



## Minutes

### MERRILLVILLE STORMWATER MANAGEMENT BOARD

Tuesday, January 4th, 2022 at 3:30 PM

Merrillville Stormwater Resource Center, 7404 Broadway, Merrillville, IN

**CALL MEETING TO ORDER:** President L.J. “Bud” Crist called the January 4<sup>th</sup>, 2022 Stormwater Management Board (SWMB) meeting to order at 3:30 p.m.

**PLEDGE OF ALLEGIANCE:** President Crist led the pledge of allegiance.

**ROLL CALL:** A roll call was taken, members in attendance were, President, Bud Crist, Vice President, Ralph Simek, and Secretary, Barbara Ghoston. A quorum was established. Staff members present were Executive Director Matt Lake, Attorney James Meyer, Financial Advisor Karl Cender and secretary Adra Breclaw-Csanyi.

**COMMENT FROM ATTORNEY:** Jim Meyer asked if board elections were held. President Bud Crist said he was the only one up for his term and that his letter of intent was submitted to the Town Council for approval. Matt Lake said the board can we can conduct election of officers. Attorney Meyer asked if the Town appointed the Board Members, Bud Crist said he is supposed to be appointed, Matt responded, correct. At the first Board Meeting they do and this meeting is before the Town Council meeting, the only person up is for reappointment is Bud, and his letter of intent is already sent. Attorney Meyer said he would go ahead with the election and that one of the three Board Members need to nominate someone for President. Ralph Simek made a motion to nominate Bud Crist as President of the Merrillville Stormwater Management Board, Barbara Ghoston seconded. Bud Crist asked if there were any other nominations, a voice vote was taken, and the motion unanimously passes with a 3/0 vote. Bud Crist made a motion for Vice President, Barbara Ghoston, she then stated if there is no objection, she would like to make a motion that Board Members remain in their current capacity. Ralph Simek seconded, a voice vote was taken, there were no other questions and the motion unanimously passes with a 3/0 vote.

**COMMENTS FROM THE PRESIDENT:** President Bud Crist recognized that this is a new year.

### MINUTES

Stormwater Management Board Minutes (SWMB) from December 7th, 2021, approved. Ralph Simek made a motion to approve the minutes from the SWMB meeting held December 7th, 2021, it was seconded by Bud Crist. There were no questions. A voice vote was taken, and the motion unanimously passes with a 3/0 vote.

### ACCOUNTS PAYABLE REGISTERS APPROVAL

Included in the agenda packet were copies of the Accounts Payable Registers from December 14th, 2021 and December 28th, 2021. Barbara Ghoston made a motion to accept the Accounts Payable Registers from December 14<sup>th</sup> and December 28th, 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 Register for ARP December 28<sup>th</sup> 2021 in packet as first issued Register, there are no Stormwater appropriations. Matt Lake noted that the first ones for Stormwater will be for the Tree Inventory.

### OLD BUSINESS

Bud Crist - Certificated of Completion is distributed from the 2021 Indiana MS4 Partnership Annual Meeting held at the Indianapolis Marriott East to Vice President Ralph Simek and President Bud Crist. Vice President Ralph Simek stated that this is the first time he received a certificate. President Crist said

that Matt was in charge of it. Matt Lake stating that attendance was good and that there will be another annual meeting in May at the same location with new sessions. Because of circumstance it was delayed last year.

Matt Lake - None.

## **NEW BUSINESS**

Bud Crist –

There is a request from James Meyer and Associates to increase rates for legal services. Ralph Simek made a motion to approve the request for rate increases from James Meyer and Associates for the year 2022 and it was seconded by Secretary Barbara Ghoston. No questions asked, all in favor said aye, motion was unanimously passed with a 3/0 vote.

Approval of Proposal for financial consulting services from Cener & Company, L.L.C. President Bud Crist asked if it was Cender and Dalton now, Karl Cender responded yes. Ralph Simek moved to approve the financial consulting proposal from Karl Cender & Company, Secretary Barbara Ghoston seconded the motion. No additional questions. A voice vote was taken, motion passed with a 3/0 vote.

President Bud Crist thanked both firms on the outstanding work that they do. Both firms acknowledged and thanked the Board for continue service and support.

Matt Lake -

American Recovery Act Plan – Phase I – Update

Matt Lake said that the initial project is the risk tree inventory/ assessment. Meadowdale and Meadowland subdivisions were completed today January 4th, 2022 and 589 trees were cataloged. Turkey Creek subdivision will be the next area to evaluate. Originally only 500 trees were going to be evaluated within all three subdivisions so scrutiny and additional prioritization to balance it out may need to be done or if Council wants to allocate more ARP money toward additional tree removal, we can request that as well. At the same time Matt Lake is still waiting to hear back from the U.S. Forest Service on the tree planting grant that we applied for and partnership with the Delta Institute, that would provide up to 1,000 trees to plant on town-owned property. This would more than mitigate the loss of trees within the rights-of-ways.

Matt Lake said he would like to talk about the Indiana University Environmental Resilience Institute, which has a program that would involve utilizing college interns. Matt said that this was talked about in the past, getting interns and student involved and giving them experience. One intern would be responsible for doing a Community Scale Action Plan, this is taking our green house gas inventory, then looking at all of our local activities and coming up with a local Community Action Plan to reduce carbon emissions. NIRPC is doing this regionally and we would be one of the few in the state doing this on the local municipal level. The cost for this would be \$1,500 and Matt Lake would be working with the student as a mentor and ensuring the work is completed by the intern. Next is stage three of the recently released program, Cohort Program, the Urban Green Infrastructure Module Climate Fellow and that is \$2,800, that is another student focusing on urban forestry and trees, canopy cover within the community. Matt Lake wrote a job description which they would post at IU, it is included in the packet

and explains what we would be looking for, who we are, and it gives the students real world experience assessing, inventorying, and evaluating these green infrastructure Best Management Practice (BMPs), especially when it comes to urban forestry and canopy cover. Total for the interns is \$4,300 dollars, this it for two interns and two tasks done. This is timely because we are doing a lot with trees this year and

impacts regard to carbon emission. Attorney Meyer asked the period of time they would be here, Matt Lake responded, ten weeks, starting

May 1<sup>st</sup> 2021. Bud Crist entertained a motion for approval. Secretary Barbara Ghoston had a question how it would run with students being in school and classes. Matt Lake said they may still be in school but need to fulfill the requirements. Students will get college credit, we do not get to select the students, this is set up through Indiana University. This is a chance for students to get experience and use on their resume, it will help Stormwater as well. Barbara Ghoston entered a motion to approve as described by Matt Lake that we use college students for various inventorying and assessment. Vice President Ralph Simek seconded, here were no additional questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote. Bud Crist mentioned that we did have high-school interns in the past. Matt Lake yes, there were two interns, they did the original tree inventory and well as a dentition pond inventory, he taught them tree IDs, how to use the GPS unit, and it was great to get them involved. Bud Crist said that he and the interns inventoried a lot of the ponds at that time.

Barbara Ghoston had a question, she rode through the neighborhood and notice an "X" on many trees, Matt responded that there are a lot and 90% are old silver maples. She asked are they dead? Matt said many of these have compromised structural integrity as they are hollow and that they are looking at the whole formation of the tree as well as root intrusions and other ussies that impact the stormwater drainage system which is being assessed by Arbor Metrics. Matt said that because of the high number of impaired trees they need to evaluate the worst trees. Two evaluations of subdivisions are done and once this project is bid out we will make sure the contractor focuses on the list of high priority removals. Ralph Simek asked about Turkey Creek, Matt responded that almost of the subdivision are Silver Maples. Matt said that a lot of people think that those trees are two hundred years old but if you were to look at them, they are about sixty to sixty-five years old, those trees grow fast and if you where to do a cross sectional slice and look at the rings they are pretty far apart, they soak up a lot of water but also grow very fast and tend to fall apart during storms. Ralph Simek noted that they also break up the sewer lines. Matt said there is a lot of root intrusions, sidewalk heaving, curb upheaval, and debris that drops covers the drain inlets. It is about the right tree and the right place.

Barbara Ghoston brought up that some of the trees she did look at in Meadowdale are a liability for the utility company and the question is that if the tree falls on a utility line is it the tree owner's responsibility to repair it? Matt responded that if it falls on the power line it's the NIPSCO's responsibility. NIPSCO for example has a tree line clearance program and recently completed line clearance in Merrillville, Matt signed at blanket permit for them to selectively remove trees within the public right-of-way that would interfere now or in the future with power lines which is a public safety issue. NIPSCO contractors will usually do radial clearing, 10-15 ft of radial clearance from the outer wire, that's why you have trees that are pruned oddly. Removal is how contracts are set, some are set for line mile so they try to get in as quick as possible and trim at little at possible for distance, others are set per tree and size. It depends on how the contracts are bid out by NIPSCO. If it is bid by the tree then they will try to take out every tree that they can interfering with the wires, if they are paid by the line mile then it's the minimum line clearance to be in compliance. Typically, if they are the last person to touch the tree then they would be liable for it and they cause the tree to have the formation it does. Barbara Ghoston asked if they are in the easement then what, Matt said that is still private property and NIPSCO can work within their easements to prune but if they were to remove a tree completely and go

beyond line clearance then something would need something to be signed from the property owner. It is a quick permit but the owner would need to sign so that permission was given to take the tree down and

leave non-chippable wood. They do not haul off all of the wood. Matt Lake said it is all in the name of public safety. There are a lot of questions regarding responsibility.

Barbara Ghoston asked when will the information be published for the interns? Matt Lake said this month and that he would be sending the job description to IU and they will be posting it, January 15th, 2022. Barbara also mentioned that she counted on one property that she knew about that there were 10-11 trees that were marked with an "X". Matt responded that we got a lot of call that people were happy about the proactive approach the town is taking with regards to removals. A few were concerned about removals adjacent to their home and inquired about possible replacement trees. There is an email out to Delta Institute to see what the update is on the grant application for trees. We have an excellent chance of getting funded by the U.S. Forest Service. President Crist asked what type of new trees are there? Matt said that we can decide that and it depends on the space. We do have a recommend list of tree species as well as a tree ordinance.

### **OTHER BUSINESS**

Matt mentioned that we will be on the agenda for the Little Calmet River Basin Development Commission meeting this month to present our request to have them help fund two projects that we submitted applications for. One is for 50% engineering on the Hickory Ridge Apartments Regional Flood Control Basin and the other is Kaiser Ditch Watershed/Taney Ditch Crossings which is to cover 50% of construction costs. Matt said that he would like to compete this project this year. Attorney Meyer asked if it was designed already, Matt said "yes" DLZ designed it and engineering is complete for Taney Ditch and there is a small amount of permitting to submit to IDNR and ACOE.

Attorney Meyer asked if there were any other significant capital projects this year, Matt responded that Taney Ditch would be the largest construction project and there are several other projects through ARP. Matt mentioned that he would like to get some headway on the regional detention project in Gary which is north of us along lateral six. This project is presently to Little Cal, 17 million dollars, this is why everything needs to be in place when the big applications come your ready. This is why Matt is part of a national group called R.I.S.C. or Resilient Infrastructure for Sustainable Communities where they are tracking the federal dollars associated with Federal Infrastructure Bill. Possibly next year we would be looking to update our Stormwater Master Plan which was originally developed in 2014.

Karl Cender asked when did we issue our bond issue, Matt thought it was expiring 2027. Matt stated we always try to be fiscally responsible and possibly pay off debt associated with the bond early. Bud Crist asked if it can be paid off and Karl mentioned that you can projects without having to bond further if we continue to implement proper fiscal management. Matt said we are looking not to have to bond further and pay as we proceed to avoid paying interest and continue to receive grants and other cost-share opportunities. Matt said that if it was financially advantageous to pay off things early, he is not opposed to that either and monitor interest rates. Attorney Meyer said it depends on the interest rate.

The Town is looking forward to big things, Attorney Meyer mention a new town hall and Matt said this had been on the town's radar for a while. The town acquired the property and the intent is to create a municipal complex. Also, the town is looking to update the Comprehensive Plan from 1999 now called the Town Master Plan. The approach is not yet determined but I'm sure it be a multifaceted team approach for this project.

Barbara Ghoston would like the minutes to reflect on all the work that Matt does, she stated, "if he spends a dollar then he finds a dollar to replace it through grants and other partnerships." Secretary Ghoston expressed that he does an excellent job, she has an appreciation for Matt's financial

responsibility and clearly explaining projects along with bring money in as it goes out. Barbara Ghosten said, “thank you for you for what you have done.” Matt replied, “we do this as a team.”

Matt indicated that he had a NISWAG meeting today, Tuesday January 4th, 2022 and a new set of bylaws were drafted for this group. The new MS4 IDEM Stormwater permit and changes were discussed, Matt indicated that we will be updating our Stormwater Ordinance. Matt said that we worked with LTAP and Christopher Burke and there was a draft model ordinance with all the new permit changes built in, on top of that the new Flood Hazard Ordinance came out so that it will be incorporated as a new chapter in our Stormwater Ordinance instead of two separate Ordinances. This will be one comprehensive stormwater ordinance and also continue to incorporate our low impact development requirements. The goal is to have this ordinance updated and adopted this February. We will re-certify for CRS and this is update part of that, this way everything can be done all at once. Attorney Meyers asked if IDEM said when they expect to get a final version of those documents that they said they would? Matt said IDEM staff expressed it would be soon. This means we will have to do a new IDEM notice of intent (NOI) for the new permit and update our ordinance, however our new updated ordinance will include all aspects of the new permit to ensure we are in compliance.

Matt said there is no IDEM MS4 Annual Reports due this year. The new report will be entered and submitted through IDEM’s new online portal system, this is everything from permitting to eventually annual reports, right now it is setup for IDEM Rule 5 projects which are for stormwater construction permitting. Our new Stormwater Quality Management Plan associated with the New IDEM Permit will not include tasks that we believe are eligible for state grant dollars since you can’t use grant money to fulfill a state compliance/regulatory requirement. Matt stated that he hoped all the NISWAG communities will coordinate and adopt a similar Stormwater Quality Management Plan so that we will have a regional watershed approach to MS4 compliance. Attorney Meyers said it is somewhat set up that way with the General Permit that everyone is participating in the same General Permit and that the draft permit it drawn. Matt stated the new IDEM permit will have very few changes compared to the draft permit that they sent out for public comment. There are goals schedules to complete BMPs within each of the Minimum Control Measures (MCMs). Matt Lake anticipates that Northwest Indiana communities will be proactive and continue to coordinate together. If we take the regional approach, we can compile data from many communities to assess our implementation and improvements within the Great Lakes Basin to achieve similar goals. Attorney Meyers said the best you can do is as you did based on large watershed, not comparatively, this way there can be some qualitative information.

Matt Lake has been coordinating with Microbac Laboratories to conduct water sampling and testing at select outfalls in our main waterways. They would be contracted to collect the samples and conduct certified testing at their facility. If will provide more trending data which can be compared to the IDEM data for the 303d list of impaired waterbodies. The potential would be the remove some the waterways listed on the IDEM 303d list if we have a trend showing high water quality.

## **PUBLIC COMMENT**

No public comments

## **ANNOUNCEMENTS**

President Crist said the next SWMB meeting is set for Tuesday, February 1, 2022, at 3:30 pm at the Stormwater Resource Center.

## **ADJOURNMENT**

The meeting was adjourned at 4:00 pm.

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Respectfully submitted,

Adra Breclaw-Csanyi, Staff Secretary