

**A G E N D A**

**MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY  
Regular Meeting  
County Administration Conference Room  
Montgomery County Government Center  
Tuesday, September 7, 2010  
7:00 P.M.**

**I. CALL TO ORDER**

**II. DETERMINATION OF QUORUM**

**III. PUBLIC ADDRESS SESSION**

**IV. CONSENT AGENDA**

**V. NEW BUSINESS**

- A. Review Water Meter Installation Costs for Sewer Only/Flat Rate Accounts
- B. Approval of Amendment to License Agreement – Norfolk Southern Railway Company

**VI. FINANCIAL REPORT**

**VII. DIRECTOR'S REPORT**

**VIII. AUTHORITY MEMBERS' REPORT**

**IX. INTO CLOSED MEETING**

Section 2.2-3711

- (7) Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel

- 1. Water & Sewer Agreements  
Town of Christiansburg

**X. OUT OF CLOSED MEETING**

**XI. CERTIFICATION OF CLOSED MEETING**

**XII. ADJOURNMENT**

**TO:** PSA Board of Directors  
**FROM:** Robert C. (Bob) Fronk, PSA Director  
**DATE:** September 3, 2010  
**SUBJECT:** **AGENDA REPORT - PSA REGULAR MEETING – SEPTEMBER 7, 2010**

**I. CALL TO ORDER**

The Chair will call this meeting to order.

**II. DETERMINATION OF QUORUM**

The Chair will determine if a quorum is present.

**III. PUBLIC ADDRESS SESSION**

The Chair will ask if there are any comments from the public. Each person will be allowed five minutes to address the Board.

**IV. CONSENT AGENDA**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby approves the Consent Agenda, dated September 7, 2010.

**V. NEW BUSINESS**

**A. SUBJECT: REVIEW WATER METER INSTALLATION COSTS FOR SEWER ONLY/FLAT RATE ACCOUNTS**

This item is being presented for review and discussion. See Item 5.

**B. SUBJECT: APPROVAL OF THE AMENDMENTS TO LICENSE AGREEMENTS WITH NORFOLK SOUTHERN RAILWAY COMPANY**

**R10-09-3  
RESOLUTION APPROVING THE AMENDMENTS TO LICENSE AGREEMENTS  
WITH NORFOLK SOUTHERN RAILWAY COMPANY**

PROPOSED RESOLUTION:

WHEREAS, the Montgomery County Public Service Authority (the "Public Service Authority") has entered into numerous annual license agreements with Norfolk Southern Railway (the "Railroad") whereby the Railroad grants the Public Service Authority permission to locate water and sewer lines on the Railroad right of way; and



6. Member Biggs

7. Member Creed

**IX. INTO CLOSED MEETING**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby enters into Closed Meeting for the discussion of the following:

Section 2.2-3711

(7) Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel

1. Water and Sewer Agreements –  
Town of Christiansburg

**X. OUT OF CLOSED MEETING**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority ends their Closed Meeting to return to Regular Session.

**XI. CERTIFICATION OF CLOSED MEETING**

PROPOSED RESOLUTION:

WHEREAS, the Public Service Authority of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Public Service Authority does hereby agree, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the meeting to which this certification resolution applies; and (ii) only public business matters as were identified in the motion conveying the Closed Meeting were heard, discussed or considered by the Authority.

**XII. ADJOURNMENT**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority does hereby adjourn to the next meeting scheduled for October 4, 2010.

**CONSENT AGENDA**  
**September 7, 2010**

**A. APPROVAL OF MINUTES**

**1. SUBJECT: APPROVAL OF MINUTES DATED  
AUGUST 2, 2010**

ISSUE/PURPOSE: The above listed minutes are before the Board for approval. See Item 1.

**B. EASEMENTS/DEEDS**

**1. SUBJECT: ACCEPTANCE OF THE PRESERVE AT  
WALNUT CREEK, PHASE II SEWER  
FACILITIES CHATTEL DEED**

**R10-09-1**  
**RESOLUTION ACCEPTING THE PRESERVE AT  
WALNUT CREEK, PHASE II SEWER FACILITIES  
CHATTEL DEED**

BE IT RESOLVED, by the Board of Directors of the Montgomery County Public Service Authority, that the Board of Directors hereby agree to accept the Chattel Deed for the Preserve at Walnut Creek, Phase II sewer facilities; and, that said Chattel Deed provides fee simple transfer of the constructed sewer lines, valves, fittings, laterals, connections, storage facilities, pumps, manholes and any and all equipment and appurtenances to the Montgomery County Public Service Authority. The Chattel Deed is hereby attached and made part of this Resolution by reference.

BE IT FURTHER RESOLVED, that the Chair of the Montgomery County Public Service Authority is hereby authorized to sign the above referenced Chattel Deed for the purpose of acknowledging acceptance of the Deed on behalf of the Directors of the Montgomery County Public Service Authority.

ISSUE/PURPOSE: Acceptance of chattel deed for operation and maintenance of the sewer system to serve the Preserve at Walnut Creek, Phase II.

JUSTIFICATION: Chattel deed transfers ownership of the sewer assets to the Montgomery County Public Service Authority for operation and maintenance. See Item 2.

2. SUBJECT: ACCEPTANCE OF DEED OF EASEMENT  
AND VACATION – KNOLLWOOD  
ASSOCIATES, LLC-DAVIS STREET  
MEDICAL OFFICE - WATER LINES

R10-09-2  
RESOLUTION APPROVING  
DEED OF EASEMENT AND VACATION  
KNOLLWOOD ASSOCIATES, LLC  
DAVIS STREET MEDICAL OFFICE  
WATERLINE EASEMENT

PROPOSED RESOLUTION:

BE IT RESOLVED, by the Board of Directors of the Montgomery County Public Service Authority, that the Board of Directors hereby agree to accept the proposed Deed of Easement and Vacation from Knollwood Associates, Inc., hereinafter described and shown on plat entitled “A New 15’ Public Waterline Easement and The Vacation of a Portion of an Existing 20’ Public Waterline Easement”, dated August 11, 2010, made by John R. McAden, Parcel ID No. 005757, Tax Map No. 67-A-48, to be recorded herewith, for the transmission or distribution of raw or treated water over, upon, across and under property of Knollwood. The Public Service Authority hereby releases and vacates to Knollwood that portion of the public utility easement shown and described on the Plat as “Existing 20’ Public Waterline Easement to be Vacated”. The Deed of Easement and Vacation is hereby attached and made a part of this Resolution by reference.

FURTHER, it being a portion of the same property conveyed unto Knollwood by deeds dated December 5, 2008 from Kelly Burdette, recorded as Instrument No. 08012105 and Instrument No. 08012106 and recorded in the Office of the Clerk of Montgomery County.

BE IT FURTHER RESOLVED, that the Chair of the Montgomery County Public Service Authority is hereby authorized to sign the above referenced Deed of Easement and Vacation for the purpose of acknowledging acceptance of the Easement on behalf of the Board of Directors of the Montgomery County Public Service Authority.

ISSUE/PURPOSE: Acceptance of deed of easement and vacation for operation and maintenance of the public water system serving the Davis Street Medical Office.

JUSTIFICATION: This easement is required for operation and maintenance of the public water line. A section of the water line had to be rerouted due to an unforeseen obstacle that required a section of the original easement to also be relocated. See Item 3.

**3. SUBJECT: ACCEPTANCE OF DAVIS STREET  
MEDICAL OFFICE WATER/SEWER  
FACILITIES CHATTEL DEED**

**R10-09-3  
RESOLUTION ACCEPTING THE DAVIS STREET  
MEDICAL OFFICE WATER/SEWER FACILITIES  
CHATTEL DEED**

BE IT RESOLVED, by the Board of Directors of the Montgomery County Public Service Authority, that the Board of Directors hereby agree to accept the Chattel Deed for the Davis Street Medical Office water and sewer facilities; and, that said Chattel Deed provides fee simple transfer of all water and/or sewer lines, valves, fittings, laterals, connections, storage facilities, sources of water supply, pumps, manholes and any and all equipment and appurtenances to the Montgomery County Public Service Authority. The Chattel Deed is hereby attached and made part of this Resolution by reference.

BE IT FURTHER RESOLVED, that the Chair of the Montgomery County Public Service Authority is hereby authorized to sign the above referenced Chattel Deed for the purpose of acknowledging acceptance of the Deed on behalf of the Directors of the Montgomery County Public Service Authority.

ISSUE/PURPOSE: Acceptance of chattel deed for operation and maintenance of the water/sewer facilities for the Davis Street Medical Office.

JUSTIFICATION: Chattel Deed transfers ownership of the water/sewer assets to the Montgomery County Public Service Authority for operation and maintenance. See Item 4.