

AT A MEETING OF THE MIDDLESEX WATER AUTHORITY HELD
ELECTRONICALLY ON WEDNESDAY, FEBRUARY 17, 2021:

Present: Greg Chambers, Chair
Janet Riggs, Vice Chair
James Michael Reed, Treasurer
Lud Kimbrough
Carlton S. Revere, Secretary

Matt Walker, Executive Director
Betty Muncy, Staff Secretary
Heather Lewis, Authority Attorney

EMERGENCY PROVISIONS

Mrs. Riggs read the Emergency Provisions which clarified the provisions of how the Middlesex Water Authority will conduct business and how the public can participate by Electronic Means, pursuant to the Board of Supervisors' Emergency Ordinance adopted on May 5, 2020 and extended on November 4, 2020.

A quorum was established by roll call vote with all five members acknowledging their presence at the meeting; Mr. Reed was present by audio only.

CALL TO ORDER

Due to Mr. Chambers' recent surgery, Mrs. Riggs chaired the meeting. Mrs. Riggs called the meeting to order at 6:03 p.m. This was a special meeting of the Middlesex Water Authority called to address easements.

PUBLIC COMMENT

Mrs. Riggs opened the meeting for public comment. Claiborne Irby, representing the Stove Point Improvement Association, thanked the Authority for their work to get the water project this far; the residents are excited. Mr. Irby wished to go on record of concerns expressed by the Association several years ago with the initial plans regarding fire protection for the Stove Point area. Since that time there have been multiple conversations with Nitant Desai representing Bowman Consulting, the design firm, Mr. Walker and David Layman, the Middlesex County Emergency Services Coordinator, expressing the same concerns about fire protection. The Association has been told by Mr. Desai that the initial plans have not changed. Mr. Walker and Mr. Layman, after further consult with Jimmy Walden, chief of the Lower Middlesex Volunteer Fire Department, have said that every home on Stove Point will have equal fire protection with the current positions of hydrants. These conversations have not been recorded and Mr. Irby wished the Association's concerns and response to be part of the permanent record.

There being no further comments, the public comment period was closed.

MINUTES

Minutes from the meeting of January 20, 2021, were considered. The motion to accept the minutes as presented was made by Mr. Chambers, seconded by Mr. Reed, and carried unanimously by roll call vote with all five members present and all five voting by stating, “yes”.

FINANCIAL

The motion to approve checks written since the last meeting, numbers 3015-3024, totaling \$64,393.50, was made by Mr. Revere, seconded by Mr. Kimbrough and carried unanimously by roll call vote, with all five members present and voting by stating, “aye”. It was noted that payments to be made to contractors are pending USDA approval and would be included in the expense report for approval at the March 17 meeting.

Action on Budget Supplement FY 2021-05 was tabled until the March 17 meeting.

EASEMENTS

Authorization for Approval:

Mrs. Lewis requested the Authority approve the list of easements included in their packets with the addition of the permanent and temporary easements for Tax Map 40-387A and any others received between February 17 and March 17, 2021, and that the chair or vice chair be authorized to sign. Mrs. Lewis further explained that because of timing and deadlines involving condemnation procedures, the recording of any easements received now is critical and cannot wait for full Authority review. Any that are out of the ordinary will be brought to the Authority’s attention.

The motion to approve the following easements and to authorize the signing of these and any others received prior to March 17 by the chair or vice chair was made by Mr. Revere, seconded by Mr. Reed, and carried unanimously by a roll call vote, with all five members present and voting by stating, “aye”:

Tax Map Numbers	
	44-2-14
P	27-154
P	27-154A
P	40-389
P	40-389F
	41-3-1A
P	40-290
P	40-389C

Authorization to Sign Pleadings to Invalidate Certain Certificates of Take:

Mrs. Lewis commented that some easements have been received since the Certificates of Take were issued. The Certificates allowed the contractor to have access to the project for construction while moving through the condemnation process. Once the easement is received, a pleading must be entered with the courts to invalidate the Certificate of Take.

The motion to authorize the chair or vice chair to sign pleadings to invalidate Certificates of Take when easements have been received was made by Mr. Revere, seconded by Mr. Chambers, and carried unanimously by a roll call vote of all five members, with all five members stating, “aye”.

Condemnation Pleadings and Authorizations:

Mrs. Lewis explained that once a Certificate of Take has been filed, the Authority has a certain period of time before it has to begin the condemnation process. The first step is to order appraisals from Bowman Consulting, at a cost of \$3,000.00 per appraisal. The current count of easements needed is 27 roads and 50 known property owners. Mrs. Lewis noted that she would not be ordering all appraisals at one time but would be ordering condemnation of those that are the most unresponsive, adding that there are some easement requests where there has been no response at all from the last known owner. All methods of delivery and receipt are being used, given the unreliability of regular mail service.

The motion to begin ordering appraisals and begin the filing of condemnation pleadings based on recommendations by Mrs. Lewis was made by Mr. Chambers, seconded by Mr. Revere, and carried unanimously by a roll call vote of all five members, with all five members stating, “aye”.

Additional publicity may be helpful in getting some remaining easements. Mr. Chambers also thanked Mrs. Lewis for the tremendous effort it has taken to continue to attempt contact and negotiate for easements. Mrs. Lewis indicated she has not given up on trying to acquire the easements, but unfortunately time is running out before the next step must be taken.

AUTHORITY COMMENTS

Mr. Revere, regarding Mr. Irby’s comments earlier, noted that the plans show the hydrant locations for Stove Point. Mr. Chambers noted that people driving the water line route see that hydrants are being installed already along Route 33 and may wonder where they are for other locations. In some of these locations, the pipe is being installed in a dug trench, which allows the hydrants to be installed at the same time. The Stove Point portion of waterline is being installed by directionally drilling. Once the line is completed the contractor will go back and install the hydrants and

meters. Mr. Revere added that he knows the fire chiefs and David Layman worked on the layout of hydrants, which is generally every 1000', but there are exceptions, and it should be verified that there are hydrants shown on the plans for Stove Point at the appropriate locations. Mr. Kimbrough added that it is his understanding that Chief Walden and others have reviewed the plan and have all indicated that it meets the fire protection needs from one end of Stove Point to the other.

PUBLIC COMMENT

Ellen Eggerton asked if easements are required from everyone that is a subscriber or just from those where hydrants are being placed, as she had not received a request. Mrs. Lewis responded that easements are required for hydrant placement and on properties where the waterline is within private property and when the VDOT right of way is too narrow to allow all construction activities to take place within the right of way. Staff will contact Mrs. Eggerton to advise if an easement was needed.

ADJOURN

There being no further business, the motion to adjourn until the regular meeting scheduled for March 17, 2021, at 6:00 p.m., unless a special meeting is called, was made by motion of Mr. Revere, seconded by Mr. Chambers, and carried unanimously by roll call vote with all five members present and voting by stating "aye".

Janet Riggs, Vice Chair