

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

The November 2023 Meeting of the Grant County Sanitary Sewer District was called to order on November 16, 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, 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 October 2023 Minutes. After discussion, upon motion of Robert Worthington and second by Greg Powell, it was unanimously,

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

The next order of business was a review of the October 2023 Warrants, Maintenance and Operating Account and Profit and Loss Statement. Chairman Givin inquired as to whether or not the numbers in the Profit and Loss Statement reflected the newly approved sewer rates. Dianne Cook indicated that the new rates are reflected in the financial statement, hence a \$19,000.00 profit. After discussion, upon motion of Greg Powell and second by Michael Duley, it was unanimously,

“RESOLVED: that the October 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. He stated that the Bullock Pen Water District has been brought into the litigation. The Bullock Pen Water District is represented by Mr. James Womack, counsel appointed by KLC. Since the last meeting, there has been no activity in the litigation. Mr. Nienaber stated that there is no indication that anything will happen in the foreseeable future.
2. Mr. Nienaber inquired as to the status of the PFAS test results. Mr. Nienaber stated that it is important that the PFAS test be conducted as quickly as possible. Time to join in litigation or the PFAS Class Action is going to expire in the near future. Superintendent Harp stated that the PFAS test will be taken this week and sent to the lab for analysis next week.
3. Mr. Nienaber shared with the Commissioners the recent *Louisville Metro Government* Court of Appeals decision which addresses governmental entity liability for negligence. Mr. Nienaber reviewed with the Commissioners the substance of the Court of Appeals

Grant County Sanitary Sewer District
Minutes
November 16, 2023

Opinion and how it would relate to the District's potential liability in the future for alleged negligent acts.

4. Mr. Nienaber shared with the Commissioners a recent Court of Appeals decision which addresses the Open Records Act as it relates to private electronic devices maintained by Commissioners when faced with an Open Records Request. Mr. Nienaber summarized the decision, stating that if a Commissioner has a private device (e.g., computer, cell phone, etc.), and uses that private device for governmental entity related business, the Commissioner's private devices are subject to an Open Records Request to the extent that the private device contains government entity related information.

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

1. Mr. Hanson reported that the DOW is still in the review process of the District's proposed Facilities Plan. Mr. Hanson indicated that he spoke with a DOW representative who informed him the process has been delayed due to other DOW issues. Mr. Hanson is hopeful that the review process will be complete in the next couple of weeks.
2. Mr. Hanson stated that HMB has sent out the attached letter authorizing the District to request up to fifty percent (50%) of the approved grant to pay for the Facilities Plan. Mr. Hanson reported that Paul Harp and Chairman Givin will be required to execute the pay request. After discussion, upon Motion of Robert Worthington and second by Rodger Bingham, it was unanimously,

“RESOLVED: that Paul Harp and Chairman Givin be and the same are hereby authorized to submit any and all paperwork to KIA for the purpose of obtaining ARPA grant funding for forty percent (40%) of the grant to be applied to the invoice of HMB Professional Engineers for the Facilities Plan.”

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.
2. Superintendent Harp reported that he has filed his third quarter progress report in response to the DOW Agreed Order.
3. Superintendent Harp reported that the DOW performed an inspection of the District's testing laboratory. No major issues were found.

Grant County Sanitary Sewer District
Minutes
November 16, 2023

4. Superintendent Harp reported that DWSRF funds may become available in the near future. Superintendent Harp has requested HMB to prepare Project Profiles for submittal to DWSRF. After discussion, upon motion of Rodger Bingham and second by Greg Powell, it was unanimously,


“RESOLVED: that Paul Harp and HMB be and the same are hereby authorized and directed to file any and all applications and prepare any and all Project Profiles for the purpose of submitting applications for DWSRF Funding.”

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

1. Ms. Cook shared with the Commissioners the Fiscal Year End Preliminary Budget as attached. Ms. Cook stated that Debra Dedden has requested that the District take final action on the budget at the December 2023 meeting. If anyone has any questions regarding the proposed Budget, please call Debra Dedden. Ms. Cook reported that, if need be, Debra Dedden will attend the December 2023 meeting.
2. Ms. Cook reported that the next regular meeting is scheduled for December 21, 2023.

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