

ORANGE WATER AND SEWER AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

APRIL 12, 2012

The Board of Directors of the Orange Water and Sewer Authority (OWASA) held a regular meeting on Thursday, April 12, 2012, at 7:00 P.M. in OWASA's Community Room at 400 Jones Ferry Road.

Directors present: Gordon Merklein, Chair; Amy Witsil, Secretary; Fred Battle; Terri Buckner; Will Raymond; Dana Stidham; and John A. Young. Director absent: Alan Rimer, Vice Chair; and William Stott.

OWASA staff: Ed Kerwin; John Greene; Mason Crum; Patrick Davis; Ed Holland; Heidi Lamay; Andrea Orbich; and Robert Epting, Esq., Epting and Hackney.

Others present: Ben Poulson, Associate Director of Energy Services, and Meg Holton, Water, Wastewater, and Stormwater Manager of the University of North Carolina at Chapel Hill; Mac Clarke; Chelsea Korynta, Northwood High School student; Bonnie Hauser, Orange County Voice; citizens from the Apple Mill Road, Mt. Mitchell, Thunder Mt. community: John and Christine Silva, Phil Duckwall, Dave Walser, Bill Charles, Brenda McCall and Jim O'Connor.

There being a quorum present, Chair Gordon Merklein called the meeting to order.

* * * * *

MOTIONS ACTED UPON

No motions.

* * * * *

ITEM ONE: ANNOUNCEMENTS

CONFLICT OF INTEREST

Gordon Merklein 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.

OWASA COMMITTEE MEETING

Gordon Merklein gave the Board a brief update on the April 2, 2012 meeting between Chapel Hill Town Council's OWASA Committee and Chapel Hill appointees to the OWASA Board. Items of note were receiving feedback on OWASA's Draft Drought Response Operating Protocol; the desire to seek a satisfactory resolution with the Carrboro Board of Aldermen; a

comment that compensation for the Town and OWASA employees be comparable; OWASA's Outreach and Education Committee will consider the suggestion to televise all OWASA Board meetings; and an overview of OWASA's budgets and rates for Fiscal Year 2013.

MEDICATION DROP OFF

Will Raymond said that he had a brief meeting with the Chris Blue, Chapel Hill Police Chief and his team, regarding the possibility of having regular medication/pharmaceutical drop off program. Mr. Raymond suggested that this item be referred to the Outreach and Education Committee for future action.

OUTREACH EVENTS

Dana Stidham said that Ed Kerwin and she will give a presentation on water to her daughter's first grade class at Carrboro Elementary on Wednesday, April 18, 2012 at 9:00 A.M.

Fred Battle said that Ed Kerwin will give a presentation to the Anderson-Thorp-Chapman Breakfast Club on Saturday, April 14, 2012, at 10:00 A.M., at Mama Dip's restaurant in Chapel Hill.

EARTH ACTION DAY

Will Raymond announced Earth Action Day on Saturday, April 14, 2012 beginning at 10:00 A.M. in Southern Community Park, Chapel Hill. This event is being held to encourage, educate, and celebrate sustainable living practices.

ITEM TWO: PETITIONS AND REQUESTS FROM PUBLIC

John Silva, Christine Silva, Bill Charles, Brenda McCall, Phil Duckwall, Dave Walser, Jim O'Conner of the Thunder Mountain/Apple Mill Road/Mount Mitchell neighborhoods; and Bonnie Hauser of Orange County Voice petitioned the Board to not grant access to the N.C. Mountains to the Sea Trail to OWASA property in the Cane Creek watershed that passes through the Apple Mill, Mount Mitchell and Thunder Mountain neighborhoods. Statements from John Silva and Christine Silva are attached hereto and made a part of these minutes.

The Board directed staff to provide the residents' petition and concerns to the staff of Orange County and the Friends of the Mountains to the Sea Trail.

ITEM THREE: PETITIONS AND REQUESTS FROM BOARD

Gordon Merklein asked for petitions and requests from the Board; there were none.

ITEM FOUR: PETITIONS AND REQUESTS FROM STAFF

Gordon Merklein asked for petitions and requests from the staff; there were none.

ITEM FIVE: QUARTERLY REPORT ON ATTENDANCE AT BOARD OF DIRECTORS MEETINGS

The Board received this report as an information item.

ITEM SIX: REPORT ON AWARD OF PURCHASE CONTRACT FOR 1,000 KILOWATT GENERATOR AT JONES FERRY ROAD WATER TREATMENT PLANT

The Board received this report as an information item.

ITEM SEVEN: CONSIDER FEEDBACK FROM TOWNS OF CHAPEL HILL AND CARRBORO ON OWASA'S DRAFT DROUGHT RESPONSE OPERATING PROTOCOL AND DISCUSS NEXT STEPS ON JORDAN LAKE ALLOCATION/WATER AND SEWER MANAGEMENT PLANNING AND BOUNDARY AGREEMENT

Will Raymond requested that staff assemble background information on the draft Drought Response Operating Protocol and the Water and Sewer Management, Planning and Boundary Agreement, along with all other applicable information, in a format that is easily accessible. Mr. Raymond said he would send his recommendation to staff.

The Board agreed that it would be desirable to meet with members of the Carrboro Board of Aldermen (BOA) to receive their feedback on the draft Drought Response Operating Protocol. Such feedback, along with comments received on March 26, 2012 from the Chapel Hill Town Council, would better inform the OWASA Board's consideration of the draft Drought Response Operating Protocol.

The Board also agreed that Chair Merklein should send a letter to Carrboro Mayor Chilton to reinforce the OWASA Board's interest in initiating discussion of the draft Drought Response Operating Protocol and other matters of mutual interest.

The OWASA Board agreed that it intends to take no further action on or to discuss the Water and Sewer Management, Planning and Boundary Agreement until it has acted on the draft Drought Response Operating Protocol.

ITEM EIGHT: EXECUTIVE DIRECTOR WILL SUMMARIZE THE KEY ACTION ITEMS FROM THE BOARD MEETING AND NOTE SIGNIFICANT ITEMS FOR DISCUSSION AND/OR ACTION EXPECTED AT THE NEXT BOARD MEETING

Ed Kerwin summarized the meeting with the following action items:

- Staff will communicate the petition received from residents of the Thunder Mountain/Apple Mill Road/Mount Mitchell neighborhoods to staff of Orange County and the Friends of the Mountains to the Sea Trail.

- Will Raymond requested that staff assemble background information on the draft Drought Response Operating Protocol and the Water and Sewer Management, Planning and Boundary Agreement, along with all other applicable information, in a format that is easily accessible. Mr. Raymond said he would send his recommendation to staff.
- The Board agreed that Chair Merklein should send a letter to Carrboro Mayor Chilton to reinforce the OWASA Board's interest in initiating discussion of the draft Drought Response Operating Protocol and other matters of mutual interest.
- Main action items for the April 26, 2012 OWASA Board meeting are: review of the Fiscal Year 2013 budget; resolutions setting May 24, 2012 as the date of Public Hearings on the proposed budgets and rates, fees and charges; and reviewing the draft customer satisfaction survey.
- Possible Human Resources Committee meeting prior to the Board's April 26, 2012 Board meeting to update the Board on health and dental insurance and brief update on the employee and classification study.

There being no further business to come before the Board, the meeting was adjourned at 9:38 P.M.

Attachments

STATEMENT TO OWASA BOARD BY JOHN M. SILVA
OWASA BOARD MEETING
APRIL 12, 2012

I have been a resident of rural Orange County for 31 years, my wife and I have owned property on Thunder Mt. since the 1980's.

I have an interest and respect for how the rural areas of Orange County (OC) develop – particularly sensitive areas such as the watersheds and farmlands that have characterized the beauty and restive lifestyle of rural OC.

Many residents of the Cane Creek watershed area have recently become aware of a project called the Mountain to Sea Trail (MST) that would go through the Cane Creek watershed on OWASA property.

While this project is in concept a valuable idea, the placement of specific segments of the trail should not infringe upon nearby residents basic rights such as privacy, security and a sense of well-being.

The proposed placement of the MST trail on OWASA property runs adjacent to Apple Mill (AM), Mt. Mitchell (MM), and Thunder Mountain (TM) roads.

The information provided by OC and MTS indicates that the proposed MTS Cane Creek OWASA trail passes within feet and yards of private residential property in the AM, MM and TM neighborhoods.

Unauthorized parking by hikers on all three roads will be facilitated since the proposed MTS Cane Creek OWASA trail is accessible in two minutes or less from AM, MM and TM, all private roads.

Given these convenient yet unauthorized neighborhood access points the public will have unauthorized and unmonitored access to the proposed trail 24/7. This is a remote section of the reservoir that could be used for unregulated swimming, camping and fishing. Residents by default will have to police the area and will be at risk of confrontation.

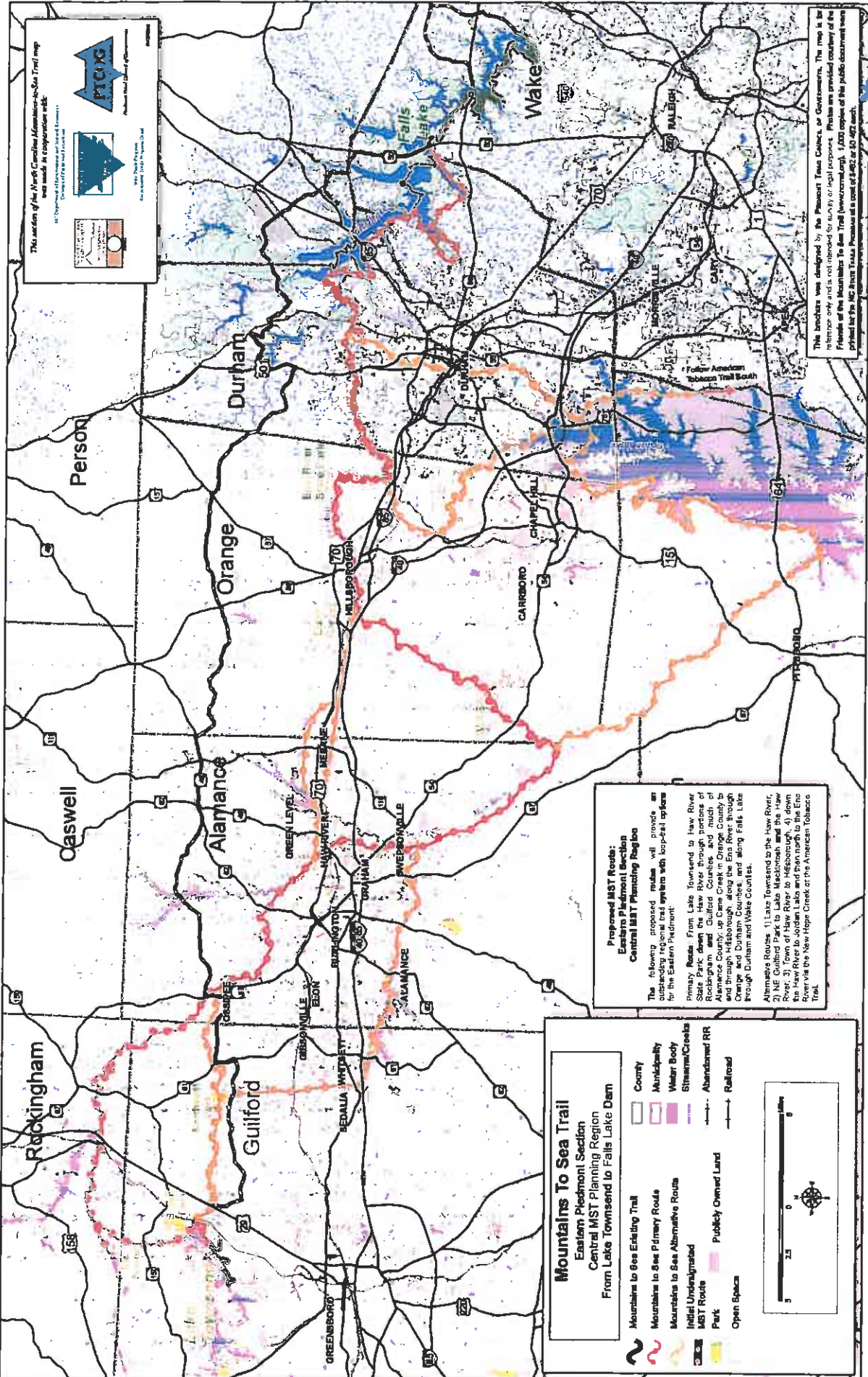
As our neighbor, it is difficult to conceive that OWASA would condone the passing of a trail proposed to come within yards of the Cane Creek Reservoir and within feet of property lines and residences in Apple Mill, Mt. Mitchell and Thunder Mt. neighborhoods.

The proposed segment of the MTS Cane Creek OWASA trail has the potential to compromise OWASA's charter to provide clean drinking water and to change the rural life style and the peaceful natural environment currently found in the Cane Creek watershed.

The proposed trail goes due south to then go north simply so it can pass through Cane Creek OWASA property. Given that MTS has stated that hikers have walked the trail from the mountains to the sea the need for the proposed MTS Cane Creek OWASA spur trail (called a "primary trail" by MTS) is entirely unnecessary for the goal of the MTS organization to be achieved.

Upon careful examination of the proposed MTS Cane Creek OWASA trail we anticipate that OWASA will agree that this segment poses unnecessary and unacceptable risks to the water supply entrusted to OWASA's management and to the rural Cane Creek community. **Alternate hiking routes exist within the MTS plan. These routes should be used by the MTS organization.**

I respectfully petition that OWASA not grant the MST project use of OWASA property in the Cane Creek watershed specifically going through the AM, MM and TM neighborhoods.
Thank you, John M. Silva 7205 Thunder Mt. Efland, NC jmscms67@gmail.com



This section of the North Carolina Mountains-to-Sea Trail map was made in cooperation with:

- Department of Transportation and Public Safety
- Department of Environment and Natural Resources
- Piedmont Triad Council of Governments

This brochure was designed by the Piedmont Triad Council of Governments. The map is for reference only and is not intended for survey or legal purposes. Problems are provided courtesy of the Friends of the Mountains to Sea Trail (www.mtsat.org). 1:2000 copies of the public document were printed for the I-85 from Triangle Peninsula at a cost of \$400 or \$100 each.

Proposed MST Route:
Eastern Piedmont Section
Central MST Planning Region

The following proposed route will provide an outstanding recreational experience with exceptional options for the Eastern Piedmont:

Primary Route: From Lake Toward to Haw River State Park, down the Haw River through portions of Guilford, Orange, and Durham Counties, through Alamance County, to Clinch Creek in Orange County, and through Hillsborough along the Eno River through Orange and Durham Counties, and along Falls Lake through Durham and Wake Counties.

Alternative Routes: 1) Lake Toward to the Haw River, 2) NE Guilford Park to Lake Mackintosh and the Haw River, 3) Town of Haw River to Hillsborough, 4) down the Haw River to Jordan Lake and then north to the Eno River via the New Hope Creek of the American Tobacco Trail.

Mountains to Sea Trail
 Eastern Piedmont Section
 Central MST Planning Region
 From Lake Toward to Falls Lake Dam

	Mountains to Sea Existing Trail		County
	Mountains to Sea Primary Route		Municipality
	Mountains to Sea Alternative Route		Water Body
	Initial Undergranted MST Route		Stream/Creeks
	Park		Abandoned RR
	Open Space		Railroad
	Publicly Owned Land		

Cane Creek Area Residents Request Removal of OWASA Segment of Mountains to Sea Trail Adjacent to Apple Mill, Mt. Mitchell and Thunder Mountain Rd. Properties

Brief Background

The concept of a Mountain to Sea Trail (MST) is supported by many residents of North Carolina, however, the placement of specific segments of the trail should not infringe on basic rights of nearby residents such as privacy, security and a sense of community well-being.

Since the spring of 2011 Cane Creek residents have sought specific information regarding the proposed placement of a section of the MST trail on Orange Water and Sewer Authority (OWASA) property that runs adjacent to Apple Mill (AM), Mt. Mitchell (MM), and Thunder Mountain (TM) roads.

In January 2012 Mr. Rich Shaw, the land conservation manager for Orange County (OC), provided a map outlining the proposed MTS Cane Creek OWASA trail route.

The information provided by OC and MTS indicates that the proposed MTS Cane Creek trail uses OWASA property and **passes within feet and yards of private residential property in the AM, MM and TM neighborhoods.**

Access to the proposed Cane Creek OWASA trail on the east and west end is not known or identified by OC or MTS. Recent contact with fellow residents in the east and west access point areas indicated that they were not aware of the proposed MTS Cane Creek OWASA trail. We believe that these residents will share our concerns and be in opposition to the proposed Cane Creek OWASA segment.

The MST trail in other parts of the state is being routed through public parks and greenways. In Orange County, this includes Occoneechee State Park, the Riverwalk through Hillsborough, and Seven Mile Creek Preserve. It seems premature to route the proposed Cane Creek OWASA section of the trail through rural residential neighborhoods in Bingham Township since Township recreational areas have not been sited or developed to date.

Upon careful examination of the proposed MTS Cane Creek OWASA trail we anticipate that OWASA will agree that the Cane Creek OWASA segment poses unnecessary and unacceptable risks to several rural communities and to the water supply entrusted to OWASA's management.

Our concerns and questions are summarized on the following pages.

We respectfully petition OWASA to not grant the MST project use of OWASA property in the Cane Creek watershed in the Apple Mill, Mt. Mitchell and Thunder Mountain communities.

Contact: John M. Silva jmscms67@gmail.com

Cane Creek Area Residents Request Removal of OWASA Segment of Mountains to Sea Trail Adjacent to Apple Mill, Mt. Mitchell and Thunder Mountain Rd. Properties

Summary of Resident Concerns

- The public will have unauthorized and unmonitored access to the proposed trail 24/7
- The fire hazard will be increased by hikers and illegal campers
- Sheriff, fire and emergency responders will need special vehicles to access the trail
- Road to trail access construction may be required very close to the watershed
- Residents by default will have to police the area and will be at risk of confrontation
- Potential liability issues arise if hikers are injured crossing private property
- This segment of the MTS trail has the potential to change the rural life style
- Resident security, privacy and a peaceful environment will be compromised
- Unauthorized parking by hikers on all three roads will be facilitated
- Creeks crossed by hikers could adversely impact the ecology of that system
- The proposed trail is very remote yet very accessible and close to the water - it can become a gathering place for drinking and evening parties making the possibility of a drowning a legitimate risk
- One incident on a remote unregulated rural trail through Cane Creek OWASA property could alter an individual's life forever.

The burdens and risks identified do not need to be placed upon OWASA and our neighborhoods.

Statement to Members of the OWASA Board by Christine Silva
April 12, 2012

Good evening.

Thank you for the opportunity to speak with you tonight.
My name is Christine Silva.

In early March I hiked along a segment of the proposed Cane Creek / OWASA trail with members of the community, Orange County and Mt. To Sea Trail.

We parked at the end of Apple Mill Road, stepped into the woods right off the road and were on the trail.

It was before the spring green, so we could see OWASA's land and the Cane Creek Reservoir clearly. It reminded me of many hikes and camping adventures in my past.

Within minutes as we walked along I was tempted by the lure of exploration. I could go anywhere deep in the woods or down to the very visible Cane Creek Reservoir and no one would have noticed.

There were several fantastic sites to set up camp on or near the trail that will be accessible to the public 24/7.

If members of OWASA Board have not hiked the areas from Apple Mill to Mt. Mitchell, or Mt. Mitchell to Thunder Mt., you really should.

You will see how inviting the OWASA land is.

You will also see how difficult it will be to prevent the real possibility of unauthorized use such as swimming, camping, campfires and hunting.

Please if you stand behind protecting the water and the rural environment, do not allow the public access across the Cane Creek watershed going through the Apple Mill, Mt. Mitchell and Thunder Mt. communities as a spur of the Mt. to Sea Trail project.

I petition OWASA to reject the proposed trail through these three rural neighborhoods. Thank you for hearing my concerns tonight.

Christine Silva

7205 Thunder Mt. Rd, Efland, NC 27243

jmscmsnc@aol.com

