**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**May 24, 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 Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe, Secretary, Morrie Doll, Attorney, Phil Baxter, Surveyor; Jason Baxter; Deputy Surveyor, Steve Sherwood, Director of Storm Water; and Jennifer Curry, Recording Secretary.

Present in the audience: Mike Engleman, Scott Buedel, Scott Bowman, and Barbi Shelton

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of May 24, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: Our first item is the approval of minutes for May 10, 2021

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

**MIKE ENGLEMAN- PEABODY ENERGY**

President Bob Johnson: First up we have Mike Engleman with Peabody Energy, disturbance inside 75-foot of Pigeon Creek in Seven Hills.

Mike Engleman: Good Afternoon, does everyone have a copy of the designs I have got? If not..

Jason Baxter: Yes.

President Bob Johnson: Would you mind please stating your name for the record?

Mike Engelman: Mike Engleman. If everybody has a copy I would like to explain the set of three that I handed out. The first is a plan view of the affects that we are planning and proposing, we met with the Commissioners two weeks ago and were approved to put in some FDR, basically rebuilding of the roads of Seven Hills Road west of Pigeon Creek. Part of that action was to put in some lateral drains to help drain the base of the road starting from the west and taking the drainage back to the east towards Pigeon Creek and daylighting into the bank at Pigeon Creek approximately 4-5-feet into that bank and that is showing on the second and third pages of the drawings. We are requesting the disturbance and we are keeping the disturbance to a minimum by way of trenching a 2-foot bucket wide French drain style lane of 8-inch, double-walled, perforated tile pipe and then backfilling with 2’s and on top of that we will put at least a foot of rip-rap about 10-12-inch rip-rap.

Jason Baxter: I’m good with it.

Phil Baxter: I have no problem with it.

Steve Sherwood: You are proposing to do all of this in the Seven Hills right-of-way, which we do have a little bit more right-of-way because of the Federal Aid Bridge Project. How far off the edge of pavement do you propose the edge drain to be?

Mike Engleman: No closer than 5-feet, we want it close to drain the base, yes, but we know there is a 4-foot shoulder as per the original section of the 22-foot road and then 4-feet of shoulder so off that shoulder a couple feet and then we will have our drain.

Steve Sherwood: Then for the record Mike’s requesting this, he does have a road use agreement for Seven Hills Road for the mine that takes this haulage over this road and the road is in a great deal to distress right now which is why he is here before you.

Commissioner Dan Saylor: Is this drain proposal on both sides of the road?

Mike Engleman: It is, at this point Peabody has permits from the DNR, IDEM, Army CORP of Engineers for disturbance south of the road. Our permit line goes up to the middle of the County road, north of the road we still want to obtain a CORP permit to do the drainage as it gets to the north of the fill there on the west side so that will be pending and hope to get that first of the south side done in the next month try to hit a good dry spot, we missed this one but there will be more to get that drainage in and wait for the approval on the north side to bring it into the creek up there.

Steve Sherwood: I believe you said to the Board this is part of the work that proceeds the final road restoration which wont happen until the project is completed, you are mining is completed?

Mike Engleman: The road restoration, what we proposed and approved for two weeks ago with the Commissioners was the Full Depth Reclamation for that….

Steve Sherwood: FDR, I just wanted to explain that acronym for the record, Full Depth Reclamation.

Mike Engleman: We hope to do that the week of the 14th of June.

President Bob Johnson: Any questions?

Commissioner Terry Phillippe: I make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

Mike Engleman: Thank you

**GLEN MERITT-CASH WAGNER & ASSOCIATES-STAHL BUSINESS COURT, NEWBURGH, IN 47630**

President Bob Johnson: Next up we have Cash Wagner & Associates with Stahl Business Court, Newburgh, Indiana.

Scott Buedel: Scott Buedel with Cash Wagner & Associates, we are just asking for the relaxation of the Legal Drain right-of-way on the back side of the platted lot. We are asking for it to go to a 50-foot instead of a 75-foot and that will pretty well take it to the east side of the drainage easement that is already lying within the 75-foot right-of-entry we didn’t want to go any further than that because it would require a vacation with that whole process we are just trying to get use of that additional 25-feet of the property and what we have laid out right now the west side of the parking lot would extend into that 75-foot right-of-entry. Not for the entire width, but just the portion of it.

Steve Sherwood: So am I reading your last request correctly it is just for lots 1, 5, and 6?

Phil Baxter: Yes

Scott Buedel: Yes.

Steve Sherwood: Because there was an earlier request for more, but this is the final request.

Scott Buedel: Yes, those are the only lots that I am aware that they are purchasing.

Phil Baxter: They did originally ask for the other two, but I asked for them to drop those off because they don’t actually own those lots. For the record, we cleaned this ditch December/January and we didn’t use near the 50-feet, so we are fine with it.

President Bob Johnson: Anything Mr. Sherwood?

Steve Sherwood: No, as Phil said this is allowable and has happened in the past in certain other Legal Drains.

President Bob Johnson: Okay, I entertain a motion.

Jason Baxter: I’m sorry, this is with a Hold Harmless, we need a Hold Harmless with this agreement as well.

Phil Baxter: We will send you the Hold Harmless and the owner signs it and you get it back to us.

Scott Buedel: Okay.

Commissioner Dan Saylor: So, we make the motion with the approval subject to receiving that document? Okay. I make the motion to approve subject to the Hold Harmless Agreement being in order and received.

Commissioner Terry Phillippe: I will second the motion.

President Bob Johnson: All in favor 3-0

Scott Buedel: Thanks.

**BRAD TABER---10200 BYRON COURT, NEWBURGH, IN 47630---WOODSTOWER ESTATES SUBDIVISION LOT 34**

President Bob Johnson: Next up we have Brad Taber Byron Court, Newburgh, Indiana for Woodstower Estates Subdivision Lot 34, drainage complaint.

Steve Sherwood: You have a packet in your meeting, but I do not believe I see Mr. Taber in the audience, is that correct for the record?

Morrie Doll: Nobody acknowledged it.

Steve Sherwood: Just for the record I did sent Mr. Taber a package on April 8th, 2021 concerning his complaints to his lot, I thought I addressed them all and he still wanted to come before the Board but he is not here to discuss.

Commissioner Dan Saylor: What is he wanting done Steve?

Morrie Doll: Private property repair.

President Bob Johnson: Okay, so do we need to table this?

Morrie Doll: Is there any other matter before the Drainage Board on this agenda?

Jason Baxter: Otherwise it can be tabled to the next meeting and then if it is not addressed it could be.

Commissioner Dan Saylor: I make a motion to table the issue on Woodstower Estate Subdivision Lot 34.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

**CLAIMS:**

President Bob Johnson: Okay, we have claims totaling $2,103.18

Commissioner Dan Saylor: I make a motion to approve the claims.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

*1.) Morrie Doll----------June Attorney Fee---------------$100.00*

*2.) Treasurer-----------------Gas---------------------------$203.18*

*3.) Ubelhor Tree Service----Tree removal Barren Fork Ditch----$1,800.00*

*Total: $2,103.18---Approved 3-0*

**OTHER BUSINESS:**

President Bob Johnson: Anything else for Drainage Board?

Steve Sherwood: One other business for Drainage Board, I was asked to present a letter to Mattingly Homes for the Ironwood Subdivision the ditch enclosure along Lincoln Avenue, the letter was sent May 19, 2021 giving them 45-days to comply and I have yet to hear if they received it, or will comply with the letter. We’ve had some public complaints about safety related to the ditch that was created near Lincoln Avenue.

President Bob Johnson: Okay, anything else? Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, the first item I have is for Hillside Meadows Subdivision we asked Mr. Phil Reinbrecht to send a representative I believe there is someone in the audience to speak about Hillside Meadows and address the issues of non-compliance.

President Bob Johnson: Is that you Scott?

Scott Buedel: Yeah, Scott Buedel with Cash Wagner & Associates also here with me today is Scott Bowmen with BMB, the Contractor on site who is taking care of issues before you. Based upon the letter, I think this is basically a revolving around the entrance, the construction entrance is that the….

Morrie Doll: There was two matters in my letter, there was the entrance which had not been properly installed and secondly there was a previous site inspection that noted certain efficiencies that were reported in writing to Mr. Reinbrecht that needed to be corrected, and I believe they have been.

Scott Buedel: As far as the main construction entrance, I know on the original erosion control plan it was shown to be centered on the new roadway going into the site and that’s always our intention to have it in that location and then I know they were using the existing…I mean, initially our only access to the site was the driveway that took off on the southwest corner, the existing gravel drive that went into the site so we were utilizing that existing driveway just to get on to the site and so forth. Every intension was to put this in at that location centered on the roadway and I know there was some issues with the site itself when we started the construction, the trees on site and trying to get some of those trees removed, the site is a pretty well down and up and from the standpoint of hauling those trees after they were cut from one side to the other they took I think it was just one load of trees out of that northern entrance and I think that instigated a few calls from the neighboring properties. We looked into the minutes of the meeting and it clearly said that we weren’t…that that was not a construction entrance or ever to be used as a permanent entrance to the site, so that location was dropped immediately, but from the standpoint of the construction entrance I know Glen to put together a plan that showed the entrance on the southeast corner of the property and I think that the intent was to put that in there, but I don’t know necessarily why it wasn’t installed initially or right of way, but I do know if you are going to put that entrance on the rear yards of those houses that are going to be constructed it is just a big expense to put that in and then to tear it right back out and have that gravel there and then move it over to where we actually need the entrance to be. As of today, I think Glen submitted a new plan to you? We had the initial, then the revised, then another revised plan that was showing it back.

Steve Sherwood: The original SWPPP was approved in December of 2020 showing the entrance in the middle of the property, and then he amended it on March 18, 2021 moving it to the southeast corner, then he amended it again May 12, 2021 shifting it back to it’s original location that is center…

Scott Buedel: Correct

Steve Sherwood: But at no time was the existing residential house driveway designated or to be used as a construction entrance. That is not on any of your paperwork.

Morrie Doll: So, the center driveway was approved in December? The new proposed temporary entrance at the center of the property was approved?

Steve Sherwood: On the original plan in December 2020

Morrie Doll: Now that is where it once again has been returned?

Steve Sherwood: As of May 12th they got the approval to move it back.

Morrie Doll: Has the original one that was approved in December been revoked? Did we ever revoke, purge it, or do away with it in any way, shape or form?

Steve Sherwood: It’s just the approval was put back to it’s original location on May 12th.

Morrie Doll: Okay, here is my question. I’m trying to figure out we have to approve it again, or if it is currently approved? Or no? I’m glad it is being built where it is supposed to be, and there may be issues about whether it is being built correctly, but at least it is in the right location. If it is going to be finished according to what the original plan specified it may be that it is resolved, but it is still not built correctly yet, I don’t think it is deep enough, wide enough, or has enough gravel. Is that what I understand?

Steve Sherwood: My inspector’s report on May 18th which Mr. Reinbrecht says that it is approximately 115-feet in length when it needs to be 150-feet and there is also bare patches along the entrance where more rock needs to be added meaning it has to be 8-inches thick and 30-feet in width in compliance with the latest amended drawing, which is the original drawing.

President Bob Johnson: You’ll need to state your name.

Scott Bowman: Scott Bowman, BMB Inc. The drive….so the challenge with this just to give a little background, this drive is in the center of the crest of the hill where the old house used to be, probably a 10-12-foot rise off of Sharon Road. We were struggling trying to get that entrance cut in, the idea was to get the entrance cut in close to grade, therefore we put this rock driveway construction entrance in and it could be there long lasting, so that was our only access to the site circling back to Steve was the existing driveway, yes we understood that was not to be used continuously and we’ve now since got this project to a spot where we didn’t have to use it anymore. When we were doing that the revision was because we were trying to find a spot to get a drive in so we asked to have it on the east side, so as that was in process of being approved and moved, again, a lot of dirt work was taking place to try and get to where we could use it because of where it was located. At that point in time we had to high off Sharon Road back in the original location, so we were kind of dancing between trying to get a good spot to where we could get a permanent entrance that would last for the duration of the construction, hence we didn’t get, we probably put about 6 to 8 loads of gravel on that low entrance which wouldn’t have been enough to build the 150x30, but as we were doing that this entrance was falling apart just because of the seasons, the early rains, the ground was in the back of the lots and there was no compaction being done, so it would’ve just fallen off the rock it didn’t make sense to continue on that path because at no time we were going to get it stabilized if we were everyday working getting closer to getting that packed in the center. We have since done that, that entrance, the picture that you see is as of Friday I’m not sure when Mrs. Bradley was out there to do the report, the rock was put in at 150-feet, I’m not going to say it was exactly 30-feet wide the entire way because again, we were trying to get it cut in enough that we were cutting in the hill which would’ve been fairly dry but it wasn’t it’s been mud the whole time so the rock entrance, we’ve continually added rock to the center. It was at 150-feet I measured it Friday and it was at 125-feet to where you see the pretty white rock. There was rock beyond that 25-feet but we are bringing loads of rip-rap in to build the rip-rap check bins and every load we bring in is going away so we brought more rock in. the idea is to use it so it’s not going to stay pretty white rock forever, but the ground below it, we’re fighting it. We have actively been trying to accomplish this, I feel like the perimeter controls are not perfect or warrant when she came out there, but we have continually been working on the ditches to get them improved and get the rip-rap checks in place you know, the ditch in the center of this property as Scott stated earlier, I mean you get to the (?) and you went back up so we couldn’t get across that ditch in the beginning, we installed the culvert across the center of it to gain access to both sides, we have perimeter controls and still do around that ditch. The ditch has not been compromised, I have a few more pictures if you would like to see it, the ditch conditions as far as silting the site and what not which is the part of doing erosion control we’ve tried to manage it through some rains and obviously it’s been challenging at times and it’s not beautiful, but given the conditions with the trees and such it’s been very challenging to put silt fence in and then locations to keep them looking pristine, but we are beyond that point now. We have all the perimeter controls in I actually have my guys start putting new silt fence along side, because Garilynn was not going to be happy unless we had it in. Again, even though we have the silt fence location is now elevated we have the ditches in so there is no risking the silt leaving the sites, it’s going to stay within the site. On the low points we have built silt basins which was in her report, she didn’t understand why we had earth and berms built with a 6—inch pipe on the bottom of them and we had the silt fence beyond it, but in our history of doing these things with this much release on a site water is going to gain momentum and the silt fence is not going to stop this so we on top of the silt fence we put the earth and berms around, put a pipe in so we collect that water and then release it at a controlled rate. That is coming down towards the ditch and on the north side of the property where we have some pretty nice yards over there and she recommended and directed to remove those pipes which I think is counter productive, it’s working what we are dong to try and gain control. We’ve straw matted some areas, we’ve laid straw on the perimeter of it we’ve installed all the check bins per the plan which I think she mentioned we were doing dirt work in order to put the check dam down we have to do the perimeter ditches there was a lot of excavating to do that so we generated dirt. Yes, we moved some dirt in order to get it, but you cant put the checks on top of the ground, so that is kind of where we are at. The site today is in much better shape than it was.

Steve Sherwood: Mrs. Bradley just uses your approved SWPPP to go out and make assessments, and if your engineer needs to amend and implement additional erosion control measures that is fine, but he needs to she the amended plan so they show up and she understands what you are doing talking about berms and…

Scott Bowman: As long as we have what is on the plan, shouldn’t that satisfy her Steve? We just were going above and beyond; I didn’t think that was a problem…

Steve Sherwood: She follows things to the letter, so. Just to summarize the history we have had three public complaints followed by a complaint that we had to address with IDEM on this site, there has been four inspection reports issued March 17th, March 25th. April 5th, and the last one being May 18th and then Morrie’s Cease and Desist order was issues on April 30th. So according to the Cease and Desist order all they should be working on is to bring the site into compliance and nothing else, I cant attest to what else has been going on on the site I am not there to watch it. I think we would need to know if the driveway is in compliance is one of the issues Council addressed and the Cease and Desist order.

Commissioner Terry Phillippe: Can I ask you guys a question? Thank you for the explanation, you have rocks sinking in the mud, maybe she doesn’t see the rocks that are down in the mud that are 130 vs. 150-feet that all makes sense you are going above and beyond what the SWPPP said, I mean, a lot of this stuff is red tape back and forth to be quite honest. I’ve got one question, either of you guys answer why you are working when there was a Cease and Desist order issued? That is the part that bothers me.

Scott Bowman: We are working to bring the site into compliance. We were digging ditches around the perimeter, I mean when he was doing that yes he was throwing dirt out and the dozer was leveled out to keep it somewhat orderly if you will…

Commissioner Terry Phillippe: Is that our understanding? Is that the work that was going on? I was of the understanding that there was work going on that was not to bring the site into compliance.

Steve Sherwood: We observed the excavator in the middle of the property we weren’t sure what it was doing if it was related to erosion control compliance…

Scott Bowman: Mrs. Bradley asked us. So, we installed that pipe and we didn’t have the end section on the pipe but we had the end section on the pipe, but we had the rip-rap in the ditch, she was classifying that end section as the energy dissipater which we have to lay a sanitary line through it so we put it on but was going to take it right back off. In order not to damage it or do it twice we had the rip-rap in place, and if it was in the center the bottom of the ditch is, I know it is something we did do as far as putting that end section on for her direction because she wanted it on against my discretion, but I’m doing what I was asked to do.

President Bob Johnson: Any questions Dan?

Commissioner Dan Saylor: So, did we make an inspection of this today Steve? Were you able to get out there today?

Steve Sherwood: These are the photos from today when I drove by the entrance, they did cut the curb off last week so you can drive into the site and not have to go over 6-inch vertical curve and then photos from the cul-de-sac looking in, but Mrs. Bradley has not been out there since her inspection report on May 18th. I believe Mr. Bowman is telling you they have now got the entrance in, or do not have it in per the approved SWPPP dimensions.

Scott Bowman: We may not be exactly 150x30-feet, but I don’t know if he got that load of rock in there today yet to…it was there, but it is getting moored down every time we bring a load of rip-rap and we have hauled about 15 to 20 loads of rip-rap in there, so every time that truck backs into the end of the construction site and dumps, you know, it’s a process.

Steve Sherwood: The Council’s Cease and Desist order is you are supposed to contact my office once everything is brought into compliance so we can make an inspection. We did get one phone call which precipitated Mrs. Bradley to go out to the site and said it was not yet in compliance which is the basis of the May 18th inspection report.

Scott Bowman: We were asking Mrs. Bradley to come out so we could discuss some things and my superintendent on site was not able to catch up with her, she had come into the back side and we trying to just make contact to see where we were going to make sure we were doing things right, or if there was something that we need to do above or more. My foreman on site is eagerly trying to do, but he is also quite honestly we are all a little frustrated with the situation because we actually have sunny days and can be getting the site closer to not having these problems yet we’re not. I understand this is an important part of the process, but we have not had the compromise with the adjoining properties with excessive run off and mud situation and the one complaint that was early on was we installed, I think it was a 36-inch pipe at the bottom and we had to dam the ditch of temporarily with dirt and that water backed up to the adjoining neighbors to the west and I think that prociprocated the first call that we were going to flood her house out. We immediately taken it down as soon as we got the pipe in, we explained that to Mrs. Bradley and she understood that, but then that went away as far as I knew and the next thing you know I think we have (?). Steve was saying that I guess the State got involved because someone went straight up instead of a local level, so I don’t know about that other than, obviously someone knew someone to get the contacts.

Steve Sherwood: That is part of the reason why it is a bit sensitive because IDEM was alerted to the issue.

Commissioner Dan Saylor: That changes the ball game a little bit, that changes how we have to react because if we don’t then we have issues with IDEM.

Scott Bowman: Understood, I’ve been working in this area for 25 years and it’s the first time I have ever gotten a Cease and Desist work order over erosion and I understand that we needed to do some more work, but it’s been a real work in progress and you cant put the car before the horse and it’s hard. This was very challenging even though it is a small site it’s had lots of encroaches to do it all just this to do the road control caused a lot of grief, we are doing the best we can I think at this point in time we have the site in good shape I don’t think there was anything excessive from our stand point, I mean, we do take pride in making sure that we are not flooding the people down stream and there is pictures of existing ditches, the existing ditch through the site has not had excessive silt, it has hardly any silt in it and we’ve had some challenges over the past couple months..

President Bob Johnson: How long is it going to take you to get this entrance compliant?

Scott Bowman: I mean, in a matter of hours. If I have to have it 150x30 and you want to see it perfectly white rock I can dump trucks off and stop everything until you guys do the inspection, but the first truck I pull in there I am going to start creating the mud and things I mean that is part of this process, the construction entrance is there to be driven on.

President Bob Johnson: I understand.

Steve Sherwood: They also have to be maintained too so, you cant just do it one time.

Scott Bowman: Understood, we have been adding additional rock Steve, whenever it is perfectly good sunshine you are not tracking I mean, just to keep burying rock in the ground is not very good…

Steve Sherwood: Another question on some of the steep ditches on the west and east side that proceed the rock check dams I know the plans call for them to be rip-rap line, is there a point in the process where you will do that?

Scott Bowman: It’s already done.

Steve Sherwood: Because I tried to explain to Garilynn that if you do that it may get covered in mud if you haven’t taken the proper erosion control, because they are a 10%-12% grade.

Scott Bowman: That’s the kind of finish work, yes we are trying to protect them, hence the one we were actually trying to put it in place with the check dams but then she insisted that it shows to be rip-rap line, and we still have several months of work out there….I cant guarantee you they are going to be pretty two months from now.

Steve Sherwood: I understand, I have had that conversation with her that it’s a work in progress.

Scott Bowman: right, and we put all the check dams, I mean, the check dam is because that statue reads every foot of rise you are supposed to have one and these things are just stacking up, which we have them in. What we have in place was working for what was being fed, I mean, the ditches are designed to carry the water when it is a finished product, but when you don’t have all the water going to it you don’t have the flows therefor you don’t create as much you know? So the riprap checks are in place and in all honesty that thing is going to be rip-rap lined too because there is so much in the swales.

Steve Sherwood: As you stated the site is challenging, they don’t call it Hillside Meadows for nothing I don’t think.

Commissioner Dan Saylor: Let me ask you a question, when you are laying that temporary road and rock is extremely expensive, why wouldn’t you lay down some fabric first to keep it from disappearing in the lose soil?

Scott Bowman: We have done that from time to time and this one was, again, the sequencing was..it started to get rock dumped on it and before we laid the fabric we were fighting to try and get the hill cut in, we have a telephone pole there with a large mound around it now. We didn’t have a place to put that dirt and we are trying to cut it out to give because there was a pretty good rise there and then our backs were against the walls. Hindsight that probably would’ve helped our cause potentially, I have had that fail as well, but it is a measure to help. Quite frankly my Foreman got on site, got it going already and now you cant pick it up and start over but it certainly would’ve…that road wasn’t to final grade either the other part, ideally you want to get that road cut to final grade or at least close before otherwise this stuff becomes waste and it just becomes trash everywhere. We have two vehicles, at this point I mean we have some trees in the beginning and I have two operators on a job so there is not all this construction traffic going in and I mean, it’s two guys in pickup trucks you know that been there because the site is so wet…move a little dirt or we did and then we disk and dried so we’re not loaded up with people, utility crews are not on site so that is another reason why this entrance may not be 150x30, it will get to that point. Obviously I will get it to that point when we leave here today and I will have it done by mid-morning tomorrow morning if that is the sticking point, I am just trying to use a little rational with what we are doing and again…

Steve Sherwood: Per the construction entrance designated that will be the permanent road location once it is all said and done.

Scott Bowman: Correct. The start rate has to be good, so I am going to have to take all this rock back off in order to get the sub-grade good in order to get it approved…

Steve Sherwood: Which is the other catch of having a temporary construction entrance where it is your only access road in.

Commissioner Terry Phillippe: So, to build on Dan’s question, once they contact your office and say they’re done, how quickly can our inspector get out there?

Steve Sherwood: That is what we need to know, they need to make sure it’s all done and ready for me to send Garilynn back out there I can have her out there within a day of that notification.

Commissioner Dan Saylor: When do you think you can everything you need in order?

Scott Bowman: I would hope by tomorrow, I am leaving here and going back to the site, I haven’t been to the site today.

Commissioner Dan Saylor: Steve tells Garilynn to be out there Wednesday morning that would give you guys enough time? Or Wednesday before noon?

Scott Bowman: When I talked to my foreman on the way up here he thought he was done, or in pretty good shape. Garilynn to Steve’s point that the letter of the law is if there is 17 rip-rap checks there better be 17 you know, it’s not about functionability, it’s accountability, we count them and we do it by the 150x30 so I will get it done.

Steve Sherwood: Have you got a copy of her May 18th inspection?

Scott Bowman: I don’t have it with me Steve.

Steve Sherwood: You can keep this one if you like, and make sure the items have been addressed and just let me know and we will have her come out to the site when you say the site is fully in compliance.

Morrie Doll: Or do you want to schedule that now? Are you that confident of your timeline that Steve can schedule Garilynn after todays meeting to be out there tomorrow?

Scott Bowman: I would like to personally make a visit before…

Morrie Doll: And then you will call Steve?

Scott Bowman: We can call Steve…

Steve Sherwood: Scott has my contact information, email is usually best.

President Bob Johnson: Anything else?

Scott Bowman: So, back to the…I was just reading this note, I did have this Steve I apologize I didn’t know which one it was, again they are talking about the tiles in the silt basins for that reason, she is wanting them removed per this document, do I need to remove them?

Steve Sherwood: If they need to be in place for best management practices, you can explain that to her…

Scott Bowman: We tried.

Morrie Doll: Can Cash Wagner issue some kind of supplemental letter as practices for the pipes to be there?

Steve Sherwood: Your plans to be amended to reflect those..

Morrie Doll: If you agree with that?

Scott Buedel: I mean, I don’t have a problem with it necessarily but I just know when you put an erosion control plan together you are looking at it from a big picture standpoint and once you get on site you see the conditions on site for each individual swale and so forth. If he is the eyes on site and he is the one taking care of everything on site I would just hate for it to turn into every time he dumps a load another load of rock to put an extra check dam where we revise the erosion control plan and resubmitting it, it’s just going to turn into a…..to a certain extent I don’t have a problem with it, I just don’t want it to be so cumbersome in the end that we’re not getting to the end goal. I think what Scott is doing is above and beyond if what we presented was acceptable and approved and he is doing something in addition to, then I am hoping that is looked at as a positive aspect versus…

Commissioner Terry Phillippe: I would agree if the flexibility in inspectors vision?

Steve Sherwood: Garilynn tends to be by the book.

Morrie Doll: The problem with this is, I’m sure she doesn’t want the liability if there is a modification of the plan compared to what was approved, she doesn’t catch it and note it and site it and something terrible goes wrong out there…

Steve Sherwood: We always ask the design engineer, if you need to make a modification or a change just get it to me in writing so I can document it, approve it, then I can give a copy go Garilynn so she knows it is authorized and going on. So, if Scott as the Design Engineer for that site, if you or Glen could get me something in an email as soon as possible documenting some of the above and beyond stuff that is fine. We appreciate that you are doing it, it’s just I need some documentation.

Morrie Doll: It’s almost like “as built”

Scott Buedel: Yeah usually sewer and water goes in then they steak it, they build it, we as built it.

Steve Sherwood: You have to understand Mrs. Bradley’s concerns, she is very by the book as our Attorney just described because she does these things for a reason. We don’t get her a whole lot of latitude because we need to keep control of the stuff because we will have answer in this case potentially IDEM.

Scott Buedel: We can get those features added and get that back to you.

Morrie Doll: So, for the purposes of IDEM, you are going to get ahold of Steve tomorrow to schedule a time for the site inspection?

Scott Bowman: Either this afternoon or tomorrow, yes.

Morrie Doll: Alright, no later than close of business office on Tuesday?

Scott Bowman: Yes, Sir.

Morrie Doll: That is as to the temporary entrance, right?

Scott Bowman: I’m confident we can set that up tomorrow morning if that is what we are referring to.

Morrie Doll: What about the rest of those citations?

Scott Bowman: Well, again, just so I ask one question on the other one I think she has something in here about seeding and strawing on this, maybe I read that wrong, because we are not ready for the seeding and strawing.

Steve Sherwood: Well, their SWPPP addresses temporary seeding obviously you still have things in motion she is probably criticizing the 15 day rule. If you are disturbing the dirt within 15 days then it is a work in progress, but if it hadn’t been disturbed 15 days the letter of law applies. Again, I would just have Scott go through him or get my email, email is the best I’d rather not have a phone call because I need everything documented. An email to me says when you are ready for an inspection then I can get her out within a days notice, if the Board has any other requirements or comments?

Morrie Doll: I wanted this on record so if IDEM starts calling us we have something on the record that says this is what all we have agreed to do so we are addressing these issues. I don’t think you want IDEM out there either, I know we don’t want them out there.

Scott Buedel: No, but I do in our defense think that big picture item is to make sure our sediment is on site and I think we are doing an outstanding job keeping sediment on site, that is the big picture criteria. It may not be pretty the way the plan is drawn up today, but we are keeping…we are doing the things to protect adjoin properties and our roadways, you look at those ditches and we are not getting mud in those ditches. We have done the things; the problem with it is not exactly as the print shows therefore she has an issue; therefore we’re right here where we are at. It’s not, again to fix your question, is there any? No, it’s…I do want this under control…there is no common sense modifications that allowed…we shouldn’t be in this point. The goal is to keep the sediment on site and we are doing that, I assure you, you can look at the adjoining properties down on the corner…

President Bob Johnson: We can appreciate that…

Scott Buedel: But it’s frustrating when you…

President Bob Johnson: You have to understand the amount of remonstrators you had before this project started that you were going to be under a microscope.

Commissioner Dan Saylor: We are not calling IDEM, it was a neighbor.

President Bob Johnson: Do it right, if the entrance had been right to begin with or up to as the plan then we wouldn’t be here today and we wouldn’t have a problem.

Scott Bowman: Again, there is a lot of moving points to get it to that point.

President Bob Johnson: Understand.

Scott Bowman: We were trying to keep everything in a screen, we didn’t want to open that up because we were trying to keep it, because there are a lot of remonstrators and trying to keep ourselves…..I understand, you think you are doing something correctly and obviously we’re not so…this is a unique situation, I’ve not been in this one as far as having the entrance with the amount of cut in it, soil conditions in the hill, yeah it’s just not been good on either side. I understand, we are working to get it done.

President Bob Johnson: Go ahead and get it up to compliance, give Steve a call, and we can see what we can do to get you rolling again.

Scott Bowman: Do we have to wait for another meeting to lift the Cease and Desist?

Morrie Doll: Steve can lift it.

Scott Bowman: Okay, thank you we will give you a call…

Steve Sherwood: Give me an email, please.

Scott Bowman Yes, Sir.

Scott Buedel: Steve, just to clarify the email do you want an emailed plan? A revised plan sent to you showing the….

Steve Sherwood: However you are documenting the BMP’s, yes. You can do it in a plan mode or an email describing it just so my inspector will be able to understand and digest it to make sure it is in compliance.

Scott Buedel: Okay, thank you.

Commissioner Dan Saylor: I make a motion to give Steve the authority to lift the Cease and Desist based on when it is in compliance to his satisfaction.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0

Scott Bowman: Thank you very much.

President Bob Johnson: Anything else?

Steve Sherwood: Last item I have is just an update for the Board on the Stacer Road Drainage Improvement Project that Metzger’s is doing for us, it is about 75% completed when I was there today. It is going well as proposed and I hope to have it done within the next week or two as long as the weather cooperates, or continues to cooperate. That is all that I have unless the Board has any questions.

Commissioner Dan Saylor: Did we hit a gas line on this project?

Steve Sherwood: We have two services, Vectren is coming out to relocate tomorrow I was told when I was on site they had been very close to several others. I have not been notified that they have actually hit or destructed service.

Commissioner Dan Saylor: I know the Fire Department was dispatched to that area last week, because I thought I was with Marlin when that call came out, but it might have just been after that or something, I was just curious.

Steve Sherwood: It’s a very utility intensive, that is why we contracted for that work to be done. We wouldn’t have any liability over it; it would be the contractors, another good reason to contract it so we don’t get fined. That is all that I have unless the Board has any other questions.

President Bob Johnson: Council?

Morrie Doll: Mr. Pruitt offered to settle the lawsuit if we would pay him roughly $9,000.00.

**MOTION TO ADJOURN:**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0