

# TOWN OF BATH COUNCIL MEETING

April 16, 2024

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 March 2, 2024 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: President of the Berkeley Springs State Park Foundation Pete Gordon appeared to express his appreciation for the contributions of Bath to the Berkeley Springs State Park, including those made during the work of the recent park improvement project. He invited Council to the ribbon cutting of those improvements to be held April 19, 2024.  
Liz Campbell and Ray Winiarski of the Morgan County Fair Association were present to explain their Town property use application (attached). Discussion of the acceptable reasons for parking space closure was had.  
MOTION: To approve the closure of the parking spaces on the first block of S. Washington Street and the first two spaces on the park side of west Fairfax Street for the Morgan County Expo on Saturday, April 27, 2024 from 6am until 4pm-  
MacLeod/Webster- Carried
5. COMMUNICATION FROM MAYOR:  
The Mayor informed all that Travel Berkeley Springs will have their Uniquely WV event on Saturday, April 27, at the Ice House from 10am until 4pm.  
The DEA National Drug Take Back Day will be at Town Hall on April 27 from 10am until 4pm.  
The Mayor along with Council conveyed their apprehension surrounding the possible routing of traffic from completed areas of the new Rt. 522 bypass directly into Town via Fairfax Street and Rt. 9 East. Large trucks and volumes of traffic on thoroughfares which are not meant for this type of congestion present unacceptable hazard potential.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is May 1 at 4:30.
2. PARKS & REC: The next meeting is April 17. No report at this time.
3. PLANNING COMMISSION (PC): The next meeting is May 9.
4. RAIL/TRAIL (NBRT): The next meeting is April 24. Co-Chair Pete Brown has submitted the project progress report which includes the Berkeley Springs State Park Project and related DEP matters (attached) and was present for further clarification. An Arbor Day event is being planned for Parcel 1B landscaping phase on April 27 (brochure attached).
5. STREETSCAPE: The progress report (attached) has been submitted by Co-Chair

Pete Brown and was present with further details. Phase V DOH solicitation for Bid-X is May 7. The next Streetscape meeting is April 18.

6. TRAIN DEPOT: The next meeting is April 18 at the Depot at 4pm. The Committee is planning musical entertainment with Ross Martin at the Depot on the third weekends of May through September. The Town is reviewing all insurance coverage for the Depot with our insurer. The WV State Fire Marshall's Inspection Report has been received (attached) with the expected certification of the building including occupancy of 40 persons with chairs in the lobby area.
7. LANDMARK COMMISSION (HLC): No report at this time.
8. CLERK/RECORDER REPORT: No report at this time.
9. FINANCE: Chairwoman Webster presented the Town Hall in-house budget revision as prepared by Clerk Corrick and recommended for passage by Council from the Finance Committee.

MOTION: To approve the 2024 Town Hall budget revision as presented- Webster/Hickey- Carried As required by WV Code Chairwoman Webster presented the Town of Bath Levy Order and Rate Sheet for Fiscal Year July 1, 2024 – June 30, 2025 (attached). The Notice of Approval of the Levy Estimate has been received.

MOTION: To approve the Levy Order and Rate Sheet for Fiscal Year 2024/2025 as presented with no property tax rate increase- Webster/ Skinner- Carried  
Chairwoman Webster delivered the following bills for approval:

(a) Town of Bath \$35,349.45- Motion to approve: Webster/Hickey - Carried

(b) BSWW \$35,104.89– Motion to approve: Webster/Skinner- Carried

(c) Tree Board \$319.20- Motion to approve: Webster/Hickey- Carried

(d) NBRT \$630.00- Motion to approve: Webster/Hall- Carried

(e) Hotel/Motel Distribution: Motion to approve-Webster/MacLeod- Carried

(f) BSWW 522 Extension Project \$174,400.00: Motion to table until further clarification of process is obtained – Hall/Schene- Carried

10. TREE BOARD: The next meeting is April 17. Mayor Merki read the Arbor Day Proclamation.

MOTION: To approve the Arbor Day Proclamation as presented – MacLeod/Hall- Carried

The Arbor Day Tree Planting event will be on April 27 at the Depot lot and the Tiny Forest being planted to be dedicated to the memory of Gale Foulds.

11. GRANT: The next meeting is April 8. Chairwoman Hickey informed Council that the AARP Community Challenge Grant has been submitted for Streetscape streetlights at the Depot. A letter of interest has been submitted for the Appalachian Forest Grant for a new Bath website. Hickey is continuing work with the WV Grant Resource Center for COPS/JAG funding.

12. PUBLIC SAFETY: The next meeting is May 7.

13. CEMETERY: The next meeting is April 23. Chairwoman Skinner informed all that the mausoleum repair work is to begin next week with the help of Pete Brown and engineer

Jeff Gola. Remediation stipulations will be reviewed with the contractor.

Percy Renovations had the successful bid for the mowing work in Greenway this season. Chairwoman Skinner thanked all who participated in the success of this year's WV DEP Make It Shine program which was held in Bath and Greenway Cemetery on April 6.

Thirty-one volunteers showed up and their work was much appreciated.

14. PUBLIC WORKS: Next meeting is May 7. Chairwoman MacLeod reported that equipment repairs are in progress. It was requested that political and other signage be removed from public spaces and right of ways as prescribed by law.
15. ORDINANCE: The next meeting is May 9. Chairman Schene reported that ordinances relating to Short Term Rentals and Festival Fees are in the works. Also being developed is an ordinance regarding a Bath Municipal 1% Sales Tax.
16. BSWW: The next meeting is April 3. Chairman Hall along with the Mayor and Council expressed great appreciation for the BSWW operations plant and other staff for their hard work and diligence during the recent distribution emergency. Work is ongoing to correct neglected equipment of the past years.
17. PUBLIC COMMENT: Many thanks were extended to those who, on their own initiative, pick up trash and work to improve the beauty of the Town of Bath. Special gratitude was given to Brandon Middlekauf, Vince Chinchello and Ellen Lachewitz.
18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Merba

Recorder

S/ [Signature]

**Town of Bath**

**Application for Use of Town Property**

Date Application Submitted: 3-27-24

- A. Requesting Group or Organization Morgan County Fair Association
- B. Name of Responsible Person Liz Campbell
- C. Address 80 War Memorial Trail, Suite C Berkeley Springs WV 25411
- D. Telephone Number 304-258-8400
- E. Property Requested Parking meter closure on Washington & W. Fairfax St.
- F. Purpose of Use No public or food truck parking  
As it interferes with vendors and live entertainers
- G. Will Admission be Charged or Product Sold? free admission
- H. Date/s Saturday, July 27, 2024
- I. Beginning and Ending Time/s 6am - 4pm

**Submit To Town Council**

**Application is:**

**Approved**

**Denied**

**Approved Subject to Following**

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

## Status of Streetscape, State Park and NBRT Projects for Town Council April 16, 2024

### STREETSCAPE

#### Phase V: Design & Construction

- Target for Phase V DOH solicitation in Bid-X for a May 7<sup>th</sup> Letting (bid opening) has been missed. Still waiting for FHWA acceptance of the DOH Solicitation package. Understand that the package is in the DOH Contracts Admin organization, with new target of June 11<sup>th</sup> Letting date.
- DOH cut-off for this date is probably around 10 May – will verify.
- Based on conference call with DOH (on 2-29-24) Contract Completion for the June 11<sup>th</sup> Letting would be mid-November.
- DOH still expects to hear about 2023 Grant Awards in the next few weeks and anticipates opening of the Intent to Apply (ITA) window for the 2024 Grant Applications later in April.

### BERKELEY SPRINGS STATE PARK PROJECT

#### Current Status

- A meeting WV-DEP was held on April 11<sup>th</sup> in regard to the Draft Consent Order associated with sediment spills into the Run during construction for the BSSP Project. Our agreement with WVDOH states, "The Department will bid and award the project and oversee the construction/inspection."
- Town presented the actual Timeline of the events and the Requirements flow from the Contract Drawings and DOH manuals. Town's request was prepared in order to inform DEP of specific actions taken, the structure of the DOH, Contractor, and Town relationships for the Project and to request reconsideration of penalty and fine amounts and also help identify sources of funds.
- WV-DEP agreed to use the Town's input in their review for the Final Consent Order. A full hard copy of the Town's fact-finding and requested reduction in the fines was provided to Mr. Simmons, the Assistant Chief Inspector of the WV-DEP. Mr. Simmons agreed that no further input from the Town was required in order to complete the WV-DEP review of the Order.
- Will advise further after receiving the Final Consent Order – DEP's expectation is that the Mayor (as Permittee) will be able to sign the Order.

### NBRT

#### Trail Construction:

- DOH will bid the 3 bridges; working the procurement process now. Abutment design may be done in-house DOH. CenForce is still in line for the bridge installation and path construction
- Current Depot Lot discussions include possible funding for the North Berkeley Trail Head amenities based on a concept plan by the Mills Group.



#### Parcel 1B

- The second installment of \$24,948 from the CBT Grant for the stormwater control area was received. The temporary seeding on the hugels is performing well for weed control and soil building.
- **Arbor Day Celebration:** The Bath Tree Board and the Warm Springs Watershed Association invite you to celebrate the Town's 16<sup>th</sup> year as a Tree City USA at the Depot, Saturday April 27 from 10 to noon. The Mayor will read the Arbor Day Proclamation and volunteers will plant native trees and shrubs in a tiny forest dedicated to Gale Foulds.

Pete Brown

**MUNICIPALITY OF BATH (BERKELEY SPRINGS), WEST VIRGINIA  
REG'LAR CURRENT EXPENSE LEVY  
FISCAL YEAR JULY 1, 2024 - JUNE 30, 2025**

STATE OF WEST VIRGINIA

MUNICIPALITY OF BATH (BERKELEY SPRINGS), WEST VIRGINIA

In accordance with Code §11-8-14, as amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and does determine and estimate the several amounts to be as follows:

The amount due and the amount that will become due and collectible from every source during the fiscal year INCLUDING THE LEVY OF TAXES, is as follows:

**REVENUE SOURCE**

Restricted Fund Balance	3,500
Unassigned Fund Balance	5,000
Property Taxes - Current Expense	187,163
Gas and Oil Severance Tax	7,700
Excise Tax on Utilities	35,000
Business and Occupation Tax	58,000
Wine and Liquor Tax	40,000
Hotel Occupancy Tax	108,000
Fines, Fees and Court Costs	15,000
Parking Violations	24,000
Licenses	15,500
Franchise Fees	10,000
IRP Fees (Interstate Registration Plan)	13,000
Private Liquor Club Fee	3,750
Parking Meter Revenues	25,000
Rents, Royalties and Concessions	46,200
Refuse Collection	125,000
Police Protection Fees	34,000
Street Fees	34,000
Charges to Other Entities	24,400
Gaming Income	8,300
Interest Earned on Investments	10,000
Reimbursements	4,000
Accident Reports	100
Video Lottery (LVL)	2,000
Miscellaneous Revenues	200
<b>TOTAL ESTIMATED REVENUE (GENERAL FUND)</b>	<b>\$838,813</b>

**COAL SEVERANCE TAX FUND  
REVENUE SOURCE**

Assigned Fund Balance	500
Coal Severance Tax	4,000

**TOTAL ESTIMATED REVENUE  
(COAL SEVERANCE FUND) \$4,500**

**ESTIMATED CURRENT EXPENDITURES**

	General Fund	Coal Severance Fund
City Council	300	—
Police Judge's Office	3,800	—
City Attorney	5,000	—
City Auditor	3,000	—
Contributions to Comms/Authorities	6,000	—
Regional Development Authority	420	—
Elections	3,500	—
City Hall	132,876	—
Police Department	212,571	—
Fire Department	2,000	—
Flood Control/Soil Conservation	2,000	—
Streets and Highways	130,265	—
Street Lights	20,000	—
Street Construction	12,500	—
Garbage Department	196,581	4,500
Parks and Recreation	54,000	—
Visitors Bureau	54,000	—
<b>TOTAL ESTIMATED EXPENDITURES</b>	<b>\$838,813</b>	<b>\$4,500</b>

**Certificate of Valuation  
Assessed Value  
for Tax Purposes**

	Assessed Value	Levy Rate/\$100	Taxes Levied
<b>CLASS I</b>			
Personal Property	0	12.50	\$ 0
Public Utility	0		\$ 0
<b>Total Class I</b>	0		\$ 0
<b>CLASS II</b>			
Real Estate	\$13,807,420	25.00	\$34,519
Personal Property	0		0
<b>Total Class II</b>	\$13,807,420		\$34,519
<b>CLASS IV</b>			
Real Estate	\$24,103,970	50.00	\$120,520
Personal Property	4,680,854		23,404
Public Utility	5,339,055		26,695
<b>Total Class IV</b>	\$34,123,879		\$170,619
<b>TOTAL VALUE &amp; PROJECTED REVENUE</b>	<b>\$47,931,299</b>		<b>\$205,138</b>
Less Delinquencies, Exonerations & Uncollectable Taxes		5.00%	10,257
Less Tax Discounts		2.00%	3,898
Less Allowance for Tax Increment Financing (If Applicable)			0
<b>TOTAL PROJECTED PROPERTY TAX COLLECTION</b>			<b>\$190,983</b>
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)		2.00%	3,820
<b>Net Amount to be Raised by Levy of Property Taxes</b>			<b>\$187,163</b>

STATE OF WEST VIRGINIA,

COUNTY OF MORGAN

MUNICIPALITY OF BATH (BERKELEY SPRINGS)

I, Susan Webster, Recording Officer of said Municipality, do hereby certify that the foregoing are true copies from the record of the orders made and entered by the said council on the 27th day of March, 2024.

Susan J. Webster  
Recording Officer  
4-3-2tm





**State of West Virginia**  
**John B. McCuskey**  
State Auditor

Office of the State Auditor  
Local Government Services  
200 West Main Street  
Clarksburg, West Virginia 26301

Toll Free: (877) 982-9148  
Telephone: (304) 627-2415  
Fax: (304) 340-5090  
[www.wvsao.gov](http://www.wvsao.gov)

April 8, 2024

**NOTICE OF APPROVAL OF THE LEVY ESTIMATE (BUDGET)**

To: Municipality of Bath (Berkeley Springs)

In accordance with the provisions of Chapter 11, Article 8, of the West Virginia Code, as amended, the State Auditor of West Virginia hereby approves your Levy Estimate (Budget) for the fiscal year beginning July 1, 2024.

With this written approval, the levying body shall meet on the third Tuesday in April (April 16) to hear and consider any objections and to officially adopt the levy rates for property taxation. The clerk/recording officer, within three days of such meeting, shall prepare and forward to the State Auditor the officially adopted levy rates and levy order.

If you have any questions, please do not hesitate to contact us at:  
[LGS@wvsao.gov](mailto:LGS@wvsao.gov) or 304-627-2415.

Sincerely,  
John B. McCuskey  
WV State Auditor

A handwritten signature in black ink that reads "Ora L. Ash".

By: Ora L. Ash  
Deputy State Auditor  
Local Government Services

**EXPENDITURES AND ENCUMBRANCES**

BATCH DATE	YEAR:		AMOUNT	DESCRIPTION	Budget Balance
	4/16/2024	2024			
Chart of account					
1 800 218 00	BSWW		\$ 112.80	Garbage Bills Postage	\$ 15.02
1 750 213 00	Beddows		\$ 300.00	Porta Pot for Myers St	\$ 367.20
6600	Capital Tax		\$ 21.60	Local PA Tax	n/a
1 225 000 00	FMBC		\$ 228.48	Employee paid Benefit	n/a
1 417 000 00	Law Office of Richard Gay		\$ 2,820.00	March Legal Advise	\$ 3,560.00
1 440 220 00	The Morgan Messenger		\$ 352.80	Print Budget & Levy	\$ 133.85
1 440 223 00	Mike the Computer Guy		\$ 285.00	Bre's New Computer	\$ 285.00
1 440 223 00	Mike the Computer Guy		\$ 47.50	Trouble shoot email	\$ 285.00
Various	PEIA		\$ 6,413.64	April Health Ins Premium	n/a
Various	Petty Cash		\$ 31.22	Replenish	n/a
1 751 000 00	Potomac Edison		\$ 6.08	N Washington St	\$ 3,114.94
1 751 000 00	Potomac Edison		\$ 1,866.21	Town Master Account	\$ 3,114.94
1 800 217 00	Ricks Welding		\$ 12,423.98	Freightliner	\$ 3,000.00
	US Bank		\$ 403.60	Carper March 2024	
	US Bank		\$ 1,970.34	Steiner March 2024	
	US Bank		\$ 186.07	BSPD Gas 1 March 2024	
	US Bank		\$ 7,577.41	Town Master March 2024	
	US Bank		\$ 302.72	BSPD Master March 2024	
			<b>Totals:</b>		
			\$ 35,349.45		



TOWN OF BATH  
EXPENDITURES AND ENCUMBRANCES

BATCH DATE: 4/16/2024      YEAR: 2024

Chart of account	DESCRIPTION	AMOUNT	Budget Balance
400-615-800	POTOMAC EDISON		
400-615-800	POTOMAC EDISON		
400-615-800	POTOMAC EDISON		
400-650-800	US BANK		
	MISS UTILITY	\$56.10	
400-675-200	WSPSD		
400-635-800	PACE		
400-125-300	CLOSE CPA		
400-675-200	CORE & MAIN		
400-675-600	U.S.P.S		
	T.O.B	\$3,880.88	
400-635-800	W.V.D.H.H.R		
	RESERVE FOR DEBT	\$27,041.93	
	REPAIR & REPLACE	\$2,085.39	
	DEPRECIATION	\$1,500.00	
	WV RURAL WATER		
400-675-200	G.H.S		
400-675-200	SHARE		
	TOB	\$21.00	
	WV CORP		
	MIKE THE COMP GUY	\$95.00	
	MORGAN MESSENGER	\$104.00	
	MIKE THE COMP GUY	\$47.50	
	STATE OF WV	\$273.09	
	TOTALS:	\$35,104.89	

Totals: \$35,104.89





FY 24 Town of Bath Hotel/Motel Distribution

Agency	Actual	1st Qtr	Paid	Ck	2nd QTR	Paid	Ck	3rd QTR	Paid	Ck	4th Qtr	Paid	Ck	Total paid TD
Apple Butler Festival	\$ 1,100.00	\$ 275.00	10/4/2023	2267	\$ 275.00	1/11/2024	2280	\$ 275.00	4/15/2024	2294				\$ 825.00
B.S Historical Foundation.	\$ 1,800.00	\$ 450.00	10/4/2023	2268	\$ 450.00	1/11/2024	2281	\$ 450.00	4/15/2024	2295				\$ 1,350.00
Foxglove Garden Club	\$ 2,800.00	\$ 700.00	10/4/2023	2269	\$ 700.00	1/11/2024	2284	\$ 700.00	4/15/2024	2298				\$ 2,100.00
M.C. Parks Recs.	\$ 1,600.00	\$ 400.00	10/4/2023	2271	\$ 400.00	1/11/2024	2288	\$ 400.00	4/15/2024	2302				\$ 1,200.00
Morgan Arts Council	\$ 3,000.00	\$ 750.00	10/4/2023	2265	\$ 750.00	1/11/2024	2286	\$ 750.00	4/15/2024	2300				\$ 2,250.00
Morgan Arts Council - Bringing in May	\$ 500.00	\$ 125.00	10/4/2023	2266	\$ 125.00	1/11/2024	2285	\$ 125.00	4/15/2024	2299				\$ 375.00
TOB Rail Trails	\$ 2,000.00	\$ 500.00	10/4/2023	ach	\$ 500.00	1/11/2024	ach	\$ 500.00	4/15/2024	ach				\$ 1,500.00
TOB Cemetery	\$ 6,100.00	\$ 1,525.00	10/4/2023	ach	\$ 1,525.00	1/11/2024	ach	\$ 1,525.00	4/15/2024	ach				\$ 4,575.00
TOB Streetscape	\$ 13,100.00	\$ 3,275.00	10/4/2023	ach	\$ 3,275.00	1/11/2024	ach	\$ 3,275.00	4/15/2024	ach				\$ 9,825.00
TOB Train Depot	\$ 3,100.00	\$ 775.00	10/4/2023	ach	\$ 775.00	1/11/2024	ach	\$ 775.00	4/15/2024	ach				\$ 2,325.00
TOB Tree Board	\$ 3,400.00	\$ 850.00	10/4/2023	ach	\$ 850.00	1/11/2024	ach	\$ 850.00	4/15/2024	ach				\$ 2,550.00
Warms Springs Watershed	\$ 1,000.00	\$ 250.00	10/4/2023	2274	\$ 250.00	1/11/2024	2290	\$ 250.00	4/15/2024	2304				\$ 750.00
BS Chamber	\$ 500.00	\$ 125.00	10/4/2023	2278	\$ 125.00	1/11/2024	2285	\$ 125.00	4/15/2024	2296				\$ 375.00
Olde English Cemetery	\$ 1,000.00	\$ 250.00	10/4/2023	2272	\$ 250.00	1/11/2024	2293	\$ 250.00	4/15/2024	2307				\$ 750.00
Bath Christmas Project	\$ 1,000.00	\$ 1,000.00	10/4/2023	2276	\$ -			\$ -						\$ 1,000.00
HLC	\$ 2,500.00	\$ 625.00	10/4/2023	2273	\$ 625.00	1/11/2024	2289	\$ 625.00	4/15/2024	2303				\$ 1,875.00
Farmers Market	\$ 500.00	\$ 125.00	10/4/2023	2279	\$ 125.00	1/11/2024	2283	\$ 125.00	4/15/2024	2297				\$ 375.00
Museum of Berkeley Springs	\$ 800.00	\$ 200.00	10/4/2023	2277	\$ 200.00	1/11/2024	2292	\$ 200.00	4/15/2024	2306				\$ 600.00
Morgan County Library	\$ 800.00	\$ 200.00	10/4/2023	2270	\$ 200.00	1/11/2024	2287	\$ 200.00	4/15/2024	2301				\$ 600.00
Travel of Berkeley Springs	\$ 46,600.00	\$ 19,413.26	10/4/2023	2275	\$ 16,963.29	1/11/2024	2291	\$ 11,853.56	4/15/2024	2305				\$ 48,230.11
	\$ 93,200.00	\$ 31,813.26			\$ 28,363.29			\$ 23,253.56						\$ 83,430.11

\$23,253.56