

MINUTES  
HAMMOND SANITARY DISTRICT  
BOARD OF COMMISSISONERS MEETING  
FEBRUARY 12, 2019  
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The Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana held a regular meeting at 4:01 p.m. in the Conference Room of the Administration Building located at 5143 Columbia Avenue, Hammond, Indiana.

President Dimopoulos called the meeting to order at 4:01 p.m. He stated that the Board held an Executive Session at 3:45 p.m. to discuss personnel and litigation matters in accordance with Indiana Codes.

Commissioners Present: Button, Dimopoulos, Dye, Hawkins, Moore

Commissioners Absent: N/A

District Personnel: Marty Wielgos, District Manager  
Matthew Muta, Deputy District Manager  
Rachel Montes, Business Manager  
Joe Allegretti, Attorney  
Jeff Massey, HSD  
Donald Woodard, HSD  
Dan Zander, HSD  
Thomas Ramker, GIS  
Jack Smith, Sewer Department  
Kaleigh Boyle, HSD

Others Present: Mike Hickey, AB&H Donohue  
David Nellans, Munster Town Council

The meeting started with the Pledge of Allegiance.

President Dimopoulos asked for a moment of silence before we get started for Amanda Repay who passed away a few days ago.

President Dimopoulos stated that the first order of business was the consideration of the January 29, 2019 Board Meeting Minutes.

Dye **moved** and Button **seconded** to approve the January 29, 2019 Board Meeting Minutes.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of the January 29, 2019 Board Meeting Minutes are attached to and made a part of these minutes.

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**District Manager's Report**

District Manager, Marty Wielgos, stated that what he would like to ask of the Board today is that they had a chance to review the two bids that were bid on for the Headworks project and the low bid was Hasse Construction at a little over 14 million dollars. He would like the Board to give him permission to move forward with awarding that contract to Hasse.

Button **moved** and Moore **seconded** to give the District Manager authority to issue a notice of award to the contractor. .

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0.

Marty added that he did have a long conversation with the Mayor on this. The funds that they had set aside which was around 12 million dollars and that was the money that was left over from the original bond that was used to do the basin across the street. Mayor had given him authority to use those moving forward when they put together the project for Headworks. Rick was very clear to both he and Rachel that it was probably going to be more than what they had set aside so they prepared for that and have access to the two plus or so million that they will be short to do that project in its entirety. He didn't want to go back to Dennis and have him cut some things out of that because he knows moving into that project and moving forward everything that Rick and Dennis had in the project and designed the project to do we need. There was really nothing there that was a Cadillac or something that could be taken out so they are moving forward as talked about. He knows the Mayor was a little concerned on the fact that we are using other monies to be able to make the project flush, but after a few conversations with him and he knows Dean was at one meeting where he made it kind of clear at a staff meeting (last Monday) that he needed more clarification on that. He did get that from him and they are moving forward. The other thing he just wanted to talk briefly about is Dan Zander who is here. He does not think that he has had a chance to formally introduce him to the Board. He is taking Rick's interim spot. He asked Dan to get up and say a few things about his background.

Dan Zander introduced himself and explained that he has been doing construction basically his whole life. He ran the basin project for Dyer Construction and has been in the Plant doing updates and upgrades for a few years now which is what put him in the lucky spot to get this position.

Commissioner Button asked Dan how long he has been with Dyer Construction.

Dan answered fifteen years.

Commissioner Button commented that Dan was instrumental with the work on Kennedy on the force main. Dan was out there helping them get that all resolved.

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Marty added that was the thing when they were moving and trying to figure out how to fill Rick's spot- he knew he did not want to just put anybody in there and did not want to jump the gun and hire somebody and hope that would work. When they looked at Dan and his qualifications and knowing that Dan had been in the Plant for several years heading lots of projects for the City and the District it seemed kind of natural for now and he is hoping as they continue to move forward that maybe it becomes permanent or maybe it doesn't, but this gave him the leeway to figure it out and to do what is best for the District. Welcome aboard, Dan, we are happy to have you. Other than that, he said that he did not have anything unless the Board has any questions.

Commissioner Hawkins questioned of the 14 million dollars that is going to be spent at Headworks if there is any potential that part of this could go towards the Long Term Control Plan.

Marty replied that actually all of it will. We are going to get credit for every dime that is spent. That was the question that the Mayor had was first of all he wanted to make sure that this project wasn't only to the satisfaction of the Consent Decree because we really do not have a Long Term Control Plan yet and he assured him that it wasn't, but in reality everything that is being done with the Headworks project can be contributed to the numbers that we put in the Consent Decree and we lose nothing. The only thing is that this project according to Rick and the rest of the staff was so direly needed and it needed to be done now that it will help with the total operation of the Plant. To answer the Commissioner's question, yes, every dime.

Commissioner Button commented that he thinks the other important point to include is that this not only affects all of Hammond and Munster, but all of the customer communities also.

Marty asked Jeff Massey to update the Board on where we are with Aqua Aerobics and what is happening and some time frames.

Jeff answered that we have the CMDF (cloth media disc filter) units sitting out in the front. They actually had it running for a little while and are just making a few minor changes like where the pump is and they feel confident that they will have it running continuously probably tomorrow. They wanted to move it to where the influent pump is coming from. They feel really good about some of the preliminary stuff that they are seeing. It is not really real data, but just looking at things as it is running and it seems to be doing a really good job. They have been in shakedown mode to make sure that everything is working right and making sure that they are not having any issues, so he thinks that they are expecting by tomorrow to have it up and running in its permanent spot and actually start sampling it in what they call the primary mode. They are going to get things running and wait for a rain event to see how it actually pans out.

Commissioner Button asked if he knew what the duration of the test is.

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Jeff responded that we have the unit for six months and they are trying to get ten separate rain events. In between the rain events they are going to run it in what is called the primary mode and that way they will be looking at different flow rates across the system. The primary mode is more of a controlled mode which is kind of getting used to it and testing flow rates and how it treats at different rates and different times.

Marty stated that what he would like to do as the weather breaks and it gets a little warmer than what it is now he would like to have Jeff take the Board out for a tour to take a look at it. This is just a small, scaled down model of what the real thing would look like, but it can give them a good idea of how it works and what it does so as soon as the weather breaks he would like to do that. That is all he has.

**PERSONNEL REPORT**

There was no personnel report.

**DEPARTMENT REPORTS**

**GIS Report**

There were no questions or highlights.

**Safety Report**

There were no questions or highlights.

**Sewer Maintenance Report**

President Dimopoulos stated that they did receive the annual Sewer report in their packet and he thought it was very good.

Commissioner Hawkins added that it was a nice job and very detailed as it is every year on his report, Jack.

**CONSULTANTS REPORTS**

**The Board considered the AB&H Consultant Report**

Mike Hickey stated that there is a couple of things. As part of the Consent Decree, HSD is required to submit a quarterly report and one was due February 9<sup>th</sup> so he just wanted to give the Board a copy of that and let them know that did go out on time. In regards to the Long Term Control Plan, they have submitted the revised protocol to EPA and IDEM and are just waiting for them to respond to that so if anybody has any questions he would be happy to answer them.

Marty stated that he would like Attorney Allegretti to talk a little bit about and he was wondering if it should be brought up now, but he is going to. The communication that they have had with the EPA about a violation that they believe that we had, but he thinks it is important at this time to update the Board on where we are.

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Attorney Allegretti explained that originally HSD had received a notice of violation concerning the wet weather related power failure that occurred March 1, 2018. There were two incidents one was the failure of the force main at the North Kennedy station and to make a very long story short that they did everything they could do to get force main back running with minimal discharge to the adjoining pump station. Kennedy Avenue was closed and there was a big cave in failure and traffic was disrupted- it was a big deal. Similarly, the Plant lost power and Don did lots of stuff to perform in order to avoid Plant upset and sludge going to the river, he diverted incoming CSO into the basin and actually no discharge occurred anywhere on our property that did not comply with our wet weather permit parameters. Of course there is no way to test a force main to see what kind of failure was sustained. It is a fifty year old pipe and through vibrations on the roads, heavy trucks and traffic eventually things can happen. We received a notice of violation and during a conference call, we pushed back and made clarifying explanations of factual misstatements in those violations. The language and position of DEM is because that our permit requires us to have an alternative source of power in case of a power failure or to use reasonable means in order to limit the discharge and avoid permit violations of the permit. Under strict reading of the literal reading of the permit we believe that we were not in violation. We had a conference call that did not go well- it was a little contentious- we were irritated with what we thought was a lack of understanding of the inspector who was out on the site and made the report which was the factual basis of the notice of violation. They said they were going to look after it and then they sent us another revised notice of violation. The first one provided a penalty in the neighborhood of \$16,000 and this one was in the neighborhood of \$5,000. The ongoing plan being engineered and anticipated to be begun by Nipsco for the alternate power source problem that will satisfy DEM. Marty just scheduled or asked Dan to schedule a meeting with Nipsco so we can have a sit down with the responsible engineers designing the improvements so we fully understand it and get some comfort level at the fact that we will solve our problem. This along with the 14 million dollar Headworks improvement project should make the problem go away, but there is some uncertainty which is why we are having the meeting. That is kind of a long, rambling, babbling explanation of where we are now, but it is a work in progress and we have a nice relationship with DEM and we do not want to get into it with them over \$5,000. We are spending an enormous amount of money to upgrade the Plant to fix this problem along with other problems caused by age and the constant changing of performance criteria.

Marty wanted to add that he and staff believe that anytime they feel there is a possible violation, Don is required to notify the appropriate agencies and he has always been very vigilant about that. We take it very seriously. So at the same time because we are so vigilant about that and take it so serious on the other side he takes it serious when we are accused of doing something that none of us believe including our Law Department believes that we did anything wrong.. In fact, we believe that we did everything right above and beyond giving the circumstances that we were in at that time. You have to remember that we have two feeds that come in here to the Plant- one from the north and one from the south. They come together with switch gear so that you can switch it on at any given time. That is all fenced in with a lock on that gate. The reason that is all fenced in with a lock on the gate is because that is controlled 100% by Nipsco. We can kill people trying to do that because that is not what we do that is Nipsco's job to switch that.

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Unfortunately, when it is never exercised and it is Nipsco's responsibility to do that, the side that went down then they had to come out here and try switching it to the other power source and it all failed. That was hours after we lost power so now we are 8, 10, 12 hours into a no power so Don is doing everything that he can by the book running this Plant with the limited generator power that we have. He knows when we initially received a notice of violation it was \$10,000 and we firmly believe that they do not have a clear understanding of what goes on here and how we are set up, but after that initial conversation they already lowered it from \$16,000 to \$5,000. \$5,000 to him may be a little amount of money, but it is more principle to him. We know how to run this Plant. He has extremely intelligent people here so he does not want to just pay it because it is only \$5,000 because of the fact that we are right. We do not want to admit to doing something wrong when in fact we did nothing wrong. If we were paying Joe a lot of money hourly then it may get to the point of economics, but we are not so until we come to dead end on those conversations he just does not feel like giving it up at this point. He thinks it would be a disservice to what these guys do and sending the wrong signal down state when in fact we follow every dot of the law. We do not do anything that would be questionable at all so adding that he will surely take questions from the Board.

Commissioner Button commented that Hammond always fights and he supports what has been done in the past year and previously. It is not an easy situation that the District Manager is in- it is complicated and totally not the District's fault and he supports—

President Dimopoulos commented that he thinks he speaks for the entire Board and wanted to say that they support him 100%.

Commissioner Dye added that especially since he has been transparent with IDEM, there is nothing to hide and you are upfront with problem and then still get penalized.

Marty replied that we were let down because the inspector that Don had called who Don and Jeff have worked with 20 plus years was actually the gentleman that wrote the report and started all this. Not to say that we are asking him to do anything different from us that he would do for anybody else it is just that we were let down in the fact that he even though we thought he did obviously does not understand the full mechanics of how this Plant runs and that was a little bit disheartening, but he thinks we are in the position that we fully believe that the actions that were taken by Don and the operators in the Plant when we had no power. He asked Jeff what was put into the river because we did eventually go into the river and that was tested so he asked what that tested out to be.

Jeff answered that we were well within our limits and he does not recall what the actual numbers were but we were well within our limits for our effluent values so we never violated any permit conditions at all.

Marty concluded that again with that being said, they appreciate the support of the Board.

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**RESOLUTIONS**

**The Board considered Resolution No. 4-2019: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana for Consent Decree Services.**

Button **moved** and Hawkins **seconded** to approve Resolution No. 4-2019.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of Resolution 4-2019 is attached to and made a part of these minutes.

**The Board considered the Claims Approval Docket 02-12-19.**

Button **moved** and Dye **seconded** for the approval of the Claims Approval Docket 02-12-19.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of the Claims Approval Docket 02-12-19 is attached to and made a part of these minutes.

**President Dimopoulos called for Old Business**

There was no old business.

**President Dimopoulos called for New Business**

There was no new business.

**President Dimopoulos called for Reports from Commissioners**

There were no reports from Commissioners.

**President Dimopoulos called for Public Expression**

There was no public expression.

**President Dimopoulos called for a motion to adjourn the meeting**

Button **moved** and Hawkins **seconded** for adjournment.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. The meeting was adjourned at 4:23 p.m.

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Sam Dimopoulos, President

  
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Michael Dye, Vice President

  
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Dean Button, PE, Member

  
\_\_\_\_\_  
Michael Hawkins, Sr., Member

  
\_\_\_\_\_  
Patrick D. Moore, Member

ATTEST:   
\_\_\_\_\_  
Rachel Montes, Secretary  
Kaleigh Boyle, Assistant Secretary

Board Minutes Prepared By: Kaleigh Boyle