**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**September 26, 2022**

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; Steve Sherwood, Storm Water; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor and Dana Upton, Recording Secretary

Present in the audience: Jared Memering

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson: We will call the September 26th 2022 Drainage Board Session to order if you will all stand and recite the pledge.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have approval of minutes for September 12th.

Commissioner Terry Phillippe: I’ll make a motion to approve the

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? Motion carries 3-0.

**Jared Memering- Morley/ FRAMEWOOD ESTATES *(\*ADDED\*)***

President Bob Johnson: Next up we have Jared Memering from Morley & Associates, Framewood Estates.

Jared Memering: Thank you, I’ve got a handout.

President Bob Johnson: Please state your name please.

Jared Memering: Jared Memering.

President Bob Johnson: Thank you.

Jared Memering: You’ll have to take it easy on me. This is my first drainage board meeting. So, I didn’t know until this morning that I was coming.

President Bob Johnson: ok. Jared, what exactly are you wanting to do here today.

Jared Memering: on behalf of my client Tiffany York. She is purposing to or she is petitioning to vacate that portion of Bayberry Drive. Again, I called the Surveyors Office and they said it’s a whole drainage board issue not just the surveyor alone. I reached out to utilities. I’ve got the blessing from all of the utilities, water, sewer, communication, electric. My client had reached out to the engineer’s office before this started and got their blessing.

Commissioner Dan Saylor: Which one is your client? What lot?

Jared Memering: Tiffany York. Lot 22. South of the vacate.

Commissioner Dan Saylor: So after the vacation, or after the vacate, then what happens?

Jared Memering: They would each, the north and south would get half and my client has been talking with the neighbor on buying or quit claiming. My clients intended use is to put a shed on a portion of it. You can see on that exhibit there is going to be easements on the north end. 10 foot water line easement we are reserving. Newburgh Sewer has some off the west end and there’s already utilities in the rear 12 foot. We are keeping all of that so the portion that she’ll have to build on won’t be the entire site.

Steve Sherwood: So your exhibit you have attached here, there is still a 12 foot easement running across the rear of it. That doesn’t show.

Jared Memering: Does it not show on anybody’s?

Steve Sherwood: So the rear 12 foot

Commissioner Dan Saylor: it says existing 12 foot P.U.E.

Jared Memering: Can I step up here?

Commissioner Dan Saylor: Yea, just watch your step.

Steve Sherwood: So if you vacate half, will Bayberry exist. Half goes to each land owner. Is the existing concreate drive on one half or is it over?

Jared Memering: No, it’s on, it’s pretty well right down the middle.

Steve Sherwood: ok it just looks like the line favors that side more than it does that side.

Jared Memering: No, if I remember correct, it’s right down the middle.

Steve Sherwood: Because that will be an important issue.

Commissioner Dan Saylor: So, I have a question. So, who are they paying, who developed this subdivision?

Jared Memering: I don’t know off the top of my head.

Steve Sherwood: Don Gore originally with 2 other partners.

Commissioner Dan Saylor: Ok, so then where was this drive, this was going to be for a future drive of maybe whatever is over here. What is over here?

Steve Sherwood: It was a future right-of-way stubbed out in case there would ever be any access to the East but there is no access to the East. It goes into private property currently.

Morrie Doll: Are they developing that private property?

Steve Sherwood: No one has said so to date but this falls back on a lot of the APC regulations at the time these subdivisions were created they weren’t right-of-way stubbed out to all adjoining property in case there would ever be a roadway connected. We have vacated several such like Lake Pfafflin or Lakevale Estates if you recall along their Western border and northern border. The question I had on their easement to remain. Is there any drainage that moves from south to north or north to south because I’ve not had a chance to get out there?

Jared Memering: no major drainage. I have some pictures in there with that that it doesn’t show elevations but they depict.

Steve Sherwood: and this is just the first step coming before Drainage Board as I understand it still has to go to the Planning Commission and the Commissioners is that correct Morrie?

Morrie Doll: Yea. You’re giving notice to the

Jared Memering: the entire subdivision and the ad joiner, there is one ad joiner to the East that’s not in the subdivision but yes, 60 notices.

Commissioner Dan Saylor: So who do they purchase this land from?

Jared Memering: Who did the developer purchase it from?

Commissioner Dan Saylor: No.

Jared Memering: They did not purchase it, it’s still County right-of-way.

Steve Sherwood: It’s platted as public right-of-way.

Commissioner Dan Saylor: So if it’s platted as public right-of-way, so.

Steve Sherwood: Never developed to be used.

Commissioner Dan Saylor: I understand so we, it just reverts back to them at no charge?

Morrie Doll: Usually the lot owners own to the center of the public right-of-way and it reverts to the underlying property owners. I don’t know that that’s necessarily true here.

Steve Sherwood: In this case, they don’t own to the center but when you do vacate a right-of-way, half goes to each ad joiner. I believe is what, Morrie could clarify that better than I could.

Commissioner Dan Saylor: So Morrie, there is no, I understand they notify the people to the east so whoever owns here, it would be neat to know that but.

Jared Memering: It’s on that exhibit.

Steve Sherwood: It’s all owned by New Century Limited Partnership. That’s the gentlemen who put the 40 acres at a conservancy and calls us repeatedly to have the county clean his driveway pipe.

Commissioner Dan Saylor: Oh ok.

Phil Baxter: You know that street wouldn’t be up to County standards now anyway.

Steve Sherwood: Yea, in his case there is no street, it’s just a private driveway.

President Bob Johnson: so they are going to put a shed on here?

Jared Memering: That at some point yes, depending on the price is and what they have to buy from the neighbor.

Commissioner Dan Saylor: So we are just looking at it from the Drainage standpoint? I’m probably looking at it a little more. Yea, I’m ok with it Bob.

President Bob Johnson: Terry? Mr. Baxter?

Phil Baxter: Yes, I’m fine with it.

President Bob Johnson: Mr. Sherwood?

Steve Sherwood: No issues.

President Bob Johnson: Counselor?

Morrie Doll: Nothing.

Commissioner Dan Saylor: I was just trying to treat Jared just as I would treat Jim.

Jared Memering: I don’t know if that’s good or bad.

Commissioner Dan Saylor: I’m good. I make a motion to approve the vacation.

Commissioner Terry Phillippe: I’ll second.

President Bob Johnson: All in favor? 3-0

Jared Memering: Can I get a letter or something stating that that has been vacated? Will that be part of the minutes?

Morrie Doll: It will be part of the minutes and it be inferred to APC that there was no issue.

Phil Baxter: We will let APC know right after the meeting.

**CLAIMS:**

President Bob Johnson: Next we have claims for $100.00

Commissioner Dan Saylor: I make a motion to approve.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0

**OTHER BUSINESS:**

President Bob Johnson: Any other Drainage Board business?

**STORM WATER DEPARTMENT**

President Bob Johnson: Mr. Sherwood.

Steve Sherwood: Thank you Mr. President. First item on the agenda. I called and spoke to each of the board members individually concerning a limited window of opportunity to order a new RAM 2023 4500 truck for the Stormwater Foreman.

President Bob Johnson: That was last week.

Steve Sherwood: Yes. Sherri has been working on this. Well, she had to go to Seattle and then I finished the conversation for her since she was not at work. I finally got them to call back and there was a window open the week before a Monday thru Friday. I started contacting people on Wednesday and Thursday. Just need to officially address this for the minutes so the Auditor will have some verbiage to fall back on. We were secured a price for essentially the same truck, a 2023 model but a 4-wheel drive model for $78,079.89. The truck will be officially ordered but it’s going to be 6-12 months before we would get anything. I just wanted to get this in the record before the Board. I know I’ve talk to each of you and got each of your comments and all comments have been addressed.

Morrie Doll: Ok. Shouldn’t it be a motion to purchase?

Steve Sherwood: Yes, I would think so.

Commissioner Dan Saylor: And is this with the work, does this include the work bed or is this just the?

Steve Sherwood: Yes, everything. The utility body and everything.

Morrie Doll: But we didn’t get bids or anything?

Steve Sherwood: It’s a government purchase.

Commissioner Dan Saylor: QPA.

Steve Sherwood: And it’s no sales tax. If you would a motion would be appropriate.

President Bob Johnson: Consider a motion to approve or not.

Commissioner Terry Phillippe: I’ll make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? 3-0

Steve Sherwood: The second item I have is we are looking at a drainage project. Stormwater wants to help the Highway Department finance another Box Culvert/Drainage Improvement project. This is to replace a 6 foot diameter corrugated metal pipe across Briarcliff Drive and Blue Lake Estates. We are trying to get this done because the town of Newburgh wants to add on to this Box Culvert then they are going to upgrade their ad joining pump station at this site. I solicited 3 bids. The low bid from J&J Concrete out of Montgomery Indiana $36,821.54.

Morrie Doll: Now, that’s just for the Box Culvert?

Steve Sherwood: That’s just for the manufacturing and delivering the box to the County Highway Department. We will install it. We will have to rent a crane. Which is usual. So $36,821.54. That’s the low bid. The other 2 bids were $39,803.00 and $61,680.00 for the same box Culvert. We have bought from J&J Concrete Construction previously for example, the Lincoln Trail Box Culvert we did last year and the one on Ruffian Lane the year before. So if the Board would approve, I’d like to use Stormwater funds to assist the highway department for the purchase of this structure.

Morrie Doll: And when you say assist you mean pay for the Box Culvert?

Steve Sherwood: Pay for the Box Culvert. Most likely we will pay for the Crane time once I get an estimate from Sterett Crane to help lift it and install it. We’re still trying to get this done in November of this year before weather turns harsh.

Commissioner Dan Saylor: So Steve, where is this going exactly? It says Briarcliff Drive. Is this going under Briarcliff?

Steve Sherwood: Yes.

Commissioner Dan Saylor: There where the pump station is.

Steve Sherwood: Yes, where it outlets to Blue lake.

Commissioner Dan Saylor: Ok. So is that going to the left?

Steve Sherwood: It flows from west to east into the lake to the east.

Commissioner Dan Saylor: Right, I understand that. So, help me, there’s a generator sitting right there. Is that going to the north or south of the generator?

Steve Sherwood: Going just on the Northside generator. It sits on the south side of the embankment. And that’s temporary. Part of the reason why they want to redo their pump station is to put a permanent generating facility and a larger lift station. They won’t close the ditch further away as this pipe will extend towards the lake.

Commissioner Dan Saylor: Is…ok.

Steve Sherwood: Bobby thought it would be a cleaner project for us to do our work and the town do their work and not share and not have much control over what the town wants to do with our money.

President Bob Johnson: You got any questions?

Commissioner Terry Phillippe: I’m good with it.

Commissioner Dan Saylor: Yep.

Commissioner Terry Phillippe: I make a motion to approve the purchase of the box culvert.

Commissioner Dan Saylor: With the lowest bidder. Second.

President Bob Johnson: All in favor? 3-0

Commissioner Terry Phillippe: Steve, I’ve got a question. Would you consider calling Scotts Crane Service for the Crane Work?

Steve Sherwood: Sterett Crane Service is who.

Morrie Doll: He wants you to call Scotts.

Steve Sherwood: We can call and get more quotes yes.

Commissioner Terry Phillippe: that’s the company that helped us with the flag on top. I would really like to give them a shot.

Steve Sherwood: Scotts Crane Service.

Morrie Doll: Are they in Evansville.

Jason Baxter: I’ve got their number.

Commissioner Terry Phillippe: I have no idea if they have the appropriate equipment to handle this job but we can ask.

Morrie Doll: Boonville.

Steve Sherwood: It’s going to have to at least be a 150 ton crane or larger.

Commissioner Dan Saylor: Really?

Steve Sherwood: these box culvert sections are 24,000 lbs. each. Shall I continue?

President Bob Johnson: Please.

Steve Sherwood: Next item I have is just a Fuquay Road /Pleasant Ridge Drainage Improvement Project update. We will have a pre-final on the project this Wednesday at 1:30 P.M. You all are invited to attend. I made sure that Commissioner Saylor was aware of it personally.

Commissioner Dan Saylor: I plan on being there.

Steve Sherwood: And you all are welcome to attend.

Commissioner Dan Saylor: I think there is maybe a couple of issues but the project looks good.

Steve Sherwood: we are working on the water being held in the rip rap. The pipe has had an interior video inspection and Lochmueller Group has signed off on that. And I’ve answered the other lady’s questions at 1800 Fuquay Road. I sent her a package. I believe you all have been copied on it earlier today. Next item I have is Bluewater Court Drainage Improvement project being done by Ragle. As of last week they were potholing the confirmed existing utility information. They were starting to remove fence and temporary construction fences are being installed as needed and being coordinated with the various property owners. The utilities are what’s holding this up at this point. I’ll have more information at a later date. Next item I have, I want to report to the Board that the work approved to be done at 4561 Prescott Dr. for Luellen. The work has been completed. The work was basically done by hand by our crew. They had the blisters to prove it. The next photo you have behind that shows that the next day, the ditch was strawed and seeded. They did shoot grade to verify everything will drain away from white picket fence into the east into the hand excavated trench. They did not get any notification from the ad joining property owner to the west who did not sign the temporary right of entry. As you recall my report specified that he elevated the ground when he built a pool behind that solid white fence. Morrie and I believe that’s one of the reasons why we didn’t hear back from him at our request because he probably had some concerns to us ditching in close proximity to that slope. I think as you see from the photos, it turned out pretty good.

Commissioner Dan Saylor: Yea, I appreciate them getting that done. I know Commissioner Phillippe was involved in it but I know that probably wasn’t an easy project but I do appreciate them working that and getting it done.

Commissioner Terry Phillippe: They went out there and did a good job. I’ve had 3 thank yous from property owners. Hopefully you have too.

Steve Sherwood: I have not, but I’m glad to hear it. Last item I have for the Board is I received a complaint from the Indiana Department of Environmental Management on last Tuesday September 20th regarding a complaint at 6200 Crowville Road filed by a Jennifer Weigand concerning excavation across the street. The investigation found out that a Scott Smith with Praxis Construction had cleared off 3 separate building sites on a 323 acre parcel owned by Peabody at the time apparently he has approvals worked out with Peabody to buy 4 parcels which he claims he’s only going to build 3 building sites. All 3 sites had been established seeded and strawed by the time the complaint got to me from IDEM. There were 3 driveway permits issued through the APC for the 3 building sites. IDEM has asked me to follow up. Why wasn’t no SWPPP filed. Mr. Smith stated he wasn’t aware that he needed one. Most of the work or all of the excavation work was done by Aigner Construction.

Commissioner Dan Saylor: So Steve, why wouldn’t Molly’s office, they don’t have a piece of paper saying they know what they are wanting to do right? A 3 driveway you got to have a sketch.

Steve Sherwood: When I talked to the Planning Commission, they said he was going to come in and split the property at a later date to accommodate these parcels. No building permit has been submitted yet. She said they can work on the property, do what they want to it as long as they don’t come in and get a building permit.

Morrie Doll: But that does not excuse the SWPPP.

Steve Sherwood: Does not excuse the lack of a SWPPP.

Commissioner Dan Saylor: So why, how come that piece of paper is not handed to somebody at that time when they are getting permits? Just to say hey this is some of the things if you are doing x you’ve got to do this.

Steve Sherwood: You can come in and get 3 driveway permits on a parcel of that size and not tell them anything further what you are doing apparently. But the complaint here written by IDEM said Mrs. Weigland called with concerns about effects to local drainage and water quality by tree clearing, grading and excavation taking place across the county road from her property. That was her complaint. Now I don’t find that the drainage has been altered. It’s still on the west side of the road and still draining the pit overflows drain into the roadside ditch out there and I don’t see any water quality issues. The water looked clear and these building sites drain to various stripper pits within the 323 acre parcel. He apparently bermmed up behind the right of way so where the Stormwater comes out now is apparently more or less where it has been coming out and I am waiting to get an inspection from our erosion control, my office has met with Mr. Smith. He is getting a SWPPP, he has detailed emails from me and I’m answering IDEM’s list of complaints concerning this property on a daily basis. So my question to the board because IDEM is watching this. He said he didn’t know this was required. He is getting a SWPPP, he’s not working the site. The work is done. He has seeded and strawed everything he’s disturbed. I don’t know if there is any fee’s, penalties or other penalties that the board would like to issue according to our ordinance at this time. I’m just going to report to you that this is what happened. This is what he’s doing. I don’t have a SWPPP yet, but he knows he’s got to get one. He apologizes profusely for not knowing or why his contractor didn’t advise him of the SWPPP to be required for disturbing over 1 acre of property.

Morrie Doll: And his contractor was?

Steve Sherwood: Aigner Construction.

Morrie Doll: Does the Board want to take any action?

Commissioner Dan Saylor: Who is the action against?

Morrie Doll: It would be the land owner.

President Bob Johnson: I think you know, Steve, just keep working with him on it until or if IDEM comes down on us real hard or whatever, then we got to take action, but I’d try to work it out.

Steve Sherwood: I am in the midst of having it all worked out. I just want to report to the Board since we do have another set of eyes on us and I have to respond to the complaint.

Commissioner Terry Phillippe: Now he knows so we can’t use that argument.

Morrie Doll: Yes, but it seems to be a deadline. A time deadline maybe. I mean how soon is he going to have his SWPPP?

Steve Sherwood: He says he’ll have a SWPPP and as soon as possible, he plans to be into APC within 3 weeks to create the land division. His surveyor says he will have that work completed within 3 weeks.

Morrie Doll: The Surveyor is?

Steve Sherwood: He did not say. But these are large parcels in excess of 19-20 acres each.

Morrie Doll: It will take some time to survey it.

Commissioner Dan Saylor: the problem I’m having, you do this over in Vanderburgh County, and you are probably going to get a fine. Dennis just got told to get, Dennis Lockhart got a complaint, a guy built a building without a permit. The guy said I can do what I want to do, get the you know what off of my property and nothing happens to people in Warrick County. You know, there’s just a hey you need to do this and I’m not saying we got to fine everybody however, at some point I think people got to realize that there’s rules in place and if you don’t follow the rules you’re going to have to pay a fine. I mean, I follow the rules, he follows the rules, and we all follow the rules. Then there is people out there that don’t because they know nothing is going to happen to them. In this case IDEM, you know we are an MS4. IDEM could I don’t know, could IDEM fine us Steve?

Morrie Doll: Yes

President Bob Johnson: Could they fine us?

Morrie Doll: Yes.

Commissioner Dan Saylor: So if IDEM can fine us, what if they fine us? To me, that fine has to be passed on to the person who caused the problem.

President Bob Johnson: Well, that’s what I was saying, if IDEM comes down hard on us then we transfer to them.

Morrie Doll: I would table it for further consideration depending upon what IDEM does.

President Bob Johnson: But you are right Counselor we should have some type of time frame to get this and I don’t know what that time frame is. Steve, what’s reasonable?

Steve Sherwood: well under our enforcement section of our current ordinance our 2006-14, we’ve served verbal warning, we’ve served written warning, and we have served a warning of non-compliance and we are up to the civil penalty issue of up to $2,500 per day. The 5th and final enforcement on him is a stop work order. There is no work to stop because he says he’s done and everything has been seeded and strawed. We have contemplated fining a few developers in the past but none of that has ever come to fruition.

Morrie Doll: What’s a time window for submitting a SWPPP?

Steve Sherwood: I will have it in less than 3 weeks, probably more realistically a week to 2 weeks.

Morrie Doll: Table the matter until not the next meeting but the meeting after to see if you get a SWPPP.

Steve Sherwood: Which would be October 24th.

Morrie Doll: and furthermore whether or not IDEM attempts to penalize Warrick County for this Violation.

Commissioner Dan Saylor: I make a motion to table the

President Bob Johnson: Should we be proactive on this Counselor or should we be reactive?

Morrie Doll: Your choice. That’s a policy decision. If you choose to, you can do either.

Commissioner Terry Phillippe: My two sense. I don’t know Mr. Smith personally however, I do know a lot of people that know him and I believe he’s a good guy. I believe he’s going to do what he says he’s going to do. If he doesn’t, I’m fine with tabling that to ensure that.

Commissioner Dan Saylor: You know, I mean ignorance of the law is no issues however, I have just as much of a problem with the Contractor as I do the landowner.

Jason Baxter: The landowner don’t know that.

Commissioner Dan Saylor: Exactly.

President Bob Johnson: Well, who would be, I mean the land owner would be the one at fault here right?

Morrie Doll: Yes Sir.

President Bob Johnson: Which in this case, it was Peabody.

Steve Sherwood: when I notified Jordan Aigner of the issue at hand, he said you need to talk to Mr. Smith. I was just hired to work the site.

President Bob Johnson: I wish we would’ve had a bit more cooperation from the county than that.

Commissioner Dan Saylor: So there is nothing in the ordinance that can hold a Contractor responsible?

Morrie Doll: We don’t have a privative contract, we don’t know what he was told, what he was hired to do, what he was paid to do, what kind of terms and conditions of his engagement, but we do have authority to regulate the property owner.

President Bob Johnson: Well, here’s the problem with this, is that he’s not the property owner. And he’s developing on somebody else’s property.

Morrie Doll: Which I would not think Peabody would not be very pleased with him having a violation.

Commissioner Terry Phillippe: It seems like we are missing something here. So if Scott Smith does not own the property or Praxis Construction does not own the property.

Steve Sherwood: By County records, Peabody still owns the property but Mr. Smith says he has an agreement to purchase the property from Peabody.

Morrie Doll: Is it American Landholdings?

Commissioner Dan Saylor: So really, if we fine somebody, it’s going to be Peabody.

Steve Sherwood: I say Peabody but its American Landholdings, which is Peabody.

President Bob Johnson: Are they aware of this to your knowledge?

Steve Sherwood: They may or may not be. I have not contacted Peabody yet.

President Bob Johnson: Praxis is just a small, not even a construction company. They are more of a remodeling company out of Tennyson.

Commissioner Dan Saylor: So would it be wise to send American Landholdings a letter saying there could be a potential fine here. If we get fined by IDEM, that will be passed along to you, to put them on notice.

Steve Sherwood: I have to find out who from Peabody to send it to. I don’t know if it’s going to be Mike Engleman or someone else within Peabody organization. I’ll read to you Mr. Smith’s first email to me after he found out about all of this. He says “Mr. Sherwood, I apologize for all of the trouble I have caused you and the rest of your staff, I had no idea there were other permits I had to get when we started this process, I take full responsibility for the trouble that I have caused after I purchased this property from Peabody, was parceled out and recorded” I’ve not found any documents to date to support that. “Since then we have started the process to create 4 new parcels. 3 of these parcels will have clearings for home sites. I have attached a picture of what they will look like. Each clearing is less than an acre.” I’ll pause there for second but collectively they are over 1 acre. I haven’t confirmed that each one is not less than 1 acre. I’ll continue “I spoke with the Surveyor yesterday and they expect to have new parcels done and recorded in about 3 weeks. Unfortunately all the dirt work is complete. Each clearing has been seeded with oats and clover and are growing well. I will be making phone calls today to find out how to get this permit that should have been done in advance. This is my first time to make a large track of land into a subdivision and try to take a profit. I now know why everybody is not doing it. I will learn from this mistake and if I ever do this again, I will never forget this embarrassment. I’m not sure what happens from here but I will do my best to work with you and your staff to clean up this mess. Please advise me of what to do next.”

Commissioner Dan Saylor: So, here’s my point with this about the Contractor. The Contractor knows you know, if I get a heating and air system and use A+Derr. They get a permit, they pull a permit because they know you need one. So they go ahead and do it and I understand it’s not the Contractors responsibility however.

Morrie Doll: It’s good business.

President Bob Johnson: Common Courtesy.

Commissioner Dan Saylor: Thank you Counselor. I’m just a little bit disappointed in Aigner to say, I really am.

Morrie Doll: so do you want Steve to reach out to American Landholdings of Indiana?

Commissioner Dan Saylor: You or Steve, absolutely.

President Bob Johnson: I think they should, since we are in limbo on who really owns this property.

Commissioner Terry Phillippe: We don’t even know for a fact that American Landholdings knows this guy.

President Bob Johnson: He could be on the wrong plot of land who knows.

Commissioner Dan Saylor: Counselor I think we need to reserve our right to take future action pending what we.

Morrie Doll: We could research who or what the official mailing address for the Corporate Representative for American Landholdings of Indiana and send him a notice letter that says hey, there is a potential of repercussion here from IDEM because of this development and if that happens we are looking to hold American Landholdings financially responsible for the cost of said.

Steve Sherwood: This is a copy of the parcel in question. Mrs. Weigand is this little square here in this corner and it’s so large the aerial wouldn’t turn on to print on GIS but all of that black boundary is the 323 acre parcel owned by Peabody. You have most of the email chains Morrie and if you need anything further, just let me know.

Morrie Doll: Ok, we will write him. I’ll run it by you to see it before it’s sent.

President Bob Johnson: Appreciate it. Anything else?

Steve Sherwood: That’s all I have Sir, thank you very much. Any questions for me at this time?

President Bob Johnson: Anything?

Morrie Doll: Nothing.

**MOTION TO ADJOURN/RECESS:**

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? 3-0