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**Bedford Regional Water Authority – Board of Directors  
Regular Board Meeting – Minutes  
February 16, 2021**

A regular meeting of the Board of Directors of the Bedford Regional Water Authority (“Bedford Water”) was held on Tuesday, February 16, 2021, in the Board Meeting Room in Bedford Water’s Annex building located at 1723 Falling Creek Road in Bedford County.

Members Present:..... Bob Flynn, Chair  
Michael Moldenhauer, Vice Chair (Virtual from Home)  
Jay Gray  
Rusty Mansel  
Kevin Mele  
Thomas Segroves  
Walter Siehien (Virtual from Blue Ridge Optics)

Members Absent: ..... None

Staff & Counsel Present: . Brian Key – Executive Director  
Nathan Carroll – Assistant Executive Director (Virtual)  
Rhonda English – Director of Engineering (Virtual)  
Jill Underwood – Director of Finance (Virtual)  
Megan Pittman – Director of Administration (Virtual)

**1. Call to Order**

The meeting was called to order by the Chair at approximately 7:00 pm. The Pledge of Allegiance and a moment of silence were conducted.

**2. Review of Agenda**

The following agenda was reviewed as shown, ***with revisions shown in bold italics.***

1. Call to Order
  - a. Pledge of Allegiance
  - b. Moment of Silence
2. Review of Agenda
3. Public Comments
4. Approval of Minutes: January 19, 2021 – Regular Board Meeting
5. Financial Report: Presented by Jill Underwood
  - a. Financial Statements through month end January 2021
  - b. Budget Schedule
6. Operations Report: Presented by Nathan Carroll
  - a. Work Order Summary
7. Administration Report: Presented by Megan Pittman
  - a. Public Relations Information
8. Engineering Report: Presented by Rhonda English
  - a. Projects Summary
  - b. *Resolution 2021-02.01 Route 122 Waterline Relocation – Acquisition of Easements***
9. Executive Director’s Report: Presented by Brian Key
  - a. Electronic Attendance

- b. Board Compensation, Expenses, and Email
- 10. Other business not covered on the above agenda
- 11. Motion to Adjourn

### **3. Public Comments**

There were no public comments.

### **4. Approval of Minutes: January 19, 2021 Regular Board Meeting**

The regular Board Meeting Minutes from January 19, 2021, were reviewed.

Member Segroves made a motion to approve the minutes.

Member Gray seconded the motion.

- Board member votes:   7   Aye;   0   Nay;   0   Abstain. The motion carried.

### **5. Financial Report: Presented by Jill Underwood**

#### **a. Financial Statements through month end January 2021**

There are currently 336 residential customers that are past due, totaling \$85,657. There are 11 businesses that are past due totaling \$2,531. Disconnections for non-residential customers began in January.

To compare to December's financials: the amount of payments decreased 1.49%, water revenue decreased 12.54%, and sewer revenue increased 5.84%. In comparison to January 2020, water revenue increased 8.15% and sewer revenue increased 2.87%.

Ms. Underwood reviewed some of the details about the financial reports for the period ending January 2021. The targeted budget goal for January was 58%; operating revenues were 63%, and operating expenditures were 48%.

Capital recovery fees received are 109% of the total budgeted amount, with water at 182% and sewer at 195%. There were 26 new connections, 24 in Forest and two in Moneta in January.

Mr. Moldenhauer proposed adding a new line item to the budget to write-off past due accounts. Mr. Flynn suggested the Projects and Policies Committee create a policy for a potential write-off program for the board to review. Mr. Mansel suggested sending a letter to customers who are past due to inform them about repayment plan options. Mr. Moldenhauer asked for a chart of past due accounts from month to month. Ms. Underwood stated that the Customer Service Summary report be modified to include the past due information on a monthly basis.

Mr. Key also informed the board that the CIP funds allocated for Central Sewer Pump Station #1 are being diverted to rebuild Pump Station #5, which is a higher priority at this time, due to recent flooding and mechanical issues

#### **b. Budget Schedule**

Budget preparations are underway and the first Finance Committee meeting is scheduled for February 25<sup>th</sup>. The budget calendar is included in the packet. A resolution for FY 2022 proposed rates will be included for the March meeting, to meet the advertisement deadline for an April rate hearing, with a June 1<sup>st</sup> implementation.

### **6. Operations Report: Presented by Nathan Carroll**

#### **a. Work Order Summary**

Mr. Carroll stated the work order summary will look different in April as the Authority transitions from SEMS to Cartegraph. Due to a security breach at a water treatment plant in Oldsmar, Florida, Mr. Carroll summarized the security measures the Authority has in place to protect itself against these attacks.

**7. Administration Report: Presented by Megan Pittman**

a. Public Relations Information

Ms. Pittman summarized the articles included in the packet. Ms. Pittman also addressed the Oldsmar cyber breach, explaining the public relations campaign the Authority is undertaking.

**8. Engineering Report: Presented by Rhonda English**

a. Projects Summary

There are several projects have recently closed out and multiple that are heading to construction. The Route 122 waterline relocation is in progress, as the resolution below indicates. Ms. English explained the process of obtaining easements and how eminent domain is a last resort for the Authority.

b. Resolution 2021-02.01 Route 122 Waterline Relocation – Acquisition of Easements

Engineering has been working to secure easements for the emergency waterline replacement on Route 122 near Ratliff Road, where slope failures in the VDOT right-of-way have required the relocation of the Authority's 18" transmission main. The Authority has obtained one of the five easements needed and is working with the two property owners of the remaining four easement parcels. There are existing 10' easements on each property that will be partially or completely vacated upon the receipt of these easements. While requested easement areas have been minimized to what is necessary for installation and maintenance of the waterline, the easement values have been calculated with consideration of the entire area from the back of the proposed easement to the existing right-of-way being affected, removing the value of easements already in place.

To keep the project moving forward while the final negotiations are being exhausted, the Authority needs to proceed with eminent domain for the easements. Hopefully, the easements can be negotiated before the required public hearing; however, due to the lengthy process of easement acquisition and the emergency nature of the project, the Authority is requesting that they be considered for eminent domain.

At a regular meeting of the Bedford Regional Water Authority ("Authority") Board of Directors, held in the Board Meeting Room at the Authority's Administrative Annex Building on the 16<sup>th</sup> of February 2021, beginning at 7:00pm

**WHEREAS**, the Bedford Regional Water Authority (the "Authority"), a public service authority formed and existing in accordance with the provisions of Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended, the Virginia Water and Waste Authorities Act §§ 15.2-5100-15.2-5159 (the "Act"), needs to relocate an 18-inch water transmission main along Moneta Road between Ratliff Road and Placid Lane due to slope failures in the Virginia Department of Transportation ("VDOT") right-of-way and direction from VDOT for relocation to be established outside of their right-of-way in this area of Bedford County, Virginia; and, **WHEREAS**, the Director of Engineering has informed the Board of Directors of the Authority that the relocated water line is needed to provide adequate water supply to the Bedford Central and Forest service areas; and,

**WHEREAS**, the Director of Engineering has informed the Board of Directors of the Authority that the most suitable location for the relocated water line is through the adjacent private properties in Bedford County, Virginia between Placid Lane and Ratliff Road, at a distance away from the right-of-way so as not to interfere with VDOT slope repairs or future potential failures; and,

**WHEREAS**, the Director of Engineering has informed the Board of Directors of the Authority a) that negotiations have not progressed with the owners of the properties listed herein, b) that the easements are needed for the new relocated water line, c) the methodology used in valuing the easements, as attached to this resolution, for purposes of making a good faith offer; and,

**WHEREAS**, the Director of Engineering has informed the Board of Directors of the Authority that the amount of property to be taken is not more than is necessary to achieve the stated public use; and,

**WHEREAS**, the Director of Engineering has determined that the Authority will need to acquire permanent easements and temporary construction easements from the following persons who own property along the proposed route as described above in Bedford County, Virginia, but who do not seem at this time amenable to a voluntary conveyance of the needed easements. The easement areas and easement values also follow; and,

Tax Map Parcel 198 1 1:

Owners: Montgomery M. & Janice G. Stevens;

Easement Area: 10549.25 Square Feet Permanent Water Line Easement Area,  
1636.14 Square Feet Permanent Water Line Easement Area to be vacated;

Easement Value: \$1,046.45

Tax Map Parcel 198 A 52E:

Owners: Gap View Holdings LLC

Easement Area: 3596.70 Square Feet Permanent Water Line Easement Area,  
1193.22 Square Feet Permanent Water Line Easement Area to be vacated;

Easement Value: \$372.23

Tax Map Parcel 198 A 52F:

Owners: Gap View Holdings LLC

Easement Area: 3008.71 Square Feet Permanent Water Line Easement Area,  
1012.09 Square Feet Permanent Water Line Easement Area to be vacated;

Easement Value: \$818.15

Tax Map Parcel 198 A 52G:

Owners: Gap View Holdings LLC

Easement Area: 3030.81 Square Feet Permanent Water Line Easement Area,  
1001.26 Square Feet Permanent Water Line Easement Area to be vacated;

Easement Value: \$1,365.52

**WHEREAS**, in the event that the Authority is unable to acquire the necessary easements through negotiation with the property owners, the Director of Engineering has presented a proposed schedule for public advertisement and a public hearing for the purpose of informing the public of the need to exercise eminent domain to acquire the permanent easement; and,

**WHEREAS**, such public hearing, if necessary, will be scheduled to take place at the offices of the Authority at 7:00 p.m. on March 16, 2021 for the purpose of giving all citizens the opportunity to state their views on the exercising of eminent domain over the subject property for the purpose of acquiring the necessary water system easements; now,

**THEREFORE, BE IT RESOLVED** by the Board of Directors of the Bedford Regional Water Authority that (1) acquisition of the necessary water system easements as recommended are for the public use of a water distribution facility and that no more private property is being taken than that which is necessary to achieve the stated public use, (2) that the calculation of the fair value of the easements is reasonable, (3) that such acquisition is hereby approved, and (4) that the Director of Engineering is hereby authorized and directed to negotiate the specific terms of easement agreements and to execute and deliver the same in consideration of the fair values as computed, or to prepare and send a good faith offer letter and, if no agreement can be reached after negotiating with the owners of the subject properties, to acquire the water system easements through the exercise of eminent domain; and,

**BE IT FURTHER RESOLVED**, that if the Authority is unable to negotiate successfully with the owners of the subject properties to acquire the necessary water system easements, the Board authorizes and directs the Director of Engineering to advertise the acquisition of the necessary easements through the exercise of eminent domain and to make appropriate arrangements, including advertising of a public notice, for the public hearing on March 16<sup>th</sup>, 2021; and,

**BE IT FURTHER RESOLVED**, that the Director of Engineering is authorized to obtain a title report, appraisal, and any other documentation needed to ascertain the values of the permanent easements; and,

**BE IT FURTHER RESOLVED**, that the Director of Engineering is authorized and directed to take such further action as shall seem to be necessary or convenient to obtain the necessary water easements.  
This resolution shall take effect immediately.

Member Gray made a motion to approve this Resolution.

Member Mele made a Second to approve.

- Board Member Votes:   7   Aye   0   Nay   0   Abstain. The motion carried.

**9. Executive Director's Report: Presented by Brian Key**

a. Electronic Attendance

Mr. Key reviewed the Code of Virginia and the Authority's bylaws about electronic meeting attendance. During an Emergency Order, meetings can be done completely virtually. Outside of an Emergency Order, a quorum must be held onsite. The virtual members can vote if they ask permission from the Chair to attend remotely. This can only be done twice a year per member. After this, board members can attend and participate virtually; however, they will not be able to vote. Committee meetings can still be held fully remotely.

b. Board Compensation, Expenses, and Email

Mr. Key explained that the Board of Directors, as employees of the Authority, are eligible for getting COVID vaccines in the Phase1B group.

Included in the packets for the board's review and discussion is a comparison of other area board's compensation, mileage reimbursement, and whether an entity email is provided. The board asked to find out if personal devices were included in FOIA requests. Mr. Flynn also expressed his concern about personnel issues being subject to FOIA over email. Mr. Mele brought up the milage reimbursement for discussion. Mr. Flynn remanded the issue to the Policies and Project Committee for review and to bring a recommendation to the board.

**10. Other Business**

No other business was discussed.

**11. Motion to Adjourn:**

There being no further business to discuss, Member Segroves made a motion to adjourn and Member Mele seconded the motion.

- Board member votes:   7   Aye;   0   Nay;   0   Abstain. The motion carried.

The meeting adjourned at approximately 8:35 pm.