

TOWN OF BATH COUNCIL MEETING

Tuesday, December 20, 2022

1. CALL TO ORDER: @ 5:30pm by Mayor.
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (X) Rose Jackson (X) Elizabeth Skinner (X) Greg Forney (X) Rick Weber (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of December 6, 2022 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATION FROM MAYOR: Mayor Merki acknowledged the volunteerism, generosity and cooperation of the people of the community especially during the Christmas season. He also commented with disappointment on ill will displayed of late through written articles, social media and other means. Councilman Forney concurred and the sentiment was applauded by the Council.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): BDA members Councilman Chapman and Recorder Webster explained two BDA bylaw amendments concerning quorum and time and place of meetings(attached) that this Authority has presented for Council consideration and approval.
MOTION: To approve the two bylaw amendments as presented by the Bath Development Authority- Skinner/Forney- Carried
2. PARKS & REC: The next meeting is December 21 in the Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is January 5, 2023. The Comprehensive Plan Assessment sub-committee continues to meet weekly. President Landon conveyed his positive impression of the Christmas events and decorations in Town.
4. RAIL/TRAIL: The progress report has been submitted to the Town office (attached).
5. STREETSCAPE: Committee Co-Chair Pete Brown has submitted reports to the Town office (attached).
6. TRAIN DEPOT: Chairman Webster reported that work progress continues on the interior rehab of the Depot. The dry wall and insulation have been installed. The next Owners Meeting will be after the holidays.
7. LANDMARK COMMISSION (HLC): No report at this time. The next meeting is January 12 at 2pm.
8. CLERK/RECORDER REPORT: No reports at this time.
9. FINANCE: Chairwoman Webster delivered the following bills for approval.
 - (a) Town of Bath \$23,384.99- Motion to approve: Forney/Chapman- Carried
 - (b) BSWW \$57,387.21 – Motion to approve: Forney/Chapman- Carried
 - (c) Hotel/Motel reimbursement –\$140.40- Motion to approve: Forney/Chapman- Carried
10. TREE BOARD: No report at this time. Next meeting is January 18 at 4pm.

11. GRANT: Chairman Forney will respond to a communication from Morgan County Commissioner Bill Clark concerning the Federal Lands Access Program grant opportunities. Forney will also continue to work with Region 9 Planning and Development Council.
12. PUBLIC SAFETY: Chairwoman Jackson reminded downtown business owners to not park at the free parking meters during the holiday season. The free parking meters are for the benefit of business customers and visitors. BSPD officers will be on active foot patrol in Town. Applications for the Chief of Police positions are being sought.
13. CEMETERY: No report at this time.
14. PUBLIC WORKS: No report at this time.
15. ORDINANCE: Councilman Chapman reported that the Committee is working on updating the personnel manual and Tree Board proposed amendment. The next meeting is January 3 at 4:30pm.
16. BERKELEY SPRINGS WATER WORKS: The next meeting is January 9 at 4:30pm.
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor

Scott E. Miller

Recorder

Susan Webster

Hello BDA members

This is official notice that a BDA bylaw change is being proposed. This email meets the 10-day notice requirement of the existing bylaws. The includes the proposed wording changes.

The two changes as follows:

ARTICLE X AMENDMENTS to BY-LAWS Section 1. Amendments: Amendments to these by-laws may be approved at any regular or special meeting of the Authority by a majority vote of the entire membership; provided however, that written notice, sent in accordance with Article IV, Section 5, describing with particularity the proposed amendment, must be given to each member at least ten (10) days prior to the regular or special meeting at which the proposed amendment will be considered.

Section 2. Approval by Town of Bath Council: Following approval by the Board per Section 1, by-law changes shall be submitted to members of the Town of Bath Council for their final approval. The approved version of the by-laws shall be executed and adopted by the Authority at the next meeting of the Board.

There are two areas are proposed to be amended.

Current:

Section 1. Time and Place: The Authority members shall generally meet on the second Tuesday of each month, at 5 p.m., at the Town of Bath Town Hall, or at a place and time otherwise designated for the meeting. If the meeting day falls on a legal holiday, the meeting shall be held the following day or on another day designated.

Newly Proposed

Section 1. Time and Place: The Authority members shall determine the location, day and time of each meeting. The meeting date and time and agenda shall be properly published for public notification.

Current:

Section 2. Quorum: A majority of the duly appointed members of the Authority constitute a quorum and no action of the Authority shall be official unless authorized by a quorum at a regular or properly called special meeting. If a quorum is not present, those present may adjourn the meeting to a later date.

Newly Proposed

Section 2. Quorum: Five members present including at least one officer will constitute a quorum and no action of the Authority shall be official unless authorized by a quorum at a regular or properly called special meeting. If a quorum is not present, those present may adjourn the meeting to a later date.

These will be voted on by the authority on November 5th. Ironically, we need a quorum so please attend either in person or by Zoom.

The Town Council will also need to approve these changes following our decision.

AMENDED BY-LAWS OF THE BATH
DEVELOPMENT AUTHORITY

ARTICLE I
NAME AND PLACE OF BUSINESS

Section 1. Name: Bath Development Authority, hereinafter referred to as the "Authority."

Section 2. Place of Business: The principal office of the Authority shall be located in the Bath Town Hall located in Berkeley Springs, Morgan County, West Virginia.

Section 3. Appointing Authority: Town of Bath Council hereinafter referred to as the "Appointing Authority."

ARTICLE II
PURPOSE AND COMPLIANCE WITH APPLICABLE LAWS

Section 1. General: The Authority is not organized for profit but is organized exclusively for the purposes set forth in House Bill No. 367 enacted by the 1963 Session of the West Virginia Legislature and now a part of the General Laws as Article 12 of Chapter 7 of the Code of West Virginia.

Section 2. Purpose: The purposes for which the Authority is created are to promote, develop and advance the business prosperity and economic welfare of the Town of Bath, its citizens and its industrial complex; to encourage and assist through loans, investments or other business transactions in the locating of new business and industry within the Town of Bath and to rehabilitate and assist existing businesses and industries in the Town of Bath; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development, maintain the economic stability of the Town of Bath, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of the Town of Bath; to cooperate and act in conjunction with other organizations, federal, state, or local, in the promotion and advancement of industrial, commercial, agricultural, and recreational developments with the Town of Bath or County; and to furnish money and credit, land and industrial sites, technical assistance and such other aid as may be deemed requisite to approved and deserving applicants for the promotion, development and conduct of all kinds of business activity in the Town of Bath. (W. Va. Code § 7-12-2).

Section 3. Powers of the Authority. The Authority shall have all of the powers given by the West Virginia Code § 7-12-1 *et seq.*

Section 4. Liberal Construction of By-Laws: It is the purpose of the Authority to provide for promotion, development and advancement of the business prosperity and economic welfare of the Town of Bath, its citizens and its industrial complex, and these by-laws shall be liberally construed as giving the Authority full and complete power reasonably requested to give effect to its purpose described above. (W.Va. Code § 7-12-15).

Section 5. Compliance with Applicable Laws: The Authority shall observe and comply with all applicable local, state and federal laws, including, but not limited to the requirements of Chapter 7, Article 12 of the Code of West Virginia as amended. If a conflict arises between the provisions of these by-laws and the applicable West Virginia Code provision, the West Virginia Code provision shall govern. If any article, section or provision of these by-laws is held to be unconstitutional, all the remaining articles, sections and provisions shall nevertheless remain valid.

ARTICLE III

MANAGEMENT AND MEMBERSHIP OF THE AUTHORITY

Section. 1. Membership: Management and control of the Authority, its property, operations, business and affairs, shall be vested in a board of members of not fewer than twelve (12) and not more than twenty-one (21) persons who shall be appointed by the Town of Bath Council and be known as members of the Authority and each shall sit on the Authority's Board. (W.Va. Code § 7-12-3a)

Section 2. Appointment of Members: The Town of Bath Council shall appoint two members of the Council to represent the Council on the Authority's Board. Other members shall be appointed by the Town of Bath Council and shall include representatives of business, industry and labor, that may reside within the Town of Bath, in Morgan County, or in any county contiguous with Morgan County. (W.Va. Code § 7-12-3a)

Section 3. Term of Members: The initial members of the Board shall be appointed to a term of one year, two years and three years respectively. Thereafter, members shall be appointed for a term of three years. A member may be reappointed for such additional term or terms as the Town of Bath Council may deem proper. If a member resigns, is removed or for any other reason membership terminates during the member's term of office, a successor shall be appointed by the Town of Bath Council to fill out the remainder of the member's term. Members in office at the expiration of their respective terms shall continue to serve until a successor has been appointed. (W.Va. Code § 7-12-3a)

Section 4. Compensation of Members No member of the Authority shall receive any compensation, whether in formal salary, per diem allowance or otherwise, in connection with his or her services as a member. Each member shall, however, be entitled to reimbursement by the Authority for any necessary expenditures in connection with the performance of his or her general duties as a member, provided, however that such expenditure is approved in advance or approved by a majority vote of the Authority with the member requesting reimbursement being recused from the vote. (W.Va. Code§ 7-12-5)

Section 5. Conflict of Interest: No person shall be disqualified from serving as a member of the Authority solely as a result of the person's employment with a particular business, including without limitation employment with a public utility company or bank. However, whenever a conflict of interest arises between the Authority and the member's employer, then the member must recuse himself or herself from any vote, discussion or other activity associated with the Authority or its members that created the conflict of interest. (W.Va. Code § 7-12-4 and § 7-12-5)

Section 6. Resignation or Removal of Members: If a member of the Authority resigns, the Secretary of the Authority shall immediately notify the Town of Bath Council, and a request for the appointment of a qualified person to fill the vacancy left by the resigning member should be made as soon as possible thereafter. The Town of Bath Council may at any time remove its appointed member of the Authority by an order duly entered of record or by other action appropriate and may appoint a successor member for any member so removed. (W.Va. Code§ 7-12-3a)

Section 7. Vacancies: If requested so to do, the members shall recommend to the Town of Bath Council the names of qualified persons for appointment to fill either pending or existing vacancies in the membership of the Authority, and such candidate shall either appear before the Appointing Authority at a regular meeting to answer questions and receive appointment, or, in the alternative shall provide a letter requesting such appointment..

Section 8. Attendance: If any member fails to attend (3) regular consecutive meetings of the Authority without an acceptable excuse, the Authority may recommend to the Town of Bath Council that the offending member be removed as a member and a successor member appointed.

ARTICLE IV

MEETINGS OF THE AUTHORITY MEMBERS

Section 1. Time and Place: The Authority members shall determine the location, day and time of each meeting. The meeting date and time and agenda shall be properly published for public notification.

Section 2. Quorum: Five members present including at least one officer will constitute a quorum and no action of the Authority shall be official unless authorized by a quorum at a regular or properly called special meeting. If a quorum is not present, those present may adjourn the meeting to a later date.

Section 3. Voting: Each member of the Authority present, either in person or by phone or video conference, shall have one vote at an Authority meeting.

Section 4. Special Meetings: Special meetings of the Authority may be called by the President or by at least two (2) members upon written request to the President and Secretary.

Section 5. Meeting Notice: Notice in writing of each regular or special meeting of the Authority to members shall be given to each member by the Secretary by sending the Notice to the last known post office address of the member, or by electronic mail or by facsimile, at least three (3) days before the date fixed for such meeting. The notice of any special meeting shall state briefly the purpose(s) of the meeting and the nature of the business to be transacted, and no purpose or business other than that stated in the Notice shall be discussed or transacted at the special meeting.

Section 6. Agenda: The President or the Secretary shall prepare and send to all members, at least three (3) business days before a regularly scheduled meeting date, and at least four (4) calendar days before an irregularly scheduled meeting date, an agenda outlining the items to be discussed at the meeting. A member who wishes to include an item in the meeting agenda shall notify the President and the Secretary at least five (5) calendar days prior to the regularly scheduled meeting date for the item to be included in the agenda. Any matter not disposed of at a meeting shall be included on the agenda of the next scheduled meeting. Items may be added to or deleted from the agenda, including executive sessions as authorized or required by West Virginia law. Items not on the posted agenda are presented and placed on a subsequent agenda for action, unless the item requires immediate action because of an emergency situation, or where the need to take immediate action came to the attention of the Authority subsequent to the posting of the agenda. All meetings shall be conducted according to Robert's Rules of Order and in accordance with the West Virginia Open Meeting Law. (W.Va. Code§ 6-9A.

ARTICLE V

CONFIDENTIALITY OF EXECUTIVE SESSION

Section 1: Executive Session: An Executive Session may be called upon a majority vote of the members for purposes of discussing such matters as are authorized to be discussed in Executive Session by public agencies pursuant to West Virginia Code § 6-9A-4. No member of the Authority shall disclose any information discussed in Executive Session to any individual, organization, or corporation. Anything discussed in open session is subject to public discussion and reporting. All matters before the Authority may be discussed by members of the Authority pursuant to the West Virginia Freedom of Information Act. (W.Va. Code§ 29B)

ARTICLE VI

OFFICERS

Section 1. Officers: The officers of the Authority shall be a President, Vice President, Secretary, and Treasurer, each of whom must be a member of the Authority. The offices of Secretary and Treasurer may be served by the same person, as Secretary-Treasurer.

Section 2. Election of Officers: The officers of the Authority shall be elected each year by the members at the Authority's last regular meeting of the fiscal year, i.e., the June meeting, with officers to assume their duties the first day of the new fiscal year, i.e., July 1, or as soon as possible thereafter. The officers so elected shall serve until the next annual election by the membership and until their successors are duly elected and qualified and the officers may succeed themselves. Officers shall be elected for a term of no more than one year, provided however, any officer may be re-appointed by the Authority for up to five consecutive one year terms. Any vacancy occurring among the officers, except for the office of President, shall be filled by appointment from the membership by the President until the next regular or special meeting of the Authority, when the members will elect a replacement to serve until the next annual election.

Section 3. Nominating Committee: A nominating committee of three (3) members shall be appointed by the President no later than sixty (60) days prior to the annual election meeting. The report of the nominating committee shall be presented to the members at the regular monthly meeting preceding the annual election meeting. Nominees shall have consented to such nomination prior to the report of the nominating

CLERK

committee. Nominations may also be made from the floor at the annual election.

ARTICLE VII

DUTIES OF OFFICERS

Section 1. President: The President shall preside as chairman at all meetings of the membership of the Authority. He/she shall appoint all committees as recommended by the membership and shall be an ex-officio member of all committees. The President shall, together with the Secretary, sign the minutes of all meetings of members at which the President presides. The President shall attend generally to the executive business of the Authority and exercise such powers as may be conferred upon him or her by the members, by these by-laws, or as prescribed by law. The President shall execute, and if necessary acknowledge for record, any deeds, deeds of trust, contracts, notes, bonds, agreements or other papers necessary, requisite, proper or convenient to be executed by or on behalf of the Authority when and if directed by the members of the Authority. The President shall be responsible for publishing a calendar year end narrative report in the Morgan Messenger which shall provide the public with a brief overview of the Authority's completed and proposed projects in each calendar year.

Section 2. Vice President: If the President is absent or for any reason is unable to discharge any of the duties of the office then the same shall be discharged by the Vice-President or in the absence of the Vice-President, by any remaining officer.

Section 3. Secretary: The Secretary of the Authority shall be its recording officer and shall, when practicable, be present at all meetings of the members, and shall keep or cause to be kept a regular record of the proceedings of such meetings for preservation in a suitable book or books. The Secretary, together with the President, shall sign the minutes of the meetings at which they are present. The Secretary shall have charge of the minute book and act as custodian of deeds and other important writings and papers of the Authority and shall also perform such other duties as the office may have under the law or as may be conferred from time to time by the members. Minutes of the meetings of the Authority may be transcribed by a person other than a member of the Authority, at the discretion of the Secretary.

Section 4. Treasurer: The Treasurer shall have general charge of the funds and monies of the Authority and shall be responsible for payment of the Authority's expenditures. Checks requested to be written from the Authority's account shall be signed by the Appointing Authority. The Treasurer shall keep or cause to be kept proper and accurate books of accounts and receipts and vouchers for disbursement made by or through him

or her and shall prepare and submit such reports and statements of the financial condition of the Authority as the members may from time to time prescribe, and shall perform such other duties as may devolve under the law or as may be conferred on him or her by the members of the Authority. The Treasurer shall be responsible for providing the Authority and the Town of Bath Council with quarterly financial reports.

Section 5. President: The President shall devote himself to the affairs of the Authority. He/she shall at all times be subject to the supervision of the members of the Authority in matters relating to purposes of the Authority, and shall perform such duties as may be determined by the members, as long as they are associated with the affairs of the Authority.

Section 6. Disbursement of Authority Funds By Town of Bath: The President, Vice-President, Secretary, Treasurer shall have the authority to request a disbursement of funds by the Town of Bath from the Authority's account for any legal purpose. No disbursement shall be made unless it shall have been authorized by two of these four officers.

ARTICLE VIII

COMMITTEES

Section 1. Standing Committees: The Authority shall not be required to have any standing committees.

Section 2. Creation of Standing or Ad-Hoc Committees: The President may propose standing committees, ad hoc committees or task forces as necessary. The creation of any such committees must be approved by a majority of the membership. Such ad hoc committees or task forces shall be dissolved at the completion of the specific purpose given the ad hoc committee or task force. Committee chairpersons may appoint members to their committee who are not members of the Authority, subject to approval of the members of the Authority.

ARTICLE IX

FISCAL YEAR

Section 1. Fiscal Year: The fiscal year of the Authority shall commence on July 1st of each year and continue through June 30th of the following year.

ARTICLE X

AMENDMENTS to BY-LAWS

Section 1. Amendments: Amendments to these by-laws may be approved at any regular or special meeting of the Authority by a majority vote of the entire membership; provided however, that written notice, sent in accordance with Article IV, Section 5, describing with particularity the proposed amendment, must be given to each member at least ten (10) days prior to the regular or special meeting at which the proposed amendment will be considered.

Section 2. Approval by Town of Bath Council: Following approval by the Board per Section 1, by-law changes shall be submitted to members of the Town of Bath Council for their final approval. The approved version of the by-laws shall be executed and adopted by the Authority at the next meeting of the Board.

ARTICLE XI

INDEMNIFICATION

The Authority shall indemnify any past, present or future President, officer, Board member or employee of the Authority against claims arising from an act or omission of such past, present or future President, officer or employee within the scope of such individual's duties. Such indemnification shall include reasonable costs and expenses incurred in defending such claims. Nothing contained herein shall require the Authority to pay punitive damages or exemplary damages or damages arising from the commission of a crime by such individual, and the Authority shall not be required to provide for the defense or indemnification of such individual when the act or omission which caused the injury was the result of actual fraud, actual malice, gross negligence or willful misconduct of such individual, or in the event of a claim against such individual by the State of West Virginia, the Appointing Authority or the Authority. The determination as to whether an individual's conduct falls within any of the above exceptions shall be made by the Appointing Authority and the Authority, in consultation with the West Virginia Attorney General.

ARTICLE XII
CONTRIBUTIONS TO AUTHORITY

Contributions may be made to the Authority from time to time by the County or the Appointing Authority or by any persons, firms or corporations which shall desire to do so. All such funds and all other funds received by the Authority shall be deposited in such bank or banks as the Authority may direct and shall be withdrawn therefrom in such manner as the authority may direct. The Authority shall keep strict account of all its receipts and expenditures and shall each quarter make a quarterly report to the Town Council containing an itemized statement of its receipts and disbursements during the preceding quarter. Within sixty days after the end of each fiscal year, the Authority shall make an annual report containing an itemized statement of its receipts and disbursements for the preceding year, and such annual report shall be published as a Class I legal advertisement in compliance with the provision of Article Three Chapter Fifty-Nine of this Code, and the publication area for such publication shall be Morgan County. The books, records and accounts of the authority shall be subject to audit and examination by the office of the State Tax Commissioner of West Virginia and by any other proper public official or body in the manner provided by law. (W.Va. Code§ 7-12-12).

ARTICLE XIII
DISTRIBUTION OF ASSETS UPON DISSOLUTION

Upon the dissolution of this Authority, any and all funds and assets held by the Authority, after the payment of its obligations, shall automatically pass to and become the property of the Town of Bath, Morgan County, West Virginia, to be used for such public improvements and other public purposes as the Town of Bath Council shall deem proper.

ARTICLE XIV
BUDGET MATTERS

The Authority may discuss, but not approve a project or allocate any funding to a project, until a budget is presented to the Board and approved. Each separate Authority project shall have a discreet budget that must be approved by a majority vote at any Board meeting for which a quorum is present. The Authority shall keep separate budgets for each project it undertakes, and may, to the extent it deems necessary, open separate bank accounts. All invoices and receipts paid by the Authority must be marked to include the specific project

for accounting purposes. The Authority shall keep a separate accounting of any Hotel-Motel tax money it receives from the Town of Bath and shall only disburse those funds for purposes permitted by the West Virginia State Code, Chapter 7, Article 18.

Adopted by Bath Development Authority:

November 2 2022

Adopted by Appointing Authority

December 20, 2022

:

NBRT RELATED PROGRESS & EVENTS IN 2022

Date	Responsible Org.	Action
10-20-21	DOH	DOH provided formal NBRT Funding Agreement & Cover Letter
January 2022	Morgan County	Funding Agreement reviewed and signed by County Commission and Resolution in support of project passed. Both, along with County match of \$125,000 transmitted to DOH. <i>Approx. Budget is \$1,966,000 (\$1,841,000 Federal & \$125,000 County)</i>
2-21-22	DOH	DOH accepted the signed Supplemental Funding Agreement and returned document to County. This begins the DOH internal reviews of the project and initiates the applications for required permits
July 2022	DOH-HDR-County	NPDES Permit Application full design package (w/drawings) received. Found major errors in the scope of Parcel 1A (i.e. Remediation work had been eliminated)
7-26-22	NBRT Task Force	Reviewed HDR Design in NPDES Permit and provided corrections directly to HDR. NPDES Application was preliminarily approved by WVDEP.
9-13-22	HDR	Reviewed Corrected HDR Drawings and found them acceptable.
12-6-22	DOH-HDR-County	USACE 404 Permit submittal package reviewed. – incorrect drawings again (i.e. Remediation work had been incorrectly defined)
12-12-22	NBRT Task Force	Provided specific new corrections to DOH, HDR & County based on the submitted drawings in USCE 404 Permit - sent e-mail to DOH, HDR, etc. Commissioner Tuttle endorsed this submittal to DOH. Confirmed that USACE 404 Permit was last item to be completed prior to Contracts Admin preparing the Design-Build Solicitation
Earliest Est.		Expected Next Steps for NBRT Design/Build Solicitation
Jan 2023	DOH-HDR	Update the final drawings that will be in the DOH Design/Build Solicitation
Jan 2023	USACE	Approve the 404 Permit Application
Jan-Feb 2023	DOH Contract Admin	Prepare the Design/Build Solicitation - advertise on Bid-X
Mar-Apr 2023	DOH Contract Admin	Open Bids; resolve any financial/budget issues. Award Contract or Re-Scope and Re-Bid

FRIENDS OF THE NBRT EVENTS AND PROGRESS - 2022
(Estimated Events - there may have been more in 2022)

Date	Responsible Org.	Action
Nov 2021	FO NBRT	Event: Mulching around the trees on Parcel 3
Apr-2022	FO NBRT	Make-it-Shine Trail bed clean-up North & South of Jimstown Rd
Nov-2022	FO NBRT	Tree Planting Event with Town Tree Board, WV Div of Forestry Grant, Warm Springs Watershed Assoc. and Foxglove Garden Club with 27 participants

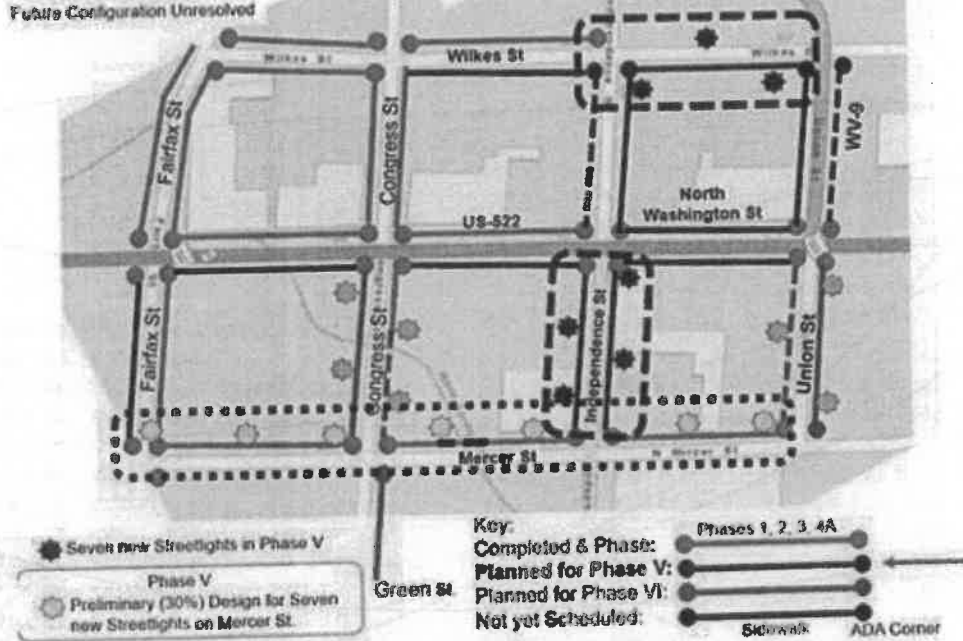
STREETSCAPE PROGRAM EVENTS IN 2022 & 2023

Date	Responsible Org.	Action																
1-11-22	DOH, Town, Thrasher	Teleconference with Josh Vincent (DOH) advises how the Phase V Project and its design will proceed. All TA Grant funds associated with design and construction of what was called Phase 4B will be useable for Phase V. The Town is to solicit and award a separate design/engineering contract for Phase V (and future) Streetscape Projects. DOH will no longer fund design separately. The Town is to use the 5G Process to obtain this Contract.																
Jan-Mar 2022	Town	Used 5G Process. Advertised for Qualified Engineering Firms; Identified Best Qualified Firm; with Town Council approval; opened discussions with Best Qualified Firm																
4-7-22	DOH	Obtained DOH approval that 5G Process was followed; proceed with contract award when appropriate																
April 2022	Town	Town Finance Committee & Town Council agree to apply \$63K of ARPA funds toward the required Cash Match for Design & Construction of Phase V																
June 2022	DOH, Town Thrasher	Finalized Scope of Project for Phase V Design work																
Summer 2022	Town, DOH	Agree on the basic Grants and Cash Match Budget for Phase V Design & Construction: <table><tr><td></td><td>TA Grant</td><td>Town Match</td><td>Total</td></tr><tr><td>Design Phase</td><td>\$ 44,000</td><td>\$ 11,000</td><td>\$ 55,000</td></tr><tr><td>Construction Phase</td><td>\$427,997</td><td>\$106,999</td><td>\$534,996</td></tr><tr><td>Total</td><td>\$471,997</td><td>\$117,999</td><td>\$589,996</td></tr></table>		TA Grant	Town Match	Total	Design Phase	\$ 44,000	\$ 11,000	\$ 55,000	Construction Phase	\$427,997	\$106,999	\$534,996	Total	\$471,997	\$117,999	\$589,996
	TA Grant	Town Match	Total															
Design Phase	\$ 44,000	\$ 11,000	\$ 55,000															
Construction Phase	\$427,997	\$106,999	\$534,996															
Total	\$471,997	\$117,999	\$589,996															
June 2022	Town	Submits formal TA Grant application for Phase VI Design (\$60K Total with \$48K Grant and \$12K Town Cash Match)																
8-3-22	Town	Signs and sends DOH the Funding Agreement Letter, with Town Council Resolution and Cash Match Check for \$11,000 for Phase V Design work																
8-29-22	DOH	Signs and returns the fully executed Phase V Funding Agreement																
Sep 2022	DOH	Sends Phase V Design package to FHWA for Authorization to expend Funds																
10-28-22	Town, Thrasher	Signs Task Order Agreement (Contract) for Streetscape (& Other) Design work																
Oct 2022	DOH, Town, Thrasher	DOH Programs Office sets up Monthly Program Coordination Conference Call; last Wednesday of the Month																
11-30-22	FHWA, DOH	Approved Phase V Design Package returned from FHWA - next step is a formal "Notice to Proceed" with Design from DOH to Town and Thrasher																
		NEXT STEPS PLANNED																
Dec 2022	DOH	Expected formal "Notice to Proceed" Letter to Town & Thrasher. Task Order #1 for Phase V Design sent to Thrasher																
Jan 2023	Town	Town consolidates known changes in Phase V Project, discusses planned improvements with local residents & businesses & sends info to Thrasher																
Jan 2023	Town, Thrasher	Thrasher visits Town to view & discuss updates needed to "old" 30% drawings for Phase V.																
Jan 2023	Town, Thrasher	Set the new baseline for Phase V. Identifies the timeline/schedule for the design, design reviews (PFR, 90% & Complete) and Progress Payments with Town & DOH																
Feb 2023	Thrasher, DOH, Town	Conduct Preliminary Field Review (PFR) in-Town, agree and tabulate changes made, Thrasher submits \$15,000 Invoice to Town (PFR Completion); Town submits to DOH for reimbursement - DOH reimburses Town in about 1-month																
TBD 2023	Thrasher, DOH, Town	Similar to above for the 90% Design Completion meeting, Cost Estimate; changes agreed-to; invoice to Town for \$25,000 with DOH reimbursement																
TBD 2023	Thrasher, DOH, Town	Similar to above for the complete Plans, Specs and Estimates (PS&E) submittal to DOH & Town. Once approved by DOH, invoice to Town for \$15,000 with DOH reimbursement. Next step would be drafting a Construction Funding Agreement																

Rev: 6-21-2022

Streetscape Program Roadmap Planned Improvements for Phase V

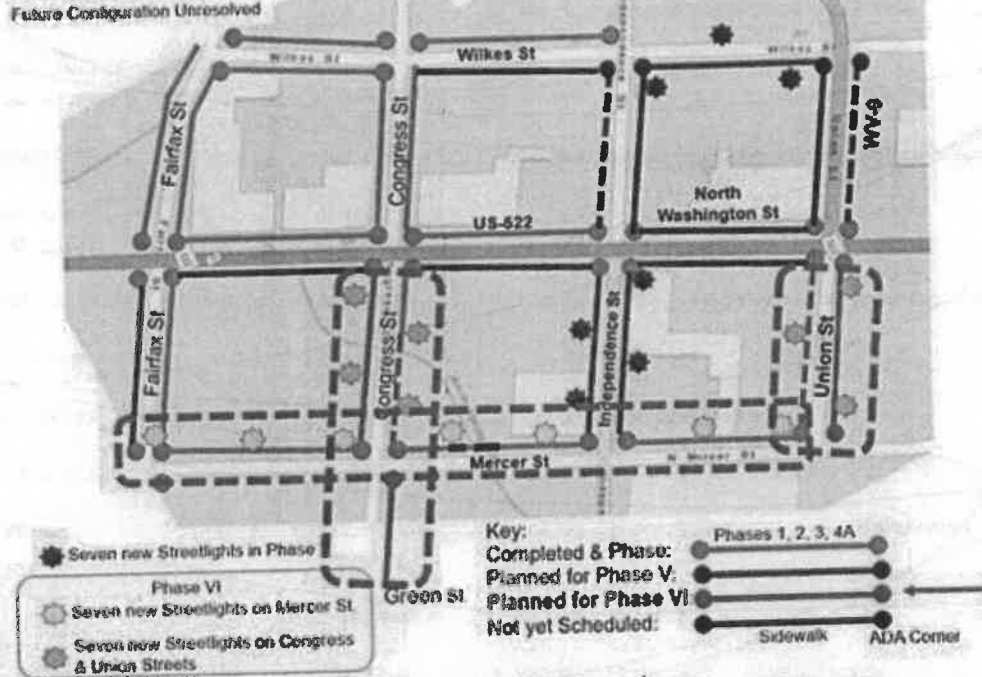
Dashed Line - any Phase
Future Configuration Unresolved



Rev: 6-21-2022

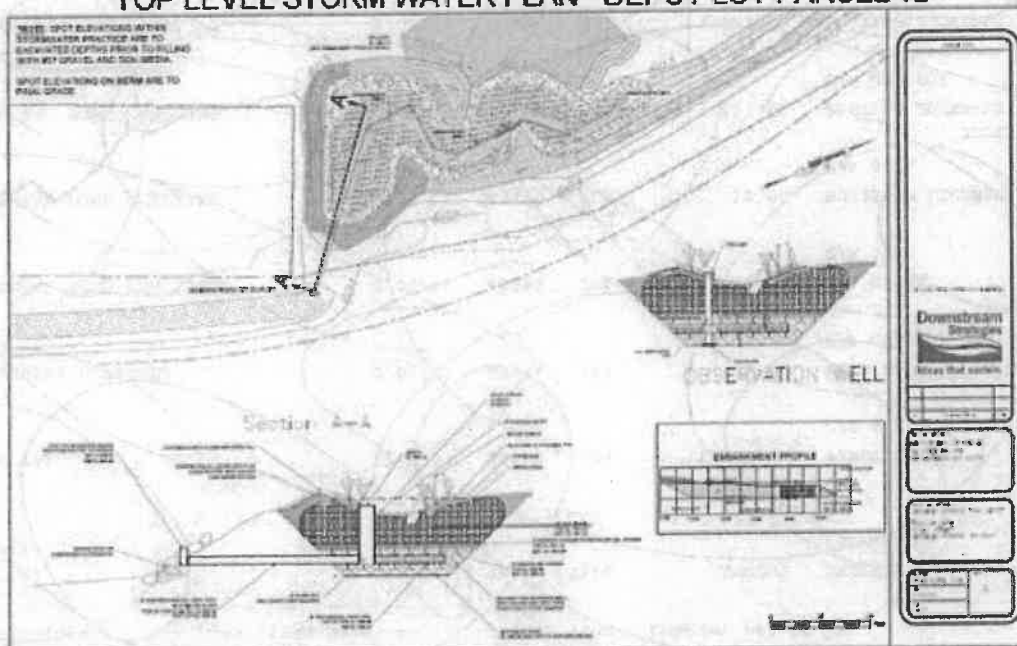
Streetscape Program Roadmap Planned Improvements for Phase VI

Dashed Line - any Phase
Future Configuration Unresolved



NBRT PARCEL 1B STORM WATER MANAGEMENT SYSTEM DESIGN EVENTS IN 2022

Date	Responsible Org.	Action
6-15-21	CBT, Town	Chesapeake Bay Trust awards a \$30,000 Green Streets, Green Jobs, Green Towns Grant for the Design of a Storm Water Management System for Parcel 1B of the Train Depot Lot. This system would complete the planned remediation of the Depot Lot as part of the WV-DEP Voluntray Remediation Agreement (VRA)
10-12-21	Town	Town advertises for a contract for the Design
Nov-2021	Town Council	Approves the selection of Downstream Strategies, LLC for the design project based on the formal source selection process used for bidder evaluation
12-28-21	Town, DS	Contract Signed by Town and Downstream Strategies, LLC
1-10-22	Town, DS	Kick-off Meeting; Start of Design Task
3-31-22	DS, Town	Preliminary Design Review Completed; approval to proceed to next Task 3.0; Final Design and Contracting Package
6-23-22	DS, Town	Completed 90% Design Review, with Material Cost Estimates
7-31-22	DS, Town	Final Report for CBT Project, includes design drawings and cost estimates. Includes basics needed to prepare Grant Applications and eventual solicitation for Construction
Oct-2022	Town	Final Costs:
		CBT Grant
		Town Cash Match
		Volunteers
		Total: \$38,499
Nov 2022	Town	DMQG grant request submitted
		Next Steps
Jan 2022	Town	Research additional grants and sources for materials
Feb 2022	Town	Submit CBT G3 grant application for \$50,000
Mar 2022	Town	Prepare draft NPDES permit application and construction bid package

TOP LEVEL STORM WATER PLAN - DEPOT LOT PARCEL 1B

REPORT OF BERKELEY SPRINGS STATE PARK PROJECT EVENTS IN 2022

Date	Responsible Org.	Action
July 2021	BSSP Foundation - Town	Completed funding agreement between BSSP Foundation & Town regarding source of all Matching funds from BSSP Foundation
Nov 2021	Thrasher	Completed updated/corrected drawings including new Bridge (instead of refurbished and reinstalled old bridge)
1-10-22	BSSP Foundation & Town	Town Council reviews and signs DOH Funding Agreement and passes Resolution in support of the project. Both along with Matching Funds from BSSP Foundation are transmitted to DOH. <i>Approx. Total Project Budget is \$476,000 (\$380,800 Federal & \$95,000 Foundation)</i>
2-4-22	DOH	DOH accepted the signed formal Funding Agreement.
March 2022	WVSHPO	Signed two MOAs for both Bridges (Remove one bridge & replace one bridge)
4-8-22	DOH, FHWA	Project Package forwarded to FHWA for Approval to expend Grant Funds
July 2022	DOH, FHWA	DOH working off some issues with FHWA & Advisory Council on Historic Preservation (ACHP)
7-19-22	DOH, FHWA	DOH working to complete consultation on Floodplain impact. Morgan County and Thrasher working to complete analysis of potential floodplain impact. Still awaiting FHWA approval
August 2022	Thrasher, DOH	Thrasher preparing USACE (Corps of Engineers) 404 permit for DOH
September & October 2022	Town, DOH, Thrasher	Mayor Merki signed the USACE paperwork (Aug 30 th) to establish Thrasher as the Town's Agent to prepare and obtain the needed floodplain permit. The project is expected to have minimal impact. Thrasher updated and submitted data to the Morgan County coordinator on August 12 th . County approved in September. Last item needed for completion of the contract package is finalization, submittal and USACE approval of the 404 Permit, this was due to DOH by end of October, but was delayed to Dec.
December 2022	Thrasher	Thrasher completed the USACE 404 Permit application and resolved all the questions from USACE. Park Superintendent established as formal POC with USACE. Package should now be ready to go to DOH Contract Admin for the solicitation.
NEXT STEPS PLANNED		
TBD Jan-Feb 2023	DOH	Prepare Solicitation package and advertise on BidX System.
TBD Feb-Mar 2023	DOH	Open Bids and evaluate bid prices compared to current cost estimate and budgets. POTENTIAL ISSUE: BIDS MAY EXCEED COST ESTIMATE AND BUDGETS. May be required to reduce scope and re-bid.
TBD Apr-May 2023	All	Potential Start of Construction - pending any Financial-Scope Resolutions and Contract Award