

# TOWN OF BATH COUNCIL MEETING

Tuesday, April 4, 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 (X) Rick Weber (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of March 21, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATION FROM MAYOR: The Mayor informed Council of a letter received from David Abruzzi regarding clarification from the Bath Planning Commission. Planning Commission President Larry Landon has addressed the issue. Another letter received from Mr. Abruzzi pointed out errors in the Bath Historic District map which was referred to the Historic Landmark Commission. Make It Shine Chairwoman Beth Skinner reported that this clean up program was postponed until April 15 from 9:30 -noon due to inclement weather on April 1. Volunteers are encouraged to be at Town Hall or Greenway Cemetery on the new date to receive further instructions.  
The Mayor presented the annual Arbor Day Proclamation (attached).  
MOTION: To approve the Arbor Day Proclamation as presented-Jackson/Weber-Carried.

Council has received an invitation to the Partners in Prevention Breakfast on April 5.

## COMMITTEE AND BOARD REPORTS

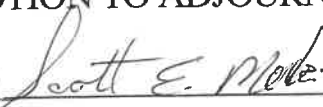
1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is April 5 in the County Commission Room.
2. PARKS & REC: The next meeting is April 19 in the Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is April 6, 2023.
4. RAIL/TRAIL: The progress report has been submitted to the Town office (attached).
5. STREETScape: Committee Co-Chair Pete Brown has submitted reports to the Town office (attached). The Committee is in discussion with WV DOH District 5 concerning the Independence Street bridge (attached letter and brochure). Since the bridge has been deemed a contributing structure within the Bath Historic District the matter has also been referred to the Historic Landmark Commission.
6. TRAIN DEPOT: Chairman Webster reported that the WV DOH Project Manager Kyle Olive has completed his final walk through of the project and was pleased with outcomes. Webster has obtained adequate funding including a \$900.00 donation from CNB Bank to sand and finish the Depot hardwood flooring. The Mayor has authorized the Town to contract with Shenandoah Flooring for a price of \$1,800.00 for this work. She is meeting with The Mills Group for a project walk through and discussion on the next grant funding needs and opportunities. Webster is planning a grand opening celebration in early June.
7. LANDMARK COMMISSION (HLC): President John Mason informed Council he

believes he has met the intent of Mr. Abruzzi's recent inquiry. Discussion was held concerning historic signage and other sign placement for the Town of Bath to promote and enhance Bath's attraction to the traveling public especially considering the new by pass of the community. Road naming and other marketing methods were explored. The Mayor intends to invite the Berkeley Springs Morgan County Chamber of Commerce and TBS to a future Council meeting for further evaluation.

8. CLERK/RECORDER REPORT: Recorder Webster reported that the FY 2024 Bath budget was submitted in a timely manner. The Committee also reviewed and presented two facility use requests (attached) with recommendations.  
MOTION: To approve the Trail Depot application with a waived \$100.00 fee- Jackson/Skinner- Carried.  
The Asplundh application was held for more information.
9. FINANCE: Chairwoman Webster delivered the following bills for approval.
  - (a) Town of Bath \$19,110.13- Motion to approve: Forney/Weber- Carried
  - (b) BSWW \$11,032.58 – Motion to approve: Forney/Weber- Carried
  - (c) Hotel/Motel \$22,935.30- Motion to approve: Forney/Weber-Carried
  - (d) Depot \$7,134.37- Motion to approve: Forney/Weber- Carried
10. TREE BOARD: Nothing further at this time.
11. GRANT: No report at this time.
12. PUBLIC SAFETY: Chairman Jackson reported that the resignation of BSPD Chief Link and Secretary Danielle Swope have been received. Applications for administrator are being accepted. Town of Bath Chief of Police Carper has hired two part time officers. Both Officer Ron Gardner and Officer Chuck Hess are certified.
13. CEMETERY: Chairman Skinner advised that the standard bid process for municipalities is required for the mausoleum repair work. Skinner presented a request to the Ad Hoc ARPA Fund Committee in the amount of \$3,000.00 for drainage and vegetation work necessary at the Greenway Cemetery mausoleum.  
MOTION: To approve the ARPA Fund expenditure of \$3,000.00 for the mausoleum repair work as presented– Webster/Forney- Carried
14. PUBLIC WORKS: Chairman Weber reported that the Labor Crew is occupied with seasonal spring clean up work.
15. ORDINANCE: Councilman Chapman reported that the Personnel Policy is still being reviewed by the Town's Attorney.
16. BERKELEY SPRINGS WATER WORKS: The Water Line Extension Project is 99% completed and proceeding with clean-up, Cornelius Street asphalt overlay and punch list duties. Remaining Project available funds have allowed the BSWW to make needed improvements to Grand Hollow Trail. The BSWW has a successful candidate for Assistant Superintendent in Richard Mayhew. Future BSWW improvement needs include upgrades to the telemetry systems in the Plant and other locations.
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor



Recorder

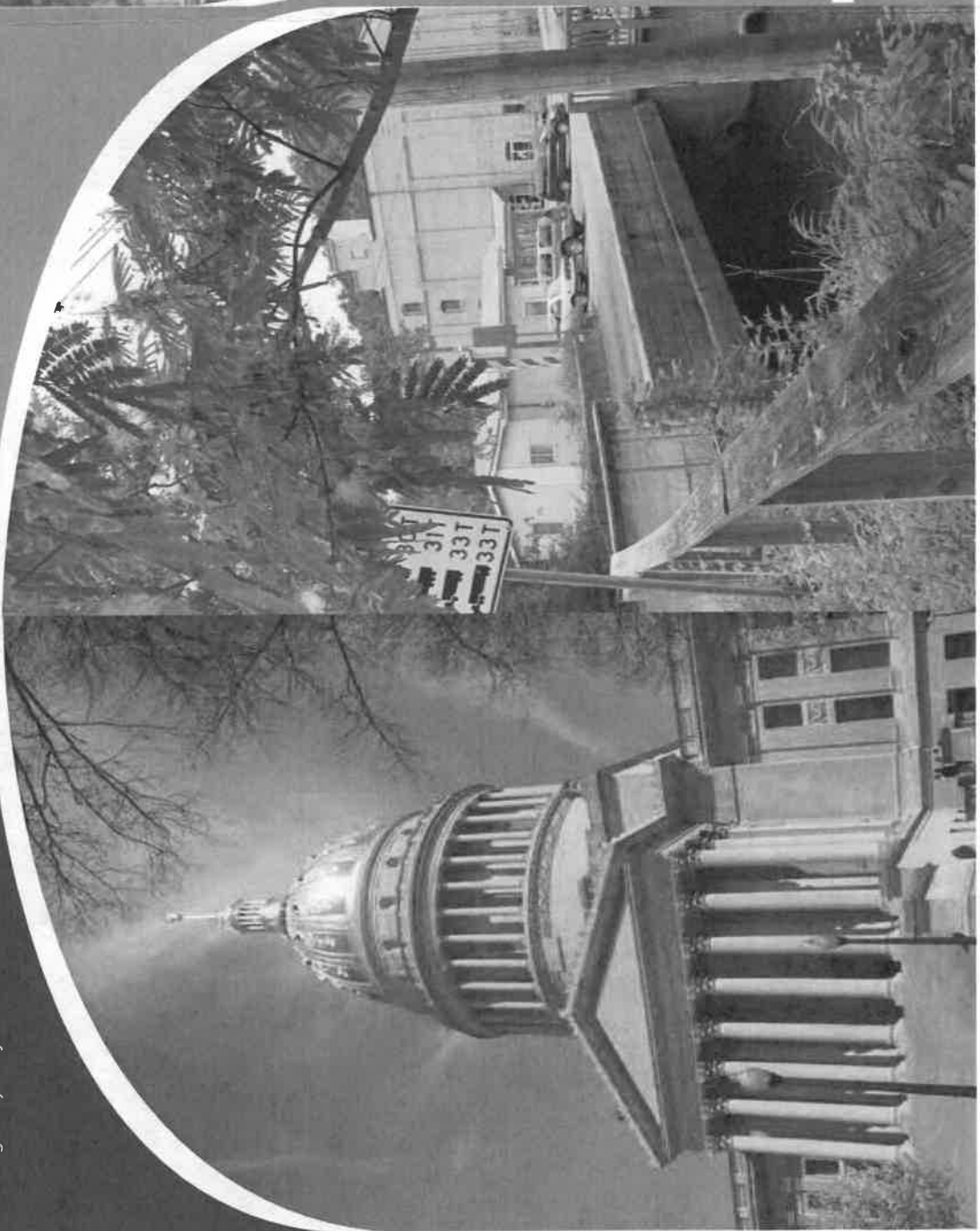


## whatHistoricalServicesUnitdoes

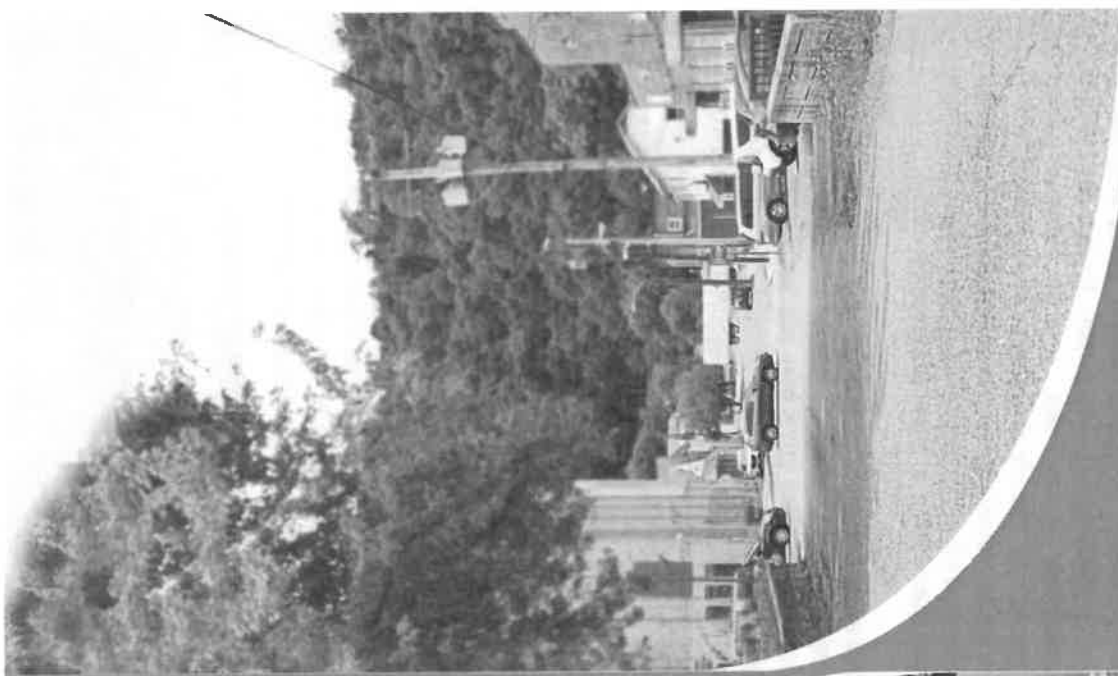
- Research and Write Historic Reports
- Determine National Register Eligibility
- Determine Historic Boundaries
- Determine Effects to Historic Properties
- Mitigate Adverse Effects to Historic Properties
- Complete Historic Documentations for Specific Historic Properties
- Historic Turnpike Research and Analysis
- Coordinate with Federal, State, and Local Resource Agencies
- Conduct Public Workshops for Specific Bridge and Highway Projects

## contactus

Division of Highways  
Engineering Division  
Environmental Section  
1334 Smith Street  
Charleston, WV 25301  
Sondra Mullins  
Historical Services Unit Leader  
304.558.9487  
sondra.l.mullins@wv.gov



independence street  
**bridge**  
*morgan county*



# Independence Street Bridge History

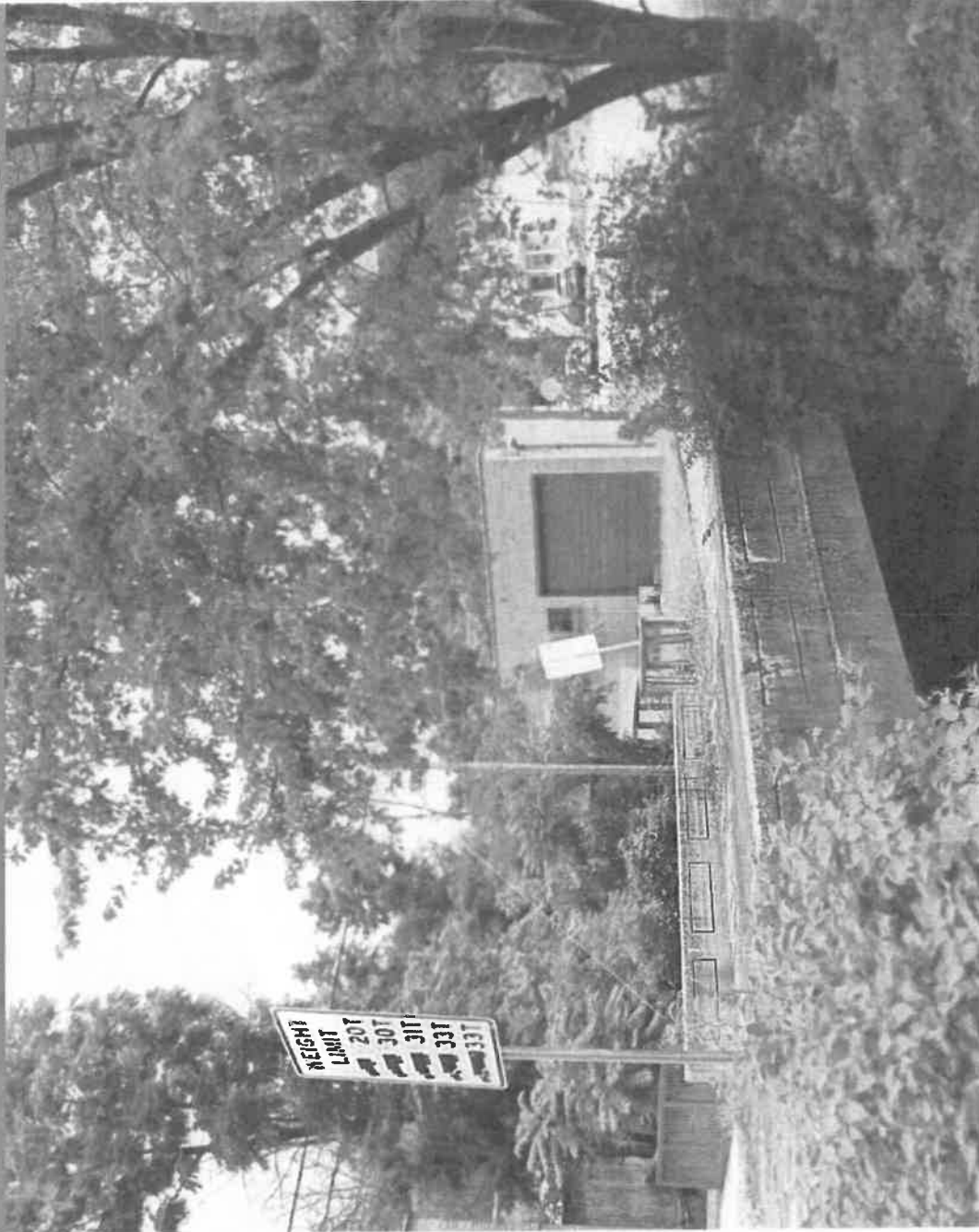
independence street  
**bridge**  
*Morgan County*

Independence Street Bridge was built in 1927 by Victor Funderburg of Martinsburg, WV. It is located within the Town of Bath which was established 1776 per act of Virginia General Assembly. The local post office, est. 1802, was named "Berkeley Springs PO" and resulted in the town being more popularly called Berkeley Springs. The town became well-known as a health resort due to its purportedly curative mineral spring waters. The railroad came into Berkeley Springs in the late 1880s and was a boon for tourism and local industry into the early 20th-century.

Independence Street Bridge is a two-lane span with overall measurements of 27 feet, 3 inches long by 29 feet wide. It has a single-span reinforced concrete slab superstructure that is supported on full-height reinforced concrete abutments. The deck width includes a sidewalk on the downstream (north) side and concrete parapet wall railings (with decorative rectangular motif) on each side.

Victor Funderburg was a local contractor, appearing to have mainly worked in Berkeley and Morgan counties. Along with Independence St Bridge, he built the Mercer Street Bridge in Berkeley Springs, also in 1927. Other projects include the North Martinsburg Interchange (1959) and Railroad Underpass (1962), Cumbo Yard Access Bridge (1960) and Railroad Bridge (1960), and Bessemer Overhead (1958), all in Berkeley County.

Independence Street Bridge has been listed in the National Register of Historic Places since 2009 as a contributing resource of the Town of Bath Historic District. This span is historically important at a local level for its association with infrastructure development and with bridge architecture during the town's period of significance (1776-1959).



**Location:** County Route 2 (Independence St), spanning Warm Spring Run  
**Type:** Reinforced Concrete Slab Span  
**Length:** 57 feet, 3 inches  
**Year constructed:** 1927  
**Contractor:** Victor Funderburg of Martinsburg, WV

Mayor  
Scott Merki

Recorder  
Susan J. Webster



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

## Town of Bath

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

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 at 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 Nation's Oldest Health Spa  
Since 1748

Mayor  
Scott Merki

Recorder  
Susan J. Webster



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

## Town of Bath

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

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

The Nation's Oldest Health Spa  
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Mayor  
Scott Merki

Recorder  
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271 Wilkes Street, Berkeley Springs, WV 25411

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# ARBOR DAY PROCLAMATION

- Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,* the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,* Arbor Day is now observed throughout the nation and the world, and
- Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and
- Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE,

I, Scott Merki, Mayor of the City of Bath, do hereby proclaim  
April 19<sup>th</sup> 2023, as

## ARBOR DAY

in the City of Bath, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

*Dated* this 4th day of April in the year 2023.

Mayor \_\_\_\_\_

The Nation's Oldest Health Spa  
Since 1748

**Town of Bath**

**Application for Use of Town Property**

Date Application Submitted: 3-27-23

- A. Requesting Group or Organization ASPLundh Tree Expert LLC
- B. Name of Responsible Person Larry Payne Sr.
- C. Address 6002 River Road Berkeley Springs WV 25411
- D. Telephone Number 304-671-3582
- E. Property Requested Berkeley Springs Train Depot
- F. Purpose of Use Parking 6 to 8 Lift Trucks/employees personal Vehicles
- G. Will Admission be Charged or Product Sold? No
- H. Date/s open ended
- I. Beginning and Ending Time/s \_\_\_\_\_

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date



**Town of Bath**

**Application for Use of Town Property**

Date Application Submitted: 3/20/23



- A. Requesting Group or Organization Trail Depot
- B. Name of Responsible Person Alex Teixeira
- C. Address 347 NW Washington St Berkeley Springs, WV 25411
- D. Telephone Number 501-458-1183
- E. Property Requested Train Depot Parking lot
- F. Purpose of Use Parking for Grand Opening of Store across the street and placement of temp PortaJohns.
- G. Will Admission be Charged or Product Sold? no
- H. Date/s May 28, 2023
- I. Beginning and Ending Time/s 9am - 5pm

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date