

Stafford County Utilities Commission
Meeting Minutes
May 10, 2011

I. Call to order

Chairman Bill Tignor called to order the regular meeting of the Utilities Commission at the Stafford County Administration Center on May 10, 2011 in the A, B, C Conference Room.

II. Roll call

Cheryl Giles conducted a roll call. The following persons were present: Steven Apicella, Rick Carroll, Lloyd Chittum, Bob Gibbons, Bill Tignor, and Clarence Young. Harry Critzer, Dale Allen, Mike Smith, Deidre Jett and Cheryl Giles were present for the Utilities Department.

III. Public Presentations

Mr. Paul Waldowski of 8 Pickett Lane expressed his concern about the Urban Development Areas and how it relates to public water and sewer and his interest in hearing the report regarding the Stafford Meadows water and sewer system.

IV. Approval of minutes from last meeting

The March 8, 2011 minutes were approved as read.

V. Commission Members' Comments

Mr. Tignor welcomed Mr. Chittum and stated it was good to have him back at the meeting. Mr. Chittum thanked everyone for the cards, phone calls and well wishes that he had received.

Mr. Apicella commented that the County Attorney's office determined that he and Mr. Gibbons could continue to serve as members on both the Commission and the Board of Zoning Appeals.

Mr. Young commented that he hopes the issue can be resolved by the Commission, if the residents are willing to contribute to the cost of having improvements made to the Stafford Meadows water and sewer system.

VI. Director's Report

Harry Critzer reported that in 2006 legislation required all Virginia localities to have a Water Supply Plan (WSP). Stafford County Utilities was one of the first localities to submit a WSP. The WSP was submitted on November 30, 2006. No response was received from the Department of Environmental Quality (DEQ) until the fall of 2008.

At the June 7th Board of Supervisors meeting, staff will ask the Board to authorize a public hearing on July 5th to adopt the WSP.

Mr. Tignor asked if the WSP needs to be reviewed by the Commission. Mr. Critzer responded that it's not an item mandated for the Commission to review. In essence, the WSP states that we will use Rocky Pen Run as a water supply. It also addresses

groundwater, surface water supply and private water usage. Once the Board adopts it, it will need to be revised and updated every five years.

Mr. Gibbons requested the WSP be reviewed by the Commission before going before the Board. Mr. Critzer responded staff would mail the WSP to Commission members prior to the next meeting for their review.

Mr. Apicella asked what the due date was for the regulations to be met for the WSP. Mr. Critzer responded that in 2007 the WSP was due. Utilities submitted the WSP in November 2006 and was one of the first localities to submit a WSP, but DEQ took over a year to review the WSP. Mr. Apicella asked if we should wait to get the UDA guidelines solidified and incorporated into our version. Mr. Critzer responded that a DEQ representative would attend the public hearing and explain that legislation required Utilities to use 2005 data and that the data is not required to be updated before approval.

Mr. Carroll asked if there are requirements to correlate the WSP with surrounding localities. Mr. Critzer responded Utilities has two interconnections with the City of Fredericksburg and we can send and receive water through those connections, but that's all that is required on a regional basis.

Mr. Gibbons asked why the WSP is not incorporated in the Comp Plan. Mr. Critzer explained that the WSP is not a part of the Comp Plan, but a Water Supply Appendix is a part of the Comp Plan and the Utilities Commission will be involved when updating the WSP after it's adopted.

VII. Unfinished Business

1. Stafford Meadows Water and Sewer System

Mr. Critzer provided a background report about the Stafford Meadows water and sewer system. (See memo dated May 5, 2011)

Mr. Gibbons asked if availabilities fees are paid, does Utilities replace the water meter at no charge. Mr. Critzer responded yes, Utilities does replace water meters at no charge for meters owned by the department, but Utilities does not own the meters located at Stafford Meadows. They were put in by the developer. Availability fees do not cover the cost of the meter. The connection charge covers the meter cost.

Mr. Barnes, president of the Stafford Meadows HOA, informed the Commission that a HOA meeting was held April 30, 2011. At that meeting, the HOA decided they would temporarily stop issuing water bills and use HOA dues to pay for the four master meters usage.

Mr. Critzer reiterated that the State Corporation Commission (SCC) stated "the HOA is not regulated by the SCC, and the only prohibition from terminating water service to a property would be something contained in the HOA's covenants."

Mr. Carroll commented the County should not pay for the improvements because of the precedent it would set for other customers with master meters and the legality issues for homeowners who may not want the County to maintain the water and sewer system.

Mr. Barnes stated there are many communities in Virginia that have a shared bill but don't have individual meters. Why does Stafford Meadows have individual meters but no public water service? Mr. Critzer responded the developer made the decision to put the individual meters in and thereby is responsible for the water service.

Mike Smith commented that the only lines that would be replaced are the lines located directly behind the townhouses. The lines that go to the meters and that go through the street and everything that may have leaks was not included in the estimated cost of improvements.

Mr. Apicella commented the homeowners should be responsible for the repair of the infrastructure of the water and sewer system before becoming a part of the County's system. Similar to private roads being brought up to VDOT's standards prior to VDOT assuming responsibility of private roads.

Mr. Gibbons suggested a study be completed by the HOA to find out the total cost for improvements to the water and sewer system and asked how Utilities would handle the information gathered from the study. Mr. Critzer responded the water and sewer system would need to be brought up to Utilities standards before Utilities would consider taking over the system.

Mr. Gibbons also made a comment about setting up a special assessment district to pay for needed improvements.

Staff asked if master meters should be prohibited. Mr. Gibbons commented that the ordinance pertaining to master meters should be reexamined.

Following discussion about the estimated cost to correct deficiencies in the water and sewer infrastructure, Mr. Gibbons made a motion to table the discussion until the Commission hears back from the Stafford Meadows HOA president. The motion was seconded by Steve Apicella and passed unanimously.

2. Pump and Haul Program

Dale Allen reported updates on the following legal questions that were referred to the County Attorney's office:

- If the pump and haul program were eliminated for existing and future customers, would it have an effect on the tax base?
The Commissioner of Revenue office made a judgment that the number of pump and haul customers were too insignificant to have an effect on the tax base.
- Does the county have an obligation to provide pump and haul to existing customers due to the fact they have a signed agreement and approval by the Board?
The County Attorney's office position is that there is no obligation to provide pump and haul services or maintain a subsidized rate structure.
- Does the county have an obligation to provide pump and haul to future customers?

The County Attorney's office position is that there is no obligation to provide pump and haul services for future customers.

Mr. Gibbons inquired about written text implementing changes for providing sewer for areas outside the Urban Service Area. Mr. Critzer responded that he was not aware of any text other than the designation of a Special Sewer Service Area around the "Roses" and Lake Arrowhead area.

Mr. Apicella commented that he spoke with the chairman of the Board of Supervisors regarding the pump and haul program. The chairman informed him that the program is of interest to the Board but is not a topic currently at the forefront that the Board needs to consider.

Mr. Gibbons requested that staff send information discussed at the March meeting about the centralized tank system that Fairfax County uses. Mr. Critzer responded staff would e-mail members the information that was collected regarding the centralized tank system.

VIII. New business

Retiree Health Care Funding

Mr. Apicella informed the Commission that he requested the retiree health care funding be placed on the agenda because he has concerns of how Other Post-Employment Benefits (OPEB) relate to the Utility Fund. He also expressed interest in knowing if other self-funded, county departments are paying into the retiree health care fund.

Deidre Jett presented a report about OPEBs and highlighted information about pensions and OPEBs, contributions and funding, and how OPEB affects our bond rating.

Following the presentation, discussion ensued.

Mr. Carroll requested an update on the Rocky Pen Run Reservoir project. Mr. Allen responded that the dam design documents, which include the reservoir pump station, all borrow areas, reservoir clearing and everything associated with the dam, will be submitted to the Planning Department for review. The dam construction is expected to bid out in late summer. The drawings for the water treatment plant are due soon and are expected to bid out next month.

IX. Adjournment

Mr. Tignor adjourned the meeting at 8:35pm.

Minutes submitted by:

Bill Tignor,
Acting Recording Secretary