

WEST VIRGINIA WATER DEVELOPMENT BOARD MINUTES

The West Virginia Water Development Board met at 10:00 a.m. on Friday, October 9, 2020 at the Water Development Authority's ("WDA") office in Charleston, West Virginia. Notice of the teleconference meeting was posted on the Secretary of State's online meeting notice database. The notice referenced that the call-in information and agenda would be posted on the WDA website. Tina Parker recorded the minutes of the meeting. After the Roll Call, the Chair declared a quorum. Due to COVID-19, the meeting was held by conference call.

BOARD ATTENDEES:

Ann V. Urling, Chair as designee for Honorable Governor Jim Justice, via conference call
Mike Jones, Member, via conference call
John Miller, Member, via conference call
Gary Sutphin, Member, via conference call
Michael Duplaga, Member, via conference call
Stephanie Hickerson, as designee for the Commissioner of the Bureau of Public Health, via conference call
Kathy Emery, as designee for the Secretary for the Department of Environmental Protection, via conference call

OTHER ATTENDEES:

Marie Prezioso, Executive Director, WDA
Samme Gee, Esq., Jackson Kelly PLLC, Counsel to the Board, via conference call
John Stump, Steptoe & Johnson, via conference call
Sheila Miller, WDA
Tina Parker, WDA
Sheena Chadwell, WDA
Wayne Morgan, IJDC
Rob Adams, Brown Edwards & Company LLP, via conference call
Anthony Carpenter, Brown Edwards & Company LLP, via conference call

APPROVAL OF MINUTES

The minutes for the meeting held on Thursday, August 27, 2020 were presented for approval.

MOTION: Moved by Mr. Gary Sutphin; Seconded by Mr. Mike Duplaga; Passed unanimously.

RESOLVED, That the minutes of the board meeting held on August 27, 2020, are approved.

AUDIT COMMITTEE REPORT

Mrs. Sheila Miller reported that the Audit Committee met, accepted, and approved the Fiscal Year 2020 audits for the Water Development Authority, the Infrastructure and Jobs Development Council and Drinking Water Treatment Revolving Fund. Mr. Rob Adams and Mr. Anthony Carpenter summarized all three audits.

MOTION: Moved by Mr. John Miller; Seconded by Ms. Kathy Emery; Passed unanimously.

RESOLVED, That the Fiscal Year 2020 West Virginia Water Development Authority Audit be accepted and approved.

MOTION: Moved by Ms. Emery; Seconded by Mr. Sutphin; Passed unanimously.

RESOLVED, That the Fiscal Year 2020 West Virginia Infrastructure and Jobs Development Council Audit be accepted and approved.

MOTION: Moved by Mr. Duplaga; Seconded by Mr. Sutphin; Passed unanimously.

RESOLVED, That the Fiscal Year 2020 West Virginia Drinking Water Treatment Revolving Fund Audit be accepted and approved.

FINANCIAL REPORT

Request from City of Charles Town for authorization to sell property. Mr. John Stump summarized the request for the Board. Ms. Samme Gee also added comments. All written information received on behalf of the City is attached to the minutes.

MOTION: Moved by Mr. Duplaga; Seconded by Mr. Mike Jones; Passed unanimously.

RESOLVED, That the Board authorize the City of Charles Town to sell five (5) parcels of land be approved.

TECHNOLOGY

Ms. Marie Prezioso reported that staff is drafting a Request for Proposals for the contract currently held by CDM. This will be for managing the Dashboard and addition programing needed as the result of legislation passed this year. In addition, the contract for Citynet is expiring this year and will need to be bid. The staff is also talking to the State's Office of Technology as a possible option.

The most pressing need is to replace the servers and software that expired or will be expiring shortly. Ms. Prezioso reported that this is estimated to cost around \$87,000.

MOTION: Moved by Mr. Jones; Seconded by Ms. Emery; Passed unanimously.

RESOLVED, That the Board authorizes the Executive Director to purchase replacement servers, required licenses and software updates, be approved.

EXECUTIVE DIRECTOR'S REPORT

Ms. Prezioso reported that some staff continues to work part time in the office and part time at home. Staff continues to monitor debt service delinquencies. There was no update on the Wellford/ Corotoman lawsuit. She also reported that Sheila Miller, CFO, will be retiring in December.

UNFINISHED BUSINESS

There was none

NEW BUSINESS

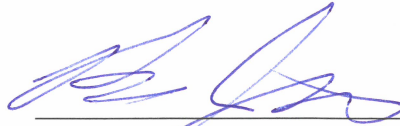
That there will possibly be a Board meeting in early December.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

MOTION: Moved by Mr. Miller; Seconded by Mr. Sutphin; Passed unanimously.

RESOLVED, That the Board meeting be adjourned at 10:23a.m.



Brock Jarrett, Secretary

Minutes approved:

2/5/21 (Date)

Attachments:

- FY 2020 WV Water Development Authority Audit
- FY 2020 WV Infrastructure and Jobs Development Council Audit
- FY 2020 WV Drinking Water Treatment Revolving Fund Audit
- Request from City of Charles Town



Chase Tower, 17th Floor
P.O. Box 1588
Charleston, WV 25326-1588
(304) 353-8000 (304) 353-8180 Fax
www.steptoeh-johnson.com

Writer's Contact Information
304.353.8196 - Telephone
304.353.8181 - Facsimile
john.stump@steptoeh-johnson.com

October 2, 2020

Via Electronic Mail

Members of the Board of the
West Virginia Water Development Authority
c/o Ms. Marie Prezioso, Executive Director
1009 Bullitt Street
Charleston, West Virginia 25301

Re: City of Charles Town – Request for Authorization to Sell Certain Assets of the
Combined Waterworks and Sewerage System

Dear Members of the Board and Ms. Prezioso:

StepToe & Johnson PLLC is bond counsel to the City of Charles Town (the "City"). The purpose of this correspondence is to request the consent of the West Virginia Water Development Authority (the "WDA") for the City to sell certain assets of the City's combined waterworks and sewerage system (collectively, the "System").

The various bond ordinances of the City enacted for the issuance of the City's combined waterworks and sewerage system revenue bonds held by the WDA contain specific requirements for the sale of assets of the System. The most restrictive of such requirements is the consent of the holder of the Bonds must be obtained prior to the sale of assets of the System in any fiscal year the value of which exceeds, in aggregate, \$50,000. The aggregate value of the assets which the City proposes to sell are estimated to be in excess of \$50,000, as discussed below.

The City proposes to transfer a total of five (5) parcels of real property, four (4) of which will be sold at public auction. Attached hereto is an assessment of the value of those four parcels by an auctioneer retained by the City. Please note that "Parcel #1" is, in reality, two parcels in the Tusawilla Hills Subdivision which are adjacent and will be sold as one parcel. As demonstrated, the aggregate value of all four (4) parcels exceeds the \$50,000 threshold.

The fifth parcel is located in the West Ridge Hills Subdivision. The deed for this property has a right of first refusal which provides that the property shall be transferred back to the Westridge Hills Owners Association, Inc. for the sum of \$1,000.00 in the event that the Jefferson County Public Service District, to which the City is successor, receives an offer to sell the same. The Owners Association wishes to purchase the parcel; thus, it will not be publicly bid.

The City is in the process of obtaining a certificate of a professional engineer stating the above discussed five parcels of real estate are no longer necessary for the operation of the System. A copy of the form of the certificate is included herewith.

Members of the Board of the
West Virginia Water Development Authority
October 2, 2020
Page 2

Finally, the City requests the consent of the WDA to the allocation of the proceeds from the sale of each of the parcels of real estate to the portion of the System (water or sewer) from which revenues were utilized to purchase the parcel. Further, the City requests that the WDA consent to the use of such allocated funds to purchase additions, betterments and improvements for such portion of the System.

I will attend the Board meeting on October 9th, by phone, to answer any questions the Board may have.

My best regards,

Very truly yours,



John C. Stump

Attachments

CITY OF CHARLES TOWN

CERTIFICATE OF ENGINEER FOR SALE OF REAL PROPERTY

On this ____ day of October 2020, I, _____, Registered Professional Engineer, West Virginia License No. _____, of _____, _____, hereby certify as follows:

1. My firm is Consulting Engineer for the City of Charles Town and the Charles Town Utility Board (collectively, the "City") with respect to the City's potable water treatment, storage and distribution system (the "Water System") and sanitary sewerage collection and treatment system (the "Sewer System" and, collectively with the Water System, the "System").

2. We have been advised that the City desires to sell or transfer five pieces of real property, as described on EXHIBIT A – REAL PROPERTY, attached hereto and incorporated herein by reference (collectively, the "Real Property").

3. To the best of our knowledge, information and belief, the Real Property is not useful, necessary, usable or profitable for the operation of the System

WITNESS my signature and seal as of the date first written above.

[_____]

[SEAL]

_____, P.E.
West Virginia License No. _____

EXHIBIT A – REAL PROPERTY

West Ridge Hills Subdivision

A parcel of real estate situated in Harpers Ferry District, Jefferson County, West Virginia, more particularly described as follows: Lot Number 38. Section G, Westridge Hills, as referenced on a plat of Section G of Westridge Hills recorded in the aforesaid County Clerk's Office in Plat Book 1, Page 211, together with a right-of-way in common with others for all usual purposes over all lands, roads, drives and recreation areas shown on the plat.

AND BEING that same parcel of real estate conveyed to the Grantor by Westridge Hill Owners Association, Inc. dated July 2, 2012, of record in the aforesaid County Clerk's Office in Deed Book 1111, Page 664.

Patrick Henry Estates

All that certain parcel of real estate and the appurtenances thereunto belonging, situate about two (2) miles northeast of Charles Town, in the Charles Town District of Jefferson County, West Virginia, and located on the north side of the public road leading from Charles Town to Harpers Ferry known as U.S. Route 340, containing approximately three (3) acres, and being more particularly designated and described in accordance with a survey and plat thereof made by Oliver Cump & Associates, Inc. dated February 23, 1976, entitled "Outsale Lot for Shendo Limited Partnership" and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 403 at Page 328. TOGETHER WITH a nonexclusive easement over all of the streets and roads of Patrick Henry Subdivision as well as the existing un-platted right of way for access to and from this parcel.

Tuscawilla Hills Subdivision

Parcel 1 as the same is more particularly designated and described on a plate dated November 15, 1978, made by A. G. Hooper, Jr. entitled "Parcel 1 Shenandoah Development Corporation to Albert G. and Barbara H. Hooper, Jr.", the plat being attached to a deed from Shenandoah Development Corporation to A. G. Hooper, Jr. and Barbara H. Hooper, dated November 21, 1978, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 450, at Page 141.

Parcel 2 as the same is more particularly designated and described on a plat dated November 15, 1978, made by A. G. Hooper, Jr. entitled "Parcels 1 and 2 Shenandoah Development Corporation to Albert G. and Barbara Hooper, Jr.", that plat being attached to a deed from Shenandoah Development Corporation to A. G. Hooper, Jr. and Barbara H. Hooper, dated November 21, 1978 and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 450, at Page 141.

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Orchard Hills Subdivision

WITNESSETH that for and in consideration of the sum of \$4,000.00, cash in hand paid, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, with general warranty of title, in fee simple, all that certain lot or parcel of land located in the Charles Town Magisterial District of Jefferson County, West Virginia, just north of the Town of Ranson, and being all of Lot B-16 in the Orchard Hills Subdivision, as said lot is bounded and described in a plat of said subdivision made by C. R. Atherton dated September 30, 1968 and recorded in the Office of the Clerk of the County Court of Jefferson County, West Virginia, in Plat Book 1 at page 37, as revised by three plats, the first by C. R. Atherton, C.E., dated May 18, 1971 and recorded in said Clerk's Office in Plat Book 1 at page 189, and the second by A. G Hooper, Jr., dated May 28, 1971, and recorded in said Clerk's Office in Plat Book 1 at page 193 and the third by John S. Kusner S.J.C., dated March 23, 1972, and recorded in said Clerk's Office in Plat Book 2 at page 301.

AND BEING a part of the same real estate conveyed to the said Grantor by Darwin M. Henesy, divorced, by deed dated April 30, 1968 and recorded in said Clerk'S Office in Deed Book 295 at page 20.

NIBERT REALTY & AUCTIONS, LLC
Densil L. Nibert, Broker/Auctioneer
100 South Mildred Street, Ranson, WV 25438
304-876-2418 nibertrealty@frontiernet.net

September 17, 2020

Kristen M, Stolipher
Assistant Utility Manager
Charles Town Utility Board
661 S. George St., Suite 101
Charles Town, WV 25414

Dear Kristen:

This is in regards to our discussion about the 3 properties City of Charles Town may be interested in selling at auction.

You had requested I research these properties and determine my personal estimate of value. The following are those properties and my estimate of value:

PARCEL #1 – 492 Tusawilla Dr (Tusawilla Hills Subdivision) Charles Town, WV
DESCRIPTION - 0.43 Acres – Parcel ID #19-02-0118-0105-000 – Class Type – C
Commercial

ESTIMATED VALUE - \$225,000 - \$250,000

NOTE – the tax records are showing a Parcel 2 on this stated property as: 0.060acres – Ridge Dr
Parcel ID # 19-02-011B0111-0000 – Residential BUT further investigation is needed since I could not locate another structure on this parcel when I went there.

PARCEL #2 – 0 Grimes Lane (Orchard Hills Subdivision) Ranson, WV
DESCRIPTION - 0.23 acres – Parcel ID #02-7A0005400000000
ESTIMATED VALUE - \$20,000 - \$25,000

PARCEL #3 – Off Country Club Rd. – (Patrick Henry Estates), Ranson, WV
DESCRIPTION – 3 acres – Parcel # 02-800-2900030000
ESTIMATE VALYE - \$30,000 - \$35,000

If you would decide to proceed with selling these properties at auction, my fee would be 2% and the city be responsible for paying all advertising.

Thank you for contacting me, I look forward to working with you in the future.

Sincerely,
Densil L. Nibert



Chase Tower, 17th Floor
P.O. Box 1588
Charleston, WV 25326-1588
(304) 353-8000 (304) 353-8180 Fax
www.stepToe-johnson.com

Writer's Contact Information
304.353.8196 - Telephone
304.353.8181 - Facsimile
john.stump@stepToe-johnson.com

October 8, 2020

Via Electronic Mail

Members of the Board of the
West Virginia Water Development Authority
c/o Ms. Marie Prezioso, Executive Director
1009 Bullitt Street
Charleston, West Virginia 25301

Re: City of Charles Town – Request for Authorization to Sell Certain Assets of the
Combined Waterworks and Sewerage System

Dear Members of the Board and Ms. Prezioso:

The purpose of this letter is to supplement my letter of October 2nd requesting the consent of the West Virginia Water Development Authority (the “WDA”) for the City of Charles Town (the “City”) to sell certain assets of the City’s combined waterworks and sewerage system (collectively, the “System”).

Attached hereto is a certificate of Rummel, Klepper & Kahl, LLP certifying that the parcels of real property for which the City has requested the consent of the WDA to sell are not “useful, necessary, usable or profitable for the operation of the System. The certificate is executed by John Cole, a Professional Engineer licensed in West Virginia.

I will attend the Board meeting on October 9th, by phone, to answer any questions the Board may have.

My best regards,

Very truly yours,

John C. Stump

Attachment

CITY OF CHARLES TOWN

CERTIFICATE OF ENGINEER FOR SALE OF REAL PROPERTY

On this 6th day of October 2020, I, John W. Cole, Registered Professional Engineer, West Virginia License No. 17949, of Rummel, Klepper & Kahl, LLP hereby certify as follows:

1. My firm is Consulting Engineer for the City of Charles Town and the Charles Town Utility Board (collectively, the "City") with respect to the City's potable water treatment, storage and distribution system (the "Water System") and sanitary sewerage collection and treatment system (the "Sewer System" and, collectively with the Water System, the "System").

2. We have been advised that the City desires to sell or transfer five pieces of real property, as described on EXHIBIT A – REAL PROPERTY, attached hereto and incorporated herein by reference (collectively, the "Real Property").

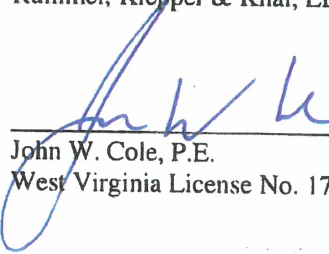
3. To the best of our knowledge, information and belief, the Real Property is not useful, necessary, usable or profitable for the operation of the System

WITNESS my signature and seal as of the date first written above.

[SEAL]



Rummel, Klepper & Kahl, LLP



John W. Cole, P.E.
West Virginia License No. 17949

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