

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
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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 Button 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
Rick Sutton, 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 Button stated that the first order of business was the consideration of the October 24, 2017 Board Meeting Minutes.

Dye **moved** and Dimopoulos **seconded** to approve the October 24, 2017 Board Meeting Minutes.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of the October 24, 2017 Board Meeting Minutes are attached to and made a part of these minutes.

District Manager's Report

District Manager, Marty Wielgos, stated that the only thing that he had is going into the new budget for 2018 because of some of the segregation that we have that the State Board of Accounts keep insisting that we do- last year we brought in a part-timer to kind of help with that

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

which has worked out well, but we are looking at 2018 bringing in a full-time person. He is going to let Rachel talk about that position to further meet the mandate of State Board of Accounts,

Business Manager, Rachel Montes, explained that what they have written us up for previously is for our Accounts Payable, Accounts Receivable and Payroll not be done from beginning to end by one person. We have adjusted with the part-timer as far as entering the vendors where the actual clerk cannot do that, but there still needs to be separating which will probably require a full-time person who is cross trained so we are looking to have a level one clerk come in and we will kind of train that person and gage to see how many more bodies we need. We will see after this audit what kind of comments they make and we will adjust to them.

President Button stated that the audit that is being done right now is for 2016 and we have had a part-time person so we will have some feedback from that.

Rachel answered that we did. We have had him as a part-timer, we have had Marty reviewing and then there are some of the duties that she took upon herself so everybody else was restricted so she had to.

President Button inquired if this action would be reviewed by State Board of Accounts until they audit 2017.

Marty responded that they are probably going to point out that we need to further do what they asked and we did not want to do that until we were able to trial and error. A regular part-timer was a good start so we were able to see how that worked and how we were able to fill some of the requests of the auditors. That has worked. Now we are going to take it to the next step- we still need because Rachel has taken on some of that burden which he does not want her doing because there are other things he needs her doing and he has taken on some of that which he does not mind doing, but he should be the overseer of the whole product. He should not physically be doing part of the product and that is what he is doing now with payroll. We are looking after 2018 to just once again do the type of suggestions that they are strongly suggesting that we do and that is separation of duties.

Rachel added that they will not advise you either. If you come up with an idea and ask if this will work, they will not tell you yes that will be sufficient they just say you make your changes and we will audit it. There is going to be a second audit this year- it is a full GAP audit and it is just a change in the regulations and they will focus on internal controls so we are expecting to have some issues.

Marty explained that this was voluntary. They asked if we would voluntarily like them to do that and the answer was yes. He likes full disclosure of everything. The more the merrier in his opinion, especially with State Board of Accounts. He likes sharing everything so he thinks us

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

and Water Department were the two that they asked if they could do this other step and we both said yes.

PERSONNEL REPORT

Dye **moved** and Moore **seconded** to approve the Personnel Report.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0.

FINANCIAL REPORT

Business Manager, Rachel Montes, stated that she did not have anything to highlight, but will take any questions.

DEPARTMENT REPORTS

Safety Report

Matt Muta stated that he had nothing to highlight, but would take any questions.

Commissioner Dye commented that it is very well done. A clean report that is easy to read so he wanted him to know that he did a good job on it.

GIS Report

Thomas Ramker stated that Becky could not be here, but they should all have a copy of the status report. He has nothing to highlight, but would take any questions.

Sewer Maintenance Report

Jack Smith stated that he had nothing to highlight, but will answer any questions.

Commissioner Dye noted that today was Jack's birthday, so he did want to wish him a happy birthday.

CONSULTANTS REPORTS

The Board considered the AB&H Consultant Report

Mike Hickey stated that everybody should have a copy of his status report. He wanted to highlight that they submitted a couple of things to the EPA for the Consent Decree so he did put copies of that at the bottom of their file there so he just wanted to make sure that they see them. The timing always works out that he does the status report and then the stuff is sent out after. He will answer any questions.

President Button commented that he sees two things both addressed to the Department of Justice so they did receive them and thanked him for his report.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

RESOLUTIONS

The Board considered Resolution No. 47-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing David W. Westland to Execute Closing Documents Concerning the Purchase of Real Estate by the Hammond Sanitary District.

Moore moved and Dimopoulos seconded to approve Resolution No. 47-2017.

Commissioner Hawkins stated that he had two questions. One being that a long time ago a wise person once told him to never sign a contract document with blank spaces and here we are going to sign four of them with blank spaces and he wonders why- this question is to Joe.

Rachel replied that she can answer that. The reason is that we are waiting for title work and there is no closing date. Once they set the closing date, it doesn't line up with our board meetings. She thinks we have closed on at least ten of them and they were all kind of written this way which is why we put the address in the body of the Resolution so you know what property it is. We already know the purchase price because we have the offer that was accepted so that is just tentative on the date. We cannot put a date because we do not know what date it is going to be.

Commissioner Hawkins responded that perhaps his question is more of a legal nature- is this kosher, is this legal to not have a date in there.

Attorney Allegretti answered that it is a practical matter. In the subject matter itself isn't controversial it just authorizes or designates basically giving him the power of attorney to attend the closing on behalf of a public agency and sign documents. The purchase price is known but because the closing statement hasn't been prepared they do not know the date. He thinks it is fine. If it was something other than that, if there was some uncertainty he thinks he would be concerned, but that is not the case.

Commissioner Hawkins said speaking of prices he is wondering if there is a spreadsheet that can be distributed to the Board with which properties have been purchased and their purchase prices. He thinks that would be useful to the Board to keep them updated throughout this process.

Marty commented that is a good idea.

Rachel said that she will send him something.

Marty stated that there is a spreadsheet that Rachel has that she will share with him.

Attorney Allegretti added that the City although it has never been formalized but the City is kicking in a lot of value into this project, They are doing all the demolitions and the biggest piece

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

of the puzzle is the gas station and the District Manager knows more about that than he does but that is something that would get a subsidy also.

Commissioner Hawkins commented that the other day he took a drive through there. Obviously he was having a slow day—

Attorney Allegretti noted that this may be something for the executive session because this is ongoing negotiations.

Commissioner Hawkins replied that he has a general question about the gas station. He would guess that the liabilities to purchase a gas station are significant because of underground issues etc. that we may not know because they may not be up front and to purchase a gas station he would guess that there are a bunch of issues with legally EPA etc. He is wondering if it is definitely necessary to purchase the gas station due to the cost benefit of it. He is wondering if that is being looked at.

Marty answered that the gas station is a crucial part of the piece so if we do not acquire the gas station we cannot do what we would like to do with the rest of that blueprint. The second thing is all of what the commissioner has said has all not been forgotten nor not discussed. It is a part of the ongoing negotiations we have with the owners of the gas station. We are very well aware of all the issues that gas stations bring with them and with the final use that we are going to have for the properties so all of what he talked about is all out there and the reason we have not closed on that property because those are a lot of things that are being discussed. To think that we could just not do the gas station and be able to do the rest of the blueprint will not work.

Attorney Allegretti stated that there are underground tanks. Phase two has been done- the environmental condition, petroleum, the size and the location of the flume is all known and is all factoring into the value of the property. The liability is known. The responsibility is the owner, but the fact that the property changes hands does not change our eligibility to get funding from the trust fund. We are not losing out on having the remediation conducted just by acquiring the property- that will not be interrupted so that's a good thing. He thinks that will happen sooner rather than later. Jeff knows more about that- everybody knows more about everything than he does.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of Resolution 47-2017 is attached to and made a part of these minutes.

The Board considered Resolution No. 48-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing David W. Westland to Execute Closing Documents Concerning the Purchase of Real Estate by the Hammond Sanitary District.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

President Button stated that this is for 6704 Linden Avenue.

Dye **moved** and Moore **seconded** to approve Resolution No. 48-2017.

Rachel corrected President Button that the address is 7604 Linden Avenue. She also said that we have to add the date to that one to show that it is being passed and adopted today (the 14th of November).

Dye **moved** and Hawkins **seconded** to add the passed and adopted date of November 14, 2017 to Resolution No. 48-2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. Resolution No. 48-2017 was amended with date.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of Resolution 48-2017 is attached to and made a part of these minutes.

The Board considered Resolution No. 49-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana for Assistance in the Preparation of a Phase One Post-Construction Compliance Monitoring Program.

Dye **moved** and Dimopoulos **seconded** to approve Resolution No. 49-2017.

Commissioner Hawkins commented that previously to control and monitor costs especially when the District was not financially fluid which was great. He wonders- he has a question if we have a knowledge of how much the consultant AB&H Donohue would be used. Is there a floor of use or high end of use would there be a potential for an hourly rate or if that is something that AB&H Donohue does.

Marty responded that he will let Mike speak to part of that question, but he will answer first. We have had Mike doing what he does here at the District quite well for over 20 years and he has grown first off by sitting where you sit today on the Board for almost four years and becoming District Manager for five years an appreciation for what he does and the honesty he does in preparing different projects and the cost associated with those. He thinks most of the documents that we present for work done by his company do have numbers on them, but for something like this because of the working relationship we have he does not think that it is necessary. He does understand the Commissioner's concerns, but unless somebody can point out to him where there has been instances that Mike and his company have overbilled or have done things that concerns

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

the commissioners, he would certainly entertain that, but in this particular case for this particular assignment there really was no need.

Commissioner Hawkins clarified that he was not clear. He explained that maybe we have a year of use and is there an advantage to financially or otherwise to negotiate a block of use over a period of time and would there be an advantage to that to AB&H Donohue because they would know they have this booked, they have Mike booked—

Marty replied that he understands what he is asking, but because of them and their longevity with the District knowing what they do and how they bill. He likes a project by project cost so that he can say this is something that he does not want to pay for and he has done that just recently with another engineering company that we are looking at having do some work preparing ideas to repair one of our buildings so he guesses it is just management style- he likes project by project. He does understand what he is saying, but a lot of times that all changes too. There may be things that we can say that we are going to have them do for this year (x.y and z) but we get through part of the year and a lot of things change as you all know. He just likes it project by project because that is his personal preference.

Mike Hickey explained that this is a specific project, kind of a stand-alone, but there are a couple projects that come up a couple of times. One of those is the consent decree services and the second one was for non-SRF services and he will have one coming up in a month or so—

President Button stated that he has SRF and non-SRF.

Mike said that is true, but since the SRF money is gone, they no longer do them. They used to do the non-SRF in January and it might be \$80,000-100,000 that would last the whole year. More recently we have been breaking those up into much smaller ones maybe \$20,000-30,000 instead of outlying the \$100,000. In regards to the rate, about two or three years ago they reduced his rate because he was working here almost full-time his hourly rate was lowered by about ten percent and have kept it there.

Commissioner Dye added that he remembers that. He thinks that this style is more manageable where we have a cap saying that this is what we are spending so there are no surprises, there is no endless here is the project how much is this going to cost us. It is set in stone and writing and everything is right here in front of us, so being in business himself he agrees with Marty. He supports this- it is cut and dry. There is no mystery which is just his opinion.

President Button commented that this is a task order. He is familiar with the process from his involvement with the District.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore
Nays: None

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Motion **carried** 5-0. A copy of Resolution No. 49-2017 is attached to and made a part of these minutes.

The Board considered the Bank Reconciliation for October 31, 2017.

Moore **moved** and Dimopoulos **seconded** to approve the Bank Reconciliation for October 31, 2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of the October 31, 2017 Bank Reconciliation is attached to and made a part of these minutes.

The Board considered the Claims Approval Docket 11-14-17.

Dye **moved** and Hawkins **seconded** for the approval of the Claims Approval Docket 11-14-17.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of the Claims Approval Docket 11-14-17 is attached to and made a part of these minutes.

President Button called for Old Business

Commissioner Hawkins stated that the first thing is actions to why the methodology to deed these pump stations that were not deeded HSD in Munster to HSD and the question he has been asked is where does that stand. The Town submitted them and they were totally owned by HSD, but it turns out that part of the land is owned by Munster and part of the land is owned by HSD etc. and there is a whole list of these old issues.

Joe Allegretti responded that John Hannon- a name from the past- did some investigation and he will have to check on that. He believes there are still some loose ends. We had some trouble with the West Lake pump station. His good friend Joe Williamson did not convey it and stopped paying the taxes on it and somebody bought it at the Sheriff's sale and we had to ransom it back. It is okay as long as they are owned by somebody- by one of the municipalities. He thinks the better practice is to have them owned by one common ownership and that should be the Hammond Sanitary District or maybe just identify or visit the County GIS site and do some investigation, but he thinks his point is well taken.

Commissioner Hawkins went on to say that it turns out the Cobblestone pump station is owned by the property owners association.

Joe replied then to send them the Nipsco bill.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Commissioner Hawkins said that to date they are paying the property taxes. Last meeting Resolution No. 46-2017 was presented and approved, but it was never received by the Town of Munster.

Joe answered that he believes it was. He got an acknowledgment from Mr. Wickland that he had it and was not too happy with it. He believes Commissioner Hawkins was copied on it, but he will check. He told Commissioner Hawkins maybe he was the source of delivery, but he got it. He believes there was an exchange of emails—

Commissioner Hawkins replied that there was an email he initiated regarding a sewer interceptor. Other than that, no the Clerk-Treasurer or the Town Manager's office have no knowledge of it. He will ask David Wickland to get back to Joe.

Joe stated that he may be wrong, but he thought that was the subject matter of the correspondence was. Maybe there was some assumption and we should not be making the assumption that your job description includes as a representative of Munster that because it is in his hands that is the equivalent of it being in the Town's hands and maybe that is not the case.

Commissioner Hawkins responded that it was not in his hands. If it was, it would have went to the Town.

Joe asked if he is talking about the Resolution that was on the agenda last meeting.

Commissioner Hawkins said the signed Resolution was supposed to go to the Town of Munster for not only their information, but there was also a space for the Town Manager to sign off or not.

Joe stated that maybe there was an assumption that Commissioner Hawkins had it, but maybe we will sneak a copy to Councilman Nellans before the day is over.

Commissioner Hawkins went on that last meeting it was brought up that the Town noticed and we are still talking about the same subject the issue of interceptors in the document on the map that was with it. In section B. (statement of ownership) HSD is responsible for operation and maintenance of all combined sanitary and stormwater conveyance infrastructure within the City of Hammond and the Town of Munster. He is wondering if the stormwater was left off on purpose or by accident.

Mike Hickey answered that they were left off on purpose because the Consent Decree wanted a statement of sanitary sewer system ownership so stormwater was left off because that was not required in the Consent Decree so that was purposely left off.

Commissioner Hawkins questioned then why was it included under a statement for the City of Hammond.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Mike Hickey replied that was more for information.

Commissioner Hawkins said that he was asked for clarification.

President Button added that we were asked for what facilities- what Sanitary District facilities HSD operated in the Town of Munster. It does not say what stormwater facilities and it does not ask for what sanitary or stormwater sewer facilities that HSD operates.

Mike Hickey reiterated that it was left off purposely.

President Button called for New Business

The Board considered Resolution No. 50-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing David W. Westland to Execute Closing Documents Concerning the Purchase of Real Estate by the Hammond Sanitary District.

President Button stated that this is for 7554 Linden Avenue. He asked if there was a date for this closing.

Rachel stepped out of meeting, so Marty said to suspend and move on and we will come back.

Rick Sutton explained that we have two areas- two separate projects that we are trying to pave before the end of season. Asphalt plants are going to close down pretty quick here. Maybe Thanksgiving, but it could be a little longer depending on the weather here. We are trying to pave a couple areas before the asphalt plants close for the season. One is the CSO Basin across the street which is about 6500 square yards and they are going to put three inches of asphalt down this will aid the District in cleaning the basin. We got three quotes and we are paying about \$15 a cubic square yard for three inches of asphalt. The other area is the main Plant itself. We have put off paving for quite some time and got some pretty big potholes and areas that have standing water and in the winter they turn to ice. We are asking the Board to approve a rush job on these two asphalt projects- in the Plant itself about 4500 square yards. We are actually going to mill and grind six inches down and put four and a half inches of binder and one and a half inches surface material hopefully this year, but if not we will just put the binder down. We are rushing against weather- they do not like to pour asphalt at a temperature under around 40 degrees. Two separate areas of the facility- one area in the Plant one area outside of the Plant. It gives us continued improvement in our implementation of our Long Term Control Plan. We are making improvements to our existing basin and cleaning and facilitating which will be easier for ourselves and in the Plant we are trying to catch up a bit and take care of all of the areas that need a lot of work this spring/summer. All told we have just over 10,000 square yards paved and he had gotten some quotes for this work so he is hoping the Board would approve it on a rush basis.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

President Button wanted to offer the fact that the City of Hammond has an annual contract with Walsh & Kelly to do surfacing projects throughout the entire city and he would offer that we investigate the use of the Hammond City contract to support Rick's project.

Joe added that Walsh & Kelly is the lowest bidder.

Rick stated that Walsh & Kelly was the low bid. Across the street it was \$97,000 plus or minus and in the Plant it is \$155,000-156,000 because of the milling and we are putting six inches instead of three. We do not get any traffic over there, but in the Plant we have a lot of truck traffic that has been abused for a long time.

President Button asked for a motion to authorize the District to pave and resurface urgently to meet the asphalt deadlines and if at all possible we can get a better price with the City's contract we would use that to support the project, but the District would essentially be paying for the entire resurfacing project whether it be through quotes received or through the City's contract.

Joe wanted to make sure that it is clear that both of these projects are distinct and separate. They are not being separated to defeat the Public Works statute. They are both estimated to be under the \$150,000 threshold so they qualify for the small project procedure in getting competitive quotes and the process used by Mr. Sutton qualifies for that as a backup to what President Button is saying about using the City of Hammond's contract with Walsh & Kelly to provide this work.

Dye moved and Dimopoulos seconded.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion carried 5-0.

The Board considered Resolution No. 50-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing David W. Westland to Execute Closing Documents Concerning the Purchase of Real Estate by the Hammond Sanitary District.

Rachel said that we do not have a closing date and that these were received after the packets went out because of the time of the closing that they will schedule is why we wanted to go ahead and put them in.

Dye moved and Moore seconded to approve Resolution No. 50-2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion carried 5-0. A copy of Resolution 50-2017 is attached to and made a part of these minutes.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

The Board considered Resolution No. 51-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing David W. Westland to Execute Closing Documents Concerning the Purchase of Real Estate by the Hammond Sanitary District.

President Button stated that this is in regards to 7626 Linden Avenue.

Dye **moved** and Moore **seconded** to approve Resolution No. 51-2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of Resolution 51-2017 is attached to and made a part of these minutes.

The Board considered Resolution No. 52-2017: RE: A Resolution by the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing David W. Westland to Execute Closing Documents Concerning the Purchase of Real Estate by the Hammond Sanitary District.

President Button stated that this is in regards to 7620 Linden Avenue.

Moore **moved** and Dimopoulos **seconded** to approve Resolution No. 52-2017.

Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. A copy of Resolution 52-2017 is attached to and made a part of these minutes.

Commissioner Hawkins explained that he had a phone call this afternoon from a Munster resident named Laurie Young. Laurie Young was affected by the Dyer Road pump station and resulting basement backups in the area of Munster by Fisher and Crestwood. Her husband is a business owner in Munster—

Joe stated that he believes her husband is an ophthalmologist.

Commissioner Hawkins answered that he believes so. She asked him to bring her concerns to the meeting today. She feels like she has no recourse in regards to the Dyer Road outage and the resulting backups in the Town. She wonders why Hammond and Munster cannot sit down and talk about these issues.

Commissioner Dimopoulos expressed that he thinks it is great that she made a comment.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Marty wondered what she meant saying that we do talk to Munster so he is wondering where she gets that impression from.

Commissioner Hawkins stated that he thinks he can give an example. Munster and the Hammond Sanitary District did not talk about this document (Resolution No. 46-2017) and unfortunately there have been other issues in Munster and the Dyer Road outage and some other issues he can seem to remember about generator problems, etc. We have two units of government that are not talking at times and that is very unfortunate for both sides and he really does believe that it is. Munster and the City of Hammond have been "married" (he believes the Mayor himself used those words) since 1949 and that is an awful long time. Married people and governmental units need to talk because essentially you can learn things from each other and there are times there are things that you do not realize. Joe Allegretti recently sent David Wickland an email in regards to Dyer Road and some comments about the outage and sewer backups etc. from HSD's view. Munster also has information on this. The Town of Munster may know things that the District does not and perhaps the Sanitary District knows things that they do not know, but there is no discussion and it is unfortunate.

President Button said that he has to disagree. We have talked to Munster. Right after it occurred there was a meeting downstairs and Councilman Nellans was there. When the Dyer Road situation happened, we met and discussed what was going on and our own Sewer Department from the City of Hammond went out and assisted the Town of Munster with the backup and making determinations and helping their crews. To suggest that there is a complete lack of communication and cooperation is shocking to him at this point.

Commissioner Hawkins repeated that there is a communication issue. If we would talk to some officials of Munster if we would sit down and talk to them in a meeting and maybe he is suggesting that the two groups sit down and talk. Munster may have issues that HSD is unaware of and maybe HSD has issues that Munster is unaware of.

Commissioner Dimopoulos commented that he has been on this board longer than anybody else here and he can truly tell you that we do not keep anything from Munster. That has never happened. Our doors are always open so if any Town of Munster official wants to come to our meetings to discuss their concerns, the door is wide open for them to come and talk to us. Why we have to schedule a separate meeting is unnecessary. This meeting happens every two weeks and they can come. Mr. Nellans comes here every meeting almost and if there are concerns that Munster is having they should bring them here to this meeting so we can talk about it. You're insinuating that we are hiding things from Munster and he does not appreciate that.

Commissioner Hawkins answered that he is not making insinuations. If he has something to say, he will clearly say it.

Commissioner Dimopoulos replied well that is how he is taking it. Like we are keeping things from Munster and we are not keeping anything from Munster.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Commissioner Hawkins explained that with the case of Dyer Road the Munster Public Works Department and HSD have not sat down and discussed the issue. He guarantees that there are things that the Town of Munster knows—

President Button added that we have had two meetings with Anton and his boss, Steve Gunty.

Commissioner Hawkins said not in regards to this.

Jack Smith stated that yes they did. They had a meeting in our board room with them for two hours with them.

Marty interjected that he had a conversation with Councilman Nellans along with Mr. Massey just on Thursday and unless Councilman Nellans wants to chime in here, but we have said to each other that we keep doors of communication open on both sides and he said yes we do so now he is a little confused at what Commissioner Hawkins is saying.

Councilman Nellans stated that to kind of wrap this up a little bit he said are there some communications between HSD and Munster- yes. He feels that in a marriage that there is some reluctance in conversation. He has been invited over here to have some discussions, but he would not truly qualify it as a complete meeting with a solution. We listen and Marty asked him to come over here because there were some problems and he did and we did talk about it. He also explained to Marty that he is still gathering information and it took a while but he did finally get a copy of the email that was sent from the lawyer Allegretti to David Wickland that had some information and had some drawings on it. He believes he was here when Steve Gunty was present, but it was not what he would call a complete, open, two-way discussion. He has also been here when Anton was here and Chris Spoelnik and they really did not have a discussion and some of the staff here has kind of expressed an opinion that they really do not want to hear what Munster has to say. That they are responsible for what they are responsible for and they will take care of that. They really did not want to hear what Munster had to say. He is being honest- that is his appraisal. He wants to keep the door open, he does not want to cause any problems, but on the other hand is this letter here kind of an example thinking that it was sent to Munster, but it did not get sent to Munster. The discussion never took place. Then Mike makes the comment that it was left off on Munster because we only answered what the question was but it shows up on Hammond, but there was not a discussion prior to this to explain why those answers were the way that they were. He knows Sam sits on the board, but he believes he has been attending meetings longer than Sam has been here and not to take anything away from him but yes he has been a long-time board member. He really thinks the discussion is that they would like to sit down and truly have an open discussion. Those are just his opinions.

Marty said that he appreciates that. He can only say that he is a little confused by what he is hearing today only because when the situation happened at Dyer Road pump station, the vactor in Munster broke down, the TV truck broke down and what did the Hammond Sanitary District

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

do- we sent out trucks into the Town of Munster both a TV truck and a vactor to help your situation. There was no meetings on that. We did what we needed to do.

Councilman Nellans added and they appreciate that.

Marty responded that he gets confused by what he is hearing though because of the fact that he and Councilman Nellans have talked more than anybody else along with President Simonetto and we keep saying the same thing over and over it seems like to him. We have shared all of the information that we have gathered. However, he has seen nothing of what Commissioner Hawkins has talked about on whatever Munster's information is. He asked Commissioner Hawkins if he has shared any of his information with us.

Commissioner Hawkins replied that it is not his authority or his responsibility to do quite frankly. It is not his information. He and the Town of Munster said in a couple meetings back that they desired to meet on this to share information. They wanted to sit down and meet but that was not to be.

President Button conferred that was not the message we had. Where is Hammond Sanitary District's response to what happened on Dyer Road so we prepared a response as we were requested to.

Commissioner Hawkins just wants to sit down and talk this out because Munster has a lot of information, the Sanitary District has a lot of information and it needs to be shared and exchanged.

Marty stated that we have and as we have indicated a month or so ago right after that incident that we believe there is a lack or maybe no maintenance program going on with Munster's sewers. He questioned how is it that we can sit down and talk about things that are not happening in Munster. He has no problem sitting down with the elected officials to tell them what we have learned and what we have seen and that is what that letter that Joe sent does. He goes by what Jack Smith tells him and by what our engineers witnessed that day they were out there including yourself Commissioner. The fact that we have one of those three residents telling Hammond Sanitary District you know we have had this problem every year and we always call the Town of Munster and what they would do is send out the vactor truck and clean it and it took care of it. They didn't do that this year and guess what, we had flooding. He likes meetings, but they have to be productive and we have had all of these meetings-

Commissioner Hawkins asked how he knows it is not going to be productive if he will not sit down and meet.

Marty answered because he has sat down over and over and over again.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

President Button added that we are still willing to sit down and meet on things. We were invited to the Town Hall in Munster and we gave an open, free flow of information back and forth (well mostly it was HSD representatives to the Town of Munster) about Community Hospital and the old Heartland Hospital and drainage and MS4 issues around the new Centennial Village and we had what he thought was a very good meeting and at the end of the meeting there was a comment about oh there is this agreement. The Town Manager said this is an agreement that we have that we have been asking you for and is there any more of these out there and it really kind of took him back a bit. We were freely and openly discussing all of these issues and then we got kind of a flip it to what else are you withholding from us and he was taken back by that. He will leave it at that. He feels like we have been proactive and he sees Councilman Nellans periodically and if he asked him to keep this dialogue going he would be very receptive to that. What we did is respond to a request from the Town of Munster telling us to give them a report- maybe it was not that demanding- we would like to have a report on what Hammond found as it relates to this. We have given you a report. He does not think that the lines of communication are down completely. This is our response to you, if you want to volley back, if you want to have a meeting, we are willing to have a meeting. We have always been open to entertaining having a meeting.

Commissioner Hawkins said well let's have a meeting.

Commissioner Dimopoulos asked what is going to be discussed at this meeting. Everything that we have already discussed and shared in the past.

President Button stated that they are willing to have a counterpoint to our response.

Commissioner Dimopoulos stated that he would like to see the information they have. He is not walking into a meeting not knowing what is going to be discussed. That is not happening.

Commissioner Hawkins replied that he will take that back.

Commissioner Dimopoulos added that if it along the lines of information that we have already shared with Munster then we can send copies of what we already sent them.

Commissioner Hawkins said that Councilman Nellans is much more eloquent than he is and he thinks he gave a very good explanation of what issues or the situation may be. He does not want to create anything but the sincere desire because there seems to be issues between our two—

Commissioner Dimopoulos stated that if he could be very blunt here he thinks that these issues that Commissioner Hawkins is creating or is assuming that is happening is because this woman is threatening to sue and to bring legal actions against the Town because of her basement being flooded so now you are trying to put some of this to the Hammond side and that is where this s coming from. That is what he thinks is happening. He is being honest too. This woman is threatening legal action against her basement being flooded.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Commissioner Dye stated the fact that this woman in his statement is saying that we have lack of communication which is not true.

Commissioner Dimopoulos stated that now the burden is going to be on Hammond because we are not sharing information with Munster so we are going to take the burden of this woman's lawsuit. That's what he sees happening.

President Button repeated that he cannot see how he is saying that we do not have communication. You are at this board every two weeks- we have a discussion. Councilman Nellans comes to the meetings very frequently to not defend the Sanitary District seems tough.

Commissioner Dimopoulos stated that if we are this family, then he should be defending the District not trying to put blame on the Hammond side for something that happened in this woman's basement. That is a general statement- not towards Commissioner Hawkins, but he does think that all of this is happening because this woman is threatening a lawsuit and now we are having this conversation.

Commissioner Hawkins explained that what a resident chooses to do whether it is resident of Hammond or Munster is their prerogative.

Commissioner Dimopoulos agreed, but he thinks this discussion is happening because of that. That is his own personal opinion.

President Button stated that what he heard him say is that this woman wants a response or is looking for a response from the Sanitary District on why Hammond and Munster are not communicating and you response to her should be we have and we are communicating on a regular basis. To not defend—

Commissioner Dimopoulos exclaimed for this woman not being at any of our meetings how does she know that we do not talk to Munster. He wonders where she is getting her information. He thinks it is a very ridiculous statement on her part to make that to begin with that we are not talking. He wants to know who is telling her that we are not talking. She has never been to our meeting, she does not know what we talk or don't talk about, but you are bringing this comment that we should talk more and that is what she thinks we should do. He finds it ridiculous.

Councilman Nellans stated that as was stated earlier, he and Marty have had a conversation and he generally makes the comment in his conversation that honestly he is still gathering information. From a practical standpoint, they had a situation happen whether the houses got flooded or not, there was a problem with the Dyer Road pump station and it was offline for a period of time.

Commissioner Dimopoulos explained that is not true, Mr. Nellans. That was not the cause of the flooding.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Councilman Nellans responded that it is not true that it was offline for 17 hours. He is not saying that is the cause of the flooding-

Commissioner Dimopoulos responded that they should go to the cause of the flooding. The cause of the flooding was because the lines were backed up and solid. That was the cause of the flooding. It was not because the pump station was down so here they are trying to put the blame on Hammond—

Jack Smith added that the lines were full with 16.27 tons of solids.

Councilman Nellans stated that he did not say that. There are two stories out there. He really thinks- there was a comment about a marriage- both parties should be able to have a discussion. Neither one of the parties should say we are absolutely right, you are not. He pointed out to Marty and Jeff Massey was on the line that he would like to know and part if it is in the email as to what was the status of the Dyer Road pump station how long was it out for and as an engineer he would like to know how deep the water got and hopefully Marty confers this that what can we do here, what can be done in the future to help prevent this problem with respect to the station.

Commissioner Dimopoulos replied that this marriage that we keep talking about when the Munster vactor trucks and TV trucks were not working, we sent ours in to do the work and we did not send you a bill- we are a partnership here; right. We came with our equipment to take care of that problem. There was no bill sent for our people's time or our equipment to help Munster take care of this issue.

Councilman Nellans stated that is a true statement.

Commissioner Dimopoulos went on to say as far as a marriage goes we are helping Munster- it was unfortunate trucks were down- we did not send a proposal we sent the trucks right there and we took care of the issue with our people and our equipment and we did not charge or send an invoice we never made any comments about recouping that money so the whole comment that you are making that there is no marriage between the two communities is really wrong because there is.

Councilman Nellans replied that he was out there and Jack showed him things with the camera truck which is very nice and he appreciates the vactor truck coming. There was a situation and they are trying to get to the bottom of it and he appreciates Marty taking his call the other day. In that response is not a potential high water level alarm that they talked about. He is not trying to be picky, he is not trying to be confrontational he is trying to set up and have a dialogue with Hammond and he does believe there is some latitude for a two-way discussion. At the end of the day, there will be something decided. He does not know in his mind that it is 100% clear and he is just being honest. He hears what we say, he sees what he saw, they have some reports. The bottom line is they have asked for a sit down discussion on this and he is still asking for it because it is realistic. At some point, the District needs to decide if we are going to—

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSIONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

Marty commented that the plumber took off the lid closest to those homes that flooded and saw what he should have saw- the line was up because it was clogged. He did not go down farther by the pumping station and pull more manhole covers. Now if you would tell me that he did and he puts that in writing then he would say he had Jack and his staff report back to him on there is a conflict because they would be saying two different things. When you talk about the plumber saying it was up- yeah right there where the flooding was.

Attorney Allegretti stated that we have a lot of experience in defending basement backup claims and he has tried a couple of cases, our insurance company has settled some cases and he is not predicting the outcome of any claim but there is an important distinction an event caused by an unforeseen unanticipated mechanical failure of a pump station is generally not actionable we would defend that case and not settle that claim, but an event caused by the lack of maintenance which there is a lot of case law on this subject that is the only time our insurance company has veer paid on a claim and they paid a significant amount of money on a claim and it was not too long ago. It was based upon poor maintenance or not a strict maintenance schedule performing sewer maintenance and cleaning. In the event that is what caused it, that is a claim that has substance and that is a claim that somebody from the Town is going to be paying on. In his mind looking at it like a defensible or indefensible claim, that is the critical question. He is saying he thinks it is a maintenance issue and even if it is an unforeseen mechanical failure that is not going to help Dr. and Mrs. Young. The Town just like we do in the Consent Decree- we have to clean 25 miles of sewers a year and inspection obligations specified, structured maintenance and inspection policy. It looks and we may learn otherwise from the Town of Munster that that does not exist, but he might be wrong. That is something that the Town has to address and deal with very seriously. He represents another municipality that received a nasty letter from IDEM about their lack of maintenance schedule and told them if they do not get one they are doing to sue them.

Councilman Nellans stated that he wants to work with HSD and he knows HSD wants to work with them. He appreciates this discussion, but really did not want it to really take place in this venue, but there is information. Everybody is a source of information. He appreciates all the dialogue and discussion and the information that has been shared.

President Button concluded that HSD has done the best that it can to be open, and forthcoming and meeting and being honest in talking to the Town of Munster in regards to our actions. It sounds like there is some feeling that we are not, but if you really drill down to it he thinks the District has involved Munster.

President Button called for Reports from Commissioners
There were no reports from commissioners.

President Button called for Public Expression
There was no public expression.

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
NOVEMBER 14, 2017
www.hammondsd.com

President Button called for a motion to adjourn the meeting

Dye **moved** and Dimopoulos **seconded** for adjournment.

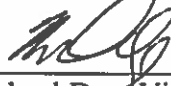
Ayes: Button, Dimopoulos, Dye, Hawkins, Moore

Nays: None

Motion **carried** 5-0. The meeting was adjourned at 5:13 p.m.



Dean Button, PE, President



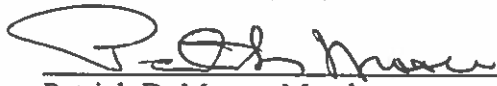
Michael Dye, Vice-President



Sam Dimopoulos, Member



Michael Hawkins, Sr., Member



Patrick D. Moore, Member

ATTEST: 

Rachel Montes, Secretary

Kaleigh Boyle, Assistant Secretary

Board Minutes Prepared By: Kaleigh Boyle