

MINUTES
HAMMOND SANITARY DISTRICT
BOARD OF COMMISSIONERS MEETING
JUNE 28, 2022
www.hammondsd.com

The Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana held a regular meeting at 4:10 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 4:10 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, Miller, Rubio

Commissioners Absent: N/A

District Personnel Present: Marty Wielgos, Chief Executive Officer
Matthew Muta, Deputy District Manager
Rachel Montes, Business Manager
Joseph Allegretti, HSD Attorney
Jeffrey Massey, HSD
Dan Zander, HSD
Robert Szczudlo, HSD
Jack Smith, Sewer Department
Rebecca McKinley, GIS
Kaleigh Boyle, HSD
Jessie Amezcua, HSD

Others Present: Mike Hickey, MJHY
Ken Schoon, Munster Town Council

President Dimopoulos stated that the first order of business is the consideration of the June 14, 2022 Board Meeting Minutes.

Rubio **moved** and Dye **seconded** to approve the June 14, 2022 Board Meeting Minutes.

Ayes: Dimopoulos, Dye, Hawkins, Miller, Rubio

Nays: None

Motion **carried** 5-0.

Chief Executive Officer's Report

Chief Executive Officer, Marty Wielgos, stated that the only thing he has to report for this board meeting is that it was brought to his attention a few days ago that they are having some problems with the screws again. He is going to let both Mr. Massey and Mr. Zander both explain briefly because he does not want to get into a lot of detail. Once they tell the Board what they are talking about, he wants the Board to know that he has hired in a third-party to document what is going on so they have it cataloged properly. Not by the District and not by the people who installed it,

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but by the third-party. Also, at the same the time, they are making the needed repairs that the Board will hear about. He asked Jeff to start out and then Dan.

Jeff responded that he is going to let Dan explain.

Dan Zander explained that since they got the screws in, the last couple of weeks they have been making some noise, so they shut #3 off and found that the bearing bolts that were attached to the screw were broke- the heads had sheared off. The deterioration on the screw was quite abnormal for the length of time that they have been in there, so they are trying to figure out whether the correct bolts were supplied from the manufacturer were actually used because they were supposed to be hot dipped galvanized and epoxy, but there are no signs of epoxy or the hot dipped galvanized so, they have to do some investigation and figure out if the correct bolts were used (the ones supplied by the manufacturer). There appears to be a washer behind there that is deteriorating, so it opened up a gap (about an eighth of an inch) and let it move around a bit which caused the break.

Marty added that they have not been in over a year and when he saw pictures of what this looked like, it looked like these bolts have been in that screw for 25 years. That is how rusted they were. He could not believe what they saw, so that is why he is having a third-party come in and take a look at the specs and what was supposed to be used and supposed to be installed and the installation procedure. At the same time, they are going to the other screws which they are seeing the same type of problem, but haven't sheared off yet and are replacing all of that. He guesses the best thing to say right now is hopefully that one that actually sheared off and broke and started to make the noise so they shut it down fairly quickly, that it didn't damage the screw itself (number one) and if it didn't damage the bearing. They will not know that until they further investigate it, but that one is going to stay off until the third-party comes in and does what they need to do and documents it. They are working on the other ones before they shear off, so they are done and hopefully caught in time.

Vice-President Dye asked if they analyzed the metal.

Dan answered that is what they are sending stuff out to do and they ordered five new bolt kits from the manufacturer and they are going to put those all in. They had a new bearing that they had ordered just to keep one in stock so they got a new bolt kit when it came, so they took those hot dipped galvanized bolts out and actually put them in #1 because when they looked at that one, the washers were actually starting to deteriorate so they replaced those and put the epoxy on and got that one up and running again. As soon as the rest of the bolt kits get in- he thinks they will get here Tuesday- they will go down the line.

Vice-President Dye asked what the install warranty is.

Marty replied they are already past the warranty. As the Board knows, this is not the first set of problems they have had since the screws have been installed. They have had other issues where bolts were not heightened to the number of pounds they should have been, so they replaced all

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of that. That was the earlier problem. That was up on the upper rails. These are actually the screws that hold it on to the mechanism of the motor. That is why he wanted a third-party to look. He is not one to accuse anyone of anything about workmanship until he has it written in front of him by somebody who knows what should have been done. He just finds it interesting because there were some comments made that maybe there was something in the water that is causing it. Well, he does not think so. If that was the case, all through the Plant they would see something else going on in different places and they do not. It happens to be on these screws and it happens to be that in one year, in his opinion they should not have had any of these problems because this is not the kind of thing you should experience. You may experience a bad alignment, but not on all five. You may experience a bad bearing that had gone out, but not on all five. That is why he is proceeding very cautiously and slowly and so they know what they need to do to keep this thing up and running because they all know how much money was invested in these things. Jeff pointed out to him that on the ones they took out, that the screw itself is what rusted through in almost all of them in twenty-five years. The bolts that held them on to the motor did not shear off.

Jeff added that some of the original screws were there almost forty years and the screw itself wore out, but they have never had failure of the bottom bolts or any of the bolts on the screws. For this to wear in one year, something is definitely wrong and the water has not changed to cause this corrosion.

Vice-President Dye said especially with as much testing as they do.

Commissioner Hawkins asked if this was on the drive end, so it just rests on the bearing at the bottom.

Dan answered no this would be on the carrier end.

Commissioner Hawkins questioned if they are having the bolts evaluated.

Dan replied they are having them all tested and anything they can find on them. They are having them all analyzed and going to see what the results come back as.

Commissioner Hawkins commented that he is just curious because on the drive end you might expect that because there is some issue that is causing movement or vibration or something, but on the following end you would not expect that. He is speaking as a metallurgist and an engineer.

Vice-President Dye stated that the good thing is they are proactive being out there every day looking at it, so they caught it early. It could have been a lot worse.

Marty added that what they are telling them is that it seems to be the washer behind the bolt is what rusted out first because all of the washers on this one particular screw are gone and then it left that gap where the washer was. That is why they believe because of the rust, the gap and the

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vibration now, that is what sheared the heads off because there was nothing there to keep it nice and solid. Between maybe not following procedure on installation whether they were the right bolts or whether they should have been coated, they do not know any of that yet, but they are going to get to the bottom of it for sure.

President Dimopoulos asked where they are with the customer communities. Before the CEO answers, he being the President and speaking for the whole board, there is talk about this cost-of-service study. Of course, there are some customer communities who are not happy about it, but they did sign before the cost-of-service study was done that they would abide by the cost-of-service study. So, they, and he as the President of the Board are not negotiating on anything. The cost-of-service study is what it is and they are obligated to pay the amount of the cost-of-service study. That was something that they asked for after they went to court and lost and had to abide by the contract and part of that contract also includes the maximum amount of water the District can take from each of these communities and they are going to abide by that maximum amount of water. They will not take any more than what is part of that. They wanted to have a cost-of-service study done because they felt the fees they wanted to charge them were way in excess of what they should be so they wanted this cost-of-service study done. They did that. The study came in and they all had a chance to look at it and from what he understands, there has been radio silence from their customer communities right now. So, they are not going to negotiate the numbers. They are what they are. They can pay for them or they can find somewhere else to take their water if they want, but the citizens of Hammond are not going to pay to clean the water for Griffith and Highland. That is the bottom line. They are not paying to clean their water. They have to pay their fair share and pay according to what the cost-of-service study says. So, if they can talk a little bit about this and get a little more specific because he thinks it needs to get on the record that they have given them the study and are not getting anything back from them from what he understands.

Marty replied that is true. Four or five years ago when they got together and said they needed to do a cost-of-service study, part of the negotiations was that all three of them (Whiting was not included at that point) would agree on who the entity would be to do the cost-of-service and they all three had to agree on that choice and they did. That was New Gen. They signed agreements that they would be held and bound by whatever New Gen came up with. Highland thought they were overpaying from the beginning, so in Highland's agreement they wanted a clause in there that said because they thought they were overpaying they wanted it to be retroactive from day one that they signed the agreement. Griffith said they will take it as it comes. They did not want anything retroactive. They finished the cost-of-service study almost four and a half years later and the report is done. They had the meeting that the Commissioner was talking about to go over that report with all parties involved. They had every opportunity because they had the report several weeks in advance before the meeting, so they had every opportunity to bring up questions or comments on various categories or various issues at that time. As the Commissioner stated, they did not. They had very little to say- not any outrage on what the report said or what the new rate would be. Since then, probably several weeks ago they did--- and he is going to let Attorney Allegretti take it from there about the one pager that they did. He will explain what was sent to them and also telling them that this new rate would start July 1st which is a couple days from now. That is what he will do

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based on what the President has told him to do. They will send the bills out July 1st to Griffith and Highland with the new rates. He will let Joe pick it up from there.

Attorney Allegretti said the problem is that they are moving on two separate tracks. Highland and Griffith have negotiated a Consent Decree with the Department of Justice and the US EPA solving their SSO (sanitary sewer overflow) problem. The Hammond Sanitary District plays the pivotal role in solving that problem for them. On one track they are moving on sizing the CMDFs that will handle wet weather for Highland, Griffith and that portion of Hammond to be served by the CMDF calculated the amount of Highland capacity and Highland needs to to comply with their weather capacity for them to comply with their Consent Decree and avoid SSOs during storm events and wet weather and allocating the costs among the participants- Hammond, Munster, Highland and Griffith moving on that track. The second track is getting buy in- they sent a term sheet stating what the various components of the conclusion of the cost-of-service study expecting some commitment from Highland and Griffith buying into committing in an enforceable fashion through an amended contract that they will be bound by the conclusions of the cost-of-service study. That has not happened. They need to confirm from the Board that without buy in on the conclusions of the cost-of-service study and enforceable document/contract from Highland and Griffith, that they have no intention pursuing the secondary track of proceeding with the capital improvements- the construction, sizing and allocating costs for the CMDF without the buy in from Highland and Griffith on the cost-of-service study. They will not proceed to solve their problem and play the role defined in these Consent Decrees spelled out to solve their SSO problem if they are not going to pay their fair share of the cost of treating their wastewater. That is the direction that Marty and staff is seeking from the Board so they all have full understanding of what is going on with the two tracks and they have until Friday which is the deadline for commenting on the Consent Decrees of Highland and Griffith. They are two separate documents. The process involves public comment from integral parties such as the Hammond Sanitary District. Comments saying that one track is tied to the other in the view of the Department of Justice will disrupt the successful lodging and execution of the Consent Decrees, but that is beyond the District's control. They want confirmation and a complete understanding that without buy in and commitment from Highland and Griffith on the cost-of-service study they are not going to play ball on the other problem. By the way, the District is not a party to these Consent Decrees, they are observers even though they are mentioned and referred to prominently in them as basically solving their problems by expanding the amount they can discharge to Sanitary District with the CMDF under the contract. Moving it from (in Highland's case) 7.5/mgd to 32.2/mgd. Without an understanding and commitment for them to pay their fair share as stated in the cost-of-service study, they think the Board is telling them they are not going to proceed with figuring out the capital solution to figuring out their SSO problem.

President Dimopoulos responded he is absolutely correct. They are not doing that. Four times what they have contractually of the amount of water they are taking from them is and they have to be paid for it. They are not taking it. They just aren't. They can find another way to travel and do whatever they want to do, but they agreed to the cost-of-service study, they all paid for it and picked the company that was going to do it. They have given them everything they wanted and

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they were part of the selection process of this to begin with. They were part of all of the conversations and were given information periodically of what was going on and was given the final report and they agreed to abide by that report and whatever it said. Initially they thought they were being charged too much and they wanted it to be retroactive because they thought there was money owed to them. Now that they have the study and the study states that they have not been paying enough and that they owe millions of dollars since they wanted it retroactive to whatever the year was. As the Sanitary District sits here and as this Board sits here, they expect to be paid based on this study and that is something that they wanted to do. The District did not ask to do a study- they wanted it. So, send the bills out and net pay is thirty days so they expect to be paid in thirty days. That is where they need to be.

Marty clarified that the only community who wanted that retroactive was the Town of Highland. Griffith did not.

President Dimopoulos stated that he hopes they realize they are not doing this to make a fortune and take every penny they have in their towns. The problem is that the citizens of Hammond are paying to clean their water and there is no reason why the people from Hammond should be paying to do anything for the people of Highland, Griffith or Whiting. Those three communities should be paying their fair share. They are not asking for anything more. They just want them to pay their fair share. This study shows that this is the rate they should be paying and that is what they expect them to pay. It is very simple.

Marty stated that one thing he wanted to share with the Board is that he happened to have lunch yesterday with Mayor Spebar from Whiting. It was regarding a different topic and conversation, but the first thing Mayor Spebar said to him when he showed up for the lunch- it was just he and Mayor Spebar is that without 100 percent confirmed commitment that Whiting was on board with the results of the rate study. He said the only thing Whiting didn't feel like it wanted to do was share in the cost to do the rate study because they had no conversations or involvement with that and Marty agreed with that. Why would they ask them to pay now ¼ of the cost when in fact they were not involved in any of those negotiations or conversations. Other than that, it sounds like and they will get something official that Whiting has accepted it as presented.

President Dimopoulos stated that he wanted to add one final thing. They have been talking about this for well over 10 years and he has been on this Board longer than that and it is time for this to end. They have spent a ton of money on attorney costs, studies, everything that they knew at the beginning of this has come to fruition. The rates were too low, costs have risen, their rates haven't risen so ultimately the District was paying to clean their water for them. They were that gracious to clean it for them. Well, that period is over and there is nothing else to discuss. They have it in black and white in the report and that is what they expect to be paid.

Commissioner Hawkins commented that he finds it odd that this is a published report by New Gen and New Gen is a very respected company that performs cost-of-service studies and such. There was a dedicated process that was established and agreed to by all of the participants that led to a

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final report, a published report. Prior to the establishment of this published report, to his knowledge Highland or Griffith did not raise any objections. So, if you do not raise any objections to a published report that you are a participant in, what does that mean. It seems to mean that you agree with the report. Coming in after the fact is unfortunate, but maybe even more unfortunate is that he does not believe Marty said that someone in Highland or someone in Griffith picked up the phone to call and express any concerns. That is what friends and participants do. They have been a part of the District by one matter or the other for a long time- for decades. They are in the second term of a 25-year contract to send flow to be processed by the Hammond Sanitary District. You would think if somebody had a concern, they would have picked up the phone, but unfortunately not. He, personally as a Board member who has been on the Board a while with President Dimopoulos and Marty was a member when he joined, so some of them have been around a while and has nothing to do with being old. He has no taste for more legal bills. They have spent an awful lot of money- if he says millions, he is probably correct- with this effort. All along, Hammond Sanitary District had a statement that said they didn't think the customer communities were paying enough. They had a process that didn't work, they had true-ups and that was a cumbersome, bad process, so they went to customer communities and said they wanted to change and do something which finally led to an agreement with them to do a cost-of-service study, untold amounts of legal bills and they get to this point where they have a published cost-of-service study and now people are saying wait a minute. He does not understand this and as a long-time board member, he must express his surprise and concern that they are not getting into another legal battle. Also, they are talking about and it has already been explained well by Sam and Marty, that they have looked to the future to help Highland and Griffith solve problems with flow so they will not send additional SSOs in to the Little Cal and that puts them at somewhat of a liability because what has been discussed so far is that the Hammond Sanitary District through various methods which include building a containment facility along the Little Cal and quite frankly when you look at flows and everything he has heard being around here for a while is that if they did not have Highland and Griffith's extra flows, they would not need that facility. Him, Mike Hawkins, as a board member has a concern about building that facility when they still have problems with people not wanting to pay their share. This seems to be a big problem. If he is correct, and they have the Matlock of attorneys here today, in their Long-Term Control Plan they said about the containment facility in the south and that facility is millions of dollars along with other associated costs to the District and that is planned with the cost-of-service study being agreed to and additional funding. If he remembers correctly, Highland not too long ago asked that they be able to negotiate down because they thought their costs would go down with a containment facility. There is a lot of stuff going back and forth here and this needs to be solved once and for all. He does not think the District is asking for anything wild. The cost-of-service study numbers are there. He is pretty familiar with it because he is a numbers guy and through the process looked at every part of it including going through the final report with a fine-tooth comb to make sure Hammond's part was fair, to make sure Munster's part was fair because they are the owners of the District. Fortunately, or unfortunately, Highland, Griffith or Whiting are not in the District. There can be arguments that there be a regional district, but they have to solve and put these concerns and questions to a rest permanently before they look at building any additional facilities. In addition, they have to be able to trust everybody involved if they are going to make multimillion-dollar investments as part of a

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couple hundred-million-dollar Long-Term Control Plan. This is not small money; it is huge money. They thing is they are helping their friends in Highland and Griffith solve a problem. He has great concerns. He thinks Sam and Marty have both said a lot and he thinks it is easily solvable, but it is odd that people do not pick up the phone and talk to each other.

Marty added that what is even more bizarre is that they are talking 4 ½ years that New Gen has been working on the rate study. How many years and the Commissioner was involved with many, but how many years did they sit down at the table with Griffith and Highland prior to the New Gen study trying to negotiate something before they agreed to the rate study. Several years and many meetings with both communities. To further the Commissioner's point, they all know them by name because there were many people from each of those communities who attended these meetings so to further his point about picking up the phone and calling, it is not like they do not know who he is or they could have called one of the board members and nothing.

President Dimopoulos said that another thing he would like to mention aside from this conversation, but when these communities have any development in their communities, they are supposed to come to this Board to determine how much additional load there going to be tasking their sanitary district with. As far as he knows, Highland and Griffith and he is not even sure with Whiting, but he has not seen anything come through in years. They have had all of this new development in their communities (good for them), he loves to see that, but at the same time they have to play by the rules that are on the table. They have not come with any new development documentation or any additional load information, they just keep dumping into the Hammond Sanitary District because we are going to eat it. They think they are going to just keep feeding it because we will take it. Well, those days are over. They are going to stay with the maximum 7.5/mgd and then they have to determine what they are going to do with the rest. That is as simple as it gets. It is time to stop messing around with this. The rate study is in, they have the numbers and they expect to be paid and they are only going to take what is agreed to in the contract, so unless they get this resolved, that is all they are taking.

Marty clarified that 32.3/mgd is the number they need. Right now they are at the 7.5/mgd and they need to go to the 32.3/mgd and they need to buy that extra capacity from the District. All of these years prior to that and Jeff will tell them, in heavy rains specifically Highland there number would go off the chart so he would watch as the flow meters would tell them what they were sending and it would get to 7.5 in hours and then off the charts at 13/mgd and not having paid one penny more than the 7.5. Years and years and years of doing it.

President Dimopoulos reiterated that those days are over. He agrees with Commissioner Hawkins that they do not want to get into another legal battle and waste any money and they have been in a legal battle about this for years. That is where the Board is and he just wanted to get that on the record. Send out the bills and they expect to be paid.

Commissioner Hawkins asked to clarify that they are not saying they are going to refuse any flow at historic rates from anybody; are they.

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Marty answered that he thinks what he is being told is that they have restrictive valves and the valve can be restricted so that only 7.5/mgd will come to them.

Attorney Allegretti echoed what the current contract allows. After giving appropriate notice which has already been done years ago, they have the contractual right to restrict their flow to the peak flow limitation contained in the contract.

Commissioner Hawkins repeated are they saying they are not going to take flows they historically taken to date.

Marty answered the true answer to that question is as long as it doesn't jeopardize flooding homes in Hammond or Munster. That is kind of the key position they have taken. If he feels with staff that in a heavy, heavy rainfall like they experienced a year ago if what he believes by what he is being told and shown on all of the graphs they have that because of excess flow coming from the south that it may jeopardize Hammond or Munster residents and he has not gotten to this point yet, but if he does, he thinks he knows the answer. He needs to protect—

President Dimopoulos stated yes. They need to protect the homes in Hammond and Munster first. The reason he says that is because for 10 plus years, Hammond and Munster have been paying for Highland, Griffith and Whiting and they are done paying for them. They have to pay for their own water.

Marty added that Whiting has a basin so they have never really been a problem because they utilize their basin.

President Dimopoulos responded that he is grouping them in as the customer communities. That is what they need to do. It is time for them to get paid for the work they do and service they are providing for these communities. He cannot go to the gas station and pump twenty gallons and then drive off and say the gas station will pay for it. It is over.

Vice-President Dye asked if the additional costs would be passed on to their customers with them having a rate increase on their end.

Marty replied that in most cases and he cannot speak for their elected officials in each of those communities, but in order for them to be able to maintain and pay the cost, they would probably have to pass those costs on. He does not think either of those communities can absorb those added costs they are going to have including construction. He can assure they will never construct the CMDF in the south without these agreements being signed because there would be no need for them to.

Commissioner Hawkins said there needs to be concrete agreements and good relationships before the District would even consider it. He has had concerns about that facility for a long time because quite frankly if there were not excess flows from the south which means Highland and Griffith in

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this case there would be no need for millions and millions of dollars investment. He wants to say 40–50-million-dollar investment which is a big draw on the District. They historically had a system with true-ups that did not work, so the taxpayers of Hammond and Munster paid for concrete things and yes there was some agreements and their friends in Highland and Griffith paid some money back, but only a portion. The residents and taxpayers of Hammond and Munster cannot continue to afford to do that which is why there is an intermittent agreement and they did a cost-of-service study. He is going to get back to one thing because the question he asked before with the peak flows, if there is a catastrophic event as stated and he would imagine there would be a communication to Highland and Griffith and saying there are problems and they have to do this. In that case the flow goes in the river and then they will have a problem for putting SSOs in the river at a huge rate. Hopefully it never happens, but he just wanted to bring it out and clarify.

PERSONNEL REPORT

There was no Personnel Report.

FINANCIAL REPORT

Business Manager, Rachel Montes, stated she had nothing to highlight, but would take questions.

CONSULTANT REPORTS

MJHY, LLC

Mike Hickey stated that Karl Cender did send a draft FCA that they have been waiting for so they are in the process of reviewing that. He will keep them posted. The FCA's chapter 9 in the LTCP and they were waiting for this new FCA to insert it in chapter 9 and potentially submit the LTCP, but he thinks some of the stuff they are talking about needs to get taken care of before they are ready to submit a LTCP.

RESOLUTIONS

The Board considered Resolution No. 24-2022: RE: A Resolution of the Board of Sanitary Commissioners of the Sanitary District of Hammond, Lake County, Indiana Authorizing the Permanent Transfer of \$150,000 for the 2nd Quarter of 2022 from the Operation and Maintenance Fund (606) to the Replacement Fund (460)

Miller **moved** and Dye **seconded** to approve Resolution No. 24-2022.

Ayes: Dimopoulos, Dye, Hawkins, Miller, Rubio

Nays: None

Motion **carried** 5-0.

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The Board considered the Bank Reconciliation Document dated May 31, 2022.

Rubio **moved** and Hawkins **seconded** for the approval of the Bank Reconciliation Document dated May 31, 2022.

Ayes: Dimopoulos, Dye, Hawkins, Miller, Rubio

Nays: None

Motion **carried** 5-0.

The Board considered the Claims Approval Docket 06-28-22.

Dye **moved** and Miller **seconded** for the approval of the Claims Approval Docket 06-28-22.

Ayes: Dimopoulos, Dye, Hawkins, Miller, Rubio

Nays: None

Motion **carried** 4-0.

President Dimopoulos called for Old Business

There was no old business to discuss.

President Dimopoulos called for New Business

There was no new business to discuss.

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

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

Ayes: Dimopoulos, Dye, Hawkins, Miller, Rubio

Nays: None

Motion **carried** 5-0. The meeting was adjourned at 4:52 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