

Stafford County Utilities Commission

DRAFT Meeting Minutes – October 8, 2019

Board of Supervisors Chambers
1300 Courthouse Road
Stafford, VA 22554

- I. Call to Order
Chairman, Mr. Michael Makee, called the meeting to order at 7:03 p.m.

- II. Roll Call
Members Present: Joyce Arndt, Moses Boulden, Sr., Kenton Carson, Mickey Kwiatkowski, Michael Makee, William Tignor
Members Absent: Alan Glazman
Staff Present: Jason Towery, Trent Funkhouser, Paul Santay, Marcia Hollenberger

- III. Approval of the Minutes of the September 10, 2019 Utilities Commission Meeting
Ms. Kwiatkowski motioned, seconded by Mr. Carson, to approve the September 10, 2019 meeting minutes. The motion was voted in the affirmative 6 – 0 with Mr. Glazman absent.

- IV. Presentations by the Public
There were no presentations by the public.

- V. Presentations by Commission Members
There were no presentations by Commission members.

- VI. Director's Report
Mr. Towery stated that water/sewer usage increased by 2.7% over last year due to last September (2018) being one of the wettest on record. He deferred his report on delinquencies to later in his report to be given by Assistant Department Director, Mr. Paul Santay.

Mr. Towery gave an over view of items approved by the Board of Supervisors at its October 1st meeting including the following:

- A contract for the purchase of a dual pump station to replace the Sweetbriar Pump Station;
- Authorization for a betterment agreement with VDOT for installation of casing pipe to carry the Falls Run Force Main across Route 3 at River Road;
- A contract for maintenance of the Hach continuous monitoring instrumentation system for Smith Lake and Lake Mooney;
- The purchase of polymer for Smith Lake;

- Granted an easement to Dominion Energy VA to provide electric service to the proposed Northern Fuel Station on Bells Hill Road in the Aquia District; and
- Acceptance of a pump station lot, Section four in Rappahannock Landing in the George Washington District.

At its upcoming October 15, 2019 meeting, Mr. Towery noted that the Board will be asked to consider the following;

- Execution of a contract with OBG for a limited infiltration and inflow study in Aquia Harbour;
- A process condition assessment of the Smith Lake Water Treatment Facility;
- A contract renewal for the purchase of Utilities repair and maintenance supplies; and

Following the update on Board agenda items, Mr. Towery provided a detailed engineering and construction update that included the following:

- Claiborne Run Interceptor project reached substantial completion week of 9/30;
- Claiborne Run Parallel FM Phase 1 is nearly substantially complete;
- Wayside Interceptor should have Substantial Completion week of 10/7/19;
- Stafford Oaks Pump Station replacement reached Substantial Completion week of 9/30;
- 342 Pressure Zone Transmission Line project to Truslow advertised for construction;
- Lower Accokeek FM and Gravity Pipeline Project underway;
- Lower Accokeek PS project bid opening on 10/15; and
- Numerous PS upgrades, electrical upgrades, collection/distribution upgrades on going.

Mr. Makee asked about inspections being done on an annual or bi-annual basis and if at the next meeting, Mr. Towery could provide a status report. Mr. Towery asked for clarification of what permits Mr. Makee was asking about. Mr. Makee said it had to do with awards that had been given. Mr. Towery talked about Little Falls Run winning the NACWA Award for compliance for 5 years in the Gold category and the last 15 years being awarded the Platinum Award; Little Falls Run was one of only eight plants in the country to receive that recognition. He noted that Aquia, a much larger plant with more stringent regulations that must be adhered to, typically received the Gold Award but this past year, due to heavy rainfall, there was a violation noted which precluded them from receiving an award.

Mr. Towery introduced Mr. Paul Santay who provided details about delinquent accounts as the Commission requested at its meeting in September. Commission members were provided the number of delinquencies broken down by Builders (39 accounts - \$14,652.22); Owners (581 accounts - \$135,954.85); and Renters (2049 accounts - \$481,667.98) for a total of \$632,275.05, which is an increase of 2.7% over last year's delinquencies. In FY2019, the collection agency brought in approximately \$10,000 working only on closed accounts; they do not pursue open accounts.

Given the high number of delinquencies, staff believes that it is time to explore other options for

collecting on delinquent accounts. Mr. Santay and staff have a meeting with the Treasurer's Office scheduled for October 23, 2019 and will provide an update to the Commission at a future meeting. The purpose of the meeting is to determine what options are available to the County as means of collection. Ground rules will be established and bank and wage liens will be considered as property liens for renters is not a viable option.

Mr. Tignor asked about the tax refunds currently being given by the State. Ms. Kwiatkowski said that it was too late; the County would have had to have sent the State a current file and the deadline was long past. She said she was surprised when she got her check and she was interested in how the Treasurer would approach this as it was not an easy thing to accomplish. Mr. Santay said that staff would consider all its options. Mr. Towery said staff would follow up on all administrative means and report back to the Commission; that it may require a policy amendment and needed additional research.

Mr. Makee asked if the number of military personnel in the area had an effect on the number of delinquencies. Mr. Santay said there had been no speculation with regards to military accounts in arrears. Ms. Kwiatkowski said when she worked for the County they attempted to get cooperation from Marine Corps Base Quantico and other military installations with very little success. Mr. Santay will bring the Commission up-to-date following the October 23, 2019 meeting with the Treasurer.

VII. Public Hearing

CONSIDER A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN
AMENDMENT TO COUNTY CODE, CHAPTER 25, REGARDING FAILED ON-SITE SEWAGE SYSTEMS

Public Works Assistant Director, Mr. Trent Funkhouser, address the Commission saying that this item was initially presented to the Board of Supervisors (Board) at its meetings on September 3, 2019 and was given a 60-day turn-around for the Utilities Commission to bring back a recommendation to the Board. The Utilities Commission initially heard this item at its meeting on September 10, 2019 and voted at that meeting to hold a public hearing. Mr. Funkhouser spoke about the waiver process and operational concerns and provided Commissioners with a hand-out, Revision 2, of proposed Ordinance O19-46, which (he said) had some housekeeping revisions as well as changes based on AquaLaw (legal counsel) and conversations with the Virginia Department of Health (VDH). Note: Mr. Tommy Thompson and Mr. Brent McCord, Environmental District Manager, with VDH were on hand to address comments or questions.

Mr. Carson read VA Code § 32.1-164 regarding maintenance contracts on these systems and recommended that it be include under Section F3 as a required means to balance health issues and system requirements/performance, especially if there was run-off into a stream. Mr. Carson asked if a maintenance clause was considered. Mr. Funkhouser said that a maintenance clause could be included in what would be sent to the Board; there was no staff objection. Mr. Carson said it only needed to be one sentence and it should be given consideration.

Mr. Tignor asked for the number of systems possibly in need of this variance. Mr. Funkhouser said he

did not know as it was prospective; possibly 10 or less was his estimate. Ms. Kwiatkowski asked if this was for failed systems, why it excluded new systems. Mr. Funkhouser said it was for above-ground discharge, required higher maintenance, and was very expensive compared to a standard system typically installed in new construction. Mr. Towery added that all alternative systems were prohibited in the current Ordinance and this was intended to provide a means for a waiver so that VDH could issue permits where there was no other system available. He added that VDH was issuing permits without being aware that the County prohibited it; this would make County Code more liberal on maintaining alternative on-site systems. Mr. Towery said this was an area of concern for the Board and there had been a number of failures over the years and it was not clear what had been maintained and inspected by VDH and what had not.

Mr. Brent McCord addressed the Commission saying there were State regulations regarding issuance of waivers and exceptions if there was no other way on existing sites whereas with new construction, there were no exceptions. He said that with repairs, there was no add-on capability (increasing the number of bedrooms, for example). However, if a site met all the regulations and was less than 1000 gallons, an additional bedroom could be added. Ms. Kwiatkowski asked about mass drainfields. Mr. McCord said mass drainfields were most often commercial developments on multiple lots; this issue referred to single-family dwellings on one property.

Mr. Tignor asked if VDH was constrained by County Code. Mr. McCord said it was not in the case in repair situations. Mr. Tignor asked if waivers have been issued for existing situations. Mr. Towery replied that the waiver process would go forward once/if passed by the Board. Mr. Thompson said that some property owners had to pursue alternative systems or go on permanent pump and haul. He cited an example of a home on Route 218 where the septic system failed; there was no other solution, so the resident installed a 2500 gallon tank with an alarm. When the alarm sounded, the resident had to call for pump and haul services. He spoke about the expense involved in discharge systems.

Mr. Makee asked if VDH intended to inspect alternative systems every five years (+/-). Mr. McCord said that VDH was required to inspect those systems but it lacked staff to do so. He said that most systems were covered by maintenance contracts that included scheduled inspections and the inspectors (private contractors) reported its finding to VDH. Ms. Kwiatkowski asked about protocol if a property with an alternative system was sold. Mr. McCord said that VDOT had to be notified if a property changed owners.

Mr. Carson spoke about state-wide monitoring. Mr. McCord said it required an inspection every four to five years and subsequent to the required inspection, VDH received a report that said the system was working, or it had been fixed, or that a Notice of Violation was issued, which required additional follow-up. He added that existing systems were not tracked in a data base but that new systems would be. Mr. Carson said that this might justify the need for hiring another inspector.

Mr. Makee opened the Public Hearing. The following person indicated a desire to speak:

Danny Hatch, a soil scientist questioned why the County wanted to be in this business. He said that VDH and the Department of Environmental Quality (DEQ) was highly involved in this already and there was no need for the County to also become involved. He asked why this would not be good enough for new construction and said he could count on one hand the number of these systems he saw in his 45 year career. He asked that the County take its time and not tie its citizen's hands.

Mr. Carson said this was a last resort measure when all other options had been exhausted. Mr. Tignor said that a very small number of waivers would be issued. He said he was on the Commission since 2007 and Stafford County was one of a very few counties that allowed people to remain in their homes.

Mr. Makee closed the Public Hearing.

Mr. Tignor asked if the Commission was being asked to vote on amending County Code. Mr. Towery said the vote would be to bring the current Ordinance into compliance and to move forward with the suggested means and process. Mr. Makee asked for a motion and second to recommend proposed Ordinance O19-42 with changes as outlined in Revision 2. At Mr. Towery's request, Mr. Funkhouser went over the changes to proposed Ordinance O19-42 based on VDH concerns and AquaLaw's counsel.

Mr. Carson motioned, seconded by Ms. Kwiatkowski, to recommend approval of proposed Ordinance O19-42 (Revision 2) with the addition of text in Section F3 requiring maintenance. The motion passed by a vote of 6 – 0 (Mr. Glazeman was absent). Mr. Towery requested a second vote referring the Commission's recommendation to the Board. Mr. Makee motioned, seconded by Mr. Carson, to forward the Utilities Commission's recommendations to the Board. The motion passed 6 – 0 with Mr. Glazeman absent.

VIII. New Business

There was no new business to discuss.

IX. Unfinished Business

There was no unfinished business to discuss.

X. Adjournment

At 7:56 p.m., Mr. Boulden motioned, seconded by Mr. Tignor, to adjourn the October 8, 2019 meeting of the Stafford County Utilities Commission. The motion passed by a vote of 6 – 0 with Mr. Glazeman absent.

Mr. Makee thanked Mr. Thompson and Mr. McCord for attending the meeting saying that it was a very interesting discussion that would help to move the process forward. The date of the next regularly scheduled meeting is Tuesday, November 12, 2019 at 7:00 p.m. in the Board Chambers.