

reason to believe that the motion will carry and Bill will be hired. I could be wrong but I think that is going to be the case as long as all the questions are answered that are up tonight.

Constantine withdrew his motion.

Perrine said I don't want to see it not carried tonight and the questions that are asked are valid. Biancardi volunteered to work with someone to get the information down and make sure that everything is covered.

Perrine said in addition to that we have a school on April 3<sup>rd</sup> I would like to go to it and Bill to go to it with me. It is going to require putting us up in the hotel paid by the Sanitary Board. It is Thursday, April 3<sup>rd</sup> from 8:30 to 3:30 at the Hendrick's County Fair Grounds. I'll introduce you to Reggie and everybody else down there. It is really worthwhile because it is going to cover everything that has to do with the storm water requirements for everybody in the state.

McGee moved to send Mike Perrine and Bill Arney on April 3<sup>rd</sup> to schooling and pay for the hotel. Constantine seconded the motion. Motion carried by unanimous roll call vote.

## **Good & Order of the Community & Any Other Business**

### **Announcements**

### **Adjourn**

McGee moved to adjourn the meeting at 7:10 p.m. Patino seconded the motion. Motion carried by unanimous roll call vote.

**Submitted by:** Toni Biancardi, Sanitary Board Secretary

**Approved April 15, 2008**

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Mike Perrine, President

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Jim McGee, Vice President

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Louis Bain

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Toni Biancardi

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James Constantine

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Carlos Patino

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Cliff Fleming

department heads they always make the same money. His salary is determined unless we want to change a long standing policy and start creating problems between departments because we decide Bill should get more than Doug and Doug should get less than Jerry. We pay all department heads that are full time the same amount of money. Constantine said I don't have a problem with that. It is the Sanitation Board hiring a town employee and then the Town Board more or less agreeing or disagreeing. Perrine said that is why I had an advertisement for an open Council meeting tonight. I didn't realize this was going to become such a major issue. Constantine said I am all in favor of it. There are just some issues we need to discuss about it. Biancardi said I don't think I am against it. I personally wouldn't be willing to take a job not knowing exactly what I am going to be paid or an idea of... Constantine said Bill has already done this kind of work for Valpo so he knows what is involved in it. That is the reason he is going to do it. Perrine said unless we change the policy that the town has had for 30 years, a full time department head makes the same regardless of what department he is department head of. We've always done it. When this was brought up to Bill he was told your salary will be whatever we are paying Jerry and Doug. The only question is we have to get the Town Council to go along with including your Fire Chief salary in there and deducting that from the Sanitary Board has to pay. That is why it was going to be \$12650 from the Town and \$33941 from the Sanitary Board. I didn't think the salary was an issue. I thought that was pretty much a done deal. As far as knowing what the total job description of what he was going to be doing that was another reason we were going to put somebody on so he could meet with all of the people and find out exactly what they are and meet with people from IDEM to see what the differences are between the Town of Burns Harbor and the City of Portage or Gary and begin making those contacts and figuring out what has got to be done. Basically his job description is to make sure the sewers in the Town of Burns Harbor are in current compliance and stay in compliance with all State statutes and that the MS4 storm water plan that we adopt is in compliance with all applicable state statutes. That's what his job description is. Then it is up to him to find out what is needed in doing that. Constantine asked if I would make a motion to hire him would we be making a motion to hire him or a suggestion for the Town Board to hire him. Perrine said in reality we would have a problem because unfortunately as Jim pointed out 2/5 of the Town Council aren't here and it is difficult to build a quorum on consensus with the Council. If three Council people who are on the Sanitary Board said yes, then you would tend to think those three Council people on the Town Council would say yes. It would be pretty much a done deal. That is not the situation. Clerk-Treasurer Jane Jordan said the Sanitation Board hires their own employees and the Town Council sets what to pay them. Perrine said and whether or not they want to have the Fire Chief's salary included in that or if they would say we don't want the Fire Chief's job to have anything to do with that; we want that to be totally separate from whatever you guys do with him. In which case that would mean we would be paying the \$46,000 and they would still be paying him \$12650 so he would be making \$60,000 a year. Biancardi said which is my question. If he is going to work 40 hours like anyone else he is technically making \$34,000 for those 40 hours. So he is really not making the same as our other department heads. Perrine said he is from the standpoint that right now he has a 40 hour a week that he can't take time off of to be the Fire Chief and here he is working for the town and ... Constantine said it could co-mingle. Perrine responded yeah. That is why he would be keeping track of the hours he spent doing Fire Chief work and doing sewer work. After "x" amount of time we thought we had a big problem with that after reviewing the records he kept we would have to address it at that point in time. Things you say when you are initially hired don't always end up being things that happen after you have been on the job for a while. That's why you have employment reviews.

Clerk-Treasurer Jane Jordan said the insurance company categorizes anyone who works for our town that they work a minimum of 32 hours a week to be full time. I don't know if that would go into the thought process of how many hours he wants to work for sanitation versus this exempt/salary Fire Chief. McGee said I think it is going to get to the point where he is going to do sanitation and storm water and other jobs in that area and not going to be Fire Chief. Perrine said that is a possibility. It could end up down the road that he would not have the time during the day and if he wanted to continue being Fire Chief it would have to be like anyone else a straight full time day job. He would have to do it after dark and we would have to see about coming up with additional money for him. McGee said it would be juggling around, the hours between sanitation and Fire Chief, especially when you've got emergencies. Perrine said that these are things that have to be determined as time wears on and you do time reviews and employee reviews. He is willing to take on both jobs for the pay and to not quibble about over time.

McGee's motion died for lack of a second.

Constantine moved to hire Bill Arney as Sanitation/MS4 Superintendent.

Parkinson asked Mr. Constantine to be more specific in his motion so there is a record here. Perrine interjected I don't really think that anybody here has a problem offering the job to Bill. I think there were some valid questions brought up that are still not answered. I would prefer not having a situation arise where we get a motion and a second on this and it doesn't carry. I would rather wait until the next meeting and have a motion made because I have every reason to believe if the questions that Toni have are answered and Louis gets back from Iraq and Cliff shows up from New Buffalo that at next month's meeting I have every

positions without extensive training. The training is going to go on and on for MS4, most likely but right now we do not have anyone qualified for these positions. Can we go ahead and create it? Perrine said Bill is definitely qualified. McGee said for Fire Chief, yes. Perrine said he also worked for the Street Department in Valparaiso on their sewers. He has some field experience with sewers and storm sewers. He is not MS4 trained. You also have to look at experience you've had with a person. How long have you been on the fire department, Bill? Bill Arney said 19 years in July. Perrine asked how many times have you been in trouble? Bill Arney's response was inaudible. Constantine said I don't think experience would be that important now because it would be on the job training no matter who we got. Biancardi said there is an expense to all the training, too. Perrine said when you look at people to hire, a large part of it is your past experience with those people. You never know when you hire someone off the street with no past experience what you are getting. Bill has as far back as I can recall always showed himself to be conscientious and care about the job he has done, he is the Fire Chief, a volunteer fireman, he obviously cares about the Town of Burns Harbor and the people that live in it. That says a lot for him as an individual and that says a lot about giving him a full time job here. He has got experience with the Street Department. I am sure he can learn anything he needs to learn. Constantine said I don't see any harm with Bill. He would be a good guy for the job. I am concerned with the job description. Biancardi said I agree. We need to have the details worked out, job description, salary and time tracking. I think he needs to be able to see that so he can agree with that or know what his job is going to be. Perrine said who is going to write up the job description? Do you know what his job is going to be? Biancardi asked do you? Perrine said no. That is why he was going to go around and meet other people who are doing the job now. Constantine asked if this will be a yearly appointment. Perrine said everyone who works here is on a yearly basis. Parkinson said technically they are at will. You have no employment contracts with any of your employees legally. Constantine said as far as I am concerned I don't see a problem putting him on the job and working it out. We will have to meet more often to work out the details.

McGee said let's get this out in the open. We are going to be addressing some employment tonight. One of things that is going to come up is Louis Bain is not here and Cliff is in Michigan. In two weeks Louis is back. What is the hurry of hiring you Bill right now? If he wants to go with Mike we can let him go with Mike on his off day. What is the big issue, he is coming home on Easter? He has been in Iraq three terms, served his country and I am tired of looking at a seat that has to be empty but he is coming back. Why do we want to jump into it? I have talked to a number of people and they have no issues about working with the town while working and willing to address whatever comes to them being employed with this town. But yet the Council wants to go ahead and put it in, now that is going to be coming up either here or now. Perrine said what is coming up. McGee said everything is moving so quick, Louis Bain is coming back in two weeks why can't we make this decision then, get his input. I don't think he has worked with you before. I thought it would be nice to have his input and Cliff is in Michigan. We only have three Council members out of five. What is the hurry, why not wait?

McGee moved to wait for all employment until Louis gets back into this town.

Constantine said the question is when our next meeting is. Biancardi said this was a special meeting. Our next meeting would be April 15.

Biancardi said I would think if you are going to wait for someone, I realize Mike says we don't know what the job description is going to be either but to work out the details of what we are going to pay what percentage of the time and work those things out.

McGee said I am not arguing with Bill or what has to be done. Bill is quite capable of doing it or anyone else that comes up before the Council. All I am saying is let's wait for Louis and Cliff.

Biancardi said I am saying as well work out the details of what we would pay the job, expect of the job. There were lots of questions; comp time vs. over time. We'll have to do a salary ordinance apparently. We'll need those kinds of numbers.

Constantine said the Board has got to make a decision on the wages not the Sanitary Board. Biancardi said I think we would recommend and the Town adopt. Perrine said we will determine the salary and the Town will say it is okay for us to pay him whatever we want to pay him. The Town Council will determine whether or not they want to include his salary as Fire Chief in there because that is Town Council jurisdiction not ours. We will decide what the salary will be. If they don't want to pay it then I don't know.

Perrine apologized for wasting Bill Arney's time for coming here tonight. I am sure no one has meant any of this to reflect upon you personally or your ability to do the job.

Constantine said when will we get together and iron out the issues that were brought up. We have to have that kind of a meeting also. Perrine said it has always been the town's policy that if you have full time

Constantine asked what the salary actually be. Perrine said the same as Police Chief and Street Superintendant subtracting Fire Chief from that. Constantine asked what would his duties be and how many hours a day would he work for this kind of money. We haven't made out any job description yet. Biancardi contacted Chesterton and has the job descriptions for the MS4 Operator, Sanitation Superintendant and a Field person. Biancardi said essentially this position would be all of those positions. I agree adopting some form of job description that whoever is hired would know what they are doing. Perrine said \$46,591.00 would be Bill's salary. He worked on the Street Department in Valparaiso. He will do all the daily checks on the lift stations, work with contractors, tracking the leak causing overage, working with Jane and Lori on delinquencies to talk with people directly who are behind. For Storm Water he will have to find all the plans for our current storm water stuff that is in place and then we are going to be spending money as a Storm Water Board trying to figure out what we have to put in place, projects to construct to get compliant, go to Mittal Steel and work with them because our storm water includes compliance on the part of their facility. Biancardi asked if we know how much training he is going to need and how much that would cost. Perrine said is going to need quite a bit. Not having any school material in front of me I am not sure what it will cost. Constantine said is he going to be 40 hours a week and co-mingling fire department work in that 40 hour week at the same time. Is there enough work to actually justify 40 hours a week? Perrine said I think so and as time goes by the workload will increase. Constantine said we touched on it before, what vehicle is he going to use? Perrine said we are going to have to get a vehicle for the sewer department and that is one of the things he can do, go around and get specifications and bids from people on that. The lift stations have got phone lines run to them now but there is no phone service and he is going to have to get a hold of an electrical contractor to finish the work. He will be responsible for that and make sure that stuff works. There is a lot of things that need to be done that haven't been done. He is going to have to coordinate with Gas Voda on their inspections. I want him to figure out a pump issue we have; whether or not we should be paying for explosion proof pumps. It can take up to 6 months to get a pump. There are a lot of issues that need to be addressed that we've been trying to get the engineer to address that have never gotten handled because he is busy. I had Lori take care of getting the phone lines into the lift stations. There are a lot of things we can use him to do with the sanitary sewers and storm sewers. We have storm water problems in town; people are complaining that when it rains their neighbors have raised the elevation of their property by a foot and all the neighbors have swimming pools when it rains. That is something he and the Building Commissioner and Town Engineer can look into and make some kind of determination. I talked with the IDEM MS4 Coordinator today and told her we were going to attempt to bring somebody on board if at all possible. She was very pleased because she is the MS4 coordinator and knows that in 2010 we are going to have an awful lot of things to become compliant with really quick. She said she would be more than happy to help whoever we hired and inform us of any schools coming up. There is a school on April 3rd covering all aspects of storm water compliance I am going to and would like Bill to go to also if we put him on tonight. There is an opportunity to do networking and get to know the people in Indianapolis. I think there is more than enough to make it a 40 hour a week job. The only thing that concerns me and I agree that we are going to have to be careful about keeping track of time between the fire department and the other stuff. Constantine said that is what I would be worried about; I put in 40 hours but 20 of that was on the fire department and I get called out Saturday night and I am going to get 12 hours overtime when during the week I was doing fire department work while I was on payroll for the sewer department. Perrine said he will have to maintain his hours and the question for the Clerk-Treasurer and Attorney will be if the fire department job is an exempt non-overtime job; how much can we separate that? Parkinson said there are three individuals in the Town of Chesterton with duties split between the Town and Utility Department. Each one of those is exempt no-overtime employees. The only issue that ever comes up is when you try to determine what percentage of their income should be derived from the general fund and what percentage from the utility. That is a process of figuring out as time goes on where their duties are. Perrine said what we are looking at now is he is only going to get "x" amount of dollars for the Fire Chief job and that has already been determined, \$12,650. That means the Sanitary Board would pay him \$33,941. Parkinson said unless the Council passes an amendment to the salary ordinance. Clerk-Treasurer Jane Jordan said they would have to anyway because this is a job that hasn't been created yet. Biancardi said this is part time, right. Perrine said full time. Biancardi said he would work 40 hours at this maybe more and still maintain Fire Chief. Perrine said why don't we make him exempt on both jobs, he can track his time and if he is exempt he can still take comp time. Parkinson said it depends on the policy. Perrine said we can create the policy that he can take comp time. Being exempt is no longer a benefit to anybody. These are minor issues that can be worked out.

McGee said I am going to take Bill out of the picture for a minute. We are working on a new personnel manual. Do we have to advertise at anytime for employment for Burns Harbor? Parkinson said if there is a town hiring policy that requires advertising for positions, yes. McGee said we have done both. Perrine said there is no specific town hiring policy that has ever been written down. Clerk-Treasurer Jane Jordan said and adopted. Perrine said we handle it on a case by case basis. The case basis is do we have anyone here now that is qualified and if we don't we go out on the street. If we do we hire the qualified people that are already here or that we are aware of. Parkinson said I can't think of anything off hand that requires you to advertise for positions. McGee said right now we do not have a person qualified for either one of these

Biancardi said my opinion is that litigation is not going to work with him. I understand everyone's opinion of not shutting off the water but he was threatened by the water company that would happen last year and he paid up.

Parkinson said ultimately the remedy for foreclosing on a lien is requesting sheriff's sale and a transfer of property. The liens would be paid off in order of priority.

Perrine said if we commence litigation and a judgment is handed against him and he doesn't pay the judgment we can push for his property to be sold at sheriff's sale and somebody will pay us that money. If we shut the water off he may have the ability to switch back to well water and we haven't accomplished anything.

Parkinson said he will do everything in his judgment to collect the amounts due to the Town. If the Board wants to initiate litigation to collect what is legally owed to it I will again pursue it vigorously and try to do everything legally possible to collect on it. Foreclosure is not much of a question of fact; those amounts are owed. The process of filing a complaint to foreclose on a lien basically gives the defendant an opportunity to pay where they haven't paid in the past. The liens could have been contested and they haven't been. You have two options for someone who doesn't pay their bill; shut off the water and file a lien.

Perrine said shutting the water off only creates a hardship on the tenants not the owner. We should go after the owner directly.

Motion carried by unanimous roll call vote.

#### ***Approval of claims with 4 or more signatures***

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

#### ***Delinquencies***

Clerk-Treasurer Jane Jordan said the water shut off is a useful tool. People are paying when they receive notice. A couple homes to be shut off we believe are vacant.

Constantine asked what was happening with Premier Trucking Inc. (CR England). Clerk-Treasurer Jane Jordan said when they received notice their water would be shut off they called Lori immediately and said they misunderstood the bill and the check arrived immediately.

#### ***Discuss position of Sanitary Sewer Superintendent***

Parkinson said there is authority for utility to hire any kind of professional help it needs. Perrine said what we are going to try and do is combine salaries; the Sanitary Board pays part and the Town Council pays part. Parkinson said the statute would be that the utility is to create a budget which would include a salary ordinance that it recommends for adoption by the Council.

Perrine said we talked at our last meeting about wanting to hire a Sanitary Superintendent and also include as part of the responsibilities the storm water. The opinion of the State Board of Accounts is that we can hire a Sanitary Superintendent and pay him from the Sanitary Board and make part of his duties storm water because they felt they were close enough. What I am looking to do is get somebody on Board right away and we have to talk to Bill Arney about it if he is interested. The way we thought about paying it would be to set the salary at Department Head salary deducting from that the Fire Chief's salary and making the Fire Chief's salary a salary no over time position and making the sanitary guy a non-exempt position where he would get overtime. We are in the process of finishing up some office space down at the street department for the Sewer Board and the Storm Water Board regardless of what happens tonight with Bill there is office space going in there so we can centralize the blue prints and get some desk furniture and have some place to operate the sewer and storm water out of. That should be done by the end of the month. The Street Department has come a long way with that. Does anyone have questions about the combined positions of Sewer Superintendent and Storm Water Superintendent and combining that with the Fire Chief's position; the money he is going to get paid?

Biancardi asked if the position would be non-exempt so he would get overtime. Perrine said he would get overtime as the sewer person and storm water. Biancardi said he would be expected to track time. Perrine said yes, he would track his time. Clerk-Treasurer Jane Jordan said he would have to track his time because he is a government employee.

**Town of Burns Harbor  
Sanitary Board**

Minutes of March 18, 2008

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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 were Toni Biancardi, Carlos Patino, Jim McGee and James Constantine. Louis Bain and Cliff Fleming were absent.

Also present was Attorney Chuck Parkinson.

**Approval of Minutes**

McGee moved to approve the minutes of the February 19, 2008 meeting as written. Constantine seconded the motion. Motion carried by unanimous roll call vote.

**Correspondence**

None.

**Old Business**

*Rate Study*

Attorney Parkinson reviewed the agreement setting out their fee and a general description of what they will be doing in conducting a rate study and it is standard in terms of what it sets forth for their deliverable product.

McGee moved to enter into an agreement with Umbaugh & Associates in the amount of \$5,750.00 to conduct a rate study. Constantine seconded the motion.

Clerk-Treasurer Jane Jordan asked if the fee is for the entire study or based on a minimum and an hourly charge for all work over the minimum. Attorney Parkinson said they estimate the cost. Article II says the accounts charges for services and expenses in connection with the services to be rendered for the utility shall be; they do have a fee schedule for services over and above what is laid out in the agreement.

Motion carried by unanimous roll call vote.

**New Business**

*Rainbow Mobile Home Community*

Sanitary sewer liens have been imposed on the Rainbow Mobile Home Community totaling approximately \$5754.00. Acting on those liens would involve foreclosure.

Constantine if liens could continue to be imposed on the property as opposed to shutting water off. Perrine said if we never take any action on the lien he is never going to pay them. Constantine said he does not want to shut the water off. Parkinson said foreclosing on the liens will get the liens paid.

Constantine does not want to put any more burdens on the residents of Rainbow Mobile Home Community. They are not the ones responsible for the bill to the Town.

Parkinson will look at all available options involving litigation. Perrine said we ought to authorize our attorney to take whatever legal steps are necessary to attempt to recover the money that he owes us and not pursue shutting off the water at this time.

McGee moved to direct the attorney to pursue foreclosure of the liens on Rainbow Mobile Home Community without shutting off the water. Constantine seconded the motion.

Clerk-Treasurer Jane Jordan said she has a lien she would want to file prior to action against Rainbow Mobile Home Community.