

SANITARY/WATERWORKS DISTRICT MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 WEST 93RD AVENUE, ST. JOHN, INDIANA
November 17, 2008 - 6:00 P.M.

Mr. Myers called the meeting to order at 6:00 P.M. and led the Pledge of Allegiance. Roll call was taken with the following members present: Robert Myers, President; Kenneth Gembala, Member; Michael Hanlon, Member; Patricia Sims-Smierciak, Member; Pete Faberbock, Robinson Engineering; Bob Pharazyn, Director of Operations; Randy Wyllie, Attorney and Sherry Sury, Clerk-Treasurer. Mr. Monanteras, Vice-President arrived at 6:16 P.M. Town Council Liaison Jerri Teibel was absent.

Approval of the Minutes – Regular Meeting of October 20, 2008 – Mr. Hanlon motioned to approve the minutes of the Regular Meeting of October 20, 2008. Seconded by Mr. Myers. Motion failed with two ayes and two abstentions by Mr. Gembala and Ms. Sims-Smierciak. Approval of the minutes re-introduced for consideration under the last item of the Waterworks District agenda.

SANITARY DISTRICT

Old Business

Interceptor to Schererville – update

Offer status of remaining easement parcels – Mr. Wyllie stated that the documents for three easements are done, paid for and recorded. Of the last three, he received a check from Ms. Sury for I-Ping and Yi-Ying Chiang. He stated that NIPSCO is on board and sent a package to them. The last one is Olivotto, who is represented by Attorney Greg Bouwer and he called today and stated that he is waiting for his clients to come in and sign everything. Mr. Wyllie stated that he believes that by the next meeting everything should be finished.

LS#3 – Easement status – (Bull Run Creek) – Mr. Wyllie stated that he has not had a response from them.

Status update – Lotton Recapture Fee Reimbursement

Approval to pay one reimbursement fee not collected for Gates of St. John and forward reimbursement fees to Mr. Lotton – Mr. Gembala motioned to authorize the payment of the one reimbursement fee from the WWTP fund for The Gates. Seconded by Ms. Sims-Smierciak. Motion passed with a vote of 4 - 0.

Lotton – The Gates Development Sanitary Service – Halt Future Sewer Service Connection Discussion – Mr. Myers stated that their attorney, Nick Kile, sent two letters to Mr. Lotton asking him to come to some kind of agreement with the Sanitary Board and follow through on his agreement in the annexation ordinances, to follow through on building the infrastructure they are waiting for. They were pretty much ignored again. The second letter gave him a November 1st deadline to sit down with them and work this out. Again they were ignored. So as of November 1, 2008, they will not allow any further sanitary or water hookups (connections) in The Gates subdivision. That's the entire subdivision, which in effect would tell Mr. Pharazyn to stop issuing building permits. He reminded them that they had Executive Sessions with the Town Council and they are on board with this. They will wait to see what Mr.

Lotton does next, but as of November 1, 2008, no building permits, water and sewer taps will be allowed in The Gates. He stated that they are going to sit down in the near future with their attorney and Mr. Pharazyn is going to set up the meeting to see what the next step is.

Mr. Faberbock asked Mr. Wyllie if Mr. Lotton brings forward any final plats that have not already been approved do they consider (review) that or is just the sewer and water hookups. Mr. Wyllie stated they could do the final plat process because it's just getting the subdivision approved; it's just when they sell a lot that they are not going to issue the permits. Mr. Myers agreed.

Mr. Pharazyn stated that they received a request for a permit today for The Gates subdivision from McFarland Homes. The Building Commissioner approached him about it and the permit was denied. Mr. Pharazyn stated that he called Mr. McFarland personally; he did have a heads up as Mr. Kil spoke with Mr. McFarland last week that this was going to take place. Mr. Pharazyn advised Mr. McFarland that they will keep those permits aside and when the issue is resolved with Mr. Lotton, they will issue the permits as soon as possible. He added that it was not the Town's intent to cause the builder's a hindrance but that the Town feels it has been backed into a corner and had no other choice than to take these drastic steps.

Mr. Gembala referenced the building permit process also being affected by this action. Mr. Myers stated that you could not really get a building permit without the ability to tie into water and sewer so it affects both. Mr. Pharazyn stated that he specifically asked the attorney that the town has hired from Barnes & Thornburg that question, Mr. Nick Kile, and he stated that is a legitimate position for the town to take.

Adoption of Ordinance #SD 98 – 2009 Budget for Sanitary District Operating and Sanitary District Bond & Interest – Mr. Hanlon motioned to adopt Ordinance #SD 98 – 2009 Budget for Sanitary District Operating and Sanitary District Bond & Interest. Seconded by Ms. Sims-Smierciak. Motion passed with a vote of 4 - 0.

New Business – None

PAYMENT OF BILLS - #2111 - #2116 for \$14,769.80 for Sanitary District & WW Utility #6335 - #6367 for \$2,480,578.54 – Ms. Sims-Smierciak motioned to pay bill payment memos #2111 - #2116 for \$14,769.80 for the Sanitary District and Wastewater Utility #6335 - #6367 for \$2,480,578.54. Seconded by Mr. Hanlon. Motion passed with a vote of 4 - 0.

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

Caldwell Tank Discussion – Mr. Pharazyn stated that the tank had a small leak in it and they drained it. Caldwell had to cancel their appointment to come down and repair it, so they put it back in service and they are waiting for them to set up another time to come down and repair it. Mr. Pharazyn stated that it is not a big issue and that the tank for all intent and purposes is

complete. The only thing remaining is the lighting that is going to go on the poles that will illuminate the top of the tank.

Status of Pay Estimates #7, #8, #9, #10 Partial - Ms. Sury stated that Jennifer (Robinson Engineering) and Chicago Title said there was an issue regarding the payments, they have not been released and are working to resolve the matter.

Pay Estimate #11, #12 Partial – Mr. Gembala moved that partial payments #11 and #12 be tabled pending further discussion. Seconded by Ms. Sims-Smierciak. Motion passed with a vote of 4 - 0.

Status of easement issue for well on Route 41 – There was no report to provide.

Lotton – The Gates Development Water Service – Halt Future Water Service Connection Discussion – Refer to discussion above under Sewer Service Connection.

Adoption of Ordinance #WD 65 – 2009 Budget for Waterworks District Operating - Mr. Hanlon motioned to adopt Ordinance #WD 65 – 2009 Budget for Waterworks District Operating. Seconded by Mr. Gembala. Motion passed with a vote of 4 - 0.

New Business – None

PAYMENT OF BILLS - #3094 - #3100 for \$15,364.21 for Waterworks District and #4604 - #4679 for \$2,151,044.24 for Water Utility – Mr. Hanlon motioned to pay bill payment memos #3094 - #3100 for \$15,364.21 for Waterworks District and #4604 - #4679 for \$2,151,044.24 for Water Utility. Seconded by Mr. Gembala. Motion passed with a vote of 4 - 0.

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

Public Comment – None

Mr. Monanteras arrived at 6:16 p.m. and Mr. Wyllie asked that the board go back to the agenda, item #4 for the approval of the minutes by a motion and a second.

Approval of the Minutes – Regular Meeting of October 20, 2008 – Mr. Monanteras motioned to approve the minutes of the Regular Meeting of October 20, 2008. Seconded by Mr. Hanlon. Motion passed with a vote of 4 ayes and one abstention.

Adjournment – Mr. Monanteras motioned to adjourn the meeting. Seconded by Mr. Hanlon. Motion unanimously passed. Meeting adjourned at 6:20 P.M.

Attest:

/s/ Sherry P. Sury, Clerk-Treasurer