

September 25, 2014

Bridgeport Utility Board Minutes  
City of Bridgeport  
County of Harrison  
State of West Virginia

**REGULAR SESSION:**

At 9:00 a.m., Thursday, September 25, 2014, Bridgeport Utility Board met in regular session in the conference room of the Bridgeport Municipal Complex at 515 West Main Street.

**BOARD MEMBERS PRESENT:**

Chairman Robert L. Greer, Barry Ranson, Ken Curry, Joe Timms and Jack Merinar.

**BOARD MEMBERS ABSENT:**

None.

**CITY STAFF PRESENT:**

City Manager A. Kim Haws, Assistant City Manager James Smith, Director of Engineering & Public Utilities Tom Brown, Finance Director Monica Musgrave, Superintendent of Utilities Jared Cummons and Administrative Assistant Sara Carder.

**CITY STAFF ABSENT:**

City Attorney Norm Farley

**OTHERS IN ATTENDANCE:**

The Thrasher Group representatives Chad Riley and Michael Nestor and E. L. Robinson representative Ryan Haws.

**APPROVAL OF MINUTES:**

Minutes of the August 26, 2014 Bridgeport Utility Board Meeting were unanimously approved as presented on a motion by Member Timms, seconded by Member Curry.

**FINANCIAL REPORT:**

- Finance Director Musgrave stated that both the Water and Sewer Fund Budgets for the month of August were in good shape.
- Director Musgrave informed the Board that she had received new tariffs for water and sewer in the name of the Bridgeport Utility Board from the Public Service Commission. Now, all that was needed was for the Board to make a formal motion accepting these tariffs which establishes the rates, rules and regulations for furnishing water and sewer to its Bridgeport customers under the new name, Bridgeport Utility Board. A motion was made by Member Timms, seconded by Member Merinar, and unanimously approved to accept the current water and

sewer tariffs under the new name of the Bridgeport Utility Board and have Director Musgrave record the tariffs and send the updated information to Public Service Commission.

## **NEW BUSINESS**

1. The Board next discussed entering into a contract with Glenn Johnston, Inc. for the North Street Sanitary Storm Water – Phase II Project.
  - The project will include North Street, Kelly Street and several houses on Jennifer Lane.
  - City Engineer stated there were six true bidders and two non-responsive bidders for the project. Glenn Johnston, Inc. out of McKeesport, Pennsylvania was the low bidder at \$201,283.00. Second low bidder was Cove Run Contracting at \$210,180.00 and D & M Contracting came in third at \$212,200.00.
  - City Engineer Brown stated that Glenn Johnston, Inc. references were checked and he felt confident that they would do a good job on this project.
  - City Engineer Brown requested a 10% contingency for this project since the project entailed going in between houses and the cost to replace some trees, bushes and fencing may exceed the amount requested for the project. If any greater costs are incurred regarding the North Street Storm Water Project, Mr. Brown will come back to the Board for further direction.
  - After discussing the project, a motion was made by Member Ranson, seconded by Member Curry, and duly approved to enter into a contract with Glenn Johnston, Inc. for \$201,283.00, plus 10% contingency (\$20,128.30) for the North Street Sanitary Storm Water – Phase II Project. Project should begin in late October, 2014, weather permitting.
2. To consider and act on Thrasher Engineering's Change Order for additional work associated with the Phase I Water Improvements Project in the areas of Platinum Drive, Brushy Fork and Hall Street.
  - Mr. Brown explained that due to the contractor, Capitol Valley, not completing the project on time, inspection services over ran considerably. These inspections were needed to be done on the job at all time, which was an additional cost to Thrasher Engineering in the amount \$13,135.00. Thrasher Engineering also performed additional engineering services in the amount of \$6,435.00, which included numerous meetings with the city and/or the contractor to meet the needs of the project/contract.
  - Member Curry asked where we stood in regards to the lawsuit between the City of Bridgeport and Capitol Valley. Mr. Brown stated that we are holding approximately \$46,000.00 in liquidated damages, to which a portion of that money could be used to reimburse part of the monies paid to Thrasher Engineering for their additional services on the project. Capitol Valley has sent a counter-claim in the amount of \$138,000.00, plus a 1-½ % fee on the money that

the city is currently holding, totaling approximately \$210,000.00. BUB's legal attorney Norm Farley has requested a ten day extension on the recently submitted Summons Order. Capitol Valley is claiming as part of their complaint that the city did not respond to their submittals in a timely manner. Mr. Brown stated that we had responded in a timely manner and Thrasher Engineering has a form showing that we have. Mr. Brown will continue to update the Board on this case.

- City Manager Haws explained to the Board that the city no longer uses the same engineering firm when working on a city project to do both the engineering and the inspection needed for the project. The city was advised through legal staff that the engineering firm doing the design should not be doing the inspections. It could be construed as a conflict of interest.
- Before any future projects, the Board would like for city staff to review the wording in all engineering contracts, and to make sure there is language within those contracts that would allow the city to be able to issue a "Stop Work Order" if necessary. After further discussion, a motion was made to approve Thrasher Engineering Change Order #1 in the amount of \$19,570.00 for additional engineering and inspection services for the Phase I Water Improvements Project for Platinum Drive, Brushy Fork and Hall Street areas by Member Curry, seconded by Member Ranson, and unanimously approved.

Next, Chairman Greer explained under the Bridgeport Utility Board Creation; Members, and Compensation, Section (c), page 4, the Mayor shall act as chairman of the Utility Board, which shall elect a vice chairman from its members and shall designate a secretary and treasurer, who may be one and the same person, neither of which, need to be a member of the Board or may be employees of the City and/or the Board. All officers of the Board, except the chairman, shall hold office as such at the will of the Board. After discussing the secretary and treasurer appointments to the Board, a motion to appoint city staff Finance Director Musgrave as treasurer and Engineering Administrative Assistant Carder as secretary was made by Member Timms, seconded by Member Curry and duly approved.

Chairman Greer stated that at the next BUB Meeting, the Board would vote on nominating a Vice-Chairman from the remaining Board Members.

A Lunch and Learn Session is scheduled for Wednesday, October 15<sup>th</sup> at 12:00 p.m. Mr. Brown will make a presentation to the Board Members.

#### **CITY ENGINEER UPDATE:**

- **Pennsylvania Avenue Sewer Upgrade Project** - Project should begin shortly.
- **Meadow Lane Sanitary Sewer and Sanitary Storm Drain Project** – Sewer portion of the project is 50% complete except for cleanup. Under the contract, the contractor will be patching the road. Total repaving of the street may not take place until next spring.

- **Under Phase I Storm Water Management Project** – Continuing to work with Genesis Partners on the final plans, which is the last of (4) projects under Phase I.
- **Under Phase II of the Storm Water Management Project** – Center Street is complete; some cleanup work for one property owner is still needed. City crews will take care of the cleanup.
- **Glen Avenue** – Storm drain portion of the project is complete; working on restoring several fences, reseeding and mulching.
- **Smoke Testing Project** – Project is planned for the month of October. The project has been advertised in the Clarksburg Exponent-Telegram and a 48 hour notice will be placed on each resident's door that they are aware the project will be starting soon. Three to four dry days in a row are needed to perform the testing.
- **Rt. 50 Water Line Upgrade Project Near Corpening Drive** – The project has been advertised and the Bid-Opening has been set for October 21, 2014, at 2:00 p.m. Mr. Brown stated he would present the bids to the Board at the next meeting. Member Merinar asked that the description of the project be sent to the members for their review.
- **Update on Capitol Valley Contracting** – Mr. Brown informed the Board that the city had received a summons regarding the case. City Attorney Farley is currently asking for an extension in regards to responding to the summons.
- **Compton Park Drainage** - Mr. Brown has Potesta & Associates, an environmental engineering group out of Morgantown looking at the soils around the area of the pipe failure. He is hoping to have more information about the area at the next meeting.
- **Long Street Insurance Claim** - Lawsuit has been settled.
- **Worthington Storm Water Management** – To date, no response to Attorney Farley's letter to the property owner at 801 Worthington Drive.
- **Mossallati/ASCENDCO Family Group - Property off of Rt. 279** – To date, no response to Attorney Farley's letter to the property owner.

Mr. Brown next stated that after numerous times of trying to contact Dr. Mossallati and/or his representatives, and the property owner at 801 Worthington Drive to try and get an easement through their property with no success, he believes the city's only option would be to move forward and proceed with the condemnation of each property. After discussing the matter and accepting Mr. Brown's recommendation, a motion was made by Member Timms, seconded by Member Merinar, and duly approved to proceed with the condemnation of the property owned by the ASCENDCO Family Group (Dr. Mossallati), located off of Rt. 279, across from the White Oaks Development, to obtain an easement to lay a sewer line through the property and to proceed with the condemnation of the property owned by Mr. John Sutton at 801 Worthington Drive to construct a storm water management structure.

Member Timms asked that in Mr. Brown's presentation to the Board, he would include what would happen if the City of Bridgeport would lose their source of water, which is currently supplied by the Clarksburg Water Board.

The Board set the next BUB Meeting for October 23, 2014, at 9:00 a.m.

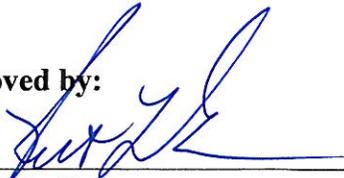
With no other items for discussion, the meeting was adjourned at 9:48 a.m. on a motion by Member Curry, seconded by Member Ranson, and duly approved.

**Prepared by:**

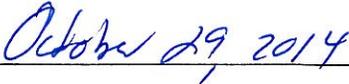


\_\_\_\_\_  
**Sara R. Carder, Administrative Assistant**

**Approved by:**



\_\_\_\_\_  
**Robert L. Greer**  
**Chairman of the Bridgeport Utility Board**



\_\_\_\_\_  
**Date**