

# TOWN OF BATH COUNCIL MEETING

Tuesday, June 6, 2023

1. CALL TO ORDER: @ 5:30pm by Mayor.
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (A) Rose Jackson (X) Elizabeth Skinner (X) Greg Forney (X) Rick Weber (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of May 16, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Darren O'Neil, Executive Director of the Morgan Arts Council, presented a request (attached) from this organization for reserved parking for their planned Friday evening music events from June 23<sup>rd</sup> through Apple Butter Festival, October 6, 2023. The request is for the four parking spaces on the west side of Mercer Street adjacent to the Ice House property from 9am until 9pm on the Friday event days. A prepared letter (attached) of agreement to this request and a waiver of the Town's open container law on the Ice House property for these events was presented.  
MOTION: To authorize the Mayor to sign the letter for the MAC request as presented -Jackson/Webster – Carried
5. COMMUNICATION FROM MAYOR: The Trail Depot Grand Opening was May 28 with great attendance and enthusiasm. Recorder Webster also had the Town's newly rehabilitated Depot open for the public at that time.  
North Wilkes Street has been paved by the WV DOH. Webster presented a letter of appreciation (attached) for approval to be sent to WV Secretary of Transportation Jimmy Wriston for this project and the multiple Transportation Alternatives (TA) grant projects throughout the Town and County.  
MOTION: To approve the letter of appreciation to be sent to the WV Secretary of Transportation as presented- Webster/Forney – Carried  
Dates for the upcoming Council meetings were discussed relating to the Canvas of the Election on June 19, West Virginia Day Holiday on June 20 and the Certification of the Election on June 21. It was decided that the Canvas of the Election will be Monday, June 19 at 4:30pm, the Certification of the Election will be June 21 at 4:30 and the regular meeting will be June 21 at 5:30.  
MOTION: To approve the Bath Council meeting schedule as concurred above – Skinner/Webster - Carried

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is June 7 in the Courthouse. Recorder Webster suggested that this group consider sponsorship of a Block Party for the newly paved north Wilkes Street.
2. PARKS & REC: The next meeting is May 17 in the Courthouse.
3. PLANNING COMMISSION (PC): President Landon reported that the regular

monthly meeting of the PC will be June 12 at 9am with the BDA as invited attendees to discuss that organization's role and input in the Bath Comprehensive Plan.

4. RAIL/TRAIL: The progress report has been submitted to the Town office (attached). Significant progress has been made recently with the DOH on this TA grant project. Rebecca MacLeod made Council aware that there is a press event scheduled on June 29<sup>th</sup> in Ranson to announce organizations which have received the 2023 Green Streets, Green jobs, Green Towns grant awards. MacLeod submitted an application for Parcel 1B for storm water management and plans to attend the event.
5. STREETSCAPE: Committee Co-Chair Pete Brown has submitted reports to the Town office (attached). Council agreed to extend Resolution 2022-06 (attached) from last year to be resubmitted this year. Brown will be attending the Morgan County Commission meeting this Wednesday concerning the Commission support letter for Streetscape. Brown also updated Council on the recent progress on receiving additional funding opportunities for the Berkeley Springs State Park project. Senators Trump and Blair and Del. Miller have become involved with possible solutions.
6. TRAIN DEPOT: Chairman Webster met with Matt Pennington of Downstream Strategies to discuss future plans and funding sources for continued improvements for the Depot property. Webster is working with US Sen. Manchin's scheduler on a time that he could attend a future Depot celebration. She also donated two new Depot banners.
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 with accompanying Resolution 2023-06-01 for approval (attached).  
MOTION: To approve Resolution 2023-06-01 as presented – Webster/Forney - Carried
9. FINANCE: Chairwoman Webster delivered the following bills for approval.
  - (a) Town of Bath \$20,356.49- Motion to approve: Forney/Webster- Carried
  - (b) BSWW \$10,439.86 – Motion to approve: Forney/Jackson- Carried
  - (c) Cemetery \$5,636.90- Motion to approve: Forney/Jackson-Carried
  - (d) Depot \$200.00- Motion to approve: Forney/Jackson- Carried
10. TREE BOARD: No report at this time.
11. GRANT: No report at this time.
12. PUBLIC SAFETY: No report at this time.
13. CEMETERY: Chairman Skinner advised that there were no bids received on the mausoleum repair project, but the Committee is moving forward with alternate plans. Seasonal work and mowing are underway.
14. PUBLIC WORKS: Seasonal work is being conducted.
15. ORDINANCE: No report at this time.
16. BERKELEY SPRINGS WATER WORKS: Clerk Corrick reported that the repaving of Cornelius Avenue due to the Phase IV Water Line Replacement Project has been pushed forward. A small leak has been discovered on Ewing Street and is scheduled for repair. The

next meeting of the Water Committee will be rescheduled due to the Canvas of the 2023 Election being scheduled for the same meeting time.  
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mak

Recorder Susan J. Webster

Mayor  
Scott Merki

Recorder  
Susan J. Webster



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

## Town of Bath

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

June 6, 2023

To Whom It May Concern:

Morgan Arts Council is launching a Friday Night Music series from June 23<sup>rd</sup> through October 6<sup>th</sup> in the courtyard of the Ice House from 6pm – 10pm.

The Town of Bath supports this effort and is excited for the entertainment provided for locals and tourists alike. We know they are going to sell beer and are in process of licensing for this. We waive our open container laws within the confines of the Ice House courtyard and understand they are working closely with WVABC to ensure it meets all the necessary requirements to ensure the space is up to the necessary standards.

Sincerely,

Scott Merki  
Mayor, Town of Bath

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

Town of Bath

Resolution 2022 – 06

This resolution is to authorize submission to the West Virginia Division of Highway of a Transportation Alternatives Program grant application for Engineering and Design of streetscape infrastructure in the Town of Bath.

**Whereas;** the Town of Bath requires supplementary funds to rehabilitate and install sidewalks and associated safety features to provide for the economic resilience of the community, and

**Whereas;** the Town of Bath Streetscape Committee has been encouraged by WVDOH to apply for these supplementary funds,

**Be it resolved** by the Town of Bath Town Council that the Mayor of the Town of Bath is authorized to execute said application along with any agreements or documents on behalf of the Town of Bath to obtain these grant funds, and to plan and budget for the eventual installation of the project this grant will assist with funding its design.

Given under my hand and the Seal of the  
Town of Bath, County of West Virginia,  
In the Town of Bath this 21<sup>st</sup> day of June 2022.

By the Mayor of the Town of Bath

Scott Merki  
Town of Bath Mayor

**Status of Streetscape, State Park and NBRT Projects for Town Council  
Tuesday June 6, 2023**

**STREETSCAPE**

**Phase V: Design Contract:**

- Thrasher plans to release the 30% drawings this week. DOH is planning for a Preliminary Field Review in Town in the July 11<sup>th</sup> timeframe
- The PFR will have more significance than with previous projects. Part of the delay in the 30% drawings is a more thorough review of the Cost Estimate by Thrasher. DOH is planning to determine the appropriate scope of Phase V as a result of the 30% review. The problem here is the high bids that DOH is receiving for similar projects (Like the BSSP Park Project). They do not want to continue to have to find funds to make awards.
- The May 18<sup>th</sup> Committee Meeting was held and Outcomes are being published. The issue with the 30% Drawings and Cost Estimate and DOH's desire to reduce the scope of the project to fit the current Construction Budget was discussed.
- I believe the current Phase V Construction Budget is: Total of \$534,996 with \$427,997 from the TA Grant and \$106,999 from the Town Cash Match. The Funding Agreement has not yet been formally sent to the Town. These numbers will be verified as part of the PFR.

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

- Intent to Apply (ITA) application was approved as "Eligible" on May 12<sup>th</sup>. Final Application is due by June 15<sup>th</sup> The Application is on-track.
- Plan to submit same basic Phase VI street/sidewalk package for Design Grant Funds. Grant Funding request is increased from \$48,000 to \$56,000 (New Total with Match of \$70,000) to account for inflation and specific street area issues plus expected iterations of designs to meet Construction Budget
- DOH is expecting a Design Phase Application in FY23 and a Construction Phase Application in FY24

**Berkeley Springs State Park Grant & Project**

**Status:**

- Bid opening occurred on April 9<sup>th</sup> resulted in a low bid of \$578,717; leaving a shortfall to the budget of \$117,950 when DOH additional costs are included (the 13%). DOH offered a chance for 80% of the funding to come from DOH within TA type funds in DOH.
- Awaiting Draft of Supplemental Funding Agreement. Split should be: \$142,360 from DOH TA funds and \$35,590 as a Cash Match from new Sponsor funds being provided from State funds to the Town for this use.
- DOH asked that the Sponsor request the \$142,360 amount. This request happened on May 24<sup>th</sup>.
- We expect that DOH will request the low bidder to extend that bid price 30 days past June 9<sup>th</sup> (30-days after bid opening.) This is a routine DOH policy when additional funds are being located to fund that bid price. The bidder can refuse this extension request.
- DOH expectation for resolution and award is sometime in July or August.

**RFP for Repairs to the Cemetery Mausoleum**

- Job Showing happened on May 24<sup>th</sup> at 4 pm. One contractor (a non-bidder) attended.
- Bid opening is 4 pm in the Town Bldg - Tuesday June 6<sup>th</sup>
- There are specific qualification factors in the RFP that must be reviewed prior to determining an award.

**NBRT**

- The package has cleared the Right-of-Way review.
- Next step is a formal multi-function virtual review of the NBRT Design/Build Solicitation package set for June 13<sup>th</sup> at DOH. Once any/all items raised at the review are resolved, the project will be sent for advertising via Bid-X. We will keep monitoring Bid-X for this result.

Pete Brown  
571-213-3687

RESOLUTION 2023-06-01

At a regular session of the municipal council, held June 06, 2023, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the Town of Bath. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices the municipal council does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 4 for fund 1 a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by \_\_\_\_\_, and duly seconded by \_\_\_\_\_ the vote thereon was as follows:

<u>Scott Merki</u>	<u>Yes or No</u>
<u>Susan Webster</u>	<u>Yes or No</u>
<u>Chris Chapman</u>	<u>Yes or No</u>
<u>Greg Forney</u>	<u>Yes or No</u>
<u>Rick Weber</u>	<u>Yes or No</u>
<u>Rose Jackson</u>	<u>Yes or No</u>
<u>Elizabeth Skinner</u>	<u>Yes or No</u>

WHEREUPON, The Town of Bath, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the Town Clerk Sharron Corrick is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Budget Revision for Revenue

6/6/2023

Account	Description	Change	Budget
1 304 000 00	Excise Tax	\$ 5,000.00	\$ 66,000.00
1 306 000 00	Wine & liquor	\$ (1,300.00)	\$ 24,700.00
1 325 000 00	Licence & permits	\$ 700.00	\$ 11,200.00
1 328 000 00	Franchise Fee	\$ (1,500.00)	\$ 11,500.00
1 330 000 00	IPR Fee	\$ 1,100.00	\$ 14,100.00
1 350 000 00	Refuse Collection	\$ 2,000.00	\$ 110,000.00
1 351 000 00	Public Safety Fee	\$ 2,000.00	\$ 26,000.00
1 368 000 00	Contribution	\$ (10,600.00)	\$ 35,000.00
1 397 000 00	Video Lottery	\$ 100.00	\$ 1,600.00
1 399 000 00	Misc Revenue	\$ 2,500.00	\$ 4,500.00

\$ -





6-Jun-23

ACCOUNT#	VENDOR	AMOUNT	DESCRIPTION	CHECK#
400-615-800	ACCT# 110086678841	\$7.75	GREENGATE	
400-615-800	ACCT# 210000853973	\$3,148.03	MASTER ACCT	
400-615-800	ACCT#110086577852	\$71.97	BOOSTER STATION	
	T.O.B	\$3,982.56	PEIA	
	INV00012906	\$1,415.03	PARTS	
	INV#292046	\$475.00	JUNE ACCOUNTING	
	ACCT#10005201	\$56.11	SEWER BILL	
	USPS	\$288.00	STAMPS	27532
	USPS	\$553.96	MAY BILLING	
	TOB	\$441.45	2% UTILITY TAX	
		\$10,439.86		

GREENWAY

EXPENDITURES AND ENCUMBRANCES

		YEAR:	2023	
BATCH DATE		6/6/2023		
VENDOR	Pay To	AMOUNT	DESCRIPTION	
	Dustin Percy	\$ 1,800.00	Mowing 05/15 - 05/21/23	
	Dustin Percy	\$ 1,800.00	Mowing 05/22 - 05/28/23	
	Dustin Percy	\$ 1,800.00	Mowing 05/29 -06/04/23	
	The Morgan Messenger	\$ 236.90	Mausoleum RFQ	
	<b>TOTAL</b>	<b>\$5,636.90</b>		



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

WV Department of Transportation  
Secretary Jimmy Wriston  
Building 5  
1900 Kanawha Blvd. E  
Charleston, WV 25305

June 1, 2023

Dear Secretary Wriston,

We are the Mayor and Council of the Town of Bath and are writing this letter to express our appreciation for the paving work that the Morgan County DOH recently completed on the northern portion of Wilkes Street. Superintendent Todd Hutchinson did an excellent job in leading his crew on work that was vitally important to not only the residents and property owners on this street, but the entire Town.

Wilkes Street is now a more safe, orderly, and attractive environment for our citizens. These enhancements are strong contributions to the economic development and wellbeing of the area. These improvements are meaningful and we intend to maintain the momentum that the work that District 5 Engineer Lee Thorne has started. Our Town benefits from all the paving and road improvements of the WV DOH which occurs in and around Bath.

In addition to street paving, we are also grateful for the DOH Transportation Alternatives projects in and around Bath. These include the Town of Bath Streetscape Projects, the Berkeley Depot Project, the Berkeley Springs State Park Project, and the North Berkeley Rail/Trail Project. All of these are significant contributors to the betterment of the Town of Bath and Morgan County.

Thank you for all you do for the citizens of the Great State of West Virginia!

Respectfully,

-----  
Scott Merki, Mayor

\_\_\_\_\_  
Susan J. Webster, Recorder

-----  
Elizabeth Skinner, Councilwoman

---

Rick Weber, Councilman

---

Christopher Chapman, Councilman

---

Greg Forney, Councilman

---

Rose Jackson, Councilwoman

cc: The Honorable Jim Justice, Governor of West Virginia  
The Honorable Charles Trump, West Virginia State Senator  
The Honorable Craig Blair, President West Virginia State Senate  
The Honorable George Miller, Delegate West Virginia House of Representatives