

SANITARY/WATERWORKS DISTRICT MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 WEST 93RD AVENUE, ST. JOHN, INDIANA
March 16, 2009 - 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; Alex Monanteras, Vice-President; Kenneth Gembala, Member; Michael Hanlon, Member; Patricia Sims-Smierciak, Member; Pete Faberbock Robinson Engineering; Bob Pharazyn, Director of Operations; Randy Wyllie, Attorney, Michael Forbes, Town Council Liaison and Sherry Sury, Clerk-Treasurer.

Presentation of Awards – Wellhead Protection Plan Contest - Mr. Pharazyn provided an overview of the contest which was for fourth grade students to draw a poster that would be used in two reports the town would send out. One report goes to IDEM regarding the Wellhead Protection Plan, the other report goes to approximately 5,000 residents and businesses in the utility district as the cover of the annual water quality report. The theme of the poster was ways to protect the water. Mr. Pharazyn thanked Ms. Sims-Smierciak and Ms. Joan Millis for the work they put into the contest.

Ms. Sims-Smierciak thanked the fourth grade school teachers for their help with the posters, stated that there were many very good posters to choose from, it was a difficult choice and recognized the following students for the top three posters:

Third Place – Anna Crkovich, St. John Evangelist

\$50.00 gift card for Target

Second Place – Samantha Fischer, Lincoln Elementary

\$75.00 gift card for Target

First Place – Briana Sobczak, St. John Evangelist

\$100.00 gift card for Target

Briana's poster will be the one used as the cover for the two reports mentioned above and all three posters will be on display in the Town Hall for the next month.

Approval of the Minutes – Regular Meeting of February 16, 2009 – Mr. Gembala motioned to approve the minutes of the Regular Meeting of February 16, 2009. Seconded by Mr. Hanlon. Motion unanimously passed.

SANITARY DISTRICT

Old Business

Interceptor to Schererville – Update – NIPSCO – Mr. Wyllie confirmed that the document is ready and signed it is just a matter of NIPSCO getting it to him so he can record it. He added that the easement has been extended for several years.

LS#3 – Easement status – (Bull Run Creek) – Mr. Wyllie stated that he requested the actual legal description from Randall so he can get an appraisal and reminded the Board that this parcel is going for condemnation.

Discussion – Status of Moratorium on issuance of building permits – Gates of St. John – both districts – Mr. Myers reported that Mr. Forbes, Mr. Barenie, and he had a meeting with Mr. Lotton and another meeting is scheduled for this Friday. He said it's a contract, so they're talking. Mr. Wyllie added that he received a call from Lotton's attorney today. They were to have their mediation before May 1st and the plan is that based on how or what happens with the talks, they plan to try and schedule the mediation in the last couple weeks of April.

Update – installation of water/sewer lines – Northeast corner of 101st Avenue and Calumet – project approval – Mr. Gembala asked if the litigation with Dyer had any effect, knows they received a letter from Mr. Austgen stating it did not and referenced the new revision. Mr. Forbes stated that he believes the area in question has been removed from Dyer's annexation package. **Mr. Monanteras motioned to approve the installation of water & sewer lines on the Northeast corner of 101st Avenue and Calumet. Seconded by Mr. Hanlon. Motion unanimously passed.**

Request of Eenigenburg Builders – Sewer (summer sprinkling credit) – Ms. Sims-Smierciak motioned to reject the request. Seconded by Mr. Monanteras. Motion passed with a vote of 4 ayes and 1 abstention by Mr. Gembala. Mr. Gembala stated that he abstained because he has done some work for this company in the past.

New Business

Update – SRF Stimulus Funding for LS#1 – Mr. Pharazyn stated that he is waiting for direction from Mr. Kil in light of the potential unavailability of funds. He found out there is \$315 million in projects lined up for this money and \$130 million available in low interest loans. These funds already appear to be committed and he doesn't feel this is the right time for the project. He stated that Robinson's cost was going to be significantly higher as well and that there are other projects they can work on; the timing for the sewer project is bad.

PAYMENT OF BILLS - #2020 - #2028 for \$18,776.05 for Sanitary District & WW Utility #6062 - #6095 for \$1,192,368.69 – Ms. Sims-Smierciak motioned to pay bill payment memo's #2020 - #2028 for \$18,776.05 for the Sanitary District and for the Wastewater Utilities #6062 - #6095 for \$1,192,368.69. **Seconded by Mr. Monanteras with a question.** He referenced APV #6082 for Underground Pipe and Valve pertaining to the meter change over program. He stated that he previously discussed this with Mr. Pharazyn and they agree that 100% of this cost should be charged to the water side. APV #4143 is the other half of the bill. Discussion ensued. **Mr. Gembala motioned to amend the previous motion to remove that item from the amount they are approving. 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

Caldwell Tank Discussion - Partial Pay #13 - \$9,225.00 and Partial Pay #14 - \$9,090.05 – Mr. Wyllie recommended that the Board not take any action. He stated that he met with Caldwell's representative who advised them he could not discuss this with them and that Caldwell may have to get their lawyer involved. Mr. Wyllie stated that Caldwell considers liquidated damages late at 61 days; the District considers the liquidated damages to be late at 248 days. Mr. Wyllie anticipates they will agree somewhere in between and advised the Board to defer both these items. **Mr. Monanteras motioned to defer both payments. Seconded by Mr. Hanlon. Motion unanimously passed.**

Mr. Monanteras stated that from the look of things the District owes them about \$220,000. Mr. Wyllie referenced a list of payments used in the meeting with Caldwell last Friday and summarized that the developer has paid \$803,000 and the Town has paid \$999,000 as of today's date. His understanding is that Chicago Title is going to issue the check to the District for payments #13, #14, #15 and the 10% retainage. \$259,000 will be a check to the District, that will be the amount they will be negotiating with Caldwell and that relieves Lotton of his \$1.1 million, he is paid in full.

Status of Easement for well on Route 41 – Mr. Wyllie reported that he spoke with Mr. Meunich who indicated that this one would be received very soon.

Updated Appraisal – Gates of St. John addition acquisition of property for well and treatment plant – Approval to pay Vale Appraisal Group revised amount is \$29,000 with \$1,500 to Vale Appraisal Group - Mr. Myers and Mr. Wyllie stated that the payment should be approved, however, the payment not sent out for the property. Discussion ensued. **Mr. Monanteras motioned to pay Vale Appraisal Group \$1,500 for services rendered. Seconded by Ms. Sims-Smierciak. Motion unanimously passed.**

Update – T-Mobile – antenna work – Mr. Wyllie stated that there was not going to be any additional equipment and that this is only going to be an upgrade of the equipment.

Approval to pay for gift certificates/party – Wellhead Protection Plan Contest – Pizza's from Carlos' and \$225 reimbursement to Ms. Pat Sims-Smierciak – Ms. Sims-Smierciak stated that the Target gift certificates totaled \$225.00. The three classes with the most entries will receive a pizza party from Carlos's pizza. Each class should be no more than \$75.00 each which includes all the drinks and the family size pizzas. **Mr. Monanteras motioned to approve payment for the gift certificates and party for the Wellhead Protection Plan Contest for an amount not to exceed \$500.00. Seconded by Mr. Hanlon. Motion unanimously passed.** Ms. Sims-Smierciak added that the contest qualifies for the Public Relations part of the IDEM requirement for the Wellhead Protection Plan.

Suncrest Church – billing status of three private hydrants – Mr. Myers stated that previously the Board discussed this and decided they would not give them a discount this year; however they would look at a new proposal next year. **Mr. Monanteras motioned to deny their request for the 2008 non-payment and to revisit this item next year. Seconded by Mr. Hanlon. Motion unanimously passed.**

New Business

Mr. Pharazyn stated that it is the time of year he goes to the schools for Safe Drinking Water Week and anticipates he will need 3,000 water bottles at a cost of \$1.50 each. Discussion ensued. **Mr. Hanlon motioned to approve the purchase of water bottles not to exceed \$4,000. Seconded by Ms. Sims-Smierciak. Motion unanimously passed.**

Mr. Pharazyn gave an update on the meter replacement project. They have done 126 and have another 13 or 14 appointments to do. Mr. Myers stated that he has received feedback that the actual meter readings are higher than what we have been getting off the radio reads. Discussion ensued regarding how to handle the higher meter readings, and preparation of the adjusted bills allowing time payments for the specified account customers whereby the revenue will not be lost. Mr. Myers stated that the actual meter reading is what counts. Discussion ensued regarding the difference in the reads, any differences if owed should be charged and an overall communication effort to advise all the customers regarding the ongoing meter change over program. There is only one reading (account) that is significantly higher at this time resulting in a high consumption billing. Mr. Pharazyn will prepare a letter that would provide an explanation of the situation to be sent out to this customer and their utility bill would be prepared accordingly. Further discussion ensued as to the procedure to be implemented after the first thousand gallons at the time of the meter change over and the previous program performed several years ago.

PAYMENT OF BILLS - #3014 - #3021 for \$17,447.69 for Waterworks District and #4105 - #4153 for \$887,872.56 for Water Utility – Mr. Monanteras motioned to pay bill payment memos #3014 - #3021 for \$17,447.69 for Waterworks District and memos #4105 - #4153 for \$887,872.56 for the Water Utility. Seconded by Ms. Sims-Smierciak. Motion unanimously passed. Motion was amended to add the payment (for the meters – referenced APV #6082 – Underground Pipe & Valve) that was deleted from the Sanitary District.

Any and all business that may come before the Board

Mr. Monanteras asked Mr. Wyllie about the Judge's orders for the mediation. Mr. Wyllie stated that he is going to contact Mr. Kile to discuss who they would want to attend the mediation and the injunction hearing. He anticipates Mr. Myers and Mr. Monanteras will be asked to attend the injunction hearing on the 14th.

Public Comment – None

Adjournment – Ms. Sims-Smierciak motioned to adjourn the meeting. Seconded by Mr. Monanteras. Motion unanimously passed. Meeting adjourned at 6:40 P.M.

ATTEST:

/s/ SHERRY P. SURY, Clerk-Treasurer