

Burns Harbor Sanitary Board

Minutes of Wednesday, June 16, 2021

The Burns Harbor Sanitary Board met in regular session Wednesday, June 16, 2021 at the Burns Harbor Town Hall. The meeting was called to order by President Toni Biancardi at 7:00 p.m. The Pledge of Allegiance was recited.

Roll Call:

Toni Biancardi.....	Present
Dan Marsh.....	Present
Larry Fabina.....	Present
Wilbur Oudman.....	Present
Jim Constantine.....	Present

A quorum was attained.

Also present were Superintendent William Arney, Attorney Clay Patton of Patton Law, LLC, Engineer Jeanette Hicks of Global Engineering and Land Surveying, LLC and Deputy Clerk Corinne Peffers.

The meeting was made available to the public in accordance with Governor Holcomb's Executive Order 20-09 with Zoom and it was also streamed on Facebook live.

Approval of Minutes

Marsh made a motion to approve the Minutes of May 19, 2021. Oudman seconded the motion.

Jim Constantine – yes. Larry Fabina – yes. Wilbur Oudman – yes. Dan Marsh – yes. Toni Biancardi – yes. **Motion passed.**

Correspondence

None.

Sanitary Report

The board reviewed the report.

Biancardi asked how training has been going for the laborers. Arney responded, good. They were out to help pull a pump at Lift Station #6 yesterday. They don't have confined space training yet.

Wastewater Treatment Plant Report

Fabina reported that there are no issues and all is well.

Engineer Report

Hicks said that a sewer extension along Old Porter Road is an idea for the State Water Infrastructure Fund Grants available. She also reported that she was asked to look at a sewer connection at 293 Riverside Drive and the plumbing is too low to go by gravity so a grinder pump is needed. She said I looked at sizing a grinder pump for it, I did do that design work based on some assumptions of what we found out about the property. So, it's my plan on just typing that up and we'll leave it up to the homeowner to get with a contractor to do the work. I'll make a suggestion and design specs for a grinder pump and send it directly to the homeowner and keep a copy for our files.

Arney noted that the homeowner called him again and asked Hicks to expedite the recommendation to the homeowner.

Old Business

Waive Late Penalties due to COVID-19

Attorney Patton said the public health emergency declared by Indiana Gov. Eric Holcomb was extended through the end of June, 2021. Your guess is as good as mine if it's going to be extended again. Quite frankly, I was a little bit surprised that it was just because, the last day of May was the Indy 500 at full capacity, obviously Chicago is in Illinois, but they're wide open with all their activities, etc. So, I have no idea if it'll be extended beyond July 1 or not. That being said, just looking at the delinquency report, the numbers are fairly consistent.

Marsh made a motion to waive late penalties on sanitary sewer accounts through July 31, 2021.

Constantine seconded the motion. Jim Constantine – yes. Larry Fabina – yes. Wilbur Oudman – yes. Dan Marsh – yes. Toni Biancardi – yes. **Motion passed.**

New Business

Resolution 2021-01 Establishing the Policy by Which Members May Participate by Electronic Means

Biancardi said we have a resolution to establish the policy by which members may participate by electronic means. Due to the health emergency, we have been allowed to meet electronically so that members can participate and vote. The necessity for this resolution is beyond the health emergency. Should we want to participate electronically, we need to have this in place.

Attorney Patton explained that the Town Council adopted this last week and each separate board has to adopt its own policy. This is a new law that was signed by the governor in late April to allow electronic meetings post pandemic. Pre-pandemic, you would have been able to be on the phone or FaceTime or Zoom during a meeting but you wouldn't be able to vote. What this allows is for full participation and being able to vote remotely, but some other provisions of the law and under this policy, you still have to have a quorum physically present, so for this body, three of the five of you will still need to be physically present. Under the law, there are certain things that you cannot do remotely, such as adopt a budget or raise fees. Another provision is you cannot have an individual person participate in successive meetings remotely, but there are some caveats with that such as military service or an illness or death. Basically, what this does is sets out the policy so you do have that tool in your toolkit. You will need to communicate to staff whether or not you will be attending in person or not to ensure a quorum.

Constantine made a motion to adopt RESOLUTION NO. 2021-01, A RESOLUTION OF THE SANITARY BOARD OF THE TOWN OF BURNS HARBOR ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE SANITARY BOARD MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended IC 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication;

WHEREAS, a member of the governing body may participate by any means of communication that:

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

NOW, THEREFORE, BE IT RESOLVED BY THE SANITARY BOARD OF THE TOWN OF BURNS HARBOR, INDIANA:

- Section 1. (a) The provisions of the Act, including definitions, apply to this resolution.
(b) This resolution shall be known as the "Electronic Meetings Policy" of the Sanitary Board and applies to the Sanitary Board and any committee appointed directly by this Board or its presiding officer.
- Section 2. (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.
(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.
(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.
- Section 3. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.
(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:
(1) military service;
(2) illness or other medical condition;

- (3) death of a relative; or
 - (4) an emergency involving actual or threatened injury to persons or property.
- (c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

Section 4. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

- (1) identify each member who:
 - (A) was physically present at the meeting;
 - (B) participated in the meeting by electronic means of communication; and
 - (C) was absent; and
- (2) identify the electronic means of communication by which:
 - (A) members participated in the meeting; and
 - (B) members of the public attended and observed the meeting if the meeting was not an executive session.

Section 5. No member of the Board may participate by means of electronic communication in a meeting at which the Board may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Board's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. (a) If an emergency is declared by:

- (1) the governor under IC 10-14-3-12; or
 - (2) the Town Council president under IC 10-14-3-29;
- members are not required to be physically present for a meeting until the emergency is terminated.

(b) Members may participate in a meeting by any means of communication provided that:

- (1) At least a quorum of the members participate in the meeting by means of electronic communication or in person.
- (2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
- (3) The minutes or memoranda of the meeting must comply with Section 4 of this resolution.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 7. This resolution shall be effective from and after adoption by this Board and compliance with IC 36-5-2-10.

Marsh seconded the motion. Jim Constantine – yes. Larry Fabina – yes. Wilbur Oudman – yes. Dan Marsh – yes. Toni Biancardi – yes. **Resolution 2021-01 passed and adopted.**

State Water Infrastructure Fund (“SWIF”) Grant

The Indiana General Assembly via HEA 1001 (2021), has allocated \$100 Million of federal Coronavirus State and Local Fiscal Recovery Funds to the Indiana Finance Authority (IFA) to provide grant funding to Indiana utilities for wastewater, drinking water and stormwater projects that either protect or improve public health or water quality. This new program is called the State Water Infrastructure Fund or "SWIF" program.

The goal of the program will be to finance projects that protect and improve public health and water quality, satisfy a regional solution, and provide substantial rate relief to Indiana utility customers most in need. The funds will be provided in the form of co-funded grants to communities. Funds on hand, a community's allocation of their own American Rescue Plan Act funds, or a State Revolving Fund loan may be used to co-fund an awarded SWIF Grant.

The IFA is accepting applications for the first round of SWIF grants until July 15, 2021. The second call will be due July 15, 2022.

Biancardi said there may be an opportunity for us to receive some grant funds for projects. I think that turning around one for this current July 15 round is pretty quick, and I did read through some other information about it. There's a lot of projects that are in the pipeline for other municipalities and those are going to be automatically submitted. There are a few criteria that we would need to meet but what I'd like to do is start thinking ahead. Like Jeanette had mentioned, we have some stormwater issues on Haglund that the board can address, we've got some extensions that we may want to do here in town for the sanitary. So, looking ahead and possibly for those projects in terms of the grant but really at this point I wanted to let you guys know that it's out there, and each month, let's just kind of keep thinking of those projects and then when we feel like we've got one that fits the criteria, we can start working on a submission for it.

Oudman asked if the grant money happens only before the project or can the project be underway, and still get some funding for it.

Biancardi said that's a good question. I'm not sure, I basically looked quickly at this this afternoon, and there's a few criteria. I mentioned at the last board, they really are looking for something that has a regional impact, and possibly something that would lower the cost to the residents if we were to do something. I don't know how that would work for us in terms of stormwater, and I think the first-round projects have to be completed by 2024, so I'm not sure about the ongoing projects. It might have to be something new. But we have some time obviously since there's a second round, but we can be looking into that and find something that fits. I'm not sure if there's matching or if it's just straight funds.

Approval of Claims with three (3) or more signatures

Constantine made a motion to approve claims with three (3) or more signatures. Oudman seconded the motion. Jim Constantine – yes. Larry Fabina – yes. Wilbur Oudman – yes. Dan Marsh – yes. Toni Biancardi – yes. **Motion passed.**

Spending Review

The board reviewed the report and there were no questions. Biancardi noted that we have overspent what we allocated for part-time wages. She said I know that some of that came from the promotion of Rob to the Street Superintendent role, and then using Laborer Friday. Are you still continuing to use him quite a bit?

Arney said I am using Adam still through the week because Rob is very busy as well with his guys. I am using the street laborers for any large projects and the readings every day because Adam has a full-time job as well. So, we are using three part-times on this to make that one full-time spot up that we have. So, even though Rob was being paid from categories in the long scheme of things, he was my full-time laborer.

Biancardi said we will have to keep an eye on that for budgeting. Next year, well' have to figure out how we want to handle that.

Delinquencies

The board reviewed the report and there were no questions.

Flow Report

The board reviewed the report and there were no questions. Arney noted there is one day in June (that will show on next month's report) that has an inaccurate reading. With the new telemetry that we're doing, when they set the programming up it's showing a lot more flow than what it was because of the pulses. It's counting three times as many pulses versus times two. So, you'll see that on the next one, but I wanted to report on that, that all the flow chart and the telemetry is finally installed. We did find a glitch with the way it reports back to us on the radio, so they're going to put isolators in, and three of the lift stations need it. After that, then we'll be up and running with all that and then it's just us discussing if we want to switch to those variable speed pumps that we talked about for Lift Station #2 to try to hopefully move in the next phase of trying to control that odor, and it will allow us to play off the different levels and keep that from going septic as quick and the odor coming out of there. It's just another tool that will hopefully make it better.

Biancardi asked if we got Norfolk Southern upgraded.

Arney stated Norfolk Southern is upgraded. I've asked them that when we're done with all this, that that's invoiced separate. We already communicated with them, they knew what had to be done. So, then we will forward that to them as an expense. That lift station had a lot of issues with it.

Biancardi asked Hicks if she sent a capacity certification to Shadyside for their IDEM permit. Hicks responded yes. Biancardi asked Hicks to send a copy to Peffers because she is keeping track of what is allocated and unused.

Good of the Order of the Community & Any Other Business

Arney reported that the truck has moved onto the line, so they are starting to put the body on, the chassis is in, so we might have the truck by the next meeting, if not the following meeting.

Announcements

The next meeting will be held at 7 p.m. on Wednesday, July 21, 2021.

Adjourn

Oudman made a motion to adjourn. Marsh seconded the motion. Jim Constantine – yes. Larry Fabina – yes. Wilbur Oudman – yes. Dan Marsh – yes. Toni Biancardi – yes. **Motion passed.**

Meeting adjourned at 7:23 p.m.

Submitted by: Corinne Peffers, Secretary

APPROVED July 21, 2021

Toni Biancardi, President

Corinne Peffers, Secretary