

NOTE DUE TO OCTOBER 8, 2018 HOLIDAY
THE REGULAR MEETING HAS BEEN RESCHEDULED

CHARLES TOWN UTILITY BOARD
THURSDAY, October 11, 2018 4:00 p.m.
SPECIAL MEETING TO BE HELD AT
101 E. Washington Street

REGULAR MEETING:

1. Approval of September 26, 2018 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. Status of Permit Modification for IU02
 - b. Additional Engineering Agreement under 5G bid process
4. Supreme Court of Appeals Case No. 18-0659 Status **(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.

NO ACTION OF THE BOARD WILL BE TAKEN IN EXECUTIVE SESSION.

5. Discussion of Route 9 Infrastructure Project funding options **(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.

NO ACTION OF THE BOARD WILL BE TAKEN IN EXECUTIVE SESSION.

6. Approval of Bills

October 11, 2018

The Charles Town Utility Board held a special meeting on October 11, 2018 beginning at 4:00 p.m. at 101 E. Washington Street due to the holiday on October 8, 2018. Members of the Board present were Daryl Hennessy, Pete Kubic, Duke Pierson and Mike Slover. Also present were Micheal George, Hoy Shingleton, Kristen Stolipher, and Jane Arnett. The Chairman called for a motion to approve the September 26, 2018 meeting minutes. By motion from Mike, second by Duke, the meeting minutes were approved. Public comment was received from residents of Jefferson County who expressed their concerns about, and opposition to, the proposed Rockwool facility.

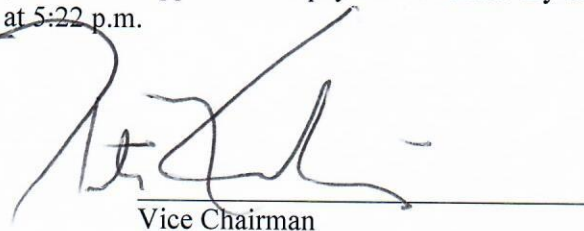
The Manager's report began with an update on the status of Permit Modification IU02. The DEP review is noted at 22% through the electronic DMR reporting system. No information has been forthcoming on the determination of a major versus minor modification, or the scheduling of a public hearing by DEP. The Manager next recommended an additional Engineering Services Agreement with the third firm interviewed under 5G. By motion from Pete, second by Duke, the Board approved proceeding with a standard agreement to Hatch Chester given their involvement with the Route 9 project.

The Manager and Hoy Shingleton noted that no executive session was required for an update on the Supreme Court of Appeals Case No. 18-0659 with the matter being set for oral argument on October 23, 2018. The Petitioners responsive briefs were filed October 1, 2018. The Manager noted that Kristen and Hoy would be attending should members wish to go as well.

The Chairman next opened the floor for discussion of the Route 9 Infrastructure Project funding options. By motion from Duke, second by Mike, the Board convened into executive session under 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 at 4:30 p.m. with no action expected to be taken coming out of the executive session.

The Chairman declared the executive session over at 5:21 p.m. and called for a motion to approve the bills. By motion from Mike, second by Duke, the Board approved the payment of bills. By motion from Mike, second by Pete, the meeting adjourned at 5:22 p.m.


Chairman


Vice Chairman

CHARLES TOWN UTILITY BOARD
WEDNESDAY, October 24, 2018 4:00 p.m.
REGULAR MEETING TO BE HELD AT
101 E. Washington Street

REGULAR MEETING:

1. Approval of October 11, 2018 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
Status of Permit Modification for IU02
4. Supreme Court of Appeals Case No. 18-0659 Status **(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.

NO ACTION OF THE BOARD WILL BE TAKEN IN EXECUTIVE SESSION.

5. Approval of Bills

October 24, 2018

The Charles Town Utility Board held the regular meeting on October 24, 2018 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 Kristen Stolipher, and Jane Arnett. The Chairman called for a motion to approve the October 11, 2018 special meeting minutes. By motion from Duke, second by Pete, the meeting minutes were approved. The minutes reflect that no public comment was received.

The Manager's report began with an update on the status of Permit Modification IU02. The DEP review is still noted at 22% through the electronic DMR reporting system. No information has been forthcoming on the determination of a major versus minor modification, or the scheduling of a public hearing by DEP. The Board was briefed on a separate permit modification that was filed as a result of the Compliance Inspection by the DEP in September 2017. This modification deals specifically with storm water at the Charles Town Wastewater Treatment plant and has been published by DEP for public comment.

A letter from Rockwool's attorney was then distributed to the members requesting a revised schedule for the Route 9 Sewer Project. A timeline was presented to the Board beginning in March 2019 with substantial completion of the project at March 2020. This anticipated schedule was prefaced with notes that this timeframe is allowing for a reasonable time period to allow for the 3rd reading of the Bond Ordinance by the City of Charles Town Building Commission, 2nd reading of the Lease Ordinance by the City Council and Building Commission Supplemental Resolution. Also, the start of this construction projection provides time for the WV DEP to complete their necessary steps in order to issue the IU02 Permit Modification. This timeline will be forwarded to Rockwool as well as state agencies. The Manager noted that the Lease Agreement between the City of Charles Town and the Building Commission would be forthcoming as has been requested by the state agencies and City Council.

The Manager then briefed on the November meeting schedule with the intent of holding one meeting November 14, 2018 if no other business required a second meeting on the 28th. Next, a request from staff was made to provide the Route 9 Sewer Project financing documents to the Building Commission. The Chairman noted that their meeting schedule was not set, but that this information would be forwarded and would advise if John Kunkle or staff would need to attend. The next item outlined an allocation methodology for charging operations and maintenance expenses to Ranson customers. Between Department 60 (Charles Town Sewer) and Department 61 (Ranson Sewer) the charges will be allocated based on the WV PSC class cost of service study, the 3rd tier Ranson rate of \$9.67/1,000 gallons and Ranson's total monthly sewer consumption. Revenue and expense statement will be presented at the next Board meeting showing this methodology. Finally, the Manager informed that a new contract for Comcast service at 661 S. George Street was being executed in order for Comcast to evaluate the service prior to the paving. Pete asked about the projected completion of the renovations. Kristen noted that the target date was December 20. Pete noted that should Frontier not complete soon, a manhole structure might be needed due to the short paving window at about 4 more weeks. The Chairman asked that Todd Wilt be involved in this to confirm that the Police Department would or would not be using this service provider.

The Chairman noted that no executive session was required for an update on the Supreme Court of Appeals Case No. 18-0659. Kristen informed that she, Micheal George and Hoy Shingleton attended the hearing on October 23, 2018. Staff is continuing to proceed with closing documents to complete the asset acquisition pending a decision. By motion from Kevin, second by Duke, the Board approved the payment of bills. By motion from Pete, second by Duke, the meeting adjourned at 4:29 p.m.


Chairman


Secretary

CHARLES TOWN UTILITY BOARD
WEDNESDAY, November 14, 2018 4:00 p.m.
REGULAR MEETING TO BE HELD AT
101 E. Washington Street

REGULAR MEETING:

1. Approval of October 24, 2018 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. Status of Permit Modification for IU02
 - b. Departments 60 and 61 Revenue and Expense Allocations
 - c. Engineering Task Order Update
 - d. Request from Councilman Tolbert and Discussion
 - e. Facilities Update
 - f. December Meeting Schedule
4. Supreme Court of Appeals Case No. 18-0659 Decision and, JCPSD Tentative Closing Schedule
(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.

NO ACTION OF THE BOARD WILL BE TAKEN IN EXECUTIVE SESSION.

5. Approval of Bills

November 14, 2018


The Charles Town Utility Board held the regular meeting on November 14, 2018 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Daryl Hennessy, Mike Slover and Kevin Tester. Also present were Hoy Shingleton, John Kunkle, Kristen Stolipher, and Jane Arnett. The Chairman called for a motion to approve the October 24, 2018 regular meeting minutes. Motion was tabled since meeting minutes were not included in the packet. Public comment was received from residents of Jefferson County who expressed their concerns about, and opposition to, the proposed Rockwool facility.

The Manager's report began with an update on the status of Permit Modification IU02. The WV DEP issued the draft IU02 minor modification on October 31, 2018. The request by this Board to hold a public hearing, however, was agreed to. The public notice begins November 7, 2018 through December 20, 2018 with a public hearing scheduled December 10, 2018. The public hearing will be held by the WV DEP at the Ranson Civic Center from 6:00 p.m. to 8:00 p.m. Comments will be received and the WV DEP will respond to each comment prior to issuing the modification.

The Manager then reviewed the allocation methodology to charge costs to Department 61 rather than based on actual charges from Department 60. This allocation will streamline the charging over the next year prior to proposing equalization of Charles Town and Ranson rates. The provision to reserve the debt service coverage for Ranson's projects is evident in Department 61 after the allocations. Next, Kristen discussed the Dewberry Task Order for the water mapping and modeling effort. The Chairman asked if this effort will assist with fire hydrant concerns. As part of this effort, "bottle-necks" will be identified that will propose areas to improve overall transportation lines that in turn would improve fire flows. By motion from Kevin, second by Mike, the Board approved the Task Order for a not to exceed amount of \$75,800.00. Staff noted that the Gwin, Dobson, Foreman Task Order to begin engineering of the 2021 Renewal and Replacement Project will be presented to the Board in January 2019.

The next item involved a request from Councilman Tolbert. The Manager distributed a memo to be presented to Council about information that is known and not known regarding the forecasting of sewer rates. Concern was expressed that many, many assumptions were made to prepare any type of pro forma to demonstrate a future rate structure. John Kunkle then presented an Analysis of Rate Equalization Revenue Gap Based on Ranson Benchmark Rates and a Debt Service Coverage Calculation Based on Actual Cash Flows at June 30, 2018. After lengthy discussion, Councilman George recommended highlighting and focusing on City Council policy decisions to be made. The minutes reflect that the Chairman called for a motion to approve the bills since Mike Slover would be leaving at 4:45 p.m. By motion from Mike, second by Kevin, the Board approved the payment of bills. Discussion then continued on request from Councilman Tolbert. This package will be included in the City Council packets for the November 19, 2018 meeting. The Manager then informed of a request from the Chairman and Todd Wilt for rent and cost savings with the move to 661 S. George Street. The net savings from 108 W. Congress and 832 S. George would be approximately \$1,850.00 with an additional available next June of \$434.00 with the last payment to Frontier. Finally, agreement was reached that the Board would hold one meeting next month on December 12, 2018.

The Chairman called the meeting adjourned at 5:20 p.m.


Chairman


Secretary

CHARLES TOWN UTILITY BOARD
WEDNESDAY, December 12, 2018 4:00 p.m.
REGULAR MEETING TO BE HELD AT
101 E. Washington Street

REGULAR MEETING:

1. Approval of October 24, 2018 and November 14, 2018 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. JCPSD Tentative Closing Schedule
MVB Bank Resolution and Check Signature Authorizations for JCPSD Accounts
4. Utility Manager Report
 - a. Status of Permit Modification for IU02
 - b. Facilities Update
 - c. Consultant Agreement Extension
 - d. Personnel Policies Review
 - e. Lease Amendment for Shentel at 6th Avenue – Rent increase of \$300 per month beginning in December 2018 and, Lease Amendment for Shentel at Charles Town Road – Rent increase of \$450 per month beginning in January 2019.
 - f. 2018 Summary of Accomplishments / Review
5. Approval of Bills

December 12, 2018

The Charles Town Utility Board held the regular meeting on December 12, 2018 beginning at 4:00 p.m. at 101 E. Washington Street. Members of the Board present were Daryl Hennessy, Pete Kubic, Duke Pierson, Mike Slover and Kevin Tester. Also present were Micheal George, Hoy Shingleton, Kristen Stolipher, and Jane Arnett. The Chairman called for a motion to approve the October 24, 2018 regular meeting minutes. By motion from Pete, second by Kevin, the Board approved the minutes. The Chairman next clarified a sentence in the November 14, 2018 minutes and then called for a motion to approve the November 14, 2018 regular meeting minutes. By motion from Pete, second by Kevin, the Board approved the minutes with one clarification. Public comment was received from residents of Jefferson County who expressed their concerns about, and opposition to, the proposed Rockwool facility.

The Chairman next opened the floor for discussion of the JCPSD tentative closing schedule. The Manager reported that at the December 11, 2018, JCPSD meeting, their Board signed all necessary closing documents. Subsequently, the Preliminary Official Statement was issued today for pricing of the market bond on December 18, 2018 and closing on December 27, 2018. The Manager also noted that a proposal had been received from Digital Assurance Certification, LLC (DAC) to assist with full compliance under the SEC regulations. The Chairman noted that this proposal and invoice would be approved with the motion to approve payment of the bills. The JCPSD Board also approved a Resolution transferring bank signatory authority to this Board. The Chairman then called for a motion to approve the corresponding MVB Bank Resolution and Check Signature Authorizations for the JCPSD accounts. By motion from Kevin, second by Duke, the Board approved the Resolution.

The Manager's report began with an update on the status of Permit Modification IU02. Hoy Shingleton briefed on the WV DEP comment that Charles Town is not required to accept industrial waste versus the requirements to serve under WV PSC Rules, specifically Rule 5.5. Mr. Shingleton explained in detail the rules governing the requirements to serve once both the technical and financial feasibility are met under the regulations. Clarification of acceptance of industrial waste is pending the WV DEP taking their action to approve or deny the IU02 minor modification. The Chairman followed up with information received from the Board's environmental attorney to be provided to the Board members as to the administration actions that could be taken should an industrial user violate permit parameters. Mr. Shingleton concluded that under the WV PSC Rule, his recommendation was to wait on the action by WV DEP.

The Manager then updated on the timeline for moving to 661 S. George Street. Should the Certificate of Occupancy be issued by January 25, 2019 then the move will be planned for March. This will allow notice to customers in February and a sequencing of each location to move. If the Certificate is not issued in January, then the move will slip to April. A lease agreement will be presented based on an allocation of square footage and an increase in rental amounts from the current rents. The Chairman next opened the floor for discussion of the Consultant Agreement Extension. Hoy Shingleton provided that he had reviewed both the consultant agreement extension and the cellular lease documents and all appear to be appropriate. This is a continuation of an existing consultant agreement. By motion from Kevin, second by Mike, the Board approved the Consultant Agreement Extension.

The Chairman opened the floor for discussion of the Shentel Lease Amendments. The structural analysis is complete and with new technology the overall weights are being reduced. By motion from Duke, second by Mike, the Board approved the Shentel Lease Amendment for 6th Avenue with a rent increase of \$300 per month beginning in December 2018. By motion from Kevin, second by Mike, the Board approved the Shentel Lease Amendment for Charles Town Road with a rent increase of \$450 per month beginning in January 2019.

The next item for discussion was a review of the Personnel Policies. Following discussion and questions / concerns / recommendations raised by Kevin Tester, and responses by the Chairman, no action was taken. The possibility of an addendum to be shared with City Council was presented. Finally, the Chairman noted receipt of the 2018 Summary of Accomplishments and requested thoughts on goals for the Manager's review at the next meeting in January. Kevin asked about the water main break at Patrick Henry by a subcontractor. The Manager noted that the water was on at 4:28 p.m. with a boil water notice being issued. The Manager distributed a FOIA request to the Board members as received by the Chairman. By motion from Kevin, second by Duke, the Board approved the payment of bills including the DAC invoice. By motion from Kevin, second by Mike, the meeting adjourned at 5:11 p.m.


Chairman


Secretary