A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was held on Tuesday, June 25, 2019 at 2:31 p.m. in the 2nd floor conference room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board Members Present: Mike Gaffney, Tarron Richardson (left at 4:20 p.m.), Kathy Galvin, Lauren Hildebrand, Jeff Richardson, Liz Palmer.

Board Members Absent: Gary O'Connell.

Rivanna Staff Present: Lonnie Wood, Jennifer Whitaker, Phil McKalips, Liz Coleman, Scott Schiller, Austin Marrs, Andrea Terry, David Tungate, Michelle Simpson, Grace Hopkins, David Rhoades, Mike Ralston, Mike Haley, Dyon Vega, Bill Mawyer, Katie McIlwee.

Also Present: Kurt Krueger, RWSA counsel, members of the public and media representatives.

1. CALL TO ORDER
Mr. Gaffney called the June 25, 2019 regular meeting of the Rivanna Water and Sewer Authority to order at 2:31 p.m.

2. MINUTES OF PREVIOUS BOARD MEETINGS
   a. Minutes of Regular Board Meeting on April 23, 2019
   b. Minutes of Regular Board Meeting on May 28, 2019

Mr. Gaffney asked members if they had any comments or changes. There were none

Dr. Palmer moved that the board approve the minutes of the regular board meeting of April 23, 2019. The motion was seconded by Ms. Galvin and passed unanimously (5-0). Dr. Richardson abstained and Mr. O'Connell was absent from the meeting and the vote.

The approval of the minutes of the May 28, 2019 board meeting was deferred as there was not a sufficient quorum of Board members present who had attended that meeting.

3. RECOGNITIONS
   a. Mr. Michael R. Davis
   b. Mr. Michael R. Haley
   c. Mr. Michael F. Ralston

Mr. Gaffney read the resolution recognizing Michael R. Davis:

WHEREAS, Mr. Davis has served in a number of positions for the Rivanna Water and Sewer Authority since May of 2005, most recently as a Wastewater Operator; and

WHEREAS, over the same period in excess of 14 years, Mr. Davis has demonstrated
leadership in his field and has been a valuable resource to the authority and its employees; and

WHEREAS, Mr. Davis’s understanding of the authority’s operation and dedication and loyalty to the authority has positively impacted the authority, its customers and its employees; and

WHEREAS, the Rivanna Water and Sewer Authority Board of Directors is most grateful for the professional and personal contributions Mr. Davis has provided to the Rivanna Water and Sewer Authority and to its customers and its employees; and

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Water and Sewer Authority Board of Directors recognizes, thanks and commends Mr. Davis for his distinguished service, efforts and achievements as a member of the Rivanna Water and Sewer Authority, and presents this Resolution as a token of esteem, with its best wishes in his retirement.

BE IT FURTHER RESOLVED that this Resolution be entered upon the permanent Minutes of the Rivanna Water and Sewer Authority.

Dr. Palmer moved that the board adopt the resolution as read. The motion was seconded by Ms. Galvin and passed unanimously (6-0). Mr. O’Connell was absent from the meeting and the vote.

Mr. Gaffney read the resolution recognizing Michael R. Haley:

WHEREAS, Mr. Haley has served in a number of positions for the Rivanna Water and Sewer Authority since May of 1996, most recently as a Mechanic 2; and

WHEREAS, over the same period in excess of 23 years, Mr. Haley has demonstrated leadership in his field and has been a valuable resource to the authority and its employees; and

WHEREAS, Mr. Haley’s understanding of the authority’s operation and dedication and loyalty to the authority has positively impacted the authority, its customers and its employees; and

WHEREAS, the Rivanna Water and Sewer Authority Board of Directors is most grateful for the professional and personal contributions Mr. Haley has provided to the Rivanna Water and Sewer Authority and to its customers and its employees; and

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Water and Sewer Authority Board of Directors recognizes, thanks and commends Mr. Haley for his distinguished service, efforts and achievements as a member of the Rivanna Water and Sewer Authority, and presents this Resolution as a token of esteem, with its best wishes in his retirement.

BE IT FURTHER RESOLVED that this Resolution be entered upon the permanent Minutes of the Rivanna Water and Sewer Authority.

Dr. Palmer moved that the board approve the resolution. The motion was seconded by Ms. Galvin and approved unanimously (6-0). Mr. O’Connell was absent from the meeting and the vote.

Mr. Mawyer offered his congratulations to Mr. Haley.

Mr. Haley stated he looks forward to his retirement and would not be sitting on the couch.

Mr. Gaffney read the resolution recognizing Michael F. Ralston:
WHEREAS, Mr. Ralston has served in a number of positions for the Rivanna Water and Sewer Authority since August of 1992, most recently as a Mechanic Helper; and
WHEREAS, over the same period in excess of 26 years, Mr. Ralston has demonstrated leadership in his field and has been a valuable resource to the authority and its employees; and
WHEREAS, Mr. Ralston’s understanding of the authority’s operation and dedication and loyalty to the authority has positively impacted the authority, its customers and its employees; and
WHEREAS, the Rivanna Water and Sewer Authority Board of Directors is most grateful for the professional and personal contributions Mr. Ralston has provided to the Rivanna Water and Sewer Authority and to its customers and its employees; and
NOW, THEREFORE, BE IT RESOLVED that the Rivanna Water and Sewer Authority Board of Directors recognizes, thanks and commends Mr. Ralston for his distinguished service, efforts and achievements as a member of the Rivanna Water and Sewer Authority, and presents this Resolution as a token of esteem, with its best wishes in his retirement.
BE IT FURTHER RESOLVED that this Resolution be entered upon the permanent Minutes of the Rivanna Water and Sewer Authority.

Dr. Palmer moved that the board approve the resolution. The motion was seconded by Ms. Galvin and passed unanimously (6-0). Mr. O’Connell was absent from the meeting and the vote.

Mr. Mawyer offered congratulations to Mr. Ralston for a job well done.

Mr. Ralston stated that he and his wife hope to move to Myrtle Beach in a couple of years.

Mr. Mawyer remarked that it is not a coincidence that three retirements are occurring at the same time as the Authority offers a voluntary early retirement program which all three gentlemen accepted in December. He wished them all the best.

4. EXECUTIVE DIRECTOR’S REPORT
Mr. Mawyer stated that Rivanna had sent a condolence letter to the City of Virginia Beach for the tragic event with loss of life. He stated they knew some of the people in the water and wastewater department and are deeply touched, supportive, and sympathetic of their friends in Virginia Beach.

Mr. Mawyer announced that 43-year employee Randy Jones, who retired two years ago, passed away last week. He stated they are sorry and have expressed their condolences to his family.

Mr. Mawyer noted that, in response to the occurrence in Virginia Beach, they have enhanced security with the following measures: County police officers present at Board meetings, locking facility doors, active shooter training with an FBI agent coming tomorrow, and future controlled access card system at all facilities.

Mr. Mawyer announced that June 30 is Drinking Water and Wastewater Professionals Appreciation Day in Virginia and read the proclamation passed in the House of Delegates in
HOUSE JOINT RESOLUTION NO. 88

Designating June 30, in 2016 and in each succeeding year, as Drinking Water and Wastewater Professionals Appreciation Day in Virginia.

(Agreed to by the House of Delegates, January 26, 2016; agreed to by the Senate, February 23, 2016.)

WHEREAS, before the implementation of reliable drinking water and wastewater treatment, thousands of people in the United States died of waterborne diseases like cholera, dysentery, typhoid, polio, and hepatitis each year; and

WHEREAS, the World Health Organization estimates that unsafe water supplies in developing nations still cause approximately 1.8 million deaths annually; and

WHEREAS, technological advances by water and wastewater professionals have improved the treatment of both drinking water and wastewater in the Commonwealth, the United States, and the world; and

WHEREAS, access to clean drinking water is crucial to the health and safety of more than 8.3 million Virginians; and

WHEREAS, treatment of the Commonwealth’s average of more than 620 million gallons of wastewater each day plays a critical role in reducing toxic chemicals and nutrient buildup in Virginia’s surface waters, such as the Potomac River and the Chesapeake Bay; and

WHEREAS, much of the drinking water and wastewater infrastructure in the United States is located underground in millions of miles of pipes, unseen by the public; and

WHEREAS, thousands of water and wastewater industry professionals in the Commonwealth dedicate their careers to keeping drinking water and treated wastewater clean and free of disease-carrying organisms that can harm both humans and the environment; and

WHEREAS, the Virginia Section of the American Water Works Association and the Virginia Water Environment Association (member association of the Water Environment Federation), as well as the Washington Metropolitan Council of Governments, the Northern Virginia Regional Commission, and the Virginia Rural Water Association, support the creation of Drinking Water and Wastewater Professionals Appreciation Day;

NOW, THEREFORE BE IT RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate June 30, in 2016 and in each succeeding year, as Drinking Water and Wastewater Professionals Appreciation Day in Virginia; and,

BE IT RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Virginia Section of the American Water Works Association, the Virginia Water Environment Association, the Washington Metropolitan Council of Governments, the Northern Virginia Regional Commission, and the Virginia Rural Water Association so that members of these organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and,

BE IT RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly’s website.

Mr. Mawyer announced that they attended a meeting of the Crozet Community Advisory Committee on June 12 to discuss a number of past, ongoing, and future projects, including dam
modifications. He stated they studied the water supply and believe the Beaver Creek Reservoir is adequate to support Crozet for 50 years.

Mr. Mawyer announced that he would speak to the Chamber of Commerce on Monday, July 8, about the long-term water supply plan.

Mr. Mawyer reported that this week they would be conducting work on the two large overflow holding ponds that hold about 8.5M gallons each at the end of the wastewater treatment process. He advised that, since the ponds hold sludge, there could be an odor in the area while the work is being conducted and they have sent a letter to the Woolen Mills Association informing of this. He stated the sludge is covered with about five feet of water, which they would pump in order to assess the conditions of equipment in preparation for maintenance to occur later in the year.

Mr. Mawyer reported that all reservoirs are full, except for Sugar Hollow, of which they have concerns since the water level has been dropping faster than it should. He stated they have been making some adjustments in the releases to get it balanced and noted that their permit requires them to release the same amount of water as flows in and the level should remain the same, except for evaporation and seepage, and they are working with Department of Environmental Quality to evaluate the situation.

Dr. Palmer asked when the evaluation would be complete.

Mr. Mawyer replied that the monitoring consists of mass balance calculations.

Ms. Jennifer Whitaker, Rivanna staff member, responded that they have done some work on inflow calculations, which is the methodology they use under the current permit, and believe they would want to make some modifications to the calculation when the permit is renewed, specifically related to how the inflow to Sugar Hollow is calculated.

Dr. Palmer asked if this is based on the formula we had with the area vs. the Mechum gauge.

Ms. Whitaker confirmed this. She stated they would likely advocate for a switch to the Moormans gauge for Sugar Hollow and to use a combination of the Mechums and Moormans River gauge for the rest of the urban water system, with a little more complicated formula that factors in rain amounts.

Dr. Palmer asked if they are thinking about going directly to the use of the Moorman’s River gauge for Sugar Hollow and not a combination.

Ms. Whitaker confirmed this. She stated they would use a scaling factor. She noted that Sugar Hollow is very flashy, has a different topography than Mechums, and they are finding more water when it rains and less when it is dry.

Dr. Palmer observed that water levels are currently high and at higher levels than they normally would be in June. She asked if this is what they are seeing now or if it is specific to a particular day.
Ms. Whitaker replied that they stopped spilling last week and they expected the reservoir to stay about even, according to their calculations, though it dropped by a couple of feet over the course of a week.

Mr. Mawyer remarked that in some ways this is similar to the circumstances they had in 2017, when South Rivanna Reservoir was letting out more water than was coming in. He stated they are applying the lessons learned from that experience to stay on top of the situation at Sugar Hollow. He stated the newspaper reported that rainfall was 5 inches greater than normal for this year but ten inches below the totals of last year. He concluded his report.

Mr. Gaffney asked if there is anything new with Observatory.

Mr. Mawyer replied that they are working with UVA, plan to hold meetings with them, and Kurt Krueger has spoken with their counsel about contracts and easements to get everyone on the same page.

Dr. Palmer stated she has been getting questions about Lickinghole basin and asked if this has ever been dredged.

Mr. Mawyer indicated it has not been dredged.

Dr. Palmer asked how often they conduct bathymetric studies as constituents have observed that it appears to be full of sediment.

Mr. Mawyer replied that they would conduct a bathymetric study within the next six months, as they have done for South Rivanna and Ragged Mountain Reservoirs.

Dr. Palmer asked how often they conduct these studies.

Ms. Whitaker replied that she believes this is the first one for which they’ve done a formal study with a consultant, while in the past in-house staff has conducted informal studies so they do have a volume number for comparison.

Dr. Palmer surmised that the number may not be very accurate.

Ms. Whitaker indicated that this is a possibility and she is interested to see the numbers.

Mr. Gaffney asked if they would refill the two ponds at Moores Creek they plan to drain for maintenance with water or to let them fill up normally.

Mr. Mawyer replied that if the rain doesn’t refill them they can fill them artificially with water cannons to cover the sludge and keep the odors contained.

5. ITEMS FROM THE PUBLIC

Mr. Gaffney opened the meeting to the public.
Mr. Larry Miller, resident of Free Union, addressed the board. He stated he leases part of the Buck Mountain property and asked the Board if they plan to continue leases in the future. He stated he expects Andrea Terry to answer this question later in the meeting.

As no one else came forward to address the board, Mr. Gaffney closed this portion of the meeting.

6. RESPONSES TO PUBLIC COMMENTS

Mr. Gaffney stated there was not a public comment held at the last meeting.

7. CONSENT AGENDA

a. Staff Report on Finance

b. Staff Report on Ongoing Projects

c. Staff Report on Operations

d. Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

e. Construction Change Order Authorization - Crozet Interceptor System Pump Station Improvements Project– Anderson Construction


g. Construction Contract Award – Scottsville Water Treatment Plant Finished Water Flow Metering Improvements – Anderson Construction

Mr. Gaffney asked board members if there were any items they would like to pull from the consent agenda. There were none.

Dr. Palmer moved that the board approve the Consent Agenda. The motion was seconded by Ms. Galvin and passed unanimously (6-0). Mr. O’Connell was absent from the meeting and the vote.

7. OTHER BUSINESS

a. Presentation: Buck Mountain Property Review; Andrea Terry, Water Resources Manager

Mr. Mawyer informed the board that Ms. Terry is Water Resources Manager and has a long history of working with the Buck Mountain property and the Ragged Mountain Dam project, for which they were required to mitigate environmental impacts from the dam at the Buck Mountain property. He invited guidance from the Board.

Ms. Andrea Terry recognized four Buck Mountain lease holders in the audience and thanked them for attending and for continuing to work with the Authority. She pointed to the Buck Mountain property on a map. She explained that, as a result of the water supply concerns of the
urban area back as far as 1977, 38 parcels were acquired through an agreement with landowners or taken through eminent domain from 1984 – 1987, with the intent to build the Buck Mountain Reservoir. She stated the authority owns 1,313 acres, which were acquired for $6.95M, with funds spent as early as 1981 on studies to evaluate the Buck Mountain alternative and to obtain permitting and posted to that account through 1998. She stated the parcels range in size from 1–160 acres and noted that deed restrictions were placed on 600 acres to prohibit development and to protect the water quality of Buck Mountain Creek, which lies within the watershed of South Rivanna Reservoir, as part of the Ragged Mountain Dam mitigation requirement.

Dr. Palmer asked if it lies within the 100-year floodplain.

Ms. Terry replied that some of it does, but not all of it, and stated the Authority purchased the parcels that would be flooded by the potential proposed reservoir. She confirmed that the majority of the property lies within the 100-year floodplain.

Ms. Terry continued that they faced an environmental challenge when the James River Spiny mussel, a state and federally listed endangered species, was found within the Buck Mountain watershed. She stated that several bonds were issued during the 1980s and 1990s, of which many have been refinanced, and it is difficult to confirm if all the debt has been retired. She noted that any sale of the assets of the Authority would have to be approved by a majority of the bond holders and Bank of New York/Mellon, the bond trustee, regardless of whether an asset is still covered by a current bond issue.

Ms. Terry informed the board that the Buck Mountain surcharge was created in 1983 by a joint resolution of all four public bodies and required the City and ACSA to charge a connection fee ranging from $200 - $43K, with amounts collected transferred to Rivanna, with almost $4M collected since 1983. She stated the development of the Ragged Mountain Reservoir had environmental impacts, including the inundation of two acres of wetlands and 11,500 linear feet of stream, for which they had to mitigate. She stated the fact that mitigation performed in Buck Mountain watershed which falls within the South Rivanna watershed is a benefit if they can protect areas that flow to the South Fork Rivanna Reservoir.

Ms. Terry presented photographs of the Buck Mountain areas that underwent stream and buffer restoration. She stated the buffers range from 100–200 feet on each side of the stream, they have planted 40,000 trees on 93 acres, and have placed deed restrictions on those areas. She stated that 9 leaseholders hold leases on 390 acres, of which 8 parcels are in agriculture, cattle, or horses, with the remainder used for quiet enjoyment. She noted that in 2012, they shortened lease terms to two years, hold several water quality easements on parcels, and the leases generate approximately $1,600/year. She pointed to the buffer areas around the streams that have deed restrictions on a map.

Dr. Palmer asked if there are any areas on leased lands with only a 100-foot stream buffer that are being farmed.
Ms. Terry replied that some properties with 100-foot stream buffers were used for pasture. The Authority adjusted the buffer to 400 feet in some places to help with ongoing operations of the leaseholders.

Dr. Palmer asked for confirmation that there are some locations with cattle or corn that have 100-foot buffers.

Ms. Terry confirmed this. She emphasized that the cattle are fenced out of the buffer and use alternate water sources.

Mr. Gaffney asked if the buffer size was decided upon by the Authority.

Ms. Terry replied that the Soil and Water Conservation District requires only 35 feet, but the Authority proposed to make them larger to gain approval of the mitigation plan from VDEQ and ACOE.

Mr. Mawyer added that approval from DEQ was required for our mitigation plan on the Buck Mountain property resulting from the environmental impacts of the Ragged Mountain Dam project.

Dr. Palmer asked for confirmation that the water protection ordinance buffer is 100 feet for perennial streams and 200 feet around a reservoir.

Ms. Terry confirmed this.

Mr. Krueger asked if there were people plowing and planting corn or if it is mostly hay.

Ms. Terry replied that it is hay and cattle.

Ms. Galvin asked for confirmation that there are no insecticides.

Ms. Terry confirmed this.

Dr. Palmer noted that fertilizer is used for hay.

Ms. Terry replied that it is kept out of the buffer areas.

Mr. Mawyer remarked that there are no applications of bio-solids on those farms.

Dr. Palmer asked if the leases prohibit this.

Mr. Terry replied that she doesn’t believe so.

Mr. Krueger noted that leaseholders are required to abide by state, federal, and county regulations.
Dr. Palmer asked if we can control bio-solids.

Mr. Mawyer confirmed we could.

Ms. Terry resumed her presentation. She stated the original leases ran anywhere from 20 years to 5 years, with varying costs, and in 2012 when we encumbered the land with deed restrictions, staff conducted an analysis and determined that the lands should be leased at $10 for pastureland, $3 for forest, and $0 for the deed-restricted area, where no activity can take place other than enjoyment of the land.

Dr. Palmer asked if it is used for hunting.

Ms. Terry replied affirmatively and stated it is also used for quiet enjoyment. She described long-time leaseholders as really good stewards of the land who provide input on things the Authority doesn’t always see. She stated several people ride horses and use the land because it is beautiful and they enjoy it, as well as for cattle operations.

Ms. Terry stated she would touch on some property management issues. She presented a photo of a bridge the Authority owns on Allen Farm Lane, for which an assessment was conducted in 2006, and it was determined that work was needed on the piers at a cost of $10K. She pointed to a low water crossing beside the bridge that is used by trucks, on which they have worked with lease holders as it can be rough and difficult to cross. She continued that they own a house that was leased for around $600/month, though it has not been leased for some time as it is no longer in a condition to be rented.

Dr. Palmer remarked that she has been out to the site many times and asked if delivery trucks have to run through the creek to reach the houses on the other side.

Mr. Mawyer replied that they are supposed to.

Mr. Gaffney asked how many houses are up there and if this is the only access.

Ms. Terry replied that there are two lease holders as well as some other houses. She stated the map indicates there may be one additional access at the other end that used to be open and the owner has closed the gate. Ms. Terry presented a photo of a pond on one of the properties, which she stated has been having trouble with outflows getting dammed up for which they have put in work and may need to put in more work. She stated they are working with the Virginia Department of Conservation and Recreation to determine if they have an agricultural exemption for the pond and, should maintenance be needed, it would cost around $40K.

Mr. Mawyer remarked that they can take out the pond.

Ms. Terry continued that they have a lot of issues with people hunting out of season, trespassing, and growing illegal substances for which they have worked with the Albemarle County police.
Ms. Terry presented the Board with options for the property. She stated the first is to continue to retain, lease, and manage the property, though it is challenging and takes staff time. A second option she presented is to sell properties that are not part of the 600 acres in deed restrictions, with sales governed by the Code of Virginia.

Ms. Galvin asked why the reservoir is needed.

Ms. Terry replied that some feel that in the future environmental circumstances or laws could change and they could have a reservoir.

Dr. Palmer remarked that some communities buy property upland from their watershed, which is very expensive.

Ms. Galvin remarked that this is a conservation area, not a reservoir.

Dr. Palmer replied that it drains into the watershed.

Ms. Galvin clarified that it is not part of the future backup water supply, as they have a plan.

Mr. Gaffney remarked that the land is not part of their 50-year plan, though it could be in a 200-year plan.

Dr. Palmer stated that a reason to keep it is to protect the watershed, which is why she asked if it were in the floodplain.

Ms. Terry noted that the deed restrictions would remain with any sale of the property and they were saying not to sell that part of the property.

Ms. Galvin asked if there are trails open to the public.

Ms. Terry replied that there are not.

Ms. Galvin asked if there is a long-term plan to turn the land into a recreation area.

Ms. Terry replied that this has been brought up in the past and Rivanna has stated it would not let that happen.

Mr. Krueger stated they have to recognize that RWSA is a water utility versus what the County is as a provider of public parks.

Ms. Galvin stated the land can be sold to the County for a recreational facility.

Mr. Krueger confirmed that in theory it can be sold to Albemarle County and developed into a park, which would be up to the Board of Supervisors of the County.
Dr. Palmer remarked that Sugar Hollow is owned by the City and, in her opinion, is being overused. She recognized that this land has other issues but that at least the leaseholders are managing and protecting it and working with Rivanna. She stated she would like to have a bigger discussion about the watershed in general.

Ms. Galvin remarked that they are using a lot of staff time to maintain this.

Dr. Palmer stated that a lot of water authorities maintain land in their watersheds.

Ms. Hildebrand remarked that those properties are usually directly adjacent or contiguous to the reservoir and not this far away from it.

Ms. Terry replied that it probably varies and she is aware of some that are contiguous, though in New York it is much greater.

Mr. Gaffney asked Ms. Terry if one of the reasons they are discussing this now is because the two-year period for the leases is up and they need to approve another two years.

Ms. Terry replied that the leases roll on different two-year schedules. She explained that recently Dr. Wellons asked if he could buy the land and lease it back and we thought it would be a good idea to bring this forward to the Board now.

Dr. Palmer stated she would like to see the leases and the Board’s options with respect to them, and recognized that they must keep some of the properties. She expressed confidence in the leaseholders and staff for their management of the land. She wondered if they can impose a restriction on the use of bio-solids.

Ms. Terry stated the last time they did this was in 2012, that all of the leases are identical, and she offered to check and get back with Dr. Palmer on the bio-solids question.

Mr. Mawyer remarked that, since seven years have passed since lease rates were set, it would be prudent to look at the market value.

Mr. Gaffney expressed his preference to continue to maintain and lease the land and, should the Board decide to consider something else, he would suggest they conduct a study first.

Ms. Galvin acknowledged that they have a strategic plan and wondered if there should be a strategic plan for the organization’s assets over time. She expressed an understanding of why they possess the land, while also recognizing that Sugar Hollow is overused because there is a crying need for recreation space and they are maintaining an asset that is not being used for a general public good; other than to protect the watershed. She posed the question of whether or not they should expand the land’s purpose to public use.

Dr. Palmer remarked that some members of the Board of Supervisors have advocated for the purchase of more land in the watershed to protect against sedimentation and she is responding to some of those comments.
Mr. Gaffney asked if the majority of what they spend on the Buck Mountain property is for the management of the deed-restricted area or if it is spread among all the property.

Ms. Terry responded that there are two parts to it: the mitigation area where there is ongoing work with DEQ and Army Corps of Engineers to look at the deed restricted areas, which they would have to do for another four years, and then there is the part with the lease holders. She stated the bridge, house, and pond are assets which might involve big dollars, plus her time and that of the attorney.

Mr. Gaffney recognized that assets, such as the house, can cause them to spend more money and asked if they are costing anything now.

Ms. Terry replied that the dam is the one they might have to spend money on. She stated they just conducted a review of the bridge and determined that it is in good shape.

Mr. Mawyer stated that once they receive the results of the consultant’s annual inspection of the buffer, required by DEQ, they would have to spend some money on mitigation. He stated they haven’t spent much money on the assets outside of the buffer and there are questions to be resolved, such as what to do with the house and the pond.

Ms. Galvin expressed that she is trying to understand if the care and maintenance is for the land to be a reservoir or as part of protecting the watershed. She emphasized that it is not part of the water supply plan.

Mr. Mawyer informed her that it was part of the water supply plan until the spiny mussel took it out of the plan, and it is now part of buffer management and mitigation.

Dr. Palmer remarked that she always thinks of this as protecting the watershed and not as a potential future reservoir. She extolled the benefit of being able to do mitigation within their own watershed.

Mr. Mawyer added that it would have been extremely expensive to find mitigation area if they did not have the Buck Mountain property.

Dr. Palmer stated it was not only the expense but that they were actually putting in buffers in the watershed to protect against sedimentation of a 260 square mile watershed that is a very big portion of the 50-year supply.

Mr. Mawyer recalled that mitigation costs for Henrico County’s Cob’s Creek Reservoir located in Cumberland County was $18M to buy credits and lease property.

Mr. Richardson asked Mr. Gaffney to expand on the reasons for his earlier comment that he supports having the Authority continue to maintain, manage, and lease the property.
Mr. Gaffney remarked that, for anything other than this option, they would need time to study. He suggested they continue as is until they decide otherwise.

Mr. Richardson expressed his agreement with Mr. Gaffney that they should continue to maintain, manage, and lease the property unless a long range plan study were to suggest something else.

Dr. Palmer stated she would love to know the status of the house and recalled that at one point they thought it could be wonderful to have a police officer rent the Rivanna caretaker’s house at Sugar Hollow at a discount, until mold was discovered and it had to be ripped down. She speculated that this house is in a similar condition.

Mr. Mawyer summarized the Board’s guidance as being to optimize and maintain what they have, to look at the market value of leases, and to develop a longer-range plan for use of the property, which would probably involve discussions with the County as a future public facility.

Mr. Mawyer reported that they have received calls over the last six weeks about dumping on Buck Mountain property in Free Union that is leased to the Johnson family by the Authority. He presented a photo of the property and pointed out a polygon-shaped fill site the Johnsons are completing on their own property, not on Rivanna’s property. He stated Albemarle County’s erosion control staff has visited the site multiple times to confirm they are doing this properly and have permits. He noted that the owner had the property surveyed and staked to make sure the filling operation did not occur on Rivanna property.

Mr. Gaffney asked for confirmation that these RWSA parcels are leased by the Johnsons.

Ms. Terry and Mr. Mawyer confirmed that all three parcels are leased.

Mr. Richardson asked for confirmation that the leases have restrictions that would not allow anything like what is happening on their own property.

Ms. Terry confirmed this.

Mr. Gaffney remarked that if they were to sell them then they would not have the creek.

Mr. Mawyer confirmed this. He stated the deed restrictions in the buffer would follow the property and development is not allowed in the buffer.

Dr. Palmer remarked that they don’t know if the buffer is 100 or 200 feet.

Ms. Terry speculated that the buffer may have been more than 200 feet, though it doesn’t come up to the parcel line between Rivanna and the Johnson property.

Mr. Krueger remarked that, theoretically, they could put more restrictions on the land that lies within the mitigation restriction and that what they are doing is balancing between restrictions that might protect water quality but which would cause a decline in the value of the land.
Ms. Galvin indicated that they should not consider anything until they revisit the lease terms.

Mr. Gaffney remarked that they don’t need a vote.

Mr. Krueger remarked that no vote essentially puts them with Option 1.

9. OTHER ITEMS FROM BOARD/STAFF NOT ON AGENDA

There were no other items.

10. CLOSED MEETING: (JOINT SESSION WITH THE RSWA)

At 3:33 p.m., Dr. Palmer moved that the Board of Directors of the Rivanna Water and Sewer Authority enter into a joint closed meeting with Rivanna Solid Waste Authority Board to discuss confidential personnel matters, as permitted by Section 2.2-3711A.1. of the Code of Virginia. The motion was seconded by Ms. Galvin and passed unanimously (6-0).

Mr. O’Connell was absent from the meeting and the vote.

Dr. Richardson left the closed meeting at 4:20 p.m.

The Board returned to open session at 4:34 p.m. Mr. Krueger read the following closed meeting certification:

WHEREAS, the Rivanna Water and Sewer Authority Board has convened a joint closed meeting with the Rivanna Solid Waste Authority 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 2.2-3712.D. of the Code of Virginia requires certification by the Rivanna Water and Sewer Authority that such a closed meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED, that the Rivanna Water and Sewer Authority hereby certifies that, to the best of each member’s knowledge, only public business matters lawfully exempted from the open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Rivanna Water and Sewer Authority.

Dr. Palmer moved that the Board adopt the resolution to certify the closed meeting. The motion was seconded by Ms. Galvin and passed unanimously (5-0). Mr. O’Connell and Dr. Richardson were absent from the meeting and the vote.

Dr. Palmer moved that the Boards of the Rivanna Solid Waste Authority and Rivanna Water and Sewer Authority approve a 4.5% salary increase for Executive Director Bill Mawyer. The motion was seconded by Ms. Galvin and was passed by the RWSA Board unanimously (5-0). Mr. O’Connell and Dr. Richardson were absent from the meeting and the vote.
11. Adjournment
At 4:35 p.m., Ms. Galvin moved to adjourn the meeting of the Rivanna Water and Sewer Authority. The motion was seconded by Mr. Richardson and passed unanimously (5-0). Mr. O'Connell and Dr. Richardson were absent from the meeting and the vote.

Respectfully submitted,

[Signature]

Mr. Jeff Richardson
Secretary-Treasurer