

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
MONDAY, MARCH 4, 2013**

President Barbara Ghoston called the March 4, 2013 Merrillville Stormwater Management Board (SWMB) meeting to order at 4:36 p.m. The other member in attendance was Dorinda Gregor; member Leonard White was unable to be present because he was out of town in training in California. Staff present was Executive Director Matt Lake, Attorney James Meyer, financial advisor Karl Cender from Cender & Company and Secretary Liz Bushemi. Councilman Tom Goralczyk, the Town Council liaison to Stormwater Utility, was also in attendance. Town Councilman Don Spann and Dion Katsouros from Skillman Corporation were also present.

Included in the agenda packet was a copy of the minutes from the February 5, 2013 monthly SWMB meeting. Dorinda Gregor made a motion to approve the minutes from the February 5, 2013 meeting, and it was seconded by Barbara Ghoston; there were no questions or corrections, and the motion was approved and unanimously carried.

Also included in the agenda packet were the current appropriation reports and accounts payable registers. Dorinda Gregor made a motion to approve the accounts payable registers from February 12, 2013 and February 26, 2013, and it was seconded by Barbara Ghoston; there were no questions, and the motion was approved and unanimously carried. Liz Bushemi said that although the accounts payable register for February 26, 2013 states the NIPSCO bill is for “Storm-Plan Commission”, that it is the Stormwater NIPSCO bill only and that it was an error by Keystone. Liz also said appropriation reports for Funds 626 and 627 were still not available, and Barbara asked if Stormwater is keeping track of Stormwater financial status, and Matt Lake said yes, that we have our own Access accounting system.

COMMENTS FROM THE PRESIDENT

Mrs. Ghoston said that since member Leonard White is not present, she asked that the Board hold off on any contract approval until he is present but to move forward on anything necessary.

OLD BUSINESS

Mrs. Ghoston said members all received a copy of the First Group Engineering Supplemental Agreement No. 1 regarding the 54th Street Sewer Replacement. Attorney Jim Meyer suggested that an itemization be requested from First Group to get more detailed information and suggested that the matter be tabled. Dorinda Gregor made a motion to table the Supplemental Agreement No. 1 from First Group Engineering, and it was seconded by Barbara Ghoston; there were no questions or corrections, and the motion was approved and unanimously carried.

Barbara also said Board members received a copy of the Contract for Services for 2013 between Aquatic Weed Control and Merrillville Stormwater Utility, calling for the six (6) regular applications for the control of algae at Bon Aire Lake; it has a clause for the optional application for control of duckweed. She asked Matt if Aquatic Weed Control contacts him prior to any duckweed application, and Matt said yes. Dorinda Gregor made a motion to approve the payment to Aquatic Weed Control for the applications for the control of algae and additional duckweed control if approved by Matt Lake, and it was seconded by Barbara Ghoston; there were no questions or corrections, and the motion was approved and unanimously carried.

Matt said the 54th Avenue/Meadowdale project is out for bid, and five companies have requested bid packages to date since the February 26, 2013 Notice to Bidders which appeared in the newspapers. Attorney Jim Meyer said an addendum needs to be prepared to the Notice to Bidders stating that bid packages can be turned in up to 4:30 pm at the April 2, 2013 Stormwater Management Board meeting.

Matt said signs will be ordered this week for the Taft Street detention ponds where no recreational activities can take place. Signs will also be prepared for Bon Aire Lake, where recreational activities do occur; since residents fish at Bon Aire Lake, these signs will be treated differently.

Barbara asked if the Stormwater dump truck has a Stormwater decal on it, and Matt said since it is shared equipment with Public Works, a decal can be put on it. Matt also said graphics may be designed for a rolling billboard to be installed on the camera truck as a way of public outreach. Councilman Goralczyk said Broadway Auto Glass prepared a similar thing for a fire department truck.

NEW BUSINESS

Board members received copies of proposals for design of the Stormwater Resource Center from Stutler Architects in the amount of \$20,000 and from CDM Smith in the amount of \$52,000. Matt said the architect would work with Skillman Corporation, Stormwater's construction manager, to incorporate the value engineering items and cost reduction and said a decision needs to be made to proceed on the building. Councilman Goralczyk said the remodeling at the Merrillville Fire Department on 73rd Avenue was designed by Stutler Architects, and the fire department had many change orders that cost the fire department more money. Matt said Stutler is doing work in the area and working with Skillman Corporation, and he recommends Stutler. Councilman Goralczyk said CDM Smith should "eat" the \$52,000 proposed fee, but Matt said they refused to do that; he has requested their CAD files and said we need to proceed. Financial advisor Karl Cender said with whichever firm is chosen, Stormwater needs to know their fee and Skillman's in order to proceed. Barbara asked about negotiations with CDM Smith. Because of the price difference, Matt recommends going with the Stutler firm. Councilman Goralczyk said the fire service had numerous problems with Stutler, and Matt said with Skillman on board with the design, he recommends Stutler and said the fire service did not have a construction manager. Mr. Goralczyk asked Mr. Katsouros what the bid amount would be and who would do site supervision; Dion said he didn't know what it will bid at until they are received, and he would be there for site inspections and have progress meetings twice monthly. Matt said CDM Smith indicated they are not interested in proceeding and will not come down any further; in a previous meeting with Matt and Councilman Goralczyk, Ron French from CDM Smith said they would reduce their fee to \$48,000 but send the work to their staff in India, which Matt said is highly unacceptable. Dion said he took Matt on a tour of a building in Portage that Cleon Stutler designed, and that he is not a cheerleader for either company; he knows Stormwater had a previous relationship with CDM Smith, but starting with a new company is fine also. Dion asked another architect for a quote, and he said the design work cannot be done under \$52,000. Mr. Goralczyk suggested that the matter be tabled for another month, and Matt disagreed saying that Dion said it would take 6-8 weeks for design time, we would

have to advertise for bids and then award the bid. Matt said after touring the Stutler-designed building, he feels very comfortable with it and says all Stormwater equipment will then be stored at the new facility. Dorinda said she wants the entire building built with the garage. Barbara asked if anything is owed to CDM Smith now, and Matt said \$8,000 has not been paid. Jim Meyer said he talked at length to Ron French at CDM Smith, and they will not reduce their \$52,000 fee at all.

Dorinda asked if the Board members could see the Stutler-designed building in Portage; she said that although she heard the fire territory had some problems, she knows that he has had smaller jobs within the town, but not larger jobs. She said if they like his work, then a special meeting can be called to approve a motion to hire Stutler for the design work. Barbara said she would be available Friday, and Dion said he will make arrangements for Friday. Jim Meyer said a special meeting of the Board could be set, giving the press 48 hours' notice of the special meeting.

Barbara asked about the American Legion's reciprocal agreement for use of the parking lot, and Liz advised that the town's Certificate of Insurance was sent to Commander Minchuk and we are waiting to receive theirs. Jim Meyer suggested that if we don't receive a response from the legion, that we contact their insurance company directly, Walter Cook Insurance. Liz said she will follow up.

Matt said he was contacted by the Little Calumet River Basin Development Commission about the fee imposed for communities near the river, and he will be meeting with DLZ and SEH regarding surplus money for communities' regional upland stormwater storage projects that are outside of the levee. He said a fee is being imposed on all landowners in the Little Cal watershed, but it excludes Porter County. He said his goal in working on this is to attempt to identify stormwater storage where money paid by Merrillville residents will pay for regional detention in Merrillville.

Matt said he is continuing to work with members from surrounding communities in the Northwest Indiana Stormwater Advisory Group (NISWAG). He said Compliance Officer Joe Fish is continuing to pursue cases, and a \$5,000 judgment was just entered against PIMA on their case and also said that Mr. Car Wash paid their \$2,500 fine. He said enforcement is working, and residents and companies are being reminded that they cannot pollute stormwater. Matt said Attorney Jim Meyer has been involved in prosecuting cases that are heard in Town Court.

Matt met with the Lake County Surveyor staff regarding Kaiser Ditch, where they found some outlets that need to be stabilized in partnership with the county. He said the LTAP Stormwater Conference held on February 14 was a good conference and included low impact development; he said the new town development, the Riley Building at Ameriplex, is using some low-impact development. Matt has been meeting with developers and has reviewed plans for Aunt Millie's Bakery and other companies to ensure they are complying with the stormwater ordinance.

At the February meeting, Leonard White asked about testing for hydrocarbons when Matt discussed his newsletter article about hydrocarbons and stormwater runoff. Matt said he contacted the local company, Microbac, and they can test at \$125 for each test. Matt said

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some communities are enacting ordinances banning cold tar use, and it is possible for Merrillville to do so in the future. Jim Meyer recommended that Matt share copies of those ordinances with the Board, and Barbara said she would like to look at them and possibly have a local ordinance. She asked that Matt provide them with packets.

Matt said the office has been reviewing the tax parcels that are up for commissioner's tax sale. He said he has been asked to serve on the Lowell Stormwater Board, which meetings are held at night every other month as a volunteer and asked if anyone had a problem with volunteering there or on several other boards that he mentioned. He said he was included in a "Canopy" newsletter, which discussed his participation in the Indiana Urban Forest Council.

Dorinda complimented Matt, Attorney Jim Meyer and financial advisor Karl Cender on their work as being part of the Stormwater team. She said she is pleased that everything is going well. Matt said with all members, including staff, are part of the team, and he said the new building will put Merrillville Stormwater at a new level.

Councilman Don Spann said the Taft Street project detention ponds are very nice, and he said there have been many compliments about them.

Councilman Goralczyk asked about NIPSCO's work on Taft Place south of 73rd Avenue. Matt said he has a call into Bruce regarding a cost share on Taft Place since NIPSCO will pay 75% and part of the project had not been considered. Mr. Goralczyk asked if Stormwater will pay the remaining amount, and Matt said that Stormwater has a lot to do with Public Works, and roads are part of the project. Matt said if there is no suitable outlet for that part of Independence Hill, there would need to be a lift station. Matt said since NIPSCO may be disturbing enough of the road, perhaps they will end up paying the entire amount for the road work; he said it may be tied in with INDOT's cost-share for reimbursement.

Tom Goralczyk inquired if the easement has been approved by Calumet Park Cemetery, and Matt said that Mark Kaiser from Christopher Burke is working on it, pursuant to the contact approved at the last meeting. Matt said the easement needs to be signed and notarized as soon as possible so it can be recorded.

Barbara questioned the mapping project by Robinson Engineering, and Matt said 702 structures have been mapped already for Phase II. Matt said Robinson Engineering is working with Christopher Burke Engineering, who is working on the Stormwater Master Plan. Matt said he will be at a NIRPC workshop where he will discuss survey grade level mapping.

Tom Goralczyk asked about a drain at 73rd Avenue and Whitcomb Street by R Storage; he said it clogs up and the roadway culvert is filled with debris and litter. Matt said he will ask Public Works to do regular maintenance on this area.

Barbara asked about the resident Becky Lee situation from the February meeting, and Matt said the landscaper installed an earthen berm and resolved the problem. He talked to her, and she has thanked him several times for taking care of the matter.

ANNOUNCEMENTS

Barbara said the next meeting will be held on Tuesday, April 2, 2013, at 4:30 pm at the town hall. She said when a special board meeting is called to vote on the architect for the building, everyone will be notified.

Dorinda Gregor made a motion to adjourn, and it was seconded by Barbara Ghoston. The meeting was adjourned at 5:54 p.m.

Respectfully submitted,

Liz Bushemi
Secretary