

TOWN OF BATH COUNCIL MEETING

September 3, 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) Dave O'Connell (X) Quorum present.
3. **REVIEW OF MINUTES:** Minutes of the Regular Meeting of August 20, 2024 were approved.
4. **PERSONS BEFORE COUNCIL:** None at this time.
5. **COMMUNICATIONS FROM MAYOR:** Mayor Merki brought attention to the fact that Bath has three new businesses in town. These establishments are the Cardinal Grill, Panhandle Printing and Creekside Provisions and Supplies. Welcome and encouragement were expressed by Council.

COMMITTEE AND BOARD REPORTS

1. **BATH DEVELOPMENT AUTHORITY (BDA):** The next regular meeting is September 4 at 4:30 in the County Commission Room of the Courthouse. President Lisa Stine was present to give updates on the BDA website and On Trac progress.
2. **PARKS & REC:** The next meeting is September 11. Town P&R representative Matt Pennington presented an extensive list of events and sports activities including swim lessons in the BSSP, basketball camp, soccer league, Biser Street pickle ball court, Back-to-School Bash and others. One of their goals is to create activity guides for youth and adult activities. The update was appreciated.
3. **PLANNING COMMISSION (PC):** The next meeting is October 10. No report at this time.
4. **RAIL/TRAIL (NBRT):** The last meeting was canceled due to no activity from the WV DOH on the project. Attached is the written report submitted by Co-Chair Pete Brown. Councilwoman MacLeod told Council that they will be receiving 33 flats of plants from North Creek Nursery and volunteers are needed to help with planting.
5. **STREETSCAPE:** Co-Chair Pete Brown has submitted a detailed progress report which includes the final actions on the BSSP DEP violations received by Bath (attached). The contract has been awarded for the Phase V Project. The Committee intent is that there be no interference with the annual Apple Butter Festival. Progress is on track with Phase VI.
6. **TRAIN DEPOT:** 'Miss Isabella Rainsong and her Traveling Companion' will be performed at the Depot on September 19 and 20. The TBS Executive Committee and Finance Committee met to discuss the proposed lease to find common ground and clarifications on some issues. President of TBS Stephanie Rebant is adding agreed upon changes to the lease and will return the amended proposal to the FC for consideration.
7. **LANDMARK COMMISSION (HLC):** The next meeting is September 26 at 2pm. HLC Secretary Melissa Schod was present to report on the group's activities including the submission of the Annual Report to the WV SHPO and updating the

Bath Historic District map.

8. CLERK/RECORDER REPORT: Recorder Webster reported that two Facility Use applications for the Depot lot were approved and signed in Finance Committee (attached).
9. FINANCE: Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$4,698.45- Motion to approve: Webster/Hickey- Carried
 - (b) BSWW \$13,347.96– Motion to approve: Webster/Schene- Carried
 - (c) NBRT \$431.00- Motion to approve: Webster/MacLeod- Carried
 - (d) Greenway Cemetery \$1,899.00: Motion to approve: Webster/Hickey- Carried
 - (e) BDA \$164.00- Motion to approve: Webster/Skinner-Carried
10. TREE BOARD: The next meeting is September 18. Member Kate Lehman told Council that Mike Merchant is removing two silver Maples at the Library.
11. GRANT: The next meeting is September 9. 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 Federal Cops Grant application outcome should be realized by September 30. Hickey is researching grant funding for playground equipment.
12. PUBLIC SAFETY: The next meeting is September 11. BSPD Secretary Venuto reported on revenue received and expected from the newly enacted Apple Butter Festival fees. Of the 168 previous booths 54 have paid the fee to date with collected revenue of \$1,240.00. It is anticipated that \$1,610.00 additional fees will be collected from vendors who have registered, but not yet paid.
13. CEMETERY: The next meeting is September 24. Chairwoman Skinner reported that the mowing season has ended. The committee will be addressing different types of grass for planting at the Cemetery that would give coverage, but less required maintenance.
14. PUBLIC WORKS: Chairwoman MacLeod reported the Freight Liner trash truck broke down causing the Labor Crew to have to shovel the loaded truck into the Town's older trash truck. The older truck is being used now and the backup beeping alarm is activated constantly. MacLeod is working with the DOH on collapsed culvert issues. The DOH is also looking at the intersection of Warren and S. Washington Streets to see if they can assist with corrections there.
15. ORDINANCE: The next meeting is September 19. Chairman Schene explained that the newly enacted 1% Bath sales tax has been added to the WV Tax Department website. The Berkeley Springs Pride's recently proposed nondiscrimination ordinance has been given to the Town's attorney for review. The review is expected to be received by the next Ordinance Committee meeting.
16. BSWW: The next meeting is September 4. Chairman O'Connell explained that work continues to acquire the property ROWs for the Rt. 522 extension. Seven out of 16 have been obtained.

O'Connell addressed the backwash drain collapse at the plant on Wilkes Street and hoped the WV DOH will assist in this repair. Until such time the backwash will be sent to through the WSPSD sewer system.

The BSWW continues to repair and replace plant and distribution equipment. A long-

term plan for this work is being developed.

17. PUBLIC COMMENT: Town of Bath resident Veta Hall commented on situations in Morgan County public schools concerning gender ID and transgender matters. She was referred to the Morgan County Board of Education to address these issues.

18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Meit

Recorder Suzanne Medsker

**Streetscape, BSSP and NBRT Projects Status Report for Town Council
September 3, 2024**

STREETSCAPE

Next Committee Meeting: 9 am Thursday 9/19, Town Conference Room

Phase V Construction contract:

- Bid extended to Sep 9th; may have been awarded already – I will check today
- 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.
- I'll provide this timeline when I can.

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

WVDOH TA Grant Phase VI design grant:

- Thrasher Scope Document was accepted by DOH.
- Thrasher preparing cost estimate for Town Task Order
- Next Steps: Draft Thrasher Task Order, DOH and Town Funding Agreement, DOH & FHWA authorization and DOH Notice to Proceed. (these are weeks or months away)
- A \$14,000 match will be required at the signing of the Funding Agreement, which has not yet been received for this design contract.

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 of DEP Consent Order:

- Final DEP Consent Order #10251 received by Town – has 8-9-24 “Effective date”
- Formal response to Order (Corrective Action Plan and Town Check) is required by 30 days after Effective Date. These are ready to go to DEP this week
- Verifying with DOH programs office that all of the Funding Agreement funds of \$653,950.21 have been spent and none are available to recover the DEP Fine costs. Recent DOH letter did not include a specific funding value.
- Still to come: Mayor must sign a U.S Army Corps of Engineers “Compliance Certification Form” that certifies that the work authorized by the Permit has been completed in accordance with the permit. This will wait until DOH has formally announced “Completion” – Item #22 on Final Inspection covers the environmental issue and Consent Order

NBRT

- August Task Force Meeting was cancelled – lack of a DOH update on their plans
- Next Meeting would normally be 9-25-24
- Understand that County will re-apply in Sep/Oct for Stream Activity Permits -from the West Virginia Division of Natural Resources (WVDNR), Office of Land and Streams
 - Right of Entry for Streams and Right of Entry for Culverts

Pete Brown
Streetscape Committee



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@wvdsi.net

OFFICIAL USE ONLY

Fiscal Year _____
Festival License _____
Business License _____
License Fee \$ _____
Date Issued _____

Please Print or Type

NAME OF EVENT: Murder Mystery Dinner

DATE(S) OF EVENT: October 26 & 27 2024

REQUESTING GROUP OR ORGANIZATION: Berkeley Springs Castle Foundation

BEGINNING AND ENDING TIMES: 8-10pm, 6-8pm

PROPERTY REQUESTED: Town Parking Lot at the Historic Train Depot

PURPOSE OF USE: Parking for shuttle pickup

STREET/METER CLOSURES REQUESTED WITH DETAILS: none

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: \$175 per ticket to the dinner benefits charity

NUMBER OF VENDORS AT EVENT/FESTIVAL: none

NAME OF RESPONSIBLE PERSON: Lydia Brimelow

MAILING ADDRESS: PO Box 677 Berkeley Springs WV 25411

TELEPHONE NUMBER: 860-309-6583

EMAIL: admin@berkeleyspringscastle.com

DATE APPLICATION SUBMITTED: 8.22.2024

SIGNATURE: *Lydia Brimelow*

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: \$ _____

Festival License Fee Due:

\$ _____ \$15.00 w/ Business License

\$ _____ \$35.00 w/o Business License

\$ _____ **Total Due**

Proof of Insurance on File

Pay Now
using our QR
Code!



Signature of Approval: *S.A. Comer* **Date:** 9-3-24



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@wvdsi.net

OFFICIAL USE ONLY

Fiscal Year _____
Festival License _____
Business License _____
License Fee \$ _____
Date Issued _____

Please Print or Type

NAME OF EVENT: Apple Butter Festival Depot Parking

DATE(S) OF EVENT: October 12 & 13, 2024

REQUESTING GROUP OR ORGANIZATION: Depot Committee

BEGINNING AND ENDING TIMES: 7am Saturday Oct. 12 through 6pm Sunday Oct. 13

PROPERTY REQUESTED: Lot behind Depot

PURPOSE OF USE: To raise funds for Bath Depot and associated projects

STREET/METER CLOSURES REQUESTED WITH DETAILS: n/a

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: \$10 per car

NUMBER OF VENDORS AT EVENT/FESTIVAL: n/a

NAME OF RESPONSIBLE PERSON: Susan Webster

MAILING ADDRESS: PO Box 53, Berkeley Springs, WV

TELEPHONE NUMBER: 304-671-3928

EMAIL: susanjwebster1@comcast.net

DATE APPLICATION SUBMITTED: August 29, 2024

SIGNATURE: *Susan J. Webster*

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: \$ _____

Festival License Fee Due:

\$ _____ \$15.00 w/ Business License

\$ _____ \$35.00 w/o Business License

\$ _____ Total Due

Proof of Insurance on File

Pay Now
using our QR
Code!



Signature of Approval: *[Signature]* Date: 9.3.24

