

TOWN OF BATH COUNCIL MEETING

October 3, 2023

1. 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 September 19, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATION FROM MAYOR: The Mayor addressed the addition of the Friday, October 6 Mercer Street Block Party to the upcoming Chamber of Commerce Apple Butter Festival (ABF) schedule (attached). In order to accommodate the needs of the Berkeley Springs Volunteer Fire Department the allowable street closure for this event will be Mercer Street from Congress to Independence Streets. The 48th Annual Apple Butter Festival will be held in Town October 6 – 8. Preparations are underway.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY: Next meeting is October 4 at 4:30pm at the Courthouse. President Lisa Stine reported on efforts to assist with the ABF Depot parking fund raiser and the Depot Veteran's Day event. The group is continuing work on the new website development.
2. PARKS & REC: No report at this time. The next meeting is October 12.
3. PLANNING COMMISSION (PC): The next meeting is September 21.
4. RAIL/TRAIL (NBRT): The progress report has been submitted to the Town office (attached) by Co-Chair Pete Brown who was in attendance with further details. Councilwoman MacLeod presented the contract (attached) for the Stormwater Control Facility for the Berkeley Springs Depot Parcel 1B with Pentoney Brothers as previously accepted. MacLeod also requested that a \$2,100.00 per day fee be permitted for Pentoney Brothers on the project if needed. This was granted by common Consent. Discussion turned to the Berkeley Springs State Park Project (report attached) and the need for contractors to be allowed up to four parking spaces on the south side of west Fairfax during necessary construction times.
5. MOTION: To allow D5 and Delauter (Contractor) necessary parking spots as described- MacLeod/Hickey - Carried
6. STREETSCAPE: Committee Co-Chair Pete Brown has submitted a report on Streetscape (attached) and was present with further details.
7. TRAIN DEPOT: Chairman Webster reported on the Apple Butter parking fund raiser project and November 11 event progress. She is grateful for all help offered including that of the Morgan County Historic and Genealogical Society and the Bath Development President Lisa Stine and others. She is requesting that

- proceeds from parking fees collected on the lot owned by her be used to complete the Streetscape lighting which was initiated with the Depot Exterior Rehab Project completed in 2015.
8. LANDMARK COMMISSION (HLC): Next meeting is October 19 at 2pm which will include the WV State Historic Preservation Office officials for an educational workshop. This will be held in the Ice House.
 9. CLERK/RECORDER REPORT: Clerk Corrick reminded all of the State Auditor's training to be held on October 4 in Martinsburg. She also advised of a Notice of Building Improvement submitted for Rockwell Street.
 10. FINANCE: Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$7,847.57- Motion to approve: Webster/Skinner- Carried
 - (b) BSWW \$15,756.73 – Motion to approve: Webster/MacLeod- Carried
 - (c) Greenway Cemetery \$86.50- Motion to approve: Webster/Hickey- Carried
 - (d) Tree Board \$15.60- Motion to approve: Webster/MacLeod- Carried
 - (e) Hotel/Motel Disbursement \$41,813.26: Webster/Skinner- Carried
 11. TREE BOARD: Councilwoman MacLeod explained that the Board's next grant has been submitted as explained at the last Council meeting.
 12. GRANT: The next meeting is October 11 at 4:30pm. Chairwoman Hickey reported that the Committee is researching the abilities of Region 9 Planning and Development with assistance from Governor Justice's EP Representative Daryl Cowles. She has also made a significant contact with WV Grant Resource Centers. Their topics of focus and benefit are workshop development, training, economic development, community development, outdoor recreation, job creation, retention, infrastructure and site development. Her work with this group is much appreciated.
 13. PUBLIC SAFETY: The next meeting is October 11. The Chief Carper updated Council on the WV DOH letter written concerning cross walks in Bath and speed signs. Appreciation was extended to the Chief for his Chief's Corner article in the Morgan Messenger.
 14. CEMETERY: The next meeting is September 22. Councilwoman Skinner recommended that contract negotiations be accepted to move forward with MRB, LLC for the mausoleum repair work. This received Council agreement.
 15. PUBLIC WORKS: Chairman MacLeod advised that the garbage trucks are getting needed repair. Paving on South Green Street will begin after the Apple Butter Festival. She is evaluating the condition of Warren and Duane Streets.
 16. ORDINANCE: The next meeting is October 18. Chairman Schene reported that the committee is researching a revision of the BSWW's tariff and possible capital improvement fees. Home Rule for Bath is also being explored.
 17. BSWW: Next meeting is October 10. Chairman Hall announced that Rick Mayhew will soon be taking over the supervision of the BSWW operations. He also reported on the Instalogic incomplete project and payment, Hach equipment upgrades, Aumua variable speed actuator repairs and inspections and I. M. Motor Electric inspection of pump motor maintenance needs. The BSWW has advertised for two Operator in

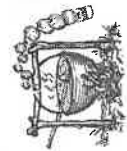
training positions.

18. PUBLIC COMMENT: Council members Schene and Hickey requested that all expenses of the Town over \$500.00 be approved in advance of expenditure. Allowable uses of the rehabilitated Depot were discussed and will be confirmed. Council recognized the generous volunteerism of Pete Brown and Tom Miller for the multiple Bath projects that they are heavily involved in bringing to fruition. Appreciation was shown by all in attendance. The use of the Town street sweeper was explained to Donna Coates by the Mayor.
19. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mark

Recorder Suzanne A. Webster



48th ANNUAL APPLE BUTTER FESTIVAL



October 7 & 8, 2023 • Berkeley Springs, West Virginia

Saturday, October 7

Sponsored by Valley Health & Berkeley Springs Healthcare Center

9:00 AM – PARADE Sponsored by CNB Bank
On Rt. 522, around Berkeley Springs High School through the square to the historic train station on Williams Street. Originating with the festival in 1974, this is the 44th parade!

10:15 AM FESTIVAL BEGINS
All Events located at the Main Stage in Berkeley Springs State Park unless otherwise noted!

10:30 AM – BERKELEY SPRINGS HIGH SCHOOL MARCHING BAND
Presented by Trumbull Corporation

11:00 AM – PARADE AWARDS & HALL OF FAME HONOREES
Hall of Fame sponsored by U.S. Silica

HILLBILLY BISCUITS – Old time bluegrass and original mountain music from this award-winning band. Sponsored by River Bend Family Medical
Showtimes: 11:15AM – 12:00PM & 12:30PM – 1:15PM

12:00 PM – CIRQUE ADVENTURE – A family circus performing their country western themed show, appropriate for the entire family and including high flying aerial acts, trampoline, slack wire, contortion, acrobatics, stiltting, contact juggling, object manipulation & more!
Sponsored by Omega Health

12:15 PM – BAKING CONTEST JUDGING Located at Blue Ridge CTC

1:30 PM – 2:00 PM – EMPIRE CHEER TEAMS PERFORM
Presented by Perry Realty

2:00 PM – BAKING CONTEST WINNERS ANNOUNCED

2:45 PM – BEARD & MUSTACHE CONTEST – Please register 15 minutes before contest. Sponsored & Judged by Mellett

WEBER BROTHERS BAND – Local favorites & hometown heroes, The Weber Brothers have been performing & touring extensively showcasing their renowned musical ability, high-energy & awe-inspiring performances throughout the U.S., Canada and Europe since they were teenagers. Sponsored by Gat Creek & Luke Christie – State Farm
Showtimes: 3:00 PM–3:45 PM & 4:15 PM–5:00 PM

4:00 PM – BOYS & GIRLS CLUB BENEFIT DUCK RACE – Located at the Springs in the Park. Duck race ticket sales, 9-3:30 PM

5:15 PM – CIRQUE ADVENTURE Sponsored by Omega Health

FESTIVAL CLOSES AT 6 PM



Events on both Saturday & Sunday

FREE Trolley & Accessible Shuttle Service
Running both days during festival hours
Route #1
Route #2

Picking up at Senior Life Services & Warm Springs Middle School
Picking up at Gat Creek, the Rt 522 Ballfield Complex, & Coalfont Resort. Both routes will pick up & drop off at the corner of Fairfax St. & Mercer St.
Sponsored by Skeeter's Auto Body & 24 Hour Towing, Smailley's Taxi, West Virginia Virtual Academy & WVU Medicine

FAMOUS APPLE BUTTER MAKING – JOIN US TO STIR!
Made by Greenwood Community Center
Located on Fairfax St. by the Berkeley Springs State Park

OFFICIAL FESTIVAL COLLECTIBLES!
Located at the Park entrance
Grab your Shirts, Stickers and More!

APPLE BUTTER FESTIVAL BEER GARDEN!
Located in the Courthouse Parking Area
Sponsored by Berkeley Springs Pride, Canary Grill, Jefferson Distributing, Mendenhall 1894 & Kessecker Agents

ALL GRASSED UP
Saturday & Sunday 1:00 PM–2:15 PM, 2:45 PM–4:00 PM
Sponsored by Kessecker Agents
Sample Craft & Domestic Beers & WV Wine! Must have ID & be over 21.

Try your hand at Axe Throwing!

Check out our Wine vendors & grab a bottle of your favorite West Virginia Wine!

Want more things to experience? Check this out!

Visit the Ice House to see their Gallery Show,
The Berkeley Springs Museum, Specialty Boutiques, Local Shops,
Relaxing Spas and MORE!

Shops have extended hours to accommodate our wonderful guests!

After the Festival on Saturday

Cacapon Mountain Brewing: The Fly Birds TBA

Canary Grill: Brian Nichols 6:00 PM

Country Inn: Tim Marcum 6:00 PM

Morgan Arts Council Ice House: Kelly Bell Band 7:00 PM

The Naked Olive Lounge: Jay Halterman 6:30 PM

Sunday, October 8

Sponsored by Travel Berkeley Springs & WV Lottery

9:00 – 9:45 AM – SERVICE BY THE SPRINGS – Rev. Michael Leadom from Union Chapel, Worshippers are invited to share a non-denominational service by the Springs.

10:00 AM FESTIVAL BEGINS - Welcome

10:15 AM – HYMNS FOR HIM – Hymns of the church & southern gospel music. Sponsored by the Berkeley Springs Rotary Club

11:30 AM - CIRQUE ADVENTURE Sponsored by Omega Health

12:00 PM – BSHS DANCE

12:15 PM – BLACKCAT SCHOOL OF ROCK/YOUNG UKES
Presented by City National Bank

1 PM – CIRQUE ADVENTURE Sponsored by Omega Health
THE FLASHBACKS – Familiar dance favorites from the 50s-80s.
Sponsored by The Country Inn
Showtimes: 1:30 PM–2:15 PM & 2:45 PM–3:30 PM

1:45 PM – EGG TOSS on Fairfax St. Grab a partner & show off your tossing abilities! Sign up 15 minutes prior.
Sponsored by RWP Insurance

2:15 PM – HOG CALLING CONTEST – All ages welcome to join in! Sign up 15 minutes prior.
Sponsored & Judged by The Bug Man

4:00 PM – CIRQUE ADVENTURE Sponsored by Omega Health

4:45 PM – APPLE BUTTER QUILT DRAWING
"West Virginia Log Cabin Star" created by Jane Frenke
Tickets on sale all weekend until 4:00 PM at the Chamber of Commerce Booth at the Park entrance.
Sponsored by Kessecker Realty

FESTIVAL CLOSES AT 5 PM

We send our Many Special Thanks to:

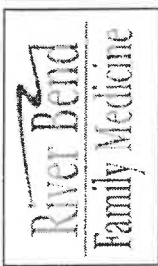
All of our AMAZING voices of the 48th Annual Apple Butter Festival; Berkeley Springs State Park; St. Vincent de Paul Catholic Church; The Morgan County Commission and Senior Life Services of Morgan County for the use of their parking lots; Morgan County Sheriff's Reserves and Town of Bath Police for Traffic Control; Debbie Dwyer; Atasia Spa; Berkeley Springs Cottage Rentals; Charlotte Sherman, Gemcraft Homes, The Morgan Messenger, Berkeley Springs Trail Depot; Washington Homeopathic Products; Roy's Service Center and Betty Lou's Of Garage Café, Berkeley Springs Antique Mall & Judy's Cottage Rentals for lunches for the Reserves; our generous sponsors; awesome vendors; all of our local businesses and participants... and YOU, our wonderful visitors for helping make our festival bigger and better than ever!

Berkeley Springs-Morgan County Chamber of Commerce

www.berkeleyspringschamber.com 304-258-3738

Join us next year for the 49th Annual Apple Butter Festival on October 11, 12 & 13, 2024





Shops

Ice House Fine Arts Gallery
Accessible Bathroom in Ice House

Mountain Climbing Library

Food

Congress St. Booths

Beer Garden

Axe Throwing

Food

Wine Booths

Courthouse

Stage

Entrance

First Aid Station

Food Court

Fairfax St. Booths

Vendor Booths

ATM Machine

Trust Bank

Bath St. Booths

Food

St. Vincent de Paul Catholic Church

CNB Bank, Inc. ATM Machine



Independence St. Booths

City National Bank ATM

Hunter's Hardware

Food

Test for Nursing Moms

Congress St. Booths

Star Theater

Shops

Food

The Shops of Fairfax St.

Mountain Laurel Antiques

Berkeley Springs Antique Mall

Berkeley Springs State Park

Apple Butter Kerties

Fairfax St. Booths

Food

Loft

Festival Information Quilt & Festival Souvenirs

Vendor Booths

Bathrooms

Museum

Springs

Main Stage

Garzebo

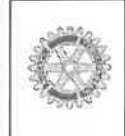
Live Music

Beard Contest

Hog Calling Contest

Circus

Park Bathrooms Accessible Bathroom in Bath House



South Washington Street

North Washington Street

**Status of Streetscape, State Park and NBRT Projects for Town Council
Tuesday – October 3, 2023**

STREETSCAPE

Phase V: Design & Budget:

- Received an early version of the 90% Thrasher Design & Cost updates. Reviewed the drawings and sent comments and changes to Jeff Gola on Sep 25th. The latest plan for the formal DOH 90% (virtual) review is the week of Oct 9th. Jeff said he will incorporate our comments in the final 90% drawings. The 90% Cost Estimate is within our current budget (see below)
- DOH Program Office is nearing completion of a revised Funding Agreement that will replace the earlier version sent to the Town in late June. I believe I will see a draft. We expect the total Construction Phase Agreement to be: TA Grants: \$427,997; Town Cash Match: \$106,999.25; Total: \$534,996.25. Streetscape Account balance at mid-September was \$119,193. Once the formal version is received, we expect the Town to be able to sign.
- Still no date yet for the first Thrasher invoice (\$15,000 for the 30% Design) but likely in Oct. 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.

Berkeley Springs State Park Grant & Project

- The On-Site pre-construction session was completed on Thursday Sep 21st. It went fairly well:
 - We met the D5 lead person (Ryan Arnold) and the on-site D5 Contractor Rep (Josh White)
 - D5 and Delauter (Contractor) agreed to delay the start of mobilization and work until after Apple Butter – on Oct 9th.
 - Sidewalk color and stamping pattern and the bridge color and decking color were selected by the Park (Scott Fortney) and Foundation (Pete Gordon).
 - A sample of the colored and stamped concrete sidewalk will be poured in the Park for approval.
 - Bridge material and design were discussed and D5 and Delauter were asked to improve the proposed aluminum bridge to include a 4 inch arched shape and pedestrian railings more in keeping with the Park's other features. With these features included, the aluminum bridge was accepted.

Repairs to the Cemetery Mausoleum

- The Evaluation Team will present its Recommendations to the Cemetery Committee at its meeting Tuesday Oct 3rd at 9:30 am
- Once accepted by the Committee, a Recommendation will be presented at the Town Council Meeting at 5:30 pm on Oct 3rd.

NBRT

- The official Letting date is still December 12, 2023 – with a Construction completion date of March 28, 2025.
- DOH (Mark Scoular) advised that each of the bidders will complete a 30% Drawing Set with their bid.
- The winner/low bid moves on with the Construction Design – and eventually the Construction firm partnered with the Design Firm gets to build the trail.
- The Construction Contract for the building of the Parcel 1B Stormwater Management System will be presented at the Town Council Meeting – Oct 3rd – for Council Approval
- The pre-construction meeting required with the funder and WVDEP was completed on Sep 25th.

Pete Brown
571-213-3687

TOWN OF BATH

EXPENDITURES AND ENCUMBRANCES

BATCH DATE	Chart of account	YEAR:		AMOUNT	DESCRIPTION	Budget Balance
		10/3/2023	2024			
1 440 213 01	BSWW		\$47.20		Fairfax Steet Gardens	\$ 2,844.00
1 440 213 01	BSWW		\$32.93		Wilkes St	\$ 2,844.00
1 750 213 00	BSWW		\$32.28		Myers Street	\$ 2,844.00
1 751 000 00	BSWW		\$103.00		Fire Hydrants	\$ 2,844.00
1 440 219 00	First Citizens Bank		\$ 169.50		Downstairs Copier	\$ 1,991.50
1 700 219 00	First Citizens Bank		\$ 169.50		BSPD Copier	\$ 1,991.50
Employee Paid	FMBC		\$ 132.24		April Employee Paid Ins	
1 440 457 01	Potomac Edison		\$ 81.49		Train Depot 08/18-09/18/23	\$ 700.00
1 751 000 00	Potomac Edison		\$ 5.25		204 N Wash 08/18-09/18/23	\$ 12,100.57
1 751 000 00	Potomac Edison		\$ 36.76		Union Street 08/18-09/18/23	\$ 12,100.57
1 800 217 00	Ricks Welding & Machine		\$ 6,256.90		Kenwoth Trash Truck Repairs	\$ 14,271.11
1 440 341 00	Sharron Corrick		\$ 56.68		Office Supplies Reimbursement	\$ 765.04
1 700 459 00	Take a Powder		\$ 455.40		Parking Meter Repairs	\$ 3,975.62
1 700 217 00	Bill Carper		\$ 60.00		Steel Wheels Reimbursement	\$ 2,678.00
1 700 341 00	Bill Carper		\$ 100.00		Air Conditioner Reimbursement	\$ 238.43
1 440 222 00	WVML		\$ 70.00		Annual Dues Recorder/Clerk	\$ 904.36
1 440 213 03	WSPSD		\$ 38.44		271 Wilkes St 08/15-09/15/23	\$ 2,844.54
			Totals:			
						\$7,847.57

3-Oct-23

ACCOUNT#	VENDOR	AMOUNT	DESCRIPTION	CHECK#
400-615-800	ACCT# 110086678841	\$7.62	POTOMAC EDISON GREENGATE	
400-615-800	ACCT# 210000853973	\$3,246.61	POTOMAC EDISON MASTER ACCT	
400-615-800	ACCT#110086577852	\$64.20	POTOMAC EDISON BOOSTER STATION	
	USPS	\$310.00	ANNUAL PERMIT FEE	
400-635-800	WAT24-976	\$100.00	WVDHHR TESTING	
400-125-300	CLOSE CPA	\$475.00	OCT ACCOUNTING	
400-675-600	ACCT#10005201	\$56.11	W.S.P.S.D SEWER BILL 8/15-9/15/23	
400-650-800	W108131	\$2,349.11	CARTER MACH BOOM REPAIR	#27659
400-675-600	USPS	\$702.56	AUG/SEPT WATER & T	#27664
	TOB	\$433.87	2%UTIL TAX	
400-675-200	T600794	\$3,880.00	CORE & MAIN EQUIP MAINT CONT 50%	
400-675-600	KEEFERS	\$3,500.00	TREE SERVICE	
400-675-800	INV#140197	\$506.99	COMM PRESS WATER BILL PRINTING	
400-675-600	TOB	\$124.66	APR BILLING INS	
		\$15,756.73		

GREENWAY

EXPENDITURES AND ENCUMBRANCES

		YEAR:	2024
BATCH DATE		10/3/2023	
VENDOR	Pay To		AMOUNT
			DESCRIPTION
	AC&T	\$ 22.50	Porta Pot Rental
	Morgan Messenger	\$ 64.00	Mausoleum RFQ
	TOTAL		\$86.50

TREE BOARD
EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	AMOUNT	DESCRIPTION
10/3/2023	2024		
VENDOR ACCT #	VENDOR NAME	AMOUNT	DESCRIPTION
	Morgan Messenger	\$ 15.60	20 Copies of the Day of Carind flyer
TOTAL		\$ 15.60	

FY 24 Town of Bath Hotel/Motel Distribution

Agency	1st Qtr			2nd QTR			3rd QTR			4th Qtr			Totalled Paid TD
	Actual	Paid	Ck	Paid	Ck	Paid	Ck	Paid	Ck	Paid	Ck		
Apple Butter Festival	\$ 1,100.00	\$	\$ 275.00									\$ 275.00	
B.S Historical Foundation.	\$ 1,800.00	\$	\$ 450.00									\$ 450.00	
Foxglove Garden Club	\$ 2,800.00	\$	\$ 700.00									\$ 700.00	
M.C. Parks Recs.	\$ 1,600.00	\$	\$ 400.00									\$ 400.00	
Morgan Arts Council	\$ 3,000.00	\$	\$ 750.00									\$ 750.00	
Morgan Arts Council - Bringing in May	\$ 500.00	\$	\$ 125.00									\$ 125.00	
TOB Rail Trails	\$ 2,000.00	\$	\$ 500.00									\$ 500.00	
TOB Cemetery	\$ 6,100.00	\$	\$ 1,525.00									\$ 1,525.00	
TOB Streetscape	\$ 13,100.00	\$	\$ 3,275.00									\$ 3,275.00	
TOB Train Depot	\$ 3,100.00	\$	\$ 775.00									\$ 775.00	
TOB Tree Board	\$ 3,400.00	\$	\$ 850.00									\$ 850.00	
Warm Springs Watershed	\$ 1,000.00	\$	\$ 250.00									\$ 250.00	
BS Chamber	\$ 500.00	\$	\$ 125.00									\$ 125.00	
Olde English Cemetery	\$ 1,000.00	\$	\$ 250.00									\$ 250.00	
Bath Christmas Project	\$ 1,000.00	\$	\$ 1,000.00									\$ 1,000.00	
HLC	\$ 2,500.00	\$	\$ 625.00									\$ 625.00	
Farmers Market	\$ 500.00	\$	\$ 125.00									\$ 125.00	
Museum of Berkeley Springs	\$ 800.00	\$	\$ 200.00									\$ 200.00	
Morgan County Library	\$ 800.00	\$	\$ 200.00									\$ 200.00	
Travel of Berkeley Springs	\$ 46,600.00	\$	\$ 19,413.26									\$ 19,413.26	
Funds Collected	\$ 93,200.00	\$	\$ 37,826.52									\$ 37,826.52	
Balance in 1 308 000 00		\$	\$ 7,013.26									\$ 7,013.26	
Balance From FY 23	\$ 18,841.35												
09/19/23 BDA	\$ 2,500.00												
09/19/23 Streetscape	\$ 2,500.00												
Current Balance	\$ 8,841.35												

0.00.00

31,813.26 +
 2,500.00 +
 7,500.00 +
 41,813.26 *