

Jefferson County Public Service District

Jefferson County Public Service District Regular Board Meeting July 3, 2017

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, July 3, 2017 in the meeting room at the District's office in Kearneysville. Those in attendance included: Chairman, William Strider; Secretary, Richard Weese; Treasurer, Roger Forshee (speakerphone); General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joseph Freeze; Finance Manager, April Shultz; from Bowles Rice, Tyler Mayhew; from Thrasher Engineering, Wayne Morgan, and liaison for the County Commission, Commissioner Josh Compton (speakerphone).

CALL TO ORDER

Chairman Bill Strider called the meeting to order at 7:05PM.

Approval of agenda

Action: Motion made by Mr. Weese and seconded by Mr. Strider to approve the agenda as presented. Approve 2-0.

OLD BUSINESS

Review Minutes of June 5 regular board meeting

The minutes of the June 5, 2017 regular board meeting were approved as presented.

Action: Motion made by Mr. Strider and seconded by Mr. Weese to accept the June 5, 2017 regular board meeting minutes as presented. Approve 2-0.

Treasurer Roger Forshee called in late to the meeting.

Discuss the District's financial status (status of paying bills)

The District will need to collect an estimated \$12,000 in payments to cover the disbursements for water.

Action: No action required by the Board.

Request from Royal Vendors for wastewater treatment waiver

Ms. Lawton informed the Board of the letter she had received from the Charles Town's Utility Board (CTUB) supporting the modification to the silver requirements in the District's NPDES permit contingent on the flow from Royal Vendors being limited to an average of 3,700 gallons per day for any given month. Ms. Lawton will work with Thrasher and Royal Vendors to determine if the criteria requested by the CTUB is acceptable and if so, will file the permit modification for the NPDES permit.

Action: No action required by the Board.

Discuss sewer collection and transmission project, Case No. 16-0616-PSD-PC-CN

Ms. Lawton stated that staff and professionals are continuing to work on the administrative duties for the project. The District also received the binding commitment letter from the WV Department of Environmental Protection for the project.

Action: No action required by the Board.

Discuss Resolution 2017-012 from Charles Town regarding asset acquisition

Ms. Lawton stated her opinion that this is not a good deal for District customers and the County in general. She believed there are other options to consider.

Action: Motion made by Mr. Forshee to place all major projects on hold until City of Charles Town and Jefferson County Commission finish what they are trying to do. The motion died from lack of second.

Mr. Strider stated that was not on the agenda for consideration. Mr. Mayhew concurred with Mr. Strider informing Mr. Forshee that he cannot make a motion on something not on the agenda but could propose a special meeting to discuss. Mr. Forshee felt the item was on the agenda, but Mr. Strider believed it was not an item on the agenda. Mr. Forshee stated that he requested multiple items on the agenda including this motion, but the items were not added. Mr. Mayhew stated that it is the Chairman's role to set the agenda for meetings and if there are interests in amending the agenda or adding an agenda item to another meeting board members can make motions to do that.

Action: **Motion made by Mr. Forshee to have a special meeting for the purpose of discussing the dissolution of the District and the Charles Town resolution. The motion died from a lack of a second.**

NEW BUSINESS

Presentation by West Virginia American Water

Dan Bickerton from West Virginia American Water made a presentation to the Board about a possible public/private partnership option with the County in control of what projects are completed by American Water in Jefferson County.

Action: **Motion made by Mr. Forshee to put all projects on hold until City of Charles Town and Jefferson County Commission finish what they are trying to do. The motion died from lack of second.**

Update on Status of Current Public Service Commission Cases

- Jefferson County Commission PSC Case No. CCA Jefferson 17A – The 2nd public hearing on the dissolution of the District will be held on July 6th.

- Milliron vs. WV PSC & Jefferson County Public Service District – The Supreme Court reaffirmed the decision of the PSC's order on the project and Mrs. Milliron has requested that they reassess their answer.

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

Discussion of any expenses over budget for the year

There were no items over budget for the year.

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

Disbursements

Action: **Motion made by Mr. Forshee and seconded by Mr. Strider to approve disbursements for Public Service District water expenses in the amount of \$7,243.09. Unanimously approved.**

Action: **Motion made by Mr. Forshee and seconded by Mr. Strider to approve disbursements for the Public Service District sewer expenses in the amount of \$220,549.37. Unanimously approved.**

Approve transfer of \$5,091.89 from the New Sewer Security Deposit account to the Sewer Operating account for security deposit refunds

Action: **Motion made by Mr. Forshee and seconded by Mr. Strider to approve transfer of \$5,091.89 from the New Sewer Security Deposit account to the Sewer Operating account for security deposit refunds. Unanimously approved.**

General Manager's Report

Ms. Lawton informed the Board that the operations manager's vehicle is at the dealership being evaluated for repairs. She will notify the Board when she gets more information about the costs to repair.

Mr. Forshee questioned where staff was on the SB 234 request from the Jefferson County Commission. He would like to get more clarity and definition on "unusual/unexpected" expenses and require staff to define these terms and make sure those funds are only being used for those items as defined and be

approved by the Board not just a staff member. Mr. Mayhew stated this language is not defined in the code rather than just language pulled from various PSC orders. He explained the PSC has said the SB 234 is money that can be used by the Board for operations at the District which have been approved by the Board. Mr. Forshee requested more clarity on what the money can be used for and for District staff to provide an itemized summary of the Districts SB 234 account. Mr. Mayhew stated that the PSC has detailed the use of funds in statutory provision 24.1.1.k. and District staff have already provided the itemized summary to the Jefferson County Commission. The Commission requested a separate audit by an outside auditor to investigate the District's books and that should provide clarity on Mr. Forshee's concerns.

Action: Motion made by Mr. Forshee for the District staff to define in writing within 30 days extraordinary and nonrecurring expenses. The motion died from lack of a second.

Mr. Mayhew stated that this item is not on the agenda or related to the agenda item being discussed. Mr. Strider agreed with Mr. Mayhew.

Other staff reports

Mr. Forshee had questions on the Kelsh report to which Ms. Lawton responded to him that this is not to be discussed in public session due to attorney-client privileges.

Action: No action required by the Board.

Correspondence

None discussed.

Action: No action required by the Board.

Public Comment

Todd Milliron, PSD ratepayer, commented on the SB234 account and his interpretation of what the account is.

Jacquelyn Milliron, PSD ratepayer, made the comment that she has heard many times over the years about the costs that rate payers have put on the District so she listed numerous studies that were approved by the Board for the District's engineers to do that never amounted to a completed project.

Action: Motion made by Mr. Weese and seconded by Mr. Strider to convene in executive session for the purpose of discussing personnel matters and contract negotiations.

A brief discussion was held. Mr. Forshee amended the motion to have the item relating to the contract with independent contractor for management consulting services be discussed in the public forum since it is a contract position. Mr. Mayhew stated that contract negotiations are to be discussed in executive session. Mr. Forshee replied that given the concerns of the person being considered and using the current position for a contract position, he believed the public should be able to hear the discussions. Mr. Weese asked Mr. Mayhew to explain that matters of executive session are supposed to stay in executive session and not be leaked to the public and what is the remedy if that does happen. Mr. Mayhew informed the Board that until there is an actual contract to debate and take action on in a public meeting, the terms, conditions and negotiations of the contract, if there ever is one, are confidential. He stated that confidential information of the Public Service District, like any other public entity, are not to be disclosed by public officials to the public. Mr. Mayhew also informed the Board that the matters need to remain in executive session and be discussed there. He cautioned the Board to not reveal those matters publicly until there is an action item taken that can be discussed in public because it is a misdemeanor according to the code. Mr. Forshee asked Mr. Mayhew if he agreed with WV Code § 6B-2-5(b) that states "A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person." Mr. Mayhew again cautioned Mr. Forshee that it's a misdemeanor to reveal publically information that is confidential to the public agency and if he wanted to discuss this further in executive session he could do so. Mr. Forshee felt that it is ethically wrong to discuss this matter in executive session and he will not participate in the executive session. Mr. Mayhew stated that is his decision and if he wanted to continue with his motion he can or if

he wanted to go into executive session he needed to state that basis.

Action: Motion made by Mr. Forshee to discuss the contract with independent contractor for management consulting services in the public forum. The motion died from lack of a second.

Mr. Forshee stated that if the District is going to contract out for services then the public needs to know about those services. Mr. Forshee then hung up the phone and exited the meeting.

Action: The original motion to go into executive session for the purpose of discussing personnel matters and contract negotiations was approved 2-0.

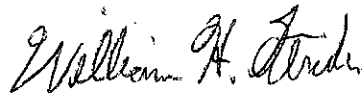
Action: Motion made by Mr. Weese and seconded by Mr. Strider to return to public session. Approved 2-0.

Action: Motion made by Mr. Weese and seconded by Mr. Strider to adjourn. Approved 2-0.

There being no further business at this time, the meeting was adjourned at 9:00PM.

The next regular meeting is scheduled for Monday, August 7, 2017 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



William H. Strider
Chairman



Richard WM Weese
Secretary