

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, JULY 6, 2021**

President L.J. “Bud” Crist called the July 6, 2021, 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, Financial Advisor Karl Cender and secretary Liz Bushemi. Resident Bob Cotton attended.

COMMENTS FROM THE PRESIDENT

None.

MINUTES

Included in the agenda packet was a copy of the minutes from the June 1, 2021, SWMB meeting. Barbara Ghoston made a motion to approve the minutes from the SWMB meeting held June 1, 2021, 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 8 and June 22, 2021. Ralph Simek made a motion to accept the accounts payable registers from June 8 and June 22, 2021, 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

Bud Crist said the stormwater fees for the May, 2021, installment were received in June in the amount of \$1,176,889.84. Pursuant to the instructions of Financial Advisor Karl Cender, \$696,954.16 was put into Stormwater’s Operating Fund 626, and \$479,935.68 was put into Construction Fund 627 by the Clerk-Treasurer.

Regarding the Bon Aire Lake Culvert project, Matt Lake said included in the members’ packets is a copy of Change Order No. 1 for \$10,540.19 for installation of rip rap at the project. Ralph Simek made a motion to approve Change Order No. 1 for \$10,540.19 for the Bon Aire Lake Culvert project, 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. Also included in the packets was a copy of Dyer Construction Company’s Pay Request #1 in the amount of \$122,720.01 (which includes the amount of the above change order). Ralph Simek made a motion to approve Pay Request #1 for \$122,720.01 for the Bon Aire Lake Culvert project, and it was seconded by Barbara Ghoston. Mr. Simek asked the status of the project, and Matt said that except for grading the boat launch area for Lake & Pond Biologists, everything is done. He said half of the amount of the project is being paid by a Little Calumet River Basin Development Commission (LCRBDC) cost-share. Resident Bob Cotton said the lake level dropped about one foot, although when there was 6” of rain, the lake level was up 2’. A voice vote was taken, and the motion to pay Dyer Construction’s Pay Request #1 in the amount of \$122,720.01 was unanimously passed with a 3/0 vote.

Matt also added included in the members’ packets was a copy of a letter from Matt Rosa from Christopher Burke Engineering recommending that Pay Request #3 from Dyer Construction Company, Inc. in the amount of \$321,639.16 be paid. Barbara Ghoston made a motion to approve payment to Dyer Construction Company, Inc. in the amount of \$321,639.16, 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 said Dan Repay, the executive director of the LCRBDC, came to Merrillville, and Matt took him out to see the projects where the Little Cal has approved cost shares on projects, and Mr. Repay was impressed with the progress and implementation of the plans. Mrs. Ghoston asked about reimbursement for the rip rap, and Matt said it would be at 50%.

Matt said Merrillville is participating in the Indiana CLEAN Community Challenge pilot program, and he is providing a lot of input for the program. Merrillville is one of four or five communities that were asked to participate.

NEW BUSINESS

Bud said included in the members' packets was a copy of a Memorandum from Cender and Company to the Clerk-Treasurer transferring \$5,000.00 from Fund 626 contractual services line item #394 to the equipment line item #453. Ralph Simek made a motion to approve the budget transfer of \$5,000.00, and it was seconded by Barbara Ghoston. Bud said Stormwater Utility needed an air compressor. 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 an invoice in the amount of \$14,900.00 and proposal from Delta III, Inc. for installation of culverts at 6101, 6127 and 6255 Hendricks Street. A second quote was received from Woodruff & Sons, Inc. for \$18,500.00. Barbara Ghoston made a motion to approve payment of the invoice to Delta III in the amount of \$14,900.00, 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. A second invoice in the amount of \$5,934.83 from Delta III was included in the agenda packet for hot patch installed at the above project. Ralph Simek made a motion to approve payment of the invoice for the hot patch to Delta III in the amount of \$5,934.83, 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.

Another invoice included in the members' packets was from South County Landscaping for extending a 10" drain pipe at 6995 East 86th Court in Ross Meadow Farms. Ralph Simek made a motion to approve payment to South County Landscaping in the amount of \$3,107.00, 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.

Matt said Delta III removed a substantial log jam behind 6700 Jefferson Street in the ditch; included in the members' packets was an invoice from Delta in the amount of \$2,500.00. Mr. Simek asked if this was due to someone cutting trees down, and Matt said no, it was accumulation of debris and some trees fell off the banks from natural erosion. Ralph Simek made a motion to approve payment to Delta III in the amount of \$2,500.00, and it was seconded by Barbara Ghoston. There were no other questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

OTHER BUSINESS

Bud said that Liz has notified us that she intends to retire, and her last day of work is August 27, 2021. Matt said that the position has been advertised internally with the town, and this Friday, August 9th, is the deadline for submission of resumes; interviews will take place following. Matt said he hopes to hire someone who is a current town employee.

Liz read a statement to the Board members giving a history of her employment with Stormwater Utility and her employment beginning on February 14, 2011. In her statement, she discussed the fact that the Board legally voted her a \$2,100 pay increase on June 5, 2012, and said the proper payroll/status change notice was turned in to the Clerk-Treasurer on June 18, 2012 with payroll and time sheets, but said it was never processed, and she never received the increase. Liz formally requested a severance payment at her retirement for the \$2,100.00 per year that she did not receive for the past nine (9) years, or \$18,900. Attorney Jim Meyer said that although the Board voted to approve the pay raise, it was never included in the town salary ordinance. He said that he and Financial Advisor Karl Cender talked to the Indiana State Board of Accounts (SBOA), and they want the Town Council to approve the payment. Matt said he talked to Town Manager Pat Reardon and Town Attorney Joe Svetanoff and said the matter may be resolvable without Town Council approval. Jim said the vote was appropriate under Indiana law, and the Board has the right to set compensation for employees. However, he said that in Merrillville the Council approves the Utility's employees' salaries so the SBOA has opined that the Council should approve any severance package or bonus. If the Board's Resolution that he prepared is not enough for the SBOA to approve the payment to Liz, the money may have to be paid back, and the state could go against Liz and/or the Clerk-Treasurer for misspending municipal funds. That is why he and Karl Cender talked to the SBOA to determine in advance what their position was on what needed to be done for them to approve the payment to Liz. Matt said that Liz has the right to file a grievance, and Pat Reardon and Joe Svetanoff mentioned drafting a settlement agreement; that is the way they felt they would have the most discretion for approving and expediting the payment. Jim Meyer read the title of Stormwater Resolution 21-2, "A Resolution Approving Payment to Liz Bushemi, Administrative Assistant, of \$18,900 as Payment for her Hard Work and Dedication During her Over Ten Years of Employment at the Merrillville Stormwater Utility". He said this Resolution must be passed to start the process. Mr. Simek asked why an invoice cannot be prepared, and Jim said Liz is not a contractor. Matt said the resolution is clear, and it's step one with the Board wanting to do this and approve it; he said Joe Svetanoff proposed the settlement agreement. Ralph Simek made a motion to approve the Board of Directors of Merrillville Stormwater Utility Resolution 21-2 approving payment to Liz Bushemi of \$18,900, and it was seconded by Barbara Ghoston. Mr. Crist asked Karl Cender if he had any remarks, and he said the SBOA did not get specific about the settlement and said that Jim outlined that Merrillville's situation is unique. Mrs. Ghoston asked if the resolution will go to Pat Reardon, and Matt said yes. There were no further comments or questions. A voice vote was taken, and the Board of Directors of Merrillville Stormwater Utility Resolution 21-2 unanimously passed with a 3/0 vote.

PUBLIC COMMENT

Bon Aire Lake resident Bob Cotton asked Matt if there is any timeline for the letter of map amendment (LOMA) to FEMA and submitting an application to try and get adjacent properties out of the flood zone. Matt said it would be done before November for approximately 14 properties adjacent to the lake as a result of the project. He said Dyer Construction still needs to regrade section to improve the boat launch area, which will be done soon.

ANNOUNCEMENTS

Mr. Crist said the next SWMB meeting is set for Tuesday, August 3, 2021, at 3:30 pm. Ralph Simek made a motion to adjourn, and it was seconded by Barbara Ghoston. The meeting was adjourned at 5:08 pm.

Respectfully submitted,
Liz Bushemi, Staff Secretary