Jefferson County Public Service District
Regular Board Meeting
September 7, 2010

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, September 7, 2010 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Wilt; District Legal Counsel, Jim Kelsh and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Chairman Hankins called the meeting to order at 7:02PM.

Public Comments
Commission Lyn Widmyer reported from the previous County Commission meeting that citizens had asked if any documents were available from the July and August PSD Board meetings regarding the Old Standard agenda item. Ms. Lawton replied there were no new documents that were given to the Board.

OLD BUSINESS

Review Minutes of August 2 Regular Board Meeting
The minutes of the August 2, 2010 regular Board meeting were approved as presented.

Action: **Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the August 2, 2010 minutes as presented. Unanimously approved.**

Update on WV Funding Stakeholder Group Workshop
Mr. Hankins updated the Board. At the August meeting, West Virginia Department of Environmental Protection presented a draft watershed implementation plan for the wastewater sector, which he had forwarded to Board and staff. From that draft plan he felt the most significant change was the recommendation from DEP to require any expansions or upgrades of any wastewater treatment plants of any size to require nutrient offsets. Mr. Hankins informed the Board that State of West Virginia did submit a draft Chesapeake Bay Watershed Implementation Plan for all sectors to EPA by September 1st for them to review and comment. There will be a series of public meetings coming up starting in October about the TMDL's. There will be a public meeting on November 3rd in Martinsburg for the State of West Virginia.

Commissioner Widmyer questioned how local agencies could strengthen forces on this important issue. She suggested possibly arranging a roundtable meeting with the County Commission and the District and inviting the State Legislature to take part in the discussions.

Action: **No action taken by the Board.**

Update on Berkeley County Capital Improvement Fee Case
In July, Mr. Kelsh filed an amicus brief with the Supreme Count on behalf of the District. Last month Larry Faircloth Realty filed its opposition to the amicus brief and the PSC filed its response last Friday. Mr. Kelsh stated the case is not yet on the Supreme Court calendar through December. Commissioner Widmyer requested Mr. Kelsh brief the County Commission on the case.

Action: **No action taken by the Board.**

Update on Flowing Springs Wastewater Treatment Plant Project
Mr. Kelsh recapped the public hearings that were held on August 26th and 27th. The Initial Briefs are due by September 9th and the recommended decision by October 6th. Mr. Hankins and Mr. Appignani had attended both days of the hearings. Mr. Appignani found the hearings to be very interesting. Ms. Lawton informed the Board that staff had received the permit modification for the NPDES permit which staff will review and prepare comments for the next Board meeting.

Action: **No action taken by the Board.**

NEW BUSINESS

Consider Agreement for Payment of Capital Improvement Fee for Uniwest

Mr. Kelsh informed the Board of a request by Uniwest, the developer of the New Hampton Inn, for an installment payment arrangement for payment of 57.45 EDU's totaling $435,000. Staff drafted a CIF Payment Agreement which allows the Developer to make an initial payment equal to the amount due to Charles Town under its CIF and obtain a building permit from the City of Ranson. The Developer would then make 4 additional quarterly payments to the District and upon final payment the Developer would receive an occupancy permit from the City of Ranson. Uniwest and the City of Ranson are both in agreement with the CIF payment agreement.

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the September 1, 2010 draft CIF payment Agreement as presented. Unanimously approved.**

Discuss and Consider Revisions to JCPSD Sewer Use Ordinance

Ms. Lawton received a request from Mr. Appignani to clarify a term in the existing ordinance which led to Ms. Lawton needing to clarify and revise other parts of the ordinance. Ms. Lawton has been working with Mr. Kelsh on a revised draft of the ordinance. Mr. Appignani would like to sit down with Ms. Lawton to go over his comments on the revised draft. The Board would like staff to get a discussion/redline draft on the website for public comment once Ms. Lawton compiles all the Boards comments.

Action: **No action taken by the Board.**

Discussion of Industrial User Class

Due to the recent renewal of the District's NPDES permit and the modification request for additional flow from DALB, Mr. Hankins had questioned staff about industrial users and how they are determined and how the District assured conformance with their permit. Ms. Lawton informed the Board that she is somewhat confused as to how a customer is labeled as an industrial customer and the relationship between the billing and permitting of that customer. The District currently has 5 industrial customers listed on billing. Two of those are listed on the NPDES permit (DALB and Royal Vendors) and 1 is listed as a public authority in the billing system, but listed as an industrial customer on the NPDES Permit (USDA). Ms. Lawton was informed by Mr. Summerfield that the industrial users are classified by the process water to our sewer system so she recently visited the industrial users to better understand their processes. Ms. Lawton would like clarification as to the rules of classifying industrial customers. Mr. Kelsh suggested that staff use DEP rules when dealing with industrial customers and the NPDES permit. The Board would like to add the clarification of this industrial class issue to the sewer use ordinance.

Action: **No action taken by the Board.**

Discussion of any expenses over budget

There were no expenses over budget. The District currently has 122% coverage.

Action: **No action taken by the Board.**

Disbursements

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of $1,238.10 and Glen Haven water expenses in the amount of $1,818.70. Unanimously approved.**

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for the Public Service District expenses in the amount of $193,641.91. Unanimously approved.**

Approve Transfer of $9,624.45 from Renewal & Replacement Account (remaining balance due) for New Control Panel at Pump Station 4-3

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of $9,624.45 from Renewal & Replacement into Sewer Operating for control panel at pump station 4-3. Unanimously approved.**

Approve Transfer of $64.40 from Cavaland Security Deposit Account to Cavaland Operating for Security Deposit Refunds

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of $64.40 from Cavaland Security Deposit Account into Cavaland Operating Account for Security Deposit Refunds. Unanimously approved.**

Approve Transfer of $3,909.39 from Sewer Security Deposit Account to Sewer Operating for Security Deposit Refunds

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of $3,909.39 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.**

Approve Transfer of $14,684.00 from Future Needs Account into Sewer Operating Account for Temporary Control Panel for Pump Station 4-3

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of $14,684.00 from Future Needs Account into Sewer Operating Account for Temporary Control Panel for Pump Station 4-3. Unanimously approved.**

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

- Pump Station 4-3- Mr. Castaldo reported on the progress of this pump station. It has been having serious issues with power fluctuations and has had both pumps replaced and a temporary panel while the new one is under construction. The electric company denies all responsibility, but the District is considering paying them to install a new drop put in. The new control panel will be installed within the next couple weeks. Staff does not want to install it until we have a new drop or we know exactly what is causing the fluctuation problem.

Action: **No action taken by the Board.**

Correspondence

None discussed.

Public Comment

Ken Barton, attorney from Steptoe & Johnson, spoke on behalf of his client, Builders Unlimited, regarding an executive session agenda item which referenced the payment of Capacity Improvement Fee's for 7 lots in Briar Run. Builders Unlimited had purchased 7 lots in the Briar Run subdivision from Marcus Enterprises and came into the Districts office to pay the CIF which they thought to be $1127per EDU as paid in the past, but was actually $7500 per EDU. Ms. Lawton had told Builders Unlimited that since the addendum to the Alternate Mainline Extension Agreement the District had with Marcus Enterprises for Briar Run had recently expired in June, they would have to pay the $7500 per EDU rather than the $1127 per EDU. Mr. Barton stated that Builders Unlimited is willing to pay the $1127 per EDU, but has a problem with paying the $7500. Ron Marcus, from Marcus Enterprises was also in the audience for comments on this issue. He stated that Briar Run was originally developed for affordable housing in the County with a total of 400 lots, 300 of which are completed. He believed those 400 lots that they have previous paid the initial infrastructure costs for would all be entitled to the $1127 fee. Since this item was an executive session agenda item, the Board wanted to discuss the issue further in executive session.

Action: **Motion made by Mr. Cummins and seconded by Mr. Appignani to convene in executive session for the purpose of discussing the CIF issue for Briar Run and other litigation and contract negotiations. Unanimously approved.**

Action: **Motion made by Mr. Cummins and seconded by Mr. Appignani to return to public session. Unanimously approved.**

Action: **Motion made by Mr. Cummins and seconded by Mr. Appignani to authorize the General Manager to sign the agreement negotiated between the District and Builders Unlimited for installment payments for CIF's similar to the Uniwest payment agreement in order to accommodate the timing issues and misunderstandings for this particular developer. Unanimously approved.**

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the condemnation resolutions for 27 rights-of-ways of 21 owners for rights-of-ways required for the Flowing Springs wastewater treatment plant. Unanimously approved.**

Action: **Motion made by Mr. Cummins and seconded by Mr. Appignani to authorize the revised Alternate Mainline Extension Agreement with Thornhill per the Public Service Commission recommendations.**

Action: **Motion made by Mr. Hankins and seconded by Mr. Appignani to adjourn. Unanimously approved.**

There being no further business at this time, the meeting was adjourned at 10:00PM

The next regular meeting is scheduled for October 4, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

Joseph A. Hankins
Chairman

James D. Cummins
Secretary