

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 23rd day of September, 2013, at 7:00 p.m.

Present:

Willie C. Randall, Chairman

Laurence J. Trala, Vice Chairman

Richard L. Hubbard

Larry LeMond

Oliver H. Bennett

The meeting was called to order by the Chairman.

Update from Northampton County Public Schools:

The Chairman recognized Mr. Chris Truckner from the Northampton County Public Schools who briefed the Board on recent changes in the bus routing/transportation system. Mr. Truckner noted that safety is the school's #1 priority and that such laws and regulations have to be enforced. He said that safety lights and other devices cannot be implemented with door-to-door bus stops. He confirmed that adjustments have been made in the bus stop locations and procedures to accommodate specific situations. When questioned by Supervisor LeMond, Mr. Truckner indicated that the longest distance that a child must walk is between .4 and .5 of a mile, and that most distances are in the range of .2 mile with no child walking along US Route 13. He stated that four bus routes have been eliminated since last year; however, the average bus ride is now 45 minutes long as opposed to 2+ hours.

With regard to the tabled budget amendment and appropriation request from the School System at the previous meeting, motion was made by Mr. Trala, seconded by Mr. LeMond that

this matter be taken off the table. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Bennett stated that nothing in writing has been received from the School System in response to the Board’s request for documentation; therefore, he was not inclined to act on the tabled matter. The remaining Board members agreed. Motion was made by Mr. Bennett, seconded by Mr. LeMond, that Budget Amendment and Supplemental Appropriation #2014-6 again be tabled. All members were present and voted “yes.” The motion was unanimously passed.

Public Hearing:

Chairman Randall called to order the following public hearing:

(1) AN ORDINANCE FOR THE CREATION OF THE “SOUTHERN NODE COMMERCIAL WASTEWATER TAX DISTRICT”

AN ORDINANCE FOR THE CREATION OF THE
“SOUTHERN NODE COMMERCIAL WASTE WATER TAX DISTRICT”

This ordinance is adopted pursuant to §15.2-2400, *et seq.*, of the Code of Virginia as amended.

Section 1. Name and Boundaries of Service District

The service district to be created hereunder shall be known as the “Southern Node Commercial Waste Water Tax District which shall encompass those parcels of real estate identified by the following Northampton County Tax Map Numbers:

| <u>MAP_PIN</u> | <u>MAP_PIN</u> | <u>MAP_PIN</u> |
|----------------|----------------|----------------|
| 84-10-1 | | |
| 84-10-2 | 84-A-51 | 84G-1-A2 |
| 84-13-1 | 84-A-59A | 84G-1-C2 |
| 84-13-2 | 84-A-62 | 84G-1-D2 |
| 84-24-1A | 84-A-77 | 84G-1-D3 |
| 84-24-2 | 84-A-79 | 84G-1-D4 |
| 84-24-2A | 84-A-80 | 84G-1-D6 |

| | | |
|-----------|----------|----------|
| 84-2-A | 84-A-80A | 84G-1-E1 |
| 84-2-B2 | 84-A-80D | 84G-1-F1 |
| 84-4-A | 84-A-81 | 84G-1-F2 |
| 84-4-B | 84-A-85 | 84G-1-G |
| 84-4-C1 | 84-A-87 | 84G-A-3 |
| 84-4-D | 84-A-88 | 91-7-A1 |
| 84-A-100 | 84-A-92B | 91-7-A2 |
| 84-A-103 | 84-A-B | 91-A-13 |
| 84-A-103A | 84F-1-D | 91-A-14A |
| 84-A-144 | 84F-2-B1 | 91-A-16 |
| 84-A-144A | 84F-2-B3 | 91-A-17 |
| 84-A-144B | 84F-2-B4 | 91-A-18 |
| 84-A-145 | 84G-1-2 | 91-A-19 |
| 84-A-146 | 84G-1-4 | 91A-2-1B |
| 84-A-147A | 84G-1-5 | 91A-2-4 |
| 84-A-148 | 84G-1-6 | 91A-2-5 |
| 84-A-46 | | |

Section 2. Purpose of and Proposed Facilities and Services within the Service District

The purpose of the Southern Node Commercial Waste Water Tax District shall be to serve as a means by which the Northampton County Board of Supervisors can assess and collect taxes from owners of commercially used and commercially zoned property within the District, such owners being expected to directly benefit from the provision of modern waste water treatment in southern Northampton County. The revenue would be used to finance capital expenditures only as opposed to operating expenses. The service planned to be provided in the Service District is the treatment and disposal of waste water generated by properties within the Service District being used commercially and properties within the Service District zoned in such a way as to permit commercial use thereon. The facilities proposed for installation and use within the Service District are collection and distribution pipes, one or more pump stations and other items necessary and convenient for the collection and distribution of waste water.

Section 3. Proposed Plan for the Service District

The Northampton County Board of Supervisors will transfer the revenues raised pursuant to this Ordinance to the Eastern Shore Public Service Authority, an entity authorized and mandated to provide the services described in Section 3, above.

Section 4. Benefits Expected within the Service District

The facilities to be funded by the revenues raised pursuant to this ordinance will enable

the establishment of new commercial entities and the expansion of existing commercial entities which would be unlikely to occur so long as the means of treating and disposing of waste water is largely limited to conventional septic tanks and drain fields. In addition, it is expected that public health will be enhanced by the modern treatment of waste water which will be made possible by the installation of the facilities identified in Section 2, above.

Section 5. Severability

Should any section, paragraph, sentence, clause or phrase of this Ordinance be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remainder of this Ordinance.

Section 6. Effective Date

This Ordinance shall be effective immediately upon adoption.

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The Chairman asked if there were any present desiring to speak.

The County Administrator presented the following powerpoint presentation, providing background on the wastewater project.

**Eastern Shore of Virginia Public Service Authority
Regional Wastewater System**

Public Information Session
September 16, 2013

Background

- Dormant ESVA PSA reformed adding four Towns in June 2010.
- Assumed responsibility for the two wastewater projects initiated by Towns & County Utilities Project Management Team.
- Northern Node – Exmore and Nassawadox.
- Southern Node – Cape Charles and Cheriton

Background

- Northern Node - \$11.3 million. On hold until Riverside decides on disposition of medical campus in Nassawadox after hospital move.
- Southern Node - \$11.9 million. Original estimate including Cheriton and surrounding areas in County.
- Both projects heavily dependent on grants or other capital contributions to yield affordable rates.
- State and Federal agencies indicated little grant funding available.

Background

- Focus narrowed to Southern Node Commercial District, Phase 1, around US 13/SR 184/Bus 13 intersection.
- Supports BoS strategic plan to provide infrastructure to better enable private sector economic development and job creation.
- Affordable first step to regionalization.

Engagement of Property Owners

- Met with property owners in May 2012.
- Survey issued in July 2012, providing cost information and requesting interest in Tax District, connection charges, usage, etc.
- Poor survey response.
- Follow-up with owners of significant existing buildings done Fall 2012.

Results

- 64 owners; 85 parcels, mostly vacant; assessed value of about \$20M.
- 10 responses: 5 yes, 4 maybe, 1 no.
- The 9 “positive” responses represent parcels with assessed value of about \$7M.
- About a third of the total assessed value.
- A thin response but significant value.

Proposed Service Area

- PSA recommended about 70 commercial zoned parcels with valuation of \$17.8M.
- Project cost estimate of \$1.8M.
- PSA also provided BoS cost options for extending service area.
- Town of Cheriton - \$6.7M.
- Webster property - \$1.0M.



Southern Node Commercial District, Phase 1

- Low pressure grinder pump collection system.
- Capital cost of approximately \$1.8M.
- Debt service of approximately \$124K/yr., 20 years.
- Debt service funded via real property tax.
- CC WWTP utilized for treatment.
- Operations cost (treatment, maintenance, billing, etc.) via rates.

Real Property Taxes

- 75% of debt service via Special Tax District – rate of \$0.52 / \$100.
- 25% of debt service via general tax – rate of \$0.0014 / \$100.
- Covered in rate adopted by County for FY 2014.
- Total tax rate in District: $\$0.6728 + \$0.52 = \$1.1928$
- Total tax rate in Cape Charles: $\$0.6728 + \$0.2759 = \$0.9487$

CC WWTP

- Design capacity of 250K GPD, based on TN & TP discharge limits.
- Actual capacity somewhat higher based on performance.
- Average daily flow for past year is 150K GPD.
- Now about 1,200 Equivalent Residential Connections (125 GPD/ERC).
- About 800 ERCs remain.
- Estimated current new service area demand of 15K to 20K GPD or max of 160 ERCs.
- Plant designed for easy expansion to 500K GPD.

Benefit of Regionalization

- Economy of scale is important.
- Systems with a small number of customers have relatively high rates.
- < 5,000 average 14% higher than > 5,000. CC has about 1,100.
- CC rate increased significantly due to debt service on new plant.
- About 70% of WWTP operating costs are fixed.
- Adding customers will reduce rate.

Development

- County recognizes economic benefit from CC businesses.
- Planning Commissions will work together on an Overlay District for complementary businesses.
- Economic Development Director will work to attract those businesses.

Additional Public Engagement

- PSA Public Information Session at 7:00 PM, Monday, September 16, at the Cheriton fire hall.
- BoS Public Hearing on Special Tax District at 7:00 PM, Monday, September 23, at the county Board Room in Eastville.

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Mr. George Proto, President of the Cape Charles Business Association, said that he had sent a letter to Cape Charles requesting tabling of this issue and that the Town Council will be discussing rates for this project on September 25th. He said that he has not heard from any business in Cape Charles or outside of town which is in favor of the project. He noted that he was not clear on how the project fits in with the County's economic development plans and urged tabling of the ordinance.

Mr. Granville Hogg read the following comments:

The PSA had a meeting for the Public Information Meeting – Southern Node Commercial Wastewater Project on Monday, Sept. 16th. Several citizens presented written questions. In some cases, PSA did not answer them and deferred them to the Board. Although tonight's meeting is announced as a Public Hearing for AN ORDINANCE FOR THE CREATION OF THE "SOUTHERN NODE COMMERCIAL WASTEWATER TAX DISTRICT", To my knowledge the questions have not been answered, the public needs the information to make their assessment. The call for a hearing on this PROPOSED ORDINANCE is premature.

A list of those questions is attached. There are duplicate questions as they are from Supervisor

Hubbard's letter and from the constituents. Please see each question is fully answered. Answers can be posted on the County Website or presented to the media. There are 3 sheets plus 2 pages submitted by Bender.

By Code this Board has the power to create this proposed district. Prior to implementing this ill conceived ordinance and unleashing an out of control monster on your constituents it would be appropriate for you to consider the following:

It appears NO PERSON currently sitting on PSA or Board of Supervisors will be experiencing the increased assessment on their property.

Many long time residents have been forced out of Cape Charles or elected to leave due to higher utility bills. In the name of Economic Development, Northampton County wants to use its power to force businesses that don't need PSA's service to buy it anyhow. Reminds me of the PROTECTION RACKET.

The PSA, in attempts to follow the direction and leadership of the Board of Supervisors, has managed to create chaos, anger and fragment the potential customers. ~~Maybe that was part of the plan, "Divide and Conquer or CATCH'EM SLEEPING"~~. You have kicked the SLEEPING DOG. GENTLEMEN, IF YOU NEED A REMINDER, LOOK AROUND YOU AND TAKE NOTE OF THE ANGER. The taxpayers of the County at large are just beginning to wake-up to the fact that this year they will received approximately 1/2 cent TAX INCREASE to pay for this POORLY CONCEIVED PLAN which you have fully supported and funded. This act is only the beginning of what it is about to cost them. We can do BETTER THAN WHAT IS PROPOSED. Although this is not the country I grew up in, at last check it was supposed to be a Democracy not an Monarchy or a Pentarchy. This needs to be a COMMUNITY DECISION not YOUR DECISION.

Gentlemen, I admire the fact you have many credentials, and significant knowledge in your area of expertise, but you don't know much about the people you serve. ~~You have been elected to perform the "WILL OF THE PEOPLE"~~. Please keep in mind that YOU VOLUNTEERED AND WERE ELECTED TO REPRESENT THE PEOPLE!

Below are the 3 sheets of questions submitted to the Board

The financial contribution required due to a pipeline passing near a Property varies substantially. Your formula is based on land assessment value not the type or level of service required. I might add assessments will fluctuate and not necessarily proportionally. THIS MEANS, IN TIME, MY CONTRIBUTION MAY INCREASE AND YOURS DECREASE BUT THE PSA COLLECTS THE SAME AMOUNT. As long as PSA gets their money it is irrelevant to PSA which property they suck the life from.

A CONTRIBUTION for a Mini storage or a VACANT FIELD with NO NEED FOR SEWER SERVICE IN THE IMMEDIATE FUTURE may pay the same as a Restaurant with SIGNIFICANT WATER USAGE.

1000 gal of Sewerage from a food preparation facility receives a different level of treatment than 1000 gal of sewerage from a sink and toilet. Hence, I would verify how ERC's for houses apply to COMMERCIAL ESTABLISHMENTS.

It appears there is a limited number of businesses that desire Sewer service. **The MAJORITY OF THE PROPERTIES IDENTIFIED HAVE LIMITED TO NO WATER USE AND DO NOT DESIRE SEWER SERVICE AT THIS TIME.** PSA can organize and work for those entities that desire sewer service and assist them to construct a system that meets their needs. **THOSE ENTITIES THAT WANT SEWER SERVICE CAN HAVE PSA HELP THEM GET SERVICE IF THEY DESIRE. THE FREE ENTERPRISE SYSTEM HAS SERVED THIS COUNTRY WELL. DON'T TRY TO FIX IT!**

It appears the only businesses that will enjoy the immediate benefit from this CURRENT PROPOSAL are those with leases. Those businesses are subject to relocate as demographics change. Whereas the OWNER/OPERATOR has more AT RISK than a Lessee. The lessee can relocate, but the OWNER/OPERATOR is now STUCK with devalued Real Property and NO BUYERS ON THE HORIZON and both BOS AND PSA are able to SQUEEZE the LIFE OUT OF THEM, and they must WEATHER THE STORM until the market turns around. THIS REMINDS ME OF HAM AND EGGS. "The chicken is involved but the Pig is committed."

Much of the area PSA selected is VACANT. With the creation of this SEWER DISTRICT, "CARRYING COST" for vacant land has just soared. Is this just another attempt to force a sale of land in this area?

At the July 22 meeting the Board of Supervisors transferred the Hurt & Proffitt contract to PSA.

"Following discussion by the Board, motion was made by Mr. Bennett, seconded by Mr. LeMond, that staff be authorized to move forward with scheduling a public hearing to consider creating a tax district and service district called the Southern Node Commercial District Phase I, utilizing the Option B Funding Plan, as outlined above. All members were present and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board request the Eastern Shore of Virginia Public Service Authority to conduct a financial review and analysis of the Cape Charles Sewer System and to prepare a detailed draft agreement to purchase service for the proposed Southern Node Commercial District Phase I; this financial review and analysis along with the tentative agreement need to be provided to the Board prior to any board vote on the creation of a tax district and service district. All members were present and voted "yes." The motion was unanimously passed.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the Board assign the Request for Proposals for Engineering Services, issued March 13, 2013, and subsequent contract award to the selected vendor of Hurt & Proffitt to the PSA to engage them for

any engineering services needed to move this project forward. All members were present and voted “yes.” The motion was unanimously passed.”

Minutes of 8-26-2013 Supervisor Hubbard's Comments

“After reflecting on our Board meeting of 13 August, I feel we may have overlooked some things or at least need a better understanding of what we have set in motion. I believe the entire Board truly believes that it is necessary to develop infrastructure in the area of the Cape Charles stop light and has no desire to harm the economic development of the town.

1) Before further engineering studies or plans are done for the project, we must have in place an acceptable, long-term fixed rate cost for treatment of waste water to be used by the project.

2) We also need to be sure that the current Cape Charles treatment plant is on sound financial footing and the PSA could not be held responsible for “new” unexpected costs associated with that plant.

3) The treatment cost plus the cost of the installation of the proposed project must be in line with other communities or we will need to look at other treatment project service areas.

4) We need a better understanding of the actual amount of waste to be treated and the number of current clients who are willing to hook up at the present time.

5) We also need a better understanding of possible/probable clients, their usage requirements and a reasonable guess of when they may possibly need to be online, so the proper scope of the project may be determined.

Ms. Nunez commented that questions #1 and #2 have already been requested by the Public Service Authority. For Question #3, the PSA has used \$42.00 per month as a baseline monthly costs for waste water services in order to achieve a reasonable operations & maintenance cost. Information requested in Question #4 has already been shared with the Board and preliminary data resulting from Question #5 has been received through the use of surveys. Detailed information would be available through engineering services although the PSA has not executed an engineering contract at this time.”

Based on the information above the Executive Director might be able to provide information

Has PSA voted to Accept the transfer of the Hurt & Proffitt Contract?

What is the Scope of Work to be performed by Hurt & Profit at this time?

Has PSA voted to issue a NOTICE TO PROCEED? When??

Has PSA given a NOTICE TO PROCEED for any work on the Proposed Southern Node?
WHEN??

There has been a significant presence in area by Hurt & Proffitt vehicles in recent weeks. With reference to Supervisor Hubbard's Comments, item 1. Are you aware of what project are they working on???

PSA has caused maps to be generated indicating which properties shall become part of the SPECIAL TAX DISTRICT. PSA has been determined that a rate of \$0.52/\$100 assessed value is the Tax to be assessed on an individual property.

What entity made the determination to employ Real Estate assessment to determine the SPECIAL TAX to be assessed?

Obviously Real Estate assessment was used to determine the assessment. What other methods of determining the amount of Tax to be charged were evaluated?

Parcel 84-A-51 is a 89±Ac. Tract part of which is identified as being within the Proposed Special Tax District. What is the amount of the annual assessment on the portion in the Special Tax District? How determined??

What was the criteria used to identify which parcels were to be included in the SPECIAL TAX DISTRICT?

Please identify the parcels that have requested public sewerage?

Has there been any request for IMMEDIATE ASSISTANCE to dispose of Sewerage?

Is PSA aware of any IMMEDIATE NEED to dispose of Sewerage on any of the properties identified in the SPECIAL TAX DISTRICT?

If yes, How is this IMMEDIATE NEED currently being addressed?

Which parcels requested Immediate Assistance?

Based on the potential need for IMMEDIATE ASSISTANCE is there any reason why the existing Northampton County sewerage facility located at the Bayview Project could not be used?

What are the wastewater requirements of each parcel identified as requesting public Sewerage?

Has the Town of Cape Charles agreed to accept sewerage from PSA?

What is the Rate to process the Waste Water derived from PSA's Proposed project?

PLEASE provide the public an example of bills for water use of the following quantities:
MINIMUM VOLUME; 300 gal/month; 3000 gal/month; 6000 Gal/month
MINIMUM VOLUME for a Retail Food Preparation facility; 300 gal/month; 3000 gal/month;
6000 Gal/month

Under CCWWTP current system configuration, What is the maximum volume of sewerage Town of Cape Charles will accept?

What discussions has PSA had with the Town of Cape Charles with regards to Plant Expansion should wastewater flow exceed the maximum volume the Town will accept or Design Flow?

Is there a clear delineation between the point when BayCreek contributes to the Cost of Expansion and when PSA contributes to the Expansion of the Cape Charles Plant??

If the Town of Cheriton should get enough GRANT MONEY to construct a Sewerage Collection System with the intention to deliver the waste water to Cape Charles for processing, how much wastewater is involved, will this cause a need for the Cape Charles System to be expanded? Who will pay for the expansion?

In the opinion of PSA is there a potential CONFLICT OF INTEREST between PSA and Town of Cape Charles or Board of Supervisors?

In the opinion of BOS is there a potential CONFLICT OF INTEREST between PSA and BOARD OF SUPERVISORS or Town of Cape Charles?

The Bender Submittal of Sept 16, 2013

At the July 22 meeting the Board of Supervisors transferred the Hurt & Proffitt contract to PSA.

Has PSA voted to Accept the transfer of the Hurt & Proffitt Contract?

Has PSA voted to issue a NOTICE TO PROCEED?

Has PSA given a NOTICE TO PROCEED for any work on the Proposed Southern Node?

How much money does PSA have in its treasury or under its control at this time?

PSA has caused maps to be generated indicating which properties shall become part of the SPECIAL TAX DISTRICT. It has been determined that a rate of \$0.52/\$100 assessed value is the Tax to be assessed on an individual property.

What entity made the determination to employ Real Estate assessment to determine the SPECIAL TAX to be assessed?

How was the methodology establishing amount of tax assessed for each of the Commercial properties in the Special Tax District determined?

What other methods of determining the amount of Tax to be charged were evaluated?

Who or what entity identified the parcels to be included in the SPECIAL TAX DISTRICT?

What was the criteria used to identify which parcels were to be included in the SPECIAL TAX DISTRICT?

Please identify the parcels that have requested public sewerage?

Has there been any request for IMMEDIATE ASSISTANCE to dispose of Sewerage?

Is PSA aware of any IMMEDIATE NEED to dispose of Sewerage on any of the properties identified in the SPECIAL TAX DISTRICT?

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In the opinion of PSA is there a potential CONFLICT OF INTEREST between PSA and Town of Cape Charles or Board of Supervisors?

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Mr. Phil Morris, owner of Cape Charles Marine, provided the following comments:

Board of Supervisors Meeting – September 23, 2013

Is the survey and installation of the sewer system written in blood so the voters in this county cannot even vote on this issue of whether the residents and businesses want or do not want the sewer system.

I would like to know why it cannot be placed on an referendum. On the November ballot and let the residents and business owners decide on this issue.

Is it not a conflict of interest for a person who is receiving pay from one authority and serving on the board of another authority.

Example: Working for the of Cape Charles and also working for PSA as an employee.

How many companies were sent an invitation to bid on this project. If so, who were the companies.

Where are the money figures on the operation of the sewer Plant, as we were told that you would have them by now. I still have not seen any final figure, and what will be our costs upfront.

Who authorized the surveying of the sewer lines in the area, and who is paying for this survey.

And just in the meeting at the Cape Charles Fire House last week, I would the people not in favor of the sewer system to please stand up.

Submitted by: Philip and Irene Morris, 3369 Stone Road, Cape Charles, Va.

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Mr. Dodd Obenshain, President and CEO of A&N Electric Cooperative (ANEC), said that ANEC is the owner of two parcels within the proposed service district but have no need for water and sewer service. He questioned if his rates would be impacted if improvements were made to the property and requested exemption for ANEC.

Ms. Katherine Campbell, a resident of Solitude Trail in Machipongo, stated that she represents commercial properties near Kings Creek who were in favor of the project. She also thought that water and sewer infrastructure would help to attract much-needed medical facilities

to the area.

Mr. Phil Richardson, a business owner within the proposed district, asked how could the Board expect him to generate revenues sufficient to pay the increased taxes if the district were approved.

Mrs. Deborah Bender provided the following comments:

Last week over a hundred people showed up at the Cheriton Fire Hall for the information meeting about the pipe planned by the PSA. Everyone spoke against it. Not one person raised a hand when the question was asked, "Who supports the pipe?" Not even the members of the PSA raised their hands – not even Bob Panek.

It was clear that the people of Cheriton do not want to pay the kind of bills that we do in Cape Charles. It was clear that business owners in Cape Charles are concerned that strip development on Route 13 could cut into business for them. Where are the grocery stores that used to be in Cape Charles? Shuttered. They closed after the Food Lion opened on the highway.

After the PSA heard over 100 people speaking out against the pipe what did they do? They voted unanimously to pay Hurt and Proffitt \$70,000 on engineering for the pipe. Hurt and Proffitt is a fitting name for this outfit. They hurt Northampton County for their profit.

Are the members of the PSA politically tone deaf? It would seem that they are. When they heard that people do not want the pipe they might have exercised a little caution and decided to wait just a bit before plowing forward – but no. They voted to spend Northampton County taxpayer's money for something that they just heard that the people do not want.

That is just wrong. As members of the Board of Supervisors it is up to you to rein in the PSA. Every member of the PSA needs to be replaced by competent citizen advocates in the county. The people of Northampton County do not trust the current PSA members to do the right thing. Can you blame them?

Everyone in this room who is against the sewer pipe, please raise your hands.

Everyone in this room tonight who favors a new PSA board, please raise your hands. Members of the Board of Supervisors need to think this through right now because the people in this room will be voting soon for members of your board.

Perhaps it is time for a change. Please let us know loud and clear where you stand on this issue.

10 days ago a petition was started to stop the sewer pipe.

Tonight we have 26 pages of petitions with 262 signatures calling on you to stop this proposal to

create a special tax district to develop businesses on the highway. Such a plan is not a public service but a disservice.

If you really want to help with the bus problems, stop the pipe and give the \$500,000 to the schools.

FYI – Bob Panek stated at the Sept. 16 meeting it would take 5,000 customers to reduce the rates.

Deborah Bender, 300 Fulcher Street, Cape Charles

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Mrs. Mary Miller provided the following comments:

Board of Supervisors Sept. 23, 2013 Special Tax District Public Hearing

I'm concerned, as many seem to be, about how and why this district was drawn – and how we plan to fund it. I'm especially concerned that all county taxpayers have already been obligated in concept, by your vote to fund 255 of this project – tens of thousands of \$\$s of our precious tax revenue.

Included is the private property of many small business owners, who don't need sewer service, don't want it, and know they can't afford it.

There are other properties owned by profitable corporations who really want this sewer line – perhaps to increase the rental value of their parcels, or make their vacant land more salable.

Corporate owners can easily fund their own waste water needs and can increase the value and saleability of their business assets – without the county forcing small business owners into the project, and without a handout from county taxpayers. McDonald's and Shore Bank, Food Lion and Hardees, Harmony Investments and even Royal Farms, with its 13 year old site plan. Some parcels are not even in the County's Enterprise Zone. And there's one 23-acre parcel which appears to be owned (according to county documents) by the county's #1 tax delinquent.

A sewer line by itself, and hoping for the best, is not an economic plan. Hope is not a plan. What happens if fees don't cover services? Will county taxpayers bail out the system? The Board can vote any time to change district boundaries and drag in more property owners. People are concerned about that—being forced to pay for a sewer line they don't want and can't afford.

Tabling further discussion on creating this tax district until you have a professional cost-benefit analysis, until other options have been considered, until all property owners involved are in agreement, until county taxpayers aren't forced to foot the bill, would go a long way to restore some confidence in local governments.

Request that these comments be inserted into the Minutes

Submitted by Mary Miller, 16319 Courthouse Road, Eastville.

* * * *

Mr. Eyre Baldwin said that he believed in a regional plan but not this particular plan. He disagreed with one of the previous slides indicating the cost to bring the project to the Webster property. He also said that there was a moral conflict surrounding the service of Bob Panek on the PSA.

Mr. Bob Meyers provided the following comments:

To: BOS, Northampton County

23 Sept. 13

Public Hearing: SOUTHERN NODE COMMERCIAL WASTEWATER TAX DISTRICT

I oppose this proposal for two reasons.

1. It will incur PSA debt that every property owner will have to pay for the benefit of very few property owners who said "Yes" to the survey.

You are contemplating adding debt that will be borne by everyone in the County for the benefit of less than a half dozen property owners. That will also create a yet unknown monthly financial burden of sewer costs on citizens who, if you are willing to look carefully, can ill afford them. It will also incur costs for many properties that are not even developed and which cost the County nothing in services such as the cotton fields north of Parsons Circle. This is not even reasonable, much less fair.

2. You are expanding the previously approved commercial areas and planning county sewer lines with no input from the Planning Commission. Do your Staff members have the expertise in rural planning that your Planning Commissioners receive when they complete their certification requirements? That expertise has not been demonstrated by your actions.

You hired an Economic Development Director and neither you nor he has been successful promoting the unused existing properties in and around Cape Charles that currently have BOTH water and sewer capability. There is currently enough room in the town to support several businesses, just between the vacant food markets and the former industrial park. The BOS never followed up on several businesses that were given special approvals through zoning concessions to locate here, such as Lincoln Renewal Energy, and the Parsons Circle Hampton Inn and the promises of 200 jobs in the Cheriton KMC site.

You and the PSA are ignoring a real sewage need for three facilities that DO serve ALL the citizens of the County. Heritage Hall, Fresenius dialysis center, and the Community Services Board will all need sewer facilities as Riverside vacates Nassawadox. Solving that need was voted unanimously to be the highest priority of the PSA when it was formed. That vote still stands and the need remains. Time is rapidly approaching when Riverside will no longer support these facilities and operate its polluting sewage plant for the benefit of those outside its business model.

Gentlemen, if you are going to meet privately with potential new businesses, you have an obligation to the citizens of this county to explain that if the proponents want the support of county residents, they need to be straightforward and market themselves to us rather than confine their ideas to you behind closed doors. You are giving the impression of pursuing a path of secrecy. That path will result in animosity and lack of support for your endeavors. As elected officials, you have an obligation in a timely manner to be straightforward with all county citizens and to use your appointed committee that is qualified to give you advice based on principles used by the entire Commonwealth.

- R. Meyers, Exmore

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Mr. David Boyd, a resident of Tower Hill, said that there was a large amount of opposition to the project, noting that Cape Charles wants county residents to pay for its mistakes. He submitted 25 signatures on a petition entitled, “Stop the Cape Charles Sewer Pipe to the Highway”.

Mr. Frank Wendell spoke in opposition, and questioned why the public information session was held without all of the information being available. He also said that adding customers in Cape Charles have not resulted in lower rates.

Mr. Garrison Brown, an owner of two properties within the proposed district, said that some properties are so small that they will not benefit from any system noting that the multiple vacant properties have no need for a sewer system. He urged the Board to promote agriculture, tourism and small business.

Mr. Mike Steelman provided the following comments:

My name is Michael Emory Steelman of 22287 South Bayside Rd. Cheriton, Va. As per your correspondence letter dated August 26, 2013 I am responding in written form and person.

#1 All though the board's concern for the county in general are good, I believe the citizens tonight will, hopefully, give you good enough reason not to create a new tax district. It is my opinion that the new tax district not be created. I am in total disagreement with the construction and continued push forward actions taken by P.S.A., knowing this will place undo hardship on majority of the new tax district.

#2 Your board has obviously been haphazardly studying the waste water needs throughout the county for (TWO) years. Oddly enough you narrow your search to the southern end of the county, in and around Cheriton and Cape Charles area. It appears to those of us in the new tax district, with all the evident surveying going on that there is a problem. None of which has been made evident to the very tax payers in the county of the new tax district. We are getting courted with a 75% to 255 annual debt service and guess who is on the 75% side? We request any and all information pertinent to your study as the "need", this is the word the board used, why this new tax district should be created! I have been in business for 12 years in your so called snwwtd area and not once had an encounter with a waste water issue, if there was, it could easily be managed by the current means we have available now. I even asked a simple question at the Cheriton fire house Monday 16th "all those in favor of waste water treatment expansion to the Cheriton area, please raise your hand". From my perspective view, a show of no hands were evident.

To this day I have yet to be surveyed for these boundary adjustments, on this new venture! This is the same behavior we are receiving from your regimes. If it sounds good go for it! Maybe your letter should have read Cape Charles is having difficulty managing their waste water treatment plant. They and the P.S.A. board have come together and are telling the citizens of (snwwtd) southern node commercial waste water tax district, whom you assume, are jumping up and down with folding money in hand, to bail them out. Look around the room listen to the community, (as this is your job!) it appears that your policies are not of the best interest. It is my recommendation that all tax payers' monies and time, yes that is right "time", going toward this project cease and desist. Frankly gentlemen you have much bigger fish to fry in an effort to put us on the map.

#3 Was support expressed from certain commercial property owners? I ask this for the present project or past projects. You ask if this is referencing the last fiasco we went through, yes I had an interest, but I had to move on and comply with state regulations to operate my own waste water needs. I had no time to wait for your due diligence to get finished. To the tune of \$40,000, as many others also have large investments, on fixed incomes you should understand! (or maybe you don't!)

In an effort to solve this issue maybe you should take a different approach. For example:

Somehow level the playing field, give all in the tax district incentives to get on board. Since you have the grant writing, time, ability, and we are footing the bill to have that available, just because it did not work the first time doesn't mean it will not work at a later date. You then may have a fighting chance at putting this through. It's no different than any other business, we have to make total initial investments before we can make our first sale, your project should be no different!

Maybe your board should take the approach "if it ain't broke don't try to fix it". As you should agree, our community is in a financial crisis, as it seems the norm these days, at least for most government organizations. For example our own local government, look at the years of unrealistic spending. Was this all not in an effort to build the community?

I am a local entrepreneur and business owner trying to survive under a heavy and growing tax burden. If your policies continues on its destructive path it will take me down with it, along with just a few others that remain. It will be hard to leave the shore as your office is pressuring me to do so. I do have the option to take my business elsewhere. You see in all your collective infinite wisdom, I will not fail! As your office has failed us!

Is this the office of a productive community that will continue to watch people leave and business fail under your watch? I have made many adjustments in my career in an effort to remain on this beautiful eastern shore and provide a service to the citizens of the shore without the assistance of tax revenue or federal grants. I have managed to maintain as a small business, by biding my time, humbly acting appropriately to a need, circumstances or opportunity that will arise in our ever changing dynamic society, taking that opportunity and running with it. Sometimes opportunities last sometimes they don't. I always try and model my (hopeful) success after someone else's success. It seems to me if it works for them it should work for me with a few changes that fit my personality, as we are not all the same. I truly believe if your office embraced these few small qualities you might see things turn around for our community (and you all can take all the credit.) It seems a perfect fit. This is not the time or the place to start another burden on the community. And as responsible employees of this community again I recommend you focus your time and effort in providing good sound decisions for our community. You have been voted into a position that carries a lot of responsibility, but it is not rocket science. I have a 12th grade education and own and manage 4 businesses to survive. This new tax district is not business friendly! I would be embraced to add the years of education, degrees and the collective wisdom that sits in front of me along with boards that supersedes your board and wonder why, are we in this position? Now you want to partner with Cape Charles to aid them in fixing their same inadequacies to manage, and place the burden on fixed income, tax paying citizens. Your approach, in mine and many others eyes in this matter, is grossly inadequate, disrespectful, and at this time is not suited for the needs of our community, and I say again "our community". I'm here to be part of a solution – not a problem. I have been solving problems my whole life and this one is a no brainer. We only have three minutes each for our input and defense and you have had months to build a problem at our expense. When you are ready for a real solution to our failing community a can all be reached for one on one meetings. We as a community should be more involved.

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Mr. Roger Buyrn, a resident of just north of the proposed service area, spoke in opposition, noting that this project “reeks of strip development” and will hurt a lot of businesses.

Mr. Craig Richardson read the following letter from his father:

September 25, 2013

TO: Board of Supervisors, Northampton County
FROM: Robert C. Richardson, Seaview, 703-971-5313
SUBJECT: Sewer Line to Cape Charles

Mr. Chairman and Members of the Board,

It is extremely evident that there is no interest in this sewer line matter and, according to the number of people approving the line, they could be accommodated by a “Port-O-Potty” located at the Cape Charles traffic light. The proposed plan is a form of pyramid financial scheme and has been devised by individuals who have vested interests in spending millions of taxpayer funds on systems that will not be used, and will cost additional thousands to operate and maintain. A water system is necessary to properly monitor a public sewage system and that system would necessitate the expenditure of many more millions of taxpayer funds.

In order to factually have this issue in place by 2020, the county requires a population of approximately 125,000 residents and commercial/industrial enterprises of approximately 1,500. The continued distractions of issues such as this is deflecting the attention of the board from critical projects that must be addressed now to insure the survival of Northampton County.

I believe some of the critical issues are:

1. Bring the East Coast electric grid to Kiptopeke.
2. Bring the natural gas main to Kiptopeke.
3. Employ qualified workers from the county to construct the new bridge tunnels.
4. Build offshore wind turbines from Northampton County.
5. Create fish & bird hatcheries at Kiptopeke.
6. Bring BRAC construction to the county.
7. Negotiate with the Bridge tunnel to create a “Demonstration Project” for wind & solar power to reduce the tolls and also bring the electric power grid from the South to Fort John Custis.

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Mr. Sean Ingram, a resident of Arlington Road and member of the Public Service Authority, said that he sympathized with the speakers and welcomed residents' input and comments.

Mr. Dan Burke, Cape Charles Planning Commission member, indicated that at a recent joint meeting with the County's Planning Commission, that said body was totally unaware of the PSA project. He also said that it was morally wrong to have an employee of the Town to serve on the PSA Board.

Mrs. Martina Coker, Chairman of the Northampton County Planning Commission, corrected Mr. Burke's statement, noting that the Commission is aware of the PSA but has no control over that body.

The following correspondence was read into the record:

Northampton County Board of Supervisors
PO Box 66
Eastville, VA 23347

Re: Objection to Southern Node Commercial Waste Water Tax District

I/We on behalf of T&W Block Co., Inc. and as individual landowners of Northampton County parcel 84-A-144 are writing to submit our objection in response your August 26, 2013 letter regarding creation of a Southern Node Commercial Waste Water Tax District. We are opposed to creation of this special tax district. We regret that we are unable to attend the upcoming public hearing to express our concerns in person, but will be away at a work conference. Richard Dryden has kindly agreed to attend on our behalf.

Due to the nature of the current economy and many other factors too numerous to mention, creation of this tax district will cause an undue hardship on small family-owned businesses and entrepreneurs, such as T&W Block Co., Incorporated. We purchased this land for future expansion and business growth opportunities, which will have to be postponed or abandoned as costs of doing business continue to rise. Federal and state regulations already limit our ability to expand and improve our operations, so additional local regulations would only add to our constraints.

In general it appears that this plan uses a buck-shot approach to grab money from business owners and has not been adequately thought out. We would expect a rate structure to be part of this decision. We echo many of the objections of other community leaders which have already been made part of the public record.

Finally, we appreciate the challenging work that the Board faces and do appreciate your service to our community, which comes at great sacrifice on your part. Thank you for the opportunity to submit comments on this important issue. For more information or questions please feel free to contact us at gwalker@twblock.com/wwalker@twblock.com or 757-787-2646.

Sincerely,

Genevieve Walker-Switzer and Wendy Walker
T&W Block Co., Inc., Co-Owners
Co-owners, Northampton County parcel 84-A-144

* * * * *

(e-mail message from R. J. Haney to Charles McSwain):

From: rjhaney@comcast.net [<mailto:rjhaney@comcast.net>]
Sent: Monday, September 09, 2013 4:35 PM
To: cmcswain@co.northampton.va.us
Subject: Sewerline project

Mr. McSwain, Please include my 2 properties on rte 13 in the project. They are adjacent to Hardees. I received and sent the survey, but it was returned to me. My tax IDs are: 84-2-B and 84-2-B1 . Thank you, R Haney (dba Cape Charles Chocolates)

* * * * *

(e-mail message from Crile Crisler to Charles McSwain):

From: <ebloat@cox.net>
Date: Mon, Sep 9, 2013 at 11:51 AM
Subject: Southern Node project and zoning
To: cmcswain@co.northampton.va.us
Cc: Bill Parr <billparr@parrproperties.com>

Dear Mr. McSwain,

Following a recent discussion with Bill Parr with regard to the Southern Node Commercial

Waste Water Tax District, I write to inquire about the possibility of including additional property in that project. I had intended to see if I could meet with you personally about this, but have had an unexpected surgical procedure which has prevented that (am recovering fine and would be pleased to meet with you any time after this week if you wish).

My wife and I own tax parcel 91-A-14A, which is presently the site of Eastern Shore Communications, to whom the property is leased. Ronald van Geijn (Eastern Shore Communications owner), Bill Parr, and I have discussed the possibility of future expansion of the facilities on that site, if and when Ronald's so far very successful company needs more space. As you know, that parcel is already included in the Waste Water project.

We also own the adjacent parcels to the south of that property, parcels 91-A-14 and 91-A-12, and I write to inquire about the possibility of changing one or both of those to commercial zoning and inclusion in the Waste Water Project, in order to improve the potential for future commercial development there.

I will be pleased to answer any questions or provide additional information (email or cell phone [757 373-1789](tel:757373-1789)), and would likewise be happy for you to discuss this with Bill Parr, who is our real estate agent for these properties.

Thanks for considering this. Hope to see you personally some time soon.

Crile Crisler

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One additional written comment was submitted as follows

September 23, 2013

TO: Board of Supervisors Northampton County, Virginia

We, Donny and David Campbell, the owners of Eastern Shore Repair Service, LLC, wish to voice our opinion in this letter concerning the new sewer pipe line project. This pipe line will extent from Cape Charles to and beyond the town limits, especially due to the diminishing economical downfall. We do not need any more rising tax costs nor any additional financial burdens added to our business. We decline your offer, we already have an adequate septic system. Please document this letter in the minutes of this meeting.

Thanks,

/s/ Donny G. Campbell, Sr.

/s/ David G. Campbell

* * * *

There being no further speakers, the public hearing was closed.

Mr. LeMond stated that he agreed with the speakers, particularly the 75%-25% funding ratio as proposed, but that the County needed infrastructure – that was one of the Board’s goals.

Mr. Hubbard said that neither the Board nor the public had the correct information to allow a realistic decision.

Mr. Trala stated that the Board is not trying to force a decision on the public and hoped that everyone can work together.

Mr. Bennett said that he was looking for economic development and job creation in the County to help all those citizens who desire employment.

Mr. Randall thanked the public for its participation and noted that the Board has a lot of work to do in order to look at ways to create job development. He noted that no action will be taken by the Board on this project as it needs additional work.

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that action be tabled on AN ORDINANCE FOR THE CREATION OF THE “SOUTHERN NODE COMMERCIAL WASTEWATER TAX DISTRICT”. All members were present and voted “yes.” The motion was unanimously passed.

Action Items:

(2) Consider award of contract for Computer Assisted Mass Appraisal (CAMA) software to Vision Government Solutions of Northboro, Massachusetts.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board award the contract for Computer Assisted Mass Appraisal (CAMA) software to Vision Government Solutions of Massachusetts, for a sum not to exceed \$110,000.00. All members were present

and voted “yes.” The motion was unanimously passed.

(3) Consider award of contract to Shell Builders for home construction at 5067 Culls Drive – Culls Comprehensive Community Development Block Grant Project.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the contract for home construction at 5067 Culls Drive be awarded to Shell Builders as a part of the Culls Comprehensive Community Development Block Grant Project. All members were present and voted “yes.” The motion was unanimously passed.

Adjourn:

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the meeting be adjourned. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was adjourned.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR