

# 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, May 14, 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.

## 2. ROLL CALL:

MCRSD Board: Thomas McFadden, Dean Colvin, Don Ecker, Brenda Meyers, Diann Parsons, Jay Stone, and Christopher Spier

Baker Tilly: Not Present

Carson, LLP: Christopher Nusbaum, Esq.

JPR: Kenneth Jones, Jr., and Jennifer Ransbottom

Thomas McFadden read the following statement:

We know that many in attendance have concerns about how this project will affect their individual property. To address those concerns, we are working to coordinate an easement workshop, where you have the opportunity to discuss the package with our engineers, legal counsel, and meet with individual Board members. We will be discussing plans to coordinate these workshops later in the meeting. Also, please note that you can contact the District engineers for a one-on-one site visit as well. To do so, please call the number at the top letterhead of your easement packets. That number is 574-200-0049.

Thomas McFadden thanked Debbie Palmer for her two years of extraordinary service to this Board. She was an extremely valuable member of this team, and she never missed as meeting, which is extraordinary.

## 1. DEAN COLVIN

Thomas McFadden welcomed Dean Colvin to the Board. He is a distinguished Jurist in Marshall County for a long time. Welcome Dean.

## 4. 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.

**Bill Woodward, 12094 Peach Road (spoke on behalf Annette Pratt, Beverly Jeffers)-** At the last meeting there was a comment made by Debbie Palmer that this sewer system is a requirement of the State of Indiana IDEM. I questioned that and called the IDEM regional office in South Bend and their main office in Indianapolis. IDEM told him that this is not a required sewer system. They only require something to be done if there is an immediate health hazard to the bodies of water in question. They do not require a sewer system but require a solution to the problem. So, this sewer system is not a requirement to the State of Indiana or

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IDEM. So, at any point in time, what IDEM does, from what I was told, is that they approve the formation of a sewer district based on the information they receive. That district can then proceed, but they do not require what the petition implemented. What they require is that all possible solutions be investigated and that the best solutions be implemented.

I would like to proceed to the exemptions. If someone wants to apply for an exemption, what is the process? When do they get notified and how? Chris Nusbaum stated that information is in your packet, and it is also on the frequently asked questions section of the website. He stated that everybody will be notified at the time that it is required under State law. Mr. Woodward asked when they would be notified at the start of construction or the end? Mr. Nusbaum stated that State law requires that notice be given to the property owners of their opportunity to file for exemption within 10 days after we file plans with IDEM. Mr. Woodward stated that is when the certified notification is to be sent. Chris Nusbaum stated that those are generally not sent certified, as is cost is quite prohibitive. Mr. Woodward stated he talked to several people, and they stated their packets contained someone else's detailed property in their packet, which could confuse some people. Once the exemption letters are sent out the clock begins, and the application is made when does the 10-year clock start? Does it start when it is time to hook up to the sewer or does it start then; otherwise, they could lose 2 years of the exemption if it starts then. Chris Nusbaum stated the exemption begins from the date that your onsite sewer system is certified to be working properly. Mr. Woodward stated that they are not going to lose any time. They will be basically filing for the exemption ahead of time, but it does not start until the sewer system is ready to connect. Chris Nusbaum stated it starts from the period of time that your system is certified as working properly. So when you file with the District for an exemption and an onsite water professional certifies in writing that the system, as the Statute states, is not failing, that is when the 10-year clock begins, and you can re-certify for 2 more 5-year exemptions for a total of 20 years. Mr. Woodward stated I am confused when the 10-year starts. Chris Nusbaum stated that the 10 year starts from the date the certified professional states that your onsite septic is not failing. Mr. Woodward stated that means I could lose 2 years of my exemption. Chris Nusbaum stated potentially, unfortunately we do not have any control over that as that is simply how the statute is written. Mr. Woodward stated that it does not seem fair to people if they are going for a 10-year exemption and losing 2 years right off the bat. Chris Nusbaum stated that it is the way the State Legislature wrote the Exemption Statute. Kenneth Jones, Jr. clarified if filed for exemption within 10 days of submitting final plans to IDEM to release a construction permit, and then whatever date that inspection takes place, the 10 year begins, that means construction will also be starting within that same several month period. Another way to look at is they will not be getting that partial bill that everyone else will be getting during construction. Chris Nusbaum stated from the perspective of the State Legislature their statute was a lot more restrictive, because the thought is a septic system has a useful life span of 20 years, so it use to be you had 20 years from the date of installation of the septic system. They have then since changed to does not matter how old your septic system is as long as it continues to work you can have 20 years (1-10 year and 2-5 years). Mr. Woodward stated the research he has done on septic systems is that they can last 40-50 years and still be good depending on how they are maintained.

The next question is accounts payable, my wife and several others have asked specifics on accounts payable. When receiving an invoice there should be specifics such as how much time is being charged for such as survey, plans development, whatever. We would like to see these detailed accounting receipts so we can see where this money is going. If we are going to be paying this back, we want to know exactly who is getting paid, how much and for what. If you're going to be totally transparent.

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Mr. Woodward stated that it brings up another thing, the website. JPR runs the website, you don't have your own website; therefore, the only information we get is what JPR wants to present to us. We want to ask you questions, and we want it to be public, so we don't have to waste so much time here. We want you to have your own website, where we can ask questions and you can post answers to these questions. You can post these documents and links to these documents. It appears that if JPR is running the website it appears that they are managing you instead of you managing them. When are you going to have a website, have you thought about it, do you have any plans for a website? Thomas McFadden stated that a website is being developed specifically for the sewer district. He stated he cannot tell when it will be up and running but it is being developed. Right now, information on the sewer district is available on the Marshall County website itself. Mr. Woodward stated when we go to Marshall County Regional Sewer District it comes up to JPR's website. Therefore, we only get that information that they put up. You should be independent and have your own website. You could not even tell me anything about the website, you had to look around before responding. Who is developing the website? Chris Nusbaum stated Tom McFadden was not present at the last meeting, but the Board discussed at the last meeting a website. He stated these are volunteer members, there is no staff. Mr. Woodward stated I appreciate your time, but you're representing the majority of the people, not just the few that needs something done. Chris Nusbaum stated JPR as a service, I believe, at no cost is hosting all the information that would be set on an independent website. At the last Board meeting JPR was asked to look into the cost of a separate domain. Kenneth Jones confirmed that a domain is already owned by Marshall County RSD.com and in the process of getting everything moved there and then JPR will be able to hand it to whoever the District's wants. Chris Nusbaum stated at the end of the day someone has to run it and it is not going to be the Board members. Mr. Woodward stated he understood that, but he knows people who live in this PSA 1 that can do that. Jay Stone's website is run by somebody out of Lake Latonka and that person is more than willing to work with you. You need someone to manage it, but you need someone to have input from the Board. We don't feel we are getting the input from the Board. We feel the only input we are getting is JPR's input and the information we get is the information they want us to see. We have objections to this, and we feel the Board needs to be represented here. We don't feel like the Board is. Kenneth Jones apologized that he feels this way, but that is absolutely ridiculous. Mr. Woodward stated his wife has asked several times for accounts payable information; she cannot get it. Specifics, not just we paid this much to this person or this much money to this company. We want specifics. She cannot get it. I have talked to other people who have asked questions, and they are not getting answers. Chris Nusbaum stated fielding all those requests for information is quite onerous. There is an agenda it Access to Public Records Policy/Form proposed for the District to adopt that way we can help streamline that information requests. Much of the information that is being requested has already been published on the website, but for the items that are not published then there is a process for us to be able process or not process according to Indiana's Access to Public Records. Chris Nusbaum stated is quite early for a district to be fielding that level of inquiry; therefore, there is one on the agenda today for the Board 's consideration. Mr. Woodward any records should at least be on the website and sometimes you don't know what someone wants until they ask but would like to see everything that is referenced in the Preliminary Engineering Report, water testing and soil testing. My wife went down to USDA and they don't care about septic systems, so soil testing has nothing to do with septic systems but with agriculture. The soil conditions can change rather quickly in a small area. One of the things in the Preliminary Engineering Report said the soils were not conducive to septic systems, but everyone has septic systems, and they appear to be working so something is wrong with that. The water testing, where are the tests from the water that says there is a big problem, potential problem is nothing but

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where are the tests. People want to see where you test water, what the results are. For example, I had my water tested for 2 weeks, at the end of my pier, I live on the southwest corner of Myers Lake, I live at the overflow that goes into Cooks Lake, so everything from Lawrence goes right past my house. I had my water tested – great. They told me that they look at any body of water for e-Coli and it is going to be from wildlife. I could have them check to see if it was human or animal e-Coli, but I did not because of the cost. But the amount of e-Coli that came back on the lake water was 1 part per billion. They said that is next to nothing. From that standpoint where is the e-Coli. There was no e-Coli in my well water. We would like to see these documents also, the link to them to see why are we having this issue. Why are we having this discussion regarding sewer system, when we don't feel it is necessary. It is an overburden for so many of us and our septic systems are working. So we would like to see these posted so we can see where these decisions were made. If you have specific water tests for the area, we would like to see them.

Another question is environmental impact study. Has anyone looked into what it will do the area once everything is tore up and the road construction. Is there one required, does any one know. Has anyone asked the question. Most of these questions I am asking the Board should already have asked because you should be thinking about what the people are going to want to know. You all live out in that area and you would have the same questions and if not why not? Most of us cannot afford this, we are retired, on Social Security on Disability, on limited incomes whatever it is. Most of us cannot afford it and our system works. Where is the need, where is the testing that proves we need this. Thomas McFadden said I understand your concerns. I came to the sewer district after the sewer district was legally formed. We exist, it is a fact of life, we are not going away and your real remedy if you don't want to participate is to apply for an exemption and I recognize there are going to be many people that an exemption makes sense, so by coming an rehashing many of these issues is not going to make the sewer go away. We are here and the people on this Board have a fiduciary duty to carry out the purposes of the sewer district. You're welcome to apply for an exemption and I hope you're successful in getting that. Bill, I know that you have gone way past your 3 minutes.

Mr. Woodward, I have one more question and it has nothing to do with any of that, it is the boundaries. I know some people that live on 12<sup>th</sup> Road, North of 12<sup>th</sup> Road, by Myers Lake and one particular individual says he is not included in this because he has not received a packet; therefore, he is not included. He does not have to worry about this. Is that true or not. If it goes down 12<sup>th</sup> Road, I thought within 300 feet of the main line was the issue. Thomas McFadden stated PSA 1 boundaries are published and he can see if he is in or outside the boundaries. Mr. Woodward said if that mainline goes down 12<sup>th</sup> Road and he is on the North side of 12<sup>th</sup> Road is he going to be required to hook up? Chris Nusbaum stated we generally do not have people connect into the high-pressure mains going back. That is going to be a line going back to Plymouth. Kenneth Jones Jr stated the service boundary is not necessary driven by the 300 ft rule. If it was it would in theory could potentially go forever in terms of development geometry, etc. It is entirely possible that there are a few people on 12<sup>th</sup> Road, people on the south side of the lakes or other areas where they are across the street from the action are not included. That certainly creates the potential 10-20 years from now that whoever owns that home and they are having a septic issue and they go to the health department to get a permit, the health department at that time could choose to mandate connection to them. Chris Nusbaum stated that is a decision the board would have to make as they generally are not in the service area they are within 300 feet they could be forced to connect but it is not something generally a District is interested in doing because the territory described by IDEM are outside the territory it is really not their issue. Now as Kenny was saying, we have seen

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many circumstances where people need sewer and there is a process to become included in the district and that is pretty standard. Mr. Woodward stated Myers Lake borders the north side of 12<sup>th</sup> Road and he is on the north side of 12<sup>th</sup> Road and it appears some of his neighbors down the road are along the system are included but he is not. He thinks. Thomas McFadden asked does he want to be included. Mr. Woodward stated no. Thomas McFadden responded then he is fine. Mr. Woodward stated, but he does not know, so my question is everyone on the northside of Myers Lake going to be included because some people don't think they are. Thomas McFadden asked Mr. Woodward who his wife spoke to at IDEM? Mr. Woodward stated he called IDEM. Thomas McFadden asked who did you speak to? Mr. Woodward stated I don't have the names in front of me, but I talked to one of the guys up in South Bend and I think his name is Jim, but I don't recall. Thomas McFadden asked if you find their names, let us know because we want to make sure we are on the same page. Mr. Woodward stated he was told by several people in Indianapolis that it is not required unless there is an eminent health hazard than they require; otherwise, they go with the recommendation of the petition that is sent to them, and it is not required. They said they don't require systems unless there is a current health problem. Thomas McFadden stated a judge entered an order creating the District, so the system exists, and it will continue to exist unless we cannot make this project financially feasible. Mr Woodward asked So what is financially feasible? Thomas McFadden stated that we come up with rates that are reasonable for the vast majority of the people that are affected. Mr. Woodward stated that you already have \$100-\$102.00 per month and is already financially burdensome to some people. Mr. Woodward stated I don't understand. Thomas McFadden stated that replacing a septic system will cost you a lot more money. Mr. Woodward stated one more thing: we would like to have meetings in the evenings, so more of us can at least attend. Thomas McFadden stated that the first year we had meetings in the evening, and no one showed up. Mr. Woodward stated no one knew. (**NOTE:** Mr. Woodward went over his 3-minute allotment 5 times, so he had a total of 26 minutes and .05 seconds speaking time)

**Beverly Jeffers, 17050 Mill Pond Trail** – I don't think you are listening because people on the lakes cannot afford this, and you are shoving this down our throats with fear and intimidation and it takes a man like Mr. Woodward who is willing to step up and speak for us. She asked Mr. Woodward to come up and ask her questions as she sat there. Mr. Woodward you said that a judge has mandated this. Thomas McFadden asked Chris Nusbaum to present the process from the beginning because the District was created before he joined the Board. Chris Nusbaum stated this all started with the Marshall County Commissioners. Kenneth Jones, Jr. stated JPR was contacted by Marshall County in 2018/2017 with initial discussions for a county-wide utility district, in this case the Marshall County Regional Sewer District and that is why this project is referred to as PSA 1, the area that had the highest priority score. After some of those discussions, JPR went under contract with Marshall County to perform an analysis of all the densely populated, yet unincorporated areas of the county. Part of that process was assembling a scoring matrix to rank those areas in terms of identified issues. The analysis took 2/3 years with lots of meetings that took place held in Plymouth and other areas of the county to talk to property owners to hear what they had to say about their areas. There were a couple of areas that were removed after some concerns and decisions were made by the elected officials. The second step after identifying the priority of PSA 1 was to prepare a Preliminary Engineering Report, specific to it. That is why a good number of the Board members are local to PSA 1. The soil topic that your wife had with the USDA, but the information in both the PERs that cites the USDA and soils is taken from the soil maps that the USDA maintains for the entire country. They have several soil type classifications. They have a scoring matrix about the soil types regarding various land uses for soil types. The various soil types that are in the USDA's scoring matrix

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for PSA 1 are shown as either limited or severely limited in regards to conventional onsite septic systems. That is why this was cited in the report. The reports are done based on available information. The final design phase of PSA1, which is why they are incurring significant invoices from JPR, we are under a contract that takes us through the end of construction. The reason JPR agreed to use its' website to house the information is that we are the only entity that has access to all the information immediately and has any type of contract to do anything for the District. Kenneth Jones, Jr., stated he does not like the impression it gives, either because it is not our project, it is the county's project and the residents of PSA1's project and there are a significant number of residents that are not here today to speak for themselves.

Mr. Woodward stated in regard to the website I understand initially about you hosting it, but at some point, they need to have their own to feed the resident information because the appearance is not good as it appears that you manage it and they don't. Kenneth Jones, Jr. stated to be clear JPR is not filtering or adding additional information to the website. Mr. Woodward stated it makes it hard to research for documents as his wife had to ask for unsearchable items and had to get with someone after several attempts to get documents that she could search. Kenneth Jones, Jr. stated we've try to tell as many people as we can, but it might take up to 2-3 weeks for a response. It does not mean that we did not get your inquiry but it means that we've had a lot of others. Mr. Woodward stated that maybe posting some of those on the website would eliminate a lot of those duplicate questions. As far as the budget of a website it is minimal compared to that of the project. Somewhere along the line you have overhead operation expenses. Kenneth Jones, Jr. stated a sewer district by its very own nature is funded through one mechanism via those monthly user rates which they are not collecting yet. Mr. Woodward stated they have \$3M. Mr. Jones stated yes, but they have to be real careful about that until we get to that point. Mr. Woodward stated I understand that but there are certain things that are necessary and that one of them that the \$3M would come out for a website, which to me is an essential part of it. You have to have overhead, so I understand that. Mr. Jones stated part of the reason JPR's fees are the way that they are is so we can handle whatever comes up. Mr. Woodward stated I understand that. Mr. Jones stated the scope of work cannot be precisely predicted. Mr. Woodward stated I understand that. But also, as the people who will be paying for it we would just like to see the documents. We are not saying that you're overcharging, but what are you charging for so we can see what is going on if we have to pay it back. Mr. Jones stated our agreement with the District is a lump sum not to exceed agreement with a few categories preliminary design, easements, acquisition assistance, final design, construction, engineering and inspection. Because the nonlocal funding agencies involved will absolutely require full-time onsite inspection of construction. Only little of half our fee is generally incurred during the course of design and up to the point of bidding and the second half occurs during construction. Civil Engineering is not over just because the drawings are done. The drawings help you get bids and still need to go out and bid the project. The reason the District does not get a 30-page invoice with every hourly entry of every employee is they are not contractually entitled to it. If they ask for it we will provide it. They have not asked, we have not provided; therefore, it is not public information yet. Mr. Woodward stated those are things we need to know. Mr. Jones stated he received an email from Patricia Johnson asking that say question and he told her he would present her request to the Board and would get back to her. Mr. Woodward stated that is his wife and she felt that you had put her off because she was asking for specifics and you did not explain enough to her about that. It's okay she could not be here today, but I understand.

Mr. Woodward stated as far as the soils I would assume with all the septic systems in the county typically if there is a permit pulled, they have to do soil testing to prove whether that

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soil is conducive or not. Mr. Jones stated statistically speaking, but in PSA1 (again I do not have the full copy of the PER in front of me) it was a significant percentage of the existing properties had onsite septic systems which there was no documentation for at the local health department. Which means they either have pre-dated record keeping or maybe were lost or they were done without the benefit of a permit, which we both know happens all the time. That from a macro perspective is potentially concerning from a community standpoint. That is why that information was in the report. Mr. Woodward stated he called the health department, and their records go back to 1960. My house was built in 1978, and I have a permit and there are plenty of people out here whose houses were older than 20 years

Mr. Woodward stated that, by the same token, you said 396 properties did not have septic permits. Therefore, out of 396 properties, the research only went back 20 years, and those with permits are not included in the number. Consequently, the number should not be 396. Mr. Jones stated our research did not stop at 20 years; it was what all do you have health department. Mr. Woodward stated that according to the little note underneath the chart in your PER it said 20 years as far as the records went back. That is what the notes say under that chart. 396 is not an accurate number, but that is beside the point; just because they don't have septic permits does not mean that they are questionable or installed wrong or anything else. It just means that you have that many that don't have permits but should be checked to see if they are properly functioning or if they have needs. Not that we don't have permits for them, so we assume that there is a problem or that there is a potential problem. I think that assumption was inaccurate and not the way to present it myself. Jennifer Ransbottom stated I can tell you if they go through an exemption, the Health Department will not approve their exemption if they don't have records. Mr. Woodward stated that some people have been trying to get their records, and they are not getting good results. It takes a little bit of research to find it. Jay has been helpful to a couple of people finding their permits when the Health Department said it was not there. Jennifer Ransbottom stated she is going by experience from other projects. Mr. Woodward stated I have been involved where companies or entities have had an upgrade to their computer system or software system, and records have gotten lost or misplaced and recorded someplace else. I don't understand why it is the people's problem if their permit is gone. Mr. Jones stated I know for a reason that we did not go to the health department asking for only 20 years of your records. Mr. Woodward stated I am not saying you did, don't get me wrong, but there was a note that said the records went back 20 years. Mr. Jones stated it could have meant at their record keeping practices were 20 years old. Mr. Woodward stated it could have been at the time that their system could not do a reasonable search and not that current, now supposedly electronic. Something gets misplaced, but there again, why is the people's problem if their system works properly why does a permit have to be required because we know permits get lost, misplaced we know different things happen with permits, so why is it the people's problem that don't have a permit on record. That does not seem proper, and I don't care what IDEM or anyone else says this Board has the final say and there should be some way to make exclusions or acceptance for something instead of penalizing people that it is not their fault. I talked to some people, and their house is newer than mine but there is no record of their septic system, so I find that hard to believe a contractor came in putting up a house and a septic system and there is no record and now these people are not able to file an exemption because of that. That is wrong to me and there should be some way to correct that or so exemption. If the system functions properly you can apply for the exemption, if you get the inspection and it does not function properly ok regardless of permit on record. Mr. Jones stated he has met with 100s of people over the years on different projects that have no idea what is going on with the septic systems. Mr. Woodward stated but if you have it inspected by an approved inspector and it is functioning properly or it passes regardless of if you have a permit or not it should be allowed for the exemption, and that is

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my point. The permit on record is to me wrong to the people and something should be corrected so long as your system functions per the inspection that if you want the exemption you should be able to apply for it and get it. That is about all that I have for now.

**Gail Helwig, 12482 Olive Trail** – My husband and I moved here in 2020. We retired and his dream was to walk out his back door and go fishing. Mine was to not move too far away from my grandchildren who live in Illinois, Lawrence Lake was perfect. My husband became sick shortly after we moved here and sadly, last year he passed away. We both received Social Security and after his death, I no longer received mine only his Social Security, I only received his, so the \$1,300 was taken away. We still have the same bills to pay when he was alive. So, I tightened my belt and persevered. Now I face a \$20,000 bill to hook up to a sewer system. I know it has been said to get a loan, but I will also have to pay about \$110.00 a month for about 2 years and then \$220.00 a month for probably the rest of my life. I feel the sewer thing is pricing people right out of their homes, and it is just a shame. I know I am not the only one with this story, everyone has their story and perhaps you just need to listen. Thank you for your time.

**Don Gilger, 12496 Olive Trail** – I scheduled and received a visit from Kenneth Jones of JPR, from the last meeting we were asked to use that resource. He came out. I had the surveys from my property; we walked over reviewed where I would have to hook up and in my case, I am going to have 2 hook-ups I am going to have to pay for. One more significant than the other because of the length of the plan situation for when this is going to go and the other shorter. I am Gail's neighbor. Those costs are significant to me not to the Board. The system may be eligible for exemption; I think both will be eligible for exemption. Yet, I have not heard a clear answer as to when I can apply for that. More than likely some cooperation from the Marshall County Health Department for getting inspection and getting some time of answer if my system is affected. I am pretty unclear on that and I am unclear on the cost. In my case you might as well say Don you are going to have to double it because you have 2 systems on your property. I retired out here similar to Gail for the rural condition and the people in this county. The cost of being capitalized on personal property owners is quite substantial and that is talking to local vendors and people not only in this county but Porter County as to what it is going to cost me to hook up. That is a significant number for retirees, so I would like the Board to keep that in mind. Maybe there should be research on what type of systems can be replaced for those that are failing. Technology is different than what was available in 2001 to 2017. Is there some type of cost assistance this Board could recommend or guide us toward hooking up to the proposed system? In my case with Mr. Kenneth Jones visit, this packet was sent out by JPR is comprehensive and asked for easement sign offs both temporary and permanent does not even apply to me according to him as there are public easements that affect this project. I want to make it clear I am not in favor of a septic system being placed. More than likely post exemption and possibly pre-exemption, I would be forced to hook up to and pay for. Thank you for arranging for JPR to come and take a look. You mention having other workshops and I encourage the public to attend. Even while he was looking at it he indicated these topographic lines did not quite fit. Once he looked at my survey for both properties, well it really not here but over there. That sounds pretty nebulous to me as if that is another 50 feet of pipe I have to lay or something I have to navigate to hook up that is a cost to me. If I would not get an exemption, I would probably look at putting in a septic system it would cost me about the same maybe a little more and I would not have a cost to pay the sewer system. Thank you for your time.

**Serena Anderson, 17085 Tomahawk Trail** – My husband bought our first home in December 2021. We moved in January; I was 7 months pregnant so that was super fun. However, we



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were very unaware of everything that goes into having a home and what happens outside the home. To be honest, we probably would not have purchased the home if we would have been aware of this proposed plan. My husband graduated from IU South Bend. We grew up in Rochester. Marshall County has always been close to heart. We wanted to raise our son on a lake to fish, and we found the perfect home for us. We had a septic inspection and a well water inspection, and both came back perfectly fine. As we heard more and more from our neighbors about this project, we looked into the plan. It is absolutely not feasible not only for us but for people who are Social Security, on Disability, those that are retired. My husband and I both work full-time positions we crunched numbers, and we still would not be able to afford this potential payment. I saw that in the last meeting that the Board will not go out of existence unless the project is not feasible from a financial or operational perspective. My question is what you define as feasible. What is a feasible cost for you guys. Because when I look at the cost for the start-up and connection, which could potentially be \$10s of thousands of dollars, that is not feasible and that is coming from prior. I know you have not given us an estimate on how much it will cost. There are multiple surrounding counties that have hooked up to the city sewage which has cost thousands upon thousands of dollars just to connect. It is obvious that the cost to connect is going to be unfeasible, because you are telling us to go talk to a financial advisor and get a loan. Telling someone to go get a loan is not feasible; it is in the packet. In the packet that was just sent out is a section that says to please speak to a financial provider for a potential loan, because the cost of the project at this time is unknown. This is what you need to prepare for to get a loan, which is not feasible. That should have been your first indication that this is not going to be feasible for your residents. Then let's look at the monthly bill, which, according to the February 12<sup>th</sup> meeting, a rate study was done that showed that if a grant is not received that a monthly bill will be estimated at \$229.00 a month. The original petition for this is in Marshall County, it was stated that the median income for a resident is \$52,658 before taxes. The sewage bill is going to be over 5% of someone's annual income. When we were purchasing our home, our financial advisor told us utilities should be only 8-10% of your income. At the January 8 meeting, JPR stated that construction inflation increased by 20% in 2 years. How is that going to be feasible for this project? What is today it won't increase another 10-20% in the coming years, how are residents going to pay for this. Eggs are \$6.00, childcare is \$1,000 a month, and I use Marshall County childcare. That is not feasible. The statement that city sewage will increase property values, when we look at the home that we purchased we did not care if it had city sewage or septic but just as long as it was working. In fact, we wanted well and septic because we did not want that extra monthly payment. When I hear this idea of city sewage will increase property values that really translates to we want these folks out so Marshall County can sell upscale homes and get more money. Because people that live on or near lakes have gotten this reputation that it is for wealthy people. That is not the case, unfortunately, yes there are some lakes that are all sports lake. We look at Lake Max, where people have multi-million-dollar summer lake homes, that is not Marshall County, that is not these lakes. These lakes are for folks to enjoy fishing, not jet skiing and show off fancy boats. It is to raise our kids, our grandkids, so we have an affordable place to live. If you think ultra wealthy people are going to come in and start buying these homes at an increased price, so they can tear it down and build another home so we can have more money via property taxes for Marshall County, I would say if I had all this money, I would not be buying a multi-million dollar home on a lake that you can't even have a speed boat on. These are muck bottom lakes. Our son cannot even swim off our pier because it is muck bottom, which is absolutely fine as it is more for fishing and kayaking. I feel you need to have the community's best interest in hand and the fact that you have so many people here today and in the past and potentially in the future telling you we can't afford this. We hear stories of people of a husband passing away, of being on Social Security, my husband had a TIA in November, which is a mini stroke, he is 29 years old, we are paying hospital bills

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on that. We can't get a loan for \$10,000-\$15,000 and don't act that is going to be the potential cost because your telling us to get a loan right now. I am also wondering does the Board work with IDEM directly? Do you have direct contact with them? Chris Nusbaum stated that IDEM does not directly contact sewer districts on a regular basis. Ms. Anderson asked are they the ones who started this project. Chris Nusbaum nodded yes. Ms. Anderson stated my question is they are the ones that said hey Marshall County you guys need to do this, make a Board, use the city sewage for the county resident, why are you not fighting back saying where is your information regarding not only the soil issues, but the water issues, because according to the EPA, which is the United State Environmental Protection Agency, which is an agency you can go online and it show cases the map of Indiana, every single water way from a lake, to a creek to a river to a little pond in someone's backyard. Lake Latonka and Lake Lawrence are currently unknown, but Holm Lake is showing good water quality, Kreighbaum, Myer and Cook do show impairment, which shows degrading aquatic life which is defined and the health and wellbeing of the aquatics such as fish and plants is impaired or lower, but that is usually stressors of agricultural farmland pollution. We know these lakes are surrounded by numerous acres of farmland that has manure and chemicals running off. How do we know it is the septic systems? Chris Nusbaum stated he will go back to the formation of the District. The Marshall County Commissioners and the Marshall County Council petitioned IDEM, had hearings, prepared all the necessary documentation. There was a hearing, there were multiple meetings held in 2022. Comments were received, IDEM received the petition, considered it and then adopted a formation order creating the Marshall County Regional Sewer District. IDEM did not impose this on the County, the County asked for the creation of the District. IDEM reviewed the materials, went through the statutory process whether or not a Regional Sewer District should be created and then ordered one be created and listed the territories and created all the various service areas. So, IDEM is not imposing it on the County, the County went and asked to have a Regional Sewer District formed based on the criteria that one was necessary, IDEM reviewed it agreed and created it. Ms. Anderson stated her other question is why do we pull out and disassemble this project entirely because it is not feasible. Mr. McFadden stated we don't know that yet. He stated for as many as you that are here today that are in opposition of this project there are just as many or more in favor of this project. People in the crowd were asking where they are? Mr. McFadden indicated they are not here because they have no further objections. He stated this Board is not going away, so if your purpose in coming here is to persuade us to disestablish ourselves, it is not going to work. People in the crowd stated we are going to keep fighting.

Mr. Woodward stated you had one comment that the sewer was required by a judge, that is not true. The sewer was never required or mandated by a judge. Mr. McFadden stated he did not say the judge required he entered an order creating the District. Chris Nusbaum read the following Ryan Rockman, Commissioner, Indiana Department of Environmental Management, ordered that the District be formed. Mr. Woodward stated from the back of the room, the District, not the sewer system, district. The District is suppose to research and find out what the best solutions are, not necessarily a sewer system. Mr. Nusbaum stated that a District is not formed unless it is necessary under IDEM's review of the documentation to address the issues in the service areas. There is no point in creating a Regional Sewer District if there is not a project to undertake. The project to be undertaken, which is outlined in the Preliminary Countywide Engineering Report and then in the PSA 1 specific Engineering Report, which are both available on the website, specifically states that this is the remedy to the issues at hand. Mr. Woodward stated but according to IDEM what they told me is it's not a required item to the solution. Mr. Nusbaum stated IDEM is not requiring that. IDEM has ordered the Marshall County Regional Sewer District created to do the project. **Some guy from the back of the**

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**room** yelled so I guess it doesn't matter how many people here die because they have to pay your bill or buy food or medicine. You don't care. This is going to get done, yes or no? Mr. McFadden stated we don't know yet if its going to be done. The guy yelled, you don't know yet then why do we get a bill saying by July 31 we have to pay to have a GPS put in our yard or we have to pay to get it put in our yard? What's it July 31<sup>st</sup>? Why do we get a detachment saying eminent domain, if we don't do what you want, they're going to take our property. Mr. McFadden stated sir. **The man yelled back**, how many people back there heard everything that goes on? Mr. McFadden, sir, **the man yelled**, I'm serious, why don't you have your microphone put on the screen, let me in, they want to help you. No. Mr. McFadden stated the sewer district exists (the man talking over Mr. McFadden) we are moving forward. We have a fiduciary duty to move forward with the project. However, you all have the legal right to file for an exemption, so you don't have to participate. **The man in the back**, yeah, right. Mr. McFadden stated you do have a statutory right to file for an exemption, and God bless you if go can get one that's fine. The guy in the back of the room, you answer.

Ms. Anderson stated she has one or two more things. If you are unable to get an exemption, but we cannot afford to sell our house, what happens? Mr. McFadden stated he knows the County Council talked about setting up an assistance fund in that regard, so you may want to talk to the County Council to see if that is still on the table. Ms. Anderson stated she saw some things that you had to be a certain age; you have to have a certain income. Mr. McFadden stated he is not certain if there has been any criteria established, but you can ask the County Council.

Ms. Anderson stated her last thing is more of a statement because you did say that there are in favor of this and I read comments from a previous meeting that a person said that she inherited her property and so she is in favor of this, and it is going to increase her property value. That is great and wonderful, and I am happy she inherited a lake home in today's economy, but I believe that anybody who inherited a lake home has a little bit of skewed mindset on the property value because they have much more to gain than those that are purchasing their home that are paying or paid a mortgage. I truly think that should be taken into consideration as well and I would also think that we need representation for people who have the same definition of feasible as the community, because the community is who you're supposed to represent. So, if you inherited a lake home or you were deeded a lake home you don't have to meet exemptions and requirements and your idea of feasible is different from the mass majority, then maybe you should not be representing the majority. I am not pointing fingers; I am just making a generalized statement.

**Tom Rittel, 16930 Mill Pond Trail** – Basically just one question. It was said it's going to be \$4.29 a month to pay for the septic per month, aw \$229 a month. Mr. McFadden stated that it is based on a projection if we don't receive any grants. Mr. Rittel asked what your projection is 20 years from now. Could it be \$500 a month. Mr. McFadden stated I have no idea. Mr. Rittel stated I could build one hell of a septic system for that amount of money.

**Tom Schumacher, 16704 Mill Pond Trail** – Just briefly because it all has been said, but please take this seriously. Mill Pond Trail is not a wealthy neighborhood. This will drive my friends and neighbors off that lake. They will not be able to afford it. We bought our property in 1991 that area of the lake is specifically modest income retired people. This will drive them off their property.

**Melody Norton, 12468 Olive Trail** – I just have one question. Have you applied for the grant and has it gone through. Thomas McFadden stated we are not at that stage of the process.

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Ms. Norton, I have another thing, so I still haven't gotten an answer, and I have asked probably a month ago. Why this all started proof that we actually need to do this. I think if that would have brought to us in the first place, why this is even happening. Who did the testing, what were the results. I have asked the Health Department. I have emailed Doc Holm and received nothing twice. Asking these questions. If we knew the reason why and had proof and how it is going to help our lakes and our water systems basically that is what we all wanted to know if the first place instead of having it thrown in our face. Chris Nusbaum stated we could have the entire IDEM petition, order, exhibits and processes, but it is very difficult to get them to produce it, but we can get that and post that. Ms. Norton stated she thinks that was the most important piece of the whole program. Mr. Nusbaum stated again this was three years ago this whole process when hearings were had that were published in the newspaper, there were comments prior to any of the Board's involvement. Again it was driven by Marshall County. We can easily have that posted and it will have all the supporting documents.

Ms. Norton stated she had one more statement to make. I received the packet in the mail with a map. Mine was one that had my neighbor's address on here. I got a map from company, JPR, if that is who you hired because it got all these squiggly lines on there and not a legend to tell you what any of those lines are for. It gave me a wood deck. My neighbor's map wasn't right. If that is the kind of company your hiring that can't even draw a map, then I guess that is all.

**Jim Govert, 15770 Cook Lake Trail** – I am for the District. I have been coming to these meetings for over the past 3 years, ever since the inception when they were at night. They were very forthcoming with everything. Tyner got out of it through the legal way. Nobody came to those meetings back then. I showed up all the time. Personally, my house is my biggest investment. I retired, I am on Social Security and if I lose my septic, which all septs end up failing, then I am going to lose my whole house. What do they do to your house then if your septic fails. Mr. McFadden stated you can hook up to the sewer once it exists. Mr. Govert stated he wants the sewer. Believe me I paid a sewer bill my whole life. I moved out here 19 years ago and bought the house and that is my biggest investment. **Mr. Woodward from the crowd asked**, "do you know how much it will cost you to hook up and abandon your system? It is \$2,800 to have your tank abandoned. They pump it out and fill it up. Mr. Govert stated it is better than losing my house. **Mr. Woodward stated, from the crowd**, then you have to have electric and then run the connection to the grinder pump. Mr. Govert stated I know, I understand everything, I have been coming to the meetings for the past 3 years. I understand it, the meetings were out there and nobody showed up. People in the crowd stated no one knew. Mr. Govert stated how would I know about the meetings. **Some guy in the crowd stated** I did not know about this until 6 months ago. Mr. Govert stated we have talked about this at the lake association meetings for year and years it was out there, but people did not show up. I know everybody, I am on a fixed income myself. I worked hard my whole life. Nothing was given to me. **A guy in the crowd asked** "How are you going to pay for it" Mr. Govert stated I am probably going to have to refinance my home, which I'll do. You know why, because if I don't know what am I going to do lose my biggest investment? **Some lady in the crowd stated** so have we. Mr. Govert stated I know everyone has. The lady in the crowd stated this is a financial difficulty. Mr. Govert stated it is, but it is better than losing everything. I am not the one you should be fighting with, don't hate me because I am in favor. When there are people who are talking against it, there are also people that need it also, so you have to look at it both ways. **A woman in the crowd stated** that a house has already been sold off the lake because they can't afford it. Mr. Govert stated they don't even know what the affording is going to be.

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**Shawn Gibbs, 15875 Menominee Dr** - he last gentleman that spoke stated he is looking forward to having this on his and God bless him. I wish I was in his shoes or at least in his situation. As you have heard today many of these folks are not in that situation. I heard today that we find out if it's feasible and the question was asked feasible by whom and the answer was given feasible by these people. Today, the only thing I have seen is it is not feasible for these people. I am an over the road truck driver, retired veteran and disable veteran. I am looking forward to retiring in February if I can make it that far. It is getting to where I can't do my job anymore. When I take that leap, it is going to be a huge hit on my family's budget and now I am going to have to contend with this too. You are kicking the people out of our neighborhood, because we are not going to be able to afford it. Mr. McFadden stated if your septic system functions, you have the option of getting an exemption. Mr. Gibbs stated I have an option to apply for an exemption. An application always has the option to be denied for whatever reason the government chooses to deny it for. Mr. McFadden stated I would hate to think that the Marshall County Health Department would not look at these applications in a very professional manner and if the tests come back your fine. Mr. Gibbs stated yes, if. Mr. McFadden stated if the test did not pass then you have a personal concern with your system. Mr. Gibbs stated I have a personal concern now with my system, when I have to give it up just because that has not even been a test that shows we need to do this thing. There are no test results that say hey you're in trouble, your drinking water is in trouble, your land is in trouble. We are expected to just sit back and take it. Bill said something to the effect that there is no body on the Board representing us. I believe this gentleman (pointing to Kenneth Jones) said something indicating that was not true and I have not heard anyone on the other side explain to me how you are on our side. I have not heard anyone say yeah, maybe we need to look at Shawn or Bill's finances or maybe we need to worry about these people losing their homes. This is our forever home. Connie and I when we picked this house it was to be our forever home. This is where you are going to end everything. Last month my daughter came to me and said we are going to have our first grandchild. This is where we wanted to have our grandchild, and I don't see this happening. I see me having to get an apartment or condo somewhere in town, I don't want to be in town. I am proud to be an out-of-towner, I don't want to leave my home, but that is what you guys are forcing us to do and not you per se, but this whole sewer system that your represent.

**James Liffert, 12447 Peach Road** – I was basically going to say what everyone else has said, but I am changing, from what I heard you say to the young lady from Olive Trail, all this telling you how this is going to kill us makes no difference. Is that correct? Mr. McFadden stated I don't understand the question. Mr. Liffert stated the question is this, she said they can't afford it and you said all those kinds of things are not going to make a difference. Mr. McFadden stated let's back up, the sewer district exists if this project moves forward, there will be people who want to sign up and there are people that do not want to sign on. The people that do not want to sign on have a remedy available, called exemption.

Mr. Liffert stated that does not answer the question, but let's go to the exemption. We started trying to work on that because we got a letter that gave a deadline when you were supposed to start working on it. His office told us they're not ready for it yet, that they cannot do it and they are going to send a registered letter. Now I don't know if that is Bologna or not, but for some reason we could not start the exemption process. Mr. McFadden stated it is not necessary to start the exemption process until the plans are filed. Chris Nusbaum stated until plans are filed with IDEM we cannot give notice of your exemption rights. Mr. Liffert stated you are still waiting for IDEM. Mr. Nusbaum stated we are not waiting on IDEM, we have not filed the plans for the sewer system. The plans are still being designed and worked on. When those are ready to be filed with IDEM, then we will give notice of the exemption. When notice

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of exemption is provided to the property owners that will start the exemption time process that is listed on the website that says exactly how that septic exemption process goes. Mr. Liffert stated so all the information that we are receiving is tentative. Nothing is secure, we don't know how much it is going to cost to hook-up, you don't know what the monthly prices going to be. It is all guess work so far. Mr. McFadden stated that is correct until we have bids from licensed contractors, your right. So with everything not done yet, why should we sign easements? Mr. McFadden stated it was your choice as to what you want to do.

**Nathan Waddill, 16073 12B Road** – Opposed to the project, it would be a financial burden. I was curious, if we know how many residents are in favor and opposed in PSA 1?

The Public Hearing was closed at 11:05 AM. Mr. McFadden stated no, but where he lives the majority of the people are in favor. Would it make a difference in your judgement? Have you considered doing a yes/no mailer to every resident in PSA 1. Mr. McFadden stated he believed that was discussed at a prior Board meeting but could not remember what that outcome was. Mr. Nusbaum stated that type of mailing would go against the purpose of the District being septic elimination and that being what the district was formed for. Unfortunately, it is not whether or not people are for or against, it is that Marshall County Commissioners, Marshall County Council petitioned to have the District formed with the purview of eliminating septic in particular service area. This area is service area 1. How best is it best to eliminate septic waste in that area. It does not come down to a yes or no decision. Mr. Waddill stated that if the bulk of the people in PSA1 felt it wasn't feasible for them it would not make a difference, is that correct. Mr. Nusbaum stated he did not believe it really would. The District is formed to manage and eliminate septic and protect the watershed and so whether people or for or not for it isn't a consideration. Mr. McFadden stated the remedy is to apply for an exemption. A woman in the back of the room asked, can we be guaranteed we are going to get that exemption? As the Indiana Statute states at the time to apply for the exemption, which has not yet come, but all the information is on the website. The important documents portion of the website, and on page 2 of the FAQ. If your septic system was new at the time it was installed, it was approved in writing by the local health department, and the District has written documentation from a qualified examiner that the system passed. Mr. McFadden stated it is a fairly objective standard. Chris Nusbaum stated that if everything is there then the exemption is approved. Mr. Waddill asked if the feasibility is for the residents or feasibility for the County? Chris Nusbaum stated that it is up to the Board to determine when they have information back and a rate study, there will be a hearing on setting rates, if the Board determines that the rates are feasible to proceed with the project, then they will proceed with it. At this point the County is not involved. The County was ultimately the impetus for the District being created, but the Marshall County Regional Sewer District is a completely separate municipal corporation. Mr. Waddill stated I understand that we don't have firm numbers yet, but where is the determination of what is feasible. Feasible to us as residents. Mr. Nusbaum stated yes, there will be a rate hearing, there will be proposed rates, there will be feedback. I am sure this Board will deliberate extremely thoughtfully about what that rate is and whether or not the rate is based upon all the financing options. Mr. Waddill stated he votes for evening meetings, as he owns a small business in town, and had to shut down to be here today.

**Molly McClain-Sees, 16293 Menominee Dr** – She wanted to make a recommendation that you open and close your meetings in prayer. Be more concerned about honoring God than offending people. I am a widow. I lived in Goshen and now in Plymouth for many years. I never owned a house in my life. You can imagine the thrill of owning a house at the age of 65. I don't have Medicare Plan B, because I could not afford it. The church is cutting my grass, because I can't afford that. I had a septic system, a leach field, 300 feet away from the house. So, I am wondering do I qualify for this exemption when they see all 300 feet of the pipes are

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underground, I don't know, but I do know that I got a \$9,000 grant from HUD, first time home buyer loan, I have to pay it back if I don't stay 9 years. I have been there 6 years. My son, a realtor, is encouraging me to put the house up for sale, because I can't afford to stay there. I just wanted to say these remarks even if they don't matter.

**Arlene Shabino, 12344 Chippewa Trail** – One of my big concerns is signing this easement before I know what I am going to have to pay. The monthly fee that you are talking about is that forever or when this project is finished or how many years afterwards. Do we keep paying \$239 or whatever it ends up being. That is a very high fee, I have lived in a lot of municipalities and never had a sewer bill anywhere near that. Mr. McFadden stated the sewer district is financed by the user fees that are paid monthly, so they go on with perpetuity as long as the sewer exists. Ms. Shabino asked who gets that money. Mr. McFadden stated it goes into the sewer district's account to pay expenses. There will be staff at some point to administer the day-to-day operations of the sewer district. Ms. Shabino stated the sewer district will need \$200 from everybody forever. Mr. McFadden stated first of all we don't know if the fee will be \$200. Ms. Shabino stated, "I know you don't know what it is, but it has the potential. No city government gets \$200 a month for sewer that I've ever heard of. Not signing this before I know I hate to sign over my easement before I know what it is going to be. It said something in that letter, if we don't sign it, there could be an additional impact fee when we do sign it later. Chris Nusbaum stated the installation of the system is never cheaper than when its being put in initially. If someone has not signed an easement and they have not qualified for an exemption, then we can't install a system on their property during the original construction. That does not keep them from having the obligation to connect. Ultimately if you don't have an exemption and you did not sign the easement installing that system at a later date, we prepare people that the expense will be likely more expensive than it would have been had they done it at the time that everybody else was being installed. Ms. Shabino asked if I find out how much its going to be a month before you start, I hope I can sign the easement then? Chris Nusbaum stated that if we don't have an easement, it would probably affect our ability to determine whether we need to include you in the system. So, either we have an easement or an exemption for you. We won't know what the bill will be until the project is bidded out. Ms. Shabino stated my other question is usually when sewer improvements are done to an area, it also goes along with water improvements. I wonder if someday down the road, 5 years, 10 years everybody will want to connect to the city water also and we are going to pay this all over again to connect our water pipes. Mr. Nusbaum stated the District was formed only for the sewer. Ms. Shabino stated it seems feasible that once we have sewers going into Plymouth, then people are going to want city water also. She also stated with the exemption, she thought she read somewhere that if your system is more than 9 years old you can't apply for an exemption. Mr. Nusbaum stated that is probably old information. As long as your sewer was new at the time of installation and it was approved in writing by the local health department and it is certified that it is working, you qualify for the exemption.

**Rhonda Sukich I give my time to Serenna Anderson.** Serenna Anderson stated she had one other question after listing to people and they are telling you their life circumstance and we don't know everyone's life circumstance and I am sure people on the Board have also had some life circumstance. She stated that in 2025 financial burden is very heavy, if you as a Board decide that this is not in the best interest and it is not feasible for our community, can you end the project? Mr. McFadden stated yes, the Board has authority. Ms. Anderson's statement was then to please really look at your community members. Plymouth is a growing community, but at heart Plymouth is a small Town.

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**Scott Furlan, 16351 12B Road** – What is your name, I don't even no. Tom McFadden stated his name. I don't try to mean anything, but you sound a little arrogant sometimes. Tom apologized if he came across that way. Mr. Furlan stated, you do. I mean if you can't afford it and you don't want to leave your house, what are you going to do take your house? Mr. McFadden stated no you can apply for an exemption. Mr. Furlan stated what if I can't get an exemption, I was already told I couldn't by one of your Board members. How would they know that Mr. Furlan stated Jay said that. Jay Stone stated he did not say he could not apply for it. No, but you said I would not pass. Jay stated you couldn't because of setbacks from the drainage ditch. Tom McFadden asked if he would have any other options with a new septic system. Jay Stone stated no he has no other place to put a septic. Mr. Furlan stated no, but I never had an issue with my septic. I get it pumped and every time I get it pumped, they say it looks great. I decided no I don't want it, my septic is working fine what are you going to do to me. Arrest me, put me in jail, take my house, I am asking what are you going to do. Chris Nusbaum responded, if you don't apply and qualify for an exemption, the Board could make a determination and force you to connect or not. Mr. Furlan stated they could force me to connect, but where is the money going to come from? You can't squeeze blood out of a rock. Chris Nusbaum stated a judgement on a force connection order is only as good as the paper it is written on. The other thing districts can do as far as enforcement is (these are not policies of the district has adopted), Indiana law permits a district to levy \$100 a day fine against a property that has not connected and has been issued a force to connect order. Mr. Furlan responded you would fine someone a \$100 a day fine to someone that cannot afford to connect, and the bill keeps going up and up. Then what if I don't pay the fine? Chris Nusbaum stated it then becomes a lien against your property. Mr. Furlan stated then eventually they take my property. Chris Nusbaum stated, eventually to a tax sale.

Mr. Furlan asked if you'd ever looked at Bonds. Chris Nusbaum stated yes, we have a Bond. Mr. Furlan stated okay I had not heard about that. He stated he talked to someone on Pretty Lake, and they indicated they have so many backups. I've talked to people where it has backed up in their basement. Is that going to happen to us? What about the county inspector, you want to hire an inspector for \$600 to \$800 to come out and look at it. What does the county inspector do when you get a new septic, doesn't he come out and inspect it. Jay Stone stated they inspect the installation, but they do not do inspections on existing systems. Mr. Furlan asked why not. Jay Stone stated it requires excavation, and pumping. Mr. Furlan asked when someone inspects his septic what to do they do. Jay Stone stated there is a list of things that they should do.

Mr. Furlan stated he is aware that not everyone is getting notice of this meeting. I found out in March when I got this packet. There was no list of meetings in this packet. I sat next to 2 guys who did not even have packets and they got notified by neighbors who live on the lakes, so not everyone is getting notified. You indicated you had evening meetings, but no one knew about them. Where were they published? Chris Nusbaum stated that Indiana law requires that annual meetings be noticed at least 48 hours before every meeting. Those are posted outside this door. Mr. Furlan stated that I should come down here every week and check the door. Chris Nusbaum stated, this is what Indiana Public Open Door Meeting laws require. Additional local media have requested notification, and it is up to them if or not they publish it. We also provide them with a copy of our schedule of meetings. It is also available on our website.

Mr. Furlan stated if we can't afford it why can't the Board hook us up for free? You are telling us we have to pay, why don't you pay for it. It was noted that that would raise the cost of everyone's monthly bill. A woman in the crowd asked what will the grant pay for it we get it?



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Chris Nusbaum stated the project is the collection system, so the grant would be for everything from the grinder pump to the curb stop, all the pipes that are in the ground that will eventually carry it back. Mr. Furlan stated so there are 396 permits that could not be found. Mr. Furlan stated over half the homes on the lakes can't get exemptions because there is no permit. Kenneth Jones, Jr. stated that the other problem that there is a requirement in IA (Indiana Administrative Code 410 for on-site private septic systems and on-site private water supply wells, that says your well is supposed to be 50 feet from any part of your septic system. That code is cited in the Marshall County Zoning Ordinance. The significant majority of the all the waterfront lots and those adjacent to the waterfront lots in PSA 1 don't meet the minimum size requirement for a lot without municipal sewer, which is 1 acre. He stated that even if your septic is functioning well and you get to the point of an inspection most qualified septic inspectors and installers will let you know that this one is working but you have no room to build another one if this one fails, which creates a regulatory issue. Most health departments don't want to be the ones to go out and red tag people's houses, indicating they cannot live there anymore.

Kenneth Jones stated majority of the subdivision plats along Menominee Dr with particular regard to the south side of Lake Lawrence, Latonka Dr. there is already platted utility easements with specific mention on the plat to municipal water and sewer. They were doing lakeside developments thinking someday someone is going sewer this area.

Mr. Furlan stated there are almost 400 homes that will not qualify for exemption already because their permit cannot be found. Mr. Jones stated I cannot solve that problem for those people. Mr. Furlan stated everyone keeps saying apply for an exemption, but half of these people will not get an exemption, and you expect all these people to pay for it.

**Kevin Nash, 16053 Menominee Dr** – When did the packets go out, because I did not receive one. Kenneth Jones and Jennifer Ransbottom stated throughout the month of March. Mr. Nash asked what are the parameters for setback – is it 300 feet? Kenneth Jones stated the 300-foot rule is in IAC-410 related to the straight-line distance between an occupied structure and a municipal sanitary sewer system. Since I have not received a packet, I am not in the project. Kenneth Jones stated he told the staff that if we do not hear from property owners along that section of Menominee Dr that section has approximately a 10 -foot wide platted nonexclusive utility easement on the entire frontage, so that easement already exists along that frontage then if he does not sign the easement agreement there is one already there.

Mr. Nash stated the main reason for this is because of e coli and clean water systems. We all want clean water systems. Kenneth Jones stated the reason for this is related to modern residential development is allowed and what is not allowed. Mr. Jones told Mr. Nash your lot is significantly less than an acre, so you could not build that today unless there was municipal sewer available. It creates a regulatory issue as any benefit to the surface water is happenstantial as that is a problem from the farms that are nearby. Mr. Nash asked what are they going to do about that. You've got to be kidding about the amount of pesticides that are leaching into the water. You're creating one problem but not addressing the other. The crop dust buzzed my house last year, I don't know how they are allowed to do that. You think that it is not drifting into the lake.

Mr. Nash stated the main reason I came up is because I did not get a packet. Jennifer Ransbottom stated we can get your name, address and get you a packet.

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One last thing, this is going to be a financial burden, can we expect our property taxes to go up as a result of this? A lady in the back of the room commented because your property is going to be worth so much more because you have a sewer. Mr. Jones stated it depends upon what happens with assessments.

Bill Woodward from the back of the room asked if there is any way to look up an address to see if you are included in the system or just go by the maps. Because some of those maps are hard to read. Jennifer Ransbottom stated if you call that was in the packet, Cara Anderson can look at the spreadsheet and tell you if you are within that address. The reason I asked is because of the guy who mentioned earlier that lives on the northside of 12<sup>th</sup> Road, he insists he is not in it. Mr. Woodward asked if there was any way to put the spreadsheet on the website. Jennifer Ransbottom stated that it is not possible. Mr. Woodward stated, well then, people could look up to see. Ms. Ransbottom stated that people don't want their personal information on the internet. Mr. Woodward stated that I should provide public information through Beacon. Ms. Ransbottom stated that there are people who do not want their information public and have their information redacted, so we had to request specific information for our spreadsheet; therefore, our spreadsheet is confidential information. Mr. Jones stated that the map on the boundary is subject to change as we interact with people and learn more details about the property. There are several parcels on the southside that are over 10 acres, and it does not make a lot of financial sense for two or three customers to build 3000 feet of pipe with all that property; therefore, that line is subject to change.

**Kaylee Vendola, 16362 12B Road** – I am in the same boat as Serena as a first-time home buyer and I am learning a lot through these meetings. I have environmental concerns; there are studies that show a well-maintained septic system can be more environmentally sustainable in rural areas. What kind of environmental considerations are you taking into with this project? Mr. Jones stated this is not an environmental project, it is more the administration of the land tenure system, ownership, and the size of buildable lots or what is a buildable lot, depending on what local jurisdiction you are talking about. Marshall County has decided it is an acre without public water and sewer. Ms. Vendola stated that the County has determined that. Mr. Jones stated that you're in an incorporated city and they have their own Plan Commission and own Zoning Ordinance, which the City of Plymouth has. There are also unincorporated areas in Indiana, towns that are not big enough to have their own Plan Commission and Planning Documents, so they still allow the County to do the planning for them within their town border. Is it a good idea to have 5,000 to 7,000 square foot lots, not homes, an acre is 43,560 square feet, a city-sized lot that has been noted in the plat to reserve these easements for future utilities, so they knew that they were going to have to do this.

Will there be any cost benefit analysis for us homeowners? Mr. Jones stated he has seen districts in the past that wanted to look at the whole assessed value of the area years ago to what it is now. They are certain it is higher, and it is probably higher, but when you are in a world where every day there are articles every day from our local press how people are flipping out about their assessed value. Is that a benefit or not? Ms. Vendola stated she would be curious to see how the community would benefit as individuals.

This is more of a statement that here in the State of Indiana I feel our state bird is a traffic cone. Why did we decide to do something like this instead of bettering the roads.

**Antonio Soria, 17336 Tomahawk** – I noticed when I came in and now, I am one of them, an older gentleman said worked hard all our lives. He wants to retire, not we cannot. My health is not what it used to be. I made \$42,000 last year, that is a middle-class income, I am making

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enough to survive. From what I heard is that if I cannot afford it, I will have to get money from a bank, what tells me is if I can't afford to pay the bank, I will have to file for bankruptcy. I know for a fact I will be one of those property owners that you are charging \$100 a day because I can't afford it. From what I hear if the grinder goes out, I have to get that repaired so that you won't come out. Kenneth Jones stated that is not true as the grinder will belong to the District forever and they will repair it. Mr. Soria stated that is what we are being told. Mr. Jones stated then that it is a miscommunication or someone is misinformed. Someone in the back of the room stated you said it at the last meeting, that if it keeps breaking down the property owner will have to pay for it. Mr. Jones stated if someone is violating a use ordinance and flushing something that they are not supposed to be too sure.

Mr. Soria stated that is another thing as well owners we have flushed thousands of years flushed wipes down the toilet, we have never had someone come out and say – hey this is going on with your septic because they go right through the system. I have been living out there for 40-50 years and never had a problem.

Mr. Soria stated he did not get a packet.

**Mark Schneider, 16476 12 B Road** – I have until July 31 to sign over the easement, but we still can't file for an exemption yet. How is that supposed to work? I want to file for an exemption, so I shouldn't give away my easement agreement. Chris Nusbaum asked Kenneth Jones when the plans would be ready for submission to IDEM. Mr. Jones stated it probably be within 60-90 days from now. Mr. Nusbaum stated that currently July 31 is the deadline, but the Board is not necessarily committed to that date. The Board will probably evaluate how many they have and re-evaluate that date. Mr. Schneider stated that I don't have to sign it until I know if I can apply for an exemption. Mr. Nusbaum stated that whether or sign it or not has nothing to do with whether or not you are having to connect. Mr. Schneider stated I can still sign the easement agreement and file for the exemption. Mr. Jones stated if you sign the agreement and you file for an exemption, and you're exempted then it is not built on your property. Mr. Schneider stated that if I don't sign, then I am screwed and don't get the exemption. Mr. Nusbaum stated you can always sign it. We will always take an easement. Mr. Jones stated we would appreciate it if you would observe the deadline. Mr. Schneider stated he has 3 and half lots, I don't see why I need to hook to this. Chris Nusbaum stated there is no exception for lot size unless you have 10 acres. Mr. Schneider stated I agree, but my system is fine, it has been fine, and I have plenty of ground.

Bill Woodward from the back of the room stated, "I have one question, somebody decides they want to go for an exemption, and they wait before signing, is it going to be too late for them to sign the easement without any penalties? Chris Nusbaum stated the timeline for the exemption is we send out the notice, once we have filed the plans, The property owner will have 60 days to notify us that they intend to see the exemption. Bill Woodward stated if they are denied the exemption they can go ahead and sign the easement. Mr. Nusbaum stated they've been involved in project where the equipment is coming down the road and the property owner wants to sign. That will be a Board decision as it will require a change order cost that will have to be looked at, but we deal with those all the time. Typically, it should be a net. Mr. Jones stated he has not seen that playing out very often as that is usually considered contingency.

Bill Woodward inquired if a decision has been made if there will be a hook-up fee to hook-up to the system. Thomas McFadden stated that has not been decided.

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Chris Nusbaum stated that property owners should not rely on the public utilities' easement agreements for their properties as there may be too many utilities in that location. He stated generally we want an easement because it provides the most flexibility not only for the placement but for the homeowner. It goes back to a comment I made a couple meetings ago that if someone wanted to lime the scope of the easement, we've considered those, but always with the caveat that if constructability is not feasible when we get to that point, we are going to need a different easement.

**Mark \_\_\_\_\_, 30308 Nutmeg Road**, some people here do not know who all the players are here today. Could we have your names for the record: Christopher Spier, Lawrence Lake; Dean Colvin, Lawrence Lake; Brenda Meyers, Lawrence Lake; Thomas McFadden, Lake Latonka; Diann Parsons, on the channel between Cook and Holm; Jay Stone, on Cook Lake; Don Ecker, Jr. lives in the City and representing the City Council; Chris Nusbaum, attorney with Carson, LLP; Kenneth Jones, Jr, I am one of the project team at JPR. On the agenda, number one was an oath of office. I know you are not voted in but appointed. are you required to take an oath of office? Thomas McFadden stated yes, and they did that. Is that oath recorded? Chris Nusbaum stated Dean Colvin is new and he had to execute his oath of office. Is that a document people can see. Chris Nusbaum stated there is a public records request that I solemnly swear to support the Constitution of the United States of America. Mark stated it is the same oath that a councilman or the commissioners take.

In the beginning, Bill mentioned an environmental impact study and that was not talked about much. could you elaborate on that? Why needs to be done or why shouldn't it be done, or why it wasn't done. Kenneth Jones Jr. stated a significant majority of this proposed project is contained within areas that are already well historically disturbed. I am working between the right of way lines of a public road or on a residential lot that has already been converted into a house with a driveway, garage and a barn. There is an analysis that is done, but it is pretty limited because we are not going out and disturbing previously undisturbed pristine high valued resources. **Bill Woodard, in the back of the room**, stated like wetlands. Mark stated the criteria whether the study needs to be done or not. Kenneth Jones, Jr. stated the study has been done. Mark asked where it is posted. Kenneth Jones Jr stated it is part of the Preliminary Engineering Report and there is an environmental report attached that is all the exhibits. Mark stated so it is listed as Environmental Impact Study. Kenneth Jones, Jr. stated I don't know if you will find that language in there. Mark, I haven't found it. Kenneth Jones, Jr. stated in our office we refer to it as the environmental report, but it is in the appendices of the PER where we have to have historical and archaeological and protected resource assessments done throughout the project corridor.

Mark asked if the Board is referred to as the Marshall County Regional Sewer District Board or is it the Board of Trustees? Thomas McFadden stated that they are a Board of Trustees. Mark stated you are a Board of trust. Thomas McFadden stated they are a Board of a corporation, but referred to as a Board of Trustees, which is synonymous with a Board of Directors. Mark stated that the definition of a Board of Trustees is an appointed group of individuals responsible for managing an organization's assets and strategic direction. Trustees are appointed or elected to act in the best interest of the beneficiaries concerning key management decisions. So, who are the beneficiaries of the trust? Chris Nusbaum stated the users of the system. Mark stated the beneficiaries are the people of Marshall County? Chris Nusbaum stated the members of the territory that the Marshall County Regional Sewer District is formed for. Mark stated so you are here to oversee the best interests of the beneficiaries which are the people of Marshall County. Mark stated Article 4 Section 49 of the Constitution says we have a republican form of government, so you the Board was created to

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represent the people. Lastly, Article 1 Section 1 of the Indiana Constitution says that all people are created equal that they are endowed by their creator with certain inalienable rights that among these rights are life, liberty and the pursuit of happiness. This is why I want to emphasize that all power is inherent in the people and that all free governments are and of right ought to be founded on their authority. That word inherent means you can't separate power from people.

**A man from the back of the room asked:** is there a time frame for the final decision of the Board for moving forward. Thomas McFadden responded No. Chris Nusbaum stated the biggest thing we are waiting on are the results from the application to the Indiana Finance Authority and that it will come out at the end of June. That will be the next item that will give us some more information, but until the bids for the system are out. Until we know what it will cost, we cannot do much else. The man in the back of the room stated no construction would happen prior to that – Right. Do you already know what or have an idea of what the order of construction would be? Like what properties would be affected first. Kenneth Jones, Jr. stated no we are not able to speak to that today. Kenneth Jones, Jr. stated the order in which the project will be put together would probably be determined sometime during or immediately after the bidding process and there will be some level of communication.

**Bill Woodward from the back of the room** – so if the progress starts in that direction once it is where the people can hook up or does it have to be a complete system before they can hook-up. Kenneth Jones, Jr., stated it has to be a complete system, and it is likely that there will be some amount of phasing when we get to that point. Chris Nusbaum stated there probably be only 2 phases.

**Eric Kidder, 16542 Mill Pond Trail,** As I was listening to everyone speak today, it reminded me of where I use to live in Irish Hills, in Granger. I was a resident on a small private lake from 1976 to 1992. I was not going to speak, but I want to let everyone know what happened to me. In 1992, I got transferred to Tennessee. My parents purchased this property at 16542 Mill Pond Trail for our family to enjoy for a couple months a year. I long be able to do that. My taxes just this year went from 72,000 to 96,000. I have had it on the market trying to settle my dad's estate for over 2 years. No one will buy that property because it isn't HUD or doesn't have a foundation. Many of these properties, I am sure, do not have foundations because they were built years and years ago. What happened to me in 1992, they did the same thing here that they did Irish Hills. I was one of the lucky ones as someone bought the property, the sewer was put in and multiple dwellings were put up on large lots.

**Serena Anderson, 17085 Tomahawk Trail,** I have one more thing, we are talking about increased property values. I don't plan to sell my home. The value of my home doubled. When Angie had purchased the property in 2019 for \$158,000. Her husband and her were able to purchase their home for \$262,000. That is over \$100,000 from what she purchased. It is clear that lake homes and homes near lakes are not going to decrease in value. There are homes that are for sale and have been in the market for months. It has nothing to do with septic or sewage systems but has to do with the outrageous prices.

**Lady in the back of the room** – that just causes more taxes.

**Allison Kurthers, 15802 Menominee** – I am for the project, our neighbors have had so many problems with their septic. I get both sides of people for and against the project. Our neighbors have had so many issues with their septic that they were told the last time they had it pumped that if they have another problem, they have to get a mound system. They have nowhere to

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put a mound system, and they were told that. My question is what do those people do? Jay Stone stated they are out of luck. Allison stated she has been here that same thing regarding other houses on Cook Lake. The neighbor on the other side of their house has never had their septic pumped since they have lived there. Ms. Kurthers questions where it is going, because how is it that they've never had it pumped. When they finished their basement and added a bedroom in the basement with full windows, which we thought would technically be considered a bedroom and when the inspection was done it is not considered a bedroom because they would have to upgrade their septic; therefore, if they go to sell the house the basement bedroom is considered a bonus room. If they do get a sewer system, does that bonus room become a bedroom. Kenneth Jones, Jr. stated that does change the room as septic systems are sized based on bedrooms. Ms. Kurthers stated luckily, they have a lot across the road as she would not want to be in her neighbor's shoes should anything happen with their septic system. Kenneth Jones, Jr. stated anecdotally speaking the majority of the people the JPR staff has talked to have been positive about the project. The discussion that occurred earlier about property values, speaking for JPR, that we've never been involved in these projects, where the Board that we worked for, including this one, have said they are doing the project to enhance people's property value. When property value gets discussed, it is normally from the perspective of trying to maintain that value that is there.

Public Comments were concluded at 11:52 AM. A short 5–10-minute recess was taken.

## 3. ACCESS TO PUBLIC RECORDS POLICY/FORM

Chris Nusbaum noted included in the Board packet, there have been several requests for documentation, and Indiana Law provides that the District's information, with certain exceptions, is subject to public inspection. It would be beneficial if a specific form could be for people to complete when they make these specific requests. This will provide the ability to manage the requests between JPR and the District. It is proposed that when the request is received, it will be routed to Carson, LLP for review and provide a statutory response and if there is any question about the propriety of any of the documents being released can be brought to the Board. The District has to respond as it is statutorily required. Dean Colvin asked for the requests for this public access information to the Regional Sewer District, I see you are charging \$.10 for that copy; is that consistent with the copy fees Marshall County charges? Chris Nusbaum stated that if someone wanted paper, we would provide it, but everything we have is electronic. Electronic copies would be free. The statute that was specifically referenced states that you can only charge up to \$.10 per page associated with the request. Don Ecker, Jr., inquired where the email address goes. Chris Nusbaum stated it is maintained by JPR, which is the only email address maintained so far.

Don Ecker, Jr., made a motion to accept the Access to Public Records Request Form as presented. The motion was seconded by Brenda Meyers. All were in favor. The motion was approved unanimously.

## 5. MEETING MINUTES

The minutes of April 9, 2025, Monthly, Board meeting were presented and reviewed by the board members. Diann Parson noted the only correction was it said Debbie Palmer attended via Zoom, but she was present. Thomas McFadden stated the minutes did not indicate that Don Ecker, Jr. and he were absent. Diane Parsons Palmer made a motion to approve the

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minutes of April 9, 2025, with the correction as noted. The motion was seconded by Jay Stone. All were in favor. The motion was approved unanimously.

Chris Nusbaum stated he spoke with the IT staff about attending remotely, and they indicated they are working on it, so in the future, if people need to attend remotely, they will be able to do so through the system to currently broadcast. They don't have it yet, but it is coming.

## 6. FINANCIAL REPORT and CLAIM APPROVALS:

### a.) Financials – April 2025

### b.) Claims – April 2025

Brenda Meyers reported the April beginning balance was \$2,370,528.05. April interest was \$8,191.72. Checks paid in April were \$52,185.26. There was a credit of \$71.97 for insurance overpayment that was refunded. The ending balance as of April 30 was \$2,326,534.51. Claims for approval for May total \$99,781.19.

Christopher Spier made a motion to approve the minutes of Financials ending April 30, 2025, as presented. The motion was seconded by Jay Stone. All were in favor. The motion was approved unanimously.

## 7. LEGAL COUNSEL UPDATE:

### a.) Don Ecker, Jr. Appointed by Plymouth Mayor - reappointed

Christopher Nusbaum stated he received from the Town of Plymouth's attorney Don Ecker's appointment for the new term that will expire on April 30, 2029.

### b.) New Board Member Appointed - Dean Colvin

Chris Nusbaum stated Dean Colvin was appointed by the County Commissioners. Dean's appointment is for the term for 4 years that will expire on April 30, 2029.

Chris Nusbaum indicated when the Board was first formed, IDEM or in the petition they like to see rolling terms, so there were a number of Board members appointed for 2 years, 3 years and 4 years. Next year another 2 or 3 will be up for re-appointment. Going forward, any member will be appointed for a term of 4 years and will cycle in the April/May time period.

## 8. INSURANCE COMMITTEE UPDATE

No update

## 9. ENGINEERING COMMITTEE UPDATE

No update

## 10. ENGINEERING UPDATE

### a.) Project Tracking Tool

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

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## b.) Site Visits

Kenneth Jones, Jr. reported that about 80% of the plan sheets have been completed for the entire PSA 1. He stated interaction with residents is going as well as ever goes in terms of how many people are saying they did not get a packet, or I got my neighbors instead. We wish that those did not happen but over 900 there will be mistakes made.

Kenneth Jones, Jr. stated he has spent time talking with Ken, Sr. regarding the interlocal agreement and distributed a memo for the members to review. He stated they will be seeking a second and direct meeting City leadership to discuss the agreement.

## 11. PRE-DESIGN

## 12. FINANCIAL CONSULTANT UPDATE

No one was in attendance.

## 13. ANY OTHER BUSINESS BROUGHT BEFORE THE BOARD

## 14. ADJOURNMENT:

Don Ecker, Jr., made a motion to adjourn the meeting. The motion was seconded by Brenda Meyers. All were in favor. The motion was approved unanimously.

The meeting adjourned at 12:16 PM.