

**JAMES RIVER WATER AUTHORITY
BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB
181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
May 2, 2017
10:30 A.M.**

Present: Goodman Duke (Chairman), D.D. Watson, Mark Dunning, Steven Nichols, and Christian Goodwin

Absent: Joe Chesser (Treasurer)

Others Present: Mr. Andrew Wade, Louisa County Economic Director; Greg Krysiniaak (Faulconer Construction); Mike Knight (MBP Engineering), Doug Wylie (property owner); Eric Dahl and Jason Smith (Fluvanna County), and Joe Hines and David Saunders (Timmons Group)

CALL TO ORDER

Chairman Duke called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:30 a.m. Mr. Nichols led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved the agenda.

APPROVAL OF MINUTES OF PRECEDING MEETING

On the motion of Mr. Nichols, seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved the minutes of the April 4, 2017, meeting with corrections.

FINANCIAL REPORT

Bills as presented in the packet and addendum were considered. Comments and questions were presented by the Board regarding the cost for mediation services. Mr. Nichols stated he felt that the costs were very reasonable for the level of service provided. On the motion of Mr. Watson, seconded by Mr. Dunning, which passed by a vote of 5-0, the payments were approved.

DISCUSSION/INFORMATION ITEMS

Discussion – MBP Services to Discuss and Clarify Roles

Mr. Nichols provided clarification on the work modification point of view that MBP offers on the Board's behalf. The lines of communication and levels of authority and approval were identified along

with small interactive decisions that could be handled by the Board. It was made clear that all interactions should start with MBP, including special circumstances to help keep all resolutions at the lowest level possible. Mr. Goodwin noted that if MBP requires JRWA approval beyond contract authority, that members of the Board should be notified for consideration of a special meeting so issues can be handled in a timely manner to help keep the project moving forward.

Discussion – Cultural Resources Work Update

Mr. Hines stated that all of the core testing at the pump station site and deep testing with the excavator between Route 6 and Havana River are underway and nothing unexpected has occurred at this time. A meeting is scheduled on May 3rd with the Virginia Department of Historic Resources and Army Corp of Engineers for a project update.

A brief discussion ensued among the Board regarding the gate locks. All issues have been resolved and the owners now have access to the property.

Discussion – Landowner Agreement and Improvements

Mr. Nichols stated the tenants of the landowner agreement inquired about the expectations of the agreement with regard to improvements. Mr. Nichols said that in both agreements it clearly states that anything found on the property belongs to the owners. The Bialkowski's have expressed interest in acquiring fire wood that is being harvested during construction. The Bialkowski's may contact any contractor for the acquisition of wood, however, such agreement is not to be misconstrued as direction from the JRWA.

Discussion ensued among the Board regarding special conditions within the landowner agreement.

Mr. Wade said Louisa County has a deed book recorded for acquired easements through the JRWA that includes flagged properties with special conditions. Mr. Dahl agreed to put the same process in place for Fluvanna County. It was noted there were no special conditions listed on Hammond property beyond normal acquisition, however, it is requested that the large trees to the east side of the Hammond lot be maintained.

ACTION ITEMS

Action Item – Hammond Property Easement Agreement

This item was considered during closed session in accordance with 2.2-3711(A)(3) for discussion of the acquisition of real property.

CLOSED SESSION

On the motion of Mr. Watson, seconded by Mr. Nichols, which carried by a vote of 5-0, the Board voted to enter Closed Session at 10:58 a.m. for the purpose of discussing the following:

1. In accordance with 2.2-3711(A)(3) for discussion of the acquisition of real property for the JRWA project where discussion in an open session would adversely affect the bargaining position of the Authority.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Goodwin seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to return to regular session at 11:05 a.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

By role call, which carried by a vote of 5-0, the Board voted to adopt the following resolution:

WHEREAS, the James River Water Authority Board of Directors has convened a Closed Meeting pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by the James River Water Authority Board of Directors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED that the James River Water Authority Board of Directors does hereby certify that, to the best of each member's knowledge, (i) 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 (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the James River Water Authority Board of Directors.

<u>NAME</u>	<u>VOTE</u>
D.D. Watson	Yes/Aye
Mark Dunning	Yes/Aye
Christian R. Goodwin	Yes/Aye
Steven M. Nichols	Yes/Aye
Goodman B. Duke	Yes/Aye

Mr. Goodwin motioned, seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved the agreement to purchase the remaining easements from Dr. Hammond in the amount of \$25,000 and authorize the chairman, or necessary Board representatives, to sign the appropriate checks and deeds when deemed necessary by legal counsel and associated agents.

Mr. Nichols stated there has been a long standing effort with Fluvanna County to work with the State Department of Corrections (DOC) to use their excess water and sewer capacity from the Women's Correctional Facility off of Route 250 as a water source. The water source is part of the original permit, which reduced the JRWA permit by the same amount since the correctional facility was withdrawing from Mechunk Creek. The original DOC permit included a provision allowing that certain amount of

approved withdrawal with the JRWA permit, as long as that permit was still active. The permit is up for renewal and when DEQ reissued a new permit for the JRWA, they failed to include the same provision. Mr. Nichols stated this issue does not alter the allocation for the JRWA, but Fluvanna has asked DEQ if they could modify the JRWA permit to reduce the Fluvanna portion of that permitted capacity by the amount the correctional facility continues to withdrawal from the creek. Fluvanna has not heard back from DEQ, but it seems as though it will not be an issue.

ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to adjourn the meeting at 11:41 a.m.

BY ORDER OF:

GOODMAN B. DUKE, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY