

For “in-person” meetings, persons who are not on the agenda but wish to address the governing body must register to speak at least 15 minutes prior to the start of the meeting. For Zoom meetings, the Mayor will canvas attendees for those wishing to speak. Time limits will be imposed. Written comments and/or questions to be addressed at the meeting, must be submitted to jimauxer@yahoo.com 24 hours before the meeting. Requests for copies of documents related to agenda items must be made in writing at least 24 hours in advance of the meeting, not during the meeting. NOTE: Council members are elected to represent citizens of the Corporation of Shepherdstown, please contact them regarding any questions or comments you may have about the agenda items. This Council follows Robert’s Rules of Order (Revised).

THE MEETING IS STREAMED ON THE TOWN’S FACEBOOK PAGE
“SHEPHERDSTOWN, WEST VIRGINIA”

TOWN COUNCIL MEETING AGENDA

Tuesday, February 8, 2022

6:30 p.m.

LOCATION: TOWN HALL

104 NORTH KING STREET

MASK WEARING IS REQUIRED

1. Call to order
2. Approval of Town Council Meeting Minutes of January 11, 2022
3. **Public Comment Period**
 - a. Persons who have registered to address Town Council.
4. **Visitors**
5. **Public Hearings**

NONE

6. Unfinished Business

- a. Path Project – Resolution
- b. Tobacco Warehouse Lease to Ascend WV Program

7. Old Business

8. New Business

- a. Event Request –
 - i Stronger With Each Step 5K
 - ii Shepherdstown Public Library – shredding event
- b. Request to appear from Ken Lowe to present a petition in support of moving the Shepherdstown Elementary School to the current site of the Shepherdstown Middle School
- c. Tuesday, June 7, 2022, is the Municipal Election for Mayor, Recorder and Council. The candidate filing period is February 28 - March 11.

9. Mayor's Report

10. Reports of Committees

A. Finance Committee

- 1. No meeting in January 2022
- 2. Recommendations: NONE

B. Parking Committee

- 1. No meeting in January 2022
- 2. Recommendations: NONE

C. Police Committee

- 1. No meeting in January 2022
- 2. Recommendations: NONE

D. Public Works Committee

- 1. Meeting minutes of January 2022 - not available
- 2. Recommendations: NONE

E. Parks and Recreation Committee

1. No meeting in January 2022
2. Recommendations: NONE

F. Grants Committee

1. No meeting in January 2022
2. Recommendations:
 - a. Appointment of new member

11. Report of Commissions and Boards

A. Tree Commission

1. No meeting in January 2022
2. Recommendations: NONE

B. Water and Sanitary Board

1. Meeting minutes of January 25, 2022
2. Recommendations: NONE

C. Historic Landmarks Commission

1. Meeting minutes of January 2022 – not available
2. Recommendations: NONE

D. Planning Commission

1. Meeting minutes of January 2022 – not available
2. Recommendations: NONE

E. Board of Appeals

12. Work session update

Shepherdstown Town Council Meeting Minutes
Tuesday, January 11, 2022
Town Hall
104 North King Street
6:30 p.m.
Mask Wearing is Required
Also being streamed on the town's Facebook page "Shepherdstown,
West Virginia"
DRAFT

Present: Jim Auxer (Mayor), Lori Robertson (Recorder), Chris Stroeck, Marty Amerikaner, Jenny Haynes, and Cheryl Roberts.

Absent: Jim Ford

Staff: Town Clerk Amy Boyd and Public Works Director Frank Welch.

Visitors: Chazz Printz, Stacy Tabb, and Natalie Friend

Agenda Items 1 and 2-Call to order/approval of Town Council Minutes (vote required):

Call to order by Mayor Auxer at 6:30 pm.

Approval of the Town Council Meeting Minutes of December 14, 2021

C. Stroeck- move to approve Town Council Draft Minutes of December 14, 2021 with the following changes/addition per C. Stroeck: pg. 3, Agenda Item 9 – Mayor's Report, 1st bullet pt.– remove the apostrophe in the word mayors - first sentence. Pg. 3, Agenda Item 9 – Mayor's Report, 3rd bullet pt.- add the word in after is, first sentence. Pg. 5, Agenda Item 10 – Reports of Committees, G. Grants Committee #3, 3rd line – add the word one to read - one for each patrol car.

Second by C. Roberts with the changes/additions. No objections noted.

Agenda Item 3 – Public Comment Period:

- a. Persons who have registered to address Town Council.

- b. The Mayor noted that no one emailed him regarding the meeting prior to the meeting with questions or comments.

Agenda Item 4 - Visitors:

Visitor's comments, if any, are logged in under the specific agenda items.

Agenda Item 5 – Public Hearings:

- a. None

Agenda Item 6 – Unfinished Business:

- a. None

Agenda Item 7 – Old Business:

- a. Train Traffic – the Mayor stated that he waiting on a response from Prince William County on how they deal with similar train traffic issues.

Agenda Item 8 – New Business:

- a. Event Request – Farmer's Market (2 applications)
The Mayor spoke to the neighbors and all are ok with it.
C. Stroeck – are there any changes? N. Friend – no.
M. Amerikaner – move to approve the winter market from 1/6/22 – 3/6/22. Second by L. Robertson. No objections noted.

L. Robertson – move to approve the regular Farmer's Market from 3/13/22 – 12/18/22. Second by J. Haynes. No objections noted.

- b. Tobacco Warehouse Lease to Ascend WV Program

S. Tabb- is a resident outside of the corporation. She uses the river access Riverfront Park and was concerned about what area around the Tobacco Warehouse is being considered in regards to parking.

C. Printz, attorney for the corporation – gave an overview of the process and the next steps to be taken. The proposed use is a positive gain for the town to put the warehouse to use, as it has

been vacant for a very long time. Ascend is willing to spend 2 million dollars. The town will be responsible for the exterior maintenance. The corporation will charge WVU \$1.00 a year. We have engaged in similar lease agreements over the years in town that have proven to be positive.

- * A lease will get drafted and sent to council and will then have the necessary public hearings. The council would then ratify the lease with the Mayor signing it.

- * WVU has to deal with the zoning issues. It is currently in a conservation use zone. It would have to go to the BZA, get rezoned Residential/Commercial for its proposed use.

- * They would then go to the Historic Landmarks Commission for any improvements.

- * The parking area around the building to the river is leased to DNR and that lease expires April 2022. There is no space for construction/renovation equipment. They would need a temporary use of that property and would have to work closely with DNR to have room for work vehicles.

- * This property is in a flood plain. The town currently pays \$6,000 a year in flood insurance. If the premium increases, WVU should pick up that expense. There may even be restrictions regarding flooding, we don't know yet.

- * There is a contract with the State Historical Preservation Office until 2025. Any work done by Ascend, the SHPO has the right to review the plans.

C. Printz recommends a lease with Ascend. He would like to move forward with negotiations and get a draft lease to the council. He will make Ascend aware of all of the above issues. Mayor – Ascend is aware of the parking and flood plain issues. C. Roberts – wants to see the Riverfront Park stay the way it is. She questioned how it would impact those living on N. Princess St.?

L. Robertson – has seen and heard of a lot of good ideas for the use of the warehouse over the years, but nothing has come to fruition. This building needs to be fixed up – loves the idea.

C. Stroeck – there are definitely pros and cons and thinks it is worth allowing Chazz to continue to see where it lands. We would have to agree on discussions/agreements between the DNR and Ascend.

C. Printz – we are asking for a lease agreement. They can't sign a lease without our (the corporation's) consent.

Mayor – we will bring Danny Twilley in to discuss any questions that come up.

M. Amerikaner – are they anticipating a quicker timeline?

Ascend does not know the issues we have just discussed.

C, Printz – he will make them aware of these discussions.

The consensus is to allow Chazz to move forward.

Agenda Item 9 – Mayor's Report:

* SU states as of yesterday all students have been tested – there was a 5.2% positivity rate.

- Bike Path – the check has been signed. The DOH did not include a resolution to abide by the contract. That would include the corporation being responsible for the maintenance for 20 years and could be responsible for other costs above the \$200K.
- Masks & vaccinations – ask the community to mask up and vaccinate. We can put the mask banners back up.
- Ideas for projects – next meeting in February we can look at it.
- Age Friendly group is ready to put out a newsletter.
- Hoping to have the May Day Parade this year.

Agenda Item 10 – Reports of Committees:

A. Finance Committee:

1. Meeting minutes of December 2021
2. Finance Reporting:
3. Recommendations
 - a. None

B. Parking Committee:

1. No December 2021 meeting

2. Recommendations: None

C. Police Committee:

1. No December 2021 meeting
2. Recommendations: None

D. Parks and Recreation Committee:

1. No December 2021 meeting
2. Recommendations:
 - a. NoneC. Roberts – the meetings have taken a break and will resume in early spring.

E. Public Works Committee:

1. No December 2021 meeting
2. Recommendations:
None

F. Path Advisory Committee

1. No meeting in December 2021
2. Recommendations:
 - a. None

G. Grants Committee

1. Meeting minutes of December 2021 – not available at time of packet preparation.
2. Recommendations:
None
- C. Stroeck – grant applications for the AED's and the tree inventory have been submitted.
Amy Boyd has been working hard on the Care's Act grant.

Agenda item 11 – Report of Commissions, Authority and Boards:

1. Historic Landmarks Commission:

1. Meeting minutes of December 2021 – not available
2. Recommendations:
 - a. None

2. Planning Commission:

1. Meeting minutes of December 2021 – not available
2. Recommendations:
 - a. None

3. Tree Commission

1. No December 2021 meeting
2. Recommendations: None

4. Water and Sanitary Board:

- 1 – Meeting minutes of December 2021
- 2 – Recommendations:
 - a. None

5. Board of Appeals

1. No meeting scheduled

12. Work session update

L. Robertson – move to adjourn at 7:30 p.m. Second by C. Stroeck. No objections noted.

Draft Minutes respectfully submitted by L. Robertson, Recorder for the Corporation of Shepherdstown.

The Corporation of Shepherdstown

RESOLUTION

The Corporation of Shepherdstown met on the 8th day of February, 2022, with a quorum present and passed the following resolution:

Be it resolved that the Corporation of Shepherdstown supports the Shepherdstown Path Transportation Enhancement Project and thereby authorizes Arthur J. Auxer, III, Mayor of the Corporation of Shepherdstown to act on its behalf to enter into a contractual agreement with the West Virginia Department of Transportation, Division of Highways, to receive and administer grants funds pursuant to provisions of the Transportation Enhancement Program.

The Mayor of the Corporation of Shepherdstown

Signature

ATTEST:

Signature

Corporation of Shepherdstown



Event/Park Request Form

Applications and fees are due at least ninety (90) days prior to the event unless otherwise noted.

Any form of advertising of this event, prior to approval by Town Council, is done at applicant's own risk.

Please read and complete entire application. An incomplete application may result in denial or delay of request. The Corporation of Shepherdstown reserves the right to approve or deny any event request.

Organization:	Brian O'Neill Jr Foundation
Contact Name:	Lee A. O'Neill
Mailing Address:	PO Box 38
City, State, Zip:	Bunker Hill, WV 25413
E-mail Address:	brianoneilljr foundation@gmail.com
Daytime Phone:	—
Evening Phone:	—
Cell Phone:	304-820-3998

1.) Name and Complete Description of Event including location if other than one of our Parks: <i>attach on separate sheet if necessary</i>		Stronger with Each Step 5K	
2.) Has this event been held in Shepherdstown in the past?		See attached	
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		If yes, on a separate sheet, please provide event dates (last three years) and describe any scheduling conflicts with other events that occurred in prior years or potential conflicts for the current requested event	
3.) Is this a "one-time" event?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4.) Date and Time of Event: 05/14/2022		From: 7:00 am/pm To: 12:00 am/pm	
4a.) Set Up Time 7:00 am			
4b.) Tear Down Time 12:00 pm			
5.) Park Requested, if applicable:		<input type="checkbox"/> Bane-Harris \$100 <input type="checkbox"/> Cullison \$100 <input checked="" type="checkbox"/> Rumsey \$500 <input type="checkbox"/> Viola-Devonshire \$100	
6.) Are street closures requested?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide, on the attached map, streets that need to be closed. If having a parade, provide parade route. Alleys must be kept open. (No Exceptions)	
7.) Is event open to the public?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

8.) What are the parking arrangements? <i>Please explain.</i>	Parking in designated Shepherdstown Parking as available		
9.) Will entertainment be involved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, give details w/# groups, type of music, time of performance(s) etc. See Noise Ordinance</i>	Any entertainment must be approved by the Town Council. <input type="checkbox"/> Live Band <input checked="" type="checkbox"/> DJ <input type="checkbox"/> Radio/CD Player <input type="checkbox"/> Other: Explain		
10.) Will other equipment be used? (i.e. generator, tents, inflatables, etc.) If yes, give details.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
11.) Are you a non-profit organization? <i>If yes, provide certification of non-profit status.</i>	Tents to cover tables in park, flags to mark race <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
12.) Will vendors be at the event? <i>If yes, give details including complete list of vendors and contact information.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
13.) Will event participants be charged a fee? <i>If yes, what is the cost?</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
14.) Will admission be charged for the event? <i>If yes, what is the cost?</i>	\$25 preregistration \$30 day of race <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
15.) Number of people expected to attend:	<input type="checkbox"/> less than 50 <input type="checkbox"/> 51-100 <input type="checkbox"/> 101-150 <input checked="" type="checkbox"/> more than 150		
16.) Name & contact info. for two (2) people with authority that will be present at event:	Name: Lee O'Neill Phone: 304-820-3998 Name: Brian O'Neill Phone: 304-820-3991		
17.) Check any Town assistance needed:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works <input checked="" type="checkbox"/> Recycling <input type="checkbox"/> Other		
18.) Will alcoholic beverages be served? <i>If yes, the Shepherdstown Open Container Ordinance must be suspended by action of the Town Council for this day's event.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, you must contact the WV Alcohol Beverage Control Commission to obtain a "one day" license.</i>		
19.) How will this event benefit Shepherdstown?	Tourism. Patrons for local businesses		

Requirements:

- All event requests must be applied for at least 90 days prior to the event date.
- For park events, notification of the event must be provided, in writing, to all neighbors within two blocks of the event location (a copy of this notification must be provided to the Town)
- If this is a parade, walk or run, give details including map of route to be taken.
- General liability insurance coverage of no less than one million dollars (\$1,000,000) reflecting the Corporation of Shepherdstown as additionally insured.
- If assistance from the Police or Public Works Department is needed for the event, you will be responsible for contacting the respective departments.
- Payment of costs incurred during the event must be paid within one week following the event (i.e. Assistance from the Police Department or Public Works Department).
- Representation at meeting where this application will be reviewed and a decision made.
- All required information must be submitted at least two weeks prior to the Town Council meeting.

Corporation of Shepherdstown

It is hereby agreed and understood that _____ is reserved, as specified, for the use of the above named organization and/or individual. The Facility reserved is subject to inspection by any authorized representative of the Corporation of Shepherdstown in order to assure proper use of Town

property. This permit must be in the possession of the organization and/or individual to whom it is issued and shown upon request to any authorized Town Official.

The organization and/or individual assumes personal liability and responsibility for any and all costs of cleanup of the premises, loss, breakage, damage to or removal of Town property and further assumes liability and responsibility for the conduct and good order of the group and its invitees and guests.

The organization and/or individual shall be responsible for any and all loss, damage or injury to any and all personal property that it or its agents, representatives, invitees or guests, may bring to, store at, or leave at the facility, and shall indemnify and hold harmless the Corporation of Shepherdstown and any department, agent, official and/or employee thereof for any personal injury incurred during, or as a result of such use. The organization and/or individual further agrees to abide by all procedures, policies, and rules governing use of the above-mentioned facility.

☒ I have read and agree to these responsibilities.

Signature of Organization and/or Individual: _____

Date: 7-25-2021

Any individual under the age of 21 must have the signature of a parent or guardian who shall assume any and all responsibility and liability as set forth above and the person signing must be in attendance at the rental event.

Parent/Guardian: _____

Date: _____

Printed Name: _____

Phone: _____

PLEASE NOTE APPROVAL IS REQUIRED FOR USE OF THE PARK FACILITIES. Once approved, this permit will be issued.

FOR OFFICE USE ONLY	
Rental Fee: \$ _____	<input type="checkbox"/> Cash
Date Paid: _____	<input type="checkbox"/> Check
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Approved by: _____	Comments: _____ _____ _____
Title: _____	
Date: _____	

Stronger with Each Step 5k

1. Name and Complete Description of Event including location if other than one of our parks:

We are planning a 5k in Shepherdstown, WV called "Stronger with Each Step". We will be raising money for the Brian O'Neill Jr Foundation for Suicide Prevention. The money will be used in the Eastern Panhandle to support Sources of Strength in our schools and community. To date we have established Sources of Strength at Musselman High School. This fall 2021 we have secured funds through donations, grants, and Project Aware to bring Sources of Strength to all four High Schools in Berkeley County. We are in the process of working with Jefferson and Morgan County to establish the program at their schools. Our goal is to have this program in all Middle and High Schools in the Eastern Panhandle of WV. We also have an "I AM WORTHY" initiative with a brochure and QR code that is being distributed through out our community. Our President has also become a SafeTALK trainer and will be offering workshops to our community. She will also be earning her certificate to become a Sources of Strength Trainer.

We plan the race to start at the library on King and German Street. The runners/walkers will go down German Street to Trough Road and turn to return up River Road and turn right on Mill Road ending at Rumsey Park. Along the route we will have strength-based messaging that goes along with Sources of Strength ideals.

We will have banners/flags on either side of the road at the beginning of the race with registration table near council office. Depending on the weather, we will have a tent over the registration table. We will provide water and light snacks for participants at start, middle, and end of race.

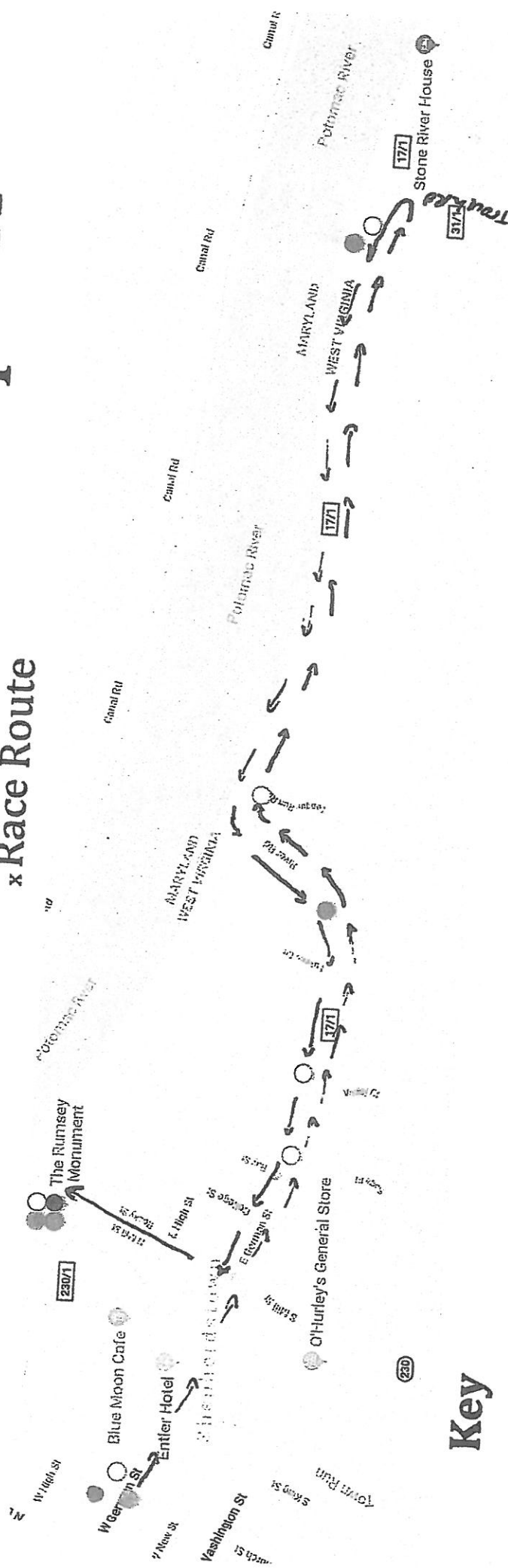
First Aide stations will be offered at Trough Road, Rumsey Park and in the middle of the race at top of hill. At Rumsey Park at the end of the race a DJ will be playing music and making our announcements. We may offer face painting to kids, tables of suicide awareness and prevention. Dependent on donations collected we may have baskets to raffle off. Announcements of results will be made. We will have 2-3 porta potties offered at beginning of race and end of race.

9. Will entertainment be involved?

Yes, We will have a DJ that will provide music and announcements 9:30am to 11:00am

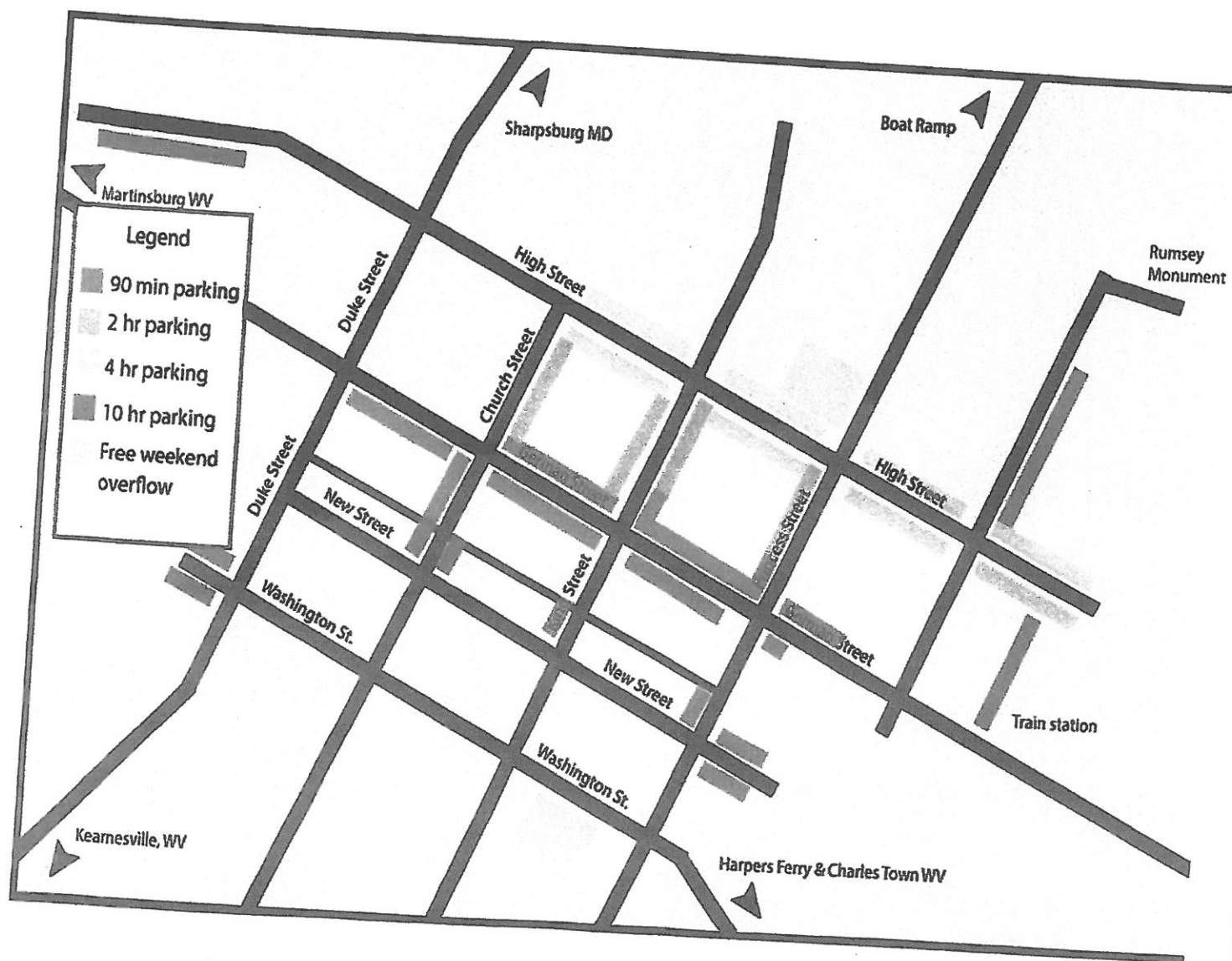
Stronger With Each Step 5K

x Race Route



Key

- Start (In front of the Shepherdstown Public Library on the corner of King St. and German St.)
- Volunteers
- Bathrooms
- First Aid Stations
- Finish Line (James Rumsey Park)



Corporation of Shepherdstown



Event/Park Request Form

Applications and fees are due at least ninety (90) days prior to the event unless otherwise noted.

Any form of advertising of this event, prior to approval by Town Council, is done at applicant's own risk.

Please read and complete entire application. An incomplete application may result in denial or delay of request. The Corporation of Shepherdstown reserves the right to approve or deny any event request.

Organization:	Shepherdstown Public Library
Contact Name:	Sarah Brumback
Mailing Address:	P.O. Box 278
City, State, Zip:	Shepherdstown, WV, 25443
E-mail Address:	sarah.brumbach@martin.lib.wv.us
Daytime Phone:	304.876.2783
Evening Phone:	
Cell Phone:	

1.) Name and Complete Description of Event including location if other than one of our Parks: <i>attach on separate sheet if necessary</i>		Shred Truck: The library will sponsor a shred truck so the community can bring paper documents to be securely shredded and recycled. the truck will be directly behind the library	
2.) Has this event been held in Shepherdstown in the past?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, on a separate sheet, please provide event dates (last three years) and describe any scheduling conflicts with other events that occurred in prior years or potential conflicts for the current requested event</i>	
3.) Is this a "one-time" event?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4.) Date and Time of Event: 05 / 14 / 2022 4a.) Set Up Time 10:30 AM 4b.) Tear Down Time 1:30 PM		From: 11:00 am/pm To: 1:00 am/pm	
5.) Park Requested, if applicable:	<input type="checkbox"/> Bane-Harris \$100 <input type="checkbox"/> Cullison \$100 <input type="checkbox"/> Rumsey \$500 <input type="checkbox"/> Viola-Devonshire \$100		
6.) Are street closures requested?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please provide, on the attached map, streets that need to be closed. If having a parade, provide parade route. Alleys must be kept open. (No Exceptions)</i>		
7.) Is event open to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

8.) What are the parking arrangements? <i>Please explain.</i>	Participants can park on new street or park in a metered parking spot			
9.) Will entertainment be involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, give details w/# groups, type of music, time of performance(s) etc. See Noise Ordinance</i>	Any entertainment must be approved by the Town Council.			
	<input type="checkbox"/> Live Band	<input type="checkbox"/> DJ	<input type="checkbox"/> Radio/CD Player	<input type="checkbox"/> Other: Explain
10.) Will other equipment be used? (i.e. generator, tents, inflatables, etc.) If yes, give details.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
11.) Are you a non-profit organization? <i>If yes, provide certification of non-profit status.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
12.) Will vendors be at the event? <i>If yes, give details including complete list of vendors and contact information.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
13.) Will event participants be charged a fee? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
14.) Will admission be charged for the event? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Cost			
15.) Number of people expected to attend:	<input checked="" type="checkbox"/> less than 50	<input type="checkbox"/> 51-100	<input type="checkbox"/> 101-150	<input type="checkbox"/> more than 150
16.) Name & contact info. for two (2) people with authority that will be present at event:	Name: Sarah Brumback		Phone: 3013022233	
	Name: Hali Taylor		Phone: 3048762783	
17.) Check any Town assistance needed:	<input type="checkbox"/> Electric	<input type="checkbox"/> Police	<input type="checkbox"/> Public Works	
	<input type="checkbox"/> Recycling	<input type="checkbox"/> Other		
18.) Will alcoholic beverages be served? <i>If yes, the Shepherdstown Open Container Ordinance must be suspended by action of the Town Council for this day's event.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, you must contact the WV Alcohol Beverage Control Commission to obtain a "one day" license.</i>			
19.) How will this event benefit Shepherdstown?	It will give participants an opportunity to dispose of paper documents in a secure and environmentally friendly way.			

Requirements:

- All event requests must be applied for at least 90 days prior to the event date.
- For park events, notification of the event must be provided, in writing, to all neighbors within two blocks of the event location (a copy of this notification must be provided to the Town)
- If this is a parade, walk or run, give details including map of route to be taken.
- General liability insurance coverage of no less than one million dollars (\$1,000,000) reflecting the Corporation of Shepherdstown as additionally insured.
- If assistance from the Police or Public Works Department is needed for the event, you will be responsible for contacting the respective departments.
- Payment of costs incurred during the event must be paid within one week following the event (i.e. Assistance from the Police Department or Public Works Department).
- Representation at meeting where this application will be reviewed and a decision made.
- All required information must be submitted at least two weeks prior to the Town Council meeting.

Corporation of Shepherdstown

It is hereby agreed and understood that _____ is reserved, as specified, for the use of the above named organization and/or individual. The Facility reserved is subject to inspection by any authorized representative of the Corporation of Shepherdstown in order to assure proper use of Town

property. This permit must be in the possession of the organization and/or individual to whom it is issued and shown upon request to any authorized Town Official.

The organization and/or individual assumes personal liability and responsibility for any and all costs of cleanup of the premises, loss, breakage, damage to or removal of Town property and further assumes liability and responsibility for the conduct and good order of the group and its invitees and guests.

The organization and/or individual shall be responsible for any and all loss, damage or injury to any and all personal property that it or its agents, representatives, invitees or guests, may bring to, store at, or leave at the facility, and shall indemnify and hold harmless the Corporation of Shepherdstown and any department, agent, official and/or employee thereof for any personal injury incurred during, or as a result of such use. The organization and/or individual further agrees to abide by all procedures, policies, and rules governing use of the above-mentioned facility.

☒ I have read and agree to these responsibilities.

Signature of Organization and/or Individual: Sarah Brumback

Date: 12/9/2021

Any individual under the age of 21 must have the signature of a parent or guardian who shall assume any and all responsibility and liability as set forth above and the person signing must be in attendance at the rental event.

Parent/Guardian: _____ Date: _____

Printed Name: _____ Phone: _____

PLEASE NOTE APPROVAL IS REQUIRED FOR USE OF THE PARK FACILITIES. Once approved, this permit will be issued.

FOR OFFICE USE ONLY	
Rental Fee: \$ _____	<input type="checkbox"/> Cash
Date Paid: _____	<input type="checkbox"/> Check
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Approved by: _____	Comments: _____
Title: _____ Date: _____	_____

Checklist

(To be completed by the Corporation of Shepherdstown)

- ☐ Complies with 90 day notice
- ☐ Insurance certificate provided
- ☐ Police or Public Works Department fees paid (if applicable)
- ☐ Park fee paid (if applicable)
- ☐ Open Container Ordinance Suspended (if applicable)
- ☐ Amplified Sound Use (if applicable)
- ☐ Vendor's list (if applicable)
- ☐ Date approved by Town Council _____

The Shred Event happened previously on May 8th, 2021. There were no scheduling conflicts on this day and there do not seem to be any potential conflicts for the new date, May 14th, 2022.

Amy Boyd

From: Arthur Auxer III <jimauxer@yahoo.com>
Sent: Tuesday, February 1, 2022 11:09 AM
To: Amy Boyd
Subject: Fw: Request

----- Forwarded Message -----

From: Ken Lowe <ken@lrgwv.com>
To: Arthur Auxer III <jimauxer@yahoo.com>
Sent: Thursday, January 20, 2022, 02:56:05 PM EST
Subject: Request

A request is made to attend the next meeting and inform the Shepherdstown Council that approximately 200+ signatures of local residents are being presented supporting the relocation of the Shepherdstown Elementary School (SES) to the current site of the Shepherdstown Middle School (SMS). This will require construction of the new SMS on the proposed site situated on Route 230 and Gardiner Road, approximately two (2) miles Shepherdstown.

Therefore, for the benefit and well-being of our children, parents, relative and over-all community, including local shops and businesses as represented by these signatures, "we" are asking the Shepherdstown Council to conduct a public forum, properly advertised to be held in the Community Building on German Street.

The citizens deserve to be heard and express their concerns and opinions.

Thank you,

Ken Lowe



BOARDS AND COMMISSIONS APPLICATION

Please write at least a paragraph for the sections that ask for a description
(attach additional sheets if necessary).

You are also welcome to submit a résumé.

Name: ☐ Mr. ☒ Ms. Erin Clark Address: 705 N Princess St Shepherdstown
Phone numbers - Home: _____ Work: _____ Cell: 304-237-4073
Email address: erinulyseclark@gmail.com Employer: _____
Occupation: Attorney

Which board/commission would you like to serve on? Grants Committee

Please describe your background and education.

I'm a native West Virginian. I attended Shepherd University and received degrees in English and Political Science. I have a J.D. from WVU and have been a member of the West Virginia Bar since 2012. I worked as an attorney at Legal Aid for seven years. I have been a resident of Shepherdstown for the past six years.

Please describe your experience and any special training you may have that apply to this board/commission.

I have experience with legal writing and some aspects of grant writing. I have worked on Memorandums of Understanding

Please describe your motivation for serving on this board/commission.

I would like to be more involved in the town community and assist in making Shepherdstown a unique and pleasant place to live. I am most well suited for this committee.

Please describe what you know about this board/commission.

I am aware of a few initiatives of the Grants Committee and eager to learn more. I know grants for AEDs + Tree Inventory are in progress.

How did you hear about this board/commission?

Matt Jorden.

Please provide two personal or professional references (include name and phone number).

Available upon request

Signature:

Em Ann

Date submitted:

11/5/21

Please type in your answers and submit the completed form by hand, mail, fax or email to:

Town Clerk's Office
104 North King Street
P.O. Box 248

Shepherdstown, West Virginia 25443-0248
304-876-1473 (fax)

clerk@shepherdstown.us

For additional information, or to request a hard copy of the application, please call 304-876-2398.

DRAFT MINUTES
CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA
WATER & SANITARY BOARDS
January 25, 2022

ATTENDEES: Water Board- J. Auxer, J. Bresland, J. Ford, M. Godfrey, S. Kemnitzer (Chair), A. Slater, and C. Stroeck

Sanitary Board- J. Auxer (Chair), and R. Keller

Town Staff- C. Coe, C. Painter, K. Shipley, and F. Welch

Visitors- J. Ekstrom, Ghosh Engineering
E. Boggess, Customer/Complainant
J. Riitano, 120 Water Corporation/Representative
E. Lewis, Developer/Applicant

1. CALL TO ORDER.

The Water and Sanitary Boards meeting was called to order by J. Auxer at 12:31 p.m.

2. MINUTES FROM PRIOR MEETING.

The proposed minutes of the December 2, 2021, regular meeting were reviewed and approved as submitted.

3. VISITORS.

J. Ekstrom attended the meeting to provide an update, agenda item 6.c.

J. Riitano attended the meeting to provide details regarding an inspection program, agenda item 7.b.

E. Boggess attended the meeting to appeal a decision concerning a billing error, agenda item 7.d.

E. Lewis attended the meeting to answer questions regarding his application, agenda item 7.e.

4. FINANCES.

J. Auxer advised that there were no financial reports this month due to the resignation of the town bookkeeper.

5. FLOW AND QUALITY REPORTS.

5.a WATER - NO VIOLATIONS.

C. Coe reported that water produced adhered to all applicable regulations and requirements and that there were no violations during the month.

5.b. SANITARY REPORTS – NO VIOLATIONS.

K. Shipley reported that treated sewage water discharged adhered to all applicable regulations and requirements and that there were no violations during the month.

6. UNFINISHED BUSINESS.

6.a FIRE HYDRANTS- STATUS REPORT.

K. Shipley reported that all repairs have been completed except for two hydrants (Duke Street and Stutzman-Slonaker Hall), the former of which was a later addition to the project and the latter is in service but has a drainage problem; both are slated for work this spring.

J. Auxer referred to a new report included in the monthly package that lists hydrants that are not in service.

6.b SEWER USE ORDINANCE – REVISION AND COMMENTS.

J. Auxer reported that no additional progress has been made on this effort. A meeting will be scheduled in the spring of 2022.

6.c WATER PLANT IMPROVEMENT PROJECT-UPDATE.

J. Ekstrom reported that work is underway on the alternate source (Town Run) piping just below the water plant. He also provided a report on equipment orders and shop drawings for the main plant improvements. He advised that the expected completion date remains just prior to schools resuming later this summer.

6.d STEP II APPROVAL- SHEPHERDSTOWN PROFESSIONAL CENTER- WATER AND SEWER.

F. Welch reported that the Shepherdstown Professional Center, located at the stoplight on route 480 adjacent to Morgan Grove Park, has made progress requisite to move to Step II.

ACTION ITEM: A. SLATER MOVED AND M. GODFREY SECONDED THAT THE WATER BOARD AUTHORIZE STEP II FOR SHEPHERDSTOWN PROFESSIONAL CENTER; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

ACTION ITEM: R. KELLER MOVED THAT THE SEWER BOARD AUTHORIZE STEP II FOR THE SHEPHERDSTOWN PROFESSIONAL CENTER; UNANIMOUSLY ADOPTED BY THE SEWER BOARD.

6.e BILLING QUESTIONS.

A. Slater reported that the transition from the postcard bills to statement billing has gone extremely well and complimented C. Painter and A. Boyd for their skillful management of the process. He noted that some customers have reported some frustration with registering, paying bills, linking accounts, and signing up for electronic bill presentation, but that is to be expected with any new automated platform. He stated that there were several customers upset with having to now pay a fee for electronic check payment and credit card payment. C. Painter advised that 829 customers have successfully registered, 48 have enrolled in autopay, and 40 customers are now enrolled in electronic billing. She advised that in two weeks customers may pay on-line without registering.

J. Auxer observed that with the completion of this project this agenda item may now be removed.

6.f. WATER DEPARTMENT- SOURCE WATER GRANT.

F. Welch reminded the board that the Water Department is the recipient of a \$50,000 source water sampling grant. The testing equipment will be deployed at two locations: the Potomac River near the intake, and the Town Run at the new intake structure. This new equipment will provide ongoing monitoring of five different parameters. M. Godfrey inquired of the previous sampling effort by the University's Dr. Vila. C. Coe advised basic monitoring equipment has been installed, noting the project was largely for the benefit of the students. M. Godfrey then inquired of the recent contamination by Rockwool affecting the Elk Run and Elk Creek sources that primarily impact the Town of Harper's Ferry. C. Coe advised that he contacted the State's District Engineer at Kearneysville who advised we do not have any immediate concerns or issues. Finally, M. Godfrey relayed reports of Dioxin and Styrene contaminants in some water supplies. C. Coe advised that we are monitoring as required by the State and will continue to monitor changes to compliance sampling.

7. NEW BUSINESS.

7.a. VIOLATIONS AT WATER PLANT.

C. Coe reported that two water monitoring reports sent to the State received violations due to minor changes in the source description. The laboratory normally performing the tests was impacted by COVID outbreak, consequently the samples were forwarded to another laboratory where the source descriptions were amended to avoid duplication, which gave cause to the violation. C. Stroeck inquired of an appeal process. C. Coe advised that he did appeal which did allow for the results to be accepted, but not the

reporting citation. C. Coe concluded by advising the Water Board that this will require a formal public notification which will be issued in May when the Consumer Confidence Report is issued. A. Slater inquired if we were subject to any financial penalties. C. Coe advised we are not.

7.b. EXPLANATION OF NEW LEAD AND COPPER RULE.

J. Auxer invited C. Coe to present his recommendation. C. Coe advised that a new lead and copper rule went into effect last December that will have a significant impact on our compliance plans. C. Coe advised that all water service lines must be inspected for lead fittings by October 16, 2024. He then introduced J. Riitano of 120 Water Corporation who discussed his firm's compliance proposal. The cost of inspecting all the Water Department's service lines is estimated to cost approximately \$15,000 per year for two years to complete. Using a variety of EPA approved inspection techniques, all service lines will be inspected and proofed for lead, with approximately 90% of the lines not requiring digging. J. Riitano advised that 120 Water is providing this service for over 200 water systems of various sizes across the country including, in West Virginia, Charles Town, Wheeling and Wellsburg.

To A. Slater's question, J. Riitano advised that a part of their deliverable is the provision of ESRI based digital maps of all the service lines including, in some instances, photographs. M. Godfrey inquired about examining the Master Services Agreement. J. Riitano offered to provide a MSWord.doc file to the Town, J. Auxer will send to legal counsel for review. After further discussion action was taken on the proposal.

ACTION ITEM: M. GODFREY MOVED AND C. STROECHT SECONDED THAT THE WATER BOARD ACCEPT THE PROPOSAL BY 120 WATER CORPORATION FOR INSPECTING WATER SERVICE LINES TO COMPLY WITH NEW LEAD AND COPPER RULES; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

7.c. EMERGENCY PURCHASE OF COMPOSITE SAMPLER.

F. Welch advised that the composite sampler at the waste-water plant is out of service with issues in the electronic gear rendering it beyond repair. Consequently F. Welch is requesting an emergency expenditure of \$10,715 to purchase a replacement unit. Following discussion action was taken.

ACTION ITEM: R. KELLER MOVED THAT THE SEWER BOARD AUTHORIZE THE PURCHASE OF A COMPOSITE SAMPLER TO BE PAID FROM EMERGENCY FUNDS; UNANIMOUSLY ADOPTED BY THE SEWER BOARD.

7.d. MISTAKE IN TWO CUSTOMERS BILLS DUE TO CROSSED METERS.

C. Painter reported that a billing error was recently discovered affecting two customers because the meters were crossed, totaling \$2,297.85, representing a credit to one customer and a corresponding additional balance due to E. Boggess. C. Painter advised that this error occurred when the system-wide automated metering system was deployed by a contractor in 2007. She advised that a two-year deferred payment plan was offered to E. Boggess to accommodate the financial impact.

J. Auxer then invited E. Boggess to make comments. E. Boggess noted that he did not dispute the facts, although he has requested additional documentation. He suggested that since the error has developed over a five-year period, he should be allowed to repay the \$2,297.85 adjustment over a five-year period. He advised that he contacted the West Virginia Public Service Commission on two occasions who advised him the retrospective billing should be for three or four months. He also noted that there was a water disconnect in the recent past where the error should have been discovered.

S. Kemnitzer requested staff's recommendation on the matter. C. Painter recommended that the entire error be repaid over a two-year deferral period. Discussion ensued over West Virginia Public Service Commission regulations, C. Painter advised she has contacted the Commission and is expecting guidance shortly. R. Keller inquired if this service included sewer too, C. Painter advised it does include sewer service. R. Keller recommended making every accommodation to this customer as the problem was one that originated at the Water Department. After further discussion action was taken.

ACTION ITEM: S. KEMNITZER MOVED AND C. STROECHT SECONDED THAT THE WATER BOARD TABLE THE MATTER FOR THE NEXT BOARD MEETING, REQUEST STAFF PROVIDE A SPREADSHEET SHOWING THE TWO CUSTOMER'S BILLINGS GOING BACK TO THE DATE OF THE ERROR, AND CONSIDER PENDING WEST VIRGINIA PUBLIC SERVICE COMMISSION GUIDANCE AT THAT TIME; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

7.e. SHEPHERD VIEW APARTMENTS- CAPACITY LETTER.

F. Welch presented the request of Shepherd View Apartments for a water and sewer capacity letter based on plans and specifications presented by the developers. F. Welch advised that this five-building, 40 apartment complex is located on Route 45 adjacent to the Domino's Pizza restaurant. F. Welch advised that J. Ekstrom had completed the engineering analysis and filed reports representing that adequate capacity exists for both water and sewer for this applicant. F. Welch advised that metering has not been resolved as the developer is looking at multiple options.

J. Auxer then recognized E. Lewis, the developer/applicant. E. Lewis discussed the project and stated that he is considering one meter for the entire project, five meters for each building, or 40 meters, one for each apartment. He advised that he is modeling the cost of each option based on the minimum bill but expressed a preference for individual apartment metering to encourage conservation of water. R. Keller suggested a review of Commission regulations as they relate to the resale of water. After further discussion action was taken.

ACTION ITEM: A. SLATER MOVED AND S. KEMNITZER SECONDED THAT THE WATER BOARD AUTHORIZE THE ISSUANCE OF AN ADEQUATE WATER CAPACITY LETTER FOR SHEPHERD VIEW APARTMENTS; UNANIMOUSLY ADOPTED BY THE WATER BOARD.

ACTION ITEM: R. KELLER MOVED THAT THE SEWER BOARD AUTHORIZE THE ISSUANCE OF AN ADEQUATE SEWER CAPACITY LETTER FOR SHEPHERD VIEW APARTMENTS; UNANIMOUSLY ADOPTED BY THE SEWER BOARD.

8. MAYOR'S REPORT.

J. Auxer opened the floor for comments.

K. Shipley advised that the sewer rates have not been adjusted since 2012 and that a rate increase is warranted. J. Ekstrom stated that preliminary analysis by David Decker shows a 19.5% rate increase can be justified. J. Auxer took this under advisement.

S. Kemnitzer expressed concern about the absence of financial statements for several months and urged the Town Council, Mayor and Finance Committee to address this issue as quickly as possible. J. Auxer agreed to share that concern and advised that the Town has a CPA on contract to work in this capacity.

S. Kemnitzer asked for an update on providing water and sewer services to the newly proposed elementary and middle schools on Flowing Springs Road. F. Welch advised that there has been no change in status, he believes they remain interested, but no application has been made.

9. **NEXT MEETING DATE.**
Wednesday, February 23, 2022, at 12:30PM, venue to be determined.
10. **CONSENT.**
No action.
11. **SUMMARIZE ACTION ITEMS FROM THIS MEETING.**
See above.
12. **DRAFT AGENDA FOR NEXT MEETING.**
No action.
13. **ADJOURNMENT.** J. Auxer adjourned the meeting at 2:04PM.

Respectfully Submitted: A. Slater



Shepherdstown Area Independent Living

January 21, 2022

Mayor Auxer
Corporation of Shepherdstown
P O Box 248
Shepherdstown, WV 25443

Dear Mayor Auxer,

SAIL members were very pleased to have Chief Mike King as the speaker for our monthly Brown Bag Lunch Talk. The Chief's talk was very informative, especially on issues related to the senior community.

The talk was very lively with lots of questions and comments. Over 40 members of SAIL attended the session that was held on Zoom. SAIL members like to be informed about their town and Chief King provided a lot of important information, ranging from calling 911 to issues concerning the trains blocking critical intersections.

Shepherdstown should be very proud of our police officers and all the services they provide.


Linda Spatig
SAIL President