Marshall County Regional Sewer District Board Meeting Minutes

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

The Marshall County Regional Sewer District Board met in a special session on Wednesday, August 13, 2025, at 9:00 AM at the Marshall County Building located at 112 W. Jefferson Street, Room 203, 2nd Floor, Plymouth, IN 46563.

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

1. ROLL CALL:

MCRSD Board:	Thomas McFadden (via Zoom), Dean Colvin, Don Ecker, Jr., Brenda Meyers, Diann Parsons, Jay Stone, and Christopher Spier
Also Present:	Christopher Nusbaum, Carson, LLP Kenneth Jones, Jr., Jones Petrie Rafinski Alexandra Nahrwold, Jones Petrie Rafinski Jennifer Ransbottom, Jones Petrie Rafinski
Guest:	Will Stouder, President, Sludgehammer,

2. SLUDGEHAMMER PRESENTATION

Mr. Stouder presented information regarding his company, Sludgehammer. Sludgehammer is a company that has a patented Aerobic Bacterial Generator that stimulates the growth of specialized and helpful bacteria in the septic tank. The installed Sludgehammer blend of micro-organisms immediately begins digesting waste. The aggressive bacteria migrate into the septic field where they consume the biomat that clogs the soil. The digestion is so complete that the need for pumping of the septic system is virtually eliminated.

Mr. Stouder stated that the existing system can be used for Indiana-qualified sites. To be a qualified site, a licensed certified trades company working within their network comes to the homeowner's property and evaluates per the State of Indiana's protocol for site qualification. The qualification involves qualifying the septic tank, the right size, structural integrity, ensuring that the soil classification is on file for the permit process, and making sure the disposal field is adequate. If the site qualifies, the septic infrastructure can be used and retrofit their technology into get the advanced treatment process and clean up the affluent and safely discharge it on site versus the sewer system.

Jay Stone indicated that the only discrepancy he is aware of is the State of Indiana will not allow local health departments to grant a variance on setbacks for repairs using ATUs or the Sludgehammer system. The Marshall County Health Department Environmentalist.

Jay Stone indicated he put together a spreadsheet on a small subdivision around the lakes, estimating 39 homes that are probably occupied, some of which might be questionable. He found 21 documented systems and 18 of those 21 would be out of compliance as far as setbacks, whether it's off the lake, well, property lines, or away from the house. A high-water table cannot be overcome by an ATU. It is reported that the water is cleaner, but according to the State of Indiana, they still have to be compliant.

Kenneth Jones, Jr. stated in the presentation comparing the solution of a communitywide sewer system, there were a couple of items to address. The aquifers that the wells are drawn from and are being used and consumed and put back into our private on-site systems, keeping the aquifer recharged and/or keeping the lakes at their level. Also restoring landscape, any public works project has to restore everything to a like or better condition as it existed previous prior to the project. A question I have is how much does the biological system depends on the occupation or seasonal occupation of the home. Mr. Stouder stated that they deal with a lot of seasonal applications. If the homeowner wants to turn off the system when they leave and turn it back on when they arrive, there is no problem at all.

Kenneth Jones, Jr., stated specifically to PSA 1, we started with 628 homes, and that number has gone down a bit. If reviewing the original PER, there is a boundary referred to as the study area boundary for PSA 1, if go to the current service area boundary, it is different and has shrunk. There are probably multiple examples of properties where the space between the lines has been removed from the service area because of their acreage, their location. Those properties have been removed as it did not make sense financially to extend public sewer to serve four homes. More than half the septics in the area are undocumented locally, there is no record. Members of the JPR Engineering team have been meeting with property owners continually and it stands to reason those who the members have met with have the most interesting situations. These property owners that the team has met with have undocumented systems and lots that are less than 25% of the minimum lot size that is currently required by Marshall County, which is one acre and the majority are probably on dry well systems.

Mr. Stouder stated qualification is very important because there is going to be a lot of sites that are undocumented, and they don't know what the soil condition is and that would disqualify through the state evaluation checklist protocol and Sludgehammer cannot deal with those types of disposal applications. There would be some variables, so sites would qualify and some would not.

Jay Stone stated he has been on many of the lots around the lake and many of the lots could never have anything installed in the way of an approved septic system even with a 30% setback on the soil treatment. He stated he has seen people ask online why did the county allow that? Back when those developments were started back in the 50's, there was no county zoning, there was no septic ordinance, the first septic ordinance in Marshall County was in 1967. There are a lot of undocumented systems. Jay Stone indicated when he was in the septic business, they would dig out steel drums, Sears and Roebuck actually sold these in their catalogues and the biggest problem with those is could probe around to find the tank and suddenly it would disappear as there was nothing under as the probe was shoved into the lid, which is being stood on.

3. MEETING MINUTES:

The minutes of the July 9 Monthly Board meeting were presented and reviewed by the board members. Diann Parsons indicated there was a correction on the approval of minutes, the minutes indicated Debbie Palmer made a motion, but she is no longer on the board, and that it was Diann Parsons had made the motion. Don Ecker, Jr., made a motion to approve the minutes of the July 9 Monthly Board meeting with the correction as stated. The motion was seconded by Dean Colvin. Don Ecker, Jr., - Yes, Christopher Spier – Yes, Dean Colvin – Yes, Brenda Meyers – Yes, Thomas McFadden – Yes, Diann Parsons – Yes, and Jay Stone – Yes. All were in favor. The motion was approved unanimously.

4. FINANCIAL REPORT and CLAIM APPROVALS:

a. Financials – July 2025
Brenda Meyers reported that the beginning balance was $2,185,711.85. Interest earned was $7,718.40. There were three disbursements last month of $66,833.41 for an ending balance of $2,126,596.84.

b. Claims – July 2025
Brenda Meyers stated there were 3 claims totaling $78,206.27.

Dean Colvin stated at the last meeting following the placing of the project 42nd on the SRF list, that maybe slow the project down and focus on the application for the grant. He asked if there is anyway the expenses can be pulled back. Kenneth Jones, Jr., stated after the last meeting, he was not able to stop things that were already in process. Dean Colvin stated this is a very expensive project, the overall expense and not being successful at this point to get a grant application, perhaps needs to slow down expenses, and at the same time need to maintain the forward momentum to keep the project going forward. He asked how much of the $3M obligation to JPR in the expenditure. Kenneth Jones, Jr. stated JPR would expend about half of the $3M until to construction and some after construction. The non-local funding will not be finalized, regardless of the source, until ready to go to construction. He stated the District is a brand new entity and has not been able to collect from rate payers or other sources in order to design the next new project and then pay yourself back after the funding is closed; therefore, a Bond Anticipation Note (BAN).

Christopher Nusbaum stated even established municipalities will do BAN because that money may be cheaper than using their own. Dean Colvin stated the reason the District went with the BAN is because there was no local funding of substantial value to push the project forward. Christopher Nusbaum stated the District could not go to the IFA and ask for money when you can't tell them what the project is. The project needs to be ready to go to construction.

Kenneth Jones, Jr. stated that the Indiana State Authorities State Revolving Fund project priority list the project was trending in low 20's and trending upward toward the top ten. Projects have to be in the top ten of the list to be fundable. It was trending upward until the most recent preliminary ranking when it dropped to 42. It is our understanding from the SRF that change is based on their perception of the local disagreement with some local officials that is ongoing. Unfortunately this disagreement may have negatively impacted the timing. JPR has 3 or 4 projects in the SRF top 10. JPR is use to seeing projects bounce around as the project is getting construction ready.

Dean Colvin stated the cost of this project should not be a surprise to the District or to the Council or the Commissioners, because the preliminary report done for the Health Department in 2022. It was noted that the engineering costs were listed in the report, so this should not have been a surprise to anyone. Listening to the Sludghammer presentation, is there a geographical area in PSA 1that is the most vulnerable area for purposes of the sewer system. Dean Colvin pointed out on page 3 of the preliminary report it was pointed out that there was a substantial number of lot that were less than a fifth of an acre in size. For all practical purposes they don't qualify today for a standard septic or a building permit to build the home itself, but yet they have some structure on them right now that they are operating some form of system. Can we modularize this whole project to get the service to those individuals who are the most impacted. Christopher Nusbaum stated Kenneth Jones Jr. engineering update has some possible options for pre-design and phasing. In regard to alternate technologies, all those numbers were noted, the potential solutions were evaluated, the cost projected and petitioned for by the County Council and the County Commissioners resulting in the creation of the District Board and the obligation of the Board to construct a sewer system and eliminate septic. Christopher Nusbaum stated State statute, as currently written, only provides exemptions for 20 years.

Diann Parsons made a motion to approve the Financials ending July 31, 2025, and Claims in the amount $78,206.27 as presented. The motion was seconded by Don Ecker, Jr. Christopher Spier – Yes, Dean Colvin – Yes, Brenda Meyers – Yes, Thomas McFadden – Yes, Diann Parsons – Yes, Jay Stone – Yes, and Don Ecker, Jr. - Yes. All were in favor. The motion was approved unanimously.

5. LEGAL COUNSEL UPDATE:

Christopher Nusbaum stated the current litigation with the County Commissioners hearing is set for October. Originally, there was a declaratory action which resulted in an in an amended complaint and a separate quo warranto action. We filed a motion to clarify the status of the filing due to the amended complaint. The District's motion to dismiss was rendered moot because of the amended complaint, the clarifying order was granted and another responsive pleading will be filed. Updates on the progress of the litigation will be provided. There was a comment made at a public meeting that the District has 4 attorneys and he indicated it is important to stress that four attorneys are not working on the matter at any given time. He stated Andrew Boxberger and him work with the District's and municipalities they represent, but they are not litigation attorney's; therefore, their litigation team which the issues at hand are conveyed to them from the municipal law standpoint and they handle the litigation. Just because there is the appearance of four attorneys, there are not four attorneys billing at any given time.

Early this week there was a County Council meeting that comments were made from a legal perspective that were concerning. The comments made was that the County was responsible for the District's Bond Anticipation Note (BAN). Christopher Nusbaum stated the District is a separate municipal corporation, the District is responsible for the BAN. No requests for that information have been requested, but if a request is received, that information will be provided. It is already available to the public on Gateway as it has to be uploaded to the Department of Local Government Finance.

The other item brought up at the County Council meeting, which some of the County Commissioners were also in attendance as well and they have scheduled a joint session for Wednesday, August 20 at 6:00 PM. As of this day, the joint meeting had not been publicly noticed. Apparently, they are inviting the Health Department and to my knowledge the District Board has not received an invitation to attend. Given they are talking about the District, it would probably make sense to have some representation in attendance whether it is JPR, Board member or legal counsel. There is a lot of conjecture and that goes to the public with comments made that are not true. If the correct information is not out there then it is difficult and it would be better if the questions were asked of the Board. The County Commissioners or the County Council have not come to a District Board meeting to ask questions.

Christopher Nusbaum stated as for the District trying to solve any individual case-by-case bases of septic elimination systems, it is very clear what the order is from IDEM. The directive is septic elimination construction of sewer. It is good to be apprised on the options, but sewer districts are not created to prolong septic use.

Kenneth Jones, Jr., stated JPR will be attending as there were statements made specifically regarding JPR. Discussion ensued regarding attendance at the joint meeting. Christopher Nusbaum indicated the meeting could be noticed as a public meeting to be clear of open door laws. It will make the public understand that a quorum of the District Board will be present

Dean Colvin made a motion in the event the County Council and County Commissioners move for a joint meeting to discuss specific issues of the District Sewer Board Public Notice that the District Board will attend the meeting. Christopher Spier seconded the motion. Christopher Spier – Yes, Dean Colvin – Yes, Brenda Meyers – Yes, Thomas McFadden – Yes, Diann Parsons – Yes, Jay Stone – Yes, and Don Ecker, Jr. - Yes. All were in favor. The motion was approved unanimously.

6. INSURANCE COMMITTEE UPDATE
   No update

7. ENGINEERING COMMITTEE UPDATE

8. ENGINEERING UPDATE
   Alexandra Nahrwold indicated the brakes have been pumped on the Right-of-Way Report for final alignment changes. Land acquisition for the pump stations and flow meter sites are on hold for the time being as well. Utility locates will be pursued as there are a few areas where NIPSCO electric and NIPSCO gas have underground lines that still have not got back to JPR regarding as it will affect final alignments.

   Alexandra Nahrwold reported hydraulic model updates were previously done on the west side and considering looking at doing another update and updating the east side as well. As Kenny discussed earlier with the study area versus the actual project service area. Some of these properties where thousands of feet of sewer line for a couple of properties that may be on an acre or more, JPR is looking at the economics of this type of connection.
   Jay Stone stated Kenneth Jones, Jr., had mentioned ways to trim the project, if the grinders were eliminated for the municipality, go to homeowner owned, this is not a given. Would this eliminate onsite meetings with residents? Ms. Nahrwold stated that as a property owner,

JPR is explaining to the property owners where their electric, well, and septic are located and then discussing with them the locations. If the property owner is going to have the grinder station installed themselves, it is still good to have those discussions with them.

Kenneth Jones, Jr. stated that this relates to Dean Colvin's question regarding if there are areas worse than others, and maybe there could be some phasing. One option JPR has discussed is a pipe only project. The pipe network would be installed and built to one of the two large lift stations and then to the City of Plymouth. This would put a stub line at the property in the public right-of-way. The property owner could then put the grinder anywhere they want on their property; they own it, they install it, and they maintain it forever. This moves the expense of the project. Another option is not going to the City of Plymouth for treatment, but a possible arrangement with Ancilla. Allie Nahrwold stated if the District decided to go with the pipe only, the District would have to set strict standards for the property owners connecting.

a. Easement Deadline Discussion
Allie Nahrwold regarding as of August 11, 88, signed easement agreements have been received, and more are being received every day. At a site visit, she had a property owner who waited for the site visit to sign their packet, which is not unusual.

Allie Nahrwold stated the easement deadline has past. Discussion was held regarding sending a second notice. Christopher Nusbaum stated a deadline was set because if a deadline is not set nothing happens. It makes sense given the new funding cycle what a new deadline would be, keeping in mind that is one of the best indicators that can be shown to SRF that support, and that trend line go up. The second notice would do two things, one, acknowledge support of the project, and would be able to acknowledge that in the next funding package application in 2026. A suggested date of end of February, 2026 because we will be applying again in March. The notice will be put together and presented at the September meeting.

Jay Stone inquired if the received easement agreements have been recorded. It was noted that they have been recorded. He inquired if the need for easement changes what would occur with those recorded. Christopher Nusbaum stated should that occur a blanket release document could be recorded.

b. Site Visits – Ongoing – Update
Allie Nahrwold reported 92 site visits have been completed to date. Kenneth Jones, Jr. and she have a couple more scheduled this week as well. Site visits are still being scheduled as we prefer not to have property owners continue to wait. If the project is changed to a pipe only project all site visits would end.

c. Pre-Design Activities

d. City of Plymouth Interlocal Agreement

Kenneth Jones, Jr. reported a meeting was held with the City of Plymouth to present JPR's recommendation.

e. Project Information – Public Information Meeting Summary
Allie Nahrwold reported there was a decent turnout. Talked to a lot of residents and scheduled a lot of site visits. The meeting appeared to be successful and the feedback received had been positive as well.

9. FINANCIAL CONSULTANT UPDATE
No Update

10. PUBLIC COMMENTS
Jay Stone asked that comments be restricted to PSA #1 as nothing is actively being done on any of the other PSAs.
2:04:13

11. ANY OTHER BUSINESS BROUGHT BEFORE THE BOARD

12. ADJOURNMENT

Brenda Meyers made a motion to adjourn the meeting. The motion was seconded by Christopher Spier. Christopher Spier – Yes, Dean Colvin – Yes, Brenda Meyers – Yes, Thomas McFadden – Yes, Diann Parsons – Yes, Jay Stone – Yes, and Don Ecker, Jr. - Yes. All were in favor. The motion was approved unanimously. All were in favor. The motion was approved unanimously.

The meeting adjourned at 11:10 AM.