

**Jefferson County Public Service District
Special Board Meeting
May 14, 2009**

The special meeting of the Jefferson County Public Service District was held at 9:00AM on Thursday, May 14, 2009 at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins by speakerphone; Secretary, Jim Cummins; Treasurer, Jack Lantzy; General Manager PSD, Susanne Lawton; Administrative Assistant, Ashley Wilt; District legal counsel, Jim Kelsh by speakerphone; and County Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Treasurer, Jack Lantzy called the meeting to order at 9:10AM.

Public Comments

Public comments were received by:

- James Walker, resident of Keyes Ferry Acres
- Scott Smiley, resident of Keyes Ferry Acres
- John Maxey, Citizens of the Blue Ridge Act (COBRA)
- Ed Burns, Citizens for Better Government

Consider Agreement for the Public / Private Partnership between Jefferson Utilities, Inc. and Jefferson County Public Service District for the Mountain Water Design Project

Mr. Kelsh reviewed the May 13th draft agreement including the changes made after the public comments were received.

Action: Motion made by Mr. Hankins for the Board to adopt the May 13th draft agreement as presented. Before a 2nd was made on the motion, a brief discussion took place.

Mr. Cummins stated he was not comfortable with the changes made to the agreement, specifically about the water supply study. He would like the District to be able to provide more input on the study rather than just receive a copy from Jefferson Utilities after it is completed. He believes a better understanding is needed on the source supplies and the study should be completed before moving forward. Commissioner Lyn Widmyer echoed his concerns. Mr. Cummins would like to incorporate the language from the May 11th draft on the water supply study back into the May 13th draft. The May 11th language gave the District more control over the completion of a water supply study.

Action: Mr. Lantzy seconded the original motion. After another brief discussion, Mr. Cummins made a motion to amend the original motion to propose to insert section 1.d. language from the May 11th version into section 1.d. of the May 13th version. A brief discussion took place.

Mr. Snyder stated that by waiting for studies to be completed the project will get killed if the Board waits for months of debate before considering the project design. Mr. Hankins respected Mr. Cummins concerns, but agrees with Mr. Snyder that the project will be held up if studies need to be completed first. Mr. Hankins believes the language in the May 13th version is flexible enough to allow the District with oversight over the study. Mr. Cummins argues that the language in the May 13th version gives the District little control over the study and believes the District should have equal share in all public money spending aspects of the project. The Board also discussed other changes made to the May 13th version of the agreement. Mr. Hankins pointed out that the May 4th version of the agreement on the website and the May 11th version are very similar. Mr. Snyder would like to add a phase to section 11, making it parenthetical phrase 1, and extend the date to 2012 in section 11 parenthetical phrase 2 which the Board agreed to.

Action: Mr. Cummins amendment to the original motion died for lack of a second. Back to the original motion made by Mr. Hankins, the motion failed by vote 0-3.

Action: Mr. Hankins made a motion and seconded by Mr. Cummins to approve the May 4th draft by retaining the language in section 1.a. and 1.c. as is, to strike the word "design" throughout section 1.b., to add the parenthetical phrase "District determines, pursuant to paragraph 2b above, not to pursue the project;" as number 1 in section 11, and to change the date in section 11 parenthetical number 2 to 2012. After a brief discussion, Mr. Hankins amended the motion to reflect the change of the word "termination" to "purchase" in section 10. Unanimously approved.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to authorize Mr. Lantzy to execute the agreement. Unanimously approved.

Consider Submission of Preliminary Application to West Virginia Infrastructure and Jobs Development Council for Phase II Mountain Water Project with Jefferson Utilities, Inc.

Mr. Kelsh reviewed the application. The preliminary application for phase II would expand the phase I project to include replacement of all of the distribution lines throughout Keyes Ferry Acres, Harpers Ferry Campsites, and Westridge Hills beyond just the main transition "backbone" and water line across the Shenandoah.

Action: Motion made by Mr. Hankins and seconded by Mr. Cummins to approve the Phase II preliminary application with the amendment to the total amount being \$5,950,000.00 and authorization of the treasurer to execute the application. Unanimously approved.

Consider Selection of Engineer for Mountain Water Project Design

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

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to return to public session. Unanimously approved.

Mr. Lantzy announced that the Chapman Technical Group has been selected for the Mountain Water Project design and a list has been formed with firms ranked after the interview process.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to adjourn the special meeting. Unanimously approved.

The meeting was adjourned at 11:45AM.

Respectfully Submitted,

Joe Hankins, Chairman
Board of Directors

Jim Cummins, Secretary
Board of Directors