



Potomac Valley Conservation District

500 East Main Street
Romney, West Virginia 26757-1836
304-822-5174

Minutes of Meeting Special Board Meeting Teleconference July 10, 2017

The Potomac Valley Conservation District held a special Board meeting by teleconference on Monday, July 10, 2017, beginning at 9:30 am.

SUPERVISORS: Charlotte Hoover, John Hicks, Kent Spencer, Brian Dayton, George Leatherman, J.W. See, and Frank Weese

OTHERS: Jeremy Salyer, Ed Martin, Nadene Jewell

The meeting was called to order at 9:35 am. John Hicks opened the discussion.

The purpose of the meeting is to discuss action taken by the Board during the July 5, 2017 Board meeting to cancel and rebid the South Fork Moorefield OMR Contract # 2017-05-25 PVCD OMR South Fork Moorefield. It was noted that no official action can be taken during this teleconference as proper notice has not been posted and this is a non-emergency issue.

The contractor, J.R. Lucas - J and R Landscaping - contacted several Board members over the weekend regarding the contract. He received the letter prepared by WVCA for the District regarding the use of a skid steer to mow the dams being prohibited. Mr. Lucas had until 6/11/17 @ 4 pm to provide the District written notice that he would have the appropriate equipment – slope mower to complete the work. The contract indicates that an approved mower for steep slopes must be used – skid steer is not safe to use on the dams. WVCA provided documentation (OSHA guidelines) that indicates they are not to be used on steep slopes – roll over potential. J R Lucas's attorney, Jason Sites sent PVCD a letter prior to the 7/5/17 Board meeting that indicated the skid steer was suitable to mow the dams and Lucas intended to use it to mow the slopes. According to the letter, the contract did not specify that a skid steer could not be used and offered PVCD the opportunity to rescind the letter dated 6/27/17. A response was requested by 7/8/17.

Based on the letter received by Jason Sites, attorney for J and R Landscaping, the Board agreed on 7/5/17 that the contract should be cancelled due to inadequate equipment, safety concerns and potential to damage the embankments. Board action was taken to cancel and rebid the

contract. All supervisors were in agreement. A letter was drafted on Friday, 7/7/17 regarding cancellation of the South Fork Moorefield OMR Contract. A copy was emailed to Charlotte Hoover for signature. The letter is ready to send to the contractor and attorney.

When speaking with PVCD Supervisors on the phone over the weekend, Mr. Lucas indicated he was willing to obtain and use the appropriate slope mower and was ready to begin work. Discussion was held regarding the issue, the action taken by PVCD on 7/5/17 stands because the letter from the attorney (Jason Sties) to PVCD on 7/5/17 is his response and therefore no need to wait on 7/11/17 deadline. The letter clearly states that Mr. Lucas is going to use a skid steer to mow the dams, as he feels it is a specialized slope mower, as identified in the contract.

Discussion held regarding letter from District to J and R Landscaping attorney, Jason Sites, to cancel the South Fork Moorefield O&M Contract. All in favor of sending the signed letter of cancellation to J and R Landscaping and Attorney, Jason Sites today, by email and regular mail – include attachment on OSHA skid steer safety guidelines.

Question was asked about opinion of WVCA legal representative, Heather Connelly. She is supportive of the Board’s decision to cancel the South Fork Moorefield OMR Contract and rebid. The Board action was taken during a regular, advertised meeting with information that was available at that time. Board action taken on 7/5/17 voids the deadline of 7/11/17 @ 4 pm given in the letter of 6/27/17.

Attorney, Jason Sites, did contact the PVCD District office on Friday, 7/7/17 to inquire about the status of the contract. Nadene Jewell spoke with Mr. Sites and indicated that Board action was taken on 7/5/17 to cancel the contract and written notification would be provided the first of the following week. Mr. Sites inquired about the reason for cancellation and hoped that would be indicated in the letter. Mrs. Jewell indicated the reason would be included in the letter.

Supervisors asked Ed Martin about the time frame for rebid of the South Fork Moorefield OMR Contract. He reviewed the time line and how many days were required for posting, job showing, bid receipt and approval by the Board. Will need to post this week in order to have ready for review / action during the PVCD August meeting. Supervisors in agreement to move forward with the rebid process of the contract.

There being no further business, the meeting adjourned at 10:05 am.

Chairperson

Secretary

Date