

**MEETING MINUTES
CARROLL COUNTY PUBLIC SERVICE AUTHORITY
NOVEMBER 14, 2013
CARROLL COUNTY GOVERNMENTAL CENTER
BOARD MEETING ROOM
HILLSVILLE, VA**

CALLED TO ORDER

The Carroll County Public Service Authority held their regular scheduled meeting on Thursday, November 14, 2013 at 2:00 p.m. in the Carroll County Governmental Center Board Meeting Room. Members present included: Thomas Littrell, Chairman, Jeanette Dalton, Vice Chairman, Sam Dickson, David Hutchins, William Payne, and James Light. Also present were Gary Larrowe, Executive Director, and Dana Phillips, Assistant Director and Secretary/Treasurer of the Authority.

Chairman Littrell called the meeting to order at 2:01 p.m.

CITIZENS' TIME—No one present to speak

CLOSED MEETING--PURSUANT TO SECTION 2.2-3711.A (7) CONSULTATION WITH LEGAL COUNSEL

(ORDER)

Upon a motion by Mr. Dickson, seconded by Mr. Hutchins and duly carried the Authority does hereby enter into Closed Meeting at 2:04 p.m. until 3:07 p.m. for Consultation with Legal Counsel 2.2-3711.A-7.

(ORDER)

Upon a motion by Mr. Dickson, seconded by Mrs. Dalton and duly carried the Authority does hereby convene out of closed meeting.

Whereas the Authority has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and on the motion to close the meeting in accordance with the Virginia Freedom of Information Act.

CERTIFICATION OF CLOSED MEETING

(ORDER)

Upon a motion by Mr. Dickson, seconded by Mrs. Dalton and duly carried the Authority does hereby adopt the following resolution:

Whereas, Section 2.2-3711.A (1) of the code of Virginia requires a certification of the Authority that such Closed Meeting was conducted in conformity with Virginia law:

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CERTIFICATION OF CLOSED MEETING (continued)

Now therefore, be it resolved that the Authority hereby certifies that, to the best of each member's knowledge (1) only public business matters lawfully exempted from open requirements by Virginia law were discussed in this Closed Meeting in which this certification as identified in this motion concerning the Closed Meeting were heard, or considered by the Authority certification resolution applies, and (11) only such public business matters as were identified in this motion concerning the Closed Meeting were heard, or considered by the Authority.

(ORDER)

APPROVAL OF CONSENT AGENDA SECTIONS A, B, AND C

Upon a motion by Mr. Hutchins, seconded by Mrs. Dalton and duly carried the Authority does hereby approve the Consent Agenda for Sections A and C and to look at Section B separately. The October 21, 2013 Meeting Minutes were approved and are on file in the PSA office. The Claims are also on file in the PSA office.

Claims:

Check# 19854-19872 November 14, 2013, Claims in the amount of \$80,064.35.
Check# 19873-19903 November 22, 2013, Claims in the amount of \$136,867.69.

DEBT RESERVE TRANSFER

CCPSA to Debt Reserve—November 14, 2013	\$ 7,633.50
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TRANSFER FOR CLAIMS

CCPSA to Operating—November 14, 2013	\$ 80,064.35
CCPSA to Operating—November 22, 2013	\$ 61,285.51
CCPSA to Cliffview—November 14, 2013	\$ 1,231.25

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SECTION B: AUTHORITY APPROVAL ITEMS

(ORDER)

APPROVAL OF AGREEMENT BETWEEN THE GRIFFIN'S AND THE PSA

Upon a motion by Mr. Hutchins, seconded by Mr. Dickson and duly carried the Authority does hereby approve the agreement between the PSA and Todd Griffin, Darry Griffin, and Carolyn Griffin according to the terms in the attached agreement. All terms of the agreement must be met no later than August 1, 2014. (Copy attached to minutes.)

Oak Grove Water Extension Project

Mr. Jim Cornwell, County Attorney, addressed the questions and concerns from Mr. Steve Gregson regarding the Oak Grove Road Water Project and the Virginia Public Procurement Act.

Mr. Cornwell stated that he had reviewed the requests for proposals for professional engineering services for the long range water project including the newspaper advertisement, the standard agreement between the PSA and Adams-Heath Engineering for the project, the amendment to the contract for the Oak Grove Road water extension, and the PSA Meeting Minutes that concerned those two projects.

Mr. Gregson contends that work was not bid according to VPPA because a portion of the contract was not advertised. *Under the VPPA, no such action was required pursuant to Section 2.2-4309 of the Code of Virginia.*

Mr. Cornwell found that a public contract may be modified up to 25% during performance but no fixed price contract may be modified by more than 25% of the amount of the contract or \$50,000.00 whichever is greater unless given adequate consideration. No additional advertising or prior approval was needed for the modification of \$50,900.00 for the Oak Grove Road Water Extension Project on September 8, 2011, which is considerably less than 25% of the original Long Range Water RD contract, which was over \$400,000. "As the VPPA provides, no prior written authorization is required for amendments less than 25 percent of the contract, or \$50,000, whichever is greater. Simply put, no additional advertisement, bidding or approval was required, because a contract amendment of this scope was already authorized by the VPPA."

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Oak Grove Water Extension Project (continued)

Mr. Cornwell added that even though no prior approval was needed, the record shows that approval was provided according to the Feb. 8, 2010 PSA Meeting Minutes (surplus funds may be available to fund additional projects needed to provide service to Carroll County citizens). Mr. Cornwell said "Based upon the surplus, the Authority voted to approve that excess water construction funds may be used in existing water service areas for new designs or extensions for cash positive projects. I am advised that the Oak Grove Road water extension was just such project." Regular status updates were given on the Oak Grove water extension at each monthly PSA meeting.

"Although my review has revealed no violation of the VPPA, it worth bearing in mind that as a practical matter, although Mr. Gregson may be concerned as a taxpayer about the use of public funds, he does not have the ability, as a matter of law, to legally challenge any alleged irregularity of a public body under the VPPA," Cornwell said. Mr. Cornwell advised that he had previously been directly involved in a Virginia Supreme Court case relating to citizen's complaints concerning VPPA violations which resolved that question. In the Virginia Supreme Court case, the only parties with the ability to contest a VPPA violation are the bidders, offerors, and contractors; there are no rights of action for those not involved in the procurement. Mr. Cornwell stated, "Mr. Gregson was not involved in the bidding and procurements on the Oak Grove Road water project or on the long range water project, so any questions or concerns he may have would not entitle him to involve the VPPA in any challenge relating to the award or amendment of the contract. In any event, the time for any legal challenge has long passed. In short, based on the information provided to me, I find no violation of the VPPA in relation to the Oak Grove Road project. I hope this resolves the questions and concerns relating to this work."

Dr. Littrell thanked Mr. Cornwell and asked if there were any further questions for him. Mr. Dickson asked, "So that just turns out to be lost money for the taxpayers even though he wasn't qualified to ask those questions. Is that true?" Mr. Cornwell replied, "He is a citizen of Carroll County and I believe completely in being responsible to citizens and being responsible for questions citizens may have, but you are correct in that when a person walks into a PSA meeting or board of supervisors meeting and makes allegations of this nature and no one can respond at that time, there has to be a considerable amount of work involved to give answers to his questions. I have no problem in doing that, but it does take away and it does run up your legal bills."

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PROJECT UPDATES:

I-77 Exit 1 Water - Under Design-Addressed questions/comments as received from PSA Attorney and Bond Counsel in preparation for Project bidding. We are currently awaiting authorization from USDA-RD to advertise for construction bids.

Fancy Gap Water & Sewer - Construction Phase—

Water—Contracts 1 - Linework and 3 – Water Storage Tank have been completed, the system is in service, and these contracts have been closed out.

Contract 2 - Water Pump Stations (Steve Martin's Trenching): All three Well Pump Stations have been completed, approved by VDH, and have been placed in service. This construction contract is still open for completion of the SCADA change order work. The SCADA subcontractor has been on site working on their radio path studies.

Sewer—Contract 4 - Sewage Collection System (DLB): All gravity sewer line and force mains have been installed, and the system has been released by DEQ to be placed in service. The remaining work includes WWTP Closure and associated piping connections – with that work scheduled to begin the week of November 11-15. **Contract 5 - Sewage Pump Stations (E.C. Pace)**: Base bid work at all pump stations has been completed, all stations have completed start-up and acceptance testing, and the system has been released by DEQ to be placed in service. The SCADA subcontractor has been on site working on their radio path studies. **Contract 6 - Force Main (Marshall Construction)**: All force main line has been installed, has been successfully pressure tested, and punchlist items have been completed. The force main has been placed into service. Substantial Completion is expected to be issued and final contract closeout completed in the coming month.

Coon Ridge Water – Construction Phase—Contract 1 – Coon Ridge Road (C.W. Cauley & Son, Inc.): The Contractor has installed all main line secondary road bores in advance of pipe crews. Approximately 3,200 LF of 8” water line has been installed along Coon Ridge Road. **Contract 2 – Poplar Camp Road (Central Builders, Inc.)**: The Contractor has installed all main line secondary road bores in advance of pipe crews. Approximately 300 LF of 8” water line has been installed along Route 52.

Cliffview Water—Design Phase-Aerial mapping of the project area has been completed. Working on field markups and first draft of plans.

Cana Sewer- Submitted for Funding. No engineering activity during this month. PSA staff has worked on collecting User Agreements.

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PROJECT UPDATES (continued):

Oakland Water Study – Well sample collection and testing completed, PER preparation underway, Environmental Assessment underway.

Meadowbrook Water Improvements Study – PER completed and approved by VDH, Environmental Assessment underway, and project funding application completed and submitted to VDH-DWSRF.

Sheeptown Water Study – PER completed and was submitted to VDH. Environmental Assessment underway. Mount Rogers PDC has provided their initial results on the community income and user participation surveys.

AUTHORITY MEMBERS' TIME

Mr. Dickson-No Comment

Mr. Hutchins-It is nice to hear that Fancy Gap got their sewer letters! I have received 3 happy calls.

Mrs. Dalton-No Comment

Mr. Payne-No Comment

Mr. Light-No Comment

Dr. Littrell-I don't really have anything either. I understand we already have a few people digging ditches in Fancy Gap to get to the sewer. I am happy about that. Thanks to everyone.

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(ORDER)

ADJOURNMENT

Upon a motion by Mr. Payne, seconded by Mr. Dickson and duly carried the Authority does hereby adjourn at 3:24 p.m. until their next regular scheduled meeting on December 9, 2013 at 2:00 p.m. in the Carroll County Governmental Center Board of Supervisors meeting room.

Thomas Littrell, Chairman

Gary Larrowe, Executive Director

Dana Phillips, Sec./Treasurer, Assistant Director