

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
MINUTES OF THE UTILITY BOARD**

**August 15, 2023**

**Public Meeting Advertised for 6:30 PM  
Conducted at the Cedar Lake Town Hall  
Pledge of Allegiance & Moment of Silence**



**Roll Call:**

Present	Robert H. Carnahan	Ward 1	Present	John Foreman	At Large
	Board Member			Board Member	
Present	Julie Rivera	Ward 2	Present	Richard Sharpe	At Large
	Board Member			Board Vice-President	
Present	Nick Recupito	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM	
	Board President			Clerk-Treasurer	
Present	Ralph Miller	Ward 4	Absent*	Chris Salatas	
	Board Member			Town Manager	
Present	Colleen Schieben	Ward 5	Present	David Austgen	
	Board Member			Town Attorney	

*\*Margaret Abernathy, Administrative Assistant to the Town Manager, was present.*

**NEW BUSINESS**

**1. Approval of Minutes – July 18, 2023**

A motion to accept and waive the reading of the minutes was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes, Recupito – Yes. Vote 7 – 0.

**2. NIES Pay Request No. 8 for the West Side Sanitary Sewer Interceptor, Project 1, payable to LGS Plumbing, Inc. in the amount of \$397,044.44**

Mr. Simstad reported this is Pay Request No. 8 for LGS Plumbing for the West Side Sanitary Sewer Interceptor Project 1. This is a routine pay request for the last month. This was three runs of sanitary sewer. It is in the amount of \$397,044.44. Mr. Carnahan asked what he meant by runs. Mr. Simstad stated that is from one manhole to the next one. Mr. Carnahan asked where that was located. Mr. Simstad stated on 159<sup>th</sup> on the north side, west upstream. Discussion continued on the location of the project.

A motion to approve the pay request was made by Ralph Miller with second by Colleen Scheiben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes, Recupito – Yes. Vote 7 – 0.

**3. Wessler Task Order 15 – Evaluation of WWTP Service Area and Flow Projections with a Lump Sum Fee of \$11,500 split 50/50 with the amount of \$5,750**

Mr. Simstad stated this was a topic at JMOB. It is to look at future potential service area and needs. This is for the service areas between Lowell and Cedar Lake. That assessment is to be performed by Wessler. Nies Engineering will coordinate their data with them to assist in the work for accurate projections. Mr. Carnahan stated Wessler is their engineer. Mr. Simstad stated it is the engineer for the JMOB. They do work for Lowell but they work for the JMOB as well. Mr. Simstad stated they reviewed and everything is in order. Mr. Recupito stated this would be to approve the amount of \$5,750.

A motion to approve was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes, Recupito – Yes. Vote 7 – 0.

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4. **Future Water Capacity Needs Planning Discussion** – No update from the Town Manager. Mr. Simstad stated Chris has been working diligently with staff and the outside consultants regarding the future planning needs.
5. **Written Report**
  - a. **Fund Report** - Clerk Treasurer Sandberg reported the cash and expenditure reports were emailed out last week. She stated they are still going through the budget for 2024 and State Board of Accounts has arrived.
6. **Consultant(s) & Staff Report(s)**
  - a. **Engineer - NIES**
    - i. **Sanitary Update** – Mr. Simstad stated design is complete and so is the IDEM permit for Project 2. They are coordinating with staff on final acquisition of easements and will proceed immediately after that. They are working on options and analysis for Project 3. He is working on that with Chris and staff on how they get from the end of project 2 to the beginning of project 4 with the project 3 routing. He estimates review will occur in the next few weeks. Mr. Carnahan asked about the water line from the Lighthouse well that goes across Morse. He asked if anything else needs to be done. Mr. Simstad stated in terms of below ground, no, but above ground, yes. Mr. Carnahan stated he finds it unacceptable that it has not been repaired. He stated he gets so many complaints about it. Mr. Simstad stated the contractor is working on a punch list. They have been out this week and are diligently working on that. They have a punch list, retainage, and he stated he has no doubt they will complete the list in a timely manner. He stated restoration is the most challenging but they are working to get it completed. Mr. Foreman asked about the logo on the water tower. He asked where they are with the water tower. Mr. Simstad stated they have a staff level meeting this week with the contractor. They are on schedule and will be back out there in the next few weeks to complete the site work, parking area, curbing, and to begin restoration and disinfection and testing of the tower. Mr. Foreman asked about an in-service date. Mr. Simstad stated the original date was in September but the contractor had some permitting issues. That has been rectified and the in-service date is estimated to be sometime in October. Mr. Foreman asked about the areas being serviced having more pressure. Mr. Simstad stated they will have the same pressure but more volume. Ultimately, they need to connect the east and the west side systems. The interconnect will run somewhere on the north side of Town. The pressure will remain the same but there will be more volume which benefits in terms of capacity and firefighting protection. Mr. Carnahan stated he drove in the area and he has not seen anyone working. Mr. Simstad stated that gets back to the permitting issue. A brief discussion continued on the project. Mr. Recapito discussed asking H&G to put down some cold patch in the interim. Mr. Simstad stated he would have the conversation with them.
    - ii. **Water update** - Projects are proceeding as discussed.
  - b. **Director of Operations/Superintendent**
    - iii. **Operation & Maintenance Report** – Mr. Kubiak reported they did just get the line pressurized last week. Once the pressure test is complete with the Town then they will be able to finish the asphalt. They cannot pave a new road until they get it all tested.

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Chief Wilkening asked if he would ask the engineer a question. He stated he is fielded calls from Utopia residents asking how hydrants in backyards would be accessed. Chief Wilkening stated he was under the impression that hydrants would eventually be extended to the roadway. He stated he did not know the system would be there permanently. He stated they also voiced concerned regarding flushing hydrants and potential yard damage. Chief Wilkening asked why this was done and how will they access the hydrants in the winter. Mr. Simstad reported there are IDEM requirements that they must have the hydrants every 350 feet, regardless of access. He stated what they have done is add additional hydrants from what there was before. There are hydrants in locations that are less than ideal but they were required to be there by IDEM standards. He stated everywhere in that subdivision, they have met that requirement. Chief Wilkening stated that does not answer his question. Mr. Simstad stated he understands and they had that discussion with IDEM. Chief Wilkening continued to voice his concerns. Mr. Simstad stated there are locations where they discussed with IDEM on being the required spacing but not necessarily making sense, however, they were required to put them in. Mr. Foreman asked how many there were. Mr. Simstad stated he believed there were 25 to 27 on the whole project. He is not sure how many are in the rear yards at this time. Mr. Recupito asked what could have been an alternative. Mr. Simstad stated not based on the requirements of the permit. Mr. Carnahan asked why they could not have been put in the front. Mr. Simstad stated that would have required the necessity of moving all of the watermains from the rear yards from where they currently stand and the services from where they currently sit into the front yards. That would require approximately 75 easements along the front yards and removing approximately 100 trees. Mr. Foreman asked if they are in easements today. Mr. Simstad stated they are. That is the way the subdivision was designed originally through each unit.

**c. Town Attorney – No report.**

- 7. JMOB Report** – Mrs. Abernathy stated the JMOB report came in this afternoon and will be sent out tomorrow. Mr. Sharpe stated no meeting has been scheduled yet.

**PUBLIC COMMENT**

Robert Groszek, 14055 Deodor St, asked what capacity is the Lowell plant currently at. Mr. Recupito stated he does not have the answer. He stated he knows it has been discussed. Mr. Groszek stated he saw documents from 2022 but there has been a lot growth. Mr. Carnahan stated he was last verbally told 75%. Mr. Groszek stated the document he saw stated 95%. Mr. Carnahan stated if it was at 90%, they would have been issued an order by IDEM. They have not been issued one. Mr. Simstad stated the most recent data, based on the rating of the plant being 4 million gallons per day, they are right around 3.2 million gallons a day on average throughout the year. Additionally, above and beyond the IDEM rating at 4 million gallons, they have an actiflo system. That is a secondary wet weather equivalent that gives an additional 1.5 million gallons per day. They have seen an increase from 2008 to 2022, from about 4200 units to 7800 units in Town. The additional capacity between both communities has gone from 2.9 to about 3.2-3.3. He thinks that is more reflective of the fact that new homes and new developments are newer pipe, gasketed joints, and manholes are sealed. The unit of volume per customer has gone down about 30% from 2008 to 2022. He stated that is in part due to the project done by Cedar Lake where the east side interceptor was rehabbed with Insituform. That was the lining of the area that saw peak capacity of 2 million gallons per day, tributary to Lift Station #3, decrease to about 1 million per

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day during a similar rain event. Mr. Simstad stated that does not necessarily impact the average daily flow but dropping peak flows by almost 50% for a reasonable amount of investment was significant. Mr. Groszek asked if there were still combined sewers. Mr. Simstad stated no, not in this Town. Lowell is a CSO community. He knows they are working towards mitigating and reducing those CSO's. He stated when you look at the differential in customers, which is approximately 47% to 50% higher for Cedar Lake, the difference in flow is about 51% to 49%. Even though you have significantly higher users in terms of numbers, the volume is only incrementally higher. Mr. Groszek discussed the last Council meeting and Schilling Development's plans on the east side of Town. He asked how that would affect the future. Mr. Simstad stated they have analyzed that and there is capacity on the east side interceptor which is part of the reduction found as part of the rehabilitation done in 2021. The permitting of the volume has not changed. The actual usage of the volume from 2008 to 2022, you tend to see a much lower usage per unit home with a newer home versus something that may have been built in the 1970s or 1980s. Mr. Simstad discussed the low flow plumbing and tighter collection systems. A brief discussion continued on water usage versus sanitary sewer. Mr. Recupito added that the Wessler agreement ties into giving more information on the wastewater treatment plant as far as needs and capacity. Mr. Simstad stated the agreement is related to where the two towns realistically see growth going. They do have additional task orders that have been reviewed and are looking at ways to improve not only the hydraulics but the biologics of the plant. Mr. Carnahan briefly discussed the Insituform rehab.

Jeff Biel, 10240 W 134<sup>th</sup> Ave, discussed the Fire Chief's concerns with the hydrants. Mr. Biel asked about the waterline. He asked who approved the plans. Mr. Recupito stated that was before his time and it was a requirement for them to be in every 350 feet. Mr. Biel continued to voice concerns. Mr. Foreman stated it is better to have it then not. He discussed the Hanover Central Middle School campus and the hydrants there. Mr. Biel continued to discuss planning. Mr. Kubiak stated the problem is they reserviced an existing subdivision. The old water lines were in the rear. All of the water lines that come from the houses go to the rear where the water lines are. He stated they have to make the best when revamping. He stated they would have had to completely reservice every house in order to move them to the front. That would have meant ripping up the backyard to remove the old and rip up the front to put in the new. The rule is every 350 feet. Some of them look like they are in a crazy spot but if there was a fire it is there. He stated it was a very challenging project to get all of that in and all of the houses hooked up to the new line the way it is. Discussion continued on the Utopia project.

Rob Burnett, 13466 Drummond St, stated there are issues with Gatlin again. He voiced concerns with the dirt spread in his yard. He stated there were large stones, glass, and shards of metal. He stated there are several yards he has to go through before he can spread it. He voiced concerns with the hydrants and the water mains in the rear yards.

Deborah Burnett, 13466 Drummond St, voiced concerns with Gatlin Plumbing and what was spread in her yard. She voiced concerns for pets and children. She asked who would be held liable when a child gets hurt. Mr. Simstad stated the contractor is here and the items are on the punch list. Mr. Recupito stated he saw this first hand and it is unacceptable. Mrs. Burnett stated they are not the only ones with the issue. She stated the concern is the safety of the children. She continued to voice concerns with the work done. She stated she was upset with the Council for awarding another contract to Gatlin.

Mr. Recupito invited Mr. Murphy from Gatlin Plumbing to speak. Mr. Murphy stated they will haul off the dirt. He stated they grabbed it from their yard. He will speak with his driver about it. He stated he was unable to get black dirt from his regular source. He stated he told his guys they would not get anything else from their yard. Mrs. Schieben voiced concerns with the dirt. Mr. Murphy stated he does not know how that got in there. They would not do that on purpose. Mrs. Schieben asked how soon they can clean it up. Mr. Burnett stated he would rather Gatlin not come on his yard. He asked about hiring a landscaping company. Mr. Recupito asked if Neil could get with them to make it right. Mr. Simstad stated they have and they will continue to.

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Discussion continued on the list and observing the punch list to be completed. Mr. Austgen asked if there was a spec in the bid award of the construction contract of the fill material that is to be used. Mr. Simstad stated yes there is. Mr. Austgen asked if what he sees here meet that spec. Mr. Simstad stated he does not see that but based on the description from everyone, absolutely not. Mr. Austgen asked Mr. Simstad if he considered Gatlin to be in default of the contract as a consequence of that. Mr. Simstad stated regarding the restoration, possibly. Mr. Austgen discussed issuing a notice of default to Gatlin and commencing with those proceedings. Mr. Recupito stated okay. Mr. Simstad stated he would coordinate with Dave. Mrs. Burnett asked about an answer to her question on liability and if a child would get injured. Mr. Austgen stated that is part of the issue with Gatlin. He stated Gatlin is responsible.

**ADJOURNMENT** President Recupito adjourned the meeting at approximately 7:12 PM.

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Nick Recupito

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Richard Sharpe

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John C. Foreman

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Robert Carnahan

\_\_\_\_\_  
Julie Rivera

\_\_\_\_\_  
Ralph Miller

ATTEST:

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Colleen Schieben

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Jennifer N. Sandberg, IAMC, CMC, CPFIM  
Clerk-Treasurer

The Minutes of the Cedar Lake Utility Board are transcribed pursuant to IC 5-14-1.5-4(b), which states:

- (b) As the meeting progresses, the following memoranda shall be kept:
- (1) The date, time, and place of the meeting.
  - (2) The members of the governing body recorded as either present or absent.
  - (3) The general substance of all matters proposed, discussed, or decided.
  - (4) A record of all votes taken by individual members if there is a roll call.
  - (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.