

# Burns Harbor Sanitary Board

## Minutes of Wednesday, July 15, 2020

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The Burns Harbor Sanitary Board met in its regular session Wednesday, July 15, 2020 in the Town Hall. The meeting was called to order by President Toni Biancardi at 7:01 p.m.

The Pledge of Allegiance was recited.

### Roll Call:

Toni Biancardi.....	Present
Jim Constantine .....	Present
Rick Balunda.....	Absent
Wilbur Oudman.....	Present via teleconference
Daniel Marsh.....	Present

A quorum was attained.

Also present were Attorney Clay Patton of Patton Law, LLC, Engineer Martin Bobcek of Global Engineering and Land Surveying, LLC, and Deputy Clerk Corinne Peffers.

There were no audience members in attendance at the Town Hall.

The meeting was made available with Governor Holcomb's Executive Order 20-04 Section 5 Public Meeting/Open Door Laws. It was streamed on Facebook Live.

### Approval of Minutes

Constantine made a motion to approve the Minutes of June 17, 2020. Marsh seconded the motion. Jim Constantine – Yes, Rick Balunda – Absent, Wilbur Oudman – Yes, Daniel Marsh – Yes, Toni Biancardi – Yes. **Motion passed.**

### Correspondence

Biancardi informed the board that she was contacted by a realtor on behalf of a party that is interested in a truck wash next to Pilot Travel Center on Melton Road. Burns Harbor Town Code requires a truck or car wash to 95% recycle the water. It is not in the form and function table as a permitted use, so that would also require a use variance with the BZA. However, because of our agreement with ArcelorMittal for operation of the wastewater treatment plant, they would also need to be involved in the discussions. Biancardi said I have not seen any formal submittals from the interested party yet, but I would like to make everyone aware so we are on top of it.

Bobcek said it would come down to what is the collection of the wastewater and what would have to happen to it before it goes to the treatment plant. Engineer Jeanette Hicks needs to review preliminary concept plans and then she needs to review the agreement with ArcelorMittal.

Constantine commented on Luke's previous interest in putting a carwash in at their gas station. Conversations died off after several months of correspondence between the board, Luke's and ArcelorMittal.

Marsh asked about a previous truck wash in town. Biancardi said there was a Blue Beacon truck wash and TravelCenters of America in the Town of Porter, but it is closed.

### Sanitary Report

The board reviewed the report and there were no questions. Superintendent Arney was not in attendance due to vacation.

Biancardi said we have had some callouts to Lift Station #2, which is the one that recently had an electrical upgrade. It is being finicky with the new Phase Perfect, so when Bill gets back that will be one of his priorities.

### Wastewater Treatment Plant Report

None. Biancardi informed the board that she did reach out to the mill about their board member appointment and they did mention, prior to COVID-19, they had someone they were going to appoint, but it hasn't happened. She will reach out again.

### Engineer Report

None.

## **Old Business**

### ***Rate Study with Baker Tilly Municipal Advisors***

Peppers informed the board that she has provided all the requested information to date to BakerTilly advisors. Advisors discussed capital projects with Superintendent Arney and we are waiting on them to get back to us.

Constantine stated that we will need a public hearing for a rate change and it will be on hold until probably next year. Because I would see us getting a group of people in here ...

Biancardi said the rate study is information that they provide back to us, it doesn't necessarily mean that we are going to make any sort of decision about it.

## **New Business**

### ***Moratorium on Disconnects***

Gov. Eric Holcomb's most recent Executive Order 20-33 prohibits utilities from disconnecting service to any customer until August 14, 2020. Attorney Patton read a portion of the order: "Utility companies, municipalities and customers are encouraged to work together to establish reasonable payment plans for past due accounts. Utility companies are strongly encouraged to offer a payment plan of at least six months to all customers. Customers and utilities should set up payment arrangements as soon as possible to avoid later discontinuation of utility service."

Biancardi said we made a motion last month to waive late fees through June, so we would need to address that again tonight at least through the end of August.

Constantine made a motion that we waive all delinquency fees until Gov. Eric Holcomb lifts the moratorium.

Peppers asked on disconnects, or just late fees in general.

Constantine stated on disconnects and late fees because you can't disconnect.

Attorney Patton stated you can't disconnect pursuant to this Executive Order.

Constantine stated right.

Biancardi stated so we are saying in addition we wouldn't disconnect and we would waive late fees?

Constantine stated I still think on that motion that they should start a new 90 days as of the cut-off of the moratorium. You can't ... the month that he cuts off the moratorium today, say okay you are 90 days' behind, we are going to turn your water off next week. I want a grace period in there.

Attorney Patton stated I would suggest that you take this month by month, meeting by meeting. We have no idea ... look at where we were two months ago and look at where we are now. What's it going to look like two months from now in September, we just don't know.

Marsh commented that we should modify our actions based on the Governor's direction, whatever frequency that is.

Peppers stated we can't just disconnect somebody after, say they're 10 days past due. We give them a month's notice and they have to have a reasonable time to be heard. They also can object to being disconnected, when that comes back around.

Constantine stated I understand that but we are also not the only bill people are getting behind on.

Biancardi stated so when the moratorium would be lifted, we would then have the ability to notify anyone who is behind and then that notification could then allow them to contact us or come to us for a payment plan, or to figure out how to manage that. I think that that's the process.

Peppers stated we may need a little bit more specific direction on a payment plan. I know that the Governor is urging at least six months for a payment plan.

Constantine stated doing the same thing I was talking about, you don't want to shut them off 30 days after we get out of this hot mess.

Attorney Patton stated just looking at the delinquency report, the delinquencies totaled is about \$4,300.00, and about half of that is less than 30 days delinquent, so we are not talking about a great number of customers here.

Constantine stated no we are not.

Biancardi stated so what do you want to do for your motion.

Constantine asked what was it you just read about the Governor working out a six month payment plan?

Peffer stated he urges all utilities to give customers at least a period of six months.

Constantine made a motion to follow the Governor's plan of giving them six months.

Biancardi stated so let's do two things. Let's address the moratorium and late fees in a motion.

Constantine amended his motion to suspend the late fees until October. He stated by then we will know where this virus is going hopefully.

Biancardi stated I like the idea that Clay was saying, month by month. Since we meet every month, we'll meet again August 19<sup>th</sup>. So, we will know what the Governor has said at that point.

Constantine amended his motion to waive late fees in July 2020 and August 2020 and to follow the Governor's Executive Order of no disconnects. Marsh seconded the motion. Jim

Constantine – Yes, Rick Balunda – Absent, Wilbur Oudman – Yes, Daniel Marsh – Yes, Toni Biancardi – Yes. **Motion passed.**

Biancardi suggested that when we do notice someone that they are behind, that we also include some language about a payment plan. She asked Peffer to gather some information about what other communities are doing and have a payment plan prepared for next month.

Constantine stated it is not going to break the bank on our department and it's not going to hurt the homeowners if they can pay the extra \$10 a month, if they are only behind \$400 or \$500. A whole year's sanitation bill is less than \$500 for the whole year, so you are not talking having to pay more than like \$20 a month to catch up.

Attorney Patton stated there's only 10 that are 90 days plus days behind, 18 that are 60 plus days behind, 28 that are 30 days behind.

Peffer stated in normal circumstances the 60 and the 90 days would either be turned off to collect payment, or they would get a lien warning sent for their home. So, that brings me to lien warnings, I need guidance on what to do about the people that are 90 days behind. Just come up with a payment plan letter and send them a letter and that? Or, what is your suggestion?

Constantine stated if it's feasible to send the people that are 60 and 90 days' delinquent, and tell them that we were open to payment plans with no penalties.

Biancardi stated I don't know if we want to do that yet, I think having a plan in place is probably better. What is everyone else doing? If you are at 90 days your property could be lienied.?

Attorney Patton said I would say based on the amount, you've got 10 properties and it's \$462.88, I am not sure if that's worth the effort. Just looking at it historically, in January you had 67 customers that were less than 30 days delinquent and now you have 58 so you actually have nine fewer customers that are delinquent and under 30 days then you did in January. 30 days delinquent in January you had 27 customers and now you have 28. The 60 days delinquent in January was 11 customers and now it's 18, so it's only gone up by seven, and then in January you had three customers that were 90 plus days delinquent and now you have 10. So basically, it's those 18 customers that are 60 days are delinquent, and 10 of those 18 are 90 days delinquent. Again, it's 18 of the over 600 total customers, so we are talking about less than three percent.

Biancardi stated so as this board we would then have the authority to waive filing of liens through next month if we wanted to?

Attorney Patton stated, again, I think that based on the low number that there are, and the relatively low number that there are compared to January before any of this really started affecting people locally, and the fact that we are still in the middle of this public health emergency, I don't think that it's worth the time, money, effort or the bad public relations.

Biancardi stated Corinne is asking for the direction, so I would entertain a motion if you all agree that we suspend liens.

Marsh stated, suspend liens, like Clay is saying, why would you bother, \$46, I am going to put a lien against you. I think people would be more apt to, if they are really hurting and you could still contact them, some of these people, I don't know, you can't even contact anymore to pay it over time would be much better for them and us.

Peffer I think we need to work out the details of that. That is going to take a bit of spreadsheet tracking on my end because the software is not capable of tracking payment plans for individual customers.

Marsh made a motion to suspend all liens through the end of August 2020. Constantine seconded the motion. Jim Constantine – Yes, Rick Balunda – Absent, Wilbur Oudman – Yes, Daniel Marsh – Yes, Toni Biancardi – Yes. **Motion passed.**

### ***Professional Services***

Biancardi asked for this topic to be added to the agenda not remembering that Superintendent Arney would be absent tonight. She stated there are a lot of different things that we do and things that we purchase, so like we just signed the agreement with Superior to do the yearly maintenance. Sometimes we buy pumps and then sometimes there's the larger work that we would contract out in terms of the generators and the lift station type situations that we have. We are bound by the code about purchases over \$50,000.00 that we have to have three quotes and those things, but for me I was just wanting to talk with Bill and talk about which vendors we use and how he looks at doing the different purchases and those types of things just for general information. I know that when he looks for pumps, he does get different prices to try to get the best price. We are limited on the number of vendors because it's kind of a specialty work. So, it was more of an informational educational type topic for all of us to understand. So, we will talk about that next month. But if you have questions, in between we can reach out to Bill.

Marsh stated I deal with those kinds of situations all the time at work.

Biancardi stated I've always thought, especially for this board, while the system is 20 years old now, I like a lot of that to be in the minutes so that future boards kind of understand what we have done, so often times I will bring up those kinds of things we so all understand.

Constantine stated I want to get more in depth with what you are talking about with vendors because there's some issues I have from the past working with vendors that you have to be very careful.

Biancardi stated so it's good for us to know, you know, Bill is the Superintendent and kind of runs the daily right, so he is making decisions and looking at things for us, so I think it's good for us as the board to understand his processes and who he reaches out to so that we can support that as well.

Marsh said I think that we should set the guidelines for him and then let him do his job.

Biancardi agreed. I will ask him to share what he is doing and who we use, which we can see in our claim book.

### ***Capital Improvement Projects***

We are in budget time and capital projects are somethings that we ask for. The board was provided a "wish list" from Superintendent Arney. We haven't committed to anything on the list, these are things that he has looked ahead on.

Constantine said I would like to have more information on the things he is wishing for and overall costs.

Biancardi said he can give us more detail next month.

### ***Westport PUD***

Biancardi said the Westport PUD has gone to Plan Commission and the ordinance is now at the Town Council. One of the requirements for any development is that they receive a letter from this board certifying that there is capacity in our sanitary system for them.

Bobcek said that Jeanette Hicks is reviewing the daily peaks and averages right now. Abonmarche submitted their certificate that we need to sign off on, and she is still reviewing those

values right now. But, once that is done, she will put everything together and submit it on behalf of the board.

Biancardi asked Bobcek if they are using the model. He said I believe she is using the model to base what they are submitting and check it against that.

Constantine stated this is for what project? Biancardi responded this is for Westport on the empty field. He asked what do they want to do there?

Biancardi stated put in townhomes, apartments, some commercial and a community center.

Constantine stated commercial? That's residential isn't it?

Biancardi responded that is why it's a PUD, a Planned Unit Development. So, Global on our behalf, will certify the usage, or gallons per day.

Bobcek said the capacity certification is where we would sign and then it would have to be submitted to IDEM.

Biancardi asked Bobcek if they will also send a copy to Peffers to keep on file. Bobcek responded yes. I am not sure if it will be us or Abonmarche but we will make sure you are copied either way.

Oudman asked if they have any idea how many ERU's (Equivalent Residential Unites) it will add.

Bobcek said he believes that Hicks has received that information, she is checking the existing peaks and averages against what they are submitting.

Biancardi stated I saw their report to IDEM and I believe it was 18,000 gallons per day average. A peak was 50,000. It is in our capacity.

#### ***Approval of Claims with three (3) or more signatures***

Constantine made a motion to approve the claims with three (3) or more signatures. Marsh seconded the motion. Jim Constantine – Yes, Rick Balunda – Absent, Wilbur Oudman – Yes, Daniel Marsh – Yes, Toni Biancardi – Yes. **Motion passed.**

#### ***Spending Review***

The board reviewed the report and there were no questions or comments.

#### ***Delinquencies***

The board reviewed the report and there were no questions. Disconnections are still suspended per the Governor's order.

Attorney Patton commented that the delinquent dollar amount percentage is lower now that it was in January.

Peffers commented that part of the difference is Rainbow Community. Because their monthly bill is so large and they get behind, it makes a big difference.

#### ***Flow Report***

The board reviewed the report. Biancardi commented that our average daily flow is 126,000 gpd. Our capacity is 500,000 gpd.

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

None.

#### **Announcements**

The next meeting will be held at 7 p.m. on Wednesday, August 19, 2020.

#### **Adjourn**

Constantine made a motion to adjourn. Marsh seconded the motion. Jim Constantine – Yes, Rick Balunda – Absent, Wilbur Oudman – Yes, Daniel Marsh – Yes, Toni Biancardi – Yes. **Motion passed.**

Meeting adjourned at 7:35 p.m.

**Submitted by:** Corinne Peffers, Secretary

**APPROVED August 19, 2020**

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Toni Biancardi, President

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Corinne Peffers, Secretary