

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB, 109 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
September 17, 2019
2:00 P.M.**

Present: D. D. Watson (Chairman – arrived late), Mark Dunning (Vice Chairman), Eric Dahl, Troy Wade and Christian Goodwin

Absent: (none)

Others Present: Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Greg Krysiniaik (Faulconer Construction); Justin Curtis (Aqualaw)

CALL TO ORDER

Vice-Chairman Dunning called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 2:00p.m., and led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Wade, seconded by Mr. Goodwin, which carried by a vote of 5-0, the agenda was adopted.

ITEMS FROM THE PUBLIC

- Mr. Angelo Lomascalo of Louisa voiced concerns regarding the project and process.
- Mr. Paul Grady of Crozet voiced concerns regarding the project and process.

APPROVAL OF MINUTES OF PRECEDING MEETING

(none)

FINANCIAL REPORT

Mr. Dahl reviewed the bill for consideration. On the motion of Mr. Wade, seconded by Mr. Chesser, which passed by a vote of 5-0, the payment was approved.

DISCUSSION/INFORMATION ITEMS

(none)

ACTION ITEMS

Award of contract for Cultural Resources and Archeological Consultant Services

The Board tabled this item pending further consideration in closed session.

CONSENT AGENDA

(none)

CLOSED SESSION

On the motion of Mr. Dahl, seconded by Mr. Wade, which carried by a vote of 5-0, the Board voted to enter Closed Session at 2:10p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711(A)(29) for consideration of the potential award of a contract for cultural resources and archeological consultant services.
2. In accordance with §2.2-3711(A)(8) and (A)(7) of the Code of Virginia, for the purpose of consulting with legal counsel regarding threatened litigation and the terms and conditions of the Memorandum of Understanding and Treatment Plan pertaining to the issuance of the Corps of Engineers permit.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Wade, seconded by Mr. Dunning, which carried by a vote of 6-0, the Board voted to return to regular session at 3:02 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

By roll 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.

<u>NAME</u>	<u>VOTE</u>
Joe Chesser	Yes/Aye
Mark Dunning	Yes/Aye
D.D. Watson	Yes/Aye
Troy Wade	Yes/Aye
Christian R. Goodwin	Yes/Aye
Eric Dahl	Yes/Aye

OTHER BUSINESS

Award of contract for Cultural Resources and Archeological Consultant Services

On the motion of Mr. Dahl, seconded by Mr. Wade, which passed by a vote of 6-0, the Board approved the award of a contract for cultural resources and archeological consultant services to GAI Consultants, Inc.

Letter to the Virginia Department of Historic Resources

Mr. Justin Curtis of Aqualaw provided a brief review of recent letters from: the Virginia Department of Historic Resources (DHR) which, due to the project archeologist's alleged lack of qualification, denied the burial permit issuance under the current application and required the JRWA to obtain consulting party approval in order to move forward; and the U.S. Army Corps of Engineers (COE), which, primarily as a result of the DHR letter, required that the JRWA move forward under an Individual Permit application rather than a Nationwide Permit application. Mr. Curtis stated the archeologist had served as the principal archeologist on hundreds of related studies and permits over the past several decades, and had been deemed qualified by DHR in the past. He discussed other issues in the DHR letter, including the requirement for landowner permission which the JRWA has already obtained by virtue of the easements it holds. Mr. Curtis went on to state that DHR failed in its own process by not notifying JRWA of the potential denial and not giving the Authority an opportunity to respond. Mr. Curtis presented a draft letter to DHR which lays out the JRWA's challenge to the DHR findings. On the motion of Mr. Wade, seconded by Mr. Chesser, which passed by a vote of 6-0, the Board voted to send the signed letter to DHR.

ADJOURNMENT

On the motion of Mr. Wade, seconded by Mr. Chesser, which carried by a vote of 6-0, the Board voted to adjourn the meeting at 3:15 p.m.

BY ORDER OF:

D.D. WATSON, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY