

HARDY COUNTY PUBLIC SERVICE DISTRICT
FEBRUARY 2, 2011
10:00 A.M.
2094 US 220 South, Moorefield, West Virginia

Present: Matthew Gapp, Melvin Shook, Logan Moyers, Kevin Markwood, Chuck Ours and Connie Sherman, HCPSD; Clay Riley and Brian Martin, Thrasher Engineering; Anna Marie Collis, USDA-RUS; Pam Keplinger, Region VIII; Lee Lehman, President, Hardy County Planning Commission, Greg Greenwalt, Vice-President, Hardy County Planning Commission and Patrick Ford, Hardy County Planner.

Absent: Clyde See

The meeting was called to order at 10:03 a.m. Melvin Shook made a motion to approve the minutes of the January 12, 2011 regular board meeting as prepared. Matthew Gapp seconded the motion. It was unanimously approved.

Hardy County Comprehensive Plan – Lee Lehman, President, Hardy County Planning Commission provided background regarding the creation of and the need to update the existing Hardy County Comprehensive Plan. In 2008 the Hardy County Planning Commission took steps to begin to update the Plan with the hiring of a consultant. As part of the process the consultant conducted interviews with each member of the Planning Commission and distributed questionnaires throughout the community in an attempt to get outside input into the development of the new plan. Stakeholder meetings were held throughout the County, as well as two public hearings to receive public comments with few citizens or community leaders in attendance which was very disappointing to the members of the Planning Commission. Recently the Planning Commission received a list of comments from the HCRDA which lead to the members of the Planning Commission deciding to attend other board meetings or other organizations meetings to receive comments before the plan can be finalized. Mr. Lehman expressed the importance of cooperation between all County agencies to be able to know where infrastructure is planned, where new businesses are being located, etc. Mr. Lehman also pointed out that if future issues arise from the plan or policies which are adopted to support the plan, the Planning Commission will be able to show that they had explored all possible avenues to obtain comments and input from local groups and citizens throughout the County. Logan Moyers stated that he had worked with the Hardy County Planning Commission on matters pertaining to the HCPSD during the drafting process, had attended one of the public hearings and filled out a questionnaire to provide input from the HCPSD. Any concerns that were identified by the HCPSD have already been addressed so both he and the HCPSD board feel that the HCPSD is comfortable with the plan as presented.

Baker Water Project – Logan Moyers provided an update on the status of the Baker Water Project. He reported that construction is now underway on all contracts. Clay Riley, project engineer, provided the monthly construction project update on the Baker Water Project. Contract #1 – Breckenridge continues to install rebar, set forms and pour concrete for the underground wall structures. Thrasher Engineering has received the submittals for the membrane filters and telemetry equipment and will focus on the approval of the membrane filters in the coming weeks. Contract #2 – Stonegate continues progress on the installation of their main line work on WV SR 259 and Parker Hollow Road with two days last week and all of this week's work being shutdown due to weather conditions. To date, there have been two minor complaints, one regarding tearing out rose bushes at the intersection of Parker Hollow Road and the other for driveway settlement at Personal Touch Florist. Both have been addressed. The contractor is sending someone to evaluate additional settlement areas due to recent wet weather conditions. Contract #4 – J. F. Allen has completed 93%

of main line installation work and is currently waiting for the arrival of the booster pump station before continuing with construction. Delivery of the booster pump station is anticipated in mid to late February. Thrasher Engineering continues to monitor the project area for any settlement issues but have found no problem with settlement on this part of the project. Contract #5 – Mid Atlantic Storage Systems, Inc. is on site and has graded in the Marvin Chapel tank site and cut the road entrance. A Notice of Violation was received from WVDEP as a result of an inspection on the day the contractor started clearing the site and stock piling soil. The soil stock pile requires silt fencing around the pile which was on site but had not been set in place until the pile was created. By the end of the day the fence was in place and the issue has been resolved. Site work is planned to begin at the Parker Hollow tank site later this week. Logan Moyers informed the HCPSD board of a recent issue with Federal EDA regarding the release of project funds. EDA has requested that we fully exhaust all ARRA funds for EDA funded contracts prior to utilizing funds from any other funding agencies involved in those contracts. This involved revising the expenditure schedule and receiving approval from other agencies to be able to make the requested change. This request is different from the previously approved expenditure schedule and basically means that USDA-RUS funds will not be drawn down until all EDA funds are spent. Due to this EDA change in funding request, payments to the contractor have been delayed which potentially could result in the HCPSD being charged interest by the contractor. We do not anticipate the contractor enforcing the interest penalty unless their vendors charge interest to them on any late payments on materials. If this would occur the contractor would simply pass the interest charge on to the HCPSD. Revised expenditure schedules have been submitted to EDA and we are waiting approval of the pay requisitions. Pam Keplinger presented a drawdown request to Federal EDA in the amount of \$213,280.00. Melvin Shook made a motion to approve the pay requisition as presented. Matthew Gapp seconded the motion. It was unanimously approved. A drawdown to USDA-RUS was presented in the amount of \$7,307.50. Melvin Shook made a motion to approve the pay requisition as presented. Matthew Gapp seconded the motion. It was unanimously approved. A drawdown to WVJDC was presented in the amount of \$90,046.92. Melvin Shook made a motion to approve the pay requisition as presented. Matthew Gapp seconded the motion. It was unanimously approved. Logan Moyers reported that the monthly construction progress meetings would be held today at 1:30 p.m. in Baker at the water plant field office for all contracts

Baker Sewer Project – Logan Moyers provided an update on continuing to work with the HCRDA to reach an agreement to be able to widen the utility easements in the Baker Industrial Park to allow the HCPSD to legally perform future tie-ins, maintenance and repair work. Most recently the HCPSD proposed making a one sentence revision to the draft easement stating that the temporary easement is for the purpose of “construction, reconstruction, maintenance and repair work” rather than the temporary easement being in place during initial construction only. This simple change would keep the permanent easement width at 10’ as the HCRDA is stipulating. Including this one sentence in the HCPSD’s easement would be mirroring the language that was included as part of a drafted easement with Hardy Telecommunications, another utility company with plans for a fiber optic project to be installed in the Baker Industrial Park. It was noted that the fiber optic line is much smaller and installed at a much shallower depth than the HCPSD’s sewer line would be installed. Mr. Moyers discussed the issue with Tom Michael regarding any legal ramifications should the HCPSD accept the HCRDA’s proposed easement. Mr. Michael stated that if property damage or personal injury were to occur outside of the HCRDA’s proposed 10’ easement it could be viewed as an intentional trespass which may increase the HCPSD’s liability exposure and could possibly result in denial of insurance coverage by the HCPSD’s insurer. In his opinion, the HCPSD should not accept anything less than a 20’ easement. Mr. Michael will contact the HCRDA’s attorney to further discuss the HCPSD’s position regarding easement widths and explain why we are not willing to execute the agreement in its present form. If an agreement has not been reached before the next HCRDA meeting, which we have been told by the Hardy County Planning Commission is scheduled for February 24th, Mr. Moyers plans to request to be on the agenda or speak during the public comment period concerning the easement issue. Melvin Shook asked that Mr. Moyers inform the HCPSD board members of the HCRDA meeting date and time once confirmed. Thrasher

Engineering has drafted a plat with the revised point of access to the future sewer plant property, which will be attached to the sewer plant site deed. Clay Riley has been in contact with the engineers for Hardy Telecommunications fiber optic project to work through any issues that could arise if fiber optic lines are installed in the same location that the HCPSD's sewer lines will be installed. Hardy Telecommunications has agreed to work with us to keep any impact to our sewer project to a minimum. Mr. Riley is waiting on a set of plans from the engineer so he can review the design of the fiber optic project.

Phase II Booster Station Site Relocation – Logan Moyers met on site with one of the Harry Welton heirs regarding the purchase of property located across from the current Phase II master meter for the location of a new Phase II booster pump station. The property owners are agreeable to selling the property for \$10,000.00 if the HCPSD can locate the station in the rear of the property and as long as there is no significant impact on the remaining property. Logan Moyers and Clay Riley will evaluate the site so that an exhibit drawing can be prepared allowing the property owners to view what the proposed station will look like once it is constructed. Once an agreement has been reached with the property owners, we will move forward with a change order as part of the Baker Water Project.

Dover Hollow Water Extension Project – Logan Moyers reported that we are working on resubmitting a Small Cities Block Grant application in conjunction with the Hardy County Commission for the Dover Hollow Water Extension Project in the amount of \$510,700.00. We submitted an application last year that was not funded but were encouraged by the West Virginia Development Office to resubmit our application this year. A required public meeting is scheduled for February 8, 2011 at 6:00 p.m. at the HCPSD office to receive public comments from any resident or citizen regarding this project.

There were no members of the public in attendance of the meeting to provide comment.

There being no further business, Melvin Shook made a motion that the meeting be adjourned at 11:05 a.m. The meeting was adjourned.

The next regular meeting of the HCPSD is scheduled for **Wednesday, March 2, 2011, 10:00 a.m.** in the conference room of the HCPSD office located at 2094 US 220 South, Moorefield, West Virginia.

Matthew G. Gapp, Chairman

These minutes represent a summary of the subjects discussed and the actions taken by the members of the Hardy County Public Service District for the meeting held on February 2, 2011. The meeting and proceedings were electronically recorded. In the event there may be discrepancies or contradictions between the written minutes and the audio recording, the audio recording shall take precedence.