

**LEGAL NOTICE**

The Westville Town Council will meet in a public hearing at 7:00 p.m. (local time) on Tuesday, June 11, 2024. The public hearing will be held at Westville Town Hall located at 100 Setser Drive, Westville, Indiana 46391.

Westville Town Council

*This notice is not for legal publication  
but just for notification purposes.*

WESTVILLE TOWN COUNCIL  
JUNE 11, 2024  
PUBLIC HEARING  
100 SETSER DRIVE  
7:00 P.M.

AGENDA

PET HERO WAIVER OF NONCOMPLIANCE

RESOLUTION NO.: 2024 - 4

A RESOLUTION OF THE WESTVILLE TOWN COUNCIL GRANTING A WAIVER OF NONCOMPLIANCE PURSUANT TO INDIANA CODE 6-1.1-12.1-11.3 WITH RESPECT TO AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR THE REAL PROPERTY IMPROVEMENTS OF PET HERO PROPERTIES LLC

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Current Owner/ Petitioner: Pet Hero Properties LLC  
707 Flynn Rd  
Westville, IN 46391

Real Property Number: 46-09-29-226-006.000-028

WHEREAS, Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code ("IC") 6-1.1-12.1 et seq., (the "Act") in the form of deductions of assessed value for qualified real property improvements, was submitted to the Westville Town Council a FORM SB-1/Real Property initiating the process for a 1.37ac area of real property located at 707 N FLYNN WESTVILLE, IN (the "Project Site") to be designated as an Economic Revitalization Area (the "ERA") for the purpose of real property improvements assessed valuation deductions (or Tax Abatement) to be applied to investments in new facility; and

WHEREAS, on February 11, 2020 the Westville Town Council (the "Town Council") adopted and approved Resolution No. 2020-3 (the "Declaratory Resolution" that designated and established the Project Site in the Town of Westville as an Economic Revitalization Area (the "ERA") pursuant to Section 2.5 of the Act for the purpose of providing for assessed valuation deductions as an incentive resource to encourage private enterprise to invest within the Town of Westville, Indiana ("Town ") as a means to attract, retain or expand economic development and employment opportunities; and

WHEREAS, on February 11, 2020, the Town Council held a duly scheduled and published public hearing on the Declaratory Resolution and property closed the public hearing upon receiving comments; and

WHEREAS, on September 23, 2020 the Town Council adopted and approved Resolution 2020-8 Confirmatory Resolution and further approved the FORM SB-1/ Real Property (the "FORM SB-1") for an assessed valuation deduction of the Company's real property improvements pursuant to Section 3 of the Act; and

WHEREAS the Company represented and as independently verified on the real property assessment card for PIN 46-09-29-226-006.000-028 located in the ERA that real property improvements at the Project Site as described in the FORM SB-1 were fully assessed for the 2021 assessment date for taxes due and payable in 2022; and

WHEREAS the Company failed to timely file the 2022 (Year 1 at 100%) compliance forms (the FORM CF-1 and the FORM 322/RE) with the Town Council as the designating body and the Office of the LaPorte County Auditor; and

WHEREAS Section 11.3 of the Act authorizes the Town Council as the designating body by resolution to waive noncompliance with various requirements of the Act in order to claim a deduction; and,

WHEREAS, The Company has requested that the Town Council exercise its authority to waive noncompliance by adopting a resolution pursuant to Section 11.3(c) such that said resolution shall identify the property, the assessed valuation deduction, and the taxpayer effected by the resolution as well as furthermore identify the noncompliance for which certain waivers are to apply and make a finding that the noncompliance has been corrected before the adoption of this resolution; and,

WHEREAS The Town Council conducted a public hearing on June 11, 2024 for the purpose of considering the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE WESTVILLE TOWN COUNCIL THAT: the Company's failure to file in a timely manner file the compliance forms (the FORM CF-1 and the FORM 322/RE) with the Town Council as the designating body and the Office of the LaPorte County Auditor are hereby waived pursuant to Section 11.3(a) of the Act, subject to the terms and conditions set forth below:


- (1) A deduction of qualified assessed valuation of 100% for Year 1 of the ten-year abatement period as it relates to real property improvements as approved under Resolution 2024-4 shall be applied to the real property improvements of gross assessment specifically identified for real property key number 46-09-29-226-006.000-028
- (2) The Town Council will not entertain or consider any future waivers of noncompliance related to the Company or the Project Site pursuant to the Act as submitted by the Company for untimely filings or noncompliance under Sections 9.5 or 11.3 of the Act.

BE IT FURTHER RESOLVED that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.


BE IT FURTHER RESOLVED that this Resolution shall have full force and effect from and after its passage by the Town Council and its signing by the President as required by law.

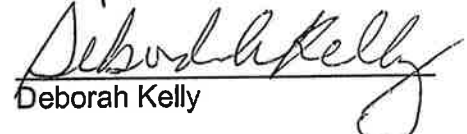
*See Signature Page*

WESTVILLE TOWN COUNCIL

  
\_\_\_\_\_  
Michael Albert


  
\_\_\_\_\_  
James Bechinske

  
\_\_\_\_\_  
Olga Pothorski

  
\_\_\_\_\_  
Deborah Kelly

  
\_\_\_\_\_  
Leann Deal

ATTEST:

  
\_\_\_\_\_  
Lori Hunt  
Clerk-Treasurer

WESTVILLE TOWN COUNCIL  
JUNE 11, 2024  
REGULAR MEETING  
100 SETSER DRIVE  
7:00 P.M.

AGENDA

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF CLAIMS

ECONOMIC DEVELOPMENT RESOLUTION 2024-4

UTILITIES

MCO REPORT

STREETS

DEPARTMENT HEAD REPORT

PARKS

POLICE

DEPARTMENT HEAD REPORT

FINANCE

RESOLUTION 2024-5

MISCELLANEOUS

WVFD ACTIVITY REPORT

CITIZENS COMMENTS

ANY OTHER MATTERS WHICH PROPERLY COME BEFORE THE COUNCIL

ADJOURNMENT

# WESTVILLE TOWN COUNCIL

JUNE 11, 2024  
MINUTES OF MEETING

The regular meeting of the Westville Town Council was held at the Westville Town Complex Community Room, 100 Setser Drive at 7:00 p.m. Present: Michael Albert, Leann Deal, Deborah Kelly, James Bechinske, Olga Pothorski, Lori Hunt, Clerk-Treasurer; Town Attorney, Doug Beige.

The Pledge of Allegiance was recited.

Michael Albert opened the public hearing regarding the waiver of noncompliance for Pet Hero. Michael Albert stated the public hearing is being held due to an issue at the county level regarding Pet Hero's tax abatement. The Town must adopt a Resolution granting a waiver of noncompliance with respect to Pet Hero's assessed valuation deduction (tax abatement) for real property improvements. Michael Albert asked if there was any public comment. There was none. Michael Albert closed the public hearing at 7:01 pm.

Regular Meeting began at 7:01 pm.

A motion was made by Michael Albert to approve minutes of the May, 2024 meeting. Deborah Kelly, second. Roll Call: Bechinske, yes; Pothorski, yes; Deal, yes; Kelly, yes; Albert, yes.

A motion was made by James Bechinske to approve claims for the month of May, 2024. Olga Pothorski, second. Roll Call: Bechinske, yes; Pothorski, yes; Deal, yes; Kelly, yes; Albert, yes.

Michael Albert stated that ADA/Title VI grievance forms and a voluntary public involvement survey are available for anyone interested.

Michael Albert read Resolution 2024-4, (A Resolution of the Westville Town Council granting a waiver of Noncompliance Pursuant to Indiana Code 6-1.1-12.1-11.3 With Respect to an Assessed Valuation Deduction (Tax Abatement) for the Real property Improvements of pet Hero Properties LLC), by title only. Michael Albert made a motion to adopt Resolution 2024-4. James Bechinske, second. Roll Call: Bechinske, yes; Pothorski, yes; Deal, yes; Kelly, yes; Albert, yes.

## UTILITIES

Nathan Howell gave a summary of the MCO report for May. It is attached. Nathan stated the estimate to replace the lift station at Westville Estates is approximately \$34,000.00.

## STREETS

There was nothing to report in Streets.



## **PARKS**

There was nothing to report in Parks.

## **POLICE DEPARTMENT**

Marshal McKinney reported monthly stats. He also stated that we hired one officer on June 3<sup>rd</sup> and we are in the process of hiring two more and he hopes to have them all on board by the June 30<sup>th</sup> payroll. Marshal McKinney asked the council if the new officer, Joy Phillips, would be able to take her squad car home since she lives past the allowable number of miles for a take home car. She resides in Goshen which is almost double the allowable amount. He offered another option of her driving the squad car and parking it at the New Carlisle Police Department and driving home from that point. Olga Pothorski stated she believes parking the car at a different location could be a security issue and a take home car is something the Town can provide as a perk to keep our employees and show that we appreciate them. Council agreed to allow Joy Phillips to have a take home car.

## **FINANCE**

Michael Albert read Resolution 2024-5, Transfer of Funds in its entirety. We will transfer \$19,000.00 from MVH Health Insurance to New Equipment and \$3,900.00 from MVH Gas & Electric to New Equipment. Michael Albert made a motion to adopt Resolution 2024-5. Deborah Kelly, second. Roll Call: Bechinske, yes; Pothorski, yes; Deal, yes; Kelly, yes; Albert, yes.

## **MISCELLANEOUS**

There was no one in attendance from the WVFD.

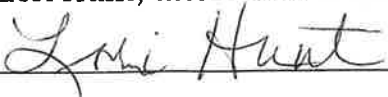
## **CITIZENS COMMENTS**

Vicky DePrey was in attendance to ask about the fireworks issues from the previous meeting. Marshal Corey McKinney stated that we follow state statute on this issue and unfortunately, there is not a lot the Town can do regarding the noise since it is difficult to find where the fireworks are being set off from. Clerk-Treasurer Hunt stated that between herself and Marshal McKinney, the Town can put out a notice via Reach Alert and Facebook to help make residents aware of the issue and to try and be considerate of others when setting off fireworks.

## **ANY OTHER MATTERS THAT COME BEFORE THE COUNCIL**

A motion to adjourn was made by Michael Albert at 7:24 pm. Olga Pothorski, second. Motion carried.

I, Lori Hunt, attest that these minutes are true and accurate.

  
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**Town of Westville**  
**May Monthly Report of Operations**  
**Prepared By: Nathan Howell**  
**June 11, 2024**

**WATER**

**New Items**

1. The lead water service inventory project is proceeding. We have much of the information entered in the website. We have received many of the questionnaires back thanks to Lori and her staff. This will help in determining what types of services exist to the homes.
2. The leaking valve on Plain Street has been replaced. We have fenced off the site until American Paving can pave repair the concrete. They are doing this at no cost because they will be on site at the WWTP to pave. This will save the Town approximately \$2,500 by having this spot repaired and along with the spot on Main and Monon Street.
3. We continue to spend a considerable amount of time with the design and planning of the new water plant and water main project.
4. We have cleaned up most of the scrap pile at the Water Plant. A full dumpster load was taken in for recycling.
5. The water audit required by the Local Finance Authority was completed and the Town did not score very well. We have had some of the larger meters tested for accuracy.
6. We have completed the Consumer Confidence Report which Lori will send to all customers.

**Old Items**

1. GIS – Limited progress has been made.

**WASTEWATER**

**New Items**

1. The manhole and sanitary sewer cleaning will resume this summer.
2. The Nash Finch Lift Station control panel will be replaced this month. Bowen has completed the manhole and valve vault installation along with the generator pad installation.
7. We met with Bowen on site to look at the upgrade to the Westville Estates Lift Station. We are going to have McMahon draw up a site plan. We need to install a manhole for a valve vault and flow meter prior to upgrading the pumps. The estimate for this is approximately \$34,000.

## Old Items

1. There is still an issue with the mapping system at Fieldstone Subdivision. The sanitary sewer locations on the atlas were wrong on two streets. We found three manholes, which two are buried very deep, and there may be severe conflicts with fences in the rear lots. We will contact a contractor to assist with this. We had M.E. Simpson on site to assist in locating services and shut-off valves. We have found nearly half of the valves which could not be found. We are trying to find a contractor who will bring the manhole lids to grade.
2. We were involved with the sewer connection to the duplex built on Flynn Road across from the grocery store- No further progress has been made.
3. The Coulter Road force main will need to be replaced. We have several ideas for this.
4. The manhole lid on one of the manholes on Flynn Road north of McDonald's broke into pieces. Adam found a lid which fit and sealed it to the frame with mastic. Bowen will replace two lids total. We are waiting for a proposal to replace two frames and lids. Bowen is trying to find the proper frame and lids.
5. The WWTP improvements are about 95% complete. Everything is operational except for the effluent reuse system. The new sewer installation to the WCC facility is proceeding.

## Town of Westville - Operational Summary for the Wastewater Treatment Plant

### Influent

| 2024      | Total Gallons | Flow       |            |              | BOD  |     | TSS   |      | Ammonia |      | Phosphorus |      |
|-----------|---------------|------------|------------|--------------|------|-----|-------|------|---------|------|------------|------|
|           |               | Max. Daily | Min. Daily | Monthly Avg. | mg/l | #'s | mg/l  | #'s  | mg/l    | #'s  | mg/l       | #'s  |
| January   | 21,288,940    | 840,000    | 584,000    | 686,740      | 81   | 460 | 129   | 747  | 14.2    | 81.4 | 3.1        | 17.8 |
| February  | 20,784,300    | 839,000    | 610,000    | 716,700      | 92   | 554 | 153   | 920  | 13.6    | 78.4 | 2.8        | 16.7 |
| March     | 21,452,500    | 877,500    | 562,400    | 692,000      | 96.2 | 542 | 165   | 927  | 14.7    | 84.9 | 3.1        | 17.9 |
| April     | 21,375,000    | 854,000    | 602,000    | 712,500      | 89.9 | 539 | 119   | 722  | 13.2    | 78.5 | 3.1        | 18.4 |
| May       | 19,573,400    | 792,000    | 565,000    | 631,400      | 82.7 | 449 | 195.4 | 1040 | 16.0    | 84.3 | 3.4        | 17.9 |
| June      |               |            |            |              |      |     |       |      |         |      |            |      |
| July      |               |            |            |              |      |     |       |      |         |      |            |      |
| August    |               |            |            |              |      |     |       |      |         |      |            |      |
| September |               |            |            |              |      |     |       |      |         |      |            |      |
| October   |               |            |            |              |      |     |       |      |         |      |            |      |
| November  |               |            |            |              |      |     |       |      |         |      |            |      |
| December  |               |            |            |              |      |     |       |      |         |      |            |      |

### Effluent

| 2024      | Total Gallons | Flow       |            |              | BOD          |           | TSS          |           | Phosphorus |           | Ammonia |           |
|-----------|---------------|------------|------------|--------------|--------------|-----------|--------------|-----------|------------|-----------|---------|-----------|
|           |               | Max. Daily | Min. Daily | Monthly Avg. | Monthly Avg. | % Removed | Monthly Avg. | % Removed | mg/l       | % Removed | mg/l    | % Removed |
| January   | 21,226,000    | 868,000    | 571,000    | 684,71       | 2.3          | 97.2      | 5            | 96.1      | .58        | 81.3      | .02     | 99.8      |
| February  | 20,414,000    | 808,000    | 610,000    | 703,900      | 2.7          | 97.1      | 4.3          | 97.2      | .53        | 88        | .14     | 99        |
| March     | 21,185,000    | 878,500    | 535,200    | 683,400      | 2.2          | 97.7      | 5.1          | 96.9      | .37        | 88.2      | .02     | 99.8      |
| April     | 21,048,000    | 845,000    | 601,000    | 701,600      | 2.1          | 97.7      | 5            | 95.8      | .44        | 85.5      | .02     | 99.8      |
| May       | 18,786,000    | 792,000    | 564,000    | 626,200      | 3.3          | 96.1      | 7.2          | 96.3      | .59        | 82.7      | .04     | 99.7      |
| June      |               |            |            |              |              |           |              |           |            |           |         |           |
| July      |               |            |            |              |              |           |              |           |            |           |         |           |
| August    |               |            |            |              |              |           |              |           |            |           |         |           |
| September |               |            |            |              |              |           |              |           |            |           |         |           |
| October   |               |            |            |              |              |           |              |           |            |           |         |           |
| November  |               |            |            |              |              |           |              |           |            |           |         |           |
| December  |               |            |            |              |              |           |              |           |            |           |         |           |

## Town of Westville – Operational Summary for the Water Treatment Plant

| Month Ending | Total Monthly Flow | Maximum Daily Flow | Minimum Daily Flow | Average Daily Flow | Chlorine Usage (lbs.) | Fluoride Usage (lbs.) |
|--------------|--------------------|--------------------|--------------------|--------------------|-----------------------|-----------------------|
| 01/31/24     | 4,641,000          | 279,700            | 77,700             | 149,200            | 68                    | 0                     |
| 02/28/24     | 4,428,800          | 222,500            | 79,500             | 152,700            | 68                    | 0                     |
| 03/31/24     | 4,813,300          | 279,300            | 72,300             | 159,400            | 73.2                  | 0                     |
| 04/30/24     | 4,688,400          | 254,600            | 75,600             | 154,300            | 67.4                  | 0                     |
| 05/31/24     | 5,156,900          | 294,100            | 67,500             | 165,600            | 71.8                  | 0                     |
| 06/30/24     |                    |                    |                    |                    |                       | 0                     |
| 07/31/24     |                    |                    |                    |                    |                       | 0                     |
| 08/31/24     |                    |                    |                    |                    |                       | 0                     |
| 09/30/24     |                    |                    |                    |                    |                       | 0                     |
| 10/31/24     |                    |                    |                    |                    |                       | 0                     |
| 11/30/24     |                    |                    |                    |                    |                       | 0                     |
| 12/31/24     |                    |                    |                    |                    |                       | 0                     |

RESOLUTION #2024-5  
TRANSFER OF FUNDS

BE IT RESOLVED BY THE WESTVILLE TOWN COUNCIL THAT THE  
FOLLOWING FUNDS BE TRANSFERRED:

Transfer Nineteen Thousand Dollars (\$19,000.00) from Appropriation  
#2201001134 (Health Insurance) MVH FUND to Appropriation #2201001440  
(New Equipment) MVH FUND

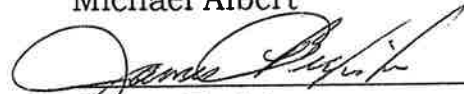
Transfer Three Thousand Nine Hundred Dollars (\$3,900.00) from Appropriation  
#2201001351 (Gas & Electric) MVH FUND to Appropriation #2201001440 (New  
Equipment) MVH FUND

PASSED AND ADOPTED THIS 11<sup>th</sup> DAY OF JUNE 2024.

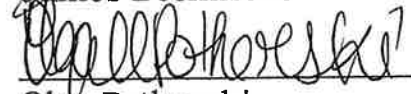
WESTVILLE TOWN COUNCIL



Michael Albert



James Bechinske



Olga Pothorski



Deborah Kelly



Leann Deal

ATTEST:



Lori Hunt, Clerk-Treasurer