

# Marshall County Regional Sewer District Board Meeting Minutes

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Marshall County Building – 112 W. Jefferson Street, Room 203, Plymouth, IN 46563

The Marshall County Regional Sewer District Board met in a regular session on Wednesday, March 12, 2025, at 9:00 AM at the Marshall County Building located at 112 W. Jefferson Street, Room 203, 2<sup>nd</sup> Floor, Plymouth, IN 46563.

MEETING ATTENDANCE: The meeting was called to order at 9:00 AM by Thomas McFadden.

## 1. ROLL CALL:

MCRSD Board: Thomas McFadden, Brenda Meyers, Diann Parsons, Debbie Palmer (via zoom), Jay Stone, Don Ecker, Jr., and Christopher Spier

Baker Tilly:

Carson, LLP: Andrew Boxberger, Esq.

JPR: Kenneth Jones, Jr., Alexandra Nahrwold, and Jennifer Ransbottom

Thomas McFadden read the following statement:

Last week the Marshall County Post wrote an article reflecting some comments and questions raised by a couple of Marshall County Commissioners. The District certainly respects and is happy to address any concerns the Commissioners may have. Unfortunately, the Post never reached out to the District for any comments. As a result, several items in the article were not vetted and raised concerns that could have been addressed had the District been contacted. Therefore, as President of the Marshall County Regional Sewer District I would like to take a moment to set the record straight.

First, I would like to remind everyone why the District exists. In December of 2022 at the request of the Marshall County Commissioners, and the Marshall County Council, the Indiana Department of Environmental Management determined that many septic systems within the District were failing. As a result, public health and water quality are being negatively impacted. Furthermore, the drinking water is also being detrimentally impacted by this issue; therefore, it was necessary to establish the District to reduce pollution and to create safe drinkable water for the District's property owners.

To address the recent article, when the District was formed a public hearing was held to receive feedback from the public. In addition, the District holds a public meeting every month at which the public is invited to speak. The overwhelming sentiment has been positive and supportive of the District. Absolutely no decisions have been made about potential rates. From day one, this Board set the goal to keep rates as low as possible while generating enough funds to accomplish the mission this Board was tasked with by the Council, the Commissioners and the IDEM. Yes, funding sources have tightened, but we continue to pursue through our skilled professional team both grant and low interest loans to accomplish this mission. In addition, we are hopeful the County will contribute funds as well to keep rates down for its citizens. Again, there is no proposed rate, but the Board is committed to looking

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under every stone to keep the rates as low as feasible. I might add that everybody sitting on this Board will be subject to those rates, so we have just as much interest as the other members of the general public in keeping rates low.

The District was hopeful to secure start-up funds from the County to keep rates down and to avoid additional financing; however, it was not able to accomplish this goal, so the District pursued a Bond Anticipation Note for its start-up costs. This is a very common practice and is almost always done to start a project when other funds aren't available. The County is not obligated on this Bond in any way.

The District has assembled an experienced team, Jones Petrie Rafinski as its engineers, Baker Tilly as its financial advisor, and Carson Law as its legal counsel. Ice Miller was engaged to serve in a very limited role as Bond Counsel for the Bond Anticipation Note. The District followed the correct procedure in accordance with Indiana Law to select this group and this team represents Northern Indiana's most experienced group of professionals in the creation, implementation and operation of a regional sewer district.

The District is confident selection of this team was not only professionally appropriate but also economically expedient. The current process of implementing the District's first project is progressing as usual. We have not experienced any outlier events that are normally a part of these projects and the challenges they generally endure. Again, had the District been approached for comment I think the concerns could have been crowded. Regardless the District and its Board members are confident and excited to resolve the issues of the District, help provide safe drinking water, and implement a system that will spark economic development and improved property values. It will continue to work towards these goals while pursuing the most economical path for all of us, the ratepayers.

Thank you

## 2. PUBLIC COMMENT:

**Statement:** Anyone wishing to speak needs to state their Name and Address for the record and will have 3 minutes to speak. Your comments will be made as a part of the public meeting.

**Gary Bennett 14857 12<sup>th</sup> Rd** – I read the initial report and it would seem that the information that was recorded and reported was done so to get specific results that push a specific agenda or goal. You knew the necessary answers you were looking for and have the impetus to get those answers amazingly those are the exact answers that you get. When you show there is growth in the area and there is none in reality you expand what you are looking for because we all know there is no growth around lakes. Included all of Plymouth and called it 3.9%, but then did say it was not going to be 3.9% around the lake, but we are going to call it 3.9% that is not how you do statistics. When there are no statistics on failed or bad septic systems you lump the ones that are unknown by the County into them instead of following the water quality to show good versus bad and you don't test wells. Debbie Palmer checks our lake water all the time and all Summer I see her with her kids, her grandkids swimming in the lake. If there was raw sewage she would not have her grandkids in there. We are told at our meetings all the time that we have some of the best quality water in all of the County. I don't know what is truly

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behind this Board whether there is a monetary gain to be had for the businesses of family members or if it's just a desire for control or just the idea that you all feel you know what is best for everyone else. What I do know is no one here has paid as single one of my bills for my house so the only one who should have any say over my house and my land is me and my wife. If there a number of known bad septic's in this area, then address them. If you can find them address them. There are dye tests you can run, you can do a sample test, leach down test to find the bad wells but if our lake water isn't bad and if it is run off from farmers this isn't going to address the farm problem. This is going to affect everyone who has good septic's to the amount of \$10,000 for tying in and all that is necessary plus upwards of up to \$200 a month for a bill. This is not going to improve the value of our land; it is not going to improve our drinking water because we are not addressing the drinking water. The truth is you have no idea on the status of any septic's. You have not done your homework and no one I have talked to has received a questionnaire from this body. No tests have been done on my septic or any septic that I know of. This problem was created to push the desired end. I will fight this, however I can you need to serve people you are supposed to represent not serve yourselves. There is a saying that says with power you have to have responsibility. You need to have the responsibility for the people that you are supposed to be helping. Not increasing what we have to pay out and not putting a load on people that are on fixed funds, no to people that will have to change their power boxes in their houses. There are a lot of things that could go into the expenses that are not being looked at. Asking for easements, I called and spoke to one of the ladies at the engineering firm and she could not tell me where the easement will be. Basically, give you my land and do whatever you want with it, that is not the responsible way of doing this.

Andrew Boxberger stated that if you have not already, every single one of the people who will or could be served by this will receive a notice that they are eligible for an exemption from the connection. The process for that would be notifying the District that you want to apply for an exemption. You then contact the health department, who inspect your system and if it is functioning properly, you could be granted an exemption for 20 years to connect to the system.

Mr. Bennett stated he called about that and was told that there are two ways of doing this, if you sell your house what happens? Andrew Boxberger stated the exemption continues to apply. Mr. Bennett stated they were told that it does not. If you sell your house it has to be hooked up. Mr. Boxberger stated that it is not this District's position or determination. I called and left a message; she called back, and we had a long discussion. One of the things she said an engineer could come out look at the land. The wrong deed and the wrong pictures of the house were sent. There was nothing right in the packet. When I asked her if I decided to sell my house, she said the next person would be required to connect and they wouldn't have to pay for the grinder. Andrew Boxberger indicated two different things and there is confusion in that if you sold your house and did not get an exemption, yes, the new owner would be responsible. Mr. Bennett stated if he does not have an exemption, I am going to be hooked up is what I was told. Andrew Boxberger stated the exemption runs with the land according to the Indiana Code. The age of the system no longer matters. If your system is functioning properly, you can receive a 10-year exemption. When that 10-year exemption expires, you contact the health department asking for 5 more years and if still functioning properly, this can be done for a total of 20 years.

**Another gentleman who was speaking who did not identify himself** stated if that is the case most of the homeowners that have good functioning systems are going to have them inspected and once, they approve they're going to say I'm not hooking up. Have you surveyed to find out how many want to hook up or don't want to hook up? What if you have three-

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quarters of the people who indicate they are not hooking up and want exemptions so now who's going to pay for the system?

Andrew Boxberger stated he has done this about 30 times as has Baker Tilly, the financial advisor, and Jones Petrie Rafinski, the numbers always come out about the same. There is always a statistical analysis that a certain number of people who are an extreme minority end up wanting the exemption or qualifying for the exemption. That factor is determined by the numbers that Baker Tilly will use to do the analysis. They will assume based on historical evidence, the number of people who will qualify for the exemption that do not want to connect are being figured into the numbers that are being evaluated now.

**The gentleman who did not identify himself** asked if a survey was conducted to justify or prove those statistics. Andrew Boxberger stated all the statistics were done to establish the District in 2022.

**Another gentleman who did not identify himself** stated he has lived in places before and that if you're not opting in you still have to pay that \$200 a month is that the plan here, if the availability is there you would still have to pay for the maintenance fee. Andrew Boxberger stated no have to pay, and no one said the rate was going to be \$200 a month.

**Bill Woodward 12094 Peach Road** - If this project is so beneficial why not be more forthcoming with factual data and cost estimates? Extremely disappointed in this Board for their rampid unaccountable actions. You have not surveyed us. He talked to several property owners about the package that was finally sent out and they all felt it was somewhat a threat. They did not like the part that they had to give property the right of way or we could face extra charges for labor and materials that would otherwise be included in the work. The packet also indicated that if a detailed easement is requested it is the property owner's responsibility to pay for the details and then give them to the District for free. What makes you think I am going to give you the detailed easement for free? Have not been provided any useful data to convince us of the need for this project. Your actions and lack of transparency convinced me I don't want it and don't need it. There was no survey or referendum voted on for the need. Why are you using one of the most expense legal firms in the state., I understand their legal fees are \$800 an hour, why are you paying \$6,000 a month for financial services and why did you not ask for bids for the engineering and consulting firms instead of taking one of the higher priced firms in the state. Why is Mr. Stone on the Board when his family stands to make a lot of money from tying in houses and stuff. I think this is a conflict of interest and I think he should not be on the Board. In today's economy and with the feds cutting spending what's your changes of funding the project. You've already spent over \$500,000 and for what. How can you apply for funding when you don't have any projected cost or budget for the project. Who is going to pay for the project if it goes over budget as projects like this usually do. Right now, the County may be able to bail out the \$500,000 you've already spent, but you're not spending that wisely and responsibly. There are these links, but we did not know about these links until we received the packets.

**Jennifer Leary Lives on Cook Lake Plymouth Indiana** – Anyone who has built around lakes knows about the problems with lakes and septic's. I am not here to defend the Board. There have been several meetings, in 2022 her husband and she attended a standing-room-only meeting. The Board of Health was at the meeting as well as a lot of people from the lakes area. If you live around the lakes, you are aware of the issues with septic's. I have heard old timers say they can smell the septic problems. In September 2017 a meeting was held (this can be found in the Health Board minutes and the Planning Commission minutes) to discuss

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the ongoing septic problems. The Health Board and the Planning Commission indicated they needed help with this issue and could not address it on their own.

She loves her home and loves my neighbor's home. I would like everyone to do what they want on the lakes, but you have to address ways septic's are built. At the meeting in 2021, there was an explanation of how septic's are built and the different types of septic's. In 2017 Dr. Byron Holm talked about the problem, and then in 2019, he made a statement that a study was needed and the need to get started. The Health Department spent \$45,000 from its budget to do water study. This is not some conspiracy that is suddenly being thrust upon us. Those of us that live out there are aware of the problems and if you want to sell your home someday you may face that problem too. I am not here to campaign for anything but need to come to a solution. They were defending this 8 years ago. The commissioner (you can watch the meetings and this meeting on tape) did not act like he had any idea how Bonds work, what had been paid, and what money had been put forward. He did not name the project and did not talk about attending a meeting. I did not think he represented the project well other than he wanted to speak about it.

**Bill Woodward, 12094 Peach Road** – I think there are other solutions and because someone else has a problem and I agree there are problems, but it is not my problem, it is that homeowner's problem. They bought the property and were aware of the system or the potential problems, so why am I being penalized, why do I have to pay for their problem? Everybody here, I am sure, does not want to pay for my septic when it goes bad. That is a problem that I accept responsibility for. I am sure there are different septic systems that can be installed. There are viable solutions instead of everyone putting in a sewer system. Don't think it is the right way to put in a sewer system. As Gary said, Deb Palmer tests the lake, and I have taken her out to test the water in our lake. It is not a problem; we have good water and so does Lawrence Lake, which feeds our lake. If Lawrence is bad then our lake will be bad, but down the line does it concern Meyers Lake, because we have good water? Was there any testing done, did anyone come out and survey the septic systems or, test the lakes? How did it come about and why don't the residents have input?

**Bill Woodward, 12094 Peach Road** - Why can't individual areas have their own processing area? Why do we have to pay for a lake that is miles away from us. Why can an estimate for service charge be given to us or hook up fee. Why do you not have any projected budget numbers? Why are you moving forward?

**Tricia Johnson, 12094 Peach Road** - I have printed a copy of my comments for your record and some of this is redundant. You hold your meetings at 9:00 AM, when most people are at work; thereby making it difficult for people to attend, comment, or ask questions. It appears that all you did was report on your legal obligation to publish a meeting to discuss in the Pilot News. Your morale obligation, however, would have been to send a survey out to all property owners affected by the project to get feedback, interest, and needs. You don't even know what our needs are. This should have also been included in the packet that was recently sent out, which is 2 years after the inception of the project. It appears the only reason you sent it out now is you need access to the property right-of-way by July 31 and you are threatening us with higher costs if we do not give you the right-of-way. The packet glosses over the property owner's responsibility with no information concerning the estimated costs involved. Since Jay Stone is on the board it seems to me that some estimates could have been given. This brings up Mr. Stone's family will stand to profit financially from this project, and I think that is a conflict of interest and he should be removed from the Board. You have failed to provide so much as estimated costs. The

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following should have been part of the information letter sent to all property owners: removal of the old septic system, which could be as much as \$3,000, the electrical power to grinder pump hourly rate is \$50-\$130 on average with a \$100-\$200 service fee call covering the first hour, hook up from house to grinder pump \$40-\$180 per linear foot, connection fee unknown, monthly service fee from the meeting of July 8, Jeff Rowe stated the without funding the project estimate would be \$208.00 per month for the property owners. From the January 8 meeting, Tom McFadden stated the more difficult point will be when bills are sent, and people are not connected which lasts through the construction of 2 years and that is your people stating that. This seems unreasonable to pay for a service you are not receiving. (I have included links to substantiate what I am saying) A septic system can range anywhere from \$10,000 to \$20,000. Conservative estimate hookup to the sewer system could be anywhere in the same range at \$100 per month over 20 years would cost \$24,000. As stated in the meeting notes it could be as high as \$200 per month, which equates to \$48,000 over 20 years. There are solutions as we said that are way less expensive to address homes that truly have a problem instead of attacking the lake that does not have any issues. Most of the potential benefits you address do not affect the homeowners and are not substantiated by any facts that you have given.

In 2025 the average water and sewer bill in Indiana is projected to be \$51.00 (and I included the link for that). Based on information from the City of Plymouth the average monthly for sewer, water, and trash removal is between \$80-\$120 per month, so the numbers that you have given us so far are very high. From the January 8 meeting, Don Ecker inquired what the averages financial impact on property values for sewer. Andrew Boxberger indicated he did not have the numbers, but he knows it will dramatically increase for homes on the lake with a sewer. Where is the data to support this and there are various data to support this. I did some research and there is an actual study that was documented, and I have included information and a link to that study. As you can see homes on a lake with a septic sold for 17% more per square foot and sell 31% faster than on public sewers.

Andrew Boxberger anyone is welcome to comment. Everything that was mentioned cannot be addressed, but I would encourage you to be civil and not attack people's character, especially Mr. Stone, he has done nothing wrong. He does not have a conflict of interest. One thing of clarity is the District if you do not end up providing an easement for one reason or the other it is your right. The District will not charge you anything additional, it is not allowed to by law. But if you do not participate in the project and you do not apply for an exemption, you may miss the opportunity to be included in the project but less will have to connect later which will cost you more money because you miss out on the opportunity to be part of the project. There will be no additional charge from the District whatsoever if you do not connect.

**Tammy Boggs, 15516 Menominee Dr** – I want to thank you for the letter. I have learned more about the septic system in the last week than I ever knew in my life. It has made me feel better because I have always worried about that septic system because I did not know anything about it. First, we clean ours out every 3-5 years. It is a great septic system, it is concrete, it could last up to 100 years if taken well of care of and does not crack. Our leach field is in a good place and has been taken care of therefore, it does not need to be replaced either. So, my question is, I know where the aquifer comes from in Marshall County. I looked it up trying to find water quality problems that you are trying to address, but I cannot find that. If you are saying the Indiana Department of Environmental Management is saying we have a problem, show us that data because everywhere I look I find nothing that shows data or studies.

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**Sandy Staymatte, 15158 Happy Acres** – I inherited the property from my sister. Ten years ago, she had to put a second system in. There is no room left for another system. I am completely for this. I understand their concerns, but please go forward with this. Thank you

Thomas McFadden stated this Board is here today because of the decision made by the County Commissioners, the County Council and the Indiana Department of Environmental Management. We would not be here today if they had not made those decisions. We are here simply chairing out their mandate. I would like you to know that every person who serves on this Board has donated their time even though we are entitled to a statutory per diem under the Indiana Code, we are all serving without compensation and we have a fiduciary responsibility to move this project forward. The only way this Board will go out of existence will be if the project is not feasible from a financial or operational perspective. So, if you have any political complaints, they should not be directed at us, they should be directed at the people that created this.

**An unidentified lady asked** - Who is your oversight. Thomas McFadden stated the Board is an independent Board created pursuant to actions by the County Commissioners, County Council and Indiana Department of Environmental Management. Andrew Boxberger stated they are appointed by the County Commissioners, County Council, and the Mayor. They are their governmental entity.

**Bill Woodward, 12094 Peach Road** – I am upset that we were not included or communicated. You should have sent surveys out. Every area that you decided on needs this, why weren't those people surveyed, how many want and do some water testing. Why are we being forced to pay for something.

**Gary Bennett 14857 12<sup>th</sup> Rd-** Is Myers Lake on the way to the lake that has a problem, and we are being lumped in because it costs less per person, and you spread it over to more people. Where did the qualification of Myers Lake and Lawrence Lake be included if you've not tested any of the septs affecting the lakes. We know the water quality in the lake is good, where are the facts to back for us to be lassoed in saying there is a problem. If you can show us and convince us there is a problem that is great, but you feel you don't need to, then yes, we are going to fight.

Andrew Boxberger reiterated for everyone in attendance the District is required by law to give notice. You have two months to notify the District that you feel like your septic system is functioning properly. You then have an additional 90 days (5 months) to contact the Health Department to have your system inspected. If it is functioning properly, you will be given an exemption.

**Philip Morton, 16421 Menominee Dr.** – Mine is less than 10 years old and I should not be forced to pay for it. That is not right. If a tree falls in my yard and knocks out a pole, I am responsible for that since it is on my property. That is what the septic should be. I should not be forced to pay because someone else wanted. I would be more worried about the tons and gallons of chemicals I see sprayed within a 10-foot area behind my house every year. Some of us are on a fixed income, fortunately enough we've worked our lives and can pay for that.

**Gentleman in plaid shirt** - You're here telling us we have a water issue, but you're not showing us anything. If there is a problem, where is the testing? I have to go and prove my right; you're saying that it is bad where is the testing? You've done nothing.

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**Lady in shirt** – Back in 2017 there was a study conducted, and Byron Holm set up the study. If your septic goes bad, I don't know if you would go out and tell all your buddies and neighbors. You need a variance for your septic, the Board of Health is involved. If you want to build on to your house, sell the house, so there are a lot of things that you've not been told that are on there. I know it only takes one neighbor to let their septic go bad. Maybe it is lack of funds or maybe there is no land to put it in. The IDEM makes a lot of the rules, not this Board. There are good people who care that look into things. There is the Board of Health, there is Dr. Holm, there were commissioners, maybe not this set of commissioners, that had to address this issue. We are all involved and can not attend the meetings, but you need to watch these meeting. It is there and it has been there.

**Tom Rittel, 16930 Mill Pond Trail** – When will water samples be taken and made public?

**Bill Woodward, 12094 Peach Road** – I have a question on the exemption, where does it say that? Andrew Boxberger stated he would receive notification when the time starts. Once you receive that notification, you will have two months to notify the District of the exemption and then an additional (I think) 90 days to get it inspected by the Health Department

Thomas McFadden made a suggestion; it will be helpful to everyone in Marshall County because we do have a website with a link to post and explain the exemption process, so everybody has it.

**A lady who did not identify herself** –Will be charged anything if we get an exemption. Andrew Boxberger stated there is an inspection fee by the Health Department. As for the installation of the sewer system are we going to be charged anything. Andrew Boxberger no if you do not connect to the system, you are not charged. Not for anything, I will never get a bill from this District. Andrew Boxberger stated as long as your exemption is valid.

**Tom Rittel, 16930 Mill Pond Trail** – You did not answer my question. Andrew Boxberger stated everything was done as a precursor to this Board being formed. The Commissioners, the Council and the Indiana Department of Environmental Management did the investigations and determined this is necessary and requested this Board be established. We have an order from the Indiana Department of Environmental Management directing this Board to do what they are doing. We are following that order.

Jay Stone stated we appreciate the comments. There was a water quality study done, no we did not go out and sample every single lake. The lakes were not as big of concern to the Health Department as were wells and the aquifer. Studies were done in various areas. The Health Department began this water quality study back when Christine Stinson was in charge of the Health Department at that time. She drafted 8-10 people for the water quality study. He stated he was asked to serve on the committee because his company ran into so many situations where people had their property tapped out to try to put a working septic system on it. Today there is no way that 70% of those lots would never qualify for a new septic if it was nothing but bare property right now. Because of the available space, low setbacks, location of their own well as well as the neighbor's well. From this study it culminated to the point where the Commissions, Council and Indiana Department of Environmental Management set up the regional sewer district.

**A lady who did not identify herself** – Did you explore any alternate solutions other than this huge sewer system for all these areas. Andrew Boxberger stated aside from the water



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sampling study that was done, these things take years and years to do and 70% percent of those lots could not have a septic system. That means if one fails you have to pump and haul temporarily, or your property could be condemned. That is another reason these systems come in to ensure for the future that these systems are available, so these properties don't become obsolete and condemned because they are unable to get a new septic system if needed. Without this that is what would happen.

**Ms. Peachy** – Would you like to have a survey of the property owners that are going to apply for an exemption? Andrew Boxberger stated we will send out the notice and do just that.

**Tricia Johnson, 12094 Peach Road** – I have a question about the percentage, 70% out of how many cannot have a septic, 10 properties, and 7 properties were bad, you did 100 properties, and 70 properties were bad. Andrew Boxberger stated that it is based on lot size and those eligible for a septic system. It is not based on the septic system that is in the ground. If something happened to a septic system on a lot of that size, you would not be able to get a new septic system.

Kenneth Jones, Jr., PS, stated in his experience with lake water quality, that while important, it is not necessarily the core reason for these projects. The reason for this project is regulatory concerns relative to septic systems and lot size. In that situation, I don't remember the exact numbers as I don't have the report with me, but there was a lot of interaction with the Health Department for the Priority Services Areas (PSA) in Marshall County. We collected all the septic data they had with permits and repairs, mapped and compiled to see how many had been installed and repaired. Someone mentioned there was a good chunk in PSA 1, which we refer to this area of the project as undocumented septic systems, which means one of two things, they either pre-date the modern file, documenting and record storage or they were done without approval. What people do or don't do on their property impacts others not only from an environmental aspect but also from a marketing or market value. I always view these projects as a protection or maintenance effort for the overall accessed value of an area. JPR has been the District Engineer for Koontz Lake since 2008, we were there when they did the study, when it was built, and have been there ever since, watching the operations. When he speaks with residents on Koontz Lake, they are noticing better quality water and less seaweed in front of their properties, which may be attributed to less nitrates and fertilizer going into the lake which could have been leaching into the lake. As Mr. Stone stated, separation radiuses from water well, which is a big concern of the Health Department. He stated instead of your septic system being a \$20,000 liability you're essentially paying a monthly bill to never have the unknown happen.

Andrew Boxberger stated there have been a couple of questions/comments about transparency I get people's comments about "I don't see the paper all the time", I hear that all the time. But this Board tried meetings in the evening, and meetings in the mornings, we've put all our notices in the paper, we stream every meeting online, and every document that we have in this meeting is open to the public, you can have a copy of it. The Board is completely open, I get not everyone can make every meeting, some people can't make morning and some can't make evening, I don't get the paper, etc. The District has a website and are doing everything it can in accordance with the law and more to be open and transparent. There are no secrets, this is a public governmental entity. Every meeting is open, and every document is public. Feel free to request documents, feel free to attend any meeting. Indiana law requires a regional sewer district specifically allow for public comment at every single meeting. He asked that we not repeat something, but if someone has something new to please speak.

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**Janine Clements, 15938 Cook Lake Trail** – I have 2 properties, one that the house sits on and one across the street. When this all comes about what happens, as for me I have vacant property across the road, but there may be a home on it someday. If we have an electric outage (6-8-24-48 hours) what happens then for those on the system can we flush out toilets, can we pour water down it or will it now back up because the unit that has the electric pump (unless you have a generator). What happens when there is no electricity, you can't pour water down it because there is no electricity to pump it out. Andrew Boxberger stated this is a common question, most of you are probably on wells, so you can't get water without electricity currently. Your maintenance provider will be well-experienced at this. The bigger pump stations will have generators, each grinder will have an alarm that will go off if it gets full, and your maintenance company will come out and pump it individually if necessary. That is an issue that happens statewide, and any operator is well versed in dealing with that issue. Janine Clements asked for the property I have across the road; I will have to have a double easement. Andrew Boxberger stated it is a vacant lot, if there is no sewage-producing structure on a lot it will not be charged. Ms. Clements asked where all the waste is going to be sent to, will it all be sent to town. Kenneth Jones, Jr, indicated it would be pumped to town. Ms. Clements inquired if that will affect all the farmers along the way. It was stated this will be in the right of way, Allie Nahrwold stated the idea is for the mainlines will try to be kept in the right-of-way, just like where the gas lines are, etc. If we have to deviate from that in any way, we will go through the process of obtaining the easement from the property owner. Will probably only have 2-3 of those will be necessary. Kenneth Jones indicated that there will be a separate mailing from what everyone received. Ms. Clements stated she knows where the gas line is as she has had to have that repaired. What are the safety measures and will some of it have to be replaced? Kenneth Jones stated these are excellent questions, which is why included in the package were site visits that will be able to address each property owner's individual questions.

**Kennedy Grossman, 17430 Cindy Trail** – What happens to those who cannot qualify. I have tried to get loans to do renovations. Andrew Boxberger encouraged Ms. Grossman to talk with the JPR staff, who will help find avenues for assistance.

**Judy Weston, 17177 12<sup>th</sup> Rd** – What will happen to people that can't afford this. I am a single lady, my husband died 3 years ago, I am learning to live by myself, having paid all kinds of expenses, and having to put a new roof on my house. I know some people that live at Pretty Lake got a new sewer system, and everyone tells me it is different at Pretty Lake, but this person told me they had to pay \$5,000 out of their own pocket just to get into their sewer system. Their monthly bill is \$108, and we are being told ours will start at \$220 and go up. Why is ours so much more expense than Pretty Lakes' and how much are we going to have to pay out as I could be in the same pocket to maybe not get money. Why should I have to go to a bank and borrow money on something pretty much is being shoved down my throat. Andrew Boxberger said he understands that the unknown is frustrating, but we just don't know our costs yet. We are just trying to figure that out to give you more information. I heard you say the number \$200, no rate has been determined. Ms. Weston stated that is what it said in the paper, and they talked about the easement they are taking through my driveway. I have a garage by the road, they are cutting it under my garage. I don't understand why they are doing that. Andrew Boxberger stated I am confident they are not going under your garage. Mr. Jones stated that is why they encourage you to reach out to the engineers to schedule a site visit and they will come work with you on the location. The comment was made earlier about surveys and not having an easement. The reason it is done this way is they are hopeful that this is a more economical way of doing it. If you did for every single property, you would add \$2M to this project. This would be drastically increasing rates. If a property owner has an

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unique concern and would like a metes and bounds there is a process for this and yes that is the homeowner's responsibility to get it, which is because if we did surveys for every project and we've done dozens of projects together the cost is just astronomical. So, this is the most economical way to do it. There was a drawing in my packet. Yes, this indicates where your structures are located. Andrew Boxberger encouraged Ms. Weston to meet with the engineers. Ms. Weston stated they were given to July to sign and in big letters it basically states you will sign this or else and I don't understand how it could be done to so many people. I am not on the lake; I don't have lake access. Andrew Boxberger apologized if it seemed like a threat. It is written in a way to make sure the gravity of ignoring it. Because if it is ignored your property will be bypassed. The district is more than willing to have a conversation with you about your easement and your concerns. Thomas McFadden stated he remembers the County Council discussing setting up a charity fund. He did not know what happened with that, but they talked about putting money aside for people that could not afford to hook up. A lady in the back of the room stated she stated the Marshall County Community Foundation was charged with the responsibility of the \$500,000 for charity care.

**Bill Woodward, 12940 Peach Rd-** I talked to one of our commissioners. The \$500,000 was set aside for people like that. He did not agree with what was going on and was aware of the concerns of everybody. As much money that has been spent now and has been stopped, they could probably use that \$500,000 to do other things and to figure out from there how to proceed. There is \$500,000 set aside, but he is not aware of how available it is for the people who need assistance.

**A lady who did not identify herself** – If we have a complaint about this meeting, do we go to the County Commissioners meeting and tell them we need to stop this? Andrew Boxberger stated you are more than welcome to go to the Commissioners. They have the appointment power of this Board's members. This is an independent governmental entity created by IDEM order. Andrew Boxberger stated the IDEM Order is to be placed on the website. You mentioned the drinking water why a letter has not been sent regarding the water.

**Aura Ortega, 15918 Cook Lake Trail,** - I purchased my house in 2021. I had an inspection done. I had a septic system pumped as well as an inspection to ensure there were no cracks. I have had my water tested in the past, so my question is there a requirement that I use these documents from the past? I paid almost \$1,000 for these inspections. Andrew Boxberger stated he does not know the answer to these questions, but she should apply for an exemption, and then the Health Department will do the inspection and can tell them.

**Gary Bennett 14857 12<sup>th</sup> Rd** – You had said there is a usual set amount of people that get exemptions, Andrew Boxberger stated it is usually 3-5%. That is the number of people who apply and depends on if they are accepted. The statute requires that the system function properly. The statute is to be included on the website. Allie Nahrworld stated we track everyone that we send documentation out to, so when you receive the letter, we are going through the process of going through an exemption, we will note that in our files. When we get the documentation from the Health Department and remove any plans for a grinder station from your property. Andrew Boxberger stated Indiana Law requires that every property owner receives notice of how you apply for an exemption. Allie Nahrworld stated in the FAQs information on grants and loans will be included.

**A lady who did not identify herself** – If the rates will be prorated for the number of people in the house, I live alone, and for my trash, I pay the standard rate even though I only have one bag a week. Andrew Boxberger stated it is a flat fee. The system has to be designed to

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handle a certain amount of flow. Someone was citing rates, and chances are those are for cities and towns. This is a regional system that is unique and has the best team to design that system as economically as possible. A single-family home will have a flat rate. There will be a category for other users. All the grinders will be the same size. Allie Nahrwold stated all the grinders are the same except for 3 campgrounds, which will have its rate. The grinders are the responsibility of District.

**Gary Bennett 14857 12<sup>th</sup> Rd** – It was stated that 75% of the houses on the lake have no room for septics. Is there a map showing these properties? Kenneth Jones, Jr., believes there are figures in the County Wide Preliminary Engineering Report that was done county wide under direct contract by Marshall County in 2018-2019 is how the priority service areas were identified through a scoring matrix which was decided as to which PSA is to be done first. The matrix had a lot to do with lot sizes, proximity to the provider, the average age of homes and septics in the area. For PSA 1 had to look at what the best way to provide services to this area. Allie Nahrwold stated with so many of these systems being undocumented there are certain parameters such as if you replaced your septic system in the past, if you don't have any more room for another septic system even if you are a large enough lot if already replaced enough time you may not be able to replace it again.

**Bill Woodward, 12940 Peach Rd** – He stated he knew someone who bought a house from an older couple. The system failed as soon as they moved in because it was overloaded. They tried to get a permit for a septic, but the person who was at the County Health Department refused. They went and dug out the old system and the material that was in the old leach field, put in a new system and it works. They said it worked for several years without any issues, and it replaced an old system with the same footprint. He stated that there is an available solution. Kenneth Jones stated building a leach field in a former leach field is not permissible activity. Most of the time they want virgin soil, but around where you have surface water even if the system is working as far as the homeowner is concerned is that it is not backing up into their house and it is not coming up in the yard. The environmental and health department folks will say it is functioning as far as that is concerned but groundwater is 3 feet below that leach field so the affluent is not getting the 40 feet of soil strata, which filter and clean itself before it re-enters the aquifer. The aquifer is hard to analyze sample and monitor and have to do it in certain locations, which then have to get the right of entry from landowners. He stated JPR has done ground and lidar devices of the right-of-ways and the areas that we know where there are already existing easements, but we are not done as there is still a lot of work to do. The exact monthly rate is unknown because until you go to bid nobody knows what the exact cost will be. We have put together preliminary estimates based on information available from other projects in our region that have gone to public bid. Mr. Woodward stated he needs some idea of the cost for him. Andrew Boxberger stated he will have all the information available he needs before he needs to file for an exemption. Mr. Woodward stated he is not giving right-of-way until he knows something. If you want me to give you something you need to give me something. Show me the need or convince me that I need to do this. Allie Nahrwold stated it is not a lack of willingness; it is we don't have all the information we need. It is kind of like the chicken and the egg situation, because that initial mailing was sent out as this is all the information we have, and we had to start somewhere.

**Gary Bennett 14857 12<sup>th</sup> Rd** – If I give you the right-of-way and you might come and destroy my property. Allie Nahrwold stated the construction method used is horizontal directional drill so if the whole front of your yard is driveway is asphalt it will be bored under. Andrew Boxberger stated in the agreement that the District will put your property back to the way they found it.

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**A lady who did not identify herself** – I have a question, when you're talking about the monthly cost stated I know when Bass Lake Conservancy District in 1997 and when it was time to hook up a friend of mine stated it cost about \$2,000 to hook up and then she paid \$40 a month and then a certain point the Bonds got paid off and then hers dropped. Is this something that will be possible? Andrew Boxberger stated it is possible, but it is most not likely. The Bonds will be about 25-30 years, which could be paid off in 25 years provided there have been no additional unforeseen costs. Thomas McFadden commented that rates are fairly high right now, what happens if rates drop has happened to refinance the bonds for lower interest rates? Andrew Boxberger stated bonds can be refinanced there are some parameters, timelines and prepayment issues. He stated he has seen some bonds refinanced, especially in the past decade for a much better interest rate. Kenneth Jones, Jr., stated every sewer district rate is divided into 2 sections a chunk is debt service and a chunk for O&M. If you're talking about the bonds getting paid off in 25/35/40 years, if it is a USDA loan there is some point in the future that the debt service rate goes away, pretty sure that part that is dedicated to O&M will probably go up due to inflation.

Andrew Boxberger stated I know a lot of people had concerns and you don't agree with everything we've said, want to make sure that the Board and all of us want to be as open as possible and that we are not trying to keep anything from you. We have open meetings you are welcome to attend any meeting.

**Some gentleman who did not identify himself** – As we've heard everyone talk but the Board has not talked. Diann Parsons stated she is sitting on this board. I've heard some comments about who is on this board and why they are here. Mr. Stone is a real asset to us, Diann Parson stated she lives on Cook Lake, and I had a new septic system put in 2017. It works perfectly. I had to buy extra property because I did not have room for it, so I believe in this project. It is not personally; I don't need it. I am going to hook up because I believe in it.

**James Stewart, 14384 Latonka Trail** – Let's say a contractor wants to build 25 homes across the road and wants to hook into the system, will you allow him to do that? Andrew Boxberger stated to the gentleman who asked why the Board is not speaking, we talk, and we do this every day, the Board is a volunteer. Generally, what will happen we don't have a subdivision control ordinance, the more customers, the better to scale. Generally, the developer would build infrastructure, put in the sewer, put in their grinders after the system is done, everyone is responsible for their own, and then they would ask the District to take it over, and they would give it to the District. The District would then take it over and maintain it, and would charge them a monthly rate. The District would not have to put any money into it. There are circumstances if there was some huge development that was going to have such a great economic impact on the District, maybe the District would think about investing, because it made economic sense to invest in that. Kenneth Jones, Jr. added that this project is not intended or designed to facilitate that type of economic development. It is designed to address the already existing homes or developments. Allie Nahrwold stated we account for lot build, and general development, in the areas where adjacent to a farm field, the lines are larger, and around the house lines are smaller. Kenneth Jones, Jr., stated the east of Lawrence Lake has a ton of platted lots and road right-of-way that have not been developed. It might have been related to septic, the soil types or maybe the market just did not want it. Allie Nahrwold stated that everything is being accounted for in PSA 1. If a developer asks to put something in that is not in PSA 1, pump stations need to be upgraded have to ask if they wanted to join PSA 1; the upgrades would be part of their expense. A new developer is always responsible for connecting to the system.

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**Gentleman who did not identify himself** - How does the camp ground get rid of their sewage. Allie Nahrwold stated they have a bunch of septic tanks. They are included in the project. It will be a different system and we obtain all the information we need, they will have a different rate structure and not the same type of system as the residents will get.

The Public Hearing was closed at 11:05 AM.

## MEETING MINUTES:

The minutes of February 12, 2025, Monthly Board meeting were presented and reviewed by the board members. Debbie Palmer, made a motion to approve the minutes of February 12, 2025. The motion was seconded by Diann Parsons. Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Brenda Meyers - yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

### 3. FINANCIAL REPORT and CLAIM APPROVALS:

#### a. Financials – January 2025

Brenda Meyers reported the ending balance for February 2025 was \$2,431,149.

#### b. Claims – January 2025

Christopher Spier made a motion to approve Monthly Claims for \$65,924.79. The motion was seconded by Jay Stone. Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Brenda Meyers – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

### 4. LEGAL COUNSEL UPDATE:

#### a.) Don Ecker, Jr. Appointed by Plymouth Mayor and Deborah K Palmer appointed by Commissioners Terms Expire 5-1-2025

Andrew Boxberger stated May 1, Don Ecker, Jr and Deborah K. Palmer's appointments are up. Jay Stone indicated he believed his appointment was for a 2-year appointment. Andrew Boxberger stated he would look into Jay Stone's appointment. Debbie Palmer and Don Ecker, Jr, committed to serve an additional 2 year term.

#### b.) PS-1 – Purchase Agreement

The Real Estate Purchase and Sale Agreement for Pump Station Site 1 was included in the Board Packet. Kenneth Jones, Jr. stated the property is located at the northwest corner of 12<sup>th</sup> Road and Redwood. The sellers are Mr. & Mrs. Stutler. The property is north of 12<sup>th</sup> Road and on 1.7 acres. They agreed to sell their easternmost 100 feet of property via parallel line. The pump station will be visible from Redwood Rd, but not from 12<sup>th</sup> Rd. The sale price of \$25,000 includes the cost to cure and damages. They will also get an improved gravel shared driveway. Andrew Boxberger pointed out that since it is unsure if there is an actual project, there is 180 due diligence period. One of the due diligence items is satisfaction completion of all investigations, agreements funding requests, engineering and design parameters and final project approval, so if we determine in the next several months if the project does not move forward or is postponed, we have the ability to walk away in 180 days. This is a contingent offer. Thomas McFadden indicated he reviewed the agreement, and it looks fine to him.

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Brenda Meyers made a motion to accept The Real Estate Purchase and Sale Agreement. The motion was seconded by Don Ecker, Jr., Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Brenda Meyers – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

Kenneth Jones, Jr., stated in Marshall County a minor subdivision, so will be use that minor subdivision to create the shared access easement and the service line easement. In the next few months will be bring subdivision plat drawings for signature to accept the easement.

## 5. INSURANCE COMMITTEE UPDATE

No update

## 6. ENGINEERING COMMITTEE UPDATE

No meeting was held. Allie Nahrwold suggested scheduling an Engineering Committee meeting within the next 2 weeks and monthly meetings going forward, especially since site visits will begin in April. The District will need to discuss vacant lots, and following site visits, there may be customer case-by-case items to discuss .

### ENGINEERING UPDATE

#### a. Project Tracking Tool

The Project Tracking Tool was included in the Board's packet for their information.

#### b. AMP/FSP Certification

Allie Nahrwold stated the Asset Management Program Certification form was submitted last year as part of the PSA 1 submittal. This form will be completed by JPR and is awaiting Baker Tilly to finalize their reports in order to complete the Estimated Capital Assets for the Next 5 Years and Annual Operation Maintenance, replacement costs for the Assets. Allie Nahrwold stated the document is due March 31.

Diann Parsons made a motion to accept The Asset Management Program Certification form and the Cybersecurity Agreement. The motion was seconded by Christopher Spier. Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Brenda Meyers – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

Thomas McFadden stated he will be out of the country as of March 30 and will not be available to sign the documents on that day or after. Andrew Boxberger suggested a motion for Jay Stone, Vice President to sign if the document should Thomas McFadden not be available.

Don Ecker made a motion for Jay Stone to sign the Asset Management Program Certification and the Cybersecurity Agreement if needed. The motion was seconded by Brenda Meyers. Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes,

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Brenda Meyers – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

## c. SRF Memo Update

Allie Nahrwold stated the memo that was included in the Board packet for submission to the SRF. The date will be completed when it is submitted. Awaiting the post-project information from Baker Tilly. The cover memo notifies SRF that the project requests to remain on the PPL.

## PRE-DESIGN

- a. Allie Nahrwold reported Kenneth Jones, Jr., and she did a cost update. They reviewed material costs, labor costs, and general project bids that we've gotten in the last calendar year. The Refined Opinion of Probable Construction Costs was reviewed and refined from the last time it was submitted. It eliminated the shared grinder cost since each home will receive their own single grinder station, eliminated all the electrical riser changes, updated unit costs, added the flow meter and the automated sampling station/shelter, which the City of Plymouth requires.
- b. The next couple of months will be working to get the mainline easements secured for the Happy Acres Trail area. As for land acquisition, have the PS 1 site secured and will be working on PS 2 site follow-up meetings.
- c. Utility Locates – have a mainline drafted. Site visits will begin in April, will have grinder station placements, and field checks as well.
- d. Easement packets were mailed the week of February 24 with the due date of July 31, and more financial information will be forthcoming following the SRF July 24-25 PPL announcement. After July 31, when we know where we are placed on the PPL (what potential funding and bidding will look like), we prepare another mailing and update to the website for the property owners.
- e. The meeting with the City of Plymouth was held but awaiting a response. Don Ecker, Jr, reported that there have been internal meetings with the team in Plymouth and a response should be forthcoming shortly with an initial proposal. Allie Nahrwold indicated it would be good to include this information with the SRF memo letting them know we are working on an inter-local agreement.
- f. Hydraulic Model and Field Check is anticipated to begin in March
- g. Soil Boring RFP will be sent to sub-contractors. Will be updating the website as well as including some Frequently Asked Questions.
- h. Vacant Lot – Allie Nahrwold reported that one of the first calls received was from a property owner who has a vacant lot and was asking about having service to this lot eventually. This will be discussed at the Engineering Committee and then presented to the Board on how to deal with vacant lots.



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## FINANCIAL CONSULTANT UPDATE

No one was in attendance.

## ANY OTHER BUSINESS BROUGHT BEFORE THE BOARD

Allie Nahrwold stated she will be on maternity leave during the months of April, May and June. Don Ecker, Jr. stated he will be out of town for 3 weeks, but he will attempt to attend the meetings via zoom, assuming it has an internet connection.

Thomas McFadden stated it is an honor to have Jay Stone on the Board as he has a depth of knowledge of septic systems. He feels some people are missing the point when the sewer system becomes operational; he is going to lose business, and he is going to lose customers. It is an extraordinary man who is going to take a financial hit with this project to serve on the Board.

Andrew Boxberger stated at the next meeting ratification of the resolution for The Real Estate Purchase and Sale Agreement will be presented at the next meeting.

Brenda Meyers stated Baker Tilly seems to be having difficulty getting the District hooked up with the DLGE through the website. Andrew Boxberger stated he had a district that was having difficulty with Gateway, and Gateway set something up and did it for them and trained them on it for no cost. Brenda Meyers stated she had told them that she is retired and asked if they would call her when things come up, as she does not check her emails daily. The issue is a little technical and more of a communication issue. They are pushing her up to a particular deadline that is not fair to her. Allie Nahrwold stated Jennifer Ransbottom needs to know who Brenda Meyers is dealing with, and she will follow up with Baker Tilly.

Kenneth Jones apologized to Diann Parson for talking over her during the Public Comments. Diann stated she was trying to explain why she supports this project. Brenda Meyers stated her home is fairly new and her septic is perfectly fine, but she wants to hook up because a sewer will be better than a septic. If that helps my neighbor, then that is what she wants to do. Thomas McFadden stated that some of the property owners don't want to hook up maybe on several acre parcels, where most of us are on a subdivision lot and don't have a lot of options if something goes wrong. I certainly understand their position if they are on a several acre parcel. Allie Nahrwold stated the majority of the number of people that qualify for an exemption at about 60% they have to do a lot of research, and they start figuring out how expensive it would be to replace their septic system and how expensive it would be to retrofit connections in those 10-20 years end up withdrawing their exemption. Andrew Boxberger in the exemption letter will say here are your rights, but we recommend don't and here is why: you get to hook up now as you get a free grinder, a free pit and if you do it 10-20 years from now you're going to have to pay for all that yourself and eventually you're going to have to connect. It is much more economical to do it now and should it break down in that timeframe you could have \$15,000-\$20,000 expenses.

Brenda Meyers stated she kept hearing they wanted documentation of the IDEM. Is this somewhere in writing. Andrew Boxberger stated that was all done before the Board was formed. It was recommended to put the document on the website.

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### 8. ADJOURNMENT:

Christopher Speir made a motion to adjourn the meeting. The motion was seconded by Diann Parsons. Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

The meeting adjourned at 11:38 AM.

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