

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD
ON TUESDAY, June 16, 2023, IN THE BOARD ROOM OF THE COOKS CORNER
OFFICE COMPLEX, SALUDA, VIRGINIA

Present: Wayne H. Jessie, Sr., Jamaica District
Don R. Harris, Saluda District
John B. Koontz, Jr., Hartfield District
Reginald A. Williams, Sr., Harmony Village District
Lud H. Kimbrough, III, Pinetop District

Matthew L. Walker, County Administrator
Ann Marie Ricardi, Assistant County Administrator
Tammy-Lynn Gilbert, Executive Assistant

ROLL CALL

Attendance was taken by Ms. Ricardi with the following roll call: Supervisor Williams – present via phone, Supervisor Koontz – Present, Supervisor Harris – Present, Supervisor Jessie – Present and Chairman Kimbrough – Present.

Mr. Koontz and the Bowman representatives arrived at 9:06 a.m.

Mr. Williams joined the meeting via phone. Mr. Kimbrough asked Mr. Williams to state the reason for attending electronically. Mr. Williams stated he had a medical appointment. Mr. Kimbrough said the Board needed to have a majority vote to approve Mr. Williams' participation by electronic means.

A roll call was taken by Ms. Ricardi to approve Mr. Williams' participation by electronic means: Mr. Harris – Aye, Mr. Jessie – Aye, Mr. Koontz - Aye and Mr. Kimbrough - Aye. The vote was unanimous to allow Mr. Williams to participate electronically. Mr. Kimbrough asked for the minutes to reflect why Mr. Williams was participating electronically. Mr. Williams identified his location as a doctor's office for a medical appointment. Mr. Williams was now a voting member of the Board and there was a quorum.

**DISCUSSION ON PROPOSED CHANGE ORDERS TO THE COOKS CORNER
SEWER PROJECT WITH HRSD AND BOWMAN ENGINEERING CONSULTANTS**

Mr. Walker addressed the participants and citizens in attendance, stating this was a work session between the Board of Supervisors, HRSD and Bowman Engineers to discuss and review Change Order #6 and #8 and specifically, the \$126,058.00 request from Bowman.

Mr. Nitant Desai, Director of Engineering, and Mr. Tim Wilson, Project Manager, were in attendance to represent Bowman and Mr. Jeremiah Burford, represented HRSD.

Mr. Kimbrough provided a summary of the chain of events leading up to the work session. The Board's concerns being:

- Obstacles were not found in the original engineering.
- The cost of approximately \$750,000.00 to serve two commercial facilities who have not expressed any interest in the service.
- Bowman's request for approximately \$160,000.00 in additional engineering and inspection costs.

Mr. Koontz expressed the need for ongoing dialogue when bigger change orders are being submitted.

Mr. Desai provided a brief overview of the initial design process, and mentioned several factors that played a role in the events surrounding the undisclosed drain field.

- The initial survey solely relied on surface-level examination, without any digging.
- Clarified that the Virginia Department of Health (VDH) did not receive accurate information during the road widening project in the 1990's.
- Miss Utility's equipment failed to identify the PVC pipe material when they assessed the site for utility markings.
- The property owner approved the easement without divulging the existence of the drain field.
- During the April 2023 walk-through, someone from the business informed them of the metal plate located in the paved lot and this is what brought the issue to light.

Additional discussions took place regarding potential solutions and the reasons why they were deemed not viable for addressing this matter.

Mr. Desai provided details on change order #6:

- Adjustments were made to accommodate utilities, the contractor performed the work at risk, without prior approval of the Board. However, there was confusion over whether work has been completed.

Mr. Koontz requested an additional explanation on change order #6. He has concerns whether this is a change order since the work was performed without approval.

In response to questions regarding the additional \$126,000.00 consulting costs, HRSD said the original project completion date of November 2023 is running longer than anticipated for a variety of obstacles they've encountered. As a result, there will be additional inspections and CSA work needed.

Mr. Walker requested they revisit the costs to see how they can be reduced. There were additional discussions on solutions for addressing lowering the \$126,000.00 cost.

A motion to reject change order #6 and request Bowman come back with better change order detail; change order #8 is declined and cap the system in place and request that the team reach out to the owners within 3 business days to be fully aware of their

intentions and reject the Bowman change order in the amount of \$126,000.00 and ask Bowman to provide more details was made by Mr. Koontz and seconded by Mr. Harris and carried by the following roll call: Mr. Koontz – Aye, Mr. Harris – Aye, Mr. Jessie – Aye, Mr. Williams – Absent, and Mr. Kimbrough – Aye.

Mr. Williams left the meeting prior to the vote.

RECESS

Chairman Kimbrough recessed the meeting until the regular Board meeting scheduled for July 11, 2023 at 3:30 p.m.

Lud H. Kimbrough, III, Chairman
Board of Supervisors