

AT A MEETING OF THE MIDDLESEX WATER AUTHORITY HELD IN THE BOARD ROOM OF  
THE HISTORIC COURTHOUSE AT 6:00 P.M. ON WEDNESDAY, JANUARY 18, 2023:

Present: Janet Riggs, Chair  
Greg Chambers, Vice Chair  
Lud H. Kimbrough

Jim Nagy, Executive Director  
Brendan Hefty, Authority Legal Counsel  
Holly Gailey, Administrative Assistant

**CALL TO ORDER**

The meeting was called to order by the Chair, Janet Riggs, at 6:00 p.m.

**PUBLIC COMMENT**

Ms. Riggs opened the meeting for public comment. There being no public comment the public comment portion of the meeting was closed.

**CONSENT AGENDA**

The motion to approve items included in the Consent Agenda was made by Mr. Kimbrough, seconded by Mr. Chambers, and carried unanimously. The Consent Agenda included the minutes from the November 16, 2022, meeting. Also included were expenses to date checks numbered 3428-3455, totaling \$461,619.77. Janet Riggs, Chair, stated for the record that Truist charged \$867.00 for the check scanner to allow the authority to do their work.

**REPORTS FROM OFFICERS AND STAFF**

**CONSTRUCTION UPDATE:**

Ken Baybutt, with Bowman Consulting, offered a brief overview of the water project. He reported that Phase 4 is complete. Phase 3A was near completion stating the punch list items were in process with an estimated completion by months end. This being the final update, Mr. Wilson offered appreciation to the MWA Board for the privilege to work on this project.

**OPERATIONS UPDATE:**

Robert Finch, Operator, offered an update on water system operations. He stated there was an increase in water consumption and attributed the increase to major leaks and busted pipes during the extreme cold snap. He noted the daily outflow was 63k gallons during December and that Deltaville consumers used 62% of that water pumped noting the leaks that occurred were mostly in Deltaville.

Customers were the largest users for the month and noted the campground (>100k gallons) had fallen out of the top 4 consumers. Mr. Finch stated that the 2-month average water loss was 4.5%.

Mr. Finch addressed a letter received from the Health Department noting he had completed all task that were included: Disinfection Bi-Products Plan, Distribution System Material Survey Lead and Copper Sampling Plan, a revised Bac-T sampling Plan (10 sample sites as opposed to 4 previously), and revise/update the Cross Connection Control Plan for compliance. He also completed the analysis that the Department of Health was concerned had not been completed.

He also noted chlorine residual was at .8ppm and Deltaville was .4ppm.

**OUTSTANDING CONNECTION FEES:**

Mr. Nagy offered an update on connection fees. He noted 35 accounts still owe connection fees leaving \$139,000 uncollected. He sent out final payment notices on December 9<sup>th</sup>. He stated that he had already gotten responses from some of those account owners. If this notice does not draw a response by February 6th, a different strategy would be implemented. This could include a letter from Brendan Hefty as legal counsel, a notice of collections or lien on the property or a combination of the two. Ms. Riggs asked for an update at the next meeting on how these collections were moving forward. Mr. Hefty noted that he will be bringing associated cost for collections to the board.

**BILLING AND BILLING ADJUSTMENTS:**

Mr. Nagy presented a revenue summary showing the number of accounts billed, associated consumption, and billed dollar amounts. He noted that there were 681 customers billed for December. He also noted that even though new customers were added, revenue was neutral or down, attributing that to the campground and users being seasonal. As requested, Mr. Nagy provided an aging report on unpaid accounts.

Mr. Nagy also presented a report of billing adjustments. The report included 6 billing adjustments that were for small billing issues such as waive late fees. The policy for staff to do adjustments without Board approval was originally for 4 months, which will be ending in February. Mr. Nagy requested this policy be extended for 6 additional months to allow for the “start-up” type billing issues that require small adjustments (\$150.00). Mr. Kimbrough made the motion to extend for 6 months, seconded by Mr. Chambers. The motion carried unanimously.

**PROPOSED POLICIES:**

Mr. Nagy presented a revised draft Water Bill Abatement Policy. He noted that this is a stand-alone policy limiting users to one abatement per 18 months. Mr. Chambers made the motion to approve as written, Mr. Kimbrough seconded. The motion passed unanimously.

In the Rates, Rules and Regulations, Mr. Nagy updated several items including: the removal of the abatement policy as it is now a stand-alone policy, change the \$10/1000 gallons wording to .01 per gallon noting the billing software cannot calculate at the \$10/1000 gallons, all new customers must enter into a Subscriber Agreement and minimum monthly charges will not be excused during a convenience shut-off requested by the customer. The Subscriber Agreement had two specific changes: language was changed from “assuming the water system would be built” to being a completed system and until payment is received in full, the agreement would be null and void and allow Mr. Nagy to sign all future Subscriber Agreements. Mr. Chambers made a motion to approve the changes, seconded by Mr. Kimbrough. The motion carried.

There was an amended Easement Agreement before the Board for Grey’s Point Marina. Mr. Nagy stated that the pipe was not installed in the original easement and this movement was to correct the plat for the property. A motion was made by Mr. Kimbrough, seconded by Mr. Chambers. Motion passed unanimously.

**ABATEMENT REQUEST:**

Mr. Nagy presented the Board with multiple accounts that had significant leaks which exceeded the amount allotted in the adjustment policy. He noted that numerous installations from several plumbers have failed causing leaks. Mr. Nagy has spoken to the plumbers that have installed at these locations to ensure the proper components are being utilized for a new installation. Mr. Nagy explained that having to wait 2 months for board approval is an issue due to billing (i.e. refund late fees etc.) and asked for the board to allow some discretion on abatements less than \$500. Mr. Chambers made a motion to authorize Mr. Nagy to use his discretion on abatements under \$500.00, Mr. Kimbrough seconded the motion. The motion passed unanimously.

**Revocation Request:**

There were four revocation requests:

- 1) Plasse at 18436 General Puller Highway. The request is due to an excessive distance between the installed meter box and their residence. Mr. Chambers made a motion to approve, seconded by Mr. Kimbrough. The request was granted by a unanimous vote.
- 2) Regatta Point Yachting Center, 137 Neptune Lane. New owner purchased property from signer of service agreement. The owner has requested that he not be held to the previous owners agreement. There is a reverse osmosis system onsite that will be utilized. Mr. Nagy noted that there is an outstanding connection fee owed on a 1” meter connection. Mr. Kimbrough made a motion to allow them to pay the current connection fee owed and then pay a vacant lot fee of \$20.00/month in perpetuity or pay the current connection fee and when/if they go live on the system, they would pay the current connection fee at that future time/rate. Mr. Chambers seconded the

motion. The motion passed. Mr. Hefty noted he would have to amend the agreement between the MWA and Regatta.

- 3) Lovelace at 803 Wilton Creek Road. New Owner does not want to be on the water system nor pay the remaining balance of \$3600 in connection fees and \$450.00 in past due user and late fees. Mr. Chambers made a motion to deny the revocation request, seconded by Mr. Kimbrough. The motion passed unanimously.
- 4) Miller at 647 Tranquility Lane. Mr. Miller is requesting a suspension of service while his house is being demolished and rebuilt. After discussion, Mr. Chambers made a motion to approve the request with the understanding that he pay a vacant lot fee of \$20.00 during the process. Mr. Chambers made a motion to approve, seconded by Mr. Kimbrough. The motion passed.

### **BUDGET TRANSFER REQUEST:**

A budget transfer request FY2023-03 to move \$258,486.97 from Connection Fees to Construction was presented. Mr. Kimbrough made a motion to approve the request and was seconded by Mr. Chambers. The motion passed unanimously.

At this time, Item G that was part of the amended agenda, was presented to add Jim Nagy to the Truist Water Authority bank account and remove Ms. Betty Muncy. Mr. Kimbrough made the motion, seconded by Mr. Revere. The motion carried.

### **Discussion**

Mr. Nagy wanted to summarize an operation overview given at the recent Board of Supervisors meeting and state for the record, this project started with a modest 4% contingency and under any construction standards is very low contingency. This project proceeded through Covid and many other obstacles and still came in 100,000 under budget. He stated that \$250,000.00 in meters was added meaning the project was actually \$350,000.00 below budget.

Also discussed was the future of the MWA and the upcoming sewer project and how integrating the two would be beneficial. Mr. Chambers stated that this was discussed at the Board of Supervisors meeting as well as the possibilities of adding other parts of the county to the water system.

### **Public Comment**

Public comment was deferred as there were no members of the public present.

**ADJOURN**

There being no further business, Ms. Riggs adjourned the meeting.

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Janet Riggs, Chair