

Minutes of the June 19, 2019 Meeting of the Board of Park and Recreation Commissioners
Location: Marilla Recreation Center, Morgantown, WV

Call to Order: Meeting was called to order at 3:07pm.

Establish Quorum: Board Members Present – President Patrick Hathaway, Edward Cordwell, Danielle Trumble, and William Hutchens. Rick Landenberger, Jenny Selin, Rachel Fetty not present. Director Melissa Wiles, Assistant Director Marissa Travinski, City Attorney Ryan Simonton and Ex-Officio Treasurer Jim Goff were also present.

Minutes: Ed Cordwell motioned and Danielle Trumble seconded for approval of the May, 2019 minutes and those minutes were approved unanimously.

Oral Communications:

Mon Valley Green Space Coalition – Greenways Presentation: JoNell Strough reviewed a letter that the Green Space Coalition provided to City Council, the City Manager and others. The letter detailed their continued support for routes #5 and #5A, citing several points that they feel need addressed: 1. Carbon capture of trees. 2. Replacement value of trees. 3. Trail design and construction. 4. Trail maintenance. 5. Mitigation of contaminated soil. They also feel that these factors need added and/or updated for reflection in the matrix sheet being tallied by MUB. Dr. Strough then presented information on the proposed greenbelt network in Morgantown. The greenbelt would assist to establish connectivity of neighborhoods to the Rail-Trail system and other avenues of access throughout the community.

MUB – Raw Water Line Updates/Soil Samples: Doug Smith from the Morgantown Utility Board was at the meeting to provide the BOPARC Board with an update on the raw water line project route research as well as the need to begin the soil sample process in order to move forward with additional route assessment. Mr. Smith reported that as of the current date, routes 5, 5A, 3 and 8 are the only viable routes remaining from the standpoint of community input. He also gave an overview of an access agreement draft between the City, MUB and BOPARC that would allow MUB to access routes 3 and 8 in order to obtain soil samples. With regard to the soil sampling, William Hutchens asked why BOPARC needed to sign the access agreement. Ryan Simonton stated that BOPARC legally does not need to sign the agreement as the property is owned by the City and the City has the capacity to grant access to MUB. The City, however, wants the input of the BOPARC Board as part of the process. William Hutchens stated that he had concerns about the insurance provisions of the agreement, which should include BOPARC. He also stated that BOPARC should be included in the protection from liability portion of item number 11 in the agreement. Ryan Simonton stated that if BOPARC would like to be included as an additional insured, that specific language could be changed. He also stated that indemnification of the City is required by law as opposed to another non-parent entity or private entity. There is also savings language in the clause that provides that if the indemnity obligation is voided for any reason, MUB agrees that it is solely performing the work and responsible for the work and will be the primary coverage. Danielle Trumble asked about tree protection and machinery crossing the root areas of trees during the soil sampling. Specifically, whether the machine being used is large enough to cause tree protection to need to be provided. Mr. Smith indicated that the equipment is not extremely heavy and runs on tracks. Mr. Smith also explained updates to the matrix, including slight route changes to number 8, impacting cost. Patrick Hathaway asked a question about the type of pumping station for route number 5A in relation to the type of station in terms of cost and environmental significance. Mr. Smith walked through factors related to cost, cost-savings and energy efficiency.

President Hathaway opened the floor for any additional public comments. JoNell Strough spoke to her thoughts on the maxtrix approach to summarizing the routes and the items related to them. She also commented on tree mortality. Doug Smith commented on the manner in which MUB arrived at the designation of defining trees at three inches or more in diameter, noting that 6 inches was the normal designation for an established tree but three inches was chosen by agreement as an additional precaution.

Correspondence: No additional correspondence was reviewed.

Financial Report: Ex-Officio Treasurer Jim Goff reviewed the financial report, noting that BOPARC had spanned 11 months of the fiscal year. Operational revenues are flat from the prior year and sitting at around 85% of budget. Operational expenses are at 98% of budget. Ed Cordwell motioned and Danielle Trumble seconded for approval of the Financial Report. Motion passed unanimously.

Executive Director's Report: Director Wiles reviewed her report. As part of that report she and Mr. Goff discussed the Sales Tax and details that could be relayed at this point. BOPARC's estimated \$1,250,000 could cover an approximate \$10,000,000 bond from preliminary projections. Estimated revenues were conservative when planning. Sales tax collection would begin in July, 2020 with disbursement beginning in October of that year. Danielle Trumble asked about the recent maintenance work on Marilla Pool and its relation to the pre-season work on the liner. Director Wiles explained that the while the work was to the liner it had to do with wear to a specific seam and wasn't created by the issue of the void between the old liner and the new. BOPARC has been aware that the liner seams behind the gutters will likely need welded. This seam was below one of the gutters in the shallow end and the reason the pool had to be taken off-line for a day was moreso because the water had to be drained to a certain level in order to get to the seam. Ms. Trumble asked if it would be an expensive repair and Director Wiles stated that she was not expecting it to be so. Patrick Hathaway

asked if BOPARC got a discount for purchase of water from another City entity. Ryan Simonton stated that utilities were not permitted to provide such discounts. Director Wiles stated that she did want to acknowledge and thank Mr. Smith for MUB's assistance in re-filling the pool quickly after the work was completed. Ed Cordwell motioned and William Hutchens seconded to approve the Director's Report. Motion passed unanimously.

Unfinished Business:

- **MUB Raw Water Line** – This item returned to the agenda due to the preliminary soil sampling needing completed as part of the pre-project steps. Daniella Trumble motioned to approve the license agreement with MUB for purposes of the soil sampling in White Park along routes #3 and #8. Ed Cordwell seconded. Discussion was opened by William Hutchens, who stated he wanted to restate his concerns brought up during the presentation. Mr. Hutchens acknowledged the changes based on those concerns received from Ryan Simonton via email as an update to the agreement to provide BOPARC with additional protection in terms of insurance and claims. William Hutchens asked about a yearly fee for the pipeline and Ryan Simonton stated that it was a common practice and if it was done it would be included in the license agreement for the pipeline itself. Mr. Hutchens said he felt this was important because BOPARC had such a history of items being added to the system without supportive funding. Danielle Trumble clarified that the discussion taking place was only for the purposes of soil sampling. Director Wise stated that was correct. Ryan Simonton explained that Board action was not needed approve the document as the City Manager could do so without action of the Board or Council as it was a property management issue. However, he stated that this was an important public issue and was being presented for consideration to be sure that the Board was comfortable with the agreement. William Hutchens stated that he was fine with voting on the document with the inclusion of the updates discussed previously. Patrick Hathaway posed a question regarding encroachments and whether that would include tree removal. Mr. Simonton stated that encroachments refer to things placed on the property under the license agreement and that tree removal was provided for and discussed separately in the agreement so those provisions would be followed in instances of tree removal. Mr. Hathaway offered the scenario of a sapling being removed that could possibly have become a full grown tree and the value of that. Mr. Hutchens stated that perhaps those instances could be addressed in the final project license agreement. William Hutchens requested that the Chair allow discussion with Mr. Smith regarding tree size and the sampling. President Hathaway suspended the rules in order for the Board to address Mr. Smith. Doug Smith explained that the tree size was determined as an extra precaution (3 inch diameter) and that trees were normally considered at 6 inches in diameter. He stated that MUB would be consulting with an arborist throughout the project. Danielle Trumble asked if the arborist would be reporting just to MUB or to BOPARC as well. Mr. Smith stated that BOPARC, the City, the Tree Board and the public would have access to the arborist's report(s). Ryan Simonton referred everyone to a paragraph in the agreement that stated "all documents would be provided to the owner" and further stated that if the Board was concerned about specific reference to BOPARC then BOPARC could be added specifically. Patrick Hathaway asked for a change in paragraph 11 from "either" party to "any" party. Danielle Trumble withdrew her original motion. William Hutchens motioned to accept the license agreement for preliminary soil sampling and to authorize the Director to sign the agreement with the changes to reflect additional protection for BOPARC in terms of insurance, claims and adding the BOPARC references just discussed. Danielle Trumble seconded the motion. Motion passed unanimously.

New Business:

- **2019/2020 Budget Adjustment** – Director Wiles explained the budgeted amount for the County Grant funding and that it was based on a conservative estimate from prior funding. In order to off-set the lack of funding BOPARC will modify our playground replacement schedule and the summer entertainment series for the summer of 2020. This budget adjustment will be done at the July meeting, as after discussion with Mr. Goff it was decided to wait until the fiscal year started in order to do so. No action needed at this time.
- **Update to Personnel Policies** – Director Wiles stated that in relation to this item, there was some additional language that was being addressed so it would be back on the agenda next month as well. No action needed at this time.
- **Ice Arena Equipment Upgrades** – Director Wiles reviewed equipment needing addressed at the Ice Arena. One chiller compressor is in need of upgrade, which will require replacement. The part is \$34,683 and is replaceable by H.E. Neumann as part of our maintenance agreement. This is the second compressor that has had need of upgrade. Director Wiles also gave the Board an update on another equipment upgrade, that being the ice surfacing machine and edger. Two companies make these machines – Zamboni and Olympia. There are now two types of machines – propane and electric. BOPARC has always had propane machines. Electric is by far the chosen option at this point because of the lack of worry over carbon minoxide, obtaining propane, etc. William Hutchens motioned and Ed Cordwell seconded to replace the failed compressor with the upgraded model. Motion passed unanimously.

Board Comments:

- William Hutchens commented that the White Park issue has been interesting and that he has admiration for how entities and public have come to work together, including MUB and the Greenspace Coalition. He stated he could see how route choices could impact different areas and people and feels that MUB, the City and BOPARC will need to work toward what is the best solution. William still thinks that BOPARC should take a position when we have more information overall. He is looking forward to strategic planning and feels the sales tax is good for BOPARC, especially as is relative to bonding. He asked that City/County cooperative relationships be discussed at strategic planning.
- Danielle Trumble stated that she agrees that when the time is right BOPARC should issue a statement regarding the MUB raw water line project and route. Danielle also informed the Board that she had been re-appointed to a full term for BOPARC and had taken her oath of office. She is also looking forward to strategic planning. She recently attended part of the Health and Wellness Commission meeting and informed the Board that City Council had approved an anti-bullying ordinance that is designed to hold City youth organizations accountable so she wants to make sure we are up-to-date on that measure. Director Wiles informed the Board that BOPARC has had an anti-bullying policy for almost a decade.
- Ed Cordwell had no comment.
- Patrick Hathaway reminded the Board that elections for Officers will be next month. He thinks that BOPARC has done good things over the past year and is looking forward to next year. He appreciates that MUB is doing their due diligence regarding the raw water line project. He acknowledged that not everyone would be satisfied with a final decision. Regarding funding concerns, he stated that he had requested that the City allocate \$50,000 in order to make up for the money not funded by the County and that he was interviewed by the Dominion Post and provided additional detail about the way the County conducted their business. He reminded everyone that every resident of the City of Morgantown is also a resident of Monongalia County, that all pay property taxes to the County and all have representation on the County Commission. He stated there is no us vs. them ground and it bothers him when they try to take that position. He stated that when Board members interact with the public they don't speak ill of other organizations that manage properties.

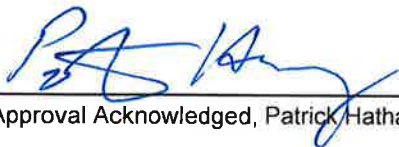
Adjournment: Ed Cordwell motioned for adjournment and meeting adjourned at 5:19pm.

Melissa Wiles

July 10, 2019

Respectfully Submitted, Melissa Wiles, Director

Date



7/10/19

Approval Acknowledged, Patrick Hathaway, Board President

Date