

TOWN OF BATH COUNCIL MEETING

Tuesday, December 21, 2021

1. CALL TO ORDER: @ 5:30pm by Mayor
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (X) Greg Forney (X) Rose Jackson (X) Beth Skinner (X) Rick Weber (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of December 7, 2021 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Town residents Doug Waugh, Peggy Miller, Janet Knight and Sandy Vandemark were in attendance to request that the alley (see attached map) to which their properties are contiguous be sold to them. Process was described including the citizen's legal, survey, fair compensation and financial responsibilities. Recorder Webster explained that before the citizens expend time and resources the Council should indicate whether it agrees in principle with the action. By Common Consent the Council agreed that if the citizens meet all described criteria and present such to the Council transfer of the alley would be granted. The Mayor reported that residents of the north end of Wilkes Street have approached him with their dissatisfaction with the street's disrepair. Since the street is in the WV DOH system it was concurred that an aggressive campaign should be launched to convince the State to meet their responsibility in the matter. It was agreed that it would be advantageous to have a resident of the street as the spearhead of the effort and that Councilman Chapman and Recorder Webster would contact possible volunteers and assist in the process. The Bath Planning Commission could be an involved organization.
5. COMMUNICATIONS FROM MAYOR: A letter of support for the Cacapon State Park Mountain Bike Trail System Federal grant application in the amount of \$3,500,000 was presented.
MOTION: To authorize the Mayor to sign a letter of support for the Cacapon State Park Mountain Bike Trail System Federal grant application-Webster/Weber- Carried.
The Bath Holiday Schedule change for 2022 was presented and approved by Common Consent.
ARPA Ad Hoc Committee Chairman Chapman presented the Committee's recommendation for expenditure of the first round (\$131,000.00) of the Federal funds as discussed and concurred with the Finance Committee. Premium Pay in the amount of approximately \$48,000.00 (see attached chart and sample employee clarification letter) was explained. The Streetscape Committee's next project required matching funds of \$61,000.00 will be provided. The remaining amount of approximately \$22,000.00 will be received by the Town as partial compensation for covid 19 expenses. An application for the second round of granted funds in the amount of \$119,000.00 will be submitted.
MOTION: To approve the ARPA fund distribution as presented- Chapman/Jackson- Carried.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY: Next meeting is Jan. 5, 2022. No report.
2. PARKS & REC: Next meeting is Jan. 19, 2022. No report.
3. PLANNING COMMISSION: Next meeting is Jan. 6, 2022. No report.
4. RAIL/TRAIL: The next meeting is Jan. 26, 2022. Pete Brown has submitted the project progress report to the Town office (see attached). The Committee presented Downstream Strategies as their choice for the Storm Water Management Design Plan. This choice was presented, discussed and concurred by the Finance Committee at their meeting of December 20.
MOTION: To approve the Streetscape Committee submission of Downstream Strategies as the engineering company to design the Storm Water Management Plan for the Depot lot- Webster/Weber- Carried.
5. STREETScape: Next meeting is Jan. 20, 2022. The Committee attended the Finance Committee meeting of Dec. 20 during which they explained their supportive recommendations on the Berkeley Springs State Park Project. This recommendation included acceptance of Resolution 2021-12-01 and the Funding Agreement (see attached). The Finance Committee concurred.
MOTION: To approve Resolution 2021-12-01 as presented- Webster/Weber- Carried. The Berkeley Springs State Park Foundation has submitted the matching funds of \$95,2000.00 to the Town. The Mayor has signed the Funding Agreement.
6. TRAIN DEPOT: Recorder Webster reported that the work schedule for the Haz Mat portion of the Depot Project is being worked out between the contractor, Safeco Services and the inspection company, Boggs Environmental. No delays are expected.
7. LANDMARK COMMISSION: No report at this time.
8. CLERK/RECORDER REPORT: Clerk Corrick presented the budget revisions (see attached) which have been reviewed by the Finance Committee with no objections.
MOTION: To approve the budget revision as presented- Webster/Weber- Carried.
9. FINANCE: Chairman Webster presented the following reviewed bills for approval:
(A) Town of Bath \$18,550.76- Motion to approve: Forney/Weber- Carried.
(B) BSWW \$52,305.66- Motion to approve: Forney/Weber- Carried.
The next meeting is January 4, 2022 at 3:30.
Finance Committee work has been presented during related Committee reports.
10. TREE BOARD: The next meeting is January 19, 2022. Council woman Skinner presented four members of this Board for reappointment to two year terms each, dates of which are Jan. 1, 2022 through December 31, 2024. The members presented were as follows: Andy Swaim, Kate Lehman, Lance Strait and John Bohrer.
MOTION: To approve Andy Swaim, Kate Lehman, Lance Strait and John Bohrer to the Bath Tree Board for the term of Jan. 1, 2022 to Dec. 31, 2024- Skinner/Jackson-Carried.
Councilwoman Skinner's appointment coincides with her elected term on Council.
11. GRANT: No report at this time.
12. PUBLIC SAFETY: Chairwoman Jackson reported that the Chief of Police plans to return

on limited and light duty.

13. PUBLIC WORKS: Chairman Weber reported that Crew Leader Rodney Steiner is conducting employee evaluations.

14. ORDINANCE: No report at this time.

15. CEMETERY: Chairman Skinner reported that three hazardous trees were removed from the Old English Cemetery. The bill for moving the cars to be able to do this work will be presented for payment when the towing company provides the Town with the signed Hold Harmless Agreement and the Proof of Insurance as mutually agreed upon.

Pete Brown and Tom Miller have consented to assist with providing cost estimates for the repair of the Greenway mausoleum. Both of these volunteers have expertise in these matters. This cost estimate is needed for Town Attorney Richard Gay to include in his pleadings to the Morgan County Circuit Court to permit the Cemetery Committee to use Perpetual Care funds for the much needed maintenance and repairs of the mausoleum.

Chairman Skinner explained that a rule change by the WV Home Rule Board charges \$2,000.00 to review applications to them. Skinner has contemplated applying for an exception to WV Code to enable the Town to sell a portion of the Old English Cemetery to the neighboring property owners. She has apprised the adjoining property owners of this development and is waiting for their reply as to whether they are willing to pay the \$2,000.00 with the knowledge that the exception may not be approved.

16. WATER WORKS: Chairman Chapman reported that the low bid award winner of Phase IV Water Line Replacement Project is Pro Contracting, Inc., with the bid of \$1,908,425.00.

Thrasher Engineering has been chosen to do the design work for the 522 Water Line Extension Project. This project is in conjunction with the Morgan County Commission.

17. ADJOURN: By Common Consent.

ATTEST:

Mayor

Scott C. Meek

Recorder

S. Meek

364 Fairfax St

?

25'

J.D. Vandennack
Sandy

Jan, Jay
Knight

36

Glenn Miller

Glenn Miller
Empty Lot

12.5'

12.5'

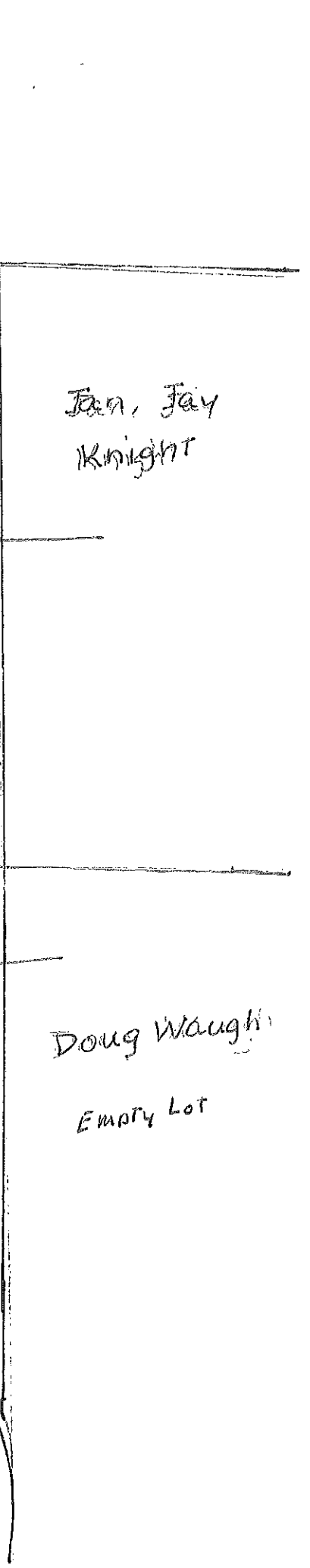
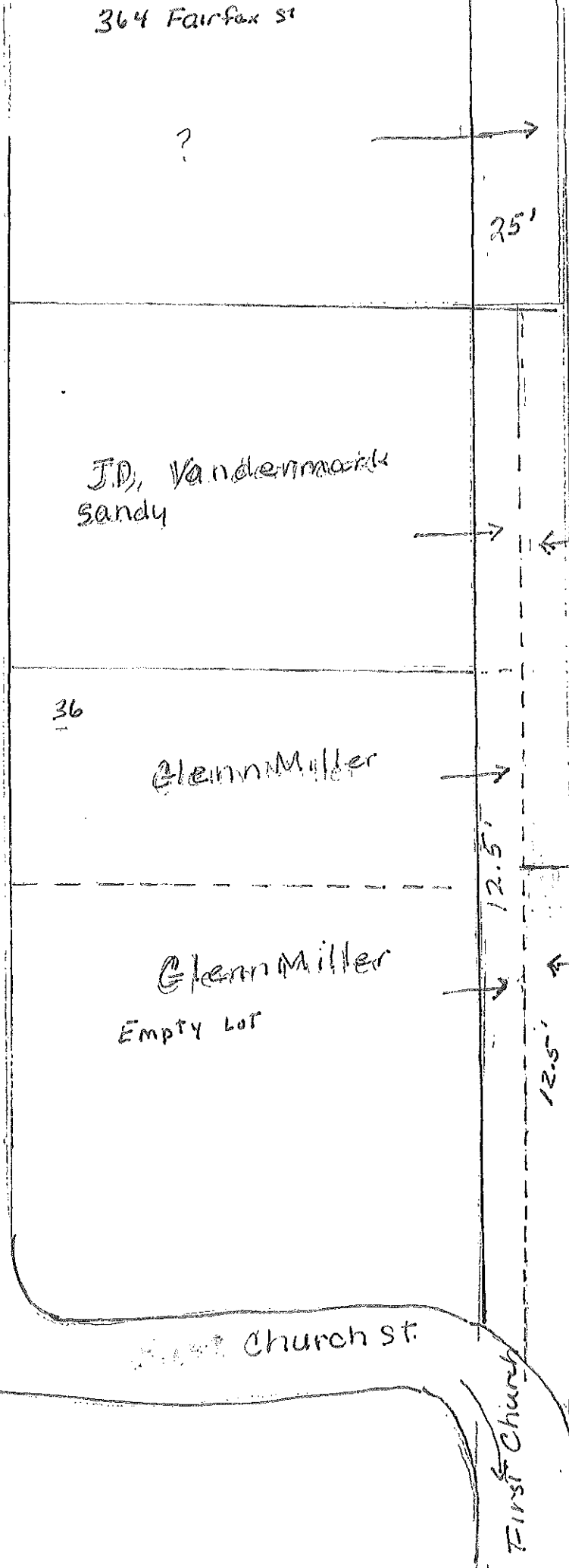
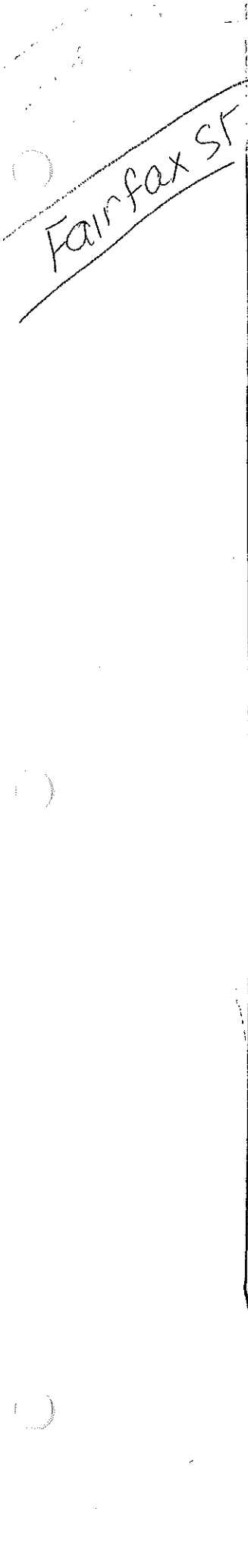
Doug Waugh
Empty Lot

First Church St.

First Church

Fairfax St

Church St.



Mayor
Scott Merki



Council Members
Elizabeth Skinner
Rick Weber
Chris Chapman
Rose Jackson
Greg Forney

Recorder
Susan J. Webster

Town of Bath

271 Wilkes Street, Berkeley Springs, WV 25411
Phone 304-258-1102 Fax 304-258-2638

December 21, 2021

Philadelphia Regional Office
Ms. Tracey Rowan,
Robert N.C. Nix Federal Building
900 Market Street, Room 602
Philadelphia, PA 19107

RE: Cacapon State Park Mountain Bike Trail System
Economic Development Administration Competitive Tourism Grant

Dear Ms. Rowan,

I am writing on behalf of the Town of Bath. The Town of Bath lends its full support to the West Virginia Division of Natural Resources' Federal EDA Travel, Tourism, and Outdoor Recreation; Competitive Tourism application in the amount of \$3,500,000 for the Cacapon State Park Mountain Bike Trail System. We feel this project directly aligns with the EDA's tourism investment priorities for projects that are focused on new infrastructure or expanded infrastructure, projects with a multi-state focus or national focus, and projects in regions most adversely affected by damage to the travel, tourism, and outdoor recreation sectors from the coronavirus pandemic.

These funds will be used to design and construct an additional 34.5 miles of mountain bike trails at Cacapon State Park to become a regional mountain bike destination. By leveraging the existing assets at Cacapon State Park, the intended long-term goal for the project is for Cacapon State Park to become an International Mountain Biking Association (IMBA) Ride Center. The new trail system will include a diverse trail network with a variety of difficulty levels and design features that will appeal to large group of riders. Mountain bike trail systems have a proven history of bolstering economic activity, creating, and supporting quality jobs, and strengthening regional tourism. Due to the park's strategic location, this project will help the region recover from the coronavirus pandemic and create a more resilient and empowered community.

Respectfully submitted,

Scott Merki, Mayor

TOWN OF BATH AND BERKELEY SPRINGS WATER WORKS

Holidays Observed by the Town of Bath:

New Year Day	December 31, 2021	Friday
Martin Luther King Jr. Day	January 17, 2022	Monday
Presidents Day	February 21, 2022	Monday
Good Friday (Close at Noon)	April 15, 2022	Friday
Memorial Day	May 30, 2022	Monday
WV Day	June 20, 2022	Friday
Independence Day	July 4, 2022	Monday
Labor Day	September 5, 2022	Monday
Veterans Day	November 11, 2022	Friday
Thanksgiving Day	November 24, 2022	Thursday
Christmas Day	December 26, 2022	Monday

You have to work the day before and after to get holiday paid unless pre-approved by the Department Head.

If any observed day occurs on Saturday, the preceding Friday will be taken. If the holiday falls on Sunday, the following Monday will be taken.

Mayor
Scott Merki



Council Members
Elizabeth Skinner
Rick Weber
Chris Chapman
Rose Jackson
Greg Forney

Recorder
Susan J. Webster

Town of Bath

271 Wilkes Street, Berkeley Springs, WV 25411
Phone 304-258-1102 Fax 304-258-2638

Mark Scoular
West Virginia Division of Highways
Planning Division
Building 5; Room 740
1900 Kanawha Blvd, East
Charleston, WV 25305

December 21, 2021

Ref: Berkeley Springs State Park, State Project: U333-BER/SP-1. 00 Funding Agreement

Mark,

This package contains the signed documents for the referenced Project. This should complete all required Sponsor actions at this time. In addition to the Signed Funding Agreement, the Town Council Resolution and the Check for the Matching Funds, I also included the signed current MOA regarding the historic preservation aspects of this Project. I realize that a Revision to that MOA will be prepared soon by DOH/SHPO to include the new prefabricated bridge.

We accomplished the reviews of the Cost Estimate and the drawings as required by the Funding Agreement. The Cost Estimate was corrected and Jeff Gola (Thrasher) agreed to resolve other comments as needed. We appreciate the opportunity to see these final documents. That said, I would appreciate DOH attention to a couple of details regarding the solicitation for bids and the funds situation that may occur after bid opening and award:

1. The wall repair bid item (Section 630) was not available to us in prior reviews. It appears to properly cover the Pay Item in terms of Square Feet of wall vs. the more traditional Linear Feet. It was prepared especially for this project. Please ensure that a copy is provided in the solicitation material, since it is otherwise unavailable to bidders.
2. The Sponsor (and Park Foundation) are providing almost all of the funds available to them as required by DOH to begin the solicitation process. Once an award has been made and DOH has withheld the 13 percent Contingency, I ask that the excess funds be returned to the Sponsor in a timely fashion.

Please advise me if there are any additional issues preventing the award of this contract.

Sincerely,

Scott Merki, Mayor
Town of Bath, WV

*Town of Bath
Resolution
2021-12-01*

Whereas, the Town of Bath is an incorporated municipality in the State of West Virginia, and;

Whereas, the Town of Bath Council is in agreement that Federal Project: TAP-2018(240)D (Construction) is in the best interest of the town and;

Therefore, Be it Resolved that the Town of Bath Council authorizes the Mayor to enter into agreement with the WV Department of Transportation Division of Highways for the purpose of making improvements to the State Park within the Town of Bath.

Adopted: _____ 2021

Scott Merki, Mayor

Susan Webster, Recorder

Budget updates pending revisions.

Date	Account #	Description	Amount	New Balance
10/14/2021	1 335 000 00	Private Liq. Club	\$ (1,500.00)	\$ 2,500.00
10/14/2021	1 399 000 00	Misc Revenue	\$ 1,500.00	\$ 2,000.00
10/27/2021	1 309 000 00	Amusement Tax	\$ (88.00)	\$ 12.00
10/27/2021	1 325 000 00	Business Lic.	\$ 88.00	\$ 10,088.00
10/29/2021	1 303 000 00	Gas & Oil Severance	\$ 500.00	\$ 1,500.00
10/29/2021	1 326 000 00	Bldg Permits	\$ (500.00)	\$ -
11/16/2021	1 325 000 00	Business Lic.	\$ 1,000.00	\$ 11,088.00
11/16/2021	1 381 000 00	Reim/Rebates	\$ (1,000.00)	\$ 7,000.00
12/1/2021	1 700 221 00	Train & Education	\$ 50.00	\$ 2,050.00
12/1/2021	1 700 223 00	Professional Service	\$ (50.00)	\$ 550.00
12/1/2021	1 750 105 00	Group Health Ins	\$ (2,000.00)	\$ 24,000.00
12/1/2021	1 750 217 00	Repair & Maint.	\$ 2,000.00	\$ 7,000.00
12/1/2021	1 800 105 00	Group Health Ins	\$ (5,000.00)	\$ 7,000.00
12/1/2021	1 800 217 00	Repair & Maint.	\$ 5,000.00	\$ 15,000.00

Cross Ck \$ -