

# TOWN OF BATH COUNCIL MEETING

Tuesday, September 20, 2022

1. CALL TO ORDER: @ 5:30pm by Mayor
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (X) Rose Jackson (X) Elizabeth Skinner (X) Greg Forney (A) Rick Weber (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of September 6, 2022 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Oscar Robles, owner of Mi Ranchito Restaurant, requested a portion of Mercer Street be closed from 6pm until 8pm on Friday October 7, for musical entertainment before the Apple Butter Festival. It was noted that Chief of Police Link, Public Safety and the Chamber of Commerce be advised of the activity.  
MOTION: To permit a portion of Mercer Street between Independence and Union Streets be closed for musical entertainment on October 7, 2022 – Jackson/Webster-Carried.
5. COMMUNICATION FROM MAYOR: The Mayor reported on the upcoming Apple Butter Festival activities. Depot Chairman Webster asked for volunteers to help with car parking and donation collection for the Depot.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): Next meeting is October 12.
2. PARKS & REC: The next meeting is September 21, 2022. Those interested in serving on this board are encouraged to submit a volunteer application.
3. PLANNING COMMISSION: The next meeting is October 6, 2022. President Landon reviewed progress with the Comprehensive Plan and their consideration of amending the plan to include organizations and/or leaders assigned to the goal. Landon requested that Council members contribute their thoughts on leadership assignments.
4. RAIL/TRAIL: The progress report has been submitted to the Town office (see attached). Committee member Webster is looking into grants for water and sewer lines for the Depot lot to be able to add restroom facilities and other amenities. She has asked for the Water Committees opinions and assistance.
5. STREETSCAPE: Committee Co-Chair Pete Brown has submitted reports to the Town office (see attached). The next meeting is October 10 at 4pm. Crosswalks have been installed on Washington Street at certain corners by the WV DOH. There was discussion concerning the need for others at heavily traveled areas.
6. TRAIN DEPOT: The interior rehab construction of the Depot continues. Recorder Webster is developing methods for donation intake including working with a local bank. Volunteers are needed for the Depot lot parking at the Apple Butter Festival.
7. LANDMARK COMMISSION (HLC): With the vacancies filled on the HLC it is hoped that an organizational meeting will be scheduled soon.

8. **CLERK/RECORDER REPORT:** Recorder Webster advised Council of the WV Legislative Interim meeting that is being held at Cacapon State Park November 12 through 16, 2022. Webster asked that the November 15 Council meeting be moved to November 22<sup>nd</sup> to accommodate Councilmen who wish to participate in the Morgan County Reception. Some members of Bath appointed organizations plan to participate in the WV Auditor's Workshop which was appreciated. Clerk Corrick brought to Council's attention her receipt of documents regarding the WV Attorney General's recent law suit victory against Rite Aid Pharmacy concerning the firm's drug distribution in the State. In order to remain attached to the suit as an aggrieved party the Council must considering authorizing the Mayor to sign these documents for settlement purposes.  
MOTION: To authorize the Mayor to sign documents received by the WV Attorney General's Office enabling the Town of Bath to remain as a Plaintiff in the law suit against Rite Aid Pharmacy for settlement purposes- Chapman/Webster- Carried.
9. **FINANCE:** Chairwoman Webster presented the following bills for approval.
  - (a) Town of Bath \$15,283.73- Motion to approve: Webster/Chapman- Carried
  - (b) BSWW \$58,459.04 – Motion to approve: Webster/Chapman- Carried
  - (c) Cemetery \$3,685.00 – Motion to approve: Webster/Chapman- Carried
10. **TREE BOARD:** The next meeting is September 21 at 4pm. Member Skinner informed Council of the Board's work and interest in having the Tree Ordinance updated.
11. **GRANT:** No report at this time.
12. **PUBLIC SAFETY:** Chief Link reported that the Committee has hired Nicholas Queen to be a BSPD officer. Pete Brown and Rebecca MacLeod have been assisting the Committee with parking issues on the first block of North Washington Street including blockage of the alley, parking in a travel lane, broken parking meter and trash receptacle placement.
13. **CEMETERY:** Chairman Skinner has received donations for the Cemetery due to her newspaper and Town website ads and is most appreciative. Mowing is continuing in Greenway Cemetery.
14. **PUBLIC WORKS:** Clerk Corrick reported that the Labor Crew has lost a member and applications are being accepted.
15. **ORDINANCE:** Next meeting is October 4 at 4:30pm. No report at this time.
16. **BERKELEY SPRINGS WATER WORKS:** Phase IV Water Line Replacement is proceeding. This is a multi-month project and the public is requested to be patient. Issues with supplies and delivery are still being experienced.
17. **MOTION TO ADJOURN:** Approved by Common Consent.

Attest:

Mayor Scott E. Meek

Recorder Susan J. Webster

**Status of Streetscape, State Park and NBRT for Town Council  
Tuesday September 20, 2022**

**STREETSCAPE**

**Phase V: Design Contract:**

- Not a lot of visible progress on this. Will follow up with DOH again to see where the FHWA funds authorization stands. Also still slow with Thrasher on the contract language
- DoH did sign and return the formal Funding Agreement document.

**Phase VI (FY22 TA Grant Application)** – Nothing new to report.

**Phase 4A – Crosswalk marking across newly re-paved US-522**

- Crosswalk marking appears to be complete. In general DOH had the contractor mark most of what we asked for, including the crosswalks across US-522 at Congress and Independence (with the newly installed ADA ramps.)
- Two crossings; Independence west side and Union east side were not installed. There was very little new paving done there. The contractors mostly stuck with areas of new pavement.
- The expected crosswalk at Williams St was not marked.
- There are no marked crosswalks between Fairfax and Martinsburg Rd. This is likely due to the third marked lane on US-522...but I'm guessing.

**NBRT**

**Parcel 1A:**

- HDR was required to correct some of the drawings and notes that impacted Parcel 1A and Parcel 3 remediation aspects. Specifically, they had eliminated all the remediation work on Parcel 1A that had previously been assigned to the NBRT contractor as well as the Town's LRS interface with DOH and contractor during that construction. This now has been fixed.
- The corrected HDR trail drawings (30% level) were received on September 12<sup>th</sup> and two sets of agreements or comments were sent back to HDR by September 15<sup>th</sup>. HDR was expected to work with DOH on these corrections and to update permit documents that used the previous incorrect drawings. We mostly agreed with the corrections, with only a few questions/comments.
- Once these drawings are accepted, they must be added to the approved NPDES permit.

**Berkeley Springs State Park Grant & Project**

**Status:**

- The DOH goal is to have issued permits by October 15, 2022 so that they may submit to Contract Administration by October 28, 2022 for the preparation of the construction solicitation.
- Review of Floodplain impacts by Morgan County is complete. DOH was advised.
- A check with Karen Allen (DOH) indicates that only completion of the 404 Permit remains prior to being able to send the package to Contracts Administration. Thrasher has this action item to complete.

Pete Brown  
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