

**TOWN OF LUMBERPORT**

**RESOLUTION OF THE TOWN OF LUMBERPORT APPROVING INVOICES RELATING TO ACQUISITION OF THE LUMBERPORT AREA PUBLIC SERVICE SEWER DISTRICT AND AUTHORIZING PAYMENT THEREOF,**

**WHEREAS**, the Town of Lumberport (the Town") has reviewed the invoices attached hereto and incorporated herein by reference relation to the acquisition of the Lumberport Area Public Service Sewer District and find.as follows:

**WHEREAS**, the Lumberport Area Public Service Sewer District Series 1997 A Bonds Reserve Account has been acquired by the Town and renamed as the Town of Lumberport Series 2011 A Bonds Reserve Account;

**WHEREAS**, the Town has requested the Municipal Bond Commission to refund the amount in excess of the \$68,162 Reserve Requirement for the Series 2011 A Bonds Reserve Account; and

**WHEREAS**, the amount expected to be received from the MBC is \$9,878.96 per the attached MBC Statement of Account as of October 31, 2011.

**NOW, THEREFOR, BE IT RESOLVED** the Town of Lumberport by as follows: There is hereby authorized and directed the payment of the attached invoices as follows:

Thomas Michael	\$2,347.72
Steptoe & Johnson	7,530.28
Total	\$9,878.00

**ADOPTED BY the Town of Lumberport**, at the meeting held on the 5th day of December, 2011.

By: \_\_\_\_\_

Its: Mayor

STATEMENT OF ACCOUNT  
OCTOBER 1, 2011 TO OCTOBER 31, 2011  
ACCOUNT NUMBER: LUP-S-2-97-A-HR-06  
ACCOUNT NAME: LUMBERPORT AREA SEWER PSD 97-A RESERVE  
COUNTY: HARRISON

BALANCE LAST STATEMENT		78,037.03
RECEIPTS		
DEPOSITS FROM TREASURER OR SHERIFF	0.00	
DEPOSITS FROM PUBLIC UTILITY TAXES	0.00	
INTEREST EARNED ON INVESTMENT POOL	3.93	
INTEREST EARNED ON ESC INVESTMENTS	0.00	
INCOME EARNED ON LOANED ESC INVEST	0.00	
DISCOUNT EARNED ON MATURED ESC INVEST	0.00	
DISCOUNT EARNED ON RETIRED BONDS	0.00	
TRANSFERS FROM REVENUE/RESERVE ACCT	0.00	
TRANSFERS FROM OTHER ACCOUNTS	0.00	
MISCELLANEOUS	0.00	
TOTAL RECEIPTS		3.93
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TOTAL INCLUDING BALANCE FORWARD		78,040.96
DISBURSEMENTS		
BEARER BONDS MATURED AND PAID	0.00	
COUPON INTEREST PAID	0.00	
REGISTERED BONDS MATURED AND PAID	0.00	
REGISTERED INTEREST PAID	0.00	
ADMIN FEE TO REG BONDHOLDER	0.00	
PREMIUM PAID ON CALLED BONDS	0.00	
PAYING AGENT BANK SERVICE FEES	0.00	
MBC SERVICE FEES	0.00	
IMB SERVICE FEES	0.00	
LEGAL ADVERTISEMENTS	0.00	
PREMIUM PAID ON MATURED ESC INVEST	0.00	
TRANSFERS TO REVENUE/RESERVE ACCT	0.00	
TRANSFERS TO OTHER ACCOUNTS	0.00	
REFUNDS TO ISSUER	0.00	
MISCELLANEOUS	0.00	
TOTAL DISBURSEMENTS		0.00
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BALANCE THIS STATEMENT		78,040.96
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THE ABOVE BALANCE IS HELD AS FOLLOWS:		
CASH/IMB MONEY MARKET POOL INV	78,040.96	
ESCROWED INVESTMENTS	0.00	
TOTAL		78,040.96

MAXIMUM RESERVE REQUIREMENT  
RR: 68,161

78,040.96  
- 68,162.00 → 2011 A Requirement  
\$ 9,878.96 → to be refunded to Town

CHARLESTON, WEST VIRGINIA 25326

IN ACCOUNT WITH

**STEPTOE & JOHNSON PLLC**

Attorneys at Law

FEIN 55-0286140

December 5, 2011

Town of Lumberport

Assumption of the  
Lumberport Area Public Service Sewer District  
Sewer Revenue Bonds, Series 1997 A  
(West Virginia Infrastructure Fund)

and

Re-designation and Replacement as

Town of Lumberport  
Sewer Revenue Bonds, Series 2011 A  
(West Virginia Infrastructure Fund)

Services as Bond Counsel and Out-of-pocket expenses \$7,530.28

**TOTAL DUE** \$7,530.28

Katy Mallory  
Project Finance Manager  
Steptoe & Johnson PLLC  
P.O. Box 1588  
Charleston, West Virginia 25326

537610.00002

Thomas R. Michael, Attorney at Law  
P.O. Box 250  
Lost Creek, WV 26385

Invoice submitted to:  
Town of Lumberport

December 01, 2011

Invoice #11132

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
12/8/2009 TRM	Draft Draft transfer agreement; letter to David - enclosing same	0.21 150.00/hr	32.08
2/12/2010 TRM	Phone call Phone call Norma - message from Amy Swann; phone call Amy - status of transfer of PSSD; memo to file - same	0.20 150.00/hr	29.92
7/13/2010 TRM	Draft Draft email to David Glover - schedule for completion of transfer of PSSD	0.17 150.00/hr	25.79
7/15/2010 TRM	Review Review letter from David with Petition to PSC for approval of transfer; memo to Ginny - copy to Mayor; subscribe to case	0.20 150.00/hr	30.71
7/22/2010 TRM	Review Review message from David - PSC wants consent of bondholders to transfer; phone call David - left message same	0.07 150.00/hr	10.25
8/18/2010 TRM	Review Review Staff Interrogatories and Staff Memorandum from PSC; emails to Mayor and David - same	0.14 150.00/hr	20.67
8/19/2010 TRM	Review Review email from PSC - transfer case assignment	0.04 150.00/hr	5.54
9/1/2010 TRM	Review Review PSC referral order; email to Mayor - same	0.06 150.00/hr	8.25

		<u>Hrs/Rate</u>	<u>Amount</u>
10/7/2010 TRM	Phone call Phone call Jim Weimer - extending deadlines in transfer case	0.05 150.00/hr	8.13
10/8/2010 TRM	Phone call Phone call Clark - wants me to file a notice of appearance in transfer case and move for an extension of deadlines	0.06 150.00/hr	8.50
10/12/2010 TRM	Review Review message from Clark - PSSD meeting on transfer; calendar same; email to Mayor - same and filing for notice of appearance; review and reply to email from Jim Weimer - same; phone call Clark - same	0.18 150.00/hr	26.29
10/13/2010 TRM	Review Review Motion for Extension; prepare for meeting; phone call Mayor - left message same; meeting with David and Sanitary Board - planning action items for transfer case	0.91 150.00/hr	136.92
TRM	Travel to Travel to and from Lumberport	1.16 150.00/hr	NO CHARGE
10/14/2010 TRM	Review Review PSC staff memo and order extending deadlines; draft notice of appearance as counsel for Town	0.13 150.00/hr	19.38
10/20/2010 TRM	Review Review emails from ALJ George - case deadlines	0.05 150.00/hr	7.25
11/16/2010 TRM	Review Review and reply to email from Ginny - David needs name of Town's accountant; review memo from Ginny - same	0.08 150.00/hr	11.79
11/18/2010 TRM	Review Review letter from Katy - existing bonds, requirements for transfer to Town	0.03 150.00/hr	4.79
12/15/2010 TRM	Review Review email from David - response to PSC Staff data request	0.09 150.00/hr	12.83
1/13/2011 TRM	Review Review final PSC Staff memo; emails to David and Mayor - same	0.09 150.00/hr	13.67
1/14/2011 TRM	Review Review email from Mayor - status of PSC case	0.02 150.00/hr	3.13
1/21/2011 TRM	Review Review fax from Mayor - passing a sewer rate ordinance; email to Mayor - same	0.12 150.00/hr	18.42

		<u>Hrs/Rate</u>	<u>Amount</u>
1/22/2011 TRM	Review Review email from Mayor - scheduling phone call with Randy Vernon	0.02 150.00/hr	2.54
1/25/2011 TRM	Review Review message from Randy Vernon; return call - need tariff for Town	0.14 150.00/hr	21.38
1/26/2011 TRM	Review Review email from Randy - needs annual report before he can do financial justification for rate ordinance; forward same to David et al	0.10 150.00/hr	15.58
1/28/2011 TRM	Phone call Phone call Ron Robertson - items needed to answer Staff request, possible extension of deadlines	0.10 150.00/hr	14.75
2/1/2011 TRM	Review Review Bill of Sale, Conveyance of Rights of Way, Assignment of Warranties, and Indemnification Agreement; email to David et al - same; review email from David - same; forward same to Mayor et al	0.19 150.00/hr	28.33
2/14/2011 TRM	Review Review Motion for Extension of PSC deadlines; review message from Jane Neal, PSC - same; phone call Jane - left message same; conference with Randy - status of posting accounts for annual report	0.13 150.00/hr	19.71
2/24/2011 TRM	Review Review PSC Order extending deadlines; forward same to Mayor	0.04 150.00/hr	6.25
3/15/2011 TRM	Review Review email from PSC - LAPSSD response to Staff Interrogatories, IJDC application; review and reply to email from Katy - rate issues	0.13 150.00/hr	19.25
3/23/2011 TRM	Review Review and reply to email from Meshelle - status of rate ordinance; review and reply to emails from Katy and Jim Ellars - same; review and reply to email from David - same	0.20 150.00/hr	29.75
3/27/2011 TRM	Review Review emails from Mayor, Roger, Meshelle and Randy - new tariff, hearing on bond transfer; review PSC order scheduling hearing; calendar same	0.30 150.00/hr	45.04
3/28/2011 TRM	Review Review and reply to email from Meshelle - hearing scheduled; draft email to Zack Dobbins - preparing rate analysis and tariff for Town; review and reply to email from Zack - same	0.21 150.00/hr	31.96

		<u>Hrs/Rate</u>	<u>Amount</u>
3/29/2011	TRM Review Review and reply to email from Mayor - payment arrangements for Zack Dobbins	0.04 150.00/hr	5.38
3/30/2011	TRM Review Review emails from Mayor and Meshelle - hiring Zack; email to Meshelle - same	0.07 150.00/hr	11.00
4/1/2011	TRM Draft Draft email to Zack - preparation of rate analysis and proposed tariff; review and reply to email from Zack - same; review and reply to email from Katy - IJDC application; forward same to Zack	0.35 150.00/hr	52.46
4/4/2011	TRM Review Review email from Zack - cash flow analysis and rate recommendation; draft rate ordinance; draft pre adoption notice; draft sewer use ordinance; email to Mayor et al - same	2.75 150.00/hr	412.29
4/5/2011	TRM Review Review emails from Roger and Zack - audit of PSSD	0.03 150.00/hr	4.50
4/8/2011	TRM Review Review email from Zack - audit needed for transfer	0.02 150.00/hr	2.88
4/11/2011	TRM Review Review and reply to email from Zack - audit issues	0.05 150.00/hr	7.13
4/20/2011	TRM Phone call Phone call Meshelle - sewer rate ordinance passed first reading yesterday	0.03 150.00/hr	4.83
4/27/2011	TRM Phone call Phone call Ron Robertson - status, hearing issues; review emails from Katy and David - filing with IJDC	0.09 150.00/hr	13.92
5/2/2011	TRM Phone call Phone call Meshelle - second reading of ordinance	0.07 150.00/hr	9.92
5/5/2011	TRM Review Review rate ordinance; draft Post Adoption Notice; phone call Meshelle - same; fax to Meshelle - same ; draft letter to PSC - submitting ordinance and financial justification; email to Ginny - post adoption notice to be published as a Class II legal advertisement; draft press release for rate ordinance	1.22 150.00/hr	183.42
	VM Miscellaneous Submitting legal advertisement to newspaper	0.20 20.00/hr	4.04

		<u>Hrs/Rate</u>	<u>Amount</u>
5/5/2011	VM Miscellaneous Filing notice of ordinance with PSC	0.50 20.00/hr	10.05
5/7/2011	TRM Review Review emails from PSC - rate ordinance filing; forward same to David	0.05 150.00/hr	7.79
5/10/2011	TRM Review Review fax from Meshelle - Affidavit of Publication of Pre-adoption Notice of rate ordinance; memo to Ginny - submitting same to PSC	0.08 150.00/hr	12.63
	VM Miscellaneous Filing affidavit of publication of pre adoption notice with PSC	0.01 20.00/hr	0.21
5/12/2011	TRM Phone call Phone call Meshelle - getting copy of ordinance setting up Sanitary Board; letter to David - enclosing ordinances	0.16 150.00/hr	23.58
5/18/2011	TRM Review Review PSC filing by David of ordinances	0.03 150.00/hr	4.38
5/31/2011	TRM Draft Draft affidavit of posting and affidavit of press release; email to Meshelle - same	0.48 150.00/hr	72.00
6/1/2011	TRM Phone call Phone calls Meshelle - affidavit of posting; review fax copy of same with signature; draft letter to PSC filing same and affidavits of publication and press release; conference Ginny - faxing and filing same with PSC	0.35 150.00/hr	51.88
	VM Miscellaneous PSC filing - sewer rate ordinance	0.41 20.00/hr	8.19
6/2/2011	TRM Review Review email from PSC - filing received	0.02 150.00/hr	2.71
6/7/2011	TRM Review Review letter from PSC approving rate ordinance; review email from Katy - rate ordinance and IJDC application; reply to same; review email from David - getting Mayor to sign application; email to Mayor - same; review and reply to email from Mayor - same; conference Ginny - same; email to David - same; review executed signature page for IJDC application; email to Katy et al - same; letter to Katy - same	0.57 150.00/hr	85.21
	VM Meeting Meeting with Mayor to obtain signature on IJDC application	0.11 20.00/hr	2.18



		<u>Hrs/Rate</u>	<u>Amount</u>
6/9/2011 TRM	Review Review emails from Katy and David - IJDC application submitted; phone call David - moving to continue hearing pending IJDC approval	0.08 150.00/hr	12.46
6/10/2011 TRM	Review Review Motion to Cancel Hearing; email to Meshelle and Mayor - same	0.05 150.00/hr	7.08
6/11/2011 TRM	Review Review PSC Order canceling hearing; forward same to Mayor and Meshelle; review PSSD Motion to Extend Due Date; draft letter to Sandra Squire - joining in Motion; conference Ginny - faxing, filing and serving same; review letter from Katy - filing IJDC application	0.24 150.00/hr	35.58
VM	Miscellaneous PSC filing - Motion to Extend Due Date	0.21 20.00/hr	4.19
6/15/2011 TRM	Review Review PSC Order extending due date	0.02 150.00/hr	2.88
7/8/2011 TRM	Review Review email from Katy - status of IJDC application; scheduling meetings to adopt bonds; review emails from Judge Keith - status of IJDC application	0.06 150.00/hr	9.17
7/9/2011 TRM	Review Review emails from Judge George, David - decision conditional on bond transfer	0.06 150.00/hr	9.33
7/13/2011 TRM	Review Review email from Ron - issue for conditional decision from PSC	0.02 150.00/hr	2.83
7/19/2011 TRM	Review Review email from Katy - scheduling bond ordinance readings; forward same to Meshelle; review and reply to email from Meshelle - same	0.10 150.00/hr	14.25
7/20/2011 TRM	Review Review email from Meshelle - scheduling reading of bond ordinance; email to Katy - same; phone call Randy - getting accounting information to Zack; email to Meshelle - same; review email from Katy with attached bond ordinance	0.22 150.00/hr	33.13
8/10/2011 TRM	Review Review email from Meshelle - second reading of bond ordinance, public hearing scheduled; forward same to David	0.04 150.00/hr	6.33
8/22/2011 TRM	Review Review PSC Order requiring update; review and reply to email from David - same; draft update to PSC; action memo to Ginny - faxing and mailing same; review emails from Katy - items and documents for	0.24 150.00/hr	35.50

			<u>Hrs/Rate</u>	<u>Amount</u>
		closing on transfer		
8/23/2011	TRM	Review Review and revise letter to PSC	0.04 150.00/hr	5.42
	VM	Miscellaneous File Status Update with PSC	0.21 20.00/hr	4.16
8/26/2011	TRM	Phone call Phone call Terry at PSC - Recommended Decision; review same	0.07 150.00/hr	10.17
9/1/2011	TRM	Review Review emails from Katy - closing documents, issues; reply to same	0.59 150.00/hr	87.79
9/8/2011	TRM	Review Review email from PSC - no exceptions to Recommended Decision	0.02 150.00/hr	2.79
9/10/2011	TRM	Review Review email from Katy - transfer of NPDES permit	0.02 150.00/hr	2.71
9/26/2011	TRM	Review Review email from PSC - Recommended Decision now Final	0.04 150.00/hr	5.42
9/29/2011	TRM	Phone call Phone call David - deed for properties, description	0.08 150.00/hr	12.42
10/14/2011	TRM	Review Review email from David - draft deed to Town; research title to same online; email to David - revisions to deed; review email from Katy and Armando - transfer of NPDES permit; email to Meshelle - same	0.49 150.00/hr	73.21
10/22/2011	TRM	Review Review emails from Armando - transfer of DEP permit; forward same to Meshelle to get signatures	0.36 150.00/hr	53.79
11/3/2011	TRM	Review Review DEP transfer form and Letter Agreement; draft letter to Armando - enclosing same	0.27 150.00/hr	41.17
11/4/2011	TRM	Phone call Phone call Armando - DEP transfer documents	0.02 150.00/hr	2.58
11/7/2011	TRM	Review Review letter from Katy - information needed for closing; email to Meshelle - same	0.13 150.00/hr	19.08

	<u>Hrs/Rate</u>	<u>Amount</u>
11/9/2011 TRM Review Review and reply to emails from Meshelle - LAPSSD closing; calendar same; review letter from Armando to DEP - transfer of permit	0.06 150.00/hr	8.79
12/1/2011 TRM Phone call Phone call Katy - closing issues; phone call Meshelle - same; review and sign Opinion of Counsel letter; email to Katy - same	0.30 150.00/hr	45.13
For professional services rendered	<u>17.35</u>	<u>\$2,208.79</u>
Additional Charges :		
	<u>Qty/Price</u>	
5/5/2011 TRM Postage Postage - PSC filing	1 5.59	5.59
5/10/2011 TRM Postage Postage - filing with PSC	1 5.39	5.39
5/23/2011 TRM Publishing Fee Publishing Fee - post adoption notice of rate ordinance	1 110.11	110.11
6/1/2011 TRM Postage Postage - filing with PSC	1 6.18	6.18
6/11/2011 TRM Postage Postage - PSC filing	1 5.83	5.83
8/23/2011 TRM Postage Postage - PSC filing	1 5.83	5.83
Total additional charges		<u>\$138.93</u>
Total amount of this bill		<u>\$2,347.72</u>
Balance due		<u><u>\$2,347.72</u></u>