



County of Prince Edward
Board of Supervisors
Agenda Summary

Meeting Date: August 11, 2009
Item No.: 20
Department: County Administrator
Staff Contact: Wade Bartlett
Issue: County Administrator's Report - Addendum

Summary: The County Administrator will discuss with the Board the following items:

- a. Board consideration of an early payment to the town to fulfill the County's financial obligation in the Water and Sewer Agreement. (See Attached Letter from the Town of Farmville.) Also attached is a draft letter of response to the Town and a proposed amendment to the agreement. This has been reviewed and approved by the County Attorney.
- b. Board consideration of scheduling a Special Meeting to discuss the PPEA Interim Agreement.

Attachments: Letter from Town of Farmville
Draft letter to Town of Farmville
Draft Amendment to Water and Sewer Agreement

Recommendation:

- a. Authorize Pre-Payment to Town and
- b. Authorize Chairman to sign Amendment to Water & Sewer Agreement
- c. Schedule a Special Meeting

Motion _____
Second _____

Fore _____
McKay _____
Ward _____

Gilfillan _____
Moore _____
Wiley _____

Jones _____
Simpson _____

TOWN OF FARMVILLE
Post Office Drawer 368
Farmville, Virginia 23901

Gerald J. Spates, Town Manager
Carol Anne Seal, Town Treasurer

434.392.5686
Fax 434.392.3160



COUNCIL
Sydnor C. Newman, Jr., Mayor
A. D. "Chuckie" Reid, Vice Mayor
David E. Whitus
Sally Thompson
Tommy Pairet
Donald L. Hunter
Otto S. Overton
Edward I. Gordon, MD
Lisa Hricko, Clerk of Council

August 4, 2009

W. Wade Bartlett
County Administrator
Prince Edward County
PO Box 382
Farmville, VA 23901

Dear Wade,

This letter is in reference to our conversation regarding early payment on the Water and Sewer Agreement between the Town of Farmville and Prince Edward County on the Manor Resort.

In consideration of early payment, the Town of Farmville accepts the amount of \$1,232,000.00 which reflects an \$18,000.00 reduction that would have been due if the payment date of December 31, 2009 had been kept. This payment when received constitutes full payment under the Agreement.

The Town appreciates the County's assistance in this matter. If you have any questions, please give me a call.

Sincerely,

Gerald J. Spates
Town Manager

GJS/lmh

Cc: D. Blessing, Town Attorney

BOARD OF SUPERVISORS

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COUNTY ADMINISTRATOR
W.W. BARTLETT

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COUNTY OF PRINCE EDWARD, VIRGINIA

August 11, 2009

Gerald J. Spates
Town Manager
Town of Farmville
Post Office Drawer 368
Farmville, Virginia 23901

Dear Mr. Spates

In response to your letter dated August 4, 2009, the Board of Supervisors at its August 11, 2009 meeting, approved an addendum to the Water and Sewer Agreement between the County of Prince Edward and the Town of Farmville dated November 19, 2008.

The Addendum, which is enclosed, states that in consideration of early payment by the County of Prince Edward of the second installment in the amount of \$1,250,000 which is due on December 31, 2009, the Town of Farmville agrees to an \$18,000 reduction in the payment to \$1,232,000.

The original agreement was executed upon the signature of the Chairman of the Board of Supervisors and the Mayor of Farmville. As such, the Addendum should also be executed by the same office holders. You will find that I have already signed the Addendum and it was attested by the Clerk of the Board. Once the Mayor has signed the Addendum and it has been witnessed, I will ask the County Administrator to take immediate steps to forward payment as soon as possible.

The Board of Supervisors asks that you please express our appreciation to the Town Council concerning this matter. We are glad we could be of assistance.

Sincerely,

William G. Fore, Jr.
Chairman

PRINCE EDWARD COUNTY BOARD OF SUPERVISORS

MISSION STATEMENT

TO REPRESENT ALL CITIZENS, PROVIDE LEADERSHIP, CREATE VISION AND SET POLICY TO ACCOMPLISH EFFECTIVE CHANGE, PLANNED GROWTH AND PROVIDE ESSENTIAL SERVICES WHILE MAINTAINING AND ENHANCING THE QUALITY OF LIFE IN PRINCE EDWARD COUNTY.

AMENDMENT #1 TO AGREEMENT

This is an **AMENDMENT** made and entered on this day the 12th of August, 2009, by and between the County of Prince Edward, Virginia ("**COUNTY**") and the Town of Farmville ("**TOWN**").

The **COUNTY** entered into an agreement dated November 19, 2008 with the **TOWN** concerning, among other items, the purchase by the **COUNTY** of certain water and wastewater infrastructure in exchange for payment of \$2,500,000. This amount was payable in two equal installments, without interest. The first installment of \$1,250,000 was to be paid on or before December 31, 2008 and the second installment is to be paid on or before December 31, 2009. The first installment has been paid in full. This agreement is herein referred to as the "**WATER AND SEWER AGREEMENT**".

The **WATER AND SEWER AGREEMENT** is hereby amended as follows:

Sec 19. In exchange for early payment of the second installment, the **TOWN** agrees to a reduction of \$18,000 to the original payment amount of \$1,250,000 due no later than December 31, 2009. In exchange for this reduction the **COUNTY** will take all necessary action to pay \$1,232,000 to the **TOWN** as soon as practical but in no case later than 10 working days after the final execution of this amendment.

IN WITNESS WHEREOF, the parties hereto have made and executed this **AMENDMENT** as of the day and year first above written.

COUNTY
County of Prince Edward, Virginia

By: _____
Chairman, Board of Supervisors

Attest: _____

TOWN
Town of Farmville, Virginia

By: _____
Mayor, Town Council

Attest: _____