

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSISONERS MEETING
APRIL 26, 2022
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The Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana held a regular meeting at 4:05 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 4:05 p.m. He stated that the Board held an Executive Session prior to the meeting to discuss personnel and litigation matters in accordance with Indiana Codes.

Commissioners Present: Dimopoulos, Dye, Hawkins

Commissioners Absent: Miller, Rubio

District Personnel Present: Marty Wielgos, Chief Executive Officer
Matthew Muta, Deputy District Manager
Joseph Allegretti, HSD Attorney
Jeffrey Massey, HSD
Jack Smith, Sewer Department
Kaleigh Boyle, HSD
Jessie Amezcua, HSD

Others Present: Mike Hickey, MJHY, LLC
Ana Dimopoulos, Hammond Resident
Justin Jeziala (sp), Leopardo
Ken Schoon, Town of Munster

The meeting started with the Pledge of Allegiance.

President Dimopoulos stated that the first order of business is the consideration of the April 12, 2022 Board Meeting Minutes.

Dye **moved** and Hawkins **seconded** to approve the April 12, 2022 Board Meeting Minutes.

Ayes: Dimopoulos, Dye, Hawkins

Nays: None

Motion **carried** 3-0.

Chief Executive Officer's Report

Chief Executive Officer, Marty Wielgos, stated everything is running smoothly in the Plant. Fortunately, they have had some rain, but not any type of rain that cause them any problems. He knows Jack reported at their staff meeting today that with the heavy rains they have had earlier and late last week, they have had zero reported basement backups. That is always good to hear. He has to say and does not want to jinx them, but it has been quite a while since they have had a

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reported backup. That just tells him the Plant is running very smoothly. He did have two documents he submitted in the executive session that he will bring up under new business. They are the purchase of two trailers for some equipment. He thinks because they had some sickness downstairs and obviously Rachel is home sick today, it got backlogged. They need these trailers badly. It took a while to find them and that is why he is going to ask the Board under new business, they approve them so he can get checks cut and get these trailers this week. He just wanted to talk briefly about that.

Vice-President Dye asked if it is one claim or two.

Marty answered two separate claims. Other than that, he does not have anything else.

PERSONNEL REPORT

There was no Personnel Report.

CONSULTANT REPORTS

MJHY, LLC

Mike Hickey stated that at the last board meeting, he spoke about the FCA which is part of the Long-Term Control Plan. He and Max did finally talk to Karl Cender and he is in the process of updating that FCA, so things are moving forward. They need that before they can finish the Long-Term Control Plan. That is good news.

Commissioner Hawkins said that it is good to see him in person.

RESOLUTIONS

The Board considered Resolution No. 15-2022: RE: A Resolution of the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing Execution of a Project Development Agreement with Leopardo Energy LLC.

Hawkins **moved** and Dye **seconded** to approve Resolution No. 15-2022.

Attorney Allegretti commented that he believes the Leopardo representative is in the room.

Justin from Leopardo Energy said that if there are any questions, feel free to ask him. He is just here to field any questions they may have.

Marty stated that he wanted to clarify Commissioner Hawkins's question that he had in executive session and Attorney Allegretti had to step out for a second. He asked Commissioner Hawkins to reinstate that question so he makes sure they all get the right answer.

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Commissioner Hawkins said they had a discussion and he thinks they understand it, but this agreement- if they ratify this Resolution, this just enjoins them to the language herein and in page 4 of 6 in article 4 there are certain costs that in effect they do not do something, there is a liability, but if they do it is part of the entire package. He asked if that is correct.

Justin answered that is correct. Those are the engineering fees they utilize to reengineer everything- a breakage or walk away fee just to reimburse them for their time and engineering costs.

Commissioner Hawkins clarified that this in effect formalizes and starts a more defined process. He asked Justin to put it in his own words.

Justin explained that they go from a schematic level drawing to basically 50% design documents that they can then put out for bids and work the project through to make sure they can get to them the fully developed project for execution.

Attorney Allegretti added that this is an agreement to make an agreement in the future.

Justin said essentially yes.

Ayes: Dimopoulos, Dye, Hawkins
Nays: None
Motion **carried** 3-0.

The Board considered Resolution No. 16-2022: RE: A Resolution of the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Adopting a Policy for Remote Participation in Public Meetings.

Vice-President Dye asked Attorney Allegretti to give them a quick summary please.

Attorney Allegretti responded that as previously discussed and suggested and recommended by Commissioner Hawkins the current rule require all Board members such as theirs to adopt a policy regarding remote or electronic meetings. This is not inconsistent with what the statute requires. The Governor's executive order has expired as recited in the Resolution. They are obligated to not only adhere to the statutory scheme, but they are also supposed to adopt a formal policy. This is kind of an even-handed policy consistent with the intent and language of the statute. Staff recommends the Board consider it.

Commissioner Hawkins commented that he has an additional question for Attorney Allegretti. In the Indiana Code that applies to this and it is mentioned in this Resolution also says that if there is an action to adopt a budget; make a reduction of personnel; initiate a referendum; establish or increase a fee; establish or increase a penalty; use eminent domain authority; establish, raise or renew a tax that a member can't participate say on Zoom or on a phone call. If, and they have

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several Resolutions many times, but if there is only one Resolution, does that still mean that the member still cannot participate electronically officially.

Attorney Allegretti answered that the statute specifically says that member for purposes of their attendance is marked absent and cannot participate and does not get a vote and cannot count towards a quorum.

President Dimopoulos asked what if they have a quorum with a member on Zoom.

Attorney Allegretti replied that quorum would fail and they could not entertain that issue. Kind of harsh and he does not know what the public purpose of that restriction is, but the General Assembly has spoken.

Dye **moved** and Hawkins **seconded** to approve Resolution No. 16-2022.

Ayes: Dimopoulos, Dye, Hawkins
Nays: None
Motion **carried** 3-0.

The Board considered Resolution No. 17-2022: RE: A Resolution of the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana for Engineering Assistance in the Preparation of a CSO Public Notification Plan.

Hawkins **moved** and Dye **seconded** to approve Resolution No. 17-2022.

Ayes: Dimopoulos, Dye, Hawkins
Nays: None
Motion **carried** 3-0.

The Board considered the Claims Approval Docket 04-26-22.

Dye **moved** and Hawkins **seconded** for the approval of the Claims Approval Docket 04-26-22.

Ayes: Dimopoulos, Dye, Hawkins
Nays: None
Motion **carried** 3-0.

President Dimopoulos called for Old Business

There was no old business to discuss.

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President Dimopoulos called for New Business

President Dimopoulos stated that under new business, they will bring up the quote for the two trailers that the CEO mentioned during his report. He commented they are both from the same person. It is I-69 Trailer Center and it is for a tilt trailer and this is for the Hammond Sanitary District in the amount of \$10,050. He asked for a motion to approve.

Dye **moved** and Hawkins **seconded** for approval of claim to I-69 Trailer Center for HSD tilt trailer in the amount of \$10,050.

Ayes: Dimopoulos, Dye, Hawkins
Nays: None
Motion **carried** 3-0.

President Dimopoulos commented that the second one is also from I-69 Trailer Center and this is for the Sewer Maintenance Department. It is a tilt trailer (78x12x4) in the amount of \$8,750.

Hawkins **moved** and Dye **seconded** for approval of claim to I-69 Trailer Center for Sewer Maintenance tilt trailer in the amount of \$8,750.

Ayes: Dimopoulos, Dye, Hawkins
Nays: None
Motion **carried** 3-0.

President Dimopoulos called for Reports from Commissioners

There were no reports from Commissioners.

President Dimopoulos called for Public Expression

Councilman Ken Schoon from Munster commented he noticed how much fun the Board had trying to decipher their new policy on electronic attendance and comparing that with the State. Before the pandemic, anything electronic was illegal and so the Indiana General Assembly has become sort of modern in loosening the rules a little bit. You can tell from what they wrote and what the Board had to vote on today that they still do not trust it. He has, over the last two years, he thinks that Zoom has, they have learned a lot. People who are ill or have the flu can attend the meeting through Zoom, people that are on vacation and can actually give an hour of their evening from California, Florida or Nova Scotia and attend the meeting and they can hear everything. He understood always why you couldn't have a proxy and couldn't send in a vote ahead of time by writing because you must hear the discussion in order to vote, but with Zoom you do hear the discussion and there is no difference mentally between people who are in the room and aren't. He recommends that the Board members and staff members contact the State legislators and thank them for loosening the rules a little bit, but to make it more usable and practical for things like this. He belongs to the Lake County Solid Waste Board and they meet in Crown Point, now going to be meeting in Merrillville and think of the folks who live in Whiting

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who drive all the way to Merrillville for a 25-minute meeting. He thinks it is nice that they became somewhat more loose with the rules, he does not like to use the word liberal because it is a bad word in some communities notably where he lives, but he thinks the General Assembly needs to hear from citizens and board members from governmental agencies who are bound by the State rules. Tell them Zoom is safe to use it to its full capability.

President Dimopoulos commented before they adjourn, he did want to comment that they do have one special guest in the audience today from Munster High School. She is a senior and will be attending Purdue University next year, she is very interested in the environment and she asked if she could come to the meeting and he said by all means. Her name is Ana Dimopoulos and it is no coincidence, it is his daughter.

President Dimopoulos called for a motion to adjourn the meeting

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

Ayes: Dimopoulos, Dye, Hawkins

Nays: None

Motion **carried** 3-0. The meeting was adjourned at 4:20 p.m.

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Sam Dimopoulos, President

Michael Dye, Vice-President

Michael Hawkins, Sr., Member

Owana Miller, Member

Monica Rubio, Member

ATTEST: _____
Rachel Montes, Secretary
Kaleigh Boyle, Assistant Secretary

Board Minutes Prepared By: Kaleigh Boyle