

# TOWN OF BATH COUNCIL MEETING

May 20, 2025

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) Dave O'Connell (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of May 6, 2025 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATIONS FROM MAYOR: The Mayor introduced Dusty Martin, Executive Director of Travel Berkeley Springs, to explain this organization's request to allow Geocaching in Bath on public property (attached letter). Geocaching is the recreational activity of hunting for and finding a hidden object by means of GPS coordinates posted on a website. Director Martin asked for general permission to further explore this activity for the Town of Bath. This permission was granted by Common Consent with the understanding that the BSPD and Town officials will be included in the development of this activity.  
Mayor Merki encouraged all to visit the Farmers Market on Sundays from 10am until 2pm on Fairfax Street during the season.  
The 'Bringing in the May' event of the previous weekend was successful. More specifics on the metered parking spaces that the group needs for the weekend should be worked out for future such events.

## COMMITTEE AND BOARD REPORTS

1. ONTRAC: The next meeting is May 22 at 4:30pm at Town Hall
2. BATH DEVELOPMENT AUTHORITY (BDA): Recorder Webster reported that the reallocation of the assets of the BDA will be included in the next Finance Committee agenda.
3. PARKS /REC: No report. The next meeting is May 21 at 7pm at the Courthouse.
4. PLANNING COMMISSION (PC): The next meeting is August 13.
5. RAIL/TRAIL (NBRT): The next meeting is May 28 at 4pm. No activity to report.
6. STREETScape: The next meeting is May 15 at 9:00 am. Co-Chair MacLeod told Council that the final inspection for the Phase V project is May 21.
7. TRAIN DEPOT: Chairwoman Webster reported that the Depot sewer issues that were brought to Council's attention at the last meeting have been addressed.
8. LANDMARK COMMISSION (HLC): No report.
9. CLERK/RECORDER REPORT: Recorder Webster gave an update on the election calendar process. Poll Worker training is May 22.  
There were no building improvement notifications.  
There were two property use request forms submitted (attached):
  1. Picnic in the Park – Request is for the area needed at metered parking spaces on Fairfax Street for three food vendor trucks. Common Consent permission given.
  2. Request to use the sidewalk adjoining the Berkeley Springs State Park for

bagel sales. Chairwoman Webster will contact the event organizer with suggested guidance.

Clerk Corrick presented a Budget Revision and accompanying Resolution 2025-05-02 (attached). This revision is due to increased revenue in the first quarter of 2025 attributable to additional income generation.

MOTION: To approve the 2025 Budget Revision and accompanying Resolution 2025-05-02 – Webster/Hickey – This vote required a Poll Vote. All of the Common Council voted in favor of the motion.

10. FINANCE: Clerk Corrick delivered the following bills for approval:

(a) Town of Bath \$28,614.21 - Motion to approve: Webster/MacLeod - Carried

(b) BSWW \$48,756.53 - Motion to approve: Webster/Hickey– Carried

(c) Hotel/Motel Distribution \$65.00 – Motion to approve: Webster/Skinner– Carried

11. TREE BOARD: The next meeting is May 21 at 5pm. Tree Board member Kate Lehman presented a report to Council (attached). The WV Division of Forestry recently informed the Board that it now has the funds to reimburse the Board for work done and yet to be done. The Finance Committee recommended to Council the approval of the \$4,000.00 expenditure to accomplish this work. Council concurred.

12. GRANT: The next meeting is June 16 at 4:30pm. Chairwoman Hickey reported that she has submitted an application for \$1,000,000.00 to US Senator Capito's office for Congressionally Directed Spending grant funds for the upgrade of the BSWW plant. She is researching grants for the OnTrac program, the BSWW plant operations and a grant through the Seely foundation for youth recreation. The Cyber Security Grant is on hold until July 1<sup>st</sup>. The GIS grant funding is being prepared by Region 9 Planning & Development. The amount being requested is \$80,555.00 with a 25% match required from the BSWW.

13. PUBLIC SAFETY: The next meeting is June 11. The Mayor is anticipating grant funding for new computers for the BSPD. A new format is being developed for the business license applications.

14. CEMETERY: The next meeting is May 27 at 9am. Chairwoman Beth Skinner praised the work of Kate Lehman and the Bath Tree Board for their dedication to the tree maintenance of the Bath Cemeteries. She also praised her committee members, Councilors MacLeod and O'Connell for their commitment to the improvement and maintenance of the cemeteries. Thanks was also expressed to the full time Town Labor Crew for their work and guidance given the new employees.

15. PUBLIC WORKS: Chairwoman MacLeod reported that Public Works has taken over the mowing for Greenway Cemetery and has hired part time seasonal workers to carry out this work. This new approach to cemetery maintenance gives local students the opportunity of a first paid job and experience. She is grateful for the patience shown by the Town Labor Crew and the help of Councilman O'Connell. Public Works is also preparing to finish the work on the top of the mausoleum.

Chairwoman MacLeod attended a meeting concerning FEMA flood plain mapping for Bath.

16. ORDINANCE: The next meeting is May 22 at 3pm. Chairman Schene told the Council that the committee is looking into reestablishing a more comprehensive building permit process and building codes. They are also working on a draft vacant building ordinance that is

waiting on legal input. The creation of a Commission on Beautification and Appearance is being considered.

17.BSWW: The next meeting is May 28 at 2pm. Chairman O'Connell presented Council with the Lease Renewal Agreement from the WV Division of Natural Resources to the Town of Bath which permits the BSWW the ability to continue using the raw water pumping station in the Berkeley Springs State Park. The agreement is for a period of 25 years.

MOTION: To approve the Lease Renewal Agreement for signature as presented- O'Connell/Webster- Carried

18.PUBLIC COMMENT: Great Cacapon resident Clifford May requested that a loading zone type parking space be reserved at the Fairfax Street entrance of the Berkeley Springs State Park for people loading water from the springs. The Mayor referred this to Public Safety. Brandon Middlekauf asked that there be a pedestrian cross walk at the corner of Liberty and S. Washington Streets. Ideas were discussed which may be acceptable to the WV DoH. John Kannofsky inquired about the time frame of the completion of the by pass.

19. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Mark

Recorder Suzanne Webster

Dear Town of Bath Council,

I'm writing to request permission to place geocaches on city property.

Geocaching is an outdoor recreational activity where participants use GPS-enabled devices, such as smartphones or handheld GPS units, to seek out containers, called "geocaches" or "caches," at specific locations marked by coordinates all over the world. These caches typically contain a logbook for finders to sign, and sometimes small trinkets or items for trade. The activity blends technology with adventure, often taking players to scenic or unusual spots they might not otherwise visit. It's essentially a global treasure hunt that anyone can join. Currently, there are over 3.3 million geocaches hidden around the world and even in space.

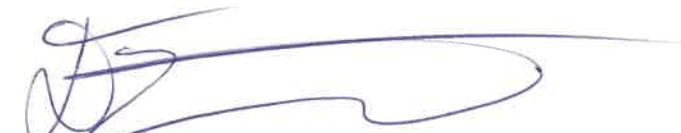
Geocaching's benefits to tourism are significant, as it encourages travel and exploration beyond traditional tourist attractions. By guiding visitors to hidden gems—such as local parks, historical landmarks, or lesser-known natural wonders—geocaching helps distribute tourist activity more evenly across regions. It supports local economies by increasing foot traffic to nearby businesses and accommodations, and often fosters a deeper connection with the area through interactive, family friendly, story-driven experiences. This type of travel appeals to adventurers, families, and cultural enthusiasts alike, enriching tourism with an added layer of discovery and engagement.

Managers of many parks and nature preserves have determined that geocaching is a beneficial, low impact activity and encourages the sport on their lands. They see the additional visitors and increased exposure that geocaching brings as a plus. Similarly, geocachers often discover exciting new places through the sport, while getting exercise and gaining an appreciation for these areas.

I believe that the Town of Bath is one of the special places that would be of interest to geocachers and would like to explore the possibility of placing geocaches here. I will be calling you shortly to discuss this. In order for me to register these geocaches I need written permission from the property owner of each individual location.

I will maintain a list of active geocaches and their locations for record at the city building as these caches are placed.

Thank You, I look forward to your support in this endeavor.



Dustin Martin  
Executive Director  
Travel Berkeley Springs



# 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: Formerly Known as Small Business Saturday

DATE(S) OF EVENT: 5/24 5/31 6/14 6/28 7/5 7/12 7/19 8/2 8/16

REQUESTING GROUP OR ORGANIZATION: 8/30 9/6 9/20 Bagels Eleven

BEGINNING AND ENDING TIMES: 10-4

PROPERTY REQUESTED: Berkeley Springs State Park sidewalk

PURPOSE OF USE: Bagel sales

STREET/METER CLOSURES REQUESTED WITH DETAILS: N/A

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: Product sold

NUMBER OF VENDORS AT EVENT/FESTIVAL: 1

NAME OF RESPONSIBLE PERSON: Nathaniel Barron

MAILING ADDRESS: 292 N. Washington St Apt 105 Berkeley Springs WV

TELEPHONE NUMBER: 304 261 0712

EMAIL: barronnathaniel39@gmail.com

DATE APPLICATION SUBMITTED: 5/19/25

SIGNATURE: Nathaniel Barron

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: \_\_\_\_\_



# 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: Picnic in the Park

DATE(S) OF EVENT: June 21, 2025 (Sat)

REQUESTING GROUP OR ORGANIZATION: Berkeley Spring Park

BEGINNING AND ENDING TIMES: 9:00 - 5:00

PROPERTY REQUESTED: Meters around state park

PURPOSE OF USE: Food Trucks

STREET/METER CLOSURES REQUESTED WITH DETAILS: Requesting meters be bypassed - there will remain meters trucks can go to other parking - No admission

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: \_\_\_\_\_

NUMBER OF VENDORS AT EVENT/FESTIVAL: 3 food trucks - 15' vendors (some mobile vendors or stalls)

NAME OF RESPONSIBLE PERSON: Scott Colburn

MAILING ADDRESS: 110 South Unchristler St,

TELEPHONE NUMBER: 681-261-7451

EMAIL: Scott@thecountryinnwv.com

DATE APPLICATION SUBMITTED: May 14, 2021

SIGNATURE: \_\_\_\_\_

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: \_\_\_\_\_

RESOLUTION 2025-05-02

At a regular session of the municipal council, held May 20, 2025, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the Town of Bath. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices the municipal council does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 5 for fund 1 a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by

Susan Webster, and duly seconded by Mary Lynn Hickey

the vote thereon was as follows:

Scott Merki	<input checked="" type="radio"/> Yes or No
Susan Webster	<input checked="" type="radio"/> Yes or No
Elizabeth Skinner	<input checked="" type="radio"/> Yes or No
Mary Lynn Hickey	<input checked="" type="radio"/> Yes or No
Rebecca MacLeod	<input checked="" type="radio"/> Yes or No
Greg Schene	<input checked="" type="radio"/> Yes or No
David O'Connell	<input checked="" type="radio"/> Yes or No

WHEREUPON, The Town of Bath, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the Town Clerk Sharron Corrick is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5114  
 Fax: 304-340-5090  
 Email: lgs@wvsao.gov

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (\$ 11-8-26a)

CONTROL NUMBER  
 Fiscal Year Ending: 2025  
 Fund: 1  
 Revision Number: 5  
 Pages: 1

Town of Bath  
 GOVERNMENT ENTITY

Person To Contact Regarding Request:  
 Name: Sharron Corrick  
 Phone: 304-258-1102  
 Fax: 304-258-3638  
 Email: townofbath@wvdsi.net

271 Wilkes Street  
 STREET OR PO BOX

Berkeley Springs WV 25411  
 CITY ZIP CODE

Municipality  
 Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
304	Excise Tax on Utilities	50,300	1,000		51,300
350	Refuse Collection (Garbage and Trash Fees)	142,000	2,000		144,000
368	Contributions/Transfer from Other Entities	8,500	300		8,800
369	Contributions from other Funds - Must Provide Explanation below	6,500	9,700		16,200
	#N/A <i>From Reserve Acct.</i>				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 13,000

Explanation for Account # 378, Municipal Specific:  
 Explanation for Account # 369, Contributions from Other Funds:

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
750	Streets and Highways	150,615	13,000		163,615
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
755	Street Construction				
900	Parks & Recreation				

**NET INCREASE/(DECREASE) Expenditures** 13,000

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

*S.A. Corrick*  
 AUTHORIZED SIGNATURE OF ENTITY

*5/20/25*  
 APPROVAL DATE



BERKELEY SPRINGS WATER WORKS  
EXPENDITURES AND ENCUMBRANCES

BATCH DATE	YEAR:	2025	General Account
VENDOR ACCT #	VENDOR NAME	AMOUNT	DESCRIPTION
	Core & Main	\$ 1,668.75	Supplies to fix broken Hydrant Meter
	Town of Bath	\$ 279.34	May 2025 EE Paid Dental/Vision
	Mike's Service Center	\$ 210.29	F550 repair
	US Bank	\$ 325.96	Farris P-Card
	US Bank	\$ 3,757.25	Mayhew P-Card
	US Bank	\$ 86.00	Powell P-Card
	US Bank	\$ 104.04	Unger P-Card
	US Bank	\$ 91.00	Redick P-Card
	US Bank	\$ 4,446.29	Office P-Card
	Richard Gay	\$ 525.00	GD&F/InfraMark Contract Legal Services
	GD&F	\$ 1,233.00	Task 1 - Water Plant Upgrades
	Reserve for Debt	\$ 19,112.94	Bond Coverage
	Transfer to R&R	\$ 15,416.67	Monthly Deposit
	Depreciation	\$ 1,500.00	Monthly Deposit
	<b>TOTAL</b>	<b>\$ 48,756.53</b>	



## Request to the Finance Committee

The WV Division of Forestry recently informed the Tree Board it now has the funds to reimburse us for the work we've already done, as well as for work included in the grant that has yet to be done.

The Tree Board was awarded a 2024 Demonstration City Grant by the WV Division of Forestry in the amount of \$5,917.00. We have spent \$2089.00: \$2000.00 to Mike Merchant for removing several trees in town, and \$89.00 for fertilizer spikes, for a total of \$2089. The balance of grant funds yet to be spent is \$3,828.00. Mr. Merchant proposed to charge \$2500.00 to remove overhanging limbs of trees that line the north side of the entrance into the original section of Greenway Cemetery.

Mr. Merchant recently stated that he cannot finish the project due to personal reasons. The Tree Board sought an estimate from Truax Tree Services. Mr. Truax submitted a \$4000.00 estimate to do 8 hours of work. Hiring a company for a day is generally less expensive than doing various jobs piecemeal.

The estimate includes trimming overhanging limbs of trees on the northern side of the entrance road into the old part of the cemetery. Were these limbs to fall, it is likely that damage would occur to the gravestones in the area.

The estimate also includes removing trees not in the grant proposal, and for which the town had already agreed to pay \$700.00.

Finally, the estimate covers trimming most if not all the old trees in the original section of the cemetery. These trees have many dead or overhanging limbs that present a threat to persons and property. This work is included in Year Two on the Five-Year Plan. Doing the work now seems prudent given current weather conditions that have recently caused many weak or dead limbs to fall. It is less expensive to trim trees now than to deal with a fallen tree or large limb.

The estimate from Truax Tree Service is \$4000.00 for 8 hours of work to remove all the overhanging or dead limbs that pose a threat to persons or property in the original section of Greenway Cemetery.

$\$4000.00 - \$700 \text{ (ToB bill)} = \$3300.00$

\$700.00 can be used as a cash match

$\$3,828.00 / \$3300.00 = - \$528.00$

The Tree Board will pay for the \$528.00 not covered by grant funds. This expenditure can be used as a cash match

Agreement #: LI-2000-II/33-0612-R  
Utility: Raw Water Pumping Facility  
Property: Berkeley Springs State Park  
County: Morgan  
Term: 25 years  
Fee: \$0

**LICENSE RENEWAL AGREEMENT**

THIS LICENSE RENEWAL AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the **STATE OF WEST VIRGINIA, DEPARTMENT OF COMMERCE, DIVISION OF NATURAL RESOURCES** (hereinafter referred to as Division), party of the first part, and the **TOWN OF BATH, BERKELEY SPRINGS WATER WORKS** (hereinafter referred to as Town), party of the second part.

**WITNESSETH:**

*WHEREAS*, Division is the owner of that certain tract or parcel of land designated Berkeley Springs Corporation District Tax Map 1 parcel 73 (4.25 acres), known as Berkeley Springs State Park, situate in Berkeley Springs Corporation District, Morgan County, West Virginia; and

*WHEREAS*, By License Agreement dated May 16, 2000 ("2000 Agreement"), the State of West Virginia, Bureau of Commerce, Division of Natural Resources, Public Land Corporation, permitted the Town of Bath to construct, install, use, operate, maintain, repair, replace and remove ("the Facilities"): (a) an underground raw water pumping facility and all appurtenances, and utilize an area twenty (20') feet by thirty (30') feet for the pumping facility; (b) an eight (8") inch water pipeline; (c) a six (6") inch water pipeline; and (d) two (2) underground electric distribution lines, utilizing a right-of-way ten (10') feet in width for the lines, under, upon and through part of the aforesaid Berkeley Springs State Park, as shown on the Map attached thereto, for a term of twenty-five (25) years; and

*WHEREAS*, Pursuant to West Virginia Code, the State of West Virginia, Bureau of Commerce, Division of Natural Resources, Public Land Corporation was re-designated the State of West Virginia, Department of Commerce, Division of Natural Resources; and

*WHEREAS*, The Town of Bath, Berkeley Springs Water Works is the successor in interest to the Town of Bath; and

*WHEREAS*, Pursuant to the 2000 Agreement, the Facilities have been constructed, and Town is desirous of continuing to use the said Facilities; and

*WHEREAS*, Division is willing to continue to allow Town to use the said Facilities.

NOW, THEREFORE, that for and in consideration of the sum of **ONE (\$1.00) DOLLAR**, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, Division does hereby continue to extend unto Town permission to use, operate, maintain, repair, replace and remove the following facilities (hereinafter referred to as "the Facilities") under and through part of Berkeley Springs State Park ("Licensed Premises"), designated Berkeley Springs Corporation District Tax Map 1 parcel 73 (4.25 acres), situate in Berkeley Springs Corporation District, Morgan County, West Virginia, as shown on the Map attached hereto:

(1) An underground raw water pumping facility, and all appurtenances thereto, and utilize an area twenty (20') feet by thirty (30') feet, which area is situate in the northern part of the said tract near Fairfax Street.

(2) An underground eight (8") inch water pipeline, and utilize a right-of-way ten (10') feet in width and approximately twenty (20') feet in length.

(3) An underground six (6") inch water pipeline, and utilize a right-of-way ten (10') feet in width and approximately thirty-five (35') feet in length.

(4) Two (2) underground electric distribution lines, and utilize a right-of-way ten (10') feet in width and approximately thirty (30') feet in length.

The parties hereto further covenant and agree as follows:

1. **TERM.** – This Agreement shall be for a period of **TWENTY-FIVE (25) YEARS** from May 16, 2025. This Agreement may be renewed by the said parties agreeing to the same in writing for successive term(s) and the renewal shall be based upon the terms and conditions set by Division.

2. **TERMINATION.** – Either party may terminate this Agreement upon sixty (60) days written notice to the other party. Upon termination of this Agreement and within thirty (30) days thereof, Town shall remove all the Facilities and the appurtenances thereto, that Town constructed, maintained and/or operated.

3. This Agreement is for the Facilities only, and is subject to the following:

(a) Town shall maintain, repair, replace and remove the said Facilities at Town's expense. Division is not responsible for any of the Facilities on the Licensed Premises.

(b) Town shall comply with all state and federal laws, rules and regulations.

(c) Town shall use existing roads for access. This Agreement prohibits the construction of any new access road.

(d) Town shall not place any signs or fencing on the Licensed Premises, unless so directed by Division.

(e) Only such trees deemed by Town to endanger the safety or interfere with the use of the Licensed Premises may be cut, and only with the prior approval of Division.

(f) Town shall not cut, remove or damage any trees, shrubs, etc, located on boundary lines which have been marked or used in surveys of said lines without obtaining the prior written consent of Division and without providing substitute boundary markers.

(g) Any barrier, gate and/or fence removed or damaged in any manner by Town shall be repaired or replaced by Town with materials approved by Division.

(h) Town shall reclaim all disturbed areas on the Licensed Premises to the satisfaction of Division within a reasonable time period.

(i) Town shall be responsible for controlling invasive plant species, as specified by Division, on the Licensed Premises.

(j) Town shall grade, level, lime, fertilize, and establish a planting on the Licensed Premises where there is a land disturbance with a legume mixture approved by Division.

(k) Town shall refrain from using any chemicals or methods other than cutting in the maintenance of the Licensed Premises, unless prior written permission is given by Division.

(l) Town shall give Division ten (10) days written notice prior to maintenance, repairs, upgrading, assigning and/or transferring the Licensed Premises.

4. When the said Facilities are no longer in use, then Town shall remove the Facilities and appurtenances, and reclaim all disturbed areas to the satisfaction of Division.

5. Division reserves the right to cultivate, pasture or otherwise use the Licensed Premises which use shall not be inconsistent with the rights herein granted: Provided, that no building shall be placed within the Licensed Premises.

6. No use, however extended, of said Licensed Premises shall be construed as creating or vesting in the Town any ownership in the subject property.

7. Town shall save and hold harmless and indemnify Division for any and all liability for personal injuries, property damage, or for loss of life or property resulting from, or any way connected with, the use of the Licensed Premises, or any means of ingress thereto or egress therefrom, except liability for personal injuries, property damage, or loss of life or property caused by the negligence of Division or any agency, agent, servant or employee of Division.

8. Town shall not assert any claim against Division or any agency, agent, servant or employee of Division for any damage sustained by Town in the use of the Licensed Premises occasioned by any act or omission of Division or any agency, agent, servant, or employee of Division unless damage was occasioned by the negligence of Division, or any agency, agent, servant or employee of Division.

9. This Agreement does not grant Town any rights, privileges or permission to enter upon or cross the property of another person, nor is permission granted to remove any material which lies upon the property of another person.

10. In the event Town fails or refuses to comply with the terms contained herein, this Agreement may be cancelled and considered null and void by Division. If this Agreement is cancelled, then within thirty (30) days of cancellation, Town shall remove all the Facilities and the appurtenances thereto, that Town constructed, maintained and/or operated.

**WITNESS** the following signatures and seals:

STATE OF WEST VIRGINIA  
DEPARTMENT OF COMMERCE  
DIVISION OF NATURAL RESOURCES

By: \_\_\_\_\_  
Director

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, To-wit:

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that **Brett W. McMillion, Director**, who signed the writing hereto annexed, for the **STATE OF WEST VIRGINIA, DEPARTMENT OF COMMERCE, DIVISION OF NATURAL RESOURCES**, has this day acknowledged the same before me in my said county to be the act and deed of said Division.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2025.

My commission expires \_\_\_\_\_.

[Seal]

\_\_\_\_\_  
Notary Public

**TOWN OF BATH,  
BERKELEY SPRINGS WATER WORKS**

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, To-Wit:

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that \_\_\_\_\_, its \_\_\_\_\_, who signed the writing hereto annexed, for **TOWN OF BATH, BERKELEY SPRINGS WATER WORKS** has this day acknowledged the same before me in my said county to be the act and deed of said Town.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2025.

My commission expires \_\_\_\_\_.

[Seal]

\_\_\_\_\_  
Notary Public

Prepared by: Office of Land & Streams  
Division of Natural Resources  
324 Fourth Avenue, Room 200  
South Charleston, WV 25303





Parcel	Address	Flood-Zone
--------	---------	------------

Toggle Highlight ON   
    
 Parcel Details    
 Zoom    
 Close

ID: 33-  
 03-0001-0073-0000

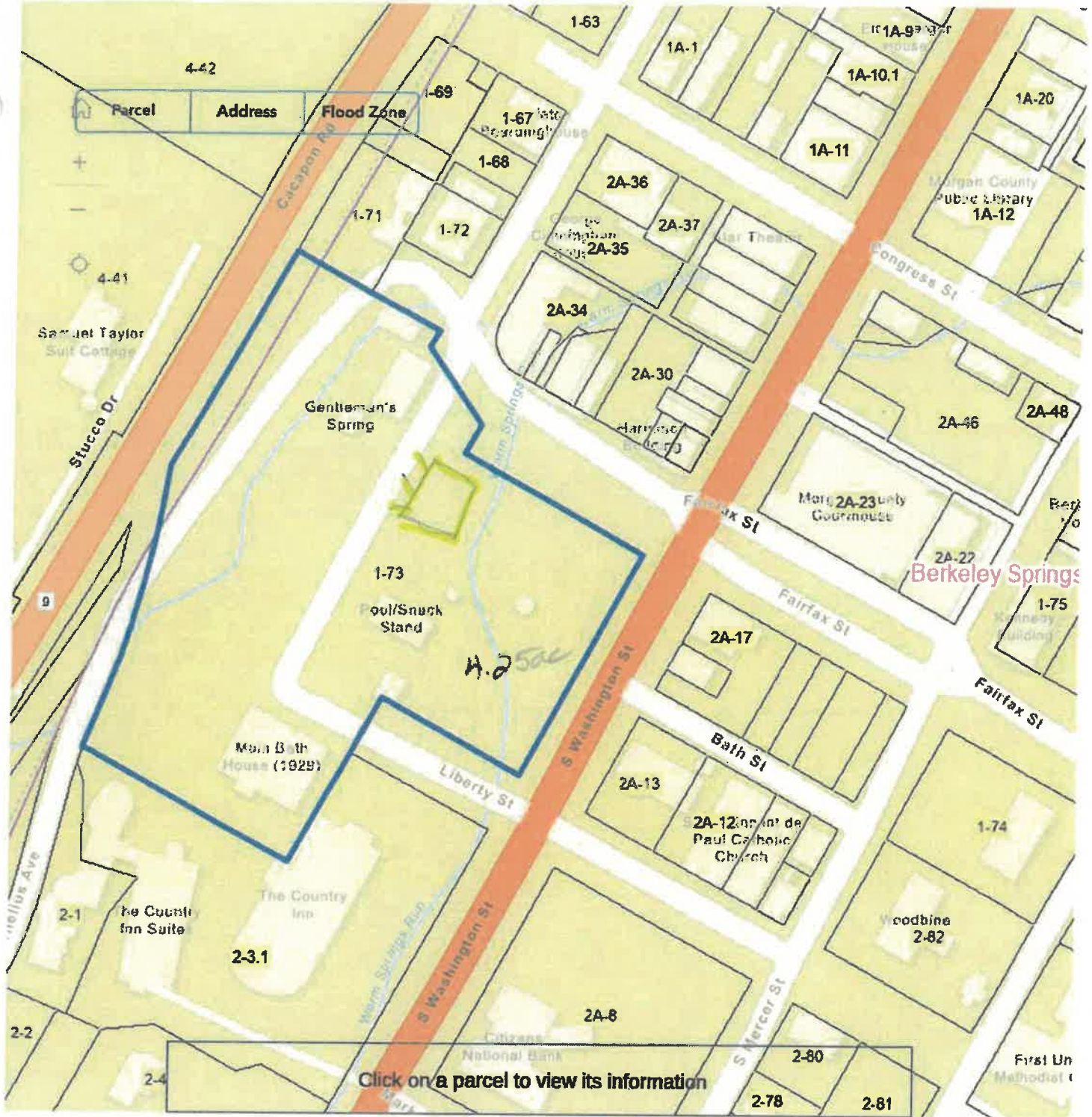
Owner(s):  
 BERKELEY SPRINGS STATE PARK

Address:  
 15 S WASHINGTON ST

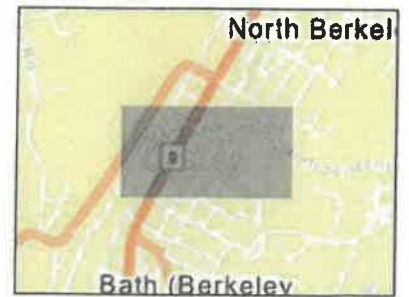
Class Type:  
 Exempt

Scale: 1:2,257  
 6C39-626176, -78.229167  
 (39.626754, -78.229167)

Legal Description:



Berkeley Springs  
Corp. Dist.  
Morgan County



0 50 m  
Scale - 1: 2,257  
39.625978, -78.224112  
(39.626962, -78.228034)

<https://maps.google.com/maps?>  
Esri Community Maps Contributors, WVU Facilities, WashCo MD, © OpenStreetMap, Micro...

Powered by Esri (<https://www.esri.com/>)

<https://www.mapwv.gov/parcel/>