

TOWN OF BATH FINANCE COMMITTEE

Regular Meeting

November 7, 2023

1. CALL TO ORDER: By Chairman at 3:30pm.

2. ROLL CALL: Susan Webster (X) Greg Schene (X) Mary Lynn Hickey (X) Quorum – Yes
Also present – Councilwomen MacLeod and Skinner, Mayor Merki, Clerk Corrick, Bath Planning Commission President Larry Landon, Streetscape Co-Chair Pete Brown

3. Finance Committee Meeting Minutes of October 17, 2023 and Special Finance Committee Meeting Minutes of November 2, 2023 were approved by Common Consent.

4. Clerk's Report –

A. Dave O'Connell is proceeding in assisting to analyze the Bath property tax projection/actual collections and creating an accurate census of Bath addresses for tax collection and voter registration purposes.

B. Clerk Corrick provided the budget comparison, account review and bookkeeping information.

a. Clerk Corrick presented and explained her request for an 'in house' budget revision within the Public Works Department. The FC agreed to bring the request forward to Council.

b. The FC discussed the Payables Policy and decided to recommend raising the amount of expenditure allowable to \$1,000.00 without pre-approval and that any expense over \$5,000.00 must be put out for bid. This will be taken to Council for consideration (attached).

c. By Common Consent the FC agreed to close the Citizens Auxiliary Patrol bank account.

5. Grant and project information updates

A. Chairwoman Webster reported on progress with the Veterans Day Event and Depot Grand Opening at the Depot. Final preparations are being accomplished.

B. Pete Brown has supplied the Town with his reports on other Bath projects and grant activities (attached). The Depot P1B CBT Grant was discussed. The Streetscape Phase V Construction project and the WV DOH funding were discussed. The necessary draft resolution will be brought forward for Council consideration along with the WV DOH agreement.

C. Grant Chairwoman Hickey outlined the stipulations of the WV Grant Resource Center assistance program and her plans to seek funding for Public Safety, newcomer outreach and other areas of need in Bath.

6. Additional Town financial concerns of Council:

A. The Municipal Center needs will be kept on the agenda for further study.

Brief Sheet
Streetscape Phase V Construction DOH Funding Agreement
November 7, 2023

Purpose:

Inform Town Finance Committee and Town Council of readiness to obtain a Council Resolution that authorizes the Mayor to sign the DOH Funding Agreement for the Construction of the Phase V Project.

Content and Estimated Costs of Phase V Construction:

Streets to be improved in Phase V include both sides of Independence Street between North Washington and Mercers Streets and the east side of Wilkes Street between Independence Street and Union Street. Improvements include ADA Compliant sidewalks, improved drainage and installation of underground conduit for future streetlights. Installation of streetlight wiring, light poles and LED array streetlights was deferred following the 30% Design and Cost Estimate reviews in June 2023. These costs are above the Phase V Construction Budget. The installation of conduit for these includes the basic layout of power sources (behind the Library and at a specific existing light on Wilkes) and sidewalk preparations for each of the 7 future light poles.

Design and Cost reviews are complete for both the 30% Preliminary Design and Cost (June 2023) and the 90% Design and Cost (October 2023).

The estimated costs of Phase V Construction, including the required 13% DOH Contract Admin and Contingency, is \$534,000. This budget level will support a Construction Contract of about \$472,000.

Funds Provided by the DOH Funding Agreement (the Budget):

Two TA Grants are used to fund the Design and then the Construction costs of Phase V. The Town was responsible for both the Design and the Construction costs. Earlier Phase Design was separately funded by DOH. For Phase V DOH decided that the Town would obtain an Engineering Services Contract and would use an awarded TA Design Grant for the Design phase and a separate TA Construction Grant for the Construction Phase. Funds not used for the design would roll-over to construction.

Costs & Grant Summary for Phase V Construction:

Phase V Costs with DOH Contingency:	\$534,000.00
Funds remaining in FY 20 and FY 21 Grants:	\$427,997.00
Required Town Cash Match:	\$106,999.25
Total Funds Available for Phase V Construction:	\$534,996.25

Open Items to be Completed Prior to Signing the DOH Funding Agreement:

- 1) Receipt of the final DOH Letter and Funding Agreement. This package included a final DOH Draft of the Agreement. No changes are expected in the Final Version. The Mayor will sign the final when received and reviewed.
- 2) Town Council approval of the Draft Resolution at its Nov 7th meeting
- 3) Preparation of a Town check for the Cash Match of: \$106,999.25. The end of Sep CNB Streetscape Account balance was: \$119,195.85. A mid-October Balance was: \$129,970.85.
- 4) Completion of Construction level drawings, any required easements, etc – currently in-work and funded

Recommendation: (from the Streetscape Committee)

The Town Council should complete the Resolution that authorizes the Mayor to sign the formal DOH Funding Agreement once it's received from DOH.

Attachments:

- A) The Final Draft DOH Funding Agreement with explanatory notes
- B) The Proposed Town Council Resolution

DRAFT

Town of Bath

Resolution

2024-xx

Whereas, the Town of Bath is an incorporated municipality in the State of West Virginia, and;

Whereas, the Town of Bath Council is in agreement that State Project: U333-BATH/H-5.00 in Morgan County is in the best interest of the town and;

Therefore, Be it Resolved that the Town of Bath Council authorizes the Mayor to enter into agreement with the WV Department of Transportation Division of Highways for the purpose of constructing improvements within the Town of Bath.

Adopted: _____ 2023

Scott Merki, Mayor

Susan Webster, Recorder

WEST VIRGINIA

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

AGREEMENT

STATE PROJECT: U333-BAT/H-5. 00

FEDERAL PROJECT: TAP-2021(449)D CONSTRUCTION

BATH STREETScape PHASE V

TRANSPORTATION ALTERNATIVES

MORGAN COUNTY

This is a final DRAFT of the Agreement. The Town will receive a final Agreement with a Cover Letter Signed by the Secretary of Transportation

THIS AGREEMENT, executed in triplicate, made and entered into this _____ day of _____, 20_____, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, hereinafter called "**DEPARTMENT**" and the **TOWN OF BATH**, hereinafter called "**SPONSOR**".

WITNESSETH that,

WHEREAS, DEPARTMENT and **SPONSOR** have determined that a project for Bath Streetscape Phase V is an eligible project for funding under the Transportation Alternatives as appropriated in the FAST Act; and

WHEREAS, DEPARTMENT desires to cooperate with **SPONSOR** in accomplishing the project; and

This is the requirement for a Resolution from the Town Council

WHEREAS, by Resolution bearing the date of the _____ day of _____, 20____, the **TOWN OF BATH** directed the proper authorities to execute, acknowledge and deliver this Agreement, a copy of which Resolution is affixed hereto and made a part hereof; and

WHEREAS, SPONSOR, has received a Transportation Alternatives Grant Award for Federal Fiscal Year (FFY) 2021; and

NOW THEREFORE, it is mutually agreed as follows:

A. That **DEPARTMENT,** in coordination with the **SPONSOR,** and their consultant, shall develop a scope of work that may include the following elements:

These requirements have been met.

1. **SPONSOR'S** consultant will develop design plans and provide them to **SPONSOR** and **DEPARTMENT** for review;
2. **SPONSOR'S** consultant will develop entire design plans, specifications and estimate (PS&E) package (and any other bid related documentation) and submit to the **DEPARTMENT** for review and approval. **DEPARTMENT** will submit to Federal Highway Administration (FHWA) for review and approval;

3. **SPONSOR'S** consultant will prepare construction documents that will include construction cost opinion for the project area upon the completion of the design development stage. The construction documents shall include existing conditions, demolition layout, grading, site utilities (primarily storm drainage), details for construction;
4. **SPONSOR'S** consultant will provide responses to technical questions from **DEPARTMENT** during the bidding process.

B. That **SPONSOR'S** consultant will submit such designs to **DEPARTMENT** and **SPONSOR** for review and written approval prior to any construction. The **DEPARTMENT** will advertise and award the project and oversee the construction/inspection. The **DEPARTMENT** will then contract with a qualified contractor for construction of those project elements approved with the Construction plan, which may include:

1. Construction and reconstruction of Americans with Disabilities Act (ADA)-compliant sidewalks along Independence Street, N. Washington Street, Mercer Street; in the Town of Bath;
2. Drainage improvements as necessitated by the project; and
3. Installing landscaping and other pedestrian amenities.

We need to add
Wilkes Street
work and subtract
N.Washington
Street and
Mercer Street

The above-described scope of work is to hereafter be referred to as **"PROJECT"**.

- C. The project funding shall be divided between the project Design and Construction Phases and administered by the **DEPARTMENT** with separate state authorizations for each phase.

These numbers are from Table 1.0 on Page 8

The total eligible project cost for the Construction Phase set forth in this agreement is hereby five hundred thirty-four thousand nine hundred ninety-six dollars and twenty-five cents (\$534,996.25). Of this amount, four hundred twenty-seven thousand nine hundred ninety-seven dollars (\$427,997.00) will come from federal funds at eighty percent (80%). The **SPONSOR** shall be responsible for the remaining twenty percent (20%) match of one hundred six thousand nine hundred ninety-nine dollars and twenty-five cents (\$106,999.25).

That **SPONSOR** will submit to **DEPARTMENT**, as the minimum match, a check payable to the West Virginia Division of Highways for the sum of one hundred six thousand nine hundred ninety-nine dollars and twenty-five cents (\$106,999.25). The check shall be submitted with the Agreement upon execution by the **SPONSOR**.

This requirement has never been applied to projects where the initial low bid exceeded the Table 1.0 Budget (Phase 4A and State Park). See Para F.

SPONSOR will also be responsible, at the one hundred percent (100%) level, for all costs in excess of the total eligible project costs as set by this Agreement.

Table 1.0 presents the project funding breakdown.

- D.** That **SPONSOR** shall provide for, or cause to be provided for, the future maintenance of **PROJECT** for a period of no less than ten (10) years once the work under this Agreement is completed. Further it is acknowledged and agreed that all future maintenance of project elements constructed under this Agreement will be the sole responsibility of **SPONSOR**.
- E.** That using funds from the Transportation Alternatives (TA) or Recreational Trails Program (RTP) for the design of the project, **SPONSOR** must agree that the design plans will be utilized in the construction of a completed project within ten (10) years of the design funding authorization. The United States Code of Federal Regulations 23 CFR 630.112©(2) requires repayment of all federal funds used in the design and development of a project where construction has not been initiated with ten (10) years of authorization of funds used for design.
- F.** That the **DEPARTMENT** will be the lead agency and will charge the necessary labor, materials and equipment necessary to complete the **PROJECT** directly to the federal authorization. It is also acknowledged and agreed that the funding for the **PROJECT** is limited, and that project costs may not exceed the amount agreed upon in Item C of this Agreement without a Supplemental Agreement outlining the amount of funding to be added and the source of that funding.

This requirement tends to resolve the issue in Para C over the "100%" rule.

- G.** That to assure budgetary constraints are observed, prior to advertising the **PROJECT** for construction, a meeting between **DEPARTMENT** and **SPONSOR** will be conducted to determine the amount of **PROJECT** funding remaining in the account and to determine the work elements to be performed. Both **DEPARTMENT** and **SPONSOR** must agree, in writing, to the construction work elements to be performed prior to the **PROJECT** being advertised.
- H.** That when using a contractor, **DEPARTMENT** will comply, and ensure compliance, with established provisions of the Federal Davis-Bacon Act Wage Codes.
- I.** That the following attachment(s) is incorporated herein and made a part hereof as though fully set out herein: Attachment A-1 – “Transportation Alternatives Grant Program General Clauses and Covenants (October 29, 2015)” and FHWA-1273 “Required Contract Provisions Federal-Aid Construction Contracts”. **DEPARTMENT** and Federal Highway Administration attachment guidelines shall apply if applicable.

IN WITNESS WHEREOF, the parties hereto have caused their respective names to be signed by their duly authorized officers.

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS**

(signature)

(title)

TOWN OF BATH

(signature)

(title)

(To be executed in triplicate)

Distribution:
Town of Bath
Planning Division
Legal Division

APPROVED AS TO FORM ON

ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION.
DIVISION OF HIGHWAYS

NUMBER: _____

**TABLE 1.0 BATH STREETSCAPE PHASE V
FUNDING BRAKEDOWN
FFY 2021
STATE PROJECT: U333-BAT/H-5. 00
FEDERAL PROJECT: TAP-2021(449)D (CONSTRUCTION)**

FUNDING TYPE	FEDERAL FUNDS	SPONSOR MATCHING FUNDS	TOTAL
CONSTRUCTION PHASE TAP-2021(449)D			
FFY 2020 TA Grant Funds ¹	\$31,000.00	\$7,750.00	\$38,750.00
FFY 2021 TA Grant Funds	\$396,997.00	\$99,249.25	\$496,246.25
Total Construction Funds	\$427,997.00	\$106,999.25	\$534,996.25
<p>NOTES: 1 - \$38,750.00 remaining funds from Design grant to be applied to Construction. Matching funds to be provided by Project Sponsor.</p>			