

Jefferson County

Public Service District

Jefferson County Public Service District Regular Board Meeting January 5, 2015

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, January 5, 2015 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Peter Appignani; Secretary, Richard Weese; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; District Legal Counsel, Jim Kelsh (by speakerphone); from Thrasher Engineering, Dan Ferrell; and from Dunn Engineering, Fred Hypes.

CALL TO ORDER

Chairman Peter Appignani called the meeting to order at 7:01PM.

Election of 2015 officers

Action: Motion made by Mr. Strider and seconded by Weese to keep the officers the same as 2014. Unanimously approved.

Approval of agenda

Mr. Kelsh suggested the Board remove the West Virginia American Water item and the legal services agreement for the sewer project item from the agenda. The Board agreed. Mr. Appignani questioned why the conflict of interest waiver agenda item is a matter of executive session. Mr. Kelsh stated it can be discussed in public session.

Action: No action required by the Board.

Public Comments

Jacquelyn Milliron, Breckenridge resident, questioned if obtaining easements are a reoccurring costs or a one time payment.

OLD BUSINESS

Review Minutes of December 1 regular board meeting

The minutes of the December 1, 2014 regular board meeting were approved as presented.

Action: Motion made by Mr. Strider and seconded by Mr. Weese to accept the December 1, 2014 regular board meeting minutes as presented. Unanimously approved.

Update on the water systems improvement project for Glen Haven and Cavaland

- Approval of resolution for payment #9
- Approval of amendment #3 to the contract with Gwin Dobson & Foreman
- Approval of Certificate of Substantial Completion

Ms. Lawton informed the Board that both water system upgrades are substantially complete except for a punch list being prepared by staff. Last month the Board approved a \$5,000 change order request from GDF to cover additional work that was done. The Bureau of Public Health requested this change order be in the form of an amendment to the contract with GDF which the Board needs to approve. Ms. Lawton stated the Board also needed to approve the ninth withdraw from the bond proceeds to pay the contractor, Gwin Dobson & Foreman (GDF), and Region 9. Mr. Appignani read the resolution for payment #9 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 CAVALAND & GLEN HAVEN WATER SYSTEM
IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT
THEREOF IN THE AMOUNT OF \$143,524.92.

Action: **Motion by Mr. Appignani and seconded by Mr. Strider to adopt the resolution as read totaling \$143,524.92. Unanimously approved.**

Action: **Motion by Mr. Strider and seconded by Mr. Weese to approve the amendment to the Gwin, Dobson & Foreman contract for \$5,000. Unanimously approved.**

Action: **Motion by Mr. Strider and seconded by Mr. Weese to approve the letter of substantial completion for the water project. Unanimously approved.**

Update on sewer collection and transmission project

- Consider engagement letter with CoxHollida & Professionals

Last month the Board approved the Rule 42 presented by Chuck Young from CoxHollida & Professionals. This month the Board needs to approve the engagement letter from CoxHollida & Professionals for the sewer project. Dan Farrell from Thrasher Engineering submitted the application to the Infrastructure and Jobs Development Council last month, but has received no comments yet.

Action: **Motion made by Mr. Strider and seconded by Mr. Weese to approve the engagement letter with CoxHollida & Professionals for the sewer project not to exceed \$7,250 and not to exceed an additional \$2,750 for a bond closing. Approved 2-1. Mr. Appignani voted against the motion.**

Review engineering services agreement for sewer strategic plan

The PSC issued an order on November 25, 2014 requiring the District to develop and file a strategic plan within 150 days. Fred Hypes from Dunn Engineering drafted an Engineering Agreement Amendment #2 for preparing a strategic plan. He requested 7 months to complete the plan totaling \$55,000. Mr. Hypes stated that the 150 day time frame requested from the PSC is not enough time for public comment, utilizing the County's finalized comprehensive plan, or reviewing the draft plan with other entities including Ranson, Charles Town, PSC, and DEP. Mr. Appignani expressed his concern that he does not want the strategic plan to be a duplication of the sewer project. He wants to see a plan not a project. This item was tabled for discussion in executive session.

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

Update on West Virginia American Water Company presentation

This item was removed from the agenda.

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 \$104,000 in payments to cover the disbursements for this month.

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

NEW BUSINESS

Conflict of interest waiver

Mr. Kelsh explained to the Board that Bowles Rice has been asked by West Virginia American Water Company to represent them in an unrelated PSC matter. He stated this representation will have no conflict of interest if the Board pursues negotiations with West Virginia American Water Company for a possible purchase of the District since Bowles Rice also represents the District. Mr. Appignani stated he has a number of concerns with this waiver and the waiver for Ranson and would like further information from Mr. Kelsh. Mr. Kelsh agreed to answer the questions, which Mr. Appignani provided to Ms. Lawton. Mr. Appignani will send Mr. Kelsh a copy of his questions.

Action: **Motion made by Mr. Strider and seconded by Mr. Weese to approve the consent to simultaneous representation letter dated 12/18/2014 from Bowles Rice. Motion approved 2-1. Mr. Appignani voted against the motion.**

Consider 2015 holiday schedule

Action: **Motion made by Mr. Strider and seconded by Mr. Weese to accept the 2015 holiday schedule as presented. Unanimously approved.**

Consider response to Jacquelyn Milliron questions on sewer project

Dan Farrell from Thrasher Engineering reviewed the response his office had prepared for Ms. Milliron. A copy was provided to Ms. Milliron.

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

Review draft letter to Mr. Cheezum's request regarding ethical obligations of board members

Mr. Kelsh reviewed his draft letter with the Board. Mr. Cheezum was provided a copy of the draft letter. Mr. Kelsh requested to correct a typo before he sends the official letter to Mr. Cheezum. The Board would like a copy of the letter to be provided to the County Commission also.

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

Consider request from Berkeley County Public Service Water District regarding water service for the Hunter Property

Ms. Lawton informed the Board of a request received from the Berkeley County Public Service Water District (BCPSWD) asking to serve water to the Hunter Property, which is located in Jefferson County on the border of Berkeley County. This property is located next to the new Hospice facility which BCPSWD also serves. The Board had no problem granting this request.

Action: **Motion made by Mr. Strider and seconded by Mr. Weese to approve the request from BCPSWD to serve water to the Hunter Property. Unanimously approved.**

Update on Status of Current Public Service Commission Cases

PSC case # 14-0582-PSD-PC (Termination Agreement with Mockingbirdhil, Inc.) – Mr. Kelsh stated the PSC was in favor of the District and approved the termination agreement.

PSC case # 13-1175-S-C (Old Standard, LLC complaint) & Circuit Court case # 14-C-51 – Mr. Rodecker filed documents to request more time to negotiate an agreement with Jefferson Utilities for a purchase.

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 \$6,096.66. 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 \$177,131.23. Unanimously approved.**

Approve transfer of \$4,116.12 from the renewal & replacement account to the sewer operating account for a new PLC at pump station 2-306

Approve transfer of \$943.26 from the renewal & replacement account to the sewer operating account for a new starter at pump station 5-1

Approve transfer of \$755.70 from the renewal & replacement account to the sewer operating account for repairs at pump station 4-7

Approve transfer of \$5,740.00 from the renewal & replacement account to the sewer operating account for a check valve in manhole at Breckenridge

Approve transfer of \$5,236.37 from the sewer security deposit account to the sewer operating account for security deposit refunds

Approve transfer of \$128.21 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 to approve transfer of \$4,116.12 from the renewal & replacement account to the sewer operating account for a new PLC at pump station 2-306; approve transfer of \$943.26 from the renewal & replacement account to the sewer operating account for a new starter at pump station 5-1; approve transfer of \$755.70 from the renewal & replacement account to the sewer operating account for repairs at pump station 4-7; approve transfer of \$5,740.00 from the renewal & replacement account to the sewer operating account for a check valve in manhole at Breckenridge; approve transfer of \$5,236.37 from the sewer security deposit account to the sewer operating account for security deposit refunds; and approve transfer of \$128.21 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.

Action: No action required by the Board.

Other staff reports

None discussed.

Action: No action required by the Board.

Correspondence

None discussed.

Public Comment

Dale Manuel, Jefferson County Commissioner (speaking for himself not the Commission as a whole), stated that he is a rate payer and did not see any items on the agenda relating to legislation to get developers to contribute to the costs of projects. He suggested the Board begin discussions to make this happen.

Jane Tabb, Jefferson County Commissioner (speaking for herself not the Commission as a whole), agreed with Mr. Manuel's comments regarding a legislation for developers to help contribute to project costs. She suggested the Board draft ideas for a proposal and begin discussions with representatives to get legislative backing for a new law(s).

Mr. Freeze and Commissioner Tabb exited the meeting. Mr. Farrell and Mr. Hypes stayed for executive session.

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

Action: Motion made by Mr. Weese and seconded by Mr. Strider to return to public session. Unanimously approved.

The Board directed Mr. Kelsh to draft a letter to the Public Service Commission to ask for an extension in submitting the strategic plan.

Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve the engineering services agreement with Dunn Engineering to prepare a strategic plan with a revised deliverable date of August 24th if granted by the Public Service Commission. Unanimously approved.

Action: Motion made by Mr. Strider and seconded by Mr. Weese to authorize Mr. Kelsh to file the termination of sewer service for the tenant occupied rental properties for non-payment by owner to the Public Service Commission. Unanimously approved.

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

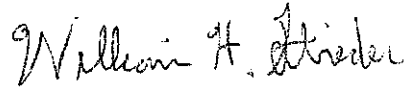
There being no further business at this time, the meeting was adjourned at 9:08PM.

The next regular meeting is scheduled for Monday, February 2, 2015 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Peter L. Appignani", with a long horizontal flourish extending to the right.

Peter L. Appignani
Chairman

A handwritten signature in black ink, appearing to read "William H. Strider", with a stylized, cursive script.

William H. Strider
Treasurer