

DRAFT MINUTES

**CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA
WATER & SANITARY BOARDS**

January 25, 2022

ATTENDEES: Water Board- J. Auxer, J. Bresland, J. Ford, M. Godfrey, S. Kemnitzer (Chair), A. Slater, and C. Stroeck

Sanitary Board- J. Auxer (Chair), and R. Keller

Town Staff- C. Coe, C. Painter, K. Shipley, and F. Welch

Visitors- J. Ekstrom, Ghosh Engineering
E. Boggess, Customer/Complainant
J. Riitano, 120 Water Corporation/Representative
E. Lewis, Developer/Applicant

1. CALL TO ORDER.

The Water and Sanitary Boards meeting was called to order by J. Auxer at 12:31 p.m.

2. MINUTES FROM PRIOR MEETING.

The proposed minutes of the December 2, 2021, regular meeting were reviewed and approved as submitted.

3. VISITORS.

J. Ekstrom attended the meeting to provide an update, agenda item 6.c.

J. Riitano attended the meeting to provide details regarding a drinking water service line inspection program, agenda item 7.b.

E. Boggess attended the meeting to appeal a decision concerning a billing error, agenda item 7.d.

E. Lewis attended the meeting to answer questions regarding his application, agenda item 7.e.

4. FINANCES.

J. Auxer advised that there were no financial reports this month due to the resignation of the town bookkeeper.

5. FLOW AND QUALITY REPORTS.

5.a WATER - NO VIOLATIONS.

C. Coe reported that water produced adhered to all applicable regulations and requirements and that there were no violations during the month.

5.b. SANITARY REPORTS – NO VIOLATIONS.

K. Shipley reported that treated sewage water discharged adhered to all applicable regulations and requirements and that there were no violations during the month.

6. UNFINISHED BUSINESS.

6.a FIRE HYDRANTS- STATUS REPORT.

K. Shipley reported that all repairs have been completed except for two hydrants (Duke Street and Stutzman-Slonaker Hall), the former of which was a later addition to the project and the latter is in service but has a drainage problem; both are slated for work this spring.

J. Auxer referred to a new report included in the monthly package that lists hydrants that are not in service.

6.b SEWER USE ORDINANCE – REVISION AND COMMENTS.

J. Auxer reported that no additional progress has been made on this effort. A meeting will be scheduled in the spring of 2022.

6.c WATER PLANT IMPROVEMENT PROJECT-UPDATE.

J. Ekstrom reported that work is underway on the alternate source (Town Run) piping just below the water plant. He also provided a report on equipment orders and shop drawings for the main plant improvements. He advised that the expected completion date remains the end of October.

6.d STEP II APPROVAL- SHEPHERDSTOWN PROFESSIONAL CENTER- WATER AND SEWER.

F. Welch reported that the Shepherdstown Professional Center, located at the stoplight on route 480 adjacent to Morgan Grove Park, has made progress requisite to move to Step II.

ACTION ITEM: A. SLATER MOVED AND M. GODFREY SECONDED THAT THE WATER BOARD AUTHORIZE STEP II FOR SHEPHERDSTOWN PROFESSIONAL CENTER; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

ACTION ITEM: R. KELLER MOVED THAT THE SEWER BOARD AUTHORIZE STEP II FOR THE SHEPHERDSTOWN PROFESSIONAL CENTER; UNANIMOUSLY ADOPTED BY THE SEWER BOARD.

6.e BILLING QUESTIONS.

A. Slater reported that the transition from the postcard bills to statement billing has gone extremely well and complimented C. Painter and A. Boyd for their skillful management of the process. He noted that some customers have reported some frustration with registering, paying bills, linking accounts, and signing up for electronic bill presentation, but that is to be expected with any new automated platform. He stated that there were several customers upset with having to now pay a fee for electronic check payment and credit card payment. C. Painter advised that 829 customers have successfully registered, 48 have enrolled in autopay, and 40 customers are now enrolled in electronic billing. She advised that in two weeks customers may pay on-line without registering.

J. Auxer observed that with the completion of this project this agenda item may now be removed.

6.f. WATER DEPARTMENT- SOURCE WATER GRANT.

F. Welch reminded the board that the Water Department is the recipient of a \$50,000 source water sampling grant. The testing equipment will be deployed at two locations: the Potomac River near the intake, and the Town Run at the new intake structure. This new equipment will provide ongoing monitoring of five different parameters. M. Godfrey inquired of the previous sampling effort by the University's Dr. Peter nmVila. C. Coe advised basic monitoring equipment has been installed, noting the project was largely for the benefit of the students. M. Godfrey then inquired of the recent alleged contamination by Rockwool affecting the Elk Run and Elk Creek sources that primarily impact the Town of Harper's Ferry. C. Coe advised that he contacted Alan Marchun the West Virginia Bureau of Public Health District Engineer at Kearneysville who advised we do not have any immediate concerns or issues. Finally, M. Godfrey relayed reports of Dioxin and Styrene contaminants in some water supplies. C. Coe advised that we are monitoring as required by the State and will continue to monitor changes to compliance sampling.

7. NEW BUSINESS.

7.a. VIOLATIONS AT WATER PLANT.

C. Coe reported that two water monitoring reports sent to the State received violations due to minor changes in the source description. The laboratory normally performing the tests was impacted by COVID outbreak, consequently the samples were forwarded to another laboratory where the source descriptions were amended to avoid duplication, which gave cause to the violation. C.Stroech inquired of an appeal

process. C. Coe advised that he did appeal which did allow for the results to be accepted, but not the reporting citation. C. Coe concluded by advising the Water Board that this will require a formal public notification which will be issued in May when the Consumer Confidence Report is issued. A. Slater inquired if we were subject to any financial penalties. C. Coe advised we are not.

7.b. EXPLANATION OF NEW LEAD AND COPPER RULE.

J. Auxer invited C. Coe to present his recommendation. C. Coe advised that a new lead and copper rule went into effect last December that will have a significant impact on our compliance plans. C. Coe advised that all water service lines must be inspected for lead fittings by October 16, 2024. He then introduced J. Riitano of 120 Water Corporation who discussed his firm's compliance proposal. The cost of inspecting all the Water Department's service lines is estimated to be approximately \$15,000 per year for two years to complete. Using a variety of EPA approved inspection techniques, all service lines will be inspected and proofed for lead, with approximately 90% of the lines not requiring digging. J. Riitano advised that 120 Water is providing this service for over 200 water systems of various sizes across the country including, in West Virginia, Charles Town, Wheeling and Wellsburg.

To A. Slater's question, J. Riitano advised that a part of their deliverable is the provision of ESRI based digital maps of all the service lines including, in some instances, photographs. M. Godfrey inquired about examining the Master Services Agreement. J. Riitano offered to provide a MSWord.doc file to the Town, J. Auxer will send to legal counsel for review. After further discussion action was taken on the proposal.

ACTION ITEM: M. GODFREY MOVED AND C. STROECHT SECONDED THAT THE WATER BOARD ACCEPT THE PROPOSAL BY 120 WATER CORPORATION FOR INSPECTING WATER SERVICE LINES TO COMPLY WITH NEW LEAD AND COPPER RULES; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

7.c. EMERGENCY PURCHASE OF COMPOSITE SAMPLER.

F. Welch advised that the composite sampler at the waste-water plant is out of service with issues in the electronic gear rendering it beyond repair. Consequently F. Welch is requesting an emergency expenditure of \$10,715 to purchase a replacement unit. Following discussion action was taken.

ACTION ITEM: R. KELLER MOVED THAT THE SEWER BOARD AUTHORIZE THE PURCHASE OF A COMPOSITE SAMPLER TO BE PAID FROM EMERGENCY FUNDS; UNANIMOUSLY ADOPTED BY THE SEWER BOARD.

7.d. MISTAKE IN TWO CUSTOMERS BILLS DUE TO CROSSED METERS.

C. Painter reported that a billing error was recently discovered affecting two customers because the meters were crossed, totaling \$2,297.85, representing a credit to one customer and a corresponding additional balance due to E. Boggess. C. Painter advised that this error occurred when the system-wide automated metering system was deployed by a contractor in 2007. She advised that a two-year deferred payment plan was offered to E. Boggess to accommodate the financial impact.

J. Auxer then invited E. Boggess to make comments. E. Boggess noted that he did not dispute the facts, although he has requested additional documentation. He suggested that since the error has developed over a five-year period, he should be allowed to repay the \$2,297.85 adjustment over a five-year period. He advised that he contacted the West Virginia Public Service Commission on two occasions who

advised him the retrospective billing should be for three or four months. He also noted that there was a water disconnect in the recent past where the error should have been discovered.

S. Kemnitzer requested staff's recommendation on the matter. C. Painter recommended that the entire error be repaid over a two-year deferral period. Discussion ensued over West Virginia Public Service Commission regulations, C. Painter advised she has contacted the Commission and is expecting guidance shortly. R. Keller inquired if this service included sewer too, C. Painter advised it does include sewer service. R. Keller recommended making every accommodation to this customer as the problem was one that originated at the Water Department. After further discussion action was taken.

ACTION ITEM: S. KEMNITZER MOVED AND C. STROECHT SECONDED THAT THE WATER BOARD TABLE THE MATTER FOR THE NEXT BOARD MEETING, REQUEST STAFF PROVIDE A SPREADSHEET SHOWING THE TWO CUSTOMER'S BILLINGS GOING BACK TO THE DATE OF THE ERROR AND CONSIDER PENDING WEST VIRGINIA PUBLIC SERVICE COMMISSION GUIDANCE AT THAT TIME; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

7.e. SHEPHERD VIEW APARTMENTS- CAPACITY LETTER.

F. Welch presented the request of Shepherd View Apartments for a water and sewer capacity letter based on plans and specifications presented by the developers. F. Welch advised that this five-building, 40 apartment complex will be located on Route 45 adjacent to the Domino's Pizza restaurant. F. Welch advised that J. Ekstrom had completed the engineering analysis and filed reports representing that adequate capacity exists for both water and sewer for this applicant. F. Welch advised that metering has not been resolved as the developer is looking at multiple options.

J. Auxer then recognized E. Lewis, the developer/applicant. E. Lewis discussed the project and stated that he is considering one water meter for the entire project, five meters for each building, or 40 meters, one for each apartment. He advised that he is modeling the cost of each option based on the minimum bill but expressed a preference for individual apartment metering to encourage conservation of water.

R. Keller suggested a review of Commission regulations as they relate to the resale of water. After further discussion action was taken.

ACTION ITEM: A. SLATER MOVED AND S. KEMNITZER SECONDED THAT THE WATER BOARD AUTHORIZE THE ISSUANCE OF AN ADEQUATE WATER CAPACITY LETTER FOR SHEPHERD VIEW APARTMENTS; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

ACTION ITEM: R. KELLER MOVED THAT THE SEWER BOARD AUTHORIZE THE ISSUANCE OF AN ADEQUATE SEWER CAPACITY LETTER FOR SHEPHERD VIEW APARTMENTS; UNANIMOUSLY ADOPTED BY THE SEWER BOARD.

8. MAYOR'S REPORT.

J. Auxer opened the floor for comments.

K. Shipley advised that the sewer rates have not been adjusted since 2012 and that a rate increase is warranted. J. Ekstrom stated that preliminary analysis by David Decker shows a 19.5% rate increase can be justified. J. Auxer took this under advisement.

Before the meeting was to adjourn, Mrs. Kemnitzer, the Chair of the Water Board, asked for an additional topic to be addressed. She asked the Mayor why the Board had not received financial statement for the Water Department for several months. The last financial information sent to the Water and Sanitary Boards covers July 1 to September 30, 2021. She went on to say that she takes her fiduciary responsibility to our water customers very seriously. She expressed that having no financial reports for this long is completely unacceptable. She acknowledged that the staffing for financial management is controlled by the Town Council so asked the Mayor and the Town Council and especially the Town Finance Committee to solve this problem as soon as possible. The Mayor replied that Jim Ford, who was present for the meeting and is the Chair of the Town Finance Committee is working on the problem.

S. Kemnitzer asked for an update on providing water and sewer services to the newly proposed elementary and middle schools on Flowing Springs Road. F. Welch advised that there has been no change in status, he believes they remain interested, but no application has been made.

9. **NEXT MEETING DATE.**
Wednesday, February 23, 2022, at 12:30PM, venue to be determined.
10. **CONSENT.**
No action.
11. **SUMMARIZE ACTION ITEMS FROM THIS MEETING.**
See above.
12. **DRAFT AGENDA FOR NEXT MEETING.**
No action.
13. **ADJOURNMENT.** J. Auxer adjourned the meeting at 2:04PM.

Respectfully Submitted: A. Slater