

RWSA BOARD OF DIRECTORS
Minutes of Regular Meeting
March 24, 2003

A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was held on Monday, March 24, 2003, at 2:00 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board members present: Mr. William Brent, Mr. Michael Gaffney – Presiding, Mrs. Judith Mueller, Mr. Gary O’Connell and Mr. Robert Tucker.

Authority staff present: Mr. Lawrence Tropea, Mr. Lonnie Wood, Mr. Richard Defibaugh, Mr. Norman Wescoat, Mr. Chuck Kent and Mrs. Mary Knowles.

Also present: Ms. Lee Randall – serving as legal counsel for RWSA in Mr. Kurt Krueger’s absence, Mr. David Hirschman – Albemarle County Water Resources Manager, members of the public and media representatives.

1.0 Call To Order

The regular meeting of the RWSA Board of Directors was called to order by Mr. Michael Gaffney on Monday, March 24, 2003 at 2:00 p.m., and a quorum was present.

Mr. Gaffney welcomed the Board members and members of the public who were in attendance at the meeting. He also introduced Ms. Lee Randall, an attorney with McGuireWoods, who would be serving as legal counsel for RWSA today in the absence of Mr. Krueger.

Mr. Gaffney reported that since the last Board meeting, two public meetings were held on the proposed FY 2004 RWSA/RSWA budgets. He stated that he was pleased to see the Chamber of Commerce, the Blue Ridge Home Builders, the Charlottesville Area Association of Realtors, other area businessmen, along with citizens and community organizations, in attendance at these meetings to provide input during the budget process. He also encouraged the public to submit their views on the proposed budgets to the designated Rivanna website.

Mr. Gaffney then announced that the RWSA Board of Directors would be holding a budget work session at 5:00 p.m. on Monday, March 31, 2003 at Rivanna and that the session would be open to the public.

2.0 Minutes Of Previous Board Meeting

In regards to the minutes from the regular Board meeting held on February 24, 2003, Mr. Brent requested that a statement indicating that, at the February 24, 2003 meeting, he asked the Executive Director to schedule a Board budget work session in early March be

RWSA Board Minutes

2.0 Minutes Of Previous Board Meeting Cont.

March 24, 2003

incorporated into the minutes of the budget discussion on page 6. Upon a motion by Mrs. Mueller, and seconded by Mr. Tucker, the Board of Directors voted to approve the minutes of the regular Board meeting held on February 24, 2003 as amended by Mr. Brent. By a 5 – 0 vote, the minutes were approved as amended.

3.0 Executive Director's Report

Mr. Tropea reported on the following items:

GROUNDWATER/RESERVOIR LEVELS/WATER CONSUMPTION

Mr. Tropea stated that during April, moisture absorbed by growing vegetation adversely affects groundwater levels, so any rainfall received prior to April 1 would be the most beneficial to our area groundwater.

Mr. Tropea reported that all the reservoirs are currently full and overflowing.

Mr. Tropea stated that the variation in the area's water consumption figures in the last 30 to 45 days have been difficult to evaluate. He commented that the average water demand last week was at 8.67 MGD, as compared to the 9 plus MGD average water demand recorded during one week in February. Mr. Tropea stressed the importance of the community continuing its water conservation ethic to help meet water demand during the upcoming spring and summer activities.

WASTEWATER OPERATIONS

Mr. Tropea reported that the recent heavy rainfall caused an overflow at the Moores Creek wastewater treatment facility of about 10.4 MGD of wastewater. He stated that RWSA also experienced overflows in the interceptor sewer systems leading to the plant as a result of the precipitation. Mr. Tropea said that RWSA would be submitting a report to DEQ tomorrow on those reportable overflow events.

OLIN WATERSHED CONFERENCE

Mr. Tropea stated that he had the opportunity to speak at the Olin Watershed Conference that was held at the University of Virginia Law School on March 20. He further stated that his topic was "Lessons Learned During The Drought." He added that during his presentation he emphasized that our community has a terrific water supply plan, and he complemented the water conservation efforts by our citizens and businesses.

RWSA Board Minutes

3.0 Executive Director's Report Cont.

March 24, 2003

RWSA BOARD BUDGET WORK SESSION

Mr. Tropea reported that an RWSA Board work session has been scheduled for March 31, 2003 to discuss the proposed RWSA FY 2004 budget. He stated that a Board work session would also be held sometime in April on the proposed RWSA FY 2004 budget. Mr. Tropea apologized for not being able to schedule the budget work session in early March. He added that despite RWSA staff best efforts, it was not possible to find a date in early March when

all the Board members would be available due to their commitments to other important meetings and activities.

COMMUNITY WATER SUPPLY PLAN IMPLEMENTATION

- **Mechums River Pump Station**

Mr. Tropea stated that the engineering effort should be completed within 30 days. He further stated that RWSA is in the process of scheduling a meeting with the Division of Game and Inland Fisheries ("DGIF") to discuss two outstanding issues in the permit. He added that the long lead items needed to complete this project are on a 12-16 week schedule, with the longest lead item being the pumps once funding is authorized by the Board. Mr. Tropea commented that RWSA's first priority is to put the plant into operation as soon as possible. He further stated that with the 16-week delivery schedule, he felt it would be five to six months after funds are made available before the pump station could become operational.

- **Maintenance Dredging of the South Fork Rivanna Reservoir**

Mr. Tropea stated that RWSA has determined that the hydraulic dredging method, first advocated by the Corps of Engineers, is now the best dredging technique to employ. He further stated that Mr. Chuck Kent and O'Brien & Gere Engineers, Inc., are in the process of developing a plan to implement this dredging operation. He added that the main technical challenge involves determining the most efficient way to handle sediment/solids disposal. Mr. Tropea reported that a local engineer would be hired to design the on-site solids management facilities. He also stated that RWSA is still working to schedule a meeting with the Corps and the RWSA engineering team at the Panorama Farm site to investigate possible locations and options for the solids handling facilities. Mr. Tropea commented that RWSA has concurrently had positive discussions with the State Dam Safety Office. He added that RWSA has provided Mr. Brent with comments concerning the draft Albemarle County Service Authority Dredging Agreement that had been proposed to RWSA and the City in January.

RWSA Board Minutes

3.0 Executive Director's Report Cont.

March 24, 2003

- **Wetlands Assessment Work at the South Fork Rivanna Reservoir**

Mr. Tropea reported that RWSA has retained an expert firm to do the wetlands delineation work around the reservoir. This project will allow us to assess the existing wetlands community and determine how much of that community would be impacted by the expansion of the South Fork Rivanna reservoir. He further stated that a wetlands mitigation strategy would then be developed in order to mitigate all wetlands impacts. He added that the wetlands delineation study is near completion, and within the next two weeks, the analyses on the wetlands impact should be available. Mr. Tropea stated that RWSA would be requesting a meeting with the DEQ and the Corps to seek their assistance on critical decision points concerning the wetlands mitigation plan.

- **Cultural Resources Survey**

Mr. Tropea stated that the survey work along the South Fork Rivanna reservoir had gotten slowed due to the weather, but that it is now underway.

- **Aerial Photography of the South Fork Rivanna Reservoir**

Mr. Tropea commented that the aerial photography and the plot of the new reservoir footprint has been completed and can be made available to any Board member upon request. He stated that individual parcels could also be printed and made available to those expressing an interest in specific parcels.

Mr. Tropea stated that RWSA would like to offer a meeting with the landowners on the reservoir in the near future to discuss the issues and potential impact to their property.

MEADOW CREEK INTERCEPTOR STUDY

Mr. Tropea stated that in last year's budget, the Board approved a study of the Meadow Creek Interceptor, a sewer line which would be receiving increased flow due to future development. He reported that a contract has been awarded, inspections of the line have been completed and flow meters would be installed this week. Mr. Tropea then described what the study entailed, which included the study of the Meadow Creek, Schenks Branch and the Albemarle-Berkley interceptors. He added that the study would not cover the City and Albemarle County Service Authority contributing sewers, nor the Rivanna, Moores Creek, Woodbrook or Powell Creek interceptors.

RWSA Board Minutes

3.0 Executive Director's Report Cont.

March 24, 2003

RAGGED MOUNTAIN DAM REHABILITATION PROJECT

Mr. Tropea reported that RWSA has received the consultant's report on this project, and RWSA has a meeting scheduled with the consultant for later this week. He stated that the dam has a conditional use permit from the State Dam Safety Office due to an assessment conducted several years ago which raised questions concerning the spillway capacity and the general stability of the dam itself. He commented that the consultants found some excellent photographs in the University of Virginia archives that documented the construction of the dam, which have proven very valuable in their assessment of the dam system. Mr. Tropea added that the consultant's have recommended that a controlled breach be done on the upstream dam and that RWSA invest in upgrading the downstream dam. He also stated that all the options recommended by the consultants were above the \$2 million previously estimated by RWSA for rehabilitating the dam. Mr. Tropea further stated that RWSA had planned to include this project in the proposed FY 2004 bond issue that the Board has before it in the budget proposal.

Mr. Brent inquired if the engineers had any concerns with RWSA being able to continually withdraw water for treatment during the maintenance dredging of the South Fork Rivanna reservoir. Mr. Tropea stated that RWSA was very confident that it had the treatment capabilities to produce high quality safe drinking water during the dredging process.

Mrs. Mueller requested that Mr. Tropea furnish her written notes on his verbal report to the Board today. She also asked that the Board be given timelines and a complete schedule for each of the projects. Mr. O'Connell also suggested that more details concerning action taken on the various projects be included for further clarification. Mr. Tropea stated that the information would be provided to the Board in the future.

Mr. Tucker inquired if RWSA had also considered the impact of raising the South Fork Rivanna reservoir eight feet in addition to the four-foot bladder expansion. Mr. Tropea stated that RWSA has not done the plot on the eight-foot expansion, but he felt that an eight-foot expansion would have a greater impact on the flatter upland areas of the reservoir. Mr. Tucker also stated that RWSA would be wise to consider raising the South Fork Rivanna reservoir by eight feet depending on what will need to be done to the Ivy Creek bridge.

Mr. O'Connell suggested that during the meeting with property owners, discussions should also include the impact from implementing the eight-foot expansion option.

4.0 Items From The Public

There were no items from the public.

RWSA Board Minutes Cont.

March 24, 2003

5.0 Consent Agenda

Mr. Gaffney requested that Item 5f) be pulled as Mr. John Murphy, Program Manager of StreamWATCH, was in attendance to present his proposal to the Board. He asked if there were any other items that the Board members would like to pull for questions or further

discussion from the Consent Agenda. The Board requested that the following Consent Agenda items be pulled for further discussion: Mr. Brent - Items 5a) and 5e); Mrs. Mueller – Item 5c; Mr. O’Connell – Item 5b).

- 5a) Staff Report on Finance
- 5b) Staff Report on Operations
- 5c) Staff Report on Ongoing Projects
- 5d) Environmental and Safety Manager’s Report
- 5e) Staff Report on Ragged Mountain Dam Rehabilitation
- 5f) StreamWATCH Proposal

In regards to Item 5f), StreamWATCH Proposal, Mr. Gaffney asked Mr. John Murphy, to come forward at this time and present his proposal to the Board.

Mr. Murphy explained that StreamWATCH is a community-based ecological monitoring program. He stated that its goal is to help the community use the water resource wisely and protect the system’s ecological integrity. He further stated that the organization’s approach is to collect and consolidate data and information, and promulgate it to the community. Mr. Murphy added that data collection during the first year typically includes benthic macroinvertebrate sampling, stream walks, turbidity and sediment monitoring. He commented that the most important component of the program is the benthic macroinvertebrate monitoring, which is a technique by which the health of the stream is gauged by sampling the organisms that live at the stream bottom.

Mr. Murphy described how the project evolved from the community-driven Rivanna River Basin Roundtable. He stated that in the Roundtable’s “State of the Basin Report,” it was recommended that the community develop an ongoing stream-monitoring program. Mr. Murphy then detailed his subsequent involvement in the project and his design of an ongoing monitoring program. He further stated that program endorsements have been received from the Rivanna Conservation Society, the Thomas Jefferson Planning District Commission, The Nature Conservancy and the Thomas Jefferson Soil and Water Conservation District. He added that these endorsements enabled StreamWATCH to secure enough grant monies to operate the project for one year.

Mr. Murphy reported that the next partner to be hopefully brought into the program will be Albemarle County and that StreamWATCH plans to assist them with monitoring priority streams in their development areas. He stated that since RWSA has throughout its history, and perhaps now more than ever, strived to manage the resource in an environmentally

RWSA Board Minutes
5.0 Consent Agenda Cont.
March 24, 2003

responsible way, Mr. Murphy felt it was appropriate that RWSA be brought in as a partner at the same time as Albemarle County. He further stated that he felt RWSA’s involvement with StreamWATCH would strengthen the partnership and enable the program to secure additional grant monies in the future. He then requested that if the Board approved StreamWATCH’s partnership proposal, that the program be allowed to place RWSA’s logo

and name on outreach pamphlets and on the side bar of their letterhead.

Mr. Murphy concluded by stating that he hoped the program became a community institution that would foster a continuing dialog concerning water consumption and water quality. He commented that he felt the "Water Summit" that Mr. Tropea is organizing was an important component of that dialog.

In response to questions from Mrs. Mueller, Mr. Murphy stated that the source of all their funding has come from grants in the amount of \$24,000. He also stated that the organization does plan to request funding from RWSA sometime in the future, but he clarified that RWSA funding was not a requirement for partnership in the program.

Mr. Gaffney inquired if any of the project work involved groundwater. Mr. Murphy replied that groundwater is not part of their program at this time, but he added that the issue is open for future consideration.

In response to questions from the Board concerning sampling sites, Mr. Murphy explained that StreamWATCH would be conducting urban sampling three times per year at 32 sites located in both the City and the County.

Upon a motion by Mr. O'Connell, and seconded by Mr. Tucker, the Board of Directors voted to authorize RWSA to become a StreamWATCH partner and to allow the program to place RWSA's logo and name on their outreach pamphlets and on the side bar of their letterhead. By a 5 – 0 vote, the motion was approved.

In regards to Item 5a), Staff Report on Finance, Mr. Brent stated that it was his understanding that the only expense associated with the Environmental Management System was in RWSA staff time. He asked for a breakdown of the fees and the total amount RWSA expected to pay for participating in the program. Mr. Wood responded that RWSA has already paid the consulting fees for this fiscal year in the amount of \$15,000. He added that consulting fees for the next fiscal year also amounted to \$15,000, for a program total of \$30,000. Mr. Brent also inquired as to the source of these funds, stating that an appropriation is needed. Mr. Wood stated that no funds were specifically budgeted for this Board approved project under wastewater, but he added that the wastewater budget was showing adequate funds for this payment. He also stated that it was his understanding that RWSA's participation in the program, along with these consulting fees, was formally

RWSA Board Minutes

5.0 Consent Agenda Cont.

March 24, 2003

approved by the Board. Mr. O'Connell asked what types of services were provided to RWSA for the \$15,000. Mrs. Mueller stated that the Parks Division in the City of Charlottesville would also be participating in this program. She further stated that based on her initial contacts with the consultants and the project coordinator from EPA, she felt that the high quality, professional, technical assistance that is being offered would far exceed the small cost of the program. Mrs. Mueller added that she strongly supported the City and RWSA's participation in the Environmental Management System project. Mr. Tropea stated

that he agreed with everything Mrs. Mueller had just said.

Mr. Tropea then asked the Board for clarification concerning Board approval on items not specifically listed in the budget for which there are funds available to cover the expenses. Mr. Tucker stated that if a budget is included in RWSA proposals that are approved by the Board, then an appropriation by the Board would not be needed. Mrs. Mueller suggested placing appropriations on the Consent Agenda, and Board members could then pull the items when they have additional questions.

Mrs. Mueller asked what services were provided to RWSA for the \$27,000 in legal expenses related to the drought plan. Mr. Wood responded that most of the expense was for drought management and legal advice from the Troutman & Sanders law firm. Mrs. Mueller inquired if the \$48,000 listed under legal fees also related to the drought. Mr. Wood responded that it concerned a personnel matter. Mr. O'Connell requested that RWSA prepare a chart which breaks down all legal expenses over a twelve-month period to assist the Board during the budget process.

In regards to Item 5b), Staff Report on Operations, Mr. O'Connell asked Mr. Tropea to compare the current water storage levels and water consumption rates versus last year's figures. Mr. Tropea stated that last year at this time, the reservoirs were at about 84 or 85 percent and today they are at 100 percent. He further stated that in 2002, the average water consumption rate was about 9.31 MGD. He added that the average water consumption rate for March 2003 to the present is 8.90 MGD. Mr. Tropea pointed out that rainfall amounts for March 2002 are almost equal to the numbers for March 2003. In response to a question from Mrs. Mueller, Mr. Tropea stated that, as of today, the rainfall amount for March 2003 measures at 3.4 inches. He commented that although several factors could alter the situation, the numbers reflect that the community water supply is on a positive course as we head toward the summer as compared to last year at this time.

Mr. O'Connell asked if the City and the Albemarle County Service Authority had any water conservation campaigns planned in the near future. Mrs. Mueller stated that a joint publicity group has been meeting on this subject. Mr. Brent added that the group plans to begin advertising on April 1.

RWSA Board Minutes
5.0 Consent Agenda Cont.
March 24, 2003

In regards to Item 5c, Staff Report on Ongoing Projects, Mrs. Mueller asked if correspondence between McGuireWoods and C2i, as it relates to the SCADA project, had been discussed with the Board. Mr. Tropea stated that, other than being included in Board reports and emails, he did not believe that the issue had been discussed at a Board meeting. He added that the situation could be discussed right now, although it was a legal matter and the full ramifications may need to be addressed privately. Mrs. Mueller requested that she be updated on the status of this dispute at the appropriate time.

Mr. O'Connell inquired if the SCADA project had been completed. Mr. Kent stated that

RWSA staff would be completing two minor items left undone by the contractor. Mr. O'Connell then asked if the dispute concerned the issues of compensation and installation delays beyond the contractual completion date. Mr. Kent replied in the affirmative.

In regards to Agenda Item 5e), Staff Report on Ragged Mountain Dam Rehabilitation, Mrs. Mueller inquired if there was a timeline for this project. Mr. Tropea stated that the approved contract directed Gannett Fleming to study the options and make a recommendation. He further stated that RWSA would be selecting an option and then, when new funding is approved, RWSA would commission Gannett Fleming to move forward with engineering design, procurement and construction. Mrs. Mueller then inquired as to when RWSA planned to make that decision. Mr. Tropea replied that RWSA could not proceed much further with the project at this time since it had not been authorized by the Board, and there is no funding available. He added that a decision on the option would probably not be made for at least 30 days.

Mrs. Mueller pointed out that in the engineer's report it states that all recommended alternatives indicated that the normal pool elevation in the Lower Dam could be raised 3.2 feet. She asked how 3.2 feet relates to additional MGD. Mr. Kent stated that it adds 0.3 MGD to the safe yield, which is about 100 million gallons.

Mr. Brent inquired as to whether the upper or the lower dam was the older dam. Mr. Kent stated that the upper dam was the first one built in the 1980's. Mr. Brent then inquired if the upper dam was the one that would be breached. Mr. Kent replied in the affirmative. Mr. Brent stated that he remembered that the dam was given some historical status 15 to 20 years ago, and he expressed concern that the historical issue could cause a delay in the implementation of the project. Mr. Kent responded that we have not been able to obtain confirmation of any historical designation. Mr. Tucker suggested that RWSA contact Ms. Margaret Maliszewski at the Albemarle County Planning and Community Development Department for assistance in this matter.

RWSA Board Minutes

5.0 Consent Agenda Cont.

March 24, 2003

Upon a motion by Mr. Brent, and seconded by Mrs. Mueller, the Board of Directors voted to approve Items 5a), b), c), d), e), and f) of the Consent Agenda. By a vote of 5 - 0, the Consent Agenda was approved.

6.0 Other Business

In regards to Item 6a1), Approved Minutes of January 15, 2003 Citizens Advisory Committee Meeting, Mrs. Mueller questioned why the Board had not yet received the February 2003 draft minutes. Mr. Tropea responded that they were not ready. Mrs. Mueller then moved, which was seconded by Mr. O'Connell, that the approved minutes of the January 25, 2003 Citizens Advisory Committee meeting be accepted by the Board. By a

5 – 0 vote, the minutes were accepted.

7.0 Other Items From Board/Staff Not On Agenda

Mr. O’Connell distributed material on several Environmental Education Centers he had researched which are located around the country for the Board’s review. He then discussed his vision of the role Rivanna could possibly serve for the community in the environmental stewardship area. He stated that he would be making a formal proposal at the budget work session concerning a “placeholder” in the RWSA FY 2004 budget to at least explore the feasibility of an Environmental Education Center. Mr. O’Connell further stated that he has received positive feedback from preliminary discussions he has held with community leaders on the subject, and he felt there were many organizations in the area that would like to join in supporting such a project. Mr. O’Connell added that he felt this would be an opportunity for RWSA and our community, and he asked that the Board consider his request during the budget process. He also stated that he would be sending a written proposal to the Board this week

8.0 Meeting Recess

Mr. Brent moved, which was seconded by Mr. Tucker, that the Rivanna Water & Sewer Authority Board of Directors meeting be recessed at this time and be reconvened after the conclusion of the Rivanna Solid Waste Authority Board of Directors meeting, at which time they would enter into a joint closed meeting with the Rivanna Solid Waste Authority Board of Directors to discuss a personnel matter. The meeting was recessed at 3:07 p.m.

9.0 Resumption of Open Meeting

The RWSA Board of Directors meeting was reconvened at 3:34 p.m.

**RWSA Board Meeting Cont.
March 24, 2003**

10.0 Joint Closed Meeting

Upon a motion by Mr. O’Connell, and seconded by Mr. Tucker, the Rivanna Water & Sewer Board of Directors voted to enter into a joint closed meeting with the Rivanna Solid Waste Authority Board of Directors for matters permitted under Section 2.1-344 (A) (1) of the Code of Virginia to discuss personnel matters. By a 5 – 0 vote, the motion was approved.

ATTENDEES: Mr. Brent, Mr. Gaffney, Mrs. Mueller, Mr. O’Connell, Mr. Tucker, Mr. Graham, (RWSA Board of Directors), Ms. Randall, and Mr. Tropea (part of the meeting).

11.0 Resumption of Open Meeting

The Rivanna Water & Sewer Authority Board of Directors meeting reconvened at 5:32 p.m.

Mr. Tucker made the following motion, which was seconded by Mr. Brent:

“WHEREAS, the Rivanna Water & Sewer Authority Board of Directors and the Rivanna Solid Waste Authority Board of Directors have convened a joint closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Rivanna Water & Sewer Authority Board of Directors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IS RESOLVED that the Rivanna Water & Sewer Authority hereby certifies 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 were heard, discussed or considered by the Rivanna Water & Sewer Authority Board of Directors.”

There being no further discussion, Mr. Gaffney, Chairman, called for a roll call vote: Mr. Brent – Aye, Mrs. Mueller – Aye, Mr. O’Connell – Aye, Mr. Tucker – Aye, and Mr. Gaffney – Aye.

RWSA Board Minutes Cont.
March 24, 2003

12.0 Adjournment

Upon a motion by Mrs. Mueller, and seconded by Mr. Tucker, the meeting was adjourned at 5:33 p.m.

Respectfully submitted,

Mr. Robert Tucker
Secretary - Treasurer