

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

**MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING
JANUARY 20, 2009**

Members Present:

Chairman John C. Kunkle
Secretary John E. Myers
Treasurer Ronald K. Collins

Members Absent:

Staff Members Present:

General Manager Curtis Keller
General Counsel William Rohrbaugh
Human Resource Director Regina Keller

Others Present:

Mike Parker, Woolpert, Inc.
Jamie Weist, Woolpert, Inc.
Ed Mitchell, Woolpert, Inc.
Flint Holkbrook, Woolpert, Inc.

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 Treasurer Collins, seconded by Secretary Myers to approve agenda and packet as presented.

Unanimously approved.

ELECTION OF OFFICERS

Motion made by Secretary Myers, seconded by Treasurer Collins to have the officer's positions remain the same for the current year.

Unanimously approved.

READING, CORRECTION AND APPROVAL OF MINUTES rc/jm

Motion made by Treasurer Collins, seconded by Secretary Myers to approve the minutes from December 9, 2008.

Unanimously approved.

CITIZEN PARTICIPATION

None in attendance

PROJECTS

NORTH BERKELEY PROJECT

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

All pump stations are now operating except Dupont. Contractors have various items they are working on. All District and contractor work is finished with the exception of the variety of work to be completed in the Spring. Chairman Kunkle questioned if letters regarding work being done in the Spring had been sent out. Mike Parker informed Chairman Kunkle that they had been sent out.

Items that need taken care of will be discussed as soon as the meeting is rescheduled. General Counsel Rohrbaugh told the BOD that by agreement the PSC complaint case involving Mr. Lam & Mr. Howell had been dismissed. The District agreed on certain items and a timetable to get them completed.

Chairman Kunkle asked how many customers still are not connected. General Manager Keller stated he was not sure of the number. General Manager Keller will get an updated number on connections completed.

Jamie Weist from Woolpert, Inc. informed the BOD of the status of the wastewater treatment plant issues. Woolpert is having biweekly meetings with General Manager Keller and the design engineer to keep him updated on the progress of the wastewater treatment plant corrections. Woolpert, Inc. will be providing progress meeting notes following those meetings for the BOD. A progress meeting was held this morning concerning the corrections. Everything will be put in as a change order. Jamie Weist informed the BOD that they are drafting an agreement. The Digester is still in the layout stage. They are looking to make sure the District has enough land should they need to double or triple the size of the plant. Woolpert wants to make sure everything will fit in future. Once everyone agrees with layout that is needed it will take about 1 ½ year to complete. The Adams pump station and Carousel Lane pump station have issues that need worked on. Woolpert has ideas of how to resolve those and are working to resolve them.

INWOOD LAND DRAINAGE AND WATER QUALITY PROJECT

Flint Holbrook, from Woolpert, Inc. gave an update to the BOD on the project. Structure inventory is moving along nicely. Door hangers have been made for residents. There have been several folks asking questions. They are identifying new or not identified sink holes that have not been located on previously sink hole inventories. They did find underground detention areas as well. Field monitoring is moving forward, rain gages are installed and they are working on flow monitoring devices. Karst area watershed areas have been identified and they are working with residents to find out what is going underground. There is a meeting scheduled with Edgar Mason to gather information from him. Charlie Bennett from Knouse Foods is also scheduled to meet with Woolpert

to review their facilities. Woolpert is in process of scheduling a public meeting the week of February 24 at Musselman High School. They have put together a newspaper press release about the project as well. Chairman Kunkle thanked Woolpert, Inc. for the update.

INWOOD WWTP UPGRADE

Approval of Substantial Completion for Inwood Wastewater Treatment Plant Upgrade

Motion made by Treasurer Collins, seconded by Secretary Myers to approve Substantial Completion of Inwood Wastewater Treatment Plant Upgrade as presented based on General Manager Keller's and Pentree's recommendation.

Unanimously approved.

BAKER HEIGHTS WWTP UPGRADE

Approval of Substantial Completion for Baker Heights Wastewater Treatment Plant Upgrade

Motion made by Treasurer Collins, seconded by Secretary Myers to approve Substantial Completion of Baker Heights Wastewater Treatment Plant Upgrade as presented based on General Manager Keller's and Pentree's recommendation

Unanimously approved.

APACHE PUMPSTATION UPGRADE

Motion made by Secretary Myers, seconded by Treasurer Collins to approve pay request No. 5 for Apache pump station Upgrade to Snyder Environmental in the amount of \$42,331.00.

Unanimously approved.

MANAGEMENT REPORTS

Human Resource Director Regina Keller updated the BOD with the following information:

Two employees were terminated in December , one in the Maintenance Department and one in the Construction Department. The District is leaving the two positions unfilled for now. Cost of those two District employees with benefits is probably \$60,000 per year. An electrician position was filled and the new employee started last week. There is one employee out on leave and one is ill. Harassment training was done with Claudia Bentley. An update to the Leave of Absence policy was included in the BOD packets. The Family Medical Leave Act changed and the changes to the policy are in accordance with Federal FMLA changes.

Motion made by Treasurer Collins, seconded by Secretary Myers to approve the Leave of Absence Policy as presented and discussed.

Unanimously approved.

General Counsel Rohrbaugh discussed with the BOD the following information:

- One condemnation will go to trial on February 10th, which is Gladwell.
- Fritz Blatl, a resident who lives near Howard Speaks subdivision is claiming that there was blasting damage that cracked his pool in 2007. He submitted a claim to the insurance company. General Counsel Rohrbaugh is getting records on the blasting to review.
- With respect to the two developers that have been slow in paying under their AMLE's, Whitmore has been paying and is current but Springdale Farms has not. They have been put on notice and the District may have to draw on the letters of credit.
- NPDES permit decision has been reached but has not been released publicly.
- The District was served with a new lawsuit for Rocky Glenn MHP. The owner claims piles of rocks were not removed and the package plants need to be removed. Last May (2008), the package plant was disconnected.
- Condemnation for Wine in Mill Ridge. The District has been talking to him to try to reach an agreement. Mr. Wine has indicated he may have other damage claims to assert. BOD felt offer that was made is fair and should not be increased at this time.
- Sewer back up in apartments on half street from new Apache pump station. Not sure what damage amount from claim will be. It consisted of 7 apartments, which had different degrees of damage.

General Manager Keller discussed with the BOD the following information:

- In the last packet there was copy of general complaints incurred throughout last year for the entire District.
- In the last packet and this packet were Fiscal Officer DeLawder's internal financial statements.
- From a financial stand point, cash flow is still an issue. It is more about the timing of customers making payments. As of today, we still had \$700,000 outstanding in Accounts Receivable, Fiscal Officer DeLawder has put preliminary numbers together and a rate increase would be in the 10-15% range. General Manager Keller feels this will help but won't make people pay quicker. In November and Decemeber the District had \$15,000 in accounts that skipped out without paying their bill. General Manager Keller said he would bring additional information and details to the next meeting.
- Meeting with Jamie Weist with Woolpert, Inc. tomorrow to discuss the project over runs and the WWTP corrections. Chairman Kunkle asked if General Manager Keller agreed with approach on cost sharing. General Manager said he agreed and thought they want to make sure everyone was clear on who was responsible with what, which included a draft agreement.
- PSC BOD member seminar in February but the BOD does not have to go. It will be held in Charleston.

APPROVAL OF FINANCIALS/PAYROLL

Motion made by Secretary Myers, seconded by Treasurer Collins to approve the Accounts Payable and Payroll for January 20, 2009.

Unanimously approved.

EXECUTIVE SESSION

Executive Session was not needed.

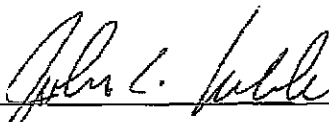
ADJOURNMENT

Motion made by Treasurer Collins, seconded by Secretary Myers to adjourn the meeting at 9:07 p.m.

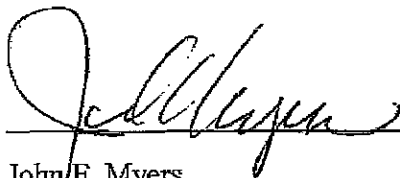
Unanimously approved.

January 20, 2009 Regular Meeting of the
Board of Directors of the Berkeley County PSSD

Date Minutes Signed: 2-3-09



John C. Kunkle
Chairman



John E. Myers
Secretary

Ronald K. Collins
Treasurer