

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: October 22, 2024

SECOND READING: November 05, 2024

ADOPTED: January 01, 2025

MAYOR: Scott E. Mink DATE: Nov. 5, 2024

RECORDER: Suzanne Webster DATE: NOV. 5, 2024

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 ¼ 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 Webster

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 Novemeber 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 $\frac{3}{4}$ 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 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

Jennifer Webster