

AT A MEETING OF THE MIDDLESEX WATER AUTHORITY HELD
ELECTRONICALLY ON WEDNESDAY, MARCH 17, 2021:

Present: Greg Chambers, Chair
Janet Riggs, Vice Chair
James Michael Reed, Treasurer
Lud Kimbrough
Carlton S. Revere, Secretary

Matt Walker, Executive Director
Betty Muncy, Staff Secretary
Heather Lewis, Authority Attorney

EMERGENCY PROVISIONS

Mr. Chambers read the Emergency Provisions which clarified the provisions of how the Middlesex Water Authority will conduct business and how the public can participate by Electronic Means, pursuant to the Board of Supervisors' Emergency Ordinance adopted on May 5, 2020 and extended on November 4, 2020.

A quorum was established by roll call vote with all five members acknowledging their presence at the meeting.

CALL TO ORDER

Mr. Chambers called the meeting to order at 6:03 p.m. This was a regular meeting of the Middlesex Water Authority. Mrs. Muncy requested that an Item 5E review of the FY 20 Audit be added to the agenda. Mrs. Lewis requested that an Item 7, closed session be added; no action was anticipated. There were no objections to those additions.

PUBLIC COMMENT

Mr. Chambers opened the meeting for public comment. Michael Kirk asked if there was information available that could be provided to homeowners for the meter connections, such as type of pipe, size of pipe, as well as information on the back flow preventor that will be required – something that could be handed off to a plumber as homeowners prepare for connections to be made. Mr. Chambers noted that a plumbing permit would be required, and he thought that the plumber would already have the knowledge for the necessary work. Mr. Walker added that the connection will need to be inspected by the County. Mr. Kirk asked if he could obtain the permit himself. The homeowner can obtain the permit, however, Mr. Revere noted that it is advisable to have the licensed tradesman obtain the permit. This allows for homeowners to have state support and possibly access to a recovery fund if there are problems with the contractor's work.

Mr. Kirk noted that he lived on Wilton Creek Road and wanted to go ahead and get the work done so that it was ready to cut over when the water was available. Mr. Walker added that homeowner's associations and neighborhoods may be able to negotiate with multiple contractors to get the best price for installing multiple connections. Mr. Kirk stated that that was what his Association was working toward.

There being no further comments, the public comment period was closed.

MINUTES

Minutes from the meeting of February 17, 2021, were considered, along with a revision that was needed in the minutes from the January 20th meeting. The motion to accept the minutes from February 17, 2021, as presented was made by Mr. Revere, seconded by Mr. Reed, and carried unanimously by roll call vote with all five members present and all five voting by stating, "yes". The motion to accept the revision to the January 20, 2021, meeting, the last sentence in paragraph 1 under Connection Assistance Grants – Policy, to read "Four met the \$5,000 rate and three additional ones [grant applications] have been received that would **also** be at the **\$5,000.00** rate" was made by Mr. Kimbrough, seconded by Mrs. Riggs and carried unanimously by roll call vote with all five members present and all five voting by stating, "yes".

FINANCIAL

The motion to approve checks written since the last meeting, numbers 3025-3038, totaling \$1,135,832.57, was made by Mr. Reed, seconded by Mrs. Riggs and carried unanimously by roll call vote, with all five members present and voting by stating, "aye".

The motion to approve Budget Supplement FY 2021-05 and Budget Transfers 2021-02, 03 & 04 was made by Mr. Revere, seconded by Mrs. Riggs and carried unanimously.

BS 2021-05: 3-1—41050-1101 Transfer from Construction Fund	-\$1,130,000.57
4-1 – 99010-0042 Construction	\$1,130,000.57

Appropriating a portion of USDA funds received 2/19/21 (total \$1,194,074.77) to fund Requisition #3 for Construction and Inspection Services.

BT 2021-02:

From: 3-1-31625-0001	RCCF Grant	\$15,000.00
To: 3-1-11030-0001	Connection Fees/Deposits	\$15,000.00 –
From: 4-1-43020-3030	RCCF Grant	\$15,000.00 –
To: 4-1-89000-0030	Reserve Connection Fee	\$15,000.00

Transferring funds from the RCCF Grant to the Connection Fee Reserves for three subscribers (RCCF #7,8 & 9) approved by DSS at 100% funding and received prior to December 31, 2020.

BT 2021-03:

From: 3-1-31625-0001	RCCF Grant	\$5,000.00
To: 3-1-11030-0001	Connection Fees/Deposits	\$5,000.00 –
From: 4-1-43020-3030	RCCF Grant	\$5,000.00 –
To: 4-1-89000-0030	Reserve Connection Fee	\$5,000.00

Transferring funds from the RCCF Grant to the Connection Fee Reserves for one subscriber (RCCF #10) approved by the MWA on January 20, 2020.

BT 2021-04:

From: 3-1-31625-0001	RCCF Grant	\$4,000.00
To: 3-1-11030-0001	Connection Fees/Deposits	\$4,000.00 –
From: 4-1-43020-3030	RCCF Grant	\$4,000.00 –
To: 4-1-89000-0030	Reserve Connection Fee	\$4,000.00

Transferring an additional \$1,000 per application from the RCCF Grant to the Connection Fee Reserves for four subscribers (RCCF #2, 3, 4 & 5). Funds were originally transferred at \$4,000 each, but these applications were received during the \$5,000 connection time period.

REPORTS FROM OFFICERS AND STAFF

Easement Update:

Mrs. Lewis reported that a few additional easements had been received and Bowman was working on appraisals for some. Mrs. Lewis reported that there is a deadline in April for filing condemnation pleadings on some. She will be also entering seven (7) motions to invalidate Certificates of Take for easements that have been received after the initial notice was filed and is working on the Certificates of Take for the roads. There are approximately 75 properties that will require condemnation.

Construction Update:

Jim Barton, Project Manager, Bowman Consulting, reported on construction. Each contractor has requested and been granted some additional time for weather delays. For the pipeline progress – Phase 1B – 70% complete in terms of total billing with 88% of 12” pipe in and will soon be ready for some testing; Phase 2 – 20% complete with 40 % of 12” in; Phase 4 – about 40% of 12” pipe is in. At the pump stations, pilings will be started soon with possibly cranes on site this month. Mr. Chambers noted that there is a lot of drilling activity in Deltaville going on.

Mr. Chambers reported that there would be progress meetings this week with all contractors.

UNFINISHED/NEW BUSINESS

Promissory Note:

The motion to adopt a resolution authorizing the acceptance of a loan in the amount of \$20,000.00 from the Middlesex Economic Development Authority and authorizing the chairman to sign the promissory note was made by Mr. Revere, seconded by Mr. Kimbrough and carried unanimously by a roll call vote of three in favor, noted by their stating of “yes” (Revere, Kimbrough, Chambers) to zero opposed, and two abstaining, noted by their stating of the word “abstain” (Reed, Riggs).

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A LOAN IN THE AMOUNT OF \$20,000 FROM THE MIDDLESEX COUNTY ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, it is the goal of the Water Authority to install and operate a water system in Middlesex County by 2022 to provide water for the citizens of Middlesex County; and

WHEREAS, the Middlesex County Economic Development Authority (EDA) has set a priority to bring business to County of Middlesex, Virginia (County) and the EDA believes having a water system for Middlesex County will bring business to the County; and

WHEREAS, the Middlesex Economic Development Authority (“EDA”) has been informed that the Middlesex Water Authority (“Water Authority”) needs \$20,000 to assist with Water Authority’s operating costs; and

WHEREAS, the EDA is of the opinion it should support the Water Authority by making a loan of \$20,000 to the Water Authority with the following stipulations: (1) the Water Authority will repay the loan by December 31, 2024; (2) the EDA will charge 1% interest per annum; and (3) if the Water Authority fails to repay the loan by December 31, 2024 then the EDA shall have the option to charge 4% annual interest on the unpaid balance until such balance is paid in full.

NOW, THEREFORE, BE IT RESOLVED by the Middlesex Water Authority this 17th day of March, 2021, that the Chairman of the Water Authority is hereby authorized to execute a

Promissory Note with the EDA for a loan in the amount of \$20,000 and pursuant to the terms herein.

A Copy Teste:



Greg Chambers, Chairman of the
Middlesex Water Authority

Authorization for Approval:

Mrs. Lewis requested the Authority approve the list of easements included in their packets and any others received between this meeting and the next meeting, and that the chair or vice chair be authorized to sign. Mrs. Lewis further explained that because of timing and deadlines involving condemnation procedures, the recording of any easements received now is critical and cannot wait for full Authority review. Any that are out of the ordinary will be brought to the Authority's attention.

The motion to approve the following easements and to authorize the signing of these and any others received prior to May 19 by the chair or vice chair was made by Mr. Kimbrough, seconded by Mr. Revere, and carried unanimously by a roll call vote, with all five members present and voting by stating, "aye":

For March 17	
P	28-4-1
	28-4-1D
	41-14-B-8
P	40-389D
	27-8-2A
	39-95

Deny Service and Refund Deposit:

Action was requested to eliminate service to 131 Delta Drive, Tax Map 41-36-2. The owner of this property was under the impression that the MWA was running the connection to his property (approximately 1000 feet). Mr. Walker noted that eliminating the connection at this time was an option presented to the owner. The owner was also told that should the Authority expand the system and consider service to this location in the future, that it has been discussed as offering incentivized periods for connection, much like was done for the initial service. The motion to remove service to this location, approve Budget Transfer 2021-05, and refund the original \$400.00 deposit was made by Mrs. Riggs, seconded by Mr. Revere and carried unanimously by roll call vote, with all members present and all members voting by stating, "aye".

BT 2021-05:

From: 4-1-89000-0030	Reserve Connection Fee	\$400.00-
To: 4-1-012010-5804	Refund	\$400.00

Transferring \$400.00 to refund a deposit paid for Tax Map 41-36-2 that will no longer be served by the current project.

Staffing Needs:

Mr. Walker reported that he and the Chairman have had some preliminary discussions with several companies that appear capable of performing many of the services that will be needed, whether it be policy development and or operation needs. Mr. Walker has been working on a draft Request for Proposals for contracting out services – billing, operation and maintenance, but will hold it until a little closer to the time that operation is needed. The operations need may be pressing on us in the early fall, so the RFP should probably be out in early summer.

The Board of Supervisors has authorized supplementing the staffing needs of the County Attorney in light of the number of condemnation hearings that she will have and the USDA has authorized spending some of our money under Land & Rights toward that expense, and hopefully covering at least one-half the cost of para-legal help with the condemnations. Mrs. Lewis reported that she has not decided whether this will be a temporary or a full-time contracted position; right now, she is leaning towards temporary. Mr. Walker added that the stipend positions, Mrs. Muncy's and mine, are somewhat intermingled with the County positions and on-going staffing discussions of how to handle Mrs. Muncy's upcoming retirement.

Mr. Chambers noted that what he found as gratifying and positive, was that there are companies out there that handle everything, a "soup to nuts" service, specializing in small entities, so at least the potential is there to outsource everything except the core responsibilities such as administration and legal.

Inspection Services:

Jake Porter, Porter Mathews Inspection Services, noted that information on the meter detail is provided in the construction drawings, on Sheet 107 of 109 for Phase 4 and that all other pipeline phases should have the same specifications. These same plan sets show the locations of individual meters. Mr. Walker noted that the Authority could make that drawing more available to property owners, probably as a stand alone drawing.

Mr. Porter also noted that the project is going really well and he is hoping that Phase 3A will get kicked off soon. Working in Deltaville has been difficult, especially considering the depth to the water table and all the rain that has been occurring. VDOT and the County's Erosion and Sediment Control personnel have been very helpful and his employees are working hard to collect data to validate the project and to keep contractors safe and working.

FY 20 Audit:

In review, Mr. Revere noted that the significance is in the opinion letter in the beginning of the report and that while the letter may be standard, there are no exceptions noted. The motion to accept the audit as prepared by Robinson, Farmer, Cox Associates was made by Mrs. Riggs, seconded by Mr. Reed and carried unanimously by a roll call vote of all members present and all members stating "yes."

PUBLIC COMMENT

The public comment section was opened. No one presented a request to speak, and the public comment period was closed.

CLOSED SESSION

The motion to convene for a closed meeting pursuant to Code of Virginia Section 2.2-3711.A8 for consultation with legal counsel, the Middlesex Water Authority Attorney, regarding contracts with Bowman Consulting for their engineering and easement acquisition services, was made by Mr. Revere, seconded by Mrs. Riggs and carried unanimously by roll call vote of all members present and all members voting by stating "yes".

Upon reconvening in the open meeting, the following statement was read by Mrs. Lewis, with a motion that the statement was true and certifiable was made by Mrs. Riggs, seconded by Mr. Revere and carried unanimously by a roll call vote with all members present and all voting by stating, "yes":

To the best of each members' knowledge, only matters lawfully exempted from the open meeting requirements and only matters that were identified in the motion by which the closed session was called, were discussed in said closed session.

There was no action as a result of the closed session.

ADJOURN

There being no further business, the motion to adjourn until the regular meeting scheduled for May 19, 2021, at 6:00 p.m., unless a special meeting is called, was made by motion of Mr. Revere, seconded by Mrs. Riggs, and carried unanimously by roll call vote with all five members present and voting by stating "aye".

Greg Chambers, Chair