

CITY OF EAST CHICAGO DEPARTMENT OF WATERWORKS
BOARD OF DIRECTORS

Regular Meeting Minutes
April 19, 2019, at 5:00 p.m.

BOARD MEMBERS:

Henry Ventura, President
Joseph Ochoa, Vice-President
John Bakota, Member
Anthony Askounis, Member
Ray Lopez, Member

STAFF:

Joseph Allegretti
Winna Guzman
Anthony Herrera
Edward Santen
Dr. Abdul Zehraoui

Reported by: Fissinger & Associates, Ltd.
By: Peggy S. LaLonde

Call to Order: 5:00 p.m.

Pledge of Allegiance

Roll Call: Present in Chambers: Joseph Ochoa, John
Bakota, Anthony Askounis
Present via Phone: Ray Lopez

STAFF Present in Chambers: Joseph
Allegretti, Winna Guzman
Present via Phone: Edward Santen,
Dr. Zehraoui

MR. OCHOA: Meeting of the East Chicago
Department of Waterworks Board come to order. Entertain
a motion to approve minutes of April 5, 2021.

MR. BAKOTA: Motion to approve.

MR. ASKOUNIS: Second.

MR. OCHOA: Any comments or questions?

(None)

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

MR. OCHOA: Motion carries.

MR. ALLEGRETTI: Mr. President, I forgot
an item. The statute requires that you have to
acknowledge that we had an Executive Session, which

1 began at 4:30, concerning the subject matter of
2 personnel and litigation. I just want to put that on
the record. Thank you.

3 MR. OCHOA: So noted.
4 WARRANT 041921 WB - \$170,492.06.

5 MR. LOPEZ: Motion to accept.

6 MR. ASKOUNIS: Second.

7 MR. OCHOA: Any comments or questions?
(None)

8 Roll Call: "All in Favor": All Abstain: None
9 Opposed: None

10 MR. OCHOA: Motion carries.
11 WARRANT 041321 WB - \$137,872.65.

12 MR. ASKOUNIS: Motion to accept.

13 MR. LOPEZ: Second.

14 MR. OCHOA: Any comments or questions?
(None)

15 Roll Call: "All in Favor": All Abstain: None
16 Opposed: None

17 MR. OCHOA: Motion carries.
18 WARRANT 041921 WF - \$88,914.00

19 MR. LOPEZ: Motion to approve.

20 MR. BAKOTA: Second.

21 MR. OCHOA: Any comments or questions?
(None)

22 Roll Call: "All in Favor": All Abstain: None
23 Opposed: None

24 MR. OCHOA: Motion carries.
25 WARRANT 041921 CD - \$451.18

MR. ASKOUNIS: Motion to accept.

MR. BAKOTA: Second.

1 MR. OCHOA: Any comments or questions?
(None)

2 Roll Call: "All in Favor": All Abstain: None
3 Opposed: None

4 MR. OCHOA: Motion carries.
PAYROLL WARRANT 041621 - \$38,140.35
5 Dates of 3-27-21 to 4-9-21

6 MR. ASKOUNIS: Motion to accept.

7 MR. BAKOTA: Second.

8 MR. OCHOA: Any comments or questions?
(None)

9 Roll Call: "All in Favor": All Abstain: None
10 Opposed: None

11 MR. OCHOA: Motion carries.
WARRANT 041621 - \$17,637.07 Utility Payroll
12 Dates of 2-27-21 to 3-12-21

13 MR. LOPEZ: Motion to approve.

14 MR. ASKOUNIS: Second.

15 MR. OCHOA: Any comments or questions?
(None)

16 Roll Call: "All in Favor": All Abstain: None
17 Opposed: None

18 MR. OCHOA: Motion carries.
Filtration Report - Dr. Abdul

19 DR. ZEHRAOUI: Mr. President and
20 Commissioners, as you know, every Wednesday we switch
21 the heart of the pump. Each pump work for one week and
we change it. This week when we were changing --
22 switching one pump to the other one, one of the pumps --
the drive has been burnt out, so the other one is
23 working. We are working to fix by Wednesday. This is
in anticipation of what I told the Mayor. We have three
24 pumps. Two are continuous, and I am working also to get
third pump fixed, we always have one for the third pump.
25 This is what we have to report. Thank you.

1 MR. OCHOA: Water Report - Winna Guzman

2 MS. GUZMAN: No report.

3 MR. OCHOA: Distribution Report - Edward
4 Santen.

5 MR. SANTEN: I have no report at this
6 time. Thank you.

7 MR. BAKOTA: Ed -- I want to make a
8 comment -- Ed is leaving us. And, Ed, I wish you the
9 best of luck, and I think you added a lot to the
10 performance of the Water Department while you were here.
11 Good luck to you.

12 MR. SANTEN: Thank you -- Mr. Bakota --
13 thank you. I appreciate the opportunity to help you
14 guys out, everyone.

15 MR. OCHOA: Thank you.

16 MR. ASKOUNIS: Thank you.

17 MR. OCHOA: New business. We have
18 Resolution WD 21-05.

19 MR. BAKOTA: Motion to adopt.

20 MR. ASKOUNIS: Second.

21 MR. OCHOA: Any comments or questions?
22 (None)

23 Roll Call: "All in Favor": All Abstain: None
24 Opposed: None

25 MR. OCHOA: Motion carries.
Rate Sheet - Hessville Plumbing.

MR. BAKOTA: I have some questions on
this rate sheet. I don't understand what it is because
it shows -- it doesn't refer to a certain job. Is that
just for any job?

MR. HERRERA: That's as work is being
done.

MR. BAKOTA: They show material 200 and

1 miscellaneous is restoration of sidewalk and street 350,
2 and total miscellaneous is a thousand.

3 MS. GUZMAN: We can table that, and I can
4 get more information.

5 MR. BAKOTA: I don't know what the other
6 Board members think. You see that?

7 MR. ALLEGRETTI: That's kind of
8 ambiguous. He's under contract right now for the work
9 he's doing until we consume or run out of money from the
10 SRF fund financing for the most part of the lead service
11 line replacement project. And for any additional work
12 he does, he works on a fixed -- you know -- we use a
13 competitive process to select whoever the contractor is
14 and we pay him under that contract. So this is kind of
15 out in left field. So I think it's a good idea, Winna,
16 to table it.

17 MR. BAKOTA: Because it doesn't show
18 materials, square cubic yards or anything.

19 MR. ALLEGRETTI: Not itemized.

20 MS. GUZMAN: Joe, this is not working
21 under the SRF. They are not performing any work --

22 MR. ALLEGRETTI: I'm corrected, thank
23 you.

24 MR. BAKOTA: I make a motion we table
25 this for further discussion and they need to be more
specific on it.

MR. ASKOUNIS: Second.

MR. OCHOA: Any comments or questions?

(None)

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

MR. OCHOA: Motion carries. This issue
has been been tabled for today.

Next is Agreement - Devine
Landscaping.

DR. ZEHRAOUI: This is agreement for

1 grass cutting for the season.

2 MR. OCHOA: Do I have a motion?

3 MR. ASKOUNIS: Motion to accept.

4 MR. BAKOTA: Second.

5 MR. OCHOA: Any comments or questions?

(None)

6

Roll Call: "All in Favor": All Abstain: None
7 Opposed: None

8 MR. OCHOA: Motion carries.

9 Next proposal is Altofer Cat, in the
amount of \$8,471.50.

10 DR. ZEHRAOUI: Every month we do this, to
11 check generator in case we have power outage. So that
generator is working fine. The generator, normally it
12 has to be set for each outage for its maximum capacity
and they will do it. So if there is an issue, it will
13 be shown at that time. So we rely on the generator,
that is very important for us.

14 MR. OCHOA: And it's a total cost of
\$8,472.55?

15

DR. ZEHRAOUI: Yes, sir.

16

MR. OCHOA: Do I have a motion?

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MR. LOPEZ: Motion to approve.

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MR. ASKOUNIS: Second.

19

MR. OCHOA: Any comments or questions?

20 (None)

21 Roll Call: "All in Favor": All Abstain: None
Opposed: None

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MR. OCHOA: Motion carries.

23 Past due accounts. First one is two
invoices from Core & Main, Water Department, for a total
24 of \$7,471.50. Department first received invoice in
April 2021.

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1 MR. BAKOTA: Motion to approve.

2 MR. ASKOUNIS: Second.

3 MR. OCHOA: Any comments or questions?

(None)

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

5 Opposed: None

6

MR. OCHOA: Motion carries.

7 Next, Nipsco, Filtration, amount of
\$2,910.97. Reason for delinquency, sent to me but I
8 didn't pay the correct amount on here. Do I have a
motion?

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MR. LOPEZ: Motion to approve.

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MR. ASKOUNIS: Second.

11

MR. OCHOA: Any comments or questions?

(None)

12

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

13 Opposed: None

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MR. OCHOA: Motion carries.

15 Unifirst, amount of \$671.98.
Invoices were in dispute and were received in April, two
16 invoices. Do I have a motion?

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MR. ASKOUNIS: Motion to accept.

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MR. BAKOTA: Second.

18

MR. OCHOA: Any comments or questions?

19 (None)

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

21 Opposed: None

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MR. OCHOA: Motion carries.

22 Legal Counsel, Mr. Allegretti.

23

MR. ALLEGRETTI: No report.

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MR. OCHOA: Financial report, Mr. Biller.

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MR. HERRERA: The report for March is in

1 the packet. If you have any questions, let me know.

2 MR. OCHOA: Unfinished Business.

3 MR. ALLEGRETTI: Mr. President, during
4 public expression at the last two meetings, a customer
5 had fundamentally petitioned the Board for some relief,
6 specifically disputing a repair charge for disconnecting
7 the meter bypass. I know that the customer -- the
8 current customer -- is LalyLand. I think the name is
9 Cervantes. And Mr. Lopez is also in the audience. And
10 Winna Guzman is here in the boardroom also.

11 I think a critical fact was not
12 pointed out to the Board during those discussions. I
13 think that the meter shutoff occurred on the 13th, at
14 which time Mickey Lopez -- Mr. Lopez -- was the
15 customer. The new customer came in and settled up with
16 the Water Utility and paid the \$1700 connection repair
17 fee for disassembling the meter bypass. However, the
18 records of the utility indicate that they weren't in
19 place as the customer until the 30th.

20 Miss Guzman, is that a correct
21 statement?

22 The cutoff notices at the time,
23 leading up to the cutoff on the 18th, were sent to the
24 customer at the time, Mr. Lopez.

25 MS. GUZMAN: Correct.

MR. ALLEGRETTI: At that time, since the
Cervantes or LalyLand were not the customer, they
weren't entitled to any notice. And Mr. Lopez came and
said on numerous occasions, on the record here, as
indicated by the stenographer's minutes, that he had no
intention of paying for the charge incurred by Calumet
Plumbing.

So, I think based on those facts,
the Cervantes, the folks at LalyLand, had no standing to
complain about the cutoff, since they weren't the
customer at the time of the shutoff notice.

I think it's appropriate at this
time for someone on the Board to move to deny the
request for relief from the customer, the current
customer, LalyLand and the Cervantes, and also the claim

1 for relief from Mr. Lopez, since he was given multiple
2 advance warnings of the imminent shutoff and ignored
3 them. So the shutoff under those circumstances was
4 entirely appropriate. The Board bears no responsibility
5 for any resulting damages. And I think the matter
6 should be resolved at this stage of the game, subject to
7 a motion from a Board member. And Miss Guzman is here
8 to answer any further questions.

5

MR. OCHOA: So do I have that motion?

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MR. LOPEZ: Motion to approve the
7 recommendations by Attorney Allegretti.

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MR. BAKOTA: Second.

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

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MR. OCHOA: Motion carries.

11

Any public comment?

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MR. MICKEY LOPEZ: Mickey Lopez. Look --
13 I refused to pay because I didn't put the bypass in.
14 Anybody can check and see how long that meter was in
15 that building or the bypass was in there. It wasn't put
16 in when I occupied it. My kids bought the building.
17 They had it inspected by the Water Department. They
18 came and took a meter reading. If I knew there was a
19 bypass I would have taken it out, or the City should
20 have notified me. When we went to the bank, the bank
21 came and inspected the building.

17

I'm not trying to steal 13, \$15
18 worth of water. I pay a lot of water underneath the
19 bridge. I mean I am found guilty of something I am not
20 guilty of. That's what kind of tees me off. Who -- has
21 anybody done any discovery?

20

MR. LOPEZ: Point of order. We have
21 already voted. It's a dead subject for us now. It's
22 already been settled.

22

MR. OCHOA: Any further public comments?

23

MR. CERVANTES: I think you guys voted on
24 the matter, so there is nothing I could say or do that
25 would change anything, other than taking this to court.
We couldn't change the service over because we closed on

25

1 the building on the 8th. We went on the 17th to switch
2 the service over and we were denied that. And that was
3 closed on the 18th. Now our damages is not stem -- like
4 the lawyer says -- that's not stemmed from the bypass.
5 That has nothing do with the bypass -- my damages --
6 because the water was shut off while we were in service
7 and we were not notified, that was my issue. Because
8 the machines are under our name and we have a lease in
9 place that we were buying. So even before we purchased
10 the property we have a lease, that it was a rent to own
11 or -- you know -- was contract to buy the business.

12 MR. OCHOA: When did you settle on this
13 property?

14 MR. CERVANTES: On March 8th.

15 MR. BAKOTA: You know -- excuse me -- you
16 said you are taking us to court?

17 MR. CERVANTES: No, that seems like the
18 only way I would be able to get anything because you
19 guys just voted on it. The information that the lawyer
20 just said, this bypass, that's not my issue. My issue
21 is the damage to the machine, and I specifically stated
22 that at the last meeting. My issue is the damage to the
23 machine that was caused because it was shut off during
24 business hours without notification. They never came
25 and knocked on the door and said they were shutting it
off. And there was a specific conversation had with
Miss Winna Guzman and my mother where she told my
mother, I'll call you and let you know when the water
will be shut off. I wasn't even allowed to tell my
customers. Hey, let me go ahead and let your cycle
finish or -- you know -- do what I have to do
professionally.

26 So, you guys just voted on it,
27 right? You guys said no. What is the point of me
28 coming up and talking to you or saying anything if you
29 guys voted on it before I got to speak.

30 MR. BAKOTA: You made a statement at the
31 last meeting, that's what we are going on.

32 MR. CERVANTES: Right -- right.

33 MR. BAKOTA: It's the same.

34

1 MR. CERVANTES: The fact that he just
2 said something that was not -- that has to do with the
3 bypass and has to do with Mr. Lopez and the Water
4 Department. And he just said that we couldn't do
5 anything or that we have no recourse of filing a
6 complaint or getting some type of relief because the
7 water was not in our name. Well, when we got turned
8 away, the very next day it was shut off.

9 MR. OCHOA: That would be your only
10 relief is to take it to court. Okay.

11 MR. CERVANTES: That's what I wanted to
12 confirm. So thank you for confirming that. You guys
13 have a good night.

14 MR. OCHOA: Any further public comment?
15 (None)

16 Next meeting is May 3, 2021, at
17 5:00 p.m., at East Chicago Council Chambers, City Hall.
18 Do I have a motion for adjournment?

19 MR. BAKOTA: Motion to adjourn.

20 MR. ASKOUNIS: Second.

21 Roll Call: "All in Favor": All Abstain: None
22 Opposed: None

23 MR. OCHOA: Motion carries. Meeting
24 adjourned. Thank you very much.


25 ***** Meeting adjourned *****

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Approval of the Meeting Minutes of
April 19, 2021


Approved and signed _____


Henry Ventura, President


Joseph Ochoa, Vice President


John Bakota, Member


Anthony Askounis, Member


Ray Lopez, Member


Anthony Herrera, Secretary

C E R T I F I C A T E

I, Peggy S. LaLonde, 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 the said proceedings taken at said time and place, so ordered to be transcribed.

Dated at Munster, Indiana, this 23rd day of April, 2021.

Peggy S. LaLonde

Peggy S. LaLonde, CSR, RPR



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