**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**October 28, 2019**

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 Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe, Secretary, Morrie Doll, Attorney, Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; and Jennifer Curry, Recording Secretary.

Present in the audience was Scott Elpers, Nathan Long, Bobby Howard, Barbi Shelton, Joe Grassman, Glen Krueger.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of October 28, 2019 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Bob Johnson: First up we have the approval of the October 14, 2019 minutes.

Commissioner Terry Phillippe: I make a motion to approve the minutes.

President Bob Johnson: I will second. All in favor. 2-0 (Dan Saylor absent)

**SCOTT ELPERS- CUSTOM SIGN**

President Bob Johnson: First up we have Scott Elpers Custom Signs Deaconess sign, access to sign location.

Morrie Doll: Did you pass out this new packet?

Jason Baxter: I did.

President Bob Johnson: Can you please state your name for the record?

Scott Elpers: It’s Scott Elpers with Custom Sign and Engineering.

President Bob Johnson: Thank you.

Jason Baxter: I had a concern about the access point, getting his machines and crane to the location, I just wanted to make sure that we were cleared up with the liability of if something were to happen getting on the access point.

President Bob Johnson: Where the pipeage and all that….

Jason Baxter: The pipe and yeah, I spoke to Scott a little bit about it and I will let him, you (Scott) spoke with or tried to get ahold of the State or different access?

Scott Elpers: Yes, our primary access where we like to actually access that easement area there from the I-69 corridor across the state right-of-way, the fence as Jason and I have seen, we have walked it, the fence is already down or tore up pretty badly in the section that we would like to cross, I have not gotten word from them yet if they are going to allow us to do that or not, but an alternate route would be on the North end of the property there, there is a swale that we talked to Jason about possibly putting in a culvert pipe and then crossing the two large drainage pipes to access that area.

Steve Sherwood: If you were to cross at the North end you would be moving within the State’s right-of-way?

Scott Elpers: No, we would be still on the Deaconess property, it would just be across the drainage easement. There are two large 6-foot culvert pipe that run underneath Highway 66.

Morrie Doll: Doesn’t it appear that those culvert pipes, terminate or initiate at the edge of the DOT right-a-way, the orange line in the colored photo?

Jason Baxter: Yeah, I am not positive if that is accurate. I know the fencing is just above those pipes, you can almost see it there.

Morrie Doll: Well, let me just ask this of you, Jason, it would be true that those pipes are not Warrick County’s?

Jason Baxter: That is correct.

Morrie Doll: So, they are Highway pipes? Department of Transportation?

Jason Baxter: Yes.

Morrie Doll: So, you would have to have, it would seem to me that Custom Sign, whether you think that is Highway right-of-way or not we know those are Highway Department of Transportation culverts, and I would think they are rather expensive culverts.

Scott Elpers: Defiantly.

Morrie Doll: It would seem to me you would want to have their written approval before you take a 56,000-lb. crane across those.

Scott Elpers: Correct.

Morrie Doll: All we care about frankly is what goes through them, which is the water that we have jurisdiction on, but if you crush and or damage them that’s what, this is Howard-Williams is that accurate?

Jason Baxter: Yes.

Morrie Doll: We would have an awful lot of unhappy folks at Deaconess Hospital and Crosspoint Church and elsewhere I would think if those got damaged because we gave permission to put that sign up and you took a 56,000-lb. crane across them. So, it would be my recommendation that we ought of see something that you require from DOT, make that a condition of the approval that happened two weeks ago, we will need to see that to know the State doesn’t have a problem with you crossing their culvers, because I think everybody in the room agrees those are the State’s culverts and not ours.

Scott Elpers: That is correct, yes.

Morrie Doll: Whether it is on our right-of-way or off their right-of-way they aren’t our culverts, and secondly, once you are off the State right-a-way you are in our right-a-way.

Scott Elpers: Actually, our intention is to never get on the State right-of-way, except if we get permission to enter in from the I-69 corridor, the fence is actually on the right-a-way.

Steve Sherwood: Is there enough, top of bank with between the State’s right-of-way and the top of the bank for you to travel on one side of the…

Scott Elpers: On the North end there is, the West end we were going to add to the side of the pipe, obviously not the floor of the pipe, but to the side of the pipe we were going to add some type of rip-rap rock for our trucks to travel across it.

Steve Sherwood: Just to expand upon the two ends, I guess you first speak about the South end which is the more direct line of access shorter distance to the site? Was that even a possibility to cross the drain at that point to get to that location?

Scott Elpers: No, the ditch is on the same approximately 6 to 7-foot deep with the size of the culvert it is probably deeper than that, and it does have some water that does set into the drainage area there and there is no way to cross at that point.

Steve Sherwood: I just didn’t know if you could get permission to put a temporary pipe to cross it there.

Jason Baxter: There is guide wires and utilities that its real tight in there.

Scott Elpers: I think there would be, there is tremendous amount of power lines in that area as he stated, we can get underneath of those easily, but to put in two culvert pipes that are 6-foot diameter, because we would have to match what is under I-69 and underneath Highway 66, so we would have to put two culverts in to do that.

Steve Sherwood: I don’t know if they would let you put something in temporary of a lesser size was my comment.

Scott Elpers: At that point, it would be whether you would allow us to do that.

Morrie Doll: Yeah, it would be us.

Scott Elpers: Like he said, the pipes on either end are the State, but the drainage between there is by the Drainage Board.

Morrie Doll: How long will your crane have to be over there?

Scott Elpers: Well, we are going to pour a foundation, we need to allow our concrete to set for a minimum 20-days, so I am going to say a month.

Morrie Doll: So, whatever you do, you are going to be messing with this drain for about a month?

Scott Elpers: That is correct. Not on a daily basis, but in and out…

Morrie Doll: I just don’t, expose you to risk a liability of a 56,000-lb. crane being on its side in one of our drainage ditches sobering, and I realize we will have a Hold Harmless, it would need to be a very extensive Hold Harmless, probably signed by the crane company because you are contracting with them…

Scott Elpers: No, we own the crane.

Morrie Doll: You own this crane?

Scott Elpers: Correct.

Morrie Doll: Alright, that is good news. Plan A. is to ask the State to allow you to right at the proposed sign base access the right-of-way you need to install the new sign.

Scott Elpers: That is correct, yes.

Morrie Doll: But, you don’t know if whether the State will or will not approve that.

Scott Elpers: I will say we have about a 25% chance of that happening.

Morrie Doll: Okay, because you would have truck traffic and other things on the exit ramp to the Interstate 69.

Scott Elpers: Just for the moment to turn on.

Morrie Doll: Yes.

Scott Elpers: I mean, its not like..

Morrie Doll: You are not out on the main road.

Scott Elpers: Exactly no, we would be off of the exit ramp it would be just pull off, the chances of that happening, we want to do diligence on that, I think the chances of that happening are about 25%.

Morrie Doll: And it may be no better on the chance of you getting the State’s permission to cross those two concrete culverts too. Your Plan B would be to cross the concrete culverts.

Steve Sherwood: They are not concrete, they are corrugated metal pipe.

Morrie Doll: Alright, is that better or worse?

Steve Sherwood: They are both together, they are a heavier gauge but they are still a corrugated metal pipe.

Morrie Doll: Alright, it will be my request to the Board as your Council that we have a copy of a letter from the State approving either A or B, and that we are going to want a Hold Harmless from Custom Sign and whoever else we need to about that just in case we have a crane in our ditch at some point in time or crushed pipes, and we have a bunch of property owners complain to us that their land is now draining because of damage to the pipes under the Lloyd Expressway. That would be my concern, Jason and I talked about this last Friday?

Jason Baxter: Yes, last Friday.

Morrie Doll: That would be my recommendation to the Board that we ask for that as a condition subsequent to the approval of the installation in this right-of-way.

Steve Sherwood: What is your time constraint on this Mr. Elpers?

Scott Elpers: I honestly can not answer that, this is obviously the beginning stages, we still have to go through a variance process, even though you have given us permission to be in the drainage easement we have to get a variance to allow us to go into the drainage easement. The sign permit through Area Plan, of course there are quite a few signs at Deaconess, I think we are going to be okay with the square footage, but we have to go through that process as well. I don’t think you will see it this year, I would say it will be the first quarter of next.

Morrie Doll: Does the time of year you do this have any relevance? Winter vs. Spring?

Jason Baxter: On my end? No.

Scott Elpers: Is there a possibility, has he mentioned, putting a temporary crossing?

Morrie Doll: That would be up to The Board, but if it met some type of minimum engineering parameters…

Steve Sherwood: If they have a minimum opening size or sizes and it was still depressed, but I don’t know if they need to keep the level access for the crane, or it can have an over topping if the pipes cant handle it, the crossing would still go down stream and stay within the embankment so to speak.

Morrie Doll: If you go further to the South geographically, over towards the church’s property I guess, my question is, is there a flatter area you could go in? Is that a surface drain over there?

Jason Baxter: Coming off of I-69 it’s a drain that comes off the side of I-69 that drains into the ditch, and then if you come over there you still have to cross State pipe.

Morrie Doll: Just a different State pipe?

Jason Baxter: Yeah just another one that runs across I-69.

Morrie Doll: That is beyond my pay grade, but I just was hoping we would look into all the alternatives vs. crushing a pipe potentially.

Jason Baxter: The temporary culvert, I don’t see an issue with that as far as looking into a design in making that happen.

Steve Sherwood: If they have an engineer propose a hydraulic analysis to go along with it, it would be something you could entertain.

Morrie Doll: So, that may be a plan C?

Steve Sherwood: It would just cost more money to put in a temporary structure of that nature.

Morrie Doll: And it has to be there for 30 days.

Scott Elpers: And then we get into the, you know on the North end what our intention was to put rock above it, build above the pipe where obviously running over the culverts and leave it in place. Jason had mentioned that you guys maintain that and mow that and it is kind of a cumbersome for you to get into that area as well, so we were going to try and leave that in place to where obviously this sign is going to have maintenance, so if we put a temporary crossing in that allows us to get our heavier trucks in…

Morrie Doll: But then you have another problem.

Scott Elpers: Obviously our maintenance trucks are not nearly as heavy as the crane to set the sign, and we do have an alternate location for the sign back on the Women’s Hospital property it is just that it is so far off of the I-69 corridor that coming from the South it is still visible, but coming from the North going South it…we would just like this close to I-69 as we can because the viewing distance…

Morrie Doll: Total height is 45-feet?

Scott Elpers: That’s from the bottom, it is about 80-foot to the top.

Morrie Doll: Oh.

Steve Sherwood: Just for The Board’s information, this perimeter road you see on the areal around Deaconess that is their private road, that is not for the public.

Morrie Doll: Obviously that is your customer, or client that would certainly say if you have the right to use their private road.

President Bob Johnson: I was just wondering why we weren’t coming in from the East.

Morrie Doll: It’s their road, Deaconess Highway.

Steve Sherwood: They would still have to come down Epworth from 66 to get to their private road, yes, but that is 56,000-lbs. that is under the 80,000-lb. legal road limit for State highways.

Morrie Doll: But it will be on the back of a low boy that is coming in?

Steve Sherwood: No, it is self-mobile crane.

Morrie Doll: Oh, this is a rubber tire?

Scott Elpers: Yes.

Morrie Doll: It’s not a track crane?

Scott Elpers: No, we will have a heavier crane on their property Saturday.

Morrie Doll: I was thinking that it would…

Jason Baxter: Is their option to get a bigger crane with a bigger reach to set it?

Scott Elpers: No, and the reason why is because the power lines, they run on that end down there run right on the edge of the drainage ditch, so that causes a problem. There are power lines that run East-West there and there are lines that run North-South but they do run at a little bit of an angle there but it runs pretty well with the ditch I guess you can say, and then turns more to the West when it gets to the North end of the property.

Morrie Doll: If we could get some clearance agreement from DOT.

President Bob Johnson: What we should do here, Councilor, is let you elaborate on what we need then we can solve it from there.

Morrie Doll: It is my recommendation to the Board, as the condition subsequent to the approval last meeting of the rights to cross the right-of-way given to Custom Sign that we ask them to provide us with written consent from DOT of whichever means Plan A or Plan B they elect to use to place this sign, and that you would be required to give that to us before you institute activity at the sight, and a Hold Harmless.

Commissioner Dan Saylor: I will make that motion as specified by Council.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0

Scott Elpers: Thank you.

Morrie Doll: Thank you for coming back.

**NATHAN LONG-5646 GREENSBORO DRIVE, NEWBURGH, IN**

President Bob Johnson: Next up we have Nathan Long, 5646 Greensboro Drive, Newburgh IN drainage issue.

Nathan Long: Hello, my name is Nathan Long, I was here in January so I am just here to follow up to see where the situation stands. Just a brief recap, I guess I own a house, it’s a rental property on 5646 Greensboro Drive and it commonly the culvert on the property backs up and gets clogged up so I initially sort-of complained about that, and through some investigation it was found that there is a 24-inch pipe that precedes the County’s 36-inch concrete pipe that was put there some point in the past roughly 30 years plus or minus 10 probably, but anyhow that pipe most likely needs to go, be removed and so I came about to try and see what needs to be done and at the time it was the concrete pipe could not be viewed by a camera because there was water that sat in that pipe so it needed to have some drainage issues cleared with that or level of the water to drain. So, I think that’s been done I was just coming here to follow up and see if that pipe has been videoed and where we go from here.

Morrie Doll: Steve has given me about ¾ of an inch of documents, I have read it all once again this morning in fact, Mr. Long it is my understanding that the pipe, the 120-feet of 36-inch pipe that is the County’s responsibility that goes under the road in front of this home has been videoed, and was found to be in fine shape. There were no blockages or neglection to the pipe that would’ve been accounting for your problem, by process of elimination that is the conclusion of the Engineer that therefor the installation of the 24-inch smaller pipe which is smaller at the headwaters of the water entering the 36-inch pipe is the reason why there is occasional flooding in your area. You are right, that would need to be removed, it was never, the 24-inch pipe was never part of the approved drainage plan for the neighborhood and that runs between you and Mr. Gray’s property I understand, and part of the dedication of subdivision was language contained in the plat that states “Easements for installation and maintenance or utilities of drainage facilities are reserved as shown on the recorded plat” and that is the area where these pipes are presently located, “within these easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation of maintenance or of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels through the easements. The easement areas in each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.” Now, that is obviously a great deal of verbiage, but what our interpretation would be customary language in plats, is that in the 120-foot of 36-inch pipe, that goes under the road which was installed by the County and accept when the road was completed, we are responsible for that, and we would have to maintain it if there was some breakage or failure in that pipe, but because there isn’t any that has been determined by the video examination of it, we do not have any liability. However, everything upstream from the entrance to the 36-inch pipe pursuant to the certification on the plat is the responsibility of the lot owner. So, right now what exists is a non-conforming modification of the drain, by someone the installed the wrong sized pipe. What was approved was an open ditch, North of the 36-inch, and someone self-helped themselves and they’ve created a problem. If you and your neighbor chose to do so, and you wanted to keep a buried drain in that location you would have to get an engineering study to show that is appropriate, and there is some sort of a connection box that would have to be designed because there’s an angle, they don’t just straight connect, then that would be at your expense to remove the obstruction that is in there now and put the grade in correct form and then install the new 36-inch pipe or whatever the size the engineering study showed it should be. Then, you would have the maintenance obligation for that going forward as well, or you can remove it and put it back into a conforming status as the drainage plan was originally approved in the 1970’s, but that would not be the County’s or Tax Payer’s responsibility to do that because they did not create this problem and that would be spending public funds on correctly a privately caused problem, and that is not what we do.

Nathan Long: So, if I have the pipe removed, is there any way the County would, so on the downstream side of this it was recognized that, and I am guessing here that nothing has been done for 40 years so there is a little bit of sedimentation so that the pipe wouldn’t drain and that is what was done ahead of this to look at the pipe.

Morrie Doll: I think there was some clearing work done downstream, so the pipe would fully drain so they could run the camera.

Nathan Long: So, my argument to a certain degree I understand and full support that this 24-inch pipe probably cause even more issue on the upstream side as far as sedimentation falling out and causing this, but in the 40 years since this pipe, even the 36-inch pipe would put in that essentially even with out this pipe the smaller pipe in place, its my belief that this ditch would need to be regraded anyways. It needed to be regraded on the downstream side, it probably would need it on the upstream side.

Morrie Doll: But, we don’t have the responsibility to re-grade the ditch on the upstream side, we just accepted responsibility when we accepted the road and the improvements to maintain the 120-foot of pipe, and that we are responsible for that without a doubt.

Nathan Long: So, why did you grade…

Morrie Doll: So we could inspect the pipe per your request to verify that our pipe was not the cause.

Nathan Long: So, why did you not go to land owners on the downstream side and say “hey, you need to grade this so the pipe would grade out that you have sedimentation that is build up, so you need to clear out this ditch.”?

Morrie Doll: Well, technically that could’ve happened but we were trying to be accommodating to see what the pipes condition was a quickly as we could to answer your problem. It could’ve been that there was something wrong with our pipe, and if there was we needed to know that, but at this point in time my advise to the Board is that we don’t have jurisdictional authority or responsibility either as to the open ditch sections here, only to the improvements that we accepted responsibility for and that’s the pipe between your lot and Mr. Gray’s lot for 120-feet.

Nathan Long: Alright, I was under the impression that you have an easement there to access the open part of the ditch on there as part of your responsibility as a Storm Water that the ditch is still your responsibility.

Morrie Doll: We don’t maintain ditches in private subdivisions or in detention ponds in private subdivisions, if there is a denotation on the certificate of the plat that says that it’s the responsibility of the butting landowners, lot owners, as it crosses their property and that is what the dedication says concerning the Whispering Hills Part B Subdivision.

Nathan Long: Okay, so then what forms or other do I need to get approval to remove that 24-inch pipe?

Morrie Doll: I don’t know if there is any form needed to remove an obstruction, Jason?

Jason Baxter: Not with us.

Steve Sherwood: It was not part of the approved drainage plan so…

Morrie Doll: If you are just going to remove it I don’t think you have to have any government permit to do that, it is only if you plan to put back something then we would need engineering and we’d have to modify the original drainage plan to accommodate what you are proposing.

Nathan Long: Okay.

Steve Sherwood: You should involve in that though, because once your remove 50-some odd-feet of 24-inch pipe and the common side yard that used to be there over that pipe between you and your neighbor you would both need to be in agreement I would think because he may be upset that you removed part of his yard so to speak.

Morrie Doll: I intend to write Mr. Gray a letter, I just have not done it yet, but I wanted to re-read all of this which I have done and looked at all the pictures. I am probably going to get in trouble here, we have had a similar problem with a subdivision that there was sort of a shared solution worked out where a couple of neighbors went together I believe, did they buy the pipe and we installed it or vise versa?

Steve Sherwood: They bought the pipe.

Morrie Doll: I would be cautious, I mean, I would advise the Board, we’d be really concerned about this, this is a tight neighborhood and there are houses close to both sides of this and that is a fairly deep hole that has to be dug to take that out and put a new pipe in and exedra, but if you and your neighbor wanted to bring something forward The Board could evaluate that and see if there was some participation, but we can not accept direct liability.

Commissioner Dan Saylor: My concern is that the removal of the pipe, then what is that going to create? Is that going to create issues down the road for erosion?

Steve Sherwood: I suspect that is why either the developer or the homeowners at that time when this 24-inch pipe was installed is they didn’t like the large gap that close to their houses, they extended it, enclosed it, and subsequent property owners down the road who acquire properties knew nothing about this, as I believe Mr. Long has expressed to me…

Morrie Doll: But, that isn’t the question you are asking is it Commissioner?

Commissioner Dan Saylor: Well, my concern is we’re going to remove a 24-inch pipe to fix an issue, and then what issues is that going to create?

President Bob Johnson: Is that downstream?

Commissioner Dan Saylor: Well, downstream there were the pipes removed I don’t know if I am crystal clean on where this lies as far as proximity to homes and that kind of thing, but that is just my concern…

Commissioner Terry Phillippe: To what extent is your neighbor involved in this? Does he have knowledge of it, have you talked to him?

Nathan Long: I have talked to him briefly, a little bit about the backing up and stuff, but he is not…

Commissioner Terry Phillippe: So, he is aware that there is an issue there at least?

Nathan Long: Yeah, I have talked to him but not extensively, I think I even mentioned to him that I was going to the Board to discuss it….

Steve Sherwood: It was designed for a 120-feet of 36-inch concrete pipe to be flowing to your point it has been reduced because of the 24-inch that has been installed, and because it is blocked periodically until you clean it out, it reduces the flow going that way but all the ditches were designed 40 years ago to handle that water going through a 36-inch pipe. I am not too worried about what water will be discharged downstream to answer the Commissioner’s question.

President Bob Johnson: Okay.

Steve Sherwood: I am more concerned about if they remove the 24-inch pipe they will not have as much yard as they are used to, but as long as they both understand that.

Nathan Long: It’s hard to visualize without that pipe out of there how steep of an embankment it is without that pipe out of there how steep of an embankment from the house is going to go, I don’t even know for sure where it enters the 36-inch pipe how deep it is, but it is I know it is at least 6-foot or so.

Steve Sherwood: Just about 54-feet back, we made a paint mark there at one time but if you measure from the other side up 120-feet they all pretty much match the foot or two.

Morrie Doll: And you are saying 54-feet back from the edge of the asphalt?

Steve Sherwood: From the edge of the existing 24-inch pipe, the Northern end.

Nathan Long: So there is really 54-feet, I was thinking it was less.

Steve Sherwood: 50-54-feet its right in that range.

Nathan Long: Okay, I will have to evaluate.

Steve Sherwood: Corrugated metal pipe is made in 20-foot sections so it makes sense they would have had 20/20 and 10 or they may have cut off 14-feet, because we weren’t able to get a camera up that 24-feet but we were able to cover the 120-feet of 36-inch pipe.

Morrie Doll: It is where the connection?

Steve Sherwood: As you eluded to, there is an angle where the corrugated metal pipe comes into the 36-inch RCP

Morrie Doll: I think you’ve seen all of these documents and I have reviewed, but if you need them again.

Nathen Long: I have the subdivision plat and that sort of stuff.

Morrie Doll: Let me know if you need some of this I will be happy to share it with you.

Nathan Long: Alright, and just for knowledge on cost, to go back with the 36-inch pipe do you approve corrugated metal? I know its going in the concrete, but…

Steve Sherwood: We would have your engineer, if you wanted to go that way as Council advised you to submit the engineering study the size and type of pipe, he would provide the hydraulic calculation support whatever product you would propose to put back in. More than likely there will need to be some type of a riser or junction where the pipes meet and bend, whatever you remove and put back in to that point where it meets the existing 120-feet of 36-inch pipe. Technically where a pipe meets another pipe but change of either left of right or up and down there should be a junction chamber, meaning a manhole, for access to that point. Like you said, that gets to be pretty deep at that point.

Nathan Long: Okay, that’s all I have.

President Bob Johnson: Thank you.

**CLAIMS:**

President Bob Johnson: Next we have claims, in the amount of $12,118.69.

Commissioner Terry Phillippe: I make a motion to pay the claims.

Commissioner Dan Saylor: I second that, the only thing I have a question about, Jason is the Pigeon Creek log jam, the $12,000.00 has that been all inspected and good to go?

Jason Baxter: Yup, its good.

Commissioner Dan Saylor: Okay, so I second that motion.

President Bob Johnson: All in favor. 3-0

**OTHER BUSINESS:**

President Bob Johnson: Any other business for Drainage Board?

Jason Baxter: I was wanting to ask to see if I could get extra money from Storm Water for a project, I have about $5,000 left in my budget and I have a project that I would like to get done that I am not sure what where the bids are going to be coming in at. I have spoke with Steve seeing if we could get some out of his funds.

Morrie Doll: So, what you are wanting is to have it as a joint project, partially preformed by Drainage and partially performed by Storm Water. It would be a joint project between Drainage and Storm Water.

Jason Baxter: Yes.

Steve Sherwood: When I asked Jason how much money we are talking about I believe we talked about up to the amount of $20,000.00 from Storm Water, and I would have that in this years budget to assist them with this project. We have done this in the past, Storm Water for Surveyor’s Office Legal Drains in the past.

Morrie Doll: If you do, then Storm Water will actually make a proposal to the Storm Water Board, similar to Jason’s proposal to the Drainage Board for the approval for it’s portion of the project.

Steve Sherwood: Correct.

President Bob Johnson: Is there any reason why you would not go to get an additional appropriation for budget for this? It might be easier than going the other route, I’m just thinking…

Steve Sherwood: I don’t think he has anything to appropriate from…

Morrie Doll: You cant transfer.

Bobby Howard: I don’t think he has the appropriate cash in his line item.

Morrie Doll: I mean, you could check.

Jason Baxter: Okay.

President Bob Johnson: Any other business? Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Yes, thank you Mr. President. I have a number of items today, I will try to be brief. Item #1 Tanglewood Study, before you under your agenda you have a email from Mr. Nick Will, we need to, I believe I sent you earlier a email addressing this, they would like to know exactly what they would prefer us to approve for their proposal to begin with the Tanglewood Phase 1 study. If you see there at the bottom I would suggest that we do all the items above listed as Phase 1, and this proposal will not include Phase 2 at this time just limited to Phase 1 and they are asking for in order to do that they will need a supplemental topographic survey, any permitting that may be required and assuming we are going to have to get additional easements or buy a right-of-way is the right-of-way engineering would be for and of course the geotechnical engineering for the design of the headwalls and other perimeters for the structure that would be put in. Just to refresh your memory, this is the large structure that would be put in on the East side of Fuquay Road, about 600-feet to move that water down to the other drainage point and this also include the structure to cross Fuquay Road at that Southern point and take it to the West Side. All of that would be involved in Phase 1 and I think they could get us a proposal and if all is in order and the Board choses to enact that proposal once returned yet this Fall, I think this could a viable project for bid to go into late Spring, so we could construct it for the Summer of 2020 providing we don’t get hung up in any easement or right-of-way accusation.

Morrie Doll: This is a very expensive project?

Steve Sherwood: Yes, this is estimated at $450,00.00 project which would come out of the Storm Water budget for 2020, which would max out our budget plus I would have to go to Council for appropriation from the fund that we have in unappropriated funds, so I put before you the Board today just to approve with moving forward with Phase 1 with those above sided items.

Morrie Doll: So, this would be just to, if I may, this would just about take all of your budget for 2020?

Steve Sherwood: Yes, the $450,000.00 is for construction only, that doesn’t cover what this engineering design would be for the proposal we are asking for.

Morrie Doll: And we have no idea what the proposal….

Steve Sherwood: Cost would be at this point.

Morrie Doll: Right, until they receive these answers they wont move.

Steve Sherwood: Right.

Morrie Doll: So, I guess the question would be if there is a motion, if The Board would make a motion in approving, if The Board chooses to proceed with this, if The Board would make a motion of approving Steve’s recommendations as to what constitutes the work we are asking Lochmueller Group to perform which the yes’s are only at Phase 1.

Steve Sherwood: Correct. Everything described above Phase 1 including Phase 1, I would suggest letting Phase 2 to going to a future contract at a later date.

Commissioner Terry Phillippe: Mr. Saylor, you have stood there in your waiters, pretty important stuff?

Commissioner Dan Saylor: Well, it is defiantly an issue, I hate the fact that this expends the budget, Steve, elaborate on that so you obviously are going to have other issues that come up in 2020, so what do you do? Do you go to the Council and ask for an additional appropriation for this project? What is your thought process here?

Steve Sherwood: Yes, we would go to the Council and ask for appropriation or additional funds for whatever is required at that time, I had Barbi check with Krystal we have in our appropriated funds at this time $700,000.00 plus, changes monthly.

Commissioner Terry Phillippe: Are there any additional funding sources out there?

Steve Sherwood: That is all I have in Storm Water what I just quoted to you, my 2020 project funds is $400,000.00.

Commissioner Dan Saylor: So, the funds are there they are just not appropriated?

Steve Sherwood: Correct.

President Bob Johnson: But, this will tap you out for 2020?

Morrie Doll: If we do the work.

Steve Sherwood: And everything happens in the A-formation timeline, at some point if this does move along I will have to go in 2020 and ask the Council for some of the unappropriated money to supplement my projects account.

Morrie Doll: And there is no way of knowing what the Lochmueller work will cost us?

Steve Sherwood: Not at this point, it will cost more than the study, but I still think it will be reasonable for the amount of work that we are asking them to do for the design. They have already done a certain amount of study work on it, they have the hydraulics already prepared it is just a matter of putting everything together it’s the right of way and easements…

Morrie Doll: Do we have any idea how much right-of-way we may have to acquire? Is it to cross those homes?

Steve Sherwood: Yes, the frontages, the homes are all set back pretty far.

Morrie Doll: It is adjacent to the road right-of-way isn’t it?

Steve Sherwood: Yes, it is.

Commissioner Dan Saylor: You’re talking about on Fuquay?

Steve Sherwood: Yes.

Commissioner Terry Phillippe: Obviously, there has been a lot of work done out there already and spend the time to ask Lochmueller to come help solve the problem, so it is that important.

President Bob Johnson: It is that important, it truly is, it is do we want to commit that kind of money towards this project and it sounds like it is a very necessary project it’s just hard to swallow that amount of money.

Steve Sherwood: Epworth Village when I first came on board cost us in the area of $900,000 and the rebuilding of the drainage systems, streets, and the underground retention in that particular development.

Morrie Doll: That was the subdivision that had been built in the 60’s, and was absolutely flat, it had no drainage.

Steve Sherwood: We did perforated, or rather pervious concrete curve and gutter with sub drainage system to collect all that water.

Morrie Doll: Under the road.

Steve Sherwood: Which, our street sweeper has cleaned as many times as possible every year to keep those gutters functioning.

Morrie Doll: That had been a problem that existed in Warrick County since the mid-1960s and it was just fixed 2-3 years ago.

Steve Sherwood: We’ve done a couple, not as large, but quarter million and $180,000 projects in the past.

Commissioner Dan Saylor: Were homes flooding on the Epworth…

Steve Sherwood: Yes, the streets.

Morrie Doll: It was 60 houses, if I recall?

Steve Sherwood: 63 or 64 I think.

Morrie Doll: In that subdivision that had put up with this problem for decades, and it was a very difficult project to agree to do because of the cost, but it seems to be successful. In fact, was that an award winning project?

Steve Sherwood: Yes.

Morrie Doll: From the State of Indiana?

Steve Sherwood: Yes, MS-4 Project of the Year.

Morrie Doll: Pervious concrete, water goes through it.

Commissioner Dan Saylor: Where is this at?

Jason Baxter: By Angel Mounds

Steve Sherwood: South side of 662 across from roughly Circle S in there, Epworth Road South of 662 that’s where it circles around and becomes….

Commissioner Dan Saylor: I guess I just never heard it called Epworth Village.

Steve Sherwood: That’s the platted subdivision name.

Morrie Doll: So, the question before the Board then is just do we answer Lochmueller’s question and let them turn them lose to do this proposal?

Steve Sherwood: I think we need to know what it would cost for them to do it at this point.

Morrie Doll: Yeah.

Steve Sherwood: It doesn’t commit us to doing it.

President Bob Johnson: I would like to know the price of it before commit to something.

Morrie Doll: So, do you want to continue this to next meeting?

President Bob Johnson: Can you get some type of estimate by then?

Steve Sherwood: Get an estimate from them? Yes.

President Bob Johnson: Ballpark.

Steve Sherwood: Based upon doing those items, I will ask them for an estimate and I will bring it back for the Board’s next meeting.

Commissioner Dan Saylor: Does that need to be a motion?

Morrie Doll: Yes, Sir, motion to table.

Commissioner Dan Saylor: I make a motion to table to give Steve time to get with Lochmueller.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

Steve Sherwood: Thank you, next item I have is the Old Hickory Estates Drainage Improvement Project, was recently completed, they are finishing up their 2-weeks of watering the sod on the project as of today, nature has been a little bit helpful in completing that. If you recall, the entire project their bid amount was $112,311.00 change order number #1 was approved at the last meeting for $1,910.00 giving us a total investment of the project of $114,221.00 we are withholding $1,000.00 retainage at this time so we can make sure the sod takes root and everything else will be complete, Bobby and I had a final inspection with them a week ago. I am asking The Board for approval of the project amount of $113,221.00 that we made for approval this evening of their invoice for payment of that project to Ragle Construction.

Commissioner Terry Phillippe: I make the motion.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Thank you. The property owners have been notified on both sides to continue watering beyond the contracted amount performed by the contractor as well. Number 3 I have an approval for an invoice for a sprinkler repair that we did damage on 377 North Lake Court in Old Hickory Estates, the waterfront, total amount was $650.00 we got into an unmarked water sprinkler when we were repairing at the request at some homeowners, I failed Storm Water piping system in Old Hickory Waterfront, that is for The Board’s approval for the repair performed by Matt Wisner with New Growth Landscapes and Irrigation, LLC, this does happen from time to time.

President Bob Johnson: Frequently.

Commissioner Dan Saylor: I make a motion to approve $650.00 sprinkler repair.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0.

Steve Sherwood: Thank you. I want to notify The Board today, I went out to the Woodfield lot 69-70, the status on the Combs complaint for the non-compliance package previously sent to Mr. Combs, he said he would restore the ditch at the rear lot by the end of October, today is October 28, 2019, rain is forecasted for the 30th and 31st, I will report to the Board nothing has been done to date.

Morrie Doll: I don’t think we can take any action until November 1, 2019.

Steve Sherwood: Assuming nothing done at that time I would ask we approve Council to send the appropriate response whatever The Board would like that to be at that time.

Morrie Doll: The range of activities includes citation for violation and if necessary, court action, the goal was to get compliance not to spend money in court, but at some point in time we have to get someone’s attention.

Commissioner Terry Phillippe: What exactly is the citation involved?

Steve Sherwood: The restoration of the rear yard ditch, the complaint was filed by landowner at 6300 I believe it was Fieldwood Court, which adjoins the photographs that you see there that this ditch has disappeared and then silted in.

Commissioner Terry Phillippe: I understand the situation…

Morrie Doll: The ordinance has three steps defined in the ordinance, and one of them is a citation, a violation. Steve’s letters previously sent to the developer may well meet that definition which would leave The Board free to be able to proceed to court.

Commissioner Dan Saylor: Who is the developer, Council? Sorry.

Morrie Doll: Isn’t it Chris?

Steve Sherwood: Chris is the lot owner. CAC development.

Commissioner Dan Saylor: Chris is the lot owner? He told me he was not the lot owner.

Steve Sherwood: He sold the lot to this gentleman.

Morrie Doll: He was a developer, and he is the home builder.

Commissioner Dan Saylor: He is the home builder?

Steve Sherwood: He is the home builder and I believe bought the lot from Blankenburger(?) I have to check the transfer records, Blankenburger I believe came in the bankruptcy sale and bought a bunch of lots. I know CAC Development bought a bunch of lots and marketed them for sale and building of the houses.

Morrie Doll: So, the letters or notifications that went out did not, were not labeled as a citation or violation, but it contained all the necessary elements to constitute a communication of citation or violation.

Commissioner Terry Phillippe: That’s why I’m asking because a citation is a merely words.

Morrie Doll: It is, it’d been great if in fact we start, if we call it that, because we are going to have an argument over that.

Commissioner Dan Saylor: So, Chris Combs is the lot owner now?

Morrie Doll: I cant tell you that.

Steve Sherwood: No.

Morrie Doll: I think he sold the lot to..

Steve Sherwood: He sold the lot to these gentleman and contracted with them to build the house.

Commissioner Dan Saylor: Okay, that’s what I was told.

Steve Sherwood: Correct.

Morrie Doll: I don’t think he is the reciprocal owner of the lot.

Steve Sherwood: He was not the owner of the lot at the time that the original citation was issued back in July, it is for who he is building the house for, they were copied on the original July 26, 2019 letter.

Morrie Doll: and they would have to be involved in any enforcement action too.

President Bob Johnson: So, he sold the lot and now they contracted him to build the house, is that correct?

Steve Sherwood: I believe that is what happened, yes.

Commissioner Dan Saylor: You know, I was out there and he told me he was going to get it done with 1. Weather permitting, 2. He said it would probably be in October when he would get it done, but it would have to be in a place where he was ready to grade the yard and get the equipment in there to clean out the ditch and do what he needed to do, that is what he told me, but what Steve said it is the 28th?

Steve Sherwood: July 26, 2019 was my letter.

Morrie Doll: Yes, I remember this.

Commissioner Dan Saylor: His argument was that he went out there and cleaned the ditch, wouldn’t get any grass to grow and wouldn’t have to do it again, didn’t have the water source to keep it….

Morrie Doll: He was cited as a written warning notice by Steve’s office on July 26, 2019 for this violation.

President Bob Johnson: In your July letter Steve, what did you ask him to do to that ditch?

Steve Sherwood: To restore it per his original…

Morrie Doll: Shall be regraded to the appropriate slope established, seeded and strawed erosion control matting may be needed to preserve the reestablished ditch bottom compliance to this written warning notice, must be achieved within the stated time frame which was 14 days or this matter shall be subject to further action per our ordinance.

President Bob Johnson: Well, that was in July…14 days…

Steve Sherwood: That has come and gone

Morrie Doll: Basically August 10th.

President Bob Johnson: And then he came and said he would have it done by the end of October, correct?

Steve Sherwood: Then I asked if Dan would meet and talk with him, Dan sent an email to all of us.

Morrie Doll: September 11,2019.

Commissioner Dan Saylor: What do you guys want to do?

Morrie Doll: I think you wait until after November 1, 2019.

Commissioner Dan Saylor: So, we will address this next meeting?

Morrie Doll: Unless you want to make a decision today on what conduct you will take after November 1st, and hold it in obedience pending, the correction action by November 1st. Vote today to act then if it is not corrected by November 1st, which is Friday, close of business Friday.

Commissioner Terry Phillippe: Even make one more courtesy phone call to….

President Bob Johnson: In my mind the best way to get this accomplished, to get what we want accomplished would be to go ahead and vote our Councilor sending him a letter on November 1, 2019.

Morrie Doll: Do you want me to call ahead of time to full warn him that it is coming?

President Bob Johnson: Yes.

Morrie Doll: The vote has been taken for me to proceed to inforce, unless it is done by Friday. That will be an awful messy job site, Wednesday and Thursday, because the forecast is 2-3-inches of rain.

Commissioner Dan Saylor: That’s the thing guys…

Morrie Doll: We may be doing more damage than good, that’s a policy decision not a legal decision.

Commissioner Dan Saylor: The conversation I had with him he said he was going to fix it all, its million and a half, two million dollar home, he was going to make it all right, that is what he promised he was going to do to me. He also said that would probably be done towards the end of October, weather permitting, of course he is not going to do it if he isn’t done with the house he will still be getting equipment around there.

Commissioner Terry Phillippe: My thing is, this is not the only one we have in our basket right now.

Commissioner Dan Saylor: No, that is true, but I also don’t think, I mean we all know if we make the decision and go this route it is not going to be done. So, I would rather say I don’t blame Council calling and giving a warning that something is going to come, but he does need to get it fixed in a timely matter.

President Bob Johnson: I will agree with that.

Commissioner Dan Saylor: This is it, this is his last, because the Board is ready to vote on it.

Morrie Doll: So, the motion that I call him, or the motion that you vote enforcement today with a prelude that I call ahead of time like today and tell him it’s coming?

Commissioner Terry Phillippe: What is the option that we vote, we call him with the intention of action, however if it does pour down rain 3.5-inches each day then its delayed.

Morrie Doll: You could delay it, you can authorize present to instruct me to delay enforcement.

Commissioner Terry Phillippe: The next dry day.

Steve Sherwood: I would just give him another date that it needs to be done by.

Commissioner Dan Saylor: Would that be next meeting day?

Morrie Doll: It would be next meeting.

Commissioner Dan Saylor: Or a couple days before that so it gives Steve and them enough time to get out there look at it.

Morrie Doll: If we get 2-3-inches of rain I don’t know how long that’s going to close that site.

Steve Sherwood: Next meeting is November 12,2019 because the 11th is Veteran’s Day is that correct? I think that is right.

President Bob Johnson: Does anybody know how close he is to finishing the home?

Commissioner Dan Saylor: No, I have not been out there since I have talked to him. Steve is correct on the 11th so the next meeting would be the 12th

Steve Sherwood: I mean, he knows he is supposed to do temporary seeding when the site has been disturbed longer than 15 days, that hasn’t happened, that has happened on multiple sites of his, it’s a same old song and dance.

Commissioner Dan Saylor: I mean, I was surprised to see the silt fence up, when did that go up?

Steve Sherwood: That went up after he got the letter and Garilen made a visit to the site and met with him with our erosion control inspector.

Commissioner Dan Saylor: I don’t remember that being…

Steve Sherwood: It’s been there since August.

Morrie Doll: You went out sometime in September, Commissioner.

Commissioner Dan Saylor: Okay.

Morrie Doll: I supposed to do whatever the Board tells me to do.

President Bob Johnson: That is?

Commissioner Dan Saylor: You know, the fact that he doesn’t follow the erosion control and all that, that to me that message needs to be sent that it is serious. That is what we get complaints on, Steve constantly deals with complaints, I am not opposed the Council sending him a letter saying he needs to get this fixed immediately or the Board is prepared to take action.

Steve Sherwood: In this case we are acting on a filed complaint from the gentleman abutting the property on Fieldwood Court.

Morrie Doll: Has that also went to the State?

Steve Sherwood: No.

Morrie Doll: Did the gentleman file a complaint, not only with us, but with the State?

Steve Sherwood: Not that I know of, but that is why I caution The Board upon in the past that if he does go to IDM at anytime. The property owners names are Mr. and Mrs. Roop.

Morrie Doll: I can write a letter, I can call him and tell him this a courtesy call to tell him that we are about to sue him, in an enforcement action.

Steve Sherwood: The ordinance permits us to fine up to $2,500.00 per day.

Morrie Doll: It does, all options are potentially available it just depends on what The Board chooses to do.

Steve Sherwood: Just so The Board knows, I have two more complaints on Mr. Combs that will follow with the conclusion and discussion of this one.

Morrie Doll: Today?

Steve Sherwood: It is right here under my business, he has been notified.

President Bob Johnson: Lets move on and we will listen to the other two.

Commissioner Terry Phillippe: Let me make this statement here quickly and for the record that I saw Steve’s attachment that basically, anybody can play dumb and say they don’t know the rules, but that is clearly not the case, he has been here and Steve sent him a nice piece of documentation that shows how to do it. Basically, it was a set of instructions, so that cant be had.

Commissioner Dan Saylor: I think we need to act on Councilor sending notification if it doesn’t get done sooner than later it is going to be an issue, because now we are getting to the point I think he did say it was going to be sodded rather than seeded, because now you can plant grass seed and if it turns off cold you aren’t going to get germination, so it is going to be that way all winter. I am not opposed to the Councilor to send….

President Bob Johnson: I think if we say nothing it will be this way next March.

Morrie Doll: Do you want to hear the other items? Is that the wishes of The Board?

President Bob Johnson: Lets hear your other complaints.

Steve Sherwood: Next item I have is a complaint that was fielded from Mr. Stephen Hillenbrand on Remington Drive on October 21, 2019, I sent a non-compliance package to CAC Development on Keith’s Ridge Subdivision which is a recent subdivision we approved off Ashbury Cemetery Road, not one piece of erosion control work has been established on the date on this inspection. The complaint sites portion of the subdivision’s water running through the road side ditch on the East side of Ashbury Cemetery and to the North across from Remington Drive, which is another CAC Development subdivision and into the lake. So, we have photographs of a nice mud plume of water running off the site into the lake which has disturbed the residence of Remington Development greatly, so you can look through that. The third complaint I got is not so much a complaint as it is a non-compliance package that I forwarded to him on Magnolia Place Subdivision due to the sensitivity of the underground storm water retention basins that they are not supposed to run muddy water and have erosion control practices in place. I was out there during the rain storm last Monday and observed all the lots under construction with no erosion control in place and followed the trail of muddy water into the inlets. I have written him two letters before explaining the importance of protecting the underground retention basins, since they do have a rock base at the water permeating the ground once it gets covered with a layer of mud they will not act as designed.

Morrie Doll: Remington Subdivision is the subdivision that Mr. Combs previously developed that had the problem that I eluded to with Mr. Long, in which there was a failure of a drain in that subdivision and the contention was it was supposed to be an open ditch that was rip-rapped, but it wasn’t installed correctly as a consequence the drain failed and I think it was eroding…

Steve Sherwood: Eroding the ditch and it didn’t have a proper amount of rip-rap established.

Morrie Doll: And maybe no underlay…

Steve Sherwood: No underlay on coal mine ground which eroded easily.

Morrie Doll: The neighbors came in for an effort to get this resolved, it was about to threaten the foundation of a garage and so to avoid to further damage we reached an agreement with the neighbors which we shared the correction cost someway if I remember, I cant remember who bought what, we bought something and they bought something.

Steve Sherwood: I want to make The Board aware of the Keith’s Ridge complaint that was filed in my response and of course this Magnolia concern, great concern I’ve had and I have kept him advised of my concern before he broke ground on the development to not allow these things to happen. Those are the three issues I have before you today, the later two just for notification, but I wanted to follow up on the Woodfield situation since the package goes back to July 26, 2019.

Commissioner Dan Saylor: I am all for Councilor sending him notice to get it done.

President Bob Johnson: You mean to call him?

Morrie Doll: Do you want me to call him, write him, or do both?

Commissioner Dan Saylor: I think it needs to be both, and I am not opposed to calling him.

Commissioner Terry Phillippe: Take a baby step forward even if it is a baby step.

Commissioner Dan Saylor: Yeah.

Morrie Doll: As long as I understand the message he will receive from anyone communicating to him is that we are at the end of the time period, promises have been made, this has been an issue since July, he has known corrected steps that The Board has lost it’s willingness to wait much further and that the only justification for us to not bring the enforcement action now is weather, but the first time the weather cooperates if it is the corrections aren’t done in that point in time then we will bring in corrective litigations if necessary.

Commissioner Dan Saylor: You know, here is my opinion, I’ve not built many houses, but he could go down there after the weather dries, he can clean that ditch like he said he was going to do, he can sod, he can 8x10-feet sod that away from the house, he can silt fence the sod, and then still give him area to work around the house. Tell him he needs to get it done, or else.

Morrie Doll: I understand, I will call him and write the letter today.

President Bob Johnson: If it was a one time incident I would be more lenient, but its every, its constant.

Morrie Doll: It is many projects, and it is a singular developer, this is not a pattern that we are seeing ramped all over, he can be a nice guy we just don’t seem to be getting any actions.

President Bob Johnson: Do we need to vote on this?

Morrie Doll: I would recommend you vote, yes.

President Bob Johnson: Okay, Commissioner Saylor has recommended that we have our attorney send a letter and also a phone call to the offender and letting them know time is up and that any delay in getting this corrected will result in further action.

Commissioner Dan Saylor: I make that motion.

Commissioner Terry Phillippe: I second the motion.

President Bob Johnson: All in favor. 3-0

Commissioner Dan Saylor: Just for clarification, not only with Chris Combs be notified, will the homeowner be notified?

Morrie Doll: The letter will also have to go to the homeowner as well as Chris, I will only phone Chris.

President Bob Johnson: Mr. Sherwood are you completed?

Steve Sherwood: Almost, Mr. Doll and I have spoken with the complaint that was filed on two parcel’s along the Ohio River, I believe the gentleman’s name is Nicolas Costeur, he resides at 7311 SR 662, just in a nutshell the two lots next to him which would be down river along the Ohio River, the own on both sides of 662 two large estate homes up on the hilltops, they cleared the river front side between the Ohio River and 662, people have been calling the Town of Newburgh, Town said it is Warrick County, we were forwarded this information roughly 3 weeks after the occurrence happened. Nicolas has been in contact with our office and Morrie has spoke with the CORP of Engineers, I will let you take it from there Morrie.

Morrie Doll: I spoke to two people from the CORP of Engineers, one of them is Mrs. Barron who actually has been to the site with a team and they have determined the jurisdictional boundary lines, which is a typical high water mark of the Ohio River, she referred me then to Jarrod Bonnic who we have dealt with previously on the Tanglewood project, very nice in this regard, he has also looked at this and says that this is a violation of Title-4 and Title -0 jurisdiction of the CORP, although it is a minor violation, and I contained a lot of this in an email I sent to you on August 22, 2019. It has been referred to the CORP’s regional office to determine whether they intend to take an enforcement action or not, above the high water mark had they gotten the permit from DNR that would’ve solved the State’s concerns, had they gotten the permit from the CORP of Engineers below the high water mark and had they not removed root wads for the vegetation then it would have likely been an approved action and it would not be a violation, but because the contention of CORP is they removed root wads that is a violation because that is going to increase erosion and siltation problems in the Ohio River and they are having an outbreak of these problems so the CORP is considering in taking an enforcement action all be this being a minor violation. We do not have jurisdiction in my opinion, and I have told Steve this, and you all in my email, because the disturbed area is less than 1 acres, it is approximately a half of an acre, so under our MS-14 jurisdiction it doesn’t reach the geographical area big enough to evoke our supervision. There is a lot of neighborhood interest in this, but my advise we do not have any legal jurisdiction here.

Steve Sherwood: As The Board concurs I will take Morrie’s email and forward it to Nicolas Costeur and inform him on what was just spoke.

Commissioner Dan Saylor: Nicolas is with Newburgh?

Steve Sherwood: He is the resident, the lot right next to him with that brown house with the unattached two car garage…

Commissioner Dan Saylor: So, will you notify Newburgh?

Steve Sherwood: I will in the same email, Newburgh assured him the MS-4 violation is in our County which we determined is not, it is a CORP and DNR issue.

President Bob Johnson: I’m good with that.

Commissioner Dan Saylor: Good with that.

Steve Sherwood: So, a bit of good news at that point. Last item I have for The Board is I would like the Board’s permission in 2020 to replace a Storm Water pick-up truck, it is approaching 5 years old at the end of this year with an upwards of 90,000 miles by then.

Commissioner Dan Saylor: How many miles Steve, I’m sorry.

Steve Sherwood: About 90,000 miles by the end of this year, I would say maybe March or April we would have it, Joe seek a replacement vehicle was created in 2015 when we got this current truck and avoid waiting one year to replace it, I will have money in equipment funds this year I would like to roll it over for next year for that proposed purchase.

Morrie Doll: Previously, when we’ve had pieces of equipment that was leaving Storm Water we have offered it to Highway.

Steve Sherwood: It will still happen that way, it will either go to Storm Water to replace our current pick-up truck, either way Highway Department will get a pick-up truck. I think Bobby is good with that, as Joe has pointed out to me it will be an under $50,000 purchase which requires three bids.

Commissioner Dan Saylor: So, Steve is there an advantage buying a 2019 hold over, I mean, Joe is…

Steve Sherwood: Trying to keep it local. I just want The Boards permission to proceed so I can tie up the money this year, and proceed March or April.

Commissioner Dan Saylor: Does that need to be a motion?

Morrie Doll: Yes.

Commissioner Terry Phillippe: I make a motion.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Joe do you have anything?

Joe Grassman: No.

Steve Sherwood: My business is concluded unless you have any questions.

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0