

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING**

April 26, 2007

9:00 a.m.

PRESENT: DB: BILL BROWN, LINDA BLOOM, ROGER MOLL, ALLAN FRISINGER; DB ATTY: CATHY SORREANO; BOH: CATHY DOSECK;
ACSO: LARRY WEBER; DB SEC: SHARMAN BULTEMEIER; SEE SIGN-IN SHEET FOR OTHERS PRESENT

Call to Order: Chairwoman, Linda K. Bloom

Approval of Minutes: April 12th 2007 Minutes

Linda called for the approval of the minutes: Bill made a motion to approve minutes as submitted, second by Roger. Motion voted on and passed.

Approval of Petitions:

1. **Doc. #07-046**, Petitioner is D.A. Brown Engineering. Request for approval of their Stormwater Management Plan for Cloverleaf development.

ADF recommended deferral: The plan is approvable; but most of the site will be unbuildable.

Cathy Doseck, Board of Health, told the board that between the fill and what's preexisting there, it is going to be very difficult to find locations for septic systems.

Roger recommended deferral until they get better information on how they are going to meet Board of Health's Standards for sighting septic systems on proposed parcels.

ADF: Said that the owners would also have to come through with a petition for encroachment plus easements.

Roger made a motion to defer until receipt of additional information from the owner and the utilization of this parcel and assure that he has been communicated with, that the proposed drainage plan will limit his abilities to subdivide so he can get septic approvals. Motion seconded by Bill, voted on and passed.

2. **Doc. #07-047, Bender #1 Drain located in Adams Twp. Sec. 35.** Petitioner Khin Mar OO, MD. Petition for encroachment within the drainage easement for the following: Existing driveway at 8133 Hartzell Road, new parking and access drive at 8217 Hartzell road, new detention basin and storage compensation channel.

ADF recommended approval subject to approval of ACSO revisions that were requested. Bill made a motion to approve, Second by Roger. Motion voted on and passed.

3. **Doc. #07-048, Sycamore Lakes Section 2 Drain located in Aboite Twp. Sec. 3.** Petitioner is Diana Parent for Scott Investors, LLC. Petition for Establishment of a New Regulated Drain. Motion to proceed.

ADF recommended approval of motion to proceed. Bill made a motion for approval, second by Roger. Motion voted on and passed.

4. **Doc. #07-049, Sycamore Lakes Section 2 Drain located in Aboite Twp. Sec. 3.** Petitioner is Diana Parent for Scott Investors, LLC. Petition for encroachment within the drainage easement for the construction and installation of homes, streets and underground utilities for lots numbered 55 thru 98.

ADF recommended approval of encroachment. Roger made a motion to approve encroachment, second by Bill. Motion voted on and passed.

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5. **Doc. #07-050**, Petitioner Schneider is requesting approval of their Stormwater Management Plan for Sycamore Lakes Section 2.

ADF recommended approval of the Stormwater Management Plan. Bill made a motion to approve the plan, second by Roger. Motion voted on and passed.

6. **Doc. #07-051, Woods Drain located in Pleasant Twp. Sec. 32.** Petitioners are Russell & Sharon Sorg and Nicholas & Rachel Gumbel. Petition to allow existing 10-inch and 12-inch septic system absorption trench perimeter pipe outfall to remain in place. This existing pipe system presently serves "the 2 +/- acre tract of land owned by "Sorg" request permission to allow contract buyer "Gumbel" to use same pipe system with proper easement granted by "Weldon" to "Sorg & Gumbel". This existing piping system is natural "low-for-drain-system in area.

ADF recommended approval subject to receipt of the offsite easement from the owner. Roger made a motion to approve subject to receipt of the offsite easement, second by Bill. Motion voted on and passed.

7. **Doc. #07-052, Connett Drain located in Wayne Twp. Sec. 18.** Petitioner is Gregory C. Walbridge (Chairman Comm. Of Facilities Board). Petition for encroachment within the drainage easement for the construction and installation of a culvert under Fountain Ave. Provide an outfall for detention.

ADF recommended approval of encroachment. Roger made a motion to approve encroachment, second by Bill. Motion voted on and passed.

8. **Doc. #07-053, McHenry Drain located in Jefferson Twp. Sec. 32.** Petitioner is Stacy & Nicholas Viggiano. Petition for encroachment for the construction and installation of a 4-inch perimeter drain pipe. Private Septic System. This petition supersedes Doc. #06-181A.

ADF recommended approval of revised encroachment. Bill made a motion to approve the encroachment, second by Roger. Motion voted on and passed.

9. Approval for reconstruction of the J. Schneider drain located in Aboite Twp. Sec. 7. by developer of Harrison Field – County Line Ventures.

ADF recommended approval of reconstruction. The approval will give the State Highway the go ahead to approve their portion along with NIPSCO to approve their portion of the gas line relocation under State Road 14. Roger made a motion to approve the reconstruction, second by Bill. Motion voted on and passed. ADF will draft a letter informing interested parties.

Other Business:

Review of Notice "Statement of Policy dated November 10, 1992 regarding the criteria for the discharge of stormwater from any proposed subdivisions/developments within Allen County.

ADF reviewed the Statement of Policy with the Board. After reviewing the policy he told the board that people have asked if they could just submit a letter from the adjacent property owner. He had one from Crossbridge Community Church. It is from the adjacent property owners – what is missing is a prepared by statement and a title making it a recordable document at the County Records level.

Larry told the Board that he has a letter from the Northeast Spencerville Amish School telling him that they can get the downstream landowners to sign a letter of agreement that gives them a blanket easement, but they can't get them to sign a document that describes a defined easement. . .

ADF: All they (Crossbridge) wants to give us is a letter and his thoughts has been: "Okay you give us the letter, I'll approve it. It has to be in recordable form, note the real estate, have a signature and a prepared by statement." He was going to run it by the recorder to make sure. . .

Bill: Asked about the type of easements: First you need an easement from your land to the outfall. There is a specific easement; there is the regulated drain, and a blanket easement. He asked Al what type he preferred.

ADF told him that he didn't like the blanket easement, but if someone signs the document that it is up to them.

Bill for the records: He wanted to make it clear that if the soil is being disturbed and there is an engineer involved it would be nice that someone told that land owner that they may be messing up their opportunity to build on that property. He wanted to make it clear that while government may be able to facilitate that not happening, it clearly not the government responsibility in a private development.

ADF asked the Board to reiterate that the policy is long standing that it needs to be in a recordable form.

Roger and Cathy Sorreano suggested that to help the individuals who are being subjected to this that they can do the easement or here the type of correspondence that is required: It has to be recordable, it has to meet these standards, it has to includes these specific items etc. on that document. You can have that in your office and the Health Department Office that says that this is the standard that we will accept.

Cathy Sorreano added that is where we could put the notice on there that we strongly advise them to seek legal counsel, because they may be giving up legal rights that they are not aware they are giving up.

Bill asked if we could create a template (?) on the bottom would say consult legal counsel?

Cathy Doseck: Suggested a guideline. Here are some of the items that we would expect to see, there may be additional ones that you may need, but these are the ones that we are looking for. – We could put it on our web site. . .

Roger made a motion to reaffirm recognizing that it needs to be in a recordable form, second by Bill. Motion voted on and passed.

Roger: The County Surveyor, Board of Health, and the County Attorney will create a guideline product for consumers of this process that they would understand what a recordable form is and what kinds of things the Health Department and the Surveyor's office would specifically need to have and a caveat perhaps a paragraph stating that you may be giving up rights that you are not aware of and an attorney review of whatever you prepares might be in your best interest.

ADF told him that what he had drafted: Develop easement of regulated drains/regulated drain guidelines or procedures for offsite drainage issues.

*Bill asked if they could see the template in sixty days.
ADF told him that he would see it before that.*

Comments for Westridge Baptist Church located in Aboite Twp. Sec. 6.

Larry told the Board that the Church has been bought out by a shopping center and that they will lose possession of the Church in October. The Engineer didn't get the petition in until yesterday. The outfall is to the Schneider Ditch. They are proposing to build a detention basin and an earthen embankment twenty-two feet

away from the drain. Two months ago on the same drain that they submitted twenty-five feet and the Board approved the plan subject to revising it to thirty-five feet. They are asking if they are under the same criteria. That is what they are asking because they don't have time to revise this plan twice. Already they are saying that I am holding them up.

Bill asked if they could get a chronological log.

ADF told Bill that they can call his office and Cheryl would print him out a chronological log of submittals, responses anytime they needed one.

May 10th 2007 meeting cancel due to lack of a quorum.

Meeting was not canceled, meeting time was changed to 11:00 a.m. on May 10th, 2007.

ADF told the Board that they are preparing the annual report to IDEM on Allen County Water quality standards and what we have done in the last year. He needs the Highway to give him their input; they had requested it but have not gotten it yet.

Linda told him that she would get it for them.

Meeting adjourned.

ALLEN COUNTY DRAINAGE BOARD

Linda K. Bloom, Chairperson

Wm. E. Brown, Vice-Chairperson

Roger Moll, Secretary

Allan D. Frisinger, County Surveyor

Date

Allen County does not discriminate because of disability in the admission to, treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereafter, and Allen County's ADA Policy, are available from the ADA Coordinator. Requests for assistance or suggestions on how the County can better meet the needs of those persons with disabilities may be submitted to the ADA Coordinator at: Human Resources Department, Room 208, 1 East Main Street, Fort Wayne, Indiana 46802, or by telephone at 260-449-7217, TDD 260-44-7881.