

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
WEDNESDAY, MAY 4, 2011**

President Bud Crist called the May 4, 2011 Merrillville Stormwater Management Board meeting to order at 4:40 p.m. Members in attendance were Barbara Ghoston and Dorinda Gregor. Staff present included Attorneys T. Edward Page and Stephen Bower, Councilwoman Chrissy Barron--the Town Council Liaison to the SWMB, Matt Lake from Christopher Burke Engineering, Jon Derwinski from Robinson Engineering, Karl Cender from Cender & Company, and Liz Bushemi. Town Administrator Howard Fink was present for part of the meeting.

Included in the agenda packet was a copy of the minutes from the April 5, 2011 meeting. Upon motion by Barbara Ghoston, the minutes of the April 5, 2011 SWMB meeting were unanimously approved.

Also included in the agenda packet were the current accounts payable register and department appropriation report. Upon motion by Barbara Ghoston and second by Dorinda Gregor, the accounts payable register and appropriations report were unanimously approved. Bud Crist said \$671,611 has been paid to date for public works equipment and payroll, and \$132,611 will be paid later this year for the dump truck.

Attorney Steve Bower said reminding the Town Council and others about the responsibility of the Stormwater Management Board and Stormwater Utility Office are greater than just flooding; it is the Clean Water Act and its requirements that is important.

COMMUNICATIONS

Bud Crist reported that on May 2, 2011, Tire Barn Warehouse filed its Notice of Intent (NOI) letter to the town and Stormwater Management Board. Matt Lake indicated he has been in touch with them, and Tire Barn must now file its permit for quality control.

COMMENTS FROM THE PRESIDENT

Mr. Crist said he talked again with Sam Wright about the LCD projector. Mr. Wright will determine a price and will be back in touch soon.

Mr. Crist passed out a proposed land area chart regarding the Taft Street pond. He said Darren Olson drew in the pond to make the land more useable. He said Gorden Doepping's nephew could not find the plat of the land, and Councilwoman Barron said she will check with Lake County once she is given a key number for the property.

Regarding the McColly pond, Mr. Crist said he talked with Greg McColly. They know what they paid for the property. Councilwoman Barron suggested having Congressman Peter Visclosky's staff present at the next meeting with the McCollys. Attorney Bower reminded everyone that four years ago, Mr. McColly contacted the town and offered any assistance they could provide; at that time, Mr. McColly wanted a cluster development at that site, but plans were denied, and only single-family residences were permitted. Councilwoman Barron will get permit information from Dorinda Gregor. Steve Bower said plans from five years ago are obsolete today, and Matt Lake said standards are higher today. A time frame will be determined for this project.

Bud Crist said the plotter/scanner may be outdated because it requires calibration paper. The company Ikon is looking into whether the paper is still available and will inform the stormwater office. Dorinda says the planning and building office may have some. The summer help could assist with scanning documents, and Bud will look into if the summer help will need photo ID tags.

OLD BUSINESS

Matt Lake and Jon Derwinski said they met with Loretta from the Acura dealership, and she made all changes needed and resubmitted her plans based on the requirements. The stormwater permit will be issued for that site.

Matt Lake said the Tree City USA celebration will be held Tuesday, May 17, 2011, from 9:30 a.m. to 1:30 p.m. at the Pruzin Center on 57th Avenue. A presentation will be made by the state. He will check with Terri Weems about publicizing the event.

Regarding the 54th Court rain garden project, Mr. Lake said he and Bud Crist met with Councilman Richard Hardaway and three residents from the area on April 28th. Cost estimates were presented, and they are waiting on feedback from the residents. This is a stormwater and road improvement project. Jon Derwinski said Robinson Engineering is waiting on soil samples, and their estimated cost is \$273,360. One concern of residents is where they would walk if there are no sidewalks. Residents were told they can run their sump pumps into the pond. More information will follow on this project. Steve Bower cautioned everyone to remind staff not to do any improvements on any resident's property and said all residents must contract their private work with the contractor and provide stormwater with a copy of any contract.

Regarding easement permissions, Attorney Page said he and Steve Bower are still working on the matter. Attorney Bower said Lake County has an "understood agreement", but he does not believe it applies to municipalities. Bud said the summer help can be trained to do research on all easements in Merrillville. Mr. Crist said the Salk School incident this past week that Councilpersons Barron and Goralczyk called him about are typical examples of problems with easements, where residents have fences, barns, etc. on their easements.

Attorney Bower made a recommendation to the Stormwater Management Board that it make a policy decision as to which flooding and drainage projects are to be done as a priority for designated projects. He suggested that the board hold a meeting with the recommended opinion of professionals since there is limited funding available to determine the town's priority projects based on criteria. In order to help the town lessen its liability for lawsuits, if a policy decision has been made, the potential of a lawsuit decreases if it is "policy" that some projects were not included; e.g., if someone falls on a sidewalk and there was no sidewalk repair project listed, it lessens the town's liability. The board agreed to make such a list and vote next month on the matter.

Bud Crist said Paige Wilson will start as summer help soon, and she and other public works summer employees can help clean and snag ditches.

NEW BUSINESS

Mr. Crist discussed reimbursement of the \$27,619.21 stormwater loan owed to the town for expenses associated with professional services required to obtain information to begin the user utility fees. Dorinda Gregor made a motion to repay \$27,619.21 to the Clerk-Treasurer, and it was seconded by Barbara Ghoston and unanimously approved. Karl Cender said the funds should be taken out of "cash" for other unappropriated funds.

Matt Lake passed out a copy of the MS4 Illicit Discharge Form that has been created. A meeting was held last week with him, Mr. Crist, Attorney T. Edward Page, Code Enforcement Officer Vickie Bunnell and Judge Gina Jones and her court administrator Ken Woodside. A code enforcement person may have to be hired to enforce ordinances. Discussed was the recent incident where Indiana American Water violated the town's Ordinance #10-22. Mr. Crist said Public Works Street Superintendent Kevin Markle is working up amounts owed by the

utility for the town's use of the VAC jet and employee hours in order to bill Indiana American Water. Once a rate is determined for man hours, Mr. Crist will ask the SWMB for a motion to determine the rate and establish a scale. Dorinda Gregor questioned where the violation fee money will go, and Attorney Page said since the expenses are being deducted from stormwater funds, violation fees should be returned to stormwater. He and Attorney Bower will further check the stormwater ordinance, make a final determination of where the money will go and will advise the board. Steve Bower said a citation should be issued which has been authorized by the board since a resident or company cannot be "billed" for the fines. He said since this is an ordinance violation, no court costs would be assessed by the Town Court.

Matt Lake said four pet waste signs were received, and they will be installed in Merrillville parks. Biodegradable pet bags are also being considered.

ANNOUNCEMENTS

Mr. Crist said the Annual MS4 meeting will be held in Indianapolis all day on May 24, 2011. Those interested in attending should either register themselves or let Liz know, and she will register you. To date, Bud Crist, Matt Lake and Chrissy Barron are planning to attend, and Dorinda Gregor plans to go the morning of the meeting.

Mr. Crist said there will be a personnel meeting on Tuesday, May 10, 2011, at 5:00 p.m. to make a final recommendation for the executive director position. An agenda or public notice will be prepared, and Mr. Bower will advise Liz of the wording of the notice and notice to the newspapers. Following the 5:00 p.m. meeting will be a 5:30 p.m. Personnel Committee meeting and then the 6:00 p.m. Town Council meeting.

Mr. Crist said the next meeting will be held on Wednesday, June 7, 2011, at 4:30 p.m. at the Town Hall.

ADJOURNMENT

Upon motion by Dorinda Gregor and second by Barbara Ghoston, the meeting was adjourned at 5:48 p.m.

Respectfully submitted,
Liz Bushemi
Secretary