

**MINUTES OF THE REGULAR PUBLIC MEETING
BOARD OF SANITARY COMMISSIONERS
TUESDAY APRIL 20, 2021**

The Board of Sanitary Commissioners of the Sanitary District of Highland convened in a study session immediately before the Regular Public Meeting at 6:30 p.m. on Tuesday, April 20, 2021 with Commissioner Garcia presiding, in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in order to discuss the final agenda of the regular meeting.

Silent Roll Call: Commissioners Laura Corpus, Rex Burton, Greg Cieslak and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney, Michael Griffin, Clerk-Treasurer, Mark Herak, Town Councilman.

Discussion regarding formal announcement that North Township has formed a partnership with Service Lines Warranties of America (SLWA) regarding exterior water service and exterior Sewer/septic line repairs. Highland Sanitary District is not advocating this company, neither pro or con.

A long discussion of proposed Alternative #10-B submitted by Rex Burton.

At 7:00 the study session ended and the Regular Meeting of the Board of Sanitary Commissioners of the Sanitary District of Highland convened with Commissioner Garcia presiding, in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana. The Regular Public meeting was opened with the Pledge of Allegiance to the United States of America.

Roll Call: Commissioners Laura Corpus, Rex Burton, Greg Cieslak and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc.; Robert Tweedle, Attorney; Michael Griffin, Clerk-Treasurer, Mark Herak, Town Councilman. Laura Corpus was appointed acting secretary for the meeting.

Minutes of Previous Session: The March 16, 2021 Regular Public meeting minutes are approved as posted.

Special Order: None

Communication: None

General Orders and Unfinished Business:

1. Sanitary District of Highland
Board of Sanitary Commissioners
Resolution No. 2021-06

**A JOINT RESOLUTION OF THE BOARD OF WORKS, WATER WORKS BOARD, AND THE
SANITARY BOARD ACCEPTING AND APPROVING A PROPOSAL FROM NIES
ENGINEERING, INC. FOR PROFESSIONAL DESIGN ENGINEERING SERVICES FOR THE
3500 BLOCK OF JEWETT AVENUE WATER MAIN REPLACEMENT AND STREET
IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$48,000.00**

Commissioner Cieslak motioned to approved Resolution 2021-06. Commissioner Burton seconded. Upon a roll-call vote, there were four (4) affirmatives and no (0) negatives. The motion passed.

SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS

RESOLUTION NO. 2021-06

A JOINT RESOLUTION OF THE BOARD OF WORKS, WATER WORKS BOARD, AND THE SANITARY BOARD ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL DESIGN ENGINEERING SERVICES FOR THE 3500 BLOCK OF JEWETT AVENUE WATER MAIN REPLACEMENT AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$48,000.00

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has determined that a need exists to make certain public improvements and repairs to roadway infrastructure on the 3500 Block of Jewett Avenue, including pavement, curb and gutter, sidewalk, driveway aprons and parkway trees and have hereto approved a project to be described as the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project (Project); and

Whereas, the Water Works District of Highland (WW District) is governed by its Board of Water Works Directors, pursuant to the provisions of IC 8-1.5-4 et seq.; and

Whereas, IC 8-1.5-4-4 specifically provides that the Board of Water Works Directors shall manage and control all works of the water works and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

Whereas, The WW District, through its Board of Directors, has determined the need to replace and upsize the existing water lines within the Project boundaries, as described herein, in order to improve water flow and water quality; has determined that it would be in the best interest of the utility to coordinate the work with the Project; and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Sanitary District of Highland (SD District) is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq.; and

Whereas, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

Whereas, The Project scope includes the repair and replacement of certain storm water facilities, which are the responsibility of SD District and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Works Board, Water Works Board, and Sanitary Board have heretofore determined a need to engage professional design engineering services in order to implement the Project, and

Whereas, NIES Engineering, Inc., (Consultant) has offered and presented an agreement to provide and furnish Professional Design Engineering Services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Fortyeight Thousand Dollars (\$48,000.00) allocated in proportional shares equivalent to the percentage of construction work being completed for each agency; and

Whereas, The Town of Highland, through its Board of Works, now desires to accept and approve the agreement for services as herein described; and

Whereas, The Water Works District of Highland, through its Board of Directors, now desires to accept and approve the agreement for services as herein described; and

Whereas, The Sanitary District of Highland, through its Board of Commissioners, now desires to accept and approve the agreement for services as herein described; and

Whereas, There are sufficient and available appropriation balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and .

Now, Therefore Be it Resolved by the Board of Works for the Town of Highland, Board of Directors of the Highland Water Works District, and the Board of Commissioners of the Highland Sanitary District; Lake County, Indiana and, as follows:

1. That the Professional Design Engineering Services Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Inc. for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project is hereby approved, adopted and ratified in each and every respect;

2. That the terms and charges under the agreement for design engineering services in the not-to-exceed amount of Forty-eight Thousand Dollars (\$48,000.00) allocated in the amount as follows:

- a. Twenty-eight Thousand Dollars and no Cents (\$28,000.00) to the Town of Highland Board of Works is found to be reasonable and fair;
- b. Seventeen Thousand Dollars and no Cents (\$17,000.00) to the Water Works District of Highland is found to be reasonable and fair;
- c. Three Thousand Dollars and no Cents (\$3,000.00) to the Sanitary District of Highland is found to be reasonable and fair

3. That the Town Council, which is the Works Board of the municipality; the Water Works District of Highland through its Board of Directors; and the Sanitary District of Highland through its Board of Commissioners believes that NIES Engineering, Inc. has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

4. That the Public Works Director, acting also as Water Works District Superintendent and Sanitary District Superintendent, is authorized to execute the agreement and all documents necessary to implement the Project.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 12th day of April, 2021. Having been passed by a vote of ____ in favor and ____ opposed.

BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA

Roger Sheeman (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Duly Adopted, Resolved and Ordered by the Highland Water Works District, Board of Directors, Lake County, Indiana, this 25th day of March, 2021. Having been passed by a vote of ____ in favor and ____ opposed.

HIGHLAND WATER WORKS
BY ITS BOARD OF DIRECTORS:

George A. Smith, President

Attest:

Richard E. Volbrecht, Jr., Secretary

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 20th day of April, 2021. Having been passed by a vote of four (4) in favor and None (0) opposed.

HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:

Richard Garcia, President

Attest:

Laura Corpus, Acting Secretary

2. **SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2021 - 07**

A RESOLUTION FOR TEXTUAL AMENDMENTS TO HIGHLAND MUNICIPAL CODE SECTION 12.20.340 ASSOCIATED WITH THE SUMMER USAGE PROTOCOL AS WELL AS CHAPTER 12.15 OF THE SOLID WASTE MANAGEMENT PROGRAM IN THE TOWN OF HIGHLAND, ALL PURSUANT TO IC 36-9-25 ET SEQ.

Commissioner Cieslak motioned to approved Resolution 2021-07 Commissioner Burton seconded. Upon a roll-call vote, there were four (4) affirmatives and no (0) negatives. The motion passed.

SANITARY DISTRICT OF HIGHLAND

**BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2021 - 07**

A RESOLUTION FOR TEXTUAL AMENDMENTS TO HIGHLAND MUNICIPAL CODE SECTION 12.20.340 ASSOCIATED WITH THE SUMMER USAGE PROTOCOL AS WELL AS CHAPTER 12.15 OF THE SOLID WASTE MANAGEMENT PROGRAM IN THE TOWN OF HIGHLAND, ALL PURSUANT TO IC 36-9-25 ET SEQ.

Whereas, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners (Board), pursuant to the provisions of IC 36-9-25 et seq.;

Whereas, IC 36-9-25-9 specifically provides that the Board shall manage and control all sewage works of the district and it shall collect and remove garbage, ashes, and other waste materials to prevent the pollution of watercourses within the district and to protect the public health;

Whereas, IC 36-9-25-11 provides that the Board may fix fees for the for the treatment and disposal of sewage and other waste discharged into the sewerage system, collect the fees, and establish and enforce rules governing the furnishing of and payment for sewage treatment and disposal service;

Whereas, The Board, did recently approve and recommend to the Town Council modifications to rates and charges for wastewater and storm water management services, that included a change that made the due date and delinquency date aligned with that imposed by the water department; and,

Whereas, It has been determined that there needs to be a clarifying amendment to the provisions regarding the summer consumption adjusting protocol and the alignment of the due date and delinquency date for the fees associated with the solid waste management services,

Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Sanitary District of Highland, Lake County, Indiana, as follows:

Section 1. That subdivision (B)(1) of Section 12.20.340 of the Highland Municipal Code be hereby deleted and repealed and be hereby amended by inserting the following replacement subdivision, to be renamed subdivision (B)(1) of Section 12.20.340, which shall read as follows:

Section 12.20.340 Special Adjustments

(B) Summer Consumption Protocol. There shall be a summer usage consumption protocol in order that single and two-family residential users of wastewater service shall not be unduly charged for sprinkling their lawns and other summer activities where higher consumption does not have a nexus to cost recovery and wastewater treatment.

(1) There is established a summer usage period in which shall apply to single-family and two-family residential users. The summer usage period applies to metered usage for beginning on the date the meter is read in ~~May~~, June, July, August, ~~and~~ September and ending on the date the meter is read in October;

Section 2. That Section 12.15.090 subdivisions (B) and (C) of the Highland Municipal Code be hereby deleted and repealed, then be hereby amended by inserting the following replacement language, to be renamed Section 12.15.090 subdivision (B), which shall read as follows:

12.15.090 Solid waste management fees and services.

~~(B) The solid waste management fees, which shall be payable monthly and charged to qualified residential dwelling units shall be based upon the presumptive service volume according to the following:~~

- ~~(1) Standard service volume will be provided to qualified residential dwelling units that are principally occupied by a person or persons who are not described in subsection (B)(2) of this section.~~
- ~~(2) Reduced service volume will be provided to qualified residential dwelling units that are principally occupied by persons who are 65 years of age or older, and upon approved applications to the public works director. "Principally occupied by persons who are 65 years of age or older" shall mean that at least 50 percent of the regular occupants in the dwelling are persons 65 years of age or older, or at least one occupant owner of a jointly owned dwelling is 65 years of age or older.~~
- ~~(3) Reduced service volume may be provided to other users upon special application to the public works director or his designee, expressing the reasons for such service and establishing to the satisfaction of the public works director or his designee that reduced service volume is warranted.~~

~~(C) (B) The solid waste management fees shall be payable monthly and shall be billed, whenever practicable to do so, with the utility bill associated with charges for water, wastewater, stormwater and other services. invoices shall be issued pursuant to the billing and reading frequencies and practices of the municipal water utility, all pursuant to Chapter 12.05 HMC. Service bills (invoices) shall be payable at the same time as water service bills of said utility are payable. Solid waste management fees shall be deposited into the sanitary district special operating fund.~~

Section 3. That Section 12.15.090 of the Highland Municipal Code be hereby amended by renaming the subdivisions therein, which shall read as follows:

Subdivision (D) shall be renamed **(C)**

Subdivision (E) shall be renamed **(D)**

Subdivision (F) shall be renamed **(E)**

Subdivision (G) shall be renamed **(F)**

Section 4. That Section 12.15.120 of the Highland Municipal Code be hereby repealed and be hereby amended by inserting the following replacement section to be renamed Section 12.15.120, which shall read as follows:

12.15.120 Delinquent accounts.

(A) *How Delinquencies Arise.* Fees ~~levied~~ **charged** pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any fee not paid by the due date shall be

considered delinquent. Such delinquent fee together with any applicable interest shall be collectible as hereinafter set forth.

~~(B) As is provided by statute, all rates and charges that are not paid when due are hereby declared to be delinquent, and a penalty of 10 percent of such rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed as the due date fixed for potable water. The penalty shall attach at 30 days after the date of mailing of the bill, pursuant to HMC [12.20.350](#). [Ord. 1637 § 1, 2016].~~

(NEW) (B) Delinquent Bills and Fees. Rates or charges so established shall be paid on the due date as stated in such bills. If such rates or charges are not paid on the due date thereof, as stated in such bills, after written notice to the owner of any such lot, parcel of real estate or building, the same shall thereupon become and hereby are declared to be delinquent and a penalty of ten percent (10%) of the amount of such charges shall attach, which charges, together with the penalty, shall be collectible in the manner hereinafter provided.

(NEW) (C) It shall be the duty of the clerk-treasurer of the town to enforce payment thereof, together with the penalty hereinabove provided.

- (1) The clerk-treasurer shall certify to the county auditor a list of such rates or charges, including the amount of the penalty, which have become delinquent according to law.
- (2) Such list shall include the name or names of the owner or owners of each and every lot, parcel of real estate or building on which such rates or charges have become delinquent, the description of such premises as shown by the records of the office of the county auditor, and the amount of such rates or charges, together with the amount of the penalty.
- (3) It shall be the duty of the county auditor to place and include any such rates or charges, including the amount of the penalty, on the tax list, roll of taxes or tax duplicate, in the appropriate place thereon in respect to the premises on which any such rates or charges and penalty are due and payable, in such manner and pursuant to the terms of IC [36-9-25-11\(g\)](#), [36-9-23-33](#) and [36-9-23-34](#).
- (4) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.
- (5) A lien attaches against real property occupied by someone other than the owner only if the utility notifies the owner not later than twenty (20) days after the time the utility fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under [IC 1-1-7-1](#)) to:
 - (a) the owner of record of real property with a single owner; or
 - (b) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection.

The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

NEW (D) In addition to the methods of collection of such charges, including the penalty thereon, when the same become delinquent as hereinabove provided, the board of sanitary commissioners shall have the right to foreclose the lien hereinbefore established. In all suits brought to foreclose such lien, the board of sanitary commissioners shall recover the amount of such charges and the penalty thereon, together with a reasonable attorney's fee, pursuant to the terms of IC [36-9-25-11\(g\)](#), [36-9-23-33](#) and [36-9-23-34](#).

Section 5. That the Sanitary Board of Commissioners requests that this resolution be forwarded to the Town Council for its consideration and favor, amending the municipal code by ordinance with the provisions approved in this resolution.

Duly Adopted, Resolved and Ordered by the Board of Sanitary Commissioners of Highland, Lake County, Indiana, this 20th day of April 2021. Having been passed by a vote of four (4) for and none (0) opposed.

**THE SANITARY DISTRICT OF HIGHLAND
BY ITS BOARD OF COMMISSIONERS:**

Richard Garcia, President

Attest:

Laura Corpus, Acting Secretary

New Business: None

Reports: None

Comments from the Commissioners: Commissioner Burton wanted the commission to know that Hammond has started billing every month and they raised the rates. Also, Hammond is charging a fee for those residents that do not have an automated read meter.

Business from the floor: None

Claims:

Fund 040	Sanitary Operating	\$ 193,770.10
Fund 070	Sewage Operation	\$ 308,883.49
Fund 072	Sewage Improv	\$ 77,764.83
Total		\$ 580,418.42

Commissioner Cieslak motioned to approved claims Commissioner Burton seconded. Upon a roll-call vote, there were four (4) affirmatives and no (0) negatives. The motion passed.

Next Meeting: The next meeting is a study session will be Tuesday May 4,2021 at 6:30p.m. The next regularly scheduled Public Meeting Session will be held Tuesday May 18, 2021 at 7:00 p.m., following a study session at 6:30 p.m.

Adjournment: There being no other business to come before the Board of Sanitation Commissioners, Commissioner Corpus moved to adjourn. Upon a voice vote, the meeting was adjourned at 7:20.

The Board of Sanitary Commissioners of the Sanitary District of Highland convened in study session immediately after the Public Meeting.

Present at the study session on silent roll call were Commissioners Greg Cieslak, Laura Corpus, Rex Burton and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc.; Robert Tweedle, Attorney; Michael Griffin, Clerk-Treasurer, Mark Herak, Town Councilman.

The commission continued the in a very lengthy and in depth conversation regarding Alternative #10.

Mr. Griffin updated the commission regarding American Recovery Plan Funs and Town of Highland's proposed application of said funds.

Mr. Tweedle updated the commission on the illegal discharge of grease products into our sewer system and remedial steps begin taken. A discussion took place.

Mr. Knesek explained Redzone progress and why it has taken so long.

Current project update from Mr. Snyder.

HSD negotiations: Mr. Tweedle gave an update. There is another meeting April 22nd. Mr. Tweedle and Mr. Garcia will be attending.

Status of compliance issues: Mr. Tweedle updated the commission that things are moving along. We are in the final states.

Mr. Griffith went over the financial statement with the commission.

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,
Denise Beck, Recording Secretary