

Board of Directors  
Special Meeting  
January 28, 2003

The Jefferson County Public Service District held a special meeting on Tuesday, January 28, 2003 at 6:00 PM at the Jefferson County Courthouse, Circuit Courtroom, 100 East Washington Street, Charles Town, West Virginia. The purpose of the meeting was to discuss with the Jefferson County Citizens for Economic Preservation the general and specific considerations and options in order to provide a sewage treatment facility for the Flowing Springs and Cattail Run drainage areas.

Members of the Board present: Marty Kable, Chairman; Paul Pritchard, Secretary; and David Diehl, Treasurer. Also Present: Susanne Lawton, General Manager PSD; and Al Hooper, County Commissioner (Commissioner liaison to PSD). Guests: Will Smith, Pentree; Lee Snyder, Jefferson County Citizens for Economic Preservation; Susan Riggs, Spillman, Thomas and Battle; Jim Kelsh, Jim Knode, County Commissioner; and many others.

Lee Snyder of the Jefferson County Citizens for Economic Preservation introduced attendees of his group. Those in attendance were: Ed Smariga, Jerry Connelly, Terry Marcus, Dave Leas, Herb Yonkers, and Susan Riggs.

Susan Riggs, attorney for The Jefferson County Citizens for Economic Preservation, thanked the Public Service District for scheduling the meeting so that her group could discuss the provision of sewer service to the local area. She stated that the members of her group support the provision of adequate and well planned wastewater capacity and service for the Flowing Springs - Cattail Run drainage areas.

She discussed the timeline of what the Jefferson County Public Service District had completed since 1997:

- In 1997 the District completed the Flowing Springs Facility Plan, which was approved through the Public Service Commission. This Plan identifies Flowing Springs as the number one priority for the District and the District should proceed immediately.
- In 1998 the District returned to the Public Service Commission and received approval of Addenda 3 for the Engineering agreement with Pentree to begin design services for the Flowing Springs project. The Public Service Commission gave their approval.

- In 1999 the District went to the PSC to seek approval of Addenda 5 to the Engineering Agreement that included mapping for the area. The mapping has been completed but the design has not been started.
- In 1999 the Public Service Commission gave approval for a countywide sewer study, which has been completed and has the date of 2001 on it. That plan recommended that a treatment plant needed to be built in the Millville area.
- She reviewed a recent complaint the Jefferson County Public Service District had filed against the Berkeley County Public Sewer Service District with the Public Service Commission. In the complaint filed against the Berkeley County Public Sewer Service District, she stated that the pleading says that the Public Service District is authorized by orders of the Jefferson County Commission and the Public Service Commission, under a duty by statute, to extend service to its territory, which is all of Jefferson County. It further states that the Public Service District wishes to serve developments in other parts of the county. It wants to fulfill its mandate from the Jefferson County Commission to provide wastewater transportation and treatment for residents and businesses in Jefferson County in an efficient manner and to make wastewater services available promptly following a request for services. In order to expand the complaints customer base you have to have greater opportunity to provide great relief to those customers who are paying some of the highest rates in the state and to keep the extension of services under the control of the mandate that is the responsibility of the Jefferson County Commission. The group agrees with all of those statements. It represents what the law says. They want to support the District in providing services to the county. In doing researching she said she found that the DEP supports a treatment plant in Millville. Her group wanted to let the Board know that they would like to see the Public Service District proceed with the design of a plant in Millville and they want to give their support.

Lee Snyder distributed a copy of the Flowing Springs Wastewater Facilities Plan that Pentree prepared in 1997. In the plan it states that the Flowing Springs area is a rapidly growing area in Jefferson County and that it is the existing density and proposed developments that have encouraged the Jefferson County Public Service District to make this area their number one priority for the extension of wastewater service in the near future. It states that the most desirable location for a new plant is near the mouth of Flowing Springs Run. It also states that the District should proceed to design immediately.

Jerry Connelly wanted to go through a timeline and discussed what brought us to having a public meeting. He stated that his questions were - how long should it take, where are we now, how long until a completion of a plan? He stated:

- The Flowing Springs Facility Study was prepared in March 1997.
- By June 1998 the subdivisions of Cambridge, Briar Run, Breckenridge and Walnut Grove had entered into mainline extension agreements with the PSD.
- The design of that pump station was predicated by the Flowing Springs study. The original pump station was built as an interim pump station because it was anticipated that an interceptor would be built along Flowing Springs and proceed along the Creek until it reaches the plant. It would then discharge in the Shenandoah. When that was entered into it provided for construction of the Breckenridge Pump Station as well as certain other facilities. These developers posted letters of credit guaranteeing that they would provide customers to make sure there would be a revenue source for the Public Service District. To date they have fulfilled their obligation - their letters of credit are posted and they are providing a customers base. He stated that he looks to the future and says - where is the plant, where are the necessary facilities to fulfill their obligation. That is a concern. The Flowing Springs study has been complete, an agreement has been entered into with the developers, the Jefferson County Wastewater Study has been complete. The plant should have been under construction by now. He stated that they want to help complete this process and move on.

Jim Kelsh addressed the background of the Millville Plant's proposal over the last five years. He stated that two obstacles prevented this from moving forward:

- One was because of the District's agreement with the City of Charles Town. That agreement provided that the District send all flow from a designated area to Charles Town. In 1997 and 1998 Charles Town was not near its capacity. Charles Town was concerned that if the Public Service District redirected its flows from Charles Town to Breckenridge, and everything in that area, that Charles Town's wastewater treatment plant would not be financially viable. There was the threat of legal action against the District if flows were sent away from the Charles Town plant and toward a different plant. They maintained this stance until recently when they received more customers. Now they are willing to let the Public Service District send flows elsewhere.

- The other obstacle that was encountered was obtaining a piece of land along the Shenandoah River.

Lee Snyder said he knew of two possible pieces of land that may be available for the District. He suggested the property of the Old Millville Standard Lime and Cement Company property or a portion owned by Millville Quarry near their old water tank. One is on the North end, the other on the south end. He said there might be other alternatives. Lee Snyder has an interest in the Standard Lime and Cement Company.

His group felt they needed to bring this case to the public to get recognition for this urgent matter. They believe that the plan that was completed in 1997 was adequate.

When Pentree's study was done it was based on 1,625 residential homes, 3 schools and 19 commercial/industrial sites. They also provided for 1,330 new homes and an outlet mall since that study was complete. Instead of 1,330 homes there have been 3,000 additional homes built since that study was complete.

A tentative timeline for design, funding and construction for a treatment facility and seeking design funding from the County Commission were the next items discussed.

Jim Kelsh stated that he believes the Flowing Springs study should be updated. For that to be done an addendum needs to be approved by the Board and filed with the Public Service Commission to get their approval. A facility plan needs to be updated by the Engineer, which would take approximately 35 to 40 days to complete. The board would then decide if they want to pursue it further. Funding needs to go through the Infrastructure Council if the board decided that it wants to continue with the project. Will Smith estimated that the design would cost over a million dollars. A timeline for this whole process would be a minimum of 120 days to 270 days without intervention.

#### Public Comments:

- Carolyn Painter stated that she does not want sewer running into the Shenandoah River.
- Vicki Faulkner was at the meeting representing Friends of the Harpers Ferry National Park. She stated that there were serious EPA concerns on the Millville site. She would not be against a site at Halltown.
- Keith Jones lives in Millville. He wants a plant in Halltown - not Millville.

- Tom Schwarz said he was against the Millville site. He thought that there has to be a better place to put a plant.
- Larry Jones lives in Millville. He is opposed to a plant in Millville. He also was concerned that a plant would contaminate the quarry where Millville gets its water.
- Patricia Sanderson stated that she supports the Public Service District.
- Paul Burke said he wanted to know where the 1,330 house number came from in the Pentree study and how five years later it turned into 3,000. Will Smith stated that he would need to speak to the engineer who works for him to get the numbers.
- Lee Bailey representing the Shenandoah River Outfitters stated that he wanted to keep it a natural resource as much as possible. He noted that there are currently 50,000 paying customers for the river rafter community and the economy entering in this location. He opposed constructing a sewage plant at Millville.
- Faith DeAngelo has lived in Millville for 31 years and she is against a plant being built in Millville. She wanted to know if there would be any guarantee that the water would not be contaminated.
- Joy Fisher moved to Millville a year ago and has five children. They are not happy to think that a sewer plant may go in their area.
- Joe Hankins stated that it might be more cost effective to look at alternatives.
- Brent Fisher wanted to know where were the potential sites were.
- Melody Johnson wanted to know if residents would have to be hooked up to it.
- Mick Ballenger wanted to know if it is cost efficient to connect forty houses.

No action was taken at this meeting. Any action will be placed on the Jefferson County Public Service District monthly meeting agenda.

Paul Pritchard made a motion to adjourn the meeting. David Diehl seconded the motion. Approved 3-0. Adjourned at 7:40.

Respectfully submitted,

H. M. Kable, Chairman  
Board of Directors

Paul Pritchard, Secretary  
Board of Directors