

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

The October 2023 Meeting of the Grant County Sanitary Sewer District was called to order on October 19, 2023, at 2:30 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, Amy Ruark, 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 September 2023 Minutes. After discussion, upon motion of Greg Powell and second by Robert Worthington, it was unanimously,

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

The next order of business was a review of the September 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 September 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 presented a status report on the Garrison litigation. The District has been named as a party in the Garrison litigation by the City of Crittenden (“Crittenden”). Crittenden also named a number of property owners as additional parties to the litigation. Mr. Nienaber, Chairman Givin and Paul Harp met with the KLC appointed counsel, Mr. James Womack, who will be providing a defense for the District in this litigation. Chairman Givin gave a report on the meeting which was held with Mr. Womack. Chairman Givin also explained the current access Easement situation at the Waller Dam which is at the core of the litigation. Mr. Nienaber reported that Crittenden has made allegations in its complaint against the District which are simply not accurate. Most importantly, Crittenden alleges that they have no idea who constructed the access easement currently used by the District for access to the Waller Lift Station which traverses the back side of the dam. That particular easement was platted in its current location from the very beginning of the subdivision (circa 1992). Mr. Harp presented several aerial photographs dating back as far as the early 1990s which shows the existence of the current access easement. A Crittenden Public Works Department employee has recognized and acknowledged this easement existed since the very beginning of the subdivision. Moreover, the current easement is platted on subsequent

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subdivision plats for Harvester's Subdivision. Crittenden is acutely aware of who constructed that easement/pathway and when it was done. Mr. Nienaber reported that Mr. Womack is going to reach out to Crittenden's counsel in an effort to try and resolve this litigation. Mr. Nienaber stated that the only way the Garrison litigation will be able to be resolved is through a global settlement with all parties being involved.

2. Mr. Nienaber inquired as to the status of the PFAS testing. Mr. Harp stated that he has engaged Pace Chemical Testing to conduct PFAS tests for the District. This is a certified PFAS test company. Mr. Nienaber explained that it is important that the PFAS tests be obtained as quickly as possible as the pending litigation deadline for filing is soon approaching. Mr. Harp stated that he hopes to have the test results by the next meeting.
3. Mr. Nienaber shared with everyone the Declaratory Order entered by the Public Service Commission on behalf of the Bullock Pen Water District. While the Declaratory Order does not directly affect the District, it is important to the District in that it demonstrates Bullock Pen Water District's and the District's position of cooperation and rule compliance with the Public Service Commission.

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 been completed and was submitted to the Division of Water ("DOW") on August 30, 2023 for final action. The Facilities Plan, once received by the DOW, will be placed on the DOW's website requesting public comment. This takes approximately 30 days. Once the public comment period is concluded, the DOW will review the Facilities Plan and approve it. Mr. Hanson believes that it will probably be another 60 to 90 days before the Facilities Plan receives final approval.
2. Mr. Hanson reported that all paperwork for receipt of the ARPA Funds has been approved and submitted to KIA. Mr. Hanson reported that due to a mix-up at KIA, the checks for drawing funds from the ARPA Grant were omitted in HMB's last communication. Once the checks are received from KIA, the District can begin the process of drawing down those funds.
3. Mr. Hanson reported on the City of Crittenden's ARPA funds. Mr. Nienaber indicated that based upon Crittenden's Annual Audit, the City of Crittenden has remaining on deposit approximately \$837,000.00 in ARPA funds.

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

1. Superintendent Harp reviewed with the Commissioners his monthly report as attached.

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2. Superintendent Harp reviewed with the Commissioners the Notice of Violation issued by the Kentucky Energy and Environment Cabinet, Department for Environmental Protection (attached). This Notice of Violation addresses an unusually high E. Coli detected in a test sample from the Wastewater Treatment Plant. Superintendent Harp reported that the unusually high E. Coli test result was the product of mishandling the testing at the District's contracted laboratory. Mr. Harp reported that he will respond to the Notice of Violation. He is confident that the cause of the exceptionally high E. Coli test will be cleared up in the very near future. Commissioner Powell inquired as to the status of the Division of Water and the inaccurate E. Coli test. Superintendent Harp reported that he has been working with the Division of Water to explain how the inaccurate test results were created.
3. Superintendent Harp reported that the Agreed Order Progress Report is due October 31st. He will submit that to the Division of Water on a timely basis.

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

1. Ms. Cook reported that the next meeting is scheduled for November 16, 2023.

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

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BY: 
CHARLES GIVIN, CHAIRMAN

ATTEST:


GREG POWELL, SECRETARY