

TOWN OF BATH COUNCIL MEETING

December 19, 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 December 5, 2023 were approved by Common Consent.
4. **PERSONS BEFORE COUNCIL:** Mayor Merki requested that the agenda be amended to move up the Historic Landmark Commission report in order to introduce an applicant for the vacancy on that Board (attached).
MOTION: To amend the agenda to bring forward the Historic Landmark Commission report- MacLeod/Hickey- Carried
The Mayor introduced Mr. Ken Hoagland who introduced himself and family and expressed his desire to serve on the HLC. The Mayor said that he expected a decision to be made on this position in the new year.
MOTION: To resume the regular agenda- Webster/MacLeod- Carried
West Virginia US Senate candidate Zach Shrewsbury was permitted three minutes to introduce himself to Council and the public.
5. **COMMUNICATION FROM MAYOR:** The Mayor presented a recently received letter from the WV Secretary of Transportation (attached) responding to the request of the Town of Bath about crosswalk installation and reducing speed limits on streets maintained by the WV DOH. The Mayor expressed his displeasure with the negative answer from the Secretary and asked for the authority to write a letter back to the Secretary and to copy all of our WV State representatives conveying these sentiments.
MOTION: To authorize the Mayor to write to the Secretary of Transportation and copy local State representatives concerning the above mentioned issues- Webster/Hall- Carried
The Bath Deck the Meters holiday winners were announced with the Blessing Box being awarded First Place, the Morgan County Jeeps in Second Place and the Morgan County Girl Scouts Troop 40764 in Third Place. Much appreciation was shown to all participants and to Assistant Clerk Breana Farris for her production of the event.
The Bath holiday lunch will be Thursday, December 21 for staff and Council members. Gratitude was shown for the restaurants participating in the buffet.
The Bath offices will be closed on Christmas Day and New Year's Day. Staff will also enjoy December 22 off per the Mayor.

COMMITTEE AND BOARD REPORTS

1. **BATH DEVELOPMENT AUTHORITY (BDA):** Next meeting is January 3, 2024.
2. **PARKS & REC:** No report at this time. The next meeting is December 20.

3. **PLANNING COMMISSION (PC):** The next meeting is January 11, with the Ordinance Committee.
4. **RAIL/TRAIL (NBRT):** The next meeting is December 27. The progress report has been submitted to the Town office (attached) by Co-Chair Pete Brown. The bids for the project have come in well over budget. The Committee will meet in the future to discuss how to move forward. Councilwoman MacLeod was present to provide progress details on the Trail Head landscaping project.
5. **STREETSCAPE:** The progress report (attached) has been submitted by Co-Chair Pete Brown. Councilwoman MacLeod was present for comment and questions.
6. **TRAIN DEPOT:** Chairman Webster reported that future steps include organizing interested parties to plan and facilitate the development of the property for public use, education, recreation and economic development.
7. **LANDMARK COMMISSION (HLC):** Nothing further.
8. **CLERK/RECORDER REPORT:** Assistant Clerk Farris made Council aware of the ongoing support of the Blessing Box concept which was introduced to the community with the Deck the Meters project. The Blessing Box provides a way for people to donate items to those in need while also providing privacy for those in need to receive the donations.
MOTION: To research and establish a permanent appropriate location for the Blessing Box – Webster/Hickey - Carried
9. **FINANCE:** Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$21,090.92- Motion to approve: Webster/MacLeod- Carried
 - (b) BSWW \$41,663.47 – Motion to approve: Webster/MacLeod- Carried
 - (c) Cemetery \$2,000.00- Motion to approve: Webster/Hickey- CarriedAn Internal Budget Revision was also made in Committee for Public Safety.
10. **TREE BOARD:** Councilwoman MacLeod made Council aware that the Board is looking into Board member appointment terms for consideration.
11. **GRANT:** The next meeting is January 10 at 4:30pm. The USDA grant for Warm Springs Run Watershed planning will be on the next Council agenda for Council deliberation.
12. **PUBLIC SAFETY:** The Mayor provided information on vehicle changes between the BSPD and the BSWW. The committee is looking into the Park Mobile system for on street parking control. Chief Carper is pleased with residents obeying parking code in Town.
13. **CEMETERY:** The next meeting is December 26. Seventeen trees are being planted by the shed in Greenway to improve the environment and aesthetics of the area.
14. **PUBLIC WORKS:** Next meeting is January 2. Chairwoman MacLeod reported that potholes have been fixed. More frequently used thoroughfares receive priority attention.
15. **ORDINANCE:** The next meeting is January 18. Chairman Schene's research is continuing on amending the B&O ordinance, the BSWW tariff and creating a short-term rental ordinance. He reported that there are three properties in Bath that have been purchased. He said the new owners are considering residential or commercial building.
16. **BSWW:** The Committee meetings will now be on the first and third Wednesdays of

every month at 2pm starting in January. The Committee is reviewing the current water tariff with intentions to address the unmet needs. The BSWW is in the process of acquiring the BSPD pickup truck for service use. The 34th Annual International Water Tasting will be in February. Those who wish to participate must have their entries in by January 23.

17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor

Scott E. McKee

Recorder

Suzanne H. H. H. H.

Town of Bath

VOLUNTEER APPLICATION

Committee: Please check off the committee(s) you want to volunteer to serve on. An * indicates that Town of Bath Ordinances and/or West Virginia State Code set qualifications to serve on the committee (e.g., Must be a town resident). Check the Town of Bath's Web Site and/or Facebook Page to see the documents listed below.

☐ Bath Development Authority

☐ Cemetery Management and Maintenance Incorporated

☒ Historic Landmark Commission* See document, "Qualifications to Serve on the Bath HLC."

☐ Planning Commission* See document, "Qualifications to Serve on the Bath Planning Commission."

☐ Other: _____ (Train Depot, Grant, Parks & Recs, Tree Board, etc.)

Date: 12/12/23

Name: Ken Hogland

Address: 156 S Green St.

Berkeley Springs, WVA 25411

Telephone: 832-760-3456 Cell: →

Email: TXHOGGIES@AOL.COM

Please explain why you want to serve on the committee? Explain any background, education, or work or professional experience you have that would contribute to your service on the committee. If possible, attach a copy of your resume. Email this form and your resume to the town clerk at: townofbath@wvdsi.net. Or mail them to: Town Clerk, Town of Bath, 271 Wilkes Street 25411. If you have any questions, call town hall at 304-258-1102. Thank you.

As the owner of a house built in 1872 I have a lot of interest in the historic nature of the town. I want to give back to our new home and this position seems a perfect way.

Updated: 1/20/2023



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

Alanna J. Keller, P.E.
Deputy Secretary of Transportation
Deputy Commissioner of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Jimmy Wriston, P. E.
Secretary of Transportation
Commissioner of Highways

November 22, 2023

Chief of Police William Carper
Berkeley Springs Police Department
271 Wilkes Street
Berkeley Springs, West Virginia 25411

Dear Chief Carper:

Thank you for your letter, dated November 9, 2023, regarding the pedestrian crossings on Washington Street (US 522), and the speed limit on Wilkes Street in Morgan County, to the West Virginia Division of Highways (WVDOH).

As Joe Pack, Chief Engineer for Operations, explained to Mayor Scott Merki during their prior phone conversation, there are great concerns regarding the pedestrian crossings that were removed. Since US 522 is a high-volume roadway with a large percentage of trucks, creating crosswalks where there are no controls such as a traffic signal or a "Stop" sign is not recommended without an engineering study. Adding markings without the installation of other measures may not improve safety for the pedestrian.

The history of the establishment of the uncontrolled crosswalks is unknown. At this time, we have not been able to ascertain whether they were added by the WVDOH. The existing "Stop for pedestrian in crosswalk" sign is not a legally recognized sign, and it was not installed by the WVDOH. The federal regulations regarding pedestrian crossings have undergone numerous changes in recent years and we are evaluating all crossings as we work to install compliant ADA ramps. Due to continued concerns with the crossings in Berkeley Springs, an engineering study is currently underway, and it will be completed in no more than three months. More information will be provided as soon as it is available.

As you mention in your letter, Ken Clohan, District Five Traffic Engineer, has already advised you that unless there is a school zone the minimum speed limit that can be posted per WV State Code is 25 mph. A permit was not issued for the sign on Honey Crest Drive, and it was not installed by the WVDOH, and will be addressed.

Again, thank you for writing and sharing your concerns. Should you have any questions or require additional information, please do not hesitate to contact Mr. Lee Thorne, our District Five Engineer/Manager at (304) 289-3521.

Sincerely,

Jimmy Wriston, P. E.
Secretary of Transportation/
Commissioner of Highways

JW: Tt

Certificate of Recognition

This Certificate is Awarded to

The Blessing Box

For being voted 1st Place with the "Best Meter Decoration" by the
people in the Deck the Meters Contest 2023, Town of Bath.

Scott Merki
Scott Merki, Mayor



Breauna Farris
Breauna Farris, Clerk

Certificate of Recognition

This Certificate is Awarded to

The Morgan County Jeepers

For being voted 2nd Place for the "Best Meter Decoration" by the
people in the Deck the Meters Contest 2023, Town of Bath.

Scott E. Merki

Scott Merki, Mayor



Breauna Farris

Breauna Farris, Clerk

Certificate of Recognition

This Certificate is Awarded to

The Morgan County Girl Scout Troop 40764

For being voted 3rd Place for the "Best Meter Decoration" by the
people in the Deck the Meters Contest 2023, Town of Bath.

Scott E. Merki

Scott Merki, Mayor



Breauna Farris

Breauna Farris, Clerk

Streetscape Phase V:

- Following up with first DOH Reimbursement of \$15K for Design Work. Finance Committee approved the first payment to Thrasher for the 30% Design materials.
- The Town received the Formal Phase V Construction Funding Agreement from DOH on Monday. This sets the agreed budget of TA Grants and Town Cash Match and is one of the milestones needed to get to the contract award.
- The next milestone is the completion of the Construction Drawings - currently at 90% and due to be complete by the end of January 2024
- There is no Streetscape Committee Meeting in Dec

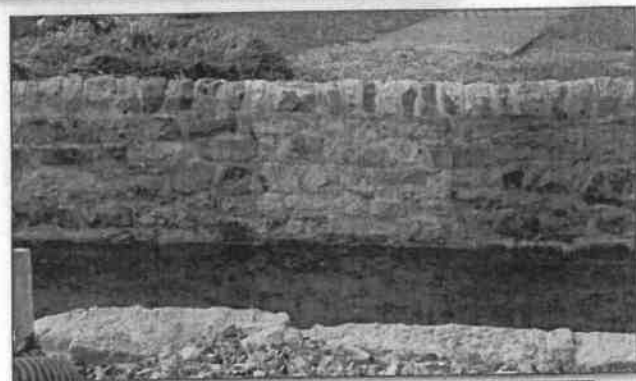
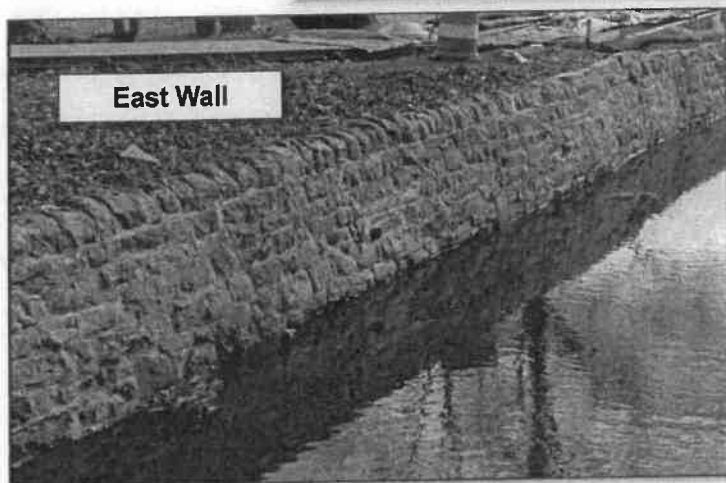
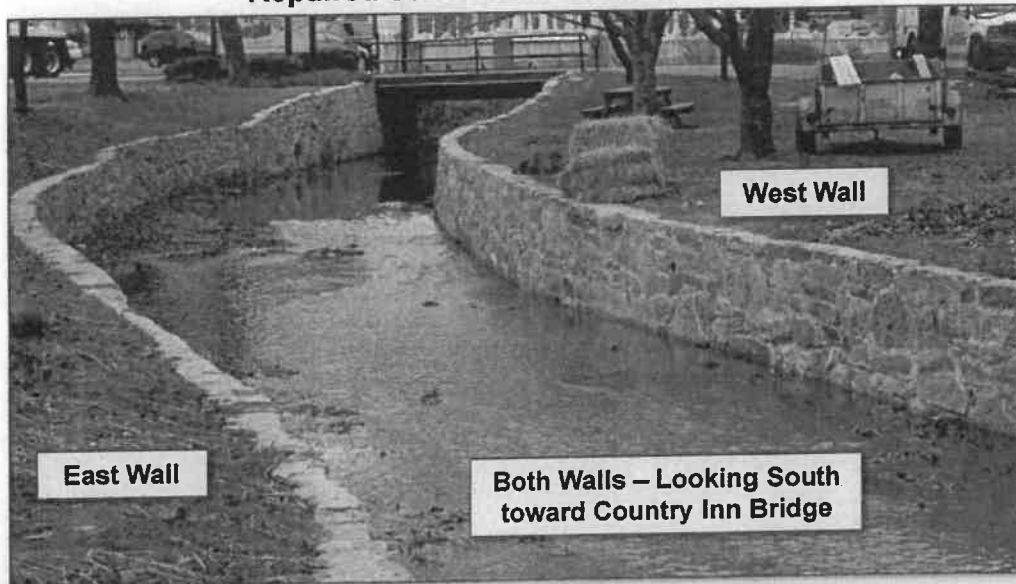
State Park Project:

- Sent photo update of progress to interested DOH and Town parties last week, that report is attached.

NBRT:

- Bids were opened on Dec 12th as planned. Apparent low bid of \$2,795,000 is \$828,982.99 over the Budget of \$1,966,017.11
- Taked briefly with Mark Scoular (DOH) on Dec 13th - he did not yet have info on what is likely to happen next.
- Recommended that Joel have discussion with DOH on this - since I am out of Town for the rest of Dec.
- There is no NBRT Task Force Meeting in Dec. -Will update the Task Force when we hear something from DOH on the funding situation.

Berkeley Springs State Park Work-In-Progress Photos
Repaired Stone Walls of the Run

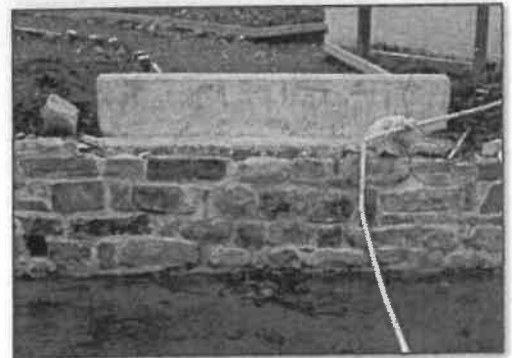


Berkeley Springs State Park Work-In-Progress Photos

Removing the South Bridge

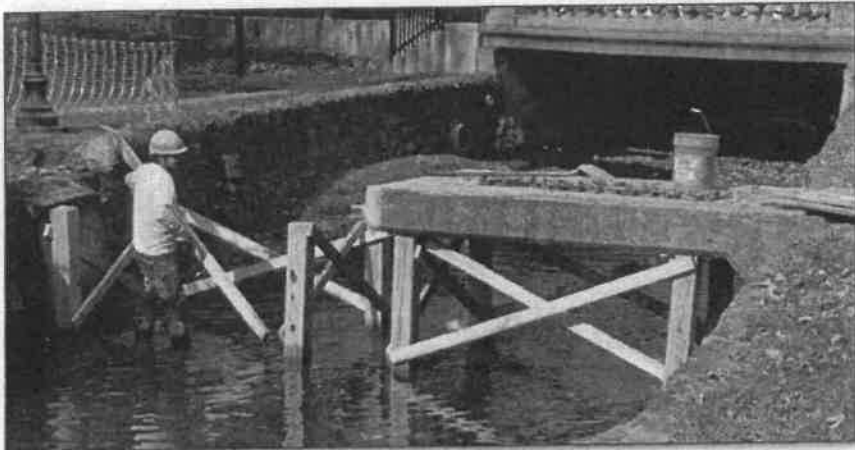


**The New South Bridge at the Factory
Prior to final Black Powder Coat and Decking**



**New West Side Abutment
for New South Bridge
(Behind new stone wall)**

Berkeley Springs State Park Work-In-Progress Photos



Bridge Sawed in Half – Excavator Could not Break It Free



**Chains from Excavator being Connected to Outer Edge to
“Lever Up” and Pull Bridge**

Removing the North Bridge



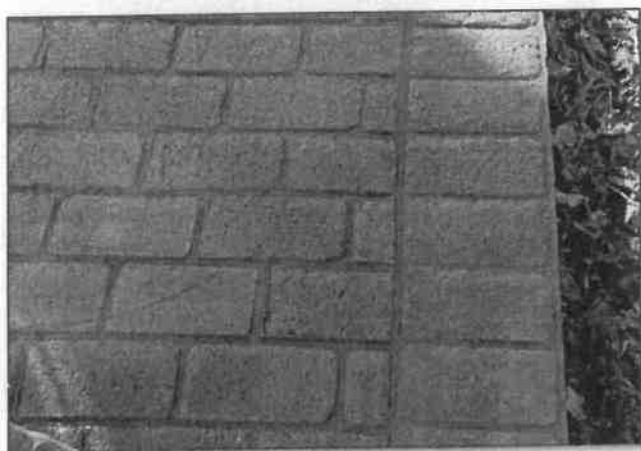
**The Reason the Bridge was so Hard to Remove
(Concrete Deck Strengthened by Internal Railroad Rails)**

Berkeley Springs State Park Work-In-Progress Photos

New Colored and Stamped Concrete Sidewalks



**Example of Curved Area Edge Stamping
at Sidewalk Intersection
(Cleaning & Sealing not yet done)**



Close-up Near Fairfax St (still wet)



**East of Run Sidewalk Looking South from Fairfax St
(Section nearest camera is still wet (dark) from washing and
sealant)**

GREENWAY				
EXPENDITURES AND ENCUMBRANCES				
YEAR:		2023	2024	
BATCH DATE	12/19/2023			
Chart of account			AMOUNT	DESCRIPTION
				Project Balance
14 230 000 00	MRB Enterprises		\$ 2,000.00	Mausoleum Change Order \$ 9,400.00

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