

**UNION WILLIAMS PUBLIC SERVICE DISTRICT**

Regular Board Meeting

October 19, 2005

**MINUTES & TREASURER'S REPORT**

**APPROVED**

BY: Harold P. Seuffer

DATE: Nov. 16, 2005.

Roll Call:

H. E. Seuffer, Chairman

S. L. Nulter, Treasurer

R. J. Mullenix, Secretary

Attending:

D. Pauline Lowers, UWPSD

Steve Hardman, Bowles, Rice, McDavid, Graff, and Love

Jonathan Carpenter, Thrasher Engineering

Jim Mayles, Cerrone Associates

Amy Harries, MOVRC

George Blum, Cerrone Associates

Jonathan Carpenter, Thrasher Environmental

Jason Billups, WVDEP

Kendel Nichols, Rt. 31

Curt Mitchell, Oakwood Estates

Location and Time:

6:30 P.M. District Office

Minutes by:

J. L. Dotson

H. E. Seuffer called the meeting to order.

Read minutes of regular board meeting from September 22, 2005 and special board meeting from October 12, 2005. R. J. Mullenix moved to accept minutes. S. L. Nulter second. Unanimous.

S. L. Nulter moved to accept the financial reports for August 31, 2005. R. J. Mullenix second. Unanimous.

Discussed Wastewater Project. Discussed customer concerns. Curtis Mitchell owns property in Oakwood Estates. While constructing the service line to a grinder pump and installing the pump Diversified removed about seven bushes on his property. Mr. Mitchell provided a diagram of the bushes and an estimate from Thompson's Landscaping for replacement. An easement was not obtained for the area, due to a tax map overlay error. Mark Gerkin from Diversified has told Mr. Mitchell that the contractor has established the policy that they are not going to replace any bushes. Jason Billups said that since Diversified removed the bushes they are responsible to replace them. Steve Hardman said he will discuss the matter with Diversified's legal counsel. Jason said he would look at the situation after the substantial completion walk-through tomorrow. The complaints will

be passed on to Gale Smith. Kendel Nichols owns property near the intersection of Rt. 2 and Rt. 31. He said that the contractor performed the initial work during wet weather and him they would come back later to perform the restoration work, but that he should submit a complaint so that they would not forget to do the work. When they returned they re-graded the site but did not apply any seed. They were back again later and again did not apply seed. With no seed, the top soil eventually washed away and some of the area is bare rock. There is also a culvert that was damaged during the work that needs to be straightened out. He expressed concern about the contractor's failure to perform restoration in general, and the need to hold the contractor accountable. The complaint will be passed on to Gale Smith.

Jim Mayles provided an update. The plant is complete with the exception of a couple of punch-list items. There are a few issues with the lift stations that still need to be rectified. The contractor is aware of the issues. Jonathan Carpenter discussed Contract #3. Two housing development tie-ins remain, Granada Hills, where there is a problem with a variable frequency drive unit; and Northwood Villa, where power has not been connected. Other than those two items, there is no billable work remaining on Contracts #2 and #3. An e-mail message received today from Gale Smith said that the punch-list work is completed on these contracts. Jonathan is having Bill Packard review to ensure it is done. Jonathan also suggested that the Delancy trees be included with the Mitchell shrubs for Diversified to replace.

Discussed Pay Requisition #21. George explained that no requisition was prepared for two reasons. First, Diversified did not submit their requisition until this Monday, which did not allow time for Cerrone to review them and prepare a requisition. Second, there is a question with the quantity. Jonathan explained that the requisition #20 that the board approved at the last meeting included contractor's requisitions #17 and #18. Gale Smith was supposed to submit a revised contractor's requisition #20 for this pay requisition. The revisions were to cover everything that was left outstanding. Instead, Gale submitted contractor's requisition #19. That submittal confused the quantities in the new requisition. Jonathan assured the board that the quantities Thrasher has recommended are correct. George said that the DEP is reviewing Change Order #5 for Contract #3, which is a final adjusting change order. He asked if the board wanted to approve it contingent on the WVDEP approval or if they wanted to wait until these paperwork issues were caught up. The board agreed to wait until the paperwork was in order.

Steve Nulter asked at what point it would be appropriate for the board to take action beyond the contractor to get the restoration work finished, especially now that winter weather is approaching. Discussed the legal issues involved. Steve Hardman explained the ramifications of such actions. Discussed steps that can be taken. Steve Hardman said he has already begun a dialog with Diversified's legal counsel concerning restoration issues. Steve Nulter asked about the status of Gale Smith's latest time and money claims and suggested that the engineers deal with the claims and be prepared to provide final completion dates for the current contracts by the next board meeting.

Discussed payment for the dump truck. Since Cerrone Associates did not prepare a pay requisition, the truck payment is not being submitted. Amy Harries suggested that the board approve payment and the paper work can be completed and submitted. S. L. Nulter moved to approve a pay requisition for the dump truck and to authorize a board member to sign the paperwork when it is

prepared. R. J. Mullenix second. Unanimous.

Jonathan Carpenter provided an inspection budget update. He asked the board to request that the WVDEP reconsider the Thrasher engineering agreement amendment that was refused because the dates were not covered by change order. The amendment covers to the end of June, which is now covered by change orders. S. L. Nulter made a motion to request the DEP to reconsider the amendment. R. J. Mullenix second. Unanimous.

S. L. Nulter moved to pay Requisitions #1 and #2. R. J. Mullenix second. Unanimous.

Meeting adjourned at 8:00 PM.