

**MINUTES OF THE  
GRANT COUNTY SANITARY SEWER DISTRICT  
MAY 2021 MEETING**

The May 2021 Meeting of the Grant County Sanitary Sewer District was called to order on May 20, 2021, at 3:00 p.m. at the District Headquarters, One Farrell Drive, Crittenden, Kentucky. Present at the meeting were the following: Chairman Charles Givin, and Commissioners, Rodger Bingham, Danny Northcutt, Robert Worthington, and Leo Saylor. Also present were HR Director Ashley Dyer, Dianne Cook, Mr. Christopher Stewart and Mr. Benton Hanson of HMB Professional Engineers, Paul Harp, Brian Simpson. Counsel Thomas R. Nienaber was absent.

The first order of business was a review of the April 2021 Minutes as attached. After discussion, upon Motion of Leo Saylor and second by Robert Worthington, it was unanimously,

“RESOLVED: that the April 2021 Minutes be and the same are hereby approved as attached.”

The next order of business was a review of the April 2021 Profit and Loss Statement and Warrants as attached. After discussion, upon motion of Robert Worthington and second by Rodger Bingham, it was unanimously,

“RESOLVED: that the April 2021 Profit and Loss Statement and Warrants, be and the same are hereby approved as attached.”

The next order of business was a report by Chairman Givin regarding legal matters in the absence of Counsel Thomas R. Nienaber. Chairman Givin reported that he has spoken to Mr. Nienaber about the following issues:

1. Chairman Givin reported on the recent litigation initiated against the Bullock Pen Water District in *Commonwealth of Kentucky, Grant Circuit Court, Case No. 21-CI-0127, Gregory Bernard Garrison, Plaintiff v. Kimberly Gross Polewski, et al, Defendants* (“Civil Proceeding”). Prior to the meeting, Mr. Nienaber, Chairman Givin and Superintendent Simpson met at the site in controversy to review the situation. This litigation involves the dam which serves as the base for Waller Drive. The Plaintiff (“Garrison”) recently purchased the residence located at 202 Crittenden Court, Crittenden, KY, 41030, in September 2020. The previous owner was Kimberly Gross Polewski (“Polewski”). Various plats, aerial photographs, and July 2010 Minutes were presented to the Commissioners for their review. This civil proceeding primarily represents an action by Garrison against Gross, Bullock Pen Water District, the developer of Harvester Subdivision, and various realtors involved in the sale of the real estate to Garrison. Apparently, Garrison was informed by the Division of Water, Dam Safety Division, that the dam at Waller Drive must be repaired. As the portion of the dam which is in need of repair is located on the Garrison property, the DOW has taken the position that Garrison is responsible for the repair and maintenance of the dam. Based upon a visual inspection of the dam, it appears as though the cost of repairing/maintaining the

Grant Co. Sanitary Sewer District  
Minutes  
May 20, 2021

dam could be significant. Unsatisfied with that determination by the DOW, Garrison has initiated the civil proceeding claiming that the previous owner fraudulently misrepresented the condition of the property prior to the sale. Alternatively, Garrison is arguing that it is Bullock Pen Water District that is causing the problems at the dam as a result of Bullock Pen Water District's alleged easement which accesses the sanitary sewer lift station located on the property. It appears as though Garrison's counsel believed that it is in fact Bullock Pen Water District that owns the sanitary sewer lift station and access easement at the dam site. This assumption is obviously inaccurate. Mr. Nienaber has reached out to Garrison's attorney, Pete Whaley, without success. Accordingly, a Motion for Extension of Time to Plead has been filed with the Court. In order to protect the District, Mr. Nienaber contacted the District's insurance carrier and has informed them of the status of this proceeding. Based upon Mr. Nienaber's investigation to date, it does not appear as though Bullock Pen Water District has any liability in this matter. Mr. Nienaber does not believe, based upon current information, that the Grant County Sanitary Sewer District would be liable either. With the foregoing report, Mr. Nienaber is going to contact the insurance carrier for further instruction. In all likelihood, the insurance company will assign the defense of this case to its counsel. Mr. Nienaber will report.

2. Chairman Givin reported that the Management Agreement with Bullock Pen Water District has been received by the Public Service Commission. As soon as word is received from the PSC, Mr. Nienaber will report.

The next order of business was a report by HMB Professional Engineers, Inc., Mr. Benton Hanson and Mr. Christopher Stewart.

1. Mr. Hanson reported that the engineering drawings and specifications for the Equalization Tank Project are complete. They are going to be submitted to the Division of Water ("DOW") on May 24, 2021. Superintendent Simpson requested dimensions for the concrete structure portion of the Equalization Basin. Superintendent Simpson is going to prepare some preliminary calculations on estimating the cost of the Equalization Basin. Superintendent Simpson stated that based upon the most recent cost estimate from HMB, the District is questioning the accuracy of previous cost estimates. Superintendent Simpson is concerned that with the cost of construction materials increasing so rapidly, he would like to get the project underway as quickly as possible.
2. Superintendent Simpson stated that he would contact Mr. Nienaber to see what is needed in order to prepare a Deed for the Wastewater Treatment Plant site. Superintendent Simpson reported that he and Chairman Givin informed the City of Crittenden that the District would be responsible for Deed preparation and filing fees.

Grant Co. Sanitary Sewer District  
Minutes  
May 20, 2021

3. Mr. Stewart stated that HMB is currently working on various project profiles in order to submit for future stimulus funding. Chairman Givin reported that Grant County Judge Executive stated that the District would be eligible for \$375,000.00 from Grant County as the County's contribution from the stimulus funds. Chairman Givin also reported that Judge Executive Dills stated that there may be additional funds available to the District as additional stimulus funding becomes available. It is anticipated that the Equalization Basin will be one of the items included in the project profiles for stimulus funding proceeds. HMB reported that Indian Hill Subdivision Projects and the Treatment Plant digester will also be included in the project profile package. It is anticipated that Project Profiles will be ranked by the appropriate state agencies in September 2021. Mr. Hanson reported that HMB will prepare a project profile list as soon as possible. Mr. Stewart reported that the Kentucky Legislature set aside \$250,000,000.00 for water, sewer, and broadband internet projects. This \$250,000,000.00 will be administered through the Kentucky Infrastructure Authority and allocated as follows:

- (1) \$75,000.00 will be used for project administration;
- (2) \$150,000,000.00 will be distributed to counties based upon population;
- (3) \$50,000,000.00 will be available exclusively for water and sewer projects that serve new customers; and
- (4) \$49,925,000.00 will be distributed to KIA for assistance on projects which are not adequately funded from the \$150,000,000.00 account.

Rules and regulations for funding allocation have not yet been determined. Mr. Stewart reported that Grant County is scheduled to receive \$4,800,000.00 which must be spent prior to 2024.

4. Mr. Stewart made a presentation regarding additional funding availability at the state, county and city level as part of the 2021 Stimulus Package. The primary focus for projects through this funding program are water, sewer, and broadband internet. Mr. Stewart recommended that the District prepare project profiles with cost estimates on a prioritized basis for submittal to Kentucky Infrastructure Authority ("KIA"), Grant County, Williamstown, and Crittenden.

The next order of business was a Superintendent's Report as follows:

1. Mr. Harp reported that control panels at the Waller and Wheat Lift Stations need to be replaced. The control panels need to be replaced as they are in very bad shape. Mr. Harp

Grant Co. Sanitary Sewer District  
Minutes  
May 20, 2021

stated that if we have to prioritize these two projects, the Waller Lift Station should be replaced first as it has been in service ever since Harvester's Subdivision was developed. Commissioner Northcutt inquired as to how critical the pump stations were. Superintendent Simpson stated that they are in bad shape. The District has been making repairs on both of them on a fairly regular basis. Commissioner Worthington inquired as to whether or not the District could get a discount if both of the Lift Stations were replaced at the same time. Commissioner Saylor also suggested that the District inquire as to whether or not a discount would be available if both Lift Stations were done at the same time. After discussion, Mr. Harp reported that he would do some investigation on costs and report at the next meeting.

2. Superintendent Simpson indicated that he had met with the City of Crittenden in order to see if any stimulus funds were available through the City. Superintendent Simpson reported that the Mayor was noncommittal. City Attorney and Mayor Jim Purcell stated that if money does become available, the City would work with the District on potential projects.
3. Superintendent Simpson stated that the District received some money from the City of Crittenden to have the dead tree removed at the entrance to the District Headquarters. Commissioner Northcutt stated that the portion of the bill not covered by the City of Crittenden grant should be allocated between the Bullock Pen Water District and the District.

The next order of business was a presentation by Office Manager Dianne Cook and Ashley Dyer as follows:

1. Ms. Dyer presented the renewal for insurance coverage. A summary of the coverage and policy renewal cost is attached. Ms. Dyer also reported that she has inquired into the availability of cyber insurance liability coverage. Ms. Dyer reported that the cyber coverage should be obtained. Ms. Dyer reported that the current coverage cost with Cincinnati Insurance is approximately \$39,600.00. With the additional coverage and new cost of insurance, the annual premium will be \$45,000.00 per year. Ms. Dyer reported that this insurance coverage cost includes the Bullock Pen Water District and the District. The estimated cost of cyber liability coverage is \$840.00. After discussion, upon motion of Danny Northcutt and second by Leo Saylor, it was unanimously,

“RESOLVED: that the District purchase cyber liability insurance coverage. It was further resolved that the District purchase the renewal insurance coverage through Cincinnati insurance as recommended in Ms. Dyer's summary. The cost of the total

Grant Co. Sanitary Sewer District  
Minutes  
May 20, 2021

insurance package should be allocated with Bullock Pen Water District.”

Dianne Cook reported that the next meeting is scheduled for June 24, 2021.

There being no further business to conduct, upon motion and second, the meeting was adjourned.

GRANT COUNTY SANITARY SEWER DISTRICT

BY: *Charles Givin*  
CHARLES GIVIN, CHAIRMAN

ATTEST:

*Danny Northcutt*  
DANNY NORTHCUTT, SECRETARY