

UNION WILLIAMS PUBLIC SERVICE DISTRICT

Regular Board Meeting

August 23, 2006

MINUTES & TREASURER'S REPORT

APPROVED

BY: *Stephen L. Nulter*

DATE: 9-13-06

Roll Call:

S. L. Nulter, Chairman
R. J. Mullenix, Treasurer
H. E. Seufer, Secretary

Attending:

D. Pauline Lowers, UWPSD
Steve Hardman, Bowles, Rice, McDavid, Graff, and Love
Jim Mayles, Cerrone Associates
Jerry Blair, Diversified Enterprise, Inc.
Gladys Harmon, Miracle Lane
Steve Cooper, WVDEP
Jason Billups, WVDEP
Darrell Gates, Waverly VFC, Inc.
Cam Siegrist, Bowles, Rice, McDavid, Graff, and Love
Patrick Rawlings, Qk4
Jack Ramsey, Triad Engineering

Location and Time:

6:30 P.M. District Office

Minutes by:

J. L. Dotson

S. L. Nulter called the meeting to order.

Read minutes of regular board meeting from July 19, 2006. H. E. Seufer moved to accept the minutes. R. J. Mullenix second. Unanimous.

H. E. Seufer moved to approve the financial statement. R. J. Mullenix second. Unanimous.

Discussed Wastewater Project. Darrell Gates was present to discuss sewer service to the new fire station. Mike Johnson is meeting with Mr. Phillips this Friday to discuss a right-of-way to provide the service. Mr. Gates said they originally did not have a good relationship with Mr. Phillips, but once he understood there would not be a siren on the building, their relationship is good. There is also another right-of-way needed where the grinder pump service line will tie into the gravity main. Mr. Omasta and Mr. Underwood are on the agenda, but were not present. Gladys Harmon was present to discuss her property. She said it needs graded. She cannot mow it in its present condition. She has been on the complaint list for almost three years. Jerry Blair said they will have two sub-contractors on contract #3 and one sub-contractor on contract #2.

One of the sub-contractors is on vacation this week, but they anticipate all three will be working next week. He is talking to the third sub-contractor tomorrow and anticipates they will start Monday.

Discussed completion date for complaints and punch list. Mr. Nulter asked about the ten categories on Gale Smith's list. Jerry Blair explained the categories. Mr. Nulter expressed concern that 125 customer complaints unsettled where the District may be held liable. Mr. Nulter asked Steve Hardman for his opinion. Mr. Hardman said there is a serious potential for liability, and he also is concerned about right-of-ways that were not obtained for changes made during construction. Mr. Hardman said if field changes were made during construction, then right-of-ways are supposed to be obtained. Mr. Seufer expressed concern that little work has been accomplished in the last five weeks. Discussed establishing a "drop dead" date for completion of the complaint work. Mr. Seufer asked Jerry Blair when he expected the sub-contractors to be finished with the work. Jerry Blair said the end of November. Jim Mayles asked Mr. Seufer what date he would like to set for the work to be done. Mr. Seufer said that it is the engineer's responsibility to determine a reasonable time frame and recommend a date to the District. Mr. Mayles will explain to Dominick Cerrone the need to talk to Diversified and the District's manager and determine a "drop dead" date. Mr. Seufer asked about the punch list for contract #1. Jerry Blair said he has finished the punch list except for an area at the treatment plant where grass did not grow. He intends to re-seed the area. Jim Mayles said Gale Smith has not submitted a request for final payment. Jerry Blair said they had clarified some issue and had submitted a request for final payment. Jim Mayles said the payment is included in the requisition. Jerry Dotson asked Steve Hardman if the Labor had issued a release for the final payment for contract #1. Mr. Hardman said they have not and the District cannot release the final payment until the release from the labor department is received.

Discussed Jonathan Carpenter's letter regarding the trees on Larry Delancy's property. Mr. Seufer said he did not believe the letter adequately covered the issue, and suggested the District give Mr. Delancy Thrasher's insurance information to pursue a resolution. Steve Hardman said from a legal perspective the District has no knowledge of the conversation between Mr. Delancy and the right-of-way agent. The District would be required to provide the insurance information to Mr. Delancy if the District has the information. If the District is sued over the issue, Thrasher would be drawn into the suit as a third party, and the District would deny responsibility for incorrect information provided by the agent.

Discussed Pay Requisition #32. Mr. Seufer moved to approve Pay Requisition #32 with the condition that the Contract #1 payment is not made until the release from the Department of Labor is received. R. J. Mullenix second. Unanimous.

Contract #6 Update. Jim Mayles explained the work the contractor has completed. Stonegate has received the permit to land apply the sludge from the Ohio EPA. Dominick Cerrone believes they will finish in two to four weeks.

Discussed Combined Air Release Valves. Jim Mayles will discuss the problem with Manning

Frymier and try to help determine a solution.

Discussed Bond Resolution for "Wrap" Loan. Cam Siegrist said the bonding agency does not want to provide money to pre-fund the reserve account just to have it roll over into the loan payments. He will talk to them tomorrow to address their concerns before the Infrastructure Council's Funding Committee meeting September 1st. A special board meeting may be necessary to approve the bond resolution. Discussed telemetry equipment. Steve Cooper explained the problems the District has already experienced at a couple of the lift stations and how the telemetry equipment will protect the District from experiencing sewage spills. The District cannot award the telemetry equipment contract until the "wrap" loan is secured. The telemetry contract award and notice to proceed will be on the special board meeting agenda.

Discussed Guard Hill Water Project. Pat Rawlings said they have received comments from the Health Department and WVDEP reviews of the plans and specifications. He has provided the District with updated drawings for contract #1, and will respond to the Health Department and WVDEP next week. There are still a couple right-of-way issues to rectify, otherwise, the project is nearly ready for construct. Mr. Rawlings said that the Pleasants County Commission needs to be aware that if the project is not bid soon, the cost estimates will become stale. Jerry Dotson will write a letter to the commission containing that advice.

Discussed Simex NPDES Permit Modification. Jerry Dotson explained that the previous permit modification for Simex is incorrect in the nature of the waste received from the facility. The permit does not include cooling water, but Simex does discharge cooling water. The company purchasing Simex wants the permit updated, and has agreed to pay the expense. Jack Ramsey has prepared the application for the modification with Jerry Dotson as the Authorized Representative. R. J. Mullenix moved to authorize Jerry Dotson to sign the permit. H. E. Seufer second. Unanimous.

Discussed WesBanco Pledge Agreement. J. Dotson read the resolution that WesBanco approved concerning the agreement. H. E. Seufer moved to approve the agreement. R. J. Mullenix second. Unanimous.

R. J. Mullenix moved to pay Requisitions #1 and #2. H. E. Seufer second. Unanimous.

Discussed next meeting date. The meeting will be held on September 13, 2006.

Meeting adjourned at 8:30 PM.