

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
MINUTES OF THE
July 17, 2023 Meeting
ENTERPRISE BUILDING
ACCOMAC, VIRGINIA

COMMISSIONERS PRESENT:

Donna Smith *Zoom*	Accomack County
Vanessa Johnson	Accomack County
Robert Crockett	Accomack County
Harrison Phillips	Accomack County
C. Reneta Major	Accomack County
Arthur Leonard	Town of Chincoteague
Rev. Charles J. Kellam	Northampton County
Betsy Mapp	Northampton County
John Coker	Northampton County
L. Dixon Leatherbury	Northampton County
Adam Charney	Northampton County
Donald L. Hart, Jr.	Accomack County

COMMISSIONERS ABSENT:

Gwendolyn F. Turner	Accomack County
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OTHERS PRESENT:

Elaine Meil	Sandy Taylor
Anne Doyle	Eric Luchansky
Russ Williams	Leanna Rasmussen

1. Call to Order

The July 17, 2023 meeting of the Accomack-Northampton Planning District Commission (A-NPDC) was called to order by Chairman Phillips at 7:00 p.m.

Commissioner Smith attended virtually from Salt Lake City, Utah.

2. Invocation

Commissioner Crockett offered the Invocation.

3. Minutes of the June 20, 2023 Meeting

The Minutes of the June 20, 2023 Meeting were presented. Commissioner Hart moved to approve the minutes as presented. Seconded by Commissioner Crockett, the motion was carried by unanimous vote.

4. Public Participation

There was no public participation.

5. Financial Status Report

The report indicated that 85.80 percent of the FY 2023 Budget has been expended while 100 percent of the fiscal year has passed. Commission acceptance of this report was requested.

It was noted that year-end entries may have needed to be made as part of the FY 2023 financial audit.

Commissioner Crockett moved to approve the financial report. Seconded by Commissioner Hart, the motion was carried by unanimous vote.

6. Financial Statement / Bills Payable

The Financial Statement, including the current Bills Payable were presented. Commission approval of the Financial Statement was requested.

Commissioner Crockett moved to approve the Financial Statement and Bills Payable. Seconded by Commissioner Hart, the motion was carried by unanimous vote.

7. FY 2023 Budget Amendments

Adoption of the following budget amendments was requested.

A-NPDC Planning Projects

1.	3695	VHDA Front Door Project	\$167,350.00
			<u>+ 91,000.00</u>
			\$258,350.00

ITEM 1 represents the amendment to include additional pass-through funds.

A-NRHA Planning Projects

2.	3157	A-NRHA Section 8	\$260,000.00
			<u>+ 40,000.00</u>
			\$300,000.00

3. 315710 Fraud Recovery, Section 8	\$28,000.00
	<u>+11,000.00</u>
	\$39,000.00

ITEMS 2-3 represents the amendment to include additional pass-through funds.

The net change to the FY 2023 budget was \$142,000.00

Commission approval of the FY2023 Budget Amendments was requested. Commissioner Crockett moved to approve the FY2023 Budget Amendments. Seconded by Commissioner Leonard, the motion was carried by unanimous vote.

8. FY 2023 Audit

Auditors from Dunham, Aukamp & Rhodes, PLC. visited the office on July 24th and 25th to perform some preliminary testing and would return in September to complete the audit requirements.

9. Projects

Informational Items

Director of Planning Report

Below is a comprehensive list of Planning Department projects, should you wish to contact the project manager for more information.

3220 - EDA-Economic Development Planning	A. Doyle
3325 - EDA-Disaster Economic Recovery Response, Planning & Implementation	A. Doyle
3589 - VDEM Hazard Mitigation Plan 2022	A. Mills
3008 - USDA Wachapreague Hotel and Sewer Study	A. Mills
3401 - VDOT Rural Transportation Planning - SPR	A. Mills
3580 - VDEQ Chesapeake Bay Phase III WIP Technical Assistance	J. Steelman
3568 - VDEQ VCZMP 306 Ecotourism Resiliency	J. Steelman
3526 - VCZMP Technical Assistance & Resiliency Planning	J. Steelman
3571 - A-N Ground Water Committee Projects	K. Singleton
3583 - GreenWorks Committee	K. Singleton
3334 - Agricultural Study	K. Singleton
3587 - Navigable Waterways Committee	J. Steelman
3764 - Town of Parksley Downtown Revitalization	A. Doyle
3556 - FY20 VA Port Authority Project: Quinby	J. Steelman
3557 - FY20 VA Port Authority Dredging Project: Kings Creek Phase 1	J. Steelman
3576 - FY21 VA Port Authority Dredging Project: Wachapreague Phase 1A	J. Steelman
3578 - FY21 VA Port Authority Dredging Project: Folly Creek Phase 1A	J. Steelman
3577 - FY21 VA Port Authority Dredging Project: Red Bank Creek Phase 1A	J. Steelman

3559 - FY21 VA Port Authority Dredging Project: Hungars Creek Phase 1A J. Steelman
 3579 - FY21 VA Port Authority Dredging Project: Nassawadox Creek Phase 1A J. Steelman
 3351 - FY22 VA Port Authority Dredging Project: Kings Creek Phase 2 J. Steelman
 3352 - FY22 VA Port Authority Dredging Project: Folly Creek Phase 1B J. Steelman
 3355 - FY22 VA Port Authority Dredging Project: Red Bank Creek Phase 1B J. Steelman
 3353 - FY22 VA Port Authority Dredging Project: Nassawadox Creek Phase 1B J. Steelman

3220, 3325

Economic Development and Economic Recovery

Anne Doyle
 ext. 115

A-NPDC was notified at the end of June that it was selected to receive an FY 2023 RAISE grant of \$23,251,485 to design and construct a major portion of the Eastern Shore Rail Trail in Northampton and Accomack Counties. In addition to a multi-use trail, the project will include construction of right-turn lanes at four or more intersections on US-13. In three trailhead locations, park and ride facilities will be installed along with bus shelters, benches and trash receptacles.

Also benefiting small businesses on the Eastern Shore, A-NPDC’s Economic Development Committee will partner with VDOT to schedule a DBE/SWaM Opportunity Outreach Event for the Eastern Shore. The tentative date is September 20th with a backup date of September 27th. Construction of the Rail Trail is one opportunity, but small businesses in agriculture/landscaping, aerospace, healthcare, and other sectors—all who wish to compete for government contracts—are encouraged to attend. Firms will learn about DBE/SWaM certifications and will have a chance to network with small business service providers.

3401

VDOT - Rural Transportation Planning

Ashley Mills
 Ext. 127

The Commonwealth Transportation Board (CTB) approved the SMART SCALE projects to be included in the Six-Year Improvement Plan (SYIP) and voted to adopt the Plan in June, which included one of four applications staff submitted in Round 5. The \$8M award will be used to construct a segment of the Eastern Shore Rail Trail from Melfa to Onley. Additionally, USDOT announced that the application staff submitted to the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program was selected to be awarded \$23.25M for construction of a segment of the Eastern Shore Rail Trail from Nassawadox to Onley.

Staff submitted a Transportation Alternatives (TA) Program Pre-Application for a segment of the Eastern Shore Rail Trail through the Town of Parksley. The portal opens again for full applications on August 1st.

Staff executed Letters of Authorization for the FY-2024 Rural Transportation Planning Rural Work Program, which was approved by the FHWA early July.

30081

Wachapreague - USDA and DEQ

Ashley Mills
 Ext. 127

Staff is still waiting to fully execute the grant agreements with HUD.

3589

Hazard Mitigation Plan - VDEM

Ashley Mills
Ext. 127

This project has been closed out.

Staff applied for another grant through VDEM and FEMA for the next update of the Eastern Shore of Virginia Hazard Mitigation Plan. If awarded, the beginning stages of the Plan update could begin late Spring/Early Summer 2024.

3764

Town of Parksley Downtown Revitalization

Anne Doyle
Ext. 115

As part of the Department of Housing and Community Development grant, the Town of Parksley continues to purchase items, including sidewalk planters and hanging baskets towards completion of the final revitalization spend plan. Commercial and wayfinding signage are under design, and a new town mural Request for Proposal will be released next week..

3581

ESVA Community Resilience & Sustainability Plan (CRSP)

Jessica Steelman
Ext. 114

Steering Committee meetings are set for the third Tuesday of every other month (starting in July). The Coastal Planning Intern is anticipated to begin mid-July.

3587

Eastern Shore Regional Navigable Waterways Committee (ESRNWC)

Jessica Steelman
Ext. 114

Staff facilitated the first project team check-in open to Committee members. This project team check-in was for Red Bank, Nassawadox, & Folly Creeks. Committee members present: Andy Dunton, Chair.

3571

A-N Ground Water Committee Projects

Kellen Singleton
Ext. 129

The Residential Well Testing Subcommittee will lead in the detailed planning and oversight of the Residential Well Testing Program. The subcommittee has proposed and will determine the feasibility of a collaborative effort with regional high schools. GWC advisor continues assessing groundwater monitoring drilling and supplemental monitoring techniques including the potential enhancement of saltwater intrusion tools and modeling as well as identifying future locations for well testing. The Committee advisor is also moving forward in drafting a Surficial Aquifer Characterization Plan that will provide quantitative information on yield and water quality for the surficial aquifer. The Committee continues to stress the importance of surficial aquifer utilization for new or expanded withdrawal use when feasible.

Dr. Abhilash Chandel of Virginia Tech and his team have collected 32 years of Virginia Eastern Shore climate, planting, yield, and satellite data totalling 20 TB of data towards Objective I and II. The study timeline has been extended. A third quarter update is being planned in the coming period.

Director of Housing Services Report

Below is a comprehensive list of Housing Service Department projects, should you wish to contact the project manager for more information. Details about the featured projects follow the list.

3661 - HUD-Housing Counseling Services	A. Wert
3662 - VHDA HCE Foreclosure/Housing Counseling	A. Wert
366250 - Homeless Solutions COC Activities	J. Hope
3360 - Regional Housing Plan	R. Williams

Community Partners of the Eastern Shore's General Membership met on July 12th. A presentation was made by Virginia Heals on their Trauma Informed Toolkit. The HMIS committee has started discussions concerning the 2024 Point-In-Time homelessness count to be conducted next January. Year-2 of the 2-year grant is expected to be awarded with level funding. Closeout processes for year-1 are underway.

Our caseload has remained static from the last report. 19 clients are receiving homeownership counseling. 2 clients have prequalified for a loan and are looking for a home. 17 clients are working to repair their credit and increase their savings. 5 clients have followed the program and been referred to USDA for pre-qualification. 2 clients are currently receiving foreclosure counseling and assistance with loan modifications.. 4 clients have successfully purchased homes in the past 11 months. 3 of these families were formerly Section 8 tenants. The FY 24 grant application has been accepted and remains pending. The new funding will be effective October 1, 2023, the beginning of the Federal fiscal year. A slight increase has been requested.

Staff continues to conduct Financial Literacy, Rental Topics, and Fair Housing classes for new HCV recipients during intake briefings. These briefings are again being conducted twice monthly, with 5-10 attendants in each class. Funding for FY24 has been awarded in the amount of \$55,000. This represents an increase of 10% over FY23.

Director of Housing Development Report

Below please find a list of A-NPDC related Housing Development Department projects, should you wish to contact the project manager for more information. Details about featured projects follow the list.

300640 - Town of Onancock-Northeast Neighborhood	E. Luchansky
3665 - DEQ Septic Pump-Out Project	S. Matthews
3335 - Accomack County CDBG Planning Grant	E. Luchansky
3760 - Gospel Temple/Adams Crossing CDBG	E. Luchansky
300660 - Makemie Park Urgent Need Project	K. Singleton
300702 - Metompkin CDBG - Program Income	B. Herbert
3690 - Occhannock Neck Road Project	B. Herbert
3680 - Accomack County COVID CDBG Urgent Needs	E. Meil
- HMGP - DR-4001 & DR-4411	E. Luchansky
3823 - HMGP - DR-4291	E. Luchansky
4401 - Accomack County VA 4401-VA-016 Elevation/Acquisition Project	E. Luchansky

300640***Town of Onancock - Northeast Neighborhood***Eric Luchansky
Ext. 118

2 demolition contracts are signed. Work is projected to begin at the end of July. Bid packages are being prepared to rehabilitate 5 homes.

3760***Gospel Temple/Adams Crossing Neighborhood Revitalization CDBG***Eric Luchansky
Ext. 118

The project is closed out.

300660***Makemie Park Urgent Need Project***Kellen Singleton
Ext. 129

To date all 21 septic systems have been installed, per the initial construction agreement. All conflicting wells have been abandoned and replaced. Addendum work on four of the five septic systems is in progress. Staff and District 3 Supvr. Johnson has initiated a door-2-door info, outreach, and recordation signing effort. A decommissioning procedure for the current Makemie Park Sewage Disposal Area has been drafted. SERCAP, Inc. has approved a \$38,000 allocation for the effort. The second in a series of

community outreach and septic training events was held on March 31st. A third in a series of community outreach and septic training events is being planned.

3690

Occohannock Neck Road Project

Bruce Herbert
Ext. 128

The two bedroom home on lot 3 should be completed within the month. Water and sewer connections have been promised by the Town of Exmore in two weeks. Andrea Wert is working with a potential buyer for this house. The one-bedroom is completed on the outside with interior work continuing.

The Sunnyside Village septic system permitting and design has been put out to bid. Once all well and septic areas have been identified, a bid proposal for clearing the lots will be prepared.

The Virginia Avenue home demolition has been awarded to Advantage Lawn Care. Demolition should be completed by the next meeting.

3823

Accomack County VA HMGP 4291-VA-009 Elevation Project

Eric Luchansky
Ext. 118

The sixth home was elevated. The foundation work was in progress.

4401

Accomack County VA 4401-VA-016 Elevation/Acquisition Project

Eric Luchansky
Ext. 118

Foundation engineering work was underway to elevate one home in the project.

3801

East Horntown Planning Grant

Eric Luchansky
Ext. 118

Staff was working with neighborhood citizens to qualify for assistance. Inspections were in process of being scheduled.

3340

Holland Lane - Cheriton Planning Grant

Bruce Herbert
Ext. 128

DHCD is preparing the contract. We should receive a contract by August.

VDH Septic and Well Assistance Program

Eric Luchansky
Ext. 118

Two septic construction contracts are signed. Three homes are out for bid for septic design services. One home is out for bid for well and septic construction services.

10. Contracts

FY2024 HUD Housing Counseling and Education 3662 - \$55,000

The intent of the Housing Counseling and Education (HCE) Grant was to fund HUD-approved Housing Counseling Programs to educate families and individuals in order to help them make smart decisions regarding improving their housing situation and meeting the responsibilities of tenancy and homeownership. Virginia Housing grant funds must supplement an agency's housing counseling program, and not be the sole source of funding.

Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program \$1,877,000

The U.S. Department of Transportation agreement reflects the selection of the Accomack-Northampton Planning District Commission to receive a SMART Grant for the project entitled Drone Medical Package Delivery for Improved Transportation and Better Patient Outcomes. This is a planning and prototyping project that will promote autonomous systems development on the Eastern Shore. What is learned during the planning phase will be used to apply for implementation funding to make medical package delivery via drone commercially viable. A-NPDC's application was the only SMART Grant to be awarded in Virginia. We have now made it through USDOT's extensive pre-award process and are authorized to start the project on July 15th.

Commissioner Crockett moved to approve the authorization of signing the FY2024 Grant Agreements as requested. Seconded by Commissioner Hart, the motion was carried by unanimous vote.

11. Executive Director's Memo

Accomack County Regional Urgent Needs

The final tally of activities was attached.

Cost Allocation Agreement

The A-NPDC cost allocation agreement for FY24 was attached. The particular agreement establishes the indirect rate and is negotiated with a cognizant federal agency. All other agencies are required to recognize it.

The cognizant agency is the one that grants the most funding. For A-NPDC, this is Housing and Urban Development who has a MOU with Health and Human Services (HHS) to complete the negotiations on their behalf. The cognizant agency can switch annually but will not if it is only a temporary change. The last time it switched for A-NPDC was approximately ten years ago during the broadband project where the Economic Development Authority became the cognizant agency. This agreement is requested in December and in a very speedy year we expect it to be approved by the end of February. Every third year, we go through a bigger review and usually it is closer to June or even July that it is approved. Several years ago when the HHS individual retired, A-NPDC was the first agency to go through the MOU process with new individual.

From discussions, A-NPDC is one of very few planning district commissions who have approved cost allocation agreements. Some grantors are very strict and require the de minimis rate with its requirements (the de minimis rate can only be collected on certain items) and other PDCs are unable to conduct work for them because of this issue.

USDOT SMART Grants Program - Request for Proposals (Eastern Shore & Tangier Drone project)

A-NPDC was approached by Riverside and ODU's Virginia Institute of Spaceflight and Autonomy (VISA) to assist them in pursuing a SMART grant to test the concept and deliver medicine via drone to Eastern Shore locales including Tangier Island. They were working with a company called DroneUp.

During technical assistance, the USDOT representative said subawards were allowed. After the award, he contacted A-NPDC and stated that the federal attorney had told him they could not award subawards in this grant. A-NPDC was still awarded the project but would need to procure and contract the various components.

A-NPDC staff could not use any of the previous partners to write the Request for Proposals (RFP) that were now required as that would harm their ability to submit a proposal but left staff with the problem that they were not the technical experts on the original grant application. Therefore, staff decided to copy the federal requirements of the original grant application and turn that into the RFPs. A sample RFP was shared by Executive Director Meil with Director of Planning Doyle to begin drafting the RFPs. The contracts awarded would have 14 month deadlines to match the grant performance period. The original schedule had also slipped at least one month due to the procurement requirements. Director of Planning Doyle was able to negotiate a later start date to the USDOT contract to put the project back on schedule relative to the grant performance period.

A-NPDC then informed the group about the subaward issue and explained that staff would be letting out RFPs to obtain contractors for the project in two stages. The first stage would be two RFPs to obtain the technical project management and data analytics expert and the hospital and pharmacy provider medical delivery expert due June 6, 2023. Only one proposal was received for each RFP and ODU-VISA was awarded the project management RFP and Riverside Shore Memorial was awarded the hospital and pharmacy provider RFP. The successful proposers then constituted two members of the Selection Committee for a third RFP for a drone operator due June 20, 2023.

The June 20 RFP for drone operator included the following language: *"4. Submitted budget must comply with 2 CFR 200 Subpart D regarding procurement standards (200.317 through .327). The Entity's indirect cost allocation letter must be included with the budget to support indirect cost rate."*

On June 20, A-NPDC received one incomplete proposal. The proposal did not include the cost allocation agreement to support the proposed indirect rate. It exceeded the de minimus rate. Once informed, Executive Director Meil consulted the Procurement Act to determine if this was an informality.

"Informality" means a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured. Code of Virginia § 2.2-4300.

Executive Director Meil met with Director of Planning Doyle and said the missing indirect cost allocation agreement did not meet the definition of an informality that could be waived. Director of Planning Doyle informed the proposer that the proposal was incomplete because of the missing cost allocation agreement and told them the entire RFP would be reissued.

The second reissued RFP due July 5 added more language to provide more detail to assist the proposers.

“4. Submitted budget must comply with 2 CFR 200 Subpart D regarding procurement standards (200.317 through .327). The Entity’s indirect cost allocation letter/statement must be included with the budget to support indirect cost rate (2 CFR 200.56). The agency that provides the most federal dollars to an entity is considered its cognizant agency; entities will submit their federally negotiated indirect cost rate agreement. For all entities other than Institutions of Higher Learning, identification with a federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of federal awards.”

Prior to the due date, a potential proposer contacted at least one official to try and influence the process but that official declined to assist them. This became known to one of the Selection Committee members. On July 5, two proposals were received. One proposer proposed the de minimus rate and only collected it on allowed line items and the other used a flat indirect rate that met the 10% standard for de minimus but did not comply with the de minimus rate requirements for line items. Director of Planning Doyle told the Selection Committee that one proposal was incomplete. The Selection Committee met and chose the DroneUp proposal.

12. Chairman’s Report

Chairman Phillips decided to forgo the August meeting whereas the Executive Director would be absent, and Financials would not be presented due to the audit.

13. Other Matters

No other matters were discussed at this time.

14. Adjournment

There being no further business brought before the Commission, Commissioner Crockett moved to adjourn the meeting. Seconded by Commissioner Leonard, the meeting was then adjourned.