

**MINUTES OF THE  
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING  
WEDNESDAY, NOVEMBER 2, 2011**

President Bud Crist called the November 2, 2011 Merrillville Stormwater Management Board (SWMB) meeting to order at 4:35 p.m. Members in attendance were Barbara Ghoston and Dorinda Gregor. Staff present included Executive Director Matt Lake, Attorney Steve Bower, Karl Cender from Cender & Company, Jon Derwinski from Robinson Engineering, and Secretary Liz Bushemi. Also present were Councilwoman Chrissy Barron, the Town Council Liaison to the SWMB, and Town Council President Tom Goralczyk. Also present was resident Bob Garity and Chas Reilly from *The Times*. Attending to make a presentation to the Board were Dan Vicari, P.E. from Camp, Dresser & McKee, Inc. (CDM) and Eric Davis, AIA from Public Design Architects.

Included in the agenda packet was a copy of the minutes from the October 4, 2011 SWMB meeting. Dorinda Gregor made a motion to approve the October 4, 2011 minutes; there were no questions, and the motion 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 indicated that the current fund balance is \$928,204.72. Barbara Ghoston made a motion to approve the financial reports; there were no questions, and the motion was seconded by Dorinda Gregor and unanimously approved.

**COMMENTS FROM THE PRESIDENT**

Mr. Crist said Stormwater Utility received the \$1 million Bond Anticipation Note (BAN) from People's Bank, and it was wired to Centier Bank. A Stormwater Utility Construction Account has been established at the Clerk-Treasurer's office under Fund No. 627010. The money will be used for purchase of the property at 7404 Broadway and for projects previously listed.

He said that he and Matt attended the Indiana Urban Forest Council conference on October 19<sup>th</sup>, and Matt was approved as a member of the Board of Directors. He read different facts from the USDA Forest Service brochure about the importance of trees and stormwater, how trees help manage stormwater flow and said how even looking at a tree for five minutes can relieve stress. He gave a brochure entitled "Trees and The Law" to Attorney Steve Bower.

Regarding the old oak tree at 2800 West 57th Avenue, Mr. Bower said there is a huge limb crossing the NIPSCO power line. Matt Lake said we can trim a tree "edge to sky", and he suggests that we contact Jason Leitz at NIPSCO to trim the tree to reduce the town's liability in the event something happens.

**OLD BUSINESS**

Mr. Crist said what a better way for the Town of Merrillville to celebrate its 40<sup>th</sup> Birthday than for Stormwater Utility to have its new building! The real estate closing for purchase of the property at 7404 Broadway is set for Friday, November 4, 2011, at 11:00 am.

Dan Vicari from Camp, Dresser & McKee, Inc. (CDM) and Eric Davis from Public Design Architects gave a site analysis presentation. Mr. Vicari said the design of the building will be to re-enforce the mission of Stormwater Utility to be not only efficient but cost-efficient and also be a green infrastructure. He said there is a great opportunity to link with the Public Works facility easily-accessed and located just off 73<sup>rd</sup> Avenue, and with this property on Broadway being a major arterial, they will use best management practices (BMPs). They showed a visual slide presentation showing design for different parts of the building, including administration and operations, public area facilities, vehicle storage, a rain garden, a teaching garden and display garden. The plans also call for a slightly tilted vegetative roof. Matt said he has talked to the National Wildlife Federation about having a certified habitat. Dorinda Gregor asked about solar panels, and Matt said we may not use solar panels. The grounds will be developed later.

Dorinda Gregor questioned the ability for school buses to turn around on the property, and Eric said there will be parking for a bus turn-around and emergency outlets to Broadway. Dan said they will meet with the Merrillville Fire Chief to make sure all plans are in compliance. Eric also said they plan to maximize the use of green space. There will be two (2) cisterns to collect rain water and a firewall between the administrative offices and vehicle storage. It will be energy efficient for sunlight at all times during the day. They will be using a pre-engineered building system, and Matt had samples to show everyone. Although air conditioning will be installed, there will be proper ventilation to conserve energy without use of the air conditioning for ten (10) months out of the year. Matt said he met with Bob Spatz at Plug-In Solutions, and plug-in stations can be made available at the new stormwater utility center. Eric said after demolition of the building, locates of utilities will be done, and construction will begin in the spring and take six to eight months for completion.

Bud said included in the agenda packet is a copy of Resolution 2011-14, which is now Resolution 11-22, which number was corrected by the Town Council on November 1, 2011, which authorizes the Merrillville Stormwater Management Board to purchase property at 7404 Broadway, and he read the resolution. Dorinda Gregor made a motion to approve Merrillville Town Resolution 2011-22, and it was seconded by Barbara Ghoston. A roll call vote was taken, and all three (3) members voted yes, and the motion was approved and carried.

Attorney Steve Bower said the closing on the real estate at 7404 Broadway is set for Friday, November 4, 2011, at 11:00 at Ticor Title Insurance Company. Once the closing is held, the deed will be recorded, and he will call Lake County regarding unpaid taxes owed. Bud Crist said \$256,970.96 will be transferred from the Stormwater account to Porter State Bank for the real estate, and \$18,319.04 was credited to Stormwater.

Mr. Crist said regarding professional services, Stormwater can put out a "request for notification" pursuant to I.C. 5-16-11.1-4. In order to clarify, we can ask for a request for engineering or architect work from a company that has the qualifications to do the job without putting it out for bid. Attorney Bower questioned Dan from CDM if they will

just do design of the new building, and he said yes, with Bud adding that the construction of the building will be a bid project.

Bud said after the purchase of the building on Friday, the fire and police departments will use the building for practice, and then the existing building will be demolished. He has two bids for demolition – Delta III, Inc. for \$35,000, with the Stormwater Utility furnishing and absorbing the cost for dumpsters and Public Works hauling concrete and removing debris; and also from G.E. Marshall for \$76,335.00 for the entire project. Dorinda Gregor made a motion to use Delta III, Inc., the lowest bidder at \$35,000, for demolition of the building at 7404 Broadway, and for stormwater to furnish dumpsters and Public Works to haul material, and it was seconded by Barbara Ghoston, and unanimously approved. Dorinda said that a permit will be required.

Regarding the Taft Street project, Bud said the state is requiring all ponds to be at least a five-acre parcel, and he said both the McColly and Doepping properties are large enough and will allow expansion of the ponds in the future.

Matt Lake said the Stormwater Utility master plan is being reviewed and revised, and it will be prepared as soon as possible.

Matt also said he has a proposal from Robinson Engineering for GIS storm sewer mapping and showed the members their proposal for \$62,000, plus additional engineer and GPS crew rates of pay. Mr. Crist said the matter should be deferred to another meeting where a vote can be taken after review of the proposal. Karl Cender asked about the line item to use for this, and Mr. Crist said professional services. If an additional appropriation is required, funds will be put in that account's line item.

Regarding the old oak tree, Matt said Melissa and Mike Foerstel, the owners of the property at 2800 West 57<sup>th</sup> Avenue where the tree is located, sent him an email regarding their intentions to hold off on removal at this time, a copy of which was given to all present. Barbara Ghoston questioned the power lines hanging over the tree, and Matt said he will contact Jason at NIPSCO to discuss this, and he said some trimming will help the town with potential liability to the town.

## **NEW BUSINESS**

Bud had a copy of the Camp, Dresser & McKee, Inc. (CDM) agreement regarding design for the new building. Attorney Bower said that since the closing on the real estate is set for Friday, November 4, the signing of the contract should be deferred until Stormwater owns the real estate. Steve and Karl said they need a copy of the contract, which Liz will provide. Bud said it will be addressed at a special Stormwater meeting later this month.

Matt passed out a Merrillville Stormwater Management communications flow chart indicating those persons and departments involved in the MS4 program.

Matt also said he and Jon Derwinski met with resident John Conley, who attended last month's meeting, and his neighbor to the south, Mr. Luna. Culverts need to be replaced, and the Indiana Department of Transportation (INDOT) will be contacted and they will identify rights-of-way. Dorinda said five years ago, this matter was addressed; Attorney Bower said we need continuity of public officials and departments to remember what has taken place. Matt said INDOT has to be pushed on this matter because it impacts our traffic and engineering.

Matt received verification from Reggie Korthals, the MS4 program coordinator for the Indiana Department of Environmental Management (IDEM) verifying that Merrillville Stormwater Utility has satisfactorily submitted its annual report, a copy of which approval was given to members. He also distributed copies of articles regarding purchase of the 7404 property, the Taft Street flooding project and the emerald ash borer. He said Stormwater has been receiving some good public relations through the press recently.

Bud said Matt has a person in mind as a part-time code enforcement office to specifically do stormwater enforcement. He is currently working part-time for the City of Crown Point as their code enforcement office and making \$10-\$12 per hour. With the new regulations such as testing projects after ½ inch of rain, there is too much for he and Matt to do. Matt said there is a line item in the stormwater 2012 budget, which has already been approved by the Town Council, for a part-time compliance inspector, and it would be helpful for this person to look at violations of our ordinance and do some water quality monitoring. The position is part-time and without benefits. Dorinda asked that this matter be also be placed on the agenda at the special meeting. She said they currently pay \$15 or \$20 per inspection for their part-time. The administrative assistant matter will also be discussed at the special meeting.

Bud said regarding the land use code, ponds are being lost at tax sales. Matt is working on a letter to approach Lake County to make detention ponds non-taxable and prevent them from appearing on tax sales. Dorinda Gregor made a motion to proceed to request that Lake County create a non-taxable designation of select platted detention parcels, and it was seconded by Barbara Ghoston and unanimously approved. There was a question about if a property is accidentally put on the tax sale, and Steve Bower said this action should prevent it. He asked for a copy of the letter that is sent.

Matt said Adam Graper can provide IT and computer services to Stormwater Utility at a rate of \$50 per hour, with a minimum of one (1) hour. Adam is currently the City of Crown Point IT person, and he can be available to us on an "as needed" basis. Dorinda Gregor made a motion to secure IT support with Adam Graper under the service and support agreement that was presented, commencing November 7, 2011, and it was seconded by Barbara Ghoston and unanimously approved.

Bud had a copy of a proposal from Rubino's Music, Sound & Lighting, Inc. for the LCD projector screen to be installed in the Town Council chambers at town hall for \$3,440.00; the amount does not include the cost of installation and labor, which is estimated to be six to eight hours. (\$85.00 per hour for labor and \$55.00 per hour for the helper). He said Midwestern Electric will be hired for electrical work for the installation of the projector

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and screen at a cost of \$995.00; they will install three (3) receptacles, two (2) data outlets and one (1) switch for the projector and screen. The projector and screen will be installed for educational purposes and to help people be visually informed. Barbara Ghoston made a motion to approve the bid proposal from Rubino's Music in the amount of \$3,440.00 plus labor, and electrical hookup by Midwestern Electric in the amount of \$995.00; the motion was seconded by Dorinda Gregor and unanimously approved.

### **OTHER BUSINESS**

Bud Crist asked Jon Derwinski from Robinson Engineering to stake the four (4) corners of the property at 7404 Broadway and prepare a topographic boundary survey. He said utility locates are needed for Dan Vicari at CDM.

Matt Lake said he and Jon Derwinski met with Mr. Cantwell and Mr. Reinhart regarding the ponds on 73<sup>rd</sup> Avenue, where the property is washing away, and they discussed a recreational pond. Attorney Bower said the owner tries every three to four years to approach the town for some help. Steve said this matter needs Board of Zoning (BZA) and Town Council approval. Bud said the residents have lost 25 feet of property, and they are trying to help stop erosion; Matt said if they are in violation of the stormwater ordinance, they will be stopped.

Karl Cender said he will check with Diane at the Clerk-Treasurer's office to make sure the stormwater appropriations for the general fund and construction fund are correct.

### **PUBLIC COMMENT**

Resident Bob Garity addressed the Board, stating he was on the Stormwater Management Board eight (8) years ago, and he complimented everyone on the job they are doing, including reviewing ponds in Merrillville. Attorney Bower said eight (8) years ago, there was no money and no structure, and now things are moving in a positive direction. He is glad to have Councilwoman Chrissy Barron as the Town Council liaison to keep the town's elected official informed about stormwater activities.

### **ANNOUNCEMENTS**

Bud said a special meeting of the Stormwater Management Board will be held on Tuesday, November 15, 2011, at 4:30 p.m. at the Town Hall to discuss matters deferred at this meeting.

The next regular monthly Stormwater Management Board meeting will be held on Tuesday, December 6, 2011, at 4:30 p.m. at the Town Hall.

Barbara Ghoston made a motion to adjourn the meeting at 6:26 pm, and it was seconded by Dorinda Gregor and unanimously approved.

Respectfully submitted,  
Liz Bushemi  
Secretary