TOWN OF BATH COUNCIL MEETING

August 6, 2024

1. Call to ORDER: @ 5:30pm by Mayor.

- 2. ROLL CALL: Scott Merki (X) Susan Webster (X) Elizabeth Skinner (A) Greg Schene (X) Rebecca MacLeod (X) Mary Lynn Hickey (X) Dave O'Connell (X) Quorum present.
- 3. REVIEW OF MINUTES: Minutes of the Regular Meeting of July 16, 2024 were approved with corrected by Common Consent.

4. PERSONS BEFORE COUNCIL: None at this time.

5. <u>COMMUNICATION FROM MAYOR</u>: The Mayor told all that the Blessing Box had been placed between CNB Bank and Liberty Street on South Washington Street.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next regular meeting is August 7 at 4:30 in the County Commission Room of the Courthouse. The On Trac program is on their agenda for discussion and approval to undertake and administer.

2. PARKS & REC: The next meeting is August 14.

3. PLANNING COMMISSION (PC): The next meeting is October 10. The Commission is meeting with the WSWA and the BDA to understand their roles in Bath planning.

4. RAIL/TRAIL (NBRT): The next meeting is August 22. Attached is the written

report submitted by Co-Chair Pete Brown.

- 5. STREETSCAPE: Co-Chair Pete Brown has submitted a detailed progress report (attached). The Supplemental Funding Agreement has been signed and returned to the WV DOH.
- 6. TRAIN DEPOT: 'Miss Isabella Rainsong and her Traveling Companion' will be performed at the Depot on August 15 and 16. It is hoped that the draft lease with TBS will produce positive results soon.

7. LANDMARK COMMISSION (HLC): No report at this time.

8. CLERK/RECORDER REPORT: Clerk Corrick prepared and presented a 2025 Budget Revision to be sent to the State Auditor's Office. The FC recommended this revision and accompanying Resolution 2024-08-02 (attached) to Council. Allocation of the corrected increase will be discussed at a later date.

MOTION: To approve the 2025 Budget Prevision and accompanying Resolution.

MOTION: To approve the 2025 Budget Revision and accompanying Resolution 2025-08-02 as presented (attached)- Webster/MacLeod – Carried unanimously

9. FINANCE: Chairwoman Webster delivered the following bills for approval:

(a) Town of Bath \$4,586.63- Motion to approve: Webster/Hickey- Carried

- (b) BSWW \$17,513.87- Motion to approve: Webster/Schene- Carried
- (c) Greenway Cemetery \$5,999.00- Motion to approve: Webster/Hickey- Carried

(d) Depot \$136.90: Motion to approve: Webster/MacLeod- Carried

- (e) Hotel Motel Disbursements \$824.00- Motion to approve: Webster/Hickey-Carried
- 10. TREE BOARD: Member Kate Lehman told Council that the group has developed it's 2024 five year plan (attached).

MOTION: To approve the Bath Tree Board 5 Year Plan as presented-Hickey/MacLeod- Carried

11. GRANT: The next meeting is August 12. Chairwoman Hickey informed Council that WV SHPO has granted \$8,000.00 for work on the Olde English Cemetery and the Olde German Cemetery. This work will be accomplished by the Foxglove Garden Club and the Ye Towne of Bath DAR. The Bath Civic Trust non-profit is looking into grant funding for a new Town website. The Federal Cops Grant application outcome should be realized by September 30. Hickey is researching Public Safety computer replacement and other grant opportunities.

12. PUBLIC SAFETY: The next meeting is August 14. No report at this time.

13. CEMETERY: No report at this time. The much needed mausoleum work is completed and looks great. Appreciation was shown to all who contributed.

14. PUBLIC WORKS: Next meeting on August 6. Repairs are needed on the trash truck.

15. ORDINANCE: The next meeting is August 15. Chairman Schene has submitted the justification for the Capacity Capitol Cost Fee to the WV PSC as requested. He reviewed the entire schedule of public notices, meetings and actions taken for the BSWW Tariff Ordinance amendment. It is required that this ordinance be readopted by Council due to the recent submission of justification for the addition of the Capacity Capitol Cost Fee. MOTION: To readopt the Town of Bath Berkeley Springs Water Works Tariff Amendment Ordinance: Hickey/Schene- Carried

It was noted that several business owners in Town have created reserved parking spaces on public property which is not allowed and will be addressed.

16. BSWW: The next meeting is July 17. Chairman O'Connell explained that work continues to acquire the property ROWs for the Rt. 522 extension. It is hoped that this aspect of the project moves forward so as not to hold up the project. Progress is being made with the WSPSD on calculation of meter readings for billing purposes. The Chairman is preparing the 2024-2025 Budget for WV PSC approval.

17. PUBLIC COMMENT: Town resident Rob Campbell requested again that water bills be debited automatically from his bank account. Water Chairman O'Connell will look into this.

BSWW customer Lance Strait commented he did not know that a water rate increase was under discussion and that the timing was bad considering the current economic conditions. Chairman Schene and Council addressed his concerns with the schedule and method of notices, meetings and advertisements the public received on the action. The fiduciary responsibilities of Council requires the BSWW to maintain stable financial management of the company. This can result in rate increases.

17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:	
Mayor Scott E. mark	Recorder Syrand Welbsten

Streetscape and BSSP Projects Status Report for Town Council August 6, 2024

STREETSCAPE

Next Committee Meeting: 9 am Thursday 8/15, Town Conference Room

Phase V Construction contract:

- DOH provided the Supplemental Funding Agreement to the Town (via Mail) on Friday, July 26th.
- Mayor Merki signed the Agreement and the Town Cash Match Check (\$13,680.80) and the required documents were mailed to DOH and e-mailed to Kyle Oliver (DOH) on July 30th.
- Awaiting DOH confirmation of the receipt of the documents and check (Certified receipt & e-mail)
- Also expect DOH to provide the schedule for Contract Award; current Bid Extension ends Aug 10th.
- Next Events: Contract Award, Inform adjacent business/property owners, Establish Start Date; Set Pre-Construction Meeting, Decide on Apple Butter Work-Around, Start Work, Complete Work.

Phase V lighting grant application: Awaiting news on Grant Award Schedule. Town's #1 Priority

WVDOH TA Grant Phase VI design grant: Next Events: Reviewed and updated Thrasher Scope Document to support the DOH/Town Funding Agreement, Town Task Order to Thrasher, DOH & FHWA authorization and DOH Authority to Proceed. Probably a few months away. There are sufficient funds in the Streetscape Account to fund the expected \$14K Cash Match required at the signing of the Funding Agreement.

WVDOH TA Grant Phase VI construction grant application: Awaiting news on Grant Award Schedule. Town's #2 Priority

BERKELEY SPRINGS STATE PARK PROJECT

Current Status

- Final Consent Order public comment period was scheduled to close on Aug 3rd. Expect DEP will sign the Order. It becomes "Effective" after that.
- Next Events: DEP Signs the Consent Order (makes it "Effective"); Town submits payment of the \$3,360 Fine; within 30-days, Town submits Corrective Action Plan and Schedule (near-final version available) for DEP acceptance.
- Letter response to DOH Legal letter was signed by Mayor Merki on July 26th and was mailed and emailed to the DOH attorney and Planning Division (continues to seek data on remaining DOH funds in the Project (Funding Agreement) as well as status of the Delauter Bid Bond funds and any impact of the Delauter bankruptcy
- Difficulty in e-mailed copies of this letter to two District 5 project managers was explained by D5 they no longer work for DOH.
- Corrective Action Plan & Schedule (required by the Consent Order) in final draft now.

NBRT

- Currently DOH and County reviewing previous Permits to verify end dates and revise as needed.
- No overall DOH schedule for the revised Project yet.
- NBRT Task Force Meeting July 24th discussed DOH plans and some alternatives that could speed the start of work by CenForce and coordination of future potential work beyond the NBRT at the Depot Lot

Pete Brown Streetscape Committee

RESOLUTION 2024-08-02

At a regular session of the municipal council, held August 6, 2024, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the Town of Bath. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices the municipal council does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 1 for fund 1 a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by

, and do	uly	seconded	by	
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the vote thereon was as follows:

Scott Merki	Yes	or	No
Susan Webster	Yes	or	No
Elizabeth Skinner	Yes	or	No
Mary Lynn Hickey	Yes	or	No
Rebecca MacLeod	Yes	or	No
Greg Schene	Yes	or	No
David O'Connell	Yes	or	No

WHEREUPON, The Town of Bath, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the Town Clerk Sharron Corrick is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

	2020)	Subject to approval of the	vision to approve state auditor, the govern	ning body requests	CONTROL N	
Ora Ash, Deputy	State Auditor	that the budget be revised	d prior to the expenditure	or obligation of funds	Ending:	2025
	te Auditor's Office	for which no appropriation	n or insufficient appropriat	ion currently exists.	Fund:	1
200 West Main S		(§ 11-8-26a)			Revision Number:	1
Clarksburg, WV					Pages:	<u> </u>
Phone: 627-241	5 ext. 5114		Town of Bath OVERNMENT ENTITY			
Fax: 304-340-50		G	OVERNMENTENTIT			
Email: Igs@wv			OZ4 Miller - Chand			
Person To Conta	ct Regarding Request:		271 Wilkes Street STREET OR PO BOX		Municipa	ality
Nam	e: Sharron Corrick	_	STREET ON TO BOX		Governmen	
	e: 304-258-1102 x: 304-258-3638	Berkeley	Springs	WV 25411	_	
	il: townofbath@wvdsl.net	CIT	Υ	ZIP CODE		
	***	_				
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	#N/A					
	E/(DECREASE) Revenues (ALL I		8,417			
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Town of Bath Reconciliation Summary General Fund, Period Ending 06/30/2024

	Jun 30, 24	
Beginning Balance	57,3	89.97
Cleared Transactions Checks and Payments - 49 items Deposits and Credits - 51 items	-74,558.85 44,740.83	
Total Cleared Transactions	-29,818.02	
Cleared Balance	27,5	71.95
Uncleared Transactions Checks and Payments - 6 items Deposits and Credits - 3 items	-14,245.85 91.00	
Total Uncleared Transactions	-14,154.85	
Register Balance as of 06/30/2024	13,4	17.10
New Transactions Checks and Payments - 15 items Deposits and Credits - 21 items	-11,923.23 14,157.73	
Total New Transactions	2,234.50	
Ending Balance	15,6	51.60



EVENT / USE OF TOWN PROPERTY APPLICATION

TOWN OF BATH 271 WILKES STREET, BERKELEY SPRINGS, WV 25411

Phone (304) 304-258-1102 Fax (304) 258-2638 townofbath@wvdsl.net

OFFICIAL USE ONLY	
Fiscal Year	
Festival License	
Business License	
License Fee \$	
Date Issued	

Please Print or Type
NAME OF EVENT:
DATE(S) OF EVENT:
REQUESTING GROUP OR ORGANIZATION: Gerald & Theresa Michaels
BEGINNING AND ENDING TIMES:
PROPERTY REQUESTED: Alley way behind 307, 5 Washington
PURPOSE OF USE: Wilize to beautify
STREET/METER CLOSURES REQUESTED WITH DETAILS:
WILL ADMISSION BE CHARGED OR PRODUCT SOLD:
NUMBER OF VENDORS AT EVENT/FESTIVAL:
NAME OF RESPONSIBLE PERSON: Cresant & Theresa Michaels
MAILING ADDRESS: 307 5 Washington St Dockday Spin
TELEPHONE NUMBER: 30, 258 -2180
EMAIL:
DATE APPLICATION SUBMITTED:
SIGNATURE: DIE SIGNATURE:
Application will be submitted to Town Council. All applicants are invited to attend the Town Council and speak on their behalf. If requesting any street/meter closures, applicants must appear at Town Council before the event for approval.
Application is: Approved Denied
Approved Subject to Following: Town Flat Fee: \$ Pay Now
Town Flat Fee: \$ Pay Now Festival License Fee Due: using our QR
\$\$15.00 w/ Business License Code!
\$Total Due
Proof of Insurance on File
Signature of Approval:Date:

EVENT / USE OF TOWN PROPERTY APPLICATION

TOWN OF BATH 271 WILKES STREET, BERKELEY SPRINGS, WV 25411

Phone (304) 304-258-1102 Fax (304) 258-2638

townofbath@wvdsl.net

Please Print or Type

OFFICIAL USE ONLY	
Fiscal Year	
Festival License	
Business License	
License Fee \$	
Date Issued	

NAME OF EVENT:		
DATE(S) OF EVENT: Cotober 194 - 114 W		81
REQUESTING GROUP OR ORGANIZATION:		81
BEGINNING AND ENDING TIMES:		
PROPERTY REQUESTED: Walkerty Sees	Lat	
PURPOSE OF USE: Parking Cas		10
STREET/METER CLOSURES REQUESTED WITH DETAILS:	6,00	M of Ch
WILL ADMISSION BE CHARGED OR PRODUCT SOLD:		
NUMBER OF VENDORS AT EVENT/FESTIVAL:		
NAME OF RESPONSIBLE PERSON: LICAS		
MAILING ADDRESS:		
TELEPHONE NUMBER: 331 9983		
EMAIL:		
DATE APPLICATION SUBMITTED: 8-1-24 SIGNATURE: 2A CONSIDER STATEMENT STATEME		
Application will be submitted to Town Council. All applicants are invited to attend behalf. If requesting any street/meter closures, applicants must appear at Town Co	the Town Council ar ouncil before the evo	nd speak on their ent for approval.
Application is: Approved Denied		
Approved Subject to Following: Town Flat Fee: \$	Pay Now	
Festival License Fee Due:	using our QR	
\$ \$15.00 w/ Business License \$ \$35.00 w/o Business License \$ Total Due	Code!	可認的思
Proof of Insurance on File		
Signature of Approval:	Date:	

August 1, 2024

To whom it may concern,

I'm writing on behalf of Cub Scout Pack 81 to request permission to use Town Property to park cars on the Liberty Street Lot, just south of the St. Vincent De Paul Catholic Church, during and around the time of the Apple Butter Festival Weekend 2024.

We have been privileged to have the opportunity to do this past years and have relied on this for a substantial portion of our funding for the year. We are the only Cub Scout Pack in Berkeley Springs and I believe we provide an invaluable resource to the youth of the Town. Trying to fund a nonprofit group is always challenging. We hope we can continue to count on the support of The Town of Bath. Please help us continue to fulfill the mission of Scouting here in Berkeley Springs.

Thank you for considering our request.

Darren Lucas

Pack 81- Committee Chair

301.331.9983

	EXPENDITURES AND		ENCUMBRANCES			
		YEAR:	2025			
BATCH DATE	8/6/2024					
Chart of account			AMOUNT	DESCRIPTION	Budget Balance	Balance
1 325 000 00	Timothy Bryan		\$ 6.00	Refund on Business Lic.		
1 350 000 00	Mason Sipes		\$ 52.00	Garbage Refund		
1 350 000 00	Stacy Vanenheuvel		\$ 30.00	Garbage Refund		
1 440 213 01	BSWW		\$ 32.93	Wilkes St	₩	3,428.85
1 950 000 00	BSWW		\$ 101.95	FoxGlove the Greens on Fairfax		
1 750 213 00	BSWW		\$ 32.28	Myers St	₩	2,300.00
1 417 000 00	Law Office of Richard Gay		\$ 525.00	June Legal Service	₩.	5,000.00
1 440 219 00	First Citizens Bank		\$ 169.50	Town Copier	₩.	2,330.50
1 700 219 00	First Citizens Bank		\$ 169.50	BSPD Copier	₩	2,330.50
1 751 000 00	Potomac Edison		\$ 41.90	Union St 06/15-07/16	↔	19,937.61
175100000	Potomac Edison		\$ 7.88	204 N Washington 06/15-07/16	₩	19,937.61
1 751 000 00	Potomac Edison		\$ 11.59	N. Washington 06/27-07/29	₩.	19,937.61
1 751 000 00	Potomac Edison		\$ 1,835.17	TOB Master May-June	₩.	19,937.61
1 800 217 00	Ricks Welding		\$ 1,527.25	Freightliner Repair	₩	30,000.00
1 440 213 02	WSPSD		\$ 43.68	Wilkes St	€9	3,428.85
		Totals:	\$ 4.586.63			

			BERKELEY	BERKELEY SPRINGS WATER WORKS	
			EXPENDITU	EXPENDITURES AND ENCUMBRANCES	
				General Account	
		YEAR:	2025		
BATCH DATE	8/6/2024				
VENDOR ACCT # VENDOR NAME	VENDOR NAME		AMOUNT	DESCRIPTION	
	BTM CPA		\$ 475.00	August Accounting	
	DEP		\$ 82.50		
	Mike The Computer Guy		\$ 95.00	Create an ASI Email Group	
1	Potomac Edison		\$ 10.21	Green Gate	
	Potomac Edison		\$ 134.73	Booster Station	
	Potomac Edison		\$ 4,036.30	Master Bill	
	Repair & Replace Account		\$ 2,221.85	July's Billing	
	Town of Bath			EE Paid Dental Ins - July	
	Town of Bath		\$ 514.08	: UT Tax July Billing	
	Town of Bath		\$ 1,700.00	August Admin Costs	Monthly
	Town of Bath		\$ 800.00		Monthly
	Town of Bath			3,050.00 August Ground Rent for Tanks	Monthly
	Town of Bath			July PEIA Payment	
	USPS		\$ 618.14	Postage for July Billing	
	WSPSD		\$ 64.14	P 99 Wilkes St	
	WV Dep of Health		\$ 115.00	6/13/24 Samples	
	WV Dep of Health		\$ 23.00	6/28/24 Samples	
	Workforce		\$ 494.0	494.00 UE Payment	
		TOTAL	\$ 17,513.87		

		GR	GREENWAY			
		EXPENDITURES AND ENCUMBRANCES	ES			
		YEAR:	2025			
BATCH DATE	8/6/2024					
Chart of account Vendor	Vendor		AMOUNT	AMOUNT DESCRIPTION	Bank	
					Balance	
	MRB Enterprises	Invoice #34	\$ 500.00	500.00 Mausoleum		
	AC&T	Invoice 51920C	\$ 99.00	99.00 Porta Pot		
		Totals:	\$ 599.00			

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Train Depot	EXPENDITURES AND ENCUMBRANCES	YEAR: 2025	8/6/2024	AMOUNT DESCRIPTION Account	Balance	ac Edison \$ 136.90 06/15/24 - 07/15/24 \$ 23,571.00				Totals: \$ 136.90		
	EXPENDITUR	EXPENDITUR	EXPENDITUR	YEAR	8/6/2024			Potomac Edison				Total
			BATCH DATE	Chart of account								

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(4)

				Hotel-Motel	
			EXPENDITUR	EXPENDITURES AND ENCUMBRANCES	
		YEAR:	2025		
BATCH DATE		8/6/2024			
VENDOR ACCT # VENDOR NAME	VENDOR NAME		AMOUNT	AMOUNT DESCRIPTION	
	Warm Springs Watershed		\$ 824.00	\$ 824.00 Annual Directors & Officers Insurance	
		Total	\$ 824.00		

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Introduction: Mission and Goals

The Tree Board is proposing a five-year plan based upon information about the town's trees as noted in the Comprehensive Plan created by Bartlett Tree Experts in 2023. The mission is to protect the town trees for the many water and air quality benefits that result from maintaining a healthy tree canopy.

There are four basic areas of goals to be contained in the plan submitted by the Tree Board to the Town Council for approval.

- A. Enhance public safety and wellbeing by removing identified at-risk trees, including invasive species such as Bradford pear or Tree of Heaven (NB: none of the trees identified by Bartlett were in the high-risk category.)
- B. Enhance the health and structural integrity of the town's largest and oldest trees through trimming and/or bracing.
- C. Facilitate the health and growth of through treatment based upon soil analysis and identification of insect, fungal or other threats.
- D. Plant new trees to replace those that must be removed, or to fill appropriate spaces where trees have not yet been planted.

The cost of implementing the 5-year plan will be based upon receiving grant funds.

Financial Summary

Category	2024	2025	2026	2027	2028
A Public Safety	\$1,500	\$2,750	\$2,210	\$2,178	\$2,196
B Structural Integrity	\$2,500	\$3,690	\$4,800	\$2,885	\$2,885
C Preserving the Health of Trees		\$200	\$290	\$400	\$0
D New Trees	\$1,200	\$1,650	\$1,700	\$1,850	\$0
Total for Year		\$8,290		\$7,313	\$5,081

A/Public Safety

Action	Location	2025	2026	2027	2028	2029
Remove Bradford Pear/tree 323	Independence Street	\$500				
Remove Bradford Pear/tree324	Independence Street	\$500				
Remove Silver Maple/tree 349	Washington Street/Library	\$500				
Remove Bradford Pear	Fairfax Street		\$550			
Remove Bradford Pear	Fairfax Street		\$550			
Remove Bradford Pear	Fairfax Street		\$550			
Remove Bradford Pear	Fairfax Street		\$550			
Remove Bradford Pear	Fairfax Street		\$550			
Remove Silver Maple/tree 350	Washington Street/Library			\$605		
Remove Silver Maple/tree 352	Washington Street/Library			\$605		d.
Remove Black Oak/tree671	Old English Cemetery			\$600		
Remove Scotch Pine	Greenway Cemetery			\$400		
Remove Trees Currently Rated "Needs Work"	Greenway Cemetery				\$2,178	
Remove Dead Trees	Greenway (Johnson Mill)					\$2,196
nomo i o a a a a a a a a a a a a a a a a a	Total for Year	\$1.500	\$2,750	\$2,210	\$2,178	\$2,196

B/Structural Integrity

Digit actar as seed	3					***
Action	Location	2025	2026	2027	2028	2029
9 Maples/	Entrance Greenway	\$2,500				
Trim Trees 548; 551; 555; 558; 559; 582	Greenway Cemetery		\$3,690			
White Oak; tree 389	Old Dutch Cemetery			\$1,200		
White Oak; tree 399	Old Dutch Cemetery			\$1,200		
Hickory; tree 672	Old English Cemetery			\$1,200		
Black Oak; tree690	Old English Cemetery			\$1,200		
White Oak; tree 399	Old Dutch Cemetery				\$1,443	
White Oak; tree 400	Old Dutch Cemetery				\$1,443	
Red Maple; tree 684	Old English Cemetery					\$1,443
Black Oak; tree 690	Old English Cemetery					\$1,443
Diack Out, Her are	Total for Year	\$2,500	\$3,690	\$4,800	\$2,885	\$2,885

C/Tree Health

Action	Location	2025	2026	2027	2028	2029
Test & fertilize trees	Trail Head	\$100				
Treat wooly adelgid	Old German Cemetery	\$60				
Treat Cedar-apple rust		\$18				
Test & fertilize	Washington & Wilkes		\$122		-	
Treat wooly adelgid	Where needed		\$60			
Treat Cedar-apple rust	Where needed		\$18			
Test & fertilize trees	Washington & Mercer			\$212		
Treat wooly adelgid	Where needed			\$60		
Treat Cedar-apple rust	Where needed			\$18		
Test & fertilize trees	Greenway Cemetery		12		\$300	
Treat wooly adelgid	Where needed				\$75	
Treat Cedar-apple rust	Where needed	1			\$25	
Heat Cedar-apple 10st	Total for Year	\$178	\$200	\$290	\$400	\$0

D/Plant New Trees

Action	Location	2025 / 2026 2027 2028 2029
Kentucky yellowwood	Independence Street	\$300
Linden	Fairfax Street	\$600
Maple	Liberty Street	\$150
River Birch	E. Congress Street	\$150
2 trees	Union and Washington	\$330
8 trees	Greenway South Entrance	\$1,320
9 trees	Greenway North Entrance	\$1,700
		\$1,850
Replace Trees	Total for Year	\$1,200 \$1,650 \$1,700 \$1,850 \$6