

# TOWN OF BATH COUNCIL MEETING

July 11, 2023

1. CALL TO ORDER: @ 5:30pm by Mayor.
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Elizabeth Skinner (X) Greg Schene (X) Rebecca MacLeod (X) Mary Lynn Hickey (X) Tom Hall (X) Quorum present.  
The Mayor welcomed all officials to the new 2023 term of the Bath Council.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of June 21, 2023 were approved by Common Consent.  
Minutes of the 2023 Bath Municipal Election Canvas and Certification were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Martha Rhodes informed Council of the upcoming Morgan County Expo to be held in the Berkeley Springs State Park (BSSP) on July 29 from 10am until 3pm. She also requested that there be no parking allowed at the metered spaces on the first block of the park side of South Washington Street for the event.  
MOTION: To approve the aforementioned request as presented- Webster/Hall – Carried  
Berkeley Springs-Morgan County Chamber of Commerce Executive Director Happy Rone approached Council with a MOU (attached) which would allow the Chamber to hold a food truck festival on Friday, August 4 on west Fairfax Street and west Congress Street. The event would close down these streets to vehicular traffic and parking from late afternoon through 9pm on August 4. Mayor Merki inquired if the affected business and property owners had been contacted and were in agreement with the street closures. Ms. Rone indicated that she had not done that, but would. Discussion was held as to how to move forward in a timely fashion.  
MOTION: To authorize the Mayor to sign the Chamber MOU as presented upon his expectations being satisfied in regards to the Chamber event neighborhood- Webster/MacLeod - Carried
5. COMMUNICATION FROM MAYOR: The Mayor announced that the swearing in of the 2023 Town of Bath Council occurred on June 29.  
The next meeting of Council will be July 25 at 5:30pm.  
Letters have been received from David Abruzzi and HLC member Zach Salman concerning the Bath designation as Certified Local Government and historic preservation issues. The Mayor referred these to HLC President John Mason with emphasis on Mr. Salman's concerns.  
The Wandering West Virginia's Waterways event was held on June 30.  
Councilwoman MacLeod led participants from three surrounding counties through the various projects in and around Bath that display our continuing progress in support of our waterway environment. The learning experience was appreciated.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): President Lisa Stine reported that she is working with the Bath Planning Commission President Landon on reviewing the Bath Comprehensive Plan for BDA action. The next meeting is August 2.
2. PARKS & REC: No report at this time. The next meeting is July 19.
3. PLANNING COMMISSION (PC): President Landon reported that he is planning a meeting with the BSWW and Water Committee to gain understanding of the needs and plans for inclusion in the Comprehensive Plan. The next meeting is August 3.
4. RAIL/TRAIL (NBRT): The progress report has been submitted to the Town office (attached) and Co-Chair Pete Brown was in attendance with further details. Recorder Webster traveled to Charleston with Gov. Justice's Representative Cowles and MC Commissioners Tuttle and Clark to thank the WV DOT for attention to Morgan County and Bath and to discuss the future progress of the NBRT with Transportation Secretary Wriston. The group also visited the WV Auditor's Office to gain information on the June 29 Auditor's Auction of delinquent tax property in Morgan County. As a result, the MC Commission acquired a small parcel of property contiguous to the Depot Trial Head property at the Auditor's auction. The Green Streets, Green Jobs, Green Towns grant awardee press event was held on June 29 in Ranson with Councilwoman MacLeod, Recorder Webster and Kate Lehman (WSWS) attending. MacLeod submitted a successful application for storm water management for Parcel 1B at the Depot lot in the amount of \$55,400.00.
5. STREETSCAPE: Committee Co-Chair Pete Brown has submitted reports to the Town office (attached) and was in attendance with further details.
6. TRAIN DEPOT: Chairman Webster thanked Bath Planning Commission members Larry Landon, Dave O'Connell and Steve Keith for meeting with Region 9 Planning & Development in her absence on June 26. Depot information and needs were shared with Region 9 staff. Webster has been approached on the possibility of a food truck event on the Depot lot on Veteran's Day.
7. LANDMARK COMMISSION (HLC): President Mason reported that he had met with members of TBS and Council concerning the bypass signage development plan. The plan must be submitted by the Morgan County Commission to the WV DOH when the decisions have been made. The HLC has published an informational and training brochure for the public. They are also developing a letter to be sent to property owners concerning historic plaques for their buildings. The next meeting is August 4, 2023.
8. CLERK/RECORDER REPORT: Recorder Webster reported further on the recent Charleston visit with officials. She also has submitted a request for progress to the owners of Berkeley Springs Post Office concerning the delayed repair of the west public entry of the building. She will keep Council informed of any reply.
9. FINANCE: Chairwoman Webster delivered the following bills for approval.
  - (a) Town of Bath \$16,240.82- Motion to approve: Webster/MacLeod- Carried
  - (b) BSWW \$12,290.79 – Motion to approve: Webster/Skinner- Carried
  - (c) Cemetery \$5,490.00- Motion to approve: Webster/Schene-Carried
  - (d) Tree Board \$73.50- Motion to approve: Webster/MacLeod- Carried

The next meeting is July 25 at 4pm.

10. TREE BOARD: The next meeting is July 19. No report at this time.
11. GRANT: The next meeting is July 17 at 4:30pm. No report at this time.
12. PUBLIC SAFETY: Chief Carper reported that his office is in progress collecting Business License applications and fees. The next meeting is July 26 at 9am.
13. CEMETERY: Chairman Skinner advised that alternate plans are being explored for the mausoleum repair project (attached) since no bids were received on the work. As a Community Development project Thrasher engineer Jeff Gola is assisting volunteers Pete Brown and Tom Miller with ascertaining solutions. It appears that the project can be completed under budget. Seasonal work continues.
14. PUBLIC WORKS: Chairwoman MacLeod informed Council that solutions are being sought for moving the bricks from the Depot lot in light of the upcoming storm water management work. She advised that the Town needs to buy a new snow plow and that the truck brake repair is to be expected.
15. ORDINANCE: Chairman Schene reported that the next meeting is July 18 at 4pm. The committee will review existing ordinances and enforcement of the Bath code.
16. BSWW: Chairman Hall reported that the committee met and reviewed ongoing projects and anticipated maintenance on tanks, metering in the plant, replacement of equipment and other repairs. The Mayor asked for a complete walk through of the Phase IV Water Line Replacement project which is coming to a close. The next meeting is August 7 at 4:30pm.
17. PUBLIC COMMENT: Charlie Curia and Sue Evans described parking issues that they experience with events which close Fairfax Street parking. Note was taken on the possibility of moving events around Town to other locations including the Depot lot.
18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Melick

Recorder Susan Webster

**Status of Streetscape, State Park and NBRT Projects for Town Council  
Wednesday July 5, 2023**

**STREETSCAPE**

**Phase V: Design:**

- Thrasher has updated their Cost Estimates after including all the work. This current estimate has an estimated Contract Cost (before the 13% DOD costs are included) of \$496,628. The current Budget (TA Grant plus 20% Town Share) is: \$473,448. At this point we are \$23,180 above the Budget. All these numbers are at the Construction Contract level. The DOH 13% of the Budget is \$61,548 and that has been subtracted from the top line to get the funds available for a contract award.
- The Preliminary Field Review (PFR) is set for July 11<sup>th</sup> in Town. It will have more significance than with previous projects. DOH is planning to cut program (streets or other content) as a result of the PFR discussions. This is in order to avoid issues with bids being substantially over their budgets (Funding Agreements). The recent BSSP Park Project is an example of this. We won't know the full impact until after the PFR.
- Since the Phase V Design is fully funded (\$55,000 with \$44,000 Grant and \$11,000 Town), I plan to support completing all the drawings to construction level and Thrasher to prepare these drawings such that a block-face or other element can be eliminated without having to re-do other drawings.

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

- Our Phase VI Design Grant Application has been accepted
- Grant Funding request was 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

**Berkeley Springs State Park Grant & Project**

- 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%).
- The DOH formal Supplemental Funding Agreement was received and has been signed by Mayor Merki. The agreement cost is: \$142,360 from DOH TA funds and \$35,590 as a Cash Match from new Sponsor funds.
- These Cash Match funds are being provided to the Town through the efforts of Sen. Trump
- To permit the quickest provision of these funds to DOH for a contract award, the Town has offered to temporarily use \$35,590 in funds from the existing Streetscape Account. A decision on this will be made the week of July 10<sup>th</sup>
- DOH plans to request an extension of the current low bid for another 30 days after the current July 8<sup>th</sup> date. This is a routine extension request.
- The Park Foundation was provided with the Supplemental Funding Agreement and our Strategy to get to the Award.

**RFP for Repairs to the Cemetery Mausoleum**

- Have identified the efforts needed to re-bid the repair work.
- Preparing to remove several Façade Blocks to discover how they are held in place. Requesting Town workers to remove soil and deteriorated concrete in the next few days.
- Jeff Gola (Thrasher) will be in Town Tuesday July 11<sup>th</sup> for the Streetscape Phase V Design PFR and has been asked to begin his inspection of the Mausoleum and potential repairs while in Town that day
- Overall plan is to modify the RFP to better define both the façade removal process and the alternatives for repairs. Apparently there was insufficient visible evidence of how the façade is assembled onto the roof structure.

**NBRT**

- Several action items for the Town and HDR (Designers) resulted from the Town and County elected officials' meeting with Transportation Secretary Wriston on Monday June 19<sup>th</sup>. These were mostly regarding the final identification of the "Street Furniture" (tables, benches, etc) to be added to the drawings.
- Ewe worked with HDR to finalize these and also discovered an error in the notes that would have set up and alternate bid item - which DOH no longer permits.
- All items were resolved and sent back to DOH by July 3<sup>rd</sup>

Pete Brown  
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