

TOWN OF BATH COUNCIL MEETING

Tuesday, March 21, 2023

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 (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of March 7, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Berkeley Springs Morgan County Chamber of Commerce Interim Director Happy Rone and board member Terri Beard approached Council with requests for street closures for the 2023 Apple Butter Festival to include Friday night this year. The additional Friday night event will be held on Mercer Street from Union Street to Fairfax Street. The Chamber also requested permission for the First Friday Food Truck Festival on May 5 and the First Friday Chalk the Street event on August 4.
The Chamber presented Memorandums of Understanding (MOU) for each event with each considered separately.
MOTION: To accept the Chamber MOU concerning the annual Apple Butter Festival (attached)-Webster/Weber – Carried
MOTION: To accept the Chamber MOU concerning the additional street closure for the Apple Butter Friday night event with this closure continuing through the Festival weekend (attached)-Webster/Weber- Carried
MOTION: To accept the Chamber MOU concerning the First Friday Food Truck Festival (attached)- Webster/Weber- Carried
MOTION: To accept the Chamber MOU concerning the First Friday Chalk the Street event (attached)- Chapman/Weber- Carried
Bibi Hahn requested that the south side of west Fairfax Street parking meters be bagged for no parking on the evening of Friday, May 19 through May 21 at 5pm for the Bringing in May Faerie Festival in the Berkeley Springs State Park (flyer attached).
MOTION: To permit the parking meters to be bagged for no parking from the evening of May 19 until May 21 at 5pm as presented for the Bringing in May Faerie Festival – Webster/Weber- Carried
5. COMMUNICATION FROM MAYOR: The Morgan County Plant Fair Committee requested (attached) to reserve three parking spaces on Fairfax Street adjacent to the State Park and one of the closest meters to the corner of Fairfax on S. Washington for loading and unloading of plants for their annual Plant Fair from 6am through 7pm on Friday May 6 and from 6am through 6pm on Saturday May 7.
MOTION: To approve the Morgan County Plant Fair street parking request for their annual Plant Fair as presented- Skinner/Chapman- Carried
David Abruzzi submitted a letter of recommendation (attached) for Town of Bath National Historic District signage at appropriate and advantageous locations around

the town and area. After discussions of past such signage placement the Mayor referred the issue to the Bath Historic Landmark Commission.

David Abruzzi submitted a letter with draft forms in regards to Bath Ordinance 2022-03-15 with suggested amendments. Bath HLC President Mason expressed that the matter had been discussed with Bath Attorney Richard Gay and other experts in the matter. The HLC was advised not to amend the ordinance.

The Berkeley Springs Farmers Market provided a request letter (attached) for the upcoming Farmers Market season from April 2 through December 3, 2023. The request contains no changes from previous years.

MOTION: To permit the Farmers Market street closures for the market season as presented-Skinner/Weber- Carried

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is April 5th in the County Commission Room.
2. PARKS & REC: The next meeting is April 19th in the Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is April 6th.
4. RAIL/TRAIL: The progress report has been submitted to the Town office (attached). Recorder Webster reported that the earmark grant application for the development and completion of the Trail Head Depot lot has been submitted to the offices of Senators Manchin and Capito with Bath's recommendation letters. Committee Co-Chair MacLeod spoke on the progress of the storm water management project.
5. STREETSCAPE: Committee Co-Chair Pete Brown has submitted reports including recent positive advancement of the project to the Town office (attached). Co-chair Pete Brown has recently received communication for the WV DOH (attached) regarding the replacement of the Independence Street bridge. Brown has drafted a letter expressing objection to the DOH plan (attached) for Council's consideration.
MOTION: To authorize the Mayor to sign and send the draft letter to the WV DOH as presented- Weber/Skinner- Carried
6. TRAIN DEPOT: Chairman Webster reported that work progress continues on the interior rehab of the Depot. At this point she has not received donations requested from local entities regarding the payment of \$1,800.00 for hardwood floor finishing and asked that she be allowed to move forward with this work contract. Concerns were expressed and understood. The Mayor asked for authorization permission to move forward with the project when the funds become available.
MOTION: To authorize the Mayor to move forward with the hardwood flooring work when he is satisfied that funds are available- Weber/Skinner- Carried
7. LANDMARK COMMISSION (HLC): President John Mason informed Council that the HLC has provided a letter of support for a property owner who is applying for a SHPO grant. Members are giving assistance in completing the property owner's grant application.
8. CLERK/RECORDER REPORT: Recorder Webster reminded all of the MARC Train

extension study and the online survey. She has requested that the Chamber of Commerce and TBS send the survey to their membership.

9. FINANCE: Chairwoman Webster delivered the following bills for approval.
 - (a) Town of Bath \$3,595.22- Motion to approve: Weber/Chapman- Carried
 - (b) BSWW \$56,493.79 – Motion to approve: Weber/Chapman- Carried
 - (c) Greenway Cemetery \$2,040.00- Motion to approve: Weber/Chapman-Carried
 - (d) Tree Board \$1,000.00 (reimbursable)- Motion to approve: Weber/Chapman-Carried
10. TREE BOARD: Councilwoman Skinner reported that the Tree Survey Grant is underway. Expenses are reimbursable to the Town.
11. GRANT: No report at this time.
12. PUBLIC SAFETY: Town of Bath Chief of Police Carper reported that he has two interviews set up for additional police officers.
13. CEMETERY: Chairman Skinner is working with Pete Brown and Rebecca MacLeod on the standard bid process for the mausoleum repair work. The Make It Shine cleanup program work day will be April 1st from 9:30 to noon with the rain date being April 15th.
14. PUBLIC WORKS: Chairman Weber reported that the Labor Crew is preparing the vehicles and equipment for upcoming seasonal work.
15. ORDINANCE: Councilman Chapman presented Council with the Committee's work on the Bath Employee Manual for study. It will be sent to the Town's Attorney for review.
16. BERKELEY SPRINGS WATER WORKS: The Water Line Extension Project is moving forward with clean-up and punch list duties. The resurfacing of Cornelius Avenue is being assessed and residents' comments are being considered. The BSWW is actively seeking Assistant Superintendent and Class II Operators and interviews for both positions have been scheduled.
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor

Scott E. Mink

Recorder

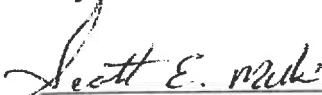
Susan J. Webster

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between The Berkeley Springs — Morgan County Chamber of Commerce and the Town of Bath located in Bath/Berkeley Springs, WV. in regard to the Chamber of Commerce's Apple Butter Festival.

- A. Purpose. The purpose of this MOU is to show the agreement between both parties for the usage of the Town of Bath for the annual Apple Butter Festival. This shows agreeance for the Town of Bath to allow the Festival to operate on the following streets and maintain closure during the duration of the event: Union Street, Independence Street, Mercer Street, Congress Street, Wilkes Street, Fairfax Street, Bath Street, Market Street, and Warren Street. It is understood that the Town of Bath will assist the Festival in maintaining closure of the streets and allowance for this by utilizing resources gathered by the festival. This purpose is necessary for the festival to continue its existence and continues to benefit the town in an influx of both business license fees and tourism.
- B. Roles and Responsibilities. The Town of Bath agrees to allow the festival to operate on the above-listed streets for the duration of the festival and agrees to assist with the closure of such streets. The Town of Bath police department will be utilized for the equipment to shut down the road and any manpower would be appreciated. The festival does agree to have adequate festival insurance removing liability for injuries on those streets during the festival on the festival insurance. The festival also agrees to guarantee trash removal and clean-up after each day of the event. Necessary sanitary and restroom facilities will be provided by the festival as well. It is also understood that no parking will be permitted on 522 during the festival.
- C. Timeframe. The timeframe for this MOU will be for the duration of the festival. The initial starting time will be 7:00am on October 7th, 2023 and will conclude at 5:00pm October 8th, 2023.

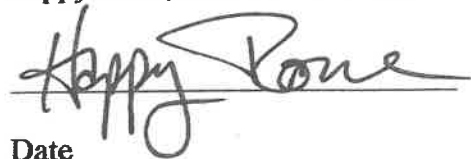
Mayor Scott Merki — Town of Bath



Date

3-21-2023

Happy Rone, Executive Director



Date


3/21/23

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between The Berkeley Springs — Morgan County Chamber of Commerce and the Town of Bath located in Bath/Berkeley Springs, WV. in regard to the Chamber of Commerce's Apple Butter Festival — Friday Night Block Party.

- A. **Purpose.** The purpose of this MOU is to show the agreement between both parties for the usage of the Town of Bath for the Apple Butter Festival Friday Night Block Party. This shows agreeance for the Town of Bath to allow the Festival Block Party to operate on Mercer Street between Fairfax Street and Union Street and maintain closure during the duration of the event. Egress will be allowed for rescue vehicles. It is understood that the Town of Bath will assist the Festival in maintaining closure of the streets and allowance for this by utilizing resources gathered by the festival. This purpose is necessary for the festival to continue its existence and continues to benefit the town in an influx of both business license fees and tourism.
- B. **Roles and Responsibilities.** The Town of Bath agrees to allow the festival to operate on the above-listed street for the duration of the event and agrees to assist with the closure of such streets. The Town of Bath police department will be utilized for the equipment to shut down the road and any manpower would be appreciated. The festival does agree to have adequate festival insurance removing liability for injuries on those streets during the festival on the festival insurance.
- C. **Timeframe.** The timeframe for this MOU will be for the duration of the festival. The time will be from 3:00pm until 10:00pm on Friday, October 6th, 2023.

Mayor Scott Merki — Town of Bath



Date

3-21-2023

Happy Rone, Executive Director



Date

3/21/23

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between The Berkeley Springs — Morgan County Chamber of Commerce and the Town of Bath located in Bath/Berkeley Springs, WV. In regard to the Chamber of Commerce's First Friday Food Truck Festival.

- A. Purpose. The purpose of this MOU is to show the agreement between both parties for the usage of the Town of Bath for the First Friday Food Truck Festival. This shows agreeance for the Town of Bath to allow the Festival to operate on the West end of Fairfax Street between Wilkes St and Washington St. It is understood that the Town of Bath will assist the Festival in maintaining closure of the streets and allowance for this by utilizing resources gathered by the festival.
- B. Roles and Responsibilities. The Town of Bath agrees to allow the festival to operate on the above-listed street for the duration of the festival and agrees to assist with the closure of such street. The festival does agree to have adequate festival insurance removing liability for injuries on those streets during the festival on the festival insurance. The festival also agrees to guarantee trash removal and clean-up after the event.
- C. Timeframe. The timeframe for this MOU will be for the duration of the event. The initial starting time will be 12:00pm on May 5th, 2023 and will conclude at 10:00pm the same day.

Mayor Scott Merki — Town of Bath

Scott E. Merki

Date

3-21-2023

Jules Happy Rone, Executive Director

Jules Happy Rone

Date

3/21/23

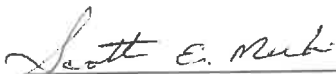
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between The Berkeley Springs — Morgan County Chamber of Commerce and the Town of Bath located in Bath/Berkeley Springs, WV. In regard to the Chamber of Commerce's First Friday Chalk the Street.

- A. Purpose. The purpose of this MOU is to show the agreement between both parties for the usage of the Town of Bath for the First Friday Chalk the Street. This shows agreeance for the Town of Bath to allow the Chamber of Commerce to operate on the West end of Fairfax Street between Wilkes St and Washington St. It is understood that the Town of Bath will assist the Chamber of Commerce in maintaining closure of the streets and allowance for this by utilizing resources gathered by the event organizer.
- B. Roles and Responsibilities. The Town of Bath agrees to allow the event to operate on the above-listed street for the duration of the festival and agrees to assist with the closure of such street. The Chamber of Commerce does agree to have adequate insurance removing liability for injuries on those streets during the event on the event insurance. The Chamber of Commerce also agrees to guarantee trash removal and clean-up after the event.
- C. Timeframe. The timeframe for this MOU will be for the duration of the event. The initial starting time will be 12:00pm on Aug 4th, 2023 and will conclude at 10:00pm same day.

Mayor Scott Merki — Town of Bath

Jules Happy Rone, Executive Director



Date

3-30-2023

Date

BRINGING IN THE MAY

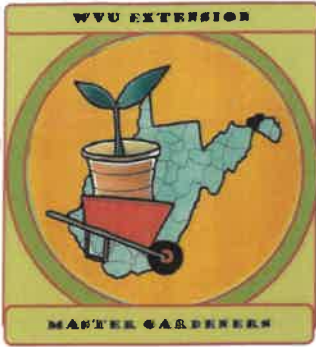
FAERIE FESTIVAL



May 20-21st
Journey through the veil...
Berkeley Springs, WV

www.bringinginthemay.org

Artwork by Jasper Night  nightsongalchemy.com



WVU EXTENSION MASTER GARDENERS of MORGAN COUNTY – PLANT FAIR COMMITTEE

March 09, 2023

To: Bath Town Council
Attn: Sharron Corrick
271 Wilkes, Suite A
Berkeley Springs, WV 25411

From: WVU Extension Master Gardeners – Morgan County
Plant Fair Committee

RE: Parking Request for 2023 Plant Fair

The WVU Extension Master Gardeners of Morgan County will again be hosting our annual Plant Fair in Berkeley Springs State Park. This year's event will be held on Friday, May 12th and Saturday, May 13th, 2023. As in previous years, we would like to reserve THREE parking spaces on Fairfax Street adjacent to the park, and perhaps ONE of the closest meters to the corner of Fairfax along S. Washington Street (for a total of four), for use as an area for loading and unloading plants from 6:00 am through 7:00 pm on Friday, May 12th and from 6:00 am through 6:00 pm on Saturday, May 13th. We would also wish to request that those meters be bagged during those times. We will provide loading zone signs for the above-mentioned time periods for the meters associated with the requested parking spaces.

In addition, we would like to request once again, the use of the parking lot at the train station north end of town. You were kind enough to allow us to use this for vendor parking in previous years, and we found it quite useful. We will provide our vendors with permits to place in their front windshields to indicate they are a vendor,

We very much appreciate your continued support of our annual Plant Fair, and hope that you will come to join in the fun!

Respectfully,

Darlene Brown Lindner
WVU Extension Master Gardeners – Morgan County
Plant Fair Committee
301-948-3198
d_lindner@frontier.com

Cacapon Preservation Solutions, LLC
18534 Cacapon Rd
Great Cacapon, WV 25422

13 March 2023

Mayor Scott Merki
Town of Bath
271 Wilkes St
Berkeley Springs, WV 25411

Dear Mayor Merki:

I recently traveled to Charleston, WV to meet with staffers at the State Historic Preservation Office and on my way, I noticed several towns had the brown recreational/cultural interest road signs notifying travelers they had an historic district. With the coming bypass I believe there would be value in the Town of Bath doing the same.

As such I recommend the Town of Bath consider contacting the WV DOH and request signs be placed at each end of 522 before the bypass and one at Martinsburg Road as well. Such signage would serve to notify travelers that skipping the bypass would lead them to a place worth visiting off the beaten path. To take it one step further the Town might also want to reach out to the Federal Highway Administration and inquire as to what it would take to add the "Town of Bath National Historic District" to the "attractions/services" signs at the Hancock, MD I-70 exits.

These actions require a minimal amount of effort, can be done now, and are likely to bring in additional visitors to the Town of Bath who might otherwise simply pass on by.

Sincerely,

//signed//

David Abruzzi, RA
Cacapon Preservation Solutions, LLC

Enclosure

cc:
Travel Berkeley Springs
Berkeley Springs – Morgan County Chamber of Congress.

Town of Bath
National Historic District
↑ 3 miles



Berkeley Springs Farmers Market
P.O. Box 965
Berkeley Springs, WV 25411
(304) 258-8400

A Committee of the Morgan County Association for Food and Farms

Morgan County office of Emergency Services, 38 Dispatch Lane
Chief of the Berkeley Springs Volunteer Fire Department, 34 N. Mercer Street
Chief of the Morgan County Rescue Squad, PO Box 151
Sheriff of Morgan County, 226 Gayle Drive
Chief of Police, Town of Bath, 271 Wilkes Street
Town of Bath Water Works, 271 Wilkes Street

February 28, 2023

Dear Gentleman,

The Town of Bath approved plans for the 2023 Farms Market in downtown Berkeley Springs on Sundays from April 2 through December 3 from 8:30 AM to 3:00 PM, excluding Oct. 8.

The Town of Bath approved our request to use the east bound south lanes of the divided section of Fairfax Street from Route 522 (Washington Street) to Mercer Street and their portion of the gravel parking lot directly behind BB&T Bank for the Sunday market. Additionally, the Town approved closing the west bound lanes of the divided section of Fairfax Street from Mercer Street to Route 522 (Washington Street) each Sunday while the market is operating except for any emergency traffic. Parking will not be allowed on the west bound lanes to allow emergency vehicles to pass if necessary.

The Market will be responsible for blocking and reopening the approved portions of the street each day at the designated times and will continue to manage the closing barricades and signage to avoid any hindrances to emergency vehicles.

Thank you for your support of our ongoing efforts to provide fresh local food and home-produced goods to the public. If you require further information, please let me know.

Sincerely,

Molly Farrow, Chair
Berkeley Springs Farmers Market
(304) 258-9742 home
(540) 686-6526 cell

DRAFT Letter

Kyle Baranowski
WVDOH District 5
Bridge Design and Repair
P.O. Box 99
Burlington, WV 26710-0099

Re: Town of Bath Independence Street Bridge Replacement

Mr. Baranowski,

You recently contacted Peter Brown of our Streetscape Program to inform him of plans for the replacement of the Independence Street Bridge. You were seeking comments on the modification of the plans approved in 2019, which included a sidewalk. You stated that in your opinion no sidewalk exists now, so none would be installed now. However, this is false since the surface of the existing sidewalk is still quite apparent. The sidewalk curb has been obscured over the years by the application of several layers of asphalt, which raised the bridge deck until it is nearly level with the sidewalk.

The Town Council is objecting to any bridge replacement that does not include a sidewalk. We suggest that if you are unable to provide a bridge design suitable to our community you continue to shelve the project. The weight restrictions of the existing bridge provide a least a small degree of safety for the many pedestrians that use this route.

Independence Street is a principal route for residents and visitors of the North Berkeley neighborhood in Berkeley Springs. The Fairfax Street interchange being constructed on the Berkeley Springs Bypass on State Route 2 will increase traffic in this area. It is imperative that a defined pedestrian path be installed as a traffic calming measure to protect our citizens.

The earlier DOH replacement of the Mercer Street Bridge without a sidewalk is an unfortunate example of shifting costs from the state to our small town. This is because the design, permitting, and cost for a new pedestrian bridge was shifted from the state to a later and unfunded phase of the Streetscape Program. By forcing pedestrians onto Mercer Street without even a marked walking lane this remains a pedestrian safety problem to this day. Your suggestion that the Town shoulder the burden for design and construction of another pedestrian project on Independence Street is unrealistic. Our Streetscape Program plan is set for the next five years, and has no funding at this time to add a sidewalk to either location.

The Town of Bath takes pride in the work it is doing in improving the walkability of the community for residents and our many visitors. It has invested significant resources in improving sidewalks and safety features, as has the WVDOH using State and Federal funds. After discussions with our engineer, we understand there are ways to install the bridge deck that creates a sidewalk and curb without adding a significant cost to the replacement. We look forward to reviewing a new set of plans that incorporates this feature.

Thank you,

Scott Merki, Mayor

cc:

**BACK-UP FOR TOWN COUNCIL
REPLY TO DOH ON INDEPENDENCE ST BRIDGE PLANS**

Incoming e-mails from DOH & Reply from Pete Brown

Independence Street Bridge Project

Baranowski, Kyle B <kyle.b.baranowski@wv.gov>

Mar 9, 2023, 8:27 AM
(2 days ago)

to Paul, larrylower, me

Hello,

Way back in 2017, the Independence Street Bridge was selected, based upon condition, to receive a superstructure replacement by the West Virginia Division of Highways. The design, environmental clearance and permitting phase started soon after. This original design contained a sidewalk and black railings to match a proposed streetscape theme. The project was funded and cleared in 2019 and was placed on schedule for construction in the spring of 2020. And we all know what happened then...

Since the WVDOH could not start any new projects, Independence Street Superstructure replacement was "shelved". After COVID, a General Fund Surplus Program took priority and the projects were initiated. Independence Street Bridge was not part of that program.

Now, we are planning on doing the superstructure replacement project soon. However, we still have 2017 funding. The current bridge design does not contain a sidewalk or streetscape rails. We are in the process of getting environmental clearance and permits once again for Independence Street.

I would like to know where the town of Bath (Berkeley Springs) stands on Independence Street? I have included a set of the current draft plans. I recall a phone conversation about this, but it has been a while.

Thank you,
-Kyle Baranowski
WVDOH District 5
Bridge Design and Repair
(681)320-2019

Note: A 12 sheet preliminary drawing set was attached to this e-mail

Kyle's Reply to Pete's Questions

Baranowski, Kyle B

Thu, Mar 9, 4:15 PM
(2 days ago)

Hello Pete,

1) Have you estimated a build-timeframe - such as when you might start construction (year and quarter) and roughly how long Independence Street will be closed for the construction?

- We are currently working on getting the permits and the environmental clearance for this project. The previous permits and clearance have expired. We can do the project soon after this phase is completed. The estimated time frame is one month for the permitting process, once the folks that do that have all the info they need. They are waiting on my department to make sure we are in agreement with the Town of Bath exclusion of the sidewalk and pedestrian rail. The construction and closure of Independence street will be up to two months, but I am trying to limit the actual closure and hope to be closer to one month. So, the earliest we can start will probably be late April or May 2023 and we expect to be done by the end of June 2023, if everything goes well.

2) Which side(s) of the street will the sidewalk(s) be on?

- The current bridge design does NOT include a sidewalk on the bridge. This is because there is no sidewalk in this area now. The sidewalk would have to be raised for safety (a curb) and we would have to include ramps to get onto the sidewalk for the bridge. These ramps would interfere with the business parking and access to the warehouse. A sidewalk can be added to the bridge at any time once the streetscape sidewalk is constructed in this area. When constructed it will be on the North (other side from the latte shop) and provisions for 5' wide is possible.

3) Do you have any sketches of what the new bridge will look like?

- I have included a PDF of the existing bridge, proposed bridge, and proposed bridge with the sidewalk and pedestrian rails. I am also including a picture of a bridge that will be similar to Independence Street if constructed per the current plan.

This is Knott Island Bridge near Shepherdstown. It is on a county route, but the construction would be similar.



Please let me know the Town of Bath's (Berkeley Springs) stance on the proposed superstructure replacement of the Independence Street Bridge by the WVDOH.

Thank you,
-Kyle Baranowski
(681)320-2019
WVDOH District 5
Bridge Repair and Design

This is the Current Independence Street Bridge

