

# TOWN OF BATH COUNCIL MEETING

November 5, 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 October 22, 2024 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Robert Emerick presented Council with a petition concerning a civil matter which has been adjudicated.
5. COMMUNICATIONS FROM MAYOR: Trick or Treat was held in Bath on October 31 from 6-8pm. This and other Halloween events were successful. Recorder Webster suggested that closing parts of Wilkes Street during the two hours of Trick or Treating would increase safety and add to the festivities.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): BDA member Webster informed Council that she had received an email of resignation from BDA President Lisa Stine. The next meeting is to be announced.
2. PARKS & REC: The next meeting is November 20, at the County Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is November 13. The Commission will be meeting with Morgan County EMS. President Landon also informed all the St. Vincent de Paul Knights of Columbus will have an event honoring veterans on November 10 at the Farmers Market.
4. RAIL/TRAIL (NBRT): Next meeting is November 27 unless otherwise noticed. Attached is the written report submitted by Co-Chair Pete Brown. This report also includes information on the status of the BSSP issue with the WV DEP.
5. STREETSCAPE: Co-Chair Pete Brown has submitted a detailed progress report. The Phase V Streetscape project construction is underway on Wilkes Street.
6. TRAIN DEPOT: Chairwoman Webster reported that the Depot lease with TBS has been fully executed. She will meet with the President to assist with the transition.
7. LANDMARK COMMISSION (HLC): No report at this time.
8. CLERK/RECORDER REPORT: Assistant Clerk Farris reminded all that the Town office will be closed on Veterans Day, November 11. She is organizing the Deck the Meters (attached) holiday project and has instructions and a map of the annual event on the Town facebook page. There are 80 meters available for decorating. Recorder Webster presented the Notice of Property Improvement for 269 N. Washington Street (attached).  
Property Use Requests were approved and attached as follows:
  - a. Winterfest Parade on December 7, use of the Depot lot for set up and side street closures

b. The Berkeley Chapter #77 Order of the Eastern Star – one block of parking on Fairfax from Mercer to Green Streets.

c. The Bath Christmas Market requested Bath Street adjacent to the gravel parking lot and the parking meter closures in the same area from December 12-15. This request was approved.

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

(a) Town of Bath \$6,863.60- Motion to approve: Webster/Hickey- Carried

(b) BSWW \$16,451.07– Motion to approve: Webster/MacLeod- Carried

(c) Streetscapes \$15,000.00- Motion to approve: Webster/Hickey- Carried

(d) Tree Board \$1,632.00- Motion to approve: Webster/MacLeod- Carried

(e) Hotel/Motel Fund Distribution \$96.00- Motion to approve: Webster/Skinner- Carried

10. TREE BOARD: The next meeting is November 20. Member Kate Lehman described ongoing tree planting projects and was present for questions and comments.

11. GRANT: The next meeting is November 11. Chairwoman Hickey informed Council that the Town of Bath is the recipient of an Appalachian Forestry grant in the amount of \$4,450.00 to rebuild the Town's website. This grant requires a Town match of the same amount. So far there has been one applicant for the project task. The cyber security grant for the computers for our monthly court session will be reapplied for at the appropriate time.

The Foxglove Garden Club completed their Old German Cemetery project without using any of the WV SHPO Remembrance Grant funds. With the approval of the Deputy State Historic Preservation Officer Susan Pierce the Foxglove \$5,000.00 portion of the grant was given to the Bath DAR for their Olde English Cemetery project. This generosity was much appreciated.

The Federal Cops Grant has been awarded to the BSPD in the amount of \$111,000.00. This grant is to pay for 75% of a newly hired police officer for Bath for three years. The Town has a 5 year window to satisfy the grant stipulations so there is time to complete the requirements. She is also looking into a grant for street cameras. Chairwoman Hickey reported that the BSWW plant upgrades will take priority in efforts to obtain funding. To that end her committee will concentrate on the research and document preparation for posting an RFQ for a Professional Engineering Report on the BSWW plant upgrades necessary for grant funding opportunities.

Councilwoman MacLeod is still work on the final contract on design for the Warm Springs Watershed project.

12. PUBLIC SAFETY: A Special Meeting has been scheduled for November 6 at 3pm with personnel issues on the agenda.

13. CEMETERY: Chairwoman Skinner reported that her committee have concentrated on cemetery mapping and helping families find graves of loved ones

14. PUBLIC WORKS: Chairwoman MacLeod informed Council that the committee has purchased 2 new dumpsters. The next meeting is November 12.

15. ORDINANCE: The next meeting is November 21. Chairman Schene presented for Second Reading 2024-02-10 Amending Chapter 62 Solid Waste Rate Schedule (attached). This amendment adds dumpster rental fees for customers using them for their

commercial waste disposal.

MOTION: To approve Ordinance 2024-02-10 Amending Chapter 62 Solid Waste Rate Schedule for Second Reading- Hickey/Skinner- Carried

16. BSWW: The next meeting is November 6. Chairman O'Connell presented Resolution #2 (attached) which is to approve an invoice relating to construction and other services for the Rt. 522 S sewer/water line extension project and authorizing the payment thereof.

MOTION: To approve Resolution #2 of the Town of Bath BSWW water committee approving invoices relating to the Rt. 522 S water/sewer extension project and authorizing the payment thereof – O'Connell/Webster- Carried

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 and Morgan County Senior Life Services building. Chairman O'Connell and committee member MacLeod plan on ascertaining the location and condition of the line as much as possible by an on site inspection. The line must pass a pressure test. Next steps will be determined.

The Rt. 522 water line extension is progressing. The project is moving past the time allotted for ROW acquisition.

17. PUBLIC COMMENT: Jennifer Williams expressed gratitude for the professionalism shown by Assistant Clerk Farris in handling the Deck the Meters project organization.

18. MOTION TO ADJOURN: By Common Consent.

Attest:

Mayor Scott E. Mink

Recorder Serena Webster

**Streetscape, State Park and NBRT Projects Status Report for Town Council  
November 5, 2024**

**STREETSCAPE**

Next Committee Meeting: 9 am Thursday 11/21, Town Conference Room

**FY24 Grant Awards- Governor's Announcement:**

- The two Applications (Phase V Lighting & Phase VI Construction) were not awarded Grants this year. The Town may not be advised of the specific reason, however we are still accomplishing the work from our past two awards – Phase V Construction and Phase VI Design – which may have been a factor. Next Grant Application season looks to be January 2025.
- Considering alternative methods and costs to implement Phase V Lighting completion. Thrasher is completing the drawings.

**Phase V Construction:**

- Construction started on October 29<sup>th</sup> after the Contractor dropped off their first equipment on the 25<sup>th</sup>.
- The work started on Wilkes St between Independence and Union Streets with the removal of the existing sidewalk and curb.
- A number of clarifications and changes (that will mostly reduce the needed work) were worked out between the Contractor and Thrasher Design were completed and formally sent to DOH District 5 on 10-31-24. These were Approved by District 5 this morning (got lost in the D5 email system) (see below)
- Contractor (First Fruits Excavating) is working to improve some late material delivery estimates.
- Thrasher (Jeff Gola) visited Town Monday to assist Contractor with detailed survey points and some specific details of the design and construction. This included the change to save the cherry tree at Independence and North Washington St including the adjacent new parking space.
- Unfortunately, on Monday 11-4-24 around 2 pm, the Contractor chose to temporarily stop work while awaiting District 5 approval of the issue resolution. These have now been approved.

**Phase VI Design Task Order:**

- Thrasher forwarded Task Order #2 for the design. DOH approved the Scope and did a Cost Estimate. This will be presented for approval at the Nov 19<sup>th</sup> Finance Committee Meeting
- Thrasher will use their lower estimate. DOH has previously stated that any savings on the Design will roll forward to the Construction Phase.

**BERKELEY SPRINGS STATE PARK PROJECT**

**Current Status of DEP Consent Order:**

- Still awaiting WV-DEP Approval of the Town's Corrective Action Plan (Submitted with the payment of the Fine)

**NBRT**

- Task Force Meeting (would have been Oct 23<sup>rd</sup>) was cancelled since no update or plan was received from DOH and no Conference Call has yet been scheduled
- November Meeting would normally be November 27<sup>th</sup>, the afternoon before Thanksgiving. This will not be scheduled. Instead, if I get any update, I'll send it out a status email.

Pete Brown  
Streetscape Committee



Scan me

THE TOWN OF BATH  
PRESENTS...



## DECK THE METERS!

Applications are available at  
Town Hall or online at



[Townofbath.org](http://Townofbath.org)

271 Wilkes Street, Berkeley  
Springs, WV 25411



Special Thank You  
to our Sponsors!

Email:

[Deckthemeters@gmail.com](mailto:Deckthemeters@gmail.com)

# Berkeley Springs Parking Map

**George Washington's House**

East Fairfax Street

99 98 97 96 95 94 93 92

100 101 102 103

Town of Bath Volunteer Fire Department

Chamber of Commerce

Morgan Messenger

North Mercer Street

South Mercer Street

(Pending Future Meters)

Liberty Street

Both Street

St. Vincent de Paul Catholic Church

Barber Shop & Insurance

Truist Bank

CMB Bank

911

Court House

Phoenix Riding

West End Park Area Only

North Washington Street

West Fairfax Street

Fairfax St. Green

81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

West Fairfax Street

West Congress Street

North Washington Street

West Independence Street

West Union Street

North Mercer Street

North Wilkes Street

Trail Depot

Depot Street

Trail Depot

Heaven Salon

Hope House

7-11

Community Garden

Police Station

Community Garden

From 1941 Free Parking on Weekends

City National Bank ATM

Glue Purr's A Chance

Inspired Chaos

Waking Church

Naked Olive

Arndt-McBee/Perry Real Estate

Atasia Spa

Maria's Garden Inn

Halcology

Star Theatre

Meridian Point Gallery

Fairfax Coffee

Antique Mall

Star Theatre

Meridian Point Gallery

Fairfax Coffee

Antique Mall

74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

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10 11 12 13 14 15 16 17 18 19 20

21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49

1 2 3 4 5 6 7 8 9

Public Works

Museum

Berkeley Springs State Park

The Country Inn

Legend:

- Town Government Parking
- Handicapped Parking
- Law Enforcement Parking
- Free Parking - Look at Map for Specifics
- Pending Future Meters
- Reserved for Bath Christmas Market
- Streetscape Project Phase V (Renovating Sidewalk)

## 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 Nicholas Sherlock / Hope Sherlock

Location (Address) of Improvement 269 N Washington St

Taxing District \_\_\_\_\_

Land Book Description \_\_\_\_\_

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 Dec/31/2024 (Month/Day/Year).

Approximate increase in value \$ 20,000 Use of Building bedroom

Remarks: 12x20 bedroom + new porch

Address of Owner or Owners 269 N Washington St

Phone No. 304 820 7900

Notice Filed By Nicholas Sherlock Date 11/1/24  
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. \_\_\_\_\_



# 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: Winter Fest Parade

DATE(S) OF EVENT: December 7, 2024 (Saturday)

REQUESTING GROUP OR ORGANIZATION: Bath Christmas Project, Inc.

BEGINNING AND ENDING TIMES: 2:00pm - 9:00pm

PROPERTY REQUESTED: Train Depot Lot

PURPOSE OF USE: Parking for parade lineup.

STREET/METER CLOSURES REQUESTED WITH DETAILS: Williams St. while parade is going.

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: No

NUMBER OF VENDORS AT EVENT/FESTIVAL: 40+ (Spread between Depot, Moose, American Legion)

NAME OF RESPONSIBLE PERSON: Danielle Swope

MAILING ADDRESS: 777 Bethel Church Rd, Warfordsburg, PA 17267

TELEPHONE NUMBER: 814-327-8355

EMAIL: BerkeleySpringswinterfest@gmail.com

DATE APPLICATION SUBMITTED: 10/29/24

SIGNATURE: Danielle Swope

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: \_\_\_\_\_ Date: \_\_\_\_\_













TOWN OF BATH  
ORDINANCE 2024-02-10

**ADDENDUM TO TOWN OF BATH MUNICIPAL CODE, CHAPTER 62, SOLID WASTE. ARTICLE II. REFUSE COLLECTION AND DISPOSAL.**

**ADDENDUM ADDING DUMPSTER RENTAL FEE TO SEC. 62-28 OF THE RATE SCHEDULE**

**1. Sec. 62-28 Rates 5, 6, and 7 Commercial Service**

- (a) Any business, organization or service establishment, operating for profit or as a non-profit, which utilize dumpsters owned by the Town of Bath shall be assessed an additional fee of \$75.00 (seventy-five dollars) per quarter for rental of a four cubic yard dumpster.
- (b) Annual rental fee if paid in full by July 31 will be \$260.00 (two hundred sixty dollars) per year which represents an annual discount of \$40.00 (forty dollars).

**2. Sec. 62-28 Rates 8, 9, and 10 Commercial Service**

- (a) Any business, organization or service establishment, operating for profit or as a non-profit, which utilize dumpsters owned by the Town of Bath shall be assessed an additional fee of \$150.00 (one hundred fifty dollars) per quarter for rental of a six cubic yard dumpster.
- (b) Annual rental fee if paid in full by July 31 will be \$500.00 (five hundred dollars) per year which represents an annual discount of \$100.00 (one hundred dollars).

**3. Equipment**

- (a) Large, privately owned receptacles must conform to the equipment specifications currently in use by the Town of Bath Public Works Department. Customers may purchase their own receptacles.

**4. Effective Date**

- (a) This addendum is effective January 1, 2025.
- (b) All fees are subject to review and change as determined by the Town of Bath, Town Council.

FIRST READING: October 22, 2024

SECOND READING: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_ DATE: \_\_\_\_\_

RECORDER: \_\_\_\_\_ DATE: \_\_\_\_\_