

UNION WILLIAMS PUBLIC SERVICE DISTRICT

Regular Board Meeting

November 16, 2005

MINUTES & TREASURER'S REPORT

APPROVED

BY: Howard E. Seuffer

DATE: Dec. 21, 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
Dominick Cerrone, Cerrone Associates
Amy Harries, MOVRC
Michael S. Walton, Hoagland Run Road
Sharon Westbrook, Old St. Marys Pike
Gary Burton, Wallace Road
Carl Brookover, Coopers Ridge
Junior E. Knotts, Old St. Marys Pike
Bob Parker, Chichester Lane
Charles E. Wade, Old St. Marys Pike
Gale Smith, Diversified Enterprise, Inc.
Jack Ramsey, Qk4
Kathy Emery, WVDEP
Gladys Harmon, Miracle Lane

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 October 19, 2005. R. J. Mullenix moved to accept minutes. S. L. Nulter second. Unanimous.

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

Discussed Wastewater Project. Discussed customer concerns. Carl Brookover, Sharon Westbrook, Bob Parker from Chichester Lane Land Owners Association, Pam Douglas, Gary

Burton, Mike Walton, Charles Wade, Junior Knotts, and Gladys Harmon were present to discuss their property issues. Margaret Morris, Richard Omasta, Williams Underwood, and Sandra Figueroa asked to be on the agenda, but were not present for the meeting. Gale Smith addressed each customer. He stated that it did not matter who they have dealt with before, they are dealing with him now and their issues will be addressed. He said he will be here next week and will contact them to make appointments to review their complaints. Mr. Smith stated that he will not guarantee that Diversified would give them what they asked for, but he will evaluate each situation and provide what he feels Diversified Enterprise, Inc. is responsible for. He took phone numbers from each customer and promised to contact them next week.

Discussed reconciliation of funding agency spreadsheets. Steve Nulter asked Kathy Emery if the DEP has been updated on the financial situation of the project. She said that she has had conversations this week with Dominick and they are working on getting the DEP up to date. She had the latest change orders with her, and reviewed them with Steve Nulter's spreadsheet.

Discussed the progress of clean-up and the complaints. Gale provided a copy of a letter he e-mailed to the District earlier today. Steve Nulter said he failed to see any substance in the letter that addresses the issues. Gale said he believes the Board is asking for customer sign-offs and quantified details concerning the complaints and punch lists. Mr. Nulter said that is what the Board is expecting, and while we have been discussing clean-up and complaints for a year now, in the past couple months the Board has been expecting resolution of these complaints, and has yet to see any significant evidence of resolution. Mr. Smith said that he wanted, for the benefit of the District and Diversified Enterprise, to have customer sign-offs for the complaints. Discussed the issues at Bob and Kathy Kimble's and at Larry Delancy's property. Mr. Smith said that work has been done at Kimble's, with an agreement that Diversified will come back in the spring to complete the repairs. Steve Nulter said that his frustration is that the contract states clean-up will be complete within seven days of the work, and there is no excuse for this to have gone on for a year and a half. Mr. Smith discussed the matter further.

Discussed final deadlines for the contracts. Dominick Cerrone provided spreadsheets of the dates. Mr. Cerrone stated that this is not a legal opinion, but an engineer's interpretation of liquidated damages, but he feels liquidated damages are a vehicle for negotiation placed in the contract to avoid litigation. Some discussion followed. Mr. Cerrone also asked for cost projections from all the involved parties through the end of the project. Discussed the status of liquidated damages. Discussed the status of change orders and adjustments. R. J. Mullenix moved to approve final adjusting change orders for contracts #2 and #3. S. L. Nulter second. Unanimous. Dominick Cerrone also presented two partial Certificates of Substantial Completion for contract #3. S. L. Nulter moved to approve the certificates. R. J. Mullenix second. Unanimous. S. L. Nulter moved to approve the Notice to Proceed for contract #6. R. J. Mullenix second. Unanimous. S. L. Nulter moved to approve an application to the West Virginia Infrastructure and Jobs Development Council for additional grant money. R. J. Mullenix second. Unanimous. R. J. Mullenix moved to approve West Virginia Tax Release Forms for contracts #2 and #3. S. L. Nulter second. Unanimous.

Discussed load payments. The WVIDJC loan payments are up to date. One payment has been made to the WVDEP loan, and the District can make a \$25,000 payment right now, with the possibility for more later in the month as revenues come in.

Jonathan Carpenter provided an update. The DEP has approved the Thrasher Engineering Amendments #4 and #5. S. L. Nulter moved to approve the amendments. R. J. Mullenix second. Unanimous.

Discussed pay requisition #22. S. L. Nulter moved to pay requisition #22. R. J. Mullenix second. Unanimous.

Discussed notice of awards for the telemetry.

Discussed Pleasants Co. Guard Hill Water Project. Jack Ramsey provided preliminary drawings. The Pleasants Co. Commission has agreed to pay for the mapping work Qk4 has completed. S. L. Nulter moved to approve the pay requisition for the mapping. R. J. Mullenix second. Unanimous.

Discussed Pleasants Co. Industrial Park Sewer Upgrade. Jack Ramsey provided preliminary drawings for the project.

Discussed the water pressure problem at Bob and Kathy Kimble's. A pressure recorder was installed in the Kimble's meter pit. The average pressure was 17 psi. The District does not have a low pressure agreement on file. Jerry Dotson will explore alternatives to remedy the problem.

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

Meeting adjourned at 10:40 PM.