action. The prevailing party is the party who receives substantially the relief sought by said party, whether by final un-appealable order, dismissal or settlement, including any mediation or arbitration.
12. **Severability:** If any provision of this Agreement is determined by a court having jurisdiction to be illegal, invalid or unenforceable under any present or future law, the remainder of this Agreement will not be affected thereby. It is the intention of the parties that if any provision is so held to be illegal, invalid or unenforceable, there will be added in lieu thereof a provision agreed to by the parties that is similar in terms to such provision as is possible that is legal, valid and enforceable.
13. **Headings:** The headings used in this Agreement are for ease in reference only and are not intended to affect the interpretation of this Agreement in any way.
14. **Counterpart Execution:** This Agreement may be executed in multiple counterparts with the same effect as if the parties had signed the same document. All counterparts will be construed together and will constitute one agreement. This document will not be binding on or constitute evidence of a contract among the parties until such time as a counterpart of this document has been executed by each party and a copy thereof delivered to each other party to this Agreement.
15. **Governing Law, Venue & Jurisdiction:** This Agreement is being executed, delivered and is intended to be performed in Lake County, Indiana, and the substantive laws of Indiana will govern the validity, construction and enforcement of this Agreement. This Agreement is to be construed according to the laws of the State of Indiana applicable to contracts and workmanship to be performed entirely within the State of Indiana. The parties irrevocably and unconditionally consent to the venue and jurisdiction (both subject matter and personal) of any Indiana State Court sitting in Lake County, Indiana, in any action brought to enforce the terms of this Agreement. The parties irrevocably and unconditionally waive: (a) any objection any party might now or hereafter have to the venue in any such court; and (b) any claim that any action or proceeding brought in any such court has been brought in an inconvenient forum.

WHEREFORE, the Parties hereunto set their hands and seals on the dates written below:

Purchaser: Highland Town Council

Artist/Manager

By: \_\_\_\_\_

By:  \_\_\_\_\_

Phil Scheeringa, President

Printed Name: Nelson D Franco

Dated: \_\_\_\_\_

Dated: 10-8-2024



- x. **Discussion: Works Board Order No. 2024-50:** An Order of the Works Board Finding And Determining Certain Personal Property Of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired and Deemed Worthless and of No Market Value, And Further Authorizing And Approving Disposal Or Transfer Of Said Property.

The Fire Chief said as they were doing some major clean-up at both the Central and South Fire Stations, they found these items, some as much as forty (40) years old. Many of the items were sitting on the shelves rotting. During those forty (40) years, technology has changed. He said much is metal so they are going to load it on a trailer and take it to the scrap dealer and see how much they get for it.

The Council President hearing no further discussions, advised the Clerk-Treasurer to place the item on the October 28, 2024 plenary meeting agenda.

**The Town of Highland  
Board of Works Order No. 2024-50**

AN ORDER FINDING AND DETERMINING CERTAIN PERSONAL PROPERTY OF THE MUNICIPALITY AS NO LONGER NEEDED FOR THE PURPOSES FOR WHICH ORIGINALLY ACQUIRED OR HAVE BEEN LEFT IN THE CUSTODY OF AN OFFICER OR EMPLOYEE OF THE TOWN OF HIGHLAND AND HAVE REMAINED UNCLAIMED FOR MORE THAN ONE (1) YEAR OR HAVE BEEN DEEMED WORTHLESS AND OF NO MARKET VALUE AND FURTHER AUTHORIZING AND APPROVING DISPOSAL OF SAID PROPERTY.

**Whereas,** The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

**Whereas,** The Town Council has been advised by the Fire Department that several items of personal property, and which all owned by the municipality are no longer needed for the purposes of which it was originally acquired, pursuant to IC 5-22-22; and

**Whereas,** The Fire Chief has recommended and requested that disposal of certain personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.; and,

**Whereas,** The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

**Now, Therefore, Be it ordered** by the Town Council of the Town of Highland, Lake County, Indiana:

**Section 1.** That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

- (A) That there are certain articles of personal property possessed or owned by the municipality that are no longer needed, unfit for the purposes for which they were acquired, pursuant to IC 5-22-22-3; or,
- (B) That these same articles of personal property possessed or owned by the municipality that have been left in the custody of an officer or employee of the Town of Highland and have remained unclaimed for more than one (1) year, pursuant to IC 5-22-22-3; or,
- (C) That these same articles of personal property possessed or owned by the municipality, that may be deemed worthless or no market value as the estimated costs the sale and transaction of the property exceed the property value, pursuant to IC 5-22-22-8;
- (D) That these items of personal property are more particularly described in an exhibit attached (photo) to and incorporated in this works board order;
- (E) That the value of any single item of personal property is less than one thousand dollars (\$1,000) and that all the items of personal property together are less than \$5,000, all pursuant to IC 5-22-22; and

**Section 2.** That the Fire Chief is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by junking or scrapping pursuant to IC 5-22-22-6;

**Section 3.** That no notice of the disposal is necessary all pursuant to IC 5-22-22-6;

**Section 4.** That no proceeds are expected but should proceeds arise, any and all proceeds yielded from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the Corporation General Fund.

**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 28<sup>th</sup> day of October 2024 having passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

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

\_\_\_\_\_  
Philip Scheeringa, President (IC 36-5-2-10)

**Attest:**

\_\_\_\_\_  
Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- x. Discussion: Proposed Ordinance No. 1805** to Make A Technical Updating Amendment to the Compensation, Benefits and Personnel Program of the Municipality, known as the Compensation and Benefits Ordinance, Commonly Called the Municipal Employee Handbook Particularly Regarding section 5.17 authorized use of town owned and/or leased vehicles, and Repealing Prior Ordinances and Enactments in Conflict Therewith, all Pursuant to IC 36-1-3 , IC 36-5-6 ET seq and other relevant Statutes.

The Clerk-Treasurer explained to the Council that the changes were technical in nature, adding the Police Department's Deputy Commanders and the Park Department's Park Director are now eligible to take their vehicles home and removing the Assistant Police Chief from the eligibility list.

The Council President hearing no further discussions, advised the Clerk-Treasurer to place the item on the October 28, 2024 plenary meeting agenda.

- x. Discussion:** House Bill 1016. New law (HEA 1016-2023) mandates that a merit system be put in place for police/fire departments and fire territories/districts for municipalities with populations over 20,000 and at least 12 full time active members (unless there is a vote by the active members to reject the merit system prior to December 31, 2024).

Allows a fire protection district or fire protection territory to establish a merit system. Provides that unless a resolution or ordinance to establish a merit system is rejected not later than December 31, 2024, a merit system is established on January 1, 2025, for eligible: (1) city and town police and fire departments and township fire departments; and (2) fire protection districts and fire protection territories. Provides that the merit system may be dissolved after January 1, 2025. Requires a unit, district, or territory to vote to either retain or dissolve the merit system after January 1, 2029, and before January 31, 2029.

Attorney Reed explained, unless the Council takes an action of some kind, you'll be stuck with the merit system that the State recommends. Taking action on this particular resolution, which is to opt out of the State recommended merit system, gives them the members of the police department their choice. In other words, if the Town doesn't don't take that 1st step, passing a resolution opting out of the State's recommended merit system, the second step doesn't happen, having the active members of the police department vote. By passing the resolution, you're not necessarily saying the town doesn't want this but what you're saying is, we want the active members of the department to have the choice. If the resolution is adopted, we'll notice a vote of the active members of the department, providing them with all the information. From the time of the announcement of the vote to the actual vote has to be at least three (3) weeks. By passing this resolution gives them a choice, as opposed to not giving them a choice.

Councilor Scheeringa said he's been trying to get more and more information on this as well because it affects his full time job as well and he still hasn't gotten any more information than we have currently. He said personally, he would like to see the resolution passed so we can put the decision in their laps. If the 1<sup>st</sup> step isn't taken, then the second step can't happen and the State's mandated system automatically goes into effect.

Attorney Reed said by passing the resolution, the Council has elected that the Town of Highland would like to opt out of the confines of House Bill 1016 and its requirements. The resolution gives the members the choice to opt out. Prior to the vote, we'll sit down with the Chief and make sure all of the active member have the information necessary to vote. They will have three (3) weeks to study the information before the vote.

Councilor Turich asked if the Fire Department was included in the Bill and he was advised the Bill did not pertain to Highland as it does not have twelve (12) full-time members.

Councilor Scheeringa said the biggest thing he's heard talking with some of their Union leadership is that they just want to feel like they have some representation and have a say so on who's on the police commission. He said he respects every member of the Police Commission. We have a great Police Commission. They give a lot of time and are very involved with the community. He said he continues to read the Bill to determine whether can have a hybrid when it comes to appointments and the actual merit system. He read it that you can.

Attorney Reed responded that we have our own process that we use. He said it's a tough question on whether the Town can change the composition of the Metropolitan Police Commission. He said its not impossible but I'm not so sure you can.

Councilor Scheeringa asked Attorney Reed if he could find out as Councilor Scheeringa said he would like to give them that answer before they vote. He said we really have to work together.

Attorney Reed said he would prepare a memo, stating what our current local code provides and then what the State mandate is offering and then find out if there's any flexibility. Maybe an advisory member who wasn't a voting member like Pat Krull is on the Redevelopment Commission or something like that.

Councilor Turich wanted to know if the Council passes the resolution next Monday, will Attorney Reed have the memo prepared before the time of the vote. Attorney Reed acknowledged yes.

Councilor Georgeff asked the Attorney Reed the length of terms. He wanted to know if they were one, two or three year terms. If the terms are longer than one (1) year, it's possible that whoever is the Council President in year two (2) and three(3), would not get an appointment. He said that when he was President of the FOP, when Highland adopted its merit system, it had to be modelled after the State model. The Town wasn't allowed to adopt its own model. He said things could have changed since he was on the department. He believed Munster adopted their own merit system but has since opted out.

The Council agreed that there is still a lot to learn as the Bill is very confusing and they want enough time to learn as much as we can. The main question being if the Town opts out, can it create its own merit system. Can the Town adopt some features of the State's and not other's? The key is to give the active members a choice, to give them the best information available.

Attorney Reed said normally, one size systems don't fit every community. It takes away some flexibility and say, rather than taking the qualifications or performance metric of a certain officer into account, instead it puts you in the box, and you're gonna consider certain things, whether the chief and the assistant actually think that person is a truly fine officer or not. They may leapfrog others who are better.

The Council President hearing no further discussions, advised the Clerk-Treasurer to place the item on the October 28, 2024 plenary meeting agenda.

It's all part of IC 36-8-3.5-5.5.

There are 3 options:

**Option 1:** If the town does not have a merit system in place on 1/1/25, one is established by the statute (the town has no choice at that point): "Effective January 1, 2025, a merit system is established for each eligible department that does not have a merit system . . ." [IC 36-8-3.5-5.5(d)]

**Option 2:** The town can, prior to 12/31/24, establish a merit system under the provisions IC 36-8-3 if they want: "Effective January 1, 2025, a merit system is established for each eligible department that does not have a merit system unless, not later than December 31, 2024, the unit . . . (1) establishes a merit system under section 3 of this chapter.

**Option 3:** The town council can choose to, by resolution, reject the establishment of a merit system: ". . . the unit's legislative body or the governing board of the district or territory may adopt a resolution not later than December 31, 2024, that rejects the establishment of a merit system. The resolution rejecting establishment of a merit system must be adopted by an affirmative vote of at least a majority of the members of each of the following: (1) In the case of a: (A) unit, the unit's legislative body . . . (2) The active full-time, paid members of the department." [IC 36-8-3.5-5.5(e)] Under this option, if the town doesn't want a merit system, council adopts a resolution first stating they are rejecting it. Then, the resolution shall be voted on by the active full-time, paid members of the department.

If the town doesn't want a merit system, the Council and the active members of the department vote. If the town wants a merit system, council can vote on it prior to 12/31/24 (see IC 36-8-3). If there are no votes or actions taken prior to 1/1/25, a merit system is established by statute.

[IC 36-8-3.5-6](#)

The merit board/commission has 5 members. 2 of them have to be from different political parties and are appointed by the town's 'executive', which in a town is the council president. 1 is appointed by the council (legislative body). The other 2 are active members of the department, have to be of different political parties, and are appointed by the active members of the department.

**IC 36-8-3.5-6 Merit commission; establishment; appointment of members; qualifications; oath**

Sec. 6. (a) A merit commission consisting of five (5) commissioners shall be established for:

- (1) each department of a unit;
- (2) a district; or
- (3) a territory;

having a merit system.

(b) The commissioners of a unit are:

- (1) two (2) persons, who must be of different political parties, appointed by the unit's executive;
- (2) one (1) person appointed by the unit's legislative body; and
- (3) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding [IC 36-1-8-10](#), political affiliation shall be determined through the voters' registration records of the three (3) most recent primary elections.

(c) The commissioners of a district or territory are:

(1) the members of the governing board; and

(2) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding [IC 36-1-8-10](#), the political affiliation of the persons appointed under subdivision (2) shall be determined through the voters' registration records of the three (3) most recent primary elections.

(d) This subsection does not apply to a commissioner who is a member of the governing board of a district or territory. A commissioner must have been a legal resident of the unit, district, or territory for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The unit's legislative body may, upon the recommendation of the safety board, determine a per diem to be paid to each commissioner for each day of actual service for the commission. The governing board may determine a per diem to be paid to each commissioner appointed under subsection (c)(2) for each day of actual service for the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit.

(e) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board of a unit or the governing board.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF HIGHLAND, INDIANA, OPTING OUT OF THE ESTABLISHMENT OF A  
MERIT SYSTEM FOR THE HIGHLAND METROPOLITAN POLICE DEPARTMENT  
PURSUANT TO INDIANA CODE SECTION 36-8-3.5-5.5

**WHEREAS**, pursuant to Indiana Code 36-8-3.5-5.5, an eligible police department will establish a merit system for its members unless, not later than December 31, 2024, the legislative body of the governmental unit adopts a resolution opting out of the establishment of a merit system which decision to opt out is also approved by a majority of the active, full-time, paid members of the Metropolitan police department.

**WHEREAS**, the Highland Metropolitan Police Department (“HMPD”) is an eligible police department as defined by Indianan Code 36-8-3.5-5.5 (b). HMPD has more than twelve (12) active full-time, paid members providing law enforcement services to a geographic area that has a resident population of at least twenty thousand (20,000) people.

**NOW THEREFORE BE IT RESOLVED** by the Town Council for the Town of Highland, Indiana, that the Council opts out of the establishment of a merit system as allowed by Indiana Code. 36-8-3.5-5.5(e).

**NOW THEREFORE BE IT FURTHER RESOLVED** that pursuant to Indiana Code. 36-8-3.5-5.5(e), the active full-time, paid members of the HMPD shall now conduct a vote upon which to opt out of the establishment of a merit system as follows:

1. The vote shall take place within sixty (60) days after the adoption of this Resolution.
2. The HMPD shall give all active members of the HMPD no less than three (3) weeks’ advance notice as to the date, time and process to vote to approve or opt out of the merit system. Notice sent by way of the HMPD email system is acceptable.
3. The HMPD shall ensure that notice is posted in prominent places in all HMPD stations. The notice must designate the time, place and purpose of the vote. Any issues relating to the voting process shall be addressed and resolved by the HMPD Chief and HMPD attorney. The Town Attorney may also assist in the voting process, as needed.
4. A copy of this Resolution shall be distributed to each HMPD member.



5. Only active members of the HMPD may vote.
6. If a majority of the active members of the HMPD vote to accept a merit system, the merit system will be established on January 1, 2025. If a majority of the active members of HMPD vote to opt out of the merit system, a merit system will not be established.
7. Nothing in this Resolution shall affect the provisions of any current HMPD policies and/or the employment terms and conditions of the HMPD's members.

**PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Philip Scheeringa, President  
Town of Highland, Town Council

ATTEST:

\_\_\_\_\_  
Mark Herak Clerk-Treasurer

- x. **Discussion:** Councilor Turich brought up from the floor to be placed on a future study session agenda the consideration of allowing golf carts on the streets of Highland.
  
- x. **Discussion:** Councilor Georgeff said he reached out to several people regarding speed bumps. He said they are willing to come to Highland and install a few so the Council can see them in operation and get the feedback of the residents. He will advise the Council when they will be installed.

Councilor Scheeringa asked if there were any additional agenda items. Hearing none, he adjourned the meeting at 7:20 p.m.