

MCD Special Board Meeting

February 28, 2020

10:00 a.m.

Abel called the meeting to order at 10:01 a.m.

Those in attendance: Rick Abel, Art Mouser, Ed Utterback, Mark Myers, Hilary Bright, Gene Saurborn, Justin Tinchler, and Amy Cosco

Saurborn reported the RCC finished Sunday, February 23, 2020. Golden Triangle is moving out. They are continuing the fill in the old ASW to make it up to grade. Triton needs to submit a reclamation plan to be submitted to WVU. Triton would like to meet around the middle of March (19th-20th) to talk substantial completion. Saurborn has asked Neast to provide a punch list for the substantial completion. The PSD has not fully taken care of their mitigation requirements and the gate will not be closed until everything is done. The permit is in the Monongahela Conservation District's name. The PSD had stream mitigation credits to buy from two banks and wetland credits from two banks and preservation that all needed to be completed. There is a \$300,000.00 that needs to be paid to WVU from PSD 1.

Tinchler reported the PSD needs to pay Mr. Mulkeen and WVU.

Abel asked if Hilary could compose a letter to be sent to PSD 1 as a reminder of what needs to be done for the gate to be closed.

Saurborn suggested CCing the Preston County Commission on the letter, Abel suggested CCing McKinley as well.

Saurborn reported PSD 1 will want liquidated damages assessed. Triton was to pay the PSD up to \$120,000.00 in a 12-month period with the PSD providing invoices. Five months have passed that liquidated damages could be assessed. The \$5,150.00 is an estimate according to Diekart, Connelly feels the \$5,150.00 is a set price. Bright reported the biggest issue with liquidated damages is if they are estimated or actual. Gannett Fleming oversight- Gene can calculate, Government time, and the PSD 1 issues.

PSD 1 claimed their damages were at \$104,000.

Saurborn reported the new manager from Triton said a lot of the problems were self-inflicted.

Adjourn at 10:49 a.m.