

TOWN OF BATH COUNCIL MEETING

August 8, 2023

1. CALL TO ORDER: @ 5:30pm by Mayor.
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Elizabeth Skinner (A) Greg Schene (X) Rebecca MacLeod (X) Mary Lynn Hickey (X) Tom Hall (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of July 25, 2023 were approved by Common Consent.

4. PERSONS BEFORE COUNCIL: Pete Brown expressed pleasure in adding Jeff DuVal as a new Streetscape Committee member. It is hoped that Mr. DuVal can attend to the next Council meeting.

St. Vincent de Paul Catholic Church Parishioners and Security Team members, Larry Landon, Patrick McBee and Skipper Price, approached Council with a request that Council abandon Liberty Street from the CNB access east to Mercer Street. Their request is based upon security concerns and their belief that creating a buffer in this area will lessen threats and vandalism. Discussion ensued which included the BSPD Chief Carper's input.

MOTION: To abandon Liberty Street – Schene. This motion died for lack of a second.

Chamber of Commerce Executive Director Happy Rone presented Council with a Memorandum of Understanding (attached) confirming permission that the Chamber is allowed to have a Food Truck Festival on west Fairfax and Congress Streets on September 8. The Mayor was satisfied with the neighborhood survey that he requested be done.

MOTION: To approve the Chamber MOU as presented- MacLeod/ Hall – Carried

5. COMMUNICATION FROM MAYOR: The Mayor announced that the next Council meeting will be August 22. The September meetings will resume the regular schedule of the first and third Tuesdays of each month.

The Morgan County Expo held on July 29 in the Berkeley Springs State Park was successful. The participation and volunteerism was appreciated.

The Mayor reminded all that the Back to School Bash sponsored by Morgan County Parks and Rec will be held at the Warm Springs Intermediate School on August 11. Councilman Schene wished to recognize Donna Coates of 117 Wilkes Street for her and her son's quick action and attention to a medical emergency which occurred on south Wilkes Street. Gratitude was shown by Council and all in attendance.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is August 16.
2. PARKS & REC: No report at this time. The next meeting is August 16.
3. PLANNING COMMISSION (PC): President Landon advised that the next meeting is September 7. The Commission has met with the Water Committee for comprehensive

- planning input and wants to meet with the HLC soon.
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.
 5. STREETSCAPE: Committee Co-Chair Pete Brown has submitted reports to the Town office (attached). He also reported on the Berkeley Springs State Park project.
 6. TRAIN DEPOT: Chairman Webster is still working toward a November 11 event and may be able make arrangements for an October 21 benefit. The Depot has received a \$150.00 donation and has been sent a letter of appreciation. Webster will submit a Facilities Use Application for parking on the Depot lot during Apple Butter Festival for donations to the Depot. The Town office is still waiting for the final grant payment from the WV DOH.
 7. LANDMARK COMMISSION (HLC): The Mayor was distressed to announce that he had received the resignation of John Mason from the Historic Landmark Commission. His service was valued and will be missed.
 8. CLERK/RECORDER REPORT: Clerk Corrick prepared and presented a 2023 Budget Revision Resolution (attached). This was reviewed by the Finance Committee for Council consideration.
MOTION: To approve Resolution 2023-08-01 as presented- Webster/Schene- Carried unanimously
Recorder Webster has sent a letter of thanks to Boys Scout Troop 1532 for their recent clean up efforts in Bath.
 9. FINANCE: Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$20,602.86- Motion to approve: Webster/Hickey- Carried
 - (b) BSWW \$16,811.49 – Motion to approve: Webster/MacLeod- Carried
 - (c) Cemetery \$4,30.00- Motion to approve: Webster/MacLeod-Carried
 - (d) Streetscape \$1,000.00- Motion to approve: Webster/Hickey- Carried
 10. TREE BOARD: The next meeting is August 16. Member MacLeod appreciated the quick response from Treeworks to the downed tree at the corner of Williams and S. Laurel Streets. The Board is finalizing the tree survey grant. The Town of Bath Tree Inventory and Management Plan for 2023 is now available in the Town office.
 11. GRANT: The next meeting is August 14 at 4:30pm. Chairwoman Hickey is focusing the work of the Committee on unmet needs of the community. She noted that Marge Bowers has donated six benches and an antique model train to the Depot effort. These gifts were very much appreciated.
 12. PUBLIC SAFETY: The next meeting is August 8. Nothing further to report.
 13. CEMETERY: The next meeting is August 23. No report at this time.
 14. PUBLIC WORKS: Chairwoman MacLeod reported that repairs are being made to the garbage truck and other equipment. Vehicles are being prepared for sale at auction. The red bricks at the Depot lot can be sold, but the yellow bricks from Fairfax Street will be saved for future use.
 15. ORDINANCE: Chairman Schene reported that the next meeting is August 15 at 4pm. His committee is reviewing existing ordinances and enforcement of the Bath code. The committee is also tasked with completing the Personnel Policy revision. He is meeting

with his counterpart in Shepherdstown concerning their zoning ordinances and terminology.

16. BSWW: Chairman Hall reported that the committee is reviewing ongoing projects and anticipated maintenance. The next meeting is August 7. He noted the confined and uncomfortable nature of the current meeting room situation for the Bath Council, committees and the public.

MOTION: To research an upgrade of the air conditioning system of the Bath Municipal Center- Hall/Webster- Carried

17. PUBLIC COMMENT: Councilwoman Hickey announced the Grand Opening of the Morgan County Homeless Coalition Shelter on the corner of N. Washington Street and Union Street will be September 9. The Morgan County Homeless Coalition has merged with the Martinsburg Rescue Mission.

Patrick McBee inquired about the responsibility of maintaining sidewalks in town. It was explained that the adjoining property owner is responsible.

18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mink

Recorder Suzanne 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 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 and Congress St 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 streets for the duration of the festival and agrees to assist with the closure of such streets. 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 festival. The initial starting time will be 3:00pm on September 8th, 2023 and will conclude at 10:00pm the same day.

Mayor Scott Merki — Town of Bath

Scott E. Merki

Date

8/8/23

Jules Happy Rone, Executive Director

Jules Happy Rone

Date

8/8/23

**Status of Streetscape, State Park and NBRT Projects for Town Council
Tuesday August 8, 2023**

STREETSCAPE

Phase V: Design:

- Thrasher revisions to the 30% PFR design is progressing. Planned completion is around Mid-Sep. There will be another in-Town review of these 90% drawings and Cost Estimate with DOH - likely in late Sep 2023.
- Expect to receive the first Thrasher invoice (for the 30% Design) in the next few weeks. Town will pay Invoice and DOH will reimburse the payment at 100%. There are three invoices to be paid for Phase V design work.
- Discussed next steps for lighting drawings and costs with Jeff Gola. Will discuss lighting plan details at Streetscape Committee Meeting on Aug 17th
- Draft Preliminary DOH Funding Agreement for the Construction Phase was received, but did not have the correct budget number. Will get planned timeframe for revised one. Do not plan to sign and fund the Construction Phase until after the 90% Design and Cost Estimate is complete (September at earliest)

Phase VI: Design Grant:

- Awaiting WV-DOH decisions on these FY2023 Grants
- Town's request for County Hotel/Motel tax funds for \$15,000 to support his design phase was approved.

Berkeley Springs State Park Grant & Project

- Awaiting Award announcement from WV-DOH. As of Friday, DOH had all the necessary signatures now and the agreement was executed. It was then sent to Contact Administration. The current Bid Extension ends after Aug 8th. I don't believe that date has been further extended by DOH & Contrator.
- Prepared "Thank You" letters to the three Officials who helped with the required Cash Match to support this Contract Award. Awaiting the actual Award prior to sending them out.
- After the Award, we will need to coordinate with Contractor, DOH and Town on any planned work around the Apple Butter Festival Dates.

Repairs to the Cemetery Mausoleum

- Work order contents drafted and sent to Thrasher. Visited Thrasher (Jeff Gola) on Aug 7th to obtain the specifics on processes and products to be used. Developed sequence of the work and new end column forms and rebar details.
- Will have a draft of the complete detail work order in a few days for team and Thrasher review
- Work Order will be used to obtain pricing from three contractors.
- Work Order will contain repairs to; Upper concrete vault top area, new left and right corner pillars, repairs to the existing matrix on the façade, cleaning of some/all marble doors, sealing of all marble doors. These repairs may also consist of concrete staining and sealing. The previously existing upper façade blocks will not be replaced.

NBRT

- Latest DOH Schedule for the Solicitation and Bid-Opening (Letting) Dates:
 - Plan to Advertise the Project (One-Step Design Build): August
 - Planned Letting date: December 12, 2023 (This is the one Letting Date in Dec)
- Working on the relocation/disposition of the pavers and bricks on the Depot Lot currently located in the area to be used for the Storm Water Management Project (Parcel 1B).

Pete Brown
571-213-3687

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
 Fax: 304-340-5090
 Email: lgs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 Fiscal Year Ending: **2024**
 Fund: **2**
 Revision Number: **2**
 Pages: **1**

Town of Bath
 GOVERNMENT ENTITY

Person To Contact Regarding Request:

Name: **Sharron Corrick**
 Phone: **304-258-1102**
 Fax: **304-258-3638**
 Email: **townofbath@wvdsi.net**

271 Wilkes Street
 STREET OR PO BOX
 Berkeley Springs WV 25411
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
310	Coal Severance Tax	3,798		798	3,000
298	Assigned Fund Balance	4,000	798		4,798
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

Explanation for Account # 378, Municipal Specific:
 Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR
 BY: _____ Date _____
 Deputy State Auditor, Local Government Services Division

AUTHORIZED SIGNATURE OF ENTITY

 APPROVAL DATE 8/8/2023