

REGULAR DRAINAGE BOARD MEETING:

April 18, 2016

President, Clarence Hensley, called the meeting to order. Present at the meeting were the following:

Clarence Hensley, President
John Landers, Vice President
Shannon Henry, Member
William Whitehead, Member
Phil Taylor, County Surveyor
Stan Willis, Deputy Surveyor
Brandon Murphy, Board Attorney
Cindy Harty, Recording Secretary

Mr. Hensley opened the meeting by welcoming the audience and inviting them to participate in the pledge of allegiance.

APPROVAL OF MINUTES:

Mr. Hensley entertained a motion for the approval of the March 21, 2016 Drainage Board Minutes. Mr. Whitehead so moved. Mr. Landers seconded the motion. Mr. Henry abstained from voting due to his absence at March's meeting. **Motion passed 3-0.**

OLD BUSINESS:

Mr. Hensley called for a representative from the Schneider Corporation.

Kyle Johnson, GIS Coordinator, stated that they are not present at today's meeting. Mr. Johnson stated that Schneider Corporation informed him they would be here today to give a presentation and no one has shown up. Mr. Johnson stated that he would follow up and see if they could reschedule for the meeting in May.

NEW BUSINESS:

Mr. Hensley called for Mr. Taylor concerning the issue of perimeter drains.

Mr. Taylor stated that Travis Massie contacted him because he was having septic problems, and Mr. Taylor stated they are trying to help Mr. Massie with those problems. Mr. Taylor stated that apparently Mr. Massie is not present today. Furthermore, Mr. Taylor stated that he is recommending that the Board allow Mr. Massie to tie-in to the county ditch, which is south of County Road 500, and is named the Charles Bailey Ditch. Mr. Taylor stated that he has checked with the Delaware County Board of Health and the State, and further with Sheldon Dynes of Pritchett, and they all agreed it would be fine for Mr. Massie to do so. Mr. Henry asked if Mr. Massie was installing a perimeter drain around his septic system. Mr. Taylor stated that was Mr. Massie's intentions and then he wants to tie-in to the ditch north of him near the old Harrison School, and Mr. Taylor stated he does not foresee a problem with Mr. Massie doing that.

Mr. Henry stated since Mr. Taylor has checked with the Health Department he would move that the Board allow Mr. Massie to tie-in to the Charles Bailey Ditch. Mr. Whitehead seconded the motion.

Travis Massie 9800 W. Connor, Gaston, IN 47342 approached after the previous discussion. Mr. Taylor informed Mr. Massie that he explained to the Board about his request with the perimeter drain, and he stated that they had spoken concerning Mr. Taylor's issues with this. Furthermore, Mr. Taylor explained to Mr. Massie that in talking with the Board of Health and to Mr. Dynes, he felt Mr. Massie would be fine with tying-in to the county's drain. Mr. Taylor stated he had no problem with this, and felt Mr. Massie would do the right thing. Mr. Taylor informed Mr. Massie that he needed to ask for the Board's permission to tie-in to that ditch. Mr. Massie asked the Board for permission to tie-in to the county's ditch. Mr. Henry asked Mr. Massie what type of pipe he would be using. Mr. Massie stated that Delaware Septic is actually doing the work, and he stated that he has a form with him that they had filled out, but he is not sure what they are using. Mr. Henry asked Mr. Massie, "So you are contracting the work out?" Mr. Massie replied yes, he is. Mr. Taylor stated that Delaware Septic is a trustworthy business, and they have been in business for a long time and they know what they are doing. Mr. Landers asked if this is something that has been done previously, or is this a first? Mr. Taylor stated that he believed it was a first, but you would probably see it more and more. Mr. Taylor stated perimeter drains around septic systems are the new norm. Mr. Landers stated actually this is the first one that has been done that he knows of. Mr. Taylor stated that Mr. Massie was kind enough to come and ask us before he did the work, and stated that he appreciated him doing that. Mr. Taylor stated he thought it would be fine and we would probably be getting more requests in the future as new septic systems are put in.

Mr. Henry stated that we have a motion and second already to allow it. It is noted that Mr. Henry made said motion and Mr. Whitehead seconded. **Motion passed 4-0.**

Madison County's J.B. Sloan Ditch

Michael Thompson, 7410 North County Road 1000 West, approached and stated that he lives on the Madison/Delaware County line but lives on the Delaware side. Mr. Thompson stated there is a drainage ditch in that area, which flows with most of it on the Madison County side and a half-mile or so that, crosses into Delaware County. Mr. Thompson stated the situation is the ditch needs cleaned out. He stated, "They cleaned it out in 1995 and when they did that, Delaware County was suppose to have (**inaudible**), and I went to Madison County, they are accepting the money, and they have never received any money from Delaware County on this drainage ditch. Mr. Thompson stated his question is, "Should or shouldn't Delaware County be paying on the ditch."

Mr. Hensley stated that it is his understanding that Mr. Thompson is being accessed by Madison County to do that work. Mr. Thompson asked on which side of the road. Mr. Hensley stated the whole ditch, and asked Mr. Taylor if that was correct. Mr. Taylor stated that Mr. Thompson should only be accessed for his land in Madison County on the Madison County Ditch, and then on Delaware County's side, he would be assessed for Delaware's side. Mr. Taylor stated we could not pay for what is in Madison County. Mr. Thompson stated that is not his question. Mr. Thompson stated that his question is, "Are the people on the Delaware side not paying anything on the drainage". Mr. Taylor stated that he did not know.

Mr. Taylor stated there is a joint board with Blackford County, and is the only other ditch that Delaware residents pay for. Mr. Taylor asked the Board's Secretary whether she had heard of this.

Cindy Harty stated that we do not have a joint board with Madison County on that ditch. Mr. Thompson stated that is why he is here. Mr. Thompson stated they cleaned it in 1995 and they assessed everybody that drained into it on both sides of the road, by sending a bill to the people in Delaware County. Mr. Thompson stated those people hit the roof and said they were not paying taxes in Madison County because they do not live in Madison County. Mr. Thompson stated that Delaware County was to bill for that ditch and then send the money to Madison County to maintain that ditch, and that never happened. Ms. Harty stated she has gone through the Board's minutes and there is nothing on that in the minutes. Mr. Thompson stated he did not think there was anything done on the Delaware County side. Mr. Taylor stated to get this done, somebody from Madison County is going to have to come to the Surveyor or the Board and they will have to form a joint Board so they can take care of this. Mr. Taylor stated that we cannot spend money on their ditches, and they cannot spend money on our ditches. Mr. Thompson again stated that is why he is here and asked where does he go from here? Mr. Taylor stated that he would go to the Surveyor of Madison County and let him know that he needs to get with the Delaware County Surveyor or the Drainage Board to get them to form a joint Board to do that. Mr. Taylor stated the only other joint Board is with Blackford County, and Mr. Hensley stated he remembers when that was done with Blackford County. Cindy Harty informed Mr. Taylor that the Madison County Surveyor is present at today's meeting. Mr. Thompson introduced the Madison County Surveyor, Patrick Manship.

Patrick Manship, Madison County Surveyor, approached and stated that this is his 25th year in office and that he is still learning and there is a lot he does not know. Mr. Manship stated it is his recollection that Madison County has never notified anybody in Delaware County of a hearing or the forming of a joint Board. Mr. Manship stated if we requested a joint Board, we would notify you and then you could waive your right, but then we could conduct a hearing. Mr. Manship stated on the J.B. Sloan drain, which does go into Delaware County and parts of it draining into Madison County, the engineer at the time did not notify Delaware County of a joint Board or request a waiver. Mr. Manship stated that Madison County has historically just assessed their landowners and maintained their drains, even though there is a great deal of it flowing into Delaware County. Mr. Manship stated that they have joint Boards and joint drains with other counties, but for some reason over the years, Delaware County and Madison County have not had the best cooperation or communication. Mr. Manship stated that part of that has been Madison County's fault. He stated, "We sort of just maintained our drains." He stated that he is here to answer any questions and hopefully open up better communications so that they could work together.

Mr. Taylor stated that they appreciate that, and he thinks what they need to do is for Mr. Manship and Mr. Taylor to get together and they can present it to Madison and Delaware County's Boards to try to work something out. Mr. Manship agreed. Mr. Taylor stated that it has been his philosophy since he has been Surveyor, as long as we can get all the water into Madison County, who cares. (Laughter between the parties). Mr. Manship stated he has the same attitude, he has been trapping their beaver and bringing them up to Delaware County and letting them go!

Mr. Taylor stated that would be the simplest solution and he does not mind working with Mr. Manship to get the problem solved. Mr. Manship stated he should have come to see Mr. Taylor prior to this meeting, and he stated that he is at fault, and he apologized. Mr. Taylor informed Mr. Manship to get with his office, and they could set up a meeting between himself, Mr. Taylor, and Stan where they could look at this, and then they can present it to their Boards for a solution. Mr. Manship stated they have been working on Slagle Drain, which is Turkey Creek and a few others, but I just have not been over to meet you, but I am here to answer any questions your Board may have for Madison County or me.

Mr. Henry asked if they knew if the Delaware County residents are being assessed for that area. Mr. Manship stated that Delaware County collects money for Delaware County, and Madison County collects for Madison County. Mr. Manship stated that typically, with joint drains, they would be doing it together.

Mr. Whitehead asked if the watershed is in Madison County or Delaware County. Mr. Manship stated that most of it is in Madison County, but Delaware County does have ground draining into the J.B. Sloan Ditch. Mr. Manship stated it was an error on Madison County's part not to notify the Board or the owners. Mr. Manship stated that he could not find anything in their minutes where residents were notified. Furthermore, Mr. Manship stated that a reconstruction was

proposed at a cost of six hundred thousand dollars (\$600,000.00), but no one wanted to pay for it, and they only collect six thousand dollars (\$6,000.00) per year for maintenance.

Mr. Hensley instructed Mr. Manship to get with Mr. Taylor and get it ironed out.

Mr. Thompson approached the Board again, and stated that the ditches on the Delaware County side from 925 West to 1000 West and from 400 North to Pipe Creek, which is in the northern part of the county, drain into Madison County. He stated his second question is if we would have a joint board, would he pay an additional assessment. Mr. Thompson stated that he does have a Delaware County legal drain which runs through one of his fields, and Delaware County is real good about coming out and fixing it if there are problems. Mr. Thompson stated that when he has sinkholes in the Delaware County Solomon-Hiatt Ditch, the Surveyor gets it repaired, and he pays a fee to Delaware County every year for that maintenance. Mr. Taylor stated there is an assessment for his acreage, which comes out of the drainage Maintenance Fund. Mr. Thompson asked if there would be a separate fee for the Madison ditch if a joint Board were formed between the counties. Mr. Taylor stated he did not believe so. Mr. Murphy stated there would not be an additional fee. Mr. Taylor informed Mr. Thompson that they would get together to work something out. Furthermore, Mr. Taylor stated that they would not have known about this situation if Mr. Thompson had not brought it up, and unless someone informs us of those matters, we do not know about those. Mr. Thompson stated that is why he did, because he knew Delaware County did not know about it. Mr. Thompson stated that he appreciated their time.

MAINTENANCE CLAIMS:

Mr. Hensley entertained a motion for the approval of the maintenance claims as presented. Mr. Whitehead so moved. Mr. Henry seconded. **Motion passed 4-0.**

ADJOURNMENT:

The meeting adjourned at 2:42 p.m.

Clarence Hensley, President

John Landers, Vice President

Shannon Henry, Member

William Whitehead, Member

Cindy Harty, Recording Secretary