

**TOWN OF NEWBURGH
STORM WATER MANAGEMENT BOARD
MINUTES MAY 19, 2014**

MEMBERS PRESENT: Dana Grace, Greg Bailey, J.T. McCarty

ADMINISTRATIVE PRESENT: David Hynes, Town Engineer; Chris Wischer, Town Attorney; Lori Buehlman, Town Manager

Guest: Michael Keelor, 944 Treelane.

CALL TO ORDER

Mr. Grace called the meeting to order at 6 p.m.

MINUTES

Mr. Bailey moved to adopt the minutes as presented. Mr. McCarty seconded and the motion carried.

REPORTS

Town Engineer

Mr. Hynes distributed the Forest Park Master Plan. He said he has reviewed the plan that was developed 25 years ago. It has not changed much. He said the recommendation at the time was to start as far downstream as possible. Concrete headwalls and a concrete-lined ditch were proposed; however, the state would not permit the ditch, so it was redesigned with the ditch lined with vegetation. The bid was \$25,000 to repair/reconstruct the ditch and was in Phases 1 and 2.

The green pipe pictured is the one concerning Mr. Keelor. It was proposed to install a 48-inch pipe in 2007 at a cost of \$141,000. Mr. Hynes said the pipe would not have been where Mr. Keelor wanted it, but it would reduce his drainage issues.

Further south, Mr. Hynes pointed out other proposed improvements. There were ditches and driveway replacements. No engineering, other than the preliminary numbers, was ever done on it. The preliminary estimate was more than \$300,000 for the entire drainage project. Engineering suggested breaking it up into three phases.

Mr. Hynes said easements were obtained for Phases 1 and 2. However, additional easements would be necessary to complete the entire project.

A 21-inch pipe that runs through the subdivision should be replaced with a 48-inch line, Mr. Hynes said. Mr. McCarty explained that the county approved the 21-inch pipe without knowing the extent the subdivision would develop. When Forest Park was annexed, Newburgh inherited the drainage problems. He asked if now the town can do anything to help Mr. Keelor with the drainage problem that is damaging his property. He saw a restricted water problem at Treelane and St. Catherine. Can the property owners be forced to keep that water flow free? Mr. Wischer said that is a county issue, since it is not in the town. Mr. McCarty asked if getting easements would allow the town to clean out the restrictions.

Mr. Wischer advised that if he channels the water out of the street or to a neighbor, he would be violating the law.

Mr. Keelor asked if anyone has spoken to the property owner from where the water is draining. Mr. Wischer said not yet, because he wanted to see the Master Plan beforehand.

Mr. Keelor asked if it is the town's responsibility to maintain ditches. Mr. Wischer said he doesn't know about this particular ditch that is the problem, but the town is responsible only for some for the major ditches within the borders. The drainage ditches in this subdivision were not platted. A drainage easement only restricts the owner from making changes in drainage. There could be a rule passed that property owners could not negatively impact drainage.

Mr. McCarty asked if the town could inform the neighbors that they need to keep the ditch clean so it would not impact Mr. Keelor's property. Mr. Keelor said he maintains his portion of the ditch.

Mr. Keelor noted the street floods any time there is significant rainfall. He requested the board start working on the issues within the subdivision, even if it is only one area at a time.

Mr. Hynes noted that the easements for the original proposal were written, but Mr. Keelor was one of only a few property owners who signed.

Mr. Wischer said he had investigated the possible use of the Barrett Law for drainage projects in Forest Park, but discovered that municipalities are not permitted to do so for storm sewers and drainage. The county, however, is permitted to use the Barrett Law for drainage issues.

Mr. Grace said the board sympathizes with Mr. Keelor, but there is no funding available to pursue drainage projects at this time. He noted the Town Council is the governing body that sets spending priorities.

Mr. Wischer explained that the Storm Water Management Board's funding comes from \$5-monthly storm water fee. Any other funding comes from Town Council appropriations or the occasional grant. That raises \$23,000-\$25,000 annually, Ms. Buehlman said. She also noted the increasing number of unfunded mandates that come from IDEM and EPA to which the town must conform or face stiff fines. Mr. Keelor suggested it is time to raise the monthly fee. Mr. Hynes said the last time the Town Council discussed the fees was in 2000, when it was established. The ordinance was written in 1990 and fees were not charged until 2004, when federally-mandated programs began.

Mr. Grace said north of Sharon Road is still in the county and none of those property owners pay the storm water fee. Annexation would allow the town to take control of the drainage issue and raise funds from the fees.

Mr. McCarty said the state does not allot funding to cover the expenses for programs that are mandated. It's not just the quantity of water they are concerned about any more, but also the quality, Mr. Wischer said.

Mr. Hynes said there is another issue between Forest Park Subdivision and Riceland Subdivision. A property owner has complained about drainage coming down to his property. The property is at the bottom of the hill and receives runoff from the property above it. The owner is threatening a lawsuit. Mr. Hynes said the county previously dug ditches to alleviate the problem, but over time, the property owners have let them silt in and overgrow. He said the only thing the town can do is dig a small swale within the right of way to divert the runoff from the property. It should help the property owner at the bottom of the hill.

It is still more of a county issue than the town's, Mr. Hynes said.

UNFINISHED BUSINESS

Mr. Hynes gave the EDIT Project update. He said some drainage issues will be addressed alongside the paving that is part of the EDIT funding this year. One such project will be along SR 662, on the curve at Knob Hill. That ditch will be lined with concrete to make it safer, he said. Another is the drainage pipe on the east side of the road at Newburgh Elementary School. That ditch is deep and dangerous, as is the one on 4th Street and on Sycamore north of Main Street. Paving the side ditches along with other paving projects has been successful thus far, he said.

The EDIT Project is on schedule, he said. Paving bids will be opened in June. Mr. Hynes said he doesn't expect much to be left for other projects.

MS4

Ms. Buehlman attended the annual MS4 Conference last week. She distributed the MS4 101 flyer and said she was informed that the permit would need to include any annexations, such as the Williams property that was just brought into the town. She said she did not hear of any major storm water rule changes for the near future, but soon there will be new regulations for sewer plants.

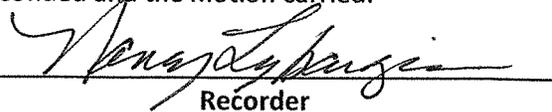
NEW BUSINESS

The June 16 meeting was cancelled.

ADJOURN

Mr. McCarty moved to adjourn at 7:05 p.m. Mr. Bailey seconded and the motion carried.


Chair


Recorder

07-21-2014