

LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

July 28th, 2026

Dear Members:

The regular meeting of the LaPorte County Plan Commission was held on Tuesday, **July 28th, 2026 at 6:00 p.m.** in the Assembly Room of the County Complex.

Members Present:	Rita Beaty	Jimmy Pressel
	John Matwyshyn	Andy Chlupacek
	Steve Holifield	John L.C. Carr
	Anthony Oss	Joe Tuholski
	Eric Pointon	

Present: Andrew Voeltz, Attorney, Michael Polan, Recording Secretary and Janet Cole, Administrative Specialist.

Rita Beaty: Can I have a motion for the approval of the minutes?

Steve Holifield: I make a motion to approve the minutes.

Eric Pointon: Second.

Motion approved and carried: 9 - 0.

Rita Beaty: I need an approval for the agenda for this evening.

Steve Holifield: I make a motion to approve the agenda. I'd like to make one amendment to that if possible. Move the Leeway Properties ahead of the PUD, because I believe that's going to take a little bit longer and there's no sense in them being here any longer than they have to be.

Eric Pointon: I'll second that.

Rita Beaty: And I've already discussed with Mr. Ambers and he's okay with moving forward.

Motion approved and carried 9 – 0.

Rita Beaty: We'll go ahead and get started with our petitions for this evening. So we have Leeway IN Properties, LLC petition for re-subdivision lots C1 to C4 Chaumieres Pres Du Lac Unit 1 as recorded in instrument number 2002 R19246 represented by Dave Ambers, Attorney at Law.

Attorney Ambers: Good evening, Madam President and members of the board. And I appreciate your offer and only a fool would have decline that one.

Attorney Voeltz: Madam President, point of order. Notice is adequate.

Attorney Ambers: My client previously came before you to change the zoning of three commercial lots out at the old Cutty's Campground subdivision. He had already owned one, which was actually zoned R1B. And so we are here before you for preliminary plan approval for 12 residential lots. All of them exceed the width for R1B, a couple of them by a great amount due to creatively dodging some easements. We had the plat attached to our petition.

For those of you like me with bifocals, if you need a big one, I have them here. If anybody's having trouble reading that version. Mr. Lee is here to answer any questions. He's ready to go on this immediately.

The county could certainly use additional residential lots. There was good success in the early beginning on the residential lots in this subdivision. Those commercial lots just weren't moving and, you know, a lot of times were an eyesore. The restrictive covenants will be the same as what's presently on the residential area and may get tweaked a little bit to be more restrictive than what's already there. But right now it's anticipated that at a minimum the covenants that are out there already will be the

covenants we use. So everything, the whole neighborhood blends together and looks as if it was originally designed this way. So with that, I'll answer any questions or if you have any questions for Mr. Lee.

Steve Holifield: These are the lots beginning right there at the entrance way. It's starting at 39?

Attorney Ambers: Correct. They were originally the commercial, you know, much better to have houses there than hotels. Maybe not for tax revenue, but I'm sure the neighbors will appreciate it. The last time we had zero remonstrators for the change to zoning.

John Carr: Are there restrictions in the covenants that dictate the timeline somebody has to build if they buy a lot? One year?

Attorney David Ambers: Well, not so much. From the time they buy the lot or from the time they commence construction?

John Carr: Do they have a certain amount of time until they commence construction, like, or can somebody buy a lot and sit on it?

Attorney David Ambers: No, if somebody wants to, you know, say a builder wants to buy four and he's going to build one house a year or, you know, a house and a half a year, you know, he'll have the latitude to stretch that out a little bit.

John Carr: Okay. Because, you know, we have a lot of subdivisions and I'm very familiar with people buying lots and subdivisions and not building on them. I know covenants say that you may have up to two years to start construction, but, you know, I just want to avoid people buying lots to sit on them so nobody builds on them if we're looking to build houses.

Steve Holifield: That would be the building commissioners. I mean they'd have to come for a housing permit to build, correct?

John Carr: But if somebody buys a lot and there's nothing that says they have to build a house.

Steve Holifield: Oh, okay, and not get a permit.

Rita Beaty: We don't control covenants and restrictions with the plan commission. So therefore it would have to be something in their covenants and restrictions that may indicate that the lot has to be built on that you can't buy an extra lot just for a bigger yard. So I see where John's going with it.

Attorney David Ambers: Or on the other side of that, sometimes you get young kids, they buy the lot, they finance it, they want to get that paid for, so they have the downstroke for their construction loan.

John Carr: Yeah, it's just balancing it out, but I do know people that just buy the lot, so nobody builds around them.

Attorney David Ambers: Right.

Rita Beaty: Okay. All right. Any other questions from the board? Please come up to the podium and state your name and address, please.

Richard Lee: Richard Lee with Leeway IN Properties. The last comment was, you're worried about somebody in the area buying lots so nobody builds there. Previous to this, I bought five other lots and all the neighbors that have nice green grass there for the last 20 years individually bought those last five lots from me because just for that reason, but they take care of them. They're not trash. These lots, there's no neighbor. I own it from 39 to the pond. So if somebody's going to build one here, I guess they could buy 2 lots. And if they want to put the money in, if only build on one, what would be the negative of not building a house there? Is there a negative?

John Carr: Yeah, I mean, you look at potential revenue for the county with, with the, you know, two potential houses on two lots instead of 1 on 2 lots. You know what the goal is to build more housing for the county. I mean, that's kind of what we're looking for. But, you know, who's to say somebody just doesn't buy a couple lots

and, you know, a neighbor and then say that they're going to farm and its excess acreage and then the county's not going to capture anything on it and it's just going to kind of be lost revenue because there's potential for two houses to be built on it.

Richard Lee: The restrictions will stop somebody from raising animals or farming or making a store.

John Carr: And that's just what I want to make sure that there's good restrictions in the covenants.

Attorney David Ambers: Restrictions for that are already enforced.

Richard Lee: And we're going to tweak them a little bit to make it more modern. Other than that, I'm looking to sell these to a builder. Hopefully I got a couple of people looking at them to buy all of them.

John Carr: Definitely in support of that.

Richard Lee: We'll see what happens.

Steve Holifield: And to ease your mind a little bit, back in the 80s when agriculture was actually tough, not like they are claiming now, there's a lot of subdivisions started in this county where they did just the outside edge, surveyed the inside and never did anything with them. They're still farm. So I mean, it's kind of same thing. As long as they maintain, if they don't maintain them, I'll get a complaint to my office and then I'll call Miss Cole and then she will get on them.

Richard Lee: These lots haven't been maintained and you got grass and we've just high overgrown everything and I'm probably going to take care of the first half of all the lots just to make them so you can see what you get. I think they'll sell because of it.

Attorney David Ambers: Presentable and distinguishable.

Rita Beaty: OK, thank you.

Joe Tuholski: So somebody can't buy a lot, put a building up and operate a business out of it. I mean, you've already got that covered.

Richard Lee: That's a commercial business.

Joe Tuholski: OK, just making sure that that's already covered.

Richard Lee: I'm no longer commercial. I am residential. We'll make sure in the covenants, I don't recall it saying business, but like I said, we're going to drown that out. So I don't want people storing vehicles out there and letting them junk and, you know, sheds and all that stuff. These are custom lots to me. And that's what I want to keep them.

Rita Beaty: Okay. All right. Thank you. Any other questions from the board? Do we have any remonstrators here this evening for or against the petition? Any remonstrators for or against this petition? OK, what is the pleasure of the board.

Steve Holifield: I'll make a motion that we accept this and grant this change of zoning.

John Carr: For preliminary plat approval.

Steve Holifield: Preliminary plat approval.

Andy Chlupacek: Second.

Rita Beaty: Thank you. We have a motion and a second. Any other discussion? All those in favor signify by saying aye. Opposed? All right. Motion carries. Thank you, guys. Good luck.

Motion carries 9 – 0

Rita Beaty: All right. We have petition #2, which is the amendment to the La Porte County Joint Zoning Ordinance. This is a planned unit development district ordinance to be known as the Kingsbury Industrial Park Technology Planned Unit Development District to amend the La Porte County Joint Zoning Ordinance.

Matt Reardon: Thank you, Madam Chairman, Planning Commission members, Matt Reardon, 5920 Holman Avenue. I'm also the coordinator of La Porte County's Redevelopment Department and Economic Development Department. Thank you for taking the time today. What you have before you is an outcropping of the work previously done by this body. When this group decided to put some rules and regulations around the development, the investment, and the delivery of data center projects, they applied those principles on all properties throughout the entirety of the county. Whether it's through social media, ironically enough, or other means, a lot of people have made it clear, don't build things on farm property that you can build in industrial areas. Don't build things on farm property that you can build in industrial areas.

What we have in LaPorte, and this isn't a secret, is an old industrial area. There's some members on this board that have a deep understanding of what Kingsbury Industrial Park was, what it is, and where it's at. Having been involved in La Porte County over the last 20 years in different capacities in economic development, finance, and planning, to a body, to an elected official, to a group everybody says, "Matt, why, whether it was way back when, the intermodal facility, why isn't that in Kingsbury? Put that in Kingsbury. Why are there manufacturing plants elsewhere?" Sometimes there's nothing the county can do because it's in a city or town and that's within their purview. But what is within the purview of the county is this, Kingsbury Industrial Park. It's part of a redevelopment area. It was a redevelopment district established 18 years ago for the purposes of attracting business in there and using that as a financial tool.

Sadly to say, I haven't been as good at my job as I'd like to think I am. It's a tough place for people to locate for various reasons. One of them, quite simply, had to do with land ownership and access and roadways, utilities, and availability to use them. The other had to do with proximity to other parcels of property owned by varying governmental entities. So after some thoughtful discussion with our redevelopment commission members and sitting through many public hearings about digital infrastructure (solar, battery, etc.) one thing keeps coming up, why isn't that in an industrial area?

Well, land owners do what they do. You just had a gentleman get up here and say, I want to build houses on the property I own. Please let me do it. Our approach here is a little different. Usually a plan unit development request comes from a person who wants to do a development on a property. This is the redevelopment commission and telling the development community what we want them to do on that property and how we want them to do it. Period.

The idea for the approval of a technology park started making a lot of sense. You know, it's something created by the State of Indiana. I don't think I'd be misspeaking, if I said some people down in Indianapolis said LaPorte County has been fighting off business investment and they're not open for business. I don't agree with that statement 100%. I'd like to say that LaPorte's a little bit particular about what they want and where they want it. One thing is true that I've heard across the board, if you're going to do this kind of stuff, do it in Kingsbury Industrial Park.

We do have a zoning ordinance that lays out what you have to do for that particular land use. You got to get your land use changed at least to an M1 or M2. This is M2 that we're talking about. So they've already met that threshold. There's a process that says you have to go through the BZA and go through a list of different requirements. I said, that's good, but let's make it a little bit better. And what I mean is the work done by this Plan Commission led to this. This is the evolution of it, in my opinion. Not only is the county saying, we are open for business, we are particular about where things should go. We want you to do these things in the right area. And this, by creating this PUD, is telling them, do it in here. Period.

Again, I want to be very clear. It doesn't preclude a landowner from coming in and requesting a change of land use to do an industrial project for all those other projects that might be talked about, discussed, or whispered. Maybe I'll get annexed, maybe I won't, maybe I'll do this. We're removing that ambiguity from anything by this request. Telling them to put it in here.

The rules and regulations in here not only cover what's allowable on M2, but also cover the overlay and add to it a very rigorous process related to water, stormwater, water uses, discharge, what can go, how it can go in, the ditches. Travis ditch, what happens? That's a regulated drain. All those things related to meaningful, impactful development. It doesn't preclude our friends on the Redevelopment Commission or the Plan Commission from participating in discussions. It doesn't preclude the drainage board from managing what happens to the water outside of this and what improvements might be needed downstream to accommodate anything in here. What it is doing is putting this county in charge of what happens with the development, with the money, and with the revenue.

I know I said I had an add to it, and it's three items. There was a lot of feedback I got from some of the members, and they said, Matt, what's the difference between what we did and what this is? Who is in charge and who makes decisions, and where does the buck stop? I said, the buck will ultimately stop with the executive and that's how things are. But what we included in this document are three key things that the public wanted to know about in the name of transparency. What do you want from the county in the way of incentives? What are your expectations of the county government?

So before anybody can get approved, and they're going to have to go through all the lists in there. I'm sure that the board members looked at it, and provide all those items to the building commissioner's office and sit down with the planning office and the MS4 coordinator's office and go through that list. Then they're going to have to submit information that says, this is what I want from you. So a lot of people have talked about, why does the government give tax breaks? Well, if they want anything, they have to write it down and ask. It's part of that process. So here's the other part of the process that should put this body at ease. It should put the council at ease. It should put the Redevelopment Commission at ease. In order to be approved and

finalized for this, in this PUD specifically, that allows zero (0) loopholes. It is this map. It is only this area. Is that entity, whoever they are, Joe Blow Data Center, Mike the Battery Guy, I'm a power, whatever; they need to enter into a development agreement with the county. So, we've created an atmosphere where the leadership of the county is sitting down with the investor and they have to agree, along with all the other rules, about what's going to happen here.

Now, because this is a redevelopment area, the Redevelopment Commission would be involved. If it wasn't a redevelopment area and somewhere else in La Porte County, it was a zoned M2 and it was a big spot and it used to be an armory, they wouldn't be involved. If, at any point in time a project asks for some tax incentives, but I'm willing to enter into a payment in lieu of tax. I'm willing to enter into that. I'm willing to pay you money up front for a project that you're doing. That involves the county council. They're the arbiters of the money. They're involved in that.

Last but not least are the commissioners. They're the executive. So it is, I don't know if unorthodox is the way, but in my view, as an economic development finance professional for a lot of years, seldom have I seen a community say, we're going to create a PUD and we're going to tell the development community what we want you to do and how we want you to do it. Because what you're trying to do is so novel that we want to keep special track of you. By doing this, it's going to allow the county to keep special track of them in their process. Mr. DeMartino is here to talk a little bit about the technology park, some of the rules and regulations, and legal underpinnings around it. I will say this, obviously I'm not a lawyer, but there are some rules that the state of Indiana has that are going to have to be followed. I will say that we are. We worked right up to that line, if you will, on what you're going to be required to do.

As somebody who's involved in development on both sides, I would say this is not a very development friendly document. It is a document that points out a very specific directive on how you have to do it. If you want to try and do that in this county, this is what we're laying out. With that, I'll turn it over to Mr. DiMartino. Then of course, if anybody has any water or stormwater questions we have Mr. Vicari here. He can go over that in some detail if you're interested.

Guy DiMartino: Guy DiMartino on behalf of the Redevelopment Commission. Over the last few months we've heard a lot from the public about what's going on. A month and a half ago, people were very concerned about trucks coming south of 250 onto land, to 400, and doing surveying and covering up their surveying. We went ahead and had an ordinance that we put together where people have to let people know what's going on and for transparency. We've heard a lot of discussion from the farmers. We've heard a lot of discussion about folks who are worrying about La Porte County. Worrying about La Porte City just gobbling up unincorporated areas, because what they're doing is that these developers are coming in with a lot of money and backed money from private equity and offering people land at 10, 15, 20 times the going acreage rate. When folks are getting older and they see a way out from the hard work, they go ahead and they take the money.

So one of the underpinnings or overriding things about this type of ordinance is that we are giving those folks who are going out into the unincorporated areas and saying, we have a method that you can go ahead and put your development into Kingsbury Industrial Park. You're not going to have to go through all the acrimony that we've seen with individual landowners. And folks, we've all learned about super voluntary annexation. You can go down 400, get 5 landowners, get a few 100 acres, offer them a lot of money. If they all agree, it's going to come into the city.

So you might ask, well, why would a business, a big business, go ahead and pick Kingsbury Industrial Park over going ahead and getting this land in this rural area? Well in the dollars that they're talking about, those are big dollars. The mileage rate or the tax rate for county property versus city property, when you're talking about billions of dollars of investment, ends up being hundreds of millions of dollars a year in tax. So what we have done here is we've said I don't know that we can stop them from coming in. But let's put some regulation to these businesses and give them a way to do it up front. When you're a big developer and when you're a business, there is a benefit to them. Why go into Kingsbury with all these rules and regulations? Because you know that it's doable. You haven't spent millions of dollars prospecting and then coming before a body and getting it turned down. So it's a good business decision on their end. So that's the overriding interest in putting together this PUD, we can give them a pathway to go ahead and get it done.

So we've heard a lot of discussions regarding power. Who's going to pay for the power? The private industry is going to pay for the power. The power is available or can be available in Kingsbury. We hear a lot about water. Same issue. Who's going to pay for the water? Who's going to pay for the infrastructure? The business that's going to decide to come in and build. We have support at the state level for this type of project.

So a lot of the things that we hear in public and a lot of the fears with this type of regulation, we go ahead and we're able to control it. That could be our only job as a municipality is controlling things because you can't go ahead and tell people they can't sell their fee simple property to these businesses. You have a whole bunch of other issues. Now, when you look at the PUD, there's a couple areas that you might want to look at. The first area we can do it in Section 3 as to the definition.

As to the high technology activity, that's pulled right out of Indiana Statute, and when we talk about advanced computing, advanced materials, biotechnology, electronic device technology, engineering or laboratory, and technology that assists medical device, all those would fit in the permissive use in Article 9 of your industrial district in your zoning ordinance. I've heard folks say, well, we don't understand about, or I've heard some folks say, well, this whole idea of biotechnology sort of gets scary. We really don't know what biotechnology means in a definition until they come forward with a plan and we sit down with the governing bodies and discuss. It could be some agricultural thing where they have a bacterium that's going to help grow and help plants grow better or be resistant, that's biotechnology. So don't be scared that you're going to go ahead and make bioweapons there, even though we do have ordinance, apparently, out at Kingsbury at some point.

So the next thing that you want to look at, and probably the most important thing, is that you're going to have all the stakeholders in the county coming together. You're going to have engineers, you're going to have drainage, you're going to have MS4, that are going to have to sit down with the developer, and it becomes a business agreement that is set forth in the contract. Like any other contract, if there's not a mutual agreement on both sides, it doesn't happen. So if somebody comes in with a biotech company and you're concerned about that biotech; you're not going to enter a plan use agreement. You're not going to enter an agreement with them as to the

development. So that gives the power to the county to determine what it wants to go in there. You have the regulation and you can find that in Section 9 of the PUD.

Section 9 is about the administration. It's 9.1 that's the development plan. So prior to the commencement of any construction or development on the real estate, all this has to go through. You have to have a site plan, you have to have confirmation, you have to be concerned about landscape and buffer, and you have to look at water and stormwater, and you have to look at potential runoffs and how it's going to impact the drains or what type of vegetation you need to put in there in order to make sure that the land is going to be able to hold watering or dewatering. All this is going to be at the table with the engineers. The technical people are going to go ahead and be together and it's all going to be contractual. So that's where we're going to have teeth in this PUD. So those are the only point parts that I wanted to go ahead and point out to you as to the reason for the PUD.

The other thing that we really need to be concerned about is money. You hear about this in the council meetings and in the commission meeting. As a county, we're sort of broke. Part of the reason we're broke is that we haven't had a lot of increase in property tax revenue. I just pulled some numbers. In 2016, to replace an ambulance cost us \$161,000. In 2025, the last ambulance we purchased was \$338,920. That is double the price in those 10 years.

Our salaries, even though our salaries in the county are not like the private, the clerk made \$66,000 in 2021. The clerk now makes \$80,000 and change. Our tax base, with circuit breakers and everything else that's going on downstate is handcuffing what we can do. We have buildings that we've been kicking down the can for 40 years that are coming to roost. So we are able to get development in the county, we're able to actually help the property owner and help the residents because we're not going to tax them to death. I'll see you all tomorrow night. You're all going to be here. You're going to be talking about a potential wheel tax and a potential change in the lit tax. So those types of things are things that somewhere we have to have the infrastructure in the county. So these are all the overriding issues that come into the reason why we're presenting this as the RDC. Any questions of me?

Matt Reardon: Before we shut it down, I again, I'm the tax guy. So I'm going to add to this. I know this is a land use discussion. I get it. In order for this county to tread water, you need to have approximately \$469 million of new assessed valuation for next year, somewhere or money. This isn't a bullying or scaring tactic. This is reality today. The following year, you need about \$590 million of new assessed valuation. This is just the county, okay? That's why we're here, because this is a county project. Conservatively looking at what I call readily available property in Kingsbury Industrial Park, which is probably, let's just say 1,000 acres. On those 1,000 acres, you could probably expect an investment in the neighborhood of \$10 billion based on other projects that happen not only just here, but other places. So about 10 billion, "B" billion. Conservative estimates of \$10 billion, and Mike Schultz isn't here, but let's just say of that, \$2 billion of that was assessed value between real and personal property of which you control. That's \$34 million in new tax revenue to the county. \$34 million of new tax revenue. Now, this is where we're talking about what happens after this happens. I'm going to think positively. Somebody comes in, LaPorte is a green light, we're ready to go. I heard from somebody who was pretty smart, say, you know, Matt, at some point in time, we got to have a lot of adults in the room to figure out what to do with the resources. Without a green light, without a fast track, without the rules. Could this project happen in Kingsbury? Sure, probably could. They could have. I mean, geez, we were awful, awful, awful, awful close to a corn processor until somebody decided something was bad about it and they didn't like it. So that didn't happen.

What I do know is this, if a pathway is created and the rules are satisfied, specifically, and the right people are in the room, which is allowable in this document, that have an understanding of what they're going to do, how they're going to do it, and hey, by the way, you guys need to sign a project labor agreement with the building trades. Do you want to know why? Because they live in our community. All those things get hammered into that development agreement. I'll submit this. If there's a developer out there that doesn't have the chops or the financial wherewithal to meet the standards of the PUD, then they shouldn't be doing it anyway. Paul, would you like to come up and give a brief overview of the 12 pages of stormwater? I'm just giving Paul some grief. I will say this. It is very thorough. Yes. There are no regulations today. What we do in economic development is this, we go to what are the existing conditions. No storm water. I mean, if you're doing farms. It is just sheet

drains and goes in the ditch. Along with the silt, along with the pesticides. No offense to my farmer friends. I like to eat too, but that's just the rules. That's how it goes. Anytime anything gets built, now they have rules around that. They don't get to do that anymore. How does that help the whole system? If somebody's paying attention to the rules and somebody's paying a lot of tax and the right people are in the room deciding how to program that money, whether it's for debt relief or capital projects or maintaining storm drains, all those things can happen in this process. Paul, if you want to, I'm sorry, get up here before I keep going.

Paul Vicari: Hi. Paul Vicari, LaPorte County Stormwater Management Director. So yes, as Matt said, it's a pretty involved Section 10. So what I'd like to try to do here is boil it down into very simple terms. I've got seven points here that more or less stretch the entire section.

So we require that developer, operator, that they measure the ground first. In essence, they're going to be providing a drainage study, which is like a watershed study. So they're going to be measuring the soil. Before a shovel moves, they're going to be measuring the soil, groundwater, you know, that's sand and gravel down there. That's river outwash. So essentially functionally equivalent, not to get too technical groundwater and surface water are the same in that part of our county. So what this does is it allows us to stretch into regulating their water use while also regulating what it is they're doing with their surface water. So as I said it's on them to provide that study. It's on them to provide my department with the resources to hire hydrogeologists, the stormwater specialists that are a level higher than me to review that and give us their opinion. Until we're satisfied with that, you know, that's the starting point of the negotiation. Then, you know, fundamentally to their plan, water comes off slow and not at all at once. So when you're doing a large-scale development, water tends to go off fast. You're changing the volume and you're changing the rate. So with these more stringent stormwater management requirements, we're slowing it down, requiring it to filter into the ground. We're requiring it to be clean when it filters into the ground. We're requiring them to monitor that, not just the stormwater runoff, but the groundwater. So that's the clean on the way down part. That's where the low impact design requirements come in. It's not allowed to be contaminated by their operation. They're going to have to provide baseline information. They're going to have to

provide monitoring twice a year to our department. I work directly for a board. I also work directly for the Board of Commissioners. There's a member of the Board of Commissioners on our board. There's also a member of the council on our board.

Wetlands stay at home. There was just a recent article where there's been an in lieu of fee paid to DNR where wetlands are filled across the state. It was recently uncovered that a very small percentage of the collected fees are actually turning into mitigation. That's on DNR. I'm not throwing them under the bus. What happens happens. But all the more reason why when we're allowing for wetland impacts within our watersheds, we're going to keep them at home. So that's not hard to do. There's plenty of resources within the county, existing wetlands, existing waterways, where those would count for mitigation for any impacts they have on site. So just to kind of summarize it's on the operator to provide us the information. It's on us to referee, if you will, or review and approve. It's their job to also uphold what they're doing pretty much forever. It's tied to the land. It is pretty much forever. It's tied to the land. Those operations, maintenances, agreements, and covenants are recorded at the recorder's office. What we have in place now with our operated stormwater MS4 program, it's called illicit discharge. So what's tied to that is if there's any movement outside of the parameters that we approved 10 years later, county has the ability to enforce. So that's 14 pages summarized. Thank you.

Steve Holifield: Thanks, Paul. If it pleases the board, can I give a brief history of that land out there and how we got to this position?

Back in 1939 and 1940, the federal government saw there was an issue on the horizon in Europe. They purchased a lot of property. Built an ordinance plant, Kingsbury Ordinance Plant, KOP. In 1959, they ceased production out there. Sometime around 1960, it was sold to become private land. Now, I've had a lot of people come to me and say, well, how come that farmland is different from outside of there? Well, the only reason that ground is being farmed is because the person that purchased it around 1960, he had family members that farmed. It was cheaper to farm it than it was to do anything else with it. For 60 years plus, we've been trying to develop that ground out there. It's a perfect place for development. With the technology part the state has helped us with, and those in the state laws, the federal government also sees a need that these former armory places need to be developed,

and they are brownfields. Like or not, it's a brownfield. I go back, I remember 1978 with the Mayor of LaPorte and the former Sheriff Boyd watching the explosions from Kingsbury School at recess. So these companies like this are wanting to come in here. They have the wherewithal and the financial backing to clean that place up and help the entire county grow and thrive. That's what we need. Again, as the council members are aware, SEA1 was devastating local governments. We need to generate tax revenue. The biotechnology stuff out there, I got news for you. We've been growing biotechnology crops since about 1994.

So that's the biotechnology we need out there. They're not cloning people. They're not putting, you know, making three-headed dogs, stuff like that. So this is a perfect place for that. With Mr. Vicari putting the rules and regulations on the water, with the county commissioners and the council and everybody else following suit to make sure they follow these rules, it is a perfect place to go. They will be watched and they will make sure they help the community grow for the tax bases and everything else that we need. Thank you.

Rita Beaty: All right. Thank you. Any questions from the board at this time?

Steve Holifield: I got one for Paul. Okay. Lord knows we've butt heads a few times. But reading all this, I think you're going to keep a close eye on these people and you're going to make sure there's no contamination going out of anywhere that the water usage they use anywhere, correct?

Paul Vicari: That is what I'm tasked with.

Steve Holifield: Okay.

Paul Vicari: Yep. Ready to do it.

Rita Beaty: Thank you. All right. Do we have any remonstrators for or against this petition? If you would please come to the podium. Give us your name and your address, please. Janet, we're going to have the three-minute timer, please, too.

Hugh Glasgow: Hi, Hugh Glasgow, 6 1/2 miles south of La Porte. 6501 South State Road 39, La Porte, Indiana, 46350. This whole thing seems like a shortcut. You guys can develop this ordinance plant without this. I don't know what's going in there. Data center, a big garbage dump, a nuclear power facility. I don't know. But there needs to be a road through there. 300 East, we're driving 11, 13 miles around this plant. If you give this away, you lose your bargaining power over what goes in there to a large extent. I know MS4 does a great job. They're great on testing for pollution, but they're not so great on flood control. You lose some of that, too. That's just all I got to say, and that's less than 3 minutes. Thank you.

Rita Beaty: Thank you. Any more remonstrators for or against, please?

Jim Lefeber: Jim Lefeber, 1285 East 400 South. When I first looked at this thing, I was dumbfounded with it, but it sounds like they explained it pretty well. You know, I was scared about 2.4. I didn't see decibel levels in there. The biotechnology is pretty scary, honestly, but we definitely need something like this so we don't go broke. We've got to have roads and schools. That's all I have. Thank you.

Rita Beaty: Thank you.

Jimmy Pressel: It has decibels in here. Yes, it's got decibels. Sixty-five.

Rita Beaty: Yeah. All right. Thank you. OK. Any other remonstrators for or against?

Jeff Mitzner: Jeff Mitzner, 8252 West, 1775 South Wanatah, President of the Drainage Board. I just have a question here where it says that the MS4 stormwater management shall provide oversight on all these matters. That questions me a little bit that were, are we going to lose what we have going on at our meetings and everything. So when we have a flood situation South, if we do, you know, all eyes are on Travis Ditch right now. All eyes for Microsoft coming in. You don't know how many meetings I've had with Microsoft to make sure the stormwater is taken care of. You know, I met with Devin, storm water for LaPorte City several times. So I just want to make sure that we're not getting kicked out of this completely with this, whatever number it was, 10. 10.07 that somehow, we can still be involved in this and that we can help control this situation with the stormwater, that we're not getting completely

kicked out, that he still has to, what I want to say is work together with us to make sure that this happens. Thank you.

Rita Beaty: OK. Thank you.

Jeff Mitzner: I am for this, just so you know. Thanks.

Rita Beaty: Any other remonstrators for or against the petition?

Joe Haney: Good evening, Joe Haney, LaPorte County Commissioner, right here at 555 Michigan Avenue. I've spent a lot of time pouring through this. There's a lot of work and efforts put into this. I'm excited to see that we are putting yet additional guardrails, additional requirements in place on top of our existing ordinance. I think from my reading of this and from speaking with our county attorney, we are following everything in the joint zoning ordinance, the data center ordinance that we passed, for example, if one of those is what's going to be happening down there, and then putting additional layers of protection on top of it. And one of the most important things that as this was developing, the one comment that I did have as I heard this was coming through, was there in 9.1 down at H&I. I think it's extremely important that whatever your decisions moving forward here today is to make sure that those are left in place so that not just the RDC obviously has their say from the RDC side, but the council obviously for the tax for any possible tax abatements, which of course, you know, personally, I zero tax abatements for any sort of data center thing or anything along those lines. But the most important function of that would be obviously the county commissioners having an ultimate say and being able to approve or deny something that would be there. I think that's crucial. It's something that I hear from a number of the public, and I echo the thoughts of those who were up here before about hearing from the community and wanting to make sure that they have as much notice as possible, they have as much information as possible, and that ultimately the elected bodies are overseeing something, things that can be this controversial as some of these items. So the more restrictions, the better that we have in place and making sure that ultimately it is the elected representatives that are directly accountable to the voters who are able to have the final say on this, which I think is important. I highly respect the BZA members and the difficult position they're in quite often. But for something like this, having that

additional layer, being able to have approval from elected bodies like the council, like the commissioners, I think that's crucial for what we have there. So I appreciate all the hard work and effort that's gone into this, and thank you guys.

Steve Holifield: Thanks, Joe.

Rita Beaty: Thank you, Joe. Any other remonstrators for or against the petition? Any other remonstrators? Okay, we'll close this portion. All right, so now we have the boards. Questions, concerns, comments that would like to. I'm sure we have plenty. Who would like to start?

Steve Holifield: I see that certain people have concerns with water usage. I've spent an awful lot of time talking to data centers, people around the country. I've hosted 3 center meetings. I've brought in experts. They use nowhere near the amount of water they did 25, 30 years ago. So an irrigation well uses about 1200 gallons in a minute. They use more water than these data centers will use. I see in here Mr. Vicari is going to make sure that they're not contaminating the water when it leaves their property. It's not going to be contaminated. And to address Mr. Mitzner, the Travis Ditch, I feel if we get money to get into this project, any project out there, we'll make sure that Travis Ditch gets cleaned from 500 South all the way to the south side of the KOP, because I don't believe it's been touched in 80 years. I think we can do all the work we want north of there. But if we don't clean that up in the middle of KOP, it's just going to slow everything down again. So I think this will be good all the way around for the entire county. And as Mr. DiMartino said things are not getting cheaper. And we need to make sure our employees are taken care of, the services that we provide, and this tax revenue, no matter what goes out there, will be great for this county in the long run.

Jimmy Pressel: Got an MS4 question for you, Paul. 10.5A water budget consumption, annual reporting on that. Would that come to MS4 for checking usage versus actual, opposed versus actual?

Paul Vicari: So 10.5A So Commissioner Holifield is correct. The technology is leaned towards closed loop systems. We still need to look at disclosures with how they're using their water and have them provide us with a water budget to verify that.

Jimmy Pressel: But that would go through MS4, correct?

Paul Vicari: It would. Under this provision, what that does is it establishes that There's this CEC exchange capacity is next to zero in sand and gravel. Hydraulically, they're the same. So what's happening with that water, drawing it down, using that water, it's attached to our stormwater. And that drainage function under our existing joint zoning ordinance allows us to attach that. So that's the answer.

Eric Pointon: I have a question about 10.5F actually, so just stay there for a second. So the dewatering, that's going to be an estimated, if they, for a plan, are they going to have a reporting, are they going to have a flow meter and report actual dewatering? How do you plan to do that?

Paul Vicari: So they have to provide us with their dewatering plan. So how they do that is disclosed in the plan. The whole point of the exercise with the PUD is we're requiring them to give us that information. So if dewatering means we're going to drown on wells, that's not going to be allowed.

Eric Pointon: So they have to. I'm just, I guess my concern more is the estimating total. Are you going to allow them to say, this is our estimate, and then this is what we're going to do? And it's going to be like, oh, they said they're going to do 1,000,000 gallons a day, but they did 10, and we're going to just go with what they said? Are you going to require a flow meter or anything to monitor that?

Guy Dimartino: Well, yes, that's not necessarily you see. PUD is the overriding structure that's going to be developed in the planned development. You know what I mean? So the engineers are going to get together and we're going to actually have engineers out there monitoring what they're doing. So that'll be done in the development plan with whoever the developer is, so this is the overriding structure. So does that sort of make sense?

Tony Oss: Maybe I can add. So any dewatering would require a permit.

Paul Vicari: Well, it's going to be under those conditions. Those will be labeled as conditions underneath the permit.

Tony Oss: Right. But there's other there are other requirements outside of this, right, Mr. Vicari that do apply to this. And then there would be that would be a violation of this permit.

Paul Vicari: That would be a violation. So just like anytime we write a storm water permit, we lay out the conditions, and then that's attached to the O&M and the covenants.

Rita Beaty: I have one quick question for you too before you sit down. Just hang out up here. I've got lots of little yellow things marked in here. I apologize. So in 10.0.2, separation from the CSGP requirements. Just help me understand this a little bit where it says this section operates in an entirely separate regulatory domain. So because that's a federal rule, because I had to look up everything a little bit on it there. And so it's saying separation. So maybe help me understand. So we're still obviously going to be complying with this federal rule, but I guess with me, so it's disturbing me for it to say a separation from the requirement.

Paul Vicari: So the reason that's put in there is that the CSGP coverage comes through IDEM. IDEM has had Bill 1037, which simply states you can't surpass the federal mandate or under the 402 of the Clean Water Act with your construction stormwater general permit. Now I'll just suffice it to say that all the drainage review under our stormwater falls currently under our Article 20 of our Joint Zoning Ordinance. So we're able to review and make requirements based on that ordinance for stormwater quantity. I don't want to get into the weeds with this, but with IDEM, while they say that, there's also the post-construction section, which identifies that post-construction requirements are local review. It's not a gray area. The way it's not a gray area in this ordinance, in this PUD.

Rita Beaty: OK.

Guy Dimartino: It's the floor versus the ceiling. Yeah, we could we could make what we do stricter than the regulation.

Rita Beaty: All right. Thank you.

Guy Dimartino: So we're not bound by the floor.

Rita Beaty: Thank you.

Steve Holifield: This might be for all three of you. Well, last year, I sat in a lot of house sessions down there. A lot of these regulations that we put in here for water usage, reporting water usage, and anything else for certain projects, state legislature shot every one of those amendments down. There was not going to be anywhere we were going to have any protection for them. But this ordinance supersedes them because it's stricter. So you're going to make sure that if they say they're only using this much water, we're only going to use that much water. They're going to tell us how much you're going to use, correct?

Paul Vicari: Correct. It's under our local ordinance. It has nothing to do with the state permit coverage for construction activity. So we're going to make sure that we follow the state laws as they pertain to construction activities or any other laws, but we can have local ordinances. So far as they're not attached to the to the review of their stormwater pollution prevention plan for state permit coverage. Does that make sense?

Steve Holifield: Okay.

Rita Beaty: Maybe this one's going to piggyback on my other one. This was the 10.07 one, the separation from the lower La Porte County drainage board jurisdiction. So this one, I mean, you know, for me, it's kind of like there's a reason for them to have been put in place. So I like to have all my boxes checked, to make sure everything is moved forward through that. And then it says in here where this section conflicts with JZO Article 20, this section controls. So it says that you will provide the oversight on these matters. So, and I don't know how this could possibly work, but I still feel there should be some jurisdiction back with the drainage board because there's a reason, they were put into place. So why are we separating completely?

Mike Polan: I can speak on that, Madam President.

Rita Beaty: Thank you.

Mike Polan: None of what is in this ordinance supersedes the state statute 36-9-27, which is where the drainage board derives their statute, statutory authority. So if there is a regulated drain, legal drain, 75-foot easement, they maintain control over that. And that includes anything that would be considered a direct conveyance. Anything that falls outside of that, I have no doubt that our stormwater people, they know each other, they already work together.

Paul Vicari: We work directly with John South weekly. So there's coordination already in play with him. And this was not intended to say, this is yours, this is mine. It's in the document to make sure it's clear that this drainage requirement is on top of theirs.

Tony Oss: It feels like it feels like when I read it. Maybe the title of that section is a little misleading because sentence three says specifically nothing in this ordinance shall be construed to expand, modify, or conflict with the drainage board statutory authority over regulated drains. The drainage board will maintain their authority over all regulated drains. It just is clarifying the fact that MS4 has authority over what's going on in the site and it's drawing that line, which is already there statutorily, but it's, that's kind of what I'm gathering from that, that's third sentence. So, okay.

Rita Beaty: But you're right, yeah, the label is very misleading, so it's kind of just had a conflict with me.

Paul Vicari: All right. Thank you.

Tony Oss: Okay. Paul, I commend you just. Because having a background knowledge of some of this enough to be dangerous, as you and I have talked in the past, I think it's great to point out the fact that quantity from a post-construction discharge is reduced. That anything that's developed here is going to, has a stricter requirement than anywhere else in the county.

Paul Vicari: I think hydrology positive. Yep. Right.

Tony Oss: Okay. That's important to note.

Paul Vicari: Yep. Thank you.

Eric Pointon: So, Matt, I have a question or Guy or whoever. So we get back to section 9 here. And it said, or nine, yeah, in nine, the opening, it says, ordinance shall be administered by the administrator.

Matt Reardon: Yes.

Eric Pointon: So Mr. Polan, does that need to be stated or okay?

Mike Polan: That's up to the body.

Tony Oss: We appoint him as the administrator every year.

Eric Pointon: I assumed he was the, sorry, I assumed he was the administrator.

Rita Beaty: Because when you go back to, and we talked about this before, I did anyway, with asking about that same question. So page three, it says the administrator. It describes what the administrator is there, because I had to go back and reference that all.

Guy Dimartino: Well, it's sending it back to the Joint Zoning Ordinance.

Rita Beaty: Right. Yeah, exactly. So on page three, it kind of defines it. Okay. Yeah, we had that same thing marked.

Eric Pointon: Maybe I have, maybe it was in there again somewhere else, but. So then who does have the final say so? Okay, so that's a two-part question. Who is at the table in negotiations and regulations?

Guy Dimartino: All stakeholders, drainage board, MS4. the building commissioner, the planner.

Eric Pointon: And that's stated in here somewhere?

Guy Dimartino: Yes, it's stated in all different parts now, because, and then you have to have the elected officials, because if anybody, because this is all going to be done at the plan review.

Matt Reardon: Yeah, they're coming here like. Right, here's the plan set. Did you go through all the meetings? We did.

Steve Holifield: We're still going to have oversight. We're still going to have oversight. This is people are starting to think that this is just a blank piece of paper. No, we're going to have rules and regulations that we approve.

Matt Reardon: I would hope not. It's pretty rigorous. So when you come in for plan review, you're coming back here. So it's okay, this didn't look right or why didn't that happen in section this. You didn't do that. And did you guys talk to the surveyor? And did you incorporate all that stuff? And if you didn't, go back and do it. So literally, they get permission, but they don't get a pass. In fact, it made it more difficult. Which is, I should never mind. I'm an economic development guy. When I'm like, man, this is killing me. But it also creates a pathway.

Guy Dimartino: It's not difficult because it's setting forth the rules.

Matt Reardon: Well, that's what I go back to. Follow the rules or believe the county. Yeah, I'm just fun in here with Guy, but like I said. I do like to, at least the rules are posted, okay? It's better when they're not, it's ridiculous. But I think this is an innovation that was born, like I said, it was born out of the decision making by this body and the councilor and the commissioners of permitting the ordinance, man. If you didn't do that, we wouldn't be doing this. I think there'd still be a bunch of people asking, why aren't you doing anything in Kingsbury? And a bunch of other people asking, why aren't you letting me sell my land? Or how come you didn't stop an annexation? Or how come you didn't annex me? Or why are you going to charge

me more money? Or I don't want to pay for this. And why aren't you doing anything in Kingsbury? So this says this, you can do these in Kingsbury. These are the rules. You are still going to have to go through the process.

Steve Holifield: After the land grab by the sale of port, the commissioners unanimously passed a resolution that we would like to see development go towards KOP.

Matt Reardon: Well, some people call that a super voluntary annexation, Steve.

Tony Oss: So I have a few questions, Matt. And I think I know the answers, but I kind of want to put them out there. Sure. We're not, we've had a lot of conversations. This is not approving any specific project.

Matt Reardon: No, sir, this is a framework for potential projects. I want to put that out there, that is important. This is not, if that were the case, I would have just said, come to a Plan Commission meeting. And if you got your, if you're ready to close on real estate, do your deal.

Guy Dimartino: Well, Tony, and there is no NDA and there's nobody who has come to us and said the projects and when you go ahead and do this, it's done.

Tony Oss: Point taken. Appreciate it.

Matt Reardon: We do not recommend any of the elected officials sign NDAs at any point, at least that's our recommendation. It just doesn't, it shouldn't matter. Somebody wants to do a project, they can show up at a meeting. I'm always good with that. Most developers are.

Tony Oss: This PUD only applies to land that is currently zoned M2?

Matt Reardon: Only in Kingsbury only is shown on this map. Now, if you notice, there's bigger parts of Kingsbury's a giant place. That's a technical term. I think it's about 12,000 acres in total. If you added it all up. There's all different kinds of land and land uses out there. There is two kinds of zoning primarily in Kingsbury. What's

proposed, M2, and then there's a strip of M1, and I can never remember my directions looking at that. I think it's South. That is not included. This is specific for M2, period. There's other parts of this park in a different township that you could have, they're not included. This is in Washington Township. This is where it goes. Like I said, there is. Let's say for argument's sake, 120 different landowners in Kingsbury Industrial Park. I'd say the majority of landowners is still the federal government. What they do out there, you got me. Part of it is preserve. Under the auspices of the federal government, they're preserving whatever they're preserving out there. If anybody wants to take a run at trying to figure out how to do something with the federal government, tip of the cap there in Washington, D.C., go ahead and good luck. There are parcels that are privately owned. There are parcels that have been for sale. That has been ongoing for as long as I've been out here. It doesn't negatively impact the rail investment that was made at Kingsbury. A couple of people asked about that. What about rail? I go, what about rail? JBC Rail is still there. They still have a contract with CSX. And then I started thinking, boy, if we could just get a project going in time, they might be able to bring in their materials through rail. I mean, it's bad news for the transportation guys, but what are you going to do about it? But you know, again, I guess just in closing, a lot of people said, why aren't you doing things in Kingsbury? This creates a direct pathway and tells people you can do things in Kingsbury, but you have to do them this way. It doesn't undermine what the plan commission did previous. That set a big standard for the entire county, which is a very big place. It also sends a good message out to the development community. The innovation being brought forth by LaPorte County, like these guys did their own PUD in a giant industrial park. And everybody seemed to be in agreement about the landowners wanting an agreement, most of them. And last but not least, everybody said forever, put it in Kingsbury. This allows us to really try and put it in Kingsbury. So thank you for your consideration.

Rita Beaty: Anybody else?

Jimmy Pressel: Mr. Bishop, do you have anything to add to this?

Mitchell Bishop: Yes. I'm getting this has been over an hour already discussion. It's not much really to add. Just, you know, that 350-page JZO, our subdivision ordinance, all that applies plus this, unless this specifically calls out a section or the

JZO exempts that section. So if someone's going to split land in our county, they still have to go through a subdivision ordinance, go through the plat meetings, primary, secondary plat, final plat, and the JZO, the development standards, but it's not specifically called out in this plan unit development. They still have to meet all that as well. So I know that's kind of been talked around tonight, but that's it. I mean, I don't have any issue with it. I think it's a good be beneficial for our county moving forward.

Rita Beaty: I agree. I mean, I truly believe it's a good business decision, you know, and it quit being bad neighbors and make this a project that everybody could be happy with. That we still have the permitting processes that everybody has to go through. So like I said, everything still has to be met. There was just a couple more things that I had that I had written down, sorry. But and this is just something that I have had people ask me about. So, and they brought it up earlier about the written request for tax incentives. Is there anything we can do with that to make sure that there, that none of that is?

Matt Reardon: It would be interesting if somebody said, I'm not going to provide that to you. I'd say, oh, really? Well, then I have your answer. The answer is you will pay your tax. That simple. I think it's time for the governmental unit to be a little more assertive in this area. I couldn't imagine anybody, oh, we forgot, to ask you for a bunch of incentives. Turn to section 9 of this PUD and you're out. So you're out.

Rita Beaty: I just like to make sure that there's not going to be any.

Matt Reardon: Well, I mean, in theory, well, let's go through that just for a minute. They say, we are interested, I'm going to, this is completely hypothetical. I'm going to use the, I'm going to use Hobart example. I want; I want some incentives. Okay. We want a bunch of money. Okay. In order for them to get a bunch of money, the council in Hobart had to approve a tax abatement under the statute 6 - 1.1 - 12 is that statute. The city of Hobart also created a redevelopment district Indiana code 36714 over the area as well. So in order to get that approved, it had to go through the council to say, we agreed to give you a 20-year tax abatement on everything, everything. Part of that agreement, it said, we agree to give you over the next five years, \$200 million, and then \$5 million per building until we're done. We're all going to sign this development agreement, but it had to go through the council. They're

going to need to tell us what they want to do. And if the answer is like the City of LaPorte, which is, I don't want anything. Well, great. Then write it down. I don't want anything. I want to pay all my tax. That property is in a redevelopment district, which allows the redevelopment commission in concert with the rest of the public bodies to utilize those funds within that statute for a lot of different things. But no, you can't get away with it. There's no backdoor. There's no mysterious pathway unless somebody does something on a general assembly level that usurps local property tax rights away from units of government. They are the purview, and their purview is sales tax and income tax.

Rita Beaty: Thank you. I just think a lot of people would like to understand that.

Steve Holifield: This lays all the rules out and businesses like to know all the rules up front before they start. They're not going to come here and invest several \$100 million and then all of a sudden, oh, by the way, this chapter says you can't do that. These rules tell them what they can or can't do and they're going to abide by them.

Matt Reardon: It's pretty clear.

Tony Oss: I think it's important to point out too that this PUD is not subject to variances or use exceptions through the BZA that if they modify this, it has to go through a PUD modification process. It would have to come back here. It would have to go through commissioner once again. Okay.

Matt Reardon: You bet. So that's Tony and I were talking. I'm like, oh no, no, you don't get to go that route. You need to change and amend the PUD. So. I don't expect you're going to get much of that. I think people are going to figure out how to comply with not only the underlying zoning, but the additional rules. And if they don't want to, then they're not the right deal. Thank you.

Rita Beaty: Thank you. Anything else? Any of the board members? Any other questions, concerns? I'm looking for a motion that we approve this.

Steve Holifield: I make a motion to approve.

John Carr: Second.

Rita Beaty: Okay, any other further discussion?

Tony Oss: We are approving this as a favorable recommendation to the commissioners. Correct?

Rita Beaty: Correct, any other further discussion regarding the motion? I have a first and a second. All those in favor signify by saying aye. Any opposed? All right. Motion carries. Thank you for your time.

Motion approved 9 – 0

Rita Beaty: All right. Moving forward to old business. We have a birthday in the house tonight. Mr. Polan turned 50 today, by the way. So just in case, Janet has some cute pictures if anybody wants to take a look at them this evening before they leave. And anything else?

Okay. Looking for a motion to adjourn.

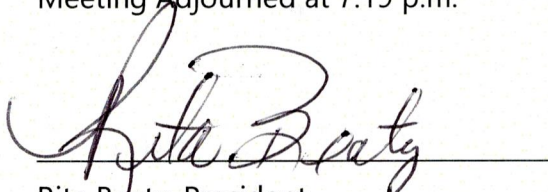
John Carr: I make a motion to adjourn.

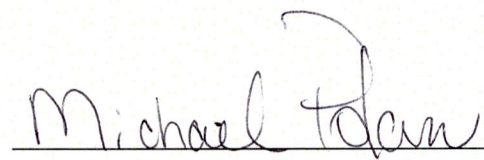
Steve Holifield: Second.

All those in favor signify by saying aye. Any opposed?

Motion to adjourn 9 - 0

Meeting Adjourned at 7:19 p.m.


Rita Beaty, President


Michael Polan, Recording Secretary