

At the regular meeting of the Nelson County Service Authority held on December 20, 2018 at the Nelson County Service Authority, Administrative Building thereof:

Present: David Hight, Chairman
Gary L. Sherwood, Vice-Chairman
Ernie Reed
Jesse Rutherford
Justin Shimp
George Miller, Executive Director
Jennifer Fitzgerald, Secretary/Treasurer
Jim Bowling, Attorney

AGENDA ITEM 1. APPROVAL OF MINUTES

On a motion duly made by Mr. Rutherford, seconded by Mr. Sherwood, with Mr. Shimp voting yes, Mr. Rutherford voting yes, Mr. Reed voting yes, Mr. Sherwood voting yes and Mr. Hight voting yes the following was resolved:

BE IT RESOLVED, That the Nelson County Service Authority Board of Directors does hereby approve the minutes of the November 15, 2018 regular meeting.

AGENDA ITEM 2. AUDIT

Mr. Robert Huff with Robinson, Farmer Cox Associates presented the annual audit.

AGENDA ITEM 3. OFFICE MANAGER'S REPORT

Mrs. Fitzgerald presented the Financial Report for November 2018.

Mrs. Fitzgerald stated the lead and copper samples at Wintergreen passed for this year.

Mrs. Fitzgerald stated the Administrative office will be closed on December 24th and 25th in observance of the Christmas holiday and January 1st in observance of the New Year's Day holiday.

AGENDA ITEM 4. EXECUTIVE DIRECTOR'S REPORT

Mr. Miller stated the Tye River maintenance agreement is included in the board package signed by the County Administrator. The maintenance agreement is a month by month agreement. Mr. Miller also provided the revenue and operating expenses for a typical month along with a list of capital

improvements and cost since 2013 and a copy of the Operations Permit issued by the Virginia Department of Health.

On a motion duly made by Mr. Sherwood, seconded by Mr. Reed, with Mr. Shimp voting yes, Mr. Rutherford voting yes, Mr. Reed voting yes, Mr. Sherwood voting yes and Mr. Hight voting yes the following was resolved:

BE IT RESOLVED, That the Nelson County Service Authority Board of Directors does authorize Mr. Miller to sign the Tye River Maintenance Agreement.

AGENDA ITEM 5. DIRECTOR'S COMMENTS

None

AGENDA ITEM 6. PUBLIC COMMENTS

None

AGENDA ITEM 7. ADJOURNMENT

On a motion duly made by Mr. Rutherford, seconded by Mr. Hight, with Mr. Shimp voting yes, Mr. Rutherford voting yes, Mr. Reed voting yes, Mr. Sherwood voting yes and Mr. Hight voting yes the following was resolved:

BE IT RESOLVED, That the Nelson County Service Authority Board of Directors does hereby adjourn this meeting until January 17, 2019.

Prepared by:



Maintenance Agreement

This maintenance agreement, made and entered into this 21st day of December 2018, by and between the COUNTY OF NELSON, Commonwealth of Virginia (the "COUNTY"), and the NELSON COUNTY SERVICE AUTHORITY ("NCSA") provides:

1. **Introduction.** NCSA has maintained the Tye River system for the County of Nelson since December 4, 2006. This agreement is to provide a month by month Maintenance agreement for the Tye River system until the Capital Improvements to the water storage tank can be completed. A new maintenance/operations agreement will need to be agreed upon after the storage tank repairs have been completed. The County holds a well easement on Nelson County Tax Map parcel # 76 11 1A ("well easement"). NCSA uses water from the well easement as its water source for the Tye River system.
2. **Term.** Shall automatically renew each month unless either the County or NCSA gives written notice of termination to the other. Such notice of termination shall be mailed or delivered at least ninety days prior to the expiration of the then current term.
3. **Easement.** The County grants NCSA a license for utility easement and right of ingress and egress through the above described parcel for the term of this Agreement and any renewal hereof for the purposes of installation of pipes and equipment and subsequent maintenance of such pipes and equipment and the well.
4. **Maintenance.** NCSA will maintain and monitor the well and related components at a shared 50/50 expense with the County. Any Capital Improvement Projects will be that of the owner the County.
5. **Billing.** NCSA will bill the County for a shared 50/50 of all maintenance of the well and related components used on a monthly basis at the Tye River facility.
6. **Governing Law, Assignment.** This Agreement shall be constructed under the laws of the Commonwealth of Virginia and may not be assigned, transferred or conveyed without the prior written consent of the County.
7. **Entire Agreement.** This Agreement contains the entire understanding of the parties and may not be modified except in a writing signed by all the parties hereto.
8. **Authority.** By resolution of the duly constituted boards of each party, the undersigned have been authorized to execute this Agreement on behalf of the parties.

WITNESS the following signatures:

COUNTY OF NELSON

By: Stephen A. Carter

Its COUNTY ADMINISTRATOR

NELSON COUNTY SERVICE AUTHORITY

By: [Signature]

Its EXECUTIVE DIRECTOR