

ELKINS COMMON COUNCIL SPECIAL COUNCIL MEETING AGENDA

*401 Davis Avenue
Council Chamber, 2nd Floor
June 14, 2022
7:00 p.m.*

1. Invocation and Pledge of Allegiance

2. Call to order and roll call

3. Agenda adjustments

- a. *Resolution 1540: Reauthorizing Conditions of Contract between Mitchell Tree Care, LLC and Landscape Consulting, LLC and the City of Elkins, and Authorizing Execution of Contract*

4. Public comment

5. Minutes

- a. Minutes proposed for the regular council meeting of June 2, 2022

6. Correspondence and Notifications

- a. Issued building permits
- b. Treasurer's report
- c. Approved minutes of committee, commission, and board meetings

7. Presentation

- a. Mayoral presentation to U-12 Girls and Boys Soccer
- b. August Heritage Center Executive Director Seth Young

8. Committee Reports

9. Staff reports

10. Approval of vendor invoice payments

Vendor invoices presented for approval:

- A/P History Check Report for the period May 31 – June 10, 2022

(Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)

11. New business

- Resolution 1534:* Grant Request of Randolph County Development Authority for the City to Agree to Transfer of Responsibility for Portions of Industrial Park Road and Riverbend Park Road to the West Virginia Division of Highways
- Resolution 1535:* Grant Request of Woodlands Development Group for Permission to use a Space in the Seneca Mall Parking Lot for the Placement of a Generator and Transformer for the Tygart Hotel
- Resolution 1536:* General Fund Fiscal Year 22 Final Budget Revisions
- Resolution 1537:* Sanitation Fund Fiscal Year 22 Final Budget Revisions
- Resolution 1538:* Approval of Budget Revision 2022-001-06 for Fiscal Year 2022
- Resolution 1539:* Authorizing Application to West Virginia Covid-19 Pandemic DR-4517-WV Grant Funding by the Elkins Sanitary Board
- Resolution 1540:* Reauthorizing Conditions of Contract between Mitchell Tree Care, LLC and Landscape Consulting, LLC and the City of Elkins, and Authorizing Execution of Contract

12. Mayor's comments

13. Adjournment

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
June 2, 2022
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M. D. Cuonzo, J.A. Guye, C.J. Higgins, G.M. Hinchman, C.C. Lowther, D.C. Parker, and L.H. Vest; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Operations Manager J. Sanson; City Attorney G. S. Roberts; and Executive Secretary R.A. Wickham (acting as recording secretary).

City Clerk J.R. Sutton was absent.

PUBLIC COMMENT

Robbie Morris, resident of 131 Castle Rock Drive and Executive Director of the Randolph County Development Authority spoke before council regarding the approval by the Municipal Properties Committee to recommend the transfer of ownership of certain parts of Industrial Park Road and Riverbend Park Road to the WV Department of Highways in support of the new RCDA Industrial Park access upon their agreement and execution of necessary documentation. Robbie was under the impression that this would be recommended before council at the meeting on June 2 but will return to answer any questions when it is presented before council.

MINUTES

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE MAY 19, 2022 MEETING.** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE MAY 25, 2022 SPECIAL CALL MEETING.** The motion carried.

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Minutes of committee, board, and commission meetings

Proposed Minutes

PRESENTATION

Leah Barbor, the state director of Solar United Neighbors in West Virginia spoke to council about the Tucker, Randolph, and Upshur 2022 solar co-op. Solar United Neighbors, started in 2007, is a 501(c)3 nonprofit that has programming in 12 states and D.C. They organize around solar policy issues in addition to expanding solar access to businesses and homeowners. The solar co-op in Tucker, Randolph, and Upshur counties will focus on assisting homeowners and business owners who want to power their homes and workplaces with solar energy. The co-op is designed to help a larger group get a better deal on solar installation while providing policy assistance along the way. Their goal is to gain 50 members for the co-op in the area and they have asked council to form a partnership with them to help recruit members through word-of-mouth, social media, etc. Leah provided her contact information to council if they would like to learn more. They will also be hosting an information session on June 22nd.

COMMITTEE REPORTS were provided by all committee chairs present.

STAFF REPORTS were provided by all present administrative officers and the chief water operator.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Hinchman, **MOVED APPROVAL OF THE INVOICES PRESENTED.** The motion carried.

The invoices in question were as specified on the following list, which is attached and made part of this record:

- Accounts Payable check transactions for the period May 16 – 27, 2022.

NEW BUSINESS

Cw. Bross-Fregonara presented the final draft study and report on zoning and the corresponding appendices to council to acknowledge and accept.

Cw. Bross-Fregonara, **MOVED, SECONDED BY Cw. CUONZO, APPROVAL TO ACKNOWLEDGE AND ACCEPT THE STUDY AND REPORT ON ZONING TO INITIATE COUNCILS PHASE OF THE ADOPTION PROCESS.** The motion carried.

Cw. Bross-Fregonara, **MOVED APPROVAL TO ESTABLISH TUESDAY, JULY 26, 2022, AT 1:00 PM AND THURSDAY, JULY 28, 2022, AT 7:00 PM AS THE DATES AND TIMES FOR THE ZONING ORDINANCE PUBLIC HEARINGS.** The motion carried.

Cm. Hinchman, **MOVED APPROVAL OF \$15,100 IN ARPA FUNDS TO BE ALLOCATED FOR A STUDY TO BE CONDUCTED BY BURGESS & NIPLE TO DETERMINE THE VIABILITY AND COSTS OF THE EXTENSION OF SEWER SERVICES ALONG NORTH RANDOLPH AVENUE TO THE CORRIDOR H INTERCHANGE; \$135,000 IN ARPA FUNDS BE ALLOCATED TO THE WASTEWATER COLLECTION**

Proposed Minutes

DEPARTMENT FOR THE PURCHASE OF BACKHOE; \$80,000 IN ARPA FUNDS BE ALLOCATED TO THE WASTEWATER PLANT FOR THE PURCHASE OF EQUIPMENT AND INSTALLATION OF A PERMITTED DUMP SITE; \$60,000 IN ARPA FUNDS BE ALLOCATED TO THE FIRE DEPARTMENT FOR THE PURCHASE OF HOSES, NOZZLES, APPLIANCES, PPE AND A THERMAL IMAGER; AND \$543,000 IN ARPA FUNDS BE ALLOCATED TO THE STREET DEPARTMENT FOR THE PURCHASE OF A BUCKET TRUCK, A DRUM ROLLER, AN ALLEY ROLLER, AND A MOTOR GRADER. The motion carried.

Cm. Lowther, MOVED APPROVAL OF WELCOME TO ELKINS SIGN DESIGN #2 AS PRESENTED TO COUNCIL. The motion carried.

Cm. Higgins, MOVED APPROVAL OF CHANGES TO THE COUNCIL MEETINGS OF JUNE 16, JULY 21, AND AUGUST 4, 2022. The motion carried.

MAYOR'S COMMENTS were provided.

Cw. Bross-Fregonara, MOVED ADJOURNMENT. The motion carried.

The meeting adjourned at 8:28 p.m.

*Approved by council at the meeting
of MONTH DAY, YEAR*

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

BUILDING PERMITS

Presented at council meeting of: June 14, 2022

The following building permits have been issued since the previous regular council meeting.

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
220112	Dilly, Shawn	1312 S Henry Ave	Install Metal Roof	4,500.00
220113	USDA Forest Service	730 Yokum St	Replace Roof Shingles	20,000.00
220114	Sutton, Jessica	107 Elm St.	Replace Shed Roof	2,500.00
220115	Leary, Billy	39 Vine St.	New Panel Inside of House	4,500.00
220116	Martin, Cindy	408 Tenth St	Privacy Fence	4,527.00
22117	Stewart, Margaret	101 Evans Dr	New Windows	8,400.00
22118	Myers, Toni	1212 S Kerens Ave.	Replace Vinyl Siding	3,200.00
220119	Sharp, Dennis & Heather	1008 S Henry Ave	Replace Roof Shingles	9,000.00
220120	Dilly, Shawn	1312 S Henry Ave	Install Metal Roof	4,500.00
220121	Shiflett, Edward	1519 Taylor Ave	Upgrade Electric	800.00
220122	Byrd's House of Donuts	224 Davis Ave.	Remodel Store Front	400.00
220123	Wilson, Shelby & Craig	517 Central St	Replace Roof Shingles	9,819.00
220124	Biller, Terry	1013 N Randolph Ave.	Replace Roof Shingles	3,600.00
220125	Sumerfield, Amy	926 S Henry Ave	Install Metal Roof	8,879.00
220126	Stover, Shawn	254 Terrace Ave	Roof Shingles	2,800.00
220127	Randolph Co Housing Authority	17 Grace Circle	New House	21,000,000.00
220128	Lockhart, Robert	113 Sixteenth St.	Replace Roof Shingles	7,923.00
220129	Stottlemyer, Robert	15 Locust St	Replace Tub & Shower	1,000.00
220130	Okernick, David	1108 S Kerens Ave	Electrical Upgrade	10,000.00

Monthly Report for FY2022

Month of May

Fund	Revenues	Expenditures
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General	\$316,081.55	\$402,239.93	Revenues Collected as per Budget	Percent of Yr. Completed 91.67
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County Tax	\$42,403.55		97.29%	1,042,254.00
B & O Tax	\$63,284.46		114.43%	1,267,000.00
Hotel/Motel Tax	\$14,151.56		120.34%	141,000.00
Gas & Oil Severance Tax	\$0.00		116.30%	11,000.00
2% City Utility Tax	\$6,860.59		105.58%	65,000.00
Utility Excise Tax	\$25,661.14		105.21%	290,000.00
Liquor Tax	\$0.00	\$96,851.16	94.95%	102,000.00
Police	\$1,476.96		139.03%	19,200.00
Municipal Court	\$7,859.60		126.26%	48,726.00
Code Enforcement	\$3,185.26		103.11%	27,200.00
Fire Fees	\$92,341.48		83.50%	913,000.00
Business License	\$6,605.00		63.77%	26,500.00
Intergovernmental	\$29,169.15		134.27%	338,381.00
Franchise/IRP Fees	\$13,983.49		85.30%	155,000.00
Phil Gainer Community Center	\$0.00		279.51%	30,000.00
Misc. Revenue	\$9,099.31		292.82%	94,060.00
Municipal Sales Tax	\$0.00		122.63%	1,200,000.00
	\$316,081.55		107.44%	5,770,321.00

Sanitation	\$132,688.58	\$99,167.97	99.98%	1,382,100.00
Water	\$323,583.38	\$270,820.55	94.28%	3,464,400.00
Sewer	\$218,452.36	\$160,727.38	97.36%	2,360,650.00
Landfill	\$11.53	\$1,010.70	84.95%	5,500.00



AssuredPartners

Mod Analysis



Marketing Summary

EXPIRING PREMIUM: \$71,649

Company	Quoted / Declined	Notes
Encova Insurance Company (Rated 'A-' by A.M. Best)	Quoted	Premium = \$70,366

A. M. Best Ratings

A and A- (Excellent)



Mod Analysis

City of Elkins

Effective Date - 7/1/2022

Prepared by AssuredPartners

Missy Greer

340 MacCorkle Avenue

Suite 200

Charleston, WV 25314

missy.greer@assuredpartners.com

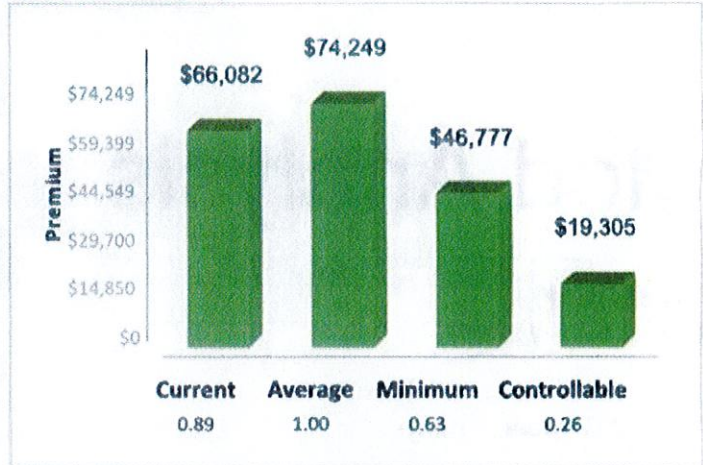
Mod Snapshot

Effective date: 7/1/2022

The Key Numbers

Total expected losses	\$90,115
Total expected primary losses	\$37,795
Total expected excess losses	\$52,320
Total unlimited losses	\$100,045
Total limited/adjusted losses	\$92,994
Total actual primary losses	\$22,470
Total actual excess losses	\$70,524
Computed ballast value	28,350
Computed weighting value	0.12
Modification factor	0.89
ARAP factor	1.00

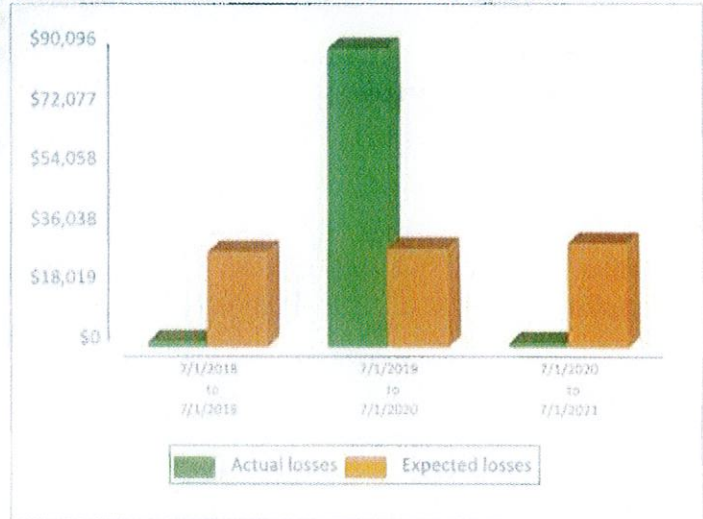
Mod Breakdown



Impact of Top Itemized Losses

State	Injury Date	Incurred Loss	Impact on Mod	Mod w/o Loss
WV	7/1/2019	\$89,024	0.2276	0.6614
WV	7/1/2020	\$2,837	0.0072	0.8818
WV	7/1/2018	\$949	0.0080	0.8810

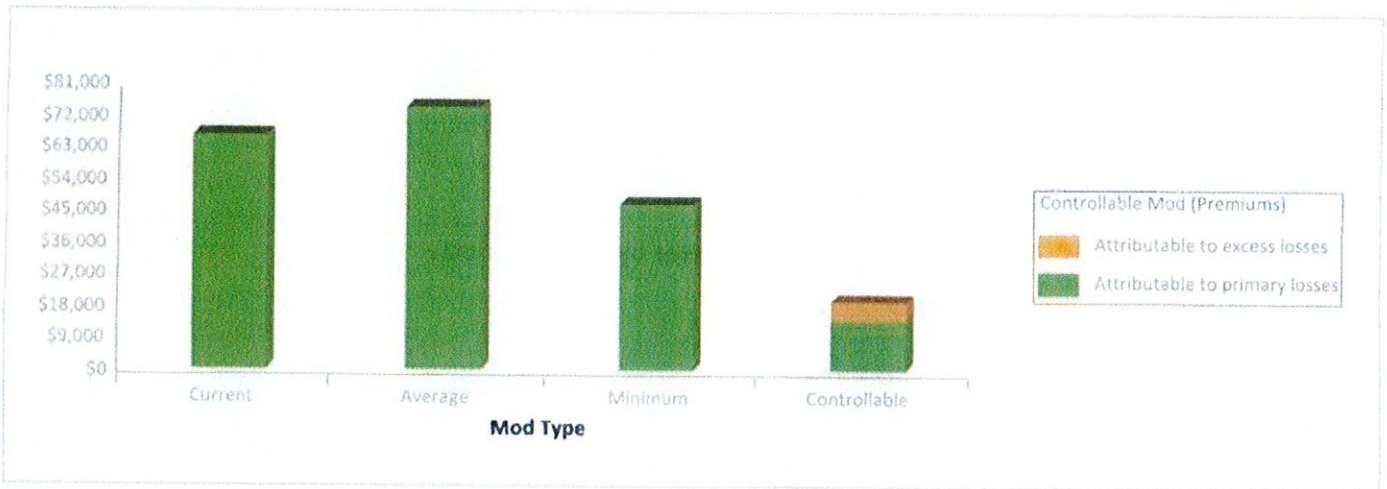
Actual vs. Expected Losses by Policy Period



The Mod Formula

Actual primary losses	+	Ballast value	+	Weighting value	x	Actual excess losses	+	(1 - Weighting value)	x	Expected excess losses	=	Current mod
Expected primary losses	+	Ballast value	+	Weighting value	x	Expected excess losses	+	(1 - Weighting value)	x	Expected excess losses	=	
\$22,470	+	28,350	+	0.12	x	\$70,524	+	(1 - 0.12)	x	\$52,320	=	0.89
\$37,795	+	28,350	+	0.12	x	\$52,320	+	(1 - 0.12)	x	\$52,320	=	

Your Mod and Potential Premium Savings



Mod Type	Mod Value	Premium	Description
Current	0.89	\$66,082	Your actual mod and estimated premium.
Average	1.00	\$74,249	The average mod is always 1.00. This premium represents what the average competitor in your industry is paying.
Minimum	0.63	\$46,777	The lowest mod and premium you could achieve if you had zero losses in the experience rating period.
Controllable	0.26	\$19,305	The mod points and premium amount you could have saved if you had zero losses in the experience rating period.

Compared to your average competitor, your company is at a: \$8,167 advantage.

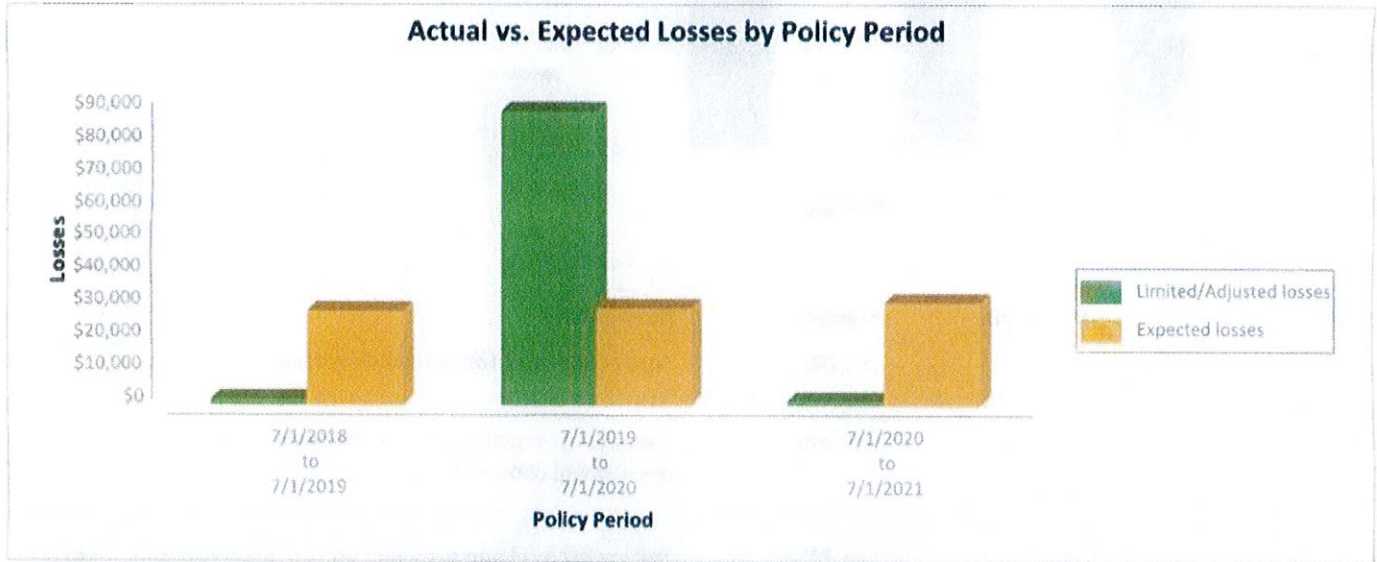
More About the Minimum and Controllable Mod

The **minimum mod** is your mod and premium value if your company has zero losses; it is a real and attainable score. This value is unique to your company and may vary each year due to your unique payroll and industry.

The **controllable mod** is the difference between your current mod and the minimum mod. This value is a direct result of the losses your company has incurred during the experience period. By implementing good loss control practices, you can, over time, move your controllable mod to zero - and save the related premium costs.

Loss Analysis by Policy Period

This analysis shows the actual versus expected losses for each policy period in the mod. This data is important in identifying trends which may help you predict, generally, the direction of your mod in the future. As unfavorable policy periods – those with actual losses higher than expected – age out of the mod calculation, you can expect your mod to improve if your new loss experience shows actual losses less than expected. This is an achievable goal through specific loss control practices your broker advises. To view losses by policy year, see the *Loss Analysis by Policy Year* report.



Policy Period	Limited/Adjusted Losses	Expected Losses
7/1/2018 to 7/1/2019	\$1,662	\$28,863
7/1/2019 to 7/1/2020	\$90,096	\$29,776
7/1/2020 to 7/1/2021	\$1,236	\$31,476
Totals:	\$92,994	\$90,115
Number of periods where actual losses were less than expected:	2	

Specific Loss Sensitivity Detail

Premium cost estimates based on a manual premium of \$74,249

State	Injury Date	Incurred Loss	Limited / Adjusted Loss	Mod w/o Loss	Impact on Mod	Premium Costs		
						1 yr	2 yr	3 yr
Itemized Losses								
WV	7/1/2019	\$89,024	\$89,024	0.6614	0.2276	\$16,899	\$33,798	\$50,697
WV	7/1/2018	\$949	\$949	0.8810	0.0080	\$594	\$1,188	\$1,782
WV	7/1/2020	\$2,837	\$851	0.8818	0.0072	\$535	\$1,069	\$1,604
Grouped Losses								
WV	7/1/2019	\$3,573	\$1,072	0.8800	0.0090	\$668	\$1,336	\$2,005
WV	7/1/2018	\$2,378	\$713	0.8830	0.0060	\$445	\$891	\$1,336
WV	7/1/2020	\$1,284	\$385	0.8858	0.0032	\$238	\$475	\$713
Grand totals:		\$100,045	\$92,994		0.2610	\$19,379	\$38,758	\$58,137



AssuredPartners

Claims Summary



City of Elkins
Workers' Compensation Loss Summary

Year	Annual Premium*	Total Paid	Total Reserves	Total Incurred	Loss Ratio	Emod
7/1/2021 - 6/3/2022	\$68,409	\$2,545.14	\$0.00	\$2,545.14	3.72%	0.89
7/1/2020 - 7/1/2021	\$65,685	\$4,303.41	\$0.00	\$4,303.41	6.55%	0.92
7/1/2019 - 7/1/2020	\$64,402	\$64,528.71	\$41,374.13	\$105,902.84	164.44%	0.89
7/1/2018 - 7/1/2019	\$77,748	\$3,727.81	\$0.00	\$3,727.81	4.79%	0.83
7/1/2017 - 7/1/2018	\$80,047	\$6,413.78	\$0.00	\$6,413.78	8.01%	0.90

*Pre tax

PERSONNEL COMMITTEE REGULAR MEETING MINUTES

*401 Davis Avenue
City Hall, Council Chambers
May 12, 2022
12:00 p.m.*

Present were Committee Members: R. Chenoweth, chair; C. Lowther; and L. Vest

Also present were: Mayor J. Marco; Operations Manager J. Sanson; City Clerk J. Sutton; Police Chief T. Bennett; Fire Chief S. Himes; and Treasurer T. Judy

MINUTES

Cw. Vest, **MOVED APPROVAL OF THE MINUTES OF THE MARCH 16, 2022, MEETING.** The motion carried.

NEW BUSINESS

Cm. Lowther, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A PERSONNEL MATTER.** The motion carried. The committee entered executive session at 12:01 p.m. and returned at 12:33 p.m. The chair announced that no action was taken.

Cm. Lowther, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL TO RECLASSIFY THE BUILDING MAINTENANCE SUPERVISOR POSITION FROM GRADE 7 TO GRADE 11 WITHIN THE CLASSIFICATION AND COMPENSATION PLAN EFFECTIVE JULY 1, 2022.** The motion carried.

The Clerk provided the most recent monthly report from AlignHR dated March 9, 2022, which included a chart of the HR duties assigned to city personnel. The Clerk emphasized that existing personnel neither have the time nor the expertise to take on these responsibilities and requested the committee consider other options. Recommendations were suggested by administration as well as Mr. Hannigan of AlignHR to either create an internal position or to contract an individual to serve as an HR Specialist. The committee requested the Clerk work with other administrative officers and AlignHR to draft a job description to present to the committee at their July meeting.

Mr. Hannigan also provided an update of ongoing projects AlignHR is working with the city on, including revision of the Personnel Manual and creating digital personnel records. Mr. Hannigan also reported the annual cost of Hiring Thing has been absorbed into the existing contract price.

ANNOUNCEMENTS

The next regular meeting of the committee scheduled for June 9 may need to be changed. The Clerk will send an email to committee members and staff.

Cm. Lowther, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 12:57 p.m.

The foregoing minutes were approved at the meeting of June 9, 2022

Robert Chenoweth, Chair
Name & Title

Robert Chenoweth
Signature

RULES AND ORDINANCE COMMITTEE REGULAR MEETING MINUTES

*401 Davis Avenue
City Hall, Council Chambers
May 25, 2022
9:00 a.m.*

Present were Committee Members: N. Bross-Fregonara and M. Cuonzo

Also present were: mayor J. Marco, Operations Manager J. Sanson, City Clerk J. Sutton, City Attorney G. Roberts, Treasurer T. Judy, Fire Chief S. Himes, Police Chief T. Bennett, and External Affairs Specialist S. Stokes

Cm. C. Higgins was absent

MINUTES

Cw. Cuonzo, **MOVED APPROVAL OF THE MINUTES OF THE APRIL 13, 2022, MEETING.** The motion carried.

NEW BUSINESS

The committee discussed current open container related laws in the State and City. Chief Bennett, G. Roberts and J. Sutton all confirmed that the West Virginia Alcohol Beverage Control Administration propagate rules within the Legislature's guidelines, none of which allow for open containers outside of contained areas that are licensed. Administrators are also in agreement that this is not something the City can create separate laws for with their Home Rule authority. No action was taken.

Committee members and administrators had a lengthy discussion about outdoor dining regulations. All agree that it is in the best interest of the city to create guidelines. Rules from several other WV municipalities were reviewed. The committee provided input to City Attorney G. Roberts and requested that she create a draft ordinance for review at the next meeting.

Deep population control was discussed by the committee and administrators. There is concern about how effective an ordinance prohibiting feeding of deer would be. Chief Bennett would like to see this adopted in conjunction with other deer management measures, which would require input from experts. The committee will invite representatives from the DNR to the next meeting to discuss this further.

ANNOUNCEMENTS

G. Roberts requested the committee place on their next agenda an item to discuss the adoption of rules regarding the confidentiality of executive sessions. All were in agreement.

Cw. Cuonzo, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 10:18 a.m.

The foregoing minutes were approved at the meeting of June 8, 2022

Nanaï Brass-Fregonara, Chair
Name & Title

Nanaï Brass-Fregonara
Signature

Elkins Tree Board

Meeting Minutes

Darden House, Davis Ave.

May 3, 2022 5:30 p.m.

Present: Marilyn Cuonzo, Chair; Linda Burke, Vice Chair; Linda Silva, Treasurer, and members Sam Golston and Angela Daniels.

Public Comment

No public comment.

Minutes

Linda Burke moved approval of the minutes of the April 5, 2022, meeting.

Motion Carried.

Budget Report

Silva reported the ETB budget balance is around \$600.

Old Business

Marilynn advised that the tree tags still need placed in Glendale on around 10 trees and Linda Burke and Sam Golston said they will coordinate with Tesar to get them placed.

Marilynn mentioned how great it was that we were able to get so many trees planted this spring. Close to 100 trees were planted between the parks and the nursery.

New Business

The group was wondering where the money for the Educational Trunks was coming from. They said we would ask Nanci at the next meeting.

Darden Garden Cleanup is set for May 21st.

We will re-visit the t-shirt option but members present liked the idea of having wooden name tags and/or pins made our logo and names on them. Angela is to

talk to Kris Wilmoth at the Wood Technology Center where her office is about cost.

It was mentioned how the fence around our tree nursery needs tightened next time we have a work day at the Kump House. We then set a possible date for this work day of June 17th at 9a.m.

We spoke about purchasing soaker hoses and possible timers for them. Also spoke of purchasing 50 tree guards while we have the funding for them available. We also need tape for marking our new tools.

We spoke about Day of Action with Tygart Valley United Way. It is on June 21st and begins at 11 a.m. in the Elkins City Park. Volunteers need to register through the Volunteer HQ portal as a volunteer to be counted. Lunch will be provided and a United Way t-shirt will be supplied to volunteers. Nanci has registered the Elkins Tree Board for a project so you can pick that project once you are registered to volunteer for.

Announcements

None.

The next regular meeting of the Tree Board is set for June 7th at 5:30 p.m.

Meeting was adjourned at 7:00 p.m.

The foregoing minutes were approved at the meeting of June 7, 2022.

Maria Ann Curley
Name & Title

[Signature]
Signature

VENDOR SET: 01 Elkins
 BANK: ARPA Amercia Rescue Plan Act
 DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00479	Amtower Auto Supply, Inc.							
I-169966	trash pump,press washer,drill	R	6/02/2022	7,580.53		000047		7,580.53
00518	Old Brick Playhouse							
I-CommRequestARPA	OBP sound, lights	R	6/02/2022	8,000.00		000048		8,000.00
00726	USA Blue Book							
I-989289	wrenches, shutoff tool, hammer	R	6/02/2022	1,248.83		000049		1,248.83
01125	Pollardwater							
I-215074	wrench,cutters,tubing,sockets	R	6/02/2022	1,431.28		000050		1,431.28

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	4	18,260.64	0.00	18,260.64
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: ARPA TOTALS:	4	18,260.64	0.00	18,260.64
BANK: ARPA TOTALS:	4	18,260.64	0.00	18,260.64

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02275	Douglas Shoulders							
	C-PerDiem 042022	N	6/01/2022	272.50CR		000000		
	I-DS PerDiem 042022	N	6/01/2022	272.50		000000		
00741	Great-West Trust Company LLC							
	I-VF 202206011317	D	6/01/2022	405.00		003654		
	I-VF202206011317	D	6/01/2022	50.00		003654		455.00
00116	Child Support Enforcement							
	I-CDS202206011317	R	6/01/2022	528.00		011714		528.00
00121	Citizens Bank of WVFP							
	I-FP 202206011317	R	6/01/2022	478.73		011715		478.73
00122	Citizens Bank of WVFP							
	I-PP 202206011317	R	6/01/2022	143.40		011716		
	I-PPN202206011317	R	6/01/2022	333.12		011716		476.52
00147	COE Misc							
	I-MIS202206011317	R	6/01/2022	115.69		011717		115.69
00150	COE Payroll							
	I-T1 202206011317	R	6/01/2022	10,409.51		011718		10,409.51
00151	COE Payroll							
	I-T3 202206011317	R	6/01/2022	11,445.06		011719		
	I-T4 202206011317	R	6/01/2022	3,870.10		011719		15,315.16
00152	COE Payroll							
	I-T2 202206011317	R	6/01/2022	5,182.00		011720		5,182.00
00203	Davis Trust Company							
	I-CC 202206011317	R	6/01/2022	1,680.00		011721		1,680.00
00747	Washington National Insurance							
	I-WN 202206011317	R	6/01/2022	492.96		011722		492.96
00837	COE Payroll Reimbursement							
	I-001202206011317	R	6/01/2022	54,304.31		011723		
	I-006202206011317	R	6/01/2022	6,607.64		011723		
	I-400202206011317	R	6/01/2022	16,952.84		011723		
	I-401202206011317	R	6/01/2022	12,739.22		011723		
	I-404202206011317	R	6/01/2022	6,778.75		011723		97,382.76

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01328	PA SCDU							
I-CSM202206011317	Maryland Child Support	R	6/01/2022	250.24		011724		250.24
01885	Colonial Life							
I-CL 202206011317	Colonial Life-AT	R	6/01/2022	85.92		011725		
I-CLP202206011317	Colonial Life-PT	R	6/01/2022	52.52		011725		138.44
00150	COE Payroll							
I-T1 202206011318	Federal Withholding	R	6/01/2022	120.77		011726		120.77
00151	COE Payroll							
I-T3 202206011318	FICA	R	6/01/2022	160.96		011727		
I-T4 202206011318	Medicare	R	6/01/2022	37.64		011727		198.60
00152	COE Payroll							
I-T2 202206011318	State Withholding	R	6/01/2022	67.00		011728		67.00
00837	COE Payroll Reimbursement							
I-001202206011318	Payroll Reimbursement	R	6/01/2022	952.52		011729		952.52
00143	COE General Fund 2							
I-06/22 Indirects	June 2022 Indirects	R	6/01/2022	28,198.40		011730		28,198.40
00149	COE Parks and Recreation							
I-06/22 Support	June 2022 Support	R	6/01/2022	25,483.00		011731		25,483.00
00235	Elkins Building Comm.							
I-06/22 Bond Pmt	June 2022 Bond Payment	R	6/01/2022	3,483.79		011732		3,483.79
00314	Guttman Energy, Inc.							
I-F62184296	Fleet Fuel 051622-052222	R	6/01/2022	4,428.01		011733		4,428.01
00381	Grover C Jackson Jr							
I-06/22 Rent	June 2022 Rent	R	6/01/2022	1,800.00		011734		1,800.00
00471	Mon Power							
I-Barron 0415-051322	Barron Ave 041522-051322	R	6/01/2022	10,771.29		011735		
I-Darden 051322	Darden House 042722-051122	R	6/01/2022	109.23		011735		
I-RRAVE 051622	RR Ave 041422-051222	R	6/01/2022	6.97		011735		10,887.49
00483	Mountain Valley Bank							
I-1202553-19 060422	1202553-19 060422	R	6/01/2022	655.53		011736		655.53

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00568	Ralston Press, Inc.							
I-91427	Letterhead	R	6/01/2022	240.93		011737		240.93
00606	Steven C. Rodeheaver							
I-11789	push brooms/scrub brush	R	6/01/2022	104.00		011738		
I-11790	Broom/Dtl Brushes/Wire Brushes	R	6/01/2022	238.00		011738		342.00
00688	Terra Flora Landscaping							
I-5284	PGCC -plants/labor/mulch	R	6/01/2022	512.50		011739		512.50
00701	Toshiba Financial Services							
I-473065159	T-E4515AC 5/15-6/15/22	R	6/01/2022	125.59		011740		
I-473171098	LEX XM3250 061322	R	6/01/2022	69.00		011740		194.59
00786	WV Bureau for Public Health							
I-CL II ACheuvront	CL II A Cheuvront WW License	R	6/01/2022	150.00		011741		150.00
00786	WV Bureau for Public Health							
I-CLII T Howell	CL II Thomas Howell WW License	R	6/01/2022	175.00		011742		175.00
00786	WV Bureau for Public Health							
I-Class I ACheuvront	A Cheuvront Class I WW License	R	6/01/2022	125.00		011743		125.00
01226	National Industrial & Safety S							
I-26505	Rain Suits/Towelettes	R	6/01/2022	1,284.64		011744		1,284.64
01833	P3 Cost Analysts							
I-13228 May 2022	Telecom/Utility savings May 22	R	6/01/2022	897.73		011745		
I-Visa VUIRF 04/2022	Visa VUIRF April 2022	R	6/01/2022	191.26		011745		1,088.99
02065	AlignHR LLC							
I-7284	Monthly HR Services 060122	R	6/01/2022	2,500.00		011746		2,500.00
02220	Long Branch Equipment LLC							
I-LB168	Labor/Machine shop changes	R	6/01/2022	4,840.00		011747		4,840.00
1	CUNNINGHAM, RANDALL							
I-000202206021319	US REFUND	R	6/02/2022	508.29		011748		508.29
1	HAYNES JR, VORAS K							
I-000202206031320	US REFUND	R	6/03/2022	165.77		011749		165.77
00032	Absolute Assurance Drug Test L							
I-5008A 5009A	Pre-Emp and random testing	R	6/08/2022	676.00		011750		676.00

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00085	Burgess & Niple, Inc.							
I-1023752	Proj 60270 LT Control Plan	R	6/08/2022	303.00		011751		303.00
00107	Chapman Technical Group							
I-0019784	Conf Call -RE:Membrane Filters	R	6/08/2022	350.00		011752		350.00
00156	COE Sewer Depreciation Account							
I-SWR Depr 053122	Swr Depr Deposit 05/31/2022	R	6/08/2022	5,461.30		011753		5,461.30
00202	Davis Trust Company							
I-12755 062222	3113776-12755 062222	R	6/08/2022	4,256.84		011754		4,256.84
00465	Steve's Electrical Service LLC							
I-202197	labor 04/28/22-050522	R	6/08/2022	1,350.00		011755		
I-202198	Labor 050522-051622	R	6/08/2022	1,500.00		011755		2,850.00
00471	Mon Power							
I-051922 Master	Consumption/Lighting	R	6/08/2022	41,124.91		011756		41,124.91
00483	Mountain Valley Bank							
I-1202553-22 060722	1202553-22 Int Pmt 060722	R	6/08/2022	98.98		011757		98.98
00484	Mountaineer Gas Company							
I-Nat'l Gas 052722	Nat'l Gas 04/25/22-05/16/22	R	6/08/2022	497.51		011758		497.51
00551	Preiser Scientific, Inc.							
I-537224-5	Lab Supplies	R	6/08/2022	1,690.94		011759		1,690.94
00711	Tygart Valley Transfer, Inc.							
C-0003632	Correct inv number	R	6/08/2022	465.68CR		011760		
C-00036354	Correct invoice number	R	6/08/2022	317.98CR		011760		
C-0003668	Correct Invoice number	R	6/08/2022	601.21CR		011760		
I-00003204	Commercial	R	6/08/2022	87.75		011760		
I-00003219	Commercial	R	6/08/2022	159.86		011760		
I-00003225	Commercial	R	6/08/2022	126.84		011760		
I-00003235	Commercial	R	6/08/2022	156.38		011760		
I-00003236	Residential	R	6/08/2022	682.01		011760		
I-00003237	Residential	R	6/08/2022	805.38		011760		
I-00003238	Commercial	R	6/08/2022	853.16		011760		
I-00003247	Commercial	R	6/08/2022	242.40		011760		
I-00003249	Residential	R	6/08/2022	42.57		011760		
I-00003257	Commercial	R	6/08/2022	158.99		011760		
I-00003275	Commercial	R	6/08/2022	117.29		011760		
I-00003302	Residential	R	6/08/2022	1,002.60		011760		
I-00003303	Residential	R	6/08/2022	780.18		011760		
I-00003304	Commercial	R	6/08/2022	215.46		011760		
I-00003305	Commercial	R	6/08/2022	996.51		011760		
I-00003309	Commercial	R	6/08/2022	218.07		011760		

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VENDOR I. D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00003322	Commercial	R	6/08/2022	158.99		011760		
I-00003328	Commercial	R	6/08/2022	195.48		011760		
I-00003337	Commercial	R	6/08/2022	179.84		011760		
I-00003352	Residential	R	6/08/2022	507.38		011760		
I-00003353	Residential	R	6/08/2022	547.34		011760		
I-00003354	Commercial	R	6/08/2022	543.00		011760		
I-00003380	Commercial	R	6/08/2022	176.37		011760		
I-00003410	Commercial	R	6/08/2022	409.20		011760		
I-00003412	Residential	R	6/08/2022	562.11		011760		
I-00003413	Residential	R	6/08/2022	609.03		011760		
I-00003425	Commercial	R	6/08/2022	255.43		011760		
I-00003429	Commercial	R	6/08/2022	126.84		011760		
I-00003455	Residential	R	6/08/2022	569.93		011760		
I-00003456	Residential	R	6/08/2022	545.61		011760		
I-00003459	Commercial	R	6/08/2022	618.59		011760		
I-00003483	Commercial	R	6/08/2022	107.73		011760		
I-00003490	Commercial	R	6/08/2022	211.99		011760		
I-00003493	Residential	R	6/08/2022	873.14		011760		
I-00003497	Residential	R	6/08/2022	743.69		011760		
I-00003501	Commercial	R	6/08/2022	742.82		011760		
I-00003519	Commercial	R	6/08/2022	246.74		011760		
I-00003529	Commercial	R	6/08/2022	183.32		011760		
I-00003537	Commercial	R	6/08/2022	498.69		011760		
I-00003543	Residential	R	6/08/2022	490.87		011760		
I-00003546	Residential	R	6/08/2022	569.06		011760		
I-00003581	Commercial	R	6/08/2022	130.32		011760		
I-00003584	Commercial	R	6/08/2022	487.40		011760		
I-00003588	Residential	R	6/08/2022	583.83		011760		
I-00003589	Residential	R	6/08/2022	498.69		011760		
I-00003590	Residential	R	6/08/2022	68.64		011760		
I-00003605	Commercial	R	6/08/2022	254.56		011760		
I-00003609	Commercial	R	6/08/2022	269.33		011760		
I-00003620	Commercial	R	6/08/2022	500.43		011760		
I-00003623	Residential	R	6/08/2022	491.74		011760		
I-00003625	Residential	R	6/08/2022	569.06		011760		
I-00003632	Commercial	R	6/08/2022	465.68		011760		
I-00003645	Residential	R	6/08/2022	139.01		011760		
I-00003652	Residential	R	6/08/2022	78.19		011760		
I-00003654	Commercial - RCHA	R	6/08/2022	317.98		011760		
I-00003664	Commercial	R	6/08/2022	125.11		011760		
I-00003668	Residential	R	6/08/2022	601.21		011760		
I-00003670	Commercial	R	6/08/2022	768.89		011760		
I-00003673	Residential	R	6/08/2022	735.87		011760		
I-00003701	Commercial	R	6/08/2022	324.93		011760		
I-00003711	Commercial	R	6/08/2022	125.11		011760		
I-00003716	Residential	R	6/08/2022	834.92		011760		
I-00003722	Commercial	R	6/08/2022	861.85		011760		
I-00003723	Residential	R	6/08/2022	735.87		011760		

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00003742	Commercial	R	6/08/2022	166.81		011760		
I-00003753	Commercial	R	6/08/2022	214.59		011760		
I-00003767	Residential	R	6/08/2022	532.57		011760		
I-00003768	Residential	R	6/08/2022	464.81		011760		
I-00003769	Commercial	R	6/08/2022	532.57		011760		
I-00003791	Commercial	R	6/08/2022	119.03		011760		
I-00003795	Commercial	R	6/08/2022	304.08		011760		
I-00003798	Residential	R	6/08/2022	66.03		011760		
I-00003809	Commercial - final	R	6/08/2022	101.65		011760		
I-00003811	Residential	R	6/08/2022	539.52		011760		
I-00003813	Residential	R	6/08/2022	541.26		011760		
I-00003816	Commercial	R	6/08/2022	516.07		011760		
I-00003817	Commercial	R	6/08/2022	228.49		011760		
I-00003843	Commercial final	R	6/08/2022	174.63		011760		
I-00003864	Residential	R	6/08/2022	602.08		011760		
I-00003872	Residential	R	6/08/2022	629.01		011760		
I-00003873	Commercial	R	6/08/2022	509.99		011760		
I-00003889	Commercial	R	6/08/2022	133.80		011760		
I-00003900	Commercial	R	6/08/2022	269.33		011760		
I-00003908	Commercial	R	6/08/2022	258.03		011760		
I-00003911	Residential	R	6/08/2022	609.03		011760		
I-00003912	Residential	R	6/08/2022	483.92		011760		
I-00003913	Commercial	R	6/08/2022	833.18		011760		
I-00003931	Commercial	R	6/08/2022	223.28		011760		
I-00003937	Commercial	R	6/08/2022	153.78		011760		
I-00003945	Commercial	R	6/08/2022	108.60		011760		
I-00003951	Residential	R	6/08/2022	981.74		011760		
I-00003957	Residential	R	6/08/2022	835.79		011760		
I-00003963	Commercial	R	6/08/2022	1,086.87		011760		
I-0003632	Commercial	R	6/08/2022	465.68		011760		
I-00036354	Commercial- RC Housing Auth	R	6/08/2022	317.98		011760		
I-0003668	Residential	R	6/08/2022	601.21		011760		
I-112011	Comm - Greenfields	R	6/08/2022	255.43		011760		
I-112021	commercial Woodlands Dev	R	6/08/2022	248.48		011760		
I-112036	Commercial- Tygart Hotel	R	6/08/2022	88.62		011760		
I-112048	Residential	R	6/08/2022	499.56		011760		
I-112049	Residential	R	6/08/2022	412.68		011760		
I-112050	Residential	R	6/08/2022	450.04		011760		
I-112083	Comm-Elm Street	R	6/08/2022	503.90		011760		
I-112090	Commercial	R	6/08/2022	273.67		011760		
I-112095	Residential	R	6/08/2022	588.18		011760		
I-112096	Residential	R	6/08/2022	523.02		011760		
I-112097	Commercial	R	6/08/2022	679.40		011760		
I-112099	Commercial	R	6/08/2022	134.66		011760		
I-112125	Commercial - Final	R	6/08/2022	177.24		011760		
I-112130	Commercial- D&E	R	6/08/2022	172.89		011760		
I-112142	Commercial Greenfields	R	6/08/2022	239.79		011760		
I-112144	Residential	R	6/08/2022	571.67		011760		

VENDOR SET: 01 Elkins
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 DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-112146	Residential	R	6/08/2022	471.76		011760		
I-112148	Commercial	R	6/08/2022	543.87		011760		
I-112171	Comm-Housing Authority	R	6/08/2022	330.14		011760		
I-112178	Commercial	R	6/08/2022	142.48		011760		
I-112185	Residential	R	6/08/2022	606.42		011760		
I-112186	Residential	R	6/08/2022	609.90		011760		
I-112187	Commercial	R	6/08/2022	829.70		011760		
I-112199	Commercial - Greenfields	R	6/08/2022	267.59		011760		
I-112211	Comm - DMH Compactor	R	6/08/2022	119.89		011760		
I-112222	Residential	R	6/08/2022	576.01		011760		
I-112223	Residential	R	6/08/2022	485.66		011760		
I-112224	Commercial	R	6/08/2022	652.47		011760		
I-112232	Residential	R	6/08/2022	22.59		011760		50,985.51
00812	WV Regional Jail and Correctio							
I-5122ea86	19 Days Inmate Housing TVRJ	R	6/08/2022	916.75		011761		916.75
00884	Colonial Court Service Station							
I-56916	4 Tires	R	6/08/2022	916.00		011762		916.00
00900	National Road Utility Supply,							
I-332772	Tubing	R	6/08/2022	264.31		011763		264.31
01203	Jessica Sutton							
I-CKREQ 060622	Reimb volleyball/pump	R	6/08/2022	157.88		011764		157.88
01445	Linda Silva							
I-CK Req 060122	Reimb hose/cattle panels	R	6/08/2022	50.98		011765		
I-CKREQ 060622	Reimb post/hose/sillcock	R	6/08/2022	213.25		011765		264.23
01563	BHM CPA Group, Inc							
I-053122	Completed/Filed Sewer PSC Rpt	R	6/08/2022	5,000.00		011766		
I-053122 Water	Completed/Filed Water PSC Rpt	R	6/08/2022	5,000.00		011766		
I-063021 FS	Compiled 6/30/21 Financial Stm	R	6/08/2022	9,000.00		011766		19,000.00
01594	Pace Analytical Services LLC							
I-2230357351	monthly invoice 041322-051922	R	6/08/2022	1,968.00		011767		1,968.00
01697	C-Com LLC							
I-654140	Maint 050222-050622	R	6/08/2022	1,762.50		011768		1,762.50
01727	Enterprise FM Trust							
I-FBN4492233	Fleet Leases June 2022	R	6/08/2022	16,281.78		011769		16,281.78

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 5/31/2022 THRU 6/10/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01942	Elkins Municipal Building Comm							
I-1214756-11 061522	1214756-11 061522 10	R	6/08/2022	4,833.20		011770		4,833.20

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	57	375,512.47	0.00	375,512.47
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	1	455.00	0.00	455.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	1	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	59	375,967.47	0.00	375,967.47
BANK: Pool TOTALS:	59	375,967.47	0.00	375,967.47
REPORT TOTALS:	63	394,228.11	0.00	394,228.11

SELECTION CRITERIA

VENDOR SET: 01-Elkins
VENDOR: ALL
BANK CODES: Exclude: PCARD
FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 5/31/2022 THRU 6/10/2022
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1534)

June 14, 2022

Grant Request of Randolph County Development Authority for the City to Agree to the Transfer of Responsibility for Portions of Industrial Park Road and Riverbend Park Road to the West Virginia Division of Highways

WHEREAS, the Randolph County Development Authority (“RCDA”) recently purchased a tract of land, approximately 74 acres in October, 2021 from the I.O.O.F. which was recently annexed in the City; and

WHEREAS, the RCDA is in the process of developing an entrance to said tract of land from Riverbend Park Road, requiring a railroad crossing and upgrades to Riverbend Park Road; and

WHEREAS, the RCDA is seeking funding through a grant for these infrastructure improvements and the eligibility for the grant for the new infrastructure is contingent on the infrastructure being connected to the State road system; and

WHEREAS, the RCDA is requesting that the City of Elkins agree to transfer responsibility for portions of Industrial Park Road and Riverbend Park Road to the West Virginia Division of Highways (see Exhibit A); and

WHEREAS, it appears that granting the request of the RCDA is in the best interests of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council approves the request of the RCDA as reflected in Exhibit A and authorizes Mayor Marco to execute any documents needed in furtherance of the RCDA request.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



**RANDOLPH
COUNTY**
WEST VIRGINIA

**DEVELOPMENT
AUTHORITY**
PLAN • INVEST • PROSPER

May 9, 2022

The Honorable Jerry Marco
Mayor, City of Elkins
401 Davis Avenue
Elkins, West Virginia 26241

Re: City Street Responsibility Transfer

Dear Mayor Marco,

On behalf of the Randolph County Development Authority, please accept this letter as our formal request that the City of Elkins agree to transfer responsibility for portions of Industrial Park Road and Riverbend Park Road to the West Virginia Division of Highways (map attached hereto as Exhibit A).

As you know, the Randolph County Development Authority bought approximately 74 acres of property from the Odd Fellows in October 2021. We are in the process of developing an entrance to the property from Riverbend Park Road, which requires a railroad crossing and upgrades to Riverbend Park Road. We intend to apply for state grant funding for these infrastructure improvements. To be eligible for the grant funds the new infrastructure must connect to the state road system. The City of Elkins transferring portions of these roads would make us eligible for these funds. Once the City has agreed to this transfer of responsibility, we will formally ask the WVDOH to accept these roads into the system. If they approve, we will then apply for the infrastructure grants.

I would be happy to speak with you, Municipal Properties Committee, and/or full City Council about this request and any of the details. Time is of the essence to get a grant application in this fiscal year. We appreciate the City's continued support of this important project.

Respectfully submitted,

Robert L. Morris, Jr.
Executive Director

Enclosure

Cc: Jessica Sutton, Clerk
Marilynn Cuonzo, Councilwoman

Page 1 of 1

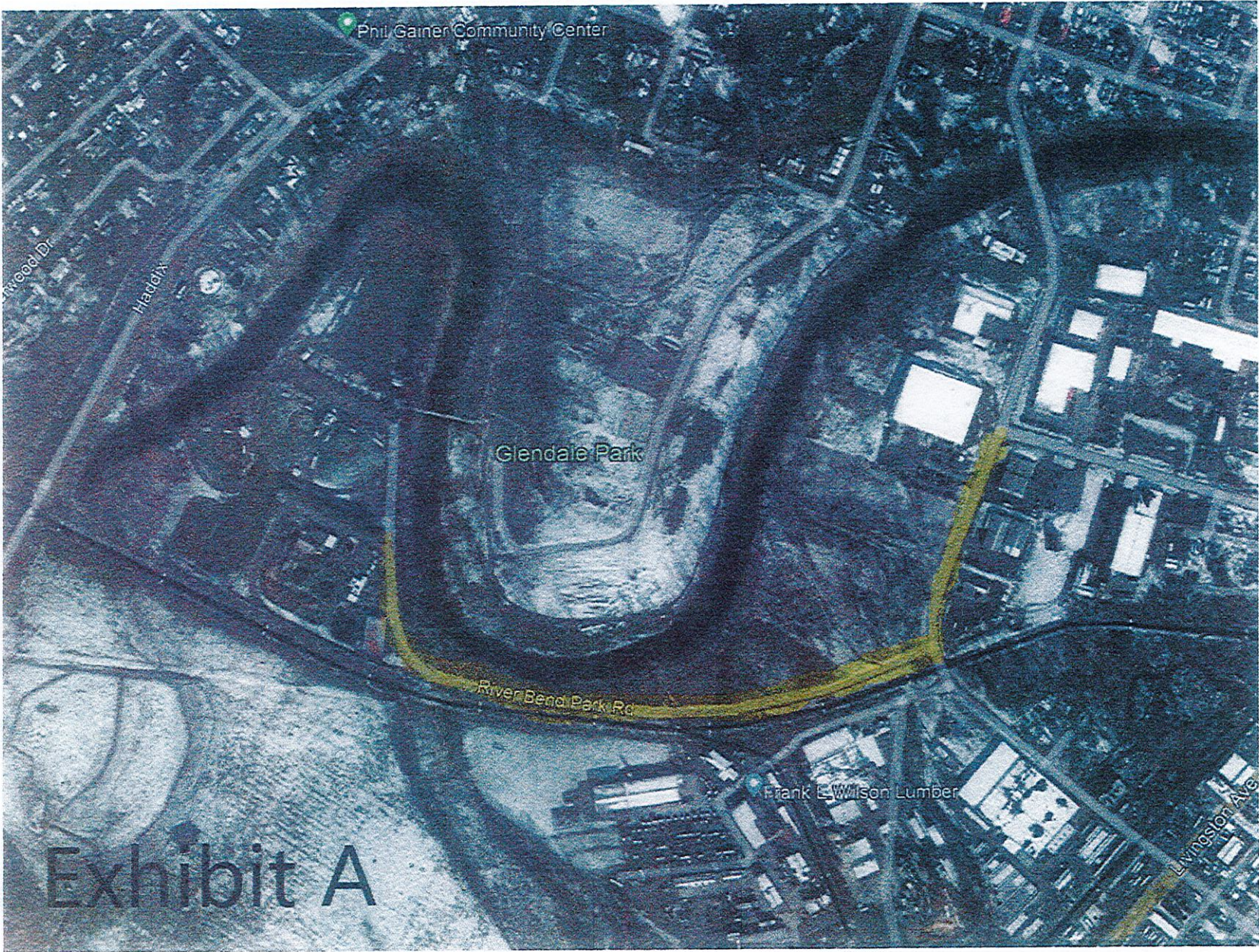


Exhibit A

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1535)

June 14, 2022

Grant Request of Woodlands Developmental Group for Permission to Use a Space in Seneca Mall Parking Lot for the Placement of a Generator and a Transformer for the Tygart Hotel

WHEREAS, Woodlands Development Group, (“Woodlands”) recently completed the financing for the redevelopment of the Tygart Hotel; and

WHEREAS, the redevelopment project requires the installation of an emergency gas generator, per the directive of the West Virginia State Fire Marshall and a new transformer to serve the building; and

WHEREAS, it is not feasible to install the emergency generator and the transformer in the building; and

WHEREAS, Woodlands is requesting the use of a 14 x 20 space in the Seneca Mall Parking Lot for this installation (See Exhibit A); and

WHEREAS, it appears that granting the request of Woodlands is in the best interests of the citizens of the City:

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council approves the request of Woodlands reflected in Exhibit A and authorizes Mayor Marco to execute any documents, upon review by the City Attorney, needed in furtherance of the Woodlands request.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



May 20, 2022

To: Marilyn Cuonzo, Chair
Municipal Properties Committee
Elkins City Council

From: Dave Clark, Executive Director
Woodlands Development Group

Re: Generator & Transformer – Tygart Hotel

Background

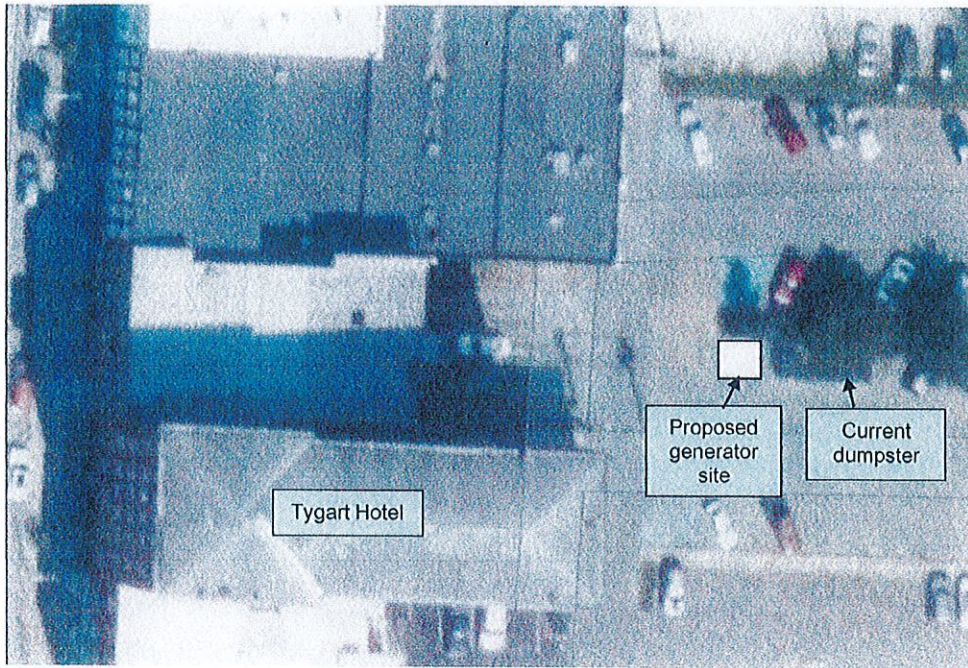
Redevelopment of the Tygart Hotel will require the installation of an emergency gas generator (to primarily serve the elevator in the case of electrical outage), as per the WV Fire Marshal, and a new transformer to serve the building. Given the space & venting requirements, it is not feasible to install these in the building.

Request

Woodlands is requesting use of a 14'x20' space in the Seneca Mall Parking Lot. Please see attached map for proposed location. The proposed site is immediately adjacent to the existing dumpster enclosure in the parking lot. The site is proposed because (1) of its close proximity to the Tygart, (2) the dumpster already encroaches on the parking spaces there, and (3) at least anecdotally, the parking spaces there appear to get little use.

The generator and transformer would be housed in a metal shed and enclosed by a fence. As an emergency generator, it would obviously only be operational in the case of an electrical outage.

Woodlands has discussed the proposed site with the immediate building/business owners, including Katie Driver and the owners of Seven Performance, and both stated the site was acceptable.



PROPOSED EMERGENCY GENERATOR LOCATION

GENERATOR APPROX 8'-1"x3'-4"

FENCED ENCLOSURE 20'x14'

(2)-1" CONDUITS FOR GENERATOR CONTROLS
AND BLOCK HEATER

(1)-1-1/2" CONDUIT TO PANEL "EM"

(1)-3" CONDUIT TO PANEL "LS"

GAS LINE



ARCHITECTURE ■ PLANNING ■ PRESERVATION
61 WILSON STREET, SUITE 300 51 24TH STREET, SUITE 607
FARGO, ND 58103 WHEELING, WV 26001
PH: 701.226.1010 WWW.MILLSGROUPONLINE.COM FX: 304.231.0019

TYGART HOTEL
PROPOSED GENERATOR ENCLOSURE

5-16-22

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1536)
June 14, 2022

General Fund Fiscal Year 22 Final Budget Revisions

WHEREAS, the City of Elkins has previously prepared and submitted its General Fund Budget for the Fiscal Year 2022; and,

WHEREAS, it has become necessary to make revisions to said Budget; and,

WHEREAS, Budget Revisions No. 25 through No. 35 for FY2022 (copy attached) transfer funds as shown;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council of the City of Elkins hereby approves General Fund Budget Revisions No. 25 through No. 35 for Fiscal Year 2022.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

BUDGET REVISION #25 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-416-230-0000	Contracted Services	\$5,152.00	001-416-103-0000	Salary & Wages	\$1,000.00
001-416-235-0000	Remittance Fee Collected	\$5,000.00	001-416-105-0000	Group Health Insurance	\$3,900.00
			001-416-212-0000	Printing	\$100.00
			001-416-214-0000	Travel	\$202.00
			001-416-220-0000	Advertising	\$300.00
			001-416-221-0000	Training & Education	\$650.00
			001-416-240-0000	Refunds & Reimbursements	\$4,000.00
TOTAL		\$10,152.00			\$10,152.00

Municipal Judge

BJ 6/9/22

BUDGET REVISION #26 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-410-105-0000	Group Health Insurance	\$903.00	001-410-211-0000	Telephone	\$903.00

TOTAL		\$903.00			\$903.00
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Council

JS 6/10/22

BUDGET REVISION #27 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-409-103-0000	Salary & Wages	\$30.00	001-409-104-0000	FICA Expenses	\$357.00
001-409-221-0000	Training & Education	\$125.00			
001-409-341-0000	Supplies & Materials	\$202.00			

TOTAL **\$357.00** **\$357.00**

Mayor

JS 6/10/22

BUDGET REVISION #28 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-413-230-0000	Contracted Services	\$1,080.00	001-413-459-0000	Capital Outlay	\$1,980.00
001-413-341-0000	Supplies & Materials	\$900.00			
TOTAL		\$1,980.00			\$1,980.00

City Treasurer

TJ 6/13/22

BUDGET REVISION #29 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-433-103-0000	Salary & Wages	\$500.00	001-433-459-0000	Capital Outlay	\$3,100.00
001-433-215-0000	Maint of Bldgs & Grounds	\$2,000.00			
001-433-341-0000	Supplies & Materials	\$500.00			
001-433-345-0000	Uniforms	\$100.00			
TOTAL		\$3,100.00			\$3,100.00

Custodial

JS 6/13/22

BUDGET REVISION #30 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-436-104-0000	FICA Expense	\$600.00	001-436-222-0000	Dues & Subscriptions	\$600.00

TOTAL		\$600.00			\$600.00
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Building Inspector

JS 6/13/22

BUDGET REVISION #31 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-700-106-0000	Retirement	\$2,000.00	001-700-103-0000	Salary & Wages	\$20,000.00
001-700-108-0000	Overtime/Extra Help	\$1,000.00			
001-700-217-0000	Maint of Autos & Trucks	\$3,650.00			
001-700-222-0000	Dues & Subscriptions	\$200.00			
001-700-459-0000	Capital Outlay Equipment	\$13,150.00			
TOTAL		\$20,000.00			\$20,000.00

Police

TB 6/13/22

BUDGET REVISION #32 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-706-103-0001	EVFD Salary & Wages	\$3,210.00	001-706-230-0000	Contracted Services	\$4,210.00
001-706-226-0001	Insurance & Bonds Fleet	\$1,000.00			
TOTAL		\$4,210.00			\$4,210.00

Fire Dept.

SH 6/13/22

BUDGET REVISION #33 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-750-108-0000	Overtime/Extra Help	\$2,700.00	001-750-213-0000	Utilities	\$6,000.00
001-750-211-0000	Telephone	\$600.00	001-750-217-0000	Maint of Autos & Trucks	\$5,000.00
001-750-216-0000	Maint of Equipment	\$7,000.00	001-750-223-0000	Professional Services	\$400.00
001-750-341-0001	Paving	\$95,404.00	001-750-226-0000	Insurance & Bonds	\$1,400.00
001-750-343-0000	Automobile Supplies	\$1,000.00	001-750-230-0000	Contracted Services	\$27,000.00
001-750-353-0000	Computer Software	\$112.00	001-750-239-0000	Insurance for Retirees	\$1,361.00
			001-750-341-0000	Grinding	\$15,000.00
			001-750-459-0000	Capital Outlay Equipment	\$50,000.00
TOTAL		\$106,816.00			\$106,161.00

Street Dept.

JS 6/13/22

BUDGET REVISION #34 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-754-104-0000	FICA Expense	\$300.00	001-754-459-0000	Capital Outlay Equipment	\$3,950.00
001-754-211-0000	Telephone	\$600.00			
001-754-213-0000	Utilities	\$1,500.00			
001-754-219-0000	Buildings & Equipment & Rents	\$1,200.00			
001-754-345-0000	Uniforms	\$350.00			
TOTAL		\$3,950.00			\$3,950.00

Central Garage

JS 6/13/22

BUDGET REVISION #35 FY2022

Increase		AMOUNT	Decrease		AMOUNT
001-910-222-0000	Dues & Subscription	\$100.00	001-910-459-0000	Capital Outlay Equipment	\$1,464.00
001-910-240-0000	Refunds & Reimbursements	\$1,000.00			
001-910-341-0000	Supplies & Materials	\$364.00			
TOTAL		\$1,464.00			\$1,464.00

PGCC

TJ 6/13/22

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1537)

June 14, 2022

Sanitation Fund Fiscal Year 22 Final Budget Revisions

WHEREAS, the City of Elkins has previously prepared and submitted its Sanitation Fund Budget for the Fiscal Year 2022; and,

WHEREAS, it has become necessary to make a revision to said Budget; and,

WHEREAS, Budget Revision No. 3 for FY2022 (copy attached) transfer funds as shown;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council of the City of Elkins hereby approves Sanitation Fund Budget Revision No. 3 for Fiscal Year 2022.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

FY2022 Sanitation Budget Revision #3

Revenues

Account Number	Description	Previously Approved	Increase	Decrease	Revised Amount
404-000-350-0000	Refuse Collection Comm	\$538,000.00	\$2,680.00	\$0.00	\$540,680.00
404-000-350-0003	Hauling Fees Foll-Off	\$100,000.00	\$70,000.00	\$0.00	\$170,000.00
NET INCREASE/DECREASE			\$72,680.00	\$0.00	

Expenditures

Account Number	Description	Previously Approved	Increase	Decrease	Revised Amount
404-800-230-0000	Contracted Services	\$535,000.00	\$62,000.00	\$0.00	\$597,000.00
404-800-341-0000	Supplies & Materials	\$7,000.00	\$1,000.00	\$0.00	\$8,000.00
404-800-345-0000	Uniforms	\$6,000.00	\$1,500.00	\$0.00	\$7,500.00
404-800-353-0000	Computer Software	\$0.00	\$600.00	\$0.00	\$600.00
404-802-103-0000	Salary & Wages	\$7,000.00	\$1,500.00	\$0.00	\$8,500.00
404-802-104-0000	FICA Expense	\$0.00	\$700.00	\$0.00	\$700.00
404-802-105-0000	Group Health Insurance	\$0.00	\$1,100.00	\$0.00	\$1,100.00
404-802-106-0000	Retirement	\$0.00	\$1,000.00	\$0.00	\$1,000.00
404-802-108-0000	Overtime/Extra Help	\$0.00	\$100.00	\$0.00	\$100.00
404-802-223-0000	Professional Services	\$0.00	\$500.00	\$0.00	\$500.00
404-802-226-0001	Insurance & Bonds GL	\$17,600.00	\$2,100.00	\$0.00	\$19,700.00
404-802-341-0000	Supplies & Materials	\$0.00	\$200.00	\$0.00	\$200.00
404-802-353-0000	Computer Software	\$8,200.00	\$380.00	\$0.00	\$8,580.00
NET INCREASE/DECREASE			\$72,680.00	\$0.00	

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV
A RESOLUTION OF COMMON COUNCIL

(#1538)
 June 14, 2022

Approval of Budget Revision 2022-001-06 for Fiscal Year 2022

At a regular session of the Elkins Common Council, held June 14, 2022, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the City of Elkins. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices the Elkins Common Council does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on State Auditor Budget Revision 6 (City Budget Revision 5), copies of which are entered as part of this record.

The adoption of the foregoing resolution having been moved by _____; the vote thereon was as follows:

N. Bross-Fregonara		J. Guye		D. Parker	
R. Chenoweth		C. Higgins		L. Vest	
M. Cuonzo		M. Hinchman		Mayor J. Marco (in case of tie)	
(vacant)		C. Lowther			

WHEREUPON: Mayor Marco declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the Elkins City Clerk is authorized to fix her signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

 Jerry A. Marco, Mayor

Attest:

 Jessica R. Sutton, City Clerk

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
200 West Main Street
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
Fax: 304-340-5090
Email: lgs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 Fiscal Year Ending: **2022**
 Fund: **1**
 Revision Number: **6**
 Pages: **1 of 1**

City of Elkins
 GOVERNMENT ENTITY

Person To Contact Regarding Request:
 Name: **Tracy Judy**
 Phone: **304-636-1414, ext 1317**
 Fax: **304-635-7135**
 Email: **tjudy@cityofelkinswv.com**

401 Davis Ave.
 STREET OR PO BOX
 Elkins 26241
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Business and Occupation Tax	1,267,000	67,500		1,334,500
314	Sale Tax	1,361,000	20,000		1,381,000
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			87,500		

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
440	City Hall	527,637	70,000		597,637
566	Public Work	192,250	6,000		198,250
571	Parking	500		500	
700	Police Department	1,302,951	10,000		1,312,951
704	Police-Special Duty	68,600	2,000		70,600
901	Visitors Bureau	161,000	15,000		176,000
910	Civic Center - Municipal Auditorium	179,096	15,000		194,096
950	Beautification Programs	99,500		15,000	84,500
958	Grants (social services)	25,000		15,000	10,000
	#N/A				
NET INCREASE/(DECREASE) Expenditures			87,500		

APPROVED BY THE STATE AUDITOR
 BY: _____
 Deputy State Auditor, Local Government Services Division Date

 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1539)

June 14, 2022

***Authorizing Application to West Virginia Covid-19 Pandemic DR-4517-WV Grant Funding
By the Elkins Sanitary Board***

WHEREAS, the Common Council of the City of Elkins (“Council”) recognizes the need to provide adequate and effective sanitary services to its citizens; and,

WHEREAS, the City of Elkins wishes to submit an application to the State of West Virginia Office of Emergency Service Hazard Mitigation Grant program to request funding for the City of Elkins Emergency Generator Project, and,

WHEREAS, the City of Elkins must give assurance that the Office of Emergency Services Hazard Mitigation Grant Program regulations related to grant administration, civil rights, and other applicable State and Federal Laws will be followed, and,

WHEREAS, the City of Elkins must designate an official representative to act on its behalf in connection with the application and execute all necessary program documents.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Elkins authorized the submission of an application with the State of West Virginia Office of Emergency Services Hazard Mitigation Grant Program for the City of Elkins Emergency Generator Project.
2. The City of Elkins will comply with all laws and regulations pertaining to the program.
3. Whitney L. Hymes, Wastewater Superintendent/Chief Operator, is designated as the authorized official to act in connection with the application.

Jerry Marco/City of Elkins Mayor

I, Jessica Sutton, City Clerk, certify that the above is a true copy of a Resolution adopted the 14th day of June, 2022 at a meeting of the City of Elkins. I further certify that a quorum were present and a majority of its members voted affirmatively for this Resolution.

Jessica Sutton/City of Elkins City Clerk

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1540)

June 14, 2022

***Reauthorizing Conditions of Contract between Mitchell Tree Care, LLC
and Landscape Consulting, LLC
and the City of Elkins, and Authorizing Execution of Contract***

WHEREAS, the City of Elkins, West Virginia (“City”) has, per Resolution #1154, adopted the 2018 – 2023 Strategic Plan, including milestones and deadlines to serve as a guide in decision-making and resource assignment for the City; and,

WHEREAS, Strategic Focus Area #1, Section B, identifies public landscaping and education as a goal; and,

WHEREAS, the City, per Resolution 1326 adopted June 18, 2020, authorized, and executed a contract with Mitchell Tree Care, LLC and Landscape Consulting, LLC for the provision of such services to assist in this area; and,

WHEREAS, the City renewed a contract with Mitchell Tree Care, LLC and Landscape Consulting, LLC effective July 1, 2021 to continue such services; and,

WHEREAS, the City has received a proposed renewal of contract with Mitchell Tree Care, LLC and Landscape Consulting, LLC (copy attached and included with record) to continue such services; and,

WHEREAS, it appears that contracting for these goods and services is in the best interests of the citizens of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby accepts the terms of and reauthorizes execution of this Contract with Mitchell Tree Care, LLC and Landscape Consulting, LLC, by the Mayor on behalf of the City of Elkins.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

ARBORIST SERVICE CONTRACT

This Contract is made this 1st day of July 2022, by and between CITY OF ELKINS, WEST VIRGINIA (hereinafter "City"), and MITCHELL TREE CARE, LLC and LANDSCAPE CONSULTING, LLC (hereinafter "Contractor").

Recitals

A. Contractor is engaged in the tree care business and maintains an office in Madsville, in the County of Monongalia, State of West Virginia.

B. Contractor is willing to provide a service to City and City is willing to accept this service, on the terms, covenants, and conditions set forth in this Contract.

In consideration of the mutual covenants and promises of the parties, City and Contractor covenant and agree as follows:

Section I.

Nature of and Place of Work

Contractor shall provide tree care service for the City and Contractor does accept this obligation as set forth below:

1. Contractor shall provide consultation services on the proper care and maintenance of trees within the City. Contractor shall also respond, on a case-by-case basis, determined by the City or the Elkins Tree Board, to concerns involving trees located on private property or in the public rights-of-way within City limits. Depending on the situation, City or the Contractor may utilize digital images to communicate with City or the Elkins Tree Board rather than an on-site analysis. Contractor would then decide if an on-site inspection is necessary to determine a tree's structural stability or make other determinations about the tree(s) in question. Based on Contractor's judgment of a tree's structural stability and/or risk of failure, the Contractor may make recommendations to said party for proper care or removal. All recommended work would be contracted for separately with a contractor of choice.

2. Contractor shall maintain and document with a certificate of insurance the required levels of insurance coverage at all times during the term of this Contract. Contractor is required to carry a \$1,000,000 general liability policy with the City being listed as additional insured on all policies. Contractor shall also provide proof of Workers Compensation insurance as required by law.
3. Contractor shall be a certified arborist or employ a certified arborist.
4. Contractor shall observe all policies, procedures, rules and regulations of the City.
5. At all times while performing services under this Contract, Contractor's employees shall wear appropriate clothing. Contractor's employees shall utilize all appropriate safety equipment and conform to the Occupation Safety and Health Administration (OSHA) standards for the products being used.
6. Contractor will be required to provide all necessary labor, supervision and equipment including fuel, to complete the necessary work described herein.
7. All work shall comply with all applicable state and federal safety and health requirements. When conflicts between applicable regulations occur, the most stringent regulation shall apply.

Section II.

Manner of Performance of Contractor's Duties

Contractor agrees that Contractor will at all times faithfully, industriously, and to the best of its ability, perform all of the duties that may be required of and from it pursuant to the express and implicit terms of this Contract to the reasonable satisfaction of City. The duties shall be rendered in the City of Elkins, West Virginia. Contractor shall indemnify, defend, and hold harmless City from and against all claims, causes of action, damages, or injuries of any sort arising out of or in connection with Contractor's performance of services hereunder.

Section III.
Duration of Contract

The term of this Contract shall be for a period of one year, commencing on the date of this Contract. The Contract may also be terminated upon mutual agreement of parties. At all times hereunder, Contractor shall be considered an independent contractor and not an employee of the City.

Section IV.
Payment and Reimbursement

City shall pay Contractor and Contractor agrees to accept from City, in full payment for Contractor's services under this Contract as a consultant, compensation at the rate of \$1,200.00 per year, which includes all machinery and crew for the year term . The Contractor shall submit an invoice, per quarter, for the portion of the yearly compensation for the consulting services under the Contract.

Section V.
Contract Terms to be Exclusive

This written Contract contains the sole and entire agreement between the parties and shall supersede any and all other agreements between the parties. The parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this Contract or any representation inducing the execution and delivery of this instrument except such representations as are specifically set forth and each of the parties acknowledges that they have relied on their own judgement in entering the same. The parties further acknowledge that any statements or representations that may have been made by either of them to the other are void and of no effect and that neither of them has relied on them in connection with their dealing with the other.

Section VI.
**Waiver or Modification Ineffective
Unless in Writing**

No waiver or modification of this Contract or of any covenant, condition, or limitation contained in this Contract shall be valid unless in writing and executed by the party to be charged with it, and that no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties arising out of or affecting this Contract,

or the rights or obligations of any party, unless such waiver or modification is in writing, duly executed as stated above, and the parties further agree that the provisions of this paragraph may not be waived except as set forth in this Contract.

**Section VII.
Contract Governed by Law of
State of West Virginia**

The parties agree that it is their intention that this Contract and its performance, and all suits and special proceedings pursuant to this Contract be construed in accordance with the laws of the State of West Virginia.

Mitchell Tree Care and Landscaping Consulting, LLC

By: _____
Member

Date: _____

City of Elkins

By: _____
Mayor

Date: _____