

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, MARCH 4, 2014**

President Leonard White called the March 4, 2014 Merrillville Stormwater Management Board (SWMB) meeting to order at 4:30 p.m. The other members in attendance were Curtis Luna and Barbara Ghoston. The pledge of allegiance was said. A roll call was taken. Staff present was Executive Director Matt Lake, Compliance Officer Joe Fish, Attorney James Meyer, Karl Cender from Cender and Company, Ron Wiedeman from Robinson Engineering and Secretary Liz Bushemi. Others present were Councilman Richard Hardaway, Councilman Tom Goralczyk, Town Manager Bruce Spires, Planning & Building Director Dorinda Gregor, Anne Collins, Mike Mahy, Carl Thompson, Chas Riley from *The Times* and Karen Caffarini from the *Post-Tribune*.

Secretary Liz Bushemi indicated she had made a typographical spelling error on page one in the fourth paragraph of the February 4, 2014 minutes, said it had been corrected, and said all members had a corrected version of the minutes in front of them.

COMMENTS FROM THE PRESIDENT

Mr. White said elections were held at the February, 2014, SWMB meeting, and he wants to make sure that everyone is on the same page as to how to proceed in 2014. He said he believes the Board will be going in the same direction as in the past, but he feels there should be more concentration on the direction of management and maintenance. He said it should concentrate more on operations and management and less on being in groups and organizations. He wants to make sure there is a transparent board in place.

Mr. White made a motion to create a bylaws committee, and it was seconded by Curtis Luna. Mrs. Ghoston said at the February, 2014, meeting, he created a personnel committee and a finance committee, and she is still not sure of the purpose of any of the committees. Mr. White said he still has not seen how the SWMB is structured, but he read it through Indiana Code 8-1.5-3-4, which is a guiding document. He said the SWMB has no structure, he does not know how to proceed, does not know what his powers are, and does not know the rules on how to guide Stormwater. Mrs. Ghoston said the three of them are the Stormwater Management Board, and it is not their authority to do this, that the Town Council has the authority. Mr. White said nothing was ever given to him in writing. Mr. White asked Attorney James Meyer his legal opinion; Mr. Meyer said in his legal opinion, a bylaws committee can be created, but as a practical matter, Mrs. Ghoston is correct since the SWMB is only a three-member board. He said legally, a board has a right to form a committee. Mr. White said if bylaws were in place, the bylaws would dictate who is on what committee. Matt Lake questioned the board's authority over the Town Council, and Mr. Meyer said the board has the right to operate and have bylaws, but most municipal boards do not have bylaws. Mr. White said since there are currently no guidelines and since Matt never provided information, he wants the bylaws committee. Matt said when he first met Leonard that he provided a packet of information to Leonard, including the Stormwater ordinance and other documents that he would need as a board member. A voice vote was taken on the motion to create a bylaws committee, and Mr. Luna and Mr. White voted yes and Mrs. Ghoston voted no. The motion to create a bylaws committee was passed by a two to one vote.

Mr. White appointed Barbara Ghoston as chairperson of the Stormwater bylaws committee and Curtis Luna as a member and asked Mrs. Ghoston to chair. Mrs. Ghoston asked when he intended the committee to meet, and Mr. White said the members need to look at their calendars. He said the members need more than the organization chart prepared by Matt.

Matt asked Leonard if he would define structure and his primary goals and stated that the Town of Merrillville already has an employee handbook. He asked how Leonard intended to proceed and said he will work with the board. Mr. White said the Stormwater Board is going to be an active board, not to micro-manage but to know more about it. Mrs. Ghoston said that due to the fact that she feels he is duplicating systems that are already in place in the town, and that the town is responsible for hiring, she declines his appointment of her as chairperson of the Stormwater bylaws committee. Mr. White appointed himself as chairman and Curtis Luna as a member.

Regarding the Stormwater finance committee, Mr. White appointed himself as chairman and Curtis Luna as a member. Mrs. Ghoston questioned Mr. White why he did not appoint her to that committee, although she believes being a SWMB member that she is a member of any committee. He asked her if she wanted to serve as chairperson, and Mrs. Ghoston said no. Mr. White then re-appointed himself to chair the Stormwater finance committee.

For the Stormwater personnel committee, Mr. White asked Mrs. Ghoston if she would serve on the personnel committee; Mrs. Ghoston said that since the Town Council has jurisdiction over all personnel matters, she will not serve on that committee. Mr. White appointed Curtis Luna as chairperson and himself as a member of the Stormwater personnel committee.

Mr. White said he is motioning to exempt Town Council members and the town manager from a visitors' log for people to sign in at the Stormwater Resource Center. He said in terms of liability and Liz's safety when she is at the building herself, he wants to know who is on the property and wants to keep a record of who is in and out of the building. Liz said she has a panic button, the office has an alarm system and a safe; Matt said he does not believe anyone will sign in and then rob the office. Leonard said he contacted Homeland Security. He said he himself will also sign when he comes in and when he leaves. Matt asked about visitors who do not want to sign in, and Leonard said that will be okay. Attorney Jim Meyer said it is up to the board to establish that in a committee. Mrs. Ghoston asked why there is an exemption for Town Council members and the town manager, and Leonard said the Town Council does not want a sign-in sheet.

Mr. White talked about his background being environmental with 37 years of experience, and he said he wants to make sure money is spent efficiently. He also said he'd like to look at how the Taft Street detention ponds are working or if they need to be modified. Matt said they were designed by engineers, and the Taft Street project will be included in the Stormwater Master Plan, which is being updated from its original 1987 version. Mr. White said he would like a copy of a report from Councilwoman Chrissy Barron from the meeting she had last year with Calumet Park Cemetery officials regarding the Taft Street project.

Included in the agenda packets was a copy of the meeting minutes from the February 4, 2014 Stormwater Management Board meeting. Mr. White asked for a motion for approval of the minutes, but said he does not want to vote on them since the media obtained a copy of them before he read them. Barbara Ghoston made a motion to approve the minutes from the February 4, 2014 meeting. There was no second, and the motion failed.

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Mr. White asked how the media obtained a copy of the February 4, 2014 meeting minutes, and Matt said that a data dump on the new town website had been made. Chas Riley, staff writer for *The Times*, stood and addressed Mr. White and said that minutes are a matter of public record and said that the moment Liz is done with a draft, that he has a right to obtain them. Attorney Meyer stated that any document filed with the board is a matter of public record, including a draft of meeting minutes. Matt said pursuant to the Indiana Open Door Law, the press is allowed to receive copies. Jim Meyer recommended that a draft of meeting minutes be emailed to the board member to see if members have any questions and email any corrections to Liz. Mr. White suggested electronic recording.

Also included in the agenda packet were copies of the accounts payable registers from February 11, 2014 and February 25, 2014 and informational copies of appropriation reports for Funds 626 and 627. Curtis Luna made a motion to approve the accounts payable registers from February 11 and February 25, 2014 and the appropriation reports for Funds 626 and 627, and it was seconded by Barbara Ghoston. A voice vote was taken, all three members voted yes; the motion to approve the accounts payable registers from February 11, 2014 and February 25, 2014 and the appropriation reports for Funds 626 and 627 was unanimously passed.

OLD BUSINESS

Matt said due to the continued snow and severe cold weather conditions, Blade Cutters has not yet began the work on Madison Ditch but will do so as soon as weather breaks.

Regarding the Southmoor Park subdivision project, Ron Wiedeman from Robinson Engineering said the plans are now 90% complete. He said the Rule 5 permit is ready to be submitted, and the project is expected to be bid next month. Matt has a meeting on March 5 with Sedrick Green from Robinson Engineering, and they will coordinate with Merrillville Conservancy District (MCD) regarding annexation of the MCD service area.

The Joint Interlocal Cooperation Agreement with the Town of Winfield for use of Merrillville equipment and labor has been signed and returned, and Matt said the matter will be on the March 11, 2014 Town Council agenda for final approval.

Matt reminded members that the Indiana MS4 Annual Meeting is scheduled for May 13th in Indianapolis and asked them to advise Liz as soon as possible if they plan to attend. He will speak on GIS and Lidar systems and be involved in a session on stormwater master planning. Mr. Luna said he will attend, and Mr. White said he is not sure.

NEW BUSINESS

Members had been emailed a copy of the legal services agreement with Attorney James Meyer and James Meyer & Associates, PC; there is no termination date in the contract so it continues as is until it is terminated or the parties agree to a change. Mr. Meyer said a vote on the contract is only required if the contract is changed or terminated. There was no motion to change or terminate the contract.

The members were given a copy of the Contract with Scope of Services with Karl Cender and Cender & Company LLC at the meeting. The contract is basically the same, with some minor changes on rates. Mr. White asked Mr. Cender what he does for Stormwater, and Karl said he works with Matt on the budget and financial matters and is currently working with Matt and Liz on the Taft Street project funding and balance. Leonard said since he is a \$3 million grant administrator for the Lake County Solid Waste District, the finance committee will meet with him in the future to discuss Stormwater finances; Karl said he will be happy to meet. The contract was tabled until the April meeting.

Matt said he attended the Indiana Urban Forest Council (IUF) winter meeting, where they discussed, among other things, emerald ash borer and how it affects stormwater.

Matt had a meeting with Jim Regan from Energy Smart Homes Builders to discuss the 140 lots that he purchased from the bank in Foxmoor subdivision off of US 30; this is the old Broadmoor golf course and country club property. In other business, Mrs. Ghoston asked how far west these lots are, and Matt said as far west to the Schererville border, to the bike trail. Councilman Goralczyk said the prior developer went defunct, and it was taken over by the Federal Deposit Insurance Corporation (FDIC). Matt said Mr. Regan is looking to hire an engineer and will be back in touch with Matt. Planning Director Dorinda Gregor says plans will have to be re-reviewed by the Plan Commission.

OTHER BUSINESS:

Barbara Ghoston asked about properties on tax sale which are purchased for pennies; she said as the town moves forward with the Foxmoor subdivision, she wants to make sure other unclaimed properties don't appear at tax sale. Matt showed the current list of tax sale properties and said each year, he goes through the list for Merrillville properties, and he and Bruce Spires meet to discuss if the town wants them for detention. He works with the Lake County Auditor's office on an annual basis. Mr. Luna asked if they are residential or commercial, and Matt said they can be either. Matt said with the new GIS technology at Lake County, people can look up properties and have more information on what they are actually buying. The Lake County Commissioners work with the Town of Merrillville to give the town tax sale properties that could be used for detention.

Mrs. Ghoston asked Mr. White if he knew when his committees will meet, and he said he did not have a calendar. Mr. Meyer said all committee meetings must be public meetings, and 48 hours' advance notice must be provided to the media, and minutes need to be taken. Matt asked if the committee meetings can be an extension of the monthly Stormwater meeting, and Mr. White said yes.

PUBLIC COMMENT: None.

ANNOUNCEMENTS

Mr. White said the next monthly meeting is scheduled for Tuesday, April 1, 2014, at 4:30 p.m. at the Stormwater Resource Center.

Curtis Luna made a motion to adjourn, and it was seconded by Barbara Ghoston. The meeting was adjourned at 5:23 pm.

Respectfully submitted,
Liz Bushemi
Staff Secretary