

MONTGOMERY COUNTY REGIONAL WATER & SEWER DISTRICT
10/20/2021 Special Board Meeting Minutes
South Boulevard County Building
110 W South Boulevard
Crawfordsville, IN 47933

The Montgomery County Regional Water & Sewer District met in session via virtual meeting platform on Wednesday, October 20th, 2021 at 3:00pm. The special meeting was conducted via Zoom Meeting and was organized at the South Boulevard County Building, 110 W South Boulevard, Crawfordsville, Indiana. Board members present were: Chairman Dan Guard, Greg Morrison, and Mark Davidson.

Also present: Sewer District Attorney Stu Weliever- Henthorn Harris Weliever & Petrie P.C.; Davis Lamm - BCS Management; and Lori Dossett.

Guests present: Brittany McCloud – Dutcher Trenching; Kasey Dunn – Dunn Contracting

I. Call to Order – Chairman Dan Guard called the meeting to order at 3:01 pm.

I. Consideration of the Board – exemption of connection based on proximity

A. Open Discussion

Dan Guard opened the discussion by stating that his opinion was that the board should follow the Montgomery County and Indiana codes, which provide no reason to exempt the property located at 1359 S Nucor Road from connection to the sanitary sewer. Further, if the board were to issue an exemption to this property based on arbitrary reasons not codified in state or local law, it would be setting a dangerous trend.

District attorney Stu Weliever reported that he reviewed the state and local exemptions, and this property does not meet any of the requirements to be exempted from connection.

Greg Morrison inquired about the acreage of the property. Mr. Weliever reported that it would need 10 acres to meet the minimum for a septic system.

Mark Davidson asked what the cost difference was between the sewer connection and septic system being considered by the homeowners. Kasey Dunn, Dunn Contracting, reported that the sewer connection would cost \$11,500 at a minimum.

Mr. Guard state that by allowing an exemption based on the cost of a sewer connection, they would be incentivizing people to not do due diligence and come to the board to solve their problems that could have been avoided. Mr. Guard asked if he could assume that the property owners were notified when the system was built. Mr. Weliever reported that letters were sent to all property taxpayers and to every address. Also, there were numerous public meetings and newspaper announcements.

Mark Davidson voiced concerns about the fact that the Health Department led Kasey and the homeowners to believe that they could choose a septic system when in fact they didn't have that option, per state and local codes. He also asked if there was a chance the previous owner didn't tell the current owners about the sewer line. Mr. Dunn reported that the seller was a realtor.

Mr. Dunn stated that he believed that the letters and meetings that occurred before the collection system was built were not sufficient and that property owners should be notified yearly. He then stated that he and the property owners needed to know about the exemption now because

he already got his buddy who pours concrete to fit the property into his schedule. Mr. Guard asked if making decisions based on an ultimatum like that was smart for the board.

Mr. Guard repeated his warning to the board that based on the facts, issuing as connection would set a bad precedent for the board that will result in anybody who can save money coming to the board and begging for a connection exemption.

Mark Davidson motioned to issue a connection exemption for the property at 1359 S Nucor Road. Greg Morrison seconded. Motion passed 2-1.

Mr. Weilever commented that he wasn't sure about what just passed and that more work will be needed in the wake of this decision to modify certain board ordinances and protocols.

II. Adjournment

Having no other business to come before the Board, Dan Guard moved to adjourn.

Meeting adjourned at 4:00pm.

Submitted by Davis Lamm – Project Manager - BCS Management

Approved this ___ day of November, 2021.

Dan Guard, President