



WEST VIRGINIA

Infrastructure & Jobs Development Council

APPROVED

A meeting of the West Virginia Infrastructure and Jobs Development Council (Council) was held **Wednesday, November 3, 2021, 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, WV Dept. of Environmental Protection
Stephanie Hickerson, WV DHHR-Bureau for Public Health
Jonathan Fowler, WV Public Service Commission
Matthew McComas, Public Member
Kris Warner, WV Economic Development Authority

Voting members (by phone):

Louis Spatafore, Public Member
Don Rigby, Public Member

Voting members that were not present:

Erica Boggess - WV Housing Development Authority
Joseph Freeland, Public Member
John Boyle, Public Member

Advisory Members present:

Senator Glen Jeffries

Advisory Members present not present:

Senator Chandler Swope
Delegate Brent Boggs

Invitees present:

Todd Hooker, WV Development Office
Chris Arrington, WV DHHR - Bureau for Public Health
Rob Adams, Brown Edwards CPAs

Invitees (by phone):

Janna Lowery, USDA

Roger Earle, WV DEP – Abandoned Mine Lands
David Cramer, WV Division of Highways
Jeff Brady, WV DEP
Christopher Thomas, WV DHHR - Bureau for Public Health
Jason Billups, WV Department of Environmental Protection

Invitees not present:

James Bush, WV ARC
Lesli Stone Smith, US Army Corp. of Engineers
Tracy Rowan, US Economic Development Authority
Ryan Halsey, CDBG Project Manager
Alan Harris, USDA

Others in attendance:

Wayne Morgan, WV Infrastructure & Jobs Development Council
Kristi Ritchie, WV Infrastructure & Jobs Development Council
Samme Gee, Jackson Kelly PLLC
Kelly Goes, Jackson Kelly PLLC
Brock Jarrett, WV Water Development Authority
Amber Perry, TSG Consulting / WV Rural Water
George Copel, WV SBT

Others in attendance by phone:

Brandon Crace, WV Infrastructure & Jobs Development Council
Mike Duminiak, WV Infrastructure & Jobs Development Council
Leanna Atkinson, WV Infrastructure & Jobs Development Council
Cindy Williams, WV Water Development Authority
Fred Rader, MOVRC
Eric Combs, Region 1 Planning & Development Council
Whytni Cline, Jackson Kelly PLLC
Dan Ferrell, The Thrasher Group
Michael Griffith, Griffith & Associates PLLC

Call to Order

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

Approval of Minutes

Ms. Urling asked for approval of the draft minutes of **October 13, 2021**. Matt McComas moved for approval and John Reisenweber seconded the motion. The motion passed.

**Projects Recommended
to Pursue Infrastructure
Fund Assistance:**

Benwood, City of (2019S-1825) System Improvements II – District 1 (Engineering Fee Variance)

Kathy Emery described the request.

The Technical Review & Funding Committee recommends the City of Benwood Engineering Fee Variance request for total engineering fees be approved.

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

Enlarged Hepzibah PSD (2019W-1819) System Improvements II – District 1 (Cost & Funding Change)

Wayne Morgan described the request.

The Technical Review and Funding Committee recommends the Enlarged Hepzibah PSD pursue a \$1,893,000 IJDC District 1 Loan (2.75%, 20 yrs.).

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

Grant Town, Town of (2021W-2000) Distribution System Improvements – District 1 (Engineering Fee Variance)

Stephanie Hickerson described the request.

The Technical Review & Funding Committee recommends the Town of Grant Town Engineering Fee Variance request for total engineering fees be approved.

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

Hughes River Water Board (2021W-2003) WTP Improvements – District 1 (New Application)

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

The Technical Review and Funding Committee recommends the Hughes River Water Board pursue a \$1,300,000 Local ARPA Grant (\$650,000 Ritchie County Commission, \$315,980 Harrisville, \$189,630 Pennsboro, \$67,725 Ellenboro, \$49,665 Cairo, and \$27,000 Pullman) and a \$500,000 IJDC District 1 Grant for an estimated project cost of \$1,800,000.

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

Monongah, Town of (2021S-2019) Walnut Line Replacement – District 1 (New Application)

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

The Technical Review & Funding Committee recommends the Town of Monongah pursue a \$797,000 IJDC Critical Need Grant.

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

Mountain Top PSD (2021W-2016) System Improvements – District 1 (New Application)

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

The Technical Review & Funding Committee recommends the Mountain Top PSD pursue a \$150,000 Mineral County Commission Grant, a \$1,000,000 IJDC District 1 Grant, and a \$3,030,000 IJDC District 1 Loan (1%, 40 yrs.) for an estimated project cost of \$4,180,000.

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

Nutter Fort, Town of (2020S-1917) Sewer System Improvements – District 1 (Cost & Funding Change)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Town of Nutter Fort pursue a \$950,000 CWSRF Debt Forgiveness Loan and a \$950,000 IJDC District 1 Grant for an estimated project cost of \$1,900,000.

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

Claywood Park PSD (2018S-1733) System Improvements III – District 2 (Funding Change)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends Claywood Park PSD pursue a \$228,000 Wirt County ARPA Grant, a \$500,000 IJDC District 2 Grant, a \$975,000 US ACE Grant, a \$1,500,000 CDBG Grant, a \$1,000,000 CWSRF Debt Forgiveness Loan, and a \$1,344,000 CWSRF Wrap Loan (0.5%, 30 yrs.) for an estimated project cost of \$5,547,000; and pursue a \$130,000 WDA Design Loan to be paid back at closing on construction.

There was a discussion regarding the definition of a wrap loan and how it works. Ms. Emery responded to the questions.

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

Southern Jackson County PSD (2018S-1767) WWTP Improvements – District 2 (Engineering Fee Variance)

Ms. Emery described the request.

Ms. Prezioso noted this agenda item was not needed and no action was required.

Walton Sewer PSD (2018S-1736) New System – District 2 (Cost & Funding Change)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Walton PSD pursue a \$1,000,000 ARC Grant, a \$2,000,000 CDBG Grant, a \$529,000 CWSRF Debt Forgiveness Design Loan, a \$3,632,300 CWSRF Debt Forgiveness Loan, and a \$1,000,000 IJDC District 2 Grant for an estimated project cost of \$8,161,300.

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

Wilderness PSD (2021W-1940) Snow Hill Extension / Critical Need – District 3 (Tabled New Application)

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

The Technical Review & Funding Committee recommends the Wilderness PSD pursue a \$298,000 AML Grant.

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:**

North Beckley PSD (2021S-2007) Piney View Extension – District 3 (New Application)

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

The Technical Review & Funding Committee recommends the North Beckley PSD pursue a \$4,052,620 AML Grant, a \$2,000,000 CDBG Grant, and a \$2,000,000 Raleigh County Commission ARPA Grant (committed) for an estimated project cost of \$8,052,620.

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

**Projects Requesting an
Infrastructure Fund
Binding Commitment:**

Brooke County PSD (2021S-1945) Eldersville Road Extension - District 1 (Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Brooke County PSD receive a binding commitment for a \$5,450,000 IJDC District 1 Loan (2%, 30 yrs.) and a \$500,000 IJDC District 1 Grant.

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

Enlarged Hepzibah PSD (2019W-1819) System Improvements – District 1 (Binding Commitment)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Enlarged Hepzibah PSD receive a binding commitment for a \$1,893,000 IJDC District 1 Loan (2.75%, 20 yrs.).

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

Mr. Reisenweber questioned if this project was granted a binding commitment extension last month.

Mr. Morgan indicated the statement was correct. Mr. Morgan further indicated this request will give the PSD an increased binding commitment and essentially taking the old one back with this approval.

Monongah, Town of (2021S-2019) Walnut Line Replacement / Critical Need – District 1 (Contingent Binding Commitment)

Mr. Morgan described the request.

The Technical Review & Funding Committee recommends the Town of Monongah receive a contingent (upon receipt of required documentation) \$797,000 IJDC Critical Need Grant binding commitment.

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

**Tri-County Water Association (2021W-1958) Sweeps Run Extension / Critical Need - District 1
(Binding Commitment)**

Mr. Morgan described the request.

The Technical Review & Funding Committee recommends Tri-County Water Association receive a \$785,000 IJDC Critical Need Grant binding commitment.

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

Beverly, Town of (2020S-1897) Line Replacement – District 2 (Binding Commitment Extension)

Mr. Morgan described the request.

The Technical Review and Funding Committee recommends the Town of Beverly receive a 6-month binding commitment extension until April 10, 2022.

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

Kenova, City of (2015W-1599) Prichard Extension – District 3 (Contingent Binding Commitment)

Mr. Morgan described request.

The Technical Review and Funding Committee recommends the City of Kenova receive a \$1,450,122 IJDC District 3 Loan (2.75%, 30 yrs.) contingent (upon receipt of the US EDA funding) binding commitment. *(The terms of 30 years were read incorrectly. The correct terms are 20 years. The letter sent to the sponsor has the terms listed correctly.)*

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

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

Mr. Mogan described the request.

The Technical Review and Funding Committee recommends the McDowell County PSD receive a 8-month binding commitment extension until June 10, 2022.

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

Richwood, City of (2021W-1959) Impound Structure – District 3 (Binding Commitment)

Mr. Morgan described the request.

Jonathan Fowler (Public Service Commission) stated Richwood has a current project at the PSC for a certificate and have requested to amend that project to include this work.

The Technical Review & Funding Committee recommends the City of Richwood receive an IJDC District 3 Grant Binding Commitment of remaining funds (\$299,271), and proposes the City request the remainder of the \$1,000,000 commitment (\$700,729) at the January meeting of Council.

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

**Projects Requesting
Ancillary Project
Expenditure:**

Elizabeth, Town of (2018W-1735) Creston Extension – District 2 (Ancillary Project Expenditure)

Ms. Hickerson described the request.

The Technical Review & Funding Committee recommends the Town of Elizabeth ancillary project expenditure request for \$202,000 for three generators be approved.

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

**Projects Recommended
for Infrastructure Fund
Economic Development
Assistance:**

Monongalia County EDA (loan) 2021E-200

Due to a potential conflict of interest, Kris Warner recused himself from any discussion or voting on the next motion. Mr. Warner left the meeting.

Mr. Reisenweber described the request.

The West Virginia Development Office has approved a request for an Economic Infrastructure Bond loan to the Monongalia County Economic

Development Authority, of Morgantown, West Virginia.

The proposal seeks an amount not to exceed \$2,000,000. These loan proceeds will be used to construct a sewage pre-treatment facility and other associated equipment. The project will be located in the Morgantown Industrial Park in Westover, West Virginia. Mountaintop Beverage will create 105 jobs at the proposed 200,000 square foot facility.

It is our recommendation that the Infrastructure and Jobs Development Council approve a loan not to exceed \$2,000,000 and that a binding commitment be issued to the Monongalia County EDA with the following terms and conditions:

1. A loan of up to \$2,000,000
2. The funds are to be used to offset the construction of a sewage pre-treatment facility and other equipment associated with the project in Westover.
3. Interest rate will be set at the Wall Street Journal Prime rate on the day of closing.
4. The loan term will not exceed 15 years and 6 months from the day of closing.
5. The loan will be contingent on an acceptable lease between the Monongalia County Economic Development Authority and Mountaintop Beverage.
6. The WV IJDC will have a sole first lien position on the pre-treatment facility and any other equipment purchased with loan proceeds.

The West Virginia Development Office recommends approval of this loan.

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

Mr. Morgan invited Mr. Warner to rejoin the meeting.

Business Items:

Interest Rate Resolution Regarding Twenty Year Loans

Ms. Prezioso provided the Committee with an overview of the Quarterly Interest Rate Resolution and the lowering of the interest rate for twenty-year loans when the interest rates started going down. That resolution should have been made in effect until it was reevaluated rather than come back every quarter. If the interest rate remains at 2.75%, then Council will not need to evaluate each quarter. This Resolution will allow for the rate to remain in effect until a revision is needed. Ms. Prezioso continued stating the interest rates are being monitored and there is not need for any change at this time.

Samme Gee (Jackson Kelly, PLLC) approached the podium. Ms. Gee stated the Resolution passed by Council in April was for that quarter. There was no Resolution completed for following quarter. This Resolution says instead of doing a new Resolution every quarter, the interest rate set in April will remain in effect until such times as the market rates go up. Ms. Gee reminded the Council the rate is statutorily capped at 3%. In addition, this Resolution lets everyone know they get the current rate and keep that rate even if the rates do go up.

Ms. Prezioso moved the recommendation to accept the Resolution as presented. Mr. Reisenweber seconded the motion. The motion passed.

2021 IJDC Meeting Schedule (proposed changes)

Ms. Prezioso stated the Council needed to review the 2022 Draft Meeting Schedule and vote for approval on it. This would take care of the proposed 2021 date changes moving the December 2021 date to January 2022.

2022 IJDC DRAFT Meeting Schedule

There was a discussion regarding moving the December meeting for 2021 and 2022 to January due to holiday schedules.

The proposed changes were to move the Technical Review & Funding Committee meeting from December 28, 2021, to January 4, 2022, and the Council meeting from January 5, 2022, to January 12, 2022.

In addition, a proposal was made to change the Technical Review and Funding Committee (on the 2022 Draft Schedule) December 27, 2022, to January 3, 2023, and the Council meeting from January 4, 2023, to January 11, 2023.

Mr. Reisenweber moved the recommendation to accept the proposed changes as presented. Mr. McComas seconded the motion. The motion passed.

Informational Items:

Funding Program Updates

USDA

Janna Lowery

Ms. Lowery stated the USDA continues to operate under a continuing Resolution and have limited access for both loan and grant funding.

CWSRF

Kathy Emery

Ms. Emery noted they are looking at FY2023 Intended Use Plans on their webpage. Everyone should have received notification of their priority list applications. The deadline for filing is mid-January. There was a modification this year allowing people to complete a short form. If you were on the 2022 Priority List - and nothing has changed in the scope, you are being asked to update the cost and provide minimal information to streamline the process.

**Executive Director
Comments**

**Information
Report**

IJDC FY2021 Audit

Brock Jarrett (WV Water Development Authority approached the podium. Mr. Jarrett introduced Rob Adams with Brown Edwards.

Brock Jarrett,

Mr. Adams stated all reporting deadlines as required by the state of WV were met. Mr. Adams provided an overview of the FY2021 audit

Rob Adams

indicating the audit was unmodified and there was no report of material weakness or significant deficiency. Mr. Adams further noted the “yellow book” report at the end of the audit was also clean or unmodified.

Ms. Prezioso stated the Water Development Authority met and approved the audit. The audits were filed timely with the state and EMMA for both the IJDC and WDA. The annual report is currently being completed for submission to the Governor’s office and the state by December 31st. Marie Prezioso

Senate Committee on Environment and Public Works Hearing Wayne Morgan
 Mr. Morgan offered his gratitude to the Council for the opportunity to testify at the US Senate Hearing held by Tom Carper and Shelley Moore Capito.

Projects Requiring Additional Information:

- Denver W. Assoc.-Sys. Imprvs. (new app.-consol. Com.)-1 2020W-1888
- Warm Springs PSD – Sys. Imprvs. (funding change)-2 2020S-1885
- Marlinton, Town of – Sys. Imprvs. (tab. Nov. – new app.)-3 2020S-1907
- McDowell PSD – Jolo Phase V (application/returned)-3 2019W-1838
- White Oak PSD – WWTP Imprvs. (tab. Nov. – new app.)-3 2021S-2001

Requests Received:

(Applications by October 12, 2021, and requests to date)

- Sewer:** Hancock County PSD – Sys. Imprvs. (new application)-1 2021S-1968
- Moundsville Sanitary Board – WWTP & Collection Sys. Imprvs. (new app.)-1 2021S-2027
- Water:** Elizabeth, Town of – Critical Need Water Ext. Proj. (new app.)-2 2021W-2015
- Northern Jackson Co. PSD – Water Dist. Sys. Upgrade (new app.)-2 2021W-2028
- Boone County PSD – Rock Creek Industrial Park (new app.)-3 2020W-1868
- Cool Ridge-Flat Top PSD – Joe Cooper Farm Road Ext. (new app.)-3 2021W-2029

Committee Reports:

Consolidation
Funding
Infrastructure & Jobs Development Council
Sewer Technical Review
Water Technical Review

Erica Boggess
Marie Prezioso
Wayne Morgan
Kathy Emery
Stephanie 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/
Stephanie Hickerson

Public Comment:

None

Adjournment:

The Chair entertained a motion to adjourn, Mr. McComas moved the motion, Mr. Reisenweber seconded the motion. The motion passed. The meeting was adjourned at 10:10 a.m.



Date: 2021.12.01 11:36:12 -05'00'

Wayne D. Morgan
Secretary & Executive Director

INTEREST RATE RESOLUTION REGARDING TWENTY YEAR LOANS

WHEREAS, the West Virginia Infrastructure and Jobs Development Council (the "Council") recommends the award of loans, grants and other financial assistance from the West Virginia Infrastructure Fund (the "Infrastructure Fund") created pursuant to Chapter 31, Article 15A of the Code of West Virginia, 1931, as amended (the "Act") and the terms thereof;

WHEREAS, Section 9 of the Act provides that the interest rate on loans made from the Infrastructure Fund to governmental, quasi governmental and not for profit sponsors shall not exceed three (3) percent per annum;

WHEREAS, due to historically low public market interest rates and the volatility of interest rates, the Council deems it desirable to establish an interest rate for twenty year loans;

WHEREAS, the Council has reviewed the public market rates for the period April 1, 2021 through September 31, 2021; and

WHEREAS, it is in the best interests of the Council and the citizens of the State that the interest rate for twenty year loans be set herein.

NOW, THEREFORE, BE IT RESOLVED by the West Virginia Infrastructure and Jobs Development Council as follows:

1. The interest rate for a twenty-year loan to a project sponsor awarded a binding commitment of funding beginning April 1, 2021 shall be 2.75% per annum until such time as Council takes official action to change the rate.
2. This resolution shall be effective immediately upon adoption.

Adopted this 3rd of November, 2021.



Date: 2021.11.30 13:02:03 -05'00'

Executive Secretary