

**BRUNSWICK REGIONAL WATER & SEWER H2GO  
REGULAR BOARD MEETING  
THURSDAY NOVEMBER15, 2018**

**OFFICIAL MINUTES**

**CALL TO ORDER:**

Chairman Jeff Gerken called the meeting, located in the H2GO board room, to order at 6:00 pm; a quorum was present. The assembly was lead in the Pledge of Allegiance.

**MEMBERS PRESENT:**

Present from the Board of Commissioners were members Jeff Gerken, Chairman, Trudy Trombley, Vice Chairman, Bill Beer, Secretary, Ronnie Jenkins and Rodney McCoy, present from H2GO was Bob Walker, Executive Director, Tyler Wittkofsky, Public Information Officer and Teresa Long, Clerk to the Board.

**DISCUSSION/ADJUSTMENT OF AGENDA:**

Chairman Gerken opened the floor for any adjustments to the agenda. Mr. Walker added an item to his report: A Budget Amendment for the US 17 Regional Pump Station and Interceptor Sewer Project. Chairman Gerken said that Executive Session could be removed from the agenda tonight and the Litigation Committee would not meet tonight. **Commissioner Trombley motioned to approve the agenda as adjusted, Commissioner Jenkins seconded and the motion carried unanimously.**

**CONSENT AGENDA:**

*Approval of Minutes October 16, 2018 Regular Board Meeting:* Chairman Gerken opened the floor for any corrections to the October 16, 2018 Regular Board Meeting Minutes. Commissioner Trombley said that on page 13 in the first paragraph, line 28, it stated that she had said that H2GO would turn everything over to “Belville”, she said that was not correct, it should have read “Leland”. **Commissioner Beer made the motion to approve the October 16, 2018 Consent Agenda with the cited correction; Commissioner Trombley seconded and the motion carried unanimously.**

**COMMISSIONERS REPORT:**

Commissioner McCoy said that he attended the meeting on Tuesday night on the GenX study results.

Commissioner Trombley said that she attended the Brunswick County Leadership Forum on October 23<sup>rd</sup>, she said it was a discussion about Hurricane Florence’s recovery, she said they cited \$11 to \$13 million in damages in the county, she said that public utilities were monitored and they took precautions against pollutants by adjusting treatment, she said the county throughout the area worked together, she said the area had prepared early for the event.

Chairman Gerken said that he attended the information session at Cape Fear Community College about the blood testing, he said he read an interesting article from CoastalReview.Org, which talked about the fact that Brunswick County is actually being asked by the EPA to apply for a loan that would allow them borrow at least half of the money that will be spent on their reverse osmosis plant, at federal government rates. Chairman Gerken asked that a link to that article be put on our website, Mr. Wittkofsky said that he had done that already.

Commissioner Beer said that he too had attended the November 13<sup>th</sup> New Hanover County blood testing survey.

Commissioner Jenkins said that he attended the meeting also concerning the blood testing, he said they talked about GenX, he said they have found seven new harmful chemicals that are in the water.

### **PUBLIC COMMENTS:**

Chairman Gerken opened the floor for public comments; he informed the speakers that they would be given 3 minutes each to speak. Chairman Gerken said that disagreeing statements are acceptable, however if anyone gave slanderous statements they would be gaveled down.

**MaryAnn Fagerquist, 247 Ross Court, Leland:** Ms. Fagerquist thanked H2GO for their stellar performance during Hurricane Florence, she said it was amazing what H2GO was able to do during the worst flooding conditions here in a long time. Ms. Fagerquist addressed Commissioners Gerken, Beer and Trombley; “Your collective actions are contrary to H2GO’s mission statement of assuring quality of life for our valued customers by providing the highest levels of water and sanitary sewer services, as board members I find your decisions and actions offensive, hateful misdeeds and your conduct is reprehensible for your deliberate failure to do your job as an H2GO board member, I ask that Bill Beer, Jeff Gerken and Trudy Trombley immediately resign from the H2GO board, thank you”

**Mike McGill, 6106 Shuman Road, Wilmington:** Mr. McGill said that he just got back from Atlanta delivering a presentation of AWWA’s water study on PFAS communications, he said this was about the 30<sup>th</sup> presentation that he had given on PFAS communications over the last 18 months, he said that today he had talked with a lot of the people that he had dealt with at AWWA because an EPA released their draft toxicity assessments for GenX and other PFAS chemicals, he said they have already sent shockwaves through the state. Mr. McGill said the state is going to have to look at their toxicity assessment of 140ppt because the toxicity assessment by the EPA came out at 80ppt. Mr. McGill said that he took part in the study by NC State, he said they took his blood and urine. Mr. McGill said that what we know now is that we do not know what these chemicals are going to do, but they are in our water by the dozens, he said there is only one utility in this entire country that can completely eliminate the PFAS issue for its customers in perpetuity, he said that utility is H2GO, he said “all you have to do is build a ground water plant”, he said H2GO “would be the first and fastest utility to take the PFAS issue that is going to be with us for decades off the table for all of your customers, all you have to do is build the ground water plant”.

**Sue Rutledge, 2314 Kingbird Bend:** Ms. Rutledge said that many people have been working for months preparing, studying, reading, attending meetings and they all have prepared statements that they have worked on very hard, she said that she was watching the news before

coming to this meeting and the report said that the EPA is lowering the limits on dangerous chemicals and their impact on us, she said “I don’t see your cup of water up there, I see a bottle right there from Aquafina” she said “I’m sitting here going, I don’t understand, for months I have been coming here providing detailed information on the economic, health, environmental, political and emergency response requirements and how you are failing to meet those and I have not heard one plausible explanation from this board as to why, why are you refusing to give us water when we now have the EPA and North Carolina Department of Health telling us, our water is dangerous, we have blood test results saying that people are already being impacted and I’m at this point furious. I moved down here to retire, to become involved in a vibrant wonderful community and this is scaring the hell out of me, and I don’t understand, when you started this job over a year ago, we didn’t have a lot of this data, we have it now, please for the love of God, do something. You’ve got 22,000 customers depending on you, it’s your responsibility to protect them and you are not living up to that and it’s terrifying and I can personally say that I’d be willing to give you another two months to come up with a plan and start building this plant, otherwise I will personally go door to door, collect money, get lawyers and sue the hell out of this board for harming me and your other customers and forcing us to live in a community where our water is not safe and I don’t get it, I don’t understand your reluctance to build this plant give us the water we need” “you’ve got two months to do something and then it’s going to get ugly”

**Lee Kent, 825 Aqua Lane:** “During the election, many people could have come away with the impression that GenX is the only contaminant in the river. Political ads focused over and over on GenX. Here in Wilmington, the name GenX has become a generic group name for all emerging contaminants, kind of like Xerox means copy machines in general. Tuesday night, NC State released the blood test results there was one piece of good news: No GenX was detected above the 2 part-per-billion level. Jeff Gerken and Bill Beer, you were at that meeting and were all smiles on that news. As noted the rest of the night, however, such smiles are short-sighted and self-serving. Because outside of that one piece of good news, there was an extensive list of bad news. According to one reporter on the scene, you didn’t seem to appreciate the negatives, so I’ll detail the bad news:

- Four new PFAS were found in the blood of participants, including Chemours-produced Nafion byproduct 2. Combined with CFPWA’s discovery of five new PFAS, which you also attended, the findings are further proof there are dozens more chemicals likely to be found in the Cape Fear River.
- 15 of 23 contaminants tested for were found in the blood of the test subjects.
- Levels of historically-used PFAS were “unusually higher” in Wilmington than the rest of the United States.
- According to the principal investigator, we simply do not know the health effects of many of these chemicals.
- And finally, during the Q&A, Dr. Knappe specifically pointed out that Brunswick County’s river water RO pilot process actually created a detection for a PFAS chemical. How? Because its river water RO concentrated the chemicals it treated for discharge into the environment. A chemical that existed at a non-detectable level before it went into Brunswick County’s process was concentrated and discharged at a higher, detectable. How the heck is that going to fly? Their river water RO will increase contamination of our waterways.

So there are the results. Don't they actually make the choice clearer? We know dozens more of these chemicals are going to be found in the Cape Fear River. We don't know the health effects of these contaminants found in the bloodstreams of subjects tested. They could be anywhere from benign to toxic to humans. And we know Brunswick County's river water RO will make chemical levels worse for our waterways. Here are two glasses of water, Commissioners. They look the same. But one contains an uncertain health future along with all those nasty contaminants we have been talking about and one contains pure spring water from underground aquifers. I know which one I would drink, and which one I wouldn't. Stop playing Russian Roulette with our health, commissioners. Build the RO plant".

**Charles Trull, 725 Brunswick Place:** "On several occasions, Commissioners Trombley, Beer and Gerken have told us about their efforts to help their fellow human beings with personal donations to charitable causes. Commissioner Beer has talked about working to assist those in need. While these are noble efforts, contrast this with the responsibility for the health and safety of 22,000 local residents, comprised of school age and younger children. The Cape Fear River has a big contaminant problem as acknowledged by regulatory agencies, politicians, environmental groups, however, there are three holdouts who, with this knowledge, continue to say that the water is safe to drink, that is a real head scratcher. Meanwhile, Chairman Gerken continues to be the only person who willingly states greater treatment of the Cape Fear River water isn't necessary, he said it again just last month to the StarNews. EPA and other government publications state that that contaminants found in the river can result in adverse health effects: especially in unborn children, and women of childbearing age. You have the ability, the responsibility, and the moral duty to correct this, but you haven't, and how you are still able to look at yourself in the mirror in the morning is beyond me. I suggest you quit following political hacks and let your own, moral compass point you in the right direction. A year ago, you were all expecting a quick process of transferring the assets of H2GO to the Town of Leland as you dissolved H2GO, you did not anticipate the court battles, the Brunswick County changes, the Hurricane Florence devastation, the new contaminants found in the river, or the new EPA guidelines. Here we are, a full year after the election, Commissioners Trombley and Beer, you realize now that Commissioner Gerken's promise to you of a quick end to H2GO has been broken and you all have lost the favor of the media and some important politicians. Almost every political ad talks about GenX and failures of our government to protect us. You have become the government that is failing to protect 22,000 residents. So here is an opportunity to take a more responsible course of action, any single one of the three of you can protect us simply by voting to withdraw from the lawsuit and by supporting the completion of the RO project".

**Richard Kelly, 2266 Compass Pt. South Wynd:** "Chairman Gerken, you own a backup source of electricity for your own home in case your primary source becomes unavailable. Commendable. What about all of your H2GO customers though? While we humans can live without electricity for long periods of time, we cannot live without potable water for long periods of time. So, following your logic in having two sources of electricity in an emergency, it makes perfect sense for H2GO to have two sources of drinking water for emergencies, one primary and one backup. Our own Brunswick County agrees and has an interconnecting pipe from a South Carolina utility that can be used to feed limited amounts of treated water into the Brunswick County water supply system in an emergency. That connection; however, is not a solution to handle all of Brunswick County's needs. Fresno California has two sources of water: drawing water from watershed surface water and also from an underground aquifer. In Indiana, a survey showed 48% of Indiana water utilities have secondary water resources to use if necessary. These included wells and interconnecting pipes to other utilities. Well what secondary options does

H2GO have to supply water in the event of failure of our primary source? Where is that secondary, large volume water source to protect your customers in an emergency? Why, it's waiting to be completed but is being blocked by you, Chairman Gerken, and by you, Commissioner Beer, and by you, Commissioner Trombley. Commissioner Gerken, you are denying your customers the safety and security of a secondary large volume water source to feed the H2GO system. In a water emergency, you would send your elderly and handicapped customers off to some water distribution point somewhere to haul water home in heavy jugs and have to drag it into the house to use. Chairman Gerken, When the electricity stops coming into your house, you start the generator and then flip a switch as usual to turn on the lights, the television, the whatever. Your refrigerator runs as usual. Your washing machine works as usual. Here is exactly what you owe your H2GO customers in the event of failure of the primary water supply, to be able to turn on the tap, as usual, to flush toilets as usual, to run the dishwasher, as usual. You buy yourself backup emergency resources while denying your customers a backup resource on a life-critical item like water? Your actions are hypocritical.”

**Jane Crowder, 131 Lee Drive:** “On September 11, 2001 America experienced the worst terrorist attack in our countries history, attack on the Pentagon, the crash on an airline destined to somewhere in Washington and the destruction of the two World Trade Centers. Thousands of people died in these three events, but the Trade Center is the one that we will be addressing in this public comment. Again, thousands died that day trying to escape the horrific area, many ran away as fast and hard as possible, many jumped from windows to get away from the fires and devastation but also you had hundreds of first responders, fire, police, emergency personnel and citizens that entered the area risking life and limb to save others. They did not know what they were going into but they did it because they wanted to do whatever it took to save human life, never did it occur to them that their lives would be put at risk by doing what they knew was right. Now, 17 years later, some of the honorable people are reliving that day they had no idea that by breathing in the smoke, toxic fumes, flames and carcinogens they were signing their own death warrant. I have no doubt that these persons would not have done anything any different, but maybe, just maybe things could have been done differently. Here in our area, we are not dealing with toxic fumes and odors, but toxic water, that we know is not safe to drink or use and we have the solution at hand, but because the chairman of the H2GO board has stated that we don't need another source of water that is safe and non-toxic, that's that. And of course T and B are following right behind him without questioning his reasons. The public has presented documentation and research in favor of the RO plant but It is falling on deaf ears. I don't know how the chairman can sit there and say that he listens to the speakers when at the last meeting he was walking around handing out papers, cut off the video that went along with one of the speakers, rocked in his chair and stared at the ceiling. Is that truly listening? My hope and prayer is that in 17 years from now our residents do not begin dying of cancers and other unknown diseases that very well could be related to the contaminated water sources of today, if that does occur, I hope that the three commissioners, G, T and B will be able to live and sleep with a clear conscience and with the assurance to the families of the deceased that they did all they could do to protect the welfare and safety of our community, knowing all the while that although there were things that could have been done, Chairman Gerken said no and so that is that”.

**James Smith, 2399 Sugargrove Trail:** “Commissioner Gerken, after last month's meeting, you told the press that you listened carefully to the citizens' concerns, and then added that you are opposed to the reverse-osmosis plant and have been for three-and-a-half years because, as you said and I quote, 'it isn't necessary nor part of a regional solution' Isn't necessary? Almost every

single political ad on Wilmington television talked about the need to fight for clean water and H2GO aquifer sourced water would be the cleanest available in the area. What has Commissioner Jeff Gerken done to get his H2GO constituents this cleanest water? Why, he has actively blocked his constituents from receiving contaminant-free water faster and cheaper than anyone else in the region, he even tried to destroy wells by plugging them. Commissioner Gerken, you said that ‘the plant isn’t necessary’, yet last month you said you bought a backup generator for your home and now you have two sources of power. So here is the disconnect, at the same time you demonstrate that a second power source for you is necessary, you claim that a second water source for H2GO customers is not necessary, that is both selfish and extremely short sighted. In fact, Commissioner Gerken, it is necessary for H2GO to have two sources of water and here is why. Our current water source is subject to massive contamination, severe flooding and periodic drought along with transmission failures and processing failures. The current backup water plan for the entire county is insufficient to serve the entire county. And, best practice for emergency management plans demand a backup source, especially when it is so easily available. Any commissioner who cared about their customers would jump on this opportunity to have a second water source. It appears to me you don’t care, and as to your regional solution objection, we have heard that your expectation is to dissolve H2GO and deliver the assets of H2GO to the Town of Leland, if that is true, then there still would not be a regional solution. Your claimed passion for a regional solution is a smoke screen to hide your ultimate goal. Like your previous objections that you have since abandoned, this ‘regional solution’ objection rings hollow and unsubstantiated upon closer inspection. So here we sit, with a clean untainted aquifer source available and ready to be completed, and here you sit with your pathetic smokescreen objections. Will you get over it, please. Build the RO plant for goodness sakes. Serve your customers instead of serving the Town of Leland. Serve you customers. Please.”

**Dennis Sender, 8663 Hammocks Cove Trail:** “This is directed at you Commissioner Beer, here is what we believe about you Commissioner Beer. We believe that at heart, you are a good man. You have personally assisted those in need after Hurricane Florence. This is commendable and praiseworthy. We have been told that you are a member of The Knights of Columbus. This means that you subscribe to the beliefs of your faith and that fact fits with your volunteering after the hurricane. It means, to me, that you care about others beyond yourself and that you believe that we are called to serve one another. We believe you are smart.

We believe that you are a principled person and that as such, you are loyal. Once you commit to someone or something, you want to stay the course no matter what. We believe that you committed to Commissioner Gerken and the Town of Leland that you would help dissolve H2GO and turn the infrastructure and assets over to the Town of Leland based on what you knew at the time. We believe that Jeff Gerken promised you everything would be done quickly, unfortunately that did not happen. But now, here is what we would like to believe. We would like to believe that as your first year as a commissioner comes to a close, you have become conflicted. Your loyalty to Jeff Gerken, Leland and your moral compass have become at odds with one another as the situation has changed and changed and changed. We would like to believe that you wrestle with this conflict in the quiet of the dark night. We would like to believe that your sense of honor and fairness is torn between remaining loyal to Jeff Gerken and Leland or doing the right thing by the 22,000 resident customers and the nearly 5,000 children among them whom you are expected to serve. We would like to believe that your heart hurts from your disloyalty to your conscience. Commissioner Beer, there is only a majority of one on this board. That means that you alone are 100% responsible for the direction this board takes. Your vote alone can make this board responsible to its customers instead political greed, you alone can choose to follow your moral compass or not. Jeff Gerken and Leland have failed you in their

promise of a quick and simple solution, much has changed since then. Truly you stand alone, Commissioner Beer. The full weight of this responsibility is on your shoulders alone. So I ask you, what will you do, whom does your God tell you to serve? It is time to follow your legal and ethical values before illnesses and lawsuits make you a scapegoat. Step up and give us our safe, clean water now”.

**Cathie Wood, 8450 North Pine Breeze Lane:** “Let me start, Commissioner Trombley, by saying that we believe you have a good and caring heart. But somehow, you became a bitter detractor of H2GO. I believe that you were led astray by Jeff Gerken, your friends in Leland government and others using fabrications that just weren’t true, but because these people that told you those fabrications were you friends, you believed them. In your defense, you have taken your cues from those whom you thought you should follow. Yet they couldn’t even deliver on their promise to dissolve H2GO quickly after the election and to transfer the assets to Leland. They have not told you the truth. They have made up misinformation and fed it to you for you to unwittingly repeat it. As much as you may not want to believe this, they have used you over and over again for their own purposes. Perhaps you still don’t see how you have been used. Worse than being used, you have been cajoled into acting against the best interests of the customers you serve. You understand the extensive health risks from drinking water laden with Dioxane and other river contaminants no matter how much Jeff Gerken pooh poohs them. You know that no one wants their children to contract liver cancer, gall bladder cancer, stomach cancer, kidney cancer or breast cancer. And as a retired teacher, you have empathy for the 4500 students served by H2GO water. You understand fully that completing the RO plant will bring cleaner, healthier, cheaper water to those students faster than the county can bring less clean water at a higher price. Is that what you want for those students? Water with more contaminants at a higher price for families living on the edge? Your vote alone can bring these students clean water and a healthier future, like you, I am a retired teacher. So I have to wonder, how will you even drive by our local schools ever again unless you act to protect our innocent children whom you are supposed to be serving? How will you look at children on the street and in the stores and not wonder what type of cancer is growing inside them unless you act to protect our children? Your legacy in this community will be determined by the actions you take or do not take now. Will your legacy be one of illness and early death, or a legacy of health and long life for these children you are called to serve and to protect? Please Commissioner Trombley, prove me right. Do the right thing. Listen to your conscience and be your own person. Vote to drop the lawsuit. Please”.

**Steve Hosmer, 8452 Forest Crest Court:** “This presentation is directed to Commissioners Trombley, Beer and Gerken. After all that’s been said tonight, there does not seem to be a choice. At first glance, the choice seems to be to drop the lawsuit and support the RO plant, or, continue along the path that you have been following to the detriment of your legacy, your self-respect, and your conscience, and to the detriment of the health and pocketbooks of your 22,000 customers including their nearly 5000 children. You have just been handed a booklet before the meeting. It portrays lessons learned from the parents in other communities like Parkersburg West Virginia, the Love Canal and Hinkley, California. But enough of their problems, here is still more breaking news from this week, just this morning the EPA releasing unprecedented, first ever toxicity assessments for GenX and perfluorobutane sulfonic acid (PFBS). The EPA said that long-term exposure to compounds used in nonstick coatings appears to be dangerous even in most minute doses. The finding was for newer, supposedly safer versions of nonstick compounds known as PFAS. Older versions like C8 are turning up in dangerous levels in drinking water supplies around the country. Now I quote from the EPA assessment,

‘Overall, the available oral toxicity studies show that the liver is sensitive to GenX chemicals, and the kidney and thyroid are sensitive to PFBS’. Now we have high rates of thyroid disease in our area. No surprise here. The new EPA draft federal guideline for exposure to GenX is 80 parts per trillion instead of the 140 ppt our state has been working with. The North Carolina DHHS health has already announced that they are going to take action on this. Commissioner Trombley, Commissioner Beer, Commissioner Gerken, the evidence continues to mount and mount and mount about the dangers in the Cape Fear River water;

- 7 new contaminants announced just this week,
- the EPA released this more severe warning about GenX and PFBS just today
- There is new evidence of the dangers of River Water RO processing planned by the county making the county solution even less likely to be approved, pushing their solution date further and further out.

Add all of that to H2GO’s failure to have a backup water source for emergencies and still, you continue to fight against cleaner water at lower cost for your customers. Meanwhile, the future you are preparing for local youngsters in this chapter of your book of life is one of illness, death and family tragedy. Is that what you want your own families to remember you for Commissioners? A legacy of illness, death and family tragedy? Your actions portray this politics stuff as a game without health consequences. There definitely are health consequences. As far as we, your customers are concerned, here are your only two choices: Start working as creatively and as hard as you possibly can to get the RO plant built or resign”.

### **OLD BUSINESS:**

Update on Emergency Plan (Rodney McCoy): Commissioner McCoy said the H2GO’s Emergency Plan revision was approved in October, he gives a quick review of the status of where we are, he said he found the existing plan which has not been revised or updated in 8 to 10 years, he said it consists of a bunch of phone numbers so that we can tell the media that we are having a problem and are in trouble, he said there is very little on the action plan as to what should be done. Commissioner McCoy said that he had been gathering data, developing ideas so that we could have a productive session and develop a complete realistic plan that will do what it is supposed to do. Commissioner McCoy said he found out this was a much bigger job than he had previously thought, he said there is an emergency response plan for public drinking water systems that will probably be our basis for our emergency plan found in the Rural Community Park Assistance Partnership National Network.

Amendment to Resolution Regarding Expansion of H2GO (Rodney McCoy): Commissioner McCoy reads his proposed amendment; “This is to replace a resolution to inhibit H2GO expansion approved in our October meeting, even though the intent is to effectively cripple H2GO, this intent is masked by references to the ongoing lawsuit with Belville. Commissioner McCoy said that it was unfortunate in his opinion this resolution was both illegal, impractical. Commissioner McCoy said that in many cases the developer will start conversations with various public entities even before any land is purchased, this third process could take two to four years before construction would begin, these entities cannot be left in the dark concerning H2GO’s requirements for them to fulfill or H2GO’s willingness to provide services they require from both a legal and a financial standpoint, additionally, potential developers cannot afford for confidential information to be made public because it could adversely affect their plans.

Commissioner McCoy said it is financially detrimental to H2GO and its customers, because one of the key methods to keep utility rates down is to expand their customer base and any attempt to constrain or curtail the growth of a utility will cause rate increases, therefore any policy which constrains or curtails growth is financially detrimental to H2GO customers, he said the board must rescind the resolution or fail at its fiduciary duty to its customers. Commissioner McCoy said his belief was that this resolution is in violation of the injunction by Judge Lock, he said the injunction by Judge Lock stated that H2GO should continue on work as usual but to freeze work on the Reverse Osmosis Plant, and this desire to cripple H2GO does not fit within that framework. Commissioner McCoy said that as to state statutes, the expansion of a sanitary district is clearly allowed, it is the responsibility of sanitary districts to provide for a safe environment for the area, he said we need to rescind this original, ill-conceived, ill-advised resolution approved in October and allow the Executive Director to do the job he was hired to do. Commissioner McCoy said the original resolution relied on the ongoing lawsuit for justification yet it simultaneously violated a spirit of the injunction granted as part of that lawsuit and simultaneously violated a fiduciary duty of the board, he said pending a final resolution of the lawsuit, we can't and must not begin an obvious attempt to concede as many customers as possible to The Town of Leland, he said the only possible reason for this resolution made in October is laziness, he said the only other possible reason for the resolution would be that The Town of Leland requested a backdoor agreement designed to strangle the growth of H2GO. Commissioner McCoy said this would once again be a failure of fiduciary responsibilities and so the resolution approved in the October was ill-conceived, ill-advised and should be rescinded, he said the board should adopt the following resolution "In order to faithfully fulfill our fiduciary duties to our customers, we therefore rescind the previous resolution made and adopted at the October meeting, which restricts the duties and independent responsibilities of the executive director, simultaneously this board adopts the following clarification of the executive directors responsibility for communication with developers and other utility customers, it is within the scope of the executive director to discuss any potential future connections to H2GO with potential customers, it is also within the job description of the executive director to keep these conversations completely confidential in order to maintain a competitive edge in the marketplace. If these conversations progress to the point to where H2GO is required to incur financial expenditures to continue, the connections proposed and those conversations would then be reviewed by H2GO's legal counsel and the board to insure that connections will be in accordance with both the law of the state of North Carolina and also meets the restrictions of the current lawsuit". **Commissioner McCoy made the motion to adopt the preceding resolution that he presented, Commissioner Jenkins seconded the motion, the vote was two yeas and three nays by Commissioner's Gerken, Trombley and Beer, the motion failed.**

### **EXECUTIVE DIRECTOR'S REPORT:**

*Tabled from last meeting: Resolution for Approving Water Shortage Response Plan:* Mr. Walker said he is bringing back the Resolution for Approving the Water Shortage Response Plan that had been tabled from the October meeting due to the noticing requirement. Mr. Walker said the Resolution has been noticed on our website with the sufficient amount of days, he requested board approval for the Resolution for Approving the Water Shortage Response Plan, he said he received no comments. **Commissioner Beer made the motion to approve the Resolution for Approving the Water Shortage Response Plan, Commissioner Jenkins seconded the motion and the motion carried unanimously.**

*Budget Amendment for the US 17 Regional Pump Station and Interceptor Sewer Project (Fund 46):* Mr. Walker said that at the last meeting he had given the board a bid tabulation to reroute force mains to redirect sewage flows from some stations on Lanvale Road down to the new interceptor sewer on 17, he said prior to awarding that contract we have to fund that portion of the project. Mr. Walker said they are proposing to take \$300,000 from our Capital Improvement Fund and move it to the construction project. **Commissioner Jenkins motioned to approve the Budget Amendment for the US 17 Regional Pump Station and Interceptor Sewer Project (Fund 46), Commissioner Beer seconded and the motion carried unanimously.** (See Exhibit A which has been incorporated into and made a part of these minutes)

*US 17 Interceptor Sewer Force Main Re-Route Project-Recommendation of Contract Award to T&H Construction-\$275,779.35:* Mr. Walker said he recommended to award the contract for the construction of the re-route project of US 17 Interceptor Sewer Force Main in the amount of \$275,779.35 to T&H Construction. Mr. Walker said that T&H Construction was the lowest responsive, responsible bidder, he said if the board approves, he will submit the contract to Mr. Coble for approval. **Commissioner Jenkins motioned to approve awarding the contract to T&H Construction in the amount of \$275,779.35, Commissioner Trombley seconded and the motion carried unanimously.**

#### **ASSISTANT DIRECTOR'S REPORT:**

None

#### **FINANCE OFFICER'S REPORT:**

*Check Register October 17, 2018 through November 7, 2018:* No comments were given.

#### **PUBLIC INFORMATION OFFICER'S REPORT:**

*H2GO Food Drive for BFA:* Mr. Wittkofsky told the board that H2GO's staff is holding a food drive for Brunswick Family Assistance to prepare for Thanksgiving, he said this will end on Monday, he encouraged anyone who wanted to contribute to drop off items here at H2GO's office, he said he will deliver the goods next Tuesday. Chairman Gerken asked if he could provide a check in lieu of food and Mr. Wittkofsky said yes. Chairman Gerken said he would bring a check to Mr. Wittkofsky on Monday.

#### **ATTORNEY'S REPORT:**

None

#### **NEW BUSINESS:**

*Employee Christmas Bonus (Rodney McCoy):* **Commissioner McCoy motioned to provide our employees with a Christmas Bonus in the amount of \$200.00, Commissioner Beer seconded the motion, the motion carried** Commissioner Jenkins said that he wanted to increase that amount to \$500.00 since we have just been through a hurricane and a lot of our employees have lost a lot and some are displaced from their homes due to the storm, he said it would be a good chance to give our employees a little something extra since they had worked extra hard for the

community this year. **Commissioner Jenkins motioned to give employees a bonus of \$500.00. Commissioner McCoy seconded.** Commissioner Trombley expressed her concern that this would be setting a precedence. Commissioner McCoy stated he believed it could be a onetime increase to provide for the needs of their employees in the wake of the disaster and to reward them for their hard work. **The vote was two yeas by Commissioners Jenkins and McCoy and three nays by Commissioners Gerken, Trombley and Beer, the motion failed.**

### **INFORMAL DISCUSSION:**

Commissioner McCoy said that he thought public comments were outstanding tonight and that two people on the board care.

Commissioner Trombley said that at least three people made statements regarding some of the board members desire to turn H2GO over to Leland, she said this is a fallacy. Commissioner Trombley said she wanted the H2GO website to be updated since we have new information on GenX levels, also she wanted to see new testing results and updates on projects. Mr. Walker said we do not have any new test results. Mr. Wittkofsky said he is waiting on our Engineering Compliance Manager for updates on projects, but there was only one project in the pipeline.

Chairman Gerken said that he has no intentions of turning over the H2GO assets to The Town of Leland.

Commissioner Jenkins said there were comments made a few months ago from Commissioner Trombley in which she stated that H2GO was redundant and had outlived its time, he said he does not understand the switch, he said we have talked about regional solutions, what does it consist of and who are the principal players in the regional solution and how do you make this happen.

Commissioner Trombley said that a few years ago Commissioner Jenkins, during the election called for the dissolution of H2GO, however upon election Commissioner Jenkins said he changed his mind, she was making the point that people can change their mind. Concerning a regional solution, a region is an area, the solution is the work done by a large area, rather than little pockets, she said that is a regional solution. Commissioner Jenkins told her that he changed his mind about dissolving H2GO when he learned about all the chemicals in the water, he said he realized that H2GO was on the right track. Commissioner Trombley explained that a regional solution is the different entities working together to come up with a treatment or solution rather than little pockets. Chairman Gerken said the definition of a region depends on the context in which you are making that statement, he pointed out that the name of H2GO is Brunswick Regional Water & Sewer. Commissioner McCoy said that means we can provide our own solution and encouraged the rest of the board to 'lets rock and roll'.

### **ANNOUNCEMENT OF NEXT MEETING:**

The next regular board meeting of H2GO is scheduled for December 18, 2018

### **ADJOURNMENT:**

**Commissioner Trombley made the motion to adjourn the meeting at 8:08 pm, it was seconded by Commissioner Jenkins, and the motion carried unanimously.**

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Jeff Gerken, Chairman

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Bill Beer, Secretary

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Teresa Long, CMC  
Clerk to the Board

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Date of Approval

These Minutes Approved at the  
December 17th, 2018  
H2GO Board meeting

Exhibit A

**Brunswick Regional**  
**H<sub>2</sub>GO**  
**Water and Sewer**

US 17 REGIONAL PUMP STATION AND INTERCEPTOR SEWER PROJECT (Fund 46)  
BUDGET ORDINANCE AMENDMENT

**BE IT ORDAINED** by the Board of Commissioners of Brunswick Regional Water & Sewer H2GO, Brunswick County North Carolina, that the following items are hereby **Amended** for the US 17 Regional Pump Station and Interceptor Sewer Project:

**Revenue:**

Revenue Source	Original Amount	Amendment	Adjusted
Fund 20 Capital Improvement (System Development Fees)	\$3,929,000	300,000	\$4,229,000
<b>Total Revenues:</b>	<b>\$3,929,000</b>	<b>\$300,000</b>	<b>\$4,229,000</b>

**Expenditures:**

Expenditure Item	Original Amount	Amendment	Adjusted
Engineering (Design, CA and CO)	\$430,000		430,000
Easements	\$5,000		5,000
Construction	\$3,494,000	300,000	3,794,000
<b>Total Expenditures:</b>	<b>\$3,929,000</b>	<b>\$300,000</b>	<b>\$4,229,000</b>

Adopted the 15<sup>th</sup> day of November 2018.

\_\_\_\_\_  
Jeff Gerken, Chairman

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Teresa Long, Clerk to the Board

\_\_\_\_\_  
Scott A. Hook, Finance Officer

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