

# TOWN OF BATH COUNCIL MEETING MINUTES

November 18, 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 (X) 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 November 4, 2025 were presented and approved by Common Consent.
4. COMMUNICATIONS FROM MAYOR:  
An event commemorating the service of Brevet Brigadier General Simon F. Barstow and informational sign dedication at his grave site was held on Veterans Day, Nov. 11 from 2-4pm (attached) in Greenway Cemetery. This long awaited celebration was sponsored by the Civil War Trail Organization, MC Commission, MC Historic & Genealogical Society, Berkeley Springs Rotary and the Town of Bath. It was well attended and all volunteer efforts and speaker presentations were greatly appreciated. Mayor Schene advised the community to not remove the sign on the Ewing Street bridge forbidding travel across it. The WV DOH deemed it to not be used and until the Town can address this hazardous situation the sign will remain.  
The Bath Christmas Market (Dec. 12-14) planning is in full swing. Mayor Schene announced that children will be able to skate free due to the generous donations of the Seeley Foundation, the Morgan County Commission, Novak Realty and others. Volunteers are welcome to help with the event.

## COMMITTEE AND BOARD REPORTS

1. ON TRAC: The next meeting is November 13. Their next project is Deck the Meters for the Christmas season. Executive Director Farris and ON TRAC member Hickey met with WV Main Street/ ON TRAC Coordinator Jennifer Brennan to discuss on going projects and plans including the Mills Group architectural design plan for the down town area and Fabulous Facades.
2. PARKS /REC: The next meeting is November 20.
3. PLANNING COMMISSION (PC): No report at this time.
4. RAIL/TRAIL (NBRT): A written progress report was submitted by Co-Chair Pete Brown (attached). Brown explained the next necessary steps to move the remediation of the Depot lot forward. The next NBRT meeting is December 17.
5. STREETSCAPE: The next meeting is December 18. Co-Chair Pete Brown submitted a full written report (attached). Efforts with Potomac Edison on upgraded and additional street lighting are ongoing. Brown along with Public Works Chairman Weber, Mayor Schene and Recorder Webster have done an on site inventory of lighting conditions in Bath. Brown will submit a report on the findings of this survey. Progress continues on Phase VI Streetscape project tasks. Independence and Congress Streets are included in this phase. Independence Street needs re-engineered with parallel parking.
6. TRAIN DEPOT: Chairwoman Webster reported that a plumbing issue is being addressed. The dusk to dawn lighting at the Depot has been adjusted to accommodate

the earlier night fall. More lighting around the Depot is needed to highlight the visitors center.

7. **LANDMARK COMMISSION (HLC):** Newly elected Bath Historic Landmark Commission President Priscilla Jones was present to report that the Commission is working with Terry Golden, President of the MC Historic and Genealogical Society on the instillation of the historic plat map signs on properties. They will need assistance from the Bath Public Works Department. The next meetings are December 1 and 15.
8. **CLERK & RECORDER:** Recorder Webster reported that there was one Facilities Use application submitted (details attached) from the Bath Christmas Project for their parade to be held December 6.. This was approved in Finance Committee.
9. **FINANCE:** Recorder Webster delivered the following bills for approval:
  - (a) Town of Bath \$12,664.22 - Motion to approve: Webster/Hickey- Carried
  - (b) BSWW \$59,905.49 - Motion to approve: Webster/Weber -Carried
  - (c) Greenway Cemetery \$115.00.00 – Motion to approve: Webster/Weber–Carried
  - (d) Hotel/Motel \$100.25 – Motion to approve: Webster/Weber – Carried
  - (e) Tree Board \$4,043.84 – Motion to approve – Webster/Hickey- Carried
10. **TREE BOARD:** The next meeting is November 19 at 5pm. Board member Lehman submitted a written report (attached). Much gratitude was expressed for the great work by the Tree Board, Terry Golden, Dave O’Connell and Mike Webster for their work in making Greenway Cemetery present well for the dedication ceremony on Veterans Day. This Board is continuing work on completing grant requirements and future plans.
11. **GRANTS:** The next meeting is December 8. Chairwoman Dalson reported the disappointing news that the Congressionally Directed Spending grant application submitted to Sen. Capito’s office for the BSWW plant upgrade was not successful. Efforts to fund this essential project will continue. Research is on going for Greenway mapping grant possibilities. Committee member Hickey added that she is looking into funding availability for the Ewing Street Bridge reconstruction. The Committee is researching grants for all Town departments and the BSWW.
12. **PUBLIC SAFETY:** Chief Gardner praised Joshua Stangle as the new Patrolman for Bath. He has been busy and productive. The PD is in the process of renumbering parking meters and is anticipating the new patrol car laptop soon. The next Public Safety meeting is November 19.
14. **CEMETERY:** The dedication event for Civil War Union Brigadier General Barstow was held November 11 from 2-4 pm (~~details attached~~). Chairwoman Skinner reported that while the day was cold and blustery the event was well attended. There was period music and well known local Civil War history authors and speakers. Skinner expressed appreciation for all of the volunteers, her committee and attendees. Special thanks were extended to Cemetery Committee member Dalson for her outstanding video of the event. The Morgan Messenger will publish a series of stories about the Civil War soldiers buried in Greenway. The Committee hopes that community interest will be enhanced and that special projects like headstone repair and resetting can be accomplished. The next Cemetery meeting is November 20 at 1pm.
- 15 **PUBLIC WORKS:** Chairman Weber is continuing his work with Tim Boyer of Potomac Edison on acquiring new and improved LED street lighting in Bath. The cost of these new

lights will be borne by Potomac Edison. A tour of Bath lighting needs took place by Chairman Weber, Streetscape Co-Chair Brown, Recorder Webster and Mayor Schene on November 12. Brown is preparing a report describing locations, wattage and priority scheduling of installation.

The Chairman is managing the street cleaning by the Labor Crew with hopes that all have been attended to before seasonal weather stops this work. Independence and Fairfax by the BSSP are scheduled to be cleaned soon. Councilwoman Dalson objected to the type of pesticide presently being used to eradicate weeds on Town streets. Chairman Weber explained that the committee's agreed upon plan is to use the current pesticide on each street and then switch to a type Councilwoman Dalson believes is more environmentally friendly. Thanksgiving week trash pick up will be Wednesday and Friday. No pick up on Thursday of this week.

16. ORDINANCE: The next meeting is November 20 at 3:30pm. No report at this time.

17. BSWW: The next meeting is December 3 at 4pm. Chairwoman Hickey and the committee received PER cost estimates and detailed plans for the BSWW plant upgrade and rehab from GD&F. Representatives from this engineering firm attended the committee meeting to expand on the plans they have developed and provide their priority list proposal. Funds are being sought for this critical project. The Chairwoman expressed concern over the finite capacity for adding more debt service the BSWW obligations.

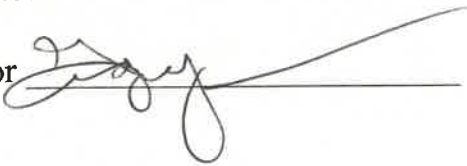
Chairwoman Hickey and Mayor Schene will attend the next Morgan County Commission meeting to further explain the BSWW position on the Commissioner's desire for the company to extend into the county and take over the US Silica private water line. Mayor Schene has sent the Commissioners a letter (~~attached~~) detailing and clarifying these positions. The rehab and rebuild of the BSWW plant must take precedence due to financial, capacity and operational constraints.

18. PUBLIC COMMENT & ANNOUNCEMENTS: Councilwoman Hickey commended local merchants Jeff and Sam Duval on their efforts to supply groceries to those in need during the recent Federal government shut down.

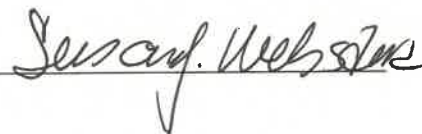
19. MOTION TO ADJOURN: – By Webster/ Hickey- Carried

Attest:

Mayor



Recorder



**Status Update of Streetscape & NBRT Projects for Town Council  
November 18, 2025**

**STREETSCAPE**

Note: No Streetscape Committee Meeting on Nov 20<sup>th</sup> – Next meeting will be Dec 18<sup>th</sup> update is Below

**Phase VI Design Grant and DOH Funding Agreement**

- It's possible that the re-opening of the Federal Gov't will speed up the Next Step.
- Next Steps:
  - FHWA Authorization to spend Awarded Federal Grant Funds
  - DOH Notice to Proceed (NTP) with the Thrasher Design Work Task Order

**Phase VI Construction and Completion of Phase V Streetlights Grant Applications**

- Nothing new to report – this is a WV Gov't task – not Federal

**DOH District 5 Planning for the Update of Existing Streetscape ADA Corners**

- Advised D5 of likely mistake on 1 corner (Fairfax and Mercer) that should be compliant in its current configuration. This corner does not need a DWS update.
- Will be reviewed at DOH level (Ray Patrick) prior to the D5 upgrade contract.

**Other On-Going Projects for Town:**

- Reviewed current HPS streetlighting effects in-Town and Hancock, MD on evening of Nov 12<sup>th</sup>.
- Provided PWC (Rick) with likely candidates and LED light wattages for "First 50" HPS to LED conversions. Will attend PWC Meeting Thursday Nov 20<sup>th</sup> to support as needed.
- Independence Street: Cost estimate from Thrasher (Jeff Gola) to complete 30% Design, Full Design and Construction provided on Nov 12<sup>th</sup>.

**NBRT**

**NBRT Task Force Meeting - Nov 12<sup>th</sup>**

- Reviewed Draft Timelines and project Content for Parcel 1A Remediation and CDS Trailhead Project
- Coordination of CDS Trailhead Infrastructure Requirements in the footprint of the Parcel 1A remediation, the DOH review and acceptance of that solicitation, and the issuance of the Town solicitation for the remediation requires delay of the Town's solicitation to Feb/Mar 2026.
- Meeting Outcomes and Revised Estimates Timelines will be provided to Task Force members - Tuesday Nov 18<sup>th</sup>
- DOH (Charleston) reports progress on the D5 engineering/design of the revised bridges; next steps will involve acquisition planning for these bridges.
- Next NBRT Task Force Meeting – likely in Dec or January 2026

Pete Brown  
Streetscape Committee



**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

<b>OFFICIAL USE ONLY</b>	
Fiscal Year	_____
Festival License	_____
Business License	_____
License Fee \$	_____
Date Issued	_____

Please Print or Type

NAME OF EVENT: Winterfest Parade

DATE(S) OF EVENT: Saturday, December 6th

REQUESTING GROUP OR ORGANIZATION: Bath Christmas Project

BEGINNING AND ENDING TIMES: 3pm to park parade floats, parade begins at 5pm to 6:30pm

PROPERTY REQUESTED: Train Depot Lot

PURPOSE OF USE: To park parade floats

STREET/METER CLOSURES REQUESTED WITH DETAILS: Side st's off 522 from the Moose to Roy's,

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: No

NUMBER OF VENDORS AT EVENT/FESTIVAL: 40-50 parade floats

NAME OF RESPONSIBLE PERSON: Danielle Swope

MAILING ADDRESS: 1365 Great Cove Rd, Warfordsburg, PA 17267

TELEPHONE NUMBER: 814-327-8355

EMAIL: Berkeleyspringswinterfest@gmail.com

DATE APPLICATION SUBMITTED: 11/13/2025

SIGNATURE: *Danielle Swope*

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: *Senay Webster* Date: 11-18-2025



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

Office of the District Engineer/Manager  
District Five

Post Office Box 99 · Burlington, West Virginia 26710-0099 · (304) 289-3521

Stephen T. Rumbaugh, P. E.  
Secretary of Transportation  
Commissioner of Highways

July 18, 2025

Mr. John Mason, President  
Bath Christmas Project, Inc  
via email at [jlmason0531@gmail.com](mailto:jlmason0531@gmail.com)

Dear Mr. Mason:

Berkeley Springs – 2025 Winter Fest Parade

This is to acknowledge receipt of your email requesting permission for the temporary closure of US 522 to hold the Winter Fest Parade in Berkeley Springs. Please be advised that we hereby approve your request for the parade route from the American Legion Parking Lot at 527 N. Washington Street to Martinsburg Road (WV 9). The road will be closed for approximately one hour from 5:00 p.m. to 6:00 p.m. on Saturday, December 6, 2025, for the above referenced event, subject to the following provisions:

1. Parade organizers must assume full responsibility for gaining the approval of any governmental body, which may have a jurisdictional interest in this event (such as the Morgan County Government and the Town of Bath). Also, the sponsoring organization must assume liability for all parade functions on State right-of-way during the time this event is in progress.
2. The parade route shall be closed off to through traffic by temporarily barricading across at appropriate intersections of US 522. These locations must be manned by appropriate law enforcement personnel.
3. As much as possible detour routes must be provided and shall be maintained for motorists. Appropriate signs providing advance warning of the detours, as well as those designating the detour route and providing advance notice of the closure are to be maintained during the time of the parade.
4. The location and messages of all signs are to have prior approval from the District Five Traffic Engineer.
5. We expect reasonable and effective traffic control measures to be employed and fully coordinated with local law enforcement. If the Morgan County Sheriff or WV State Police are willing to handle this task, then this is fully satisfactory to us.
6. Emergency Services must be fully advised.
7. Every effort shall be made to restore normal traffic flow as quickly as possible.
8. The parade organizer is responsible for removing all litter and debris as a result of the parade from the right-of-way immediately following the event.

I trust that these provisions will allow you to continue with a successful event. Should you have any questions, please feel free to contact me.

Sincerely,

J. Lee Thorne, P.E.  
District Engineer/ Manager

cc: Parade File, Morgan County, Communications

## **Tree Board Report to the Council**

November 18, 2025

Since the last Council Meeting, the Tree Board has completed most of the tasks listed in the Community Tree grant proposal. Truax Tree Service cut down or trimmed trees in town and at various places in Greenway Cemetery. We are especially grateful that Jake was able to complete trimming and tree removal in the southern section of old Greenway Cemetery prior to the excellent Veteran's Day program.

Sunny Meadows Garden Center and Blades and Spades coordinated the delivery and planting of trees on Washington Street, Wilkes Street and at the portion of Greenway Cemetery that abuts Johnson Mill Road. The appearance of that section of the cemetery is greatly improved.

Mr. Truax has indicated he will trim the trees in the Old German Cemetery prior to the end of the year, which will complete the work outlined in that grant proposal. In January the Tree Board will apply for complete reimbursement of the funds outlined in that proposal.

Much of the work outlined in the Demonstration City Grant has also been completed, including the removal of invasive trees on upper Fairfax and planting trees to replace those that were removed. Mr. Truax will remove the potentially hazardous tree in Green Street prior to the end of the calendar year.

On the first Monday in December, Bartlett's Tree Experts will begin the process of surveying the trees in the Old English, the Old German, the old section of Greenway and a five-acre plot at the southwest end of the new part of Greenway. They will determine how many of these trees are heritage trees, a mandate of the Tree Board Ordinance, and propose how to prolong the lives of these trees. Old trees are more effective than small trees in terms of their benefits, including

- Carbon storage and sequestration
- Air quality, including pollution removal
- Hydrological effects and
- Human health impacts.

Mayor  
Greg Schene

Recorder  
Susan J. Webster



Council Members  
Reba Dalson  
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

### **Sent via email and First-Class Mail**

October 9, 2026

To: Morgan County Commission  
77 Fairfax Street, Room 101  
Berkeley Springs, WV 25411

Subject: *Town of Bath Position on U.S. Silica Private Water Line*

Dear Commissioners,

The Town of Bath, as owner of the Berkeley Springs Water Works, has reviewed recent suggestions that the Town assume ownership of U.S. Silica's private water line traversing wetlands. After careful legal and regulatory review and the completion of a full engineering study, the Town Council has determined that it will not assume ownership of this line; however, a structured framework for a future resolution may be possible.

### **Basis for the Town's Decision**

#### **1. Environmental and Regulatory Risk**

- The line may be in violation of federal (*Clean Water Act §404*) and state (WVDEP) wetland laws.
- Ownership would expose the Town to potential civil penalties, mandatory remediation, and ongoing regulatory oversight.

#### **2. Legal Liability**

- Ownership would expose the municipality to environmental and legal claims stemming from the existing installation.

#### **3. Financial and Ratepayer Impact**

- Assuming ownership of the line would place an added financial burden on current ratepayers — now and in the future.

- The Town would also assume responsibility for maintenance, repair, and any failures of the line, as well as liability for environmental or legal claims arising from the existing installation.
- A generational plant upgrade is under serious consideration, which makes this type of acquisition impossible due to impending financial constraints.

#### 4. Due Diligence Requirements

- Federal and state regulators enforce compliance against the current owner regardless of prior operators.
- The Town cannot accept infrastructure that could place the municipality at risk for past or existing violations.

#### 5. Liability vs. Asset Consideration

- The U.S. Silica water line, as currently installed, would be considered a liability for the Town if ownership were assumed.
- Potential environmental violations, ongoing maintenance costs, and regulatory oversight could impose significant legal and financial burdens, ultimately affecting ratepayers.
- A liability would also place an additional financial burden on the Town and reduce the Town's financial strength and borrowing potential, limiting its ability to support other critical water-related projects.
- Only a new, properly designed, fully funded line meeting municipal standards and approved by the Town engineer could be considered an asset, providing long-term operational benefit without compromising public resources or legal responsibilities.

#### **Framework for Potential Future Ownership**

The Town is willing to consider ownership of a new water line serving U.S. Silica if the following conditions can be met:

- The line is constructed outside of wetlands or environmentally sensitive areas;
- U.S. Silica bears all costs of design, permitting, construction, and inspection;
- The line is built to municipal standards and approved by the Town engineer;
- U.S. Silica provides written indemnification protecting the Town from all past, present, and future claims related to the original wetland line; and
- The transfer of ownership is formally approved by Town Council resolution.

### **Closing Statement**

The Town cannot compromise the integrity of the municipal water system or expose the municipality to undue legal and financial risk. We urge all stakeholders, including the Morgan County Commission, State of West Virginia and U.S. Silica to respect the Town's legal and regulatory responsibilities to its citizens and ratepayers and to refrain from recommending or supporting any action that would transfer private liability onto the municipality.

To this end, we look forward to collaborating on a mutually beneficial solution that best serves our residents, ratepayers and future customers within our service area.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Schene", with a long horizontal flourish extending to the right.

Greg Schene  
Mayor, Town of Bath

Cc: Chase Andrews, U.S. Silica

Cc: Daryl Cowles, State of West Virginia