



# HANCOCK COUNTY UTILITY AUTHORITY

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## *Monthly Board Meeting* *September 11, 2012*

**Call to Order** - The meeting was called to order by Chairman Les Fillingame at 10:05 A.M.

### **Attendees:**

Mr. Tom Busenlener	Mr. Tony W. Ladner
Mr. Mike Collard	Mr. Al Smith
Mr. Les Fillingame	Mr. Bill Johnson
Mrs. Lili Stahler	

**Pledge of Allegiance and Silent Prayer** – lead by Director Fillingame

### **Request to Address the Board**

Ms. Pansy Maddox with the MDOH expressed concerns about Boudin Portable Services dumping portable toilet septage directly into lift stations. She explained that Boudin is not state licensed or permitted and that there is no monitoring of the septage that is dumped and they have sent numerous letters to him but to date have not received a response. She also, expressed concern if he is shutdown, then he should to be monitored, as there is the possibility of him dumping in the rural areas.

Director Pitalo explained that Boudin Portable Service dumps directly into a large grinder pump on his site and the septage eventually works its way through the HCWSD system.

Ms. Nancy Depreo of the HCWSD explained that Boudin does indeed dump directly into the systems, and is invoiced, but that they don't test or monitor what is dumped. Executive Director Pitalo expressed concerns about the non-testing of the septage. He also, explained plans are in the works for septage to be accepted at the Northern Plant sometime early 2013.

Attorney Artigues expressed concern that the Authority is accepting septage from one of the participating entities if no one from that entity really knows what is being dumped into the system; and that if what is being dumped is not in compliance with State regulations, why has this been allowed to happen? He feels that this action could put the plants in jeopardy.

Motion was made by Director Johnson adopt a policy, until such time that septage can be received at the Northern Plant, stating "The Hancock County Utility Authority will not accept any waste from any company that is not in compliance with the State of Mississippi Health Department Regulations as it relates to portable toilet waste and that is not monitored on a continuous basis for compliance", Director Fillingame seconded the motion; it was voted on and it carried with a majority vote with Director Collard abstaining from the vote.

Motion was made by Director Ladner to issue a letter to the Hancock County Water and Sewer District requesting they discontinue receiving septage from Boudin... effect immediately, Director Stahler seconded the motion; it was voted on and it carried with a majority vote with Director Collard abstaining from the vote.

### **Board Action Items**

Motion was made by Director Ladner to approve the minutes of August 14, 2012, Monthly Board Meeting, Director Busenlener seconded the motion; it was voted on and it carried with a majority vote with Director Collard and Director Stahler abstaining from the vote.

Motion was made by Director Ladner to approve the August 2012 Dockets as presented, Director Stahler seconded the motion; it was voted on and it carried with a majority vote with Director Collard abstaining from the vote. (Note: the agenda stated "July 2012 Dockets, but the dockets are actually August 2012")

• O & M	\$ 102,686.74
• CIAP-Kiln	\$ 133,906.93
• CIAP-Pearlington	\$ 46,744.71
• Land Acquisition	\$ 23,259.54
• CDBG Projects	\$ 353,119.06
• O & M Water	\$ 3,567.42

Motion was made by Director Johnson to approve the CDBG Request for Cash in the amount of \$425,405.53 as presented, Director Smith seconded the motion; it was voted on and it carried with a majority vote with Director Collard abstaining from the vote.

Motion was made by Director Ladner to approve Budget Modification HANCUA-02 #34, Director Stahler seconded the motion; it was voted on and it carried with a majority vote with Director Collard abstaining from the vote.

Motion was made by Director Ladner to approve Budget Modification HANCUA-03 #26, Director Johnson seconded the motion; it was voted on and it carried with a majority vote with Director Collard abstaining from the vote.

Motion was made by Director Johnson to approve the Consent Agenda containing 6 items as presented, Director Ladner seconded the motion; it was voted on and it carried with a majority vote, with Director Collard abstaining from the vote.

- Approval of "Policy for Water and Wastewater Tap Fees".
- Approval of Contract Modification 2011-14/04(S6) to the Term Bid 2011-14 construction contract with Jay Bearden Construction for the Kiln Wastewater Collection System, Phase 2, adding 182 calendar days' time at no change in contract price, contingent on final approval of MDEQ, Dept. of Marine Resources and Board Attorney Artigues. This change is needed to keep the contract open an additional six (6) months to allow time for the remaining easements and rights-of-entry to be acquired. No additional funding is required for this change.
- Approval of Work Order Revision 4 to Work Order 2011-14/S6-02 to the Term Bid 2011-14 construction contract with Jay Bearden Construction for the Kiln Wastewater Collection System, Phase 2, in the additive amount of \$31,802.80 (\$20,098.10 CDBG and \$11,704.70 CIAP), contingent on final approval of MDEQ, Dept. of Marine Resources and Board Attorney Artigues. This change adjusts existing electrical and restoration bid item quantities to conform to actual conditions encountered, and adds 97 calendar days' time to the work order to account for sewer connection work delayed by the separate force main contract.
- Approval to spread on the minutes the letter from MDEQ concerning the SRF loan forbearance extension request.
- Approval of Contract Modification S5-08 to the S5 construction contract with P.F. Moon for the S5 -Northern Regional Wastewater Treatment Facility, in the additive amount of \$47,549.74, contingent on final approval of MDEQ and Board Attorney Artigues. This change finalizes all outstanding additions to the facility during construction. This mod also adds a line item to pay the contractor interest incurred for a withheld payment totaling \$15,108.98 that will be reimbursed to the Authority by Brown, Mitchell & Alexander, Inc.
- Approval of Contract Modification 2008-02/40(S6) to the Term Bid 2008-02 construction contract with Jay Bearden Construction/G&C Construction, Joint Venture for the Kiln Wastewater Collection System, in the deductive amount of \$2,021.36 contingent on final approval of MDEQ and Board Attorney Artigues. This change is needed to revise contract quantities as currently constructed in the field. No additional funding is required for this change.

Motion was made by Director Ladner to approve the Minutes from August 27, 2012 Emergency Meeting-Hurricane Isaac and the Declaration of Emergency, Director Johnson seconded the motion; it was voted on and it carried with a majority vote with Director Collard and Director Fillingame abstaining from the vote.

Discussion: Attorney Artigues reminded the board that there is a small difference, which was the statute being amended to allow thirty days for the emergency, it can be ended any time prior to the thirty day deadline, but if it needs to be extended then a special meeting will need to be held.

Motion was made by Director Johnson to approve Contract Modification 2008-07/27 (S5) to the Term Bid 2008-07 construction contract with Necaise Bros. Construction for the S5 Northern Regional Waste Water Treatment Facility, in the additive amount of \$4,665.23 contingent on final approval of MDEQ and Board Attorney Artigues. This change finalizes the quantities for the S5 portion of the Term Bid 2008-07 contract.

Motion was made by Director Stahler to approve Payment Request No. 10, S6 CIAP Kiln Sewer Connection Project, MSCIAF Project No. MS.R.771-2, in the amount of \$85,338.25, contingent on approval by the Mississippi Department of Marine Resources and Board Attorney Artigues. This pay request includes invoices from Brown, Mitchell & Alexander, Inc. in the amount of \$3,883.00 and invoices from Jay Bearden Construction in the total amount of \$81,455.25, Director Busenlener seconded the motion; it was voted on and it carried with a majority vote, with Director Collard abstaining from the vote.

Motion was made by Director Ladner to authorize Executive Director David Pitalo to act as Designation of Applicant Agent for Hurricane Isaac FEMA assistance, Director Smith seconded the motion; it was voted on and it carried with a majority vote with Director Collard abstaining from the vote.

#### **Executive Director**

Damage assessments water and sewer – Hurricane Isaac – Information Only – No Action Required

Letter from Brown, Mitchell & Alexander, Inc. to Jay Bearden Construction

Discussion of distribution of year end over/under from member entities – Executive Director Pitalo asked the Board for guidance on collecting O/U funds from the entities. Director Johnson stated the Kiln Utility has a meeting on 9/12/2012 and they will discuss it and get back with the Authority. Ms. Nancy Depreo asked the Board to allow the HCWSD a couple of months to reevaluate their 2012/2012 budget and then let the Authority know how much they can pay. Director Fillingame recommended that a decision be made on how to repay the O/U at the October or November meeting.

Prioritize "BP Wish List" items – Information only – a copy of the wish list was given to each board member. Director Fillingame asked that each entity have their request in order as things may move along quickly once the process begins. Director Fillingame

explained that the BP Recovery Committee will be determining the priority of all items submitted for consideration. Also, he instructed David Pitalo to submit the list to Mayor Charles Ingram – City of Diamondhead.

Coordination of SCADA system on member entities water systems – Executive Director Pitalo asked the Board to consider putting a SCADA control panel at each main control stations for the cities and county. Also, MDEQ has indicated that they are willing to help with the funding for this project.

### **New Business**

Director Stahler informed the Board of insect problem at the end of Longo Street in Waveland, citizens there feel the problem is a result of the lagoon. She has asked that the Mississippi Extension Service evaluate the insects and try to determine what if anything can be done about them. She asked that David Pitalo meet with them to discuss a remedy.

### **Old Business**

(1) Director Pitalo explained that excess dirt, rubble and debris have been placed around the north perimeter of the equalization lagoon. In discussion with management personnel of the Bay St. Louis Department of Public Works months ago, it was stated this material would be removed. This has not been accomplished.

- Executive Director Pitalo met with Mayor Fillingame and BSL Public Works Director and notified them of contractors to take to take most of the excess dirt. Executive Director was informed by public works director of their plans on clearing a wooded area on the east side of the power substation to use as a lay down yard for dirt, gravel, sand, etc. There is a concern for liability issues.
- Director Pitalo explained he had met with a contractor during the week of May 7, 2012 and the contractor would begin hauling debris the week of May 14, 2012. Director Pitalo and Board Attorney Artigues advised the board that the Old Spanish Trail entry to the Lagoon site is not to be used due to liability issues.
- Director Fillingame recommended that the locks on the gates to be changed and only key people from HCUA and the City of Bay St. Louis have keys.

Motion was made by Director Ladner to issue a letter to the City of Bay St. Louis requesting the removal of the dirt, rubble and debris for the lagoon site, Director Johnson seconded the motion; it was voted on and it carried by majority vote, with Director Fillingame voting NO.

### **Executive Session**

Motion was made by Director Smith to consider going into Executive Session to discuss land acquisition and litigation issues, Director Ladner seconded the motion; it was voted on and it carried unanimously.

Motion was made Director Ladner to enter into Executive Session to discuss land acquisition and litigation issues, Director Johnson seconded the motion; it was voted on and it carried unanimously.

Motion was made by Director Smith to leave Executive Session with no action taken at 10:55 A.M., Director Stahler seconded the motion; it was voted on and it carried unanimously.

### **Butler Snow**

During executive session Attorney Ronnie Artigues presented the Board with an opportunity to review, on a per parcel basis, a total of ten waiver valuations for Project S6-Kiln Wastewater Collection System, for the purpose of establishing a basis for making a fair market value offer pursuant to the waiver valuation procedure.

After leaving the executive session and a full discussion, a motion was made by Director Ladner to authorize Attorney Ronnie Artigues to proceed with the fair market value offers, based on said information, in the amounts indicated in each file on the parcels shown on the **attached one page(s), with the exception of the Hancock County Library System** and to allow Attorneys Ronnie Artigues and Jack Pittman and Executive Director Pitalo to review, recommend and proceed with FMVOs as needed to avoid delays in the project, Director Smith seconded the motion; it was voted on and it carried with a majority vote, with Director Mike Collard abstaining from the vote.

Motion was made by Director Stahler to proceed with the FMVO to the Hancock County Library System as presented to the Board during executive session, Director Fillingame seconded the motion; it was voted on and it carry by the following vote:

Director Les Fillingame	- Yes	Director Tom Busenlener	- Yes
Director Lili Stahler	- Yes	Director Mike Collard	- Abstain
Director Tony Ladner	- Nay	Director Al Smith	- Yes
Director Bill Johnson	- Abstain		

Motion was made by Director Stahler to authorize Butler Snow to initiate Eminent Domain proceedings against the **six** parcels which were discussed during executive session, Director Busenlener seconded the motion; it was voted on and it carried with a majority vote with Director Collard and Director Ladner abstaining from the vote.

**Adjourn or Recess**

Motion was made by Director Johnson to adjourn the meeting, Director Stahler seconded the motion; it was voted on and it carried.



HCUA Chairman/Vice Chairman



HCUA Executive Director