

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
WEDNESDAY, AUGUST 3, 2011**

President Bud Crist called the August 3, 2011 Merrillville Stormwater Management Board meeting to order at 4:43 p.m. Members in attendance were Dorinda Gregor and Barbara Ghoston. Staff present included Executive Director Matt Lake, Attorneys T. Edward Page and Steve Bower, Karl Cender from Cender & Company, Jon Derwinski from Robinson Engineering, Summer Intern Paige Wilson and Secretary Liz Bushemi. Also present was resident Ted Thorek. Present for a portion of the meeting were Town Council Ward 1 Democrat nominee Don Spann, Merrillville Clerk-Treasurer Eugene Guernsey, resident Gene Ward, Town Council President Thomas Goralczyk and Town Councilman Andrew Sylwestrowicz. 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 July 5, 2011 SWMB meeting. Mr. Crist pointed out that on page two, paragraph three, of the minutes, it should read a “river” watch test kit, not “rain” watch test kit, has been received. Dorinda Gregor made a motion to approve the minutes as amended, and it was seconded by Barbara Ghoston and unanimously approved.

Also included in the agenda packet was the current fund report, appropriation report and accounts payable registers. Mr. Crist pointed out that once again, there is a listing on the July 26, 2011 accounts payable register for a payment to the law firm of Thiros & Stracci for Planning & Building services in the amount of \$1,020 and Town Council services in the amount of \$6,601, but said that Linda in the Clerk-Treasurer’s office is taking care of removing those two (2) items from the stormwater budget and charging the correct departments. He said the \$390 bill for legal services to Stormwater from Thiros & Stracci is correct. Mr. Crist indicated the current fund balance is \$545,267.18, and \$621,200 was received from Lake County as the Stormwater draw from real estate taxes, for a total of \$1,116,467.18 as the fund balance. Dorinda Gregor made a motion to approve the above reports noting the changes, and it was seconded by Barbara Ghoston and unanimously approved.

COMMENTS FROM THE PRESIDENT

Reminiscing about how the Stormwater Management Board was formed on September 4, 2004, and how little he, Steve Bower and Howard Fink knew about stormwater at that time, Bud Crist talked about how Stormwater Utility has progressed, buying a vac truck, street sweeper, back hoe, dump truck and now is accepting bids for the TV camera truck; he said late last year, they moved into the Public Works building, hired Liz Bushemi as the secretary and Paige Wilson as the summer intern and as of Thursday, July 28, 2011, Matt Lake started as the executive director. He said the SWMB is in the process of buying land, demolishing the building at 7404 Broadway, and building a new building. Matt Lake will now handle the day-to-day operations of the Stormwater Utility office. He said with Matt, having come from one of the best and largest local engineering companies, Christopher B. Burke Engineering, he feels Merrillville got the best as its executive director. Matt commented that he’s excited about serving as the executive director and ready to meet the challenge. He anticipates big things for Merrillville and lots of good exposure for the MS4 program and what we can do as a stormwater utility.

OLD BUSINESS

Regarding the 54th Court project, Jon Derwinski brought in preliminary plans for the project, showing stormwater sewer placement, the rain garden and sidewalks. He said they should finish the plans in the next few weeks. He is working with Matt on plant life for the rain garden. He anticipates bids by the end of the month and hopes the project can begin in October. A decision needs to be made regarding concrete or asphalt. Jon also said that he and intern Paige Wilson attended the Construction Wage Haring in Crown Point, for projects that exceed \$250,000, and Paige will complete the evaluation.

Mr. Derwinski said they have received some complaints from residents of Savannah Ridge, and that he, Bud and Paige met with resident Rosalinda Myron. Plans showed information from 1978 drainage, which called for retention ponds. Upon the advice of Matt and Bud, Robinson Engineering will do a study of the drainage in Savannah Ridge.

Steve Bower reminded everyone that five years ago, the SWMB adopted a criterion of projects that need to be completed and said that the SWMB needs to use that criterion and not do projects outside the criterion so we won't be flocked with complaints from other areas. Bud Crist said they are seeing some easements disappearing, and there will be flooding or it needs to be corrected. Matt Lake said the master plan will list priority projects. Steve said all subdivisions could use upgrading and renovation, and reminded everyone about the Innsbrook lawsuit on the retention pond and said it is not possible to do projects in all areas.

Regarding the new building at 7404 Broadway, Mr. Crist said they are working on bonding for the project, and he is waiting for demolition costs.

Bud also said the specs have gone out for the cube van truck with sewer pipe camera equipment, and bid notices will appear in the paper. Bids must be submitted no later than September 2, 2011, at 10 am.

Bids for the plotter/scanner were received, with trade-in included from current one, from B & H Technical Services of Merrillville in the amount of \$15,750, and from Arc Resources of Addison, Illinois, in the amount of \$16,164. Discussion was held about renting, leasing, number of copies and maintenance, and Bud said it is cheaper to buy a new one. Dorinda asked if zoning maps could be done, and Bud said yes. Bud and Matt recommended the lowest bidder. Dorinda Gregor made a motion to purchase the plotter/scanner from B & H Technical Services of Merrillville in the amount of \$15,750, and it was seconded by Barbara Ghoston and unanimously approved.

Mr. Crist said the appraisal was received for the Taft Street/McColly property. He said he, Matt and Thomas from Christopher Burke Engineering will have a progress meeting tomorrow. Matt said the holdup is the Indiana Department of Transportation (INDOT) cost share.

Mr. Crist said the Ozinga Concrete violation matter went for hearing at Merrillville Town Court on July 18, 2011, at which time an agreement was made with Ozinga that in lieu of payment of a fine, Ozinga will put the Stormwater Utility logo on all their cement trucks promoting "only rain in the drain". Since the original ticket for the violation was not written up correctly, it was settled that way. Matt had previously met with the 150 employees to certify their program for wash outs, but the employee in this case violated and received time off from Ozinga as part of his reprimand. Barbara questioned if the violations and ordinance have been changed for the future, and Bud confirmed this.

Regarding the Calumet Burns Conservancy District status, Matt said those involved will not present the yes votes to the judge until more communities approve the measure.

Matt said the old Master Plan has been reviewed and identified, and he is in the process of updating the Master Plan since that is what drives Stormwater Utility forward.

Matt said the jet vac was sent to Savannah Ridge, and they are now focusing on the retention pond because of outdated engineering. Dorinda asked about the Brookstone pond and cracked tiles, and Bud said they may take the Argo there to view it. Dorinda also asked about the undeveloped site at Jordan Pond, and this will also be reviewed.

Matt said there was a fish kill at Broadfield Subdivision in one of the retention ponds. It was determined that the shallowness of the pond was due to all the dry heat. Residents contacted the stormwater office about the foul-smelling fish odor. The pond is owned by Brant Construction, who built the subdivision. Matt talked to Attorney Mike Muenich, who said, in his opinion, Brant does not have responsibility for it since it is a public improvement, and the town should have the responsibility for maintenance. Attorney Page will talk further to Attorney Muenich. Members of the Broadfield Property Owners Association want something done about the problem, and it will be determined whose responsibility it is to proceed.

Matt said they are working on a drainage project at 55th and Delaware Street, where there is a very low grade.

A rain barrel program will begin through the Stormwater office, starting with two (2) rains barrels to be on installed outside the Town Hall and one (1) inside for display near the Clerk-Treasurer's office. South County Landscaping is working with the Stormwater office on a rebate program where Stormwater will receive \$25 if a rain barrel sells. A workshop on proper installation and use of rain barrels will be held at a later date.

A rain garden is being prepared behind the Public Works office. The property has been excavated and filled with soil, and native plants will be planted. Dorinda said Chase Bank wants information on rain gardens, and Matt will provide it to them.

Matt said he has an August 5, 2011 MCM3 audit meeting with the Indiana Department of Environmental Management (IDEM), and he will attend.

The Emerald Ash Borer has been found at the Chase building at 86th and Broadway, near 86th and Connecticut Street and other locations in Merrillville. Matt is going to meet with Phil Marshall, the state forest health specialist at the Indiana Department of Natural Resources (IDNR). We may qualify for a grant through the Great Lakes Basin Restoration Program. A brochure is being developed for residents. Resident Ted Thorek questioned if funding is available for cutting down trees; Matt will get information.

Matt said there is an on-going issue with a resident on 101st Avenue in the Town of Winfield, where the resident digs his own pond, which causes water to run over onto 101st Avenue. Although the property is in Winfield, through a legal agreement, tiles were installed and the water runs to Merrillville, which impacts our town. Matt and Attorney Page will meet regarding leverage for Stormwater since there is a breach of contract.

Matt will be speaking at the Tree Steward Class for the IDNR.

NEW BUSINESS

Mr. Crist said he, Matt, Karl Cender and Public Works Director Bruce Spires met regarding the 2012 budget, and some changes were made from 2011. A draft 2012 budget was prepared for the Board's review and discussed in detail and amended. He said the amount Stormwater is paying for Public Works staff is basically the same as 2011, for salaries, maintenance of two street sweepers and the jet vac truck, and the seasonal crew. Karl suggested submitting it to the town since department budgets are due in August. Dorinda Gregor made a motion to approve the 2012 Stormwater Utility budget with modifications, and it was seconded by Barbara Ghoston. Upon roll call vote, all three (3) members voted yes, and the motion was unanimously approved.

Karl Cender said he and Attorney Tracy Page have discussed the issuance of bonds in Resolution No. SW 11-1 and the six (6) projects in Resolution No. SW 11-2. He said the Board needs to vote on these two (2) today, and then publish notice and have a public hearing on Resolution No. SW 11-3, when it can be adopted.

Regarding Resolution SW 11-1, a copy of which was given to all Board members, Karl Cender said the bond amount cannot exceed \$3.5 million, the term may not exceed twenty (20) years, and the interest rate cannot exceed 8% per annum. Dorinda Gregor made a motion to adopt Resolution No. SW 11-1, "A Resolution Making a Preliminary Determination to Issue Bonds of the Town of Merrillville, Indiana Storm Water District", and it was seconded by Barbara Ghoston. Upon roll call vote, all three (3) members voted yes, and the resolution was adopted and unanimously approved.

Resolution SW 11-2 was also discussed, and a copy of which was given to all Board members. Dorinda Gregor made a motion to adopt Resolution No. SW 11-2, "A Declaratory Resolution of the Board of Directors of the Department of Storm Water Management of the Town of Merrillville, Indiana Approving the Construction and Acquisition of Certain Storm Water Improvements, and all Matters Related Thereto" and attached Exhibit A Description of the Project, and it was seconded by Barbara Ghoston. Upon roll call vote, all three (3) members voted yes, and the resolution was adopted and unanimously approved.

Karl Cender said the timetable on the stormwater revenue bonds needs to be followed, with a special Board meeting to adopt Resolution No. SW 11-3, and then bonds can be solicited from banks.

Also reminiscing, Steve Bower said five years ago, Stormwater Management didn't realize what it was getting into or what our obligations were. He said Howard Fink first started the stormwater program. Today, he said the Stormwater Board is looking at violations, sanctions and much more and is the best functioning board in the town, and he suggested being careful to protect the funds available. Barbara Ghoston said the average person has no idea what it takes to keep the town and any department running, and she thanked everyone for the opportunity to serve as a Board member. Steve also said the current public works location is not good, not having access to Broadway and the facility being small; he said Bud had great insight to having the Stormwater office on 74th and Broadway.

Matt gave all Board members a copy of the Indiana Assn. of Floodplain and Stormwater Management annual conference agenda, which will be held in September. Barbara said she is unable to attend, and Dorinda will advise.

OTHER BUSINESS

Bud said there will be a transfer of funds resolution to be heard at the August 9, 2011 Town Council meeting, transferring \$75,000 from MS4 categories to Public Works employees, gasoline, repair parts and other materials. In addition, there was a transfer through the Clerk-Treasurer's office decreasing some 300 budget line items totaling \$50,000 and transferring the same amount for consultant services.

Bud and Dorinda are working on getting a digital recording system for approximately \$200 for use in the town. Staff preparing minutes will be trained to properly use it.

PUBLIC COMMENT

Resident Ted Thorek asked what "seasonal help" does, and Bud said it is summer help, where college kids are given employment opportunities for the summer.

ANNOUNCEMENTS

Bud said the public hearing regarding Resolution No. SW 11-3 will be held on Thursday, September 18, 2011, at 4:30 p.m. The next regular Stormwater Board meeting will be held on Tuesday, September 6, 2011, at 4:30 p.m., with both meetings at the Town Hall.

Bud also announced that summer intern Paige Wilson's last day will be Wednesday, August 17, 2011. He thanked Paige for all of her hard work this summer. Paige thanked him for the opportunity and for teaching her all she has learned over the summer. Dorinda said she hopes Paige will come back next year, which she plans to do.

Dorinda Gregor made a motion to adjourn the meeting at 6:28 pm, and it was seconded by Barbara Ghoston and unanimously approved.

Respectfully submitted,
Liz Bushemi
Secretary