

**MINUTES OF THE
GRANT COUNTY SANITARY SEWER DISTRICT
SEPTEMBER 2023 MEETING**

The September 2023 Meeting of the Grant County Sanitary Sewer District was called to order on September 21, 2023, at 3:00 p.m. at the District Headquarters, One Farrell Drive, Crittenden, Kentucky. Present at the meeting were the following: Chairman Charles Givin, Vice-Chairman Robert Worthington and Commissioners Rodger Bingham, Greg Powell and Michael Duley. Also present were HR Director Ashley Dyer, Dianne Cook, Counsel Thomas R. Nienaber, Mr. Benton Hanson of HMB Professional Engineers, Inc., and Superintendent Paul Harp.

The first order of business was a review of the August 2023 Minutes. After discussion, upon motion of Roger Bingham and second by Greg Powell, it was unanimously,

“RESOLVED: that the August 2023 Minutes be approved as attached.”

The next order of business was a review of the August 2023 Warrants, Maintenance and Operating Account and Profit and Loss Statement. After discussion, upon motion of Robert Worthington and second by Michael Duley, it was unanimously,

“RESOLVED: that the August 2023 Warrants, Maintenance and Operating Account and Profit and Loss Statements be and the same are hereby approved as attached.”

The next order of business was a report by Counsel Thomas R. Nienaber as follows:

1. Mr. Nienaber reported on the status of the Garrison litigation now pending in the Grant Circuit Court. Mr. Nienaber reported that he has not heard anything from anyone regarding the case.
2. Mr. Nienaber reported that the revised Tariff has been filed with the Public Service Commission relating to the District’s recent approved rate increases. Commissioner Duley inquired as to when the new rates would be in effect. Mr. Nienaber reported that they are going to be in effect with the next billing cycle. Commissioner Bingham inquired as to how much additional revenue will be generated by the rate increase. Mr. Nienaber reported that approximately \$60,000.00 in additional annual revenue would be generated from the new rates.
3. Mr. Nienaber reported on the status of the PFAS litigation. He informed everyone that a draft Complaint was forwarded to the District by Napoli, Shkolnik, PLLC. The draft Complaint related strictly to the Bullock Pen Water District and not the District. Mr. Nienaber reported that some of the allegations contained in the Bullock Pen Water District draft Complaint cannot be made by the District at this time if a similar Complaint is presented. One of the allegations contained in the Complaint relate to the existence of

Grant County Sanitary Sewer District
Minutes
September 21, 2023

PFAS. Mr. Nienaber stated that at the current time, the District does not have any positive test results indicating the existence of PFAS that have been provided to the District from an independent testing lab. Mr. Nienaber stated that the District should commission an independent lab to test the District's treatment plant for PFAS. The Bullock Pen Water District at its monthly meeting earlier in the day commissioned Superintendent Harp to secure an independent PFAS test at a cost not to exceed \$5,000.00. Commissioner Powell stated that based upon his experience in working with the EPA, federal regulations will sooner or later require PFAS testing. In addition, Federal and State Regulations will undoubtedly be implemented to protect the general public from PFAS. After considerable discussion, upon Motion of Rodger Bingham and second by Robert Worthington, it was unanimously,

“RESOLVED: that Superintendent Harp be and he is hereby authorized and directed to secure a PFAS test from an independent laboratory at a cost not to exceed \$5,000.00.”

Mr. Nienaber explained that the PFAS litigation will only provide funding for remedial or preventative matters. Given the fact that the District is contemplating the WWTP Project, it would probably be prudent to submit a claim provided the District tests positive for the presence of PFAS.

4. Mr. Nienaber gave a detailed report on the letter from Mayor Purcell (undated) which was received by the District in early September (attached). Mr. Nienaber stated that he reviewed Mayor Purcell's letter very carefully with Chairman Givin. Based upon the allegations contained in Mayor Purcell's letter, a response was prepared for Chairman Givin (dated September 18, 2023) to Mayor Purcell's letter. Mr. Nienaber reviewed some of the contents of that letter from Chairman Givin (attached). Mr. Nienaber stated that a face-to-face meeting with the City of Crittenden should occur in order to address the issues more thoroughly. Unfortunately, Mayor Purcell's letter did not support a face-to-face meeting. Mr. Nienaber inquired as to whether or not District representatives would want to attend a City of Crittenden Council Meeting. Chairman Givin reported that the next City of Crittenden meeting is scheduled for October 10, 2023. Mr. Nienaber cannot attend that evening as of the present due to a schedule conflict. The City of Florence Council meeting is on Tuesday evening as well and Mr. Nienaber is Florence's City Attorney. Chairman Givin gave a brief of the history of the District's relationship with the City of Crittenden beginning with the events that followed after the District announced its intentions to file a rate increase application with the Public Service Commission. Chairman Givin also addressed the issue of the District's decision to cease providing billing services for the City of Crittenden's solid waste services. Mr. Nienaber stated that unless and until there is a productive face-to-face meeting with the City of Crittenden, the unfounded allegations of Mayor Purcell will in all likelihood continue.

Grant County Sanitary Sewer District
Minutes
September 21, 2023

Chairman Givin reported that he spoke with Grant County Judge Executive Chuck Dills regarding Mayor Purcell's letter and the District's response.

The next order of business was a report by HMB Professional Engineers, Inc., Mr. Benton Hanson as follows:

1. Mr. Hanson reported that the Facilities Plan has now been presented to the Kentucky Division of Water for review. The proposed Facilities Plan was sent to DOW on August 31, 2023. A response from DOW should be received in the next 4 to 6 weeks. Mr. Hanson also reported that all exhibits for the District's ARPA applications have been forwarded to Kentucky Infrastructure Authority. Those monies should be released in the very near future. Mr. Hanson was asked about the ever increasing costs of construction. Mr. Hanson stated that while construction costs and materials increases are slowing down, they are still on the rise.

The next order of business was a report by Superintendent Paul Harp as follows:

1. Superintendent Harp reviewed with the Commissioners his Supervisor's Report as attached.
2. Superintendent Harp reported that a violation of discharge was sent to the District regarding the WWTP. He reported that one of the lab tests submitted by the current laboratory was in error. Superintendent Harp immediately notified the laboratory and the DOW to rectify the error. He stated that the testing lab for the District which has been used for many years is currently ceasing operations. Superintendent Harp reported that he is in the process of securing laboratory services from a substitute laboratory in Lexington. As a result of the inaccurate lab results reported by the previous laboratory, Superintendent Harp is paying special attention to all lab reports submitted.

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

1. Ms. Dyer reported that Greg Powell attended the PSC training last week.
2. Dianne Cook reported that the next meeting is scheduled for October 19, 2023.
3. Chairman Givin reported that the District, in the interest of saving time, should consider moving its scheduled meeting time from 3:00 p.m., to 2:30 p.m. All of the Commissioners agreed with this change. After considerable discussion, upon motion of Rodger Bingham and second by Robert Worthington, it was unanimously,

Grant County Sanitary Sewer District
Minutes
September 21, 2023

“RESOLVED: that the District’s scheduled monthly meeting should occur at 2:30 p.m., on the third Thursday of each month.”

Chairman Givin instructed Dianne Cook and Ashley Dyer to make all of the appropriate notifications, including the District’s website to reflect this time change.

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

GRANT COUNTY SANITARY SEWER DISTRICT

BY: 

CHARLES GIVIN, CHAIRMAN

ATTEST:



GREG POWELL, SECRETARY