

Jefferson County Public Service District

Jefferson County Public Service District Special Board Meeting January 25, 2013

The special board meeting of the Jefferson County Public Service District was held at 9:00AM on Friday, January 25, 2013 at the District's office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani (speakerphone); Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; District Legal Counsel, Jim Kelsh (speakerphone) and Attorney Robert Hogan from Bowles Rice; from Pentree Engineering, Zane Summerfield (speakerphone); Administrative Assistant, Ashley Stottlemeyer; Finance Manager, April Williams; and liaison for the County Commission, Commissioner Jane Tabb.

Chairman Cummins called the meeting to order at 9:03AM.

Mr. Kelsh stated that all items on the agenda are a matter of either contract negotiations or litigation and may be taken up in executive session.

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

A brief discussion took place. Mr. Appignani questioned why the Board needed to go into executive session for the Aspen Greens item. Mr. Kelsh stated that it was a matter of contract negotiations.

Action: The motion was approved unanimously.

Mr. Summerfield and Commissioner Tabb exited the meeting after the Aspen Greens discussion in executive session.

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

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to file a petition with the Public Service Commission to reopen the Alternate Mainline Extension Agreement case and approve the amendment with the changes made in executive session which included a repayment schedule. Unanimous approved.

Action: Motion made by Mr. Strider and seconded by Mr. Cummins to approve the Capital Improvement Fee payment agreement with Briar Run as presented.

A brief discussion took place. Mr. Appignani does not agree with the agreement terms and thought it could potentially put the rate payers at risk. Mr. Kelsh stated that if the District offers this type of payment agreement to this developer, they will have to do the same with other developers. The Board was concerned with the timeframe of getting an order from the Public Service Commission (PSC) on this new agreement and the final decision for the current rate case at the PSC which is due by April 2nd. The current rate case is expected to decrease the District's CIF to \$1127 which is what the Briar Run Developers want to have this new payment agreement state. Since it would likely take a minimum of three months for action by the PSC on a new agreement, the Board thought we should just wait for the rate case decision.

Action: Motion was denied by a 1-2 vote. There were two concerns, one was with the timeliness of the PSC to produce a final order for this potential case as compared to the time for the sewer rate case final order, and second, having to offer similar agreements to other developers.

- Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to approve the archeological study for the water systems project. Unanimously approved.
- Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to approve the engagement letter with Bowles Rice for the water systems project. Unanimously approved.
- Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to approve the professional engineering services proposal from Gwin, Dobson & Foreman, Inc for amendment #1 to the engineering services agreement for the water systems project. Unanimously approved.

Mr. Strider requested that Mr. Kelsh make the discussed changes to the response to the PSC for the Jacquelyn Milliron/Heidi Parker complaint case # 12-1370-PSD-C.

- Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to delay the engineering work associated with Addenda 18 due to the pending Jacquelyn Milliron/Heidi Parker complaint case # 12-1370-PSD-C.

A brief discussion took place. Mr. Appignani is concerned with the consequences (if any) if the District has Pentree Engineering move forward on the work without a final order from the PSC on the complaint case.

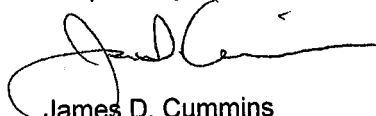
- Action:** Motion was denied by a 1-2 vote.

- Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to adjourn. Unanimously approve.

There being no further business at this time, the meeting was adjourned at 10:50AM

The next regular meeting is scheduled for February 4, 2013 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins
Chairman



Peter L. Appignani
Secretary