

# TOWN OF BATH COUNCIL MEETING

February 6, 2024

1. Call to ORDER: @ 5:30pm by Mayor.
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Elizabeth Skinner (X) Greg Schene (A) Rebecca MacLeod (X) Mary Lynn Hickey (X) Tom Hall (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of January 23, 2024 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATION FROM MAYOR: The Mayor reminded Council of the Auditor's Budget Training on February 20 in Martinsburg. Since that evening is also a regularly scheduled Council meeting night the next meeting date has been changed to February 21, 2024.  
The Town Office will be closed on February 19 for Presidents Day.  
The Foodie February event (attached) sponsored by the Chamber of Commerce will be held throughout the month of February.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): Next meeting is February 7, 2024.
2. PARKS & REC: The next meeting is February 21.
3. PLANNING COMMISSION (PC): The next meeting in February 8. President Landon relayed that the Commission will meet with the Cemetery Committee on that date..
4. RAIL/TRAIL (NBRT): The next meeting is February 28. Co-Chair Pete Brown has submitted the project progress report and was present for discussion on the high bid given which is attributed to the bridge designs. He is hopeful that this problem will be the focus of the WV DOH approach to a resolution. Councilwoman MacLeod added that there will be small modifications to the storm water project at the Trial Head. Brown also was happy to announce the completion of the Berkeley Springs State Park project.
5. STREETSCAPE: The progress report (attached) has been submitted by Co-Chair Pete Brown. The next meeting is February 15.
6. TRAIN DEPOT: The next meeting is February 22.
7. LANDMARK COMMISSION (HLC): The Town Office has received the resignation of Joyce Jones (attached). Mayor Merki spoke of the consideration of the previous application of long time HLC volunteer Melissa Schod. Councilwoman Hickey will develop the response letter to SHPO explaining the Town's efforts to satisfy the CLG requirements put forth to the Town in the SHPO letter of October 2023.
8. CLERK/RECORDER REPORT: Clerk Corrick reminded all that Hotel/Motel grant applications are accessible online or in the office. They will be accepted until February 29.  
Two Notices of Building or Real Property Improvement (attached) have been

received and are available for review.

9. FINANCE: Chairwoman Webster delivered the following bills for approval:
  - (a) Town of Bath \$18,144.82- Motion to approve: Webster/MacLeod - Carried
  - (b) BSWW \$28,819.20 – Motion to approve: Webster/Hickey- Carried
  - (c) NB Rail/Trail \$2,500.00- Motion to approve: Webster/MacLeod- Carried
  - (d) BDA \$75.00- Motion to approve: Webster/Skinner- Carried
  - (e) Depot \$285.48- Motion to approve: Webster/Hall- Carried
10. TREE BOARD: Tree board members Kate Lehman and Council MacLeod described recent work of this Board and the assistance they have received from retired arborist Craig Dean. He and Lehman cut dead trees on Washington and Liberty Streets. This in-kind service is usable to match the WVDOF grant and reduced the number of hours needed to pay Tree Works. Dean is also helping work on the idea of developing the 5 acre woodlot of Greenway Cemetery into an arboretum.
11. GRANT: The next meeting is February 12 at 4:30pm. Chairwoman Hickey is meeting with the WV Grant Resource Center this week. She has identified new grant possibilities of interest including with the HLC for home owners and Valley Health for the Depot and surrounding property.
12. PUBLIC SAFETY: The next meeting is February 14. No report at this time.
13. CEMETERY: Chairwoman Skinner announced that the WV DEP Make It Shine program will be held again. She requested that April 6 with April 12 as the rain date be adopted for the Make It Shine clean-up project in Greenway Cemetery. This was approved by Common Consent. Councilwoman MacLeod added the WSWA will be working in the Warm Springs Run on April 12-13.
14. PUBLIC WORKS: Next meeting is February 6. Chairwoman MacLeod reported that more repairs are needed for the garbage truck.
15. ORDINANCE: The next meeting is February 15. No report at this time.
16. BSWW: The next meeting is February 7. Chairman Hall advised that the new Operator in Training is in school. The International Water Tasting is February 23-24.
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mark

Recorder Suzanne Webster

# FOODIE FEBRUARY

1<sup>ST</sup> – 29<sup>TH</sup>

PRIZE OF A \$100 GIFT CARD FOR ANY RESTAURANT WILL BE AWARDED TO ONE WINNER!!!

## REQUIRMENTS TO PARTICIPATE:

- DINE IN AT LEAST 4 OF THE PARTICIPATING RESTAURANTS BETWEEN FEB 1<sup>ST</sup> – 29<sup>TH</sup>.
- MAKE SURE YOU GET A FORM FROM ANY OF THE RESTAURANTS PARTICIPATING (OR THE CHAMBER.
- HAVE THE RESTAURANT FILL OUT THEIR PORTION OF THE FORM THEN YOU ADD YOUR CONTACT INFO.
- DROP OFF OR MAIL IT TO THE CHAMBER AT 127 FAIRFAX STREET.

## PARTICIPATING RESTARAUNTS:

Berkeley Springs Brewing Co.  
Cacapon Mountain Brewing Co.  
Cacapon State Park - Prospects  
Restaurant  
Canary Grill  
Coolfont Resort's Treetop  
Restaurant  
Fleur de Lis Cheese Shop

Fox's Pizza Den  
Hobo's Donuts  
Lot 12 Public House  
Mary's Vegetarian Cafe LLC &  
Bistro  
Ravenwood Pub  
The Country Inn Restaurant  
The Naked Olive Lounge

**Status of Streetscape, State Park and NBRT Projects for Town Council  
February 6, 2024**

**STREETSCAPE**

**Phase V: Design & Construction –**

- Thrasher has been paid for their \$15,000 30% Design Completion Invoice and the WV-DOH has reimbursed the Town for this Payment. The Town also received the next invoice (\$25,000) for completion of the 90% design milestone. I verified that all comments/corrections to the 90% design have been completed by Thrasher – prior to payment. So we should be processing this payment soon.
- Current completion of the PS&E package is by Feb 16<sup>th</sup> to support a DOH Letting Date in early Spring.
- Design and Floodplain reviews have been requested by WV-DOH by the Town's HLC and the County Floodplain organization.
- Current evaluation shows no need for property easements. Alley area for lighting conduit appears to be Town property.

**Berkeley Springs State Park Project**

- **Current Status:**
- Final DOH Inspection planned for Feb 6<sup>th</sup>. Formal DOH Punch-List being assembled. I added several items (with photos) to this list, such as: (I will get a copy of the final list.)
  - Landscape, grading and seeding along the new sidewalks was accomplished – but will be on Punch List for improvements when weather permits.
  - Repairs to the damaged existing asphalt sidewalk between the gazebo area and the Country Inn are to be included in this Punch-List.
- It is noted that DOH and DeLauter were able to increase the new sidewalk area based on funds remaining in the Contract. This new concrete sidewalk runs from the Gazebo area southward to an existing bench along the Run. The nature of the DOH Work Item/Pay Item contract structure provided the basis for this additional work within the Contract Price.

**NBRT**

- Internal discussions continue at DOH.
- Current situation seems to be: (this is preliminary – Pre-Decisional Info)
  - DOH Team (Programs and in-house construction folks) visited NBRT site on Jan 17<sup>th</sup>. Discussed possible shift to DOH in-house construction vs re-bid. Being seriously considered.
  - Three bridges on HDR drawings became the biggest issue – too expensive, difficult to install and likely specified to an un-necessary greater design criteria than needed. Later e-mails suggest DOH is planning 8 ft wide, 5 ton pedestrian bridges, vice the drawings 10 ton 10 ft wide mini-highway bridge. New design could be done in-house DOH
  - Sent our Sponsor Comments (after DOH visit) to DOH. Recommended bridge design criteria changes (using info from Rails to Trails Organization and other sources) and a shift to a culvert design for the Jimstown Rd short bridge.
  - Considering construction via DOH in-house trail-building team
  - Briefed the NBRT Task Force on January 30<sup>th</sup>
  - DOH will likely cancel the Solicitation and Bids in next week or so.

Pete Brown  
571-213-3687

## Sharon Corrick

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**From:** JJ <idawatex@aol.com>  
**Sent:** Tuesday, January 16, 2024 11:11 AM  
**To:** Sharron Corrick; Ryan Rebant; Melissa Schod; Steven Harmison; Zach; Carly Swaim; Ken Hoagland  
**Subject:** Letter of Resignation  
**Attachments:** Res letter.docx

Jan 16, 2024

Town of Bath HLC and Town Council

For the past two years, it has been my privilege and honor to serve on the Historic Landmark Commission for the Town of Bath. The area's incredible history, community, and pure water are what drew me here originally! I have learned much while serving with my fellow talented, focused, dedicated committee members. It is with great regret that I now hand in my resignation, effective immediately.

Due to our ongoing, labor-intensive historic renovations and new business preparations, plus extended family needs, I no longer have the discretionary time to dedicate to this worthy endeavor. However, I know that the amazing current committee will easily fill the gap and continue to protect private property rights while preserving our proud history.

I remain committed to the vision presented in this body and hereby offer to volunteer when needed.

Best Regards,

Joyce Jones

PS. Miss Sharron, would you be so kind as to supply the attached document to the town council for tonight's meeting? Many Thanks!

# NOTICE OF BUILDING OR REAL PROPERTY IMPROVEMENT

TO THE ASSESSOR OF Morgan COUNTY:

Any person, corporation, association or other owner of real property, subject to the payment of property tax, who shall erect any building or structure, or who shall add to, enlarge, move, alter, convert, extend, raze or demolish any building or structure, whereby the value of the real property shall be improved more than \$1,000 must notify the assessor on Form 12:75 within sixty days from the date the work is commenced. If a report is made by or on behalf of any mine, mill, factory, or other industrial establishment and filed with the assessor on or before June fifteen which discloses with certainty any construction, or improvement made during the previous twelve months, the owner shall be deemed in compliance with notice requirements. If a building permit has been obtained, this shall be sufficient notice. Any person in violation of provisions of West Virginia Code § 11-3-3a, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine.

See Chapter 11, Article 3, Section 3a of the West Virginia Code for additional information.

Name of Owner or Owners Deborah L. Valentine

Location (Address) of Improvement 76 Martinsburg Rd R.S.W.Va. 25411

Taxing District Town of Bath Lt 16 0.12 AC

Land Book Description Glen Luta 16 0.12 AC

have, or has been (Altered) \_\_\_\_\_ (Erected) \_\_\_\_\_

and that said improvements have increased the value of the property in excess of \$1,000.00

Improvements were commenced \_\_\_\_\_ (Month/Day/Year),

Completion date or anticipated completion date \_\_\_\_\_ (Month/Day/Year).

Approximate increase in value \$ 10,000 Use of Building Roof over existing

Remarks: deck wrap around with screen - kneewall - some electrical outlets - ceiling fans some lighting

Address of Owner or Owners 76 Martinsburg Rd R.S.W.Va 25411

Phone No. 304.671.7222

Notice Filed By Deborah L. Valentine  
Signature

Date 1-12-2024  
Month/Day/Year

**NOTICE TO BE FILED WITH ASSESSOR WITHIN SIXTY (60) DAYS AFTER COMMENCEMENT OF IMPROVEMENTS TO REAL PROPERTY WHICH WILL INCREASE THE VALUE IN EXCESS OF \$1,000**

**BELOW THIS LINE FOR ASSESSOR'S USE ONLY**

Map No. \_\_\_\_\_

Received \_\_\_\_\_

Parcel No. \_\_\_\_\_

## NOTICE OF BUILDING OR REAL PROPERTY IMPROVEMENT

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See Chapter 11, Article 3, Section 3a of the West Virginia Code for additional information.

Name of Owner or Owners Congress Street Holdings, LLC

Location (Address) of Improvement 110 Congress Street, Berkeley Springs, WV 25411

Taxing District Town of Bath

Land Book Description Commercial Building

have, or has been (Altered) \_\_\_\_\_ (Erected) \_\_\_\_\_

and that said improvements have increased the value of the property in excess of \$1,000.00

Improvements were commenced 01/20/2024 (Month/Day/Year),

Completion date or anticipated completion date 05/31/2024 (Month/Day/Year).

Approximate increase in value \$ 25,000 Use of Building Bar/Restaurant

Remarks: Interior renovations are constructing a bar and restrooms. The exterior of the building will receive two (2) new garage doors and potentially a patio upon Town approval.

Address of Owner or Owners 431 Hawthorne Road, Linthicum, MD 21090

Phone No. 443-805-9458

Notice Filed By  Date 01/19/2024  
Signature Month/Day/Year

**NOTICE TO BE FILED WITH ASSESSOR WITHIN SIXTY (60) DAYS AFTER COMMENCEMENT OF IMPROVEMENTS TO REAL PROPERTY WHICH WILL INCREASE THE VALUE IN EXCESS OF \$1,000**

### BELOW THIS LINE FOR ASSESSOR'S USE ONLY

Map No. \_\_\_\_\_ Received \_\_\_\_\_

Parcel No. \_\_\_\_\_

EXPENDITURES AND ENCUMBRANCES			
BATCH DATE	YEAR:	2024	
	2/6/2024		
Chart of account	DESCRIPTION	AMOUNT	Budget Balance
1 321 000 00	Kevin Moreno	\$ 5.00	
1 715 000 00	BSWW	\$ 103.00	\$ 515.00
1 750 213 00	BSWW	\$ 32.28	\$ 464.00
1 440 213 01	BSWW	\$ 32.93	\$ 2,048.31
1 800 218 00	BSWW	\$ 101.41	\$ 116.43
1 700 217 00	Berkeley County Council	\$ 611.00	\$ 2,374.53
1 440 341 00	Sharron Corrick	\$ 24.17	\$ 218.96
1 440 222 00	Cacapon Group	\$ 180.00	\$ 486.58
1 440 219 00	First Citizens Bank	\$ 169.50	\$ 1,313.50
1 700 219 00	First Citizens Bank	\$ 169.50	\$ 1,313.50
1 225 000 00	FMBC	\$ 152.32	N/A
1 700 211 00	Morgan County E911	\$ 1,007.00	\$ 2,992.42
1 753 000 00	Mortons Salt	\$ 3,012.35	\$ 4,000.00
Various	PEIA	\$ 6,413.64	Various
1 751 000 00	Potomac Edison	\$ 47.41	\$ 6,141.45
1 751 000 00	Potomac Edison	\$ 8.44	\$ 6,141.45
1 751 000 00	Potomac Edison	\$ 6.17	\$ 6,141.45
1 751 000 00	Potomac Edison	\$ 1,888.21	\$ 6,141.45
1 750 217 00	Ricks Welding	\$ 3,722.65	\$ 5,431.00
1 800 217 00	Ricks Welding	\$ 319.40	\$ 1,613.00
1 416 000 00	Thomas Panebianco	\$ 100.00	\$ 500.00
1 440 213 03	WSPSD	\$ 38.44	\$ 2,048.31
	<b>Totals:</b>	<b>\$ 18,144.82</b>	



TOWN OF BATH  
EXPENDITURES AND ENCUMBRANCES  
YEAR: 2024

BATCH DATE 2/6/2024 2024

Chart of account			AMOUNT	DESCRIPTION	Budget Balance
400-615-800	POTOMAC EDISON			BOOSTER STATION	
400-615-800	POTOMAC EDISON		\$46.79	GREENGATE	
400-615-800	POTOMAC EDISON		\$4,932.76	MASTER	
400-125-300	CLOSE CPA		\$2,400.00	PSC REPORT 2023	
400-675-200	WSPSD	\$	56.11	SEWER DEC-JAN	
400-635-800	PACE		\$69.30	WATER SAMPLES	
400-125-300	CLOSE CPA	\$	475.00	ACCT & PAYROLL FEB 2024	
400-675-200	CORE & MAIN			METERS AND ANT	
400-675-600	U.S.P.S		\$567.18	DEC JAN BILLING	
	T.O.B		\$5,255.88	PEIA INS	
400-635-800	W.V.D.H.H.R			WATER TESTING	
	T.O.B		\$236.64	WV FLEX	
	T.O.B		\$476.66	2% UTIL TAX JAN 2024	
	T.O.B		\$3,050.00	STORAGE AND GROUND RENT	
	TOM HALL	27755	\$21.09	EMERG OUTAGE BATT REPL	
400-650-800	MIKE'S GARAGE		\$1,908.00	ESCAPE REPAIRS	
400-650-800	MIKE'S GARAGE		\$45.05	ESCAPE OIL CHANGE	
	TRAVEL B.S	27765	\$45.00	WATER TASTING	
	T.O.B		\$2,500.00	RENT	
	U.S BANK		\$6,733.74	P CARDS	
		<b>Totals:</b>	<b>\$ 28,819.20</b>		



Train Depot

EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	2024		
		AMOUNT	DESCRIPTION	Account Balance
2/6/2024				
Chart of account				
1 440 457 01		\$ 285.48	12/16/23-01/22/24	\$ 22,291.00
	<b>Totals:</b>	\$ 285.48		

