

**JAMES RIVER WATER AUTHORITY
BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB
181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
April 4, 2017
10:30 A.M.**

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

Others Present: Mr. Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Pete Morris (Faulconer Construction); Greg Krysiniak (Faulconer Construction); Mike Knight (MBP Engineering), Joe Modica (MBP Engineering); Doug Wiley (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. Chesser, seconded by Mr. Watson, which carried by a vote of 6-0, the Board approved the agenda.

APPROVAL OF MINUTES OF PRECEDING MEETINGS

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 6-0, the Board approved the minutes of the March 7, 2017, meeting.

FINANCIAL REPORT

Bills as presented in the packet were discussed. Mr. Chesser added a bill from Randolph, Boyd, and Cherry (\$6,826.50) for legal/property acquisition services. On the motion of Mr. Goodwin, seconded by Mr. Nichols, which passed by a vote of 6-0, the payments were approved.

DISCUSSION/INFORMATION ITEMS

Discussion – Army Corps of Engineers Permit Status

Mr. Hines stated that the Department of Historic Resources Management had approved the proposed scope of work, which was a critical step in the permit. Timmons has submitted a time/materials based budget for the associated work, which would be billed on a time and materials basis with MBP's

approval. Mr. Hines stated that the next step was obtaining a burial permit for any remains which might be encountered. Native American tribes would be notified following this acquisition of this permit, and the initial scope of work would take 30-45 days.

General discussion ensued about the cost of the work and the required procedures. Mr. Dunning asked about the viewshed assessment, and Mr. Hines replied that this was required in any such situation. Mr. Goodwin noted that access for testing purposes has now been finalized with impacted landowners per counsel. Mr. Dunning asked about the impact of environmental concerns on the calendar. Mr. Hines replied that there are time of year restrictions for work in the river. Mr. Nichols asked how the schedule would be impacted if the permit is received by July 2017. Mr. Krysiniaik responded that the sequencing might need to be altered and that construction resources could be shifted accordingly, and that river work could take place in 2018. Mr. Watson asked about the period of time associated with the permit, and Mr. Hines responded that it was typically a 5 year authorization. Mr. Hines also noted that Dominion intends to upgrade the transmission line in the easement, which could result in additional work in the area. Mr. Nichols stated that according to his sources, new pole placement would be minimal which would lessen the impact.

ACTION ITEMS

Action Item – Cultural Resources Testing Plan

This item was discussed under the Permit discussion and associated costs are included in the packet.

Action Item – Cultural Resources Testing Budget

The Board considered the cost estimate included in the packet from Timmons totaling \$156,676. Mr. Goodwin noted that the initial project budget included \$117,000 for permit work, and Mr. Hines stated that the project would be billed on a time and materials basis. Mr. Knight noted that if findings were minimal, costs would be lower. On the motion of Mr. Nichols, seconded by Mr. Chesser, which passed by a vote of 6-0, the Board approved the costs.

CLOSED SESSION

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 6-0, the Board voted to enter Closed Session at 10:57 a.m. for the purpose of discussing the following:

1. In accordance with 2.2-3711(A)(7) for consultation with legal counsel in regard to litigation involving eminent domain proceedings on the Point of Fork and Bialkowski properties; and
2. 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. Nichols, which carried by a vote of 6-0, the Board voted to return to regular session at 12:05 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

By role call, which carried by a vote of 6-0, 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.

NAME

Joe Chesser
D.D. Watson
Mark Dunning
Christian R. Goodwin
Steven M. Nichols
Goodman B. Duke

VOTE

Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye

OTHER

On the motion of Mr. Goodwin, seconded by Mr. Chesser, which carried by a vote of 6-0, the Board voted to continue the meeting until Thursday, April 6, 2017, at 2pm in the same location.

The meeting reconvened on Thursday April 6, 2017 as planned.

I move that the JRWA Board approve the settlement agreement dated March 31, 2017 to resolve the Authority's eminent domain proceedings against Point of Fork Farm L.P. in the amount of \$225,000 and that the JRWA Board approve the settlement agreement dated March 31, 2017 to resolve the Authority's eminent domain proceedings against G. Rodney Bialkowski, Sr. Trust in the amount of \$100,000 plus the G. Rodney Bialkowski, Sr. Trust's share of the mediation costs.

ADJOURNMENT

BY ORDER OF:

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

DRAFT