



TOWN COUNCIL MEETING
THURSDAY, AUGUST 10, 2023
6:00 P.M.

Elizabeth J McCombs, President
Julie Mudrovich, Council Member
Traci Newman, Council Member
Robin Ackerson, Clerk-Treasurer

Avery Minor, Town Marshal
Peter Agostino, Town Attorney
Heather Velez, Police Clerk

I. CALL TO ORDER/
PLEDGE OF
ALLEGIANCE

President Elizabeth J. McCombs called the meeting to order at 6:00 p.m. President McCombs led the assembly in reciting the Pledge of Allegiance.

II. ROLL CALL:

All members were present except Peter Agostino and Heather Velez.

III. MINUTES/DOCKET
APPROVAL

Clerk-treasurer Robin Ackerson presented the dockets to the council for review and signatures. She also presented a reimbursement claim to Dan Allen for mower parts. Another claim was presented for Payroll Adjustments to July, based on the software errors dating back to May. President McCombs made a motion to accept all dockets as presented; seconded by Julie Mudrovich; all in favor; motion carried.

IV. INTRODUCTIONS/
ANNOUNCEMENTS

President McCombs introduced Pam from Pizza King, who stated that she has made repeated attempts to have University Edge trim their shade tree that blocks the Pizza King sign, and they have told her that they are not interested in helping and that she should put up a larger sign. Even when the leaves fall the branches will block the sign.

President McCombs stated that she has discussed the matter with the town attorney, and that the law regarding trees over the highway does not apply to Towns. She has put a call in to the Highway Dept. to see what, if anything, they can do. She is trying to resolve the matter, but is frustrated that the apartment complex does not want to be neighborly. Zoning commissioner Julie Mudrovich stated that she had observed the complex trimming their other trees, but they had left the offending tree alone! The new management company is called Red Stone, whose headquarters is in Utah.

V. TOWN ATTORNEY Not here.

VI. OLD BUSINESS Mike Schalk of Murray St. questioned the agreement about cleaning up Norman Patel's properties. President McCombs stated that she had no new information as the attorney has not yet returned her call. Mr. Schalk then continued his complaint that the eyesore has persisted for years; that Mr. Patel does not accept his paperwork; and that legal fees have accumulated over the years due to the town's attempts to gain compliance. President McCombs stated that she can do nothing further without the town attorney's assistance.

VII. NEW BUSINESS President McCombs asked if there is any new business to come before the council. Councilwoman Traci Newman asked what business is going in to the Olde Time Barber Shoppe location, and Chief Minor said that he had stopped to introduce himself to the new tenants who are opening a cat supply and clothing store.

VIII. TOWN HEALTH & SAFETY Chief Avery Minor stated that there were 334 service calls and 24 case reports. There were 5 animal complaints which they have been able to mitigate. A number of calls went out to Taco Bell and Wendy's; they have a number of teenage employees who are difficult to manage. Cheers had 3 calls (drugs). Notre Dame students will be moving back in August 18-20th. Officer Will Limon will graduate from the Academy on Thursday (8/17). One of our officers was involved with other agencies in a pursuit from Michigan and was debriefed; he did not have to fire his weapon but was minimally traumatized by the event; he is doing well now. Chief Minor thanked the council for allowing the Kid's Day event and everyone for coming. The kids had a great time in spite of the brief rain interruption. Councilwoman Julie Mudrovich stated that watching the movie in the park was the coolest thing she has ever done there in the 30 years she has lived here. President McCombs asked for and received a big round of applause for the Department.

IX. MAINTENANCE Councilwoman Traci Newman reported that pothole filling continues as does weed whacking and mowing, water sampling, and picking up trash along the streets and trail. President McCombs stated that Martell Electric will be available to fix the Veteran's Park issues next week. She also reported that a homeless man had been found sleeping on the Veteran's Park bench on Tuesday, which the police

IX. MAINTENANCE

handled. Ms. Newman also reported that Carolyn has shoulder issues due to the heavy duty work, and that she will be trimming around all of the street signs in town.

Mike Schalk asked why Carolyn has been using the push mower, and President McCombs replied that the tractor has been down, but Dan Allen has now fixed it. Mr. Schalk complained that the Veteran's Park has only been mowed about once a month (hot, dry weather), and President McCombs made a note of it.

X. TOWN FINANCIAL

Clerk-Treasurer Robin Ackerson reported:

Balance - July 1, 2023	\$ 969,721.57
Deposits, EFT's, Adj.	78,518.00
Checks, EFT's	<u>116,875.25</u>
Balance - July 31, 2023	\$ 931,364.32

We received the Flock Safety Grant of \$11,200 for the street cameras. The Budget work session can be scheduled any Tuesday of Thursday between Aug. 22nd, and Aug. 31st. The state is not releasing projections for LIT until next Wednesday.

President McCombs scheduled a Special Public Meeting on August 17, 2023 at 10:30 a.m. regarding the rezoning of 112 Ullery St. This will be upon receiving the BZA recommendation to rezone.

XI. TOWN PLANNING,
ZONING, &
DEVELOPMENT

Zoning Commissioner Julie Mudrovich stated that she has sent several letters regarding the condition of properties. She then presented a building permit application for an air conditioning unit to be installed by Great Lakes Heating and A/C at a cost of \$6,000.00 at 301 Pendle St. President McCombs made a motion to approve the permit for the A/C installation at 301 Pendle St.; seconded by Traci Newman; all in favor; motion carried.

Ms. Mudrovich also reported that the "church lot" has finally been mowed.

XII. PARK

President McCombs reported that she has made several calls for estimates on wood chips for the playground, and has provided dimensions; she is waiting for the replies.

XII. PARK

Discussion among the council led to the consensus that we may order the Merry Go Round this year, but install it next year, due to the mulch being priority for insurance purposes. Clerk-treasurer Robin Ackerson reminded that Astra Insurance wants the action plan for the mulch and the garage gutters by Sept. 27th.

Mike Schalk made an offer to "make arrangements" to have the mulch disbursed at the park at no cost to the town if the town provides the wood chips. President McCombs asked if the person who is providing the equipment was licensed, bonded, and insured, and if so, please provide all of the information to the clerk-treasurer's office.

Attorney Peter Agostino arrived at 6:37 p.m. President McCombs suspended the agenda.

V. TOWN ATTORNEY

Attorney Agostino stated that a lawsuit is ready to go against Mr. (Norman) Patel over his blighted property on Dixieway. He had agreed to remove a van and trailer; the trailer remains. The attorney reported that Mr. Patel has showed him drawings of the two hotels he plans to erect on the property. Attorney Agostino will reach out to Mr. Patel tomorrow and show him the lawsuit, as well as to remind him that he will need to come before the council for his zoning and building permits. President McCombs stated that Mr. Patel's word is no good; he will have to prove that he is a responsible property owner. She also reminded that there are still issues with Mr. Patel's property next to Mr. Schalk, such as mosquitoes from the retention pond.

President McCombs told the attorney that Pam from Pizza King is having an issue with University Edge about their sign being blocked by a tree. He replied that she could apply for a variance for the sign, but Ms. Newman noted that trees keep growing. Unfortunately, the town can't force the issue as the site plan was approved for UE. But the attorney can contact Redstone of Utah.

V. TOWN ATTORNEY

President McCombs asked if a tree falls on someone else's property, who is responsible for the clean-up? He replied that once it is on your property, it is yours to clean up unless you can prove that it was dead and the owner knew it. Ms. Ackerson clarified that the complaint was about the stumps that the neighbor was using around the campfire, and Ms. McCombs stated that it was also about a mattress near the campfire that was drawing mice. The mattress can't be seen from the street, but can from the neighbor's back yard. The attorney recommended enforcing the code regarding junk in the yard. Town officials can't just walk onto someone's property; however, the neighbor can take photos and provide them to the town.

President McCombs asked what we can do about not having Humane Society services. He replied that the options are to renegotiate the contract or to contract with someone else. Ms. Mudrovich offered to contact Pet Refuge.

Mr. Schalk mentioned the humped pavement from the recent street cut, and asked if the town had any recourse. President McCombs stated that she has spoken to the contractor and that they are waiting for the pavement to settle, so as not to cut too low and cause puddling. It will take time, but the asphalt will be trimmed to specs at no charge. Mr. Schalk argued that the "bump" will interfere with snow plowing; Ms. Newman replied that South Bend has just installed speed bumps throughout the city.

XIII. PUBLIC INPUT

Traci Newman of 235 Cripe St. asked about the dirt bikes riding in the alley, as they are tearing up the alley. Chief Minor said that he has spoken with the parents of the kids who are riding them and told them that they cannot be there after curfew. The curfew for young children is 9:00 p.m. As long as the bike's motor is small, the motor bike is not plated, and they stay off the road, they are legal.

President McCombs stated that we need a noise ordinance. Ms. Ackerson stated that we have one, but do not have a decibel reader and therefore cannot enforce it. It is an infraction that an officer must see.

Ms. Mudrovich stated that Dan Allen had spoken with a park renter who claimed that she had picked up syringes, crack pipes, and used condoms before she could use the facility.



TOWN OF ROSELAND
INCORPORATED 1916

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XIII. PUBLIC INPUT

Chief Minor stated that the officers are patrolling the park and watching for drug users and other illicit behavior.

XIV. ADJOURN

President McCombs made a motion to adjourn at 7:04 p.m.; seconded by Traci Newman; all in favor; motion carried.



President Elizabeth J McCombs

Traci Newman, Council Member



Julie Mudrovich, Council Member

ATTEST:



Robin E. Ackerson
Clerk-Treasurer