

Burns Harbor Stormwater Board
Minutes of Wednesday, June 16, 2021

The Burns Harbor Stormwater 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 6:30 p.m.

The Pledge of Allegiance was recited.

Roll Call:

Toni Biancardi.....	Present
Wilbur Oudman.....	Present
Nick Loving	Present via telephone

A quorum was attained. Nick Loving joined the meeting at 6:34 p.m.

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

The meeting was made available to the public in accordance with Governor Holcomb’s Executive Orders with Zoom and it was also streamed on Facebook live.

Approval of Minutes

Oudman made a motion to approve the Minutes of April 21, 2021. Biancardi seconded the motion. Wilbur Oudman – yes. Nick Loving – absent. Toni Biancardi – yes. **Motion passed.**

Correspondence

None.

Engineer Report

Engineer Hicks said her firm has some initial thoughts about possible projects for the State Water Infrastructure Fund Grants available. Possibly stormwater along Haglund Road or a portion of the Westport project.

Old Business

Superintendent Arney reported that there are some areas of concern, possibly sinkholes, along Haglund Road between Stanley and Westport. He has requested some quotes from RV Sutton, but there is concern the recently replaced BP pipeline is directly above or very close to our storm sewers. It’s not an emergency but it is causing erosion. He should have one quote in before the next meeting.

(Nick Loving joined the meeting at 6:34 p.m.)

Biancardi and Oudman asked about the storm drain repairs in Harbor Trails and the Village that were discussed at the last meeting. Arney said the Street Department hasn’t gotten to them yet but will be handling the repairs.

Biancardi said depending on what RV Sutton’s quotes come back at, you may need to get more and if you get it in time before the next Sanitary Board meeting, please communicate that so we can convene this board to approve the expenditure if needed.

New Business

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 I looked into it a little bit today and if there's current projects in the pipeline, those are going to be automatically submitted, and there are a few criteria that they're looking for like something regional and something that might reduce the cost to the people using a service. I think that we should be thinking what could we apply for in the next year, in the next round.

Biancardi asked to keep possible projects on the agenda each month so that we continuously talk about looking forward to what we might need to do and then we can see what might fit this grant.

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

Biancardi said whether or not we ever choose to do this, we need to adopt this resolution, and it has some very specific criteria.

Attorney Patton explained currently under the Public Health Emergency declared by the governor, we can continue to meet electronically. Pre-pandemic, that was not permitted. A new law was passed and signed at the end of April, which allows, once a public health emergency ends, to participate and public meetings remotely but there are certain provisions that you can't have successive meetings. There are some other things you cannot meet remotely to do, certain things like adopting a budget, raising fees, things like that. At least fifty percent of the governing body has to still be present so you still have to have a quorum physically present in the room. Based on my conversations and research, every board or commission has to adopt it. It's not like the Town Council can adopt it and that applies to everything underneath it. The Town Council has already adopted their resolution to meet electronically.

Loving made a motion to adopt RESOLUTION NO. 2021-01, A RESOLUTION OF THE STORMWATER BOARD OF THE TOWN OF BURNS HARBOR ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE STORMWATER 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 STORMWATER 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 Stormwater Board and applies to the Stormwater 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.

Oudman seconded the motion. Wilbur Oudman – yes. Nick Loving – yes. Toni Biancardi – yes.
Resolution 2021-01 passed and adopted.

Approval of Claims with two (2) or more signatures

No claims to approve.

Biancardi asked Peffers to create a monthly financial report for the CCI Sewer Fund.

Good of the Order of the Community & Any Other Business

None.

Announcements

The next meeting is scheduled for 6:30 p.m. Wednesday, August 18, 2021.

Adjourn

Oudman made a motion to adjourn. Loving seconded the motion. Wilbur Oudman – yes. Nick Loving – yes. Toni Biancardi – yes. **Motion passed.**

Meeting adjourned at 6:45 p.m.

Submitted by: Corinne Peffers, Secretary

APPROVED August 18, 2021

Toni Biancardi, President

Corinne Peffers, Secretary