

**James River Water Authority  
Board of Directors Meeting  
181 Clubhouse Way  
Zion Crossroads, Virginia  
November 13, 2019  
9:00 A.M.**

**The public is invited and encouraged to attend.**

***Regular Meeting of the James River Water Authority Board of Directors***

- I. Call to Order**
- II. Adoption of Agenda**
- III. Items from the Public**
- IV. Approval of Minutes of Preceding Meeting**
  - a. October 9, 2019 – Regular Meeting
- V. Financial Report**
  - a. Bills Approval
    - i. AquaLaw
    - ii. Hefty-Wiley
- VI. Discussion/Information Items**
  - a. Information – COE Permit Update
- VII. Action Items**
- VIII. Consent Agenda**
- IX. Closed Meeting**
- X. Adjournment**

***The James River Water Authority Board of Directors reserves the right to amend and/or change the Agenda the day of the meeting.***

**BY ORDER OF:  
D.D. WATSON, CHAIRMAN  
BOARD OF DIRECTORS  
JAMES RIVER WATER AUTHORITY**

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS  
SPRING CREEK SPORTS CLUB, 109 CLUBHOUSE WAY  
ZION CROSSROADS, VIRGINIA**

**October 9, 2019  
9:00 A.M.**

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**Present:** D. D. Watson (Chairman), Mark Dunning (Vice Chairman), Eric Dahl, and Christian Goodwin

**Absent:** Joe Chesser (Treasurer) and Troy Wade

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

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**CALL TO ORDER**

Chairman Watson called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 9:02a.m., and led the Board in the Pledge of Allegiance.

**ADOPTION OF AGENDA**

On the motion of Mr. Dahl, seconded by Mr. Dunning, which carried by a vote of 4-0, the agenda was adopted.

**ITEMS FROM THE PUBLIC**

(none)

**APPROVAL OF MINUTES OF PRECEDING MEETING**

On the motion of Mr. Dunning, seconded by Mr. Dahl, which carried by a vote of 4-0, the Board approved the minutes of the September 3<sup>rd</sup> and September 17th, 2019 meetings.

**FINANCIAL REPORT**

Mr. Dahl reviewed the bills for consideration, including one in the Board's packet and a bill from Timmons for \$14,530.72. The Aqualaw bill in the packet was reduced due to a prior payment to \$4,766.80. He stated that the payments would leave a balance of \$413,511.05 available for future obligations. On the motion of Mr. Goodwin, seconded by Mr. Dunning, which passed by a vote of 4-0, the payments and report were approved.

**DISCUSSION/INFORMATION ITEMS**

**Information – COE Permit Update**

The Board agreed to consider this item in closed session.

## **ACTION ITEMS**

### **Change of Regular Meeting Date, Location and Time**

Mr. Goodwin briefed the Board on changes to the bylaws necessary given the Board's desire to amend its regular meeting date, location and time to the second Wednesday of each month at 9:00a.m at the Spring Creek Sports Club. On the motion of Mr. Dahl, seconded by Mr. Goodwin, the Board approved the meeting change and bylaws amendment by a vote of 4-0.

## **CONSENT AGENDA**

(none)

## **CLOSED SESSION**

On the motion of Mr. Dahl, seconded by Mr. Goodwin, which carried by a vote of 4-0, the Board voted to enter Closed Session at 9:09a.m. for the purpose of discussing the following:

1. 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 permit from the Corps of Engineers and the Department of Historic Resources.

## **RESUMPTION OF REGULAR SESSION**

On the motion of Mr. Goodwin, seconded by Mr. Dahl, which carried by a vote of 4-0, the Board voted to return to regular session at 10:00 a.m.

## **RESOLUTION - CERTIFICATION OF CLOSED SESSION**

By roll call, which carried by a vote of 4-0, 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	(absent)
Mark Dunning	Yes/Aye
D.D. Watson	Yes/Aye
Troy Wade	(absent)
Christian R. Goodwin	Yes/Aye
Eric Dahl	Yes/Aye

### **OTHER BUSINESS**

(none)

### **ADJOURNMENT**

On the motion of Mr. Goodwin, seconded by Mr. Dahl, which carried by a vote of 4-0, the Board voted to adjourn the meeting at 10:00 p.m.

BY ORDER OF:

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

# AQUALAW

CHRISTOPHER D. POMEROY  
CHRIS@AQUALAW.COM

PH: 804.716.9021  
Fx: 804.716.9022

October 11, 2019

Mr. Eric Dahl  
Administrator  
Fluvanna County  
P.O. Box 540  
Palmyra, VA 22963



**Re: James River Water Authority**

Dear Eric:

Enclosed is our invoice for services rendered during September. Please let me know if you have any questions.

Best regards,

A handwritten signature in blue ink that reads "Christopher D. Pomeroy".

Christopher D. Pomeroy

Enclosure

cc: Brendan Hefty, Esq.



October 11, 2019

James River Water Authority  
P.O. Box 540  
Palmyra, VA 22963

Attention: Eric Dahl  
RE: General

Our File #: 0293-001  
Inv #: 11973

DATE	WORK PERFORMED	HOURS	AMOUNT	LAWYER
Sep-03-19	Attend and present at JRWA Board meeting	3.00	1,185.00	JWC
Sep-05-19	Review and comment on draft response to public inquiry	0.50	197.50	JWC
Sep-09-19	Sketch out response to DHR burial permit denial letter; teleconference with E. Dahl and C. Goodwin re the same; follow up on assertions in the letter	2.50	987.50	JWC
Sep-10-19	Multiple teleconferences with members of the team re letter from Corps; review and summarize regulations applicable to the same; continue review of assertions in DHR letter	1.70	671.50	JWC
Sep-12-19	Teleconference with E. Dahl and C. Goodwin re response to DHR and Corps letters; relay same to rest of team; begin drafting letter response to DHR	2.40	948.00	JWC
Sep-13-19	Complete draft letter to DHR and circulate same to team for review; make multiple revisions to letter in response to feedback from the team	5.90	2,330.50	JWC
Sep-14-19	Incorporate team comments and finalize draft letter to DHR; draft and circulate FOIA request to DHR	0.90	355.50	JWC
Sep-16-19	Finalize letter and FOIA request and circulate same to team; submit FOIA request to DHR	0.80	316.00	JWC
Sep-17-19	Prepare for and attend JRWA Board meeting; transmit burial permit letter to DHR; teleconference with DHR staff re FOIA request; teleconference with J. Hines re next steps; draft outside messaging points and send same to J. Hines	3.50	1,382.50	JWC
Sep-18-19	Teleconference with J. Hines re outside communications; teleconference with C. Tyrer counsel re coordination	0.90	355.50	JWC
Sep-20-19	Draft response to letter demanding revision to Treatment Plan; teleconference with J. Hines re next steps; review and comment on draft Board meeting minutes; review and revise draft FAQ document	3.50	1,382.50	JWC

Sep-23-19	Respond to email from E. Tidlow re planning next steps; coordinate gathering information for GAI review with J. Hines	0.40	158.00	JWC
Sep-24-19	Review and revise updated FAQ document; send same to J. Hines and G. Krystyniak for review	0.20	79.00	JWC
Sep-25-19	Teleconference with B. Hefty re project status; correspond with DHR staff re FOIA request and send summary of the same to the team; correspond with J. Hines re providing relevant documents to GAI; review letter from DHR and circulate summary of the same and next steps to team	0.80	316.00	JWC
Sep-26-19	Teleconference with J. Hines re burial permit application; teleconference with various agency staff re permit application and next steps	1.30	513.50	JWC
Sep-30-19	Prepare for and participate in media interview; send additional information to E. Tidlow; teleconference with agency staff re permit application; circulate detailed email to team on project status and next steps	3.70	1,461.50	JWC

**Subtotal****32.00    \$12,640.00****DISBURSEMENTS**

Sep-30-19	9/9 Teleconference		13.43	
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**Subtotal****\$13.43****TOTAL AMOUNT THIS PERIOD****\$12,653.43**

Previous Balance

\$13,781.80

Previous Payments

\$0.00

**BALANCE DUE NOW****\$26,435.23****Payment Remit Address: AquaLaw PLC, 6 South 5th Street, Richmond, Virginia 23219****Thank you for choosing AQUALAW PLC. (Tax ID No. 45-0484029)****Please call (804) 716-9021 ext. 224 with invoice questions.****Payment is appreciated within 30 days.**

# HEFTY WILEY & GORE, P.C.

100 West Franklin Street, Suite 300 • Richmond, VA 23220

**BILL TO**

James River Water Authority  
ATTN: Steven M. Nichols  
P.O. Box 540  
132 Main Street  
Palmyra, VA 22963

**INVOICE # 10156****DATE 10/25/2019**

DATE	DESCRIPTION	QTY	RATE	AMOUNT
10/25/2019	Agreed monthly fee for serving as legal counsel to JRWA board for October, November, December 2019	3	2,500.00	7,500.00

**BALANCE DUE****\$7,500.00**



### INITIAL COST ESTIMATE AND SCHEDULE (October 14, 2019)

Task	Estimated Hours	Estimated Cost	Schedule Estimates
Review of past correspondence and other documents (excluding reports)	E08 (Tidlow) – 40 hours E06 (Glenn) – 40 hours	E08 - \$7,000 E06 - \$5,120	Completed in October
Organization of files received from JRWA	EO4 <sup>1</sup> – 8 hours E06 (Glenn) – 4 hours	E04 - \$800 E06 - \$512	Completed in October
Develop comment matrix to track comments on past and future cultural resources submittals	EO4 – 12 hours E06 (Glenn) – 12 hours	E04 - \$1,200 E06 - \$1,536	Completed in first half of November for current documents and letters; updates will be needed so schedule and budget will change in the future
Meeting preparation, travel (where requested), participation plus travel costs for October USACE and VDHR meetings, preparation of meeting minutes	E08 (Tidlow) – 64 hours E06 (Glenn) – 24 hours	E08 - \$11,200 E06 - \$3,072 Expenses - \$4,000	Schedule is through the October 24, 2019, VDHR meeting; additional meetings will be required so schedule and budget will change in the future
Assistance with Individual Permit materials related to cultural resources	E08 (Tidlow) – 4 hours E06 (Glenn) – 16 hours EO4 – 8 hours	E08 - \$700 E06 - \$2,048 EO4 - \$800	Schedule is based on assumption that this work will be completed in fall 2019
Begin revisions of Treatment Plan <sup>2</sup> – will involve more detailed review of Phase I and II reports	E06 (Glenn) – 120 hours	E06 - \$15,360	Scope and schedule for this will change after October 24, 2019, VDHR meeting and following USACE determination of adequacy of current reports
<b>TOTAL PRELIMINARY BUDGET</b>		<b>\$53,348</b>	

<sup>1</sup>GAI staff level to be assigned to task

<sup>2</sup>This task can be started now but should not be completed until USACE determines adequacy of the fieldwork and reporting already completed and the VDHR has reviewed and accepted the current Phase II report. The meeting with VDHR should also provide some guidance as to how the treatment plan should be revised.