

METROPOLITAN SEWERAGE DISTRICT BOARD

June 16, 1987

1. CALL TO ORDER AND ROLL CALL:

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration building at 2 p.m. on Tuesday, June 16, 1987. Chairman Smith called the meeting to order at 2:00 p.m.

Chairman Smith and the following members were present: Aceto, Boggs, Dent, Dyson, Edwards, Ivey, Pope, Waddey and Williams. Others present were: W. H. Mull, Engineer-Manager, Walter Currie, Counsel to the District, Dean Huber and Bill Morris with Hendon Engineering Associates, Inc., and Leah Karpen representing the League of Women Voters.

2. MINUTES OF MAY 19, 1987 MEETING:

Mr. Dyson moved that the minutes of the May 19, 1987 Board meeting be accepted as written, and Mr. Edwards seconded the motion. Voice vote carried unanimously in favor of the motion.

3. REPORT OF ENGINEER-MANAGER:

a. STATUS REPORT ON 201 FACILITIES PLAN ADDENDUM FOR PHASE IV - SLUDGE HANDLING FACILITIES:

Mr. Mull reported that the State had requested an evaluation of a dedicated sewage sludge landfill which the District has submitted. The dedicated sewage sludge landfill proved to be one of the more costly alternatives. In reviewing this alternative, the State questioned the cost figures for actual operation of the site itself, and advised that the District had to take the purchase price of the land, inflate this at 3% per year for 20 years, and credit this back into the project as a benefit to the project, assuming the District could sell the land at an inflated price after it had been filled with sewage sludge. Mr. Mull stated the District has taken issue with this, and said the District has retained Mr. Bill Johnson to meet with the property owners regarding property owners selling their property and at what price would they sell the property for, and also to prepare an evaluation of the worth of the property after completion of a sludge landfilling operation. The District will prepare a response to the State by the end of this week, and must wait for the State's re-evaluation on these issues. General discussion followed.

Mr. Mull reported that the District ashed a sample of its sludge and the EP Toxicity test passed with "flying colors." At this time Mr. Mull reviewed the report with the Board.

Mr. Mull stated that if the District's issues on incineration continue to be postponed, the District may be faced with entering into contract with a private hauler to dispose of its sewage sludge, which would be extremely costly to the District.

Mr. Mull reported that final plans and specifications are due into the State by July 15, 1987, and said the State should be sending its response back to the District soon. Mr. Mull said he has talked with Vince Miller from the EPA, and with representatives of the State, and there still has been no decision made as to whether the District can proceed with incineration. Mr. Mull stated he has talked with Mr. Tom Wall of EPA in Washington, who is familiar with what some of the new proposed regulations from the EPA are, and would have the ability to run a new air modeling program for MSD's particular sludge based on whatever the proposed new standards are, but they don't have any funds. Mr. Mull told the EPA that the District would be glad to make a contribution of monies to help pay for running the model if there is a cost associated with it, but the EPA has not responded to the District with any cost figures thus far. Mr. Mull stated he is concerned that the State continues to make responses instead of a decision concerning incineration being a viable option.

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Mr. Waddey said that maybe the Board should take the initiative and have a delegation of the MSD Board and Mr. Mull, along with the Consulting Engineers, go to Raleigh to discuss the District's concerns in this matter with our legislators.

The Board recommended that Mr. Mull confer with the MSD General Counsel concerning who should go to Raleigh to represent the District on this matter, and arrange the trip as soon as possible.

b. CONSIDERATION OF BID FOR INTAKE SCREEN RAKE:

Mr. Mull reported that the District received one (1) bid on the intake screen rake from Acme Engineering Company of Cordelle, Georgia, in the amount of \$68,490. The bid was reviewed by Counsel and Engineering Consultants. It was recommended by the Counsel that the bid be rejected, as the bid did not contain any bid security which the District required. Mr. Walter Currie, Counsel, recommended that the Board waive the requirement of a bid bond in future bids for this piece of equipment.

Mr. Williams moved that the District waive the requirement for a bid bond to bidders on the trash rake for the intake structure. Mr. Waddey seconded, and voice vote carried unanimously in favor of the motion.

c. CONSIDERATION OF RESOLUTION ACCEPTING AWARD OF STATE GRANT FOR PHASE II & III PLANT EXPANSION:

Mr. Mull reported that a letter was received from the Office of the Governor awarding the District a \$250,000 State Grant from the remaining Clean Water fund for Phase II & III of the Main Plant Expansion. Mr. Mull passed around copies of a Resolution acknowledging receipt of Grant Officer, Accepting Grant Offer, and Making Required Assurances for the Board members to review.

Mr. Williams moved that W. H. Mull, Engineer-Manager, be authorized to accept the offer for State grant for State Project No. WT-448-R, in the amount of \$250,000, and to make the assurances contained in this Resolution and in the offer and acceptance for such State grant, and to execute such other documents and writings as may be required for the acceptance of such grant and the receipt of grant funds. Mr. Waddey seconded and roll call vote carried unanimously in favor of the motion.

4. REPORT OF OFFICERS: None.

5. REPORT OF COMMITTEES:

a. HYDRO COMMITTEE - Mr. Dyson

Mr. Dyson reported that the Hydro Committee met on June 2, 1987, as reflected in the minutes of the Hydro Committee meeting. Mr. Dyson said based on what he witnessed at the Hydro Plant Dedication this morning, he felt the Dedication was very well carried out. Mr. Dyson commended the Hydro Committee and MSD Staff on its efforts for a job well done on the Hydro Plant dedication.

Mr. Dyson turned the floor over to Mr. Mull to give a status report on the following:

(1) RESPONSE TO U.S. FISH & WILDLIFE SERVICE LETTER:

Mr. Mull reported that Mr. Martin Gaynes, the attorney who helped MSD get its Federal Energy Regulatory Commission exemption, and Dilip Mathur, the fisheries biologist, Hendon Engineering personnel, General Counsel to the District, and he met on June 11, 1987, to coordinate a reply to the U.S. Fish and Wildlife Service letter. The District responded to the U.S. Fish & Wildlife Service's requests concerning a (12) month fish mortality study, maintaining flows in the river channel, and the possibility of

developing a device to accommodate trash removal and fish protection. The Fish and Wildlife Service has suggested that the District take the money it would spend on a trash rack rake and apply these funds toward installing some kind of screen facility which would bypass trash and fish. The District will postpone readvertising for the trash rake until it hears from the Fish & Wildlife Service.

Mr. Mull stated the District is awaiting a response from the U.S. Fish and Wildlife Service concerning the screen bypass and what an acceptable fish mortality rate is.

(2) STATUS OF RESOLUTION OF VOITH CONCERNS:

Mr. Mull reported the District does not have an update on these concerns at this time.

(3) Other - None.

b. PERSONNEL COMMITTEE - Mr. Ivey

(1) RESOLUTION REGARDING RETIREMENT BENEFITS:

Mr. Ivey reported the Personnel Committee met on June 16, 1987, at 1:30 p.m. to discuss the addition of retirement benefits for the District. Mr. Ivey stated that five (5) different cities had been contacted concerning these benefits, and all cities contacted offered these benefits to their employees. It is the recommendation of the Personnel Committee that the Board pass the resolution authorizing the following benefits: a. Credit for Military Service; b. Repayment of Voluntarily Withdrawn Accounts, and c. Credit for Out-of-State Service. Mr. Ivey moved that the Board accept and include all 3 provisions to the Retirement benefits for the employees of the Metropolitan Sewerage District, and adopt the resolution adopting these benefits. The cost to the MSD will be approximately \$1,160. (increase of .17% of the total payroll each year). Mr. Dyson seconded the motion and voice vote carried unanimously in favor of the motion.

c. PLANT EXPANSION COMMITTEE - Mr. Dent

(1) CONSTRUCTION SCHEDULE, PHASE II/III PLANT EXPANSION:

Mr. Mull reported the Plant Expansion Committee met on June 10, 1987, at 2:00 p.m. The Board has already authorized the District to proceed with advertising for bids on Phase II/III of the Plant Expansion. The meeting was two-fold; 1) find out what ramifications for proceeding with advertisement are, and 2) ratification of Contract for Engineering Services for Phase II/III.

Mr. Mull reviewed the schedule for the grant award with the Board, and noted that the grant award must be made by October 1, 1987. General discussion followed. It was agreed by the Committee that the District simply cannot postpone the advertisement for bids. The District will advertise for bids for Phase II/III construction on June 16 and 28, 1987, with a bid opening date of August 4, 1987.

(2) RATIFICATION OF CONTRACT FOR ENGINEERING SERVICES FOR PHASE II/III PLANT EXPANSION:

It is the recommendation of the Plant Expansion Committee that the Board amend the District's contract with Hendon Engineering Associates for construction of Phase II/III of the main plant expansion, decreasing the ceiling cost from \$738,258. to \$721,261. Mr. Dent moved that the amended contract with Hendon Engineering Associates for construction of Phase II/III of the main plant expansion be approved, and that the Chairman be authorized to sign said contract. Mr. Williams seconded and roll call vote was unanimous in favor of the motion.

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d. SEWER SYSTEM CONSOLIDATION COMMITTEE - Mr. Aceto

Mr. Aceto reported that the Sewer System Consolidation Committee has been attempting to schedule a meeting with the City of Asheville and a separate meeting with officials of the County to communicate to them the Board's concern that consolidation be pursued with deliberate speed and that it be disengaged from the water agreement controversy if possible. It is the intention of the Sewer System Consolidation Committee to hold these meetings in the near future.

6. UNFINISHED BUSINESS: None.
7. NEW BUSINESS: None.
8. DATE OF NEXT REGULAR MEETING: July 21, 1987
9. ADJOURNMENT:

There being no further business, the Chairman adjourned the meeting at 3:20 p.m.



SECRETARY

NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM
RALEIGH, NORTH CAROLINA 27611

AGREEMENT TO PROVIDE CERTAIN BENEFITS AS
SET FORTH IN CHAPTER 1310 OF THE SESSION LAWS OF
1973 (2ND SESSION, 1974)

In accordance with the provisions of Chapter 1310 of the Session Laws of 1973 (2nd Session, 1974) setting forth the conditions under which the rights to certain benefits might be made available to members of the North Carolina Local Governmental Employees' Retirement System, this AGREEMENT is hereby entered into between Metropolitan Sewerage District the Board of Buncombe County and the Director of said Retirement System.
(governing board of local governmental unit)

In consideration of an increase of \$ 1,160.69 in the employer's contribution rate effective as of July 1, 1987, the North Carolina Local Governmental Employees' Retirement System hereby agrees to extend the privileges and rights of said benefits described in Chapter 1310 of the Session Laws of 1973 (2nd Session, 1974) to the employees of the Metropolitan Sewerage District of Buncombe County who are members of said System on and after the above effective date. This Agreement shall continue in effect from year to year with the understanding that the rate payable for said benefits may be modified as the System's Actuary may periodically determine.

Approval of the above increase in rate was authorized by Metropolitan Sewerage District Board of Buncombe County at its meeting on June 16, 1987 and is recorded in the minutes of said Board.
(governing board of local governmental unit)
(date)

CERTIFICATION:

CHAIRMAN MUST SIGN BY EACH BENEFIT DESIRED
(X) Frank S. Smith, III, Chairman A. CREDIT FOR MILITARY SERVICE
(Chairman, Local Governing Board)
(X) Frank S. Smith, III, Chairman B. REPAYMENT OF WITHDRAWN ACCOUNTS
(Chairman, Local Governing Board)
(X) Frank S. Smith, III, Chairman C. CREDIT FOR OUT-OF-STATE SERVICE
(Chairman, Local Governing Board)

APPROVAL:

(Director, Retirement System)

(date)

NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM
RALEIGH, NORTH CAROLINA 27611

RESOLUTION TO ENTER AGREEMENT WITH NORTH CAROLINA
LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO
PROVIDE CERTAIN BENEFITS AS SET FORTH IN CHAPTER 1310
OF THE SESSION LAWS OF 1973 (2ND SESSION, 1974)

WHEREAS, the 1973 General Assembly amended the North Carolina Local Governmental Employees' Retirement System laws so as to permit agreements for providing certain benefits for employee members pursuant to Chapter 1310; and

WHEREAS, the governing body of this Unit realizes the desirability of providing its employees with the security and protection provided by said benefits; and

WHEREAS, Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any employer governmental unit desiring to provide said benefits for its employee members must execute an agreement therefor with the Director of the North Carolina Local Governmental Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED BY THE Metropolitan Sewerage District
Board of Buncombe County in
(governing board of local governmental unit)
regular session,

1. That the Metropolitan Sewerage District
of Buncombe County hereby elects to secure said benefits for its
(name of local governmental unit)
employees in the North Carolina Local Governmental Employees' Retirement System.

2. That the Metropolitan Sewerage District
of Buncombe County hereby agrees to comply with all provisions
(name of local governmental unit)
of the North Carolina Local Governmental Employees' Retirement System as defined in Article 3, Chapter 128 of the General Statutes of North Carolina, as amended, and to make such increased employer's contributions as the Local Governmental Employees' Retirement System may determine to be necessary in order to provide said benefits.

3. That the Metropolitan Sewerage District
of Buncombe County is hereby ordered and directed to execute
(name of local governmental unit)
an agreement with the Director of the North Carolina Local Governmental Employees' Retirement System to implement said benefits of Chapter 1310 of the Session Laws of 1973 (2nd Session, 1974).

Upon motion of George Ivey and seconded by _____
Charles Dyson, the above resolution was introduced for passage. The

following number voted in the affirmative: 10

The following number voted in the negative: 0

NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM
RALEIGH, NORTH CAROLINA 27611

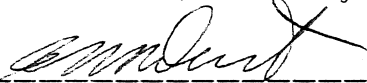
CERTIFICATION

This is to certify:

1. That at a meeting of the Metropolitan Sewerage District Board of Buncombe County
(governing board)
held in Boardroom, MSD Administration Building
(place of meeting) on the 16th day of
June, 1987, the attached resolution was duly introduced and legally passed
in accordance with the applicable provisions of law relating to the Metropolitan Sewerage District
(local governmental unit)
County of Buncombe and the General Statutes of North Carolina.
2. That the meeting at which said resolution was passed was duly constituted, a quorum was present, and that a
resolution was publicized in accordance with the applicable provisions of law and the General Statutes of North Carolina.
3. That the attached resolution is a true and accurate copy of the resolution passed by the Metropolitan
Sewerage District Board of Buncombe Cty. as the same appears on Page _____ of the
(governing board)
Minute Books.

This the 16th day of June, 1987.

Charles M. Dent, Secretary/Treasurer



Clerk to the Board

Corporate Seal (if any)