

TOWN OF BATH COUNCIL MEETING

June 17, 2025

1. CALL TO ORDER: Due to the absence of Mayor Merki the following Motion was made:
MOTION: To nominate Councilman Schene to serve as Mayor Pro Tem for the June 17, 2025 Council meeting – Webster/Hickey – Carried
2. ROLL CALL: Scott Merki (A) 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 May 20, 2025 were presented.
MOTION: To approve the June 3, 2025 Minutes: Hickey/O’Connell – Carried
4. PERSONS BEFORE COUNCIL: While no person had formally requested to be on the agenda during the time period permitted the following Motion was offered to accommodate those in attendance:
MOTION: To amend the agenda to bring forward public wishing to address Council – Hickey/O’Connell – Carried
Joshua Lucas, member of Scouting USA Troop 81, introduced himself and told Council that he was there to witness a debate. This is a requirement to earn the Scouting Communication merit badge. Joshua was warmly welcomed.
Several people were in attendance to express their displeasure over a social media post by winning candidate Reba Dalson in the recent Bath Municipal Election. This post was disparaging and partisan in nature. The post was considered unfortunate and negative by Council and they had expectations of an apology forthcoming from Ms. Dalson. The Bath Council’s focus will remain with the work and positive improvements that are planned for the community.
5. COMMUNICATIONS FROM MAYOR: The Picnic in the Park will be June 21 in the BSSP. The Fiesta on Mercer Street will be June 28.
The Election Certification will be June 19 at 4:45.

COMMITTEE AND BOARD REPORTS

1. ON TRAC: No report at this time.
2. BATH DEVELOPMENT AUTHORITY (BDA): No report at this time.
3. PARKS /REC: The next meeting is June 18.
4. PLANNING COMMISSION (PC): The next meeting is August 13.
5. RAIL/TRAIL (NBRT): The next meeting is June 25 at 4pm. Committee Co-Chair Pete Brown submitted a detailed report (attached) to the Town office. The WV DoH wants Bath and the MC Commission to be co-sponsors of the remediation of Parcel 1A of the NBRT. This entails oversight of the project administration, contractor solicitation and construction. A meeting with the Commissions will be arranged.
6. STREETSCAPE: The next meeting is June 19. Co-Chair Pete Brown has submitted a detailed report (attached). The WV DoH has opened the time period for intent to apply for the next phase until July 2, 2025.
7. TRAIN DEPOT: Chairwoman Webster reported that the Depot lot is currently being

used to gather donations for the north central region of West Virginia due to the severe flooding the citizens have suffered.

8. LANDMARK COMMISSION (HLC): No report at this time.
9. CLERK & RECORDER: Recorder Webster reported that the Town of Bath Election Canvas was held at 4:30 on this day with two provisional ballots accepted for counting. There was no change in the results of the election. The Election Certification will be June 19 at 4:45pm.
One Building Improvement Notification was submitted, acknowledged and will be processed by the Morgan County Assessors office.
10. FINANCE: Clerk Corrick delivered the following bills for approval:
 - (a) Town of Bath \$53,609.11 - Motion to approve: Webster/Hickey- Carried
 - (b) BSWW \$62,015.68 - Motion to approve pending further research on the bill submitted in the amount of \$14,738.68 by AR&E for generator repair:
Webster/MacLeod- Carried
 - (c) Tree Board \$4,000.00 - Motion to approve: Webster/Skinner- Carried
 - (d) On Trac \$70.79- Motion to approve: Webster/Hickey- Carried
11. TREE BOARD: The next meeting is June 18 at 5pm. Tree Board member Kate Lehman presented a report to Council. On June 9, Truax Tree Service worked 8 hours in Greenway Cemetery. They cut down 10 trees, including two trees in close proximity to General Barstow's grave. They trimmed 40 trees and removed a very large limb that had fallen. They did an excellent job cleaning up all debris. Due to recent storms a tree has fallen in the Olde English Cemetery.
12. GRANT: The next meeting is July 21 at 4:30pm. Chairwoman Hickey reported that the Letter of Intent has been sent to US Senator Capito's office for the Congressionally Directed Spending funds request of \$1,000,000.00. This is for the restoration and necessary improvement of the BSWW plant. This letter details the needs of the BSWW and justification information. Hickey asked for support to be given to this effort.
Resolution 2025-06-01 FEMA 5% initiative (attached) is ready for the Town Council's consideration. This Resolution documents the Council's approval of a funding request being prepared by Region 9 with FEMA for GIS mapping of water assets. Thrasher Engineering has provided an \$80,555.00 estimate for this work which will require match of \$20,139.00 from the BSWW.
MOTION: To approve Resolution 2025-06-01REMA 5% initiative as presented - Webster/Skinner - Carried
13. PUBLIC SAFETY: No report at this time.
14. CEMETERY: The next meeting is June 24 at 9am. Chairwoman Beth Skinner reported that discussion is ongoing to clearly define the roles of the Cemetery Committee and the Greenway Cemetery Management Corporation as they work together on cemetery maintenance, improvements, administration and special projects.
15. PUBLIC WORKS: Chairwoman MacLeod reported that the new railing on the Liberty Street bridge at the BS State Park and Country Inn has been construction, but has already sustained damaged. The seasonal workers are working out well in the cemetery with the guidance of the Labor Crew and Councilman O'Connell. Mowing has been delayed due to the rainy weather. Paving on Warren Street has been completed. Any left over asphalt was used to repair S. Green, Biser and other streets. Chairwoman MacLeod led tours of Bath

green infrastructure projects to Regions 8 & 9 environmental departments.

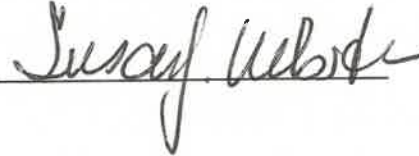
- 16.ORDINANCE: The next meeting is June 19 at 3pm. Chairman Schene told the Council that the committee is preparing for the next Council's needs for Bath.
- 17.BSWW: Chairman O'Connell gave a brief update on the BSWW. He reported that the annual Consumer Confidence Report has been officially announced. Any matters of concern will be the subject of future effort.
- 18.PUBLIC COMMENT: Appreciation was expressed by Councilman Schene along with the rest of Council for the industry and efforts of Councilors MacLeod and O'Connell.
19. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor



Recorder



**Streetscape and NBRT Projects Status Report for Town Council
June 17, 2025**

STREETSCAPE

Next Committee Meeting: I will not be available for the regular 3rd Thursday June 19th Meeting

Phase V Construction:

- DOH/Contractor final inspection was held May 21st. The Town was represented by Mayor Merki and Council members Schene and MacLeod. The work was found acceptable with some minor concerns noted.

Phase VI Design DOH Funding Agreement & Town/Thrasher Task Order:

- A draft Funding Agreement was reviewed and did not contain a paragraph regarding reimbursement for 100% of Progress Payments to Thrasher. The Town previously sent DOH its matching funds. Awaiting DOH reply.

DOH T/A 2025 Grant Application Season – Open

- Open for Intent to Apply (ITA) until 4 pm Wednesday; July 2, 2025
- If ITA is Approved, then Full Applications is due by 4 pm on Wednesday, July 23, 2025
- Alternatives:
 - Streetscape Phase VII: Lighting - 2024 Estimate: \$125,000. Town match required - 20% or \$25,000. Thrasher could update to 2025 costs. I am prepared to do this for the Town, both the ITA and the Full Application.
 - Phase VI Construction: DOH has not processed the Town's Phase VI Design Grant so no Phase VI drawings or cost estimates are available for a Construction Application. Some version of drawings for Construction Applications are required. The Town would need to have \$100,000 as its 20% match for the \$400,000 Grant.
 - No application until next year when Phase VI design is available.

NBRT

- Draft of DOH Funding Agreement revision that supports Country/Town management of the Remediation of Parcel 1A discussed with Finance Committee. Current estimate: \$164,000 including an asphalt cap that covers the trail and parking area. Tentatively, the asphalt cap would be added in a separate action from the soil remediation after utilities locations for the new CDS project for the depot area are defined.
- Total funding for Trail and Parcel 1A Remediation is approx. \$1.6M.
- A next-step would be discussions and agreement between Town and County relative to funding, contracting and DOH reimbursement for the Remediation work.

Pete Brown Streetscape Committee

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 SCOTT MYERS

Location (Address) of Improvement 98 N Washington St Berkeley Springs, WV 25411

Taxing District _____

Land Book Description _____

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

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

Improvements were commenced 6/10/25 (Month/Day/Year),

Completion date or anticipated completion date 6/15/25 (Month/Day/Year).

Approximate increase in value \$ 0 Use of Building _____

Remarks: Adding a door and staircase to access 2nd Floor Room on the back of the property

Address of Owner or Owners 99 Hixloch Pl. Martinsburg, WV 25404

Phone No. 301-331-0467

Notice Filed By [Signature] Date 6/9/25
Signature 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. _____

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

RESOLUTION 2025-06-01

A RESOLUTION OF THE TOWN OF BATH CONFIRMING ITS INTENT TO APPLY FOR FUNDING THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT PROGRAM 5% INITIATIVE

BE IT RESOLVED, that the Council of the Town of Bath confirms its intent to apply for grant funding through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) 5% Initiative to assist with GIS mapping of its underground utility infrastructure.

BE IT FURTHER RESOLVED that the Council of the Town of Bath authorizes Mary Lynn Hickey, Council Member / Grants Chairperson to act on its behalf and sign all applicable documentation required for submission of the grant application pursuant to the provisions of the program.

BE IT FURTHER RESOLVED that the Council of the Town of Bath authorizes the Eastern Panhandle Regional Planning and Development Council (Region 9) to submit the request for funding on its behalf and administer any grant funding resulting from the funding request.

I, Scott Merki, duly qualified Mayor of the Town, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Council of the Town of Bath at a regular meeting held Tuesday June 17, 2025 and said Resolution has been recorded in the Minutes of the Council of the Town of Bath and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Town of Bath, this day of June, 2025.

Attest:

Council of the Town of Bath

Susan Webster, Recorder

Mary Lynn Hickey, Council Member

Scott Merki, Mayor

Rebecca MacLeod, Council Member

Elizabeth Skinner, Council Member

David O'Connell, Council Member

Gregory Schene, Council Member

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