

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, JULY 3, 2018**

President L.J. “Bud” Crist called the July 3, 2018, Merrillville Stormwater Management Board (SWMB) meeting to order at 4:31 p.m. The pledge of allegiance was said. The other members in attendance were Barbara Ghoston and Ralph Simek. A roll call was taken, and a quorum was established. Staff members present were Executive Director Matt Lake, Attorney James Meyer and secretary Liz Bushemi. Also present were Merrillville Town Council President Richard Hardaway, Town Councilperson Chrissy Barron, Jake Dammarell from Butler Fairman & Seufert and Dolly Flaska. Bon Aire Lake residents who signed in were Karen Billick, Mr. & Mrs. Daniel Moore, Lawrence & Pamela Sinclair, Bob Cotton, Andrew Sylwestrowicz, Anthony Nadolski, Harriet & Russell Pillow, Velisa Davis, Penny & James Platis, Bobby Davis, Henry & Norma Fountain and David Walton.

MINUTES

Included in the agenda packet was a copy of the minutes from the June 5, 2018 SWMB meeting. Barbara Ghoston made a motion to approve the minutes from the SWMB meeting held June 5, 2018. Matt Lake said page 4 of the minutes should be corrected to read “By lowering the outlet six inches down, it could provide up to an additional 10 acre-feet (3.2 million gallons) of stormwater storage.” Mrs. Ghoston amended her motion to accept the minutes from the SWMB meeting held June 5, 2018 with Matt’s correction, and it was seconded by Ralph Simek. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

ACCOUNTS PAYABLE REGISTERS APPROVAL

Also included in the agenda packet were copies of the accounts payable registers from June 12, 2018 and June 26, 2018. Ralph Simek made a motion to accept the accounts payable registers from June 12, 2018 and June 26, 2018, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

OLD BUSINESS

President Bud Crist said Stormwater received the spring, 2018, assessment for stormwater fees in the amount of \$1,131,962.97.

Matt Lake said the Independence Street project is almost complete. Included in the members’ packets was a copy of Dyer Construction’s Pay Request #2 in the amount of \$144,368.98. Barbara Ghoston made a motion to pay Dyer Construction’s Pay Request #2 in the amount of \$144,368.98, and it was seconded by Ralph Simek. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote. Matt publicly thanked the Lake County Economic Development Department for the Community Development Block Grant award of \$100,930.00 to help with this project. Also included in the members’ packets was a copy of Change Order No. 1 for installation of a 260-foot pipe at an existing easement at 7506 Independence Street in the amount of \$16,711.00. Ralph Simek made a motion to approve Change Order No.1 in the amount of \$16,711.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote. Members also received a copy of Robinson Engineering’s Supplement No. 1 for their construction observation of the Independence Street project in the amount of \$4,330.00. Ralph Simek made a motion to approve Robinson Engineering’s Supplement No. 1 for construction observation of the Independence Street project in the amount of \$4,330.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Regarding the Little Calumet River Basin Development Commission (LCRBDC) application for engineering for the Meadowdale project, Matt said the LCRBDC wants to expand the project to include areas in Gary that are located within the watershed. He is hopeful that they will approve the \$133,000.00 for the engineering for the Town of Merrillville and also engineering for Gary since it will be a multi-million-dollar flood control project.

Included in the members' packets was a copy of the Hubinger Landscaping invoice for \$3,687.00 for the no-mow fescue project at the north end of the Stormwater Resource Center property. Ralph Simek made a motion to approve the Hubinger Landscaping invoice in the amount of \$3,687.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

NEW BUSINESS

Matt said at 56th & Grant Street, there is a dangerous area where the culverts cross, and he requested quotes for a slope armoring project at the location. Included in the members' packets were copies of the five (5) quotes received, with Delta III, Inc. being the lowest bidder with a bid of \$13,125.00; Matt said that amount is \$5,000.00 less than the highest bid. Barbara Ghoston made a motion to accept the bid of Delta III, Inc. in the amount of \$13,125.00, and it was seconded by Ralph Simek. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Also included in the members' packets was a copy of the Butler, Fairman & Seufert (BF&S) Supplemental Agreement No. 1 for environmental services for Taft Place at the Bon Aire Lake outlet in the amount of \$11,500.00. Jake Dammarell from BF&S said various agencies are requiring additional permits for processing. Matt said by lowering the normal water level we can try to get as many people out of the high-risk flood zone as possible, especially since flood insurance is becoming more expensive. This project will involve lowering the culvert back to the original elevation, and it will provide approximately 3 million gallons of additional flood storage. Ralph Simek made a motion to approve Butler, Fairman & Seufert's Supplemental Agreement No. 1 in the amount of \$11,500.00, and it was seconded by Barbara Ghoston. Mr. Crist asked about a time-frame for the review process, and Jack Dammarell said about one to two months, and then it will be ready to be put out for bid. There were no further questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

OTHER BUSINESS

Mr. Simek asked about the Stormwater posters, and Matt said some have sold. He said the Northwest Indiana Stormwater Advisory Group (NISWAG) may want to create another poster on stormwater quantity, and it will be another avenue for public outreach. He said another community would take the lead on the next poster.

PUBLIC COMMENT

Bob Cotton, from 5854 Taft Place, who lives next to the culvert at Bon Aire Lake, asked what the size of lowering the lake would be. Matt said it will be designed accordingly, and there will be dredging done to match the new invert elevation of the outlet structure to match bottom primarily on the east of the outlet along Lateral 7. He said permits from Army Corps of Engineers, the Indiana Dept. of Environmental Management (IDEM) and Dept. of Natural Resources (DNR) are required, as well as the Lake County Drainage Board since it is located in Lateral 7, which is a Lake County Regulated Drain. He asked if a culvert would be done at

Roosevelt Street too, and Matt said no. Mr. Cotton said he pays \$2,000.00 per year for flood insurance. Matt said because of Merrillville's participation in the Community Rating System, Merrillville residents receive a 15% automatic discount on flood insurance for high-risk policies. Matt's goal, once the normal water level is lowered, will be to possibly re-study the area and submit a Letter of Map Amendment (LOMA) to FEMA. He said there are \$25 million in stormwater projects in the Master Plan for flood control and water quality. Matt was asked about the Bon Aire Lake culvert project costs, and he estimated \$200,000.00 with engineering and construction. Penny Platis, 2511 West 58th Place, asked that the culvert not be damned up and be changed responsibly through proper permitting.

Anthony Nadolski, 2545 West 59th Place, said in the past, they would remove boards at the culvert, and Matt said that blocking or damming the outlet with boards would violate Indiana drainage law and was not authorized according to a letter from the Office of the Lake County Surveyor dated November 19th 2003. Jake Dammarell said there had not been problems before the culvert level was raised. Matt said some residential properties along the southeast end of the lake are lower and are more vulnerable to flooding. Lowering the culvert will help protect these properties.

Harriet Pillow, 2531 West 58th Place, said we've had a hot spring, and now with the dead fish, it's so cruel, and they need to turn on the fountains. Matt said there were fountains at the time of the 2017 fish kill, and the fountains did not prevent the previous incident. He said for the 14-acre lake, three (3) or four (4) fountains would not adequately aerate 50 acre-feet or 16 million gallons of water. Matt asked the residents if from 1960 when the lake was dug out until the early 2000's, were there fountains, and the residents said no. Andrew Sylwestrowicz, 5825 Taney Place, said the fountains were installed in 1996. Matt asked him if when there were no fountains, were there any fish kills, and Mr. Sylwestrowicz said just some dead fish in the water. Bob Cotton said there is possibly a beaver dam, and he will find out and let Matt know; if so, Matt said he will contact the Lake County Drainage Board since it is Lateral 7. Mr. Sylwestrowicz said the ditch has not been cleaned, and Lateral 7 is maintained by Lake County; he said water from Lakewood Estates comes into Bon Aire Lake. Matt said he will ask the county to put Lateral 7 on their list if there is a need for routine maintenance. Mr. Sylwestrowicz said Renee Connelly originally petitioned for the town to acquire Bon Aire Lake since they were getting sewer water, and Lake County deeded Bon Aire Lake to the town. He said fountains were installed in 1998 because Mr. Donahoe from Aquatic Weed Control said they needed them.

Bob Cotton said before the 2017 fish kill, everyone used to fish all the time. Matt said the lake was treated by Aquatic Weed Control last week, and there were very high heat temperatures. The combination of the high temperatures and chemical treatment could have created a hypoxic condition. Matt said both IDEM and IDNR were called out there by him, and samples were taken to Microbac Laboratories today.

Norma Fountain, 2400 West 59th Place, asked who cleans up a fish kill. Matt said our nuisance wildlife contractor, Tom Larson, was there today to clean up the fish, and Public Works employees put them in 55-gallon drums and disposed them.

Felicia Davis, 2436 West 59th Place, said she has a many fish by her house, and the birds are bringing more near her home, with some on her roof. Matt said the seagulls are probably taking them out of the lake and bringing them to the roof.

Karen Billick, 2504 West 59th Place, said Aquatic Weed Control has treated the lake since 2003 for lake management. She asked if they are using too strong of chemicals. Matt said that chemical application is restricted by the contractor's license through the Office of State Chemist, which limits the type and amount of chemical application to treat bodies of water. Matt showed everyone a sign that is placed at the Bon Aire Lake outlet that says to not eat the fish: "Catch & Release Only (fish may be contaminated)". He said Bon Aire Lake is not an Isaak Walton recreation site; so, we don't manage for sport fishing and don't encourage boating or swimming.

Dr. James and Penny Platis, 2511 West 58th Place, said they moved to Bon Aire in 1964, and there was a natural look to the water and asked "What did we do?" Matt said chemicals have been applied to the lake for many years, long before Stormwater took over management of the lake in 2011, but maintaining a natural state is preferred. Matt said he has been obtaining historical records of the lake. Dr. and Mrs. Platis said even when the lake was shallower, from 1964 to 1998, there were no issues. Matt said when you change the chemistry of the water (adding chemicals and stocking with fish), it alters the natural balance. He said when you treat with chemicals like copper sulfate to eliminate the algae and duckweed, you change the dissolved oxygen levels in the water as those oxygen producing plants die. Mr. Sylwestrowicz said he has records from 1997 or 1998 for Aquatic Weed Control (although Stormwater was told by Aquatic Weed Control that they started applications in 2003).

Anthony Nadolski said people from Illinois came and signs were made. Bud Crist said the developer dug out Bon Aire Lake in 1952 or 1954. Matt showed the residents an 11X17 picture of what Bon Aire Lake looks like today, which showed very little algae and duckweed on the surface. Mr. Nadolski said there was extreme heat in the 1980's for a six-to-seven week period, and there were no problems with the lake. Matt said the chemical treatments and the extreme heat will impact the conditions for fish.

Russell Pillow, 2531 West 58th Place, said he understands the need to lower the culvert six to seven inches, but said fish are dying now and the lake has chemicals. He said someone is going to get sick, and asked how many people will smell the dead fish. Matt said resident Bob Cotton said he stocked Bon Aire Lake with approximately 300 fish. Attorney Jim Meyer said no one should be stocking the lake with fish. Jake Dammarell said the depth of the water does not constitute a fish kill and it will not negatively impact fishing. He reminded everyone to keep in mind that Bon Aire Lake is a reservoir, and every reservoir has a life cycle; without human intervention, he said you're at a point to prolong the life of the lake, and without it, you would just have Lateral 7. He said some fish are more tolerant of heat and chemicals, but bass and bluegill die off sooner. Lowering the lake level should help, and the weeds act as a filter. Mr. Pillow asked when the lake would be lowered, and Matt said engineering will be complete this fall, and we are in the process of obtaining all appropriate permitting. Jake Dammarell said utilities have to be moved, and there is Army Corps of Engineers procedure to follow. Public meetings will take place with local residents prior to any construction.

Bud Crist said the Stormwater Management Board began in 2004, stormwater fees have been collected since 2010, and Stormwater Utility became a department with staff in 2011. Matt said the town inherited Bon Aire Lake from Lake County when it was deeded to the town. He said we routinely address numerous stormwater infrastructure issues in the town and emergencies on a

daily basis. His intent is to prepare for the next 2008 storm event; in February 2018, another significant flood event occurred. He said stormwater is a newer utility that has to address aging infrastructure and retrofit new flood control structures where feasible. He said the Taft Street project was a \$2 million project where Stormwater had to comply with state and federal requirements, and we have several similar projects we are pursuing that were identified in the Stormwater Master Plan.

Harriet Pillow, 2531 West 58th Place, said years ago someone pulled up her retainage wall, and Matt said he believes Public Works may have done that years ago. Matt said several residents unknowingly have placed piers on the town-owned property. Attorney Jim Meyer said no resident can put anything on someone else's property. Matt said apparently people did not know what the town boundaries are, and he may deal with the pier issue in the future.

Mr. Crist thanked everyone for attending.

ANNOUNCEMENTS

Mr. Crist said Stormwater Utility will participate in the Merrillville 4th of July parade tomorrow. He said the next SWMB meeting will be held on Tuesday, August 7, 2018, at 4:30 pm at the Stormwater Resource Center.

Ralph Simek made a motion to adjourn, and it was seconded by Barbara Ghoston; the meeting was adjourned at 5:35 pm.

Respectfully submitted,
Liz Bushemi
Staff Secretary