

# TOWN OF BATH COUNCIL MEETING

November 7, 2023

1. 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) Tom Hall (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of October 17, 2023 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATION FROM MAYOR: The Mayor announced that the annual Bath Free pickups for yard waste will be November 15, 16, 29 and 30.  
The Town Hall office will be closed November 10, 2023 for Veterans Day.  
By Common Consent Council permitted Widmyer Students to hang ornaments on the plantings on the west side of N. Washington Street. This will be done over the Thanksgiving Day holiday.  
November is Family Court Awareness Month.  
The annual Deck the Meters project will be produced this year by the Town of Bath.  
Appreciation was expressed to the Chamber of Commerce's past work with this and their assistance this year. TBS will contribute \$1,500.00 toward expenses.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY: Next meeting is December 12 at 4:30pm at the Courthouse. The organization is moving forward with Growth Media for their website development.
2. PARKS & REC: No report at this time. The next meeting is November 15.
3. PLANNING COMMISSION (PC): The next meeting is December 7. Work is continuing on the next Bath Comprehensive Plan.
4. RAIL/TRAIL (NBRT): The next meeting is November 29. The progress report has been submitted to the Town office (attached) by Co-Chair Pete Brown who was in attendance with further details.  
The discussion turned to the Berkeley Springs State Park Project (attached) with acknowledgment of progress made by the contractors.
5. STREETScape: Committee Co-Chair Pete Brown has submitted a report on Streetscape (attached) and was present with further details. In order to move forward with the Phase V Streetscape project a resolution must pass to that effect and the Mayor must have Council authorization to sign the contract with the WV DOH. Both documents are attached.  
MOTION: To pass Resolution 2024-11-01 and to authorize the Mayor to sign the WV DOH contract agreement on Phase 5 Streetscape construction- Webster/Hickey- Carried
6. TRAIN DEPOT: Chairman Webster is continuing preparations for the Depot Grand Opening and Veteran's Day event at the Depot. Radio and newspaper ads have been

- placed. There will be food trucks, vendors, displays and bluegrass entertainment.
7. LANDMARK COMMISSION (HLC): No report at this time.
  8. CLERK/RECORDER REPORT: Clerk Corrick presented an Internal Budget Revision for Public Works for approval.  
MOTION: To approve the Internal Budget Revision as presented- MacLeod/Hickey- Carried
  9. FINANCE: Chairwoman Webster delivered the following bills for approval:
    - (a) Town of Bath \$61,847.29- Motion to approve: Webster/Hickey- Carried
    - (b) BSWW \$13,371.31 – Motion to approve: Webster/Hickey- Carried
    - (c) Rail/Trail \$49,435.00- Motion to approve: Webster/MacLeod- Carried
 Discussion was held concerning the payables policy which was approved by Council recently.  
MOTION: To amend the policy to reflect purchases over \$1,000.00 to require prior approval by the Finance Committee and purchases over \$5,000.00 to require the bid process (policy attached with spread sheet)- Webster/Hall -Carried
  10. TREE BOARD: The next meeting is November 15 at 4pm.
  11. GRANT: The next meeting is November 14 at 4:30pm. Chairwoman Hickey has been advised that the WV Grant Resource Center will allow one submission for assistance per month. She will focus on Public Safety, enhancing the Town website and streetlights.
  12. PUBLIC SAFETY: The next meeting is November 8. No further report.
  13. CEMETERY: The next meeting is November 29. Councilwoman Skinner reported that MRB, LLC is moving forward with the mausoleum repair work with hopes to be done by winter.
  14. PUBLIC WORKS: Next meeting is November 14. Chairman MacLeod reported that the red bricks at the Depot lot are for sale. The pricing is 100 to 250 bricks - \$1.00 per brick, 250 to 500 bricks - .75 per brick, 500 and more - .50 per brick and .30 cents per brick for all.
  15. ORDINANCE: The next meeting November 16. Chairman Schene reported that the committee will decide on fines and penalties to add to the proposed Tree Ordinance and hopes to present for a First Reading at the next Council meeting. Tree Board member Kate Lehman was present for questions or comment. He is exploring new revenue streams and ordinance creation in that regards.
  16. BSWW: Chairman Hall announced that four of the five water tanks have been painted. The extra pump is ready to go in the raw water pump station. The BSSP will be cleaning the spring channel in the Park. One OIT has been hired and one is currently in school.
  17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Meek

Recorder Susan Webster

**Status of Streetscape, State Park and NBRT Projects for Town Council  
Tuesday – November 7, 2023**

**STREETSCAPE**

**Phase V: Design & Budget:**

- The 90% Design Review conference call was completed on October 26<sup>th</sup>. Completion of the full Construction drawings was authorized then.
- Plan to discuss final drawing question with Hunters Hardware regarding their placement of roof drain downspouts along their Independence St frontage.
- Final DOH Funding Agreement will have the TA Grants at \$427,997.00 plus Town Cash Match at \$106,999.25; Total: \$534,996.25. Streetscape Account balance at end of September was \$119,195. Once the formal version is received, we expect the Mayor to be able to sign, possibly at the November 7<sup>th</sup> Meeting. A Town Council Resolution will be provided at that Meeting.

**Berkeley Springs State Park Grant & Project**

- **Current work in progress and generally complete:**
  - South Bridge removed on 10-18 as single piece
  - North Bridge issues resolved at 10-20 meeting and bridge removed (two pieces) on 10-25
  - Initial coffer dam placed in Run on 10-18; masonry repair work started on 10-26; sample repair section was approved
  - New abutments for South Bridge formed and then poured on 11-2.
- **Tentative Schedule Events:** (Will fill in the estimated dates when they become available)
  - New South Bridge fabrication to be Complete: (TBD)
  - South Bridge Abutments Complete: (11-2-23)
  - South end of Run masonry and concrete repairs (In Progress) (Issues: Original concrete block centerline Run cofferdam scheme did not function on the concrete bottom of the Run as well as expected. Shifted to sandbag cofferdams for the remaining work)
  - North end of Run masonry and concrete repairs (TBD after completion of South end work)
  - New South Bridge arrival at Park site: (TBD)
  - New South Bridge Installation: (TBD)
  - Sample of new concrete sidewalk (color and stamping) to be poured in Park: (TBD) Sub Contractor Thomas Scheduled to be onsite on 11/7
  - New sidewalks poured and accepted: (TBD) Sub Contractor Thomas Scheduled to be onsite on 11/7
  - Estimated completion of construction work: (TBD)
  - New Contract End Date: (TBD)

**NBRT**

- Nothing new to report on the NBRT Design/Build Solicitation by DOH. The official Letting date is still December 12, 2023 – with a Construction completion date of March 28, 2025.

**Parcel 1B Storm Water Management System**

- Construction of the stormwater control facility went smoothly with the oversight assistance provided by Matt Pennington of Downstream Strategies, the design firm.
- Pentoney Contracting did an excellent and efficient job with installation of the system and the hardscaping. Many thanks to U.S. Silica for supplying the cobbles for the dry streambed.
- Scott Swaim provided the mulch and also donated material for the hugelkultur mounds.
- The system is stabilized for the winter. Landscaping contracts will be let in the next month, which will allow us to tap into the second tranche of grant funding.

Pete Brown  
571-213-3687

**Brief Sheet**  
**Streetscape Phase V Construction DOH Funding Agreement**  
**November 7, 2023**

**Purpose:**

Inform Town Finance Committee and Town Council of readiness to obtain a Council Resolution that authorizes the Mayor to sign the DOH Funding Agreement for the Construction of the Phase V Project.

**Content and Estimated Costs of Phase V Construction:**

Streets to be improved in Phase V include both sides of Independence Street between North Washington and Mercers Streets and the east side of Wilkes Street between Independence Street and Union Street. Improvements include ADA Compliant sidewalks, improved drainage and installation of underground conduit for future streetlights. Installation of streetlight wiring, light poles and LED array streetlights was deferred following the 30% Design and Cost Estimate reviews in June 2023. These costs are above the Phase V Construction Budget. The installation of conduit for these includes the basic layout of power sources (behind the Library and at a specific existing light on Wilkes) and sidewalk preparations for each of the 7 future light poles.

Design and Cost reviews are complete for both the 30% Preliminary Design and Cost (June 2023) and the 90% Design and Cost (October 2023).

The estimated costs of Phase V Construction, including the required 13% DOH Contract Admin and Contingency, is \$534,000. This budget level will support a Construction Contract of about \$472,000.

**Funds Provided by the DOH Funding Agreement (the Budget):**

Two TA Grants are used to fund the Design and then the Construction costs of Phase V. The Town was responsible for both the Design and the Construction costs. Earlier Phase Design was separately funded by DOH. For Phase V DOH decided that the Town would obtain an Engineering Services Contract and would use an awarded TA Design Grant for the Design phase and a separate TA Construction Grant for the Construction Phase. Funds not used for the design would roll-over to construction.

Costs & Grant Summary for Phase V Construction:

<b>Phase V Costs with DOH Contingency:</b>	<b>\$534,000.00</b>
Funds remaining in FY 20 and FY 21 Grants:	\$427,997.00
Required Town Cash Match:	\$106,999.25
<b>Total Funds Available for Phase V Construction:</b>	<b>\$534,996.25</b>

**Open Items to be Completed Prior to Signing the DOH Funding Agreement:**

- 1) Receipt of the final DOH Letter and Funding Agreement. This package included a final DOH Draft of the Agreement. No changes are expected in the Final Version. The Mayor will sign the final when received and reviewed.
- 2) Town Council approval of the Draft Resolution at its Nov 7<sup>th</sup> meeting
- 3) Preparation of a Town check for the Cash Match of: \$106,999.25. The end of Sep CNB Streetscape Account balance was: \$119,195.85. A mid-October Balance was: \$129,970.85.
- 4) Completion of Construction level drawings, any required easements, etc – currently in-work and funded

**Recommendation:** (from the Streetscape Committee)

The Town Council should complete the Resolution that authorizes the Mayor to sign the formal DOH Funding Agreement once it's received from DOH.

Attachments:

- A) The Final Draft DOH Funding Agreement with explanatory notes
- B) The Proposed Town Council Resolution

TOWN OF BATH

EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	2024				
Chart of account		AMOUNT	DESCRIPTION		Budget Balance	
1 715 000 00	BSWW	\$ 103.00	Fire Hydrant 09/15/23 - 10/15/23	\$	824.00	
1 440 213 01	BSWW	\$ 32.93	Wilkes St 09/14/23 - 10/16/23	\$	2,618.43	
1 950 000 00	BSWW	\$ 61.47	The Greens by Court House	N/A		
1 750 213 00	BSWW	\$ 32.28	Myers Street 09/14/23- 10/16/23	\$	830.88	
1 440 222 00	CNB	\$ 45.00	Safe Deposit Box	\$	763.00	
1 440 219 00	First Citizens Bank	\$ 169.50	Copier	\$	1,822.00	
1 700 219 00	First Citizens Bank	\$ 169.50	Copier	\$	1,822.00	
1 440 223 00	Mike the Computer Guy	\$ 95.00	Bre's Outlook	\$	1,129.50	
1 755 000 00	P&W Excavating	\$ 52,655.00	S. Green St	\$	52,655.00	
Various	PEIA	\$ 6,404.24	November Health Ins	N/A		
1 440 223 00	Pest-X	\$ 61.75	Bees downstairs	\$	1,129.50	
1 440 457 01	Potomac Edison	\$ 77.32	Train Depot Electric	N/A		
1 751 000 00	Potomac Edison	\$ 5.25	N Washington St	\$	10,636.00	
1 751 000 00	Potomac Edison	\$ 35.26	Union St.	\$	10,636.00	
1 751 000 00	Potomac Edison	\$ 6.16	N Washington St	\$	10,636.00	
various	Potomac Edison	\$ 1,755.41	Master account 09/19/23- 10/17/23	\$	10,636.00	
1 416 000 00	Thomas Panebianco	\$ 100.00	Nov Judge Fee	\$	800.00	
1 440 213 03	WSPSD	\$ 38.22	Wilkes St 09/14/23 - 10/16/23	\$	2,618.00	
		<b>Totals:</b>		<b>\$</b>	<b>61,847.29</b>	

7-Nov-23

	VENDOR	AMOUNT	DESCRIPTION	CHECK #
ACCT#110086678841	POTOMAC EDISON	\$7.48	GREENGATE	400-615-800
ACCT#210000853973	POTOMAC EDISON	\$3,185.07	MASTER ACCOUNT	400-615-800
ACCT#110086577852	POTOMAC EDISON	\$57.51	BOOSTER STATION	400-615-800
WAT24-1241	WVDHHR	\$100.00	WATER SAMPLE/TEST	400-635-800
ACCT#10005201	WSPSD	\$56.11	SEWER 9/15-10/15/23	
	TOWN OF BATH	\$4,088.90	PEIA INSURANCE	
INV# 293163	CLOSE CPA	\$475.00	PAYROLL & ACCT	400-125-300
	U.S.P.S	\$562.77	BILLING 9-14/10-16	400-675-600
	T.O.B.	\$445.81	2% UTILITY TAX	#27687
	T.O.B.		RENT/ADMIN	
	MORGAN MESS	\$112.00	EMPL ADX2	
	MIKE THE COMP	\$873.60	PLANT/HACH INSTALL	400-675-200
	SHARE	\$194.76	PLANT SUPPLIES	400-675-200
INV#2330471818/5835	PACE	\$1,604.80	WATER SAMPLE/TEST	400-635-800
30WECAC7YZU	HARTFORD	\$1,607.50	W/C FINAL INSTALL	

\$13,371.31

RAIL/TRAIL

EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	2023	
VENDOR ACCT #	VENDOR NAME	AMOUNT	DESCRIPTION
	Pentoney Brothers Contracting LLC	\$ 45,600.00	CBT Grant Funds
	Reading Landscapes Inc	\$ 3,835.00	CBT Grant Funds
	<b>TOTAL</b>	<b>\$ 49,435.00</b>	