

LUBECK PUBLIC SERVICE DISTRICT

DECEMBER 14, 2000

James E. Smith, Chairman
David Steele, Secretary
Lee Johnson, Treasurer

ATTENDING: James Smith, Lee Johnson, David Steele, James Cox, Brian Arthur, John Goodman, Phil Postlewait, Rick Sprouse

Table with columns: NO. OF CUSTOMERS, Section, and numerical values. Lists sections 1-12 and a Total Customers row.

TREASURER'S REPORT:

Table listing various funds and accounts with their corresponding dollar amounts, such as Revenue Fund, Operations & Maintenance Fund, etc.

Table listing transfer amounts between different accounts, such as Transfer From Revenue to Operation & Maintenance Checking Account.

The following transfers were made to cover payroll since the last Board meeting:

Table listing two transfer amounts: Transfer From Revenue to Operation & Maintenance Checking for \$16,000.00 and \$0.00.

**BUSINESS:** Prayer by Brian Arthur.

- A) Moved by Dave Steele, seconded by Lee Johnson that the minutes of the Board meeting of November 9, 2000 be approved. Passed unanimously.

**SEWER PROJECT:**

- A) The District has payment request No. 18 for the sewer project. It is in the amount of \$279,663.09 less reimbursement from the West Virginia Department of Highways in the amount of \$253,650.83, leaving a net amount due from the state as \$26,012.26. See attached copy of the resolution. Moved by Lee Johnson, seconded by Dave Steele that the attached resolution be approved. Passed unanimously.
- B) The District needs to ratify the signing of Change Order Numbers 14, 15, and 16 for Contract 98-3. Moved by Dave Steele, seconded by Lee Johnson that the Board ratify the signing of Change Order Numbers 14, 15, and 16 for Contract 98-3 for the Central Sewer Project. Passed unanimously.
- C) The District needs to authorize Jim Smith to sign Payment Estimate No. 17 & Final for Contract 98-3. Moved by Lee Johnson, seconded by Dave Steele that Jim Smith be authorized to sign Change Order No. 17 and Final. Passed unanimously.
- D) A question has come up about a service lateral that was set to high to serve where his line came out from under the deck. This customer had to go in and take up 30 feet of his deck to run the line under his deck. They also extended the 6" line between he and his neighbor to be able to get the service to work. He is asking if the District would cover some of the cost. Moved by Lee Johnson, seconded by Dave Steele that the District will reimburse up to \$400. Passed unanimously.
- E) The District needs to have a discussion on the Shamrock Environmental operation at Lubeck Hills. Jim has talked to John Padden about our insurance and whether there was anything there to cover expenses if needed. He stated that there was not unless a third party was to get involved. Cindy Musser of DNR has told Jim that she had told Jeff Harper of Shamrock that he could put the clear liquid from the pond through the sewer system but that the remainder of the pond had to be hauled to the plant. Jeff never told the District what she had told him.

**RESOLUTION OF THE PUBLIC SERVICE BOARD OF LUBECK PUBLIC SERVICE DISTRICT APPROVING INVOICES AND EXPENSES RELATING TO CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WASTEWATER COLLECTION AND TREATMENT FACILITIES OF THE DISTRICT AND AUTHORIZING PAYMENT THEREOF.**

WHEREAS, Lubeck Public Service District (the "District") has reviewed the list of invoices and project-related expenses attached hereto and incorporated herein by reference relating to the design and construction of certain additions, betterments and improvements to the wastewater collection and treatment facilities of the District to be financed in part by the proceeds of the District's Sewerage System Revenue Bonds, Series 1999 A (the "Series 1999 A Bonds"); the District's Sewerage System Revenue Bonds, Series 1999 B (the "Series 1999 B Bonds"); and the District's Sewerage System Bond Anticipation Notes, Series 1999 (the "Notes"), and finds as follows:

(A) That none of the items for which the payment is proposed to be made has formed the basis for any disbursement theretofore made;

(B) That each item for which the payment is proposed to be made is or was necessary in connection with the Project and constitutes a Cost of the Project;

(C) That each of such costs has been otherwise properly incurred; and

(D) That payment for each of the items proposed is now due and owing.


**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF LUBECK PUBLIC SERVICE DISTRICT AS FOLLOWS:**

There is hereby authorized and directed the payment of the following invoices and project-related expenses from the proceeds of the Series 1999 A Bonds (designated for State Revolving Fund reimbursement, or "SRF" below) or from the proceeds of the Series 1999 B Bonds or the Notes (designated for reimbursement from Infrastructure Council bond or note proceeds, or "IC" below):


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<u>Vendor</u>	<u>Amount</u>	<u>SRF</u>	<u>IC</u>
Lubeck Public Service District			
- Reimbursement	\$82,676.00	\$0.00	\$82,676.00
Burgess & Niple, Limited			
- Technical Services	77,889.37	71,173.60	6,715.77
Hayslett Construction Co., Inc.			
- (Contract 98-1)	0.00	0.00	0.00
Marbo Construction Co., Inc.			
- (Contract 98-3)	75,890.75	0.00	75,890.75
Holley Bro. Const. Co., Inc.			
- (Contracts 98-4, 98-5, & 98-7)	0.00	0.00	0.00
Valley Development of WV, Inc.			
- (Contracts 98-6 & 98-9)	0.00	0.00	0.00
Pipe Plus Inc.			
- (Contract 98-8)	0.00	0.00	0.00
PMS Consulting Examiners, Inc.			
- (Technical Services)	0.00	0.00	0.00
Joseph M. Brown			
- (Attorney Fees)	4,144.07	0.00	4,144.07
MCDI Appraisers			
- (Appraisals or Other Related Costs)	550.00	0.00	550.00
Ronning, Palmer, Titus			
- (Easement Cost)	0.00	0.00	0.00
Waterman-Douglass			
- (Easement Cost)	0.00	0.00	0.00
Thompson, Hine & Flory, LLP			
- (Attorney Fees)	8,590.32	0.00	8,590.32
Jackson & Kelly			
- (Bond Counsel)	18,000.00	18,000.00	0.00
Jackson & Kelly			
- (Attorney Fees)	11,922.58	0.00	11,922.58
Less Cash on Hand			
- (WVDOT Reimbursement)	-253,650.83	0.00	-253,650.83
<b>Total</b>	<b>\$26,012.26</b>	<b>\$89,173.60</b>	<b>-\$63,161.34</b>

Adopted by the Public Service Board of the District at a meeting held on the 14th day of December, 2000.

  
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 Chairman

[SEAL]

  
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 Treasurer

- F) The District is working with the people of Wellesley subdivision to try and get all right-of-way questions taken care of before the transfer of their lines will take place. They have called for a special vote to waive the required 90 day notice to property owners. This vote has now been completed with 73% voting for the transfer.
- G) The District has received the information that we asked to have copied from our meeting in Charleston. Garris and Brett are going over that information now to see if there is anything new in it.

**SEWER PLANT SAMPLING & PHYSICAL CONDITION:**

- A) Ron and Chris have started on taking the old plants out of the ground, etc. and filling the areas back in with soil. Bethel I has been completed. They will continue on as time permits.
- B) The District has received the results concerning the sewer plant operations for the fourth quarter of 2000. There is 1 violation. It may be possible to delete it by resampling again.

**DISCUSSION OF DISTRICT HAPPENINGS:**

It was reported what has been happening in the District:

- A) Installed 6 water taps since the last Board meeting. There are 5 water taps to be installed. This gives us 102 water taps for 2000. The District has installed 0 sewer taps since the last Board meeting. There are 2 sewer taps to be installed. This gives us 13 sewer taps for 2000.
- B) Repaired four line leaks.
- C) Raised various meter wells to grade. Dug Shamrock's backhoe out of the Lubeck Hills sewer pond.
- D) Gave out late notices and did turn offs.
- E) Completed work orders, spotted lines, set meters.

It was reported what Rod and Bill have been working on:

November Water Pumped to System:	23,304,000 Gallons
Homewood Booster Station:	151,000 Gallons
New England Booster Station:	1,130,000 Gallons
High Water Usage and Day:	1,117,000 on 11/07
Low Water Usage and Day:	636,000 on 11/18

Experienced no overflows.

## GENERAL BUSINESS:

- A) Moved by Dave Steele, seconded by Lee Johnson that all bills be approved as reviewed by management and the Board, in addition to all fund transfers as presented. Passed unanimously.
- B) Jim has talked to another person at the Ethics Commission and was told that the District certainly did not want to be buying our gasoline from a County Commissioner. We have gone to the new Par-Mar store to get gas now. Jim called Bob Tebay and explained this to him and he understood and agreed.
- C) The District needs to start a condemnation on the property between Walnut Grove and the property that Pat Minnite bought from Mr. Ronning. Mr. Brown has suggested that we condemn it for actual purchase versus right-of-way. Moved by Lee Johnson, seconded by Dave Steele that Jim Cox, Manager be authorized to proceed with the above condemnation provided the District is assured that we will be able to get a sewer line right-of-way on across his property to serve the area around the fire department and down to Walker Lane. It was a concern that this be in the public interest. Passed unanimously.
- D) Moved by Dave Steele, seconded by Lee Johnson that the District accept the June 30, 2000 audit of the books as presented by Philip R. Postlewait, Jr., CPA. Passed unanimously.
- E) Moved by Lee Johnson, seconded by Dave Steele that the District accept the financial reports for the months of July, August, September, and October 2000 as presented by Philip R. Postlewait, Jr., CPA. Passed unanimously.
- F) Moved by Dave Steele, seconded by Lee Johnson that the District make a policy deviation for Michael Smith and Sam Moss and make them full time employees after 3 months employment. It was noted that this was not to be viewed as setting a precedent. Passed unanimously.
- G) Jim informed the Board that he was having conversation with Community Bank about interest rates on checking and savings accounts. Phil Postelwait mentioned that the District may want to look at having a master account and then keep track of each of the sub accounts and the interest for each. We will look into this.

- H) Jim needs to have the Board give him permission to require the connection to the sewer system. Moved by Lee Johnson, seconded by Dave Steele that Jim Cox, Manager be authorized to send 30 day connection letters to those customers who have not yet connected to the sewer system. Should they not make any attempts to comply, Jim is authorized to take appropriate court action to force the connections. Passed unanimously.
- I) As has been customary in years past, the second meeting of December will be cancelled for this year.
- J) Meeting adjourned.

*Lee Johnson* APPROVED *James E. Smith* ATTESTED