

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, August 9, 2022

6:30 p.m.

LOCATION: TOWN HALL

104 NORTH KING STREET

MASK WEARING IS OPTIONAL

1. Call to order
2. Approval of Town Council Meeting Minutes of July 12, 2022
3. **Public Comment Period**
 - a. Persons who have registered to address Town Council.
4. **Visitors**
 - a. Rachael Meads - Event Request for Shepherd University Homecoming Parade -October 22, 2022
5. **Public Hearings** - NONE

6. Unfinished Business

7. Old Business

8. New Business

- a. Age Friendly Action Plan
- b. Flexi-pave Proposal
- c. Canal Trust – thank you letter
- d. Short term rentals

9. Mayor's Report

10. Reports of Committees

A. Finance Committee

- 1. No meeting July 2022
- 2. Recommendations: NONE

B. Parking Committee

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

C. Police Committee

- 1. No meeting July 2022
- 2. Recommendations: NONE

D. Public Works Committee

- 1. Meeting minutes of July 2022-
- 2. Recommendations:
- 3. Garbage rate increase

E. Parks and Recreation Committee

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

F. Grants Committee

1. No meeting in July 2022
2. Recommendations: NONE
3. Appointment of new member

11. Report of Commissions and Boards

A. Tree Commission

1. Meeting minutes of July 2022
2. Recommendations: NONE

B. Water and Sanitary Board

1. Meeting minutes of July 2022
2. Recommendations: NONE

C. Historic Landmarks Commission

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

D. Planning Commission

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

E. Board of Appeals

Shepherdstown Town Council Meeting Minutes
Tuesday, July 12, 2022
Town Hall
104 North King Street
6:30 p.m.
Mask Wearing is Optional
Also being streamed on the town's Facebook page "Shepherdstown,
West Virginia"
DRAFT

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

Absent: None

Staff: Director of Public Works Frank Welch, Police Chief Mike King, Zoning Officer Andy Beall, and retiring Water Department employee Pat Dorsey.

Visitors: Traci Morris, Mark Wirt, Mark Cucuzzella, Ainsley Hall (Chronicle), and Phil Baker-Shenk.

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

Call to order by Mayor Auxer at 6:29 pm.

Approval of the Town Council Meeting Draft Minutes of June 13, 14, and 15, 2022.

C. Stroeck- move to approve Town Council Draft Minutes of June 13, 14, and 15, 2022. Second by Marty Amerikaner. No objections noted.

Mayor Auxer welcomed new Council member Leah Rampy.

Agenda Item 3 – Public Comment Period:

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

Agenda Item 4 - Visitors:

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

- a. Mark Cucuzzella – Event Request for Freedom's run – October 22, 2022 –

The event is now contained on the SU campus except for the Kid's Run that starts at 11 a.m.

M. Amerikaner – move to approve Freedom's Run & Kid's Run October 22, 2022. Second by L. Rampy. No objections noted.

- b. Pat Dorsey retiring – The Mayor stated that Pat has been a loyal and diligent employee for 28-years with the Water Department. His last day will be July 19th. We wish him well.

Agenda Item 5 – Public Hearings:

- a. None

Agenda Item 6 – Unfinished Business:

- a. None

Agenda Item 7 – Old Business:

- a. None

Agenda Item 8 – New Business:

- a. None

Agenda Item 9 – Mayor's Report:

- The 4th of July Parade was great! A special thanks goes out to Peter Smith, Holly Frye, and all of the people who made this happen.
- Rumsey Park has graffiti again.
- We've hired two new Public Works employees.
- We have hired a new PT Parking Enforcement Officer.

- Shepherd University has another Day of Service coming up August 17 from 9:30 a.m. – 3:30 p.m.
- Free Parking in the 90-minutes zones ends August 22nd.
- Anyone interested in helping with the Comprehensive Plan, please let me know.
- M. Amerikaner is now on Public Works, L. Rampy is on the Personnel Committee, and C. Stroeck has joined the Finance Committee.
- C. Roberts – inquired if Council should mandate wearing masks again.
Mayor – stated we are following the County Guidelines regarding Covid. They can be recommended and/or optional.
- M. Amerikaner inquired if Council should have special meetings to discuss what's important for the town: green tourism, age friendly issues, town official's roles, etc.
Mayor – we have quite a few projects that are unfinished before diving into brand new ones.
C. Roberts – would prefer quarterly meetings, not monthly, for a couple of hours.

Agenda Item 10 – Reports of Committees:

A. Finance Committee:

1. Meeting minutes of June 23, 2022
2. Finance Reporting:
3. Recommendations
 - a. None

B. Parking Committee:

1. No June 2022 meeting
2. Recommendations: None

C. Police Committee:

1. No June 2022 meeting
2. Recommendations: None

D. Parks and Recreation Committee:

1. Meeting minutes of June 2022 - not available

2. Recommendations:

a. Send bids out for path at Cullison

Chris Stroeck – has the route been determined yet?

M. Amerikaner – the route will be finalized once Flexi-Pave gets onsite. Determining factors are trees, roots, and rocks. Several measurements were taken with all of them coming in within several feet of each other. We are doing just the open area of Cullison, which does include a connection to Rumsey.

C. Stroeck – is there a map available for the public to see and can they comment?

C. Roberts – the map will be finalized once Flexi-Pave is onsite and the bids go out. The original projected map of the path from Flex-Pave is null and void as it was changed.

M. Amerikaner – members of the public came to the last P&R meeting at Cullison, and minutes of the past several months have discussions of this project.

Cheryl Roberts – move to proceed with the Flexi-Pave bids for Cullison Park. Second by Jenny Haynes. No objections noted.

b. Hank Walter proposal is included in packet

C. Roberts – P&R was approached and his proposal was discussed at an open meeting regarding the stairs along the back wall. It will cover the steep area along the back wall that is rocky and slippery. There is no cost to the town. Hank Walters will provide the materials and the labor. He will also maintain it.

T. Morris – lives on end of Mill St. This will change the face of the way it looks. The steps won't be attractive and will cover the wall. What are we gaining from this? It will be easier for people to walk but we are losing the natural beauty. Stairs can also get slippery when wet.

C. Roberts – Hank will maintain it. The stairs make it safer and the wood will blend in with the woods. It is currently dangerous to walk down and the stairs will make it safer with better access. It is a gift from a private citizen.

M. Wirt – their children would play there when young. It does not provide better access, it's beautiful the way it is, and there's no good reason to do it. It's a bad idea being less playable for kids – safer without it.

C. Roberts – Rumsey Park is the least developed park for kids to play in.

M. Amerikaner – Rumsey is a touristy area. A tourist going behind the monument's rear path is a dangerous spot to leave alone along the wall.

C. Stroeck – no materials have been presented, and would feel uncomfortable voting for this with no materials put forth. There should have been more information in the packet.

L. Robertson – to Chris's point, to know what materials are being used in a project is important and necessary.

Mayor – treated wood lumber is to be used.

L. Rumpy – if it wasn't gifted, would we still be doing it?

C. Roberts – it has been discussed in the past.

L. Robertson – move to go forward with Hank Walter's proposal and to amend to approve the material being used as unpainted wood lumber for the stairway. Second by C. Roberts. Motion was approved by the majority with C. Stroeck voting Nay. The motion carried with a majority.

Mayor – more outdoor activities were mandated during Covid. Our parks need to be utilized more.

E. Public Works Committee:

1. Meeting minutes of June, 2022 – not available
2. Recommendations:
None

F. Path Advisory Committee

1. No meeting in June 2022
2. Recommendations:
 - a. None
 - b. Report – L. Robertson – the engineering is complete for the ROW (right-of-way) along Rt. 45. We are now having monthly conference calls with DOH. The costs are raised but DOH is looking at ways to match the demands of the grants.

G. Grants Committee

1. No meeting in June 2022
2. Recommendations:
 - a. None

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

1. Historic Landmarks Commission:

1. Meeting minutes of June 2022 – not available
2. Recommendations:
 - a. None

2. Planning Commission:

1. Meeting minutes of June 2022 – not available
2. Recommendations:
 - a. The Shepherdstown Planning Commission requests Town Council to approve the formation of an ADHOC committee to review and assess the 2014 Comprehensive Plan goals and to make recommendations to the Planning Commission for any amendments to the 20124 Plan. In doing so, the Planning commission is granted authority to appoint members and set parameters for committee meetings.

Mayor – Phil Baker-Shenk has offered to Chair this.

L. Robertson – move to approve the Shepherdstown Planning Commission requests Town Council to approve the formation of an ADHOC committee to review and assess the 2014 Comprehensive Plan goals and to make recommendations to the Planning Commission for any amendments to the 20124 Plan. In doing so, the Planning commission is granted authority to appoint members and set parameters for committee meetings. Second by J. Haynes. No objections noted.

3. Tree Commission

1. Meeting minutes of June 2022
2. Recommendations:
 - a. None

Report – L. Robertson – thanks to the Grant's Committee, the Tree Inventory has been done and there is a binder with every tree that corresponds with the tag on said tree. Bartlett has been fabulous to work with. When asked if the file can be put

on the website, I'm sure it can. The Clerk is on vacation and we will get the file to her once she's back.

4. Water and Sanitary Board:

- 1 –Meeting minutes of June 2022
- 2 – Recommendations:
 - a. None

4. Path Advisory Committee

- 1- No meeting held in June 2022
- 2- Recommendations
 - a. None

5. Board of Appeals

1. Porter hearing held July 7, 2022

C. Stroeck – move to adjourn at 7:50 p.m. Second by C. Roberts. No objections noted.

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

To: Shepherdstown Town Council

**From: Rachael Meads
Shepherd University Student Activities & Leadership**



Request for Closure of Church Street and Permission to Hold Homecoming Parade on Saturday, Oct. 15, 2022

Attached you will find an application for permission to close Church Street from to Washington Street on Saturday, Oct. 15, 2022 from 7 am to 11 am to allow for line up for the annual Shepherd University Homecoming Parade as well as German Street from Duke to Princess Streets from 9:45 to 11 am for the parade. At the end of the parade (corner of German and Princess, entries will depart.

Has this event been held in Shepherdstown in the past?

Yes. Annual event.

What is Homecoming and how does it benefit Shepherdstown?

Homecoming draws thousands of families, alumni, and community members to Shepherdstown to celebrate our community and reconnect with our community. Folks shop, dine, and enjoy returning home to Shepherdstown. It is a highlight of Shepherd's annual alumni and student event calendar.

What is the purpose of the request?

Community parade featuring Shepherd University alumni, students, and community groups.

Event Duration:

The parade line-up begins at 8 am. Parade itself begins at 10 am and is over by 11 am.

Sound:

A small PA sound system will be provided and set up on McMurran Lawn to provide enough amplification for the parade announcer to be heard.

Rain Plan:

This is a rain or shine event.

Questions?

If you have any questions, please feel free to contact me at rmeads@shepherd.edu or at 304-620-4520.

Many thanks!

NOTICE: The applicant must be present at the Town Council Meeting when this application will be reviewed. The application will be tabled if the applicant is not present. No exceptions.

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:	SHEPHERD UNIVERSITY
Contact Name:	Rachael MEADS
Mailing Address:	PO BOX 5000 - Student Affairs
City, State, Zip:	Shepherdstown, WV 25443
E-mail Address:	Rmeads@shepherd.edu
Daytime Phone:	304-620-4520 (cell)
Evening Phone:	Same
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>	See attached.			
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 <i>annually</i> <input type="checkbox"/> No			
4.) Date and Time of Event: 10/15/22 4a.) Set Up Time 7:30 am 4b.) Tear Down Time 11:00 am	From:	10	am/pm	To: 11 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>			

NOTICE: The applicant must be present at the Town Council Meeting when this application will be reviewed. The application will be tabled if the applicant is not present. 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>	All Shepherd parking lots are open.	
9.) Will entertainment be involved? <input 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>	<i>Any entertainment must be approved by the Town Council.</i> <input type="checkbox"/> Live Band <input type="checkbox"/> DJ <input type="checkbox"/> Radio/CD Player <input checked="" type="checkbox"/> Other: Explain MC Parade with MC & marching band.	
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	
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: Rachael Meads Phone: 304-620-4520 Name: Holly Frye Phone: 304-671-7080	
17.) Check any Town assistance needed:	<input type="checkbox"/> Electric <input checked="" 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?	Annual event that brings tourists & alumni to town to dine, shop, & enjoy a Reunion.	

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).
- All required information must be submitted at least two weeks prior to the Town Council meeting.

Corporation of Shepherdstown



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. Key Schultz Address: 78 Shepherd Village Circle

Phone numbers - Home: None Work: None Cell: 301 679-9337

Email address: key-nixschultz@gmail.com Employer: Retired

Occupation(s): affordable housing dev. ; watershed restoration

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

Please describe your background and education.

Education includes masters of arts in Gov't in public administration from GW Univ. BA from Duke.
Work history - community organizing, developing affordable housing in rural & urban communities; watershed restoration & alliance organizing, Leonardy watershed.
Volunteer history - development team for Shepherd Village Senior cohousing; mission committee chair Shepherdstown Presbyterian Church, member rural roads advisory council Frederick County, MD; Treasurer All Saints All Daycare center, Chevy Chase, MD.

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

I applied for & administered WDEP/EPA grant for storm water innovations at Shepherd Village.
I applied for & administered USDA Mutual Self Help grants for Interfaith Housing of W Maryland.
I applied for & administered a variety of grants for Manna, Inc. nonprofit inner city housing development.
I established & administered the Maryland Appalachian Housing Fund funded by the federal ARC.
I co-administered the MD Housing development advisory service giving technical assistance state-wide.

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

I would like to help the Town apply for grants that will move the Town's vision for the future forward including promoting the preservation of critical natural resources, collaborating with neighbors & partners to achieve common goals, promoting the long term sustainability of the Town's high quality of life, encouraging land use patterns that promote a healthy & active living environment, embracing renewable energy initiatives & supporting locally grown food initiatives. Perhaps a Rural Placemaking grant has merit. might be worth pursuing.

Please describe what you know about this board/commission.

I understand this committee develops grant requests in priority areas.

How did you hear about this board/commission?

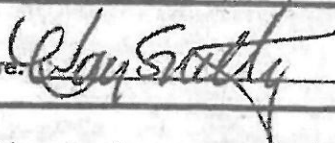
From website for Town & the Mayor.

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

Maralyn Aherne 202 253-9056

Suellen Myers 304 876-6035

Signature:



Date submitted: 5/27/22

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.

Age Friendly Shepherdstown Action Plan

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LETTER FROM MAYOR HERE

Community Profile

Shepherdstown, West Virginia is “a true blend of amazing history and modern wonders” (Shepherdstown Visitors Center website). Recognized as West Virginia’s oldest town *and* voted as “one of America’s Coolest Small Towns” (Budget Travel), Shepherdstown is located 90 minutes from the Washington DC and Baltimore Maryland metropolitan areas. This friendly, “beautiful and charming” (Travelers Today) historic university town offers rich music, theater, and cultural offerings in a close-to-nature setting. Budget Travel described Shepherdstown as a “picturesque town. . . [with a] hip coffee culture.” Current Shepherdstown, with its “cool shops, bars, and restaurants” (Washingtonian) has a rich history.

History

Excerpted from a *Brief History and Walking Tour* revised by James C. Price and Harold Snyder in 1998 and by Jerry Thomas and Robbye Horowicz in 2011 and 2014

Colonial settlers began their migration into the northern end of the Shenandoah Valley in the early 1700s. . . . The colony of Virginia began issuing Valley land grants in the 1730s, but settlers in the area of what became Shepherdstown had arrived earlier, perhaps before 1720. In 1734, Thomas Shepherd took up a tract of 222 acres on the south side of the Potomac [River], along the Falling Spring Branch, now known as Town Run. More than twenty natural springs feed Town Run before it enters the south end of town. The Run rarely floods and never runs dry; it meanders through backyards, under houses, across alleys and beneath five streets before it rushes into the Potomac. . . .

The town contributed liberally to the cause of American Independence. Its cemeteries contain at least thirty-eight Revolutionary veterans, a measure of the town’s military involvement. Citizens also supplied clothing, wagons, saddles and other items for military use. . . .

On December 3, 1787, a historical moment during the critical days of the early republic, James Rumsey conducted a successful trial of a steamboat. A large gathering of townspeople and notables witnessed the event from the banks and bluffs of the Potomac River. . . . In addition to Rumsey’s ingenuity, Shepherdstown’s early records reveal impressive examples of wit, learning, and culture. West Virginia’s first newspaper (*The Potowmack Guardian and Berkeley Advertiser*) and first book (*The Christian Panoply*) were published here in the 1790s. A number of schools had been started before the Revolution, including an English school and a German school, and the first academy in what became West Virginia opened shortly afterwards. . . . The free school movement in Virginia led to the establishment of two free schools in town in 1848. One still stands on the southeast corner of Princess and New Streets. The first school for black students

is believed to have operated from c.1867 to 1883 on Brown's Alley, between W High and W German Streets.

Because Shepherdstown provided a convenient stopover for wagon masters and other sojourners, many taverns and inns sprang up. In addition to food, drink, and lodging, these establishments provided horse racing, gambling, cockfighting, and other entertainments for the weary travelers and interested townspeople. . . .

The 1790s brought many changes. The first post office in what became West Virginia opened in 1793. By 1794, Welsh's brickyard operated along Town Run on the south side of Washington Street between Princess and King. . . . Houses for the brickyard workers, known as Fossett Row, still stand on W High Street. Black workers, both [enslaved] and free, lived at each end of German Street, Little Philadelphia on the west and Angel Hill on the east. By 1857, nearly 100 [enslaved individuals] lived in Shepherdstown.

The arrival of the Chesapeake and Ohio Canal in the 1830s and the opening of a Shepherdstown lock eased connections downriver to Georgetown, lowering the cost of shipping agricultural products to the seaboard. Later the canal also opened the way west to Cumberland, Maryland. . . . In 1879 the Shenandoah Valley Railroad arrived in Shepherdstown, introducing a powerful new dynamic of development that turned the town away from the river. . . . Over the course of the mid-19th century, western wheat shipped by rail to eastern markets brought an end to local wheat cultivation. Apple growing became a new specialty of the area. . . .

As a border town on the Potomac shaped by the culture and institutions of the Old South, including slavery, Shepherdstown faced trying and tragic times during the [Civil] War. . . . After the Battle of Antietam, September 17, 1862, General Robert E. Lee's infantry retreated south across the Potomac at Pack Horse Ford. In one of the most consequential moments of its history, Shepherdstown provided care for 5000 to 8000 casualties. The wounded and dying filled nearly every house, building, church, alley, and street. The Battle of Shepherdstown, September 19-20, added to the carnage, leaving 162 men, including 63 Confederates and 99 Federals and many additional wounded. . . .

In the post war period, Shepherdstown served as the county seat because of changing political fortunes and war damage to the courthouse in Charles Town. . . . Though Shepherdstown lost the county seat, it found a new future as a college town, a role in keeping with its long-standing devotion to education. . . . At first Shepherd [State Normal School] provided primarily secondary education, but gradually collegiate courses were added. From this seed Shepherd University grew. From its beginning the school helped shape the town, providing educational and employment opportunities and cultural attractions. Today, the East Campus occupies about one-third of the town proper, and the West Campus takes up a large area just northwest of the corporate limits. . . .

Most of the town has been designated as a Historic District on the National Register of Historic Places. From time to time (notably in 1912) fire destroyed important buildings, but the rows of

18th and 19th century houses remain remarkably intact, likely the best-preserved assemblage of buildings of this vintage in the state. . . .

In 1924, the C&O Canal closed, and the state road commission built a new road through the town, signaling the arrival of the Good Roads Movement and the advance of the automobile. The canal enjoyed something of a 20th century renaissance after it became the Chesapeake and Ohio Canal National Historic Park in 1971. . . .

Today's Shepherdstown retains the ambiance of an earlier time, but local folks are not content to live in a museum. They make the most of the town's historic heritage, preserving the old buildings by adapting them to new uses including many shops, restaurants, and venues for artists, crafts[people], and musicians. Shepherd University's rich program of cultural events, including an innovative summer festival of contemporary plays [The Contemporary American Theatre Festival], adds to the attraction that makes the town a tourist destination. In the spirit of cooperative work towards making Shepherdstown an Age Friendly Community, Shepherd University opens its modern Wellness Center to all residents, and recently signed on to the Silver Sneakers program, which promotes wellness for older adults.

Community Character

Downtown Shepherdstown is the heart and soul of the community. As a vital part of the economic, cultural, social, and historic fabric of the town, the downtown area is viewed by residents as the single most important part of the larger community. Downtown Shepherdstown has a unique character as a retail and artistic hub in the context of an historic setting. The town is serious about protecting local green spaces. It is home to six parks, and all buildings in the historic district are required to maintain considerable green space as part of the property. Further, it has maintained its designation by the Arbor Day Foundation as a "Tree City USA" member for over 21 years.

Greater Shepherdstown is defined not only by its downtown hub, its focus on education and the arts, and its historic nature, but also by the beauty of the natural landscape that surrounds it. Part of a network of Canal Towns because of its proximity to a Chesapeake and Ohio Canal and path, Shepherdstown is a tourist attraction for those interested in biking, hiking, white-water rafting, climbing, birding, and gardening. It is home to an impressive array of environmentally-focused organizations and events including the Potomac Valley Audubon Society, the National Conservation Training Center, the American Conservation Film Festival, Solar Holler, Panhandle Earth Day, Freedom's Run, Sacred Roots Herbal Sanctuary, Save Our Soil. and Sky Truth.

For a small town, Shepherdstown is surprisingly non-parochial. This is due in part to the close relationship between Shepherd University and the Shepherdstown Community. The university's strong music programs provide regular high-quality, open-to-community events and

sponsor a Masterworks Chorale comprised of both students and community members. In addition, the Lifelong Learning Program, the Robert Byrd Center, the Appalachian Studies Center, and the Stubblefield Institute, all housed at Shepherd University, provide rich opportunities for educational and cultural experiences. The non-parochial nature of Shepherdstown may also be related to the fairly large number of residents who are not native to Shepherdstown or even to West Virginia. The town is a unique combination of rural and urban, young and old, locals and newcomers. The town's proximity to Washington, DC and Baltimore, Maryland, with Amtrak stations located less than 10 miles away as well as nearby access to the MARC (Maryland Rail Commuter Train), enables individuals to come and go to nearby cities frequently.

Demographics

Based on 2000-2020 data, the population of Shepherdstown, including approximately 900 students residing on Shepherd University campus, is 1,911. Because of the large number of university students, the median resident age is 21.3 years compared to the West Virginia median age of 42.9 years. Seven and a half percent of residents are under the age of 18; 55.7% are between the ages of 18 and 24; 15% are from 25 to 44; 14.1% are from 45 to 64; and 7.6% are 65 years of age or older. The gender makeup of the town is 46.5% male and 53.5% female. The town is predominantly white (83.9%). Black residents make up 9.4% of the population, Hispanics represent 2.9%, and those of two or more races make up 2.4%. It is important to add that the Corporation of Shepherdstown serves as the "hub" of the greater Shepherdstown area (zip code 25443), and many of the almost 7500 residents within this area, all of whose mailing address is "Shepherdstown," consider themselves Shepherdstown residents, though they do not reside within the Corporation's limits.

The estimated median Shepherdstown household income in 2019 was \$47, 932. The estimated median house or condo value in 2019 was \$316,292, compared to \$124,600 in West Virginia. The 2019 cost of living index in Shepherdstown was 172.3 which is considered very high. The U.S. average is 100. The percentage of residents living in poverty in 2019 was 12.2% (7.7% for White Non-Hispanic residents, 16.9% for Black residents, 100% for Hispanic residents and those of two or more races). In November 2020, the unemployment rate was 4%, compared to 5.7% in West Virginia. The biggest employer in Shepherdstown is Shepherd University, providing 19% of jobs.

Age-Friendly Work in Shepherdstown

Shepherdstown is on the leading edge of efforts in West Virginia to make communities livable for people of all ages and abilities. It is home to Shepherdstown Area Independent Living (SAIL), West Virginia's first member of the national Village to Village Movement. It is also home to

Shepherd Village, West Virginia's first cohousing community. It has a strong, active Lifelong Learning Program in partnership with Shepherd University. In 2018, Shepherdstown became the second community in the state to become a part of the World Health Organization and AARP's Network of Age-Friendly Cities and Communities.

Prior to the acceptance of Shepherdstown into the network of Age-Friendly Cities and Communities, the Shepherdstown Accessibility Committee endeavored to make the town increasingly accessible. The Accessibility Committee, with representatives from Town Council, SAIL, Shepherdstown Visitor's Center, Shepherd University, Shepherd Village, the Rotary Club, and the community at large, made good progress as it worked with Town Council to install curb cuts at many intersections throughout town. Also, the committee worked with the Shepherdstown Historic Planning Commission to ensure that future property renovations in town would be approved only if they were both historically appropriate *and* if they met or exceeded accessibility guidelines set by the Americans with Disabilities Act (ADA).

In addition, Accessibility Committee members worked with Shepherd University in creating safe, walkable community access to campus buildings, including a specially designated community walkway access on the West Campus, featuring overhead lighting and safety handrails. Also, at the committee's request, the university installed safety paint stripes on the steps of buildings frequently used by community members.

Further, the Accessibility Committee worked on the development of an informational brochure for local business and property owners. The brochure outlines details on how to make structures accessible for people of all ages and abilities. Finally, the Accessibility Committee led to the application for Shepherdstown to join the WHO/AARP Network of Age-Friendly Cities and Communities.

Core People Guiding the Work

Upon our acceptance into the Age-Friendly Network, we formed an Advisory Board consisting of most of the same people who had worked with the Accessibility Committee. At this time, those people include the following:

Linda Spatig, President of SAIL (Shepherdstown Area Independent Living)
Steve Ayraud, Shepherd University Lifelong Learning Advisory Board Member
Marcy Bartlett, Shepherd Village resident and former board member, Shepherd University Lifelong Learning Advisory Committee member
Steve Bartlett, Shepherd Village resident
Shelley Shaffer, Shepherd University, Director of Facilities Management
Marty Amerikaner, Shepherdstown Town Council member, Parks and Recreation Committee member. SAIL member
Jack Young, SAIL founder and Board of Directors Member emeritus

Susan Kern, SAIL Board of Directors

Steve Pearson, Experience Shepherdstown (our local Visitor's Center), editor of The Observer, owner, Shepherdstown Opera House

Key Community Partnerships

Our primary community partners are the Shepherdstown Town Council, SAIL, Shepherd Village, Shepherd University, and Experience Shepherdstown. Other groups with whom we are working include the Shepherdstown Parks and Recreation Committee, especially committee chair and Town Council member, Cheryl Roberts; the Shepherdstown Business Association who kindly allowed us to join one of their meetings in order to conduct a listening session; local business Evolve, especially co-owners Jan Hafer and Elise Bach, who gave us free use of their facility to host a community listening session; and the Asbury United Methodist Church whose members arranged a listening session for us at the local Clarion Hotel.

Assessment Tools and Sample

For our community needs assessment, we used two data collection strategies recommended by AARP—listening sessions and an online survey. Five listening sessions were conducted in spring and summer 2019, with Shepherd Village residents, SAIL members, greater Shepherdstown community members, Asbury Church members, and Shepherdstown business owners. A total of 50-60 individuals, ages eight and over, participated in the audio-taped sessions which were conducted by Linda Spatig, President of SAIL, Chair of Age-Friendly Shepherdstown Advisory Board, and trained expert in focus group interviewing. The listening sessions focused on the eight domains of livability identified by the AARP - housing; outdoor spaces and buildings; transportation and streets; health and wellness; social participation, inclusion and education opportunities; volunteering and civic engagement; job opportunities; and community information.

The online survey, designed and tabulated by AARP, was open from mid-December 2019, through the end of February 2020. A total of 356 individuals, 95% of whom are white, completed the survey. The respondents were relatively senior in age (bimodal ages—68 and 70) and well-educated, with 54% having received a graduate or professional degree and another 30% having completed a college degree and graduate study. They were relatively new to the Shepherdstown area, the majority having moved here in the last ten years. About 60% lived outside the town limits, with 40% living in town. Seventy-three percent of the respondents identified as female, 27% as male. The majority (63%) were married; with 15% widowed. Most respondents' incomes (68%) ranged from \$50,000 to greater than \$150,000.

Other Data We Used

At the request of Town Council members, in addition to data generated by the listening sessions and online survey, we used information from Shepherdstown Corporation's most recent Comprehensive Plan. The plan, an update of the 2001 Comprehensive Plan, was the result of a twelve-month process that began in August 2013. The plan expresses the community's visions and goals as well as both short and long-term strategies to meet those goals. The plan addresses six areas including land use and community characters; economic development and tourism; public services and infrastructure; natural and environmental resources; historic preservation; and intergovernmental coordination.

Limitations to our Methods

A methodological limitation was difficulty in recruiting local business owners to participate in the listening sessions. The head of the local business association kindly allowed us to use part of one of their monthly meetings for the purpose of a listening session. Unfortunately, the attendance at the meeting was low, as has been common for some time, and of the few people attending, two had already participated in the general community listening session held downtown the previous week. Further, our Advisory Board representative from the local business community regretfully resigned during the pandemic this past year. She was struggling to keep her business operating and did not have time for other commitments.

Introduction to the Action Plan

Vision

We envision Shepherdstown, our quaint and delightfully quirky historic hometown, as an accessible, life-enhancing town where people of all ages and abilities can thrive and participate actively in community life.

Mission

Our mission is to increase Shepherdstown's livability for residents and attractiveness for visitors. We will collaborate with diverse community stakeholders to strengthen communication among us, explore public transportation possibilities, improve our public green spaces and enhance access and mobility options such as bike paths, handrails, and safer sidewalks.

Value Statement

Age Friendly Shepherdstown's value priority is to support the Town's overall values by focusing on their applicability to people of all ages and abilities.

- Outdoor activities and green spaces: We are proud of our parks, green space requirements, and easy access to outdoor recreation. An Age Friendly priority is to maximize accessibility to and utilization of these places and activities by people of all ages and abilities.
- Historic Preservation: Shepherdstown is the oldest town in West Virginia and is proud of its historic buildings and associated heritage. An Age Friendly priority is to encourage and facilitate prioritization of safety and accessibility to historic sites for people of all ages and abilities.
- Tourism: Tied to the historic and green space themes noted above, Shepherdstown is proud of how attractive the area is to tourists, and our economy is intimately tied to tourism. An Age Friendly priority is to support activities and programs that are of interest to tourists of all ages and abilities, and to facilitate the accessibility and safety measures required for a diverse tourism environment.
- Communication: One value commonality, as revealed through our data collection, is a desire for greater communication within the Town about key Town issues and activities. An Age Friendly priority is to promote new communication methods within the town.
- Arts and Education: For a small town, Shepherdstown demonstrates a high level of commitment to, and benefit from, the arts and educational programs that are available in the community. An Age Friendly priority is to encourage and support arts and educational programs that are of interest to people of all ages and abilities, as well as safe and reliable access to those activities by all.

Community Assessment

As was noted earlier, the Committee made use of both *listening sessions* and a *survey* format to collect the data needed for assessing the community's goals and

priorities regarding the process of making Shepherdstown a more fully Age Friendly town.

Listening sessions

Five listening sessions were conducted in the spring and summer of 2019. These were held with key constituency groups, including:

- a. Members of SAIL (Shepherdstown Area Independent Living, which is part of the Village to Village Movement and a key partner in the Age Friendly effort)
- b. Shepherdstown business owners
- c. Residents of Shepherd Village, a co-housing community within the town, which aims “to create a close-knit neighborhood that will support aging in place, staying actively engaged in life and enjoying deep friendships” (Shepherd Village Website).
- d. Asbury United Methodist Church, a primarily African American church in Shepherdstown.
- e. An open session for all members of the community.

Results: Respondents spoke favorably about living in Shepherdstown, often mentioning the benefits of a small community with an abundance of educational, cultural, and social activities and opportunities. That said, five areas of concern were identified by participants across the groups:

1. Lack of **public transportation** (raised in all five groups, with much interest in some kind of shuttle or circulator bus system)
2. Need for improved **sidewalks, alleys, bike and pedestrian paths** (raised in all five groups, with special concerns raised by residents at both east and west ends of town)
3. Need for better **communication** about town events and activities (raised in 4 groups)
4. Need for more **mixed-income and accessible housing** (raised in 4 groups)
5. Desire for more **public green spaces** (raised in 4 groups)

Survey

The AARP Age-Friendly Online Community Survey was open from mid-December, 2019, through the end of February, 2020. A total of 356 individuals, 95% of whom are white, completed the survey. The respondents are relatively senior in age (bimodal ages – 68 and 70), and well-educated, with 54% having received a graduate or professional degree and another 30% having completed a college degree and graduate study. They are relatively new to greater Shepherdstown, the majority having moved here in the last 10 years. About 60% live outside the town limits, with 40% living in town. Seventy-three percent of the respondents identified as female, 27% as male. The majority (63%) are married; with 15% widowed. Most respondents' incomes (68%) range from \$50,000 to greater than \$150,000.

Results: Key results are presented here; the full, 68-page report is available upon request. We focus on items for which there was convergence of results; items with widely divergent responses are not reported or discussed. Respondents expressed strong positive views of Shepherdstown as a livable community, with 88% rating the town as an excellent, very good, or good place for people to live as they age. Further, the majority of respondents (70%) hope to stay here permanently. For those who foresee a possible future relocation, seeking better health care facilities is the main reason. For a large majority (93%) it is very important to live independently at home as they age. Also, there were strong positive ratings on social engagement. Most respondents are socially connected in the community with (87%) reporting daily or multiple times per week contact with family, friends, or neighbors and over 70% rarely or never feeling lonely or a lack of companionship. Further, most respondents rated Shepherdstown as excellent, very good, or good on providing opportunities for volunteering.

Respondents had less favorable views about getting around in the community. Sidewalks were rated fair or poor by 75% and pedestrian and bike paths were rated fair or poor by 87%. Also, 78% gave a fair or poor rating on "audio and visual pedestrian crossings." Ratings of public transportation are similarly low, with 92% rating it as fair or poor.

Ratings related to access to community information also were low. The majority of respondents gave fair or poor ratings on an item asking about

“access to community information in one central source” and one about “clearly displayed community information with large lettering.”

Community Assessment Conclusion

It is heartening that so much of the assessment results, from both the listening sessions and the survey were positive or favorable in nature. Further, the identification of concerns- particularly those that emerged within both of our assessment methods, provided guidance for our Advisory Board in terms of the key themes and desired action items discussed within the Action Plan described below.

Action Plan

As a preface to discussing our Action Plan, a few comments are offered here for context. First, it is important, we believe, to note again that the non-student population of the Corporation of Shepherdstown hovers around 1000. As a small community, we make this point to emphasize that we have proportionately fewer resources of all kinds than the larger communities that are more typical within the Age Friendly Network. Our partners care deeply about Age Friendly issues, and we take pride in our ongoing efforts in these areas, while also accepting that our small size requires us to focus on key priorities.

Second, it is worth noting that Covid has had a significant impact on the writing of this plan. The data collection process described above was completed prior to the pandemic's outset but writing the plan was delayed as we faced challenges tied to the health crisis. However, the community has been making ongoing progress on several of our short- and intermediate-term goals during this writing delay. Thus, our timeline may be a bit unusual, since we include what were, at the time, several shorter-term goals that we have already made progress on, even as work on the written Action Plan was delayed.

It is worth noting, too, that during the last two years, a new medical facility associated with West Virginia University has opened just on the edge of our town limits, while a new, modern public library building is set to open in late July.

These developments are significant for the quality of life of our residents and are important contributions to our age-friendly goals.

Our Action Plan is organized around key themes that emerged from our data collection. In discussing them, we tie each to the World Health Organization (WHO)/Age Friendly Domain(s) to which it relates.

THEME 1: COMMUNICATION

The first theme that emerged was a perceived need for better communication within the town, and particularly between the town government and town residents. We understood this need to reflect residents' desire to be more fully informed about the issues being discussed by town governing bodies, as well as for better communication about upcoming events in the community.

WHO Domains: Communication and Information, Social Participation

GOAL 1: IMPROVE COMMUNICATION FROM THE TOWN TO RESIDENTS.

- a) Develop a process of communicating directly to all residents who would like to receive more information from the town government.
- b) Continually work to increase resident awareness of and enrollment into the program.

ACTION: To address residents' desire for more communication from the Town we agreed that a new email list would be proposed to Town Council. Residents would be asked to indicate their interest in participating, and thus be able to "opt in" to the list. This list would then serve as one important vehicle for the Town to communicate directly with residents.

TIME FRAME:

- a) Part "a" was considered a *Short Term Goal* since there was relatively little cost or planning needed to achieve it. In late 2020, a member of the Age Friendly Advisory Board who serves on the Shepherdstown Town Council introduced a proposal for the email list to the Council, establishing a method to invite people to join and "ground rules" for the list. The proposal was passed by Council, and the new list was initiated in early 2021.

b) Part “b” is ongoing and involves periodic invitations to residents to join the list. Letters to the local newspaper, comments at Council meetings and reminders sent to residents are all methods that can be used to promote enrollment.

OUTCOME: Over the last year, messages have been sent out regularly – approximately one per week – and informal feedback from residents has indicated a great deal of appreciation for the new flow of information. We currently have approximately 500 active email addresses on our Town List.

FOLLOWUP PLAN: We want to recruit more residents to the email list; We will use reminders in other town mailings (e.g. water bills) and news releases to encourage enrollment.

GOAL 2: ESTABLISH A METHOD TO INFORM VISITORS AND RESIDENTS ABOUT TOWN ACTIVITIES, PARKS AND AREA ATTRACTIONS, AND LOCAL BUSINESSES.

PLANNED ACTION: In discussions about communication, our Age Friendly Shepherdstown Advisory Board focused in part on the importance of tourism to Shepherdstown, and the potential value of a new communication vehicle for informing tourists as well as area residents about upcoming activities, ongoing attractions, and local businesses. Based in part on a web search, we found that informational kiosks in central, public locations were frequently found in small communities such as ours. We agreed that such a kiosk, designed to fit with Shepherdstown’s historic architecture and ambiance and to address the lighting and readability needs of all age groups, would be a valuable contribution to the town.

TIME FRAME: The kiosk project is considered an intermediate-term project. A tentative design has been developed, and several possible locations have been identified. Remaining challenges include obtaining funding for the kiosk, finalizing the design details, obtaining bids from qualified craftspeople, and working with Town government on approval for the final site. We have one very promising potential source for funding, and have one bid so far from a reputable blacksmith in town.

THEME 2: NON-VEHICULAR MOBILITY AND SAFETY

The second theme that emerged from our community assessment was a perceived need for improvements to existing infrastructure intended to promote safety, accessibility, and enjoyment of public spaces, including walking paths, bike routes, sidewalks, building accessibility, crosswalks, and alleys. The complexity involved in addressing each of these needs necessarily puts them into the intermediate and long-range categories, but we identified sequential steps we could undertake in the short term as we work towards achieving the goals tied to this important theme.

WHO Domains: Outdoor Spaces and Buildings, Transportation, Social Participation, Community Support and Health Services

GOAL 1: CREATION OF NEW BIKE AND WALKING PATHS

PLANNED ACTIONS:

- a. **BIKE PATH FROM TOWN TO MORGAN'S GROVE PARK:** The Town has recently finalized the funding and obtained the State Highway Department approvals needed to construct a new bike path connecting our downtown area with Morgan's Grove Park, which has a scenic, near-one-mile walking path around its perimeter and is the largest park in greater Shepherdstown. A start date for construction has not yet been announced, but we are hopeful that it will be within several months.

TIME FRAME: Short-to-intermediate term, depending on construction schedule being established.

- b. **NEW BIKE AND PEDESTRIAN ROUTES CONNECTING TOWN PARKS AND OTHER SITES:** Members of our Age Friendly Shepherdstown Advisory Board have created maps of possible new bike routes within and around the Town that would connect our parks, while avoiding state-controlled roads or high traffic streets. Progress on these plans will require input and approval from the Town Police Department, Public Works Committee, and Shepherd University (because part of one route involves biking through the campus). Since creation of the bike routes will not involve new construction, the costs involved are anticipated to be minimal (e.g. several new signs and

markings along the routes to identify them to riders and drivers, where appropriate, as bike routes).

TIME FRAME: Intermediate; while the actual creation of the routes would be relatively inexpensive and could be quickly accomplished, the detailed planning and approval process has not begun. Most likely this would be a full year process.

- c. WALKING PATH IN CULLISON PARK: The Shepherdstown Parks and Recreation Committee is currently seeking bids for a proposed new multi-modal walking path that will encircle the largest park within the town's corporate limits, and connect it to a nearby park via a dirt trail through a beautiful, wooded area. The trail is planned to include a post-and-rope hand assist to encourage utilization by people who need some assistance while walking as well as several benches for those who might want to rest along the path. Plans for the path's construction will require review and approval by Town Council.

TIME FRAME: Intermediate-term. It will take a few months to finalize path design, obtain needed bids and then work with the chosen company on construction time schedule. We have tentative approval from the Town for required funds to build at least the initial phase of this trail.

GOAL 2: IMPROVED PEDESTRIAN SAFETY AND ACCESSIBILITY WITHIN THE TOWN

PLANNED ACTIONS:

- a. CURB CUTS: The Town, along with the State Highway Department, has been systematically working to install new ADA compliant curb cuts at all significant intersections within the Corporation. A multi-year project, the second "installment" was completed by the State in early March.

TIME FRAME: Most key curb cuts in the downtown area have been completed; others will be scheduled by the town as needed

- b. SIDEWALK IMPROVEMENTS: As a historic town, Shepherdstown features both brick and concrete sidewalks. Our community assessment data revealed significant concern from residents about inconsistent

maintenance and resulting safety hazards on sidewalks throughout Town (Note: A Town Ordinance clarifies that sidewalk maintenance is the responsibility of property owners, while enforcement of the Ordinance is the responsibility of the Town).

The Town has recently completed a survey of sidewalk conditions throughout the town and sent notices to property owners whose sidewalks were deemed problematic, informing them of required improvements and a timeline for compliance. The Town has also allocated money to re-fund a program to assist property owners with the costs of sidewalk repair when such assistance is requested.

The Public Works committee of the Town is exploring possible grant opportunities to supplement needed funding to improve existing sidewalks and to extend several sidewalks from their current termination sites.

TIME FRAME: We anticipate that these recent steps by the Town will accelerate improvements in sidewalks, but we also expect that it will be an intermediate-to-long range project to achieve full compliance with the needed improvements.

- c. **PUBLIC BUILDING ACCESSIBILITY:** We will complete an assessment of Town buildings to establish which buildings do not have at least minimal assistive devices (e.g. handrails or signage providing directions to an accessible entrance) and then work with the Town on processes to foster compliance with ADA requirements.

TIME FRAME: The assessment is a short-term goal, to be completed within six months. More challenging may be fostering compliance from building owners; this will likely be an intermediate to long-range process tied to discussions aimed at fostering cooperative agreements, legal requirements, and possibly securing funding to assist some property owners.

- d. **LIGHTING:** Another safety concern raised in listening sessions concerned a perceived need for additional lighting in several sections of town. Intersections, alley ways and several sections of sidewalks were seen as inadequately lighted, particularly by the older residents. Last year, the Town began a study of street lighting which was focused on possibly

adopting LED lighting along our streets. This has proved somewhat controversial, and currently the study has been “tabled.”

PLANNED ACTIONS:

Our first goal is to promote renewed interest in the lighting study, with a wider focus upon identifying all areas where additional lighting would serve the safety needs of the community, while concurrently working to problem-solve with residents who have concerns about specific approaches to adding lights in public spaces. The follow-up goal is to see appropriate types and levels of lighting added to public areas identified as needing it, in a manner that is responsive to residents’ concerns and consistent with the Town’s historic heritage.

TIME FRAME: The time frame for the first goal may be short term, since the study process can be re-initiated by the Public Works committee with a simple vote of the committee, if it is persuaded that there is community support for this activity and that any plans to add lighting will be take a problem-solving approach to working with residents’ concerns.

The follow-up goal is likely to require a more Intermediate to long-term time horizon. Public discussion will almost certainly generate concerns from some residents. Careful consideration, and a problem-solving, consensus-oriented approach will be required, followed by the potentially time consuming processes of decision making by the Town in terms of design and funding of new lighting plans.

THEME 3: NEED FOR PUBLIC TRANSPORTATION

Another priority for many is development of a public transportation option for residents who are unable to drive, walk, or bike to important destinations such as the new medical center, social or educational events in town or on campus, and the shopping complex located just outside of town limits.

WHO Domains: Transportation, Social Participation, Respect and Social Inclusion

Goal 1: DEVELOPMENT OF PUBLIC TRANSPORTATION FOR TOWN RESIDENTS

PLANNED ACTIONS

- a. Discussions with Eastern Panhandle Transit Authority (EPTA):
The EPTA is the public transportation agency in this area of West Virginia. It is already contracted to provide scheduled bus service around the Shepherd University campus for students and staff. One possible action on this goal would be to develop a cooperative agreement whereby those same buses expand their routes to allow Town residents to go to designated stops during specified hours. It is also plausible that a new route might be developed that connects Shepherdstown with other population and service centers. A preliminary phone conversation between EPTA and an Age Friendly Shepherdstown representative suggested that EPTA was interested in exploring these ideas. Covid interrupted further planning; we plan to resume that work in the near future.

TIME FRAME: This planning process will likely be intermediate in terms of a timeline. Much will depend on the EPTA's flexibility in terms of their bus routes, their ability to do estimates of demand for these services and the potential for cooperation with Shepherd University regarding existing University bus routes and schedules. Approval of routes and necessary funding would also need to be approved by Town committees and by Town Council.

- b. Currently, Shepherdstown Area Independent Living (SAIL) offers a service for members whereby volunteers are available to drive members to nearby locations such as doctors' offices, grocery stores, and other necessary places. It is possible that such an effort could be expanded to include one or two regularly scheduled routes to pick up members and others and bring them to a limited number of specific locations such as the shopping area and medical center located just outside Town limits. This change would require extensive discussion by SAIL leadership concerning issues such as availability of volunteers, liability, funding and likely demand/usage of such a service.

TIME FRAME: As a preliminary idea originating withing this Advisory Board as we develop the Action Plan, and thus not yet discussed with SAIL leadership, this possible action would best be considered intermediate to long-term, most likely being considered only after other options such as the planning with EPTA and Shepherd University were exhausted.

THEME 4: DEVELOPMENT OF GREEN SPACES

The fourth theme that emerged from our community assessment data was a desire for more and improved public “green spaces” in town. Ideas within this theme are closely tied to hoped-for improvements in the town’s parks, as well as development of newer green areas for public gatherings and enjoyment. Shepherdstown is proud of its designation as a “Tree City USA”, and it is consistent with the town’s Comprehensive Plan to work continually on improvements to the community’s parks and outdoor spaces.

WHO Domain: Outdoor Spaces and Buildings

GOAL 1: IMPROVEMENTS TO AND INCREASED AMOUNT OF PUBLIC GREEN SPACE IN SHEPHERDSTOWN

PLANNED ACTIONS:

- a. The Shepherdstown Parks and Recreation Committee recently completed a survey of community residents to assess their priorities for the Town’s parks. The highest priority identified was additional or improved walking paths. As noted earlier, the Parks and Recreation Committee is actively working to develop a new walking path in the largest park in town.

TIME FRAME: Intermediate; see discussion of “walking paths” under Theme 2 above.

- b. A second need identified by community residents is for public restrooms within the town park system. The Parks and Recreation Committee has begun work towards responding to that need by submitting a grant application to provide funding for a restroom facility in one of our parks.

TIME FRAME: Intermediate-to-long term. The Town will likely not learn about the grant application referred to above until 2023. Additional funding opportunities

will be sought in the meantime. Design, location, construction and maintenance issues tied to the facility will require approval from several town committees.

- c. Another desire for age-friendly green spaces in the parks is to update the playground equipment at each location to include more modern equipment accessible to all ages and abilities. The Parks and Recreation Committee shares this concern, and is looking to access new funding sources to make those equipment improvements.

TIME FRAME: Intermediate; as with other infrastructure improvements, the challenge is to secure necessary funding, either through grants or reallocations within the Town's budget. As funding is secured, new equipment installations need to be approved by Town committees (e.g. public works, finance).

- d. Residents noted a desire for additional green space in the central downtown area. Since the Town is small, space in this area is quite limited. There have been preliminary discussions about possible spaces to convert into small new town park areas. Possible locations that have been discussed include a) an expansion of "Library Park"- the smallest in our system- to include a green space behind the building that might serve as a "town center" and b) a cooperative project with Shepherd University to enhance a current green space into a more developed park area. Both are very preliminary ideas that need significant further review.

TIME FRAME: This is likely to be a longer-term project, involving significant discussions within the community, followed by detailed planning, committee reviews, and construction for any approved project(s).

THEME 5: NEED FOR ADDITIONAL MIXED-INCOME AND ACCESSIBLE HOUSING

The fifth theme that emerged from our data centered on a perceived need for more mixed-income housing and high quality assisted living facilities in the community. As a small town with a significant historic district within the corporation limits, there is limited space for new housing and the existing housing is relatively expensive compared to other communities in the region. Further,

relatively few housing structures within the town are of the one-story design that maximizes accessibility for those with mobility challenges.

WHO Domain: Housing

GOAL 1: SEEK FUNDING AND PARTNERS TO PROMOTE BUILDING MIXED INCOME AND ACCESSIBLE HOUSING IN THE GREATER SHEPHERDSTOWN COMMUNITY

PLANNED ACTIONS:

- a. While the need for lower cost and more accessible housing is clear, it's less obvious what concrete steps our group can take to address the concern. At the present time, our key actions in this area will be focused on a) keeping abreast of possible funding initiatives focused on supporting low- and mixed- income housing and assess availability of mixed income housing in town; b) pursuing opportunities for development of high quality assisted living facilities in the greater Shepherdstown area; and c) seeking consultation from communities as well as advocacy organizations and developers that have been addressing these issues.

TIME FRAME: Long-term; this is a significant, long standing structural problem in our community, and likely to take extensive research and sustained attention over a period of years if real progress is to be made.

Domain Specific Charts:

Domain: *Communication and Information*

Our Theme	Goal	Action(s)	Responsibility	Time Frame
Communication	Improve Communication from Town to Residents	Develop Town Email List	Town Council	Short-term: Approved and initiated Winter, 2021
	Establish Method to Inform Visitors and Residents re: Parks, Activities, Attractions	Encourage additional enrollment in Town Email List Design, Construct, Install and Maintain Kiosk in a Town Center Location	Town Council Age Friendly Advisory Board, Public Works, Town Council	Ongoing Intermediate: (planning and installation) Ongoing: keeping posted information current

Domain: *Outdoor Spaces and Buildings*

Our Theme	Goal	Action(s)	Responsibility	Time Frame
Non-vehicular Mobility and Safety	New Bike and Walking Paths	Bike Path to Morgan's Grove Park	Town Council	Short-to-Intermediate
		New Bike And Pedestrian Routes Connecting Parks and Other Sites	Age Friendly Advisory Board, Public Works Committee, Shepherd University Buildings and Grounds, Town Council	Intermediate
		Walking Path in Town Park	Town Council, Shepherdstown Parks and Recreation Committee	Short-to-Intermediate
	Improved Pedestrian Safety and Accessibility	Curb Cuts	Mayor, Town Council, State Highway Dept	Short-to-Intermediate
		Sidewalk Improvements	Mayor, Town Council, Public Works Committee	Intermediate-to-Long Range
		Public Building Accessibility	Age Friendly Shepherdstown Advisory Board, Mayor, Town Council,	Intermediate-to-Long Range

		Downtown Lighting	Building Owners Age Friendly Shepherdstown Advisory Committee, Public Works, Town Council, Mayor,	Intermediate- to-Long Term
Development of New Green Spaces	Improvements to and Development of New Green Spaces in Town	Improvements to existing parks: 1. Walking Path in Town Park (Described above)	Town Council, Shepherdstown Parks and Recreation Committee	Short- to- intermediate
		2. New Restroom(s) in Parks	Parks and Rec Committee, Public Works, Town Council, Mayor	Intermediate- to-Long Term
		3. Updated Equipment in Parks	Parks and Recreation Committee, Finance Committee, Mayor	Short- to- Intermediate Term
		4. New Green Spaces	Age Friendly Shepherdstown Advisory Board, Parks and Recreation, Grants Committee, Mayor, Town Council	Long Term

Domain: Transportation

Our Theme	Goal	Action(s)	Responsibility	Time Frame
Need for Public Transportation	Development of Public Transportation for Residents	Work with Eastern Panhandle Transit Authority (EPTA) to configure new routes through Town	Age Friendly Shepherdstown Advisory Board, EPTA, Planning Commission, Police Department, Mayor, Town Council	Intermediate-to-Long Term
		Shepherdstown Area Independent Living (SAIL) development of transportation options	Age Friendly Shepherdstown Advisory Board, SAIL	Intermediate

Domain: Housing

Our Theme	Goal	Action(s)	Responsibility	Time Frame
Need for Mixed Income and Accessible Housing	Seek funding and partners to promote building of accessible, mixed income housing in the Shepherdstown Area	Learn about related funding opportunities, seek consultation	Age Friendly Shepherdstown Advisory Board, Grants Committee,	Long Term

Domain: Social Participation

Our Theme	Goal	Action(s)	Responsibility	Time Frame
Need for Public Transportation	Development of Public Transportation for Residents	Work with Eastern Panhandle Transit Authority (EPTA) to configure new routes through Town	Age Friendly Shepherdstown Advisory Board, EPTA, Planning Commission, Police Department, Mayor, Town Council	Intermediate-to-Long Term
Communication	Improve Communication from Town to Residents	Develop Town Email List	Town Council	Short-term: Approved and initiated Winter, 2021
		Encourage additional enrollment in Town Email List	Town Council	Ongoing
	Establish Method to Inform Visitors and Residents re: Parks, Activities, Attractions	Design, Construct, Install and Maintain Kiosk in a Town Center Location	Age Friendly Advisory Board, Public Works, Town Council	Intermediate: (planning and installation) Ongoing: keeping posted information current

Domain: Respect and Social Isolation

Our Theme	Goal	Action(s)	Responsibility	Time Frame
Need for Public Transportation	Development of Public Transportation for Residents	Work with Eastern Panhandle Transit Authority (EPTA) to configure new routes through Town	Age Friendly Shepherdstown Advisory Board, EPTA, Planning Commission, Police Department, Mayor, Town Council	Intermediate-to-Long Term
		Shepherdstown Area Independent Living (SAIL) development of transportation options	Age Friendly Shepherdstown Advisory Board, SAIL	Intermediate



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Proposal

ID: SQ2021-00408
 Date: 6/9/2022
 Expiration Date: 7/9/2022

The Devonshire Arms Cafe & Pub

Client	City of Shepherdstown, WV	Point of Contact	Frank Welch (304) 576-3322 fwelch@shepherdstown.us
Jobsite Address	107 S Princess St Shepherdstown, WV 25443	Project Manager	Humberto Arreaza (703) 408-7595 harreaza@capitalsolutionsgroup.com

Scope of Work

Removal of existing bricks
 Installation of soldier course of recycled bricks around edge
 Installation of 5'x3.5' Flexi-Pave.
 Removal and replacement of 11'x1.5'x0.5' concrete curb
 Removal & replacement of uneven brick pavers
 F&I 2.5'x6.5' Flexi-Pave tree surround.

The Devonshire Arms Cafe & Pub

Product	Quantity	Unit Type	Price
F&I FLEXI-PAVE TREE SURROUND, 2 Trees	33.75	SF	458.42
BRICK REMOVAL	27	SF	129.60
F&I SOLDIER COURSE BRICK EDGING	21	LF	144.00
REMOVAL AND REPLACEMENT OF UNEVEN BRICK PAVERS	9	SF	208.00
CONCRETE CURB DEMOLITION AND DISPOSAL	11	LF	94.13
F&I 3500 PSI CONCRETE CURB REPLACEMENT	15	LS	355.25
Mobilization	6	EA	462.00
			1,849.40

Signatures

Summary

Subtotal 1,849.40

Signature	Print Name & Title	Date	Total	1,849.40
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Inclusions

Removal of existing bricks
 Installation of soldier course of recycled bricks around edge
 Installation of 5'x3.5' Flexi-Pave.
 Removal and replacement of 11'x1.5'x0.5' concrete curb
 Removal & replacement of uneven brick pavers
 F&I 2.5'x6.5' Flexi-Pave tree surround.

Exclusions

Excavation to subgrade
 Removal and/or disposal of predecessors' debris
 Dewatering
 Traffic control
 Permits
 Any work or scope item not explicitly included in this proposal is hereby excluded.

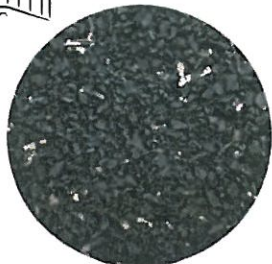
TERMS AND CONDITIONS

1. **CLIENT CARE GUARANTEE** - WE GUARANTEE TO DELIVER WHAT WE HAVE PROMISED. IF WE DO NOT, WE WILL WORK WITH YOU UNTIL YOU ARE SATISFIED. OUR CLIENT CARE GUARANTEE DEMONSTRATES OUR COMMITMENT TO CREATING LIFELONG CLIENT RELATIONSHIPS. SATISFIED CLIENTS ARE OUR FOREMOST GOAL. WE GUARANTEE ALL WORK WILL BE DONE IN A PROFESSIONAL AND WORKMANLIKE MANNER. OUR WORK WILL MEET OR EXCEED INDUSTRY STANDARDS SET BY THE SOCIETY OF AMERICAN FORESTERS AND THE INTERNATIONAL SOCIETY OF ARBORICULTURE OR WE WILL CORRECT IT AT NO ADDITIONAL COST TO YOU. PLEASE BRING ANY DISCREPANCIES TO OUR IMMEDIATE ATTENTION AND IN NO EVENT LATER THAN 30 DAYS FROM THE DATE SUBMITTAL OF THE INVOICE. AS OUR WORK INVOLVES LIVING THINGS, NO GUARANTEE ON THE LIVES OF ANY TREES OR PLANTS IS EXPRESSED OR IMPLIED IN THIS CONTRACT. THIS INCLUDES ANY HAND PLANTED OR MACHINE TRANSPLANTED TREES. HOWEVER IF REQUESTED IN ADVANCE, WARRANTIES FOR NEWLY PLANTED TREES CAN BE PROVIDED FOR ADDITIONAL COSTS.
2. **WORKING WITH LIVING THINGS** - AS TREES AND OTHER PLANT LIFE ARE LIVING CHANGING ORGANISMS AFFECTED BY MANY FACTORS BEYOND OUR CONTROL, NO GUARANTEE ON TREE, PLANT OR GENERAL LANDSCAPE SAFETY, HEALTH OR CONDITION IS EXPRESSED OR IMPLIED IN THIS CONTRACT UNLESS SPECIFICALLY STATED IN WRITING.
3. **TREE CARE & INDUSTRY STANDARDS** - ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH CURRENT AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) STANDARD PRACTICES.
4. **OWNERSHIP OF TREES** - SIGNATURE/ACCEPTANCE CONSTITUTES A REPRESENTATION AND WARRANTY THAT ANY TREES REFERENCED IN THIS QUOTE ARE EITHER OWNED BY THE SIGNEE OR THAT WRITTEN PERMISSION HAS BEEN RECEIVED TO WORK ON TREES WHOSE OWNERSHIP IS NOT THE SIGNEE'S PROPERTY. SIGNEE WILL INDEMNIFY AND HOLD US HARMLESS FOR ANY BREACH OF THIS REPRESENTATION AND WARRANTY.
5. **ARBORIST DISCLOSURE STATEMENT** - ARBORISTS CANNOT DETECT OR ANTICIPATE EVERY CONDITION OR EVENT THAT COULD POSSIBLY LEAD TO THE STRUCTURAL FAILURE OF A TREE, OR GUARANTEE THAT A TREE WILL BE HEALTHY OR SAFE UNDER ALL CIRCUMSTANCES. TREES CAN BE MANAGED BUT NOT CONTROLLED.
6. **TREE RISK** - WHEN ELEVATED RISK CONDITIONS IN TREES ARE OBSERVED AND IDENTIFIED BY OUR REPRESENTATIVES AND A CONTRACT HAS BEEN SIGNED TO PROCEED WITH THE REMEDIAL WORK WE HAVE RECOMMENDED, WE WILL MAKE A REASONABLE EFFORT TO PERFORM WITH THE JOB PROMPTLY. WE WILL NOT ASSUME LIABILITY FOR ANY ACCIDENT, DAMAGE OR INJURY THAT MAY OCCUR ON THE GROUND OR ON ANY OTHER OBJECT OR STRUCTURE. SITE INSPECTIONS DO NOT INCLUDE INTERNAL OR STRUCTURAL CONSIDERATIONS UNLESS SO NOTED. UNLESS OTHERWISE SPECIFIED, TREE ASSESSMENTS WILL NOT INCLUDE INVESTIGATIONS TO DETERMINE A TREE'S STRUCTURAL INTEGRITY OR STABILITY. WE MAY CLIMATE, WEATHER, WATER REGIME, SOILS, INSECTS AND DISEASE. AS SUCH, TREES ARE SUBJECT TO CHANGES IN HEALTH OR CONDITION VERY SLOWLY OVER TIME OR VERY ABRUPTLY. CAPITOL SOLUTIONS GROUP OR ITS EMPLOYEES ARE NOT LIABLE FOR THE ACTIONS OF THESE OR OTHER FACTORS UPON THE HEALTH OR STRUCTURE OF THE TREES INVOLVED IN THIS PROPOSAL.
7. **EQUIPMENT ACCESS** - THE PRICES QUOTED ASSUME OUR TRUCKS AND EQUIPMENT WILL HAVE ACCESS TO THE SITE WHEREVER NEEDED. IF THIS IS NOT THE CASE, WE MUST KNOW PRIOR TO ACCEPTANCE OF PROPOSAL AND SCHEDULING. WE WILL NOT BE RESPONSIBLE FOR DAMAGE TO LAWNS OR SUBSTANDARD BACKTOP SURFACES CAUSED BY OUR VEHICLES AND EQUIPMENT.
8. **SCHEDULING** - JOB SCHEDULING IS DEPENDENT ON WEATHER CONDITIONS AND WORK LOADS. OUR PROPOSALS ASSUME ONLY STANDARD TIME WORK, MONDAY THROUGH FRIDAY, 7:00 AM TO 3:00 PM. OVERTIME, WEEKEND, NIGHT, HOLIDAY OR SHIFT WORK IS SUBJECT TO OVERTIME CHARGES.
9. **UNDERGROUND UTILITIES OR FURTURES** - WE ARE NOT RESPONSIBLE FOR ANY UNDERGROUND PROPERTY OR UTILITIES UNLESS WE HAVE BEEN INFORMED OF ITS EXACT LOCATION IN THE FIELD VIA MARKING PAINT AND BY AS-BUILT DRAWINGS BY THE OWNER OR THE APPROPRIATE LOCAL UTILITY LOCATION AGENCY. WE WILL NOTIFY MISS UTILITY PRIOR TO ANY UTILITY OPERATIONS, HOWEVER THE LOCATING OF PRIVATE UTILITIES IS THE RESPONSIBILITY OF THE CLIENT OR OWNER'S REPRESENTATIVE. WE DO NOT MARK PRIVATE UTILITIES AND WILL NOT BE HELD RESPONSIBLE FOR DAMAGE TO UNMARKED OR PRIVATE UTILITIES.
10. **CANCELLATION / POSTPONEMENT** - CANCELLATION OR POSTPONEMENT OF WORK MUST BE RECEIVED IN WRITING 24 HOURS BEFORE OUR CREW ARRIVAL ON SITE OR THE CLIENT WILL BE SUBJECT TO ADDITIONAL MOBILIZATION CHARGES PER THE MOBILIZATION SECTION OF THESE TERMS AND CONDITIONS.
11. **INSURANCE** - OUR WORKERS ARE COVERED BY WORKER'S COMPENSATION. THE COMPANY IS INSURED FOR PERSONAL INJURY AND PROPERTY DAMAGE LIABILITY. PROOF OF INSURANCE CAN BE VERIFIED BY REQUESTING A COPY OF OUR CERTIFICATE OF INSURANCE.
12. **MOBILIZATION** - CERTAIN COSTS ARE INCURRED TO PREPARE FOR STARTING WORK AT A JOBSITE. THEREFORE, THESE COSTS ARE CAPTURED IN THE MOBILIZATION LINE ITEM. THE ITEMS MAY INCLUDE PLOTTING OF PLANS FOR FIELD USE, JOB BRIEFINGS WITH TEAMMATES TO CONVEY JOB SPECIFICS, FIELD LAYOUT OF IMPROVEMENTS, PRECONSTRUCTION MEETINGS WITH THE CLIENT, COORDINATING WITH INSPECTORS, PREPPING VEHICLES AND EQUIPMENT IN OUR STORAGE YARD, LOADING EQUIPMENT ON TRAILERS, CUTTING MATERIALS TO JOB SPECIFICATIONS FROM INVENTORY AND LOADING IT ONTO TRAILERS, UNLOADING EQUIPMENT AT THE JOBSITE, TAILGATE SAFETY MEETINGS AT THE JOBSITE, WALKING THE JOBSITE WITH THE SUPERINTENDENT, ONSITE SUPERINTENDENT MEETINGS, ETC... ONE MOBILIZATION IS ASSUMED. ADDITIONAL MOBILIZATIONS INCUR ADDITIONAL FEES.
13. **TIME AND MATERIALS (T&M)** - JOBS PERFORMED ON A T&M BASIS WILL BE BILLED PORTAL-TO-PORTAL AT THE CURRENT HOURLY RATES FOR EACH MAN-HOUR ON THE JOB AS WELL AS FOR TRAVEL TIME TO AND FROM THE JOB. ANY MATERIALS OR EQUIPMENT USED WILL ALSO BE BILLED AT COST PLUS 20%. THE HOURS WORKED, HOURS IDLE, HOURS TRAVELING, AND HOURS WAITING FOR RESIDENTIAL CLIENTS IN THE HOME ARE BILLED AT THE CURRENT HOURLY RATES FOR EACH MAN-HOUR ON THE JOB AS WELL AS FOR TRAVEL TIME TO AND FROM THE JOB. ANY MATERIALS OR EQUIPMENT USED WILL ALSO BE BILLED AT COST PLUS 20%.
14. **TIME BILLING** - WHEN ADDITIONAL WORK IS REQUESTED, WE WILL FORM THAT SCOPE ON A LUMP SUM OR T&M BASIS. IF UNIT RATES WERE INCLUDED IN SUBCONTRACT, THEN THOSE MAY BE USED AS WELL.
15. **IDLE TIME / ON STANDBY** - OCCASIONALLY OUR CREWS ARE PUT ON STANDBY AND HELD UP FROM PERFORMING THEIR WORK WHILE DECISIONS ARE MADE BY SUPERINTENDENTS, OWNERS OR OTHER CONTRACTORS. ALSO UNPLANNED MEETINGS, INACCURATE TAKEOUT, TRAVEL CHANGES AND OTHER CIRCUMSTANCES THAT ARE OUT OF OUR CONTROL CAUSE DELAYS. THESE AND OTHER INSTANCES WHERE OUR CREWS ARE PREVENTED FROM WORKING UNFETTERED ARE CONSIDERED IDLE TIME AND WILL BE TRACKED AND BILLED SEPARATELY ON A T&M BASIS PER THE T&M SECTION OF OUR TERMS AND CONDITIONS.
16. **BILLING & SALES TAX** - ALL JOBS ARE LUMP SUM UNLESS AGREED TO IN WRITING. ADVANCE OF CONTRACT SIGNING, THE CLIENT IS DIRECTLY RESPONSIBLE FOR ALL CHARGES, AND PAYMENT SHALL NOT BE CONTINGENT UPON THIRD-PARTY OR OTHER ASSOCIATED CONTRACTS AND PAYMENTS. OUR INVOICES ARE DUE UPON RECEIPT FOR RESIDENTIAL CLIENTS. FOR OUR COMMERCIAL CLIENTS, PAYMENT IS EXPECTED WITHIN 30 DAYS OF INVOICING UNLESS OTHERWISE SPECIFIED. SALES TAX WILL BE ADDED TO THESE PRICES AS PER LOCAL JURISDICTION. CLIENTS CLAIMING TAX EXEMPT STATUS MUST SUBMIT A COPY OF THEIR OFFICIAL TAX EXEMPT STATUS FORM INCLUDING THEIR TAX EXEMPT NUMBER IN ORDER TO WAIVE THE SALES TAX.
17. **DEPOSITS & RETAINERS** - UNLESS AGREED TO IN WRITING IN ADVANCE, A MATERIAL DEPOSIT IS REQUIRED PRIOR TO ANY WORK BEING PERFORMED ONSITE. MATERIAL DEPOSITS ARE NON-REFUNDABLE AND WILL EITHER BE CREDITED TO YOUR ACCOUNT OR APPLIED AGAINST ANY AMOUNTS CURRENTLY DUE AND OWING TO THE FULLEST EXTENT OF THE LAW. IN THE EVENT OF A CANCELLATION OF WORK, WE RESERVE THE RIGHT TO APPLY AMOUNTS DEPOSITED AGAINST ANY AMOUNTS CURRENTLY DUE AND OWING TO THE FULLEST EXTENT OF THE LAW.
18. **PAYMENT** - WE ACCEPT CHECKS AND CREDIT CARDS. CREDIT CARD PAYMENTS MAY BE MADE CALLING OUR OFFICE AT 202.760.1099. CHECKS MAY BE MAILED TO 39024 E COLONIAL HWY, HAMILTON, VA 20108.
19. **INVOICING TERMS** - INVOICING WILL BE AT LEAST MONTHLY FOR WORK PERFORMED DURING PRIOR BILLING CYCLE BASED ON PERCENTAGE OF TASK COMPLETED OR HOURLY RATES AS INDICATED.
20. **CONTRACT DOCUMENTS** - PRIOR TO CONTRACT AWARD; PLEASE FORWARD DRAFT COPY OF PRIME CONTRACT DOCUMENTS FOR REVIEW.
21. **REIMBURSABLES** - FEDEX FEES, PARKING FEES, REPROGRAPHICS & TREE TAGS BILLED @ COST PLUS 20%.
22. **EXCLUSIONS** - PERMIT FEES, TRAILER RENTAL, PLANS, PUBLIC SPACE PERMITS, PERFORMANCE & PAYMENT BONDS, BID BONDS, OCIP, CCIP, WAGE SCALE LABOR RATES, AND CERTIFIED PAYROLL ARE ALL EXCLUDED FROM THIS CONTRACT AND WILL INCUR ADDITIONAL COSTS IF REQUESTED.
23. **DELAYS** - CAPITOL SOLUTIONS GROUP UNDERSTANDS THAT TIME IS OF THE ESSENCE AND WILL PERFORM ALL WORK IN A PROFESSIONAL AND TIMELY MANNER, HOWEVER SOME UNEXPECTED WORK DELAYS ARE POSSIBLE AND BEYOND OUR CONTROL. ANY EVENTS THAT MAY DELAY COMPLETION OF TASKS, SUCH AS DESIGN CHANGES, WEATHER OR PREDECESSOR'S NEGLIGENCE WILL BE BROUGHT TO THE CLIENT'S ATTENTION AS SOON AS POSSIBLE.
24. **HOURLY RATES** - ITEMS BEYOND THE SCOPE OF THIS PROPOSAL WILL BE BILLED AT THE PREVAILING HOURLY RATES. THE CURRENT RATES ARE AS FOLLOWS: \$190/HOUR FOR PRINCIPAL, \$190/HOUR FOR SENIOR URBAN FORESTER, \$150/HOUR FOR SENIOR ARCHITECT, \$120/HOUR FOR PROJECT MANAGER, \$185.00/HOUR FOR LICENSED PESTICIDE APPLICATOR & PLANT HEALTH CARE TECHNICIAN, \$90/HOUR FOR PROJECT ARBORIST, \$82.75/HOUR FOR GENERAL LABOR AND \$75/HOUR FOR CLERICAL & ADMINISTRATIVE.
25. **TREE PROTECTION FENCE & SILT FENCE** - UNLESS SPECIFIED OTHERWISE, MAINTENANCE AND REMOVAL OF TREE PROTECTION FENCE AND SILT FENCE IS EXCLUDED FROM THIS CONTRACT, BUT CAN BE PERFORMED ON A T&M OR LUMP SUM BASIS IF REQUESTED.
26. **SUPERSONIC AIR TOOL (SSAT) EXCAVATION** - THE DURATION OF SUPERSONIC AIR TOOL (SSAT) NON-INVASIVE EXCAVATION CAN VARY WIDELY DEPENDING ON MANY FACTORS OUT OF OUR CONTROL INCLUDING BUT NOT LIMITED TO: SOIL MOISTURE, SOIL COMPOSITION, BURIED ROCK, STONE, RUBBLE, CONCRETE, HARDPAN, GROUNDWATER SEEPAGE INTO THE TRENCH, ETC. THEREFORE ADDITIONAL FEES WILL BE CHARGED SHOULD WE ENCOUNTER THESE OR OTHER UNFORESEEN CONDITIONS. AS SUCH, DURING SSAT JOBS OUR CREWS WILL ONLY WORK FOR THE SPECIFIED NUMBER OF DAYS OR MAN-HOURS SPECIFIED IN THE PROPOSAL WHILE PERFORMING THE TASK. SHOULD THE WORK REQUIRE MORE MAN-HOURS THAN ANTICIPATED DUE TO ANY OF THE ABOVE LISTED CONDITIONS, WE WILL NOTIFY THE CLIENT IMMEDIATELY AND CONTINUE WORKING ON AN HOURLY T&M BASIS FROM THAT POINT UNTIL TASK COMPLETION. TO MORE ACCURATELY ESTIMATE THE DURATION OF SSAT WORK, TEST PITS ARE EXCAVATED TO REVEAL HIDDEN SUB-SURFACE CONDITIONS. HOWEVER, TEST PITS ARE ONLY PERFORMED UPON REQUEST AND INCUR ADDITIONAL FEES.
27. **OUR INDUSTRY STANDARD LIMITED 1-YEAR WARRANTY** COVERS LABOR AND MATERIALS ON ALL PLANTS AND PAVING WE HAVE INSTALLED FOR A PERIOD OF 12 MONTHS FOLLOWING SUBSTANTIAL COMPLETION OF INSTALLATION. PRECURSORS OF VALID WARRANTY CLAIMS ARE PAYMENT IN FULL AND RELEASE OF ANY RETENTION. IT IS IMPORTANT THAT YOU UNDERSTAND WHAT IS COVERED AND WHAT IS NOT COVERED UNDER THIS 1 YEAR LIMITED WARRANTY. THE DETAILS ARE AS FOLLOWS: OWNER, THESE DUTIES MAY INCLUDE BUT ARE NOT LIMITED TO DEMOLITION OF THE TREE PROTECTION FENCE, DEMOLITION OF THE TEMPORARY ROOT PROTECTION MATTING, PRUNING OF BROKEN BRANCHES, RESTORATION OF COMPACTED SOILS, ETC...
 - 27.1. **INCLUSIONS**: AS PROFESSIONAL ARBORISTS OUR RESPONSIBILITY IS TO ENSURE THAT THE PLANTS ARE SELECTED PROPERLY, HANDLED CAREFULLY AND PLANTED CORRECTLY. IF WE FAIL TO DO ANY OF THESE AND THE PLANTS DIE AS A RESULT, WE WILL GLADLY REPLACE THE PLANT AT NO CHARGE FOR THE FIRST YEAR.
 - 27.2. **EXCLUSIONS**: HOWEVER, SOME CONDITIONS ARE OUTSIDE OF OUR CONTROL SUCH AS ACTS OF GOD, HERBICIDE APPLICATIONS, WATERING OR LACK THEREOF AND SECONDARY INSECT & DISEASE INFESTATIONS. SOME OF THESE CONDITIONS CAN APPEAR SUDDENLY AND SOME OF THEM CAN SLOWLY APPEAR. SO THE KEY TO YOUR ULTIMATE PLANTS' SURVIVAL DEPENDS ON A PARTNERSHIP BETWEEN US, THE INSTALLER AND YOU, THE OWNER. COMMUNICATION IS THE KEY. WE ARE ALWAYS STANDING BY TO ADDRESS ANY CONCERNS YOU MAY HAVE. IT IS NEVER TOO EARLY TO BRING A SITUATION TO OUR ATTENTION. BUT IT CAN POSSIBLY BE TOO LATE IF YOU LET A CONDITION GO TOO LONG BEFORE CONTACTING US. NOT INCLUDED WITHIN WARRANTY COVERAGE ARE BULBS, ANNUALS, SOD, SEED, AND TRANSPLANTED MATERIAL. PLANT MATERIAL PLANTED "OUT OF SEASON," AS DEFINED BY THE LANDSCAPE CONTRACTORS ASSOCIATION SPECIFICATIONS LATEST EDITION, WILL ALSO NOT BE GUARANTEED OR WARRANTED. CAPITOL SOLUTIONS GROUP WILL REPLACE ONCE, AT NO COST, ANY OTHER PLANTS THAT FAIL TO SURVIVE PLANTING FOR A PERIOD OF ONE (1) YEAR BEGINNING FROM THE END OF EACH PHASE OF PLANTING OR FROM THE DATE OF SUBSTANTIAL COMPLETION OF CAPITOL SOLUTIONS GROUP CONTRACTED SCOPE OF WORK, PROVIDING THE TOTAL MONIES DUE AS SET FORTH IN THE CONTRACT HAVE BEEN PAID IN FULL AND IN ACCORDANCE WITH THE TERMS HEREIN.
 - 27.3. **OUR PART**: WE AS THE INSTALLERS HAVE MADE EVERY EFFORT TO SELECT AND PURCHASE SPECIMEN PLANTS FROM REPUTABLE GROWERS, TRANSPORT THEM CORRECTLY AND PLANT THEM ACCORDING TO INDUSTRY STANDARDS.
 - 27.4. **YOUR PART**: YOUR PART AS THE OWNER IS TO MONITOR THE PLANTS FOR SIGNS OF INSECTS, DISEASE OR STRESS AND TO ENSURE THE PLANTS RECEIVE REGULAR WATERINGS THROUGHOUT THE GROWING SEASON. AT ANY POINT IF YOU SEE SOMETHING OUT OF THE ORDINARY, PLEASE CALL US IMMEDIATELY SO WE MAY VERIFY THE CONDITION AND OFFER A MITIGATION PLAN TO RESOLVE IT. CONDITIONS THAT ARE LET GO TOO FAR CAN RESULT IN PLANT MORTALITY. IF YOU ARE UNABLE TO PROVIDE FOR YOUR PLANTS, WE WILL BE RESPONSIBLE FOR THE CONSEQUENCES.
 - 27.5. **WATERING**: TOO MUCH WATER AND TOO LITTLE WATER CAN CAUSE A PLANT TO DIE. THIS IS THE MOST COMMON CAUSE OF PLANT MORTALITY. PLANT MORTALITY DUE TO INADEQUATE WATERING IS NOT COVERED UNDER OUR WARRANTY. AS SUCH, WE HIGHLY RECOMMEND YOU HAVE A PERMANENT IRRIGATION SYSTEM INSTALLED TO HEDGE AGAINST THIS COMMON PROBLEM. IF AN IRRIGATION SYSTEM IS NOT POSSIBLE, THEN YOU MUST PERFORM HAND OR HOSE WATERING ON A REGULAR BASIS TO MAINTAIN YOUR INVESTMENT. A GOOD RULE OF THUMB IS TO INSERT YOUR FINGER INTO THE SOIL AROUND THE PLANTS TO VERIFY IF THE SOIL IS MOIST OR DRY. WHEN IT IS DRY, ADD WATER. WHEN IT IS MOIST, DO NOT WATER. IF YOU ARE NOT ABLE TO KEEP UP WITH A REGULAR WATERING REGIME, WE CAN PROVIDE A PROPOSAL TO OFFER THIS SERVICE.
 - 27.6. **INSECT & DISEASE**: THE SECOND MAIN CAUSE OF PLANT MORTALITY IS DECLINE DUE TO INSECT OR DISEASE INFESTATIONS. SECONDARY INFESTATIONS ARE NOT COVERED UNDER OUR WARRANTY. THERE ARE MANY SYMPTOMS THAT CAN BE VISUALLY OBSERVED THAT POINT TO AN INSECT OR DISEASE. SOME OF THOSE ARE WILTED LEAVES, SCORCHED LEAVES, LUMP TWIGS, ABNORMAL DISCOLORATION, WEBBING, SCALES, ETC. IF YOU SEE SOMETHING THAT LOOKS UNUSUAL, TAKE A PICTURE OF IT AND SEND IT TO US IMMEDIATELY. THE GOOD NEWS IS THAT MOST INSECT AND DISEASE CONDITIONS CAN BE TREATED AND THE PLANTS CAN BE SAVED.
28. **ON SITE WATER** - ONSITE WATER HOSE BIB AND/OR FIRE HYDRANTS WITH A MINIMUM OF 8 GALLONS OF WATER PER MINUTE AT A MINIMUM OF 35 PSI MUST BE SUPPLIED BY OTHERS. WE INCLUDE NO PROVISIONS FOR HAULING OR MANUALLY DISTRIBUTING WATER FOR ANY PURPOSE.
29. **PLANTING BACKFILL** - UNLESS SPECIFICALLY INCLUDED AS A LINE ITEM IN THE BID SHEET, ALL PLANT MATERIAL WILL BE BACKFILLED WITH A MIXTURE OF 75% EXISTING SOIL AND 25% ORGANIC MATERIAL.
30. **DIGGING SEASON** - BILLED AND BURLAPPED PLANT MATERIAL WILL BE DUG IN THE SPRING AND FALL DURING THE TIMES IDENTIFIED BY THE LANDSCAPE CONTRACTORS ASSOCIATION SPECIFICATIONS LATEST EDITION. ADDITIONAL CHARGES WILL BE ASSESSED, AND ARE AGREED UPON BY BOTH PARTIES. IF PLANT MATERIAL IS REQUIRED TO BE DUG OUT OF SEASON, SUCH PLANTS WILL NOT CARRY A WARRANTY. ADDITIONAL STORAGE AND WATERING CHARGES WILL BE ASSESSED, AND ARE AGREED UPON BY BOTH PARTIES. IF MATERIALS ARE REQUIRED TO BE DUG DURING THE PROPER DIGGING SEASON BUT INSTALLED AT A LATER DATE.
31. **SITE CONDITIONS** - SITE TO BE RECEIVED AT +1" FROM FINAL GRADE, FREE OF ALL ROCK, DEBRIS, EXCES SOIL AND EXISTING VEGETATION WITH ALL APPROVED TOPSOIL IN PLACE. THE CLIENT(S) SHALL NOTIFY CAPITOL SOLUTIONS GROUP AS TO THE EXACT LOCATION OF SPRINKLER LINES, UNDERGROUND UTILITIES AND ANY OTHER HIDDEN OR CONCEALED INSTALLATIONS PRIOR TO COMMENCEMENT OF WORK. AN EXTRA CHARGE, BASED UPON THE ACTUAL COST OF WORK TO CAPITOL SOLUTIONS GROUP, WILL BE MADE FOR ADDITIONAL WORK REQUIRED TO OVERCOME CONCEALED CONCEALMENTS.
32. **DEFAULT** - TITLES TO ALL MATERIALS SUPPLIED BY CAPITOL SOLUTIONS GROUP SHALL BE AND REMAIN THE SOLE PROPERTY OF CAPITOL SOLUTIONS GROUP UNTIL PAYMENT HAS BEEN RECEIVED IN FULL PURSUANT TO THE TERMS AND CONDITIONS OF THE CONTRACT.
33. **EXPIRATION** - THE PRICES IN THIS PROPOSAL SHALL BE VALID FOR THIRTY (30) DAYS, AFTER WHICH THEY ARE EXPIRED AND CANNOT BE USED WITHOUT RE-BIDDING OR ADDING 5% ESCALATION PER YEAR WHICHEVER IS GREATER.
34. **INCLUSION** - THIS PROPOSAL AND THESE TERMS & CONDITIONS MUST BE INCLUDED IN ANY CONTRACTS, SUBCONTRACTS, PURCHASE ORDERS, OR OTHER FORMS OF AUTHORIZATION TO PERFORM WORK. THEY MAY BE INCLUDED IN THE BODY OF THE CONTRACT OR AS AN ADDENDUM, APPENDIX, EXHIBIT OR ATTACHMENT.
35. **APPLICATION** - THESE TERMS & CONDITIONS SHALL BE BINDING BETWEEN CAPITOL SOLUTIONS GROUP, LLC DBA CAPITOL-FLEXI PAVE ("CAPITOL") AND CLIENT UPON EXECUTION OF THE PROPOSAL. THESE TERMS & CONDITIONS SHALL CONTINUE TO BIND THE PARTIES WITH RESPECT TO ANY WORK PERFORMED ON THE PROJECT IN PERPETUITY WITHOUT REGARD TO SUBSEQUENTLY EXECUTED CONTRACT DOCUMENTS THAT MAY BE SIGNED BY CAPITOL AND CLIENT FROM TIME TO TIME.
36. **CONTRACT DOCUMENTS AND ORDER OF PRECEDENCE** - CLIENT AGREES THAT THE PROPOSAL, ANY EXCLUSIONS THEREIN, ANY SUBSEQUENT CONTRACT DOCUMENTS THAT MAY BE SIGNED BY CAPITOL AND CLIENT FROM TIME TO TIME, DOCUMENTS BETWEEN CAPITOL AND CLIENT CONCERNING THE PROJECT, NOTWITHSTANDING ANYTHING TO THE CONTRARY IN ANY SUBSEQUENT CONTRACT SIGNED BY CLIENT AND CAPITOL, THE PROPOSAL, ANY EXCLUSIONS THEREIN, AND THESE TERMS & CONDITIONS SHALL TAKE PRECEDENCE OVER ANY OTHER CONTRACT DOCUMENTS CONCERNING THE PROJECT. CLIENT REPRESENTS AND WARRANTS THAT ANY CONTRACT DOCUMENTS (INCLUDING SCHEDULE DOCUMENTS AND PLANS & SPECIFICATIONS) HAVING BEEN PROVIDED TO CAPITOL PRIOR TO EXECUTION OF THE PROPOSAL, CLIENT'S FAILURE TO PROVIDE ANY CONTRACT DOCUMENTS TO CAPITOL PRIOR TO EXECUTION OF THIS PROPOSAL SHALL RELIEVE CAPITOL OF ANY CONTRACTUAL DUTY, LIABILITY, OR OBLIGATION UNDER SUCH CONTRACT DOCUMENTS.
37. **MATERIAL DEPOSIT** - AS A CONDITION PRECEDENT TO ANY OBLIGATION BY CAPITOL TO PERFORM ANY WORK UNDER THE PROPOSAL OR SUBSEQUENT CONTRACT DOCUMENTS, CLIENT MUST FIRST PAY CAPITOL IN FULL THE AMOUNT OF THE MATERIAL DEPOSIT. CAPITOL SHALL HAVE NO LIABILITY FOR ANY DELAY TO THE PROJECT CAUSED BY CLIENT'S FAILURE TO TIMELY PAY THE MATERIAL DEPOSIT IN FULL.
38. **PAYMENT TERMS** - ALL PAYMENTS ARE DUE NET THIRTY (30) DAYS. CLIENT SHALL MAKE PAYMENT TO CAPITOL FOR ALL WORK PERFORMED ON THE PROJECT NO LATER THAN THIRTY (30) DAYS AFTER SUBMISSION OF A PAY APPLICATION OR INVOICE FOR SUCH WORK BY CAPITOL. FAILURE OF CLIENT TO MAKE TIMELY PAYMENT SHALL ENTITLE CAPITOL TO STOP WORK ON THE PROJECT UNTIL FULL PAYMENT IS RECEIVED AND CAPITOL SHALL HAVE NO LIABILITY FOR ANY DELAY CAUSED BY SUCH WORK STOPPAGE.
39. **SITE INSPECTION** - CLIENT ACKNOWLEDGES THAT COSTS FOR A PROJECT SITE INSPECTION AND/OR INVESTIGATION ARE NOT INCLUDED IN THE PROPOSAL AND CAPITOL HAS NOT BEEN GIVEN AN ADEQUATE TIME TO INSPECT THE SITE TO EVALUATE THE CONDITION THEREOF. CAPITOL SHALL NOT BEAR ANY RESPONSIBILITY FOR LATENT, PATENT, AND/OR SUBSURFACE CONDITIONS OF THE PROJECT SITE. CAPITOL SHALL BE ENTITLED TO AN INCREASE IN TIME AND COST FOR PERFORMING THE WORK TO THE EXTENT UNFORESEEN SITE CONDITIONS MATERIALLY IMPACT CAPITOL'S ABILITY TO PERFORM ITS WORK ON THE PROJECT.
40. **THIRD-PARTY / PREDECESSOR WORK** - CAPITOL SHALL HAVE NO DUTY TO INSPECT OR VERIFY THAT ANY WORK PERFORMED BY CLIENT, THIRD-PARTIES, OR PREDECESSOR TRADES CONFORMS TO THE CONTRACT DOCUMENTS. CAPITOL SHALL BE LIABLE ONLY FOR PERFORMANCE OF ITS OWN WORK AND SHALL HAVE NO DUTY TO CLIENT, OWNER, OR OTHER PARTIES FOR DEFECTIVE WORK PERFORMED BY OTHER CONTRACTORS, SUBCONTRACTORS, OR TRADES.
41. **CHANGE ORDERS** - CAPITOL'S SCOPE OF WORK SHALL BE LIMITED TO THE WORK LISTED IN THE PROPOSAL UNLESS EXPANDED THROUGH A CHANGE ORDER SIGNED BY CAPITOL. CAPITOL SHALL HAVE NO OBLIGATION TO PERFORM ANY CHANGED WORK UNLESS AND UNTIL CLIENT DELIVERS THE MATERIAL DEPOSIT STATED IN THE SIGNED CHANGE ORDER. PAYMENT FOR ALL CHANGE ORDER WORK MUST BE PAID NET THIRTY (30) DAYS IN ACCORDANCE WITH SECTION 4 HEREOF.
42. **WARRANTY** - THE WARRANTY PERIOD FOR ANY WORK PERFORMED BY CAPITOL FOR THE PROJECT, TO THE EXTENT THAT THE CLIENT RESEQUENCES, RESCHEDULES, OR OTHERWISE ALTERS OR INTERFERES WITH CAPITOL'S ORIGINALLY PLANNED RESEQUENCING, RESCHEDULING, ALTERATION, OR INTERFERENCE.
43. **MOBILIZATION** - THE PROPOSAL ASSUMES ONE (1) MOBILIZATION BY CAPITOL. TO THE EXTENT THAT THE CLIENT RESEQUENCES, RESCHEDULES, OR OTHERWISE ALTERS OR INTERFERES WITH CAPITOL'S ORIGINALLY PLANNED RESEQUENCING, RESCHEDULING, ALTERATION, OR INTERFERENCE.
44. **IDENTIFICATION SURVEY MARKER** - CAPITOL, IN ITS SOLE AND COMPLETE DISCRETION, SHALL BE ENTITLED TO INSTALL AN IDENTIFICATION SURVEY MARKER ON THE EDGE OF ANY AND ALL OF THE PAVED WORK.
45. **OVERHEAD AND PROFIT** - THE COSTS LISTED IN THE PROPOSAL, AND LABOR BURDEN, CAPITOL SHALL BE ENTITLED TO A MARKUP OF TWENTY FIVE PERCENT (25%) FOR OVERHEAD PLUS A MARKUP OF FIFTEEN PERCENT (15%) FOR PROFIT OF ANY ACTUAL COSTS FOR ANY WORK ON THE PROJECT. WHETHER BASE CONTRACT WORK OR CHANGED WORK.
46. **PAY-IF-PAID / WHEN-PAID VOID** - CLIENT AGREES THAT ANY PROVISION OF ANY CONTRACT DOCUMENT THAT MAKES PAYMENT BY OWNER TO CLIENT A CONDITION PRECEDENT TO CLIENT'S OBLIGATION TO PAY CAPITOL SHALL BE NULL AND VOID.
47. **"NO DAMAGES FOR DELAY" VOID** - CLIENT AGREES THAT ANY PROVISION OF ANY CONTRACT DOCUMENT IN WHICH CLIENT DISCLAIMS LIABILITY TO CAPITOL FOR DELAYS SHALL BE NULL AND VOID.
48. **FORCED PASS-THROUGH CLAUSES VOID** - CLIENT AGREES THAT ANY PROVISION OF ANY CONTRACT DOCUMENT WHEREBY CLIENT DISCLAIMS LIABILITY TO CAPITOL ARISING FROM AN OWNER-RELATED CHANGE AND/OR THAT REQUIRES CAPITOL TO EXERCISE RIGHTS OR OBTAIN PERMISSION FROM AN OWNER PRIOR TO PERFORMING THE PROJECT, TO THE EXTENT THAT THE CLIENT CONTENDS THAT CAPITOL FAILS TO PERFORM THE PROJECT WORK IN ACCORDANCE WITH THE APPLICABLE CONTRACT DOCUMENTS, CLIENT SHALL PROVIDE CAPITOL A REASONABLE OPPORTUNITY TO CURE.
49. **REASONABLE OPPORTUNITY TO CURE** - TO THE EXTENT THAT THE CLIENT CONTENDS THAT CAPITOL FAILS TO PERFORM THE PROJECT WORK IN ACCORDANCE WITH THE APPLICABLE CONTRACT DOCUMENTS, CLIENT SHALL PROVIDE CAPITOL A REASONABLE OPPORTUNITY TO CURE SUCH ALLEGEDLY DEFECTIVE WORK BY PROVIDING CAPITOL WITH AT LEAST FIVE (5) BUSINESS DAY PERIOD SHALL CLIENT BE ENTITLED TO EXERCISE ITS REMEDIES UNDER THE APPLICABLE CONTRACT DOCUMENTS.
50. **INTEREST** - IF CAPITOL SOLUTIONS GROUP IS REQUIRED TO ENGAGE THE SERVICES OF AN ATTORNEY TO SECURE COLLECTION OF ANY BILL OR DEBIT OWING PURSUANT TO THIS CONTRACT, THE CUSTOMER USING OUR SERVICES HEREBY AGREES TO PAY ALL ATTORNEY FEES WITH INTEREST ACCRUING AT 1.5% PER MONTH ON THE UNPAID BALANCE TO COMMENCE AFTER PAYMENT IS DUE.
51. **EXCLUSIONS** - ANY ITEM, SERVICE, TASK, LABOR, EQUIPMENT OR MATERIAL NOT SPECIFICALLY AND OVERTLY LISTED IN THE SCOPE OF THE PROPOSAL REFERENCED IN THESE TERMS AND CONDITIONS IS HEREBY EXCLUDED.

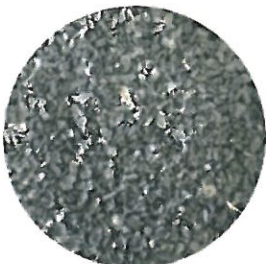


CAPITOL
FLEXI-PAVE

FLEXI-PAVE (POROUS FLEXIBLE PAVING) CSI MasterFormat 32 12 43 PS2000 ALL-RUBBER COLORS



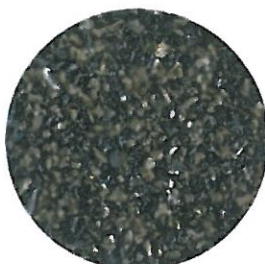
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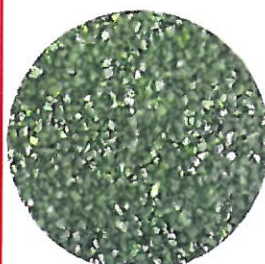
MOSSY SLATE



CABERNET



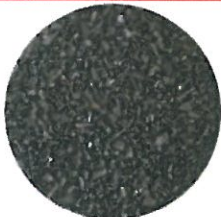
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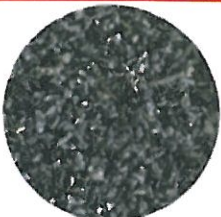
FOREST GREEN



CHESTNUT



COCOA



PEPPERMILL



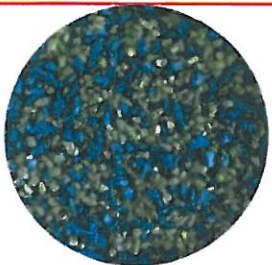
CAYENNE



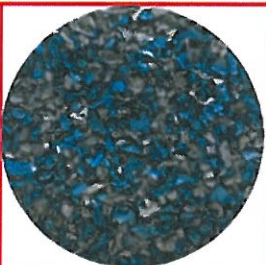
SPOTTED CRIMSON



COBALT



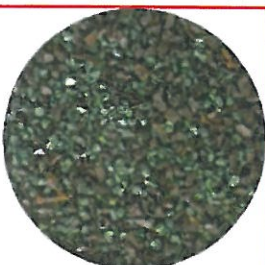
BLUE SPRUCE



MARINE MIST



IRISH EBONY



MOUNTAIN VIEW



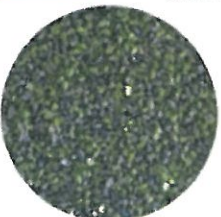
LIMBER



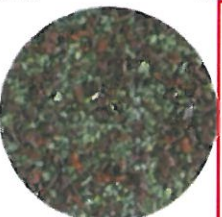
COFFEE



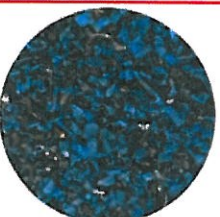
BLACK RASPBERRY



PEWTER



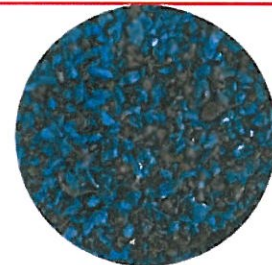
EMERALD RUBY



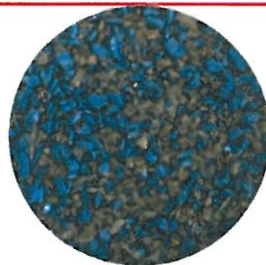
MIDNIGHT



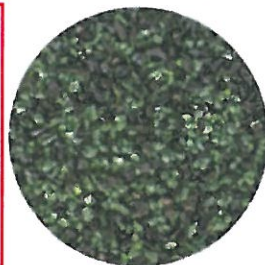
BLUE RUBY



COCOA BERRY



BLUE WALNUT



SHADOW GREEN



EARL GREY



COAL MINE

2500 GPH POROSITY TREE FRIENDLY SELF CLEANING COST EFFECTIVE SUSTAINABLE RECYCLED PERVIOUS LEED ADA LID



202.760.1099 PHONE

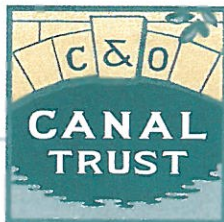
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WWW.CAPITOLSOLUTIONSGROUP.COM



July 18, 2022

Mayor Jim Auxer
Corporation of Shepherdstown
PO Box 248
Shepherdstown, WV 25443-0248

Dear Jim,

Thank you for your continued participation in the Canal Towns Partnership. Your 2022 membership fee of \$500.00 received on July 8, 2022, will allow the Partnership to continue its work promoting trail tourism and advocating for the communities along the C&O Canal. This work is critical to ensuring that the economic benefits of the C&O Canal National Historical Park are shared by communities along the length of the canal.


In 2021, the Canal Towns Partnership had the following successes, among others:

- Supported business participation in the C&O Canal National Historical Park's 50th Anniversary celebration with a Libations Trail and Sweet and Savory Trail.
- Printed and distributed 16,000 Towpath to Town brochures.
- Welcomed Paw Paw, West Virginia, to the Canal Towns Partnership.

We look forward to working with the Canal Towns Partnership to market local businesses through the C&O Canal Explorer mobile app and other opportunities.

Please do not hesitate to reach out to me if you have any questions.

Sincerely,


Robin Zanotti, ACFRE
President

PUBLIC WORKS COMMITTEE MINUTES

Special Meeting

Fri, July 15, 2022

11:00 a.m.

Town Hall – In person

104 North King Street

1. Call to Order – 11:01am – Jim A., Chris S., Jim F, Marty A.; Staff – Frank W.

2. Visitors – Lori Robertson.

3. Public Comment – None.

4. Garage Rates –

*Jim F. prepared and provided spreadsheet for rate analysis;

*Marty – How does the deficit affect us? Is it really a bad thing that the garbage / recycling department is not making a profit or even at this point. Jim A. – yes, this an issue as expense money comes from the General Fund;

*We are operating on a \$100K deficit per year – need to close this gap;

*Lori – When do we break even? Jim F. – it depends on how much of an increase is made per year – higher the increase, less time it will take to break even;

*Frank – There is likely no significant expense reduction if residential goes to one pick-up per week. The high expenses are landfill costs, and those costs will not change as handling same amount of garbage;

*Chris is concerned with a 20% immediate increase – this could impact some people immediately;

*Lori – Can we keep “rate analysis” as an old business item to ensure that annual reviews are made? Jim A. & Frank - yes;

*Rates have not been raised since 2016;

*Marty – Can we set aside some reserves in case certain customers are adversely impacted by the rate increases? Does this alleviate Chris’s concerns?;

*Lori – When rates were raised last time, there were not complaints;

*Marty – If rates were raised 10% per year, how long until we break even? Jim F. – 7 years;

*Marty – Any other ways to save on expenses? Do we save money with a new garbage truck? Frank – Not really, trucks are expensive, grant reimbursement is typically less than half;

*Jim A. – We need to prepare the future with some gradual increase;

*Marty – There has been no increase in 6 years, Apple Valley rates are much higher, inflation impact on expenses;

*Frank – Should we consider locking in for the first year, with ability to re-evaluate any future increases? All agreed this was a good idea;

*Need to make sure any rate increase are justified;

*Chris to prepare justification statement – will be on September Town Council agenda;

**Chris made a motion to increase all garbage and recycling rates 10% effective upon passage (estimated Jan, 2023) for a one-year period, with estimated 10% increases for the next 6 years, said increases to be reviewed annually. Seconded by Marty. Approved without objection.

5. Adjournment: Chris motion to adjourn at 9:50am. Seconded by Marty. Approved without objection.

DRAFT

Garbage Service Fee Increase Proposal		Current	2022 10% inc.	2023 10% inc.	2024 10% inc.	2025 10% inc.	2026 10% inc.	2027 10% inc.	2028 10% inc.
Residential		18.27	20.10	22.11	24.32	26.75	29.43	32.37	35.61
Light Commercial - Office		18.27	20.10	22.11	24.32	26.75	29.43	32.37	35.61
Light Commercial - Other		36.55	40.21	44.23	48.65	53.52	58.87	64.76	71.24
Heavy Commercial		182.62	200.80	220.88	242.97	267.27	294.00	323.4	355.74

Current

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Section 11-612, of Chapter 6 of Title 11, entitled "Rate Schedule", is hereby amended to provide:

Section 11-612 Rate Schedule

The fee or rate to be imposed by the Town of Shepherdstown upon the users of such service shall be determined by the governing authority of said Town and shall be determined with due deference to the costs of such service to said Town. Users shall be classified as either one family residential, light commercial/office, light commercial/other or heavy commercial and different rates may be prescribed for each class, however, except for special services, rates shall be uniform within each class. Any person or business entity engaged in either the retail or wholesale selling of goods, wares, food, merchandise or services including banks, houses of commerce and insurance houses shall be classified as commercial users. Users having 60 gallons or more of refuse per pick up shall be classified as heavy commercial, users having less than 60 gallons per pick up shall be classified as light commercial. All others users shall be classified as one family residential or light commercial/office. Individual units in multi-family dwellings or apartments are classified as one family residential. Individual units in multi-family dwellings or apartments are classified as the equivalent of one family residential units. All units at one address served by a single water meter that receives a consolidated water bill shall also have bills for garbage service consolidated.

The rates set out in this section shall be for the standard three (3) times a week collection for one family residential or for light commercial users, of which one (1) collection a week will be for recycled material only, and for four (4) times a week for heavy commercial users, of which one (1) collection a week will be for recycled materials only. The rates shall be as follows:

- A. One family residential- \$18.27 per billing period
- B. Light Commercial/Office - \$18.27
- C. Light Commercial/ Other - \$36.55 per billing period
- D. Heavy Commercial - \$182.62 per billing period
- E. (Amended June 8, 1999) Special services to pick up items other than standard items: \$40.00 per pick up for items other than standard pick up truck load; \$80.00 per pick up for items other than standard items for a load larger than a standard pick up truck load, except that the \$40.00 and or \$80.00 charges will be waived during "Clean Up Week" as designated by the Town Council. In addition to the above costs, appliances

containing freon will have a \$50.00 charge per appliance and tires will have a \$2.00 charges per tire. The appliance and tire charges will not be waived.

First Reading: May 12, 2015

Second Reading: June 9, 2015

Adopted: June 9, 2015



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. Kay Schultz Address: 78 Shepherd Village Circle

Phone numbers -- Home: None Work: None Cell: 301 679-9337

Email address: kay.nixschultz@gmail.com Employer: Retired

Occupation(s): affordable housing dev.; Watershed restoration

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

Please describe your background and education.

Education includes masters of arts in Govt in public administration from GW Univ. BA from Duke.
Work history - community organizing; developing affordable housing in rural & urban communities; watershed restoration & alliance organizing, Monocacy watershed.
Volunteer history - development team for Shepherd Village Senior cohousing; religion committee chair, Shepherdstown Presbyterian Church; member rural roads advisory council, Frederick County, MD; Treasurer All Saints All Daycare center, Chevy Chase, MD.

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

I applied for & administered WDEP/EPA grant for storm water innovations at Shepherd Village.
I applied for & administered USDA Mutual Self Help grants for Interfaith Housing of W Maryland.
I applied for & administered a variety of grants for Monocacy, Inc. nonprofit inner city housing development.
I established & administered the Maryland Appalachian Housing Fund funded by the Federal ARC.
I co-administered the MD Housing development advisory service giving technical assistance state-wide.

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

I would like to help the Town apply for grants that will move the Town's vision for the future forward including promoting the preservation of critical natural resources, collaborating with neighbors & partners to achieve common goals, promoting the long term sustainability of the Town's high quality of life, encouraging land use patterns that promote a healthy & active living environment, embracing renewable energy initiatives & supporting locally grown food initiatives. Perhaps a Rural Placemaking grant has merit.

Please describe what you know about this board/commission.

I understand this committee develops grant requests in priority areas.

How did you hear about this board/commission?

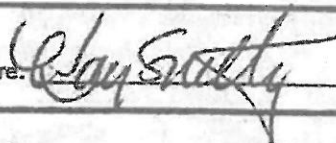
From website for Town & the Mayor.

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

Maralyn Aherne 202 253-9056

Suellen Myers 304 876-6035

Signature:



Date submitted: 5/27/22

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

July 28, 2022

ATTENDEES: Water Board – J. Auxer (Mayor), J. Bresland, J. Ford, S. Kemnitzer (Chair), S. Knuppel, C. Stroeck
Sanitary Board – J. Auxer (Chair), H. Heyser, R. Keller
Town Staff – B. Bennett, C. Coe, K. Shipley, F. Welch
Visitors: S. Pearson

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 June 30, 2022, regular meeting were reviewed and approved as submitted.

3. **VISITORS.** - No visitor comments.

4. **FINANCES.**

4.a **FINANCIAL STATEMENTS.**

H. Heyser stated that he understood why sewer expenses for chemicals were up but asked why billing expenses were over budget.

F. Welch answered that he was not certain of the cause but suspected it had to do with the recent installation of a new billing system.

H. Heyser asked that he check to see if this was expected to be an ongoing issue.

R. Keller noted that the sewer electrical costs were up and asked if the billing is done as on-demand. F. Welch stated that billing is done as on-demand.

R. Keller explained that he had experience with other organizations which had on-demand electrical billing and found that they could significantly lower their costs by changing the scheduling of their high-demand electric usage. He volunteered to take a look at the sewer electrical usage schedule to determine if re-scheduling might lower costs.

J. Bresland asked why water income was up. J. Auxer responded that it was likely because there are more people on Shepherd University's campus than there were last year.

C. Stroeck inquired as to whether any issues which should be addressed had been uncovered during the process of bringing the financials up-to-date.

S. Kemnitzer stated that there had previously been evidence of some historical problems.

F. Welch explained that, for the most part, the problems were disconnects caused by filing expenses using incorrect account numbers and that those issues had been addressed.

S. Kemnitzer stated that we still need to finalize the budget, including where the money for the Water Distribution project will come from.

F. Welch stated that the money would come from a combination of the Capacity Fund and the I&R Fund.

S. Knuppel inquired how we found out about the availability of the Federal earmarked funds that we expect to use to fund much of the Water Distribution project.

F. Welch stated that the Region 9 Council was the original source of the information.

J. Bresland expressed concern regarding the significant net loss shown in the Sewer financials.

R. Keller stated that the loss is the reason that an increase in sewer rates must be included in the new budget.

H. Heyser requested that we ensure a discussion of a sewer rate increase be included on the agenda when the sewer budget is considered for approval.

4.b WATER/SEWER BUDGETS.

J. Auxer stated that he planned to schedule separate meetings in August to discuss Water and Sewer budgets. See Next Meeting Date below for more information on this.

5. FLOW AND QUALITY REPORTS.

5.a WATER REPORTS.

C. Coe reported that everything is in good order. One sample was over the allowed limit because the customer was away from home for 3 months and the water sitting in the pipes for that long picked up lead to a level that it would not normally reach. That customer's water was scheduled to be retested.

5.b. SEWER REPORTS.

K. Shipley reported that everything is in good order.

6. UNFINISHED BUSINESS.

6.a SEWER USE ORDINANCE – REVISION AND COMMENTS - SUMMER 2022.

No action to report.

6.b WATER PLANT IMPROVEMENT PROJECT.

F. Welch stated that the status was largely unchanged from last month.

C. Coe stated that the contractors will return next week so that they can prepare for equipment scheduled to arrive September 1.

6.c UPDATE ON WATER DISTRIBUTION PROJECT - (REGION 9 - CORPS OF ENGINEERS).

F. Welch reported that he heard from the Army Corps of Engineers and that they indicated they are ready to move forward with the project.

F. Welch also reported that he has a meeting scheduled with the head of the Mecklenburg Heights HOA to discuss the actual placement of the new lines.

6.d BID RESULTS - PRESS.

F. Welch stated that we only received one bid - \$363K from Huber Technology. He also explained that the current press is older than the sewer plant and its operation is very inefficient.

K. Shipley explained that he was having difficulty reaching the 20% moisture level threshold required to spread the sludge and that the more efficient new press will also save money by doing the job more quickly and using less electricity.

ACTION ITEM: H. HEYSER MOVED AND R. KELLER SECONDED FOR THE SANITARY BOARD THAT THE PURCHASE OF THE SLUDGE DE-WATERING PRESS FROM HUBER TECHNOLOGY BE APPROVED. MOTION PASSED UNANIMOUSLY WITH NO FURTHER DISCUSSION.

7. NEW BUSINESS.

7.a HYDRANT REPORT.

C. Coe stated that the status had not changed in the last month - we are still waiting on contractors to do repair/replacement of a number of hydrants.

R. Keller stated that on a recent visit to the Bavarian Inn he had noticed a hydrant that was buried so that it could not be easily used in case of a fire.

C. Coe explained that hydrants on the property of the Bavarian Inn were their property and not Shepherdstown's responsibility.

H. Heyser suggested that it would be a good idea to send them an explanatory letter to ensure they were aware of the situation.

C. Coe said that he would do that.

7.b TOLLHOUSE WOODS - HORTON BUILDERS HAS PURCHASED LAND.

F. Welch reported that the new owner of the property intends to build 69 units.

K. Shipley explained that the plans the current owner received as part of the sale of the property dated from 2005. They are outdated and not officially stamped. He plans to notify the new owners that we need to receive a copy of official, updated plans before any progress on water/sewer lines can be made.

S. Kemnitzer asked about rules on application extensions, which we have previously agreed need to be updated.

J. Auxer asked who should do the updating.

F. Welch stated that the staff can update the mainline extension application document.

J. Auxer requested that an updated document be presented at our next regular meeting.

K. Shipley reported that there is another problem. Since there is a 1-year lead time on procuring a pump station the owner wants permission to build some houses making use of a wet well and a bypass pump, which would have to be replaced by the pump station when it becomes available. K. Shipley recommended that we limit this activity to no more than 20 houses.

R. Keller stated that we need to have our Engineer review their plans for this and make a recommendation as to whether or not we should allow it. There was general agreement.

S. Knuppel stated that we should require a bond from the owner to insure us from any loss that we might incur if the developer abandons the project before the pump station is installed. There was general agreement and J. Auxer stated that we should have our Lawyer (H. Shingleton) provide a legal agreement to arrange for such a bond.

H. Heyser remarked that working with the builder in this way to facilitate the building progress is an important thing for us to do since it should result in new customers.

C. Stroeck asked if we should ask the owner's representative to appear before the boards.

R. Keller opined that what we really need are the updated plans, our Engineer's recommendation regarding the plans and a contract from our Lawyer.

J. Auxer asked for a decision on whether we should ask them to attend a meeting. There was general agreement with R. Keller that it was not necessary.

7.c **COMMERCIAL CENTER - LOWE BYPASS - APPROVAL STEP II - ALTERNATE MAINLINE EXTENSION AGREEMENT - SENT TO PSC.**

F. Welch reported that we are still waiting on approval from the PSC.

8. **MAYOR'S REPORT.**

J. Auxer reported that he had a visit from a representative of American Water who expressed interest in possibly purchasing our water and/or sewer operations. Mayor Auxer asked for comments from the boards. No board member expressed interest in pursuing the issue.

S. Knuppel asked how we go about identifying additional funding sources.

J. Auxer stated that we work with government agencies.

R. Keller stated that our Engineer (J. Ekstrom) is very knowledgeable about funding sources available in West Virginia.

9. **NEXT MEETING DATE.**

J. Auxer asked whether our next meeting should be as regularly scheduled or should we have special meeting(s) before then to consider candidate budgets.

There was discussion as to whether separate meetings were necessary. R. Keller noted that historically staff developed candidate budgets and presented them for approval at regular meetings.

F. Welch stated that he would be largely unavailable for extra meetings during August due to his scheduled vacation.

J. Ford suggested that the staff be given until the September meeting to produce the candidate budgets.

J. Auxer proposed that the staff be directed to produce the candidate budgets as soon as possible, but not later than the September meeting and that, due to the absence of F. Welch in August, our next regular meeting be held on September 1. There was general agreement.

10. **SUMMARIZE ACTION ITEMS FROM THIS MEETING.**

11. **DRAFT AGENDA FOR NEXT MEETING.**

12. **ADJOURNMENT.** J. Auxer adjourned the meeting at 1:49 p.m.

Respectfully Submitted: J. Ford