

TOWN OF BATH COUNCIL MEETING

August 22, 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 August 8, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Town resident Donna Coates appeared before Council to request that she be able to rehabilitate the garden in the Town owned lot immediately north of Town Hall. Concerns were voiced regarding past issues of lack of volunteers to work the garden, follow through on upkeep and other ideas for the use of the space. It was requested that Ms. Coates organize a volunteer team for this project and create a plan for Council to consider.
5. COMMUNICATION FROM MAYOR: The Mayor allowed Joe Demarinis of the Morgan County Jeepers to speak concerning events that this group will be having in the Berkeley Springs State Park this Saturday and future dates. Mr. Demarinis also requested that there be no parking allowed on the first block of South Washington Street on the park side during these events. The matter of parking restriction was referred to the Clerk to add to the next agenda for Council discussion and decision. The Berkeley Springs Volunteer Fire Department (BSVFD) has made it know that they are in need of a new fire truck. An estimated cost is \$1.2 million without being outfitted with equipment. The Mayor referred this to the Grant Committee. Senior Life Services of Morgan County is looking for donations for their 25 Days of Christmas Project (attached).
The Back to School Bash sponsored by Morgan County Parks and Rec was held at the Warm Springs Intermediate School on August 11, with great success.
The Mountain State Cruisers President GW Easton sent a letter describing and requesting the organization's dates for cruise ins in 2024 (attached). Discussion was held to clarify street closures.
MOTION: To approve the Mountain State Cruisers request as presented- Webster/Hall – Carried
Mayor Merki told Council that he has been in contact with WV DOH District 5 Chief of Engineering Joe Parks about crosswalks on Washington Street in Bath. Locations included in Council's discussion were at Williams Street, Liberty Street, Mercer Street and at Martinsburg Road and Green Street. It is hoped that since the State required handicap curbing to be installed at some of these locations that painting crosswalk lines will be permitted. Continuing discussion is expected.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is September 06.
2. PARKS & REC: No report at this time. The next meeting is September 20.
3. PLANNING COMMISSION (PC): PC Recorder Dave O'Connell reported that the Commission wants to arrange a meeting with the Bath HLC. The next meeting will be September 21.
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 on Streetscape, the Berkeley Springs State Park and the Greenway mausoleum projects to the Town (attached). He introduced the newest member of the Streetscape team, Jeff Duvall. Streetscape meetings will be the third Thursdays of each month.
6. TRAIN DEPOT: Chairman Webster is still working toward a November 11 event. She will also submit a Facilities Use Application for the Depot lot for donation parking during Apple Butter Festival weekend.
7. LANDMARK COMMISSION (HLC): The Mayor addressed a recent letter (attached) received by HLC member Zach Salmon. The Mayor referred the letter to the HLC.
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
9. FINANCE: Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$4,778.30- Motion to approve: Webster/Schene- Carried
 - (b) BSWW \$56,488.40 – Motion to approve: Webster/MacLeod- Carried
 - (c) Cemetery \$3,600.00- Motion to approve: Webster/MacLeod- Carried
 - (d) Tree Board \$800.00- Motion to approve: Webster/MacLeod- Carried
10. TREE BOARD: The next meeting is September 20. Member MacLeod advised that the Board is preparing the next grant application.
11. GRANT: The next meeting is September 11 at 4:30pm. Chairwoman Hickey reported that the Committee is narrowing down the priority of needs of the community. She hopes to focus on public safety necessities such as the BSVFD fire truck, cameras, safety vests and officer pay. She encourages input from the community.
12. PUBLIC SAFETY: The next meeting is September 13. Chief Carper emphasized the need for new cameras and associated equipment vital to the safety of the community. Locations for new cameras include Town Hall, the Depot and the BSWW Plant. Research is being conducted on financing of this project. Councilwoman Hickey requested competitive review of bidding.
13. CEMETERY: The next meeting is August 23. Councilwoman Skinner reported that preparations for the mausoleum repair work are finalizing. She advised that the Finance Committee recommended that mowing stop Labor Day weekend.
14. PUBLIC WORKS: The next meeting is September 5. Nothing further at this time.
15. ORDINANCE: The next meeting is September 20. Chairman Schene is meeting

- with his counterpart in Shepherdstown concerning that community's best practices.
16. BSWW: Chairman Hall reported that the committee is reviewing ongoing projects and anticipated maintenance. The next meeting is August 20. The BSWW is preparing for the retirement of Superintendent Ron Janniney.
 17. PUBLIC COMMENT: Barb Wolfe questioned the Morgan County Commission's decision to assist with the cost of mowing in Greenway Cemetery by their allocation of Hotel/Motel Occupancy funds to this maintenance.
 18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mink Recorder Susan J. Webber

25 DAYS OF CHRISTMAS

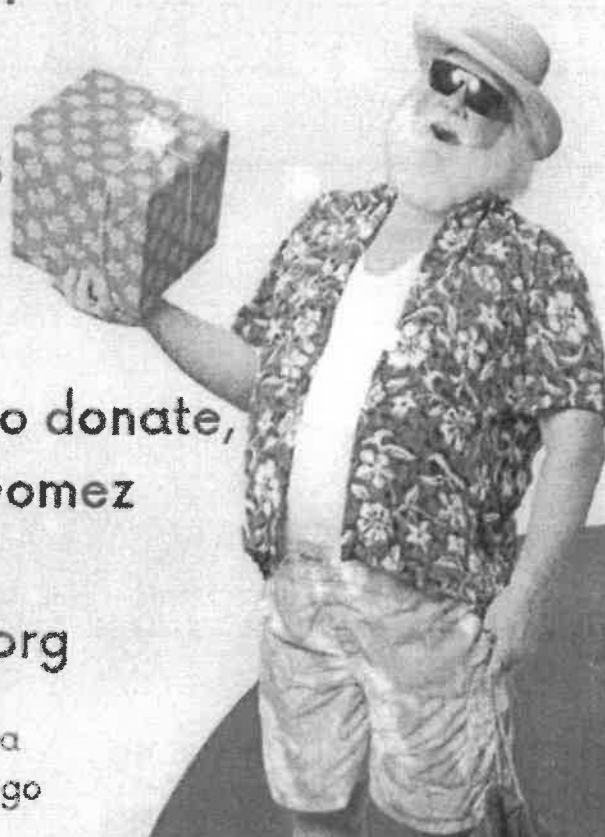
Senior Life Services of
Morgan County is
looking for donations
for our fundraiser.

For more information and to donate,
Please contact: Michelle Gomez
304-258-3096 x 1021 or
communityrelations@slsmc.org

*Senior Life Services of Morgan County is a
non for profit organization. Proceeds will go
to fund our nutrition program.



Senior Life Services
of Morgan County, Inc.



Fy 24

August 4, 2023

Mayor Scott Merki
Town of Bath
Berkeley Springs, WV 25411

Dear Mayor:

The Mountain State Cruisers will be having their "Cruise-Ins" on the first Friday of each month from May to September 2024. They will begin at 5:00 pm and end at 8:00 pm. We will be using the Berkeley Springs State Park for these events. We would like permission to block off Fairfax Street between US 522 and Wilkes Street for these events. The dates for "Cruise-Ins" are: May 3, June 7, July 5, August 2, September 6, and October 4, 2024. They will begin at 5:00pm and end at 8:00 pm.

In addition, on Saturday June 15, 2024 we will be holding our annual Father's Day Car Show. In addition to blocking off the portion of Wilkes Street mentioned above we are requesting permission to create a non parking area along US 522 South. This would extend from the traffic light to the entrance of the swimming pool parking area (Country Inn entrance). The time of the show is 10 am until 3 pm. We will need to start setting up at 6:30 on that day.

Please advise us of your decision regarding this request by calling our president Gary "GW" Easton at 304-676-8142. Thank you in advance for your consideration.

Sincerely,



Gary "GW" Easton -President
Mountain State Cruisers
P. O. Box 957
Berkeley Springs WV 25411

Approved at
8/22/23 Council
Called Gary to
Wobly
8/25/23: Ian

**Status of Streetscape, State Park and NBRT Projects for Town Council
Monday August 21, 2023**

STREETSCAPE

Phase V: Design:

- Thrasher revisions to the 30% PFR design are 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.
- No date yet for the first Thrasher invoice (\$15,000 for the 30% Design) but likely in September. Town will pay Invoice and DOH will reimburse the payment at 100%. There are three invoices (\$55,000 total) to be paid for Phase V design work.
- Discussed next steps for lighting drawings and costs with Jeff Gola and at the Aug 17th Streetscape Committee meeting. Now working on a general Streetscape lighting and power plan. Will discuss with Thrasher on how to maximize light pole foundation work during Phase V Construction contract. Jeff has been told to complete a separate set of construction level drawings that can be used by the Town to complete the planned Phase V installation of the (7) streetlights, either in a later Phase or by separate means. These drawings are funded in the basic \$55,000 Phase V Task.

Berkeley Springs State Park Grant & Project

- DOH awarded Construction Contract on Aug 3rd to the low bidder: W.F Delauter & Son, Inc; for \$578,717
- Initial Contract completion date was Sep 8, 2023, but that was when the bid opening was May 9th. There will be a delay in the contractual end date due to the extra time needed to obtain the necessary funds for the actual Aug 3rd award. I have not seen this new end date.
- No date yet for the pre-construction meeting. Still working contact with District 5 on date and basic support and storage requirements for the contractor in-Town. Will provide expected needs and Town requirements to District 5 for discussion this week.

Repairs to the Cemetery Mausoleum

- Final Draft of RFQ completed Aug 20th - out for final review now. Will be sent later this week to potential contractors. The RFQ identifies the work needed, procedures and materials to be used, etc. This RFQ will be used to obtain pricing from three contractors.
- The RFQ contains 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 also consist of concrete staining and sealing. The previously existing upper façade blocks will not be replaced.

NBRT

- The Design/Build solicitation for the NBRT has been released to Bid-X.
- The official Letting date is still December 12, 2023.
- The solicitation has a construction completion date of March 28, 2025. This includes both the Design Phase and the Construction Phase. I don't have a separate schedule for the Design Phase
- The solicitation for the construction of the innovative storm water management system on Parcel 1B at the Depot Lot was advertised in last Wednesday's Messenger. Planned Bid Opening is September 7th.
- All post award grant requirements have been submitted to CBT for Phase I funding.

Pete Brown
571-213-3687

Zachary Salman
PO Box 106
Berkeley Springs, West Virginia 25411

August 16, 2023

Town of Bath Council and Historic Landmarks Commission
271 Wilkes Street
Berkeley Springs, West Virginia 25411

I have written this letter to hopefully clear up remaining questions and confusion regarding my previous letters to the Town of Bath Council and HLC regarding the Historic District, as I know there were some questions at the August 3 Historic Landmarks Commission meeting about why I would propose to remove the “contributing” status of properties in the historic district.

With aesthetic value and economic development being primary motivators for recognizing and maintaining a historic district (which is not a bad thing), it can be easy to forget that we are stewards of the story of our community, stewards of a historical narrative. It should go without saying that a high degree of factuality and accuracy is expected in any historical narrative, especially when it is being published and endorsed by the state and federal government and is used as the basis for providing grants and tax credits by government and nonprofit organizations.

When professional historians in the United States survey a site, we use the *National Register Criteria for Evaluation* to make, among others, two judgment calls in particular:

1. whether the site is eligible for individual nomination to the National Register of Historic Places (NRHP), for example the Hovermale-Mendenhall House or the Berkeley Springs Castle; and
2. whether the site is eligible to contribute to an NRHP Historic District, such as the Town of Bath Historic District.

The first is fairly strict and requires that the site is highly intact from its period of historical significance or is relevant to a person or event of national significance, while the second is far more inclusive of sites that yield and exhibit historical information about the district and the local community, whether it be a building technique, an important person, or a significant event.

This evaluation is completely separate from the physical health and condition of a building, which can understandably cause some confusion when a house that is deteriorating is reviewed more favorably than a house that is occupied and highly polished. The dilapidated Romanus Hunter House across from Hunters Hardware is actually contributing because, despite its disrepair and missing features, it still exhibits considerable original craftsmanship, particularly in the entry door with transom and sidelights, the window sash, and the cornice. Taken as a whole, its architectural and historic significance to the town is still legible and can be read like a book by someone trying to learn experientially about the history of the Town of Bath.

The same goes for the purple house on the other side of Hunter's, because it retains features such as the tower with a dome and spire, the multi-patterned shingles, and the cornices. Of course,

proper rehabilitations would be preferable to the current conditions of these houses, but renovations that would eliminate or heavily modify these features would render the houses no longer eligible to contribute.

There are multiple properties in the Town of Bath that are old but have already been considered not contributing to the historic district. A good example is the Creekside Creamery building which, due to the totality of its remodeling in the 1970s-90s, was considered not eligible to contribute in the original 2009 nomination and designation of the Town of Bath Historic District. The apartment building at 45 North Green behind the fire hall, which used to be a hotel called Paloalto, was similarly judged unable to contribute. Same with the Mi Ranchito, Helsley Funeral Home, and Tina Byers Law Office houses.

50 North Washington, the former Mountaineer Sports Bar building, was deemed contributing in 2009 but later deemed noncontributing in the 2021 resurvey, because the firm that conducted the original survey did not fully understand the structure's history and the extent to which it was remodeled in the 1950s-60s and around 2002-03. The building displays multiple "historic" features, from a traditionally-styled storefront to a molded cornice, that in fact never existed in these forms before the building's remodeling. Regardless of the quality, attractiveness, or convincingness of these features, to recognize the building as a contributing historic structure would be to present false historical information and hurt the integrity of the historic district.

This is not to imply that new construction and/or design should never be historically styled and inspired, but it does mean that such a newly-conceived design should not be recognized as a historic resource.

To judge a building as ineligible to contribute is not an attack on the owners or renovators of the building; it is based on the reality of whether the site still conveys accurate and factual historical information. To remove a building from the list of contributing structures is important and necessary to ensure the quality of the historic narrative being told through the historic district.

Especially because the Town of Bath Historic Landmarks Commission is limited in its ability to be proactive (i.e. there will be no COA requirements), it is even more a matter of integrity for the Historic Landmarks Commission to be responsive to the changes taking place in the district and to ensure that it continues to support a factual picture of the community's history.

Once again, I must stress the importance of the *Secretary of the Interior's Standards*, included at the end of this document. These standards, recognized across the United States, ensure that historic buildings are repaired and adaptively reused in a manner that allows them to continue to yield and convey useful and truthful information about the history of the site and the community. I implore anyone in the Town of Bath who is in a position of leadership and/or has an interest in historic buildings to familiarize themselves with these standards.

Yours,

Zachary Salman

The Secretary of the Interior's Standards for Rehabilitation

a subsection of the Secretary of the Interior's Standards for the Treatment of Historic Properties

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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: **3**
 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

Municipality
 Government Type

Berkeley Springs
 CITY

WV 25411
 ZIP CODE

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
310	Coal Severance Tax	2,991	9		3,000
298	Assigned Fund Balance	4,798		9	4,789
	#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				

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

8/22/2023
 APPROVAL DATE

8/22/2023

ACCT #	VENDOR	AMOUNT	DESCRIPTION		
2886	US BANK	\$140.35	RICHARD MAYHEW	27601	400-650-800
7013	US BANK	\$235.80	BRADLEY DUCKWALL	27601	400-650-800
1134	US BANK	\$1,230.56	RON JAINNINEY	27601	400-650-800
9667	US BANK	\$2,355.82	MASTER ACCT	27601	400-650-800
4157	US BANK	\$272.51	JASON POWELL	27601	400-650-800
	TOB	\$2,500.00	RENT/ADMIN		400-603/641-800
	RESERVE FOR DEBT	\$27,581.00			400-125-300
	REPAIR & REPLACE	\$13,750.00			400-125-200
	DEPRECIATION ACCT	\$1,500.00			400-125-100
	TOB	\$5,565.88	PEIA		400-675-600
	MISS UTILITY	\$18.60	MESSAGES		400-675-600
	DEP	\$1,050.00	WVNPDES ANNUAL FEE		
	WVDHHR		TESTING		
	TOB	\$287.88	BENEFITS		400-635-800

\$56,488.40

GREENWAY

EXPENDITURES AND ENCUMBRANCES

BATCH DATE		YEAR:	2024
8/22/2023			
VENDOR	VENDOR	Pay To	AMOUNT
DESCRIPTION			
		Dustin Percy	\$ 1,800.00
		Dustin Percy	\$ 1,800.00
		Mowing 08/07/23 - 08/13/23	
		Mowing 08/14/23 - 08/20/23	
TOTAL			\$3,600.00

TREE BOARD
EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	2024	
VENDOR ACCT #	VENDOR NAME	AMOUNT	DESCRIPTION
	Tree Works	\$ 800.00	Tree removal & clean up on Williams St.
TOTAL		\$ 800.00	