

**MINUTES OF THE  
BULLOCK PEN WATER DISTRICT  
MARCH 2025 MEETING**

The March 2025 meeting of the Bullock Pen Water District was called to order on March 27, 2025, at the hour of 1:00 p.m. Those in attendance were Chairman Charles Givin, Superintendent Paul Harp, Commissioners Bryan Slaughter, Andrea Walton, and Rodger Bingham. Also present were Counsel Thomas R. Nienaber, HMB Professional Engineers, Inc., Mr. Benton Hanson, Kentucky Engineering Group, Mr. Ryan Carr, Amy Ruark and Ashley Dyer. Commissioner William Wethington was absent.

The first order of business was a review of the February 2025 Minutes. After discussion, upon motion of Bryan Slaughter and second by Andrea Walton, it was unanimously,

“RESOLVED: the February 2025 Minutes be and the same are hereby approved as attached.”

The next order of business was a review of the February 2025 Profit and Loss and Warrants Statement as attached. After discussion, upon motion of Rodger Bingham and second by Bryan Slaughter, it was unanimously,

“RESOLVED: the February 2025 Profit and Loss and Warrants Statement 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 stated that he has not heard anything regarding the status of the Katie Drive Project. Superintendent Harp stated that he has not heard anything either. Amy Ruark reported that two residents from Katie Drive (Williams and Whaley) called some time ago inquiring about the status of the Project. Other than that, no one has heard anything. Mr. Nienaber sought direction from the Board. After discussion, it was determined that the District should do nothing until the Boone County Fiscal Court calls.
2. Mr. Nienaber inquired as to whether or not any of the local Fire Department Officers were going to attend the District meeting to discuss fire protection within the District. Chairman Givin reported that he spoke to Calvin Crupper (Retired State Fire Marshal) and the Crittenden Fire Department inviting them to attend a meeting. No one showed for this meeting. Chairman Givin stated that he would contact Mr. Crupper and the Crittenden Fire Department once again. Superintendent Harp reported that two customers have sought pressure and flow tests relating to fire hydrant capacity in their area. Mr. Nienaber recommended that Superintendent Harp respond to those requests. Mr. Nienaber stated that he would assist Superintendent Harp in preparing a response once the pressure and flow tests are obtained.
3. Mr. Nienaber reported that he, Chairman Givin, Commissioner Wethington and Superintendent Harp attended a joint multi-district water meeting requested by Senator Gex Williams. This meeting occurred on Thursday, March 20, 2025, at the Boone County Water District (BCWD headquarters). Present at that meeting were the following: BCWD representatives, Mr. Harry Anness; Boone-Florence Water

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Commission (BFWC), Mr. Jeff Eger; Ms. Lindsey Rehtin and Mr. Richard Harrison, Northern Kentucky Water District (NKWD); and Representative Thomas Massey Liaison, Robert Porter; and Senator Gex Williams. Mr. Nienaber gave a report of that meeting as follows.

The meeting was called to order by Senator Gex Williams for the purpose of discussing public water systems in the Northern Kentucky area. Senator Williams started the meeting by commenting that he has concerns with the ever expanding PFAS issue. He recognized that there are also fire protection issues in Walton and within other districts in Northern Kentucky. He stated that there are issues with silting of Bullock Pen Lake that could affect its future availability as a water source for raw water at the District Water Treatment Plant. Senator Williams commented that BFWC has room to expand its organization to a maximum of 5 Districts. He commented that Sanitation District No. 1 (SD1) should serve as an example of “economy of scale” for water districts in the Northern Kentucky area. He suggested that water districts in the Northern Kentucky area should attempt “regionalization” through merger or some other cooperative association. Specifically, Senator Williams suggested that districts should join BFWC. Senator Williams stated that “economy of scale” and “regionalization” should serve as a model for providing water to the Northern Kentucky community. Senator Williams suggested that Walton and the District should become part of the BFWC and purchase their future water needs from that entity. Chairman Givin explained to Senator Williams that “fire protection” by water districts (regardless of their size) is very misunderstood by the general public. Chairman Givin explained and cited examples. NKWD Representative Rehtin stated that as an entity, it has no interest in imposing their “policies and regulations” on any other districts in the area. It was made clear by all representatives at the meeting there was little to no interest in “consolidating” Northern Kentucky water districts under the BFWC umbrella. Mr. Nienaber gave a brief history of the District and its mission to provide water for residential use in rural communities. Mr. Nienaber also explained issues unique to the District which developed by adopting Governor Patton’s plan to provide water to all residents in the Commonwealth of Kentucky. Mr. Nienaber explained that there are “unintended consequences” of meeting that mission objective. One of those “unintended consequences” resulted in the District’s need to flush water on a rather large scale. BCWD acknowledged that issue as well. Senator Williams was insistent on and encouraged the District to join BFWC. Mr. Nienaber inquired as to what type of association Senator Williams envisioned for the District and BFWC. No specific details could be given. Senator Williams suggested that a “study” be conducted to determine the feasibility of consolidating and/or other districts joining BFWC. Senator Williams explained that he invited the City of Walton to attend this meeting

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but for whatever reason, they didn't show. Chairman Givin explained that if the District were to purchase water from other sources as a future "business model" and take the water treatment plant out of service, significant infrastructure improvements would be needed. Mr. Nienaber then gave a brief history of the District's plans for a new water treatment plant and the process that was engaged in making that decision. He explained that previous engineering estimates from years ago indicated that over \$5,000,000.00 would be needed in infrastructure improvements if the District were to adopt a 100% water purchase business model. Mr. Anness indicated that it was his estimate those current infrastructure costs could be as high as \$12,000,000.00 to \$15,000,000.00. Mr. Anness also commented that the District's decision to construct a new water treatment plant was the right choice in his opinion. Chairman Givin explained that even though the District is in the process of undertaking a water treatment plant project, limited water quantities would still have to be purchased from other entities due to infrastructure issues and the nature of the District's expansive territory. Chairman Givin commented that due to the large service area of the District and its existing infrastructure of smaller water lines, it would be impossible for the District to have one water source, whether that be from wholesale water purchase and/or a water treatment plant. Again, Senator Williams encouraged everyone to go "regional". He cited Eastern Kentucky Water Districts as an example of "regionalization". Senator Williams indicated that if the District joined BFWC, it could purchase water at a much lower rate than the District could produce water. These numbers were challenged by the District. Mr. Anness disagreed with that position as well. Mr. Anness indicated that if the District were to purchase water through BFWC, there would be upcharges for using BFWC distribution lines, infrastructure, maintenance, etc. Mr. Anness stated that BFWC currently purchases water from Cincinnati Water at a rate of approximately \$2.50 per thousand gallons. Senator Williams cited complaints that there has been an increase across the state where rural water districts use public lakes for water treatment. He cited that silting issues of those water sources is becoming a more prevalent problem. Senator Williams stated that there is a huge development potential for Southern Kenton County, Southern Boone County, and Northern Grant County for large industrial developments. Commissioner Wethington commented that the District could not afford to fund major infrastructure improvements that would be required for any type of major industrial development. He stated that the infrastructure is just not in place. Chairman Givin also commented that any association with BFWC would need to be approved by the Grant County Fiscal Court and the Public Service Commission. Senator Williams asked that all attendees at the meeting create a committee to investigate possible cooperative agreements with BFWC. He requested that everyone schedule a meeting as soon as possible. Senator Williams stated that he is in the

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process of writing an “op-ed” promoting regionalization of water in Northern Kentucky. Mr. Eger asked Senator Williams if there was any money available through the State or the Federal Government that could fund these very expensive infrastructure projects. Mr. Porter stated that he would research that issue to see if there were any grant monies available. At the conclusion of the meeting, Mr. Eger stated that he would get in touch with everyone to schedule a joint meeting for the purpose of further discussing the issue.

After the joint meeting referenced above, Mr. Nienaber received a phone call from Mr. David Koenig, counsel for BCWD. He requested a meeting between himself, Mr. Dale Wilson (BFWC counsel), and myself. Mr. Nienaber reported that during his meeting on March 27, 2025, Mr. Koenig reported that BCWD had no knowledge of the scheduled joint meeting held on March 20, 2025. Mr. Koenig also stated that he wanted to meet with Mr. Nienaber earlier in the day as, Mr. Eger was informed by Senator Williams that the District wanted to join BFWC. Mr. Nienaber reported that during his meeting with Messrs. Koenig and Wilson, he stated unequivocally that is not the case. Mr. Koenig stated that BFWC would probably not want the District to join its association.

Commissioner Bingham inquired as to whether or not the District should schedule a meeting with the Kentucky Department of Fish and Wildlife (F&W). Mr. Nienaber stated that it is imperative that the District schedule such a meeting as soon as possible. Chairman Givin stated that F&W’s position about the District’s withdrawal of water from Bullock Pen Lake has changed due to the improvements to Bullock Pen Lake Dam. Superintendent Harp stated that he is working on getting all lake elevation numbers to demonstrate that since the Dam has been reconstructed, there has been little change in lake levels even during periods of extreme draught. The Commissioners all agreed that under the current facts, there should be no merger between the District and BFWC. Chairman Givin reported that he has a meeting with Superintendent Harp and the Grant County Judge Executive Chuck Dills scheduled for March 28, 2025. Chairman Givin stated that he would report after that meeting occurs. Mr. Nienaber also reported that on Friday following the joint meeting, Senator Williams contacted Commissioner Wethington by phone. Commissioner Wethington prepared a summary of that meeting (attached). Mr. Nienaber inquired as to what the District’s response should be to a joint meeting to form a committee for the purpose of conducting a merger survey. Chairman Givin and Commissioner Bingham both stated that the District has already made its decision to construct a new water treatment plant. Commissioner Walton stated that she does not believe the District should participate.

Mr. Nienaber stated that he would begin the process of scheduling a meeting with F&W. Superintendent Harp, Chairman Givin and Ryan Carr stated that they would all attend.

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4. Mr. Nienaber stated that he has not yet heard anything regarding the Belden Gaines Complaint pending with the PSC.
5. Mr. Nienaber shared with the Board the Supplemental Response which the District filed with the MDL PFAS litigation.
6. Mr. Nienaber stated that he has been informed that there may be an issue regarding the payment of Commissioners for meetings where a Commissioner is absent. Amy Ruark reported that she received an email from Commissioner Wethington stated that he was not paid for meetings which he missed last year. Commissioner Wethington reported that when he attended the local PSC training seminar, he inquired as to whether or not Commissioners could be paid for meetings that were missed. Commissioner Wethington reported to Amy Ruark that he was informed payment for missed meetings can be made by a District. Mr. Nienaber stated that he was unaware of any written policy at the District which addresses this issue. Amy Ruark reported that she understood the policy to be that a Commissioner could have one missed meeting and receive payment. After that, payment should not be made for missed meetings. Chairman Givin likewise stated that it was his understanding Commissioners should not be paid for meetings missed after 1 absence. Mr. Nienaber stated his opinion regarding this issue. He stated that the District should not have a firm policy restricting payment to Commissioners who miss more than one meeting. More importantly, the District should review each instance on a case-by-case basis. He cited that while attendance at meetings is important, of likewise importance is a Commissioner's involvement with the District, participation in other meetings, product knowledge of the District operation and similar issues. Therefore, the District should adopt a case-by-case policy. He stated that there is no requirement in the statutes or with the Public Service Commission that would restrict a District from paying a Commissioner for a missed meeting. Mr. Nienaber reviewed KRS 74.020 which addresses the compensation of Commissioners. He reported that Commissioners are permitted to receive \$300.00 per month (\$3,600.00 per year) as maximum compensation subject to the County Fiscal Court approval. There is no requirement contained in the Kentucky Revised Statutes which prohibits payment of a Commissioner for absence at a meeting. Commissioner Walton shared with the Board her position stating that Commissioners should receive payment for one missed meeting. After that, Commissioners should not be paid for missed meetings. Commissioner Walton inquired as to whether or not Commissioners should be paid for "special meetings" over and above the regularly scheduled monthly meeting. Mr. Nienaber stated that the statutes do not allow for that. Again, compensation is capped at \$3,600.00 per year, per Commissioner (unless additional training is received which allows additional compensation). Moreover, compensation for a Commissioner must be approved by the appropriate Fiscal Courts. Following a robust discussion, Commissioner Walton made a motion that the District adopt a policy that allows a Commissioner to receive compensation for only one missed meeting. After that, Commissioners would not be paid for regularly scheduled meetings that are missed. This motion was seconded by Commissioner Slaughter. Commissioner Bingham gave his thoughts on the issue. He

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stated that he believes one missed meeting is not sufficient. Commissioner Bingham suggested that the motion of Commissioner Walton be amended to allow a Commissioner to miss two meetings with pay and after that no payment would be received for a missed meeting. Mr. Nienaber expressed his disfavor. After discussion, upon motion of Rodger Bingham, and second by Bryan Slaughter, it was unanimously,

“RESOLVED as follows:

1. The District adopt a policy that Commissioners be paid for each monthly meeting as authorized by the respective Fiscal Court. Commissioners are permitted to miss two meetings and receive monthly payment. Thereafter, Commissioner shall not be paid for absent meetings.
2. No compensation shall be made to a Commissioner for attending special meetings.
3. This policy shall be effective immediately.”

The next order of business was a report by Kentucky Engineering Group, Inc., Mr. Ryan Carr, as follows:

1. Mr. Carr shared with the Commissioners his Summary Fact Sheet for use by District representatives (attached).
2. Mr. Carr reported that the water treatment plant plans and drawings have been submitted to DOW. It is unclear as to when DOW will approve those plans. Mr. Carr reported that DOW is approving plans rather slowly at this time.
3. Mr. Carr reported that the Geotech engineers will be onsite in the very near future, weather permitting.
4. Mr. Carr reported that John Brady informed him that KIA will be addressing the District’s WWTP financing request at its May/June 2025 meeting. Mr. Carr stated that once a firm time, date and place is scheduled, he will advise District representatives for their attendance.
5. Mr. Carr reported that Rural Development (RD) will address the District’s request for financing at its April 9, 2025 meeting. This meeting is scheduled for the RD Headquarters, Frankfort, Kentucky, at 10:00 a.m. Mr. Carr requested Superintendent Harp and Chairman Givin to attend.
6. Bryan Slaughter inquired as to the current schedule for the WWTP Project. Mr. Carr reported that it is his plan that the Project be bid in late 2025 or early 2026. Commissioner Slaughter inquired as to whether or not “digital plans” were currently

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available. Mr. Carr stated that once the plans and drawing are complete and approved by DOW a “digital plan” will be made available.

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

1. Mr. Hanson reported that he has nothing new to report.

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

1. Superintendent Harp reviewed with the Commissioners his monthly Superintendent Report as attached.
2. Commissioner Slaughter inquired as to the current construction projects on Barnes Road. Superintendent Harp reported that is taking place within the City of Williamstown and not within the District’s territory.
3. Superintendent Harp reported that there is a meter on Baton Rouge Road that has been abandoned for some 20 years. It is the District’s meter. However, Superintendent Harp wants the District to convey the service line and meter to the City of Williamstown. Commissioner Bingham agreed. Mr. Nienaber stated that if Superintendent Harp contacts Williamstown to transfer this meter and service line, it should be done in writing.
4. Superintendent Harp reported that there have been recent issues faced by the District on Chetalou Drive located within the Highridge Mobile Home Park. He reported that someone had constructed a mobile home addition over the District’s meter. Superintendent Harp reported that there are a number of instances in Highridge Mobile Home Park and Indian Hill Mobile Home Park where mobile homes are placed over a water meter and/or service line. Superintendent Harp reported that meter reading is severely hampered by this practice and in some instances presents a danger to District employees. He also stated that it can present a danger to District employees who are required to crawl under a mobile home to take an accurate meter reading, check on equipment, lines, etc. Superintendent Harp requested whether or not the District can require a Mobile Home Park to pay for new meters and service lines. Mr. Nienaber stated that is the responsibility of the property owner to allow the District employees to make reasonable inspections, service, and meter readings of all meters and water service lines. Mr. Nienaber recommended that Superintendent Harp contact the mobile home park management for the purpose of discussing future plans in relocating meters, installing new meters, and service lines. Mr. Nienaber stated that the District should take the position the cost of this should be borne by the Mobile Home Park owners. Mr. Nienaber stated that it would be best for Superintendent Harp to meet onsite with the Mobile Home Park owners to discuss this issue. After discussion, Superintendent Harp

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reported that he would meet with the Mobile Home Park owners to discuss this serious situation and report at the next meeting.

5. Superintendent Harp reported on a situation that has occurred on Carter Chapel Road. A resident reported low pressures and flows. Superintendent Harp reported that he will go out and make tests to determine the actual water flow and pressure. Superintendent Harp reported that a large portion of Carter Chapel Road is on a 4" line which is serviced by a 2" line. This disparity in line size could very well be the explanation for low pressure. After discussion, Superintendent Harp stated that he would go out and take pressure and flow tests and report at the next meeting.
6. Commissioner Slaughter inquired as to where the District stood in tearing down the old Catlett house on the property purchased by the District for the WWTP Project. Superintendent Harp stated that the District will work on that project in the near future. He also confirmed that the house and barn structures on the property are not worth saving and add little or no value to the property.
7. Commissioner Slaughter stated that Farrell Drive needs to be resurfaced. Superintendent Harp reported that is a "City street" and is the responsibility of the City of Crittenden. Superintendent Harp stated that he would get a rough estimate for the repaving of the street and then contact the City of Crittenden to address this issue.
8. Superintendent Harp presented a KURTS User Agreement submitted to the District by KYTC. This document allows KYTC and KYTC consultants access to various information of the District. Mr. Nienaber stated that it is appropriate for the District to sign. After discussion, upon motion of Rodger Bingham and second by Andrea Walton, it was unanimously,

"RESOLVED: that Superintendent Harp be and he is hereby authorized to execute on behalf of the District the attached KURTS Agreement."

The next order of business was a report by Amy Ruark and Ashley Dyer as follows:

1. Ms. Ruark reported that the PSC training program is scheduled for next Thursday at 8:30 a.m., at the Northern Kentucky Water District Headquarters.
2. Ms. Ruark reported that there are CDs at Forcht Bank which are ready for renewal. After discussion, upon motion of Andrea Walton and second by Rodger Bingham, it was unanimously,

"RESOLVED: that Amy Ruark be and she is hereby authorized to renew the two Certificates of Deposit held at Forcht Bank at a term not to exceed 5 months and at a rate not to be less than 4.25%."

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2. Ms. Ruark reported that she had approximately \$621,000.00 in the District's loan payment account as of February 28, 2025. There is no need to retain this amount of money in the account. With additional monies, she recommends that the District take \$600,000.00 from the money market account and invest it in a Certificate of Deposit. After discussion, upon motion of Rodger Bingham, and second by Bryan Slaughter, it was unanimously,

“RESOLVED: that Amy Ruark be and she is hereby authorized to remove \$600,000.00 from the money market account and place it in an interest bearing account not less than 4.25% at a term not to exceed 5 months.”

3. Ms. Ruark reported that the next meeting currently scheduled for April 17<sup>th</sup> should be moved due to conflicts. After discussion, upon motion of Rodger Bingham and second by Bryan Slaughter, it was unanimously,

“RESOLVED: that the meeting be changed to April 24, 2025 at 1:00 p.m.”

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

BULLOCK PEN WATER DISTRICT

BY: *Charles Givin*

CHARLES GIVIN, CHAIRMAN

ATTEST:

*William M. Wethington*  
WILLIAM WETHINGTON, SECRETARY