

The **Monongahela Conservation District** Board of Supervisors held a Special Board Meeting on April 24, 2020, commencing at 1:00 pm via skype. The meeting was called to order by Chairman James McDonald.

Supervisors Present: Rick Abel, Jean Conley, Mark Myers, Art Mouser

WVCA Present: Candice Stone, Jeremy Salyer, Gene Saurborn, Penny Hott, Levi Cyphers, Brian Farkas

Others Present: Hillary Bright

Mr. McDonald turned the meeting over to Mr. Saurborn.

Mr. Saurborn stated the reason for this meeting today was to give an update on Upper Decker's Creek 1. He said there had been progress made to where the gate could soon be closed, and the board needed to make some decisions.

Mr. Saurborn said there is a punch list of items that need to be completed. He is working on this to send to Dam Safety. He also stated there is a fill letter that will need to be completed by the contractor. One of the items that has come up is the video taping of the water line. The contractor failed to video the connection of the line and a pipe camera company can't complete this due to the angles of the pipe. The original agreement clearly stated this must be done. Since it can't be done a modification needs to be made to the agreement. Ms. Bright with the Bright Law Firm said there can be a modification made to the contract for this requirement to be waived.

The board had several questions:

If this requirement is waived could this come back on MCD?

If the waterline becomes plugged will the PSD be able to come back on MCD?

If a camera can't go through the line, could the cleanout breach and cause the dam to drain?

Is the only shut off valve the valve on the risers?

If we get a harmless agreement on stipulations that could be unbounded. Would this be like the PSD having a blank check?

The Mon District didn't cause this issue, but would it cause us to give up further control?

Ms. Bright assured the board that the PSD will not come back on the board. The PSD is only requesting that if something does happen, they will have an alternate way to get water out of the dam and that they MCD board would back them.

Mr. Saurborn stated when the lake is full the PSD has calculated that 669 ½ gallons at the water plant. If this is the amount of water coming out, then there is no issue. If the amount is less than that amount there could be a blockage. He also said they would need to have an agreement/modification signed before the gate is to be shut. As well as making sure all the administrative tasks are completed.

Mr. Cyphers said monitoring begins once the hydrometer gives reading. There will be someone there pretty much 24/7 to watch the readings. Everything done will be reported to dam safety. Toe and foot drains will be reported on each foot of water rising.

Emergency Plan of Actions: 1 had to be created before the job started, 1 during construction and another 1 once construction has been completed. The county threw in a curve ball stating that all landowners downstream had to be identified with a name, address and phone number. Ms. Hott stated there are 168 residents listed and a draft plan is in the works. Once the final plan is completed each person will receive a final copy.

PSD Manager called Mr. Saurborn to inform him of debris in the flood pool. 1/3 of the lake was weeds that grew and broke off ended up being about a foot deep, almost like a mulch. The concern was it floating to the top and clogging the intake. They gave a not to exceed price of \$18,500.00. This removal was completed on Tuesday and the invoice came in at \$6,862.78. **Ms. Conley moved to pay the \$6,862.78 invoice; seconded by Mr. Mouser; with no one opposed motion carried.** The PSD has now stated that it looks good and water can be added.

Ms. Bright is going to work to finalize the paperwork to get waterline liability/responsibility. She will get with Jim today to work on this. Once paperwork is completed, she will contact Mr. Mouser to get this signed. Mr. Mouser is the designated signature. MCD has agreed not to close the gate until everything is signed.

The original agreement stated that the PSD is responsible for their share of the riser construction for intake, gate, valve and plumbing. MCD needs to send the PSD a bill for \$435,860.00. This was part of the signed supplemental agreement from a few years ago. Mr. Saurborn will help prepare this invoice for Mr. Mouser to sign. The invoice will be on MCD letterhead with Mr. Mouser's signature.

Invoice from The Bright Law Firm \$1,020.00. **Mr. Abel moved to pay the Bright Law Firm Invoice \$1,020.00; seconded by Mr. Myers; with no one opposed motion carried.** Mr. Myers moved to adjourn the meeting; seconded by Ms. Conley. There being no further business to attend to, Chairman McDonald declared the meeting adjourned.

Minutes recorded and prepared by Candice Stone – WVCA District Manager/ASA 3