

**MINUTES OF THE
GRANT COUNTY SANITARY SEWER DISTRICT
MARCH 2024 MEETING**

The March 2024 Meeting of the Grant County Sanitary Sewer District was called to order on March 21, 2024, at 2:30 p.m. at the District Headquarters, One Farrell Drive, Crittenden, Kentucky. Present at the meeting were the following: Chairman Charles Givin, Commissioners Rodger Bingham, Greg Powell and Michael Duley. Also present were HR Director Ashley Dyer, Dianne Cook, Counsel Thomas R. Nienaber, HMB Professional Engineers, Inc., Mr. Benton Hanson, and Superintendent Paul Harp. Commissioner Robert Worthington was absent.

The first order of business was a review of the February Minutes. After discussion, upon motion of Greg Powell and second by Michael Duley, it was unanimously,

“RESOLVED: that the February 2024 Minutes be approved as attached.”

The next order of business was a review of the February 2024 Warrants, Maintenance and Operating Account and Profit and Loss Statement. After discussion, upon motion of Rodger Bingham and second by Greg Powell, it was unanimously,

“RESOLVED: that the February 2024 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. Earlier this week, the Plaintiff, Mr. Garrison, filed his Responses to the Interrogatories and Requests for Production of Documents submitted to him by the Defendant, City of Crittenden. Mr. Nienaber reported that he had previously forwarded copies of those Responses to all of the Commissioners. The Responses provided by Mr. Garrison were for the most part non-responsive, incomplete and in some instances, unintelligible. More importantly, Mr. Garrison’s Response stated that there were “attached documents.” The Response that Mr. Nienaber received did not have any documents attached. A letter was sent to Plaintiff’s counsel requesting copies of all documents Mr. Garrison referred to in his Response. Mr. Nienaber also reported that he spoke with Counsel Womack and Cheeks (counsel appointed by KACo and KLC to represent Bullock Pen Water District and Grant County Sanitary Sewer District) regarding the outstanding discovery requests which the District had submitted to the City of Crittenden. Mr. Womack reported that the City of Crittenden’s attorney promised that the Responses would be filed no later than March 18, 2024. That did not occur. Mr. Womack stated that if the Responses are not received by Friday, March 22, 2024, a Motion to Compel will be filed.

Grant County Sanitary Sewer District
Minutes
March 21, 2024

2. Mr. Nienaber inquired as to the status of the Facilities Plan. Mr. Hanson reported that the Facilities Plan is still under internal review by the Division of Water. Approval should be coming within the next 60 days.

3. Mr. Nienaber reported that a Complaint was filed on behalf of the Bullock Pen Water District in the PFAS MDL litigation in the United States District Court for the Eastern District of South Carolina. A copy of that Complaint was forwarded to everyone. Mr. Nienaber inquired as to the status of the second PFAS test conducted on behalf of the District. Superintendent Harp reported that the second test samples have been forwarded to the lab for analysis. Once those results are received, they will be distributed to all. Mr. Nienaber stated that if a positive test result is received, he would like to report those results to Napoli & Shkolnik for the purpose of engaging in litigation with the Bullock Pen Water District in the PFAS MDL. Mr. Nienaber reminded everyone that during recent communications with Napoli & Shkolnik, time is of the essence. With that said, Mr. Nienaber requested that he be authorized to request Napoli & Shkolnik to include the District in PFAS MDL litigation as soon as the new PFAS test results are received. After considerable discussion, upon motion of Greg Powell and second by Mike Duley, it was unanimously,

“RESOLVED as follows:

- 1) As soon as the PFAS test results are received and if those test results are positive, Mr. Nienaber is authorized to instruct Napoli & Shkolnik to include the Grant County Sanitary Sewer District in the pending PFAS MDL litigation;
- 2) Chairman Givin and Superintendent Harp be and the same are hereby authorized to execute any documents necessary to initiate the District’s involvement in the PFAS MDL litigation.

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

1. Mr. Hanson reported on the Facilities Plan status.

2. Mr. Hanson discussed with the Commissioners various funding sources for the upcoming WWTP Project. Unfortunately, it does not appear as though there will be any grant funding available for the WWTP Project. Allocation of grants for public service projects is based upon “median household income” for the community where the project will be providing services. Grant County median household income is far too high for eligibility. Mr. Hanson stated that HMB will continue to investigate sources for grant money on an ongoing basis. Mr. Hanson reported that the other two sources of funding for the project

Grant County Sanitary Sewer District
Minutes
March 21, 2024

are Rural Development (“RD”) and Kentucky Infrastructure Authority (“KIA”). Both KIA and RD have funding available which are “low interest.” KIA funding generally has a 20 year term. Current rates are approximately 2.2%. RD offers 40 year loans. Their current rates are 3.5%-3.7% interest. Mr. Hanson also stated that there could be some additional funding available through the Clean Water Fund. The Kentucky General Assembly recently allocated \$150,000,000 to this fund in its budget. However, the amount of funding through the Clean Water Fund would probably be very limited and in the same amounts as that funding which the District has previously received. Mr. Nienaber inquired as to the estimated cost of the WWTP Project. Mr. Hanson stated that at March 21, 2024 construction prices, the cost would be somewhere between \$7,000,000 to \$8,000,000. As a final note, Mr. Hanson stated that the District could request the Kentucky General Assembly and/or the Federal Government to include a budgetary “line item” expenditure for the WWTP Project. However, this is very unlikely to occur. Mr. Hanson stated that his office will continue to provide updates on funding availability.

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 shared with the Commissioners an Energy and Environment Cabinet Notice of Violation (“NOV”) which the District received March 15, 2024. Superintendent Harp reported that the NOV contains two alleged violations. The second violation should not have been issued because the test levels do not violate the District’s Discharge Permit. Superintendent Harp will issue a letter in response to the NOV denying the second violation.
3. Superintendent Harp reported that he has purchased a variable speed drive pump for the Greenview Lift Station. Gleason Electric should have the new pump installed ASAP.
4. Superintendent Harp reported that the electric panel in the Vincent Lift Station needs to be replaced at a cost of \$6,105.00. Superintendent Harp reported that this should be approved as soon as possible. After discussion, upon motion of Mike Duley and second by Greg Powell, it was unanimously:

“RESOLVED: that Superintendent Harp be, and he is hereby authorized to purchase a new electric panel for the Vincent Lift Station.”

5. Superintendent Harp reported that over the past few years, EMT has been providing repair services for District grinder pumps. Superintendent Harp believes that EMT’s prices are getting out of hand. Consequently, he contacted Wascon Pumps for pricing on new grinder pumps. Superintendent Harp reported that he can purchase new grinder

Grant County Sanitary Sewer District
Minutes
March 21, 2024

pumps from Wascon Pumps at approximately 50% of the repair costs which EMT charges. The pumps being purchased through Wascon Pump are identical in brand and capacity as those which EMT was repairing.

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

1. Dianne Cook reported that the Bullock Pen Water District has changed its monthly meeting to April 25, 2024 due to conflicts. After discussion, the District announced that its next regular meeting will likewise be April 25, 2024. Dianne Cook and Ashley Dyer are hereby directed to make the appropriate notifications.

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