

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, JUNE 7, 2011**

President Bud Crist called the June 7, 2011 Merrillville Stormwater Management Board meeting to order at 4:30 p.m. Members in attendance were Barbara Ghoston and Dorinda Gregor. Staff present included Attorney T. Edward Page, Councilwoman Chrissy Barron—the Town Council Liaison to the SWMB, Matt Lake from Christopher Burke Engineering, Jon Derwinski from Robinson Engineering, Karl Cender from Cender & Company, Summer Intern Paige Wilson and Liz Bushemi. Also present were Town Council President Thomas Goralczyk, Public Works Director Bruce Spires, Town Administrator Howard Fink and residents Claire and Brian Stenslik and Ted Thorek.

Included in the agenda packet was a copy of the minutes from the May 4, 2011 SWMB meeting and May 10, 2011 SWMB meeting. Upon motion by Barbara Ghoston, the minutes of the May 4, 2011 and May 10, 2011 meetings were unanimously approved.

Also included in the agenda packet was the current fund report, appropriation report and accounts payable register. Barbara Ghoston made a motion to approve the above reports. Dorinda Gregor questioned payment of a pickup truck for \$21,202.00. Mr. Crist explained that the truck was purchased for the Public Works street superintendent for use on stormwater issues, and public works is in turn reimbursing Stormwater Utility for other expenses incurred. The motion to approve the fund report, appropriation report and accounts payable register was seconded by Dorinda Gregor and unanimously approved.

COMMENTS FROM THE PRESIDENT

Mr. Crist said Matt Lake has been offered the job as Executive Director of Merrillville Stormwater Utility. Final details are being worked out, the contract has been prepared by the staff attorney, and Mr. Lake is looking forward to serving as executive director.

Mr. Crist has been evaluating ponds with Summer Intern Paige Wilson. Paige reported that as of June 6, 2011, 46 ponds have been evaluated, and she passed out pictures for staff to see. When a pond is reviewed, an MS4 post-construction assessment form is completed. Mr. Crist said they were at the town's Bon Aire Pond, and some residents have nice piers and some are half in the water or sunk. Dorinda questioned if the town is liable if something happens, and Attorney Page said there is potential liability. Dorinda asked if owners should be contacted about removal of piers, and Matt Lake said they are many safety issues, and he's hopeful that interns can address these issues.

Mr. Crist said Jon Derwinski found calibration paper for the plotter, it was installed but the scanner does not work. He is trying to locate a company to re-align the camera for proper use.

OLD BUSINESS

Included in the agenda packet was a copy of the Robinson Engineering bill for \$13,854.33 as the final Chapel Manor Box Culvert Replacement project bill. Dorinda Gregor made a motion to approve release of the funds to pay this bill, and it was seconded by Barbara Ghoston and unanimously approved.

SWMB Meeting Minutes

June 7, 2011

Page Two

The 54th Court project was discussed. Jon Derwinski said soil boring testing was done in the center, which was fine; the pavement can be tested, but no other work is being done at this time. Robinson Engineering can do topography if necessary. Public Works Director Bruce Spires said one goal is try to complete the project before winter. Jon says the asphalt work can be done, but estimates need to be received on pervious, concrete or asphalt pavement. Dorinda Gregor made a motion for Robinson Engineering to obtain cost estimates on the three separate paving options, and it was unanimously approved.

Matt Lake said the stormwater permit has been issued for Tire Barn Warehouse, and they can submit the Rule 5 application to the state since they are approved.

Regarding the Taft Street project, Mr. Crist reported this is a \$2.5 million project with county, state and federal funds. The property has been appraised for the area behind the Dairy Queen at 73rd and Taft Street; the before value was \$355,000, and the after value was \$212,500. Mr. Crist said he intends to meet with Mr. Doepping again. Councilman Goralczyk said we need to move forward with the appraisal and project and wants to see the project started by December. Mr. Crist will ask Christopher Burke Engineering to check the Doepping property.

Regarding the McColly property, Mr. Spires said the original proposal was to build a retention pond on the Innsbrook property. However, if the town has to pay McColly for the property, we are building him a free pond. Discussion was held. Councilman Goralczyk said he'd like to see that project move forward in order to complete it by spring. Since McColly won't donate the property, an independent appraisal will be ordered, and Mr. Crist will notify Mr. McColly that an appraisal is being done on his property. Dorinda Gregor made a motion for the Stormwater Management Board to order the appraisal on the McColly property, and it was seconded by Barbara Ghoston and unanimously approved.

Mr. Lake said the Acura Dealership permit has been issued, and he believes they have started on the project. Dorinda said they have not moved forward with landscaping, but 100 piles of fill have been delivered to the property. Jon Derwinski will contact Bruce Boyer from Boyer Construction about the fill. Councilwoman Barron said Taft Street and U.S. 30 are already having drainage problems, and Mr. Crist will look into it.

Attorney Page said he and Matt are working on easement permissions. When evaluating ponds, Mr. Crist said the truck's flashing lights are on, intern Paige Wilson has her Stormwater Utility ID on, and they wear the florescent lime green vests indicating they are SWMB employees.

Mr. Crist said when he and Paige were at the Bon Aire Pond, one resident complained that the water level was too high and it floods his back yard. The culvert was raised to 18" due to the four fountains in the pond; when the water level is not high enough, the fountains don't work. The fountains help aerate the pond. Mr. Crist said the pond needs to be dredged, but it will be costly. The west end of the pond is filled with algae and fungus.

Bud Crist reported that a \$2,236 bill was sent to Indiana American Water Company on May 16, 2011 for the water main break at 77th and Marshall Street. Public Works street superintendent Kevin Markle assisted Bud in giving hourly rates for staff using the jet vac and street sweeper. When he visited the site, Bud said he took a water sample, which showed water and soot, and silk bags were not on the end of the equipment. A meeting was held with all the utilities -- NIPSCO, AT&T and the two water companies, and all were told they need silk bags before pumping. A four-hour minimum will be billed in the event of future water main breaks.

Mr. Crist said Indiana American Water asked for copies of pictures of the Fillmore Drive water main break, and they will be provided.

Bud said the Jet Vac truck has arrived and invited everyone to come to see it. The public works crew had training and more will be given at a later date. He said 1,500 gallons of water were put in the vac truck, and they went to Salk School and jetted the drains.

NEW BUSINESS

Matt Lake discussed the May 17, 2011 Tree City USA presentation at the Pruzin Center. The event also incorporated stormwater, land use and the watershed. He said the state Department of Natural Resources Urban Forestry Coordinator attended the event. Intern Paige Wilson dressed as "Splash", the blue water drop.

Matt was a presenter at the MS4 Annual Meeting in Indianapolis on May 24, discussing illicit discharges. He plans to have intern Paige assist with outfall test monitoring.

Mr. Lake wanted everyone to be aware that Todd Austin from the State Board of Accounts is in town and has been questioning stormwater fees on various issues. A problem originated in Muncie, and Matt said Merrillville does not have any problems. Howard Fink asked to be advised if Merrillville has a meeting with him. Attorney Page asked for a copy of the Muncie memo.

Matt also advised that he received a copy of correspondence from Attorney Steve Bower regarding House Enrolled Act 1291 regarding stormwater nuisances. Matt said we are already documenting everything, but we can modify our forms if necessary.

Regarding the Turkey Creek surcharge incident, Matt sent findings and pictures to the Merrillville Conservancy District by certified mail on June 6, 2011. He indicated he has met with the Lake County Drainage Board attorney Cliff Duggan about filing a joint complaint against the Merrillville Conservancy District.

Mr. Lake said Lake County Surveyor George VanTil is coming to the town's June 22, 2011 town council workshop and June 28, 2011 town council meeting to present the Little Calumet River maintenance project (the Calumet Burns Conservancy District). The Army Corps of Engineers said the cost will be \$3 million per year to maintain the levy, and if the conservancy district is passed, the fee will appear on tax bills. Bud Crist said for the communities in the watershed, the closer you are to the Little Calumet River, the more you will pay.

Mr. Crist said he, Matt Lake, Councilwoman Chrissy Barron, intern Paige Wilson and secretary Liz Bushemi attended the annual MS4 meeting in Indianapolis. Since they are new to stormwater, Chrissy Barron, Paige and Liz were invited to learn about MS4.

Councilwoman Barron discussed the session she attended regarding obtaining grants for trees at wetlands and said information will be emailed from Pam Louks from the Indiana Department of Natural Resources regarding grant applications. Matt said we have a good opportunity for obtaining grants. Matt said with the storm in Crown Point over the weekend, we need to know the value of trees and which should be removed; the environmental committee is looking at the right plants. Mr. Crist said he has noticed lots of willow trees near the ponds, and maintenance is needed when the trees are young.

Intern Paige Wilson reported on her annual meeting session on advertising and promoting the MS4 program. She said the Town of Chesterton uses Facebook and Twitter to promote their program, and Facebook is a good program to share information. The University of Notre Dame partners with the campus community to promote events. The City of Auburn uses cinema time for advertising, using 15- and 30-second commercials at the local theatre to promote their program. The Town of Sellersburg partnered with the Boy Scouts using yard signs to promote MS4.

Liz Bushemi reported on the software session she and Paige attended. The City of Angola uses "MS4 Permit Manager" which is good for annual reports and keeping track of data; the City of Noblesville uses "Cityworks", which is not an MS4 tracking system and requires a consultant; Hendricks County uses "Operation MS4", which is a web-based software for Rule 13 compliance; the City of Valparaiso uses both "Carte Graph and Trakit", which allows sharing information within departments; and the City of Franklin uses "Asist", which reports on stormwater activity only. Matt Lake said none of the five programs are user friendly. He helped develop the CBI Systems program.

Bud Crist had pictures of stormwater drains and manholes at Kenny's Ribs at 61st and Broadway and 61st Avenue Plaza. The owner approached him and asked about the stormwater fee and inquired about jetting the drains. This is private property. If the jet vac works to clear the drain, the problem would be solved; if the jet vac does not work, it will become the owners' responsibility. Howard Fink believes this is in bank ownership.

Matt discussed the private property of Elaine Chenore at 1008 East 63rd Place. The property is right along Turkey Creek, and she expects the town to fix the problem at the far end of her property. Matt and Bud have gone there and offered technical guidance to her. Bruce Spires said there is a culvert which runs from the south side to the north side of 63rd Avenue, and her issue is at the far end of her property. Crews have been there six or seven times, and it has been determined it is private property. Mr. Crist asked for a motion concerning private property drainage issues. Dorinda Gregor made a motion to adhere to policy that if it is private property, we are unable to address the issue. The motion was seconded by Barbara Ghoston and unanimously approved.

Mr. Crist passed out a copy of "Street Sweeping & Catch Basin Cleaning: Best Management Practices", and asked everyone to review it at their leisure.

OTHER BUSINESS

Residents Brian and Claire Stenslik, from 2577 West 85th Avenue, addressed the Board concerning their property in Chapel Hill Subdivision. They said in their Waterford agreement, a brim is needed for new construction. They said new homes are being built, and the homes are 6" higher than their property, and the 10-foot easement appeared to have disappeared. They asked if the builders care about storm sewer runoff. Dorinda said the town engineer will contact the builder, O'Donnell Construction, and Matt Lake and Jon Derwinski offered to help them with their concerns.

Town Council President Tom Goralczyk addressed the board on several issues. (1) He said he was out with the public works crew at the 7300 block of Marshall Street on the jet vac truck, and a new camera is necessary for them to see what is contained in the pipes and lines. Bruce Spires said if a line needs to be filmed, public works has been using the Merrillville Conservancy District camera in the past. Bruce said he will contact Brown Equipment to get a quote for a new camera for the jet vac truck, and then solicit other quotes. (2) He was contacted by Ross Township Trustee Joe Shuddick about why the War Memorial is being charged a stormwater fee. Mr. Crist said everyone pays the fee since it is a utility. Howard Fink to check if the War Memorial is an exempt parcel, and Howard will research if the parks are exempt also. (3) Mr. Goralczyk gave an update on the IBEW pond maintenance and said someone was there and sprayed the pond. (4) At Clerk-Treasurer Gene Guernsey's request, he asked if Stormwater Utility can pay a portion of clerk-treasurer employee Linda Burns' secretarial salary since she pays the stormwater bills. Mr. Crist said Linda Burns is a member of the Clerk-Treasurer's staff and her salary must be paid from his payroll. Dorinda Gregor said this issue has been addressed before and denied. (5) Mr. Goralczyk asked for assistance regarding a flooding issue at 78th and Noble Street, where yards are backing up and mosquitoes are breeding. Mr. Crist said the sidewalks may need to be lowered, and he said a complaint form will be prepared, and we will address it again. (6) He said grass is overgrown at the manhole covers at Whitcomb Townhomes and Wright Street, (73rd Place & 74th Avenue), and asked if the manhole covers can be changed.

Bud Crist said Merrillville Stormwater Utility plans to buy the property located at 7404 Broadway (the old Haleys Restaurant), which adjoins the public works property. He was notified by the attorney for the bank who owns it today that the property is available. Attorney Page recommend the following: (1) That it be a matter of record that Stormwater Utility is purchasing the property; (2) that a formal appraisal be done; (3) that the Town Council approve the purchase; and (4) that Porter State Bank is aware of where the funding will come from, and that they be willing to accept one-half now and one-half at a later date. Mr. Crist said Karl Cender is working on the financial aspect of the purchase. Mr. Crist asked for a roll call vote approving an appraisal for the property at 7404 Broadway in Merrillville. Upon roll call vote, all three (3) members voted yes, and the motion to order an appraisal of the property was unanimously approved.

Bud made a motion to adjourn the meeting at 6:20 pm, and it was unanimously approved.

Respectfully submitted,
Liz Bushemi
Secretary