

**CHARLES TOWN UTILITY BOARD**  
**THURSDAY, April 11, 2019 4:00 p.m.**  
**SPECIAL MEETING TO BE HELD AT**  
**101 E. Washington Street**

**SPECIAL MEETING:**

1. Approval of the March 27, 2019 Regular Meeting Minutes
2. Public Comment - This portion of the agenda is designed for members of the general public to share thoughts on items of interest in the community. By law, Board members may ask clarifying questions or discuss procedural matters but are not permitted to discuss the policy merits of any issue unless it is scheduled for discussion.
3. Utility Manager Report
  - a. Resolution 2019-02 – FY19 Water and Sewer Rebudgets
  - b. Westridge Hills HOA Request – Referral to City Council
  - c. Request for Purchase Approval of Software Modules
  - d. Sub-Lease – 661 S. George Street
  - e. Location Change for April 25, 2019 Meeting
4. Approval of Bills

Correspondence Attached:

WV DEP Letter dated April 4, 2019, Re: Paragraph C.14 of NPDES Permit Number WV0022349

WV DEP Letter dated April 5, 2019, Re: Paragraph C.13 of NPDES Permit Number WV0022349

April 11, 2019

The Charles Town Utility Board held the regular meeting on April 11, 2019 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Daryl Hennessy, Pete Kubic, Duke Pierson, and Kevin Tester. Also present were Michael George, Hoy Shingleton, Jane Arnett, Kristen Stolipher, and by phone the newly appointed liaison Josh Compton. The Chairman called for a motion to approve the March 27, 2019 regular meeting minutes. By motion from Kevin, second by Duke, the Board approved the minutes. No public comment was received.

The Chairman next opened the floor for discussion on the Utility Manager report which included the approval of Resolution 2019-02 – FY19 Water and Sewer Rebudgets. The Utility Manager explained the rebudgets include a full year of the Ranson sewer merger and six months of the PSD acquisition. The rebudgets are primarily a requirement of 2015B Bond, originally the 2009 Bond which created the Utility Board, as well as prior bonds held by the Utility. By motion from Duke, second by Pete, the Board approved Resolution 2019-02 – FY19 Water and Sewer Rebudgets.

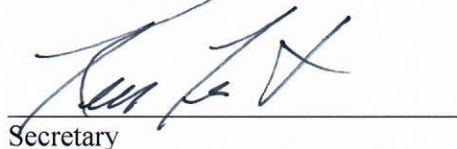
The next item considered was the Westridge Hills HOA Request – Referral to City Council. Hoy explained that Westridge Hills conveyed a lot that holds a well to the PSD which is now owned by the City. In the deed, there are terms that explain if the lot is sold the HOA has certain rights to repurchase including the first rights of refusal. The HOA has now approached the Utility to acquire the lot back. Hoy stated that if the Utility has no use for it, they may want to consider giving the lot back to the HOA due to a potential liability being a vacant lot, however, this must be referred to City Council for action. By motion from Kevin, second by Duke, the Board approved referring the Westridge Hills HOA request to City Council for consideration.

The next item discussed was the Request for Purchase Approval of Software Modules. The Manager provided a brief overview of the software modules from Tyler Technologies that staff would like to purchase including the Fixed Assets, Content Manager, Work Orders, and Payroll - Personnel modules. Currently, the Utility, and the City, have been using numerous other modules in Tyler for several years. By motion from Duke, and second by Kevin, the Board approved the purchase of the software modules. Next, the Board discussed the Sub-Lease for 661 S. George Street. Todd Wilt gave a brief presentation of the lease, which is almost identical to the lease from when the Utility was occupying space at City Hall. Todd further added the terms of the lease are for a period of five years at \$2,550.00 per month. Hoy reviewed the lease and had no issues or concerns. By motion from Kevin, second by Pete, the Board approved the Sub-Lease at 661 S. George Street.

The Chairman next opened the floor for discussion on the location change for the April 25, 2019 meeting. The Chairman further explained this topic was discussed last meeting pending streaming capabilities at 661 and after discussions with Todd, the Utility is not quite ready to hold meetings at the new location. Further, an open house is scheduled at the 661 facility on May 7<sup>th</sup> from 4-6pm. The Manager also provided that an update is required for the Source Water Protection Plan so it will be added to the next meeting agenda. In the meantime, staff will be working with Terradon to start working on the plan update. The Manager also mentioned that two documents sent to WV DEP were included in the Board packets regarding compliance with items in the NPDES permit. Kristen added one of the documents clarify a public comment that was made in a prior meeting and the other addresses a provision in the permit. Kristen added that staff is finalizing items with WV IJDC for the Route 9 Sewer Project, that will be discussed at the Building Commission meeting tomorrow.

By motion from Duke, second by Pete, the Board approved the payment of bills. A brief public comment was received. By motion from Duke, second by Pete, the meeting adjourned at 4:40 p.m.

  
Chairman

  
Secretary



**CHARLES TOWN UTILITY BOARD**  
**THURSDAY, April 25, 2019 4:00 p.m.**  
**SPECIAL MEETING TO BE HELD AT**  
**101 E. Washington Street**

**SPECIAL MEETING:**

1. Approval of the April 11, 2019 Special Meeting Minutes
2. Public Comment - This portion of the agenda is designed for members of the general public to share thoughts on items of interest in the community. By law, Board members may ask clarifying questions or discuss procedural matters but are not permitted to discuss the policy merits of any issue unless it is scheduled for discussion.
3. Utility Manager Report
  - a. Source Water Protection Plan Update – Approval of Terradon Proposal
  - b. Basin Lining – Approval of Quote
  - c. Peachtree Alternate Main Line Extension Agreement
  - d. Cave Quarter Discussion
  - e. Meeting Date Change for May 23, 2019 (City Election Day)
4. Update/discussion on City Council Agenda Item #3313 - Resolution  
**(Possible Executive Session of the Board pursuant to the following statutory exception to the Open Governmental Proceeds Act):**  
WV State Code Section §6-9A-4(b)(12) - To discuss any matter which, by express provision of federal law, or state statute or rule of court is rendered confidential, or which is not considered a public recorded within the meaning of the Freedom of Information Act, specifically in this case, matters protected by Attorney-Client Privilege.
5. Approval of Bills

Information Only:

Inflow and Infiltration Smoke Testing Request for Bids



**April 25, 2019**

The Charles Town Utility Board held the regular meeting on April 25, 2019 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Daryl Hennessy, Pete Kubic, Duke Pierson, Kevin Tester and Mike Slover. Also present were Josh Compton, Micheal George, Hoy Shingleton, Jane Arnett, and Kristen Stolipher. The Chairman called for a motion to approve the April 11, 2019 special meeting minutes. By motion from Kevin, second by Duke the Board approved the minutes. Public comment was received.

The Chairman next opened the floor for discussion on the Utility Manager report which included the Source Water Protection Plan Update Approval of Terradon Proposal. The Manager explained the required update of the plan is to be completed by the July 1, 2019 deadline, which no grant funding is currently available for. The update is a requirement of the Bureau of Public Health and not a result of the consolidation with the PSD. By motion from Mike, second by Kevin, the Board approved the proposal from Terradon to update the Source Water Protection Plan.

The next item considered was the Basin Lining Approval of Quote. As part of the DEP compliance Audit, the lining of each of the basins is required. The Manager provided the quote of \$14,935.00 was the lowest received and utilizes a different technology that does not require the basin to be drained. Staff's plan is to get one basin lined per year as funds are available. By motion from Duke, second by Pete, the Board approved the basin lining proposal.

The next item considered was the Peachtree Alternate Mainline Extension Agreement. Kristen informed the Board that Dave Leonard, who was present in the audience, has intentions of developing a parcel of land behind the Dollar General on Charles Town Road for residential/commercial use for an estimated 88 EDUs. She further explained the Utility would obtain a high-level cost estimate to determine what upgrades/rehab would be needed at the pump station adjacent to this property to handle the flows from Peachtree. She added that a 2002 study identified the pump station as being over capacity at that time, which was originally designed for 210 EDUs. Kristen also mentioned, and Hoy confirmed, the cost estimate is the responsibility of the Utility to provide on its facilities. The Chairman questioned at what point does the Utility commit to the project. Kristen responded that this is still in the early stages and the developer is in the process of determining if the project is financially viable. Should the developer move into the engineering part of the process, the Utility would then enter into an Alternate Mainline Extension Agreement. Further discussed was the remaining capacity at the wastewater plant, an inflow and infiltration study, and the 2018 Sewer Strategic Plan. The Manager concluded that at this time, sewer capacity at the plant is sufficient until 2031 and the 2018 Sewer Strategic Plan can be updated at any time in the future if a major change is on the horizon. The Chairman requested those trend numbers in writing to the Board. By motion from Duke, second by Kevin, the Board approved moving forward with the cost study for Peachtree to determine costs relating to pump station capacity and the line extension.

The next item discussed was the Cave Quarter Utilities. The Manager provided that the owner is interested in transferring their system to Charles Town. Staff is not sure how to proceed as this request has been on the agenda in the past. Kristen suggested a detailed due diligence be done on the system. Pete recommended the owner of the system produce at least 24 months of DMRs/monthly operating reports to better grasp what the condition of the system is first. The Manager was concerned with this system since it will not produce any cash flow until future development comes through that area, which is unlike any of the other systems Charles Town has taken over. The Board requested staff perform due diligence in-house and report back. Mike questioned how this system would tie into Charles Town's existing system and Kristen clarified that analysis had previously been done with connection to Huntfield.

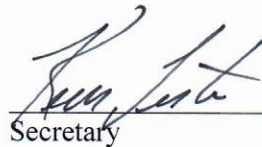
The Chairman next opened the floor for discussion on the meeting change of the May 23, 2019 meeting. In a previous meeting, as the Chairman explained, the Board meetings were changed to the second and fourth Thursday of the month through June. There is a conflict for the May 23<sup>rd</sup> date as it is an Election Day for the City of Charles Town and the room will be unavailable. The Board will determine at the May 9<sup>th</sup> meeting if the May 23<sup>rd</sup> meeting is needed. Also, under the Utility Manager report, the Chairman asked if a response was received from DEP regarding the two letters sent in April. The Manager stated that no responses have been received from DEP and most likely will not be, but she added she would contact them to see if one could be provided.



The next item considered was the Update/Discussion on the City Council Agenda Item #3313-Resolution. Hoy explained that the issue has been whether or not to withhold privileged documents from City Council or allow them to be viewed. He has drafted a letter, which he read to the Board, to City Council that describes the process to allow City Council to view those documents during a certain time frame at the Utility Board office. As background, Hoy provided that a FOIA request was sent to the Utility back in December of which 3,500 pages of information were reviewed by legal counsel and produced. Additionally, about 700 were withheld and not turned over to the requester. City Council has now requested to view that privileged information. Hoy proposed City Council view the documents, but not share outside City Council and if others want to view, it must be court ordered. If the Board agrees to send this letter, it will comply with the City Council request. Kevin questioned what happens to City Council or the Mayor if the privileged information is released. Hoy replied that he is unsure of what to do with an elected official if they release such information. Hoy added that he is more concerned with protecting the Utility's attorney-client privilege in the future. Further, Duke made the suggestion to have the Mayor or City Council come back with the dates they would like to view the documents rather than assigning specific dates. By motion from Duke, second by Kevin, the Board accepted the proposal outlined by Hoy and to make the documents available to City Council at a time to be determined with assistance from the Mayor.

By motion from Mike, second by Duke, the Board approved the payment of bills. The Chairman also mentioned the inflow and infiltration request for proposals has been drafted and the Utility is currently accepting bids. By motion from Pete, second by Mike, the meeting adjourned at 5:15 p.m.

  
Chairman

  
Secretary

**CHARLES TOWN UTILITY BOARD**  
**THURSDAY, May 9, 2019 4:00 p.m.**  
**SPECIAL MEETING TO BE HELD AT**  
**101 E. Washington Street**

**Revised May 6, 2019**

**SPECIAL MEETING:**

1. Approval of the April 25, 2019 Special Meeting Minutes
2. Public Comment - This portion of the agenda is designed for members of the general public to share thoughts on items of interest in the community. By law, Board members may ask clarifying questions or discuss procedural matters but are not permitted to discuss the policy merits of any issue unless it is scheduled for discussion.
3. Utility Manager Report
  - a. Requesting the approval and execution of 2<sup>nd</sup> Amendment to the existing License Agreement with Shentel for replacement of equipment at the Sawgrass Drive Water Tank
  - b. Resolution 2019-03 – FY20 Water and Sewer Budgets
  - c. Approval for John Deere Compact Loader (Belt Press Operation) and John Deere 35G Mini Excavator (Maintenance) under Purchase or Lease Options
  - d. Approval of Toole Design Group Task Order No. 7 (See Schedule B dated December 20, 2018 Task Order No 2A)
  - e. Discussion of Next Meeting Date (May 23, 2019 City Election Day)
4. Discussion and Possible Action to resolve Real Estate Issue related to the Route 9 Sewer Project

**(Possible Executive Session of the Board pursuant to the following statutory exception to the Open Governmental Proceeds Act):**

(WV State Code Section §6-9A-4(b) (9) - To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.
5. Approval of Bills



**May 9, 2019**

The Charles Town Utility Board held the special meeting on May 9, 2019 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Daryl Hennessy, Pete Kubic, Duke Pierson, Kevin Tester and Mike Slover. Also present were Josh Compton, Michael George, Hoy Shingleton, Jane Arnett, and Kristen Stolipher. The Chairman called for a motion to approve the April 25, 2019 special meeting minutes. By motion from Kevin, second by Duke, the Board approved the minutes. Public comment was received.

The Chairman next opened the floor for discussion on the Utility Manager report that included requesting the approval and execution of 2<sup>nd</sup> Amendment to the existing License Agreement with Shentel for replacement of equipment at the Sawgrass Drive Water Tank. Michael Hofe from Wireless Networks Group, Inc. explained the amendment is for equipment replacement at no charge to the Utility. The monthly rent of \$2,954.11 will not change. By motion from Mike, second by Duke, the Board approved the 2<sup>nd</sup> Amendment to the existing License Agreement with Shentel for replacement of equipment at the Sawgrass Drive Water Tank.

The next item considered was Resolution 2019-03 – FY20 Water and Sewer budgets. In the water budget, the Chairman questioned whether the hydrant line item was sufficient with the bigger system. The Manager responded the rebuild kits are less expensive than the cost of a new hydrant. For sewer, the FY20 full year numbers are now shown rather than a half year with JCPSD in the 2019 re-budget due to the consolidation. The Manager also explained that numerous upgrades are needed to the JCPSD system before the equalization of rates can be further examined. By motion from Mike, second by Kevin, the Board approved Resolution 2019-03 – FY20 Water and Sewer budgets.

The next item considered was the approval for a John Deere compact loader (Belt Press Operation) and John Deere 35G Mini Excavator (Maintenance) under Purchase or Lease Options. The Manager provided the compact loader will better serve the Utility for sludge operations and can be paid for with excess Municipal Bond Commission interest and the Sewer R&R account rather than finance. The mini excavator would replace a skid loader and be paid with excess interest from the Municipal Bond Commission and the Water R&R account. Pete discussed the need for the compact loader, but requested more justification for the mini excavator. Pete motioned and Duke seconded to approve the purchase of the John Deere compact loader and leave the purchase option at the discretion of the Utility Manager and request more information on the excavator. A discussion was held on the motion. The Chairman suggested three bids be received for the equipment. Duke added that staff may want to look at purchasing/leasing options through the State of West Virginia Purchasing program. By motion from Mike, second by Kevin, the Board tabled the motion for both pieces of equipment until next meeting pending additional information.

The next item discussed was the Approval of Toole Design Group Task Order No. 7. The Manager provided this task order was necessary to complete the design phase of the Rt. 9 sewer project and is the only outstanding task as indicated in the Schedule B for approval with Toole. The re-submission to BPH was for the revision to add the air injection odor control system. Kristen explained this effort was required by BPH to be incorporated into the approved plans. By motion from Duke, second by Kevin, the Board approved the Toole Design Group Task Order No. 7.

The Chairman next opened the floor for discussion on the next meeting date (May 23, 2019 City Election Day). The Board decided to move the next meeting to May 21, 2019 at 4:00 p.m. The next item was the discussion and possible action to resolve a Real Estate issue related to the Route 9 Sewer Project. By motion from Kevin, second by Duke, the Board convened into executive session at 4:34 p.m. to discuss and take possible action to resolve a Real Estate issue related to the Route 9 Sewer Project. The Chairman declared the executive session over at 5:10 p.m.

By motion from Mike, second by Pete, the Board approved the payment of bills. By motion from Pete, second by Duke, the meeting adjourned at 5:11 p.m.

  
Chairman

  
Secretary



**CHARLES TOWN UTILITY BOARD**  
**TUESDAY, May 21, 2019 4:00 p.m.**  
**SPECIAL MEETING TO BE HELD AT**  
**101 E. Washington Street**

**SPECIAL MEETING:**

1. Approval of the May 9, 2019 Special Meeting Minutes
2. Public Comment - This portion of the agenda is designed for members of the general public to share thoughts on items of interest in the community. By law, Board members may ask clarifying questions or discuss procedural matters but are not permitted to discuss the policy merits of any issue unless it is scheduled for discussion.
3. Utility Manager Report
  - a. Approval for John Deere Compact Loader (Belt Press Operation) under Purchase or Lease Options
4. Discussion and Possible Action to resolve Real Estate Issue related to the Route 9 Sewer Project

**(Possible Executive Session of the Board pursuant to the following statutory exception to the Open Governmental Proceeds Act):**  
(WV State Code Section §6-9A-4(b) (9) - To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.
5. Approval of Bills



**May 21, 2019**

The Charles Town Utility Board held the special meeting on May 21, 2019 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Daryl Hennessy, Pete Kubic, Duke Pierson, and Kevin Tester. Also present were Hoy Shingleton, Jane Arnett, and Kristen Stolipher. The Chairman called for a motion to approve the May 9, 2019 special meeting minutes. By motion the Board approved the minutes with one correction. No public comment was received.

The Chairman next opened the floor for discussion on the Utility Manager report that included the Approval for a John Deere Compact Loader (Belt Press Operation) under Purchase or Lease Options. The Manager provided four bids, with the lowest from James River Equipment at \$59,500.00. She recommended the compact loader, that will replace the tractor and be traded in, be paid for with excess Municipal Bond Commission interest and the Sewer R&R account rather than financed. Motion from Kevin, and second by Duke, to move the item from the table per the last meeting. Pete suggested that staff request safety training from James River Equipment for all staff that will operate the loader. By motion from Pete, second by Duke, the Board approved the original motion amended for training, to purchase of the John Deere Compact Loader from James River Equipment.

Also discussed under the Utility Manager report was the scheduling of the Source Water Protection Plan public hearing in conjunction with the June 13, 2019, Board meeting. The Manager explained that Terradon will have the draft by the June 13<sup>th</sup> meeting and the public hearing would be held at the beginning of the meeting. This will allow the Board to meet the July 1 submission deadline. A draft copy of the plan will be available on the website prior to the public hearing.

The Manager next addressed statements that were made at the May 20, 2019, City Council meeting by Jacquelyn Milliron. As a rebuttal to these statements, the Manager explained the Utility Board is not delaying rate equalization, as stated by Mrs. Milliron, but rather is too premature to discuss this equalization with only having been consolidated four months ago, while tackling an office move, gaining new staff, and still gathering financial data. As mandated by the order of the PSC, the Utility Board cannot delay past the 10-year period. Also explained was that over the next few months the Utility will be fixing/upgrading the system, working on I&I problems, and continue to collect post financial consolidation data to see where the Utility stands. The Utility has also started working on an analysis of the Capital Improvement Fees, a Renewal and Replacement Project, and a Comprehensive Collection and Pumping System overview pending the Route 9 Sewer Project. Staff will be implementing a new work order system to better help water and sewer and continue the commitment to retain employees for the two-year period that will play into actuals vs pro forma. That being said, the Manager reiterated that neither the Board or Staff made any statements depicting a delay of rate equalization at the last Board meeting.

The next item was the Discussion and Possible Action to Resolve Real Estate Issue related to the Route 9 Sewer Project. By motion from Duke, second by Pete, the Board convened into executive session at 4:13 p.m. to discuss and take possible action to resolve a real estate issue related to the Route 9 Sewer Project. The Chairman declared the executive session over at 4:47 p.m. A motion was made by Duke, seconded by Kevin, to give authority to staff to acquire the last parcel of land needed to move forward with the Route 9 project that's within the scope of the financing for this project.

By motion from Duke, second by Kevin, the Board approved the payment of bills. The next meeting will be held on June 13, 2019, at 4:00 p.m. By motion from Duke, second by Kevin, the meeting adjourned at 4:50 p.m.

  
Chairman

  
Secretary



**CHARLES TOWN UTILITY BOARD**  
**THURSDAY, June 13, 2019 4:00 p.m.**  
**SPECIAL MEETING TO BE HELD AT**  
**101 E. Washington Street**

**SPECIAL MEETING:**

1. Approval of the May 21, 2019 Special Meeting Minutes
2. Swearing In of Reappointed Board Member – Pete Kubic  
Swearing In of New Board Member – Jacquelyn Milliron
3. Public Hearing – Source Water Protection Plan (SWPP) for Charles Town Utilities on file with the Office of Environmental Health Service (OEHS) scheduled for update by July 1, 2019. The submitted SWPP is subject to review by OEHS and a public hearing to ensure compliance with WV Public Water Systems Legislative Rule 64CSR3. Major elements of the update consist of system information, water treatment and storage, delineations, engagement during development, listing of potential significant sources of contamination, management plans, education and outreach, contingency planning, alternate source feasibility analysis, communication planning and early warning system planning. The draft SWPP update has been available for review since May 30, 2019 at [www.ctubwv.com](http://www.ctubwv.com).
4. Public Comment - This portion of the agenda is designed for members of the general public to share thoughts on items of interest in the community. By law, Board members may ask clarifying questions or discuss procedural matters but are not permitted to discuss the policy merits of any issue unless it is scheduled for discussion.
5. Utility Manager Report
  - a. BCT Resolution – Depository of Public Moneys
  - b. Presidents Pointe Alternate Main Line Extension Agreement Post PSC Approval – Authorize Chairman to Execute
  - c. Smoke Testing Bid Award
  - d. Hatch Chester – Construction Services Task Order
  - e. Discussion of Pump Stations – Alarm System Upgrades
6. Discussion and Possible Action to resolve Real Estate Issue related to the Route 9 Sewer Project  
**(Possible Executive Session of the Board pursuant to the following statutory exception to the Open Governmental Proceeds Act):**  
(WV State Code Section §6-9A-4(b) (9) - To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.
7. Approval of Bills



June 13, 2019

The Charles Town Utility Board held the special meeting on June 13, 2019 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Daryl Hennessy, Pete Kubic, Duke Pierson, and Kevin Tester. Also present were Hoy Shingleton, Jane Arnett, and Kristen Stolipher. The Chairman proceeded with swearing in the reappointed Board member, Pete Kubic and the new Board member Jacquelyn Milliron. The Chairman next called for changes or corrections to the May 21, 2019 special meeting minutes. Hearing none, the minutes were approved as provided.

The Chairman next called for a motion to open the public hearing for the Source Water Protection Plan (SWPP) for Charles Town Utilities on file with the Office of Environmental Health Service (OEHS) scheduled for update by July 1, 2019. The submitted SWPP is subject to review by OEHS and a public hearing to ensure compliance with WV Public Water Systems Legislative Rule 64CSR3. By motion from Kevin, second by Duke, the public hearing opened at 4:09 p.m. Andrew Robinson from Terradon briefed the Board on the SWPP and this update. Comments were received to be considered in the update. By motion from Duke, second by Pete, the public hearing was closed at 4:31 p.m. Additional comments will be considered through June 23, 2019, allowing for time to meet the submittal date. Public comment was then received.

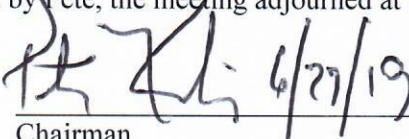
The Chairman next opened the floor for discussion on the Utility Manager report that included the BCT Resolution – Depository of Public Moneys. This Resolution provides for additional securities through a line of credit, above the FDIC limit. By motion from Kevin, second by Duke, the Board approved the Resolution and authorized the Treasurer to sign. The Presidents Pointe Alternate Main Line Extension Agreement (Post PSC Approval) was then discussed. Clarification was provided that the Agreement covers the entire buildout, while the Bureau of Public Health approval was limited to a single phase. Discussion further clarified that the total buildout was included in the capacity of the Flowing Springs pump station, that this Agreement will not impact rates and that this development was forecast in the Sewer Strategic Plan. By motion from Duke, second by Pete, the Board approved authorizing the Chairman to execute this Alternate Main Line Extension Agreement.

The Manager next presented the bids for smoke testing. Of the three bids, the lowest bidder was Hydrostructures. Motion was made by Kevin, second by Pete, with question from Jacquelyn as to whether this work could be performed in house and how the areas were determined. Clarification was provided that employees will work with Hydrostructures to possibly continue efforts in house. The areas were determined both by pump run times and age. The Board approved the bid from Hydrostructures in the amount of \$60,930.88 for 115,752 linear feet of smoke testing. The Board next considered the Hatch Chester – Construction Services Task Order. The Task Order amount is included in the Schedule B, Project bond issue and includes all construction and inspection services for the Route 9 Sewer Project. By motion from Kevin, second by Duke, the Board approved the Task Order. Kristen noted that an agreement will be presented as between the Charles Town Building Commission (as Project Sponsor) and the Utility Board to assign certain services related to this Project.

The Manager next presented for discussion only, needed alarm system upgrades for pump stations. A report with costs detail will be presented at the next meeting. The Manager then noted that the Jefferson County Public Service District, WV Public Service Commission reports have been filed for the period ending December 31, 2018. This will allow beginning balances to be established on Charles Town's financial statements. Also, at the next meeting scheduled for June 27, 2019, the Board will be asked to set meeting dates for the next few months. The Chairman noted that he will not be in attendance at the 27<sup>th</sup> meeting. Finally, Kristen reported that the Sewer User Agreements have been signed by the Board of Education, Apple Valley Waste and DALB.

The next item was the Discussion and Possible Action to Resolve Real Estate Issue related to the Route 9 Sewer Project. By motion from Duke, second by Pete, the Board convened into executive session at 5:11 p.m. to discuss and take possible action to resolve a real estate issue related to the Route 9 Sewer Project. The Chairman declared the executive session over at 6:01 p.m. The Chairman called for a motion that would authorize the Chairman to execute a purchase agreement for up to \$300,000 to acquire real estate covered by the project bond issue and previously approved for a pump station related to the Route 9 Sewer Project, which shall be transferred later to the Charles Town Building Commission. Motion was made by Kevin, second by Duke, with unanimous approval to authorize the Chairman to execute the purchase agreement.

By motion from Kevin, second by Duke, the Board approved the payment of bills. By motion from Kevin, second by Pete, the meeting adjourned at 6:03 p.m.

YCE  6/27/19  
Chairman

  
Secretary



**CHARLES TOWN UTILITY BOARD**  
**THURSDAY, June 27, 2019 4:00 p.m.**  
**SPECIAL MEETING TO BE HELD AT**  
**101 E. Washington Street**

**REVISED JUNE 25, 2019**

**SPECIAL MEETING:**

1. Approval of the June 13, 2019 Special Meeting Minutes
2. Public Comment - This portion of the agenda is designed for members of the general public to share thoughts on items of interest in the community. By law, Board members may ask clarifying questions or discuss procedural matters but are not permitted to discuss the policy merits of any issue unless it is scheduled for discussion.
3. Utility Manager Report
  - a. AT&T Lease Agreement New – 6<sup>th</sup> Avenue
  - b. Pump Stations – Alarm System Upgrades
  - c. Approval of Consultant Agreements – J.C. Kunkle & Associates, Law Offices of Hoy G. Shingleton and Steptoe & Johnson as relates to the Route 9 Sewer Project
  - d. Approval of Sewer User Agreements – Board of Education, Apple Valley Waste and DALB
  - e. Meeting Schedule
  - f. Approval of Bid – Water Treatment Plant Clearwell - Emergency Concrete Repair
4. Discussion and Possible Action to resolve Real Estate Issue related to the Route 9 Sewer Project

**(Possible Executive Session of the Board pursuant to the following statutory exception to the Open Governmental Proceeds Act):**  
(WV State Code Section §6-9A-4(b) (9) - To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.
5. Approval of Bills



**June 27, 2019**

The Charles Town Utility Board held the special meeting on June 27, 2019 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Pete Kubic, Duke Pierson, Kevin Tester, Jacquelyn Milliron. Also present were Hoy Shingleton, Jane Arnett, Kristen Stolipher and Mike George. The Vice Chairman called for changes or corrections to the June 13, 2019 special meeting minutes. Kevin motioned and Duke seconded to approve the minutes as provided. Prior to the vote, Jacquelyn had several comments/suggested changes to the minutes. The minutes were approved as provided. Public comment was received.

The Chairman next opened the floor for discussion on the Utility Manager report that included the AT&T New Lease Agreement for 6<sup>th</sup> Avenue tank. Mike Hofe from Wireless Networks Group, Inc briefed the Board on the agreement which is a 5-year lease including 5 renewals. The monthly rent from AT&T would be \$3,000.00. Hoy added he has reviewed and has no issues. By motion from Duke, second by Kevin, the Board approved the new lease agreement with AT&T for 6<sup>th</sup> Avenue. Kristen next presented information on the Pump Station-Alarm System Upgrades. Two proposals were received, Missions which is currently used by Charles Town and Omni-Site which is currently used by PSD. The Missions proposal was priced at \$118,231.00 while the Omni-Site was priced at \$52,943.92. Kristen explained the big difference was having to convert 30 pump stations to Missions verses only 13 new and 13 upgrades to Omni-Sites. Staff recommends moving forward with the Omni-Site proposal. Motion was made by Kevin, second by Duke, with discussion from Jacquelyn on her tour of the pump stations and suggested Kristen explain the SCADA system that operates four of the pump stations. Kristen provided that 4 of the stations are on a SCADA system which utilize antennas rather than cell service, which would be a very costly option. Further, Jacquelyn requested a discussion on the pump station run times be added to the next meeting. Staff noted that evaluations are still being done on all pump stations and postponed that discussion to a later time. The Board approved Omni-Site for the pump station alarm upgrades.

The Manager next presented the Consultant Agreements-J.C. Kunkle & Associates, Law Offices of Hoy G Shingleton and Steptoe & Johnson as relates to the Route 9 Sewer Project for approval per Bond Counsel Motion was made by Duke, second by Kevin, with discussion from Mike regarding the date of the agreement. Kristen clarified the agreement was back dated as the start of the efforts. Jacquelyn added that she reviewed the past annual reports to compare their hourly rates and previous costs. The Board approved the agreement with J. C. Kunkle & Associates. For the agreement with Hoy Singleton's office, motion was made by Duke, second by Kevin with discussions from Jacquelyn as to what the additional expenses entail and what other litigation expenses are. Hoy confirmed these expenses included travel, mailing, etc. and further litigation that may occur. The Board approved the agreement with Law Offices of Hoy G. Shingleton. For the agreement with Steptoe & Johnson, motion was made by Duke, second by Kevin, with discussions from Jacquelyn as to what the different headings on the documents in the packet refer to. Kristen explained there are two different documents in the packet and each is addressed to different entities. The Board approved the agreement with Steptoe & Johnson.

The Manager next requested the Approval of the Sewer User Agreements – Board of Education, Apple Valley Waste and DALB. Kristen explained that consistent with what the Board did with Rockwool, staff drafted a sewer user agreement with the 5 PSD industrial users to standardize the lab testing for consistency and work through any exceedances if need be. Three of the users have agreed and signed. Since Royal Vendors is closing, staff did not pursue an agreement at this time. For the agreement with the Board of Education, motion was made by Duke, second by Kevin with discussions from Jacquelyn as to whether the agreement pertains to a particular facility of the user. Kristen clarified that each agreement is for a particular facility of the user, which were previous customers of the PSD. Jacquelyn also questioned the existing rate structure of the PSD as mentioned in the agreement. Kristen stated the PSD rate structure is included in the CTUB tariff and these agreements had been discussed with the Board at previous meetings. The Board approved the sewer user agreement with the Board of Education. For the agreement with Apple Valley Waste, motion was made by Duke, second by Kevin, the Board approved the sewer user agreement with Apple Valley Waste. For the agreement with DALB motion was made by Duke, second by Kevin, the Board approved the sewer user agreement with DALB.

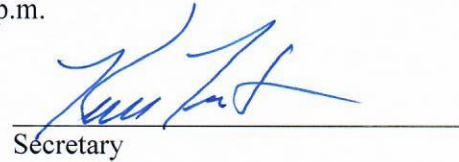
The Manager next discussed the Meeting Schedule. The Manager noted that as discussed with the Vice Chair, the Board can go back to Wednesdays at 4:00 p.m. as the regular meeting date beginning in July. Jaquelyn questioned if there was a backup plan to get the agenda on the City website when Daryl was out of town. She also questioned if the agenda packets could be put on the CTUB website. Kristen reported that staff is working on a new system to accomplish that.



The Manager next requested the Approval of Bid-Water Treatment Plant Clearwell-Emergency Concrete Repair. Bids were received for the water treatment clearwell and the Manager is satisfied with the quote at \$39,000. Hoy reviewed and deemed as an emergency situation. By motion from Kevin, second by Duke, the Board approved the bid for the water treatment clearwell repair.

Motion made by Kevin, second by Duke, with discussion from Jacquelyn as to what a couple of the invoices were related to. Jacquelyn also questioned how to add an item to the agenda. Pete noted that questions and information can go through Jane or Kristen. The Board approved the payment of bills. By motion from Jacquelyn, second by Kevin, the meeting adjourned at 4:55 p.m.

  
Chairman

  
Secretary