

TOWN OF BATH COUNCIL MEETING

Tuesday, November 22, 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 (A) Greg Forney (A) Rick Weber (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of November 1, 2022 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Prior to permitting David Abruzzi to speak concerning the Bath Historic District Mayor Merki outlined the protocol to be followed by all in attendance. Speakers would be allowed three minutes to respectfully respond. Mr. Abruzzi read a prepared written statement (attached). Numerous attendees spoke in opposition citing property rights and financial issues, and the assurance of Meredith Dreistadt, WV Coordinator of the Certified Local Government program, that Bath was in good standing with that program and the State Historic Preservation Office. Other topics were introduced including a letter that Mr. Abruzzi had sent to the artisans who supply the Mountain Laurel Gallery and the Gallery owner's response (attached). Discussion ensued concerning a logo being developed by Travel Berkeley Springs and community involvement possibilities. Mr. Abruzzi was allowed three minutes to respond during which he reiterated his position.
5. COMMUNICATION FROM MAYOR: Recorder Webster was asked to update Council on the WV Interim Legislative Session that was held November 12-15 at Cacapon State Park. She, Councilman Forney, Planning Commission President Larry Landon and Historic Landmark Commission member Joyce Jones participated in Legislative Committee meetings, the Depot presentation and the Morgan County Showcase. It is believed that Morgan County and the Town of Bath made positive impressions on State Senators, Delegates and staff.
The Cocoa Crawl will be held December 2, 2022.
Christmas Parade applications are due November 25 for the event December 9, 2022.
Small Business Saturday is November 26 with free parking on November 25 and 26.
Decorating for the Deck the Meters Project will begin on November 25.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting will be December 7. BDA has presented two amendments to their bylaws for Council's consideration. The amendments will be on the next agenda for possible Council action.
2. PARKS & REC: The next meeting is December 21 in the Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is December 1, 2022. The Comprehensive Plan Assessment sub-committee continues to meet weekly. President Landon reviewed his report to the HLC on the Comprehensive Plan. He

- assisted with the Legislative Session events and sat in on Committee meetings.
4. RAIL/TRAIL: The progress report has been submitted to the Town office (attached).
 5. STREETScape: Committee Co-Chair Pete Brown has submitted reports to the Town office (attached).
 6. TRAIN DEPOT: Chairman Webster reported that work progress continues on the interior rehab of the Depot. The next Owners meeting will be November 30. Webster thanked the Mayor for lending his HVAC expertise and time to the project. Good news was received by the citizen's group wanting to have an event on the Depot lot. The Town's Licensed Remediation Specialist, Lydia Work, said it was alright to have one day events there.
 7. LANDMARK COMMISSION (HLC): The HLC met on November 17 and elected the following officers: John Mason, President; Joyce Jones, Secretary; Ryan Rebant, Treasurer. President Mason reported that their next meeting is scheduled for January 12 at 2pm.
 8. CLERK/RECORDER REPORT: No reports at this time.
 9. FINANCE: Chairwoman Webster delivered the following bills for approval.
 - (a) Town of Bath \$21,975.80- Motion to approve: Webster/Jackson- Carried
 - (b) BSWW \$49,637.32 – Motion to approve: Webster/Jackson- Carried
 - (c) Depot \$2,927.88 – Motion to approve: Webster/Jackson- Carried
 - (d) Tree Board \$3,035.00- Motion to approve: Webster/Jackson- CarriedRecorder Corrick noted that the Depot and Tree Board bills are for reimbursable grant outlays.
 10. TREE BOARD: No report at this time.
 11. GRANT: No report at this time.
 12. PUBLIC SAFETY: Chairwoman Jackson presented the October Police Report (attached). Chief Link has had no success with Chief of Police applications and the matter of the Chief's position will be revisited.
 13. CEMETERY: No report at this time.
 14. PUBLIC WORKS: No report at this time.
 15. ORDINANCE: No report at this time.
 16. BERKELEY SPRINGS WATER WORKS: Chairman Chapman reported that Phase IV Water Line Replacement Project is 38% completed with completion date of February 27, 2023 on target. Patience is requested from the public during the construction and restoration phases of the project. Supply chain delays have complicated the project. The Morgan County Water Line Extension Project is in the planning stage. Since the Federal EDA grant for the project did not include searching for a second water source the Morgan County Commission is taking on the task. They are funding exploratory drilling on the sixteen County owned acres at the corner of Rt. 522S and Coolfont Road. The BSWW has received a citation from the EPA due to a recent fish kill in Warm Springs Run. While there is no indication that the BSWW is at fault a citation notice was received and the BSWW is responding accordingly.
 17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Webb

Recorder Suzanne Webster

David Abruzzi's comments at 22 November 2022 Town Council Meeting

I request, if not already included in the minutes, a portion of Ms Webster's comments during the HLC update on 1 November 2022 be made part of the formal record of the meeting. Specifically, when the HLC rep asked for inputs on where the HLC should focus its effort Ms Webster said: "we are not really interested in the application of restrictions on properties we found that to be not well taken."

Good evening

And I appreciate the opportunity to address this meeting. I believe many of you know me already. I have recently started a small veteran owned business - Cacapon Preservation Solutions - focused on historic preservation, but I'm not here this evening looking for work.

I am here tonight because I represent a group of stakeholders comprised of town residents, property owners, and business owners who believe in historic preservation. And because in the past the town council has fallen short as a Certified Local Government to protect and preserve the Town of Bath Historic District.

I have recently looked at the various historical surveys for the Town of Bath and was discouraged at what I discovered. Here's a brief summary:

Following the original survey in 2006 three contributing structures were lost even before the nomination for the historic district was completed in 2009.

In addition to those three losses, since 2014 the historic district has lost three more from fire and four more by demolition.

Currently there are at least five more contributing structures that will most likely come off the list due to exterior modifications.

This means the Town of Bath Historic District will have lost a total of 15 contributing structures since the first survey was done in 2006 AND 12 of 218 contributing structures in the past eight years AND five of those structures in the past year.

On behalf of those stakeholders, who are my clients as well as your constituents I am here to work with you, the various committees, and the Historic Landmarks Commission to meet the requirements to protect and preserve the Town of Bath Historic District for the benefit of current and future generations.

As such I believe it is important to take a few minutes to share some information from the National Park Service, who administers the Certified Local Government program, as well as information from a briefing provided by a representative of the State Historic Preservation Office to the HLC on 27 October. This will ensure everyone is starting with the same information.

David Abruzzi's comments at 22 November 2022 Town Council Meeting

Per the National Park Service, the Certified Local Government program is a commitment to Saving the Past for Future Generations

Through the certification process, local communities make a commitment to national historic preservation standards. This commitment is key to America's ability to preserve, protect, and increase awareness of our unique cultural heritage found across the country.

Here is a key requirement for a CLG from the National Park Service website:

"Certified Local Governments (CLGs) are all required to make a written, legal commitment to protect and designate a community's irreplaceable historic properties in accordance with State and local laws". [I request a copy of the official Town of Bath document that shows a written, legal commitment when it comes to protecting irreplaceable historic properties as it pertains to the Town of Bath Historic District.]

And here's some information from the briefing provided by SHPO on 27 October 2022

1. A certified local government is the result of a certification process, which includes a local ordinance and is a partnership between local, state, and federal governments [which the Town of Bath has met]
2. With a certified local government local communities make a commitment to national historic preservation standards and applying them equally to all historic resources in their communities. [Unfortunately, all I've heard for months is an interest in having the HLC involved in the train depot which I must note is the most protected property (both exterior and interior) in the county given the use of Federal funds. It is not too much a stretch to say the town would most likely need Federal approval to even change out a doorknob.]
3. A certified local government focuses on preserving, protecting, identifying, and increasing awareness of cultural heritage [here the town is falling short given the number of contributing structures lost]

And

4. A certified local government facilitates public participation in historic preservation [which I must note the town council in May 2021 voted 4-2 against allowing public participation]

Finally, I will take a few minutes to address Ms Webster's comment "we are not really interested in application of restrictions on properties we found that to be not well taken".

First, Historic Preservation is about protecting historic properties for current and future generations. It is not about restrictions. Restrictions is a loaded term typically used negatively by someone who is against zoning.

David Abruzzi's comments at 22 November 2022 Town Council Meeting

Second, the fact that I am standing here tonight means a substantial number of town stakeholders are in fact interested in protecting historic properties that make up the Town of Bath Historic District. Even back in 2021 there were 25 business owners who had "signed on" and asked for the process to go forward. This was out of 30 that I met with. That's 83% who supported the process. And as for "not well-taken" I am assuming Ms Webster is referring to the moderated town hall meeting I spoke at back in May 2021. At that meeting 26 people spoke, but of those 26 only 6 would have owned property within the notional boundaries and been eligible to vote on whether or not to implement reasonable protections. And of those six only four who spoke owned contributing structures. Two spoke against the process (they owned three contributing properties between them) while the other two owned four contributing structures and were for the process - so the numbers do not support Ms Webster's comment at the last town council meeting.

I also recently was on the Morgan County Historical Society Facebook page and there was a long string of posts lamenting the number of historic buildings that have been demolished in town and asking what could have been done to prevent it. Here again it goes to show the residents of the Town of Bath care about their history and want to see something done to preserve it.

In conclusion I want to reiterate a CLG is legally required to support and champion historic preservation efforts to include protections. So the 4-2 vote last year to not support the HLC efforts to allow property owners their legal right to determine the issue for themselves, coupled with Ms Webster's comment at the last meeting, is a pretty good indication the town government has not met the requirement of a CLG by making a commitment to national historic preservation standards which is key to preserving, protecting, and increasing awareness of our cultural heritage.

I had drawn a symbol on the back of a piece of paper and made some notes before I addressed the TBS board objecting to their idea for a new decal/sticker to be displayed by businesses in Berkeley Springs.

I started off by stating that the symbol that I was about to display has been used for thousands of years to mean Well Being, Good Fortune and/or Honor – and is still used today in North Africa, Southern Europe, Middle East, parts of Asia and by Native Americans.

I stated the symbol was also used as a symbol of evil during a relatively short time in history, but I have no intention of presenting it as a symbol of evil or would even condone the use of this symbol as such. The symbol I will show is that of Well Being, Good Fortune and/or Honor. I know many you will direct your thoughts to the evil when I show the symbol, but I am not intending it in that manner.

I am using this symbol to show that symbols can have multiple meanings to different people. (This is where I displayed the symbol of a swastika) It is my opinion that using the “pride” flag colors exclusively on the new decal/sticker could potentially deter approximately 97% of business as, from what I have read/seen, only 3% of the population identify with this symbology. During the “pride” day event in town this past year, we received many unsolicited comments that were very negative – like “if this is what Berkeley Springs is coming to, then we will not plan to visit here anymore.” I suggested that only the colors of the American flag be used on the decal/sticker in order to convey inclusiveness.

I stated that I do not have any prejudices against any group – including the LGBTQ community in which I have dozens of relatives and friends. Our philosophy is to welcome and treat all people the same and do not see the need to put out a welcome mat for any particular group, as it may offend others. My objections come against hate groups, which in my opinion, “pride” is a hate group similar to good old boys, antifa, BLM, etc. Hate has no place here in Berkeley Springs, and we should work towards eliminating the hate.

Dear Artisans,

7 November 2022

I am reaching out to each of you because you were one of more than 30 artisans mentioned in at least one Mountain Laurel Facebook Post between April 2021 and November 2022.

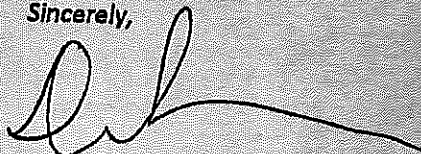
At a 20 October 2022 Travel Berkeley Springs board meeting, during a discussion on promoting the town and an associated new logo (containing a red star, waves, and thin rainbow) prepared by a professional marketing firm, Mr Curia, the owner of Mountain Laurel, saw fit to hold up a hand drawn swastika to voice his opposition to the rainbow and its universal message of inclusion. To paraphrase Mr Curia he viewed the rainbow as a symbol of unwelcome for 97% of people and therefore only welcoming to the remaining 3%. From this I inferred that in Mr Curia's opinion a rainbow should somehow be viewed in the same light as a swastika since the swastika would be seen as welcoming by a tiny percentage who might still view it as an ancient symbol of peace. To accept this false equivalency would mean ignoring the fact the swastika was co-opted by the Nazi's nearly a 100 years ago, and more recently by the white supremacist movement as a symbol of hate and intolerance.

As a resident of Morgan County and a military veteran I am appalled and angry, and in good conscience cannot sit silent and have anyone attempt to associate a rainbow and a swastika as being similar symbols of "peace" and inclusion.

This occurred in a board meeting open to the public and I know talk of Mr Curia's exhibiting a swastika is happening in the community.

Please do not view this through the lens of attempting to "cancel" Mr Curia or a case of wokeness, but rather to hold Mr Curia accountable for his actions that have no place in a public meeting ostensibly called to decide how to best market products such as yours to visitors. I hope you would not feel comfortable if Mr Curia hung a swastika in his store windows as a way to attract customers to your product, but one could argue by holding up a hand drawn swastika in a public forum that is exactly what he has done.

Sincerely,



David Abruzzi

Morgan County property owner since 2007 and resident since 2014

**Status of Streetscape, State Park and NBRT for Town Council
Tuesday November 22, 2022**

STREETSCAPE

Phase V: Design Contract:

- The Task Order Agreement (Contract) for the Phase V Design was signed by the Mayor on 10-28-22 (Thrasher signed on 10-12-22)
- Task Order #1 (for the completion of the existing 30% drawings for Phase V and for update of existing Mercer St lighting drawings to the 30% level for Phase VI) has also been signed by Thrasher and the Mayor. This Task Order will not be issued to Thrasher until the Town has received the DOH "Notice to Proceed".
- The next conference call with DOH is set for Nov 30th from 9 to 10 am. Topics will be:
 - DOH schedule for the "Notice to Proceed"
 - Payment Milestones, Thrasher Invoicing to Town, DOH reimbursement timing
 - Timing of the Construction Grant Funding Agreement

Phase VI Lighting:

- Completed preliminary discussions with a solar-powered streetlight firm sufficient to understand the key variables and capabilities: (No Decisions have been made)
 - Once 30% Design for Phase VI (Mercer St) has started, will coordinate Thrasher and solar-powered firm to determine if these streetlights are technically and cost-wise feasible for Mercer St.
 - Plan to present this alternative to Town Council to decide if the Town will accept the concept, esthetics and potential cost savings and risks.

NBRT

Parcel 1A & Trail:

- HDR is finalizing the last permit (Army COE) and should have it back to the County for final submission to the COE. This is due to the COE by Dec 3rd.

Parcel 1B: Grant applications are being prepared for construction of the stormwater management area.

Berkeley Springs State Park Grant & Project

Status:

- Thrasher is finalizing the final permit with Army COE
- Provided the formal Point of Contact for this permit - Park Superintendent
- Floodplain impact design and approvals funded and complete

Berkeley Springs Police Department- October 2022 Totals: Report completed 14Nov22.

CI Reports: 4

Felony- 2

Misdemeanors- 2

NRN: 16

Assists: 38

Arrests: 0

Felony- 0

Misdemeanor- 0

DUI's: 0

Accidents: 0

Accidents Fatal- 0

Accidents Injury- 0

Accidents PD- 0

Citations: 4

Warnings: 5

Transports: 0

Papers Served: 0

Alarms: 0

Parking tickets: 166