**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**January 25, 2021**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Dan Saylor, Vice President; Terry Phillippe, Secretary, Morrie Doll, Attorney; Steve Sherwood, Director of Storm Water; and Jennifer Curry, Recording Secretary.

\**Commissioner Bob Johnson—Not in attendance\**

Present in the audience: Joe Grassman

**PLEDGE OF ALLEGIANCE:**

Vice President Dan Saylor opened the meeting of January 25, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Commissioner Dan Saylor: Approval of January 11, 2021 minutes, did you have time to review those?

Commissioner Terry Phillippe: Make a motion to approve the minutes.

Commissioner Dan Saylor: I will second those; all in favor say I. Motion carries 2-0

**CLAIMS:**

Commissioner Dan Saylor: Next item on the agenda is claims.

Commissioner Terry Phillippe: I make a motion to approve the claims….the Tom Naas Homes is 70%, is the work 70% complete?

Jason Baxter: Yeah, all the ditch work is done it’s where they had to spoil it out of the ditch there is a small section that still needs to dry up for them enough for them to knock it down and fill. I was retaining 30% of the invoice until that gets done.

Commissioner Dan Saylor: Jason, I know you called and spoke to me on it, Council I guess we aren’t breaking any rules or anything on that one?

Morrie Doll: No, as long as Jason is convinced at least 70% of the contract work has been completed.

Jason Baxter: Yeah, it’s way more than 70%

Commissioner Dan Saylor: Good deal, because I don’t know if the Auditor is going to have an issue with that or not.

Jason Baxter: The ditch is working great, I was there at lunch time today watching it and it’s fantastic. I’m real pleased with the project.

Commissioner Dan Saylor: Good deal, with that being said Terry you made a motion, there’s a first and I’ll go ahead and second it. All in favor say I, motion carries 2-0

**OTHER BUSINESS:**

Commissioner Dan Saylor: Other business, Jason?

Jason Baxter: Willow Pond is what we just spoke about that update there, like I said it is working fantastic. The next one with Howard Williams Broshears Ditch Project they started on that last week, well they started on it a couple weeks ago but they had to break off, but they were there Friday working and the change orders there was some beaver dams that where we were trapping there were some beaver dams we had to clear out because we were waiting for the trapping to get finished. The contractor was it’s right down stream where he is working so I had him go take those dams out while he was there and while he was able to get in the fields, it’s all just road crop field so the ground was firm enough and they had the dump truck there and was able to work it out.

Commissioner Dan Saylor: That was due primarily because the weather was coming in and he wouldn’t be able to do that?

Jason Baxter: Right, it was ideal for this time of year and what was needing to be done, like I said he already had his equipment there and it dropped the water level roughly, we were guessing it was almost 2-feet of what it was backing up with those old dams still in there. The Broshears Ditch part, there was a little piece of Broshears Ditch that crossed Epworth and they cleaned that out right before it gets back into Willow Pond, they cleaned that section out and it’s dropped the east side of Epworth Road another 8-inches there, so it’s coming into that crossover at Epworth and almost drying out that culvert.

Commissioner Dan Saylor: Thank you Jason, Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Yes, thank you Commissioner Saylor, I just have some informational things today. I sent the Board the response from the Auditor regarding the payment for Barbi’s $1,500.00 Level III Certification and I didn’t know what else could be done at this point if Morrie could expand about it at this point.

Morrie Doll: Well, we have talked about this we knew the Auditor was likely going to object to that and she has, the only solution would be if you want to is try to convince the County Council to raise her base salary by that amount of money by redefining her duties to increase her duty definition to include these types of events and services. I don’t know if the Council will do that or not…

Steve Sherwood: We have added it to her job description…

Commissioner Dan Saylor: For the Job Study? Did you do it?

Steve Sherwood: Yes, and the person with the company performing the Job Study most certainly agreed with it, she should be compensated so all of this was provided to the Council more than 6 months ago but of course as you know they are not acting on it in 2021 they are pushing it off to 2022 and of course she shouldn’t have to be put off accordingly, but essentially it is.

Jason Baxter: How long has this been going on?

Commissioner Dan Saylor: Couple years.

Steve Sherwood: I mean, they paid her the money in 2019, they took it out of her beginning salary in 2020 and it continues to be withheld out her salary for 2021 and I am hoping it will be addressed in 2022 and if it does get addressed we still have two years of this that I think we owe her because she was hired and she may not have taken the position had we not paid that money. I don’t want to potentially lose a good employee over this. I just wanted to update the Board that that is the status on our efforts have been denied by the Auditor to date.

Commissioner Terry Phillippe: I wish I had more ideas.

Commissioner Dan Saylor: Yeah, me too.

Steve Sherwood: Next item I have is a Storm Water our working crew as you know, we have a Supervisor and three Operators, of those four people collectively we have two of them with CDLs and I have a third person interested in getting his CDL, but as you know the parameters of obtaining a CDL or Commercial Driver’s License have now changed recently. It is now a educational process that you have to go through to get certified, before it was a lot shorter and a lot less expensive, the problem is he will pay for the fees of the course which equate to about $4,000.00 but it is 4 weeks, 5-days a week training to take a CDL. That is 160 hours, and of course you cant work while you are in school 8-5 for the sit for these courses, and of course you have to get certified beyond that, a one day certification take the test after you do the 4 weeks of training. I don’t want to set a precedent, I don’t know how the County is handling these currently I know we try and hire people who already have CDLs, but if we have one that is willing to get one and pay for it how do I go about, or can I even go about getting them off work for 4 weeks either with or without pay, preferably with pay but do we want to start that pre-recklessness of paying people to take a CDL and potentially in the future they would leave the County’s employment? I’m not saying that would happen here, but obviously that would be a concern.

Commissioner Terry Phillippe: Is that the only way you can get your CDL? That just seems excessive.

Morrie Doll: Isn’t that hazardous materials? Isn’t that a rating for hazardous materials?

Steve Sherwood: This is a CDL, this is a course offered through Ivy Tech and I did confirm that is a process now the State is going through a whole different set of rules now to get a CDL license and if there is another way to get it on weekends or something I am not aware or knowledgeable of it at this point but I wanted to bring that before the Board because I said I would discuss it with the Board on behalf of our employee.

Morrie Doll: Wait until July 1st legislature will repeal that, they are not going to let this sit at $4,000.00.

Commissioner Dan Saylor: That sounds crazy, who is going to, I mean really…

Morrie Doll: To get CDLs, I mean the trucking industry is screaming that they cannot find CDL drivers; they wont find a 10th of the number they need if this becomes the regulation. So, July 1st a new law will be active I predict by the General Assembly about overruling the DLT’s regulation. Now, DOT may be responding to a federal change, but if that is true I suspect it will all get changed but this cant stand, $4,000.00 that many hours in a classroom to get a CDL…it will shut American trucking to a halt.

Commissioner Dan Saylor: Steve, what is an employee, so he get’s his CDL what does that…

Steve Sherwood: We have certain equipment that can only be operated by CDL mainly our street sweeper has to be operated by a person with a CDL, John Lashley and Sam Roach are our only current CDL operators at Storm Water.

Commissioner Dan Saylor: So, would an employee receive more money once he receives his CDL?

Steve Sherwood: No not by our current designation, they are all classified as “Operators” except for the Foreman.

Commissioner Dan Saylor: What is the incentive there for an employee to do that?

Morrie Doll: To leave the County’s employment and go to work elsewhere…

Steve Sherwood: In Chance’s case who we are discussing this, I asked him early on to get a CDL and he promised he would and he is trying to honor that commitment, he has not been able to with a wife and five kids until he got to this point.

Commissioner Dan Saylor: Steve, if I was you I would probably share some comments our Legal Council made with him and just say to put it off for a little bit and see what happens because…

Commissioner Terry Phillippe: I appreciate him trying to honor his obligation, but we’re also okay with him not at this time.

Morrie Doll: We also need to inform the legislative delegation representing Warrick County in the general assembly that this is going to be significant hardship of us recruiting and keeping CDL qualified drivers.

Steve Sherwood: I don’t know if there is any current House or Senate Bills that address this but it is probably one that needs to be created and endorsed by someone brought before the Legislature.

Morrie Doll: It will show up at a conference…

Commissioner Dan Saylor: Our new representative Cindy Ledbetter, she grew up according to her not with a lot of money and working for everything she has and I think she would appreciate the fact that I mean, just look at our situation and our employees spending $4,000 of your own money that is just crazy and the time precedence it is going to set with us. I have some issues already; I will reach out to Cindy and speak with her about it.

Morrie Doll: What is his rate of pay?

Steve Sherwood: I think the current salary is right at $40,000.00

Morrie Doll: Okay.

Steve Sherwood: I appreciate it; I just wanted to bring that to the Board’s attention. Next item I need to clear up a statement I made at the last meeting that I believe I reported that the MS4 new general rule permit was already approved and it has not been approved it is still going under public comment at this time I just wanted to clear that up for the record. Last item I have just to report to the Board that Morrie did a fantastic job at making arrangements to get Mr. Hartz in here, we had a meeting on January 14th for those who weren’t aware of that. Mr. Hartz was here with his son and he signed a Temporary Right of Entry Agreement to allow us on their property for Lochmueller Group to do a survey while their leaves are down in the meantime Lochmueller Group is attempting to put together a proposal for us for the fee to do some field work and study that section of that ditch that goes east/west from Fuquay Road westerly to the eastern limits of the Tanglewood Subdivision where it starts to become a Legal Drain officially at that point. Dan or Morrie you were both there, any other comments you wish to include at this time?

Commissioner Dan Saylor: Now Steve, correct me if I am wrong, the CORP I think from the way in understood it would be receptive to things if we look at that whole thing and fix versus a portion of it, is that what you said Council?

Morrie Doll: Yes.

Steve Sherwood: Yes, and that is correct.

Commissioner Dan Saylor: So, I just wanted to make sure Commissioner Phillippe knew and Commissioner Johnson will make sure he knows about it, but what Council said with the CORP will want us to work on this and want to see that whole area be looked at instead of that one little part.

Steve Sherwood: That was per our consultant when we brought in that part to prepare to endorse the next contract with Lochmueller Group, is that instead of just doing that portion along Fuquay the CORP would like to see how it is connected to the Legal Drain and maybe we should evaluate doing the whole process as one instead of piecemealing it because it is probably going to leave questions by the CORP as to if you don’t include it they would have some comments and potentially some reservations about it. I just wanted to summarize that and get that into the record, with that, Joe do you have anything for the Board today?

Joe Grassman: I sure don’t.

Steve Sherwood: With that I don’t have any further business unless the Board has any questions for me.

Commissioner Dan Saylor: Jason do you have anything?

Jason Baxter: I’m done.

Steve Sherwood: One item, pardon me if I may, one item to update Morrie is working on the lawsuit case on Anderson Road with Mr. Pruitt so we may have some…

Morrie Doll: Mr. Pruitt tried to consolidate his lawsuit against the Commissioner’s which insurance defense council is defending with our lawsuit against Mr. Pruitt with the initial damages. We resisted that, we had the argument with Superior Court I and the judge denied Mr. Pruitt’s motion on Thursday, Friday I sent out a request that I want to get Mr. Pruitt into a deposition ASAP to determine how he mortified, when he modified, what he modified, who’s consent he had to modify, what studies he did to changed the drainage system so we could move forward with the case.

Steve Sherwood: Sorry, that is all I have at this point

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second. All in favor 2-0