

# TOWN OF BATH COUNCIL MEETING

January 7, 2025

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 December 17, 2024 were approved by Common Consent with correction on Jennifer Wishmeyer's position as Grant Administrator for Region 9 noted in item #11.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATIONS FROM MAYOR: Mayor Merki thanked the Town Labor Crew for their efforts during the recent snow event. Bath streets were clear and safe. He asked ~~that~~ Town residents to respect the Bath code pertaining to street parking and snow clearance (attached). This greatly helps with snow removal. The Mayor expressed appreciation for those who participated in the Deck the Meters project and reminded that decorations have to be removed at this point.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is January 8, at the Courthouse. The On Trac meeting is set for January 10, at 4:30.
2. PARKS & REC: The next meeting is January 15, at the County Courthouse.
3. PLANNING COMMISSION (PC): President Landon reported that the January 8 meeting date change is necessary due to guest speaker's schedules. The next meeting's notice will be posted.
4. RAIL/TRAIL (NBRT): Attached is the written report submitted by Co-Chair Pete Brown. This report includes the status of the Berkeley Springs State Park Project. Brown is arranging a NBRT Task Force meeting on January 22. Recorder Webster has invited Senator Willis to this meeting.
5. STREETSCAPE: The next meeting is January 16. Co-Chair Pete Brown has submitted a detailed progress report (attached). The Phase V Streetscape project construction has temporarily stopped on Wilkes and Independence Streets due to weather.
6. TRAIN DEPOT: Chairwoman Webster will be meeting with TBS officials and Depot Committee members to discuss exhibits in the Depot.
7. LANDMARK COMMISSION (HLC): Zach Solomon was present to confirm his email resignation from the Bath Historic Landmark Commission. He also requested a letter of recommendation to put the Green Street school building on the Preservation Alliance of WV Endanger Building list. Council gave Common Consent.
8. CLERK/RECORDER REPORT: Council members who can attend the WV State Budget Training are encouraged to complete the attendance form by January 21.
9. FINANCE: Chairwoman Webster delivered the following bills for approval:
  - (a) Town of Bath \$11,823.47- Motion to approve: Webster/Hickey - Carried
  - (b) Cemetery \$160.00- Motion to approve: Webster/Rebecca - Carried

(c) Hotel/Motel Distribution \$30,685.20- Motion to approve: Webster/Skinner-  
Carried

10. TREE BOARD: The next meeting is January 15. Member Kate Lehman told Council that the Tree City USA application have been submitted for Bath.
11. GRANT: The next meeting is January 13. Chairwoman Hickey has attended Region 9 Planning & Development meetings and communicated important Bath needs to Jennifer Wishmeyer, Grant Administrator. Chairwoman Hickey has interviewed applicants for the Appalachian Forestry website development grant project and will announce the selection soon. The match for this grant will come from surplus Hotel/Motel funds. The goal is to have the most attractive and functional website produced. Chairwoman Hickey reported that the BSWW plant upgrades will take priority in efforts to obtain funding.
12. PUBLIC SAFETY: The next meeting is January 8. No report.
13. CEMETERY: Chairwoman Skinner informed all that the Committee will invite the public to a future meeting for input and ideas for cemetery maintenance and improvement. The date will be announced. The Committee is reviewing the Greenway Cemetery Maintenance and Management Corporation bylaws and historic documents to address basic questions.
14. PUBLIC WORKS: The next meeting is January 14. Chairwoman MacLeod reported that the Labor Crew again did a good job with the recent snow conditions.
15. ORDINANCE: The next meeting is January 23. Chairman Schene and committee will be finalizing an ordinance addressing better management and regulation of business parking and permitting. The new 1% municipal sales tax has gone into effect on January 1, 2025.
16. BSWW: The next meeting is January 8. Chairman O'Connell advised all that the BSWW plant upgrade is of highest importance with the committee. A professional preliminary engineering report is required to move forward with this upgrade. The committee has placed an RFQ in the Morgan Messenger for a professional engineering report to be developed for the plant upgrade and repairs.  
Chairman O'Connell explained the request to accept ¾ mile of the US Silica water line from the Warm Springs Public Service District plant to the Sand Mine Road area. This line had a pressure test done with good results. The concern with taking over this line surround future and ongoing maintenance and expense.
17. The Morgan County Commission agreed to assist the BSWW with plant upgrades of equipment in the amount of approximately \$20,000 (invoices attached).  
Analysis of the BSWW plant and distribution capacity is of principal interest of the committee also.
18. MOTION TO ADJOURN: By Common Consent.

Attest:

Mayor



Recorder



# ORDINANCE 2005-10

An ordinance to amend Ordinance 94-1 to include the following changes

1. This ordinance will include all state maintained roads within the Town of Bath limits.
2. Any person violating any of the provisions of the ordinance shall be guilty of a misdemeanor and be fined a minimum of \$75.00 for each offense.
3. During a snow emergency, parking is prohibited on either side Washington Street/Route 522 and Fairfax Street. A snow emergency is defined as an accumulation of four (4) inches or more of snow,
4. For all streets running east/west (Route 9, Independence St., Congress St., etc.) parking is prohibited on the south side of the street (or the side closest to Sheetz). *Note this is not a change to the original ordinance but should be mentioned at the reading.*
5. For all streets running north/south (Wilkes, Mercer, Green Streets, etc.) parking is prohibited on the east side of the street (or the side closest to the hospital).

## Ordinance 94-1 (original)

### An Ordinance to Provide a Snow Removal Plan for the Town of Bath

Be it ordained by the Council of the Town of Bath that the following snow removal plan be implemented by the Chief of Police within town limits after a four inch snowfall has occurred.

Parking shall be banned on the south side of all east/west streets, except Fairfax Street from Route 522 to the town limits.

Parking shall be banned on the west side of all north/south streets.

Once in effect, prohibition under this section shall remain in effect until terminated by announcement of the Police Chief. While prohibition is in effect, no person shall park or allow to remain parked, any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this ordinance, on any part of a snow removal area on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow removal area. No person shall abandon or leave the vehicle unattended in the roadway of a snow removal area, except for the purpose of securing assistance within a reasonable time and by contacting the Town of Bath Police Department immediately.

Any provision of this ordinance which becomes effective by declaration of the Chief of Police or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a


police officer, nor shall it take precedence over provisions of the Code of the State of West Virginia.

Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street and take necessary traffic enforcement action when:

- a. The vehicle is improperly parked in a snow removal area in which parking is prohibited.
- b. The vehicle is stalled on a part of a snow removal area on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this ordinance.
- c. The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.
- d. Whenever an officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored, a copy of such notice shall be given to the proprietor of the storage area.
- e. No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the police where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal and shall pay any cost of storage accrued.
- f. The record shall include a description of the vehicle; its license number; the date and time of its removal; where it was removed from; its location; the name and address of its owner and last operator, if known, its final disposition; and the parking violation, if any.
- g. This section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles.

FIRST READING Nov. 7, 2005

SECOND READING Dec. 5, 2005

  
Susan Webster, Mayor

  
Garnet Marsh, Recorder

ADOPTED This 5<sup>th</sup> Day of December, 2005.

# Streetscape, State Park and NBRT Projects Status Report for Town Council January 7, 2025

## STREETSCAPE

Next Committee Meeting: 9 am Thursday 1/16/25, Town Conference Room

### Phase V Construction:

- Weather is the biggest issue right now and will control the completion schedule. Contractor must wait for proper temperatures to complete the concrete work on: Wilkes Street ADA curb ramps, curbs, trench drain and sidewalks
- Wilkes St. Trench drain slope to be set prior to concrete pour.
- Independence Street: parking meter posts and flush cutting of the two drain pipes at Hunters Hardware need to be completed
- Electric conduit and junction boxes (for future lights) are in place on both streets and the wiring pull ropes have been installed.
- Asphalt patching from road to new curbs and driveways are complete – both streets
- Topsoil will be placed in island areas once ground is not frozen; island at Wilkes and Union will have current dirt replaced with topsoil at that point.

### Phase VI Design DOH Funding Agreement & Town/Thrasher Task Order:

- Still waiting for the Funding Agreement that is being created at DOH. Checking with DOH this week for a preliminary draft.

### Lighting System Review:

- Update of full lighting system requirements is ongoing. Will have status after January Committee Meeting.
- Currently under Review:
  - Strategy & Pricing for Phase V Lights (with or without DOH Grant)
  - All remaining lighting requirements within the 6-Block Core plus Depot Building
  - Possible short-term gain: the Two new lights at the Depot Building

## BERKELEY SPRINGS STATE PARK PROJECT

### Current Status of DEP Consent Order:

- Consent Order Approved by DEP. Town has a couple of actions to meet items in that Order. These are being drafted:
  - Instruction covering Town review of drawings especially with regard to contractor erosion and sediment control requirements and approval of design clarifications and changes by Thrasher and Town during construction.
  - Instruction covering the Town's reporting responsibilities should any spills occur during construction work in the Town
- Of Note: We are piloting the first Instruction during Phase V construction. Several changes have been needed to the design. Thrasher has been on-site, designed the changes, issued drawing revisions, provided to Town for approval to DOH and Contractor. This was not done during the State Park Project and directly led to the sediment spill in the Run and subsequent fine to the Town.

## NBRT

- Notified DOH of expected Agenda for the proposed January 22<sup>nd</sup> NBRT Task Force Meeting. Attempting to get a DOH update on their NBRT plans as well as the plans for the Trailhead CDS project Grant and funding strategy

Pete Brown  
Streetscape Committee











