

Streetscape and BSSP Projects Status Report for Town Council August 20, 2024

STREETSCAPE

Next Committee Meeting: 9 am Thursday 9/19, Town Conference Room

Phase V Construction contract:

- DOH confirmed receipt of the documents and check (Certified receipt & e-mail)
- Bid extended to Sep 9th; DOH expects to award in next week or so
- Next Events: Contract Award, Inform adjacent business/property owners, Establish Start Date; Set Pre-Construction Meeting, Decide on Apple Butter Work-Around, Start Work, Complete Work.

Phase V lighting grant application: Awaiting news on Grant Award Schedule. Town's #1 Priority

WVDOH TA Grant Phase VI design grant:

- Thrasher Scope Document in work to support the DOH/Town Funding Agreement, Thrasher Task Order, DOH & FHWA authorization and DOH Notice to Proceed.
- A \$14,000 match will be required at the signing of the Funding Agreement, which has not yet been received for this design contract.

WVDOH TA Grant Phase VI construction grant application: Awaiting news on Grant Award Schedule. Town's #2 Priority

BERKELEY SPRINGS STATE PARK PROJECT

Current Status of DEP Consent Order:

- Consent Order public comment period closed on Aug 2nd
- DEP signed the Order on 8-9-24 (the Effective Date) – beginning the 30-Day period for the Town to complete two actions:
 - Provide DEP with a check for the \$3,360 Fine
 - Provide DEP with a Proposed Plan of Corrective Action and Schedule for DEP Approval
- That Corrective Action Plan & Schedule is in final draft now – it is due to DEP by 9-8-24
- Attempts to recover the fine (\$3,360) from DOH remaining project funds or bid bond do not look promising:
 - DOH letter (rec'd 8-19) states: "Currently all funds allocated to this project have been exhausted" – but does not mention the dollar amounts. Will try to verify these dollar amounts
 - Also states that any Town Claim to the Bond company is likely to be denied.
 - Recommends Town seek its own legal advice for the civil penalty- Town has already waived its "right to appeal" as part of the Consent Order process
- Eventually the Town (Mayor) must sign a U.S Army Corps of Engineers "Compliance Certification Form" that certifies that the work authorized by the Permit has been completed in accordance with the permit. Will wait until DOH has formally announced "Completion" – Item #22 on Final Inspection covers the environmental issue and Consent Order

NBRT

- An order has been placed for 33 flats of perennial landscape plugs from a native wholesale nursery. Planting will be taking place on several days throughout the month of September.
- Next Meeting would normally be 8/28/24 – but may not be needed without DOH update

Pete Brown
Streetscape Committee