

TOWN OF BATH COUNCIL MEETING

October 22, 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 October 8, 2024 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time
5. COMMUNICATIONS FROM MAYOR: Mayor Merki shared information on Morgan County Preparation Day (attached) to be held Sunday, November 3 at South Morgan Volunteer Fire Department.
The BSPD is hosting a DEA RX Take Back Day (attached) at Town Hall on October 26 from 10am-2pm.
The Morgan County Jeepers will be in the Berkeley Springs State Park for their Trunk or Treat from 4-8pm on October 26.
Trick or Treat will be held in Bath on October 31 from 6-8pm
RWR Insurance is having their Trunk or Treat event on November 1 from 6-8pm.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next regular meeting is November 6, at 4:30 in the County Commission Room of the Courthouse.
2. PARKS & REC: The next meeting is November 20, at the County Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is October 23.
4. RAIL/TRAIL (NBRT): Next meeting is October 30. 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 construction project contract has been awarded to First Fruits Ridge and they will begin work next week.
6. TRAIN DEPOT: Chairwoman Webster reported that parking donations collected at the Depot lot over Apple Butter Festival weekend totaled \$6,307.60. She thanked volunteers Lisa Stine, Rebecca MacLeod, Beth Skinner, Justin Wharton and Michael Moss. Ross Martin was present and was acknowledged for his Depot donation of \$673.00 gathered during his shows at the Depot.
The Depot lease with TBS was returned with amendments by that group which were outside of the scope of a standard lease. Chairwoman Webster discussed this with TBS President Stephanie Rebant and it was mutually decided to return the lease to a standard lease document as prepared by the Town Attorney. The corrected lease will be signed by Town officials and given to Travel Berkeley Springs.
7. LANDMARK COMMISSION (HLC): No report at this time.
8. CLERK/RECORDER REPORT: No report at this time.

9. **FINANCE:** Chairwoman Webster reported that she will set a Special Meeting of the Finance Committee to discuss in more detail the Bath Budget Levy Estimate 2025 and changes that may be needed due to employee compensation needs, PEIA increase concerns and increases in Town fees, fines, taxes and rates.
Chairwoman Webster delivered the following bills for approval:
Town of Bath \$8,303.01- Motion to approve: Webster/Hickey- Carried
BSWW \$44,232.73– Motion to approve: Webster/Skinner- Carried
Depot \$51.09- Motion to approve: Webster/MacLeod- Carried
10. **TREE BOARD:** The next meeting is November 20. Member Kate Lehman submitted a written report (attached) 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. The cyber security grant for the computers for our monthly court session will be reapplied for at the appropriate time.
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 is actively engaging Region 9 Planning & Development with needs of Bath with emphasis on the BSWW plant upgrades.
12. **PUBLIC SAFETY:** The next meeting is November 11. BSPD Secretary Venuto reported that a DEA RX Take Back is on October 26. She also reported that the newly adopted Apple Butter Festival vendor fees brought in \$4,170.00. The Department is addressing issues with businesses and residents using public streets as their reserved parking.
13. **CEMETERY:** Chairwoman Skinner reported that the committee met on this day at Greenway Cemetery. There are several grave sites that need attention such as being filled in with top soil. The committee will also landscape the top of the mausoleum with suitable plants.
14. **PUBLIC WORKS:** Chairwoman MacLeod informed Council that the committee is changing its meeting date and time. Meetings will now be at 8:30am on the 2nd Tuesdays of the month. The next meeting is November 12.
15. **ORDINANCE:** The next meeting is November 21. Chairman Schene presented for First 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 First Reading- Hickey/Webster- Carried
Chairman Schene expressed gratitude to Scott Collinash, President of Berkeley Springs Pride, for professionalism shown during the recent discussions of the nondiscrimination ordinance and its subsequent removal from consideration. The Chairman also explained reasons for this decision.

16. BSWW: The next meeting is October 23. The Town of Bath BSWW Water Tariff has been approved and will be effective as of the next water billing. Chairman O'Connell explained that Morgan County Commissioner Sean Forney and Governor Justice's Representative Daryl Cowles attended the BSWW meeting to support the request to accept 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. A mutual understanding on a plan to determine the location and condition of the line was reached. Next steps will be determined. The Senior Life Services building connection plan will be developed in the second phase of the total project.

The Rt. 522 water line extension is progressing. At this time, it appears that five properties will have to go through the condemnation process because the owners are not willing to give right of ways across their land.

The BSWW plant upgrades are included in the BSWW budget, but are costly. Current estimated expense for this fiscal year is \$175,000.00. The upgrade is expected to continue for the next couple years with a total cost estimate of \$1.5 million.

17. PUBLIC COMMENT: Pastor Joey Giles of Berkeley Baptist Church commented on the recent discussions surrounding the nondiscrimination ordinance and the need to be civil and understanding.

Scott Collinash, President of Berkeley Springs Pride, thanked Council for their time and work on the nondiscrimination ordinance.

Councilwoman Hickey applauded Ordinance Chairman Schene for his work on the nondiscrimination ordinance. She also said that she had reached out to Fairness WV about writing a resolution on the matter.

18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mick

Recorder Suzanne H. Webster

MORGAN COUNTY PREPARATION DAY



Are you ready for a wide-scale disaster?

Join your neighbors at a workshop where you will learn how to prepare for unexpected disruptions and resources available to help you.



FREE WITH PRE-REGISTRATION!

SUNDAY NOV. 3, 2024

1:00 - 4:00 PM

South Morgan Volunteer Fire Dept.
10166 Winchester Grade Road
Berkeley Springs 25411

Visit PrepareMorganCounty.com
to register today.



Each household will receive a free “go-bag” and an emergency radio that will provide you with a way to communicate if the grid goes down.
**See licensing requirements on “free emergency radio” page for more information.*



Hosted by the Morgan County Emergency Communications Network
Our mission is to provide off-grid, reliable communications to the Morgan County, WV community during disruptions of conventional cell, phone, radio and internet communications. Visit <https://mcecn.org> to learn more.

Thank you to our Generous Sponsors:

CNB Bank, Hunter’s Hardware, Dawson’s Ace Hardware,
American Contingency and the Morgan County Commission.



FIRST ANNUAL MORGAN COUNTY PREPARATION DAY WILL TRAIN RESIDENTS IN EMERGENCY RESPONSE

FOR IMMEDIATE RELEASE

Berkeley Springs, WV (October 21, 2024) — Morgan County Emergency Communications Network (MCECN) will host the first annual **Morgan County Preparation Day** at the South Morgan County Fire Hall on Sunday, November 3, from 1:00-4:00 p.m. This informative training event is free to the public. Advanced registration is required. Attendees will receive a free emergency “Go Bag” complete with a two-way emergency radio—one per household.

Presentations will be given by MCECN President John Petersen, Director of Emergency Planning Jason Hoover, Chief Deputy Johnnie Walter of the Morgan County Sheriff’s Office, Morgan County EMS Director Kevin Duckwall, Director of Emergency Communications Marshall Younker, and a representative from the South Morgan County Volunteer Fire Department. They will discuss what kinds of emergency scenarios are most likely for Morgan County, disaster implications for local families, and the infrastructure that is critical for our survival and recovery.

Presenter Lori Marino of American Contingency will inform attendees what resources are already in place in Morgan County to help mitigate a large-scale crisis, as well as what things households should have on hand, at a minimum, to survive an extended disruption. Presenter Josh Walton, MCECN’s Vice President, will train those in attendance on the topic of communications in an emergency situation and how to operate the radios provided.

“MCECN exists for those unfortunate times when nothing else works,” says John Petersen. “What we are witnessing in North Carolina and Tennessee after Hurricane Helene should serve as a warning that we must come together as a community to help each other make emergency response plans—before a disaster strikes. If we wait until one is upon us, it will simply be too late.”

To reserve a seat at Morgan County Preparation Day, register at www.PrepareMorganCounty.com.

<https://www.mcecn.org/>

DEA NATIONAL ^{Rx}
TAKEBACK



**Turn in unneeded medication
for safe disposal.**

Saturday, October 26

10 a.m. – 2 p.m.

**BERKELEY SPRINGS POLICE DEPARTMENT
271 WILKES STREET, PARKING LOT**

Keep them safe. Clean them out. Take them back.

Visit DEATakeBack.com for a collection site near you.

Streetscape, State Park and NBRT Projects Status Report for Town Council October 22, 2024

STREETSCAPE

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

Phase V Construction contract:

- Current estimate for start of construction is next week; Oct 28th
- Contractor still waiting on materials delivery.
- Thrasher providing sketch that saves the new parking space on Independence St as well as the existing cherry tree. Plan is for Town to provide District 5 with this. Should be a no-cost change.

Phase VI Design Task Order:

- Thrasher providing draft – will use to initiate DOH Funding Agreement
- Current cost estimate is within the Grant Award

Future Grant Awards: No update on future Grant Awards:

- Phase V Lighting
- Phase VI Construction

BERKELEY SPRINGS STATE PARK PROJECT

Current Status of DEP Consent Order:

- Awaiting WV-DEP Approval of the Town's Corrective Action Plan (Submitted with the payment of the Fine)
- Have info that DOH is reviewing the Town's Corrective Action Plan, provided either by DEP or by a copy sent to DOH (Sedosky) by the Town

NBRT

Next Task Force Meeting (if held) would be Oct 23rd at 4 pm in County Commissioners Room

- I cannot host this meeting due to previous engagement that cannot be changed
- Trying to get an update from the Oct 7th information (repeated below)
 - Received this update from DOH Charleston (email to Joel Tuttle):
From Tim Sedosky: *"Please be assured we have not given up on this and i have been actively looking at alternatives. We are going to move forward one way or another. I have been discussing with the District as well as folks in our building. and yes, Gary has moved to another Division. Which in turn has impacted us. We'll be in touch."*
 - From Mark Scoular; *"Gary is no longer in the Planning Division. We are going to meet and try and figure out who will be taking the design of the bridges on to the next step. When that is decided I will let you guys know. Sorry for the delay"*

Pete Brown
Streetscape Committee

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. 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

B. 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. Annual rental fee if paid full by July 31 will be \$500.00 (five hundred dollars) per year which represents an annual discount of \$100.00 (one hundred dollars).

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

FIRST READING: _____

SECOND READING: _____

ADOPTED: _____

MAYOR: _____ DATE: _____

RECORDER: _____ DATE: _____