

Perrine said if we give him the job, yes. He said he would be more than happy to take it over and do the best he can.

Fleming asked if we should think in terms of making a decision at the next meeting otherwise then it is another meeting.

Perrine said I think we ought to consider making that decision at the next meeting. I think everybody ought to think about it, think about Bill. If anybody wants to talk to him go down and talk to him.

Fleming asked if we could get a proposal together in advance of that so we can vote on it.

Perrine said we need to make sure from our attorney that all of that is legal but he is currently a town employee so it is just adding to his responsibilities and putting him full time instead of part time.

Announcements

Adjourn

Fleming moved to adjourn the meeting at 7:30 p.m. Patino seconded the motion. Motion carried by unanimous roll call vote.

Submitted by: Toni Biancardi, Sanitary Board Secretary

Approved March 18, 2008

Mike Perrine, President

Jim McGee, Vice President

Louis Bain

Cliff Fleming

Toni Biancardi

Carlos Patino

Jim Constantine

Rainbow Mobile Home Community

Perrine said to Shem Khalil, Rainbow has its own internal water infrastructure. When the water is shut off that infrastructure is no longer under pressure. Is there going to have to be a boil order put out when the water pressure kicks back on? When there is no pressure in the water system the water that was leaking out through the cracks will run back into the pipes. At Shadyside if we ever shut the water off we tell everyone to boil water for 24 hours.

Shem Khalil said that is the safest way but I would like to get back to you after I look at the system entirely.

Number of Customers and ERU's

As of January 17, 2008 we have 327 customers and 496 ERU's.

Good & Order of the Community & Any Other Business

Discuss hiring a Sanitary employee

Perrine said I have one thing to bring up to get everybody thinking about it, I think we should look into having a Sewer Superintendent full time for a couple reasons. It would be somebody responsible for all communications with the State, whose job it is to keep track of the sewer system which right now is not going to be anywhere near a full time job. But there is another avenue this person can proceed down with the Storm Water. Jane contacted the State Board of Accounts and they said the Sanitary Board can pay the Sewer Superintendent to also do Storm Water because they are so closely related. If we put somebody on full time to handle the sewers that person can also handle the Storm Water situation. When the next census is done in 2010 we are going to become MS4 Storm Water compliant. I think we should get somebody on Board full time and get them working on sanitary and storm water. It is possible we might have somebody working for the town now in a part time capacity that might be interested in that. That is something we can talk about at a later date. It is something we can think about. I would like to discuss it in more detail and perhaps move forward on it at the next meeting two months from now.

Fleming said MS4 takes a lot of time.

Perrine said when we annexed the rest of the steel mill we are responsible for MS4 for the entire mill. We are probably looking at paying them the same as what we pay the Police Chief or the Street Superintendent and depending upon who it is we can offset part of that cost with part of the money they are already getting.

Shem Khalil said the Sanitary Board should think about implementing a fee for storm water even before implementing the program itself.

Parkinson said before you do that you would need to have a Storm Water Management Board. This is a Council function.

Fleming asked if we could have the same members as the Sanitary Board to make it simple.

Parkinson said yes. The Council would establish the Storm Water Management Board.

Constantine asked what all is involved in MS4.

Perrine said it is a complete documentation of your storm water system throughout your town.

Shem Khalil said the state requires three phases, Part A, Part B and Part C. Part A, identifying all the storm water in the town and problems with the goal to correct any problems you have. Part B, is implementation itself. Part C, where are you going to get the funding and the actual mechanism to do it.

Perrine said that is why I say we really need to look at hiring somebody here because unfortunately the town doesn't have the money to do it through the General Fund. We can hire them through the Sanitary Board, he could take over all the stuff for the field work with the sewers and do the MS4 and the state has no problem with us paying him out of Sanitary Fund money and get somebody on board right and going to the meetings and get a good handle of what is going on. We should plan on doing something before 2010 if finances permit and we can legally do so. We need to get somebody on Board in that position and make sure they fully understand what needs to be done before 2010 gets here.

Constantine said if you hire one man to do both will he be answering to two Boards or one?

Parkinson said we have the same superintendent in Chesterton for storm water and utilities. They have the meetings on the same nights. There are times it will appear you are discussing storm water in a sanitary board meeting or vice versa. When it comes to spending money you have to have clear distinctions between the two.

Perrine said to me it would only make sense to have this group be both boards.

Patino asked what kind of requirements would this individual need to meet.

Shem Khalil said none from the state. The state does not require any prequalification.

Patino said I mean from the town.

Perrine said we've got a guy who would be interested in it. He is currently our Fire Chief. He worked for the street department and sewer department in Valparaiso for a number of years so he is familiar with that. He has got background on it. He is a very sharp guy. We can offset some of his salary by incorporating what he is making as fire chief now into that and he'll have three hats. I think we would be well advised to at least consider hiring Bill.

Constantine asked would he be available full time.

Approval of claims with four or more signatures

Biancardi moved to approve claims with four or more signatures. Fleming seconded the motion. Motion carried by unanimous roll call vote.

Delinquencies**Rainbow Mobile Home Community**

Parkinson gave an update on the appeal involving Rainbow Mobile Home Community. We are still waiting a decision at the appellate court. A decision is expected within the next 2 – 8 weeks. In the interim we received a motion from their attorney to withdraw for failure to communicate and failure to pay legal bills.

Perrine said he has stopped paying his sewer bill altogether. Can we have the water to his park shut off because he hasn't paid the parks sewer bill?

Parkinson said he is a user, subject to the same water shut off agreement everyone else is.

Perrine said likewise if we have a multi-unit building and the owner doesn't pay we could shut the whole building off.

Parkinson said there is no distinction in the ordinance or the policy.

Constantine said if he is collecting rent and the sewer payment is including then the people being punished are paying. Is there recourse and come back to the Town because they paid their bill?

Parkinson said he is the user; the recourse would be against him.

Perrine asked what the feeling of the Board was about turning off the water to a community like that. It is a tough call. But if I am a private citizen and I get my water shut off but you don't shut off theirs I am going to be unhappy.

Constantine said I would never be in favor of shutting the water off. We are only hurting them not him. Why can't the state go after this guy?

Perrine said the state pulled his license to operate; they just haven't shut him down for the same reason.

Parkinson said a state license is a prerequisite to getting a town license to operate.

Fleming said I wonder what legal options are available to the town right now. If a private citizen doesn't pay their bill we can file a lien against their property. Have we talked about taking him to foreclosure?

Perrine asked if we had any good recourse on the sewer delinquencies short of shutting the water off.

Fleming said we have a right under the lien statute for reimbursement of attorney fees and costs. If we know there is value we could get ourselves paid.

Parkinson said it is a topic you could discuss in an executive session whenever you want to.

A joint executive session of the Sanitary Board and Town Council was scheduled up for Monday, March 3, 2008.

Premier Truck Driving School

Biancardi communicated that Premier Truck Driving School (CR England) is disputing the number of ERU's they were assigned. They are paying for 1 and have been assessed at 22.

Parkinson said there is a process for dispute resolution in the ordinance. First step is to go to the clerk and if they are not satisfied they go to the Board.

Shem Khalil said there has been communication with Premier Truck Driving School. They can dispute the estimated design or the Board can override that and say it will be less than the estimated design. I talked to their engineer and asked if they could estimate less than the design you submitted and he said no. The ordinance sets the number of ERU's. The design engineer will estimate the flow and we will calculate the ERU based on the ordinance.

Biancardi said they are 60 days delinquent so they will be receiving a notice of water shut off.

Constantine asked if we can have emergency meetings for people like that.

Perrine said shut the water off. They have a driving school with a whole bunch of students. How do they figure they use the same amount of water as a family?

Shem Khalil said their own engineer refused to certify it.

Water Shut Off

Constantine asked if the \$19.00 recheck fee is charged to the customer.

Parkinson said the recheck fee is chargeable to the customer when they get their service reconnected.

Biancardi said the recheck is done 10 days after it is initially shut off to make sure the customer has not turned their own water on themselves. It is a policy of the water company if the town doesn't release them to be turned back on in 10 days they go out for themselves and check the connection. They are billing the town and that cost is passed on to the customer.

Parkinson said it is a sewer charge.

Fleming asked if it would be worth it to do some planning as to what we think the ultimate capacity would be so we can determine what if any modifications need to be made and we can start to plan for reserve funds.

Constantine said the town did all the additions to the plant where we would have 450,000 per day and if the mill starts putting out more to where we get shorted on our output and we have to add more to it out of our pocket, it doesn't sound right.

Perrine said we didn't pay for the plant, they more or less gave it to us. Mittal is paying to operate the plant, paying the operator, sludge removal, maintenance on the plant. If we were to attempt to absorb all of those costs now we would have to raise our sewer rates because we couldn't afford to operate this plant. We can't complain about the deal we got. We have to determine if the initial engineering was proper and whether or not what we have is sufficient. If it is not then we have to increase the size of the plant.

Constantine said we need to make sure we have room for another 200 homes.

Fleming said we could do a study on that.

Perrine said if the town maximizes its growth we are probably going to be real close to the 450,000 gallons per day. We need to look and see if 1,050,000 is reached at that time and we will have to do something to expand the plant. You have to have excess capacity.

Patino said this is a plan we need to be making for four years from now.

Constantine said we need to start planning now.

Perrine said when we talk about our Rate Study we will have to keep that in mind that there may need to be an increase in the size of the plant. A realistic view is that we will be at plant capacity 5, 10 years.

Shem Khalil said right now the reserve capacity of the town is 350,000 gallons per day. I believe we are still way below the capacity. All the certificate of capacity we have been signing is close to 60,000 gallons per day with all the subdivision.

Patino said the only time it is a problem is when we have this heavy rains, the plant and town puts lots of water and if we don't watch it carefully...

Shem Khalil said maybe a study of the system to eliminate the infiltration and inflow is more efficient than increasing the capacity of the plant.

Patino said it varies but is usually in the 450,000 to 500,000 gallons per minute but when it rains it will jump to 600,000 or 700,000. It is inefficiency; you have some manholes that water is infiltrating.

Fleming said it seems Mittal is stable, the town is growing.

Perrine said it seems like the majority of the infiltration is happening at the lift station at the park.

Shem Khalil said a common problem we have seen in other towns is they have new construction with a sump pump connected to the sanitary sewer. It is illegal.

New Business

Jim Barbarossa, discuss connection of 801, 815, and 871 S. Babcock Porter to sanitary sewer system

Jim Barbarossa appeared before the Board to ask about the feasibility of connecting three properties that are located in Porter, IN to the Burns Harbor sanitary sewer. His storage business is directly across the street from the north entrance of the development Corlin's Landing about 150 feet from the new manhole, his residence is about 900 feet from the manhole, his son's home is almost directly across the street from the middle entrance of Corlin's Landing about 200 feet from the manhole.

Parkinson said it has been the Board's policy not to permit any outside user's to connect to the sanitary sewer.

Patino said there is an understanding between the town and Mittal but there is nothing in black and white in the agreement.

Parkinson said ordinarily the extension of sewer outside of a municipality comes with a waiver of annexation and the consideration that is extended to an outside user has that explicit agreement that there won't be remonstrance against annexation. You are in another municipality so there is no opportunity for the town to annex your property.

The consensus of the Board was to not permit any outside user's to connect to the sanitary sewer.

Rate Study

Constantine moved to direct Attorney Parkinson to contact Umbaugh & Associates to submit an agreement for a Rate Study at the next meeting. Fleming seconded the motion. Motion carried by unanimous roll call vote.

Fleming moved to direct the Street Department to set up phone service to all lift stations. Constantine seconded the motion. Motion carried by unanimous roll call vote.

Perrine commented that there have been occasions where someone has turned off the power to the lift station on Haglund Road.

Shem Khalil said the Town should look into fencing the entire lift station or there is a box you can install different than the existing box.

Perrine asked if there was a code for having a disconnect available that is not locked out. Our boxes have a provision for locking them off but not on. I thought you had to have a disconnect that is not locked in case the power has to be shut off. Everything is locked except the main disconnect box where the power service feeds in.

Perrine asked Shem Khalil to look into and let us know if we can. If we can we'll have to drill the boxes to be able to lock them.

Yearly Inspection to Lift Stations

Perrine said a twice a year inspection by Gas Voda is \$2900.00. We do have to have them inspected at least once a year. Currently the street department is going around quarterly and pumping the lift stations down to make sure they are not full of gravel, sand etc. as well as checking the dialer weekly by turning off the power until it calls him and then turns the power back on.

Fleming moved to enter into a contract with Gas Voda for a twice yearly inspection of the six (6) lift stations at a cost of \$2900.00. Constantine seconded the motion.

Perrine said \$2900.00 isn't bad for twice a year. They will check the capacitor banks on the ones with the add a phases and all of the internals of the lift station. They will provide a written report after each inspection that will be filed at the Street Department.

Motion carried by unanimous roll call vote.

Capacity at Sanitary Sewer Plant

Carlos Patino distributed pictures of the Waste Treatment Plant to Board members. The first picture is of the Sanitation Plant. The second picture is the footprint (3.15 acres) of what is owned by the Town of Burns Harbor. The third picture has a description of the Sanitation Plant. The table on the third picture indicates the amount of capacity purchased by the Town and the limit of the plant along with other records at different times. The next chart shows the figures to date of the flow for the Town of Burns Harbor. The spike is not a true reading. The last chart is the real data.

The three equalization basins were constructed by the Town of Burns Harbor. To the right of the basins on the third picture was the previous sanitation plant.

The permit design flow is the maximum the plant can get. It is a continuous flow. Burns Harbor and the plant send their flow into the plant. You have to have time for the waste to settle down and digestors to eat it before it is released into Lake Michigan. The trouble is when there is a heavy rain and the plant and the town sends lots of water and there is not have enough time for everything to settle.

The town is putting in an average of 100,000 gallons per day.

In the future if the town were to need more capacity the discussion would include building more tanks. There is room for expansion on the 3.15 acres.

Patino said all the stuff when it is kind of dry is put in the drying beds and then from there settles down and is pumped out and eventually from there picked up and taken to be dumped. Mittal takes care of that.

Perrine said the question we were concerned about is with the average daily flow that Mittal puts into the plant, the way the plant sits there now, if there is no change in your daily flow from the mill, do we have 450,000 per day of flow?

Patino answered yes.

Perrine said when we entered the agreement before the new basins were built the plant was already operating above its capacity before the town entered in there but that was because the majority of what was going through the plant was water from people showering. When the town decided to buy the plant these tanks were built so that there would be 450,000 gallons of capacity for the town available with what is here now.

Patino said the plant and the town are putting in around 700,000 gallons per day.

Perrine asked is there another 350,000 gallons there the way it stands now.

Patino said as long as we don't have big rains, yes. We will have to do a study. You know how big the town is going to get, how many new houses.

Constantine said that is the trouble Chesterton and Porter are having and they are discharging into the river.

Perrine said anything we do out there will have to be done with revenue bonds off of our sewer bills. We can't do it with tax money.

**Town of Burns Harbor
Sanitary Board**

Minutes of Tuesday, February 19, 2008

A regular meeting of the Burns Harbor Sanitary Board was called to order by President Mike Perrine at 6:00 p.m. Answering present at roll call Toni Biancardi, Cliff Fleming, Carlos Patino and Jim Constantine. Louis Bain and Jim McGee were absent.

Also present was Attorney Chuck Parkinson. Engineer Hesham Khalil arrived late.

Reorganization

President

Constantine moved to appoint Mike Perrine as President. Fleming seconded the motion. Motion carried by unanimous roll call vote.

Vice-President

Constantine moved to appoint Jim McGee as Vice-President. Patino seconded the motion. Motion carried by unanimous roll call vote.

Secretary

Perrine asked Toni Biancardi if she would still like to be secretary. Biancardi said she would commit to sit as secretary for at least one year. The only concern would be if the Board started meeting every month as she is also on the Town Council and secretary to the Plan Commission and BZA. Attorney Parkinson said there is not an issue with dual office. Constantine mentioned he would like to consider meeting every month.

Fleming moved to appoint Toni Biancardi as Secretary. Patino seconded the motion. Motion carried by unanimous roll call vote.

Attorney

Fleming moved to retain the law firm of Harris, Welsh and Lukmann as attorneys. Patino seconded the motion. Motion carried by unanimous roll call vote.

Approval of Minutes

Constantine moved to approve the minutes of the December 18, 2007 meeting as written. Fleming seconded the motion. Biancardi yes, Fleming abstained, Patino yes, Constantine yes, Perrine yes.

Correspondence

- *Memo from Clerk-Treasurer Jane Jordan regarding water shut off*

Twelve customers were notified that their water would be shut off on January 2, 2008. One paid in full before water was shut off. Eleven had their water shut off on January 2, 2008. Nine of those shut off paid their accounts current. The remaining two have not had their water restored and a lien has been placed on the property. These two properties appear to be vacant.

Rainbow Mobile Home Community was not shut off however the owner is no longer paying his sewer bills.

Old Business

Back Up Pump

Perrine commented that this pump will work at all lift stations temporarily until we could get another pump.

Constantine moved to purchase a back up pump from Gas Voda for \$5054.00. Fleming seconded the motion. Motion carried by unanimous roll call vote.

Telephone Service to Lift Stations

Perrine commented the dialers are in all the lift stations they are just not hooked up, no phone lines are run and no phone numbers assigned. It will dial Doug Wentz first, a street department employee second and Mike Perrine last.