

# *Jefferson County*

## *Public Service District*

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### **Jefferson County Public Service District Regular Board Meeting December 7, 2015**

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, December 7, 2015 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Peter Appignani; Treasurer, Bill Strider; Secretary, Richard Weese; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh; from Dunn Engineering, Fred Hypes; and from Thrasher Engineering, Wayne Morgan.

#### **CALL TO ORDER**

Chairman Peter Appignani called the meeting to order at 7:00PM.

Thank Peter Appignani for six years of service to Jefferson County PSD and welcome him for another term

Ms. Lawton thanked Mr. Appignani for his six years of service and presented him with a plaque. She also welcomed him back for another six year term. Mr. Appignani thanked the District staff and other Board members as well as Mr. Marty Kable for stepping up to be considered for the board member position.

#### **Approval of agenda**

The Board made no changes to the agenda.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve the agenda with no changes. Unanimously approved.**

#### **Public Comments**

Dale Manuel, speaking on behalf of himself as a County Commissioner, was concerned about the agenda item on supporting legislation to modify the Public Service Commission process. He also submitted a FOIA request to the Board requesting all information on about this legislative request.

#### **OLD BUSINESS**

##### **Review Minutes of November 2 regular board meeting**

The minutes of the November 2, 2015 regular board meeting were approved as presented.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to accept the November 2, 2015 regular board meeting minutes as presented. Unanimously approved.**

##### **Discuss sewer collection and transmission project**

Mr. Morgan has submitted the Preliminary Engineering Report and the Environmental Report as well as other documents from Region 9 for the RUS application.

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

##### **Discuss acquisition of water and sewer utility assets of Jefferson Utilities, Inc., Shenandoah Junction, Inc., and East Jefferson Sewer, LLC and water project to replace and upgrade Keyes Ferry Acres, Westridge Hills, and Harpers Ferry Campsites**

Mr. Kelsh stated at the November 12<sup>th</sup> Infrastructure and Jobs Development Council meeting, the Districts preliminary application for a funding package consisting of a USDA RUS loan for the Mountain Water Project and a Water Development Authority market rate bond for the acquisition was approved. District staff and legal counsel are continuing to work with Mr. Snyder.

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

Discuss the ownership of the Highland Farms wastewater treatment plant site

Mr. Kelsh sent a letter in response to Mr. McGinnis's request and has not received a response. In November, Mr. Jonkers sent a letter to Ms. Lawton requesting that the Board reconsider their denial to return the property to him. He was in the audience to assert his position to the Board that the reverter clause is still valid per the recorded deed. He requested the Board rethink their position and release the property back to Highland Farms LLC. At this time the Board is not willing to release the property back to Highland Farms LLC and asked the lawyers to work it out.

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

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

Ms. Lawton stated that the District will need an estimated \$29,000 in payments to cover the disbursements for sewer and \$1,900 for water.

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

**NEW BUSINESS**

Discussion of supporting legislation to modify the Public Service Commission project approval process

Mr. Kelsh and Ms. Lawton drafted ideas for legislative changes the Board may want to consider. The first suggested change was related to the PSC project approval process. Instead of going through the very expensive process of easement attainment and final design before a utility is granted a Certificate of Need and Convenience, Instead, they suggested allowing detailed preliminary engineering report to be filed with the certificate of convenience and necessity application and have approval or denial be made at that time. Then there would be one other filing before going to bid, and that would be the resulting rate case. The second change modified the PSC intervention policy to allow for customers to file protests but restrict the intervention process to a larger percentage of customers. The third change addressed the PSC's opposition to Capital Improvement Fees (CIF) to allow for CIFs to be accepted by utilities. The fourth and final change would allow for a five member board rather than three to serve on Public Service Districts. The Board were all in favor of pursuing the PSC project approval process change, but requested further research done on the other three.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to direct staff to prepare draft legislation and talking points for item #1 and further research for items #2, 3, and 4 for next month. Unanimously approved.**

Consider request to County Commission for discussion on topic from their December 3<sup>rd</sup> meeting

Ms. Lawton would like to respond to information the County Commission received from a ratepayer at their December 3<sup>rd</sup> meeting. She would like to clarify and correct some of the information.

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

Consider approval of Berkeley County PSSD to provide PSSD to provide sewer service at 4469 Charles Town Road

Ms. Lawton informed the Board of a request for Berkeley County PSSD to provide sewer service to a property located near the Berkeley/Jefferson county line. Since the closest District sewer lines are about three miles away, the Board did not have a problem with Berkeley County PSSD providing sewer service to this property.

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

Consider resolution #2 to reimburse Aspen Greens from the Series 2015 Sewer Bond proceeds

Ms. Lawton requested the Board approve resolution number two to reimburse Aspen Greens for the installation of a larger size line which is to serve Aspen Green development, but also in the same path as the sewer transmission project. Mr. Appignani read the resolution #2 as follows:

RESOLUTION OF THE PUBLIC SERVICE BOARD OF THE  
JEFFERSON COUNTY PUBLIC SERVICE DISTRICT  
APPROVING INVOICES RELATING TO ENGINEERING AND  
OTHER SERVICES FOR THE SEWER TRANSMISSION

**IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT  
THEREOF IN THE AMOUNT OF \$43,716.00.**

**Action: Motion by Mr. Strider and seconded by Mr. Weese to adopt the resolution as read totaling \$43,716.00. Unanimously approved.**

Consider participation in National Association of Clean Water Agencies (NACWA) small & medium utility workgroup

The Board had no objections to Ms. Lawton participating in the NACWA small & medium utility workgroup. Mr. Appignani asked Ms. Lawton to get approval from the Board if travel is necessary.

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

Consider 2016 Board Meeting Schedule

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve the 2016 board meeting schedule as presented. Unanimously approved.**

Discussion of the number of public comment opportunities at board meetings

Mr. Weese questioned why the District offers two public comment periods on the agenda and what the requirements were for public agencies. Mr. Kelsh stated that the Open Governmental Proceedings Act does not require public agencies to provide a public comment period during meetings; however, the District has adopted Bylaws that offer one public comment period and those wishing to speak had to sign up 15 minutes before the meeting. Mr. Kelsh stated that a previous Board member had changed it to offer two public comment periods, but did not change the Bylaws to reflect that.

**Action: Motion made by Mr. Weese and seconded by Mr. Strider to reduce the public comment period to one opportunity at the beginning of the meeting.**

A brief discussion was held. Mr. Appignani was in favor of keeping two public comment periods and have time limits for those wishing to speak. Mr. Kelsh suggested that whatever the Board decides it coincide with the Bylaws, and amend if necessary for next meeting.

**Action: Mr. Weese's original motion was modified and seconded by Mr. Strider to reduce the public comment period to one opportunity at the end of the meeting, eliminate the sign-up sheet, establish a five minute time limit for comments, and allow the public to speak one time per meeting. Approved 2-1. Mr. Appignani voted against the motion.**

Update on Status of Current Public Service Commission Cases  
2015 sewer rate case – The case is still pending.

Jacquelyn Milliron et al v. Jefferson County PSD, Case No. 15-1478-PSWD-C – The case is still pending.

American Farm Bureau v. EPA regarding Chesapeake Bay Total Maximum Daily Load – The Farm Bureau filed a writ of certiorari to the US Supreme Court on November 6 and expects to know if the Supreme Court will hear their case by February 2016.

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

Discussion of any Expenses over Budget

There were no items over budget this month.

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

Disbursements

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for Public Service District water expenses in the amount of \$8,600.85. Unanimously approved.**

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for the Public Service District sewer expenses in the amount of \$258,666.04. Unanimously approved.

Approve transfer of \$1,699.40 from the Renewal & Replacement account to the Sewer Operating account for pump repairs at pump station 1-11

Approve transfer of \$2,505.00 from the Renewal & Replacement account to the Sewer Operating account for air release valves at pump station 4-7

Approve transfer of \$4,276.97 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds

Approve transfer of \$64.12 from the Water Security Deposit account to the Water Operating account for security deposit refunds

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese Approve transfer of \$1,699.40 from the Renewal & Replacement account to the Sewer Operating account for pump repairs at pump station 1-11; approve transfer of \$2,505.00 from the Renewal & Replacement account to the Sewer Operating account for air release valves at pump station 4-7; approve transfer of \$4,276.97 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds; approve transfer of \$64.12 from the Water Security Deposit account to the Water Operating account for security deposit refunds. Unanimously approved.

#### General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting. The District will be purchasing a new truck with a refund received from the Municipal Bond Commission.

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

#### Other staff reports

None discussed.

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

#### Correspondence

None discussed.

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

#### Public Comment

Todd Milliron questioned how the District put a current value on CIFs.

Jacquelyn Milliron stated that she gets all of her facts and figures from reading legislation and PSC orders. She commented that the CIFs didn't work in the Flowing Springs case to cover the costs so doesn't know how they will work now. She made the comment that filing a complaint or intervening in a case is not considered suing. Mrs. Milliron also made the comment that the proposed ideas for legislation will be a moot point since Senate Bill 234 has a 4500 customer minimum where the PSC will no longer have jurisdiction.

Heidi Parker made the comment that it was disturbing to her how a public organization is limiting public comments. She also commented that she supports a five member board and was grateful to hear more discussions about helping the rate payers.

**Action:** Motion made by Mr. Weese and seconded by Mr. Strider to convene in executive session for the purpose of discussing litigation and competitive negotiations. Unanimously approved.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to return to public

**session. Unanimously approved.**


**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to approve and send the draft letter dated December 7<sup>th</sup> to Herb Jonkers. Unanimously approved.**

**Action: Motion made by Mr. Weese and seconded by Mr. Strider to adjourn. Unanimously approved.**

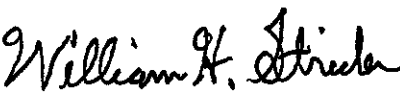
There being no further business at this time, the meeting was adjourned at 8:33PM.

The next regular meeting is scheduled for Monday, January 4, 2016 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Peter L. Appignani  
Chairman



William H. Strider  
Treasurer