

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, JULY 5, 2011**

President Bud Crist called the July 5, 2011 Merrillville Stormwater Management Board meeting to order at 4:44 p.m. Members in attendance were Barbara Ghoston and Dorinda Gregor. Staff present included Attorney T. Edward Page, Matt Lake from Christopher Burke Engineering, Jon Derwinski from Robinson Engineering, Karl Cender from Cender & Company, Summer Intern Paige Wilson and Secretary Liz Bushemi. Also present was resident Ted Thorek. Town Council President Thomas Goralczyk attended for a brief time. Councilwoman Chrissy Barron, the Town Council Liaison to the SWMB, was unable to attend.

Included in the agenda packet was a copy of the minutes from the June 7, 2011 SWMB meeting. Upon motion by Barbara Ghoston and second by Dorinda Gregor, the minutes of the June 7, 2011 meeting were unanimously approved.

Also included in the agenda packet was the current fund report, appropriation report and accounts payable registers. Barbara Ghoston made a motion to approve the above reports. Attorney T. Edward Page questioned the two (2) payments to the Thiros & Stracci law firm and asked that a copy be emailed to him to confirm that the SWMB had not inadvertently been billed for legal services. Dorinda Gregor seconded the motion to approve the current fund report, appropriations report and accounts payable registers, and it was unanimously approved.

COMMENTS FROM THE PRESIDENT

Mr. Crist said he is looking forward to Matt Lake beginning as executive director of Merrillville Stormwater Utility in mid-July.

Mr. Crist has been evaluating ponds with Summer Intern Paige Wilson. Paige reported that as of this date, 58 ponds have been evaluated. Paige also said that Matt wanted a brochure regarding mosquitoes, and she prepared one for residents, and everyone present received a copy. Paige also reported that about 1,500 items were passed out at the July 4, 2011, Merrillville parade, including rain gauges, foamy wetlands frogs, MS4 pens and activity books and coloring books for the youngsters.

OLD BUSINESS

Matt Lake reported that we received a response from Merrillville Conservancy District (MCD) regarding some of their pumps being inoperable on Taft Street, and said they are working with MCD to make sure it does not happen again. He wants the homeowner of the property involved to be aware that we are working on it and that he understands what happened.

Regarding the Taft Street project, he said appraisals have been received regarding the McColly property, and Darren Olson and Dave Buckley from Christopher Burke Engineering have come up with a preliminary design to address most issues. Bud Crist said information has been mailed to State Representative Chet Dobis regarding a final commitment from the Indiana Department of Transportation (INDOT). Matt recommends two (2) separate ponds for the Taft Street project.

Matt also said we are beginning to have an Emerald Ash Borer problem in Northwest Indiana, where trees are being killed because of the bugs. The impact is trees are falling over and need to be removed, but that would be costly. He created a draft brochure, which was passed around, for residents to become aware of their options. He said Attorney Steve Bower created a hold-harmless agreement since we need to address the town's liability in the event a resident removes a tree and is hurt. Matt would like to get a group of volunteers together to check trees in Merrillville for the bug. He said once a tree has the infection, it would only be good for 1-2 years, and if it was removed, it has to be done safely. The wood could be used as mulch, but the chippers would have to be certified to properly do the job. More public awareness is necessary.

Mr. Lake also said several complaints from residents have been addressed. He and Bud Crist went to a property on 56th and Indiana, where a resident is using sandbags and bales of hay to prevent water onto her property, thereby blocking the neighbor's water flow. A violation of stormwater ordinance #10-22 was sent to the resident by certified mail; we are waiting to hear from the resident and plan to follow-up. Dorinda Gregor questioned if weedy lawns and silk fences are being evaluated, and Matt said it is based on town ordinance.

Matt also said he is beginning to prepare for the 2012 MCM3 Illicit Discharge audit. He is working with Christopher Burke Engineering on the results. A rain watch test kit has been received, which will be used for routine outfall monitoring.

At his suggestion, Matt said the Northwestern Indiana Regional Planning Commission (NIRPC) decided to hire a marketing consultant for all materials, which will help maximize use of MS4 materials received.

Regarding the Calumet Burns Conservancy District, Matt will be attending a meeting tonight with Lake County Surveyor George Van Til with the City of Gary. If Gary approves it, there will be enough votes for the judge to approve the conservancy district.

Matt said a representative from D&H Technical Services met with he and Bud today about the scanner/plotter, and they were told the current scanner cannot be repaired. They will be getting pricing and information on a new scanner/plotter and will have a site demonstration with the company soon. Bud Crist said we currently have a Hewlett-Packard scanner, which previously cost \$24,000, and a new scanner with our trade-in will cost approximately \$18,000. They said a current scanner/plotter is in everyone's best interests, and they will also request information on life expectancy and maintenance of the machine. Tracy Page suggested looking into lease options.

Mr. Crist said he met with Chuck Stojakovich of the Merrillville Conservancy District (MCD) and their attorney regarding the surcharge Taft Street surcharge matter. He said we are working with Lake County on a lawsuit against MCD.

Mr. Crist said a second appraisal was received today from Bochnowski Appraisal Company; the Vale Appraisal was received last week. As a matter of record, he said Karl Cender is working with the First State Bank of Porter regarding purchase of the property at 7404 Broadway in Merrillville as the new Merrillville Stormwater Utility offices.

Regarding the Taft Street project, Mr. Crist said he is working with State Representative Chet Dobis regarding INDOT's involvement. He said the McColly property is being appraised.

Since no response has been received from Indiana American Water Company, he said we will be addressing the issue of the \$2,236 bill.

Jon Derwinski said the Acura Dealership permit was approved, and the majority of work has been done. He said Matt Lake sent an email to Bruce Boyer Construction Company regarding their need for a post permit and required silt fencing. He will follow up.

Regarding the 54th Court project, Mr. Derwinski said it will be mid-August for them to complete plans and it will be set for bids. He asked for a motion from the SWMB to approve the bid process and said it would take 45-60 days to complete the project. He said if the job is done with concrete, the cost would be \$250,000-\$270,000. If the project is over \$250,000, a wage determination hearing is a required formality, and they are held on the first Monday of every month. At the meeting with Councilman Hardaway at the site, residents were told they could have tie-ins installed for their sump pumps and are not required to have a permit for the tie-in. Dorinda Gregor made a motion to allow Robinson Engineering to proceed with the bidding process on the 54th Court project, and it was seconded by Barbara Ghoston and unanimously approved.

NEW BUSINESS

Mr. Crist said he and Jon Derwinski were called on June 16, 2011 regarding Ozinga Concrete's driver dumping concrete illegally at the McDonald's at U.S. 30 and Taney Place. Pictures were taken, a notice of violation was sent to Ozinga by certified mail, and the charge of "failure to follow development plan" was filed in Merrillville Town Court. An initial hearing is scheduled for July 18, 2011, at 9:00 a.m., and Stormwater representatives will attend. Matt met with Ozinga representatives, and drivers were instructed on how to properly wash out. Attorney Steve Bower met with Town Court Judge Gina Jones about future violations coming before the court, and Assistant Chief of Police Jim Donohue has prepared a list of specific violations. The fines will be determined by the judge since some are serious violations. Attorney Page asked who is to sign off on a violation, and Bud said Ron Widing as the official MS4 compliance officer; Mr. Page said the ordinance needs to be clarified as to who signs off.

Mr. Crist said he, Matt, Dorinda Gregor and Bruce Spires looked at TV cameras for monitoring storm drains from two companies, and he passed out pictures and a booklet for members to see. He said staff went to televise a drain at 68th & Madison Street, and the camera was so unbelievable that you could read the part number on the rubber gasket. The camera takes video as it travel through the drain, and still pictures can also be taken. Mr. Crist said a portable camera would cost \$90,000-\$100,000, and the TV camera with truck, computers and printers is \$170,000-\$175,000 (the truck and all equipment).

Dorinda said it is a good piece of machinery and with that type of investment, she wants to make sure the operator has property training. Bud said there will be three (3) days of intensive training, and the operator should be someone with a technological background. Cues Company and Brown Equipment will take care of everything. Mr. Page questioned insurance coverage in the event the vehicle gets stuck, and Mr. Crist said the vehicle can be dug out if stuck. The other company was Accurate Bore, but Cues and Brown Equipment are the preferred company, and it would take 45-90 days for delivery once ordered. Dorinda questioned how the TV camera and truck would be paid, and Karl Cender will address the issue; Karl feels with the SWMB property acquisition done through bonding, the TV camera and truck could probably be paid for with current funds. Karl said later in July, approximately \$0.5 million in stormwater money will be coming in from real estate taxes, and he will look at all purchases and sit down with the Board and attorney to make a decision.

Bud Crist said he is in the process of getting bids for demolition of the property at 7404 Broadway. Discussion was held on the possibility of “BAN”—a bond anticipation note, for purchase of the property. With capital projects being anticipated, all will depend on timing. Mr. Page said if the SWMB is ready to proceed with acquisition of the property at 7404 Broadway, it should approve the purchase in order to move it on to a Town Council meeting; he said a special meeting can be held to publicize the purchase of the building. Karl said the bank will prepare the financing, and a bond anticipation note could be done, where long-term bonds would pay it off. Mr. Crist said the original asking price of the property was \$490,000, then it was reduced to \$290,000, but it was finally agreed to \$275,000.

Dorinda Gregor made a motion to approve the purchase of the building and real estate and 7404 Broadway in Merrillville, Indiana, at a cost of \$275,000. It was seconded by Barbara Ghoston. Upon roll call vote, all three (3) members voted yes, and the motion to purchase the building and real estate at 7404 Broadway in Merrillville, Indiana, at a cost of \$275,000 was unanimously approved.

Karl Cender will explore BAN options, and that will need SWMB and Town Council approval. Discussion was held about bond perimeters for the purchase of the property and other “wish list” projects, including the 54th Court project, the Taft Street project and purchase of the TV camera and truck. Karl said \$918,000 has been spent thus far in 2011, with \$553,000 on equipment and less than \$400,000 on other expenses.

Bud Crist passed out a “wish list” of upcoming stormwater projects, including the Meadowdale pipe replacement, the second phase of the Chapel Manor pipe replacement, the Forest Hills detention project, reconfiguration of the Sedona retention pond and relocation of pipes in Independence Hill. He said this addresses all communities.

Bud also said he told the state today that if they do not come up with their \$1 million for the Taft Street project, we will not proceed. Of Merrillville’s \$1.5 million commitment to the project, \$0.5 million is federal funding and \$1 million is stormwater funding. Discussion was held on various projects and aspects of funding.

Dorinda Gregor made a motion to authorize Attorney T. Edward Page and financial consultant Karl Cender to work with bond counsel, Barnes & Thornburg, to prepare a bond resolution to set forth bond perimeters, including BAN. It was seconded by Barbara Ghoston. Upon roll call vote, all three (3) members voted yes, and the motion to authorize Attorney T. Edward Page and financial consultant Karl Cender to work with bond counsel, Barnes & Thornburg, to prepare a bond resolution to set forth bond perimeters, including BAN, was unanimously approved.

Dorinda Gregor made a motion to purchase the Cues camera truck after it follows the bidding process, with the stipulation that no other vehicles be purchased this year. It was seconded by Barbara Ghoston and unanimously approved.

OTHER BUSINESS

Mr. Crist thanked everyone who participated in the July 4, 2011 parade. He said Matt drove the truck and trailer carrying the Argo and "Splash" sign, and Barbara rode with him; Paige and Liz walked the parade and passed out stormwater materials, and his daughter, Michelle, and Caryn Wilson passed out a Merrillville birthday flier. Public Works employee Mike Mahy drove the sewer jet vac truck, and Bud drove the all terrain vehicle (ATV).

Also passed out to members and staff were a "Solution to Stormwater Pollution" brochure and a restoration projects brochure, along with an updated listing of members and staff and a listing of town council members for their personal use.

He said the next meeting is set for Wednesday, August 3, 2011, at 4:30 p.m.

Councilman Tom Goralczyk questioned when the work will be done on Noble Street, and Mr. Crist said as soon as possible.

Resident Ted Thorek asked about pond evaluations, and he was told they keep reports on all pond evaluations. He asked about stormwater funds and was told the amount of cash on hand and available funds. He also asked if the Calumet Burns Conservancy District body is already established, and he was advised that it is set by law and there are a certain percentage of members in the watershed district.

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

Respectfully submitted,
Liz Bushemi
Secretary