

ORANGE WATER AND SEWER AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

JANUARY 14, 2010

The Board of Directors of the Orange Water and Sewer Authority (OWASA) met in regular session on Thursday, January 14, 2010, at 7:00 P.M. in OWASA's Community Room.

Directors present: Randy Kabrick, P.E., Chair; Braxton Foushee, Secretary; Fred Battle; Michael A. (Mac) Clarke; Joyce C. Preslar; and William R. Stott. Directors absent: Gordon Merklein, Vice Chair and Alan Rimer, P.E.

OWASA staff: Ed Kerwin; John Greene, Mason Crum; Stephen Winters; Eric Barnhardt; Jan Bryant-Berry; Stuart Carson; Ed Holland; Patrick Davis; Greg Feller; Andrea Orbich; Kevin Ray; and Robert Epting, Esq., Epting and Hackney.

Others present: Meg Holton, Water, Wastewater, and Stormwater Manager, UNC; Joellen Barnhardt; and Craig Benedict, Orange County property owner.

There being a quorum present, Chair Randy Kabrick called the meeting to order.

MOTIONS ACTED UPON

1. William Stott made a motion to approve the Minutes of the December 10, 2009 Board meeting; the motion was seconded by Mac Clarke and carried by unanimous vote.

2. BE IT RESOLVED THAT the Orange Water and Sewer Authority adopt the resolution titled "Resolution Awarding a Construction Contract for the University Lake Pump Station Improvements Project." (Resolution so titled attached hereto and made a part of these minutes. Motion by Mac Clarke; seconded by William Stott and carried by unanimous vote.)

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ITEM ONE: ANNOUNCEMENTS

CONFLICT OF INTEREST

Randy Kabrick said any Board member who knows of a conflict of interest or potential conflict of interest with respect to any item on the agenda tonight is asked to disclose the same at this time. There were none.

FINANCE COMMITTEE MEETING

Mac Clarke said the Finance Committee met prior to the Board meeting to discuss the Quarterly Financial report, issues pertaining to the draft Capital Improvements Plan, and

recommendations to amend OWASA's Policy for Adjustment of Customer Accounts for Emergency Situations Involving Loss of Metered Water. The Board may discuss the proposed policy changes at the Board's January 28, 2010 meeting.

CARRBORO BOARD OF ALDERMEN MEETING

William Stott said he attended the Carrboro Board of Aldermen's meeting on Tuesday, January 12, 2010, to hear a possible discussion of OWASA's draft Long-Range Water Supply Plan Update. The Board of Aldermen briefly discussed the item but will discuss it at length in their January 19, 2010 meeting, which Mr. Stott will attend.

MR. W. EVERETT BILLINGSLEY

Ed Kerwin said Mr. W. Everett Billingsley, OWASA's first Executive Director, passed away on December 21, 2009.

ITEM TWO: PETITIONS AND REQUESTS FROM THE PUBLIC, BOARD AND STAFF

Randy Kabrick asked for petitions and requests from the public, Board and staff; there were none.

ITEM THREE: SEMI-ANNUAL CONTRACTOR AND CONSULTANT PERFORMANCE REPORT

The Board received this report as an information item.

ITEM FOUR: QUARTERLY REPORT ON ATTENDANCE AT BOARD OF DIRECTORS' MEETINGS

The Board received this report as an information item.

ITEM FIVE: MINUTES

William Stott made a motion to approve the Minutes of the December 10, 2009 Board meeting; the motion was seconded by Mac Clarke and carried by unanimous vote. Please see Motion No. 1 above.

ITEM SIX: UPDATE ON OWASA'S FOREST STEWARDSHIP EFFORTS AND STAFF REQUEST TO INITIATE ACTIVE FOREST MANAGEMENT ACTIVITIES AT OWASA'S BUCKHORN GAME LAND TRACT

Patrick Davis provided an update on the status of efforts to develop a sustainable forest stewardship plan for OWASA's forest lands and he outlined staff's recommendations for active forestry management on OWASA's 500-acre Cane Creek Mitigation property north of the Cane Creek Reservoir. Mr. Davis then introduced David Halley of True North Forest Management

Services, OWASA's forestry consultant, who then gave a presentation on draft plan for the Mitigation tract. Mr. Halley provided an overview of the present forest condition of the property. He summarized the key recommendations, including possible access points, proposed schedule for stand harvesting and thinning, reforestation strategies, need for controlled burns, and timber sales arrangements and monitoring.

Randy Kabrick called on Craig Benedict, an Orange County resident who lives adjacent to the Cane Creek Mitigation tract, at 3337 Country Pine Lane, to provide his comments.

Mr. Benedict said he understands the benefit of this plan and wanted to share additional ideas and comments on the plan. Mr. Benedict's comments included, but were not limited to: more and larger buffers should be provided, including buffers along adjacent properties; tree thinning should not be too extensive; soil perviousness should be protected in order to maintain soil productivity; and debris should be removed or not be unsightly.

Mr. Benedict also said he hopes the Board takes the time to consider comments received at the planned community meeting before the Board approves the implementation plan and bids are taken for the timber harvesting.

Mr. Benedict said he would provide his written comments to OWASA.

William Stott asked Mr. Benedict what was a good number of trees per acre.

Mr. Benedict said that there are a lot of different standards and that Orange County standards would allow more thinning than this plans suggests. He likes the 100 to 150 trees per acre target that the draft plan proposes for at least one area of the tract.

Braxton Foushee said that due to the large size of this tract, he believes a secondary access is necessary.

Mr. Benedict said that there is only one legal access off of Martin Road. He owns the land at the easternmost point where it touches Buckhorn Road, and that would likely have to be the location of a second access road entrance to the tract.

Recognizing that Mr. Benedict is the Planning Director for Orange County, Mason Crum requested that he explain the County's role in regulating forestry activities on OWASA's land.

Mr. Benedict said that Orange County has no role in what OWASA decides to do with this tract.

Mr. Kabrick said that he liked all of Mr. Benedict's comments, especially the information on public outreach prior to bid, and on the need for erosion control. He is hopeful that we have the same standard of care so as to not impact water quality.

Mac Clarke said he supports proceeding with staff recommendations.

Mr. Stott said that he supports the recommendations as well as more specificity in the plan that Mr. Benedict suggested as well as replanting native trees.

Mr. Kabrick said that if the Board concurs, staff will take Mr. Benedict's suggestions into consideration, have our consultant make revisions to the plan where appropriate, and then present the plan to the public for input. Staff and consultant will consider and address other comments from the public as the final plan is prepared. The Board will then review the final recommended plan prior to any contracts being awarded for timber harvesting on the tract.

Mr. Kerwin said he understands that if and when the Board concurs with staff's recommendations to proceed, staff is authorized to go out for bid on the timber harvesting and Board approval of the bid and contract will not be required. .

Joy Preslar said that the public needs to be aware of the forestry process so as not to confuse it with another project.

The Board concurred with staff proceeding with public information and outreach. After receiving the benefit of the public's comments, staff will bring a final plan back to the Board with a resolution to approve the plan and active forestry management of the Cane Creek Mitigation tract.

ITEM SEVEN: RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR THE UNIVERSITY LAKE PUMP STATION IMPROVEMENTS PROJECT

Mac Clarke requested staff reference the Capital Improvements Program number in the agenda documentation for the Board's information as well as staff's estimate of the cost for the project.

Braxton Foushee noted his disappointment in the one percent of minority participation for this contract.

Mac Clarke made a motion to approve the resolution; the motion was seconded by William Stott and carried by unanimous vote. Please see Motion No. 2 above.

ITEM EIGHT: FINAL RECOMMENDATIONS FOR OWASA'S LONG-RANGE WATER SUPPLY PLAN UPDATE REPORT

Ed Holland reviewed proposed changes to the Water Supply Plan Update report as recommended by the Natural Resources and Technical Systems (NRTS) Committee and noted that, with the Board's concurrence, a Final Report would be provided for adoption at the Board's January 28, 2010 meeting.

Board members discussed the Carrboro Board of Aldermen's opposition to the recommendation that OWASA purchase water, if available from neighboring utilities, before

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declaring a Water Supply Shortage in the future, but agreed to retain that recommendation and authorized staff to present a Final Report for adoption at the January 28<sup>th</sup> meeting.

The meeting was adjourned at 8:24 P.M.

Enclosure

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT  
FOR THE  
UNIVERSITY LAKE PUMP STATION IMPROVEMENTS PROJECT**

**WHEREAS**, there is a need for the University Lake Pump Station Project; and

**WHEREAS**, plans and specifications for the construction of this project have been prepared by McKim & Creed; and

**WHEREAS**, economic stimulus “green” funding for this project was applied for under the American Recovery and Reinvestment Act of 2009 (ARRA) on September 11, 2009; and

**WHEREAS**, a formal Board resolution awarding a construction contract is one of the conditions required by the ARRA in order to be eligible to receive applied for economic stimulus “green” funding for this project; and

**WHEREAS**, the initial advertisement for bids was published on the OWASA website on November 13, 2009, and two bids were received on December 14, 2009; and

**WHEREAS**, on June 11, 2009 the Board approved a resolution authorizing funds for Capital Improvement Projects, including funds for this project;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Orange Water and Sewer Authority Board of Directors awards the construction contract to Crowder Construction Company, the low bidder for the University Lake Pump Station Improvements Project, in accordance with the approved plans and specifications, in the amount of \$224,000 for the base bid, subject to such change orders as may apply.

2. That the Executive Director be, and hereby is, authorized to execute said contract, subject to prior approval of legal counsel, and to approve and execute change orders and such documents as may be required in connection with the construction contract.

3. That the Executive Director be, and hereby is, directed to furnish copies of said contract to the appropriate State and Federal regulatory agencies for required approval.

Adopted this 14th day of January 2010.