

1 CITY OF EAST CHICAGO
2 BOARD OF SANITARY COMMISSIONERS

3 BOARD MEMBERS

4 Miguel (Mike) Rivera, President
5 Anthony Galindo, Vice President
6 Tia Cauley, Member
7 Loreto Gonzalez, Member
8 Alojzy (Ben) Moricz, Member

9 Regular Meeting Minutes
10 Thursday, August 1, 2019 @ 4:30 p.m.
11 Reported for Fissinger & Associates
12 By: Lisa Pena

13 CALL TO ORDER: 4:31 p.m.

14 PLEDGE OF ALLEGIANCE:

15 ROLL CALL: Present: Miguel Rivera, Anthony Galindo, Loreto
16 Gonzalez, Tia Cauley, Alojzy Moricz.
17 Also Present: Keith Selvie, Anthony Herrera, Anthony
18 DeBonis.

19 APPROVAL OF MINUTES: July 18, 2019.

20 Motion to approve July 18, 2019 Meeting Minutes made
21 by Loreto Gonzalez. Second by Alojzy Moricz.
22 Questions/Comments: None.
23 Roll Call: "All in Favor": All Abstain: None.
24 Opposed: None Motion Carries.

25 APPROVAL OF CHECK WARRANTS:

Sanitary District, Wastewater Division

MR. RIVERA: Next is Warrants for the Sanitary District,
Wastewater Division. Warrant Number 080119 SW for the amount
of \$78,124.31.

Motion to approve Check Warrant 080119 SW made by Loreto
Gonzalez. Second by Alojzy Moricz.
Questions/Comments: None.

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WATER DEPT.

1 Roll Call: "All in Favor": All Abstain: None.
Opposed: None Motion Carries.

2
3 MR. RIVERA: Next is Warrant Number 072619 Sanitary
4 Board Payroll 7/6/19 to 7/19/19.
5 Motion to approve Check Warrant 072619 Sanitary Board Payroll
6 7/6/19 to 7/19/19 made by Loreto Gonzalez. Second by Alojzy
7 Moricz.

8 Questions/Comments: None.

9 Roll Call: "All in Favor": All Abstain: None.
Opposed: None Motion Carries.

10 MR. RIVERA: Next is Warrant Number 072619 Utilities
11 Board payroll 7/6/19 to 7/19/19.
12 Motion to approve Check Warrant 072619 Utilities Board
13 Payroll 7/6/19 to 7/19/19 made by Loreto Gonzalez. Second by
14 Alojzy Moricz.

15 Questions/Comments: None.

16 Roll Call: "All in Favor": All Abstain: None.
Opposed: None Motion Carries.

17 MR. RIVERA: Next is Warrant Number 072619 Wastewater
18 Payroll 7/6/19 to 7/19/19.
19 Motion to approve Check Warrant 072619 Wastewater Payroll
20 7/6/19 to 7/19/19 made by Loreto Gonzalez. Second by Alojzy
21 Moricz.

22 Questions/Comments: None.

23 Roll Call: "All in Favor": All Abstain: None.
Opposed: None Motion Carries.

24 Sanitary District, Solid Waste Division

25 MR. RIVERA: Next is Warrants for the Sanitary District,
Solid Waste Division. Warrant Number 080119 SS for the
amount of \$259,226.73.

Motion to approve Check Warrant 080119 SS made by Loreto
Gonzalez. Second by Alojzy Moricz.

Questions/Comments: None.

1 Roll Call: "All in Favor": All Abstain: None.
Opposed: None Motion Carries.

2 MR. RIVERA: Next is Warrant Number 072619 Solids
3 Payroll 7/6/19 to 7/19/19.
4 Motion to approve Check Warrant 072619 Solids Payroll 7/6/19
to 7/19/19 made by Loreto Gonzalez. Second by Alojzy Moricz.

5 Questions/Comments: None.

6 Roll Call: "All in Favor": All Abstain: None.
7 Opposed: None Motion Carries.

8 REPORTS FROM WASTEWATER DIVISION: None.

9 REPORT FROM UTILITY DIVISION MATTERS: None.

10 REPORT OF FIELD OPERATIONS:

11 MR. RIVERA: Next item is Report of Field Operations,
John Martinez.

12 MR. MARTINEZ: Good afternoon. The only thing I have at
13 this moment is the Pump Station on Gary Road. We're about 90
percent done fixing that roof. And as soon as we get done
14 with it I will let you know.

15 We've got other projects throughout the City.
There's too many to try to tell you all of them. But the
16 major ones like the cave in on Euclid we fixed it.

17 Today we had a cave in on the 43rd block of Olcott.
So little by little we're fixing it. That's all I have at
18 this time.

19 MR. RIVERA: Any questions for Mr. Martinez? Thank you.

20 REPORT FROM FINANCIAL CONSULTANT:

21 MR. RIVERA: Next item is Report from Financial
Consultant, Bill Biller.

22 MR. HERRERA: Bill has the Cash Report in your packet
23 for June 2019. I don't know if he is showing up or not.

24 MR. RIVERA: The report says that the receipts for June
were \$413,928. The disbursements were \$635,865. June end
25 cash balance were Operations and Maintenance Fund \$1,764,801

1 and Replacement Fund \$1,461,255. That concludes the Report.
2 REPORT FROM LEGAL COUNSEL:

3 MR. RIVERA: Next item is Report From Legal Counsel,
4 Anthony DeBonis.

5 MR. DeBONIS: Good afternoon. There's several matters.
6 By way of news we received a Notice of Violation from IDEM
7 by way of an inspection they performed about three weeks ago
8 which found excessive exceedances in total suspended solids
9 and mercury.

10 This is in a sense no surprise only because there
11 has been on our agenda for some time a project to replace
12 some of the filtering and other equipment at the plant which
13 takes total suspended solids, that is grit and things like
14 that, out of the waste stream.

15 Mercury is no surprise either because for a number
16 of years and this goes back we had what's called a streamline
17 mercury limit in our permit from IDEM which allowed us to
18 avoid exceedances based on mercury concentrations. That was
19 very helpful.

20 Well, the last time IDEM issued our permit they
21 took it away from us. Probably because we had been doing so
22 well under it they didn't think we needed it.

23 Well, now we're showing in a left-handed sort of
24 way that we did need it. They've advised us to reapply for
25 it.

26 So we're not overly concerned about the effects of
27 these. But we are going to work on them diligently to make
28 sure there's no further exceedances, both TSS and mercury.
29 Ken Meyers is working on the response to this Notice of
30 Violation as we speak.

31 We had a very successful meeting with Safety Clean.
32 We discussed restructuring the local limit on cyanide to go
33 to a flow base system. We have a current mass base system.
34 Which would result in a site specific limit for them that is
35 somewhat higher and would make it easier for them to achieve
36 without actually resulting in any more cyanide coming into
37 the system.

38 And that's because we only have three industries
39 that emit cyanide. And two of them rarely do so. It's kind

1 of a barren thing.

2 So if you look at the loading and the flow and you
3 allocate it according to that flow, the flow is biggest from
4 Safety Clean. And they would be entitled to a higher limit.
5 That is permitted by law and has actually been suggested to
6 us by people at USEPA.

7 So we met with them. They are of course interested
8 in pursuing that. So in future weeks, I am not sure when it
9 will be ready, we'll come to you with a resolution to alter
10 the limit as it applies to these three industries.

11 And we may have to amend the City Ordinance too, a
12 resolution. Probably we can make a recommendation to the
13 Council about the Ordinance amending the limit.

14 Are there any questions on those two items? I've
15 got two more.

16 MR. RIVERA: Any questions?

17 MR. DeBONIS: I have been asked by the Controller's
18 Office to bring to your attention the fact that there is a
19 paycheck that was issued back in 2010, December of 2010 to an
20 employee at that time whose first initial is S. I don't know
21 the name. Novakovic, N-o-v-a-k-o-v-i-c. This was check
22 number 257851.

23 Mr. Novakovic passed away. And this paycheck was
24 never collected by anyone in his family or his estate.

25 An estate was opened for him sometime later. And
they have made a claim for this amount. So I've been asked
to have the Board by motion authorize the payment of this
check, check number 257851, to the Estate of S. Novakovic.

MR. RIVERA: How much is that amount again?

MR. DeBONIS: \$2,580.26. Again this is just a
housekeeping thing. Checks that aren't collected over a
certain period as you know the Board must approve their
reissuance. And that's what we need here. So a simple
motion authorizing this would be in order.

MR. RIVERA: A motion is needed to authorize this
payment by the Board.

25

1 Motion to approve Reissuance of Check Number 257851 to the
2 Estate of S. Novakovic made by Tia Cauley. Second by Loreto
3 Gonzalez.

4 Questions/Comments: None.

5 Roll Call: "All in Favor": All Abstain: None.

6 Opposed: None Motion Carries.

7 MR. DeBONIS: The final item concerns a matter lower
8 down on the agenda. While I'm up here I may as well cover it
9 unless you want me to wait.

10 MR. RIVERA: Say that again.

11 MR. DeBONIS: There's a matter later on in the agenda I
12 want to talk about. You'll see that there is a Resolution
13 SD 19-09 with a Supporting Agreement.

14 This is a resolution authorizing construction of a
15 sanitary sewer line on Indianapolis Boulevard from the
16 headquarters of Tierra Environmental Industrial Services to
17 the manhole in front of Central Station. It's about 1,100
18 feet.

19 The problem is that Tierra has not had a sanitary
20 sewer for sometime. And they've been suffering the expense
21 of pumping out what amounts to a septic tank and bringing it
22 to the plant.

23 That's costly. And the head of that company
24 finally approached us about installing a pressure line from
25 his property to that manhole that would be pressurized by a
small pump station. And he provided us with estimates for
this. The whole job would cost about \$80,000.

We reached an agreement with him that we would
divide that cost. Our payment would be not to exceed \$40,000
and that we would then own the line outside of his property.

In other words that line that goes down the
Boulevard will become part of our system. And we would have
the right then to recoup some of our costs should any other
customers in the future want to tap in.

That goes past the Buckeye Terminals which is a big
piece of land. It's the former Mobile Refinery site.

And right now it has only one rest-room there for

1 the crew. But in the future that line could easily be
2 subdivided. We might find other industrial sites there.

3 This is not a huge line. It's a 4-inch line. But
4 that's all that's really necessary to serve rest-rooms and
5 that sort of thing. This is not meant for industrial
6 application.

7 So what you have before you is this Resolution
8 which approves an agreement we reached on this that's in your
9 package.

10 MR. RIVERA: The price is not 80,000. It's going to be
11 40,000, 50 percent?

12 MR. DeBONIS: Yes. Really we will have a line. But he
13 will have a package plan. And under that agreement he must
14 operate and maintain it on his dime. So it's really kind of
15 a good deal for us because that plant will be the
16 responsibility of whoever owns that property.

17 That's all I have.

18 MR. RIVERA: Any questions for Mr. DeBonis?

19 MS. CAULEY: I have a question. Attorney DeBonis,
20 you're explaining this to us. Where is Dr. Z? He hasn't
21 been here the last couple of meetings. He should be the one
22 explaining.

23 MR. DeBONIS: He is the one who sent me this.

24 MS. CAULEY: Well, he is the Director.

25 MR. DeBONIS: Well, I don't know why he is not here.
Do you need me to explain it?

MS. CAULEY: Uh-uh. I need Dr. Z to explain. He hasn't
been to the last couple meetings. I mean don't worry. I'll
be asking the Mayor because we need Directors here to explain
some of these things.

MR. DeBONIS: I understand. And I do my best to keep
you informed.

MS. CAULEY: I have to show up at my Board Meetings.
And I understand every now and then we're on vacation.

MR. DeBONIS: We're all accountable to somebody.

1 MS. CAULEY: Exactly. And he is accountable to his
Board.

2
3 MR. DeBONIS: Speaking of vacations I won't be here for
the August 15 date. Thank you.

4 MR. RIVERA: A motion is needed to accept Resolution SD
19-09.

5
6 MS. CAULEY: Excuse me, Mr. President. I feel like
sometimes maybe we should start tabling things. And then
7 that way we can get a better understanding because we asked
for our packets earlier and we're still getting them the day
before. And what if we have questions that need to go to the
8 Controller or even ask the Director?

9 Just like Mr. Selvie sits here, you know, it takes
10 15 minutes because like right now there's another situation
the Housing Authority is going through. The FBI is sitting
in their office. And the Board has to explain why did they
11 sign off on these things.

12 MR. RIVERA: You're making a motion to table this?

13 MS. CAULEY: Yes.

14 Motion to table Resolution SD 19-09 was made by Tia Cauley.
Second by Loreto Gonzalez.

15 Questions/Comments: None.

16 Roll Call: "All in Favor": All Abstain: None.

17 Opposed: None Motion Carries.

18 MR. RIVERA: Maybe he will be here next meeting and he
can talk about it.

19
20 MR. DeBONIS: I will let him know.

21 NEW BUSINESS:

22 MR. RIVERA: Next item is Quote from Grainger Split Heat
System. This quote, there isn't much here to read. Just the
23 price quote of \$1,646. But there isn't much to read.

24 MR. MARTINEZ: That's a quote that was given to us by
Grainger. The office that we have the air conditioner went
out and we're going to fix it.

25

1 MR. RIVERA: I can't hear you.

2 MR. MARTINEZ: That's an air conditioning unit that's
3 for the pretreatment office that we got a quote from. And we
4 want to replace it. It's to split. It's air conditioner and
5 heater.

6 MR. RIVERA: I didn't see anything like that. No
7 explanation.

8 MR. DeBONIS: All it says is split system heat pump.
9 It's got a model number and manufacturer, the catalog number
10 and the amount.

11 MR. RIVERA: Okay. We've got the quote from Grainger.
12 Motion to table Grainger Quote for Split Heat System was made
13 by Tia Cauley. Second by Loreto Gonzalez.

14

Questions/Comments: None.

15

Roll Call: "All in Favor": All Abstain: None.

16 Opposed: None Motion Carries.

17 MR. RIVERA: Next item is Past Due Invoice for Railroad
18 Management. It has eight of them totaling \$6,220.79.

19

20 MR. DeBONIS: Mr. President, if you need an explanation,
21 I can help you.

22 MR. RIVERA: The only thing that I see is that the
23 prices, four are the same. So I guess it's the same kind of
24 job. It's eight of them.

25 MR. DeBONIS: These invoices --

MR. RIVERA: Excuse me. Also the reason for the
delinquency it states here that an audit has determined that
a billing error occurred and invoices for the subject
agreement have not generated in recent years.

26

MR. DeBONIS: We have a number of pipes in our
collection system that pass under the right of way of
railroad tracks. And for the privilege of doing that the
railroads charge us basically a rent. It's called an
encroachment fee. And it's an annual fee.

27

And in years past since I first started practicing
law in East Chicago in 1977 this happens every few years.

28

1 There's so much turmoil in railroads in the past
2 decades changing hands and so forth that they didn't invoice
3 the fees on time. They're about three years behind their
4 annual payments. So that's why some of them for example
5 you'll see two of them in the same amount. You'll see two
6 more in the same amount which means they probably haven't
7 billed this since 2016. So '17 and '18.

8 This is one of the advantages or disadvantages of
9 having been around a long time. I've been dealing with these
10 and they always end up on my desk.

11 The latest bills were wrongfully made out to the
12 Water Department. But these are not waterlines. These are
13 sanitary sewer lines or storm lines. But I think all of
14 these in fact are sanitary.

15 So I render the opinion that these are all
16 obligations of the Sanitary District. And so I ask that you
17 approve these.

18 MR. RIVERA: A motion is needed to accept the Past Due
19 Invoice.

20 MR. GONZALEZ: I've got a question, Mike. Should we
21 vote on individuals because they're all invoiced at different
22 numbers or are we going to vote for a total amount?

23 MR. DeBONIS: You can have a motion that simply says
24 that you authorize the payment of those invoice numbers
25 contained on the memorandum from the Accounts Payable
Department, the Sanitary Wastewater dated July 25 concerning
the Railroad Management Company. That's all you have to do.

 MS. CAULEY: Attorney, see that's why it's important for
us to get our packets before the day before because if we had
any questions we would be able to ask.

 MR. DeBONIS: I wrote my e-mail approving these like two
weeks ago. Once I send it in I can't answer as to why it
took so long for you to get this.

 MR. GONZALEZ: Can I say in the future if this comes in
like this will we be able to vote individually?

 MR. RIVERA: Sometimes we get three or four of them and
we still do it --

 MR. DeBONIS: Well, because it's on a single memorandum

1 to you and it's all the same issue and it's the same payee --

2 MR. GONZALEZ: I understand all that. Some of these
3 numbers are so exactly alike.

4 MR. DeBONIS: Well, if you want, you can make different
5 motions. Either way. The Board is in control here. If you
6 want to do that, feel free.

7 MR. RIVERA: What would you like to do with this?

8 Actually it's just a payment that hasn't been paid.
9 It's not nothing new. It's something that has to be done.
10 It has to come through us in order to be paid. What do you
11 want to do?

12 MR. DeBONIS: If you want to go one at a time, feel
13 free. It's not a problem. Or if you want to come back to it
14 later, you can do that. Lay on it on the table for the next
15 meeting.

16 MR. GONZALEZ: We get these in one day and we've got to
17 go through all these invoices. We should get this thing by
18 Monday or Tuesday, Mike.

19 I'm just thinking about it. I'll be honest. I
20 just got this yesterday. And I assume that everybody on this
21 panel feels the same way. Nobody wants to make a commitment
22 on it.

23 MR. HERRERA: Thank you for bringing it up. Someone had
24 to bring it up to the Board President. I'd like to request a
25 motion to deliver the packets by Monday night as late as
Tuesday please?

MS. CAULEY: Make a motion. I want my packet by Monday.

MR. GONZALEZ: Me too. I second it.

MR. HERRERA: I would like this to be on the record. I
receive the items sometimes later than when I'm ready to send
out the packets.

Sometimes they're sent by my higher superiors. So
I have no choice but to wait for it. And now that the Board
has voted on a motion and a specific date that I have to
deliver these packets that overrules everything. So thank
you. I appreciate it.

1 MR. RIVERA: So a motion has been made to have the
2 packets delivered on Monday the week of the meeting by
3 Mr. Herrera and second by Mr. Gonzalez.
4 Motion to Deliver Packets on Monday the week of Meeting made
5 by Anthony Herrera. Second by Loreto Gonzalez.

6 Questions/Comments: None.

7 Roll Call: "All in Favor": All Abstain: None.
8 Opposed: None Motion Carries.

9 MR. RIVERA: Going back to the Past Due Invoice, you do
10 realize that this Past Due Invoice is something that was not
11 paid. It's not something that came up new. And it won't be
12 paid until we approve it. It comes through us.

13 Mr. Gonzalez, do you want me to read each one, put
14 it in the record? Is that what you wanted?

15 MR. GONZALEZ: Well, if all the panel agrees, fine. If
16 not, vote. Like I say I didn't hear no motion on it for me
17 to second it. So really you're saying it to me, Mike,
18 personally. I would like to see other people's opinion too
19 on this.

20 MR. RIVERA: Something has got to be done with it.
21 Either pass it or table it or something. I mean something
22 has to be done.

23 MS. CAULEY: Mr. President, I don't have a problem with
24 passing it. My problem is just to late notice because again
25 if we have questions we don't want to be here all night
26 trying to figure it out.

27 And especially if we don't have representation
28 because a lot of times if Mr. Biller is not here or anyone
29 else we should be able to call the City Controller's Office
30 to get an answer because we're just guessing. And I don't
31 want to guess on something that I've got to approve.

32 So I don't have a problem. I think everyone needs
33 to get paid because they already did a service for us. But
34 again I don't want to keep coming up here trying to figure
35 out at the last minute if we're doing something correct or
36 incorrect.

37 I make a motion to go ahead and pass this for the
38 \$6,270.79. It's not the people's fault. But if I want to

1 ask the Controller, maybe I want to see the actual invoice,
2 I can't even go downstairs and see the invoice because the
3 office is closed.

4 If I had caught Mr. Biller earlier, I could have
5 asked him.

6 MR. DeBONIS: I could have brought those invoices with
7 me.

8 MS. CAULEY: That's not your job, Attorney. Your job is
9 if we have any legal questions.

10 Motion to approve Railroad Management Past Due Invoices made
11 by Tia Cauley. Second by Loreto Gonzalez.

12 Questions/Comments: None.

13 Roll Call: "All in Favor": All Abstain: None.

14 Opposed: None Motion Carries.

15 UNFINISHED BUSINESS: None.

16 PUBLIC COMMENT: None.

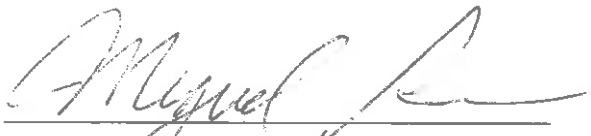
17 * Next Regular Meeting Date: Thursday, August 15,
18 2019 @ 4:30 p.m.

19 Motion to adjourn was made by Tia Cauley. Second by Loreto
20 Gonzalez.

21 * Meeting ended at 5:03 p.m.
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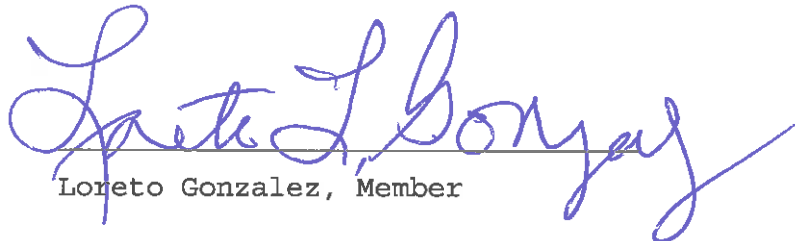
1 Approval of the Meeting Minutes of
2 Thursday, August 1, 2019

3 Approved and Signed _____

4 
5 _____
6 Miguel Rivera, President

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8 _____
9 Anthony Galindo, Vice President

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12 Tia Cauley, Member

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15 Loreto Gonzalez, Member

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18 Alojzy Moricz, Member

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21 Anthony Herrera, Board Secretary

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C E R T I F I C A T E

I, Lisa Pena, a competent and duly qualified court reporter, do hereby certify that I did report in machine shorthand the foregoing proceedings and that my shorthand notes so taken at said time and place were thereafter reduced to typewriting under my personal direction.

I further certify that the foregoing typewritten transcript constitutes minutes of said proceedings taken at said time and place, so ordered to be transcribed.

Dated at Portage, Indiana, this 12th day of August, 2019.

Lisa Pena
Notary Public Porter County
Certified Shorthand Reporter
License Number 084-003483