

77

Meeting of Nov. 12, 1956. Roll call of members. Minutes of last meeting read and upon motion of Custer seconded by Craft, they were approved. Mayor Lewis is to follow up request to the Brooke County School Board to lay sidewalk along High Street. Resignation of Frank Echols as janitor and upon motion of Wallace seconded by Custer, was accepted. Wallace was to see Little and V. Augustine about filling the vacancy. Permission was given Wallace to cut down Elm Tree on Parcel "C" some time this coming winter. Mr. Paul Kellas appeared and read a request for a street light to be installed in front of School Building on High Street. Craft moved that Village Council order two new street lights to be installed, one in front of school steps and one in front of #416 High Street, both on High Street. Motion passed. Wallace was asked to put up signs asking for volunteers to turn out Sat. Nov. 18 at 8 a.m. to haul away leaves and patch streets with blacktop. Residents to have leaves in front of their property raked and piled in streets. Upon motion of Wallace seconded by Custer, it was passed to order three tons blacktop if enough volunteers to apply same are found. Wallace was to call Cecil Wells, road supervisor, about getting double line painted at west end of Third Street. Treasurer, Armand Lewis, read report for last two months as follows, after which the meeting was dismissed.

Balance Sept. 1, 1956 - - -	2892.63 \$2892.63
September receipts - - - - -	693.19
Total receipts - - - - -	\$3685.82
Bills paid in Sept. - - - - -	360.03
Balance on hand Sept. 30 - - - -	\$3325.79
Receipts during October - - - - -	1073.54
Total receipts - - - - -	4399.33
Bills paid in October - - - - -	1416.96
Balance on Hand Oct. 31, 1956 - - -	\$2982.37

Acting Recorder
Mayor

Dr. Wallace
Armand Lewis

Meeting of December 10, 1956

Meeting called to order on above date by Mayor Lewis. Roll call of members and reading of minutes of last meeting. Minutes approved. Old business. Wallace reported that Mr. Wells had promised to get double line on west end of Third Street painted. Vaughn Augustine had been hired to act as janitor for Community Hall. Leaves had been hauled away and blacktop had been applied to High Street. Mayor Lewis reported that two street lights had been ordered to be installed. Craft reported that red line had not been painted on curb in front of Grigsby Rest Home on account of repairs being made to curb, but that painting would be done soon. Mayor Lewis asked Wallace to request Ralph Pryor to send letter to Dr. Sperck, president of Brooke County Board of Education, to lay walks along school property of High Street. Meeting then adjourned.

Acting Recorder

Mayor

Dr. Wallace
Armand Lewis

Jan. 14, 1957.

Council of the Village of Beech Bottom, W. Va., met on above date in Council Chambers. Meeting was called to order by Mayor Don. Lewis. Roll call of members was first, followed by reading of the minutes, which were approved as read. Report on old business. Craft reported that curb had not been painted in front of Valley Haven Rest Home on Hill Street. Mayor Lewis reported that Street lights had not been erected yet by Monongahela Power Co. Gerald Abernethy appeared before council to ask that heater in Hall be turned on several hours before their meeting time while weather is cold. Craft agreed to look after this. Mention was made to Mr. Abernethy that Union left lights on after their last meeting. He agreed to correct same so it would not happen again. Mention was made that janitor was not cleaning hall after meetings, especially union meetings. Mr. Lewis agreed to mention same to janitor of Hall, Vaughn Augustine. Complaint was made about cars parked in Alley B by Davidsons. Mayor Lewis agreed to speak to them about discontinuing ~~xxxx~~ this practice. Mr. Kadlic asked if there were any plans about surfacing High Street. Mayor Lewis stated he would write a letter to the State Road Commission asking them for assistance in this work. Treasurer was asked to get cards relating to garbage records and collection printed. Treasurer A.M. Lewis reported the following:

December 1, balance - - - - -	\$2415.60
Receipts - - - - -	1352.01
Total - - - - -	3767.61
Bills paid in Dec. - - - - -	458.08
Balance on hand Dec. 31, 1967	\$3309.53

Upon motion duly passed, the meeting adjourned.

J. E. Wallace Acting Recorder
Donald Lewis Mayor

Meeting of February 11, 1957.

Council of the Village of Beech Bottom, W. Va. met on above date. Meeting called to order by Mayor Lewis. Roll call of officers and reading and approval of minutes. Old business: Davidsons seen about parking in Alley B and matter corrected. Janitor not seen. Letter to State Road Commission not yet written. Councilman Craft not at meeting but reported that curb on Hill St. not yet painted. Two Street Lights ordered from Monongahela Power Co. on High St. not yet installed. Mr. Paul Masarda appeared before Council asking for a water tap. He was referred to the Wheeling Steel Corporation and J.E. Wallace offered to help him present his petition. Treasurer A.M. Lewis reported the following:

Jan. 1, 1957 balance - - - - -	\$3,309.53
January receipts - - - - -	359.41
Total receipts - - - - -	\$3,668.94
January bills paid - - - - -	236.55
January 31, 1957 balance - - - - -	\$3,432.39

By order of the Mayor, the council was dismissed.

J. E. Wallace Acting Recorder
Donald Lewis Mayor

Meeting of Village Council March 28, 1957.

Meeting called to order by Mayor Lewis. Roll call of members. Dispensed with reading of last minutes. Attorney Ralph Pryor and Treasurer A.M. Lewis present. Liens for sewer assessment against Frederick Page and C.F. Bible prepared. Wheeling Steel Corporation proposal for water supply presented and studied. Meeting then adjourned.

J. E. Hallan

Acting Recorder

Donald P. Lewis

Mayor

Meeting of March 11, 1957.

Village council met on above date at the Village Council chambers.

Meeting called to order by Mayor Don Lewis. Roll call of officers was made, after which was the reading of minutes of last two meetings which were approved as read. Unfinished business was called for.

Craft reported curb not yet painted on Hill St. Mayor reported that ~~xxxx~~ letter had been written State Road Commission but no reply had been received as yet. Street lights on High Street were reported installed. Street resurfacing was discussed. Also proposed work on playgrounds. No action taken on either. Letter of resignation of janitor Vaughn Augustine effective as of April 1st read. Upon motion of Wallace seconded by Custer, the resignation was accepted. Craft moved and Wallace seconded that James Greathouse be offered the job. Motion passed and Wallace was instructed to contact Greathouse about same. Kadlic moved and Custer seconded and it was passed that two truck tires be recapped. Paul Custer Jr. was asked by the Mayor to look after same.

The treasurer, A.M. Lewis read the following report of treasurer:-

Balance as of February 1, 1957	- - - - -	\$3,432.39
Receipts during February	- - - - -	268.79
Total receipts	- - - - -	3,701.18
Bills paid during February	- - - - -	325.16
Balance on hand Feb. 28, 1957	- - - - -	\$3,376.02

Meeting was then adjourned by Mayor Lewis.

J. E. Hallan

Acting Recorder

Donald P. Lewis

Mayor

April 8, 1957.

Meeting of Village Council held on above date with Mayor, Donald P. Lewis presiding. Roll call of members. Reading and approval of minutes of last meeting. Under old business, the curb on Hill Street in front of Valley Haven Rest Home was reported painted. Mayor Lewis reported a phone call to Governor Underwood's office concerning repairing and taking over portion of High Street between Third Street and State Route #2. Recorder was asked to furnish Atty. Pryor with map of Village and ask him to write to the State Road Commission about above matters. Correspondence. Letter of thanks from Beech Bottom P.T.A. for installation of Street Light in front of School. Letter from W.Va. League of Municipalities read, and ordered filed. Kadlic moved and Wallace seconded to hire truck driver at \$1.50 per hour and one or two laborers at \$1.25 per hour to clean up streets and drains Saturday, April 13. Motion passed. Wallace to post notice and hire necessary men. Wallace offered to install rubbish burner at Valley Camp store. Treasurer A.M. Lewis read report as follows:

Balance March 1, 1957 - - - - -	-\$3,376.02
Receipts for March - - - - -	240.97
Total - - - - -	\$3,616.99
Bills paid in March - - - - -	454.02
Balance on hand March 31, 1957 - -	-\$3,162.97

Meeting then adjourned.

J. E. Wallace

Acting Recorder

Donald P. Lewis Mayor.

April 15, 1957.

Special meeting of Council held on above date. Meeting called to order by Mayor Don. Lewis. Roll call of members. Atty. Ralph Pryor presented proposal of Wheeling Steel Corporation concerning the turning over to the Village the Beech Bottom water system. Suggested changes were suggested which Atty. Pryor will carry back to the Corporation, and Council was adjourned by the Mayor to meet again at 7 p.m. Monday, Apr. 22, 1957. The following monthly budget was suggested for the Water Board:-

Monthly electric charge - - - - -	-\$175.00
Service man - - - - -	60.00
Water main & Service taps - - - - -	25.00
Depreciation of Reservoirs - - - - -	40.00
Repair of mains - - - - -	20.00
Pump depreciation - - - - -	20.00
Maintenance of pumps and fences - - - - -	20.00
Pump house depreciation - - - - -	7.00
Repair on pump houses - - - - -	4.00
Cost of Chlorine - - - - -	8.00
Depreciation and upkeep of Chlorinators - - - - -	3.50
Salary of Collector or treasurer - - - - -	25.00
Labor & material repairing Service Lines - - - - -	100.00
Reserve - - - - -	100.00
Total - - - - -	\$607.50

J. E. Wallace

Acting Recorder

Mayor.

Meeting of April 22, 1957

Village Council met at a called session on above date. Roll call of officers was made. Reading of last meeting's minutes was dispensed with. Purpose of meeting was to study proposal of Wheeling Steel Corporation to turn over Water System to Village. After study was had, motion was made by Mr. Custer seconded by Mr. Graft that Village Council accept the proposed lease and deed containing present and future water wells and lines, etc. now located on Wheeling Steel Corporation property at Beech Bottom, a copy of said lease and deed being made a part of these minutes. Same being subject to approval of the Public Service Commission of State of West Virginia. Motion passed. The following is the above mentioned lease:-

THIS LEASE, Made as of the 1st day of April, 1957, by and between Wheeling Steel Corporation, a Delaware corporation, having offices in the City of Wheeling, Ohio County, West Virginia, hereinafter sometimes called "Lessor", party of the first part, and the Village of Beech Bottom, a municipal corporation created under the laws of the State of West Virginia, located in Brooke County, West Virginia, hereinafter sometimes called "Lessee", party of the second part:

WITNESSETH:

That for and in consideration of the mutual promises, covenants and agreements hereinafter set forth, the Lessor does hereby lease unto Lessee two (2) parcels of land, each situate in Buffalo District, Brooke County, West Virginia, described as follows:

PARCEL No. 1

PARCEL No. 2

Said Parcel No. 1 and Parcel No. 2 being a part of the same property which was conveyed by Elizabeth M. Mathews, et al., to Whitaker-Glessner Company (a predecessor in title to the Lessor), by the Deed dated January 5, 1916, of record in the Office of the Clerk of the County Court of Brooke County, West Virginia, in Deed Book No. 43, page 460.

together with the water well, pumping equipment and pump house located in and on each of said parcels of land. Further, the Lessor does hereby lease unto the Lessee that portion of the Six Inch (6") Water Main which traverses the Lessor's property (said property being the property conveyed to said Whitaker-Glassner Company by said deed dated January 5, 1916) and the right-of-way of West Virginia State Route No. 2, leading from the point of connection of said Water Main and the water wells located on said Parcel No. 1 and said Parcel No. 2 to the water distribution system of the Lessee at the westerly right-of-way line of said Route No. 2, together with the right to use, operate, maintain, repair and renew the same, provided, however, that the Lessor makes no representation by leasing said Water Main that it has the right to use, operate, maintain, repair and renew the same under said State Route No. 2. Said Parcels of land, the water wells, the pumping equipment and the pump houses located on said Parcel No. 1 and Parcel No. 2, and said Water Main are hereinafter sometimes referred to collectively as "promises". The lessee shall have the right of ingress and egress to

and from said premises by ways designated from time to time by the authorized representative of the Lessor.

TO HAVE AND TO HOLD said premises for the term of fifteen(15) years, beginning on the 1st day of April, 1957, and from year to year thereafter, subject to cancelation by the parties in the manner and at the times hereafter set forth.

The Lessee hereby leases said premises for the term aforesaid, acknowledges that it has examined said premises and knows the condition thereof, acknowledges that the Lessor has made no representations as to the condition of said premises nor the fitness of the same for the uses to which they are to be put by the Lessee, and accepts said premises in their present condition upon the following terms and conditions:

1. The lessee covenants and agrees:
 - a. To pay to the Lessor at its General Offices, Wheeling, West Virginia, a yearly rental of One Dollar (\$1.00), payable in advance, the first payment being due on the date this lease is executed;
 - b. To use and occupy said premises for the purpose of supplying water to the residents of the Village of Beech Bottom, and to others in the vicinity of said Village;
 - c. To do all work which the Lessee deems to be necessary to be done in order to use and occupy said premises for the purpose hereinafter specified, the necessity of such work and its cost and expense being the sole responsibility of the Lessee, provided, however, that no work shall be done until and unless the same has been approved by the authorized representative of the Lessor;
 - d. To keep, maintain and operate said premises in good order and repair at the sole cost of the Lessee;
 - e. To pay, discharge and indemnify the Lessor, its successors and assigns, against (1) any and all liens and charges of any and every nature and kind which may at any time be established against said premises, or any part thereof, as a consequence, direct or indirect, of the existence of the Lessee's interest under this Lease; (2) any and all loss, cost, damage, or expense sustained by the Lessor, its successors and assigns, (i) on account of or through the use of said premises, or any part thereof, by the Lessee or by any other person whomsoever, for any purpose inconsistent with the provisions of this Lease; (ii) arising out of directly or indirectly due to any failure of the Lessee in any respect promptly and faithfully to satisfy its obligations under this Lease; (iii) arising out of or directly or indirectly due to any accident or other occurrence causing injury to person or persons or property whomsoever or whatsoever resulting from the use of said premises, or any part thereof, under this Lease, and (iv) for which said premises, or any part thereof, or the Lessor, its successors and assigns, as owners thereof, or interested therein, may hereafter without fault of the Lessor, its successors and assigns, prior to the termination of this Lease, become liable, and especially (but not exclusively) any such loss, cost,

damage, or expense that may arise under any ordinance or statute or any municipal or governmental regulation, and

f. Not to assign this Lease or subject the premises, or any portion thereof.

2. The parties mutually understand and agree:

- a. That the Lessor, its successors and assigns, reserves the right to enter into and upon said premises for the purpose of making inspection thereof;
- b. That all alterations, additions, improvements and fixtures made or placed in or upon said premises, except movable furniture, shall be the property of the Lessor, its successors and assigns, and shall remain upon and be surrendered with said premises as a part thereof at the termination of this Lease, without molestation or injury, provided, however, that at the termination of this Lease, the Lessee shall, at its own expense, promptly remove all or any such part of said alterations, additions, improvements and fixtures if requested to do so by the Lessor, its successors and assigns.

3. The Lessee shall have the right to terminate this Lease at any time. The Lessor, for itself, its successors or assigns, reserves the right to terminate this Lease, in whole or in part, at any time during the initial term hereof in the event said parcels of land, or either of them and/or the property through which said Water Main traverses, or a part thereof, are needed for the business purposes of the Lessor, or its successors or assigns, such termination becoming effective at the time the Lessor, or its successors or assigns, provides and replaces, at the cost and expense of Lessor, its successors and assigns, the water wells or wells, and/or the Water Main affected by such termination, with a new well or wells, and/or the Water Main, of comparable size and number, capacity and equipment of the water well, or wells, and/or Water Main so affected, such well or wells to be located on that certain piece of parcel of land situate in Buffalo District, Brooke County, West Virginia, described in and conveyed by that certain Deed dated as of April 1, 1957, from Lessor to Lessee. Further, the Lessor, for itself, its successors and assigns, reserves the right to terminate this Lease, in whole or in part, at any time after the expiration of the initial term hereof, by giving to the Lessee not less than one (1) year's written notice of its or their intention to terminate. Upon the latter termination becoming effective and if requested to do so by the Lessor, the Lessor agrees to remove all pumping and chlorinating equipment then existing on said Parcel No. 1 and Parcel No. 2 at the site of the wells on such parcels and deliver the same to Lessee at the site of the parcel of land conveyed by said Deed dated April 1, 1957, at no cost or expense to the Lessee.

4. In the event the Lessee shall fail to keep and perform any covenant herein provided for, the Lessor, its successors and assigns, may, at its or their option, declare this Lease canceled and of no further force or effect.

5. This Lease is made subject to the terms and provisions of that certain First Mortgage dated as of February 1, 1936, from Wheeling Steel Corporation to Irvin Trust Company and Frederick G. Herbst (whereunder J. A. Ahstin is now the successor to said Frederick G. Herbst, as Individual Trustee), as Trustees, as amended and supplemented, or at the

election of the purchaser of the trust estate at any sale under said First Mortgage, as amended and supplemented, whether pursuant to the power of sale therein granted and pursuant to judicial proceedings.

6 Any notice required or permitted to be given hereunder may be sufficiently given by mailing the same by registered mail addressed in the case of the Lessor to "Wheeling Steel Corporation, Wheeling Steel Corporation Building, Wheeling, West Virginia", and in the case of the Lessee to "The Village of Beech Bottom, Attention of Mayor, Beech Bottom, West Virginia", unless prior to such mailing either party may have lodged with the other in writing a different address.

IN WITNESS THEREOF, Wheeling Steel Corporation has caused its name to be hereunto subscribed by John L. Neudoerfer, its President, and its corporate seal to be hereunto affixed, duly attested by J.E. Bruce, its Secretary, and the Village of Beech Bottom has caused its name to be hereunto subscribed and its corporate seal to be hereunto affixed by Donald P. Lewis, its Mayor, this the 1st day of May, 1957.

WHEELING STEEL CORPORATION

BY John L. Neudoerfer
its President

ATTEST:

J.E. Bruce
its Secretary

THE VILLAGE OF BEECH BOTTOM

BY Donald P. Lewis
its Mayor.

Paul Custer Acting Recorder.
J.E. Wallace Acting Recorder

Donald P. Lewis Mayor.

Minutes of meeting of May 13, 1957.

Village council met on above date. Meeting called to order by Mayor Donald P. Lewis. Roll call of officers. Reading and approval of minutes of last two meetings. No report from State Road Commission about High Street. Mayor Lewis to call them again. Rubbish burner to be made by Campbell and delivered by Wallace. Leases and Deeds for Water System signed and delivered to Atty Pryor. Also applications to the Public Service Commission for authority to operate signed. Atty Pryor to follow thru with papers. Wallace to call Tristate Asphalt Co. to get costs on repairs for High and Fourth Streets. Kadlic moved and Craft seconded that action of the Beech Bottom Volunteer Fire Department causing disturbance in the neighborhood and taking fire equipment out without any reason or necessity, as occurred on night of April 27, 1957, be condemned by council and a copy of this resolution be furnished the Beech Bottom Volunteer Fire Department so they may take corrective action which will prevent the recurrence of similar objectionable and dangerous actions in the future. The motion passed unanimously.

The Treasurer, Armand Lewis, issued the following report:-

Balance on hand April 1 - - - - -	\$3,162.97
Received month of April - - - - -	400.25
Total - - - - -	3,563.22
Disbursements, month of April - - - - -	472.52
Balance on hand April 30 - - - - -	\$3,090.70

After acceptance of treasurer's report, the meeting was adjourned.

J.E. Wallace

Acting Recorder

Donald P. Lewis

Mayor.

Meeting of May 27, 1957.

At a Special Meeting of Village Council on above date, the following were present: Mayor Lewis, Councilmen Custer, Campbell and Wallace. Matter of repairing High and Fourth Streets was discussed and upon motion of Custer seconded by Campbell, it passed that the Recorder was to notify TriState Asphalt Corporation to do the work of cold patching holes on a cost plus basis, estimated to cost \$360.00. Council then adjourned.

J.E. Wallace

Acting Recorder

Donald P. Lewis

Mayor.

Meeting of July 8, 1957

Council met on above date. Roll call of officers. Reading and approval of minutes of last two meetings. Recorder was asked to write letter to Pine Motel citing Village Ordinance on garbage disposal and asking them to get garbage cans and comply with ordinance. Mr. Craft moved and it was seconded and passed that we grant a loading zone for B.B. Community Christian Church by their Third St. door. Mr. Lewis was to arrange for same. Recorder was instructed to post notices for garbage bids for period Aug. 1, 1957 to Dec. 31, 1958. The Fire Dept. through its President Mr. Paul Custer was asked to get prices and information on an auxiliary Fire Siren for Hill Street. Mr. Pryor was asked to give us information about whether our privilege tax ordinance applies to Pine Motel and Grigsby Rest Home. Bill of Mr. Pryor in amount of \$39.9 for trip to Charleston was approved. Treasurer to turn over to mayor delinquent garbage accounts. The treasurer's report was as follows:-

Treasurer's Report for July meeting:-

Bal. on hand June 1, 1957 - - - - -	\$3,209.56
Receipts for June - - - - -	409.99
Total - - - - -	\$3,619.55
Bills paid - - - - -	668.53
Bal. on hand June 30, 1957 - - - - -	\$2,951.02

Signed Donald P. Lewis MayorSigned J. E. Wallace Acting Recorder

Meeting of July 10, 1957.

Council met on above date at 7 p.m. Roll call of officers. Mayor explained purpose of meeting to employ personnel for taking care of city water turned over to us as of this date. Upon motion of Custer seconded by Kadlic, it passed that we hire two men on a temporary basis to repair broken water line at \$1.50 per hour. Upon motion of Craft seconded by Guster, it passed that John Scherich be employed as of July 16, 1957 at the salary of \$50 per month. As part of this motion it was stated that if it is necessary that he do actual plumbing in addition to general repairs and supervision, that he be paid at the rate of \$2.00 per hour for such additional work. The meeting then adjourned.

J. E. Wallace Acting Recorder Donald P. Lewis Mayor.

Meeting of July 22, 1957.

Roll call of officers. Reading of minutes of last meeting. Mayor explained purpose of this meeting was to let garbage contract for period August 1, 1957 to December 31, 1958. Bid of Bernard DiEgidio was read in which he bid to haul the garbage for the above mentioned period of time for the same rate as at present, namely \$1 per family unit per month. This was the only bid received. Upon motion of Kadlic seconded by Custer, council voted unanimously to accept this bid, and the Recorder was to notify Mr. DiEgidio. Mr. Pryor reported that in his opinion the Pine Motel was not subject to our Occupationable Tax, but that Mr. Grigsby at the Hill Street Rest Home probably was applicable to the part of his charge for service which did not include Room Rental. He would study this situation further. Recorder asked to post notices for painting city building two coats. Meeting then adjourned and the members and Mr. Pryor stayed to work on coming budget for the August Meeting set for August 5 at 7 p.m. Meeting then adjourned.

J. E. Wallace Acting Recorder Donald P. Lewis Mayor.

Meeting of Aug. 5, 1957. Roll call of officers. Minutes read of last meeting and approved. Painting bids of City Building read: Charles Sadler, \$600 and James Miller \$275. Craft moved and Wallace seconded that the lower bid of \$275 be accepted. The motion passed without dissent. Wallace was asked to fill holes on Hill St. Meeting adjourned, so members could work on Budget.

J. E. Wallace Acting Recorder Samuel Miller Mayor.

Meeting of August 6, 1957. Roll call of four members. Mr. Paul Custer acted as Vice Mayor. Wallace moved and Campbell seconded that the new budget as presented be hereby approved and sent to Charleston for final approval. Atty. Ralph Pryor was given copy of budget to have same printed in the Wellsburg Herald. The motion on budget was approved and the meeting ordered adjourned to meet again August 12, 1957

J. E. Wallace Acting Recorder Paul Custer Acting Vice Mayor.

Meeting of August 12, 1957

Meeting called to order by Vice Mayor Joseph Kadlic. Roll call and reading and approval of minutes of last meetings. Electric bill for water pumps for July 16 to July 31 from Wheeling Steel read. Upon motion of Custer seconded by Campbell it was ordered paid. Petition containing 22 names from residents of Stop 46, 47 and 48 presented by Asa Eddy and Henry Amos. Petition requested water service for residents of this locality. Petition read and ordered filed. There being no further business, council was adjourned to meet again August 20th at 7 P.M.

J. E. Wallace Acting Recorder J. M. Kadlic Vice Mayor.

Meeting of August 20, 1957

Joseph Kadlic acted as Vice Mayor and called meeting to order. First was roll call followed by reading and approval of minutes of last Meeting. Upon the reading of a letter of acceptance of our proposed budget of August 6, Custer moved and Campbell seconded and it was passed that the proposed budget with accompanying levy be hereby laid and the Recorder make out necessary papers and forms so that same be hereby put into effect. The meeting then adjourned.

J. E. Wallace Acting Recorder J. M. Kadlic Vice Mayor.

Minutes of Sept. 9, 1957 Meeting.

Roll call of officers and members: Present, Mayor Lewis and members Custer, Campbell and Kadlic. Minutes of last meeting were read and approved. The contract for painting of city building was considered, approved and ordered paid. Petition containing names of 16 residents of locality between stops #45 to 46 received from Alfred Grampa, and ordered filed. Change of Street Light reflector in front of Charles Flesher's home discussed but no action taken. Discussion of holes in High Street discussed. Upon motion of Kadlic seconded by Campbell, it was passed that the Village buy Black Top and hire labor to apply same.

At this time report from the State of W. Va. Public Service Commission upon findings and rate for water service at Beech Bottom was read. It state (1) A certificate of convenience and necessity should be issued the applicant the Village of Beech Bottom, a municipal corporation, to furnish water service in the Village of Beech Bottom and vicinity, Brooke County.

(2) A rate should be established for the applicant that would produce operating revenue of approximately \$605 per month.

(3) A rate ~~should be established~~ for commercial and industrial customers should be established, as negotiated rates may result in rates that are discriminatory to the residential users or to the commercial and industrial users.

ORDER OF THE COMMISSION

The applicant, the Village of Beech Bottom, a municipal corporation, is hereby issued a certificate of convenience and necessity to furnish water service in the Village of Beech Bottom and vicinity, Brooke County, for general domestic, commercial and industrial use. It is further ordered that the following schedule of rates ~~be~~ are hereby approved for use in the water system of the Village of Beech Bottom:

SCHEDULE #1

Applicable in entire territory served.

Availability of Service

Available for general domestic service

Flat Rate

Each residential unit or house

\$3.75 per month.

Minimum Charge

No bill will be rendered less than \$3.75 per month

Delayed payment penalty

None.

SCHEDULE #2

Applicable in entire territory served.

Availability of Service

Available for general, commercial and industrial service.

Flat Rate

One or more inside faucets, or private hydrants

\$3.75 per month.

Bath tub or shower, each

.40

Commode each,

.40

Outside faucets each,

.40

Schools per pupil,

.05

(Continued on next page)

Schedule #2 continued.

Minimum Charge.

No bill will be rendered for less than

\$3.75 per mo.

Delayed Payment Penalty

None.

It is further ordered that the Village of Beech Bottom, a municipal corporation, shall file forthwith a tariff stating the rates and charges herein above authorized, along with rules and regulations governing the collection of same.

Teste:

Signed M.F. Wright, Jr.
Secretary.

The Mayor signed and mailed the orders, forthwith. The Treasurer then reported as follows:

Bal. on hand August 1, 1957 - - - - -	\$2,761.78
Receipts during August - - - - -	354.17
Total - - - - -	3,115.95
Bills paid - - - - -	522.96
Bal. on hand Sept. 1, 1957 - - - - -	\$2,593.59

The mayor then adjourned council to meet again at 7 p.m. Thursday, September 12, 1957.

J.E. Wallace Acting Recorder Donald P. Lewis Mayor.

Meeting of Village Council 10/7/57.

Village council met on above date. Roll call of members. Minutes not read. Purpose of meeting to read ordinance regarding setting up a Water Board. Atty. Ralph Pryor presented proposed ordinance which was read for the first time. Council members were asked by Mayor Lewis to make study and canvas of suitable men to propose as members of the future water board. Council adjourned to meet again at regular meeting, Monday, Oct. 14 at 7 p.m.

J.E. Wallace Acting Recorder Donald P. Lewis Mayor

Meeting of October 14, 1957.

Meeting called to order by Mayor Donald P. Lewis. Roll call of members. Minutes of last two meetings read and approved. Water Ordinance read for second time. Upon motion of Kadlic, seconded by Wallace, it was approved upon roll call vote, all members voting "Yes", but Custer who voted "No". Upon motion of Custer, seconded by Campbell, it was passed that the following be appointed to the Water Board with terms as follows:-

Samual Mack - term from now till May 1, 1959

Geo. Linley Grim - term from now till May 1, 1960

Charles R. Varner - term from now till May 1, 1961.

Meeting Octover 14, 1957 continued

A copy of the new Ordinance was to be given to each member along with this written notice of appointment. Upon motion of Wallace, seconded by Custer, it was ordered that the Recorder send letter of authorization to Brooke County Road Supervisor, Wm. Van Horn, covering trimming of shade trees on Third Street.

The Treasurer's report was as follows:-

Balance on hand Sept.1,1957	-	-	-	\$ 2,593.59
Receipts during September	-	-	-	247.42
				2,841.01
Bills paid	-	-	-	968.96
Balance on hand	-	-	-	\$ 1,872.05

#10 WATER WORKS REGULATIONS ORDINANCE #10

Be it ordained by the Council of the Village of Beech Bottom that there is hereby created a City Water Board composed of three Water Commissioners who may be members of council or only residents of the Village of Beech Bottom, whichever Council may desire, and the said City Water Board shall, subject to the following rules and regulations, have the control, supervision and management of the City Water Works and running the same, of the reservoir, engine well, pipes, repairs, improvements and additions thereto, and of the supply of water to the consumers, for such compensation as may be fixed in pursuance of these rules and regulations; shall order the collection of the revenues from water rents and all other sources, and on order of the Board, disburse the same, and shall employ and discharge at their discretion such employees as may be necessary, such employees and the salaries to be paid them to be fixed and approved by said Board.

- 1 -

The members of the City Water Board shall be appointed by Council as follows: one member to serve until May, 1959, one member to serve until May, 1960; and one member to serve until May, 1961, commencing at the adoption of this ordinance, but beginning the year 1958, all members shall be appointed for a three year term. The said Water Board shall meet annually at the first regular meeting of Council in May of each year, and the City Council shall appoint one member of the Water Board to fill the vacancy of the retiring member, who shall hold his office for the term of three years. The Board shall appoint from their own members, a President, who shall when present, act as chairman at all meetings of the Board. The president or any two of the water commissioners may call special meetings to be held at any time or place which the caller or callers of the meeting shall cause to be designated in the call. The presence of at least two of the Water Board shall be necessary for the transaction of any business. A record shall be kept by the Clerk of said Board of their proceedings in a book for that purpose, which shall be the property of the City, and subject at any time to the inspection of the City Council.

- 2 -

The Board shall have authority and it shall be their duty to incur and pay all proper running expenses of the Water Works, to purchase and pay for all tools and working equipments necessary for the use of their employees, to obtain and pay for the advice and plans of expert hydraulic engineers, whenever the Board may consider the

Meeting of October 14, 1957 continued

same necessary, to make all proper repairs and improvements, and purchase and keep on hand such stocks of extra parts of machines, duplicates of those in use, pipes, valves, and other extra materials of the kind in common use about the Water Works for repairs and for the extension of mains as it may at any time be, in their judgment, prudent to have, provided that in regard to improvement and extension of mains, the matter shall first be submitted to the City Council for their approval.

- 3 -

All money received from water rents, sales of material or otherwise from the revenue of the Water Works shall be deposited by the City Collector and Treasurer with some bank, to be designated by the Board, to the credit of the account of the City Water Board or the Water Works Fund, and no money shall be drawn on said account, except in pursuance of orders of the Board, signed by the President, attested by Secretary of the Board.

- 4 -

The Board shall at its first regular meeting in May of each year elect a Secretary, who shall keep a correct account of their proceedings.

- 5 -

The Board shall make no investments in interest-bearing securities without the approval of Council, but this provision shall not interfere with the Board obtaining interest from banks on its deposits for the benefit of the City, when the same shall be subject to check at all times.

- 6 -

It shall be the duty of Council at all times to have the right to discharge any member of this Board, when sufficient cause exists.

- 7 -

It shall be the duty of the Board to make special assessments of water rents, according to their best judgment, for all uses of water for which a rate is not provided.

- 8 -

The City Collector and Treasurer shall be collector of water rents and keep a separate account of the same, for which he shall be allowed the sum of _____ Dollars a month for his services.

- 9 -

The superintendent of the water works shall be appointed annually by the City Water Board.

- 10 -

The superintendent of the Water Works shall perform the duties specified and referred to as follows; in no case exceeding the limits of the authority vested in the Board. He shall exercise general supervision over the working of and general charge of the Water Works, including with other parts, the reservoir, engine well, main pipes and fire plugs, and he shall have charge of all equipments, materials, tools, and other property pertaining or belonging to the water works, exclusive of bank accounts and of books, papers and other things properly belonging to the Board. He shall superintend all employees and all repairs and improvements, when necessary, and hire additional help. He shall inquire

Meeting October 14, 1957 continued

diligently after all offenses against these rules and regulations and report every such offense to the City Council, and any offense or any malicious destruction of the property belonging to the Water Works he shall report promptly to the Mayor. He shall be engineer of the Water Works, make all needed repairs in and about the engine and well, keep in good order the fire plugs, valves and stop valve boxes, and have general supervision over the whole works not otherwise provided for, and shall report to the Board when required, in regard to the efficiency of the Works.

- 11 -

All wages for day labor shall be fixed by the Board, except of temporary employees, hired by the superintendent in case of emergency, but such employees shall not receive more than the fair market price for their services.

- 12 -

All water rents shall be due and payable monthly on the first day of each month. If the payment of any water rents shall not be made within twenty-five days after the same becomes due, said bill shall be considered in arrears and the Water Board shall have authority to order the water shut off from any consumer so in arrears, and it shall remain shut off until all arrearages and fees shall have been paid.

- 13 -

The rates shall be as follows, as set forth in Order of Public Service Commission:

Applicable in entire territory served.

AVAILABILITY OF SERVICE

Available for general domestic, commercial, and industrial service.

RATE (flat)

Domestic Service

Each residential unit or house - - - - - month
\$3.75 per

Commercial and Industrial Service

One or more inside faucets, or private hydrants -	\$3.75 per mo.
Bathtub or shower, each - - - - -	.40 " "
Commode, each - - - - -	.40 " "
Outside faucets, each - - - - -	.40 " "
Schools, per pupil - - - - -	.05 " "

MINIMUM CHARGE

No bill will be rendered for less than \$3.75 per month.

PROMPT PAYMENT DISCOUNT or DELAYED PAYMENT PENALTY

None

- 14 -

No service pipe shall be laid or connected to the City's main pipe or to any other water pipe, except in conformity with the following provisions, and all other provisions of these rules and

Meeting of October 14, 1957, continued

regulations: The owner of the house desired to be supplied shall sign and seal an application in a book kept at the office of the Board, by which application he shall ask permission to have laid a service pipe for water to the house or premises indicated, the work to be done in accordance with these rules and regulations and shall agree to said rules and regulations, and shall agree that such pipe and attachments thereto, and their use shall be and remain at all times subject to said rules and regulations and all amendments thereto, and shall promise to comply with and be governed by the same, such owner shall then truthfully inform the Secretary and answer all his questions in relations to the uses for which water may be wanted. The Secretary if authorized by the Board, may then issue a permit to have said connection made. Before the issuance of such permit, such owner shall pay to the Board such sum as the latter shall determine to be sufficient, to cover the value of all materials and work, exclusive of insection, for which there shall be no charge, proper to be used or furnished by the Water Works for such service pipe or in connection with the same. The Superintendent of the Water Works shall inspect such service, before it is covered up, to see that it complies with these rules and regulations. The connections at the main pipe shall be by the ferrule or spud as the the superintendent may direct. In filling the trench, the party laying the service must ram the earth under and about the main pipe and leave the street or pavement in as good condition as they found it.

- 15 -

No trench in a street, alley or other public place shall be kept open by a party laying a service later than four o'clock p.m., except awaiting the arrival of the superintendent or other employee of the Water Works, or with the consent of said superintendent.

- 16 -

No permit for more than one service pipe between the curbstone and the main will be issued for the same house except by special order of the Board.

- 17 -

Permits for fire protection services shall be issued only with the consent of the Board in each case, and they may refuse their consent in any case, and when such consent is granted they shall decide what the largest size of pipe to be allowed in such case shall be. At any time when they may consider it expedient so to do, the Board shall have authority to cut off from the City's pipe any fire protection service, or shut the water off such service. No supply of water for fire protection shall be promised on behalf of the City or Board, and no water which may be used from the same or from any other pipe for the extinguishment of fire shall be charged for.

- 18 -

No person shall take any water from a fire protection service or the pipes connected therewith for any use except the extinguishment of fire.

- 19 -

In any case of repairing a service pipe or reconnecting the same to a main, the superintendent of the Board may require a new pipe to be laid or a new ferrule to be placed, or other new connections to be made to the main.

Meeting October 14, 1957 continued

In all repairing of service pipe where any new pipe is desired to be laid, and in all cases where it is desired to alter, extend or enlarge a service, or attach a branch service to a pipe, or whenever a large connection to the main is desired, application must be made and a permit asked for by the owner of the property, and all new work in connection with the service be subject to the same rules and regulations as if it were a new attachment. When the City shall replace a main pipe, all work and material necessary for reconnecting the old service must be furnished and done by the City, and the owner of the service must pay for the same before the water is turned on again on such service. See page 143

- 20 -

No plumber or other person shall lay, alter, extend, or enlarge a service pipe or part of a service pipe, or connect a branch service to any service pipe, or assist in any such act without a permit for the same having been obtained from the secretary of the Water Works, which shall be granted by him only when such laying, alteration, extension, enlargement or connection would be in accordance with these rules and regulations.

- 21 -

The plumber or person who shall have done the work under any permit issued by the Secretary, shall return the same to the Secretary of the Board, within forty-eight hours after such work, with a full account of the particulars of the same, under his signature.

- 22 -

No plumber or any other person shall make any attachment to any old service pipe from which water has been shut off and the supply discontinued, without the party desiring such work to be done having first made application and obtained a permit for the same in the same manner as for a new service.

- 23 -

Any person or firm desiring to do plumbing work, shall first signify his or their intention to the Board in writing, and promise to conform strictly to all these rules and regulations.

- 24 -

The Board shall have authority to refuse to furnish to, or they may shut off the city water from any private pipe, fixture or other work which shall hereafter be laid, adjusted, or done by other persons authorized by the Water Works Board, and the same rule shall apply to any plumber or person laying service pipe.

- 25 -

The Water Commissioners and the officers of the Water Works and such other persons as may be directed by the Board shall have authority to enter and have free access at all reasonable hours, to and upon any premises where it may be necessary to ascertain the location or condition of a hydrant, pipe, or other fixtures attached to said works, and in case of waste, of water for want of repairs or negligence, and such waste is not remedied forthwith, the Board shall have authority to have the water

Meeting October 14, 1957 continued

leading to such premises turned off.

- 26 -

After water has been turned off from any person by order of the Board and the same shall be found turned on again without the knowledge of the Board, it shall be lawful for the Board to cause the ferrule to be drawn or the pipe to be cut at the curbstone and the same shall not be repaired until all arrears have been paid, and then at the expense of the owner of the premises.

- 27 -

No person shall let on, or cause to be let on, the water at any private stop cock, on the street or alley, governing the supply of any tenement before permission shall have been given by the Board or Secretary of the Water Works.

- 28 -

No person where the Board shall have ordered water supply shut off shall receive, take or use any water from the water works of the city without the order of the Board or the consent of the Secretary.

- 29 -

No person shall knowingly permit any other person not entitled to, use water from the Water Works of the City, to take or use the same from any hydrant, pipe or outlet under the first mentioned person's control.

- 30 -

When a tenement house to which the water is supplied by the City shall be vacated, it shall be the duty of the superintendent of the Water Works to shut the water off when the premises are vacated, and it shall not be turned on again except by order of the Board or Secretary.

- 31 -

No person except the employees of the fire department, in the discharge of their duties, or the officers of the City, shall open any fire plug, or water pipe, or valve, belonging to the City or in any way meddle with the same.

- 32 -

No person shall in any manner obstruct the access to any stop cock connected with any water pipe, within any street or alley of the city, by means of any lumber, brick, building, materials, or other articles or hindrance whatsoever.

- 33 -

All persons shall keep their service pipes, stop cocks and apparatus in good repair and protected from frost at their own expense and shall prevent all unnecessary waste of water, and no claim shall be made against the city by reason of the breakage or deficiency of any service cock, or service pipe, or house pipe.

- 34 -

No liability shall attach to the City, the Board, its officers, or employees, for a lack of water at any time in any pipe, or in any locality, or in the City generally, whether such lack shall have resulted from negligence on the part of agents of the City or from any other cause.

Meeting of October 14, 1957, continued

- 35 -

Any person or persons who shall throw any offensive substance into, or in any way pollute the water in the reservoirs of the Beech Bottom Water Works, shall upon conviction, be fined not less than five dollars nor more than twenty dollars for every offense, or be imprisoned not more than twenty days, at the discretion of the Mayor.

- 36 -

The Board may at any time amend these rules and regulations by adding thereto new ruled different therefrom, or by changing or striking out any of these rules and regulations, any of which may be added thereto, provided all amendments be passed by council by ordinance.

James E. Wallace

Acting Recorder

Donald Lewis

Mayor

Meeting of November 11, 1957

Village Council met on above date at City Hall. Meeting called to order by Mayor Lewis. Roll call of officers. Recorder Wallace read minutes of last meeting which were approved. Thomas Hadden appeared before Council concerning water service for residents South of Beech Bottom. Members of the new water Board, Samuel Mack, President, Charles Varner, Secty. and G. Linley Grim, member, were present and agreed to find out information sought by him and to report same to him. The Water Board asked if salary of City Treasurer could be raised \$60 per month, making total of \$100 per month for the job. Council expressed acceptance but no motion was made or passed.. Wallace agreed to post names of Water Board and have same published as news item in paper. Kadlic moved that mail truck be permitted to enter Post Office from South side of post office. This was passed provided postmaster got permission from Morton Echols to cross his property. Wallace reported that State Road man Poe was here and notified us that State Road would not trim trees along Third Street. Wallace was asked to write Harry Supthen and ask for return of Fire Truck title. Suggestion was made that we ask the Firemen to paint 2" wide yellow lines in the street opposite the curb on each side of High Street from First Street to Third Street so cars could park between curb and yellow line. Mr. Custer was to bring this before Fire Association.

Treasurer, A.M. Lewis, made the following report:-

Bal. on hand Oct. 1, 1957 - - - - -	\$1,872.05
Receipts during month - - - - -	3,147.53
Total - - - - -	\$5,019.58
Paid during October - - - - -	3,678.14
Bal. on hand end of month - - - - -	\$1,341.44

J.E. Wallace

Acting Recorder

Donald Lewis

Mayor

Meeting of December 8, 1957.
 Village Council met on above date with Mayor Lewis calling the meeting to order. Recorder called roll, and read minutes of last meeting which were approved. Fire ~~Custer~~ Custer reported that new Fire Truck had been paid off in full and Title for same received from Harry Supthen Associates. Upon motion by Wallace seconded by Kadlic, approval of Village Council was given the Fire Department to install a siren on Hill Street and run electric wire from said installation to Fire House. Village recorder was asked to write letter to State Road Commissioner Graney requesting again that State Road Commission take over High Street between Third Street and State Route #2 at Stop #48. Also Recorder was to write letter to Davidson at Wheeling Electric Co., asking him to remit balance owed us for Garbage Service. Council approved payment of a bill for \$50.00 for legal services of Ralph Pryor for year 1957.

Report of Treasurer A.M. Lewis was read:-

Balance as of Nov. 1, 1957	- - - - -	\$1341.44
Receipts for November	- - - - -	347.68
Total	- - - - -	\$1689.12
Bills paid in November	- - - - -	333.71
Balance on hand Nov. 30, 1957	- - - - -	\$1355.41

After reading of this report, Council was adjourned.

J. E. Wallace

Acting Recorder

James H. Lewis

Mayor.

Meeting of January 13, 1958
 Village Council met on above date at City Hall. Mayor Lewis called the meeting to order. Recorder called the roll and read minutes of last meeting. After correction, they were approved. Old Business. Recorder stated that he had written State Road Commissioner again about the State taking over part of High Street. He also read reply from Commissioner Graney which stated they would not do this. Custer reported that Jack Martin of Monongahela West Penn Co. would inspect site for Fire Siren. James Greathouse appeared before the Council in the matter of a request for a Stop Light at corner of Third and High Streets. He appeared in behalf of the local P.T.A. and quoted count of traffic at this corner during school hours. He stated a Stop Light would cost approx. \$300 and could be installed by Council after securing a permit from State Road Commission. After discussion, it was moved by Kadlic and seconded by Custer that whereas council did not have moneys for said purchase and installation and upkeep, that the request be denied and no application for permit be made, and suggested that School Safety Patrol be inaugurated for this work. The motion passed. Thomas Haddon with Atty. Hazlett "Rodgers, Jr. appeared in behalf of water service applicants South of the Village. It was suggested that further discussions be held between Mr. Rodgers, et al. and Atty. Pryor and the Beech Bottom Water Board. Messrs. Burton and Trigg of the Tri-Satte Asphalt Corp. presented their Corporation's bid for surfacing High Street between Second and State Road at Stop #48, and section of Fourth and Hill Streets. Means of financing same were discussed, and agreement that further exploration in financing must be made before we could proceed further.

Minutes of Jan. 13 continued.

The Treasurer, Armand Lewis made the following report:- :

Bal. brought forward - - - - -	\$1355.41
Received during December, 1957 - - - -	210.57
Total Receipts - - - - -	<u>\$1565.98</u>

Bills paid during December - - - - -	389.01
Balance on Hand December 31, 1957 - - -	<u>\$1176.97</u>

Meeting then adjourned.

J. E. Wallace Acting Recorder Armand Lewis Mayor.

Meeting of Feb. 10, 1958.

Council met in regular session on above date. Mayor Lewis called the meeting to order. After Roll Call, minutes of last meeting were read and approved. Custer reported progress on Fire Siren installation. Recorder was asked to request further study by our soil auditor Pryer on a way to get High Street hard-surfaced. It was mentioned that Council is to appoint an election commissioner in April to arrange for our Village election in June. Candidates must file before the 45th day before the First Tuesday in June. Report of State Auditor was read and his bill of \$35.15 was approved for payment. Custer moved and Hadlic seconded that all delinquent water bills past due for three months on Feb. 28, be turned over to a squire on March 1st for collection. Motion passed unanimously. Mr. C. Varner and Mr. Geo. Gribb appeared as members of the Water Board and reported that the Water Board had passed their authority to the Council to collect delinquent water bills. They also made other reports and said that soon all water lines in the Village would be flushed.

Treasurer A.M. Lewis reported:

Amount on hand Jan. 1, 1958 - - - - -	\$1176.97
Receipts during January - - - - -	1599.61
Total - - - - -	<u>\$2776.58</u>
Bills paid during January - - - - -	309.56
Amount on hand Jan. 31, 1957 - - - - -	<u>\$2467.02</u>

The meeting then adjourned.

J. E. Wallace Acting Recorder Armand Lewis Mayor.