

TOWN OF BATH COUNCIL MEETING

Tuesday, November 19, 2019

1. CALL TO ORDER: @ 5:30pm by Mayor
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (X) Rose Jackson (X) Elizabeth Skinner (P) John Bohrer (P) Rick Weber (X) Quorum present.
3. REVIEW OF MINUTES: Regular meeting minutes of October 15, 2019 will be presented at the next Bath council meeting.
4. PERSONS BEFORE COUNCIL & COMMUNICATIONS FROM MAYOR: The 13th Annual Empty Bowls Fund Raiser will be November 22nd.
The Mayor requested that recent fire victims be assisted as possible.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY: The next meeting is December 4th.
2. PARKS & REC: The next meeting is November 20th at the Courthouse.
3. PLANNING COMMISSION: No report at this time.
4. RAIL/TRAIL: The Morgan County Commission is to consider the Rail/Trail easement for Parcel 1A as accepted by the Bath Council.
5. STREETScape: Next meeting is November 21st. The WV DOH has signed the agreement required to proceed with bidding for the next phase of the project.
6. TRAIN DEPOT: No report at this time.
7. LANDMARK COMMISSION: No report at this time.
8. CLERK/RECORDER REPORT: Traffic Court is to be November 20th. Clerk Corrick and Administrative Assistant Swope attended Municipal Court Training.
9. FINANCE: Chairman Bohrer presented bills as follows:
 - (A) Town of Bath \$14,744.65- Motion to approve: Bohrer/Weber –Carried
 - (B) BS Water Works \$10,092.46- Motion to approve: Bohrer/Weber – Carried
 - (C) North Berkeley Rail/Trail \$800.26 – Motion to approve- Bohrer/Weber- Carried
10. TREE BOARD: The next meeting is December 11th. No report at this time.
11. PUBLIC SAFETY: The next meeting is December 11th.
 - (A)Permits: No report at this time.
 - (B)Police Report: No report at this time.
12. PUBLIC WORKS: Chairman Weber informed that yard waste pick up will be November 12th & 19th. Future paving plans include Rockwell Street in 2020 & 2021, College Street in 2022 and Blackwood Street in 2023.
13. ORDINANCE: Chairman Webster reported on the advancement of the Fould's property annexation into the Town of Bath.
Committee member Weber presented for 2nd Reading Bath Fireworks Discharge Restriction Ordinance 2019-10-02.
MOTION: To accept for 2nd Reading the Bath Fireworks Discharge Restriction Ordinance 2019-10-02– Webster/Jackson- Motion carried.

14. CEMETERY: No report at this time. The next meeting is December 3rd.
15. GRANT: No report at this time.
16. WATER WORKS: Chairman Chapman reported on the committee meeting on November 12th. A conference call was held with Appalachian Software, Inc. to discuss the new server and continuing service with ASI. The BSWW has approved to move forward with the project with the Town supplying a small financial contribution since the Town sanitation service will also use the server. The total cost is \$20,125.00.
- Chapman also reported on the request from the Warm Springs Public Service District (WSPSD) to extend BSWW lines south on Rt. 522 to Waugh's Mobile Home Park. Matt Pennington of Region 9 Planning & Development Council attended this portion of the committee meeting to lend assistance. A letter to the WSPSD was presented summarizing the Committee's interest in extending lines depending upon more information on financing without a rate increase, engineering and other future line extension project possibilities.
- MOTION: To authorize the Mayor to sign the letter to the WSPSD as presented –
Chapman/Weber – Carried
17. MOTION TO ADJOURN: Webster - carried

Attest:

Mayor Scott E. Miller

Recorder Suzanne Webster

**TOWN OF BATH
ORDINANCE 2019-10-02**

FIREWORKS DISCHARGE RESTRICTION ORDINANCE

Town of Bath Town Council, Berkeley Springs, West Virginia

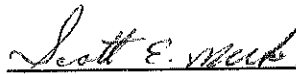
This Council hereby finds that the discharge of fireworks devices within town limits is a public nuisance. Accordingly, pursuant to WV Codes 7-1-Jkk, the following ordinance is adopted and effective on and after December, 2019.

- A) Discharge of fireworks, permitted under WV statutes, is not permitted within 500 feet of any residence, motel, hotel, bed and breakfast, hospital, nursing home, or other facility in which people live, sleep, and rest.
- B) Firework or fireworks means any composition or device designed for the purpose of producing a visible or audible effect by combustion or detonation. Fireworks include consumer fireworks, display fireworks, and special effects. Fireworks does not include sparkling devices, novelties, top caps, or model rockets. Consumer fireworks means small fireworks devices that are designed to produce visual effects by combustion that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission pursuant to 16 C.F.R. Parts 1500 and 1507 (2014), and that are listed in APA Standard 87-1. Consumer fireworks that are legal to purchase and use in West Virginia include:
 - Sky Rockets and Bottle Rockets
 - Missile-Type Rockets
 - Helicopter and Aerial Spinners
 - Roman Candles
 - Multi-Aerial Mine and Shell Devices
 - Aerial Shell Kits
 - Reloadable
 - Firecrackers
 - Hand-Held and Ground-Based Sparkling devices (hand sparklers and fountains)
- C) Prohibited Conducts in the use of Consumer Fireworks Devices;
 - A person may not intentionally ignite, discharge or use consumer fireworks on public or private property without the expressed permission of the owner to do so.
 - A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices within or throw the same from a motor vehicle or building site.
 - A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices into or at a motor vehicle or building or at any group of people.
- D) Display Fireworks denotes large fireworks to be used solely by professional pyro-technicians licensed by the State Fire Marshall and designated primarily to produce visible and/or audible effects by combustion, deflagration, or, detonation. The pyrotechnic composition of Display Fireworks far exceeds the explosive materials or components legal for Consumer Fireworks.
- E) Special Effects means a combination of chemical elements or compounds capable of burning independently of oxygen in the atmosphere. These are used as an integral part of motion pictures, radio, television, theatrical or opera productions, or live entertainment. (WV Code 29-3E-2).
- F) Violation of the provisions of this ordinance is a misdemeanor punishable, upon conviction, of a fine of \$800. Each discharge of a fireworks device in violation of this Ordinance shall be a separate offense.

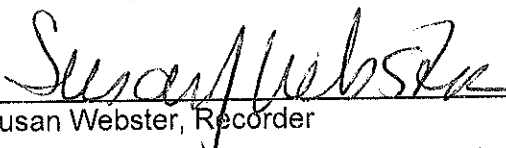
This Ordinance shall take effect upon the 2nd reading and approval of the Town of Bath Council, once appropriate signage is in place.

1st Reading: November 5, 2019

2nd Reading: November 19, 2019



Scott Merki, Mayor

Attest: 

Susan Webster, Recorder