

TOWN OF BATH COUNCIL MEETING

April 15, 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 April 1, 2025 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Oscar Robles, owner of Mi Ranchito Restaurant, explained to Council his plans for the 25th anniversary celebration he wants to have for this business on June 28. Since his plans include closing the area of Mercer Street adjacent to Mi Ranchito, he was advised to submit a Bath Facility Use application to be considered.
5. COMMUNICATIONS FROM MAYOR: The Mayor presented the Bath Levy Order and Rate Sheet for FY 2025-2026 (attached). The property tax rate for this fiscal year remains the same as last year with Class II at 25.00 cents per \$100.00 assessed and Class IV at 50.00 cents per \$100.00 assessed rate.
MOTION: To approved the Bath Levy Order and Rate Sheet as presented – Webster/Hickey – Carried
The Mayor presented the annual Arbor Day Proclamation (attached) which was accepted by Common Consent.
Mayor Merki reminded all of the Farmers Market which happens every Sunday from 10am-2pm on Fairfax Street by the Courthouse.
The Make It Shine project was April 5 with volunteers picking up litter and street debris throughout Town and Greenway Cemetery. Thanks were extended to all participants.
The DEA Drug Take Back Day is April 26 from 10am-2pm at Town Hall.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): BDA member Recorder Webster presented Council with a letter from BDA VP Bill Clark (attached). The letter requested that Council consider suspending the BDA organization until such time that the authority invested in it by WV Code may be needed by the Town. It also asked that assets held by the BDA be transferred to the On Trac program to assist this new organization with its advancement. The On Trac program has garnered interest in the community and merging the two groups' assets (financial, Focus grant report, website development, etc.) would be beneficial to Bath. Any decision in this regard must be made by the Bath Council.
MOTION: To approve the suspension of the Bath Development Authority as requested – Hickey/Schene - Carried
On Trac: The next meeting is April 23 at 4:30.
2. PARKS /REC: No report. The next meeting is April 16 at 7pm at the Courthouse.
3. PLANNING COMMISSION (PC): The next meeting is August 13.
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 has assessed 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 WV DOH. The proposal includes receiving a rebate of money already paid by the County to the WV DOH for lot remediation. Next steps include arranging discussions with Council representatives and the County Commission on an official proposal to DOH to obtain a portion of current construction funding in order to accomplish the remediation work.

5. **STREETSCAPE:** The next meeting is April 16 at 9:00 am. Co-Chair Pete Brown has submitted a detailed progress report (attached). The committee is waiting on the final funding Agreement from DOH on Phase VI Design.

6. **TRAIN DEPOT:** Chairwoman Webster will arrange a meeting with the Depot Committee to review developments of exhibits in and around the Depot.

7. **LANDMARK COMMISSION (HLC):** No report.

8. **CLERK/RECORDER REPORT:** Recorder Webster presented for approval the list of Poll Workers (attached) who have volunteered their services to assist with the Town of Bath 2025 Election.

MOTION: To approve the 2025 Bath Election Poll Workers as presented – Webster/Skinner – Carried

One Notice of Property Improvement was received for 33 N. Washington Street. It will be processed and given to the Morgan County Tax Assessor.

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

(a) Town of Bath \$17,839.22 - Motion to approve: Webster/Hickey - Carried

(b) BSWW \$62,944.89 - Motion to approve: Webster/Skinner – Carried

(c) Hotel/Motel Distribution \$51.00 – Motion to approve: Webster/MacLeod – Carried

10. **TREE BOARD:** The next meeting is April 16. The Board is assisting the Cemetery Committee with trees that must be removed from Greenway Cemetery. The Arbor Day celebration will be held on April 26.

11. **GRANT:** The next meeting is April 14. Chairwoman Hickey told Council that with the help of Region 9 GIS mapping for the BSWW is being researched. 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. She should know the status of the WV Homeland Security grant for BSPD computers by July 1. An application for Congressionally Directed Funding will be submitted to Senator Capito's office for the BSWW plant upgrades and repair.

12. **PUBLIC SAFETY:** The next meeting is May 14. Chief Gardener requested a Public Safety meeting to review applications.

13. **CEMETERY:** The next meeting is March 25. Nothing further to report.

14. **PUBLIC WORKS:** The next meeting is May 13. Chairwoman MacLeod reported that Warren Street is on schedule to be paved soon. Parking meters will be installed on Mercer Street by the Ice House. There will be four spots with one being for handicap parking. MacLeod has met with Potomac Edison concerning the repair, replacement and additional improved street lighting for Bath safety and enhancement.

15. ORDINANCE: The next meeting is April 17. Chairman Schene told the Council that the committee is looking into reestablishing a more comprehensive building permit process and building codes.
16. BSWW: The next meeting is April 16. Chairman O'Connell presented Council with the engineering contract agreement from Gwin, Dobson & Foreman, Inc. along with Task 1 (BSWW plant upgrade) and Task 2 (assumption of the US Silica private water line). The tasks are for Evaluation and Preliminary Engineering Reports for these BSWW difficult issues. All documents are attached. The documents have been reviewed by the Water Committee, BSWW Superintendent Mayhew and Town Attorney Richard Gay. Mr. Gay's assessment (attached) is that the proposals and agreement conforms to all requirements. Council has been given all of the documents for their review before this meeting.
- MOTION: To approve the GD&F Owner/Engineering Agreement as presented- O'Connell/MacLeod – Carried.
- MOTION: To approve GD&F Task 1 as presented – O'Connell/Webster – Carried
- MOTION: To approve GD&F Task 2 as presented – O'Connell/Webster – Carried
17. MOTION TO ADJOURN: Approved by common Consent.

Attest:

Mayor Suzanne Webster Recorder D. A. Conrad

MUNICIPALITY OF BATH (BERKELEY SPRINGS), WEST VIRGINIA

LEVY ORDER AND RATE SHEET

2025 - 2026

The following is a true copy from the record of orders entered by this entity
on the 15 day of April, 2025.

SIGNATURE: _____

Municipal Clerk or Recorder

	Column E Certificate of Valuation Assessed Value for Tax Purposes	Levy Rate/\$100	Taxes Levied
Current Year			
Class I			
Personal Property	\$ 0	12.500	\$ 0
Public Utility	0		0
Total Class I	\$ 0		\$ 0
Class II			
Real Estate	\$ 15,573,120	25.000	\$ 38,933
Personal Property	0		0
Total Class II	\$ 15,573,120		\$ 38,933
Class IV			
Real Estate	\$ 24,672,940	50.000	\$ 123,365
Personal Property	4,620,123		23,101
Public Utility	5,055,359		25,277
Total Class IV	\$ 34,348,422		\$ 171,743
Total Value & Projected Revenue	\$ 49,921,542		\$ 210,676
Less Delinquencies, Exonerations & Uncollectable Taxes		5.00%	10,534
Less Tax Discounts		2.00%	4,003
Less Allowance for Tax Increment Financing - see worksheet (Subtracted from regular current expense taxes levied only)			0
Total Projected Property Tax Collection			196,139
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)		2.00%	3,923
Net Amount to be Raised by Levy of Property Taxes For Budget Purposes			\$ 192,216

Mayor
Scott Merki

Recorder
Susan J. Webster



Council Members
Tom Hall
Mary Lynn Hickey
Rebecca MacLeod
Greg Schene
Elizabeth Skinner

Town of Bath

271 Wilkes Street, Berkeley Springs, WV 25411
Phone 304-258-1102 Fax 304-258-2638

ARBOR DAY PROCLAMATION

- Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,* the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,* Arbor Day is now observed throughout the nation and the world, and
- Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and
- Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE,

I, Scott Merki, Mayor of the City of Bath, do hereby proclaim
April 25th 2025, as

ARBOR DAY

in the City of Bath, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Dated this 15th day of April in the year 2025.

Mayor _____

**Bath Development Authority
271 Wilkes Street
Berkeley Springs, WV**

4/10/2025

**Town of Bath Mayor and Council
271 Wilkes Street
Berkeley Springs, WV**

Dear Honorable Mayor Scott Merki and Council,

We, the remaining active members of the Bath Development Authority (BDA), are writing to inform you of a decision reached after much discussion and reflection on the future of the organization. After careful consideration, we have decided to submit our resignations, effective June 30, 2025. This decision reflects our belief that the BDA, in its current form, has reached the end of its current mission and that it is time for a new direction.

As you know, the BDA was an early and enthusiastic supporter of the original OnTrac program, and we continue to encourage the revitalization of this initiative, which we believe has great potential for the future of Bath. We have always appreciated the town office's support in these efforts, and we hope that continued backing can rejuvenate the OnTrac program as a valuable asset to the community.

However, it has become clear that the BDA itself is in need of a new spark. Efforts to attract new members have not yielded the results we hoped for, and the organization no longer has the energy it once did. That said, we look back at our past projects, fundraisers and events with pride. After thorough discussion, it was agreed that we would each submit our individual resignations and provide this joint letter of recommendation to the Mayor and Council regarding the future of the BDA.

Should the Council not have immediate plans to reconstitute the Authority, we recommend that it be suspended for the time being. If a specific project or

initiative arises that would benefit from the powers and abilities granted to Development Authorities by WV Code, the Council can easily re-establish the BDA to meet those needs.

The BDA's only financial obligation is the completion of the website in partnership with Growth Media Co.. We are confident that the website, can be easily adapted for the OnTrac program, and the remaining funds currently allocated to Growth Media will fulfill this commitment.

On a motion made by Bill Clark and Jane Peters, the group has restated its approval for the outstanding balance to be paid to Growth Media for this purpose. We also recommend that any remaining funds, after the completion of the website obligation, be redirected to support the OnTrac effort.

We want to thank the Mayor and Council for your continued support over the years, and we hope the BDA's contributions have been valuable to the community. We remain hopeful for the future of the OnTrac program and other initiatives that may arise for the benefit of Bath.

On behalf of all active members of the BDA ;

Sincerely,

A handwritten signature in cursive script that reads "Bill Clark".

Bill Clark

Vice President
Bath Development Authority

1) Streetscape Phase V Construction Contract:

Work is complete. A final inspection will be done by the District but as of today, has not yet been scheduled.

2) Streetscape Phase VI Design - DOH Funding Agreement:

Still waiting for receipt of the final Funding Agreement from DOH. Likely in the next two weeks. Have not encountered any issues with the funding as of now.

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

Finalizing Thrasher cost estimates for two Alternatives:(1) Remediation with aggregate on the trail & parking area; or (2) Remediation with asphalt on both trail and parking area. Next steps would be to arrange discussions with Town Council and County Commission members on a proposal to DOH to obtain a portion of current NBRT Trail construction funding to permit the Town to solicit and award a contract to accomplish the work.

Pete Brown
Streetscape Committee
NBRT Task Force

Draft Election Workers 2025

Ballot Commissioners

Betty Kelley NP

Joyce Jones R

Early Voting

Sharron Corrick R

Gloria Jean Cooper R

Sandy Venuto Libertarian

Ron Gardiner R

Fred Hopkins D

Scott Swaim D

Election Day Poll Workers

Sandy Venuto Libertarian

Kevin Kellman NP

Joyce Jones R

Fred Hopkins D

Counting Board

Marji Kellman NP

Priscilla Jones – Libertarian

Steve Keith – R

Lucie Crosby – I

Jane Hutchinson – R

Alternates

John Bohrer R

Kelly Bohrer R

Scott Swaim D

NOTICE OF BUILDING OR REAL PROPERTY IMPROVEMENT

TO THE ASSESSOR OF Morgan COUNTY:

Any person, corporation, association or other owner of real property, subject to the payment of property tax, who shall erect any building or structure, or who shall add to, enlarge, move, alter, convert, extend, raze or demolish any building or structure, whereby the value of the real property shall be improved more than \$1,000 must notify the assessor on Form 12:75 within sixty days from the date the work is commenced. If a report is made by or on behalf of any mine, mill, factory, or other industrial establishment and filed with the assessor on or before June fifteen which discloses with certainty any construction, or improvement made during the previous twelve months, the owner shall be deemed in compliance with notice requirements. If a building permit has been obtained, this shall be sufficient notice. Any person in violation of provisions of West Virginia Code § 11-3-3a, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine.

See Chapter 11, Article 3, Section 3a of the West Virginia Code for additional information.

Name of Owner or Owners 304 Investments, LLC

Location (Address) of Improvement 33 N Washington St, Berkeley Springs WV 25428

Taxing District 33-03-002A-0040

Land Book Description N Wash St PA OVR PT LST 77-78 26.5 x 100

have, or has been (Altered) Altered Roof (Erected) _____

and that said improvements have increased the value of the property in excess of \$1,000.00

Improvements were commenced 3/26/25 (Month/Day/Year),

Completion date or anticipated completion date 4/1/25 (Month/Day/Year).

Approximate increase in value \$ 20,000 Use of Building Vacant + for Sale/Rent

Remarks: partial replacement of roof

Address of Owner or Owners 605 Baltimore St, Martinsburg WV 25401

Phone No. 304-279-9395

Notice Filed By _____
Signature

Date 4/7/25
Month/Day/Year

NOTICE TO BE FILED WITH ASSESSOR WITHIN SIXTY (60) DAYS AFTER COMMENCEMENT OF IMPROVEMENTS TO REAL PROPERTY WHICH WILL INCREASE THE VALUE IN EXCESS OF \$1,000

BELOW THIS LINE FOR ASSESSOR'S USE ONLY

Map No. _____

Received _____

Parcel No. _____



LAW OFFICE
Of
RICHARD G. GAY, L.C.

11 N. WASHINGTON ST., 2ND FL.
BERKELEY SPRINGS
WEST VIRGINIA 25411
Phone: 304.258.1966 • Fax: 304.258.1967
richardgay@rglawoffices.com

RICHARD G. GAY
ADMITTED IN WEST VIRGINIA, PENNSYLVANIA, OHIO,
AND THE DISTRICT OF COLUMBIA

April 14, 2025

Mayor Scott Merki, Town of Bath
Council of the Town of Bath
Richard Mayhew, Plant Superintendent, Berkeley Springs Water Works
271 Wilkes Street
Berkeley Springs, WV 25411

RE: PROFESSIONAL ENGINEERING SERVICES PROPOSAL CONSISTING OF TWO PAGES, AND AN AGREEMENT BETWEEN THE TOWN OF BATH – BERKELEY SPRINGS WATER WORKS AND GWIN, DOBSON & FOREMAN, INC. FOR ENGINEERING SERVICES FOR WATER SYSTEM UPGRADE PROJECTS DATED APRIL 9, 2025

Dear Mr. Mayhew:

At the request of Breana Farris on behalf of the Water Committee, I have reviewed the Professional Services Engineering Proposal consisting of two pages, and the Agreement between the Town of Bath – Berkeley Springs Water Works (herein “BSWW”) and Gwin, Dobson & Foreman, Inc. (herein “Gwin Dobson”) for Engineering Services for Water System Upgrade Projects consisting of 26 pages, and the attached Exhibit C, Request for Engineering Services by BSWW for proposals due February 6, 2025.

Upon reviewing the aforesaid documents, it is my legal opinion as the Town’s attorney, that both the proposal and the Agreement conform in substance and in form to the laws of West Virginia, and when approved by the Town Council of the Town of Bath by a majority vote and executed by the appropriate official authorized by the Town Council, namely Richard Mayhew, the Proposal and the Agreement will constitute legally binding contracts between BSWW and Gwin Dobson for the Engineering Services for Water System Upgrade Projects.

The Agreement is complete in its scope and fair in its application of risks and obligations, which are clearly set forth in the Agreement, and in my opinion, offer substantial protection to the Town and BSWW in the performance of engineering services by Gwin Dobson. The rates for the persons performing the engineering services are attached as an exhibit setting forth in particular the exact hourly rate for the engineering services, including groups of services such as surveying

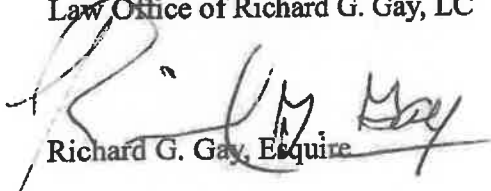
April 14, 2025

crews, and clearly sets forth the responsibility of Gwin Dobson to name Town of Bath – BSWW as additional insureds, and otherwise complies with the laws of West Virginia.

Based upon my review of the Agreement and the assumption that the Request for Engineering Services has been complied with legally, it is my recommendation that the Town Council approve the Agreement and authorize the signatures thereof necessary to effectuate said Agreement.

If you have further questions, please advise. It has been my pleasure to review this contract for the Town of Bath.

Very truly yours,
Law Office of Richard G. Gay, LC



Richard G. Gay, Esquire

RGG/skf

cc: Breana Farris, BSWW Office Manager, Water Committee