

SANITARY/WATERWORKS DISTRICT MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 WEST 93RD AVENUE, ST. JOHN, INDIANA
July 21, 2008 – 6:00 P.M.

Mr. Myers called the meeting to order at 6:02 P.M. and led the Pledge of Allegiance. Roll call was taken with the following members present: Robert Myers, President; Alex Monanteras, Vice-President; Kenneth Gembala, Member; Michael Hanlon, Member; Patricia Sims-Smierciak, Member; Pete Faberbock, Robinson Engineering; Randy Wyllie, Attorney; and Sherry Sury, Clerk-Treasurer. Absent were Bob Pharazyn, Director of Operations and Jerri Teibel, Town Council Liaison.

Approval of the minutes – Executive Session and Regular Meeting of June 16, 2008 – Mr. Hanlon motioned to approve the minutes of the Executive Session and the Regular Meeting of June 16, 2008. Seconded by Ms. Sims-Smierciak. Motion passed with a vote of 4 ayes and 1 abstention by Mr. Monanteras.

SANITARY DISTRICT

Old Business

Interceptor to Schererville – update – Mr. Wyllie referenced the six appraisals for the easement parcels and stated that the total cost is \$112,000 if everyone accepts. He stated that he anticipates that Paul Craven (Rollin RV) probably will not accept the offer and that the other ones looked okay. Mr. Wyllie stated that he would send the qualified offers to each of them and see where it goes. He stated that Attorney David Austgen also called him to talk about this since the parcels are going through the Town of Schererville, connecting with their system, and to discuss the specifics of what to do if they don't accept the offers and how to go about the actual eminent domain.

Approval to pay Vale Appraisal Group (6) easement parcels (\$7,100.00) - Mr. Monanteras motioned to pay the Vale Appraisal Group for the appraisals of the easement parcels. Seconded by Ms. Sims-Smierciak. Motion unanimously passed.

LS#3 – Easement Status – (Bull Run Creek) – Mr. Wyllie stated that he has a scheduled meeting with Mr. Muenich this Friday and will discuss all of the outstanding issues.

Sewer Recapitulations – Mr. Faberbock stated that he has not had a chance to complete the recapitulations and requested that this item be placed on the agenda for the next meeting. Discussion ensued regarding the impact the Dialysis Center will have, if they need to go back and re-figure the capacity fees.

Corrpro Proposal – Cathodic Protection systems for LS #4, #5 and #7 at \$10,700.00 each – Mr. Hanlon motioned to defer the Corrpro Proposal to the next regular meeting. Seconded by Mr. Monanteras. Motion unanimously passed.

New Business – None

PAYMENT OF BILLS - #2068- #2075 for \$25,918.61 for Sanitary District & WW Utility #6182 - #6225 for \$367,527.45 – Ms. Sims-Smierciak motioned to pay bill payment memos #2068 - #2075 for \$25,918.61 for the Sanitary District and for the Wastewater Utility payment

memos #6182 – #6225 for \$367,527.45. **Seconded by Mr. Monanteras. Motion unanimously passed.**

Any and all business that may come before the Board – None

Public Comment – None

WATERWORKS DISTRICT

Old Business

Lotton – Water Improvements Update – Gates of St. John – Mr. Faberbock stated that he had nothing further to report.

Caldwell Tank Discussion – Penalty Phase - Mr. Myers referenced a letter that Mr. Wyllie sent to Caldwell and stated that he was very impressed with the letter; the letter told Caldwell what the Board wants.

Pay Estimate #7 Partial – Mr. Wyllie suggested that the pay estimates be put on hold until they find out the status with Caldwell. He stated that they have kept promising Mr. Pharazyn they will be there the next day for the past several days and no one has shown up.

Pay Estimate #8 Partial – Mr. Hanlon motioned to defer both partial pay estimates to the next regular meeting. **Seconded by Mr. Monanteras. Motion unanimously passed.**

Status of easement issue for well on Route 41 – Discussed under Sanitary District, see above

Authorization for denial of unwarranted water and / or sewer adjustment requests – Mr. Myers recommended they turn these down as they come in. **Ms. Sims-Smierciak motioned to deny the unwarranted water and / or sewer adjustment requests as they come in. Seconded by Mr. Hanlon.** Discussion ensued concerning the inclusion of the five requests earlier received. **Motion unanimously passed.**

New Business

Mr. Myers referenced the information/proposed action for water and/or sewer adjustment requests distributed earlier by Ms. Sury. Mr. Wyllie summarized the first item as giving Ms. Sury authorization to deny the unwarranted water and/or sewer adjustment requests. Mr. Myers stated that he is confident Ms. Sury can do these however, he would rather have these go to the Board and Ms. Sury can put this off on them and she doesn't have to be responsible for denying requests. They can also address these requests with Mr. Pharazyn and have him research into this further. Discussion ensued that included the summer sprinkling/swimming pool adjustments prior to and after the designated time frame, the two requests for adjustments recently received to be addressed during the August 18, 2008, meeting and to review the ordinances that address the summer sprinkling/swimming pool adjustments.

Mr. Myers stated that the second item (reimbursement for watering replacement sod, resident on Manor Drive) would be held off until the Board can discuss this with Mr. Pharazyn and will be addressed at the study session. Discussion ensued.

Ms. Sury also mentioned a new law that states fifteen days before a taxing district can approve a budget; the proposed budget must go before the Lake County Council. To meet these time constraints she would to have the public hearing on Tuesday, September 2nd and to schedule the regular meeting a week later on the 4th Monday, September 22nd to adopt the budget. The board agreed with Ms. Sury's proposed meeting schedule.

PAYMENT OF BILLS - #3059 - #3067 for \$18,341.37 for Waterworks District and #4321 - #4421 for \$299,833.18 for Water Utility - Mr. Hanlon motioned to approve bill payment memos #3059 - #3067 for \$18,341.37 for the Waterworks District and #4321 - #4421 for \$299,833.18 for the Water Utility. Seconded by Mr. Monanteras. Motion unanimously passed.

Any and all business that may come before the Board

Mr. Myers stated that he and Mr. Monanteras sat and negotiated with Lotton in good faith along with Mr. Pharazyn regarding the 70/30 split with the water treatment plant. Since Mr. Lotton has ignored every phone call Mr. Pharazyn has made, he has ignored every phone call and a letter that Mr. Wyllie has sent him. Mr. Lotton's attorney has corresponded with Mr. Wyllie stating it is not he; he is doing his best to get this matter resolved. Mr. Myers stated that he, Mr. Pharazyn, Mr. Kil, and Mr. Monanteras would like to bring in Mr. Nick Kile from Barnes and Thornburg to work with Mr. Wyllie and Mr. Weiser. Mr. Kile is the attorney who ran the Aqua Inc. lawsuit that they won. This action is not to reflect anything bad against Mr. Wyllie and Mr. Weiser; this would bring in a fresh set of eyes to look at these contracts and to start pushing Lotton.

Mr. Myers stated that Mr. Pharazyn met with Mr. Kile on Friday, gave him the whole story and copies of every piece of paper he had. Mr. Myers will try to talk to Mr. Fryzel tomorrow. Mr. Kile would like to generate an Executive Session between the Town Council and the Waterworks Board and explain what he thinks the next step should be. Mr. Monanteras cited three significant issues with Lotton: ensuring they are kept whole with the water tank, the water filtration facility, the 50/50 split on the re-engineering architectural design fees and the interceptor sewer. Mr. Myers added that there is also the issue of the water lines that Mr. Lotton will not do. Discussion ensued.

Mr. Myers stated that he spoke with Jennifer today and the revised engineering drawings will be in their hands by August 1st. Discussion ensued. Mr. Myers stated that the reason all of this has to be redone is because they agreed with Lotton and to do it his way.

Public Comment – None

Adjournment – Mr. Monanteras motioned to adjourn the meeting. Seconded by Ms. Sims-Smierciak. Motion unanimously. Meeting adjourned at 6:33 P.M.

Attest:

/s/ Sherry P. Sury, Clerk-Treasurer