

WESTVILLE TOWN COUNCIL  
JUNE 12, 2022  
100 SETSER DRIVE  
7:00 P.M.

AGENDA

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF CLAIMS

UTILITIES

MCO REPORT

CROSS CONNECTION ORDINANCE 2022-1, (APPROVED AT MAY MEETING)

BAKER-TILLY AGREEMENT

STREETS

DEPARTMENT HEAD REPORT

PARKS

POLICE

DEPARTMENT HEAD REPORT

FINANCE

MISCELLANEOUS

WVFD ACTIVITY REPORT

CITIZENS COMMENTS

ANY OTHER MATTERS WHICH PROPERLY COME BEFORE THE COUNCIL

ADJOURNMENT

# WESTVILLE TOWN COUNCIL

JUNE 12, 2022  
MINUTES OF MEETING

The regular meeting of the Westville Town Council was held at the Westville Town Complex Community Room, 100 Setser Drive at 7:00 p.m. Present: Michael Albert, James Bechinske, Olga Pothorski, Deborah Kelly, Nate Burnett, Lori Mercer, Clerk-Treasurer; Town Attorney, Doug Biege.

A motion was made by James Bechinske to approve minutes of the May, 2022 meeting. Deborah Kelly, second. Roll Call: Pothorski, yes; Bechinske, yes; Kelly, yes; Burnett, yes; Albert, yes.

A motion was made by Michael Albert to approve claims for the month of May, 2022. Olga Pothorski, second. Roll Call: Pothorski, yes; Bechinske, yes; Kelly, yes; Burnett, yes; Albert, yes.

## UTILITIES

Michael Albert gave a brief summary of the MCO report for the month of May in Nathan Howell's absence. It is attached.

Michael Albert reported he contacted Congressman Frank Mrvan regarding the PRP settlement. Congressman Mrvan's office contacted the EPA and it appears that things may be moving a little faster now.

Michael Albert also reported that a meeting was held with a grant administrator to possibly apply for an OCRA grant for sewage lines on the west side of town. He stated that we will be televising the lines to see what all will need to be done and will probably know more at the July or August meeting.

Michael Albert read Ordinance 2022-2, Cross Connection Control by title only, which was approved at the May meeting. Michael Albert made a motion to adopt Ordinance 2022-2. Deborah Kelly, second. Roll Call: Pothorski, yes; Bechinske, yes; Kelly, yes; Burnett, yes; Albert, yes.

Michael Albert made a motion to enter into contract with Baker Tilly in regards to the water rate reduction due to the Utility Revenue Tax repeal that the state enacted. James Bechinske, second. Lori Mercer stated that since we are a non-regulated utility, we do not have to follow the July 1, 2022 deadline. Roll Call: Pothorski, yes; Bechinske, yes; Kelly, yes; Burnett, yes; Albert, yes.

James Bechinske asked if the water leak at E. Valparaiso and Flynn Rd. would be fixed soon. Michael Albert stated that he will check with Nathan Howell on this.

## STREETS

There was nothing to report in streets.

## PARKS

There was nothing to report in Parks.

*Handwritten signature*

*Handwritten initials: JB, JK, NB, OM*

## **POLICE DEPARTMENT**

Marshal Hynek reported the monthly stats.

Marshal Hynek reported that they have gotten their vehicles and are waiting on the consoles. He also reported that the 2014 Explorer is being stripped down to be turned in to Chrysler. He also reported that they had a great turn-out for their K-9 program at the Market on Main. He stated that he also spoke at the Birchfield Memorial. Marshal Hynek also reported that in the last 10 years the PD has hired 9 full-time employees which is approximately 1 per year through expansion and re-hiring. Once a year he will be conducting a testing to compile a list in case there is an opening and they are not playing catch up with (inaudible). He stated that he has also tasked Chief Deputy Walker and Deputy Cashman with initiating a full wellness program, including mental, physical, and emotional health. They will be working with the Health Care Foundation to get some funding for this, so it won't be anything that they have to do, just making sure the guys keep themselves physically and mentally healthy so they are fit to do their jobs.

## **FINANCE**

There was nothing to report in Finance.

## **MISCELLANEOUS**

The WVFD reported the monthly stats. They are attached.

David Funkhouser stated that they are not filling pools due to the cost of fuel at this time.

Dave stated that he asked Nathan for an updated map of hydrant locations in the town to get flow readings on them so they know what the pressure is on each one.

David also asked for a copy of the town's burning ordinance. Nate Hynek stated that he would get that to him.

## **CITIZENS COMMENTS**

Kelly Devanathan was in attendance to discuss a subdivision that she is interested in putting in Westville. The location is on US Hwy 6 just inside town limits. She gave a brief summary of the type of subdivision that would be going in at that location. Town Attorney Doug beige advised her that she would need to go through the Planning Commission first then to the Council. He stated that he would provide her with more information on this and the procedures that she will need to follow.

## **ANY OTHER MATTERS THAT COME BEFORE THE COUNCIL**

A motion to adjourn was made by Michael Albert at 7:23 PM. Olga Pothorski, second. Motion carried.

I, Lori Mercer, attest that these minutes are true and accurate.

Lori Mercer

OP



**Town of Westville**  
**May 2022 Monthly Report of Operations**  
**Prepared By: Nathan Howell**  
**June 14, 2022**

**Water**

1. GIS – Not much progress has been made since last month.
2. The small tower demolition – We contacted Isler; they will be sending an updated proposal.
3. IDEM completed the sanitary survey for the water system. We are in the process of revising the Site Sampling Plan for the Town. We submitted part of it.
4. The Surf Air fiber optic project is still in construction.
5. The hydrants on Coulter Road and Lowman Lane were repaired by Adam and Brett.
6. We have had discussions with Reith Riley regarding the water main project and installing about 300 feet of line to eliminate a potential problem at Main Street and Highway 2. We have not had a response since our last discussion.

**Wastewater**

1. The Nash Finch Lift Station still needs a flow meter installed. We have had Bowen on site to look at it and determine a price to do the work. We will also have them install a concrete slab to install a generator. We think we may have a solution for the flow meter installation. We had MB controls look at a problem with the controls – They are ordering the parts.
2. The Westville Estates pump station is deteriorating rapidly. We have spoken with McMahon and Superior Pumping to renovate the station. We are considering installing the used system from the old WWTP.
3. The WWTP improvements are really beginning to move. Following is the progress that has been made:
  - The lift station at WCC is about 80% complete with most of the building construction complete.
  - The force main is 99% complete. There are a few punch list items to address.
  - At the Wastewater Plant, the solids building is 80% complete. The sludge press has been started up; however, we ran into a problem with Republic regarding the waste disposal. The new price is \$50/ton, and they want a maximum weight of 15 tons.
  - Dewatering for the site continues. Excavation for the ditch is progressing.
  - Construction will begin very soon on the new headworks building, and the clarifier.

**RE: Municipal Water Utility – Rate Reduction Calculation for Repeal of URT**  
**DATE: May 9, 2022**

This Scope Appendix is attached by reference to the above-named engagement letter (the “Engagement Letter”) between the Town of Westville (the “Client”) and Baker Tilly US, LLP and relates to services to be provided by Baker Tilly Municipal Advisors, LLC.

**SCOPE OF WORK**

Baker Tilly Municipal Advisors, LLC (“BTMA”) will perform the following services necessary to prepare the calculations required to request the approval of a rate reduction to reflect the decreased expense experienced by the Client as a result of the repeal of the Utility Receipts Tax (“URT”) pursuant to HEA 1002. The Client agrees that the data necessary to make the required calculations will be provided to BTMA via traditional or electronic mail.

**A. URT Rate Reduction Calculations (Consulting Services)**

1. Obtain from the Client URT paid and the approved revenue requirements from the last rate case.
2. Determine the expense reduction due to the elimination of the URT.
3. Determine the rate reduction required based on the reduced expense.
4. Provide the Client with the revised rates and charges for inclusion in the proposed resolutions and ordinances.
5. Provide updated billing charts upon request.

Compensation and Invoicing

BTMA’s fees for services set forth in the Scope Appendix will be billed at BTMA’s standard billing rates based upon the actual time and expenses incurred and will not exceed Five Thousand Dollars (\$5,000) without further authorization from the Client.

Standard Hourly Rates by Job Classification  
9/1/2021

Partners / Principals / Directors	\$320.00	to	\$525.00
Senior Managers / Managers	\$205.00	to	\$315.00
Senior Consultants / Senior Financial Analysts	\$165.00	to	\$200.00
Consultants / Financial Analysts	\$140.00	to	\$160.00
Support Personnel	\$100.00	to	\$150.00
Interns			\$110.00

- *Billing rates are subject to change periodically due to changing requirements and economic conditions. Actual fees will be based upon experience of the staff assigned and the complexity of the engagement.*

**SCOPE APPENDIX to  
Engagement Letter dated: November 3, 2020  
Between Town of Westville and  
Baker Tilly US, LLP**

The above fees shall include all expenses incurred by BTMA with the exception of expenses incurred for mileage which will be billed on a separate line item. No such expenses will be incurred without the prior authorization of the Client. The fees do not include the charges of other entities such as rating agencies, bond and official statement printers, couriers, newspapers, bond insurance companies, bond counsel and local counsel, and electronic bidding services, including Parity®. Coordination of the printing and distribution of Official Statements or any other Offering Document are to be reimbursed by the Client based upon the time and expense for such services.

Billing Procedures

Normally, you will receive a monthly statement showing fees and costs incurred in the prior month. Occasionally, we may bill on a less frequent basis if the time involved in the prior month was minimal or if arrangements are made for the payment of fees from bond proceeds. The account balance is due and payable on receipt of the statement.

Nonattest Services

As part of this engagement, we will perform certain nonattest services. For purposes of the Engagement Letter and this Scope Appendix, nonattest services include services that the *Government Auditing Standards* refers to as nonaudit services.

We will not perform any management functions or make management decisions on your behalf with respect to any nonattest services we provide.

In connection with our performance of any nonattest services, you agree that you will:

- > Continue to make all management decisions and perform all management functions, including approving all journal entries and general ledger classifications when they are submitted to you.
- > Designate an employee with suitable skill, knowledge, and/or experience, preferably within senior management, to oversee the services we perform.
- > Evaluate the adequacy and results of the nonattest services we perform.
- > Accept responsibility for the results of our nonattest services.
- > Establish and maintain internal controls, including monitoring ongoing activities related to the nonattest function.

Conflicts of Interest

Attachment A to the Engagement Letter contains important disclosure information that is applicable to this Scope Appendix.

We are unaware of any additional conflicts of interest related to this Scope Appendix that exist at this time.

Termination

This Scope Appendix will terminate according to the terms of the Engagement Letter.

**SCOPE APPENDIX to  
Engagement Letter dated: November 3, 2020  
Between Town of Westville and  
Baker Tilly US, LLP**

If this Scope Appendix is acceptable, please sign below and return one copy to us for our files. We look forward to working with you on this important project.

Sincerely,

*Jeffrey P. Rowe*

Jeffrey P. Rowe, Partner

**Signature Section:**

The services and terms as set forth in this Scope Appendix are agreed to on behalf of the Client by:

Name: *Michael Alhuf*

Title: *Town Council President*

Date: *June 14, 2022*

## Town of Westville Ordinance for Cross Connection Control

ORDINANCE NO. 2022-2

TO PROVIDE A PROGRAM FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM

**WHEREAS** 675 Indiana Administrative Code, Article 16, Rule 1.4, of the Indiana Plumbing Code, as adopted by the Indiana Fire Prevention and Building Safety Commission, requires protection of the public water supply from contaminants due to backflow through connections to fire protection and standpipe systems; and,

**WHEREAS** the Indiana Department of Environmental Management authorizes the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems;

**NOW, THEREFORE, BE IT ORDAINED** by the Town of Westville Town Council of the Town of Westville of the State of Indiana:

**SECTION 1.** That a cross-connection shall be defined as any physical connection or arrangement between two (2) otherwise separate systems, one which contains potable water from the Town of Westville water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

**SECTION 2.** That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from private, auxiliary, or emergency water supply other than the regular public water supply of the Town of Westville may enter the supply or distribution system of said municipality unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Town of Westville Water Utility Office and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.

**SECTION 3.** That shall be the duty of the Town of Westville to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Town of Westville.



**SECTION 4.** That upon presentation of credentials, the representative of the Town of Westville shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of the Town of Westville for cross-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be evidence of the presence of cross-connections.

**SECTION 5.** That the Town of Westville is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.

**SECTION 6.** That, if it is deemed by the Town of Westville that a cross-connection or an emergency endangers public health, safety, or welfare and required immediate action, and a written finding to that effect is filed with the clerk of the Town of Westville and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within Ten (10) days of such emergency discontinuance.

**SECTION 7.** That all consumers using toxic or hazardous liquids, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced pressure principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

**SECTION 8.** The reduced pressure principle backflow preventers shall not be installed below ground level.

**SECTION 9.** That is ordinance does not supersede the Indiana Plumbing Code, the IDEM Rule 327 IAC 8-10.

**SECTION 10.** In addition to IDEM Rule 327 IAC 8-10-4©, the following customer facilities need a backflow prevention device:

**SECTION 11.** That if, in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system; the Superintendent of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Superintendent of Water and in accordance with the IDEM Rule 327 IAC 8-10.

**SECTION 12.** This ordinance shall become effective Ten (10) days after adoption on second reading, the welfare of the Town of Westville requiring it.

WESTVILLE TOWN COUNCIL

BY: Michael Albert  
Nathan R...  
...  
James ...  
Reginald Horecki

ATTEST:

Lori Mercer  
Lori Mercer, Clerk-Treasurer of the Town of Westville, Indiana

**FRANK J. MRVAN**

1ST DISTRICT, INDIANA

1607 LONGWORTH  
WASHINGTON, DC 20515-0007  
(202) 225-2461

7895 BROADWAY, SUITE A  
MERRILLVILLE, IN 46410  
(219) 795-1844

<http://mrvan.house.gov>



**Congress of the United States**  
**House of Representatives**

COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEES:  
CHAIRMAN - TECHNOLOGY MODERNIZATION  
HEALTH

EDUCATION AND LABOR COMMITTEE  
SUBCOMMITTEES:  
HEALTH, EMPLOYMENT, LABOR, AND PENSIONS  
CIVIL RIGHTS AND HUMAN SERVICES

Co-CHAIRMAN - CONGRESSIONAL STEEL CAUCUS

CONGRESSIONAL LAW ENFORCEMENT CAUCUS

May 6, 2022

Mr. Michael Albert  
Westville Town Council  
100 Setser Drive  
Westville, IN 46391-0075

Dear Michael,

Thank you for contacting me regarding the Cam-Or Inc. Site in Westville, Indiana. I appreciate hearing from you.

Recently, you contacted my office to seek assistance on behalf of the town of Westville regarding the length of time it has taken to develop an agreement between all the involved parties that the Town will need to adopt as an ordinance and as related to regulating private wells. Further, you referenced a reimbursement that remains owed to the town by the potentially responsible parties (PRPs). I appreciate your patience as my staff worked to gather information that would be helpful to you and to the town.

Given the Cam-Or Inc. Site is listed by the U.S. Environmental Protection Agency (EPA) as a Superfund Site, my staff contacted EPA-Region V to inquire as to the status of the agreement you referenced. EPA shared that the agency continues to work on the draft language for the environmental restrictive ordinance (ERO), the agreement you noted, along with the Indiana Department of Environmental Management (IDEM) and the legal counsel representing the PRPs. The ERO remains a priority between all three parties, and once there is an agreement on the language, the ERO will be sent to the town for adoption. Additionally, EPA offered it is the agency's understanding that once the ordinance is adopted, the reimbursement should occur; however, ultimately, the details of the reimbursement are between the PRPs and the town.

Although the agreement is legal in nature, I have offered to the EPA my assistance in the event I or my staff may be able to help facilitate the finalization of the ERO. Please know I will continue to monitor this issue on behalf of the town. Once additional information is available, I will be certain to contact you.

Thank you again for contacting me. Please do not hesitate to let my staff or me know if you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Frank J. Mrvan".

Frank J. Mrvan  
Member of Congress

FJM:ej

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# WVFD Activity Recap

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Location: Westville Town Hall Monthly Town Board Meeting

Date: 06-14-2022

Time: 19:00

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## Agenda details:

I. May 2022 Calls	Call Breakdowns
A. Town Limits- 24	1- Trash/rubbish fire
B. New Durham Twp- 11	1- Vehicle fire
C. Jackson Twp- 5	3- Brush Fires
D. Mutual Aid- 0	28- Medical calls
E. Total----- 40	1- MVA/ WO injuries
	1- MVA With injuries
	3- Cancelled enroute
	1- Lines down
	1- False alarm/system malfunction

A. Truck update, construction at Alexis has begun. Taking longer than expected due to supply chain issues as well as their build schedules

B. Not filling pools due to the cost of fuel at this time

C. One member finished EMR Class, one began the fire academy class at the MAAC Center in Valpo. This takes our roster up to 17 when the academy class is finished

D. Hose testing moved due to a few issues with the company that we use. A date will be set later in the year to get it accomplished

E. Ask Nathan if there is an updated map of hydrant locations for the town and if there is anyway we can get flow readings on them that way we know the pressure of each

F. Status of the Departments request for ARP funds from the towns till, this was requested last year and could really have a huge impact on the departments yearly fuel budget as well as maintenance budget

G. Copies of the towns burning ordinance for us to place in trucks and hand out when called for brush fires in town limits

## About KLD Enterprises

President: **Kelley Devanathan**

Resident: Westville, Indiana resident  
Family moved to Westville from Warsaw, IN 1999

Experience: 2001 Chesterton High School Graduate  
Bachelor: Purdue North Central University/ San Francisco State  
MBA: University of San Francisco

### **20 years of project managing experience**

Goal: My goal is to use my experience to contribute to the community that I grew up with. There is no doubt that Westville is developing rapidly and I am excited about being a part of the Westville's future.

I have been looking in the NW Indiana Region and have decided to make my investment here in Westville. I recently purchased approx. 25 acres on Route 6 from Ms. Carol House and Ms. Jackie

My goal is to use this land to bring in 40+ families through a subdivision development at an affordable cost.

**I am eager to work with the City of Westville in order to make this project a huge success.**

**Proposal Introduction:**            **DEER CREEK Subdivision**

**Proposal Location:**            Westville, Indiana  
Between 11352 Route 6 and 11588 Route 6

**PHASE 1:**                            Year 2023 Development  
19-24 Single Family Homes

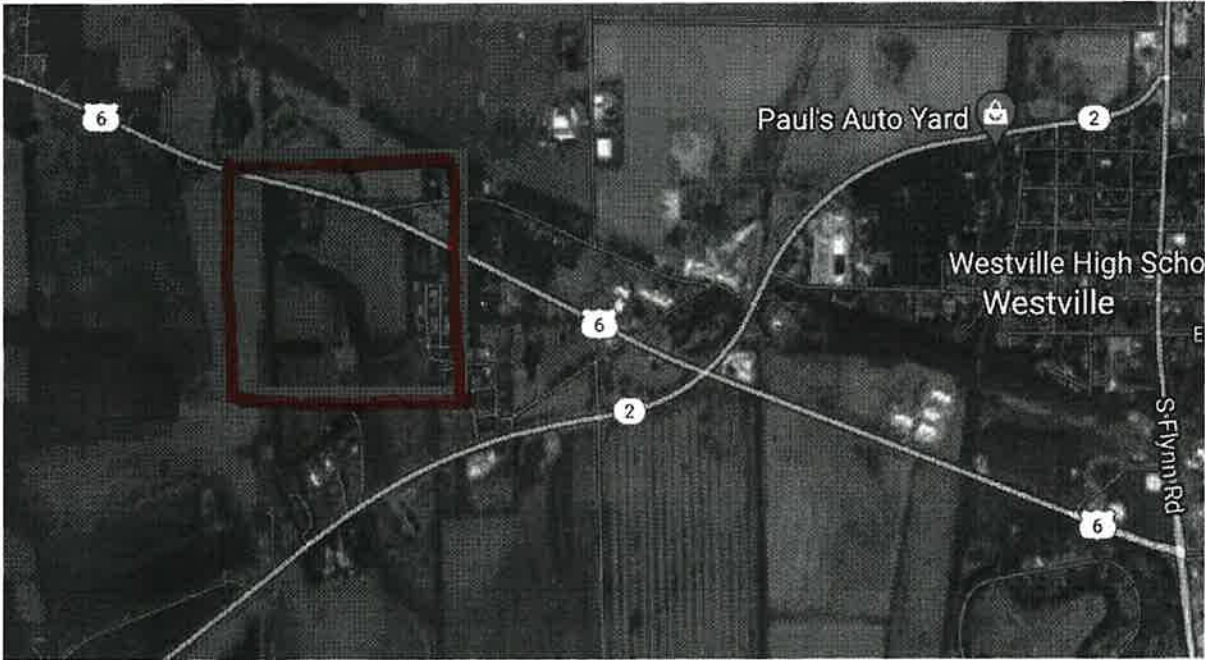
**PHASE 2:**                            Year 2024 Development  
15-20 Single Family Homes

**PHASE 3:**                            TBD Development  
10-20 Single Family Homes

**Lot Size:**                            80' x 150' and up

**Lot Price:**                            \$45,000 and up

**Home Size:**                            1800 sq feet and up





Approx = 1150

36N 4W 30

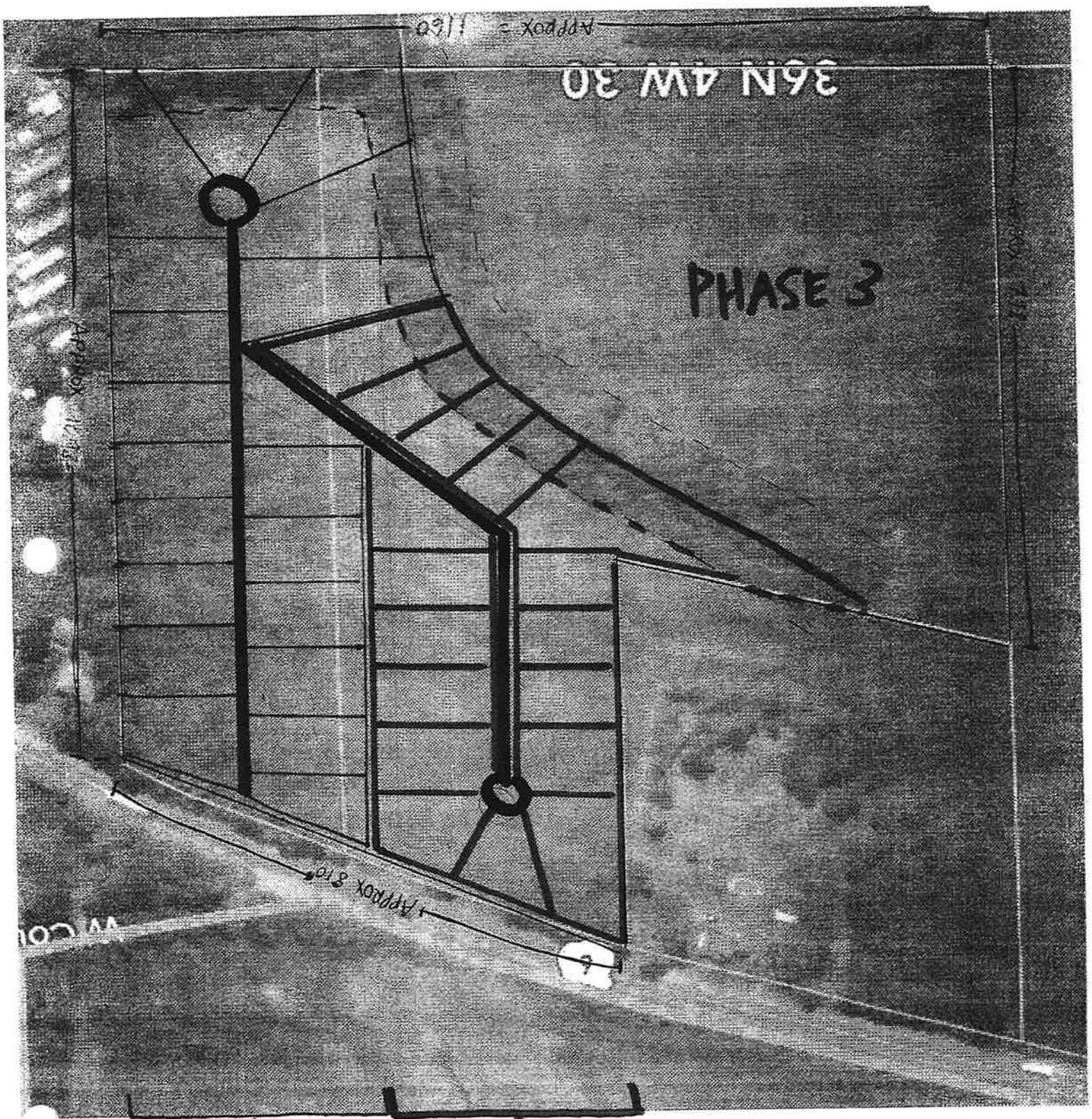
PHASE 3

Approx 810

36N 4W 30

PHASE 1

PHASE 2



6/14/22 Westville Town Hall

Deer Creek Proposal General Inquiries / Working with Surveyors & Engineers

1. Zoning
2. Request Map of sewer/ water lines
3. Subdivision Requirements
4. Sewer/ Water Capacity
5. Engineering Standards
  
6. Storm Water Retention
7. Sewer to Site / Pumping Station
8. Curb & Gutter v Ditches
9. Turning over utilities to Westville

NOTICE OF EXECUTIVE SESSION  
TOWN OF WESTVILLE

WEDNESDAY, JUNE 22, 2020  
5:30 P.M.  
COMMUNITY ROOM  
100 SETSER DRIVE, WESTVILLE, IN

Pursuant to IC 5-14-1.5-5/6, 5-14-1.5-6.1(b)(4), the Westville Town Council will meet in Executive Session on the topic checked as permitted under this Statute.

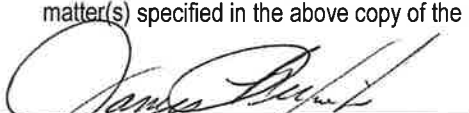
- 1. Where authorized by Federal or State Statute.
- 2. For discussion of strategy with respect to any of the following:
  - (A) Collective bargaining.
  - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.
  - (C) The implementation of security systems.
  - (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.
- 3. For discussion of the assessment, design, and implementation of security systems.
- 4. Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana Economic Development Corporation, the Office of Tourism Development, the Indiana Finance Authority, the Ports of Indiana, an Economic Development Commission, the Indiana State Department of Agriculture, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision.
- 5. To receive information about and interview prospective employees.
- 6. With respect to any individual over whom the Board has jurisdiction:
  - (A) to receive information concerning an individual's alleged misconduct; and
  - (B) to discuss, before a determination, the individual's status as an employee.
- 7. For discussion of records classified as confidential by State or Federal Statute.
- 8. To discuss, before a placement decision, an individual employee's past performance, behavior and needs.
- 9. To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.
- 10. When considering the appointment of a public official, to do the following:
  - (A) Develop a list of prospective appointees.
  - (B) Consider applications.
  - (C) Make one (1) initial exclusion of prospective appointees from further consideration.
- 11. To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 25.
- 12. To discuss information and intelligence intended to prevent, mitigate, or respond to, the threat of terrorism.

CERTIFICATION

The Westville Town Council hereby certifies that it discussed no subject matter in the above-referenced executive session other than the subject matter(s) specified in the above copy of the public notice.



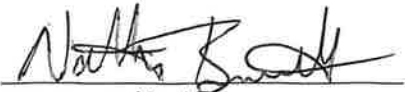
Michael Albert, President



James Bechinske, Vice President



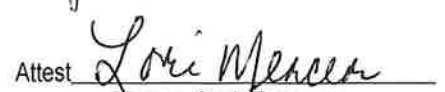
Olga Pothorski, Member



Nate Burnett, Member



Deborah Kelly, Member

Attest 

Lori Mercer, Clerk/Treasurer