

Washington County Service Authority Board of Commissioners
April 26, 2010 Recessed Meeting Minutes (Meeting Held May 12, 2010)

The recessed meeting of the Washington County Service Authority Board of Commissioners was called to order by the Chairman at 7:32 AM.

ROLL CALL

Commissioners Present:

Mr. Gerald Cole, Chairman
Mr. Joe Chase, Vice Chairman
Mr. Prince Coleman
Mr. D.L. Stout
Mr. Kenneth Taylor

Commissioners Absent:

Mr. Sam Blaylock
Mr. Frank Stephon, IV

Staff Present:

Robbie Cornett, General Manager
Kim Roberts, Controller
Amanda Paukovitz, Administrative Assistant

Consultants Present:

Randall Hancock, PE, Draper Aden Assoc.

Also Present:

Mrs. Dawn Figueiras, General Counsel

3. Approval of the Agenda

Mr. Cornett brought to the Board's attention that the Closed Meeting motion had been moved [from Agenda Item #5 to #4], prior to other open meeting items. He noted that this is not a change to the agenda, but rather a change from what was planned to take place Monday night. Mr. Chase moved to approve the agenda. Mr. Chase's motion was seconded by Mr. Coleman and was approved by a 5-0-0-2 vote of the Board.

4. Closed Meeting: Acquisition and Disposition of Property

Mr. Chase moved that the Board adjourn to Closed Meeting in accordance with the Virginia Freedom of Information Act, Code of Virginia § 2.2-3711 Paragraph (A) (3): Acquisition and

Disposition of Property, 2. To Discuss and Consider the Acquisition of Real Property.

In addition to the Board, the presence of Mrs. Dawn Figueiras, WCSA Counsel, and Mr. Robbie Cornett, WCSA General Manager, are requested.

Mr. Chase's motion was seconded by Mr. Stout and was approved by a 5-0-0-2 vote of the Board. The Board adjourned to Closed meeting at 7:34 AM.

Return to Public Session

Upon a motion by Mr. Chase, a second by Mr. Stout, and a 5-0-0-2 vote by the Commissioners, the Board returned to Public Session at 8:10 AM.

Certification of Closed Meeting

Whereas, the Washington County Service Authority has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; And whereas, § 2.2-3712 Paragraph D of the Code of Virginia requires a certification by this Authority that such Closed Meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Authority hereby certifies that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (2) only such public business matters, as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Authority.

AYE: Mr. Cole, Mr. Chase, Mr. Coleman, Mr. Taylor and Mr. Stout.

5. Consideration of Construction Bids for the Route 58 Water Storage Tank Project

As he was planning to abstain from voting [on Contract 1 of the Route 58 Storage Tank Project], Mr. Taylor asked if he needed to leave for the Board vote. Mrs. Figueiras affirmed that he could stay for the vote and merely abstain. She noted that Mr. Taylor may want to say on the record that he abstains and that he had nothing to do with the process. Mr. Hancock explained that on May 4, [Draper Aden Associates and WCSA Staff] opened bids for the construction of the Route 58 Water Storage Tank. They bid the project with two contracts; Contract 1 includes the site work and installation of the water line, while Contract 2 consists of the actual construction of the water tank.

Three bids were received for Contract 1, ranging from \$1,925,074.99 to \$2,457,000.00. The first two bids were fairly close; the low bidder was W & L Construction. He noted that they have worked with W & L Construction in the past and the bids look in order. Mr. Hancock expressed that they would recommend the Board award that contract to W & L Construction and give DAA permission to proceed in the process with a contract.

Mr. Chase made the motion to accept the low bidder, W & L Construction [and award Contract 1 to them]. Mr. Chase's motion was seconded by Mr. Coleman, and was approved by a Board vote of 4-0-1-2 [1:Mr. Taylor vocally abstained]. Two bids were received for Contract 2: one from The Crom Corporation for \$1,449,800, and another bid from Precon Corporation for \$1,499,662. DAA's construction cost estimate shows these bids are within budget. Mr. Hancock

noted that they have worked with The Crom Corporation on several tanks for the Authority in the past. He expressed that they would recommend the Board award that contract to The Crom Corporation based on the low bid.

Mr. Stout asked if the project involved a concrete tank; Mr. Hancock affirmed this. He explained that RD was making them bid a metal tank and a concrete tank; no bids involving a metal tank were received and a concrete tank is what DAA wanted. Mr. Cornett added that from the Staff's perspective, the Prestressed Concrete Tanks are preferred over any other type of tank on the market. He says that [WCSA] is very pleased to see Crom receive this bid and it will be a fine tank for a long time. There was discussion amongst the Board. Mr. Stout made the motion to accept the low bidder, The Crom Corporation, for the tank [and award Contract 2 to them]. Mr. Stout's motion was seconded by Mr. Chase and was approved by a Board vote of 5-0-0-2.

6. Late Items

Ms. Roberts brought the sludge removal [bid] back to the Board's attention. She explained that when they presented the bids at the March Regular Meeting, there was a typographical error on the price; they had typed 28 [dollars per ton to remove and dispose], when it was actually 38. Ms. Roberts explained that this situation does not really change anything, as there was only one bidder. However, she wanted to make the Board aware that the price is actually \$38/ton. Mr. Cole asked if the Board needed to take action upon this matter again. Mr. Cornett clarified that the Board voted at the April Meeting based on the figure of 28 [dollars per ton to remove and

**Washington County Service Authority Board of Commissioners
April 26, 2010 Recessed Meeting Minutes (Meeting Held May 12, 2010)**

dispose]. He explained that, for the record, it would be good to have the Board consider the accurate figure. Mr. Chase made the motion to accept the correction [on the sludge removal bid]. Mr. Chase's motion was seconded by Mr. Coleman.

Prior to the Board's vote, Mrs. Figueiras asked for clarification; she wanted to make sure the error was within the tabulation and not in the actual bid. Ms. Roberts confirmed that she went back and checked the actual bid; the bid is accurate. Mr. Cornett clarified that the correction is due to an Excel keystroke error.

Mr. Chase's motion was approved by a Board vote of 5-0-0-2.

Mr. Cornett referenced a resolution for the Board to consider regarding the take of property for a raw waterline easement. Mr. Chase read the resolution in its entirety, which read as follows:

**RESOLUTION OF THE BOARD OF
COMMISSIONERS OF WASHINGTON
COUNTY SERVICE AUTHORITY**

WHEREAS, Washington County Service Authority (WCSA) has developed a plan for expanding the Middle Fork Drinking Water Treatment Plant (the "project") and obtained funding commitments for the project; and

WHEREAS, an easement over certain property owned by Bobby and Karol Gray (the "landowners") as outlined in the Deeds prepared by General Counsel for WCSA is necessary to complete the construction and operation of the project; WCSA has engaged in protracted discussions and negotiations with the landowners for the acquisition of the necessary easement; WCSA has made the landowners a formal written offer accompanied by the requisite supporting materials; WCSA has been unsuccessful in its attempts to acquire the property from the landowners; WCSA believes that further

attempts to acquire the property will be futile; and

WHEREAS, further delay in obtaining the property will unnecessarily delay the project, and other projects of WCSA that are dependent upon the completion of this project;

THEREFORE BE IT RESOLVED, that the Board of Commissioners authorizes Robbie Cornett, General Manager, and Elliott Lawson & Minor P.C., General Counsel, to proceed in accordance with the condemnation procedures outlined Va. Code Titles 25.1 and 33.1, as applied to WCSA by Va. Code [§] 15.2-5114, specifically, to cause to be filed in the Circuit Court of Washington County, Virginia, a certificate of take to obtain title to the necessary property interests as currently held by the landowners and to proceed with the requisite condemnation process subsequent to filing such a certificate of take.

This Resolution shall take effect this 12th day of May, 2010.

**WASHINGTON COUNTY SERVICE
AUTHORITY**

Signed by the Chairman and attested by the Secretary.

Mr. Cole opened the floor for discussion of the Resolution (see attached).

Mr. Stout made the motion to accept the Resolution. Mr. Stout's motion was seconded by Mr. Taylor and was approved by a Board vote of 5-0-0-2.

7. Adjourn or Recess

Mr. Cornett asked the Board to recess the [April Recessed] Meeting to May 24 at 5:30 PM to further consider our water and sewer line extension policy. Mr. Chase made the motion to recess the [April Recessed] Meeting to May 24 at 5:30 PM for the abovementioned reasons. Mr. Chase's motion was seconded by Mr. Taylor and was approved by a 5-0-0-2 vote of the Board at 8:21 AM.

Washington County Service Authority Board of Commissioners
April 26, 2010 Recessed Meeting Minutes (Meeting Held May 12, 2010)

Gerald Cole

Mr. Gerald Cole, Chairman

Amanda Paukovitz

Amanda Paukovitz, Assistant Secretary

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
WASHINGTON COUNTY SERVICE AUTHORITY**

WHEREAS, Washington County Service Authority (WCSA) has developed a plan for expanding the Middle Fork Drinking Water Treatment Plant (the "project") and obtained funding commitments for the project; and

WHEREAS, an easement over certain property owned by Bobby and Karol Gray (the "landowners") as outlined in the Deeds prepared by General Counsel for WCSA is necessary to complete the construction and operation of the project; WCSA has engaged in protracted discussions and negotiations with the landowners for the acquisition of the necessary easement; WCSA has made the landowners a formal written offer accompanied by the requisite supporting materials; WCSA has been unsuccessful in its attempts to acquire the property from the landowners; WCSA believes that further attempts to acquire the property will be futile; and

WHEREAS, further delay in obtaining the property will unnecessarily delay the project, and other projects of WCSA that are dependent upon the completion of this project;

THEREFORE BE IT RESOLVED, that the Board of Commissioners authorizes Robbie Cornett, General Manager, and Elliott Lawson & Minor, P.C., General Counsel, to proceed in accordance with the condemnation procedures outlined Va. Code Titles 25.1 and 33.1, as applied to WCSA by Va. Code § 15.2-5114, specifically, to cause to be filed in the Circuit Court of Washington County, Virginia, a certificate of take to obtain title to the necessary property interests as currently held by the landowners and to proceed with the requisite condemnation process subsequent to filing such certificate of take.

This Resolution shall take effect this 12th day of May, 2010.

WASHINGTON COUNTY SERVICE AUTHORITY

By: 
Chairman

Attest:


Secretary