

TOWN OF BATH COUNCIL MEETING

January 23, 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) Tom Hall (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of January 2, 2024 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: The Mayor requested Council to amend the agenda to bring forward Parks and Rec.
MOTION: To bring forward Parks and Rec – Webster/Skinner- Carried.
Ashley Moss addressed Council about her desire to serve as a Bath representative on the Board of Directors of MC Parks and Rec (application attached). Council's discussion related to the recent resignation of Spencer Shives, better communication with Parks and Rec and programs and projects within the Town.
MOTION: To approve the appointment of Ashley Moss as a representative of Bath on the MC Parks and Rec board- Hickey/Schene- Carried
MOTION: To return to regular agenda-Skinner/Schene- Carried
Brock Vanorsdale, candidate for Morgan County Sheriff, introduced himself. Discussion followed concerning policing issues faced by the community.
Melissa Schod, Community Garden volunteer, announced that the next meeting of the group would be February 6 at 2pm and welcomed suggestions for the upcoming season.
5. COMMUNICATION FROM MAYOR: The Mayor reminded Council of the Auditor's Budget Training on February 20 in Martinsburg. Since that evening is also a regularly scheduled Council meeting night alternative dates were discussed.
MOTION: To reschedule the Council meeting of February 20 to February 21- Webster/MacLeod- Carried
Council expressed gratitude to the Mayor for his work with the BSWW and Labor Crew during the recent unsafe and inclement weather.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): Next meeting is February 7, 2024.
2. PARKS & REC: Nothing further. The next meeting is February 21.
3. PLANNING COMMISSION (PC): The next meeting in February 8. PC Recorder Dave O'Connell reported that talks with Michael Dougherty of WVU Extension Service culminated in the decision to use his services to review PC work products for his perspectives and suggestions. This will be done at no cost. The PC will meet with the Cemetery Committee in February.
4. RAIL/TRAIL (NBRT): The next meeting is January 31. The progress report has been submitted to the Town office (attached) by Co-Chair Pete Brown. The Committee will meet to discuss next steps since the NBRT bids came in

unreasonably high. Councilwoman MacLeod provided the Berkeley Springs Depot Parcel 1B tree planting contract and scope of work which is paid for by grants (attached).

MOTION: To approve the aforementioned contract as presented-Webster/Schene-Carried.

5. **STREETSCAPE:** The progress report (attached) has been submitted by Co-Chair Pete Brown. The project has received reimbursement of the 30% design cost. The next meeting is February 15.

6. **TRAIN DEPOT:** Chairman Webster advised of the organizational meeting held on January 17 of people interested in advancing the Depot and contiguous property for public use, education, recreation, health and economic development. Many ideas were discussed and much enthusiasm was conveyed by attendees. The next meeting is February 22.

7. **LANDMARK COMMISSION (HLC):** Next meeting is January 25.

8. **CLERK/RECORDER REPORT:** Clerk Corrick presented an Internal Budget Revision for the Police Judges Office and Town Hall (attached).

MOTION: To approve the Internal Budget Revision the Police Judges Office and Town and Town Hall as presented- MacLeod/Hickey- Carried

Corrick reminded Council of the upcoming Bath and BSWW audits on January 26.

9. **FINANCE:** Chairwoman Webster delivered the following bills for approval:

(a) Town of Bath \$21,897.64- Motion to approve: Webster/Hickey- Carried

(b) BSWW \$47,923.13 – Motion to approve: Webster/MacLeod- Carried

(c) Hotel/Motel \$28,363.29- Motion to approve: Webster/Skinner- Carried

(d) BDA \$750.00- Motion to approve: Webster/Hickey- Carried

(e) Depot \$112.75- Motion to approve: Webster/Skinner- Carried

Chairwoman Webster warned of unsustainable burdens on Bath finances and consideration being given to adjustments in the Town's revenue and expenses.

10. **TREE BOARD:** Councilwoman MacLeod explained that the current Tree Board member's terms had expired and that they were all interested in maintaining their positions on this board. MacLeod's term follows her term in elected office.

MOTION: To reappoint Andy Swaim, Lance Strait, Kate Lehman and Tom Hall to the Bath Tree Board- Hickey/Skinner- Carried

Tree Board member Lehman told Council that the Board plans to again apply for Tree City USA designation which Bath has successfully been granted for many years.

11. **GRANT:** The next meeting is February 12 at 4:30pm. Chairwoman Hickey identified new grant possibilities of interest with the HLC for home owners and Valley Health for Depot and surrounding property for community wellbeing and fitness.

12. **PUBLIC SAFETY:** The next meeting is February 14. The ParkMobile system of metered parking enforcement was explained and discussed. It was requested that the Chief make this new system clear to the community through news publications, social media and other methods.

MOTION: To approve the ParkMobile system for implementation- Schene/Hickey-

Carried

13. CEMETERY: Chairwoman Skinner announced that the WV DEP Make It Shine program will be held again. This cleanup project is very beneficial to the beginning of the mowing season in Greenway Cemetery and around Town. Event dates to be presented at the next Council meeting for approval are April 6 with rain date of April 13.

14. PUBLIC WORKS: Next meeting is February 6. Chairwoman MacLeod reported that snow plowing went well during the recent storms. The F150 is in need of maintenance.

15. ORDINANCE: The next meeting is February 15. Chairman Schene introduced for First Reading Ordinance 2024-01-06 amending in part Ordinance 2010-02 (attached). This ordinance increases fines for traffic violations in Bath.

MOTION: To approve Ordinance 2024-01-06 amending in part Ordinance 2010-02- Hickey/MacLeod- Carried

Councilwoman Hickey presented the Town of Bath Employee Hand Book revision which is available at Town Hall. Small corrections or clarifications may be necessary.

MOTION: To approve the Town of Bath Hand Book as presented with the understanding that small corrections may be needed-Hickey/Schene- Carried

16. BSWW: The next meeting is February 7. No report at this time.

17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mub

Recorder Seena J. Wells

Town of Bath

VOLUNTEER APPLICATION

Committee: Please check off the committee(s) you want to volunteer to serve on. An * indicates that Town of Bath Ordinances and/or West Virginia State Code set qualifications to serve on the committee (e.g., Must be a town resident). Check the Town of Bath's Web Site and/or Facebook Page to see the documents listed below.

Bath Development Authority

Cemetery Management and Maintenance Incorporated

Historic Landmark Commission * See document, "Qualifications to Serve on the Bath HLC."

Planning Commission * See document, "Qualifications to Serve on the Bath Planning Commission."

Other: Parks an Rec (Train Depot, Grant, Parks & Recs, Tree Board, etc.)

Date: 1/18/24

Name: Ashley Moss

Address: 1167 Sir Johns Bun Rd Berkeley Springs, WV 25411

Telephone: 240-527-9044 Cell: _____

Email: Ashmass3@gmail.com

Please explain why you want to serve on the committee? Explain any background, education, or work or professional experience you have that would contribute to your service on the committee. If possible, attach a copy of your resume. Email this form and your resume to the town clerk at: townofbath@wvdsi.net. Or mail them to: Town Clerk, Town of Bath, 271 Wilkes Street 25411. If you have any questions, call town hall at 304-258-1102. Thank you.

Hello, my name is Ashley Moss, and I would like to serve on the Parks and Rec Board. I currently work at the courthouse in the Circuit Clerk's Office. I have been in this office for almost 13 years. I started volunteering with Morgan County Little League when my oldest son started playing baseball. I became the Secretary of the Little League in November of 2022. In November of 2023, I also became the Public Relations Coordinator. I began attending Parks and Rec meetings about this time because I had never been to one before. At the meeting on 1/17, Parks and Rec announced openings that they have due to recent resignations. I am interested in becoming a part of this board because I would like to learn more about the programs for youth in Morgan County and help and volunteer in any way that I may be able to help. I will be attending the meeting on 1/23 and I appreciate you adding me to the agenda. Thank you for your time and consideration of this matter.

A handwritten signature in black ink that reads "Ashley Moss". The signature is written in a cursive style with a large initial 'A' and 'M'.

**Status of Streetscape, State Park and NBRT Projects for Town Council
January 15, 2024**

STREETSCAPE

Phase V: Design & Construction

- Thrasher has been paid for their \$15,000 30% Design Completion Invoice and the WV-DOH has reimbursed the Town for this Payment.
- The Town also received the next invoice (\$25,000) for completion of the 90% design milestone. We are verifying that all comments/corrections to the 90% design have been completed by Thrasher – prior to payment.
- Current plans are to complete the PS&E package by late January/early February to support a DOH Letting Date in early Spring. Trying to confirm this plan now.
- Design and Floodplain reviews have been requested by WV-DOH by the Town's HLC and the County Floodplain organization. Also evaluating need for any property (line) easements.

Berkeley Springs State Park Project

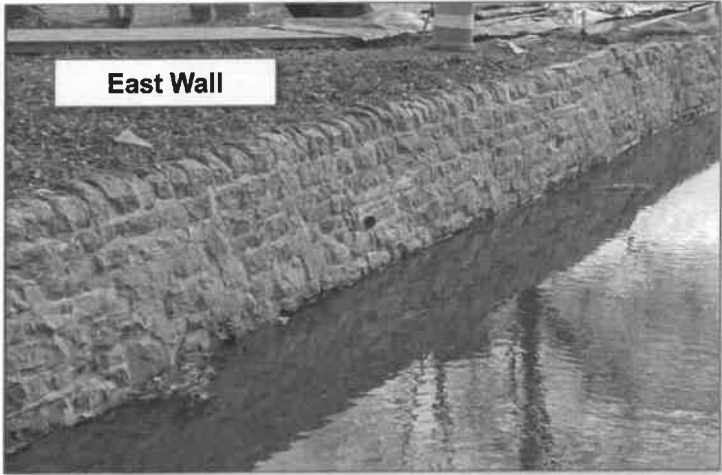
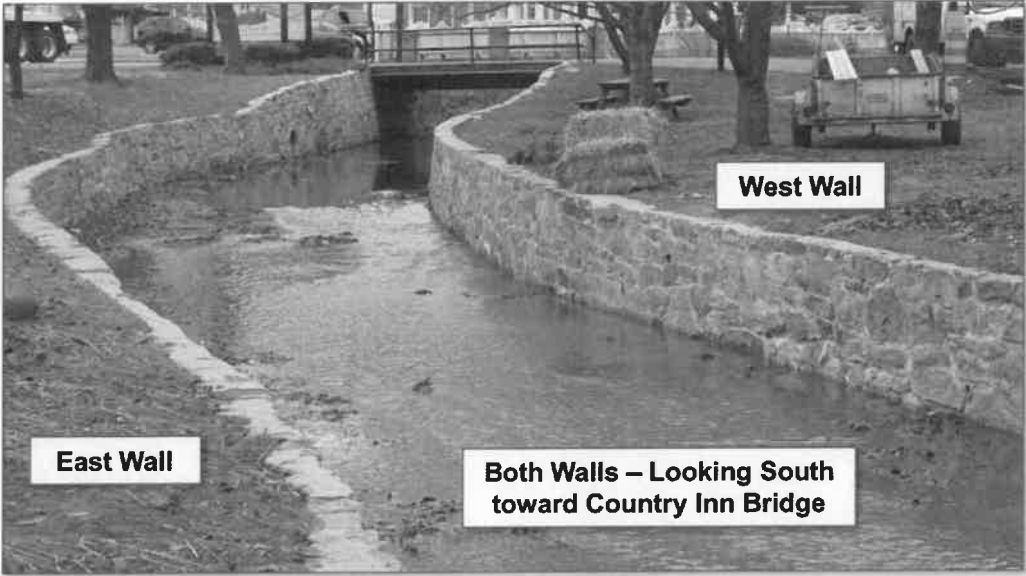
- **Current Status:**
 - Essentially Complete: DeLauter removed the major equipment and protective fencing
 - Landscape, grading and seeding along the new sidewalks was accomplished
 - Final DOH Inspection planned for this week with a formal Punch-List planned
 - Repairs to the damaged existing asphalt sidewalk between the gazebo area and the Country Inn are to be included in this Punch-List. It is noted that DOH and DeLauter were able to increase the new sidewalk area based on funds remaining in the Contract. This new concrete sidewalk runs from the Gazebo area southward to an existing bench along the Run. The nature of the DOH Work Item/Pay Item contract structure provided the basis for this additional work within the Contract Price.
- **Photos:** There are two attachments to this Report. (1) covers the various earlier work & bridge removal and (2) was taken in early January after grading and landscaping.

NBRT

- Nothing new, but will check this week.

Pete Brown
571-213-3687

**Berkeley Springs State Park Work-In-Progress Photos
Repaired Stone Walls of the Run**

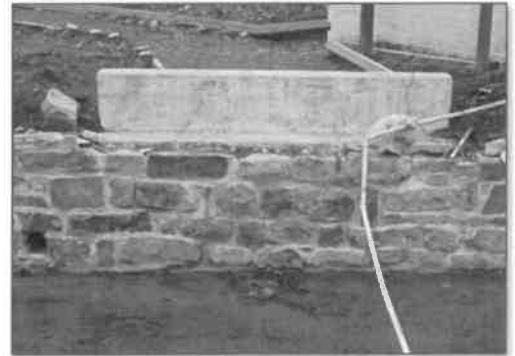


Berkeley Springs State Park Work-In-Progress Photos

Removing the South Bridge

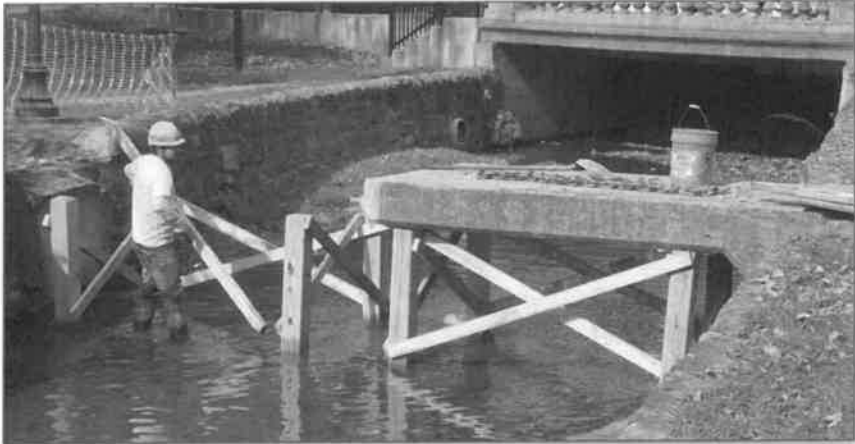


**The New South Bridge at the Factory
Prior to final Black Powder Coat and Decking**



**New West Side Abutment
for New South Bridge
(Behind new stone wall)**

Berkeley Springs State Park Work-In-Progress Photos



Bridge Sawed in Half – Excavator Could not Break It Free

Removing the North Bridge



**The Reason the Bridge was so Hard to Remove
(Concrete Deck Strengthened by Internal Railroad Rails)**



**Chains from Excavator being Connected to Outer Edge to
“Lever Up” and Pull Bridge**

Berkeley Springs State Park Work-In-Progress Photos

New Colored and Stamped Concrete Sidewalks



**Example of Curved Area Edge Stamping
at Sidewalk Intersection
(Cleaning & Sealing not yet done)**

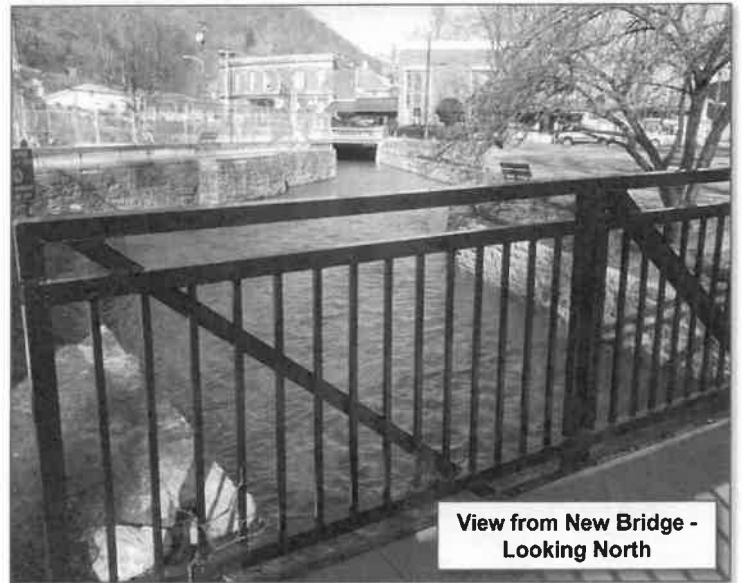
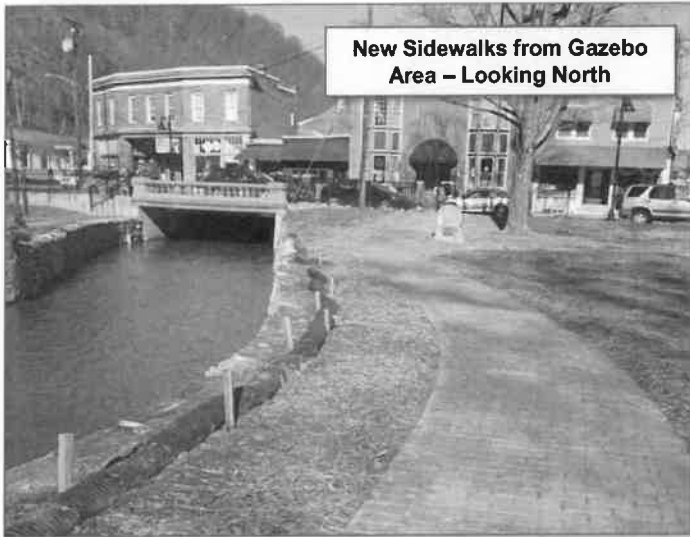


Close-up Near Fairfax St (still wet)



**East of Run Sidewalk Looking South from Fairfax St
(Section nearest camera is still wet (dark) from washing and
sealant)**

Berkeley Springs State Park Final Progress Photos – Jan 11, 2024



**Berkeley Springs State Park Final
Progress Photos – Jan 11, 2024**



**New Sidewalk Details
near Pool Entrance**



**New on West Side of
RUN near Pool Entrance
and Rest Rooms –
looking North**



**New Park Entrance
Sidewalk – looking East
toward Court House**

Budget Revision - Police Judge Office

1/23/2024

Account	Description	Change	Budget
1 416 221 00	Training	\$ (15.53)	\$ 515.53
1 416 218 00	Postage	\$ 15.53	\$ 184.47
		\$ -	

Budget Revision - Town Hall

1/23/2024

Account	Description	Change	Budget
1 440 220 00	Advertising	\$ (300.00)	\$ 200.00
1 440 223 00	Professional Services	\$ 300.00	\$ 1,800.00
		\$ -	

FY 24 Town of Bath Hotel/Motel Distribution

Agency	Actual	1st Qtr	Paid	Ck	2nd QTR	Paid	Ck	3rd QTR	Paid	Ck	4th Qtr	Paid	Ck	Total paid TD
Apple Butter Festival	\$ 1,100.00	\$ 275.00	10/4/2023	2267	\$ 275.00	1/11/2024	2280							\$ 550.00
B.S Historical Foundation.	\$ 1,800.00	\$ 450.00	10/4/2023	2268	\$ 450.00	1/11/2024	2281							\$ 900.00
Foxglove Garden Club	\$ 2,800.00	\$ 700.00	10/4/2023	2269	\$ 700.00	1/11/2024	2284							\$ 1,400.00
M.C. Parks Recs.	\$ 1,600.00	\$ 400.00	10/4/2023	2271	\$ 400.00	1/11/2024	2288							\$ 800.00
Morgan Arts Council	\$ 3,000.00	\$ 750.00	10/4/2023	2265	\$ 750.00	1/11/2024	2286							\$ 1,500.00
Morgan Arts Council - Bringing in May	\$ 500.00	\$ 125.00	10/4/2023	2266	\$ 125.00	1/11/2024	2285							\$ 250.00
TOB Rail Trails	\$ 2,000.00	\$ 500.00	10/4/2023	ach	\$ 500.00	1/11/2024	ach							\$ 1,000.00
TOB Cemetery	\$ 6,100.00	\$ 1,525.00	10/4/2023	ach	\$ 1,525.00	1/11/2024	ach							\$ 3,050.00
TOB StreetScope	\$ 13,100.00	\$ 3,275.00	10/4/2023	ach	\$ 3,275.00	1/11/2024	ach							\$ 6,550.00
TOB Train Depot	\$ 3,100.00	\$ 775.00	10/4/2023	ach	\$ 775.00	1/11/2024	ach							\$ 1,550.00
TOB Tree Board	\$ 3,400.00	\$ 850.00	10/4/2023	ach	\$ 850.00	1/11/2024	ach							\$ 1,700.00
Warm Springs Watershed	\$ 1,000.00	\$ 250.00	10/4/2023	2274	\$ 250.00	1/11/2024	2290							\$ 500.00
BS Chamber	\$ 500.00	\$ 125.00	10/4/2023	2278	\$ 125.00	1/11/2024	2285							\$ 250.00
Olde English Cemetery	\$ 1,000.00	\$ 250.00	10/4/2023	2272	\$ 250.00	1/11/2024	2293							\$ 500.00
Bath Christmas Project	\$ 1,000.00	\$ 1,000.00	10/4/2023	2276	\$ -			\$ -						\$ 1,000.00
HLC	\$ 2,500.00	\$ 625.00	10/4/2023	2273	\$ 625.00	1/11/2024	2289							\$ 1,250.00
Farmers Market	\$ 500.00	\$ 125.00	10/4/2023	2279	\$ 125.00	1/11/2024	2283							\$ 250.00
Museum of Berkeley Springs	\$ 800.00	\$ 200.00	10/4/2023	2277	\$ 200.00	1/11/2024	2292							\$ 400.00
Morgan County Library	\$ 800.00	\$ 200.00	10/4/2023	2270	\$ 200.00	1/11/2024	2287							\$ 400.00
Travel of Berkeley Springs	\$ 46,600.00	\$ 19,413.26	10/4/2023	2275	\$ 16,963.29	1/11/2024	2291							\$ 36,376.55
	\$ 93,200.00	\$ 31,813.26			\$ 28,363.29			\$ -						\$ 60,176.55

TOWN OF BATH ORDINANCE 2024-01-06

AMENDING IN PART ORDINANCE 2010-02, CHAPTER 78, TRAFFIC AND MOTOR VEHICLES. SEC. 78-524. FINE SCHEDULE FOR STOPPING, STANDING AND PARKING OF VEHICLES

1. FINE SCHEDULE EFFECTIVE MAY 1, 2024 – APRIL 30, 2026:

A. The Town of Bath Traffic and Motor Vehicles Ordinance 2010-02 as amended and adopted on May 4, 2010, shall be amended by the Town Council to update Sec.78-524. Fine Schedule for Stopping, Standing and Parking of Vehicles. This Fine Schedule is effective for the period covering May 1, 2024 – April 30, 2026, as follows:

<u>VIOLATION</u>	<u>WITHIN 30 DAYS</u>	<u>OVER 30 DAYS</u>
1. Expired Meter – \$15 PAID WITHIN 48 HRS.	\$25	\$50
2. In front of/blocking driveway	\$30	\$60
3. Within an intersection	\$30	\$60
4. On a sidewalk	\$30	\$60
5. Within 15 feet of fire hydrant	\$30	\$60
6. On a crosswalk	\$30	\$60
7. Within an intersection	\$30	\$60
8. Within 20 feet of fire house driveway	\$100	\$200
9. Double parking/standing	\$30	\$60
10. Upon a bridge	\$100	\$200
11. Where prohibited by sign	\$30	\$60
12. Where safety endangered	\$100	\$200
13. Improper parking or wrong direction	\$30	\$60
14. Handicap parking only	\$200	\$400
15. Yellow zone or curb	\$30	\$60
16. More than 18 inches from curb	\$30	\$60

2. FINE SCHEDULE EFFECTIVE MAY 1, 2026:

A. The Town of Bath Traffic and Motor Vehicles Ordinance 2010-02 as amended and adopted on May 4, 2010, shall be amended by the Town Council to update Sec.78-524. Fine Schedule for Stopping, Standing and Parking of Vehicles. This Fine Schedule is effective May 1, 2026 until further notice, as follows:

<u>VIOLATION</u>	<u>WITHIN 30 DAYS</u>	<u>OVER 30 DAYS</u>
1. Expired Meter – \$20 PAID WITHIN 48 HRS.	\$30	\$60
2. In front of/blocking driveway	\$60	\$120
3. Within an intersection	\$60	\$120
4. On a sidewalk	\$60	\$120
5. Within 15 feet of fire hydrant	\$60	\$120
6. On a crosswalk	\$60	\$120
7. Within an intersection	\$60	\$120
8. Within 20 feet of fire house driveway	\$100	\$200
9. Double parking/standing	\$60	\$120
10. Upon a bridge	\$100	\$200
11. Where prohibited by sign	\$60	\$120
12. Where safety endangered	\$100	\$200
13. Improper parking or wrong direction	\$60	\$120
14. Handicap parking only	\$200	\$400
15. Yellow zone or curb	\$60	\$120
16. More than 18 inches from curb	\$60	\$120

3. DELINQUENT PARKING VIOLATIONS:

- A. If the registered owner, in person, online, by phone or by mail, makes payment to the Town of Bath within 30 days from the date of issuance of the citation, the parking penalty shall consist solely of the amount of the original penalty.
- B. If payment of the parking citation is not received by the Town of Bath on or before the date fixed on the parking citation, the Town of Bath shall deliver to the registered owner a notice of delinquent parking citation. Delivery of such a notice may be made by phone or by first class mail addressed to the registered owner of the vehicle as shown on the records of the department.
- C. Fines will double for any delinquent parking citation over 30 days as indicated in the above referenced Fine Schedules.
- D. Any parking citation over 90 days will be submitted to the Town of Bath Municipal Court at which time the registered owner of the vehicle will receive a summons with a court date. Failure to appear in court or make payment by the court date will result in additional fines and or suspension of the registered owner's license.

4. ADDITIONAL FINES:

- A. Any parking citation that is not paid within 30 days will be in violation of Section 78-488 and the vehicle will be subject to booting.
- B. Payment of all fines along with a booting charge of \$75.00 will be required within 24 hours of boot placement. After 24 hours, the vehicle will be towed and impounded at the owner's expense. The vehicle will not be released until all fines and fees have been satisfied.

(Ord. No. 2002-07, 7-16-202)

5. CONFLICTING ORDINANCES:

A. All other ordinances and parts of ordinances, or amendments thereto, of the Town of Bath in conflict with the provisions of this ordinance are hereby repealed.

6. REVIEW BY TOWN COUNCIL:

A. All fees are subject to review and change as determined by the Town of Bath, Town Council.

FIRST READING: 1/23/24

SECOND READING: _____

ADOPTED: _____

MAYOR: _____ DATE: _____

RECORDER: _____ DATE: _____