**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**MARCH 26, 2018**

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; Marlin Weisheit, Secretary; Phillip H. Baxter, Surveyor; Steve Sherwood, Director of Storm Water; and Morrie Doll, Attorney.

Present in the audience was Joe Grassman.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of March 26, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First up is approval of the March 12th, 2018 minutes.

Commissioner Saylor: I make a motion to approve the March 12th, 2018 minutes.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**CLAIMS:**

President Johnson: Are there claims for the Drainage Board? I believe there is.

Phil Baxter: Yes.

Commissioner Weisheit: I make a motion to play the claims of $280.30.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**OTHER BUSINESS:**

President Johnson: Any other business for Drainage Board?

Phil: No, sir.

President Johnson: Mr. Sherwood, I defer to you.

**DEPARTMENT OF STORMWATER**

**HYDRO-EXCAVATOR:**

Steve Sherwood: Thank you. The first item I have to report to the Board is that we took delivery of the hydro-excavator that we purchased. It was delivered on Monday, March 19th. We had training that day with the Stormwater and Highway Department. Everything was per specifications that were required that we had for purchasing. All items were delivered timely. I made extra copies of the owner manuals for the Highway Department mechanics and for the operating crews. I know some of you would like to see it in action. We’ll try and make everybody aware when the Highway Department has it out so you can come out and view it if you wish.

**BASELINE PLACE SUBDIVISION:**

Steve: Last item I have is a complaint that came to me via the Warrick County Soil & Conservation Service just about an hour ago. A Doug Titzer has complained on the Baseline Place Subdivision. You have a plat before you. We’ve had several complaints. First of all, the proximity of the driveways, which is not really a Stormwater matter, you can see there are two shared driveways on St. John’s road. This was approved when the subdivision was platted and the driveway permits had been filed and proper sized culverts were issued which are washing out. Prior to the subdivision, at the time of platting, he required no drainage plans. He asked for a waiver and he was granted one through the Drainage Board on November 14th, 2016. As you can see, these are just 2.5-acre lots, residential lots, which generally there’s no dirt moving other than placing the driveway and building the residential home that goes on each lot. However, since that time, he has disturbed over 1-acre of property on the ground and has constructed a large pond at the southern end of the property and there’s been some issues with the pond. There’s no emergency overflow observed. The riser that drains was built higher than the surrounding embankments, meaning water will probably just spill over the pond embankments at the lowest location which we have no plans, no observe design information on file with the county. I’m not sure if a pond violates any of our ordinances but the over the 1-acre disturbance violates the constitution of filing a SWPPP or a Stormwater Pollution Prevention Plan. In talking with counsel prior to the meeting, I would like to ask for the Board to direct me to file Mr. Tom Newmaster, developer of the development, a letter saying he is in violation of our MS4 policies in disturbance of land 1-acre or greater without having a SWPPP on file and give him a reasonable number of days to respond and file a SWPPP to come into conformance with erosion control and other issues. And I will defer to Morrie on the creation of a pond and I don’t believe Drainage Board has any responsibility even though it is in a subdivision, it’s not on the plan as a retention basin nor was there a plan to have a pond indicated in the subdivision plat or drainage plans that were not required.

Commissioner Saylor: So where is that pond? It isn’t on the drawing.

Steve: It’s adjacent to and north of Baseline Road in the southern three lots on either side. The southern end going north, the first two or three lots. It’s right in the center of the two.

Phil: As far as the drainage, we have no control over a pond or lake or whatever except for the SWPPP part of it which is under Stormwater. As far as the Drainage Board, we have no control over a pond or a lake.

Steve: It’d be like anybody else with residential property constructing a pond.

Phil: Have you been out there?

Steve: I have been out and viewed it. I don’t have any pictures to show you. I have some filed away somewhere. We’ve known this has been going on for a while but apparently the disturbance has become greater than 1-acre.

Phil: What about the culverts?

Steve: Culverts were sized at 18-inches and they both were put in appropriately over a year ago. My guess is, with the soil disturbance, he may be diverting more water to the roadway than what the pipes were sized for. In other words, he may have changed the topography. I don’t know that but we’ve had several large storm events out there and they are lengthy pipes due to them being shared driveways, fresh soil and I don’t know if he graded any of the roadside ditches. I would ask the Board to direct me to fire off a letter to Mr. Newmaster siting him for being 1-acre plus over in disturbance and to file a SWPPP within a timely manner. I would recommend probably 30-days unless counsel has a different time frame in mind.

Morrie: Whatever solves the issue if there is an issue. Until we have the measurement of the area disturbed, it appears to be over an acre but nobody has surveyed it so I don’t know if we want to make that accusation yet or we just want to tell him we have a complaint that’s been filed and ask him to come in and address it. It’s up to the Board. I know it appears to be over an acre which would be a violation.

President Johnson: So what do we need? Do we need a consensus?

Morrie: A motion.

President Johnson: I’d entertain a motion to have Mr. Sherwood send a letter to bring in Mr. Newmaster to discuss these issues.

Commissioner Weisheit: I’ll make that motion.

Commissioner Saylor: Second.

President Johnson: All in favor? 4-0.

Commissioner Weisheit: Steve, when you’re out that way sometime, check the culverts and see if there’s more water coming down there and see if they have to be upsized or another one come along side.

Steve: Just for clarification to the motion; were you asking me to bring Mr. Newmaster to a future meeting or just to ask him to file a SWPPP for a greater than 1-acre disturbance?

President Johnson: We don’t know if it’s greater than 1-acre at this point so I would think that we would want him to come in and address the complaints that we’re receiving.

Steve: I can have him appear at the next meeting which will be April 9th. I can ask him to appear. And that will give me time to get photographs. I will send the letter out as instructed.

President Johnson: That seems like the most logical thing to do, doesn’t it?

Steve: To attend a Drainage Board meeting or a Stormwater Board meeting?

Morrie: Stormwater. Phil doesn’t have a regulated ditch involved.

Phil: No.

President Johnson: Ok. Anything else, sir?

Steve: That should take care of it, thank you. That’s all that I have.

President Johnson: Mr. Grassman, do you have anything?

Joe Grassman: No.

President Johnson: Anybody else? One last motion.

**MOTION TO ADJOURN:**

Commissioner Weisheit: I make a motion to adjourn.

Commissioner Saylor: Second.

President Johnson: All in favor? 4-0.