

LUBECK PUBLIC SERVICE DISTRICT

August 5, 2004  
7:00 P.M.

Lee Johnson, Chairman  
Paul W. Smith, Treasurer  
Roger D. Martin Secretary

Attending: Lee Johnson, Paul Smith, Roger Martin, John Kirk,  
Richard Hayhurst, Phil Postlewait, Judy Boston,  
Virginia Sines, Charles Flinn, Bill Argabrite,  
Michael Wright, Marvin Bradley, Anna & Dewey Queen.

NO. OF CUSTOMERS:	Section		Sewer	Water
	1	Lake Washington Road	317	499
	2	Lubeck	339	425
	3	Riverhill - Blenn. Heights	279	380
	4	DuPont Road	287	295
	5	Larkmead Road	104	332
	6	LMH - Homewood Road	0	281
	7	Washington Bottom	305	376
	8	New England Ridge	178	318
	9	Lubeck South	214	328
	10	Larkmead Area - Marrtown	48	316
	11	Route 68 South - Hopewell	0	215
	12	Mitchell's	49	71
		Total Customers	2120	3,836

**TREASURER'S REPORT:**

Revenue Fund - United National Bank	\$31,926.33
Operations & Maintenance Fund - Wesbanco	(\$68,462.10)
RUS Construction Account	\$419.05
Series 1999 Sewerage Bonds Account	\$0.00
WesBanco Trust Fund	\$182,603.68

Transfer From Revenue to Operation & Maintenance Checking Account	\$7,000.00
Transfer From Revenue to Operation & Maintenance Checking Account	\$10,500.00
Transfer From Revenue to Operation & Maintenance Checking Account	\$11,500.00
Transfer From Revenue to Operation & Maintenance Checking Account	\$2,000.00
Transfer From Revenue to Operation & Maintenance Checking Account	\$21,500.00
Transfer From Revenue to Operation & Maintenance Checking Account (Held)	\$47,000.00
Transfer From Revenue to Operation & Maintenance Checking Account (Held)	\$12,000.00
Transfer From Revenue to Operation & Maintenance Checking Account (Held)	\$12,500.00
Transfer From Revenue to Operation & Maintenance Checking Account	\$0.00
Transfer From Revenue to Operation & Maintenance Checking Account	\$0.00
Transfer From Revenue to Operation & Maintenance Checking Account	\$0.00

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

Transfer From Revenue to Operation & Maintenance Checking	\$13,500.00
Transfer From Revenue to WesBanco Tax Account	\$5,200.66
Transfer From Revenue to Operation & Maintenance Checking	\$0.00
Transfer From Revenue to WesBanco Tax Account	\$0.00

**BUSINESS:** Prayer by Paul Smith.

- A) Moved by Paul Smith, seconded by Roger Martin that the minutes of the Board meeting of July 22, 2004 be approved. Passed unanimously.

**DISCUSSION OF DISTRICT HAPPENINGS:**

It was reported what has been happening in the District:

- A) Installed 4 water taps since the last Board meeting. There are 3 water taps to be installed. This gives us 41 water taps for 2004. The District has 2 sewer taps to install. Have installed 0 sewer taps since the last Board meeting. Have installed 9 sewer taps for 2004.
- B) Did turn offs and turn ons for non payments.
- C) Jim has completed the cost estimate for the water line extension to Mike McVey on Wadesville Road. It took a while to get contractors to give him a price. Mike has been mailed a copy after talking to him. Mike will get back in touch with Jim when he gets back from vacation.
- D) The District was the recipient of an environmental award for our wastewater treatment plant for sizing over 1,000,000 gallons per day.
- E) Completed work orders, spotted lines, set meters.

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

A) July Water Pumped to System:	29,846,000 Gallons
Homewood Booster Station:	232,000 Gallons
New England Booster Station:	3,507,000 Gallons
High Water Usage and Day:	1,137,000 on 07/15
Low Water Usage and Day:	832,000 on 07/18

Experienced no overflows.

**GENERAL BUSINESS:**

- A) Moved by Roger Martin, seconded by Paul Smith that all bills be approved as reviewed by management and the Board, in addition to all fund transfers as presented. Passed unanimously.
- B) The District has received our renewal quote for our insurance coverage's on our facilities and vehicles, etc. It has gone to \$52,256.39 from \$50,876. an increase of approximately \$1,400.

C) The District has gathered some information on the cost of recording the Board meetings. Jim has received the following quotes:

- 1) CA House of Music - \$2,219.17 for 2 mics, cassette unit, duplicator, and a mixer. Price did not include wiring or installation.
- 2) Miller Communications - \$920.45 for 2 mics, stand, mixer, headset, dual cassette recorder, cassettes, and set up and training.

Jim has gone to Radio Shack, Sams Club, Office Depot, Circuit City, Rex, etc. looking for other suppliers of all of the parts above. None have everything that we need as listed above. Moved by Paul Smith, seconded by Roger Martin that the District table the recording decision until next meeting. Passed unanimously.

D) The District has called various locations in an effort to gather information concerning the charges made per copy for information. The range is from no set fee, \$0.25 per page to \$1.50 for the first two pages and then \$1.00 per additional page. In looking at costs Jim feels that a charge of \$0.50 per page would be appropriate. Moved by Roger Martin, seconded by Paul Smith that the District adopt \$0.50 per page for any copies requested from the District. Passed unanimously.

E) Moved by Paul Smith, seconded by Roger Martin that meeting minutes be exempt from the per copy charge. Passed unanimously.

F) The District asked if any of the other Wood County District's had any rules for conducting their Board meetings. All of the Districts responses were the same in that they all use Robert's Rules for their meetings and the Sunshine Law. Moved by Paul Smith, seconded by Roger Martin that in an effort to make sure that the District is open in its operation we hereby adopt the attached Resolution on Open Governmental Proceedings Rules. Passed unanimously.

G) The District needs to appoint a voting Delegate for the September 13, 2004 meeting of the West Virginia Rural Water Association meeting. Jim requests that this be himself with Bill Gibbs serving as the alternate. Moved by Roger Martin, seconded by Paul Smith that Jim Cox be appointed as the Districts voting Delegate with Bill Gibbs serving as the alternate Delegate for the West Virginia Rural Water Association meeting. Passed unanimously.

G) Mr. Hayhurst continues to respond to the complaints against the District.

# LUBECK

## Public Service District

P.O. Box 700, Washington, West Virginia 26181-0700

Telephone (304) 863-3341

Facsimile (304) 863-3791

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### RESOLUTION ON OPEN GOVERNMENT PROCEEDINGS RULES

Pursuant to Chapter 6, Article 9A, Section 3 of the West Virginia Code, the Commissioners/Board Members of Lubeck Public Service District does hereby adopt the following rules to make available, in advance, the date, time, place, and agenda of all regularly scheduled meetings of the Commissioners/Board Members, and the date, time, place, and purpose of all special meetings of the Commissioners/Board Members to the public and news media (except in the case of an emergency requiring immediate action) as follows:

1. Regular Meetings. a. A notice shall be posted and maintained by the Manager or Secretary at the front door or bulletin board of the Lubeck Public Service District of the date, time, and place fixed and entered of record by the Commissioners/Board Members for the holding of regularly scheduled meetings.  
  
b. A copy of the agenda for each regularly scheduled meeting shall be posted at the same location by the Manager or Secretary not less than five (5) days before such regular meeting to be held.  
  
c. Notice shall be sent to the newspaper, radio stations, television, and Wood County Commission indicating the date, time, place, and agenda of the meeting.  
  
d. If a particular regularly scheduled meeting is canceled or postponed, a notice of such cancellation or postponement shall be posted at the same location as designated in 1. a. above as soon as feasible after such cancellation or postponement has been determined.
2. Special Meetings. a. A notice shall be posted and maintained by the Manager or Secretary at the front door or bulletin board of the Lubeck Public Service District not less than five (5) days before a special meeting is to be held, stating the date, time, and place and purpose for which such special meeting shall be held.  
  
b. Notice shall be sent to the newspaper, radio stations, television, and Wood County Commission indicating the date, time, place, and purpose of the meeting not less than five (5) days prior to said special meeting.  
  
c. If a particular special meeting is canceled or postponed, a notice of such cancellation or postponement shall be posted at the same location as designated in 1. a. above as soon as feasible after such cancellation or postponement has been determined.
3. Executive Session. a. An executive session, not open to the public or media may be held during any meeting of the Commissioners/Board Members.  
  
b. The Chairman/Board Members must identify the statutory exception of the session (9-9A-4(b)). A motion for executive session must be made and approved by a majority of members present.

c. No decisions may be made during the executive session, but, upon reconvening, the Chairman/Board Members may ask for a vote.

d. If an individual affected by the subject of an executive session is present s/he may request the session to be open to the public in which case no executive session may be called.

e. The presence of the attorney of the District is not enough basis to call an executive session. Privileged communications forming the basis for attorney/client privilege is.

4. Recording, Minutes and Public Participation. a. Space permitting, ordinary and reasonable equipment used for the recording of meeting of the Commissioners/Board Members may be utilized by the media and the public to record the meetings. If space is not permitting, the media shall have priority to record and/or broadcast meetings.


b. Written minutes of all meetings shall be available to the public within a reasonable time which shall be the earlier of after approval at the next meeting of the Commissioners/Board Members or thirty (30) days.

c. Members of the public who wish audience at any meeting, other than executive session, shall not be required to register to speak more than fifteen (15) minutes prior to the start thereof. A limitation of three (3) minutes per registered individual shall be imposed.

5. Advisory Opinions. If the Commissioners/Board Members are unsure as to the application or specific requirements of the Open Governmental Proceedings Act, an advisory opinion shall be requested of the West Virginia Ethics Commission subcommittee on open governmental proceedings before any action of the Commissioners/Board members is taken.

These rules regarding notice of meetings shall replace any and all previous rules adopted heretofore by this Commission/Board.

Adopted this 5<sup>th</sup> day of AUGUST, 2004.

ATTEST: x   
Secretary

x   
Chairman

CERTIFICATION


I, ROGER MARTIN, duly appointed Secretary of the Lubeck Public Service District do hereby certify that the forgoing is a true and accurate copy of the Resolution adopted by the Commissioners/Board Members of the Lubeck Public Service District at a regular meeting held AUGUST 5<sup>th</sup>, 2004, pursuant to proper notice, at which meeting a quorum was present and acting throughout.

Dated this 5<sup>th</sup> day of AUGUST, 2004.

(SEAL) x   
Secretary

H) Mr. Flinn was here to remind us his interest in getting water off Middle Fork of Lee Creek. In discussion with the other people on the road most of them are saying they have good wells but don't want to stop the other people from getting the water. However, we are having difficulty getting them to commit to paying for the materials.

I) Meeting adjourned.

 APPROVED  ATTESTED