

TOWN OF BATH COUNCIL MEETING

November 19, 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 November 19, 2024 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: No one at this time.
5. COMMUNICATIONS FROM MAYOR: Mayor Merki attended a meeting held by the Berkeley-Morgan County Health Department. He advised all to be informed of the many services offered by this agency.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): No report at this time.
2. PARKS & REC: The next meeting is November 20, at the County Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is December 11. The Commission met with Morgan County EMS Director Jason Hoover. Flooding issues are a Morgan County priority matter. The next meeting will be on vacant buildings.
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. Street lighting in Bath is an important component to overall Streetscape planning.
6. TRAIN DEPOT: Chairwoman Webster is assisting with the TBS transition into the Depot building as their Visitors Center headquarters.
7. LANDMARK COMMISSION (HLC): No report at this time.
8. CLERK/RECORDER REPORT: The Property Use Application submitted by N. G. Gilbert (attached) was denied by the Finance Committee due to property use conflicts.
9. FINANCE: Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$16,920.00- Motion to approve: Webster/Hickey- Carried
 - (b) BSWW \$42,945.77- Motion to approve: Webster/MacLeod- Carried
 - (c) Tree Board \$210.00- Motion to approve: Webster/Hickey- Carried
 - (d) Greenway Cemetery \$585.00- Motion to approve: Webster/O'Connell- Carried
10. TREE BOARD: The next meeting is November 20. Member Kate Lehman submitted a report on ongoing tree projects (attached) and was present for questions and comments. The Finance Committee approved the combined request of the Tree Board and Cemetery Committee to equally share the cost of tree and invasive species removal from Greenway Cemetery. The \$700.00 cost to the Cemetery Committee will be paid through Hotel/Motel funds.
11. GRANT: The next meeting is December 9. 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. Applicants for this project work have until November 25 to submit their proposals.

The Ye Towne of Bath DAR is developing the plan for the use of the \$8,000.00 grant received from the WV SHPO Remembrance Grant funds.

The Federal Cops Grant has been awarded to the BSPD in the amount of \$111,000.00. The next step is the formal approval of this award by the Bath Council.

MOTION: To approve the Federal Cops Grant award for the Berkeley Springs Police Department – Hickey/Schene- Carried

Chairwoman Hickey reported that the BSWW plant upgrades will take priority in efforts to obtain funding.

12. **PUBLIC SAFETY:** Mayor Merki reported that the Public Safety Committee has elevated Interim Chief of Police Gardener to the Chief of Police position. Chief Gardiner was thanked for his work for Bath. The Ordinance Committee will be working with the Chief on developing parking permit considerations for public property.
13. **CEMETERY:** The next meeting is December 10 from 10 until 12pm. Chairwoman Skinner informed all that the Committee invites the public to this meeting for input and ideas for cemetery maintenance and improvement. The Committee is also working on record keeping, mapping and revenue and expenses.
14. **PUBLIC WORKS:** The next meeting is December 10. Chairwoman MacLeod informed Council the Labor Crew has been working in Greenway on graves that have settled and mausoleum landscaping and drainage. They are also concentrating on inspection and prioritizing street repair and maintenance with future budget planning in mind.
15. **ORDINANCE:** The next meeting is November 21. Chairman Schene and committee will be addressing better management and regulation of business parking and permitting. WV statutes on gambling ordinances will also be revisited.
16. **BSWW:** The next meeting is November 20. Chairman O'Connell advised all that the BSWW plant upgrade is of highest importance with the committee. The Morgan County Commission has committed to funding \$35,000.00 towards the necessary engineering reports required to press forward for grant possibilities. Grant Chairwoman Hickey has elevated this project with her committee endeavors.
Chairman O'Connell explained the request to accept $\frac{3}{4}$ 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, committee member MacLeod, BSWW Superintendant Mayhew and US Silica staff have inspected the area of this line to determine as much as possible the location and condition of the line. This line must pass a pressure test. Next steps will be determined.
The Rt. 522 water line extension is progressing.
17. **MOTION TO ADJOURN:** By Common Consent.

Attest:

Mayor Scott E. Merki

Recorder S. Hickey

**Streetscape, State Park and NBRT Projects Status Report for Town Council
November 18, 2024**

STREETSCAPE

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

Phase V Construction:

- All outstanding clarifications and changes were approved by DOH and are in the process of incorporation into the work by First Fruits.
- Best estimate as of now is that First Fruits expects to complete all the work by the end of December. They do not plan to shut down work and then re-start at a later date. Will try to summarize all the special event work in Town for the Christmas season and share that with First Fruits to best coordinate their work. Final Contract End Date will be worked out with DOH.
- Week of Nov 18th: (4-day work week – work hours are 7 am to 5:30 pm)
 - Grade & stake out sidewalk & curb on Wilkes; complete sidewalk foundation work
 - Form and pour the curb and “step” (uses a separate concrete crew)
 - Form & pour the sidewalk (“step” to buildings - possible but not firm yet) – Install junction box before pouring sidewalk
- Week of Nov 25th: (2 or 3 days due to Thanksgiving)
 - Complete sidewalk on Wilkes
 - Begin removal of existing sidewalk on Independence; likely the South side
 - Grading for sidewalk and likely trenching for lighting conduit (south side and alley)
- Contractor was asked to install a proper asphalt cap on the gravel-topped trenches across Wilkes (2) and Independence (1). First Fruits agreed (with Josh White) and a cold patch will be placed on these trenches by the end of this week.

Phase VI Design Task Order:

- Thrasher forwarded Task Order #2 for the design. DOH approved the Scope and did a Cost Estimate. DOH estimate is: \$69,784. Thrasher estimate is: \$65,000. Draft Task Order sets a fixed price of \$65K. Grant plus Match is \$70K. As with Phase V design, the \$5K balance will shift to the Construction phase once awarded. Next TA Grant application opportunity is early 2025.
- DOH was asked (11-18 am) to prepare the required Funding Agreement for Town and DOH signature.

Follow-up for Separate Contract to Install Phase V Lighting:

- Since a Grant was not Awarded, we are considering alternative methods and costs to implement Phase V Lighting completion. Thrasher is completing the drawings, some of which were in our Grant Application
- Streetscape Committee will prepare a cost estimate and identify potential funding sources for the construction and lighting system components – outside of any DOH requirements or influence. Contract could be issued by the Town.
- Final Phase V Design Task invoice (\$15K) received from Thrasher. Sent to DOH for reimbursement.

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 Fine)
- I will assist the Foundation with their attempt to extend the new stamped and colored concrete sidewalk south from the pavilion area.

NBRT

- Final inspection for CBT G3 grant will take place at the Depot stormwater gardens on Wednesday, November 27 at 10:30
- November Meeting would normally be November 27th, 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

Tree Board Report to Council

Tuesday, November 19, 2024

The six trees that are part of the Demonstration City 2025 grant have been delivered.

Michael Merchant has provided an estimate for removing two trees in Greenway Cemetery, a Tree of Heaven that's heaving up a gravestone, and a dead bull pine on Greenway Trail that could damage property or persons should it fall. A report was made to the Tree Board indicating that the cost of removing these trees will be shared by the Cemetery Committee and the Tree Board.

The next meeting is Wednesday, November 20, 2025.



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: Temporary parking for Ng Gilbert

DATE(S) OF EVENT: 12-1-2024 - 12-31-2024

REQUESTING GROUP OR ORGANIZATION: Nggilbert

BEGINNING AND ENDING TIMES: 12-1-2024 - 12-31-2024

PROPERTY REQUESTED: Behind old train depot

PURPOSE OF USE: parking

STREET/METER CLOSURES REQUESTED WITH DETAILS: 0

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: no

NUMBER OF VENDORS AT EVENT/FESTIVAL: 0

NAME OF RESPONSIBLE PERSON: JR Schultz

MAILING ADDRESS: 640 echo lane Berkeley Springs WV 25411

TELEPHONE NUMBER: 240-385-7699

EMAIL: jrschultz@nggilbert.com

DATE APPLICATION SUBMITTED: 11/19/2024

SIGNATURE: JR Schultz

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: *Susan J. Webster*

Date: 11-19-24

EXPENDITURES AND ENCUMBRANCES

		YEAR:	2025	
BATCH DATE	11/19/2024			
Chart of account		AMOUNT	DESCRIPTION	Budget Balance
1 440 222 00	CNB Bank	\$ 45.00	Safe Dep Box	\$ 803.07
1 440 223 00	Lemongrass Cleaning	\$ 145.00	TOB Quarterly Cleaning	\$ 2,198.75
1 700 223 00	Lemongrass Cleaning	\$ 125.00	BSPD Quarterly Cleaning	\$ 3,230.00
1 700 220 00	Panhandle Printing & Design	\$ 75.54	BSPD Diecut Decal	\$ 2,000.00
1 700 220 00	Panhandle Printing & Design	\$ 16.50	BSPD Door Vinyl Hours	\$ 2,000.00
1 416 000 00	Thomas Panebianco	\$ 100.00	November 2024	
N/A	WV Mountaineer	\$ 124.72	EE paid Dec Dental, Vision	N/A
various	US Bank	\$ 16,288.24	USBank October 2024	N/A
		Totals:	\$ 16,920.00	

GREENWAY

EXPENDITURES AND ENCUMBRANCES

		YEAR:	
			2025
BATCH DATE	11/19/2024		
Chart of account	Vendor	AMOUNT	DESCRIPTION
			Bank
			Balance
	Close CPA	\$ 585.00	2023 990 tax form
	Totals:	\$ 585.00	

TREE BOARD

EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	2025	AMOUNT	DESCRIPTION	Account Balance
	11/5/2024				
Chart of account					
4 958 215 00	Bartlett Tree Experts	\$	210.00	X-mas Tree Treatment	\$ 5,648.00
	Totals:	\$	210.00		