

A meeting of the West Virginia Infrastructure and Jobs Development Council (Council) was held **Wednesday**, **May 4, 2022**, **beginning at 9:30 a.m.** in the Infrastructure & Jobs Development Council Public Hearing Room at 1009 Bullitt Street, Charleston, West Virginia.

Quorum

A quorum was constituted of the following members present:

Chair Ann Urling, Governor's Office

Voting members present:

Marie Prezioso, WV Water Development Authority
John Reisenweber, Vice-Chair
Kathy Emery-Fultineer, WV Dept. of Environmental Protection
Stephanie Hickerson, WV DHHR-Bureau for Public Health
Charlotte Lane, WV Public Service Commission
Kris Warner, WV Economic Development Authority
Matthew McComas, Public Member

Voting members (by phone):

Erica Boggess, WV Housing Development Authority Don Rigby, Public Member Louis Spatafore, Public Member

Voting members not present:

John Boyle, Public Member

Advisory Members present (by phone):

Delegate John Hardy Senator Chandler Swope

Advisory Members not present:

Senator Glen Jeffries Delegate Brent Boggs

Invitees present or via phone:

Todd Hooker, WV Development Office Roger Earle, WV DEP – Abandoned Mine Lands David Cramer, WV Division of Highways Janna Lowery, USDA Lesli Stone Smith, US Army Corp. of Engineers

Invitees not present:

Sherry Risk, SCBG James Bush, WV ARC Tracy Rowan, US Economic Development Authority

Others in attendance:

Wayne Morgan, WV Infrastructure & Jobs Development Council
Kristi Ritchie, WV Infrastructure & Jobs Development Council
Jonathan Fowler, WV Public Service Commission
Samme Gee, Jackson Kelly PLLC
Amanda McGinnis, WV Rural Water Association
Michael Griffith, Griffith & Associates
Jason Billups, WV DEP
Jonathan Carpenter, The Thrasher Group
Brock Jarrett, WV WDA
Tim Meeks, MOVRC
Robert Riggs, City of Pennsboro
Greg Belcher, Chapman Technical Group

Others in attendance by phone:

Mike Duminiak, WV Infrastructure & Jobs Development Council Randy Lengyel, WV Water Development Authority Cindy Williams, WV Water Development Authority Jeff Brady, WV DEP Hoy Shingleton, New Creek Water Association Jeff Johnson, Region 1 Planning & Development Council Steve Haynes, The Thrasher Group Fred Hypes, Dunn Engineering Steven Powell, Region 10 Planning & Development Council Jim Marshall, Region 7 Planning & Development Council

Call to Order

Chair Ann Urling called the meeting to order and noted a quorum was present.

Approval of Minutes

Chair Urling asked for approval of the draft minutes of **April 6, 2022.**Charlotte Lane moved for approval and Matt McComas seconded the motion.
The motion passed.

Projects Recommended to Pursue Infrastructure Fund Assistance:

Anmoore, Town of (2021W-1970) System Improvements – District 1 (Scope, Cost, and Funding Change)

Stephanie Hickerson described the request, and it is technically feasible.

The Technical Review and Funding Committee recommends the Town of Anmoore pursue a \$1,150,000 DWTRF Debt Forgiveness Loan, a \$1,150,000 DWTRF Loan (0.5%, 40 yrs.), and a \$1,000,000 IJDC District 1 Grant for an estimated project cost of \$3,300,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

Davis, Town of (2021S-2022) System Improvements - District 1 (New Application)

Kathy Emery described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends the Town of Davis pursue a \$2,000,000 US EDA Grant, a \$500,000 CWSRF Debt Forgiveness Loan (Green), a \$78,900 Town of Davis Contribution, and a \$3,172,200 CWSRF Loan (2%, 30 yrs.), and a \$200,000 IJDC District 1 Design Loan (3%, 20 yrs.) for an estimated project cost of \$5,951,100; and the \$90,000 IJDC PFA will be paid back via the permanent financing at closing.

There was a discussion on the definition of "green" CWSRF funding.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

Davis, Town of (2021S-2022) System Improvements - District 1 (Engineering Fee Variance)

Ms. Emery described the request.

The Technical Review and Funding Committee recommends the Town of Davis receive an engineering fee variance approval for total engineering fees.

Ms. Prezioso moved that the recommendation be approved, Ms. Lane seconded the motion. The motion passed.

Fairview Town of (2022W-2087) Line Replacement - District 1 (New Application)

Ms. Hickerson described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends the Town of Fairview pursue a \$1,175,000 DWTRF Debt Forgiveness Loan and a \$1,000,000 IJDC District 1 Grant for an estimated project cost of \$2,175,000.

Ms. Prezioso moved that the recommendation be approved, Ms. Lane seconded the motion. The motion passed.

Marshall County PSD 3 (2022W-2095) Critical Need (Extension) – District 1 (New Application; Contingent Binding Commitment)

Ms. Hickerson described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends the Marshall County PSD request to pursue a \$799,992 IJDC Critical Need Grant for an extension to 28 new customers be approved.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the Marshall County PSD receive a \$799,992 IJDC Critical Need Grant contingent (upon receipt of required documentation) binding commitment.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

New Creek Water Association (2018W-1748) System Improvements – District 1 (Cost and Funding Change; Binding Commitment)

Wayne Morgan described the request.

The Technical Review and Funding Committee recommends the New Creek Water Association request to pursue an additional \$266,000 Mineral County Commission ARPA Funding, a \$500,000 IJDC District 1 Grant, and a \$430,700 IJDC District 1 WRAP Loan (2%, 30 yrs.) for an estimated project cost of \$11,092,700 be approved.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the New Creek Water Association request to receive a \$500,000 IJDC District 1 Grant and a \$430,700 IJDC District 1 WRAP Loan (2%, 30 yrs.) binding commitment be approved.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Nutter Fort, Town of (2020S-1917) System Improvements III – District 1 (Cost and Funding Change; Bid Overrun)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Town of Nutter Fort pursue a \$1,000,000 CWSRF Principal Forgiveness Loan, a \$1,000,000 IJDC District 1 Grant, a \$60,608 Nutter Fort ARPA Grant, and a \$60,607 IJDC District 1 Bid Overrun Grant for an estimated project cost of \$2,121,215.

Ms. Prezioso moved that the recommendation be approved, Ms. Lane seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the Town of Nutter Fort receive a \$1,060,607 District 1 Grant binding commitment (rescinding the current \$950,000 IJDC District 1 Grant binding commitment for a net increase of \$110,607).

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

Pennsboro, City of (2022W-2089) Storage Improvements & Line Replacement - District 1 (New Application)

Ms. Hickerson described the request, and it is technically feasible.

The Technical Review and Funding Committee recommends the City of Pennsboro pursue a \$171,500 Ritchie County ARPA Grant, a \$400,000 Pennsboro ARPA Grant, a \$50,000 Pennsboro Contribution, a \$490,500

DWTRF Principal Forgiveness Loan, and a \$1,000,000 IJDC District 1 Grant for an estimated project cost of \$2,112,000.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Rivesville, Town of (2019W-1803) Smith Hollow Tank Replacement & System Improvements – District 1 (Cost and Funding Change; Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Town of Rivesville pursue a \$775,000 IJDC District 1 Loan (2%, 30 yrs.) and a \$381,992 IJDC District 1 Grant for an estimated project cost of \$1,156,992.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the Town of Rivesville receive a binding commitment of the \$775,000 IJDC District 1 Loan (2%, 30 yrs.) and the \$381,992 IJDC District 1 Grant replacing its existing binding commitment.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

West Union, Town of (2021S-1971) Doe Run Main Replacement / Critical Need - District 1 (Cost and Funding Change, Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Town of West Union pursue a \$722,800 IJDC Critical Need Grant.

Ms. Prezioso moved that the recommendation be approved, Ms. Lane seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the Town of West Union receive a \$722,800 IJDC Critical Need Grant binding commitment (replaces \$587,500 binding commitment provided by Council on September 1, 2021).

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Claywood Park PSD (2018S-1733) Spring Valley Replacement – District 2 (Cost and Funding Change)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends Claywood Park PSD pursue a \$2,000,000 CDBG (SCBG) Grant, a \$1,975,000 US ACE Grant, a \$1,000,000 CWSRF Principal Forgiveness Loan, a \$1,344,000

CWSRF Wrap Loan, a \$146,410 Wirt County Commission Contribution, and a \$500,000 IJDC District 2 Grant for an estimated project cost of \$6,965,410 (\$130,000 WDA Design Loan paid back at closing).

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Elizabeth, Town of (2022W-2079) Tucker Creek Extension - District 2 (New Application)

Ms. Hickerson described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends the Town of Elizabeth pursue a \$766,000 Wirt County Commission Grant and a \$766,000 IJDC District 2 Grant for an estimated project cost of \$1,532,000.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

Franklin, Town of (2019W-1845) System Improvements I – District 2 (Scope and Funding Change; Binding Commitment)

Ms. Hickerson described the request, and it is technically feasible.

The Technical Review and Funding Committee recommends the Town of Franklin pursue a \$200,000 IJDC Design Loan (1%, 40 yrs.), a \$1,000,000 IJDC District 2 Grant, a \$1,772,318 DWTRF Loan (0.5%, 40 yrs.), and a \$500,000 DWTRF Forgivable Loan for an estimated project cost of \$3,472,318.

There was a discussion on the timeline for Phase II of the project.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the Town of Franklin receive a \$1,000,000 IJDC District 2 Grant binding commitment.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

Pleasant Hill PSD (2018W-1746) Norman Ridge Extension – District 2 (Cost and Funding Change)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Pleasant Hill PSD pursue a \$2,500,000 ARC Grant, a \$1,440,000 USDA Grant, and a \$500,000 IJDC District 2 Grant for an estimated project cost of \$4,440,000.

Ms. Prezioso requested an update on the PSD's audits.

Tim Meeks (MOVRC) approached the podium and stated the State Auditor has forgiven the audits for 2012-2019 and the 2020 and 2021 are being completed now.

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Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion.

There was additional discussion regarding the audits.

Ms. Prezioso withdrew the motion and Mr. McComas withdrew his second.

Ms. Lane moved to table the recommendation until confirmation on the audits was received. Mr. Reisenweber seconded the motion. The motion passed.

Logan County PSD (2017W-1721) Coal Mountain Extension - District 3 (Cost and Funding Change)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Logan County PSD pursue a \$1,850,000 ARC Grant, a \$1,500,000 CDBG (SCGB) Grant, a \$70,000 Wyoming County Commission Grant, a \$500,000 IJDC District 3 Grant, and a \$2,205,000 IJDC Loan (2%, 30 yrs.) for an estimated project cost of \$6,125,000.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Marlinton, Town of (2021S-1907) System Improvements - District 3 (Engineering Fee Variance)

Ms. Emery described the request.

The Technical Review and Funding Committee recommends the Town of Marlinton receive an engineering fee variance approval for total engineering fees.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Mason County PSD (2022S-2090) Apple Grove System - District 3 (New Application)

Ms. Emery described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends Mason County PSD pursue a \$975,000 US ACE Grant, a \$162,500 AEP Contribution, a \$162,500 IJDC Economic Development Grant, a \$12,175,000 Governor's Closing Fund Grant, a \$1,500,000 CWSRF Debt Forgiveness Loan, a \$5,000,000 US EDA Grant and a \$1,000,000 IJDC District 3 Grant for an estimated project cost of \$20,975,000.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Union, Town of (2022C-135) Source of Supply / Critical Need (Immediate Need) - District 3 (New Application; Contingent Binding Commitment)

Ms. Hickerson described the application, and it is technically feasible.

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The Technical Review and Funding Committee recommends the Town of Union request to pursue a \$306,000 IJDC Critical Need Loan (2.75%, 20 yrs., deferred 1 year) for rehabilitation of its existing well/WTP (this will supplement spring supply currently being used which may have decreasing yield) be approved.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the Town of Union receive a \$306,000 IJDC Critical Need Loan (2.75%, 20 yrs., deferred 1 year) contingent (upon receipt of required documentation) binding commitment.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Projects Recommended to Pursue Funding Sources Other Than Infrastructure Fund Assistance:

Wilderness PSD (2021W-1964) Source of Supply Improvements – District 3 (Cost and Funding Change)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends Wilderness PSD pursue a \$966,000 CDBG-MIT (SCBG) Grant.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Projects Requesting an Infrastructure Fund Binding Commitment:

Keyser, City of (2021S-1963) WWTP Improvements – District 1 (Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the City of Keyser receive a \$700,000 IJDC District 1 Grant binding commitment on July 1, 2022, contingent upon receipt of additional funding in FY 2023.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Chesapeake Sanitary Board (2022S-2101) System Improvements – District 2 (Tabled - PFA Contingent Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends Chesapeake Sanitary Board pursue a \$98,000 IJDC PFA Funding assistance binding commitment and an additional \$94,500 IJDC PFA Funding assistance binding commitment on July 1st contingent upon receipt of additional funding for fiscal year 2023.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Greenbrier Valley EDS (2022W-2116) Pocahontas County Memorial Hospital System – District 3 (PFA Binding Commitment)

Mr. Morgan described the request.

The Technical Review & Funding Committee recommends Greenbrier Valley EDC receive a \$17,500 PFA funding (the funds will be transferred from Congressional District 3 Loan Funds) binding commitment.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

Greenbrier Valley EDS (2022S-2117) Pocahontas County Memorial Hospital System – District 3 (PFA Binding Commitment)

Mr. Morgan described the request.

The Technical Review & Funding Committee recommends Greenbrier Valley EDC receive a \$17,500 PFA funding (the funds will be transferred from Congressional District 3 Loan Funds) binding commitment.

There was a discussion on whether one utility would be doing both projects.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

McDowell County PSD (2016S-1631) Iaeger Sewer Project – District 3 (Binding Commitment Extension)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends McDowell County PSD (Iaeger Project) receive a seven (7) month extension of its binding commitment until December 15, 2022.

Ms. Prezioso moved that the recommendation be approved, Ms. Lane seconded the motion. The motion passed.

Mercer County PSD (2020S-1883) Matoaka WWTP System Improvements - District 3 (Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends Mercer County PSD receive a \$1,000,000 IJDC District 3 Grant (the grant funds will be transferred from Congressional District 3 Loan Funds) binding commitment.

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Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

New Haven PSD (2018W-1760) Ramsey Contract 19 Extension – District 3 (Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the New Haven PSD receive a \$500,000 IJDC District 3 Grant (the grant funds will be transferred from Congressional District 3 Loan Funds) binding commitment.

Ms. Prezioso moved that the recommendation be approved, Mr. Reisenweber seconded the motion. The motion passed.

Projects Recommended for Infrastructure Fund Economic Development Assistance:

None

Business Items:

Resolution Providing Funding Approval for Economic Enhancement Fund Grants

Ms. Prezioso provided a brief overview of the Resolution.

Samme Gee (Jackson & Kelly PLLC) approached the podium and offered more detail.

There was a discussion regarding the proposed Resolution.

Mr. McComas moved to the accept the Resolution as presented. Mr. Reisenweber seconded the motion. The motion passed.

Informational Items:

Funding Program Updates

AML Roger Earl

Mr. Earl announced the Abandoned Mine Lands Revitalization Programs are accepting applications. These applications are due on June 20, 2022.

CWSRF	Kathy Emery
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Ms. Emery provided an update regarding contingency increases, the Needs Survey, proposed SRF funding formula changes, and the Buy America Build America program.

Median Household Income Data

Marie Prezioso

Ms. Prezioso offered an overview of the data received. It was stated this might affect who gets grant funding and alternatives are being considered. Additional information will be presented at the June meeting.

Ms. Prezioso provided the Council with an update on Policy and Procedures review and Senate Bill 584.

Executive Director Comments

Information Report 2017S-1674

Pea Ridge PSD - Rt. 2 Step II Sys. Exp. - (Bid Auth. for WWTP)

Mr. Morgan described the request.

Pea Ridge PSD has requested, and DEP has consented to bidding the WWTP contract prior to having all funding in place for the entire project, and I take no exception to this process (may allow District to better understand funding available/needed).

Projects Requiring Additional Information:

Piedmont, City of – Pur. Water Westernport, MD (scope, cost &	2019W-1836
funding change)-1	
West Fork Co-Op - System (tabled - April 26, scope, cost &	2019S-1798
funding chg.)-1	
Chesapeake, Town of – Sys. Imprvs. (tabled - PFA bind. com.)-2	2022S-2101
Gary, City of – Sys. Imprvs. (tabled – May 24, new application)-3	2020W-1909
Williamson, City of – Sys. Improvements (cost & funding chg.)-3	2015W-1587

Requests Received:

(Applications by April 10, 2022, and requests to date)

Sewer:	Carpendale, Town of – System Improvements (new application)-1	2021S-2037
	Clarksburg, City of – West Fort Co-Op Evaluation (new app.)-1	2021S-2049

Clarksburg, City of – West Fort Co-Op Evaluation (new app.)-1

Nutter Fort, Town of – Lifepointe Church Ext. (new application)-1

Salt Rock Sewer PSD – Line Extension (new application)-3

2021S-2049
2022S-2118
2022S-2121

Water: West Union, Town of – System Improvements (new application)-1 2022W-2119
Franklin, Town of – System Improvements II (new application)-2 2022W-2109

Mill Creek, Town of – System improvements if (new application)-2 2022W-2109

Mill Creek, Town of – Water Storage Tank Repl. (new app.)-2 2022W-2092

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Cowen PSD – System Upgrade/Plant Relocations (new app.)-3	2022W-2120
Gauley River PSD – Line Replacement (new application)-3	2022W-2114
Nettie Leivasy PSD – Line Replacement (new application)-3	2022W-2113

Committee Reports:

ConsolidationErica BoggessFundingMarie PreziosoInfrastructure & Jobs Development CouncilWayne MorganSewer Technical ReviewKathy EmeryWater Technical ReviewStephanie Hickerson

Other Reports:

US Army Corp. of Engineers
US Department of Agriculture
Abandoned Mine Lands
Division of Highways
Funding Agency Reports (Projects bidding and closing)

Lesli Stone-Smith
Jana Lowery
Roger Earle
Dave Cramer
Kathy Emery-

Fultineer/ Stephanie Hickerson

Public Comment: None

Adjournment: With no further business before the Council, the Chair entertained a motion to

adjourn. Ms. Lane moved the motion; Mr. Reisenweber seconded the motion.

The motion passed. The meeting was adjourned at 10:41 a.m.

2022.06.01 14:20:25 -04'00'

Wayne D. Morgan Secretary & Executive Director

RESOLUTION PROVIDING FUNDING APPROVAL FOR ECONOMIC ENHANCEMENT FUND GRANTS

WHEREAS, pursuant to Chapter 31, Article 15A, of the Code of West Virginia, 1931, as amended (the "Act"), the West Virginia Infrastructure and Jobs Development Council (the "Council") reviews water and sewer projects to determine if technically feasible and recommends funding sources for the projects;

WHEREAS, pursuant to Section 5 of the Act, State Infrastructure Agencies, as defined in the Act, may not provide funding to a project without a Council recommendation;

WHEREAS, pursuant to Section 2(u) of the Act, the West Virginia Water Development Authority (the "Authority") is a State Infrastructure Agency;

WHEREAS, the State Legislature enacted House Bill 4566 on March 12, 2022, which created in the Authority an Economic Enhancement Grant Fund (the "Economic Enhancement Grant Fund") and on April 25, 2022, enacted House Bill 217 which provided funding for the Economic Enhancement Grant Fund;

WHEREAS, certain water and sewer projects approved by the Council have received bids which are in amounts in excess of the committed funding for the projects;

WHEREAS, the Authority may use money in the Economic Enhancement Grant Fund to cover the costs of the bid overruns for water and sewer projects approved by the Council;

WHEREAS, the water and sewer projects with bid overruns have not received funding recommendations for use of Authority funding; and

WHEREAS, it is in the best interest of the residents of the State of West Virginia, the Authority and the water and sewer projects with bid overruns to authorize the Authority to provide grant funding for all or a portion of such overruns.

NOW, THEREFORE, be it resolved by the West Virginia Infrastructure and Jobs Development Council as follows:

- 1) The Authority is hereby authorized and approved to make grants from the Economic Enhancement Grant Fund to cover all or a portion of the costs of bid overruns for water and sewer projects that have been approved by the Council. This authorization is in lieu of the funding recommendation required by Section 5 of the Act.
 - 2) This Resolution shall be effective immediately upon adoption.

Adopted this 4th day of May, 2022.

Date: 2022.05.05 06:59:29 -04'00'

Executive Secretary