

**Jefferson County Public Service District
Regular Board Meeting
October 6, 2008**

The monthly meeting of the Jefferson County Public Service District was held at 7:00pm on Monday, October 6, 2008 in the meeting room of the Charles Town Library. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Jack Lantzy; General Manager, Susanne Lawton; Administrative Assistant, Ashley Wilt; Pentree Engineer, Zane Summerfield; Esquire, Jim Kelsh; and Commissioner Frances Morgan, Commission Liaison to the Public Service District.

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

Public Comments

Susan Rissler Sheeley wanted to follow up with the discussion from the June meeting about the Executive Session policies. Mr. Kelsh wrote a letter to Ellen May responding to the June meeting discussions. District staff is going to send Ms. Sheeley a copy of the letter.

OLD BUSINESS

Review minutes of September 8, 2008 regular Board meeting

The minutes of the September 8, 2008 regular Board meeting were approved as distributed. Mr. Cummins made a minor grammatical correction.

Action: Motion made by Mr. Lantzy and seconded by Mr. Cummins to accept the September 8, 2008 minutes as distributed. Unanimously approved.

Developer Capacity Agreement

Mr. Kelsh is still waiting to receive comments from Jerry Connelly.

Action: No action taken by the Board.

County Impact Fee exploration

Mr. Hankins would like to work together with staff to develop possible strategies and scenarios for the possibility of using impact fees to pay for water, sewer and stormwater infrastructure in the County. The exploration will continue between the different entities.

Action: No action taken by the Board.

Consider letter to Planning Commission requesting meeting to discuss cooperative method to handle decentralized wastewater systems

The Planning Commission would like to address this issue in a work session between the two entities. They would prefer to meet on the first or third Tuesday of the month. Staff will try to arrange a meeting on November 18th.

Action: No action taken by the Board.

NEW BUSINESS

Presentation of Draft Rule 42 by Chuck Young of CoxHollida Price

Mr. Young would like to table this item until next month.

Action: No action taken by the Board.

Consider implications of interim wastewater treatment for Evitts Run Basin

Herb Jonkers, developer of the Highland Farms wastewater treatment plant, asked the Board for permission to use the District's capacity at the Charles Town Wastewater Treatment Plant for new homes in the Thornhill Development to keep the projects moving forward until the Highland Farms plant is built. He suggested that the flow would be pumped from a site at the Thornhill Development and down to the pump station at Norborne Glebe and use their line under the highway to reach the Charles Town

wastewater treatment plant. The Board would like something in writing from Arcadia stating this plan is acceptable to them before further consideration. Given the current market, it is not possible for the developers to borrow money to start construction on the Highland Farms plant. Mr. Jonkers stated that the plans for Phase 1 of the Highland Farms wastewater treatment plant are 90% complete. Interim flows going to the Charles Town wastewater treatment plant would be up to 400 EDU's from Daily Farms and 180 EDU's from Thornhill. Mr. Jonkers assured the Board that this is only on an interim basis, not permanent and he was aware that the Charles Town plant wouldn't handle the Evitts Run area at full buildout, so the Highland Farms Plant will be needed to serve this area. The Board is concerned to approve this option as the District currently has agreements with other developers in the area who are relying on the Highland Farm plant. The Board would also like to discuss this option with Charles Town before making a decision.

Action: No action taken by the Board.

Discussion on EPA's position on the Chesapeake Bay TMDL process and approach

Mr. Hankins discussed EPA's Federal TMDL for the Chesapeake Bay watershed which will satisfy requirements to restore the Bay.

Action: No action taken by the Board.

Discussion of proposed submission West Virginia DEP for the Flowing Springs Wastewater Facility Plan

Mr. Summerfield is preparing the preface for WVDEP to bring the 2005 Facility Plan up to date. He will be adding the new Zoning Ordinance and Zoning Map to the package.

Action: No action taken by the Board.

General Manager's Report

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

- Karst Conference - Ms. Lawton and Joe Castaldo, Operations Manager, attended the Annual Karst Conference at the NCTC.
- Burr Park Study - Bob Denton did a karst evaluation on an area in Burr Park where sink holes have developed in the adjacent lot to our sewer line. The Development Authority is going to share the costs to fix.
- Identity Theft Program – The WVRWA has designed an Identity Theft Prevention Program Compliance Model for water and wastewater utilities. All utilities are required to comply and must adopt this or a similar program. The District Staff will prepare a draft to be considered at the next Board meeting.

Discussion of any expenses over budget

Mr. Lantzy informed the Board that there are no items over budget. The Districts coverage is at 104% due to audit fees.

Action: No action taken by the Board.

Disbursements

Action: Motion made by Mr. Lantzy and seconded by Mr. Hankins to approve disbursements for Cavaland water expenses in the amount of \$1,163.15, Glen Haven water expenses in the amount of \$2,012.32, and for the Public Service District expenses in the amount of \$159,654.98. Unanimously approved.

Approve transfer of \$2,851.69 from Sewer Security Deposit account into Sewer Operating for security deposit refunds

Action: Motion made by Mr. Lantzy and seconded by Mr. Cummins to approve transfer of \$2,851.69 from sewer security deposit account into sewer operating account for security deposit refunds. Unanimously approved.

Approve transfer of \$51.43 from Glen Haven Security Deposit account into Glen Haven Operating for security deposit refunds

Action: Motion made by Mr. Lantzy and seconded by Mr. Cummins to approve transfer of \$51.43 from Glen Haven security deposit account into Glen Haven operating account for security deposit refunds. Unanimously approved.

Approve transfer of \$64.23 from Cavaland Security Deposit account into Cavaland Operating for security deposit refunds

Action: Motion made by Mr. Lantzy and seconded by Mr. Cummins to approve transfer of \$64.23 from Cavaland security deposit account into Cavaland operating account for security deposit refunds. Unanimously approved.

Approve transfer of \$21,138.15 from Future Needs into Sewer Operating for the purchase of new 2008 GMC

Action: Motion made by Mr. Lantzy and seconded by Mr. Cummins to approve transfer of \$21,138.15 from future needs account into sewer operating account for the purchase of new 2008 GMC. Unanimously approved.

Correspondence
None discussed.

Public Comments
No comments.

DISCUSSION OF LITIGATION, PERSONNEL MATTERS, CONTRACT NEGOTIATIONS

Filing Application to PSC for certificate of convenience and necessity for Flowing Springs WWTP

Mr. Kelsh would like to wait to submit this until the Developer Capacity Agreement is complete and our Capital Improvement Fee is approved by the PSC. The District is also waiting for the final engineering plans and specs to be completed by Pentree along with other documents that need to be completed prior to submission.

Action: No action taken by the Board.

Consider revised Alternate Main Line Extension Agreement for Daniels Forest and Stonecrest developments

Mr. Kelsh made revisions to the agreement per Ms. Lawton's suggestions. He would like to table this item since the involved parties were not present. Mr. Kelsh tried to make the agreement more user friendly. The new document has not yet been submitted for approval to the PSC.

Action: No action taken by the Board.

Representation Agreement for PSC Utility Consortium

Mr. Kelsh formed a Utility Consortium to focus on changes suggested by the PSC to the existing Water and Sewer Rules and changes PSD's across West Virginia would like to see in the rules. Mr. Kelsh has drafted a Representation Agreement to be signed by each PSD who would like to become a member of the group. The Consortium meets every Thursday by conference call. Comments are due by October 31st.

Action: Motion made by Mr. Hankins and seconded by Mr. Cummins to accept the Representation Agreement as presented. Unanimously approved.

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

- Action: Motion made by Mr. Lantzy and seconded by Mr. Cummins to return to public session. Unanimously approved.**
- Action: Motion made by Mr. Cummins and seconded by Mr. Lantzy to approve the Arro Engineering Contract for inspection services. Unanimously approved.**
- Action: Motion made by Mr. Lantzy and seconded by Mr. Cummins to adjourn. Unanimously approved.**

There being no further business at this time, the meeting was adjourned at 10:26 PM

The next regular meeting is scheduled for November 3, 2008 at 7:00pm at 200 East Washington Street, Charles Town Library.

Respectfully Submitted,

Joseph A. Hankins
Chairman

James D. Cummins
Secretary