

AT A MEETING OF THE MIDDLESEX WATER AUTHORITY HELD
ELECTRONICALLY ON WEDNESDAY, JANUARY 20, 2021:

Present: Greg Chambers, Chair
Janet Riggs, Vice Chair
James Michael Reed, Treasurer, joined late
Lud Kimbrough

Absent: 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 four members acknowledging their presence at the meeting; Mr. Revere was not present. Mr. Chambers, Mr. Kimbrough and Mrs. Riggs were present by video and audio; Mr. Reed was present by audio only.

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.

PUBLIC COMMENT

Mr. Chambers opened the meeting for public comment. There being none, Mr. Chambers closed the public comment period.

MINUTES

Minutes from the meeting of November 18, 2020 were considered. The motion to accept the minutes as presented was made by Mrs. Riggs, seconded by Mr. Kimbrough and carried unanimously by roll call vote with four members present and all four voting by stating, "yes".

FINANCIAL

Mr. Reed joined the meeting at 6:10 p.m., during discussion of expenses. Mrs. Muncy noted that transfers and payments marked as pending in the meeting packet had been made. The motion to approve checks written since the last meeting, numbers 2903-3015, totaling \$1,022,810.81, was made by Mr. Kimbrough, seconded by Mrs. Riggs and carried unanimously by roll call vote, with four members present and voting by stating, "aye".

The motion to approve Budget Supplements numbered FY 2021-02 and FY 2021-03, appropriating portions of USDA monies received for construction and inspection costs was made by Mr. Reed, seconded by Mrs. Riggs and carried unanimously by roll call vote, with four members present and voting by stating, "aye".

FY 2021-02.

Revenue – 3-1-41050-1101, Transfer from Construction Account \$46,130

Expense – 4-1-99010-0042, Construction, \$46,130

A total of \$160,951.36 was received in the 12/15/20 USDA funding request.

FY 2021-03.

Revenue – 3-1-41050-1101, Transfer from Construction Account, \$832,819.62

Expense – 4-1-99010-0042, Construction, \$832,819.62

A total of \$919,237.61 was received in the 1/19/21 USDA funding request

EASEMENT UPDATE

Item 5B, Authorization to approve and sign easements would be moved to the end of the meeting and a Closed Session added.

CONSTRUCTION OVERVIEW

Nitant Desai, Bowman Engineering, reported that 5 of 6 project phases are under construction, either putting pipe in the ground or submitting shop drawings. The remaining contract, for Phase 3A, has had the pre-construction meeting and is working on permits. A notice to proceed will probably be issued the end of February, which will not alter the date for water to Deltaville.

Jake Porter, Porter Mathews Inspection, reported that 10,500'+ of pipe has been run in Phase 1B, 1,500'+ in Phase 2 and in Phase 4, a few 100'. Things are going well and there have been no safety issues. Mr. Chambers noted that there have been only a few questions/complaints along the way.

Mr. Ported commented that he and Jim Barton, Bowman's Project Manager, have spent a lot of time discussing the water and muck that the contractor in Deltaville has run into and reviewing the restoration clauses that are part of the contract. Full restoration may have to wait until the project is complete, however, run-off is being addressed with County and VDOT inspectors.

Regarding meter placements, Mr. Porter is tracking the schedules of contractors and working with homeowner associations to advocate for the fastest way to address changes that are requested. It has been suggested that homeowners place a different color flag from the contractor at their preferred meter location. The contractor will assess for conflict or financial impact at new locations. Verbally both contractors currently laying pipe (Via and Saunders) have indicated that this is a reasonable approach. Mr. Desai added that the staking being done ahead allows homeowners to see the proposed locations and then gives the homeowner an opportunity to request relocation. The contractor is not required to move the meter from the position on the plans. Mr. Kimbrough asked if there is a map available on-line that homeowners can view. Currently, there is not. Copies of maps were provided to the two homeowner associations they were working with.

Mr. Desai indicated that they may be able to put links to the maps on the website, but property owners would need to be able to find their property. Mr. Walker said that he, Mr. Desai and Glenn Nix, the County's GIS person, would get together to work on maps. Mr. Porter said that he has been able to break down the Deltaville portions into sub-groups.

As a note, there have been 51 new subscribers since the funding package closed with the USDA.

Mr. Walker reported that change orders have been approved – for glass fused storage tanks that will be basically maintenance free. The property owner for the adjoining Rosegill property seems pleased with the aesthetics of a silo-look tank.

INSPECTION SERVICES

Mr. Walker reported that there is need for additional inspection services, possibly a need for an in-house inspector/operator, which would give an opportunity to learn the system from the ground up and would prove itself invaluable for continuity. Mr. Walker is working on a job description. This would be a USDA eligible expense. The inspector would be working for Porter Mathews during construction as an inspector, but after would transition to be a MWA employee as operator.

LOAN FROM EDA AND PROMISSORY NOTE

No action was taken on this matter because Mr. Reed and Mrs. Riggs would have to abstain from a vote, which would not leave enough voting members present to have a majority.

FINANCIAL MODEL

Mr. Walker has updated the financial sustainability model and reported that he believed the Authority would be in a position to pay back loans to the EDA within the first year.

REQUEST TO MOVE CONNECTIONS

Members considered a request from Ros Willis to move two vacant lot connections from Tax Map 41-44-171 & 173 to Tax Map 41-44-172 & 177. The motion to approve this request was made by Mrs. Riggs, seconded by Mr. Reed and carried unanimously by roll call vote of four (4) members present and all voting by stating, "aye".

REQUEST TO CHANGE SERVICE ADDRESSES

Members considered a request from Larry Pritchard to change the service address assigned to a 1" connection from 15738 General Puller Highway to 15718 General Puller Highway. A new 3/4" connection subscriber agreement has been received for 15738 General Puller Highway. The motion to approve the request was made by Mr. Reed, seconded by Mrs. Riggs and carried unanimously by roll call vote of four members present and all members voting by stating, "aye".

CONNECTION ASSISTANCE GRANTS

Policy

Clarification was requested on whether the amount of monies to transfer from the connection assistant grant line for new connections should be \$4,000, the original incentivized rate, an amount to equal the incentivized rate at the time of application, or \$10,000, the unincentivized rate. As of January 16, 2021, all transfers have been approved for \$4,000 each, even though only 2 met that original incentivized rate. Four met the \$5,000 rate and three additional ones have been received that would be at the \$7,500 rate.

Mr. Walker noted that the original intent of the River Counties Community Foundation grant was to fund the connection fee, which at the time was \$4,000. However, now that the fees have increased, he believes clarification should be asked of the RCCF board as to whether the amount should follow the current incentives or the full amount. Mr. Chambers added that the intent of the grant was to give people in need the ability to connect to the system and the Authority should get whatever the connection fee is at the time of application, just as if it were the applicant paying it. The remaining members agreed with this policy. Mrs. Muncy requested a approval of a Budget Transfer of \$4,000 (\$1,000 per RCCF applications #2-#5) to be transferred from the RCCF grant line to the Connection Fee/Deposits line. Action was tabled to allow Mr. Walker time to verify that RCCF concurred with this policy.

Budget Transfer:

Action was also tabled on Budget Application #2021-02, a request to transfer funds from the RCCF grant to Connection Fee/Deposits for three additional subscribers approved by Social Services to receive 100% grant funding (Applications #7-9).

Connection Assistance Application #10:

Action was requested on Connection Assistance Application #10, which if using the sole income of the applicant as a qualifier, would qualify for 100% assistance. However, if the income of her son and daughter-in-law, who are live-in caregivers, is added, then the application qualifies for 50% assistance. At the time of the application, the connection fee was \$5,000.00.

Mr. Chambers noted that if the live-in caregivers were not the owner's family, then the income would not have been included and there would be no question about funding at other than 100%. Mrs. Riggs said she believed that application considered household income, however, it could be requested that RCCF give an exception. Mr. Walker stated that he did not believe RCCF wanted to be involved with determining who was eligible for funding. They were comfortable at the time of the MWA applying for grant funding with the Authority and Social Services using already established criteria for eligibility.

Mrs. Riggs noted that she wanted to help this applicant but does not want to violate any grant policy or set precedent. Mr. Kimbrough noted the gray area, that the additional household members are only there because they are caregivers, that it is a matter of interpretation versus exception, and his interpretation would be that the caregiver income should not be included. Mr. Kimbrough recommended consulting with the grant provider to ensure that they are okay with the interpretation. Mr. Reed agreed; the caregivers are there for care and not necessarily to supplement the owner's income. The motion to approve the application at 100% funding, contingent on concurrence by River Counties Community Foundation, was made by Mrs. Riggs, seconded by Mr. Reed and carried unanimously.

STAFFING NEEDS

The County has authorized advertising for an assistant county administrator to be hired to train alongside of Mrs. Muncy until she retires, expected late next year. This will hopefully free her to continue working on Authority projects. Over the next several months, the logistics of operating a water system, the who, how funded, staffed or contracted, would be worked through. The original plan to coordinate services with the Treasurer's Office has not developed and will need additional effort to work through.

CHANGE ORDER

Mrs. Lewis introduced Ricky Stuchell, who is now in charge of easement acquisitions with Bowman Consulting. Mr. Stuchell explained that the need to relocate a crossing of Route 33 in the area of the Deltaville Pump Station has created the need for a permanent easement along a 25' ingress/egress easement. A title report to confirm ownership, the regular Basic Administrative Report and easement negotiation services would be completed for a fee not to exceed \$1408; the title report has its own not to exceed amount of \$450 (included in the \$1408), and because much of the work

for that has already been done, the fee for that portion should be under. The original location of the pipeline was made because of some questions in the title for this property. It is now necessary to revise the original plan to this location.

Mr. Porter noted that moving the line and avoiding the utilities would be a major improvement to the alignment and would help everyone. Mr. Walker noted that USDA approval of the change order is required.

Mr. Kimbrough made the motion, seconded by Mrs. Riggs, to approve the change order subject to USDA approval. This motion was carried unanimously by roll call vote of four members present and all members voting by stating, "yes".

Mr. Walker noted that the work on this change order needed to proceed with haste so that the contractor is not held up. Mr. Stuchell stated that he would be at the courthouse the next day to confirm the chain of title.

CLOSED SESSION

The motion to convene in Closed Session pursuant to Code of Virginia, §2.2-3711.A3, discussion of the acquisition of two permanent easements from the Jackson Creek Condominium Association, and §2.2-3711.A7, consultation with legal counsel regarding pending condemnation suits, was made by Mr. Reed, seconded by Mr. Kimbrough and carried unanimously for a roll call vote of four members present and all four voting by stating, "yes".

Upon reconvening, the motion to approve the following statement was made by Mr. Reed, seconded by Mr. Kimbrough and carried unanimously by four members present and all four voting by stating, "yes":

To the best of the members' knowledge, only public business matters lawfully exempted in the motion by which the closed meeting was called were considered or discussed in the closed session.

ACCEPTANCE OF EASEMENTS

The motion to accept the following easements, which includes the two for the Jackson Creek Condominium Association, and authorizing the chairman to sign all, was made by Mrs. Riggs, seconded by Mr. Reed and carried unanimously by roll call vote of four members present and all members voting by stating, "yes".

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| for January 20 | | | |
| | 27-191 | | P 40-47-3A |
| | 41-37-4 | | 41-44-95 |
| P | 40-37-3A | | 27-182 |
| | 41-120B | | 40-14-13, 13A1 and 13B |
| P | 40-43-3 | | P 41-7 |

| | | |
|----------|---|-------------|
| 41-54-11 | | 41-57-22 |
| 40-96A | P | Shirley Ave |
| 27-199 | P | 41-74 |
| | P | 41-74A |

ADJOURN

There being no further business, the motion to adjourn until the regular meeting scheduled for March 17, 2021, at 6:00 p.m., unless a special meeting is called, was made by motion of Mr. Kimbrough, seconded by Mrs. Riggs and carried unanimously by roll call vote with four members present and voting by stating "aye".

Greg R. Chambers, Chair