



1
2 **RWSA BOARD OF DIRECTORS**
3 **Minutes of Regular Meeting**
4 **March 23, 2021**

5
6 A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was
7 held on Tuesday, March 23, 2021 at 2:15 p.m. via Zoom.

8
9 **Board Members Present:** Mike Gaffney, Dr. Liz Palmer, Jeff Richardson, Lauren Hildebrand,
10 Gary O’Connell.

11
12 **Board Members Absent:** Chip Boyles, Lloyd Snook.

13
14 **Rivanna Staff Present:** Bill Mawyer, Katie McIlwee, Lonnie Wood, Jennifer Whitaker, David
15 Tungate, John Hull, Andrea Bowles.

16
17 **Attorney(s) Present:** Carrie Stanton, Valerie Long.

18
19 **1. CALL TO ORDER**

20 Mr. Gaffney called the March 23, 2021 regular meeting of the Rivanna Water and Sewer Authority
21 to order at 2:50 p.m.

22
23 **2. STATEMENT FROM THE CHAIR**

24 Mr. Gaffney read the following statement aloud:

25
26 “This is Mike Gaffney, Chair of the Rivanna Water and Sewer Authority.

27
28 “I would like to call the March 23, 2021 meeting of the Board of Directors to order.

29
30 “Notwithstanding any provision in our Bylaws to the contrary, as permitted under the City of
31 Charlottesville’s Continuity of Government Ordinance adopted on March 25, 2020, Albemarle
32 County’s Continuity of Government Ordinance adopted on April 15th, 2020, and revised effective
33 October 1, 2020 and Chapter 1283 of the 2020 Acts of the Virginia Assembly effective April 24,
34 2020, we are holding this meeting by real time electronic means with no board member physically
35 present at a single, central location.

36
37 “All board members are participating electronically. This meeting is being held pursuant to the second
38 resolution of the City’s Continuity of Government Ordinance and Section 6 of the County’s revised
39 Continuity of Government Ordinance. All board members will identify themselves and state their
40 physical location by electronic means during the roll call which we will hold next. I note for the
41 record that the public has real time audio-visual access to this meeting over Zoom as provided in the
42 lawfully posted meeting notice and real time audio access over telephone, which is also contained in
43 the notice. The public is always invited to send questions, comments, and suggestions to the Board
44 through Bill Mawyer, the Authority’s Executive Director, at any time.”

45
46 Mr. Gaffney called the roll.

47
48 Mr. Chip Boyles was absent.
49
50 Ms. Lauren Hildebrand stated she was located at 305 4th Street Northwest in Charlottesville, VA.
51
52 Mr. O’Connell stated he was located at 168 Spotnap Road (ACSA Headquarters).
53
54 Dr. Liz Palmer stated she was located at her home address of 2958 Mechum Banks Drive in
55 Charlottesville, VA.
56
57 Mr. Lloyd Snook was absent.
58
59 Mr. Mike Gaffney stated he was located at 3180 Dundee Road in Earlysville, VA.
60
61 Mr. Gaffney stated the following Authority staff members were joining the meeting electronically:
62 Bill Mawyer, Lonnie Wood, Jennifer Whitaker, David Tungate, Andrea Terry, John Hull, and Katie
63 McIlwee.
64
65 Mr. Gaffney stated they were also joined electronically by Ms. Carrie Stanton, Counsel to the
66 Authority.
67
68 Mr. Jeff Richardson stated he was located at the County Administration Building at 401 McIntire
69 Road in Charlottesville, VA.

70
71 **3. MINUTES OF PREVIOUS BOARD MEETINGS**

72 *a. Minutes of Regular Board Meeting on February 23, 2021*

73
74 Dr. Palmer noted she made a couple of name corrections to the minutes.
75

76 **Dr. Palmer moved that the board approve the minutes of the previous board meeting as**
77 **amended. The motion was seconded by Mr. O’Connell and passed unanimously (5-0). (Mr.**
78 **Boyles and Mr. Snook were absent.)**

79
80 **4. RECOGNITIONS**

81 There were no recognitions.
82

83 **5. EXECUTIVE DIRECTOR’S REPORT**

84 Mr. Mawyer stated on the Water & Sewer side, about 75% of the staff signed up to request a
85 COVID vaccine, and most of those employees have received vaccinations. He stated in full,
86 between the Solid Waste Authority and the Water & Sewer Authority, they expect about 75% of
87 staff to be vaccinated, and they encourage 100%.
88

89 Mr. Mawyer stated Rivanna has had good meetings recently with ACSA and City staff (including
90 Ms. Hildebrand, Mr. O’Connell and his staff) about the Central Waterline project, which is a major
91 waterline that will convey treated water from Observatory Treatment Plant to the Long Street

92 Bridge area and supply the water storage tank on Pantops Mountain. He stated they are looking at
93 threading the pipe through the City and are working with staff to talk about location details.

94
95 Mr. Mawyer stated Rivanna is also working with the City and the ACSA on options to improve or
96 decommission the North Rivanna Water Treatment Plant. He stated they will provide a report to
97 the board in the coming months about what options they come up with. He stated in general, the
98 plant needs expensive improvements, and they will have to decide if it is better to make those
99 improvements, or to shift the resources and production to the South Rivanna Water Treatment
100 Plant.

101
102 Mr. Mawyer stated they continue to work on the Rivanna-to-Ragged Waterline easement
103 acquisitions, and he understands they are on the agenda with the Albemarle County School Board
104 on April 1 to give a presentation and hopefully have them grant an easement.

105
106 Mr. Mawyer presented a map showing the pipe alignment. He stated the black area on the map
107 denoted where easements or agreements have been obtained.

108
109 Mr. Mawyer stated the blue areas on the map where easements are needed are with the UVA
110 Foundation. He stated Rivanna is trying to get ramped up with UVA Foundation to get the two
111 blue areas under easements, adding that there are three private property owners as well (shown in
112 green). He stated otherwise, Rivanna has obtained easements in all the areas on the map shown in
113 black. He stated in the right-of-way around Rio Road and Woodburn Road, Rivanna has an
114 agreement and understanding with VDOT, but VDOT will not promise them they can use it until
115 the time that they want to install the pipe, which is when they will then confirm it.

116
117 Mr. Mawyer stated the Safety Manager had a regional safety meeting with other safety staff from
118 the ACSA, City Utilities Department, Augusta County, and Louisa County as they try to learn
119 from their peers and grow their programs.

120
121 Mr. Gaffney asked if the requests for COVID vaccinations were trickling in or if they had stopped.

122
123 Mr. Mawyer stated they have stopped, but they keep recruiting employees who did not initially
124 indicate that they wanted a vaccine. He stated Rivanna keeps talking to them about the benefits in
125 the hope that they will give it a try. He stated they are now fairly static in terms of the list of which
126 staff would like to get the vaccine.

127
128 **6. ITEMS FROM THE PUBLIC**

129 Mr. Gaffney opened the meeting to the public.

130
131 Ms. Dede Smith stated she was sorry that most of the board members from the City were not there
132 that day. She stated she was reading the minutes from the last meeting, and what struck her was
133 that in the extensive discussion of the next five to fifteen years of CIP, they seem to be so stuck in
134 a 20th century model of municipal water.

135
136 Ms. Smith stated the board gave a nod to changing times, and it was progress when Rivanna finally
137 recognized that water use has dropped per capita by about half, according to Mr. Mawyer's

138 statement in the minutes. She stated 10 years ago, it was 110 gallons per person and now, it is
139 down to 60 gallons per person. She agreed, acknowledging that most of that drop is low-flow
140 toilets.

141
142 Ms. Smith stated it is great they have cut water use in half in the first decades of the 21st century,
143 yet they still use 60 gallons of treated water a day each, only a fraction of which needs to be what
144 they call “drinking water.” She stated most of it is still flushed down the toilet or is used for other
145 purposes that do not need chlorinated, fluoridated GAC-filtered drinking water to do what they do.

146
147 Ms. Smith stated the fact is that they are still planning and paying for a model which assumes that
148 in 50 years, they will still be flushing toilets with drinking water, which is a bit like saying they
149 should be drilling an oil well now for fear that they will not have enough gasoline for their cars in
150 50 years. She stated like the Federal Energy Act that mandated the low-flow toilets, change will
151 come, and it will be prompted by the crisis in the West and Southwest because they cannot keep
152 doing this. She stated they simply do not have the water Rivanna has, not to mention (as Mr.
153 O’Connell stated, per the minutes) it is tremendously expensive, with much of it going to store and
154 manage the water they flush down the toilets.

155
156 Ms. Smith stated she remembers years ago that when her father was in his last days, the hospice
157 nurse told her, “You know, you can live for a long time without food, but not more than a few days
158 without water.” She stated her dream is that someday, Rivanna will treat only enough water to
159 consume, and it will be free, as it should be, because no one should have their water cut off because
160 they cannot afford this 20th-century mindset.

161
162 Ms. Smith stated Rivanna talks a lot about using reserves to offset debt. She asked where the
163 reserves come from and if they honor the cost-share agreements of each of the projects they are
164 used for.

165
166 Mr. Gaffney closed Items From the Public.

167
168 **7. RESPONSES TO PUBLIC COMMENT**

169 Mr. Mawyer stated he would offer that Ms. Smith is correct that only a small amount of water
170 Rivanna produces is actually used for drinking. He stated he has read statistics of 1% to 3%. He
171 stated the other uses have to be managed also, with flushing, manufacturing, and other washing
172 types of events, so it is a broad goal, as Ms. Smith mentioned, of trying to reduce the water they
173 produce close to the amount that they consume.

174
175 Mr. Mawyer asked Mr. Wood if he wanted to comment about reserve funds.

176
177 Mr. Wood stated the reserves are built into the charges. He stated for debt service purposes, it
178 would follow all the cost allocation agreements. He stated the way they charge for the CIP is they
179 determine how much debt service is needed over a five-year period, and they then will issue bonds
180 for certain years based on the need. He stated in certain years, they will create reserves while in
181 other years, they may use some reserves to offset the rate. He stated this is a way to have an even
182 charge over a five-year period, and this is how most of the reserves get generated. He stated if
183 there is a cost allocation agreement that applies to a project in the CIP, Rivanna is following the

184 Agreement.

185
186 Mr. Wood stated the other way that reserves are created is in each rate center, there is a small
187 amount of depreciation. He stated this is a way to generate reserves for replacement of equipment,
188 line breaks that are unexpected, or (such as last year) to offset rate increases during an emergency.
189 He stated those do not have a cost allocation agreement, but they do follow the budget allocations
190 that are voted on by the board. He stated these are the two main ways that reserves are generated.

191
192 Mr. Mawyer stated Rivanna has financial policies that help drive a lot of those allocations and
193 reserves.

194
195 Mr. Wood stated the financial policies detail out how those reserves are generated, stored, and
196 spent.

197
198 **8. CONSENT AGENDA**

- 199 *a. Staff Report on Finance*
200
201 *b. Staff Report on Operations*
202
203 *c. Staff Report on Ongoing Projects*
204
205 *d. Staff Report on Wholesale Metering*
206
207 *e. Award of Term Contract for On-Call Maintenance Construction Services*
208
209 *f. Award of Term Contract – Reservoir Algal Management Services to Solitude Lake*
210 *Management*

211
212 **Dr. Palmer moved that the board approve the Consent Agenda. The motion was seconded**
213 **by Mr. O’Connell and passed unanimously (5-0). (Mr. Snook and Mr. Boyles were absent.)**

214
215 **9. OTHER BUSINESS**

- 216
217 *a. Presentation: Buck Mountain Property Update; Water Manager, Andrea Bowles*
218

219 Ms. Andrea Bowles, Water Resources Manager, said the board would be hearing from her as well
220 as from Ms. Valerie Long from Williams Mullen about some of the issues. She said Ms. Tristan
221 Cleveland, the project manager for the property management plan from LPDA was also present to
222 answer questions.

223
224 Ms. Bowles said a map of Albemarle County was shown on the screen, which showed where the
225 Buck Mountain property is located. She said it is in the northern part of the County, near Earlysville
226 and Free Union.

227

228 Ms. Bowles said Rivanna acquired 38 parcels in the Buck Mountain Creek Watershed between
229 1984 and 1987. She said the intent of getting those parcels was so RWSA could build a water
230 supply reservoir. She said the parcels range in size from 1 acre to 160 acres. She said there is a
231 total of 1,314 acres, and it cost the Authority \$6.95 million.

232
233 Ms. Bowles said the presence of the James spiny mussel was identified, and this is a federally listed
234 endangered species, which prevented construction of the water supply reservoir because Rivanna
235 would not be able to get a permit with the habitat being there.

236
237 Ms. Bowles said in terms of current use of the property, in 2012, Rivanna started working on its
238 mitigation plan for the impacts they had at Ragged Mountain Reservoir, as construction of the new
239 dam impacted streams and wetlands. She said they used the Buck Mountain property as the stream
240 mitigation area. She said there are two spots with a combined total of 500 linear feet along Buck
241 Mountain Creek, as shown in the picture on the slide, that a stream restoration was done. She said
242 they did buffer enhancement and preservation of riparian habitat along 80,000 linear feet of stream.
243 She said they planted over 40,500 trees, and they placed 600 acres into deed restrictions.

244
245 Ms. Bowles asked the board to keep in mind that this area is a mitigation project, and Rivanna is
246 continually monitoring the area as required by DEQ and the Army Corps of Engineers until at least
247 2023.

248
249 Ms. Bowles said that in 2019, a previous landowner in that area came to the Board and requested
250 that he be allowed to buy his original property back. She said in the discussion, Rivanna followed
251 up with providing more information to the Board, and the Board asked staff to create a master
252 plan, which is an evaluation of the uses of the Buck Mountain property with respect to the vision,
253 mission, and values of Rivanna.

254
255 Ms. Bowles said whatever they do at the Buck Mountain property, they want to address it through
256 the mission, values, and strategic plan goals of environmental stewardship, water quality
257 protection, operational optimization in how they use those properties while being efficient and
258 sustainable with use of the resources. She said this also matches the strategic plan goal of
259 infrastructure and master planning, as the whole site was reviewed for water supply in the future.

260
261 Ms. Bowles said out of the master plan, staff came back to the board in August 2020 and presented
262 some information about the property management issues. She said staff was asked to come up with
263 a property management plan, which they are still working on and is not complete. She said staff
264 did want to come to the board that day to talk about an update on the three separate topics of parcel
265 leases, sale of the small lots and Buck Mountain House, and the Allen Farm Lane and bridge.

266

267 Ms. Bowles said the map on the screen showed the existing leases. She said there are 15 parcels
268 that are leased by nine leaseholders all throughout the Buck Mountain property, shown in the color-
269 coded sections on the map. She said the sections shown that were not colored are all parcels that
270 are not currently leased. She said there are eight parcels in agriculture (cattle or horses), but the
271 livestock are fenced out of the streams. She said many of these people use this for quiet enjoyment.

272
273 Ms. Bowles said currently, the leases generate about \$1,900 per year, and staff would recommend
274 to the Board that they update current leases to current market value when they are renewed. She
275 said they are on two-year terms and as they turn over, staff plan to increase them up to market
276 value.

277
278 Ms. Bowles said another thing staff plan to do is evaluate additional parcels for leases. She said
279 those areas indicated on the map are those parts that have not yet been leased out.

280
281 Ms. Bowles presented the lease fee schedule, noting that this will increase revenue to somewhere
282 in the range of \$6,300 to \$8,800 per year.

283
284 Ms. Bowles said she would talk about the creation and sale of residential lots. She said as part of
285 the presentation for the master plan, LPDA came up with the parcels with the highest sale potential.
286 She presented the four parcels LPDA suggested, noting these are located near the intersection of
287 Catterton Road and Buck Mountain Road. She said the four different parcels altogether are
288 assessed at \$665,600, which puts the average value at \$14,200 per acre.

289
290 Ms. Bowles said staff did additional work in this part of the property management plan and
291 identified how many development rights there are on each of these parcels, which was listed on
292 the slide. She said the middle parcel, 29-35H, is the parcel with the house on it. She said the little
293 white squares show on the photo how a 2-acre lot would be able to fit on a parcel. She said if one
294 were to imagine if the parcels were sold, what home sites might be available.

295
296 Ms. Bowles said running through the middle of all the parcels is Piney Creek. She said around
297 that, in the green-shaded areas, are deed-restricted areas where there would be no development.

298
299 Ms. Bowles said the value of the house parcel and property is estimated to be between \$243,000
300 and \$325,000. She said this parcel itself is assessed for the land at \$133,000 and the improvements
301 at \$196,000.

302
303 Ms. Bowles said based on the structural review of the house and LPDA evaluation of the house,
304 taking many pictures that defined the condition, staff does not think the house can be reasonably
305 repaired. She said staff is recommending to demolish the house and sell anywhere from one to five
306 lots. These funds would be used to support property management expenses.

307
308 Ms. Bowles said she would speak to the topic of Allen Farm Lane and bridge. She presented a map
309 and said Allen Farm Lane is at the very northern tip of the property that Rivanna owns, and it is a
310 private road that goes through the section in the middle, around the creek. She said it also includes
311 the bridge.

312
313 Ms. Bowles said LPDA came up with information on this bridge and property, and staff also
314 consulted with Rivanna's attorney, Ms. Valerie Long. She said Ms. Long would discuss some
315 legalities of owning the bridge and property, and she herself would then come back later to talk
316 about recommendations.

317
318 Ms. Valerie Long said she is with Williams Mullen and works on real estate matters, among other
319 things. She said she has been helping Ms. Bowles and others at the Authority on some questions
320 about Allen Farm Lane.

321
322 Ms. Long presented an aerial map and said the parcels outlined in pink are those owned by the
323 Authority. She said one could see Allen Farm Lane in green. She said it is a private road, meaning
324 it is not owned nor maintained by VDOT, but it does connect to two different public roads that are
325 maintained by VDOT. She said the one to the east, where the map said "Begin Private Road," is
326 the junction where Allen Farm Lane intersection with Allen Road, which is a publicly maintained
327 road. She said at the opposite end of Allen Farm Lane is another public road, which is Buck
328 Mountain Ford Lane.

329
330 Ms. Long said the question came up about the bridge on Rivanna property that goes over the creek,
331 which was labeled on the map. She said there are a number of landowners who live along Allen
332 Farm Lane who use the lane to access the public roads on either end. She said based on her
333 understanding, the majority (or perhaps all) of them proceed down Allen Farm Lane to the east,
334 towards Allen Road, for their access to other public roads. She said the lane is not frequently used
335 to access Buck Mountain Ford Lane. She said they have not had a chance to look into all of it yet,
336 but it sounded as if access may be restricted in the form of a farm gate or some other method.

337
338 Ms. Long said the question was what obligation the Authority may have to maintain the portions
339 of Allen Farm Lane that run through its parcels, particularly given that it does not use the road (or
340 very minimally), and certainly not for trucks. She said the bridge was identified as being not up to
341 current standards, which is not unusual for roads like this in Rural Areas.

342
343 Ms. Long said the question was about who has the obligation to maintain it and under Virginia
344 law, the general rule is that barring any written agreement to the contrary between the parties, those
345 who have the benefit of the right to use the easement (in this case, the road) have the underlying

346 obligation to maintain the road. She said to the extent that there are any road repairs necessary,
347 including to the bridge, the Authority would not have any obligation to maintain that individually.
348

349 Ms. Long said there is also an old road maintenance agreement that was recorded in the land
350 records in 1994 among a number of landowners who do use Allen Farm Lane. She said the
351 Authority was not party to that agreement, and this was not clear as to why. She said it was in
352 1994, after the Authority acquired its title to the land.
353

354 Ms. Long said she believes the road maintenance agreement may have expired based on its terms,
355 or it has at least been voided based on the stated terms. She said she understands that the
356 landowners do annually collect fees from each other to generate a reserve fund for various road
357 maintenance expenses, and the Authority does not participate in that.
358

359 Ms. Long said these people likely have the right to use the road, including the bridge, based on
360 historical factors, implied easement right, and long-time use, but the Authority does not have any
361 particular obligation to maintain the bridge or the road. She offered to answer any questions.
362

363 Mr. Gaffney asked who would stop the people from using the road. He asked if VDOT or a
364 government agency decide that the road does not meet standards for a stream crossing or that
365 someone needs to build a new bridge.
366

367 Ms. Long replied that VDOT would not because it does not have any ownership or maintenance
368 obligations of any kind in the road, since it is a private road. She said whether the County could
369 have any ability to restrict it, she did not believe this was the case, assuming that it meets at least
370 the standards for ingress and egress.
371

372 Ms. Long said that typically, when rural subdivisions are created, the County processes part of the
373 review of the subdivision ordinance, which contains rigid regulations about ensuring that before a
374 subdivision plat is approved and recorded, a maintenance agreement is in place that is reviewed
375 by the County Attorney, requires certain things like annual assessments of all the owners that use
376 the easement and road, etc. She said this one was put in place before those procedures and
377 regulations went into effect, so her understanding is that the County does not ever step up to
378 maintain these roads or support them financially.
379

380 Ms. Long said she is not aware of any situation where the County would come in and require it to
381 be upgraded, nor is she aware of any obligation or authority they would have for that. She said she
382 believes it all falls on the owners.
383

384 Mr. Gaffney said there are owners being Rivanna, and then there are owners of the adjoining
385 properties. He said in effect, he supposes that the property owners can continue to use this bridge

386 in its current, deteriorating condition until they can no longer actually pass over the bridge. He
387 asked if this was correct.

388
389 Ms. Long said this is correct and according to her review of the property management report that
390 LPDA prepared and the aerial images, it looks like there is a low water crossing that is utilized
391 fairly regularly where vehicles cross through the stream if their vehicle is too large to utilize the
392 bridge. She said her understanding is that trucks cannot use the bridge, given its width, so they use
393 the low water crossing that is next to it.

394
395 Mr. Gaffney asked if because the easement is across the bridge, they can put a fence on both sides
396 up to the bridge.

397
398 Ms. Long replied that she believed they could if it did not prohibit anyone's reasonable use of the
399 road and the bridge. She said to the extent that such a fence would prohibit or prevent a large
400 vehicle that cannot use the bridge from crossing the creek and using Allen Farm Lane, she does
401 not believe that they could. She said as the owner of the land through which the road runs, the
402 Authority could not prevent access (ingress and egress) along the road by any other owner who
403 has a right to use it.

404
405 Ms. Long said there is a lot of gray area in terms of what constitutes reasonable use or restrictions.
406 She said her understanding is there is a sign up saying "No Trucks," which she thinks is reasonable
407 because it does not prevent a truck from using Allen Farm Lane, but prevents it from using a bridge
408 that apparently is not designed to accommodate its weight, much less its width.

409
410 Ms. Bowles said LPDA looked at some alternatives Rivanna could consider in terms of the bridge
411 and access to and from it. She said one of them is exactly what Mr. Gaffney stated about whether
412 they could continue to use it up until it was no longer passable. She said Ms. Long confirmed this
413 to be correct. She said LPDA looked at removal of the bridge and estimated that to physically
414 remove the bridge to eliminate any liability or danger to people whose it, it will cost
415 approximately \$50,000. She said replacing the bridge with a robust low water crossing was
416 estimated at \$50,000. She said LPDA and VHB estimated that a new bridge (to VDOT standards)
417 would cost \$800,000, which is extremely pricey. She said staff also identified that residents may
418 have an alternate access, which is what Ms. Long was discussing.

419
420 Ms. Bowles said as an initial recommendation, they talked about removing the bridge in 2024,
421 which is after the period of time in which Rivanna would need to access the property, as the
422 mitigation plan will be finished and accepted; and/or considering bridge and road ownership
423 transfer back to the people that originally had it.

424

425 Dr. Palmer said she did not think she had been out there in 5-6 years, but when she did, she always
426 came in off of Buck Mountain Road and went over this bridge, as she had some friends who lived
427 out there. She said she assumes that nothing has been done to the bridge, so it is probably in the
428 same state that it was then.

429
430 Ms. Bowles said there were two structural analyses and some repairs done back in 2006.

431
432 Dr. Palmer said she has been out there since 2006. She said there is some kind of homeowners
433 association agreement there, apparently, but Ms. Bowles said this may have run its course and no
434 longer be valid because no one has renewed it. She asked if this was correct.

435
436 Ms. Long replied that it is not a homeowners association that has been established, but there is a
437 written and recorded road maintenance agreement executed by six or so landowners whose land is
438 to the west of the bridge. She said it has some unusual terms that provide that if certain things were
439 to occur, it would automatically be void and terminated. She said one of them is that a majority of
440 those who sign the agreement could just decide among themselves that it should be terminated; or
441 it says that if any of the parcels that were part of that road maintenance agreement have another
442 residence or dwelling constructed on the parcel, in that event, it would also become void.

443
444 Ms. Long said based on her research, it looks like at least one parcel was approved for a family
445 subdivision several years ago, and at least one new dwelling unit has been constructed. She said it
446 could be that the parties are nevertheless treating it like it is still in effect and providing the funds
447 for the maintenance. She said she is not aware of any other issues. She said they have not done a
448 full title search to see if perhaps there has been a more recent road maintenance agreement
449 recorded, but this is the one they reviewed.

450
451 Dr. Palmer asked if she was correct to assume that if Rivanna decided to replace the bridge with
452 something lesser than VDOT standards, a lawyer would tell them that this is dangerous from a
453 liability standpoint.

454
455 Ms. Long replied that it would depend on what it was replaced with. She said if it is a new bridge
456 or some sort of ford (robust low water crossing), this may be safer than a bridge that is not quite
457 up to standards. She said there is also perhaps a question of how deteriorated the bridge really is.
458 She said they know that it is not up to VDOT standards, as it was not built this way, but it may be
459 that it is perfectly fine for regular passenger use.

460
461 Mr. Gaffney asked who the approval agencies would be for a bridge on this private road.

462
463 Ms. Long replied that she believed it would be the County, probably through its Engineering
464 department. She noted that because this bridge does lie entirely within federal floodplain, for most

465 any type of replacement bridge or low water crossing (like a fjord), this would require a special
466 use permit because it would entail the placement of fill in the floodplain.

467

468 Ms. Bowles asked if it would also require overview by DEQ and the Army Corps of Engineers.

469

470 Ms. Long said she suspected that it would as part of that process.

471

472 Dr. Palmer said she thinks they definitely need to know what the neighbors think about this before
473 they do anything and hear from them. She said they certainly would not want to decide to remove
474 it so that the neighbors only have one access without understanding what their situation is with
475 respect to that. She said there may be willingness to take over the maintenance.

476

477 Ms. Bowles said that in her experience in working with the people who live there and are leasing
478 from RWSA, she thinks this would be of concern for them. She said the costs may be difficult for
479 them to bear. She said this was the feeling she got thus far, but staff could certainly engage more
480 and collect information.

481

482 Dr. Palmer expressed that if one choice was to remove the bridge and there would be one access
483 point, she believed it would be a good idea to talk with the neighbors.

484

485 Ms. Bowles said currently, the neighbors are using just one access because she believes the other
486 two are gated off.

487

488 Ms. Hildebrand said there was mention of an alternate access, and she wanted to know if they
489 really did have one, and what the detail was of the alternative if it were available.

490

491 Ms. Long presented a map that had been shown earlier, indicating to the top-right corner that said,
492 "Potential Alternate Access Point." She said to the right of that is a gate location. She said where
493 the map says "Gate Location" is where there is apparently a gate, according to a physical survey
494 that she found in the land records. She said based on Ms. Bowles' conversations with some of the
495 landowners along Allen Farm Lane, apparently, the gate there prohibits vehicles traveling along
496 Allen Farm Lane from continuing and using the lane between the point where it says "Gate
497 Location" and "Buck Mountain Ford Road." She said this land is under private ownership.

498

499 Ms. Long said as best she knows at this point, those residents are not able to use that route of
500 access, but she has not dug into that in detail. She said she does not know if the landowner has the
501 legal right to prohibit access to the residents of Allen Farm Lane. She said they may or may not,
502 and this would require some additional research of the deeds in question.

503

504 Ms. Long said as Dr. Palmer suggested, Ms. Bowles talked about meeting with and learning from
505 the neighbors what, if any, use they do have and whether they have engaged with the owner of the
506 land in question.

507
508 Ms. Long said she believes it is L&P Land Company that owns that property now, and there is the
509 question of what legal documentation they may have to demonstrate the right to put that gate there
510 or maintain it. She said it looks like it has been there for at least a few years. She said it may be
511 that some of the residents along Allen Farm Lane actually do have access. She said they may have
512 a key to the gate, or perhaps they stop to open it and close it behind them every day. She said this
513 information has not been provided to her at this point.

514
515 Ms. Hildebrand asked if this road is generally a gravel one.

516
517 Dr. Palmer replied yes.

518
519 Ms. Long clarified that it may be that if the owners of Allen Farm Lane also have the right of
520 ingress and egress through the entire span of Allen Farm Lane to Buck Mountain Ford Lane, this
521 would obviously avoid the situation that she thinks everyone wants to avoid of cutting off any of
522 the landowners' right of access. She said they cannot cut it off, but they certainly do not want to
523 create a situation that makes it unreasonably difficult for them, either.

524
525 Mr. O'Connell asked where on the map showing the bridge the potential residential lots are
526 located. He asked if it was in the upper quadrant right beside "Begin" or if it was somewhere else
527 on the property.

528
529 Mr. O'Connell clarified that he was referring to the properties that they may entertain selling off
530 of up to five lots.

531
532 Mr. Mawyer asked Ms. Bowles to point on the map to Catterton and Buck Mountain Roads.

533
534 Mr. O'Connell said this was helpful.

535
536 Mr. Mawyer asked to point to Allen Farm Lane again, noting that these points were a long way
537 apart.

538
539 Dr. Palmer said she had some questions about the slide that contained the lots that Rivanna may
540 potentially sell. She asked if they have considered putting them in conservation easement prior to
541 selling so that they would lose those development rights.

542

543 Ms. Bowles replied that the parcels already have deed restrictions along the streams which prohibit
544 development in those areas.

545

546 Mr. Mawyer clarified that the home lots are not in the deed restricted areas.

547

548 Dr. Palmer said she has talked to some of the Supervisors about this, and she certainly would not
549 want to make this decision without talking to them more about this. She said the consideration was
550 whether these could be put into conservation easements to remove those development rights so
551 that they do not have clusters of homes there, recognizing that development rights do not
552 necessarily translate into developable home sites.

553

554 Ms. Bowles replied that they had not looked at this.

555

556 Dr. Palmer said she would like to have Ms. Bowles take a look at this on one of those parcels. She
557 said she thinks the Board of Supervisors will be very interested if the decision is to sell a lot. She
558 said if the decision is not to sell anything, she still thinks they should be looking at putting them
559 in conservation easement. She said she was not sure who would want a 16-acre or 19-acre lot (but
560 perhaps the County would) to hold those conservation easements.

561

562 Dr. Palmer said with regard to the lot with the Buck Mountain House on it, there is one individual
563 who really wants to purchase the house and restore it. She said clearly, this is not something staff
564 recommends Rivanna do, but if they sold that piece of property with the Buck Mountain House on
565 it without demolishing it, she wondered what the opinion or recommendation was there.

566

567 Ms. Bowles said they could do this, and one of the alternatives was to sell it as-is.

568

569 Dr. Palmer asked how many development rights are on that piece of property.

570

571 Ms. Bowles replied it is four.

572

573 Dr. Palmer said if this is something they are considering, she would like to talk to Ms. Bowles later
574 about it. She said she recognized there were some issues with that, but she thinks it would be
575 something they would want to discuss later with Ms. Bowles or Mr. Mawyer.

576

577 *b. Presentation: Drinking Water Treatment Update; Director of Operations, Dave Tungate*

578

579 Mr. David Tungate stated he would bring everyone up to speed on the status of the corrosion
580 inhibitor project, which is something they had talked about over the last couple of years. He stated
581 corrosion inhibitor is a product that they feed at the water treatment plants to reduce the corrosivity

582 of the drinking water and prevents lead and copper from leaching from premise pipes into the
583 water.

584

585 Mr. Tungate stated there are several types of corrosion inhibitor products that are fed into drinking
586 water systems. He stated Rivanna had been feeding a poly-phosphate product for more than 30
587 years. He stated the City and ACSA would support that they have exceptionally low lead and
588 copper levels when they test for lead and copper in the drinking water. He stated an operational
589 optimization was done about two years ago, and they began a transition to an ortho-phosphate
590 product in December of 2019.

591

592 Mr. Tungate stated that as part of the transition, they had to feed a blended product that is part
593 ortho- and part poly- for one year. He stated after one year, they transitioned to an ortho-phosphate
594 product only. He stated they started in Crozet in early December of 2019 with the blended product,
595 and they started the ortho-only product on February 1, 2021. He stated in Scottsville, they started
596 the blended product in September 2020 and in the Urban System, they started the blended product
597 in February 2021. He stated the transitions in Scottsville and the Urban System were delayed due
598 to COVID, and they expect to transition to the ortho-only products in September of 2021 and in
599 February of 2022, respectively.

600

601 Mr. Tungate noted that this has been done in complete cooperation with Rivanna's two partners
602 (the City and ACSA), and it involves taking a lot of samples in the system at the water treatment
603 plant and in the customers' homes.

604

605 Mr. Tungate stated he would provide an update on the water treatment plants. He stated there are
606 six water treatment facilities, with South Rivanna and Observatory being the two largest and
607 currently under renovation. He stated when Observatory is completed, it will be a 10-mgd facility.
608 He stated Crozet is under renovation and will soon be substantially completed and increase from
609 a 1 to 2 mgd facility. He stated the smallest facility is the Red Hill Well Field, which is at 6,000
610 gallons per day. He stated they staff these facilities and treat the drinking water with 26.4 water
611 treatment plant operators.

612

613 Mr. Tungate stated the Water Operations staff use online instruments and hundreds of daily "grab
614 samples" at the water treatment plants to measure water quality during the treatment plant process.
615 He stated RWSA staff collect over 1,600 water samples annually in the distribution systems
616 (Crozet, Scottsville, Urban System, and Red Hill).

617

618 Mr. Tungate stated in cooperation with the City and County, Rivanna has recently installed some
619 water sampling stations so staff did not have to enter private homes, which came out of COVID
620 safety protocol procedures. He stated they have installed sampling stations, with one being at the
621 Field School of Charlottesville, in the Crozet system. He stated they have installed six other

622 sampling stations in the Urban System, which allows staff easier access to water sampling
623 collection. He stated the photo on the slide showed one of Rivanna's lab employees, collecting a
624 water sample.

625
626 Mr. Tungate stated there is a series of sampling stations that will be installed in the spring, which
627 is the second set of sampling stations. He stated these will allow Rivanna staff to have better access
628 to drinking water samples. He stated there will be one in the UVA system, next to the UVA Law
629 School, and four others in the Urban System. He stated these will look just like the ones that were
630 installed at the end of 2020.

631
632 Mr. Tungate stated the granular activated carbon (GAC) project is something Rivanna is proud of
633 as any given day, there is 492,000 pounds of GAC in service. He stated they have competitively
634 bid out GAC, and the replacement cost is \$1.36 per pound for virgin GAC. He stated there is a
635 reuse/recycling process where the carbon vendor will take their spent carbon and reactivate it. He
636 stated they reheat it, fracture the carbon again, and expose additional exchange sites, which is what
637 is called reactivated GAC and costs \$1.07 per pound. He stated it was part of Rivanna's operational
638 optimization to have these two choices available.

639
640 *c. Presentation: Introduction of the FY 2021 - 2022 Operating Budget; Executive Director, Bill*
641 *Mawyer*

642
643 Mr. Mawyer presented a slide, pointing out how there were pictures shown of: 1 - an operator in a
644 control center, who was using multiple screens to monitor the wastewater treatment processes, the
645 operator can adjust equipment and control the process from those screens. 2 – a chemist was shown
646 testing water and wastewater samples, 3 - Rivanna's staff going down into a confined space with
647 appropriate protective safety equipment. He stated the yellow setup was a safety harness Rivanna
648 has added as they have improved their safety program. He noted how the harness and yellow vest
649 were hooked to make sure that the employee could be taken out of the confined space if necessary.

650
651 Mr. Mawyer stated the Water and Sewer proposed budget is \$38.9 million for FY 22, which is a
652 \$1.8 million increase or 4.9% above FY 21. He stated expenses are expected to go up 5.9%, and
653 debt service will increase 3.9%. He stated they are proposing to use \$516,250 of reserve funds,
654 which is different from FY 21 when they used \$1.7 million in reserve funds for the purpose of
655 having a zero charge increase to the City and to the ACSA. He stated as they move forward into
656 the FY 22, however, they have reduced that contribution of reserve funds.

657
658 Mr. Mawyer stated the budget included a \$3.7 million net budget change, of which \$1.1 million is
659 allocated to the City, and \$2.6 million is allocated to the ACSA. He noted this is a large increase
660 to the ACSA, at 14.3%. He stated it is also a large 7.6% increase to the City. He stated the asterisks
661 on the slide indicate that per the 1983 Water Allocation Agreement, the City and ACSA report

662 their actual water and wastewater flows, which is how Rivanna proportions operating expenses to
663 the two entities for the upcoming year. He stated this resulted in a \$259,700 shift in costs, which
664 equated to about a 1.8% decrease for the City, and a 1.4% increase for the ACSA for FY 22.

665
666 Mr. Mawyer stated when looking at the 14.3% to the ACSA, if the flow allocation had remained
667 unchanged, this would have been 12.9%, and the City would have been 9.4%. He stated as they
668 follow the 1983 Agreement, they are required to implement this allocation change based on the
669 actual retail flows from FY 2020.

670
671 Mr. Mawyer stated the most expensive part of the operating budget is debt service, at \$18.4 million
672 (47%). He stated debt service pays for capital projects, some of which are underway, some being
673 from the past, and some in the future. He stated there are personnel costs and salaries totaling 24%
674 of the budget. He stated operations and maintenance is 17% of expenses, or \$6.3 million, which
675 pays for chemicals, building repairs, equipment maintenance, and depreciation of facilities. He
676 stated general services makes up 12% of the budget, which includes professional and
677 nonprofessional services that Rivanna obtains, utilities, voice and data communications, permits,
678 and the like.

679
680 Mr. Mawyer stated Rivanna's operating budget history is a fairly linear one that has grown from
681 about \$18 million in 2007 to almost \$39 million proposed for 2022. He noted that the budget has
682 more than doubled in 15 years.

683
684 Mr. Mawyer stated these funds are required to manage \$280 million in facilities and equipment.
685 He stated these include reservoirs, water and wastewater treatment plants, pump stations, 67 miles
686 of water pipe, and 42 miles of wastewater collection pipe. He stated they control and manage the
687 Lickinghole Creek Basin, which is a stormwater impoundment, and they currently have 93.4
688 employees.

689
690 Mr. Mawyer stated he wanted to celebrate what will be completed in FY 2021. He stated they
691 celebrate that they have kept the water and wastewater treatment processes underway 24/7/365,
692 despite the pandemic, which he is grateful for. He stated they are nearly finished upgrading the
693 Crozet Water Treatment Plant from 1 to 2 mgd.

694
695 Mr. Mawyer stated they are nearly finished with the Rivanna Reservoir gate repairs. He stated they
696 wrote an emergency response plan that the federal government required of them as part of the
697 American Water Infrastructure Act of 2018. He stated they completed the Buck Mountain Property
698 Master Plan that the board just heard some information about, and Rivanna is about to complete a
699 Moores Creek Facilities Master Plan to plan for the future in terms of what wastewater facilities
700 will be needed.

701

702 Mr. Mawyer stated the South Rivanna and Observatory Treatment Plants are under construction
703 and renovation. He stated the Crozet Wastewater Flow Equalization Tank near the intersection of
704 Routes 240 and 250 is under construction, which is an ACSA-only project for costs. He stated
705 there is a pump station on Airport Road that will start construction later in 2021 for the next two
706 years. He stated they are nearly done with the Ragged-to-Rivanna pipeline easement acquisitions,
707 adding that he told the board in February how the small section of piping (1,200 feet) from the
708 Birdwood pipe under Route 250 and Old Garth Road is the next section of pipe Rivanna would
709 like to get under construction.

710

711 Mr. Mawyer stated he had mentioned the Central Waterline is a pipe they are trying to thread
712 through the City to connect the Observatory Treatment Plant to the Pantops area and strengthen
713 the City infrastructure along the way. He stated there is a major project at Beaver Creek to improve
714 the spillway dam and bring it up to current regulations, and replace the raw water pump station
715 and piping. He stated this is a 100%-ACSA cost project. He stated he mentioned this to explain
716 why the City's cost went up 7.6% while the ACSA went up 14%. He stated there are projects in
717 the current plan where ACSA is either paying 80% or 100%.

718

719 Mr. Mawyer stated there are also the Virginia Water Protection applications due for the Urban
720 Water System that Rivanna expects to submit to DEQ in May. He stated in Crozet, they also have
721 to apply to take more water out of the Beaver Creek Reservoir to serve the larger water treatment
722 plant and the growth in Crozet. He stated in about six months or so, they will be submitting that
723 application to DEQ. He stated these were some of the major projects for FY 22.

724

725 Mr. Mawyer stated some of the strategic investments proposed in the FY 22 budget include a 2%
726 merit pool for staff, and three additional positions, including an Accounting Associate. He stated
727 he mentioned in the budget history section that the budget has doubled over the last 16 years, and
728 Mr. Wood and his staff have not added any accounting staff during that period, so they feel like
729 the time has come in managing the finances of not just one but two authorities, the accounting staff
730 need help.

731

732 Mr. Mawyer stated there is also a proposed IT Administrator position that will help Rivanna run
733 its new asset management system, Cityworks, as well as a security system they are putting in for
734 access control at the buildings and gates. He stated the IT Administrator will run the software and
735 scanner at the new plants, as those demands are growing daily. He stated the board likely read in
736 the newspaper about a month ago that a hacker tried to take over the control system for a water
737 treatment plant in Florida. He stated the IT component of security is a big part of this position.

738

739 Mr. Mawyer stated thirdly, there is a Facilities Coordinator proposed to help with implementation
740 of a new asset management system to make sure they are getting asset data in and valuable

741 predictive asset repair or replacement data out, the business process it takes in order for that to be
742 successful, and the security system and similar projects.

743
744 Mr. Mawyer stated Rivanna is not self-insured for health insurance, so they project that their
745 contribution to health insurance premiums will go up. He stated there is equipment that needs to
746 be replace and engineering studies that need to be done to help them maintain and manage the
747 facilities. He stated software licensing is needed for Cityworks. He stated the Observatory Water
748 Treatment Plant lease will go up \$75,000 in its renewal this year, and they have \$65,000 allocated
749 to help them do some of the projects at Buck Mountain they just spoke about earlier.

750
751 Mr. Mawyer stated the three positions proposed for Water and Sewer are the Accounting
752 Associate, IT Administrator, and Facilities Coordinator (in the Engineering group).

753
754 Mr. Mawyer stated that in FY 21, there were 0% charge increases to the City and ACSA, but with
755 the expenses projected for FY 22, they would be 7.6% for the City and 14.3% for the ACSA in FY
756 22. He stated the slide showed the remaining four years of the five-year CIP and what those charge
757 increases would total. He stated he has met with Mr. O'Connell and Ms. Hildebrand quite a few
758 times to review ways to minimize those expenses.

759
760 Mr. Mawyer stated the budget increase for the proposed year is 4.9%. He stated they are
761 contributing cash reserves of \$516,250 to help stabilize the charge increases. He stated the capital
762 budget is \$25.8 million in FY 22. He stated the FY 22-26 CIP is \$170.1 million, noting that when
763 he gave the board the CIP presentation in February, it was \$169.7 million. He stated there was a
764 small adjustment made for some work they thought they would finish this year, but they do not
765 think it will. He stated it will not add any cost to the five-year CIP and is just a shifting from one
766 year to the other of a few dollars. He stated they do anticipate new debt issuance of \$129 million
767 over the next five years.

768
769 Mr. Mawyer stated in February, Mr. Snook asked how this would affect the charge increases if the
770 Rivanna-to-Ragged pipeline project was delayed five years. He stated Mr. Wood ran the rate
771 model, and what was shown on the slide were small impacts to the City, with a 0.1% decrease in
772 FY 25 if that project were delayed five years, rising to about a 0.7% difference in FY 28. He stated
773 it is a little more of an increase to the ACSA because they are paying 80% of the cost of that
774 project. He stated there is very little effect, and it goes down 0.3% in FY 25. He stated the most
775 significant is a 2.1% difference in FY 29. He stated this is how the rates would be affected if the
776 project were delayed by five years.

777
778 Mr. Mawyer stated the project is still in the CIP from 2027 to 2033, as presented in February. He
779 stated they are not proposing that the project schedule change, but they were responding to Mr.
780 Snook's question of how rates would be impacted if the project was deferred for five years.

781
782 Mr. Mawyer stated Rivanna's outstanding debt continues to grow, although over the last few years,
783 it has been coming down. He stated over the coming five years they expect to add \$129 million.

784
785 Mr. Mawyer presented a graph showing that while the horizontal red line will go up, and debt
786 service will increase in the coming years, they expect that there will still be an area underneath the
787 debt service line to take on additional debt without a major increase in debt service costs.

788
789 Mr. Mawyer stated in summary, Rivanna is proposing a 4.9% increase to their budget for next
790 year. He stated with that, the City allocation would be about \$15.9 million, which would be a 7.6%
791 increase. He stated the ACSA would have a \$21.1 million allocation, which is a 14.3% increase
792 above the FY 21 rates, which were previously held to a zero increase above the FY 20 rates.

793
794 Mr. Mawyer offered to answer any questions and once doing that, he would ask the board to
795 consider approval of the resolution that authorizes the board to advertise the noted rates and
796 charges for water and wastewater, for which the board would have a public hearing on May 25 at
797 their regular meeting for final consideration.

798
799 Dr. Palmer thanked Mr. Mawyer. She stated the board has seen this a couple of times now, and it
800 is informative. She stated she is happy for all the good financial planning that ACSA and Rivanna
801 have done in order to get this infrastructure in or repaired over the coming years.

802
803 Mr. Mawyer thanked staff, Mr. Wood, Ms. Whitaker, Mr. Tungate, and Mr. McKalips (on the
804 Solid Waste budget). He stated they all worked very hard trying to optimize, streamline, and be
805 effective in the expenses and proposals. He stated he thinks it came together well, though he
806 recognizes it is a significant increase for the City and ACSA. He stated they did their best to
807 balance that, and they did help them achieve a zero charge increase from Rivanna last year.

808
809 Mr. O'Connell reminded everyone that the rates Mr. Mawyer presented on the screen are the
810 wholesale rates that would be charged to the City and to the ACSA. He stated ACSA is completing
811 its budget and through the use of some planned reserves, they were going to be looking at a retail
812 rate increase of about 5%. He stated there is a major difference between what Mr. Mawyer shows
813 with the wholesale rates and what will actually make its way to the customers. He stated he wanted
814 to make sure that anyone listening in understood that.

815
816 Mr. O'Connell thanked staff for their great work, Mr. Mawyer and Mr. Wood in particular.

817
818 Mr. Gaffney stated this goes to Mr. O'Connell and the ACSA planning for many years to build
819 reserves to offset some of the big improvements and new projects that are happening out in the
820 County.

821

822 **Mr. O'Connell moved to authorize advertisement of the preliminary rate schedule for public**
823 **hearing on May 25. The motion was seconded by Dr. Palmer and passed unanimously (5-0).**
824 **(Mr. Boyles and Mr. Snook were absent.)**

825

826 **10. OTHER ITEMS FROM BOARD/STAFF NOT ON AGENDA**

827 There were no items.

828 **11. CLOSED MEETING**

829 There was no closed meeting.

830

831 **12. ADJOURNMENT**

832 **At 4:08 p.m., Dr. Palmer moved to adjourn the meeting of the Rivanna Water and Sewer**
833 **Authority. The motion was seconded by Mr. O'Connell and passed unanimously (5-0). (Mr.**
834 **Boyles and Mr. Snook were absent.)**

835

836 Respectfully submitted,

837

838

839

840

841

842



Mr. Chip Boyles
Secretary - Treasurer