

TOWN OF BATH COUNCIL MEETING

July 25, 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.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of July 11, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATION FROM MAYOR: The Mayor announced that the Council meetings for the month of August will be on the second and fourth Tuesdays. The September meetings will resume the regular schedule of the first and third Tuesdays. The Morgan County Expo will be held on July 29 in the Berkeley Springs State Park. The Mayor presented a Facilities Use Application (attached) from Darren Lucas, Pack 81 Committee Chair, requesting the use of Liberty Street for Boy Scout Pack 81 to park cars during the Apple Butter Festival.
MOTION: To approve the Facilities Use application for Boy Scout Pack 81- Webster/Skinner – Carried
A second Facilities Use Application (attached) was presented by the Mayor. This request was submitted by Deb Colbert and Chris Sarber asking for the use of the Depot Lot on November 11, 2023, for a Food Truck Festival in conjunction with the Depot Grand Opening.
MOTION: To approve the Facilities Use Application for the Depot lot as presented- Webster/Hickey – Carried
Alice Lantz, MSGT (ret) USAF, submitted a request (attached) to add military memorials on the Fairfax Green. It was recalled that in a past similar situation Council discovered that the WV DOH possesses the ROW for the Fairfax Green. It was decided to refer Ms. Lantz to the WV DOH for furtherance of this project. At this point Mayor Merki asked for a motion to go into Executive Session to advise Council on legal matters. No decisions will be made in Executive Session.
MOTION: To go into Executive Session at 5:41pm- Hickey/Schene- Carried
MOTION: To come out of Executive Session at 6:14pm- Hickey/MacLeod- Carried
No decisions were made in Executive Session.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): 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 advised that the next meeting is August 3. He also reported that on July 20, 15 boys from Boy Scout Troop 1532 of Annandale, VA conducted a trash clean-up which included the Depot lot, N. Washington Street from the Depot to Fairfax Street and the entirety of Wilkes Street.

Much appreciation was shown.

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) and was in attendance. He announced the addition of Jeff DuVall to the committee roster.
6. TRAIN DEPOT: Chairman Webster will be working with the approved food truck event organizers to create a community event on Nov. 11, 2023 to celebrate the opening of the Depot and Veterans Day. She is also communicating with Region 9 Planning and Development on future funding for Depot enhancements.
7. LANDMARK COMMISSION (HLC): The next meeting is August 4 at Town Hall.
8. CLERK/RECORDER REPORT: Clerk Corrick prepared and presented two 2023 Budget Revision Resolutions (attached). These were reviewed by the Finance Committee for Council consideration.
MOTION: To approve Resolution 2023-07-01 as presented- Webster/Schene- Carried unanimously
MOTION: To approve Resolution 2023-07-02 as presented – Webster/Schene- Carried unanimously
Recorder Webster noted that she had received a reply from the owners of the Post Office property and that they are striving to complete repairs by July 31.
9. FINANCE: Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$26,524.08- Motion to approve: Webster/MacLeod- Carried
 - (b) BSWW \$62,844.75 – Motion to approve: Webster/Skinner- Carried
 - (c) Cemetery \$3,600.00- Motion to approve: Webster/MacLeod-Carried
 - (d) Depot \$17,048.83- Motion to approve: Webster/Hall- Carried
 - (e) Hotel/Motel \$26,188.90- Motion to approve: Webster/Schene- Carried
10. TREE BOARD: The next meeting is August 16. Member MacLeod explained that there will be training on July 26 on tree maintenance in conjunction with the Arborscape Program. This is part of the recent tree survey in Bath.
11. GRANT: The next meeting is August 14 at 4:30pm. Chairwoman Hickey has had her first committee meeting which included an overview of current Town grants. The committee is interested in the alignment of grants with the Bath Comprehensive Plan.
12. PUBLIC SAFETY: Chief Carper reported that his office is reviewing new background packages for the BSPD personnel. A much needed radio was donated to the PD by Loudon County, VA. Future meetings will be the second Wednesday of the month at 4pm.
13. CEMETERY: Chairman Skinner announced that the Morgan County Commission has appropriated \$12,000.00 to the Greenway Cemetery mowing expense which is appreciated. The mausoleum repair work is progressing (attached).
14. PUBLIC WORKS: Chairwoman MacLeod informed Council that a minor leak on the garbage truck has been repaired. Two garbage truck tires had to be replaced due to damage by accidentally running over nails at a landfill. MacLeod is still looking for storage for the pavers and red brick at the Depot lot. The yellow bricks will be used with

the Trial Head project.

15. ORDINANCE: Chairman Schene reported that the next meeting is August 16 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.
16. BSWW: Chairman Hall reported that the committee is reviewing ongoing projects and anticipated maintenance on tanks, metering in the plant, replacement of equipment, water tank levels and production. The next meeting is August 7.
17. PUBLIC COMMENT: Kevin Kellman inquired about the possibility of installing additional crosswalks on S. Washington Street. The Mayor will look into this with the WV DOH since this street is part of the state highway system.
There was a request that monthly public BSPD reporting be resumed.
18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mink

Recorder Suzanne Webster

Town of Bath

Application for Use of Town Property

Date Application Submitted: 7/7/23

- A. Requesting Group or Organization Pack 81-Santa's BSA
- B. Name of Responsible Person Patricia Lees
- C. Address 367 Nicole Lane Berkeley Springs, WV 25411
- D. Telephone Number 301.331.7983
- E. Property Requested Liberty St. Lot
- F. Purpose of Use Parking Cars for Apple Butter Festival
- G. Will Admission be Charged or Product Sold? Yes
- H. Date/s 10/7/23, 10/8/23
- I. Beginning and Ending Time/s 9:00 am - 5:00 pm

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) ~~Usage Fee Required~~ N/A
- 2) Proof of Insurance on File

Signature of Approval

Date

J.A. Conrad
Per Council

7/25/23

Town of Bath

Application for Use of Town Property

Date Application Submitted: July 9, 2023

- A. Requesting Group or Organization Bricello's Grilled Formaggio and The 301
- B. Name of Responsible Person Deb Colbert / Chris Sarber
- C. Address PO Box 953 Berkeley Springs, 25411
- D. Telephone Number 410-688-4654
- E. Property Requested Train Depot 342 N Washington Street
- F. Purpose of Use Train Depot Grand Opening / Food truck festival
- G. Will Admission be Charged or Product Sold? No admission fee. Food will be sold
- H. Date/s November 11, 2023
- I. Beginning and Ending Time/s 11:00 - 4:00

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) ~~Usage Fee Required~~ *N/A*
- 2) Proof of Insurance on File

Signature of Approval

Date

D. A. Comer
Per Council

7/25/23

Sharon Corrick

From: Alice Lantz <alice.lantz@yahoo.com>
Sent: Thursday, July 20, 2023 4:56 PM
To: townofbath@wvdsi.net
Subject: New Monument

Sharon,

Per our phone call, there is a group of former and retired 167th Airlift Wing members who are interested in erecting, on the Fairfax Street Green, a small monument identical or similar to the monument at the Martinsburg Air National Guard that is base dedicated to the six flyers who lost their lives in the C-130 crash on Fairview Drive 7 October 1992. There was a picture of the base monument in the Morgan Messenger last October. The monument is approximately waist to chest high with a brass plate on top and is engraved with the faces of the six airmen who perished in the crash. Looking at the Green, the space at the Mercer Street end, across from the 911 building, would be best. There is currently a planter surrounded by flowers that would work perfectly. The monument would replace the planter leaving the flowers undisturbed.

I have also spoken to the homeowner of the actual crash site to lay a flat stone in the grass next to the road marking that area.

Also, there are many of us who are veterans of Desert Shield & Storm, Iraq, Afghanistan, Lebanon, Panama, Beirut, Somalia and many other Operations who would like to erect a monument similar to the large WW1, WW2 and VN monuments on the Green. We would also add the Korean War vets to our new monument as they currently have no recognition or representation on the other three monuments already standing.

Thank you for your time and I look forward to speaking with you in the near future regarding these new monuments.

Thank You,

Alice J Lantz, MSGt, (ret), USAF

Sent from my iPhone

Sharon Corrick

From: Susan Webster <susanwebster1@comcast.net>
Sent: Friday, July 21, 2023 12:04 PM
To: Sharon Corrick; Beth Skinner; Greg Schene; Mary Lynn Hickey; Merki, Scott; Rebecca MacLeod; Tom Hall
Subject: Re: FW: New Monument

If you recall during the Vietnam Veterans Memorial research and discussion it came to light that the Fairfax Green is in the WV State ROW. We and Foxglove Garden Club have maintained it, but the control of it and what is allowed to be in it lies with the State.

My recollection,
Susan

**Status of Streetscape, State Park and NBRT Projects for Town Council
Tuesday July 25, 2023**

STREETSCAPE

Phase V: Design:

- Preliminary Field Review (PFR) of 30% design and costs completed July 11th. Cost estimate is over-budget by about \$45,000. Plan to eliminate the final installation of the 7 new streetlight fixtures, but complete all the conduit and junction box installation in a fashion that connection to power, wiring, light foundation and light pole assemblies can be done at later date, under a separate contract. We have asked Thrasher to complete all the required drawings for this separate effort since the Phase V drawings are fully funded (at \$55,000).
- DOH requested the next step in design (90% completion) be set for mid-September.
- Preliminary DOH Funding Agreement for the Construction Phase was received, but did not have the correct budget number. This is being corrected. Town Streetscape Account has sufficient funds to support the Cash Match of about \$107,000. Do not plan to sign and fund the Construction Phase until after the 90% Design and Cost Estimate is complete (September)

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 including \$15,000 Cash Match is \$70,000)
- 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

- The DOH Supplemental Funding Agreement was signed by the Mayor and along with a check for the Sponsor Cash Match (\$35,590.04) was expressed to DOH. Bid was extended to August 8th and DOH is currently working to award a contract by that date.
- Preparing "Thank You" letters to Officials who helped with the required Cash Match to support this Contract Award.

Repairs to the Cemetery Mausoleum

- All façade blocks were removed during sample removal on July 11th. This was treated as a Safety hazard since there was no visible "locking" provisions other than gravity.
- Visual inspection was made by Geoff Gola (Thrasher). Awaiting brief report. In general, condition of main vault seems OK.
- Meeting with Cemetery Committee Wednesday to help determine next steps for façade work and matrix work.

NBRT

- Town and HDR (Designers) completed all open actions for us from the June 13th pre-solicitation session at DOH. Results were sent to DOH on July 3rd.
- Project is not yet in the September or October DOH Lettings schedule (BidX). Have asked Mark Scoular for update on when the project will be advertised for bids
- Working on plans and solicitation for Parcel 1B Storm Water Management Construction.

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: **1**
 Pages: **1**

Town of Bath
 GOVERNMENT ENTITY

271 Wilkes Street
 STREET OR PO BOX

Municipality
 Government Type

Person To Contact Regarding Request:

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

Berkeley Springs WV 25411
 CITY ZIP CODE

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
310	Coal Severance Tax	4,000	789		4,789
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

789

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
755	Street Construction	7,000	789		7,789
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

789

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

S.A. Corrick AUTHORIZED SIGNATURE OF ENTITY
 7/25/23 APPROVAL DATE

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

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CONTROL NUMBER
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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 St
 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
299	Unassigned Fund Balance	119,705		29,162	90,543
304	Excise Tax on Utilities	60,000	8,562		68,562
305	Business and Occupation Tax	46,000	15,000		61,000
350	Refuse Collection (Garbage and Trash Fees)	108,000	2,000		110,000
397	Video Lottery	1,500	1,100		2,600
399	Miscellaneous Revenues	2,000	2,500		4,500

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					
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#N/A					
#N/A					
#N/A					
#N/A					
#N/A					
#N/A					

NET INCREASE/(DECREASE) Expenditures

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

[Signature]
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE 7/25/23

Sharon Corrck

From: Elizabeth Skinner [mailto:skinner@bathmaine.com]
Sent: Thursday, July 20, 2023 9:17 AM
To: Sharron Corrck; Peter Brown; Tom Miller
Subject: Cem Com Agenda July 26 # 9AM
Attachments: Cem Com Agenda July 26,2023.docx

Sharron, Please post this agenda and distribute it to the council.

The Cemetery Committee will meet next Wednesday, July 26, 2023, at 9AM. This will be an unusual meeting, because Pete Brown (Streetscape) and Tom Miller (retired DOH engineer) will meet with the committee to discuss repairs on the mausoleum. These two gentlemen have been assisting me as volunteers to oversee the restoration of the mausoleum. We are working to identify what has to be done to properly repair the mausoleum and to prepare a new contract for the work. We will keep the rest of the meeting very brief, so that the meeting stays around an hour. Anyone interested in learning about Greenway Cemetery is welcome to attend. Greenway Cemetery is the largest piece of property owned by the Town of Bath. In addition, it has become a financial obligation to the Town, since Greenway is no longer self-supporting. The Council has a legal obligation under its Charter to maintain Greenway Cemetery. Thanks.
Beth Skinner

Town of Bath Cemetery Committee
July 26, 2023 # Town Hall
Agenda

1. Mausoleum Discussion with Pete Brown & Tom Miller
2. Financial Report
3. Hotel/Motel Application
4. Grave Maintenance
5. Contract End Date in Greenway Cemetery