REGULAR
COUNCIL MEETING
May 10, 1976

The regular meeting of the Elkton Town Council was held May 10, 1976 at 8:00 P.M. in the Council Chambers with the Mayor, H. Ditman Flory presiding. The following council members were present: Mr. C. E. Dean, Mr. R. R. Dean, Mr. H. A. Leet, Mr. R. J. Lough, Mr. W. H. McGahey and Mr. W. P. Suiter. Mr. William Greber, Patrolman, Mrs. Norma R. Leap,Clerk, Mr. Gerald Monger, Town Superintendent and Mr. R. Bruce Wiles, Town Attorney were also present.

Mr. C. E. Dean opened the meeting with prayer.

Mr. R. J. Lough moved, seconded by Mr. R. R. Dean and carried to approve the minutes of the regular meeting April 12, 1976 as presented.

Mayor Flory congratulated Mr. Bill Holt and Mr. Maurice Lough on the elections. As this would be Mr. Leet's last meeting, Mayor Flory expressed his appreciation to Mr. Leet for the dedication he has rendered to the Town of Elkton and stated that it had been a pleasure to serve with him and that he had gained wisdom from this experience of serving with him.

Mr. Robert Lough congratulated Mayor Flory and Mr. Randal Dean on their election to council.

Mrs. Stephen Shifflett, President of the Woman's Club, was present to ask permission for the Woman's Club to place a plaque on the front of the Municipal Building which designates it as the Jennings House, built in 1825 and used as a hospital during the Civil War.

Mr. R. J. Lough moved, seconded by Mr. W. H. McGahey and carried to grant the Woman's Club permission to install a plaque on the front of the Municipal Building and commended them for their dedication to the community.

Mr. Gerald Monger reported that the plans for the water line on North Avenue to furnish water to Elkwood have been changed to install a 10 inch line rather than 8 inch and will increase the cost from $9,000.00 to approximately $11,457.00.

Mr. R. J. Lough moved, seconded by Mr. H. A. Leet and carried to approve the First Reading to appropriate an additional $3000.00 to install a 10 inch water line to service Elkwood. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- abstain	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- abstain

Mr. Suiter reported that the fossil fuel cost for the month of May is $8.42 a thousand kwh.

Mr. Suiter gave a brief outline of the many benefits the town has received from ElectriCities but have never joined and paid dues. He felt the town should join as the dues are just a small part of the money ElectriCities has saved the town. The 1976-1977 dues are $568.57.

Mr. W. P. Suiter moved, seconded by Mr. R. R. Dean to approve the First Reading to pay the 1976-77 dues to ElectriCities in the amount of $568.57 to become an Associate Member.

Mr. Lough objected to paying the dues out of this year's budget as the money is not available and felt it should be considered in next year's budget.

Mr. W. P. Suiter moved, seconded by Mr. R. R. Dean to amend the motion to join ElectriCities and the dues be paid from the 1976-77 Budget. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

Mr. Suiter reported that the bucket truck is in need of some repair and this needs to be considered for the next budget. A representative from MAP Enterprises quoted a price of $3000.00 to $5000.00 to overhaul our present truck which is a 1962 model. If we traded for a rebuilt 1966 model the cost would be $7500.00 and a new truck would be $20,000.00 or better. Mr. Monger was asked to get quotes from other dealers.

Mr. R. J. Lough moved, seconded by Mr. C. E. Dean and carried to approve the Finance Report for April.

Mr. Lurty Taylor reported to Mr. Lough that Elkwood had approximately six to seven thousand dollars in escrow for the town which they will be turning over to the town before too long.

Mr. McGahey requested the town pay the Fire Company the gasoline money for the year which is to come from the Revenue Sharing EP-6 Account. The next item was a police car but as one has not been ordered the Treasurer was instructed to pay the $1200.00 for the Fire Company gasoline and the $2000.00 for the Recreation Commission.

Mr. C. E. Dean was given permission to go ahead with getting prices on updating the town ordinance book.

Mr. Leet reported that Arthur Beard Engineers have completed the Water Study and those who were not at the informational meeting will find their copies of the report in their mail boxes. He stated that it is important for the council to study this report thoroughly and it will be brought up at the next meeting. There was an extra cost of $624.52 for the study.

Mr. H. A. Leet moved, seconded by Mr. W. H. McGahey to approve the First Reading to appropriate an additional $624.52 to cover the completed expenses on the contract for the water study from Arthur Beard Engineers. The vote was recorded as follows:

C. Dean	-	yea	R. Lough	-	yea
R. Dean	-	yea	W. McGahey	-	yea
H. Leet	-	yea	W. Suiter	-	yea

This additional cost, plus the balance remaining on the original cost of $5000.00, totals to $3,356.03. This will not have to be paid until the council gives their final approval of the report.

There needs to be an additional amendment to the engineering agreement with Arthur Beard Engineers before we will receive the Step I money.

Mr. H. A. Leet moved, seconded by Mr. R. R. Dean and carried to approve the following amendment to the Arthur Beard Engineering Contract:

AMENDMENT TO ENGINEERING AGREEMENT
DATED JUNE 19, 1975

AMENDMENT NO. 2

This AMENDMENT made this 10th. day of May, 1976, by and between the TOWN OF ELKTON, VIRGINIA, hereinafter referred to as the OWNER, and ARTHUR BEARD ENGINEERS, hereinafter referred to as the ENGINEER.

WITNESSETH:

WHEREAS, the OWNER and the ENGINEER on June 9, 1975, entered into an AGREEMENT FOR ENGINEERING SERVICES concerning preparation of a sewer evaluation report by the ENGINEER.

WHEREAS, the parties thereto now wish to amend the AGREEMENT FOR ENGINEERING SERVICES to include SECTION V - ACCESS TO RECORDS, as follows:

SECTION V - ACCESS TO RECORDS

(1) The ENGINEER shall maintain books, records, documents and other evidence directly pertinent to performance on EPA grant work under this agreement in accordance

with accepted professional practice, appropriate accounting procedures and practices and 40 CFR 30.605, 30.805 and 35.935-7. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, the OWNER, and the state water pollution control agency, or any of their duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The ENGINEER will provide proper facilities for such access and inspection.

(2) The ENGINEER agrees to include in all his contracts and all tier sub-contracts directly related to project performance which are in excess of $10,000 the five items of this clause.

(3) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards and formally established audit regulations, procedures and guidelines of the reviewing or audit agencies.

(4) The ENGINEER agrees to the disclosure of all information and reports resulting from access to records pursuant to paragraphs (1) and (2) above, to any of the agencies referred to in paragraph (1) above. In those cases where the audit concerns the ENGINEER the auditing agency will afford the ENGINEER an opportunity for an audit exit conference, and an opportunity to comment on the pertinent portions of the draft audit report. The ENGINEER will be provided copies of the formal draft audit report at the time of its transmission. Such transmission will include the written comments, if any, of the audited firm.

(5) Records under paragraphs (1) and (2) above, shall be maintained and made available during performance on EPA grant work under this agreement and until three years from date of final EPA grant payment for the project. In addition, those records which relate to any "Dispute" appeal under an EPA grant agreement, or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

Except as modified by this AMENDMENT, the June 9, 1975, AGREEMENT FOR ENGINEERING SERVICES including previous amendments is reaffirmed by the parties.

This AGREEMENT shall be in full force and effect only when it has been approved by the Town Council of the Town of Elkton, Virginia, and when executed by the duly authorized Town officials.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on May 10, 1976.

Mr. Leet asked Mr. Monger approximately how long it will take to put in the water line to service Elkwood. Mr. Monger said it would take about one to two weeks for delivery on pipe and two weeks for the installation if there are no emergencies. Mr. Leet urged that this project be pursued immediately.

Mrs. Leap reported that the Highway Upkeep Grant Funds were audited by the state and everything was in order.

Mr. Wiles reported that he had attended the Local Government Attorney's Conference. It was pointed out that Grievance Procedures should include a provision for someone outside the framework of the procedure be designated to determine the grievability of a grievance. After some discussion, it was turned over to the Personnel Committee to bring recommendations back to council.

Mr. Suiter reported that he had gotten information from the School Board on portable class rooms and passed it on to Rev. Johnny Hensley. As of this meeting, Rev. Hensley has not pursued the request for non-movable trailers any further.

Mr. W. H. McGahey moved, seconded by Mr. W. P. Suiter and carried to go into Executive Session to discuss the purposed merit system and raises. Mr. Holleran, Mrs. Leap and Mr. Monger were asked to remain for the session. Mr. Bill Holt and Mr. Maurice Lough were given permission to stay if they so desired.

Mr. W. H. McGahey moved, seconded by Mr. W. P. Suiter and carried to go out of Executive Session and back into Regular Session.

Mr. R. J. Lough moved, seconded by Mr. W. H. McGahey and carried to approve the First Reading to adopt the Performance Rating System, Merit Personnel Program and 5% Conversion Cost Rate effective July 1, 1976. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

Mr. Holleran was given a big vote of thanks by the council for the fine job he did for the town on these programs.

Mr. Bill Holt reported that he has resigned as Chairman of the Land-Use Plan Committee and Mr. Pete Shifflett has moved up to the Chairman's position. Mr. Holt stated that the Committee is about ready to approve a Land-Use Plan to recommend for adoption. Mr. Rabby will be setting up maps and information in the near future and he will be available for questions. He suggested that the council and citizens look over the information and ask whatever questions they have as this is what is needed to come up with the best plan and eliminate problems further along.

Mayor Flory reported that there are three vacanies on the Elkton Planning Commission. Mr. J. C. Black is deceased and Mr. Joe Leap and Mr. Hiram Monger have resigned. He stated he would like recommendations to be presented so that action can be taken at the next meeting.

As there was no further business, Mr. W. P. Suiter moved, seconded by Mr. R. J. Lough and carried to adjourn.

MAYOR: H. Ditman Flory Mayor
H. Ditman Flory, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk