

TOWN OF BATH COUNCIL MEETING

August 5, 2025

1. **CALL TO ORDER:** By Mayor Schene at 5:30pm followed by the Pledge of Allegiance and Invocation.
2. **ROLL CALL:** Greg Schene (X) Susan Webster (X) Elizabeth Skinner (A) Rick Weber (X) Mary Lynn Hickey (X) Ryan Kessel (X) Reba Dalson (X) - Quorum present.
3. **REVIEW OF MINUTES:** Minutes of the Regular Meeting of July 15, 2025 and Special Meeting of July 24, 2025 were presented and approved by Common Consent.
4. **PERSONS BEFORE COUNCIL:** None at this time.
5. **COMMUNICATIONS FROM MAYOR:** Mayor Schene expressed appreciation to all who helped with and attended the Community Picnic held on July 27 in the BSSP. This event welcomed the new Mayor and Council and was enjoyed by everyone. The Fiesta on Mercer Street will be held on August 16 from 4-9. All are invited. The annual Back to School Bash sponsored by Morgan County Parks & Rec will be held August 9 at the Warm Springs Intermediate School. Dawn Beal, Executive Director of P&R, was in attendance to present details of the event and how it is organized by her and volunteers. She also explained the difficulty she has been having receiving supplies for the event due to construction currently happening near her home on Rockwell Street.

COMMITTEE AND BOARD REPORTS

1. **ON TRAC:** No report at this time.
2. **PARKS /REC:** The next meeting is August 21.
3. **PLANNING COMMISSION (PC):** The next meeting is August 13 at 5pm.
4. **RAIL/TRAIL (NBRT):** Committee Co-Chair Pete Brown submitted a detailed report (attached) to the Town office. Brown's report explains that in order to move forward with the remediation of Parcel 1A on the Depot lot that the Council must authorize the Mayor to execute Supplemental Agreement #4, along with all related documents and take all necessary actions to insure the successful continuation of the NBRT.
MOTION: To approve Resolution 2025-08-01 (attached) – Webster/Hickey – Carried
MOTION: To authorize the Mayor to sign the Supplemental Agreement #4 for Change in Scope of Work for the North Berkeley Rail/Trail - Federal Project: NRT-2012(074) DTC Construction (attached) – Hickey/Weber – Carried
5. **STREETSCAPE:** The next meeting is August 21. Co-Chair Pete Brown has submitted a detailed report (attached). Brown submitted Project Applications for both the Phase VI Funding Agreement and Phase VII Streetlight Construction.
6. **TRAIN DEPOT:** Chairwoman Webster reported TBS Executive Director Dusty Martin submitted cost estimates and descriptions of work to the Finance Committee (FC) today. This work pertains to heating the baggage room of the Depot for year-round use. The Committee will review the estimates and discuss at the next FC meeting.
7. **LANDMARK COMMISSION (HLC):** No report at this time.
8. **CLERK & RECORDER:** One Building Improvement Notification (attached) was submitted, acknowledged, and will be processed by the Morgan County

Assessor's office. The notification was for 49 Mercer Street.

One Facility Use Permit Application was submitted (attached). This application was for Cub Pack 81 to use the parking on Liberty Street during the upcoming Apple Butter weekend. This was approved by the finance Committee.

10. FINANCE: Recorder Webster delivered the following bills for approval:
 - (a) Town of Bath \$13,470.09 - Motion to approve: Webster/Hickey- Carried
 - (b) BSWW \$58,784.96 - Motion to approve: Webster/Hickey-Carried
 - (c) Greenway Cemetery \$5,515.00 – Motion to approve: Webster/Hickey– Carried
 - (d) Hotel/Motel Disbursement \$1,651.99- Motion to approve: Webster/ Dalson – Carried
 - (e) On Trac \$500.00 – Motion to approve- Webster/Weber – CarriedDiscussion was held concerning the Town investing in the West Virginia Consolidated Fund program. It was concurred that this would maximize Bath's return on funds available for placement in such a program. This program is offered through the WV Treasurer's Office.

MOTION: To approve Resolution 2025-08-02 (attached) authorizing the Mayor to move forward with the Consolidated Fund opportunity – Webster/Weber- Carried
11. TREE BOARD: The next meeting is August 20 at 5pm. Tree Board member Kate Lehman presented the report to Council. The Board's work plan and budget (attached) were approved by the Finance Committee.
12. GRANT: Grant Committee member Hickey reported that she is continuing work and closing out grants she administered during last term including the Appalachian Forestry Grant, SHPO Remembrance Grant and WV Cyber Security. She announced that the first rendering of The Mills Group's work for the rehabilitation of the downtown area has been received. The Appalachian Forestry grant funded website should be launched this week. She is researching software to use for cemetery records. The Congressional Directed Spending grant application is in the works with Senator Capito's office.
13. PUBLIC SAFETY: Chief Gardiner reported that he has hired Larry Landon to assist the Town with long- or short-term parking meter enforcement.
14. CEMETERY: The next meeting is November 20 at 1pm. Committee member Dalson updated Council on the work being done to document Gen. Barstow's grave and other Civil War sites. A commemoration is planned for November 11. The landscape maintenance contractor is working out well.
- 15 PUBLIC WORKS: Chairman Weber described the Labor Crew's work to clean up streets and other public areas that quickly becomes overgrown and unsightly if not well maintained. He presented the Committee's 14 point plan for street paving (attached). Mercer Street from Fairfax to Church Street and Market from Mercer to Green Street are early priorities. Weber will also be speaking with Tim Boyer of Potomac Edison the third week of August to establish a plan to replace and upgrade street lighting in Town. There will be a street sweeper demonstration on August 19 at 9 am.
16. ORDINANCE: The next meeting is August 21 at 4pm. Chairman Kessel is acquainting himself with the ongoing ordinance discussions and future community code needs. He is looking a parking permit ordinance for Bath and dilapidated building codes. The 1% Sales Tax revenue is having a great effect on the Bath budget.
17. BSWW: The next meeting is August at 4pm. Chairwoman Hickey reported that the

Committee met with GD & F Engineering firm on the possible take over of the US Silica waterline. GD & F does not recommend that the BSWW take over the US Silica line. A meeting with US Silica officials about this matter will be planned. The Committee hopes to soon receive cost estimates and detailed plans for the BSWW plant upgrade and rehab in order to make good decisions on future direction and financial planning. The grant application for GIS mapping for the BSWW is in the works.

18. MOTION TO ADJOURN: – By Common Consent.

Attest:

Mayor



Recorder



Mayor
Greg Schene

Recorder
Susan J. Webster



Council Members
Reba Dalton
Mary Lynn Hickey
Ryan Kessel
Elizabeth Skinner
Rick Weber

Town of Bath

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

Town of Bath Resolution 2025-08-01

WHEREAS, the Town of Bath is an incorporated municipality in the State of West Virginia, and

WHEREAS, the West Virginia Department of Transportation, Division of Highways has provided Supplemental Agreement 4 for the North Berkeley Rail Trail that assigns the Town of Bath as a Co-Sponsor with the Morgan County Commission of State Project: U333-NBR/T-1. 02; Federal Project: NRT-2012(074)DTC Construction (North Berkeley Rail Trail); and

WHEREAS, the Town of Bath Council is in agreement with the Supplemental Agreement 4 Co-Sponsor assignment and adjustments in the Scope of Work. This assigns the Co-Sponsors to complete the work that is required to fulfill the existing Voluntary Remediation Agreement between the Town of Bath and the West Virginia Department of Environmental Protection (WVDEP) for Parcel 1A of the Future Depot Trailhead of the NBRT; and

WHEREAS, the Town of Bath and Morgan County Commission, as co-sponsors, will oversee project administration, contractor solicitation, and construction oversight in coordination with the West Virginia Division of Highways. Funds from the Supplemental Agreement 4 will be used; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bath Town Council authorizes the Mayor to execute Supplemental Agreement #4, along with all related documents, and to take necessary actions as outlined in its Scope of Work to ensure the successful continuation of the North Berkeley Rail Trail Project.

Adopted this 5th day of August, 2025.

Greg Schene, Mayor

Susan Webster, Recorder

WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
SUPPLEMENTAL AGREEMENT 4
FOR
CHANGE IN SCOPE OF WORK
STATE PROJECT: U333-NBR/T-1. 02
FEDERAL PROJECT: NRT-2012(074)DTC CONSTRUCTION
NORTH BERKELEY RAIL TRAIL
TRANSPORTATION ALTERNATIVES
RECREATIONAL TRAILS
MORGAN COUNTY

THIS AGREEMENT, executed, made and entered into this _____ day of _____, 20____, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, hereinafter called "**DEPARTMENT**," **MORGAN COUNTY COMMISSION** and **TOWN OF BATH**, hereinafter called "**CO-SPONSORS**" supplementing the agreements between the aforementioned parties and expands on the scope of work of the original agreement dated September 20, 2013 and

Supplemental Agreement 1 dated March 26, 2014 and Supplemental 2 dated July 17, 2019 and Supplemental Agreement 3 dated February 28, 2022.

WITNESSETH that,

WHEREAS, DEPARTMENT and CO-SPONSORS have determined that a project for design and construction of a rail trail in Morgan County is an eligible project for funding under the Transportation Alternatives (TA) and Recreational Trails Program (RTP) as appropriated in the FAST Act; and

WHEREAS, CO-SPONSORS have requested a change in Scope of Work, and;

WHEREAS, by Resolution bearing the date of the _____ day of _____, 20____, the Morgan County Commission directed the proper authorities to execute, acknowledge and deliver this Agreement, a copy of which Resolution is affixed hereto and made a part hereof;

WHEREAS, by Resolution bearing the date of the _____ day of _____, 20____, the **TOWN OF BATH** directed the proper authorities to execute, acknowledge and deliver this Agreement, a copy of which Resolution is affixed hereto and made a part hereof;

WHEREAS, CO-SPONSORS, have received a Transportation Enhancement, Transportation Alternatives and Recreational Trail Awards for Federal Fiscal Year (FFY) 2011; FFY 2012 and FFY 2016, which have been combined into one project; and

NOW THEREFORE, DEPARTMENT and CO-SPONSORS agree as follows:

I. SCOPE OF WORK

- A.** Added Town of Bath as a **CO-SPONSOR** to the project.
- B.** A Voluntary Remediation Agreement (VRA) between the Town of Bath and West Virginia Department of Environmental Protection (WVDEP) requires the remediation of Parcel 1A of the Berkeley Springs Depot property that will serve as the trailhead of the North Berkeley Rail Trail (NBRT).
- C. CO-SPONSORS** will advertise, let and award the project and may then contract with a qualified contractor using the requirements which are included in the WVDOH solicitation package for the NBRT.
- D. CO-SPONSORS** will be responsible for construction administration, oversight and material testing using the **CO-SPONSORS's** consultant.
- E. CO-SPONSORS** will coordinate these activities with the **DEPARTMENT**.

II. FUNDING

No additional funding will be awarded to perform this expanded Scope of Work.

A funding breakdown for the project is presented in **Table 1.0**.

INCORPORATED BY REFERENCE

It is understood and agreed by the parties hereto that all the terms and provisions contained in the hereto referenced original Agreement between the **DEPARTMENT** and the **CO-SPONSORS**, dated September 20, 2013 and Supplemental Agreement 1 dated March 26, 2014 and Supplemental 2 dated July 17, 2019 and Supplemental Agreement 3 dated February 28, 2022, is to continue in full force and effect except as modified and/or altered by this Supplemental Agreement 4.

IN WITNESS WHEREOF, the parties hereto have caused their respective names to be signed by their duly authorized officers.

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS**

Secretary of Transportation / Commissioner of Highways

(signature)

(title)

MORGAN COUNTY COMMISSION

(signature)

(title)

TOWN OF BATH

(signature)

(title)

Distribution:

Town of Bath
Morgan County Commission
Planning Division
Legal Division

APPROVED AS TO FORM ON

6/18/2025

ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION.
DIVISION OF HIGHWAYS

Jason Holden

NUMBER: 2506072

**Table 1.0 North Berkeley Rail Trail Funding Breakdown
 FFYs 2011, 2012 & FFY 2016 Grant Awards
 State Project: U333-NBR/T-1.02
 Federal Project: NRT-2012(691)DTC (Design) and
 NRT-2012(708)DTC (Construction)**

FUNDING TYPE	FEDERAL FUNDS	MATCHING FUNDS	TOTAL FUNDING
CONSTRUCTION PHASE NRT-2012(708)DTC Matching Funds provided with Toll Credits			
RTP Grant Funds Supplemental Funding	\$1,339,523.06	NA	\$1,339,523.06
Toll Credits	NA	\$267,904.61*	NA*
Subtotal Construction Funds	\$1,339,523.06	NA*	\$1,339,523.06
CONSTRUCTION PHASE NRT-2012(708)DTC 80/20 Funding Ratio with Sponsor's Matching Funds			
FFY 2012 RTP & TA Grant Funds	\$341,195.24	\$85,298.81	\$426,494.05
FFY 2016 RTP Grant Funds	\$160,000.00	\$40,000.00	\$200,000.00
Subtotal Construction Funds	\$501,195.24	\$125,298.81	\$626,494.05
Total Project Construction Funds	\$1,840,718.30	NA	\$1,966,017.11

NOTES:

* Toll Credits are based on 20% of Federal amount, however they can NOT be used as available funding for project.

* Toll Credits do not factor in Project Funding totals.



**Morgan County Commission
77 Fairfax Street, Room 101
Berkeley Springs, WV 25411
304-258-8540**

- COMMISSIONERS-

**Sean Forney
77 Fairfax St.
Berkeley Springs
WV 25411
304-258-8540**

**Joel Tuttle
77 Fairfax St
Berkeley Springs
WV 25411
304-258-8540**

**Bill Clark
77 Fairfax St.
Berkeley Springs
WV 25411
304-258-8540**

RESOLUTION

**Authorizing Execution of Supplemental Agreement #4
for the North Berkeley Rail Trail**

WHEREAS; The Morgan County Commission in collaboration with the Town of Bath, has pursued pedestrian infrastructure and recreational improvements under the Transportation Alternatives and Recreational Trails Program (RTP).

WHEREAS; The West Virginia Department of Transportation, Division of Highways, has determined the North Berkeley Rail Trail project qualifies for funding under the FAST Act, requiring scope expansion and execution adjustments.

WHEREAS; A Voluntary Remediation Agreement (VRA) between the Morgan County Commission and the West Virginia Department of Environmental Protection (WVDEP) mandates remediation of Parcel 1A at the Berkeley Springs Depot, the future trailhead of the North Berkeley Rail Trail (NBRT).

WHEREAS; The Morgan County Commission and the Town of Bath, as co-sponsors, will oversee projection administration, contractor solicitation, and construction oversight in coordination with the West Virginia Division of Highways.

THEREFORE,

BE IT RESOLVED; The Morgan County Commission authorizes the Commission President to execute Supplemental Agreement #4, along with all related documents, and to take necessary actions as outlined in its Scope of Work to ensure the successful continuation of the North Berkeley Rail Trail Project.

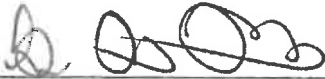
Adopted this 16th day of July, 2025.



Bill Clark, Commission President

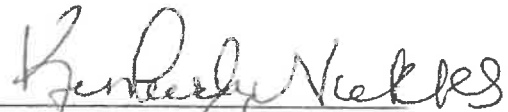


Joel Tuttle, Commissioner



Sean Forney, Commissioner

ATTEST:



Kimberly Nickles
Clerk of the County Commission

**Status Update of Streetscape & NBRT Projects for Town Council
August 5, 2025**

STREETSCAPE

Phase VI Design Grant and DOH Funding Agreement

- The Funding Agreement has been signed and along with the Town Council Resolution and the Town Match Check was send to DOH Charleston.
- Next Steps prior to DOH authorization to proceed with the design include Final Secretary of Transportation signature, clearance through Federal Highway Administration and a Formal Proceed letter from DOH. All this usually takes a few months.
- The Draft Task Order #2 for Thrasher Engineering has been signed by Thrasher and will be signed by the Town when DOH has authorized the work and expenditure of funds.

DOH TAP 2025 Grant Applications

- Town submitted both Project Applications that were approved in the ITA phase. This was because the DOH Charleston Program Office (Tim Sedosky and Mark Scoular) highly recommended that we do this. They understood our concerns that we did not want to risk a non-approval of the larger and higher priority Phase VI Construction Project by also submitting a lower cost and lower priority second application for the Phase VII Lighting Completion.
- We may have some results in the next couple of months.
- Mark Scoular has retired; last work day was July 25th. Travis Hayes will take up Mark's programs.

NBRT

DOH Supplemental Funding Agreement #4

- Working with Bill & Joel at the County Commission to complete the processing of the Supplemental Funding Agreement #4. County completed the required Resolution (Authorizing Execution of Supplemental Agreement #4) at their July 16th Meeting.
- That Agreement also names both Morgan County Commission and Town of Bath as Co-Sponsors
- The required Town Council Resolution will be presented for action at the August 5th Council Meeting
- The Agreement Modifies Scope of Work:
 - Splits out the work required by the Voluntary Remediation Agreement (VRA) between WV-DEP and the Town of Bath to remediate Parcel 1A of the Depot Lot which is a part of the NBRT Trailhead
 - Authorizes the Co-Sponsors to advertise, let, award a contract, administer the work and complete the remediation utilizing the Town of Bath's Licensed Remediation Specialist (LRS).
- Preliminary Contract strategy is based on the successful Parcel 3 Remediation adjusted for the slightly different remediation required on Parcel 1A. This will be coordinated with the design and construction of new infrastructure and facilities at the Depot. This will use new funding not currently tied to NBRT Construction.
- Co-Sponsors will be working out the funding arrangement and flow in support of the Supplemental Agreement #4.
- The basic layout of Parcel1A and 1B at the Depot is shown on the next page.

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, raise 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 Sarah Duncan

Location (Address) of Improvement 49 Mercer St.

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 June 2005 (Month/Day/Year),

Completion date or anticipated completion date July 2005 (Month/Day/Year).

Approximate increase in value \$ 15,000 Use of Building _____

Remarks: New roof, repair floor, new windows, new drywall

Address of Owner or Owners 2828 Summit Point Rd, Summit Point

Phone No. _____ WV 25446

Notice Filed By _____ Date 7-22-25
Month/Day/Year

Signature Avan Harris
Avan Harris General Building Co.

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. _____



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

Please Print or Type

OFFICIAL USE ONLY	
Fiscal Year	_____
Festival License	_____
Business License	_____
License Fee \$	_____
Date Issued	_____

NAME OF EVENT: Apple Butter

DATE(S) OF EVENT: October 11-12 weekend

REQUESTING GROUP OR ORGANIZATION: Cub Scout Pack 81

BEGINNING AND ENDING TIMES: All Day

PROPERTY REQUESTED: Liberty Street Lot

PURPOSE OF USE: Parking Cars

STREET/METER CLOSURES REQUESTED WITH DETAILS: Liberty Street South of Church

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: Yes

NUMBER OF VENDORS AT EVENT/FESTIVAL: N/A

NAME OF RESPONSIBLE PERSON: Darren Lucas

MAILING ADDRESS: 367 Nicole Lane Berkeley Springs, WV 25411

TELEPHONE NUMBER: 301.331.9983

EMAIL: dilucas@digitaldsi.com

DATE APPLICATION SUBMITTED: 8-1-2025

SIGNATURE: *Darren Lucas*

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**

Pay Now
using our QR
Code!



Proof of Insurance on File - via Email

Signature of Approval: *Susan Webster* **Date:** 8-5-25

