

# TOWN OF BATH COUNCIL MEETING

Tuesday, May 2, 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 (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of April 18, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: The letter of request presented by Larry Landon from St. Vincent de Paul Catholic Church asking that the Town abandon Liberty Street from Mercer Street to S. Washington Street will be discussed in the future depending upon additional information. Recorder Webster suggested that the suggested fire lane issue on Bath St. could be solved with a cooperative effort with the Farmer's Market during busy times.

Lin Dunham and Jim Michael of the Eastern Panhandle Conservation District explained the current project to repair Dam #7 and presented Council with the Town of Bath Flood Control Operation, Maintenance Funding Agreement (attached).  
MOTION: To approve the Eastern Panhandle Conservation District Flood Control Agreement as presented- Webster/Jackson- Carried

Charlie Curia of Mountain Laurel Gallery proposed a motion to Council concerning event street closures (attached). Council declined the proposal, but encouraged sufficient notification of all businesses and residents of events by planners and encouraged favorable attitudes towards activities intended to support the economy.

The suggestion of daytime parking for RVs in the Depot lot was revisited. Chief Carper shared that he saw no issue with the matter. Further study and organization is necessary.

5. COMMUNICATION FROM MAYOR: Berkeley Springs Pride submitted a letter requesting the use of 5 parking meter spots along west Fairfax and South Washington Streets for food trucks for their Picnic in the Park event on June 24 (attached). Council agreed with the request and will send a letter confirming that the group is permitted to have the parking spaces for their vendors for this event.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): No report at this time.
2. PARKS & REC: The next meeting is May 17 in the Courthouse.
3. PLANNING COMMISSION (PC): President Landon reported that the weekly working group is continuing and that they will begin drafting the new comprehensive plan. The group will be talking to the BDA representatives at their next meeting.

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). Recorder Webster added that she had received a call from Morgan County DOH Superintendent Hutchinson on this day telling her that the paving of north Wilkes Street from Union to St. George Street will be May 19. Paving will be from curb to curb. He requested that the Town see to it that the vehicles are removed from this street before May 19 for this work to be accomplished.
6. TRAIN DEPOT: The punch list has been received from the Mills Group and Lantz Construction is working to complete it. Chairwoman Webster is investigating grants for further necessary improvements.
7. LANDMARK COMMISSION (HLC): The next meeting is August 4, 2023.
8. CLERK/RECORDER REPORT: Clerk Corrick presented Budget revisions for the current fiscal year (attached). These changes are made within departments and do not have to be received and approved by the State Auditor.  
MOTION: To approve the budget revisions as presented-Webster/Forney- Carried
9. FINANCE: Chairwoman Webster delivered the following bills for approval.
  - (a) Town of Bath \$4,235.19- Motion to approve: Forney/Chapman- Carried
  - (b) BSWW \$5,565.84 – Motion to approve: Forney/Chapman- Carried
  - (c) Cemetery \$4,475.00- Motion to approve: Forney/Chapman-Carried
10. TREE BOARD: Member Skinner reported that the Arbor Day tree planting celebration was held April 20, at the 7-11. The Bath Tree Survey is underway. The Town of Bath has once again been named a Tree City USA.
11. GRANT: No report at this time.
12. PUBLIC SAFETY: Chief Carper reported that the City of Charles Town had donated three handheld radar units to the BSPD. Appreciation was shown for Chief Carper's resourcefulness.
13. CEMETERY: Chairman Skinner advised that mowing in Greenway is continuing. The Request for Proposals will be published for the mausoleum repair on May 3.
14. PUBLIC WORKS: No report at this time.
15. ORDINANCE: No report at this time.
16. BERKELEY SPRINGS WATER WORKS: Chairman Chapman reported that the Phase IV Water Line Repair Project will be substantially completely on May 27 and will reach total completion on June 27. The new Chief Operator Assistant Rick Mayhew is set to be on the job starting Tuesday, May 16.
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Meek

Recorder Suzanne Webster



SAINT VINCENT DE PAUL CATHOLIC CHURCH

March 23, 2023

Honorable Scott Merki, Mayor  
Ye Town of Bath  
271 Wilkes Street  
Berkeley Springs, WV 25411

REF: Street Abandonment

Dear Mayor Merki,

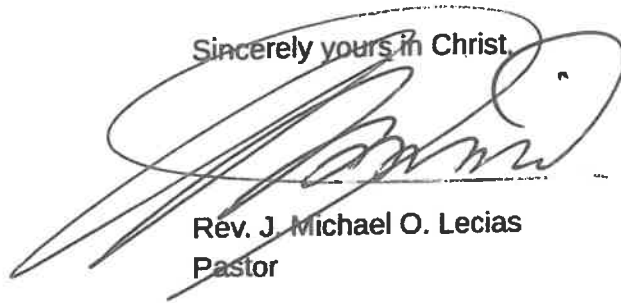
St. Vincent DePaul Catholic Church would like to petition Ye Town of Bath to have the section of Liberty Street abandoned from South Washington Street to Mercer Street.

For as long as any of the parishioners can remember, this section of Liberty Street has never been a through street. During this time the Parish has maintained the grassy area near Mercer Street and has performed snow removal in the winter time.

Could you please introduce this to the Town Council and forward any forms that we need to submit for this process.

Thank you for your consideration of this request.

Sincerely yours in Christ,



Rev. J. Michael O. Lecias  
Pastor

**Program: OM&R Funding**  
**City/County: Bath/Morgan**  
**Agreement #**

**Town of Bath (Berkeley Springs) Flood Control  
Operation, Maintenance Funding Agreement**

---

---

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_ 2023, by and between the Town of Bath Commission and the Eastern Panhandle Conservation District.

**AUTHORITY:** Eastern Panhandle Conservation District: W. Va. Code 19-21A-4  
Town of Bath: W. Va. Code 8-12-5(9)

THE PURPOSE of this agreement is to recognize the need for ongoing operation, maintenance and inspection for critical infrastructure and to provide annual funding to operate and maintain the flood control structures in Town of Bath.

---

---

**It is Mutually agreed that:**

This agreement shall run on a 12-month fiscal year, July 1 to June 30. This agreement may be extended for up to five years by mutual consent of each party.

All sponsors agree to provide funding to the Eastern Panhandle Conservation District on an annual fiscal year basis to address the operation and maintenance of the structures covered under this agreement.

Unless otherwise noted, the annual contributions will be:

Town of Bath ..... \$2000.00

The Eastern Panhandle Conservation District shall send a letter in January of each year requesting these funds in accordance with the list above.

As part of the request, the Eastern Panhandle Conservation District shall make a report to the Town of Bath on prior fiscal year's operation and maintenance work and provide a projection of work that will be performed during the upcoming fiscal year.

All parties listed above shall attend the scheduled operation and maintenance inspections on an annual basis at a time mutually agreed to by the parties.

Any costs outside of the regular operation and maintain will be negotiated and become part of a separate agreement between the parties.

**OM&R Funding Agreement**  
**Town of Bath**  
**Agreement #**

Town of Bath's funding is subject to annual appropriations.

This agreement reflects the entire understanding between the parties. Any changes to this agreement shall be in writing and signed by all parties.

This agreement is governed by West Virginia law. If any part of this agreement is declared to be invalid by a body having competent jurisdiction, the remaining terms and conditions of the agreement survive in their entirety.

**TOWN OF BATH**

**By:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

This action authorized at an  
Official meeting of the  
Town of Bath on  
the \_\_\_\_ day of \_\_\_\_\_, 2023,  
in the State of West Virginia.

**Attest:**

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Title)

**EASTERN PANHANDLE CONSERVATION DISTRICT**

**By:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

This action authorized at an  
Official meeting of the  
Eastern Panhandle Conservation District on  
the \_\_\_\_ day of \_\_\_\_\_, 2023,  
in the State of West Virginia.

**Attest:**

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Title)

May 2, 2023

I would like to propose a motion to the Town of Bath City Council for future dealing with street closures:

Proposed Motion:

If any person or group wishes to ask the City Council to close a street for an event, they need to present a signed release agreement from each property owner and business owner affected by the closure. The information to be presented to each property owner and business owner shall include dates, times, layout approved by fire department, trash pickup details and a list of vendors. If any property owner and business owner objects, then the event coordinators need to replan accordingly until all interested parties agree on the logistics. Otherwise, the City Council should deny the street closure. Requests need to be made 6 – 8 weeks prior to the event date. If anything changes between initial approval and date of event, the process will need to be repeated.

Respectfully,

Charles Curia

Sue Evans

- Has the street closure been cleared with WVDOH?
- There needs to be specific guidelines/requirements for future street closures.
  1. All business/property owners should be notified prior to seeking approval from the Town. This requirement should be certified in writing and should be the responsibility of the individual/organization petitioning for the street closure.
  2. The fire chief should be required to be notified and approve the street closure which blocks access to the fire hydrant on that street, as it does in this case.
  3. A full schematic should be required to be approved by all business/property owners and the Town Council, which cannot be altered without approval of any such changes.
  4. All businesses/property owners should be notified of the date/time the petitioning party will bring their request before the Council so that they can have an opportunity to attend and voice any concerns.
  5. Arrangements need to be made for additional trash pickup whenever numerous food trucks are a part of the event.
  6. No such event should encroach upon the sidewalk in front of a business or property without written approval from the business/property owner.
  7. Final approval by the Town Council must be obtained no less than 6 weeks prior to the date of the proposed street closure event. No changes or alterations can be made within 6 weeks prior to the event.

## Sharon Corrick

---

**From:** Scott Collinash <scotthappychef2@aol.com>  
**Sent:** Monday, April 24, 2023 2:50 PM  
**To:** Townofbath@wvdsi.net  
**Subject:** Meter Reservation

Sharon,

We would like the following to be presented to the Town Council at their next meeting on May 2, 2023.

Thank You,

Scott Collinash  
Berkeley Springs Pride

Dear Councilmen, and Councilwomen,

Berkeley Springs Pride would once again like to reserve the parking meters on Fairfax and Washinton surrounding the State Park, on Saturday June 24, 2023, from 9am till 5pm, so we can hold our Pride in the Park, again this year.

Berkeley Springs Pride is a non-profit, which gives back to the community. We have provided backpacks, and school supplies to the local schools. We give out scholarships to local students attending college or Tech schools. We participated in Starting Points Christmas projects and provided hygiene kits to the needy and homeless. These are just a few of the many things we have given back to the community. The picnic allows us to continue our efforts.

We will have five food trucks along Fairfax and Washington, all which will be in place by 11am, once they are in place any remaining parking places will be available for the general public.

We would also like a letter confirming that the spaces were reserved for our use. Last year we had uninvited vendors, which gave the local police, and the state police a problem, and because we did not have a letter stating we had reserved them personally they could not be removed. We do have deputy reserves in place during the day also.

Thank you in advance for allowing us to continue our efforts.

Scott Collinash  
Berkeley Springs Pride  
671-261-7495

*3rd year*



**Status of Streetscape, State Park and NBRT Projects for Town Council  
Tuesday May 2, 2023**

**STREETSCAPE**

**Phase V: Design Contract:**

- Jeff Gola is planning to release the 30% Drawings around May 12<sup>th</sup>. Working with Jeff and DOH to set Preliminary Field Review (PFR) date later in May.
- Successful completion of this event will trigger a payment to Thrasher from the Town's Streetscape Account. I'll provide the scheduled date for the PFR when available. Would like to brief Streetscape Committee members on Design Status in advance of the PFR.
- Working on a Timeline to cover the balance of Design Work, Approval Meeting and Payments

**Phase VI: Design Grant Re-Application:**

- Received Applications Notice for TA Grants this year from Mark Scoular
- Intent to Apply (ITA) application due by May 16<sup>th</sup>; Final Application due by June 15<sup>th</sup>
- Plan to submit same basic Phase VI street package for Design Grant Funds as previously applied for in 2022

**Berkeley Springs State Park Grant & Project**

**Status:**

- The DOH solicitation for this construction project is in progress. It's listed on Bid-X with a Letting Date (Bid Opening of May 9, 2023).
- The Bid Opening (Letting) is "virtual" only. The results will post around noon on the May 9th with a link to bid results: <https://www.bidx.com/wv/letting?lettingid=MAY0923>
- The Asphalt Paving Association puts a video of the reading at 10 am also for the opening: <http://asphaltwv.com/Letting.aspx>
- Responded to Thrasher & DOH on bidders' question on sidewalk color and stamping process. Basically: "Continue with color and stamping requirements of the RFP". We were able to verify that the coloring and stamping process are feasible for the park project.

**RFP for Repairs to the Cemetery Mausoleum**

- Working with Beth Skinner, Rebecca MacLeod and Tom Miller to finalize documents required to solicit for a contract. Plan to advertise for bids in May 3<sup>rd</sup> Messenger
- RFP is in final form, ready to go to Sharron on Tuesday

**NBRT**

- Have asked Mark Scoular for update on a Letting Date for the NBRT Design-Build Contract

Pete Brown  
571-213-3687

## Budget Revision for BSPD

5/2/2023

Account	Description	Change	Budget
1 700 341 00	Departmental Supplies	\$ 1,000.00	\$ 3,000.00
1 700 343 00	Auto Supplies	\$ (1,300.00)	\$ 7,200.00
1 700 213 00	Utilities	\$ 300.00	\$ 2,300.00
1 700 345 00	Uniforms	\$ 1,000.00	\$ 3,000.00
1 700 354 00	K9	\$ (1,000.00)	\$ 500.00
		\$ -	

## Budget Revision for Town

5/2/2023

Account	Description	Change	Budget
1 440 220 00	Advert/Legal Pub	\$ 355.00	\$ 705.00
1 440 341 00	Dept Supplies	\$ (355.00)	\$ 645.00
		\$ -	

## Budget Revision for Street

5/2/2023

Account	Description	Change	Budget
1 751 000 00	Street Lights	\$ 2,000.00	\$ 18,000.00
1 753 000 00	Snow Removal	\$ (2,000.00)	\$ 2,000.00
		\$ -	

TOWN OF BATH

EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	2023		
VENDOR ACCT #		AMOUNT	DESCRIPTION	Budget Balance
170034500	AnnaMae Sheppard	\$ 38.00	Heming & Patches for PD Uniforms	\$ 733.52
170022300	Bryan Barb	\$ 809.00	BSPD - Removal of items for the Explorer, Charger, F150 & Ram	\$ 2,027.20
144021300	BSWW	\$ 32.93	Town Hall	\$ 599.12
171500000	BSWW	\$ 103.00	Public Fire	\$ 206.00
175021300	BSWW	\$ 32.28	Myers Street	\$ 97.20
144021900	Cit	\$ 169.50	Printer/Copiers	\$ 739.56
170021900	Cit	\$ 169.50	Printer/Copiers	\$ 539.56
170034500	DMV	\$ 25.00	Carper's ID	\$ 733.52
170022300	Mike the Computer Guy	\$ 174.99	Labor onsite for PD, Replace Switch & Remove Cables	\$ 2,027.20
144022000	Morgan Messenger	\$ 365.40	Levy Estimate, Fiscal Year 2023	\$ 10.00
170022000	Morgan Messenger	\$ 144.20	Hiring of Police Admin Ad	\$ 186.14
144045701	Potomac Edison	\$ 148.25	Train Depot	\$ 762.93
175100000	Potomac Edison	\$ 38.39	Street Lights	\$ 1,537.83
175100000	Potomac Edison	\$ 5.25	Street Lights	\$ 1,537.83
175100000	Potomac Edison	\$ 6.16	Street Lights	\$ 1,537.83
175100000	Potomac Edison	\$ 1,741.12	Master Bill	\$ 1,537.83
141700000	Richard Gay	\$ 150.00	HLC, FOIA, Abruzzi	\$ 627.75
170034100	Ron Gardner	\$ 44.00	Keys	\$ 1,082.00
144021300	WSPSD	\$ 38.22	Sewer	\$ 1,409.34
	<b>Totals:</b>	<b>\$4,235.19</b>		

MAY 2, 2023

ACCOUNT#	VENDOR	AMOUNT	DESCRIPTION	CHECK#
400-615-800	ACCT# 110086678841	\$7.35	GREENGATE	
400-615-800	ACCT# 210000853973	\$3,485.98	MASTER ACCT	
400-615-800	ACCT#110086577852	\$69.97	BOOSTER STATION	
400-635-800	WAT23-2994/3041	\$120.00	WATER SAMPLE/TESTING	
	INV#12476	\$150.00	JIM CLOSE	
	INV#291713	\$475.00	MAY ACCOUNTING	
	ACCT#10005201	\$56.00	SEWER BILL	
	26943/429141	\$161.90	WATER SAMPLE/TESTING	
		\$64.00	FAIR HOUSING	
		\$553.96	APRIL BILLING	#27509
		\$421.68	2% UTILITY TAX	
		\$5,565.84		

GREENWAY

EXPENDITURES AND ENCUMBRANCES

		YEAR:	2023	
BATCH DATE		5/2/2023		
VENDOR	VENDOR	Pay To	AMOUNT	DESCRIPTION
		Dustin Percy	\$ 1,800.00	4/16-4/23 Mowing
		Dustin Percy	\$ 1,800.00	4/23-4/30 Mowing
		Gingrich Memorials	\$ 875.00	Cleaning
		<b>TOTAL</b>	<b>\$4,475.00</b>	

