

**DRAFT MINUTES**  
**SHEPHERDSTOWN, WEST VIRGINIA**  
**WATER & SANITARY BOARDS**

January 28, 2021

**Attendees:**     **Water Board** – J. Auxer (Mayor), J. Bresland, J. Ford, M. Godfrey, S. Kemnitzer (Chair), C. Stroeck  
                  **Sanitary Board** – J. Auxer (Chair), H. Heyser, R. Keller  
                  **Town Staff** –C. Coe, D. Nickerson, K. Shipley, F. Welch  
                  **Engineer** – J. Ekstrom, Ghosh Engineering

**Visitors:**       M. Fortuna, J. Haynes, D. Klein (Alpha Assoc.)

Note: this was a virtual meeting held on the Zoom platform as a health precaution due to the COVID-19 pandemic.

**1.    CALL TO ORDER.**

The Water and Sanitary Boards meeting was called to order by J. Auxer at 12:33 pm.

**2.    MINUTES FROM PRIOR MEETING.**

The proposed minutes of the December 3, 2020 regular meeting, including revisions proposed by S. Kemnitzer, were reviewed. Upon motion duly made and seconded, the minutes were approved as revised.

The proposed minutes of the January 8, 2021 special meeting of the Water Board were reviewed. H. Heyser stated that he thought these minutes were particularly well done. Upon motion duly made and seconded, the minutes were approved as submitted.

**3.    VISITORS.**

The only visitor who wished to speak was D. Klein (see item 7.a below).

**4.    FINANCIAL STATEMENTS.**

S. Kemnitzer thanked the staff for producing a comparison of 2019 vs 2020 incomes and expenses and stated that the numbers looked reasonable, though the incomes are understandably lower than expected in 2020 due to COVID-related issues.

R. Keller thanked the staff for producing a detailed report of the membrane-related sewer expenses and stated that the finances looked to be in good order.

**5.    FLOW AND QUALITY REPORTS.**

W. Coe commented that all the water-related reports showed no violations. He also mentioned that he was visited by a representative of the WV Rural Water Association who stated that Shepherdstown was a ‘cornerstone’ of WV water plants due to our continued good performance.

K. Shipley commented that all the sewer-related reports showed no violations.

**6.    UNFINISHED BUSINESS.**

**6.a   WATER PLANT IMPROVEMENT PROJECT.**

J. Ekstrom updated the commission members on the progress of the water treatment plant improvement project. He stated that the financing RFP has been sent out and responses are due by Feb. 17. He expects that the financing provider should be agreed on by Feb. 19, the PSC filing should be done during the week of Feb. 21 and that we should be ready to bid the project in May or June.

**6.b. WATER SYSTEM IMPROVEMENT**

J. Ekstrom reported that this project is currently in a holding pattern. The goal is to be 'shovel-ready' in the near future so the we would be in a position to apply for infrastructure grants should they become available. His plan is to do the necessary field work in February to get us into that position.

**6.c SEWER USE ORDINANCE – REVISION AND COMMENTS.**

Mayor Auxer stated that no significant progress had been made on this project since the last board meeting due, for the most part, to COVID-related restrictions on meetings. R, Keller and H. Heyser concurred.

**6.d MAIN PUMP STATION.**

F. Welch presented an update on the list of maintenance projects previously approved by the Sanitary Commission. They include: (1) the Variable Frequency Drive has been procured and installed; (2) the Hoist has been procured and installed; (3) the Rotary Lobe Pump has been ordered; (4) the Stairway for the third level has been ordered.

K. Shipley stated that the Rotary Fan Press has more than 8000 hours of use and will most likely need to be replaced in the near term.

H. Heyser suggested that when the membrane account becomes fully funded the Board should consider directing a similar monetary flow to an account for funding items like the Rotary Fan Press.

**7. NEW BUSINESS.**

**7.a RANKIN PROPERTY LLC STEP 1 APPLICATION**

D. Klein stated that he was representing Christian Rankin's Step 1 request, which was included in the packet.

F. Welch referenced the letter from J. Ekstrom which concluded that both the Water and Sewer systems had enough capacity to meet the requirements of this application.

H. Heyser asked how/where the connection to the sewer system would be made - not clear in the application.

F. Welch stated that it would eventually connect to a Colonial Hills pump station but that a force main would have to be used temporarily.

R. Keller stated that the use of a force main in this situation is not optimal and that any risk due to a malfunction should be borne by Rankin LLC.

D. Klein stated that Rankin LLC will own the lift station that will be used in the initial configuration and bear the risk of any malfunction.

R. Keller agreed with that plan.

S. Kemnitzer stated that the maps distributed with this application were difficult to read and requested that the staff supply clearer documents in the future.

M. Godfrey noted that part of the packet material mentioned approving Steps 1 and 2 simultaneously and asked if that is what was being considered.

D. Klein explained that they had explored that option but the request to include Step 2 approval had been withdrawn.

**ACTION ITEMS:**

**R. KELLER MOVED AND H. HEYSER SECONDED THAT THE SANITARY BOARD APPROVE THE RANKIN PROPERTY LLC STEP 1 APPLICATION. THE MOTION WAS APPROVED WITHOUT OBJECTION.**

**M. GODFREY MOVED AND S. KEMNITZER SECONDED THAT THE WATER BOARD APPROVE THE RANKIN PROPERTY LLC STEP 1 APPLICATION. THE MOTION WAS APPROVED WITHOUT OBJECTION.**

**7.b COMMUNICATION WITH THE PUBLIC/CUSTOMERS DISCUSSION**

S. Kemnitzer entered into the record comments that she had received from M. Fortuna concerning the communication associated with the recent water rate increase:

Thanks for everything you do for this town. I plan to sit in on the water board meeting. Sometimes they call on all the observers but FYI, in case you see this text before the meeting starts, I am in the middle of staffing a vaccine clinic tomorrow in Ranson so I can't speak in the Zoom meeting or have my video on. Too many calls and texts coming in. I do hope that the issue of procedure and the order of procedure is covered. The PSC told me that the order of the steps in the procedure is not optional, it's required because the hearings are to be based on the pro forma and the written justifications so those should not be created after the fact.

S. Kemnitzer stated that as part of improving our communication we should ask the public what information they would like to have. She volunteered to lead an effort to accomplish this.

C. Coe stated that we need to do a better job of distributing our water quality reports because the information in those reports answers a lot of questions.

C. Stroech stated the meeting referenced by M. Fortuna's email was helpful and that the public was generally satisfied with the information received. He volunteered to assist S. Kemnitzer.

M. Godfrey noted that some portion of the public compared our performance with standards supplied by the Environmental Working Group (EWG) and that we should communicate the fact that the Federal and State regulations to which we must adhere are not the same as those proposed by the EWG. He volunteered to assist S. Kemnitzer.

**7.c WATER TANK LEAKAGE AT HEATHERFIELD**

R. Keller stated that he has recently fielded complaints from Heatherfield residents that they are experiencing water flow into the road and across properties adjacent to the water tanks due to an overflow from the tanks.

C. Coe stated that it was not due to overflow but that there is a constant low-volume flow from the tanks.

J. Ekstrom stated that he would look into the problem in February when he was in town.

**7.d BOARD TERMS**

S. Kemnitzer stated that the terms of some of the members of the Water and Sanitary boards had run out and that situation should be addressed.

J. Auxer said that he planned to address that under the Mayor's Report.

**8. MAYOR'S REPORT.**

**8.a 5% WATER RATE INCREASE.**

Mayor Auxer reported that the request for increase had been filed with the WV Public Service Commission.

**8.b CHESAPEAKE BAY REPORT.**

Mayor Auxer drew our attention to a recent newspaper article regarding the Chesapeake Bay cleanup effort, which was given an overall grade of only D+.

**8.c BOARD TERMS.**

Mayor Auxer requested that all board members whose terms have expired and who wanted to extend their service send him an email requesting to have their term extended.

**9. CONSENT ORDER REPORT.**

J. Ekstrom reported on the state of the WV DEP consent order. The initial order was received in September of 2019. We replied to the order but never got a response from the DEP. In the meantime we initiated use of a new coagulant which has been very successful in reducing copper. Due to having successfully addressed the problem, we have recently sent a request to the DEP suggesting that they should suspend the original fine for a probationary period during which we will continue to monitor the effect of our new solution.

As background, the consent order involved several violations:

1. Failed to submit quarterly I+I reports.
2. Failed to maintain grease collection system.
3. Exceeded limits of copper, PH, molybdenum and total nitrogen.

We have addressed all these issues.

**9. ADJOURNMENT.** J. Auxer adjourned the meeting at 1:40 pm. The next regular meeting is scheduled for Thursday February 25, 2021 at 12:30 pm and will be conducted on the Zoom virtual platform.

Respectfully Submitted: J. Ford