

# TOWN OF BATH COUNCIL MEETING

April 1, 2025

1. **Call to ORDER:** @ 5:30pm by Mayor Merki
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 March 18, 2025 were approved by Common Consent. Minutes of the Special Meeting of March 26, 2025 were also approved by Common Consent.
4. **PERSONS BEFORE COUNCIL:** Mayor Merki introduced former Magistrate Court Judge Kermit Ambrose to all present. Judge Ambrose has agreed to serve as the new Municipal Court Judge for the Town of Bath. The Mayor swore in Judge Ambrose to serve the Town in that capacity. The Oath of Office is attached.
5. **COMMUNICATIONS FROM MAYOR:** The Mayor reminded all of the upcoming Make It Shine event on April 5 with rain date of April 12. The Town of Bath Municipal Election will be held this year on June 10, 2025. All Council positions are up for election and those interested may file April 1 until April 12, 2025 at the Town Hall.

## COMMITTEE AND BOARD REPORTS

1. **BATH DEVELOPMENT AUTHORITY (BDA):** BDA member Recorder Webster reiterated this organization's recent discussions concerning the current viability of the BDA. The regular meeting of the BDA will be held April 2 at the Courthouse. It is believed that the On Trac program has garnered interest in the community and that merging the two groups assets may be beneficial to Bath. Any decision in this regard will be made by the Bath Council.  
On Trac: The next meeting is April 10.
2. **PARKS /REC:** No report. The next meeting is April 16 at 7pm at the Courthouse.
3. **PLANNING COMMISSION (PC):** The next meeting is April 3. President Landon reported that the working group continues. The focus now is on Morgan County emergency preparation.
4. **RAIL/TRAIL (NBRT):** Attached is the written report submitted by Co-Chair Pete Brown. Co-Chair MacLeod reported that Thrasher Engineering under the Streetscape contract is assessing multiple options for the remediation of Lot 1A. The Morgan County Commission has agreed that the remediation of Lot 1A will move forward more quickly and effectively if done by the County with the Town overseeing the work. This proposal has been forwarded to the DoH. The proposal includes receiving a rebate of money already paid by the County to the WV DoH for lot remediation.
5. **STREETSCAPE:** The next meeting is Mar. 20 at 9:00 am. Co-Chair Pete Brown has submitted a detailed progress report (attached). DoH District 5 has deemed the Streetscape Phase 5 work substantially complete as of March 14.
6. **TRAIN DEPOT:** No report at this time.
7. **LANDMARK COMMISSION (HLC):** No report.
8. **CLERK/RECORDER REPORT:** Recorder Webster reported that two Property Use Request

received included the Jeepers in the Park and the WVU Extension Master Gardeners of Morgan County Plant Fair Committee. It was agreed that the Jeepers in the Park would be limited to having only two meters on the first block of S. Washington Street bagged for their events. Both requests are attached and were approved by the Finance Committee.

9. FINANCE: Recorder Webster delivered the following bills for approval:
  - (a) Town of Bath \$16,589.38 - Motion to approve: Webster/Hickey - Carried
  - (b) BSWW \$8,402.16 - Motion to approve: Webster/MacLeod - Carried
  - (c) Hotel/Motel Distribution \$24,394.48 - Motion to approve: Webster/O'Connell - Carried
  - (d) Tree Board - \$530.00 - Motion to approve: Webster/Skinner - Carried
10. TREE BOARD: The next meeting is April 16. Kate Lehman was present to report on the activities on the Bath Tree Board and provided a written report (attached). The group had a hazardous tree moved from the Olde English Cemetery. The Arbor Day celebration will be held on April 26.
11. GRANT: The next meeting is April 14. Chairwoman Hickey told the Council that some Federal grants and applications are in a holding pattern for the time being. The SHPO Remembrance grant received by the DAR will be completed by June 30. She is researching grants for the On Trac program the BSWW plant operations and GIS map funding. Hickey is hoping that the new Town website will be completed by July.
12. PUBLIC SAFETY: The next meeting is April 9. The BSPD is accepting applications for officers.
13. CEMETERY: The next meeting is March 25. Chairwoman Beth Skinner reported that the Make It Shine Program cleanup at the cemetery is scheduled for Saturday, April 5 (9am-12pm).
14. PUBLIC WORKS: The next meeting is April 8. Chairwoman MacLeod reported that pothole repairs on Biser and Mercer Street have been addressed. The F550 dump truck and trash truck will receive needed repairs. They are buying a new tarp for the road salt. Work continues on the mausoleum.
15. ORDINANCE: The next meeting is March 20. Chairman Schene told the Council that the committee is looking into reestablishing a more comprehensive building permit process and building codes. The Fabulous Facade building project is progressing.
16. BSWW: The next meeting is March 19. Chairman O'Connell reported that the committee is reviewing the work proposal and engineering contract of the selected engineer. He hopes to have a contract for Council's approval at the next meeting. The process is moving forward for the Water Treatment Plant upgrade and assumption of the US Silica private line.
17. PUBLIC COMMENT: Priscilla Jones made Council aware of the Prepare Morgan County WV organization which held preparedness training on March 29. She said it was very well attended.
17. MOTION TO ADJOURN: Approved by common Consent.

Attest:

Mayor Scott E. Mub

Recorder Susan Webster

**Sharon Corrick**

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**From:** Peter Brown <pfiskeb@gmail.com>  
**Sent:** Tuesday, April 1, 2025 12:29 PM  
**To:** Beth Skinner; Greg Schene; Mary Lynn Hickey; Scott Merki; Rebecca MacLeod; Susan Webster; David O'Connell; Joel Tuttle; Bill Clark; Town Bath; brefarristob@gmail.com; Jeff DuVal; David O'Connell  
**Cc:** Jeffrey L. Gola; Josh White  
**Subject:** April 1, 2025 Status of Streetscape & NBRT Projects for Town Council

Folks;

Sharron; Please put a copy of this e-mail in the Council read-ahead packages. There is no attached file for this report....Thanks.

I can't be at the Council Meeting Tonight.

Pete Brown

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**1) Streetscape Phase V Construction Contract:**

DOH D5 called the work "substantially complete" as of 3/14. The parking meter poles were drilled and installed sometime last week and curb areas were painted. Finalizing paperwork and certs remain. A final inspection to be done by the District will be scheduled at their convenience. I will let you know when this is planned.

**2) Streetscape Phase VI Design - DOH Funding Agreement:**

Word from Kyle Oliver (DOH Charleston) late last week is that the DOH processing of Funding Agreements is re-starting and that the Town should see the Phase VI Design one in the next couple of weeks. DOH has agreed to correct the couple of issues I found in their earlier Draft. A correct Thrasher Task Order has been prepared and signed by Thrasher.

**3) NBRT - Proposed Shift of Parcel 1A (Depot Lot) Remediation Work**

Sent e-mail status report to County and DOH in response to Bill Clark's e-mail of March 23rd. Bill's e-mail included: "2) **Mitigation** - Pete proposed that the WVDOH return the set-aside amount for the mitigation part of the trail project to the county. Then the county could have the town oversee the mitigation of the property. The town has been successful at doing the other section of the property. You thought that was a good idea and you'd make the request to allow us to get that cleared before trail and trailhead construction. What is the next step to gain access for those funds?"

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replied to Bill's e-mail on March 24th - after my visit to Jeff Gola at Thrasher. Contents of my e-mail below::

Peter Brown <[pfiskeb@gmail.com](mailto:pfiskeb@gmail.com)>

to Timothy, Bill, Joel, Misty, Mark, rm, Jeffrey



Tim & Folks;

The Town is working with Thrasher to obtain a cost estimate for the Parcel 1A Remediation. We are using the basic information from the HDR drawing package that was a part of the recent DOH Solicitation and the revised formal RAWP, but will provide an updated cost estimate (we don't have that original HDR estimate). We plan to utilize the Town's original LRS in the same fashion that we did for Parcel 3. We should have that estimate in the next couple of weeks. When approved, Thrasher will prepare the Contract Work Statement for the Town's Solicitation.

**The Current Plan:** Provide Cost Estimate to County and DOH; propose a financial plan to County and DOH; DOH Funding Agreement; when approved, proceed with Town of Bath solicitation for the work (similar to Parcel 3); Contract Award; progressing of the work with LRS support; Contract Completion; LRS obtains WV-DEP Certificate of Completion for Parcel 1A (similar to Parcel 3).

Will keep you all informed.

Pete Brown  
NBRT Task Force

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- **Current status of that Thrasher cost estimate: We expect to see a cost estimate this week.**

Pete Brown  
Streetscape Committee



**WVU EXTENSION MASTER GARDENERS of MORGAN COUNTY –  
PLANT FAIR COMMITTEE**

**March 21, 2025**

**To: Bath Town Council  
Attn: Sharron Corrick  
271 Wilkes, Suite A  
Berkeley Springs, WV 25411**

**From: WVU Extension Master Gardeners – Morgan County  
Plant Fair Committee**

**RE: Parking Request for 2025 Plant Fair**

The WVU Extension Master Gardeners of Morgan County will host our annual Plant Fair in Berkeley Springs State Park again. This year's event will be held on Friday, May 9<sup>th</sup>, and Saturday, May 10<sup>th</sup>, 2025. As in previous years, we would like to reserve THREE parking spaces on Fairfax Street adjacent to the park, and perhaps ONE of the closest meters to the corner of Fairfax along S. Washington Street (for a total of four), for use as an area for loading and unloading plants from 6:00 am through 7:00 pm on Friday, May 9<sup>th</sup> and from 6:00 am through 6:00 pm on Saturday, May 10<sup>th</sup>. We also request that those meters be bagged during those times. We will provide loading zone signs for the above-mentioned periods for the meters associated with the requested parking spaces.

In addition, we would like to request the use of the parking lot at the train station at the north end of town. You were kind enough to allow us to use this for vendor parking in previous years, and we found it quite helpful. We will provide our vendors with permits to place in their front windshields to indicate they are a vendor,

We appreciate your continued support of our annual Plant Fair and hope you will come to join the fun!

Respectfully,

**Darlene Brown Lindner  
WVU Extension Master Gardeners – Morgan County  
Plant Fair Committee  
301-948-3198  
d\_lindner@frontier.com**



# EVENT / USE OF TOWN PROPERTY APPLICATION

**TOWN OF BATH**  
**271 WILKES STREET, BERKELEY SPRINGS, WV 25411**

Phone (304) 304-258-1102 Fax (304) 258-2638

townofbath@wvdsi.net

**OFFICIAL USE ONLY**

Fiscal Year \_\_\_\_\_  
Festival License \_\_\_\_\_  
Business License \_\_\_\_\_  
License Fee \$ \_\_\_\_\_  
Date Issued \_\_\_\_\_

Please Print or Type

NAME OF EVENT: Jeepers in the Park

DATE(S) OF EVENT: 4/12, 5/10, 6/14, 7/12, 8/9, 9/13, 10/25, 12/13 2025

REQUESTING GROUP OR ORGANIZATION: Morgan County Jeepers

BEGINNING AND ENDING TIMES: 5pm-8pm

PROPERTY REQUESTED: \_\_\_\_\_

PURPOSE OF USE: Jeep event for Community

STREET/METER CLOSURES REQUESTED WITH DETAILS: meters in front of the state park

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: no

NUMBER OF VENDORS AT EVENT/FESTIVAL: 0

NAME OF RESPONSIBLE PERSON: John De Marinis

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: 304-839-2962

EMAIL: kellhall79@gmail.com

DATE APPLICATION SUBMITTED: 3/21/2025

SIGNATURE: Kelley Hall

Application will be submitted to Town Council. All applicants are invited to attend the Town Council and speak on their behalf. If requesting any street/meter closures, applicants must appear at Town Council before the event for approval.

Application is:  Approved

Denied

Approved Subject to Following:

Town Flat Fee: \$ \_\_\_\_\_

Festival License Fee Due:

\$ \_\_\_\_\_ \$15.00 w/ Business License

\$ \_\_\_\_\_ \$35.00 w/o Business License

\$ \_\_\_\_\_ Total Due

Proof of Insurance on File

Pay Now  
using our QR  
Code!



Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_









Since the last report to the Council, the Tree Board arranged to have a hazardous tree removed from the Olde English cemetery. Speed was of the essence for the removal of this tree. We did not seek multiple bids for the job, but went with Jake Truax, who is best able to respond to emergency tree care.

The cost of removing the tree was \$500.00

An Arbor Day celebration will be held on April 26, at 4:00, at a yet to be determined location. The April 15 agenda will include a request to issue a Proclamation declaring Arbor Day in the Town of Bath