

**BERKELEY COUNTY PUBLIC SERVICE SEWER DISTRICT
65 DISTRICT WAY
MARTINSBURG, WEST VIRGINIA 25404**

**MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING
DECEMBER 9, 2008**

Members Present:

Chairman John C. Kunkle
Secretary John E. Myers
Treasurer Ronald K. Collins arrived at 7:30 p.m.

Members Absent:

Staff Members Present:

General Manager Curtis Keller
General Counsel William Rohrbaugh
Fiscal Officer Gene DeLawder

Others Present:

Mike Parker, Woolpert, Inc.
Flint Holbrook, Woolpert, Inc.
Jamie Weist, Woolpert, Inc.
John Tuggle, Pentree, Inc.
Jennifer Weisgerber, YHB
Daria Rainieri, YHB
Tricia Eaton, Homeowner, 590 Avondale Road
Patti Stem, Homeowner, 290 Atlas Street

CALL TO ORDER

Chairman John C. Kunkle called the Regular Meeting of the Board of Directors of the Berkeley County Public Service Sewer District to order at 7:02 p.m. Roll call was taken at that time. Chairman John Kunkle welcomed everyone to the meeting.

APPROVAL OF AGENDA AND PACKET

Motion made by Secretary Myers, seconded by Chairman Kunkle to approve agenda and packet as presented.

Unanimously approved.

READING, CORRECTION AND APPROVAL OF MINUTES

Motion made by Secretary Myers, seconded by Chairman Kunkle to approve the minutes from November 12, 2008.

Unanimously approved.

CITIZEN PARTICIPATION

Patti Stem is here to speak to the BOD. She signed for Patricia Eaton to get sewer and she is talking on her behalf. The District put an extra tap on her property where another family member has rights to a small piece of the property on which a mobile has been placed. The District has been billing Ms. Eaton the non-metered rate for that connection because the mobile home is on the property. Since Ms. Eaton does not own the mobile home and the piece of property on which it sets, she and Ms. Stem would like to have the bill adjusted to the service charge. They would also like for the lien on the property for \$132.00 to be released. BOD and staff agreed that Ms. Eaton needs to sign up for service and pay her security deposit. Once that is done, then Ms. Eaton will be relieved of the non metered charge and the Fiscal Officer will release the lien and will send a copy to her.

PROJECTS

NORTH BERKELEY PROJECT

Mike Parker from Woolpert updated the BOD with the following information:

As far as the complaints, there are only a few repeats. Some landscaping still needs redone. There are 7 District landscaping issues to do in the Spring Mills Farm Subdivision, some property corner replacements and four small areas to asphalt.

Contract A

- 3 landscaping issues to resolve.
- Finishing up loose ends, extended laterals, fencing, minor grading and additional seeding and mulching in Spring.

Contract B

- 5-6 landscaping issues to resolve for both contracts B&C.
- 5 property corner replacements need to be done.
- Lynn Haven pump station will be ready for start up next week.
- Burgoon property pumpstation is still being worked on.
- Grading, seeding, mulching in Spring.

Contract C

- 5 property corner replacements need to be done.
- Issues filed for Spring Mills is narrowing down to mostly drainage problems.
- Meeting with Mr. Lam tomorrow at 3pm to review outstanding issues.
- Taking topsoil samples tomorrow in Spring Mills Farm to be tested.

Chairman Kunkle asked where the District stood with formal project complaints at the PSC. The BOD was informed of the status of the following PSC complaints:

- Mr. Osbourne – recommendation of PSC staff is a dismissal of the complaint and the contractors have been made aware of the work that needs to be completed on the property.
- Mr. Bucey – staff recommends additional restoration to be

done on the property. Will review and respond to staff's recommendation.

- Hensell Heights subdivision threatened to file complaint with the PSC but Mike Parker has talked to them since then and had the contractor address issues.

The headworks HVAC system upgrade change order request has come back from Breckenridge and the cost is double what Woolpert estimated. Woolpert will schedule a conference call with Breckenridge and as soon as the price is negotiated the work will be done. The Belt press conveyor design is completed. Woolpert will be getting it out to Breckenridge to bid. The preliminary digester design layout is completed is being reviewed.

Secretary Myers would like to see the pricing on the headworks HVAC systems to include odor control. He also had questions about the belt press changes. General Manager Keller and Jamie Weist addressed and answered Secretary Myers' comments and questions.

Motion made by Treasurer Collins, seconded by Secretary Myers to approve pay request No. 20 for the N. Berkeley Project as follows:

Woolpert \$127,382.00

Unanimously approved.

Approval of Substantial Completion for Contract B & C

Motion made by Secretary Myers, seconded by Treasurer Collins to approve Substantial Completion of N. Berkeley Project Contracts B & C as presented based on General Manager Keller's and Woolpert's recommendation.

Unanimously approved.

INWOOD LAND DRAINAGE AND WATER QUALITY PROJECT

Jamie Weist from Woolpert updated the BOD with the following information:

- Gathering information from other agencies review and working on scheduling a public meeting in mid February at Musselman High School.
- Working on Environmental impact assessment -started stormwater inventory work 1st part of December .
- Survey crews will have letter from District, identification badges and vehicles will be marked.
- Identifying locations to install rain gages and flow meters
- Met with EPA several times to discuss funding options they can provide

FISCAL YEAR 2008 AUDIT REPORT

Jennifer Weisgerber and Daria Rainieri from Yount, Hyde & Barbour presented to the BOD the District's fiscal year 2008 Audit Report. Some highlights were:

- Unqualified, clean opinion
- District had 3.5% increase in revenue, 10% increase in O&M expense
- Bond coverage at June 30, 2008 was 129%, 115 % required
- A-133 Audit completed since Federal Funds expended were greater than \$500,000.00.
- CIF appears to be sound. CIF coverage of June 30, 2008 is 169%, 115% required.
- Only finding deals with preparation of financial statements and is minor. Overall no problem with audit and thanked BOD and staff for their cooperation.

MANAGEMENT REPORTS

General Counsel Rohrbaugh discussed with the BOD the following information:

- Hearing on NPDES review went well.
- Blue Heron Group filed an appeal for a less than 50,000 gpd package plant. The hearing is scheduled for January 2009.
- A letter was sent to Mr. William Kesecker regarding his easement. He signed an easement that is not on his property and the Department of Highway claims it owns that property. Talked to the Department of Highways and they are supposed to get a formal position on the property in dispute.
- Waiting on PSC regarding to the Agreements with septage haulers.

General Manager Keller discussed with the BOD the following information:

- Talked to Paul Fisher and he wants to hold the Water District BOD meetings here at our office and wanted to confirm there was agreement on the issue.
- Holiday schedule for 2009

Motion made by Treasurer Collins, seconded by Secretary Myers to approve the Holiday Schedule for 2009 based on General Manager Keller's recommendation.

Unanimously approved.

- Clean Water Coalition update

APPROVAL OF FINANCIALS/PAYROLL rc/jm

Motion made by Treasurer Collins, seconded by Secretary Myers to approve the Accounts Payable and Payroll for December 9, 2008 and December 23, 2008.

Unanimously approved.

OLD/NEW BUSINESS

Motion made by Treasurer Collins, seconded by Secretary Myers to approve the Joint Representation Agreement for the WV Clean Water Coalition.

Unanimously approved.

EXECUTIVE SESSION

Motion made by Treasurer Collins, seconded by Secretary Myers, to enter Executive Session at 9:15 p.m. to discuss legal/contractual issues.

The following individuals participated in all or part of the Executive Session discussions.

Chairman John Kunkle
Secretary John Myers
Treasurer Ron Collins
General Manager Curtis B. Keller
General Counsel William Rohrbaugh

Chairman Kunkle declared Executive Session over at 9:23 p.m.

No action necessary as result of Executive Session discussions.

ADJOURNMENT

Motion made by Treasurer Collins, seconded by Secretary Myers to adjourn the meeting at 9:24 p.m.

Unanimously approved.

November 12, 2008 Regular Meeting of the
Board of Directors of the Berkeley County PSSD

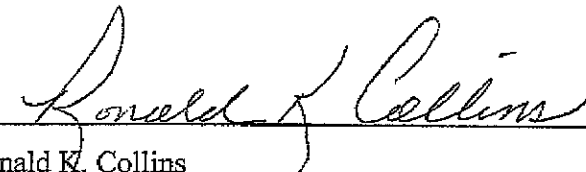
Date Minutes Signed: December 9, 2008



John C. Kunkle
Chairman



John E. Myers
Secretary



Ronald K. Collins
Treasurer