PUBLIC MEETING

HELD ON 10-19-05

IN RE: BEAN BLOSSOM REGIONAL SEWER DISTRICT

PUBLIC MEETING AS FOLLOWS:

BY LYNNE NEWLON:

Explain briefly what's going on and then we'll start this meeting. We're going to have a public meeting. We're going to give a little bit of background, kind of how we got to this public hearing. This public hearing is by statute to actually form a regional sewer district. It's in Indiana Code 13-26, and states, you have to have a public hearing as part of the process. The hearing, as I said, is to form an entity. It's a municipal corporation. And it's for this area of Bean Blossom. It doesn't mean the whole area is incorporated, but it means it's incorporated to serve the purpose for a sewer. So by doing that, the public funding becomes available. And when I say public funding, for the rural development money, which also has grant money as well as state revolving fund money, which are low interest loans, and sometimes grant money attached to it, commerce money. So it allows this entity, if it is formed,

to pursue public funding. Low interest loans and grant money would help the overall costs. I want to thank everyone for coming out. We're just going to kind of informally have this meeting. We'll answer your questions to the best we can. We may not have all of the answers. I'm sure someone's going to say well how much is it going to cost. We don't know. What will happen, if .. we'll have this public hearing, we have public comment. Anyone can send comments to IDEM at that time. Then, I will review everything. This hearing officer. The Petition, make sure everything meets the statutory requirements. I'll review all of the comments. And then based on that, I would draft what they call a findings of fact. And then if it's recommended, a recommended order. Then, it actually goes to the office of legal counsel within IDEM. With is Indiana Department of Environmental Management. Then it goes through like a four or five signatures, ultimately the Commissioner of IDEM signs it. If that happens, then there's a

thirty-three day period that is an appeal time. If anyone chooses to appeal it, they give time to appeal it. If it is within those thirty-three days from that signature. It will be public noticed in the newspaper once it is signed. Anyone that sends an Email to me, or comments, will also receive notice of decisions. If you want notice of decision, then I would suggest and we can come around and pass these out, to fill one of these out. Please print, because I'm going to have to make labels. With your full address, zip code and everything. And I will send one out. But it will be noticed in the newspaper. So that's kind of what happens and how it comes about. I've been coming to Bean Blossom probably for four or five years, to committee meetings, to meetings that Helmsburg had, meetings I think even with county commissioners, county council. So, talking about the problems here in Bean Blossom. And they organized the group the Friends of Bean Blossom, did I get that right? And Jim Drum is going to get

up and talk. And when you ask questions, we are recording this. I am going to ask people to come forward and state your name, and then we will answer the .. ask the question, or you might want to save your comments for the public hearing part, but if you have one. And then because this is being recorded. We will have transcripts. And all of this does go to the Commissioner so he can review it. So, please speak clearly, and slowly, where we can get this on record. So right now I'm going to turn it over to Jim Drum. He's been part of this Friends of Bean Blossom. Kind of give you a quick background. And then we're going to go on over to Mark Davis, with .. he's with RCAP, which is Rural Community Assistance Program. And then we'll open it up to questions and answers. Then we'll move on into a normal public hearing. Okay, Jim.

BY JIM DRUM:

Thank you. Well, the Friends of Bean Blossom since formed long before I was involved with them.

They've been trying to get sewer project in for five or six years. Currently, I am the Chairman of the Friends of Bean Blossom. Dennis Smith is the co-chair. Steve Staley is our treasurer. Agnes Unger is our secretary. We owe a lot of thanks to Nina Jo McDonald because she got this group together to make this all happen. Like I said, we have gone through preliminary engineering study. We've met with IDEM. We've met with RCAP. We've had a lot of meetings trying to get this process moving. So, this is .. this is an important step, and we welcome your comments as we proceed forward. So with that, I'll just turn it over to Mark Davis. He's our .. our really guiding light with the Indiana rural development.

BY MARK DAVIS:

Thank you. I think guiding light is a promotion, so I appreciate that. But the rural community assistance program, of which I'm a part, Mark Davis, and also Vicky Perry .. I'm waiting for her .. Vicky is also a part of RCAP. And we are a not-

for-profit organization that provides no charge technical assistance. We receive both State and Federal grants. And via those grants we're able to help communities like Bean Blossom, and basically we can help kind of guide you through the process. And basically we became involved because there was a finding by the health department and by local residents that there were concerns with the quality of the surface water in this area because of in particular because of failing septic systems. And what we try to do is help communities through the process of dealing with that problem. And where we've gotten to at this point is we are having the public meeting and public hearing tonight to discuss the formation of a regional sewer district. And the way that happened was an area was determined, and actually Jim brought the map, and that's actually the boundaries of the proposed sewer district. And basically what we have done is we're looking at a number of different options at this time. And I know the first question everyone

wants to know is how much it's going to cost. And I can upfront tell you we're not to that stage yet. I can show you the preliminary engineering report, that has estimates. But the reality is until a final system is identified, the costs are still very much up in the air. I will tell you though that the members that are Friends of Bean Blossom, and I think ultimately whoever will be appointed to the sewer board, if it is formed, are members of this community. So it's not .. they want as cost effective a system just as much as everybody else. So please keep that in mind. I know that every member of the Friends of Bean Blossom wants something affordable. And I think that's a very key issue for everyone. So, with that, that is where we have gotten to today is we've reached the point of forming a sewer district. There's been looking at a number of other options. And basically what's been found to get us to this point is that really the best option for Bean Blossom right now is the formation of their own district,

instead of joining with another sewer district, and/or the expansion of an existing district. So that is where we're at. And I will turn it back over to Lynne Newlon for her to moderate the questions.

BY LYNNE NEWLON:

Thank you. Okay. Are there any questions? And if so, please stand up and I might be able to take this mike. It's very important that our Court Reporter hears you. State your name please. Yeah, that's fine.

BY FRANK JESSUP:

All right.

BY LYNNE NEWLON:

He can hear you.

BY FRANK JESSUP:

All right. My name is Frank Jessup. I live in Bean Blossom. I've lived here approximately ten years. And I've attended most, if not all of the previous meetings back when Nina Jo McDonald first got this thing spearheaded. And probably one of

the most important things, aside from the obvious of cost factor, is where will the sewage actually go and how will it impact our property values in terms of the stench? Well, it was brought to my attention at the earlier meetings that there was a State law, as I understood it, that said that if there was an existing facility within a given boundary, two miles or whatever, they were required to hook into it. Specifically, Helmsburg. Well there was a running debate at all of the meetings as to whether this would be reality or not. And I would like to say that if this thing comes about, that that would be absolutely mandatory that it hook into Helmsburg as opposed to any freestanding treatment options within Bean Blossom. There was also concerns as to where they were actually going to run the sewer lines. And it was stated that law said they could not run them on the same side of the road as the incoming fresh water supply lines. And I would want to make sure that that is true, and they do do that. Make sure the sewer lines are

on the opposite side of the road than the incoming water. And the sewage is piped off to Helmsburg. So, that's my concern. And that's about all I have to say. If anyone agrees with me, they need to chime in on this.

BY LYNNE NEWLON:

Okay.

BY FRANK JESSUP:

Thank you.

BY LYNNE NEWLON:

Thank you. I'm not sure of that law within two miles. So, but I will ask and .. internally in IDEM.

BY FRANK JESSUP:

It was mentioned at all of the meetings that I've attended. They hammered on that repeatedly. They .. well, I have more to say, I need to comment on this further. I hope you count words, obviously. Well in continuation, they went on to say at these earlier meetings that the Helmsburg facility was not running at full capacity, and that the influx

of water from the Bean Blossom project would actually would it run better.

BY FEMALE VOICE:

Exactly.

BY FRANK JESSUP:

That's what they said.

BY FEMALE VOICE:

(inaudible).

BY FRANK JESSUP:

And they said, well yeah, it's got to go to Helmsburg. They need the water. So .. now ..

BY FEMALE VOICE:

(Inaudible).

BY FRANK JESSUP:

.. when this ..

BY LYNNE NEWLON:

Please, one person speak at a time. It's really hard to get this all recorded.

BY FRANK JESSUP:

When this latest round came to my attention, with the notice in the paper and all of the wording is

wanting to form a regional district in Bean Blossom. And I went to the library in Nashville, and as far as I can tell they're wanting to treat the sewage just east of here in a vacant cornfield, if I read the report properly. And I may be mistaken on that. It was the way I interpreted it. But once again, having attended those earlier meetings, it appears to me that the best option is to pump it to Helmsburg. They need the water. So, there you are.

BY LYNNE NEWLON:

Okay, thank you. And ultimately, if the district is formed, there is a board that is appointed. And currently, it varies if it's going to be three trustees on that board, or five. And that varies to if they combine with Helmsburg. But it's ultimately up to that district board to make the decision. And at the same time, they have nine months from being formed, if they are formed, to get in a district plan. That district plan will then further go into details, we are going with

option B, da-da-da-da-da. So, those decisions are not made at this point. And ultimately, it is the sewer board that is appointed by elected officials that would be making those decisions. And that district plan as I said must be presented to IDEM within nine months after being formed, if they're formed. Yes, Mark?

BY MARK DAVIS:

There was just a comment that the Helmsburg plant is not running at capacity. That is correct. It is not at its capacity. And it is also true that up to a point, the closer to capacity, the better waste water treatment plants run. That is a correct statement. The report you're referring to, and if anyone else is interested, it is at the library, I believe is what's called a preliminary engineering report. And within that, the engineer looks at the preliminary options. And there is the option of forming a treatment plant, basically in a cornfield outside of town. But there is also the option of taking the sewage via a transmission

line, and taking that to Helmsburg as a treatment option also. So, those options are both within the report, and both are weighed in that report. So .. and as Lynne said, ultimately, once this board is formed, that's who would make the decision upon where the waste would ultimately be treated.

BY LYNNE NEWLON:

Okay, other questions? Please ..

BY FRANK JESSUP:

I've got more to say.

BY LYNNE NEWLON:

All right, we'll let's see if anyone else has a question. I'll come back to you. Hold on.

BY FRANK JESSUP:

(inaudible).

BY LYNNE NEWLON:

Please come up forward. State your name, please.

BY DEBBIE LARSH:

My name is Debbie Larsh, and I live on Old Settlers Road. My first question should have started this meeting out. Our letter stated that the county

commissioners and the county council had called this hearing. So I made the time Monday morning to go to the commissioners meeting. And they deny any knowledge of this meeting tonight at all. So I'm curious as to how you promoted that letter to all of the landowners that got those letters by saying that the county commissioners and the county council of Brown County had called this hearing tonight, when none of them were even aware of it until Monday morning.

BY LYNNE NEWLON:

Okay. One, it didn't say they called it. I said they .. it stated that they petitioned IDEM. And I did stand corrected. The petition that came to IDEM was signed by the county council.

BY MALE VOICE:

Oh ..

BY LYNNE NEWLON:

Not by the county commissioners ..

BY MALE VOICE:

It was by the county council ..

BY LYNNE NEWLON:

And by statute ..

BY MALE VOICE:

June the 21st of 2004.

BY LYNNE NEWLON:

And by statute, Indiana code 13-26, it has to be done by the physical body. So, it is sufficient to only be signed to form by the county council. So I did stand corrected, the county commissioners did not sign the petition. Brown County commissioner council signed the petition that came to IDEM that started this. IDEM is running the public hearing. IDEM is doing the public hearing for statute, due to statute.

BY DEBBIE LARSH:

And who here is from IDEM?

BY LYNNE NEWLON:

I am IDEM, and Ms. Nancy Holloran is our legal counsel. And I .. I will be the hearing officer tonight. So does that clarify?

BY DEBBIE LARSH:

A little.

BY LYNNE NEWLON:

I mean the statute was met.

BY DEBBIE LARSH:

It was met?

BY LYNNE NEWLON:

It was met. And it was my mistake to say .. usually the county commissioners also sign off. They do not have to. But in some cases ..

BY DEBBIE LARSH:

And do you know why they didn't?

BY LYNNE NEWLON:

I don't think ..I don't know if they were asked.

BY DEBBIE LARSH:

Yes, they were.

BY LYNNE NEWLON:

So but it would be irrelevant due to the fact that it met such requirements ..

BY DEBBIE LARSH:

It would be important to everyone who lives in our community to know why our commissioners wouldn't support this program.

BY LYNNE NEWLON:

Well ..

BY DEBBIE LARSH:

If, I mean, it doesn't hurt the county council any, because they're not the legal advisory board of the county either. But I think the commissioners, who have an awful lot to say about what goes in and goes out of this county ..

BY LYNNE NEWLON:

Technically, the petition could have even been formed, been signed and been sufficient if it was the township trustee ..

BY DEBBIE LARSH:

And he denied it too. So I guess I'm asking you to tell me exactly why the two bodies you went to first ..

BY LYNNE NEWLON:

I did not ..

BY DEBBIE LARSH:

And this final body, which one of your board members was sitting on the county council at the time, actually got the county council to pass .. to sign off on this.

BY LYNNE NEWLON:

Well, I didn't go to them. A petition was submitted and it met the statutory requirement ..

BY DEBBIE LARSH:

You didn't get to hear all of their reasons for not wanting to do ..

BY LYNNE NEWLON:

They .. they received notice by certified mail. None of them to date have called me or sent comments.

BY DEBBIE LARSH:

Okay.

BY LYNNE NEWLON:

And the comment period is still open for another three weeks. So, they're more than welcome to send

in their comments. Any other questions? I'll let you come back up to the ..

BY FEMALE VOICE:

Can I ask you, who petitioned for this?

BY LYNNE NEWLON:

County council. Brown County Council.

BY MALE VOICE:

Did what?

BY LYNNE NEWLON:

Sir, if you're going to talk, you need to come up and state your name.

BY MALE VOICE:

Oh, I thought you was asking somebody from the council to talk. (inaudible).

BY LYNNE NEWLON:

Okay, would you like to ..

BY MALE VOICE:

No, if somebody's got a question, I'll be glad to try to .. glad to answer it.

BY LYNNE NEWLON:

That's great. And ..

BY MALE VOICE:

I thought you was asking.

BY LYNNE NEWLON:

No, but go ahead.

BY FEMALE VOICE:

Why was this petitioned? Who asked for it?

BY MALE VOICE:

There was a group of citizens here in this .. in Bean Blossom.

BY FEMALE VOICE:

How many (inaudible).

BY MALE VOICE:

You're going back .. much over about a year and a half here, and to ask me that question, I don't know. We sat up here, we had like three, two or three hearings. And there was people that come for and against, for and against.

BY FEMALE VOICE:

I (inaudible).

BY MALE VOICE:

And we had a lot of problem with where the district boundaries was. They were drawing those in, and drawing them out, and drawing them in, and drawing them out.

BY LYNNE NEWLON:

Wait, excuse me. He can't hear you. I didn't bring any microphones.

BY COURT REPORTER:

I'm not getting anything on record.

BY LYNNE NEWLON:

We just want this for a record, sir.

BY MALE VOICE:

Oh sure.

BY LYNNE NEWLON:

We'll try to microphone .. (inaudible).

BY COURT REPORTER:

I definitely didn't hear what she said last.

BY LYNNE NEWLON:

Okay, sorry. And if you could state your name, please.

BY MALE VOICE:

First thing I'll do is apologize for being late, but I had another meeting. Blake (inaudible) and I had an EMA meeting at 6:30, it's kind of hard to get to 6:30 and 7 o'clock meetings with five or six mile in between of having a meeting. So I didn't get in on the first of your meeting. We were petitioned and I had told Debbie earlier that I couldn't remember it, but we was. And I've got it here in my hand now, because I went and found all of the paperwork on the Bean Blossom sewer late tonight. I should have got it a day or two ago, and started digging through it. So there was petitioned. It is signed by all of the council members, and it says received June the 21st, 2004. That would have been received into the auditor's office. Not into IDEMs probably. Reasoning, is that what someone was asking, why?

BY FEMALE VOICE:

Yes, I want to know why you're coming ..

BY MALE VOICE:

There was a group of citizens here, some of them are familiar .. some of them are still here. Mr. Smith, I can't .. don't remember names. That gentleman's face is familiar. This gentleman here. And there was about four or five others.

BY MALE VOICE:

(inaudible) you guys don't want a sewer project in Bean Blossom? I don't know why we don't want one to be honest with you.

BY FEMALE VOICE:

(inaudible).

BY LYNNE NEWLON:

Okay, we're going to have to .. excuse me, we're going to have to talk one at a time up at the microphone. Also, the county health department, we have .. there's many failing systems. There's a need. It's just not a matter of want or not want. There's a need. There's failing septic systems in this area. The soil can't take it. The health department they ..

BY FEMALE VOICE:

(Inaudible).

BY LYNNE NEWLON:

Ma'am, if you want to talk, you're going to have to come up and stand in line and talk after him.

BY MALE VOICE:

I think, you know, all we're petitioning .. all this petition here or what you're doing tonight, now correct me if I'm wrong, is setting up a board. A district board.

BY LYNNE NEWLON:

An entity. This is part of the process if an entity is even set up, to form a district. It only, it's not saying it's coming for sure. It's .. and that board would be formed, correct, if a district is set up, an incorporated area to serve sewers.

BY MALE VOICE:

And in this here area, it tells .. and I don't have it. I see some notations where I've had like one person is going to start off one year, one of them is going to be a two year term, the other three

year term is one of the options that we talked about and stuff that night. And there was about fifteen people here that I know talking. There was some against. But there was, I believe, three meetings, you know. And what this is again, is this is not saying it's done. It's forming a board, is my understanding.

BY LYNNE NEWLON:

This is part of the process to form an entity, a municipal corporation.

BY MALE VOICE:

Right.

BY LYNNE NEWLON:

It's like a not-for-profit utility. And that board that would be set up, if this happens, then was formed. But funding and a lot of other variables actually have to come together. But this is just on the formation process of forming the entity, you are correct.

BY MALE VOICE:

Is there any questions for me, if not, I'm .. I didn't come here to speak that's for sure. I come here because, you know, we did sign this, and I had told Debbie that I couldn't remember. I couldn't. I did. Okay, thank you.

BY LYNNE NEWLON:

Thank you very much. Any other questions? Yes sir. Please come up, yes, so he can record this. And state your name.

BY NICK SENIOUR:

My name is Nick Seniour. And I am .. I guess I'm still on the Board of the church down here on highway 45. My first question is why would not we want sewers? Number one, I .. I'm speaking from a standpoint of being in business also, and for many years I installed septic systems to the tune of about 150 of them a year, to 200. And as a business person, I quit putting in septic systems because there was no way you could guarantee they were going to work. And that was in counties all over the state. When you come to Brown County, the

failure rate is so high that I would never consider even bidding one. And I do put in sewers at this point. But my main question is why would we not want a sewer? Now, I don't know about the cost. I have no idea .. that seems to be a question tonight. What is the cost going to be. I don't even know if you've gone so far as to determine what type of a system you're going to put in, whether it's a pressure system, I'm assuming it would be a pressure system. Somebody had said that they had heard that the Helmsburg system was like $100 a month, I don't know if that's true or if that's not true. Is it true or not? I don't know. I just came from a situation down in Brookville, Indiana where I pastored a church and we connected our church to the pressure line, and it was $43 a month. And $43 a month to get rid of your sewage in a proper manner is very reasonable. Now, if somebody, somebody had mentioned the stink, or where they were going to dump this water. Number one, there's nothing that stinks any worse than

stepping out of the church down here Sunday night, and the wind coming from the north. There's a definite stink. So I don't think a stink is going to be a problem. Furthermore, my .. my final remarks are I live in Brown County, I've been here for thirty some years, and anything we can do to clean up the sewage problem in this county I think would be very beneficial. Thank you.

BY LYNNE NEWLON:

Okay. I could answer one of his questions. They don't know .. because it's ultimately up to that board, and then they would decide. If it's more economical to join with Helmsburg, is it more economical to do something else. So that board would have to get educated. Something would have to be updated. There is a preliminary hearing of the board. But that's two or three years old. Some of that information as you well know is (inaudible). So that information would have to be updated. So once they're formed, this information would be collected, it would be that board making

those decisions. Sir? Would you like to ..?

State your name again, please.

BY FRANK JESSUP:

Yeah. Once again, my name is Frank Jessup. I live in Bean Blossom. I've lived here ten years. And I've been to all of the previous meetings. And, once again, the .. one of the main focuses of attention in the earlier meeting was one, yeah, they wanted a sewer system. And there's no denying we need a sewer system. But catamount to that, is the doing it properly. And it was mentioned in the previous meetings, that they were going to have to pump this sewage to Helmsburg, in spite of Helmsburg's objections, and it was even mentioned in the meetings that this was .. there was a law on the Indiana books to this effect that if there was .. you couldn't create a new district. If it was within a certain distance from an existing. And now, someone needs to research those previous meetings and .. either I'm making this up, or it's a fact. And I seem to recall having heard it at

each of the meetings. So there must be some fact to it.

BY LYNNE NEWLON:

Well, I know in Indiana code 13-26, which oversees regional district, it's not in that statute.

BY FRANK JESSUP:

Well, I'm not a lawyer, I don't know where it'd be.

BY LYNNE NEWLON:

I'm not saying .. it may be in another one. I'm going to ask. I know commerce likes regionalization.

BY FRANK JESSUP:

Uh-Huh.

BY LYNNE NEWLON:

And a lot of times it is more economical to go .. especially and it's usually within the five mile radius, things are .. it's more economical to join together. Those things will have to be reviewed and ultimately if the district is formed, it will be up to that board.

BY FRANK JESSUP:

Yeah, it was more than just economy or common sense the way I heard the thing from the meeting, it was a matter of law. They had to do it. and this would be the proper way to do it, not only for economy, but they've already got the odor problem in Helmsburg, why have it right down the road as well. Might as well keep like items with like items. Makes sense to me. At any rate, I feel that if we're going to form this and do it, that they need to forge ahead with as they discussed pumping the sewage to Helmsburg and using their existing treatment plant. And .. yeah, it's already there and paid for, and the way I heard the story, it would improve its situation with the increase in water flow. And of course, it would keep Bean Blossom from having any adverse odors from a treatment plant. So when you said they were viewing several different options, the one of the cornfield or to Helmsburg, the way I heard the story from the previous meetings, that had already been put to bed. The issue was settled. It was

going to Helmsburg. And that would be the only way that I would ever be in favor of a sewer district, or whatever you want to call it. Now ..

BY LYNNE NEWLON:

Well, and no one can make those decisions unless, you know, a district is formed and that sewer board. You have conservancy districts. Conservancy districts .. I'm talking. Conservancy districts are formed through DNR and the local county. They can charge you tax. Regional districts cannot charge you tax and it is based on user fees. So, there's a little bit of a difference, they have different purposes, regional districts only have water and sewer. So again, only if the entity is formed, and it's that board that only has the power to make those decisions. It's not the Friends of Bean Blossom. It's not, you know, Helmsburg. It's not .. there has been communication with Helmsburg. And I've attended a few meetings as well. And there's conversation

still going on. But no decisions have been made, or can be made at this time.

BY FRANK JESSUP:

Well I'm basing my remarks on what went down in the previous meetings. And it would seem logical that what was discussed at the previous meetings would have weight and carry forward to whatever this proposed board would do, as it was already pretty well set in concrete. So .. in closing, I would just say that that's the correct way to do it. I very much want it to be done that way. I would be very opposed to any other means of disposing of the sewage. So, there you are.

BY LYNNE NEWLON:

Thank you very much. Yes ma'am, please come forward and state your name.

BY DEBBIE LARSH:

Again, my name is Debbie Larsh. And we .. most of those of us who live on Old Settler's Road have fought this from the beginning. We went around and had a Petition signed with all of the areas on it.

We had enough names, we thought, to stop this from going outside of just the business area of Bean Blossom, and to ask Mr. .. answer Mr. Seniour's question. I'll give you the best reason I know. It's going to hurt a lot of people. A lot of innocent God fearing, you should appreciate that, people, who cannot afford because this is not just hooking onto a sewer line. They will force you to dig up what you already have in, and remove it, which is an additional cost. I went to the library, got my .. the books out and read on all of the proposed plans, just Old Settler's Road alone proposed cost was over $300,000. That's a lot of money for eleven homes, and I'm going to tell you that most of the people who have those homes are either on disability or social security. They cannot afford to do this. And I don't care how you look at it. If you think $45 is cheap for you, God Bless you, you're a very lucky man. It is not cheap for those people on Old Settler's Road. And it affects a lot of people down Gatesville Road, it

affects people on your road, and maybe you're unaware of how many poor people are on your road. But if the five or six business people that have started this whole program out are all for us, then those five or six business people should be the ones to foot the bill. And that's how most of us have felt about this from the beginning. I for one have been to these meetings. I for one have spoken to all of you .. all of you time and time again. It's not making any sense to you that no one would want this. I hope I've given you some, some knowledge of who the people are you're hurting. You're helping the business people, yea-rah. If those five people that have businesses in Bean Blossom need this to expel their businesses and make them larger, fabulous for them. But it should not be on the backs of the poor people. I'm sorry, it just should not be. Gnawbone system has been a fiasco. The Helmsburg system has been a fiasco. How many times do we have to waste money in this county for a couple of business people, and they

get off .. they get off. And then they move from the county and they're gone, and the rest of us are stuck here who have committed our lives to this community, continuing to pay their bills. That's why most of us who are here tonight are against this system. It's been the five people that started this out, are still five people that are for it, and like I said, yeah-rah, God bless them, I hope their businesses thrive for this, but it should not be on people like my mother's back, who's 81 years old. She should not have to face this on social security. She doesn't even have enough now to pay her bills, let alone to add on to those bills. And you know what's sick? Here's the sick part, people. You think you're safe if you've got a new system. Let me tell you you are not. They can .. if you're within that three hundred feet, they can force you to hook on. If you just spend $10,000 for your new system, my new system was over $12,000. We can all get it. It's not just the people's systems who are failing, that are

going to get caught in the middle of this. It's going to be everybody. Okay, I'm done.

BY LYNNE NEWLON:

Okay, thank you. I would like to state in the statute that it does state if a district comes in, and if you have a new system, not a repair, then you can actually go to the district board and request a .. one not to be hooked up, or compensation up to $4800. So if the system is five years old or less, and a new system, not a repair. So there is some recourse that the homeowner has to take to the district board, if this is formed, and can actually get a $4800 offset. Or they can even, the board can even say you don't have to hook up. It's a case by case basis. And they have to go to the health department, get .. say that they did get the proper permitting, and this and that. So that is in the statute. Yes sir, please state your name.

BY MIKE LEGGINS:

I'm Mike Leggins. I'm from Old Settler's Road, also. And I'm all for the septic system myself. You folks have plenty of land, your system fails, you can go to another spot and put another system in and spend maybe your system is new now. Ten years from now, you may have another system. And my system is three years old and I can't sell my home today because my system is failing. I have another home on Old Settler's Road that I cannot sell, it is empty right now, it's vacant, no one can move in, because the system is failing, and they want another $15,000 system put in, and I'm saying if I'm going to spend $15,000 putting a new system in, I want a guarantee that this system is going to work. No one is going to guarantee me the system is going to work. You're going to spend $15,000, maybe next year, maybe next week, the system is going to blow out, and I've got another .. I've still spent another $15,000 and I've got a home still that I can't live in, I can't sell, no one's living. I have a mortgage on this home that

I pay every month on that we cannot live in it. And from what I understand, what's the health department has been out there and looked at our home there and said they could pretty much shut down half of Bean Blossom right now if they want to. They're trying to fork something around this so they don't have to shut down Bean Blossom. You can .. I can guarantee you, your system, if it's not failing now, and you live on Old Settler's Road, it's a matter of time before your system is going to fail, or you're very lucky. I've rebuilt almost half of Old Settler's Road. You .. if you went down Old Settler's Road ten years ago you would have seen run down mobile homes, homes that were falling down to the ground, and .. and we've erased all of that. We've tried putting in up to date systems, we did spend $10,000 putting new systems in every home. And four of five systems are failing. So I'm looking at I spent $50,000 putting systems in these homes and now they're coming to me and saying, fix these systems, they're

failing, or we're going to condemn your houses. So I own five homes here that I cannot rent, I can't ..

BY FEMALE VOICE:

Who designed your system?

BY MIKE LEGGINS:

My dad lived in one, I lived in one, my brother lives in one. These are family. These are ..

BY FEMALE VOICE:

Who designed your system?

BY MIKE LEGGINS:

Ed Waggler put the system in.

BY FEMALE VOICE:

No, who designed the system? Who designed it?

BY MIKE LEGGINS:

The health department approved it. I have no idea ..

BY FEMALE VOICE:

I've been to the State of Indiana and the man who designs the systems for the State of Indiana came down and designed my system ..

BY LYNNE NEWLON:

Ma'am, you need to state your name please.

BY FEMALE VOICE:

Okay.

BY MIKE LEGGINS:

And no reckons to do with here, but I know your system that you put in your .. your .. the new one they put in within a year is failing also. They've been back to do more repairs to the system because the system is failing.

BY FEMALE VOICE:

It was not failing ..

BY MIKE LEGGINS:

I know for a fact it is.

BY FEMALE VOICE:

No, it's not failing.

BY MIKE LEGGINS:

Well, mine is. And what answer do you have for me if I'm paying $1000 ..

BY FEMALE VOICE:

I have five acres of land ..

BY MIKE LEGGINS:

Can I speak? And then you can come up here and answer the question. You can direct it to them.

BY FEMALE VOICE:

(inaudible).

BY MIKE LEGGINS:

The answer I would like you all to direct to me is how do I continue paying mortgages for a home that I cannot live in? That's not fair.

BY LYNNE NEWLON:

We're not .. If you want to make a comment back, you need to get in line and state your name.

BY MIKE LEGGINS:

I'm all for it, and if you .. if you need somebody to be on the board or to head this thing up, my name is Mike Leggins. I'll leave my information and I'm all for it. I hope .. don't hook onto it if you don't want to, but I hope you pay the price later.

BY FEMALE VOICE:

(inaudible).

BY MIKE LEGGINS:

And another thing is, they're telling me they tested the E Coli in all of the streams that's running through your backyards, and the meter cannot read them the amount of E Coli bacteria that's in the creeks that our kids are playing in, that our animals are drinking out of. The bacteria is so high, the pollutants are so high in these creeks that it's not safe for our kids to play in. So that's something you all need to think about also. You know. I don't .. I don't have enough land to just keep putting system, system, systems in, it's a plotted subdivision. There's only so much space. They have no .. the only answer they have for us is to have a regional sewer district. That's the only answer they have for .. or, continue paying this thirty year mortgage on a vacant house until it's done, and then I have nothing left. So again, I'm all for it. Anything I can do. I'll leave my name and number at the end

of the meeting and I'll go for .. anything you need done. I'd be more than willing to help out.

BY LYNNE NEWLON:

Okay, thank you for your comments. We're going to continue a few more minutes, and we're going to start the hearing. If you would like to comment, please get in line and come up here and state your name, and state your comment or question. Now, remember, the public hearing, it's only to receive testimony. I cannot answer questions. The board will not .. folks will not be answering questions. It will be one person coming up and speaking and giving testimony. This is being recorded. Even the public meeting is being recorded, but I feel it's important for when I send the transcripts up to the Commissioner, he gets the full flavor of the hearing as well as the public meeting. So with that in mind, please, if you'd like to speak .. oh, hold on one minute.

(OFF RECORD TO CHANGE TAPES)

(BACK ON RECORD AS FOLLOWS)

STEVE STALEY:

My name is Steve Staley. I am a part of the Friends of Bean Blossom. We are the people that initiated to having this hearing. And, you know, I hear you ladies. I hear you loud and clear. You have some very legitimate concerns. And we want to deal with that. You also have some legitimate concerns, we want to deal with that. And the other gentleman made some really excellent points. But we're going beyond what the purpose of this meeting is today. I would be happy to speak with you any time you like. Any of you. With anybody here that ever has a question. I'd be happy to speak with you. And answer any questions. What we're trying to accomplish today is to become regional sewer district. It doesn't have anything to do with whether we take sewage to Helmsburg or we do it in a cornfield. It doesn't have anything to do with Old Settler's or this, okay? There are a lot of facts, information that needs to be compiled to make those decisions. What we're trying to do is

keep this process alive so that we can make those decisions. We will have other meetings. This meeting is just because we've gotten to a standstill. We .. we ran out of options with Helmsburg, and with the process. You know, this .. people that work at the State are very intelligent people. They've been through this many, many times before. They know what to do. They have guidelines. We're following these guidelines. And we're utilizing RCAP, we're utilizing IDEM to help us to guide us, to answer questions, because we don't want to force anybody that's spent a substantial amount of money to have to hook on. We don't want to make bad mistakes like what happened with Gnawbone and what happened with Helmsburg. Bean Blossom is the only community that has enlisted the help of RCAP. They're set aside specifically to help communities like us. Helmsburg didn't use them, and neither did Gnawbone, and they made mistakes. We saw what mistakes they made. We don't want to make those

mistakes. They were stupid mistakes. They shouldn't have been made. And if they had worked with RCAP, those kind of mistakes wouldn't have happened. You know, we have a gentleman that has homes that can't live in them, and he can't sell them, but he's paying a mortgage on them. And that hurts. That's not a business person. You know, there's very real .. well some people are. Some people are. Maybe he is. I don't know him. He might be a business man. But I know there are also just regular folks that the health department has, you know, they're shutting them down. They can't even live in their houses. That's a problem. This is not .. you know, you ladies here, as soon as you hear something about business, automatically, they're evil, they're the bad guy. Not all businesses are bad guys. And not all businesses are going to force regular people into doing something that they don't want. That's not the situation. Yeah, I'm a business person. My business is poor people, folks, I own a trailer

court. And the people in that trailer court are low income. I love those people. There's a lot of really good people there. I've been to quite a few funerals unfortunately from people that have lived in that trailer court, just, you know, it tears my heart out. These are poor people. We want to try to satisfy the entire community. What we want to accomplish today is just to organize a regional sewer district so that we can keep moving forward and try to find the solutions. That's all we want to accomplish. If you have any questions, get with me, I'd be happy to answer them. I'd like to turn it back over to ..

BY LYNNE NEWLON:

Thank you. Okay, any other questions? Comments we can put into the public hearing. Okay, I'm going to go on and start the public hearing.

(OFF RECORD)

PUBLIC MEETING

HELD ON 10-19-05

IN RE: BEAN BLOSSOM REGIONAL SEWER DISTRICT

I, Heather Rhoden, A Court Reporter or transcriptionist for the County of Morgan, State of Indiana, do hereby certify that the foregoing transcript, as prepared, is full, true, correct and complete.

Heather L. Rhoden
Transcriptionist in Morgan County, Indiana

DATED: 10-25-05