

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

The March 2023 Meeting of the Grant County Sanitary Sewer District was called to order on March 16, 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, Michael Duley and Greg Powell. 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 Minutes of the regular District meeting of February 23, 2023. After discussion, upon motion of Robert Worthington and second by Michael Duly, it was unanimously,

“RESOLVED: that the February 23, 2023 Minutes be approved as attached.”

The next order of business was a review of the February 2023 Profit and Loss Statement and Warrants as attached. After discussion, upon motion of Greg Powell and second by Rodger Bingham, it was unanimously,

“RESOLVED: that the February 2023 Profit and Loss Statement and Warrants 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 that Rodger Bingham and Robert H. Worthington were reappointed by the Grant County Fiscal Court to serve another term as Commissioners on the Board. Rodger Bingham and Robert H. Worthington were administered the Oath of Office and executed an Oath of Office Certificate as attached.
2. Mr. Nienaber gave an update of the status of the Rate Increase proceeding pending before the Public Service Commission (“PSC”). Mr. Nienaber reported that all documentation has been submitted to the PSC as requested and to the City of Crittenden as requested. Mr. Nienaber has not heard anything from the City of Crittenden or its counsel, Brandon Voelker. Chairman Givin stated that he observed the most recent meeting of Crittenden City Council in order to see if any discussion was held regarding the District’s Rate Increase proceeding. Chairman Givin reported that there was no substantive discussion amongst the Crittenden City Council members regarding the rate increase. Mr. Nienaber stated that pursuant to the most recent Order entered by the PSC, a Staff Report will be released on or before April 6, 2023. The District and any other party to the Rate Increase proceeding may submit objections to the Staff Report. The matter will then be submitted to the PSC for a final ruling. Chairman Givin inquired as to whether or not there would be a full public hearing. Mr. Nienaber stated that is up to the PSC. Mr. Nienaber does not believe that a full public hearing will be held.

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3. Chairman Givin reported that he heard from Magistrate Humphrey (Grant County Fiscal Court) regarding the District's decision to stop billing and collecting solid waste fees from Republic on behalf of the City of Crittenden. Humphrey stated to Chairman Givin that it was his belief that the District is withholding information from the City of Crittenden and/or Republic. Specifically, Chairman Givin stated that the directory of customers being billed for solid waste collection fees is inaccurate and does not include phone numbers. Dianne Cook stated that she is going to review the list to ensure that the information provided to the City of Crittenden and Republic is the most recent billing information available. Mr. Nienaber stated that under no circumstance should the District release phone numbers of District customers or those individuals being mailed bills for solid waste collection by the District. Commissioner Powell inquired as to why Republic does not have a current list of customers within the City of Crittenden that are currently being billed by the District. Everyone was confused as to why Republic doesn't have a current updated list. In any event, the District will attempt to update its customer billing list and provide that information to Republic and the City of Crittenden as soon as possible.
4. Mr. Nienaber inquired as to the status of the Wastewater Treatment Plant Project. Mr. Hanson stated that the Facilities Plan discussion will cover that issue.
5. Mr. Nienaber inquired as to the status of the Grinder Pump Rules revision. Commissioner Bingham raised the issue at the February 23, 2023 meeting as to whether or not the District should formulate new rules and regulations relating to grinder pumps. Mr. Harp reported that he has not had an opportunity to put together a plan regarding that issue. He will have a report for consideration at the next meeting.
6. Mr. Nienaber discussed with the Commissioners the status of Senate Bill #263. Mr. Nienaber reviewed with the Commissioners his March 15, 2023 correspondence with attached Senate Bill #263 Summary (attached). Mr. Nienaber stated that he would keep everyone posted as to any developments regarding Senate Bill #263.
7. Mr. Nienaber inquired as to the status of reinvesting available cash on hand with Certificates of Deposit. Everyone agreed that the cash on hand should be maintained in the current Certificate of Deposit.

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

1. Mr. Hanson reported that the final draft of the Facilities Plan is complete. He reviewed with the Commissioners some highlights from the Facilities Plan. Mr. Hanson stated that the Facilities Plan will now be forwarded to the Division of Water ("DOW") for review

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and comment. One of the focal points of the Facilities Plan is the issue of “regionalization”. Mr. Hanson reported that for the District to “regionalize” sanitary sewer services, it would have to pump sewage to Williamstown for final treatment. The cost of this plan would be approximately \$19,000,000.00 as outlined in the Facilities Plan. The cost to upgrade the District’s current WWTP would be \$5,000,000.00. Simply stated, regionalization is not an option with current conditions. Mr. Hanson stated that the DOW will make a preliminary review of the Facilities Plan. After the DOW preliminary review is complete, the District will then schedule a public hearing. This Public Hearing will have to be advertised for 30 days. The 30 day notice period will also serve as a comment period. After the Public Hearing is conducted, the Grant County Fiscal Court must approve the Facilities Plan. After all comments are received from the Public and adjustments to the Facilities Plan are made, it will be resubmitted to the DOW for final approval. Mr. Hanson expects this to occur sometime in July/August, 2023. After discussion, upon motion of Michael Duly and second by Rodger Bingham, it was unanimously,

“RESOLVED: that the District’s Facilities Plan be submitted to the Division of Water for review and approval.

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

1. Mr. Harp reviewed with the Commissioners his Superintendent’s Report as attached.
2. Mr. Harp informed the District that on March 7, 2023, an Agreed Order was submitted to the District for signature relating to violations at the District’s WWTP. A copy of the March 7, 2023, correspondence accompanying Agreed Order issued by the Energy and Environment Cabinet (“Cabinet”) is attached. Mr. Harp reviewed with the Commissioners the highlights of that Agreed Order. Mr. Harp stated that the violations for which the District is being cited occurred from February 28, 2019 through December 28, 2022. Mr. Harp characterized these violations as being “minor”. Mr. Harp stated that the only way to prevent violations similar to those covered in the citations would be for the District to make significant improvements to the WWTP. One solution could be the construction of an equalization tank. Mr. Nienaber stated that he was given a copy of the Order the previous day and has had an opportunity to review it. The question before the District is whether or not the Agreed Order should be signed. Mr. Harp stated that the Agreed Order is factual in relation to the violations for which the District is being cited. Mr. Harp reviewed with the Commissioners the various fines that could be imposed for failure to adequately address the violations. Mr. Harp stated that the fine for the violations would be \$5,000.00. Mr. Harp stated that he can comply with the terms of the Agreed Order. Mr. Nienaber cautioned everyone regarding the seriousness of the issues at hand. Mr. Nienaber also stated that the Agreed Order should be signed only if the

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District can comply with its terms and conditions. Chairman Givin inquired as to whether or not the District could appeal this matter. Mr. Nienaber stated that if the District does not sign the Agreed Order, the matter will be referred to the Cabinet's general counsel for initiation of legal proceedings. It would be at that point where the District would be in a position to address the allegations. Mr. Harp stated that considering everything, it was his recommendation that the District allow him to sign the Agreed Order. After considerable discussion, upon motion of Robert Worthington and second by Michael Duly, it was unanimously:

“RESOLVED: that the District, by and through Paul Harp, be and the same is hereby authorized to execute the Agreed Order (attached) in Case No. DOW-23-3-0039.”

3. Mr. Harp indicated that one improvement that could help in alleviating the violations for which the District is being charged would be to install a VFD at the Greenview Pump Station. Mr. Harp stated that he would get various quotes for a VFD and report at the next meeting.

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

1. The next regular meeting is scheduled for April 20, 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