

TOWN OF BATH COUNCIL MEETING MINUTES

January 20, 2026

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 January 6, 2025 were presented and approved by Common Consent.
4. COMMUNICATIONS FROM MAYOR: The Annual Winter Wellness Festival will be held January 23 – 25, 2026.
Mayor Schene congratulated the Foxglove Garden Club on their 50-year anniversary. Their many beautiful projects and contributions to the Town of Bath were applauded. The Mayor requested that the Bath Council award this organization with a proclamation and plaque.
MOTION: To approve that a Proclamation and award plaque be presented to the Foxglove Garden Club for their 50-year anniversary – Webster/Hickey- Carried

COMMITTEE AND BOARD REPORTS

1. ON TRAC: The next meeting is February 12. Councilwoman Hickey reported that the BSSP has been reserved by On Trac for July 4 to be used for Bath events celebrating the 250 anniversary of the United States of America and the Town of Bath. A food truck festival is being planned for May 2026. On Trac is sponsoring a mixer at the new Crust restaurant and brewery in Bath for January 30.
A proposal from Lovely Pixels was received by the Finance Committee for social media expansion and marketing of Bath events and opportunities.
2. PARKS /REC: The next meeting is January 21.
3. PLANNING COMMISSION (PC): The next meeting is February 11. No further report.
4. RAIL/TRAIL (NBRT): The next meeting is January 28. Co-Chair Pete Brown was present to provide more details to the written progress report he submitted (attached).
5. STREETSCAPE: Co-Chair Pete Brown was present with details on the full written report that he submitted (attached).
6. TRAIN DEPOT: Chairwoman Webster reported that she and TBS Executive Director Martin and Craig Dean are discussing practical ways to improve the heating and insulation of the Depot. The mini-split has not yet been installed in the baggage room.
7. LANDMARK COMMISSION (HLC): The next meeting is February 23. The group is working to reorganize and plan future projects.
8. CLERK & RECORDER: Clerk Corrick and other staff members are attending the WV State Auditors Workshop in Martinsburg this evening. No further report.
9. FINANCE: Recorder Webster delivered the following bills for approval:
 - (a) Town of Bath \$24,124.90- Motion to approve- Webster/Hickey- Carried
 - (b) BSWW \$65,831.29 - Motion to approve: Webster/Skinner-Carried
 - (c) Cemetery \$10.00 - Motion to approve: Webster/Skinner –Carried
 - (d) Tree Board \$3,600.00 – Motion to approve – Webster/Hickey- Carried

(e) Hotel/Motel Distribution \$27,589.74 – Motion to approve- Webster/Weber – Carried

10. **TREE BOARD:** The next meeting is January 21. Board member Lehman submitted a written report (attached) and was present to elaborate.
11. **GRANTS:** The next meeting is February 09. Chairwoman Dalson reported that the Bath Historic Landmark Commission member Ryan Rebant is submitting a grant to the WV State Historic Preservation Office. She is looking into a Hometown Revitalization grant with T Mobile.
Committee member Hickey added that she is looking into funding availability for the Ewing Street Bridge reconstruction.
Good news has been received from Region 9 Planning & Development. The \$1,000,000.00 CDS grant funding from Senator Capito's office for the rehab of the BSWW is still a possibility. If awarded the administrating agent would be the Army Corp of Engineers.
The Federal COPS grant Bath received can still be accessed when the BSPD wants to hire a third officer. Truist WV Foundation is offering grants for community beautification in the amount of \$20,000. This is being researched.
Discussion was had concerning the Morgan Arts Council needing funds to continue the popular Concerts in the Park series during the summer. This will be considered soon.
A grant application will be submitted for Streetscape lighting at the Depot.
The Committee is researching grants for all Town departments and the BSWW.
12. **PUBLIC SAFETY:** Chief Gardner reported that parking enforcement is going very well and the department would like to have an additional Parking Enforcement Officer. Crosswalk signage and marking was discussed. The next Public Safety meeting is January 21 at 3:00.
13. **CEMETERY:** The next meeting is February 19. Chairwoman Skinner told Council that the Town of Bath Cemetery Maintenance and Management Corporation met to discuss the many duties and projects that are needed in the cemeteries. Skinner is very interested in recruiting more volunteers is help with this necessary work.
14. **PUBLIC WORKS:** Chairman Weber is pleased that the new sanitation truck will be delivered soon because of the cost of maintaining the old truck is untenable. He is looking into skid steer prices. Weber has completed Labor Crew evaluations. Weber will be purchasing welding equipment for use of Labor Crew members who are trained in such work.
Due to much appreciated volunteer effort by citizens of Bath, Chairman Weber will be creating a Citizen Service Award program.
Chairman Weber has spoken with Mr. Boyer of Potomac Edison concerning the new and refurbished street lighting to be installed. Mr. Boyer wants to have the first phase of this work completed by the end of the first quarter of this year. This is welcome news.
Inclement weather is forecast for the upcoming weekend and the Labor Crew is working on the preparations to keep roads open and safe.
The next meeting is February 19 at 2:30pm.
15. **ORDINANCE:** The next meeting is February 19 at 3:30pm. Chairman Kessel presented for Second Reading Town of Bath Ordinance 2026-01-01 Vacant Structure Registry (attached). He discussed with Council and the public present details and stipulations of the ordinance. It has been published on the Town of Bath website.

MOTION: To approve for Second Reading Ordinance 2026-01-01- Hickey/Weber- Carried

16. BSWW: The next meeting is January 21 at 4pm. Chairwoman Hickey explained her goals with the BSWW rehabilitation and refurbishment which are to stabilize the system and to place no burden for this on the rate payers. In addition to the preceding grant report describing the CDS grant award possibility, Hickey explained the WV Water Development Authority potential for half of the rehab funding with the WV IJDC loaning the other half at a 2% interest rate.

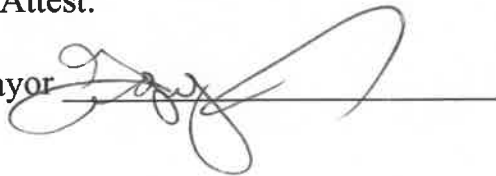
The Water Committee wants all reports including the annual budget to be caught up and maintained in a timely manner.

17. PUBLIC COMMENT/ANNOUNCEMENTS: None at this time.

19. MOTION TO ADJOURN: – By Common Consent

Attest:

Mayor



Recorder



**Status Update of Streetscape & NBRT Projects for Town Council
January 20, 2026**

STREETSCAPE

Phase VI Design Funding Agreement & Start of Design

- After phone call prior to Jan 6th Town Council...still no response from DOH on this topic. Will try again before Tuesday's Council Meeting.
- Nothing else new to report.

- **Other On-Going Projects for Town:**
 - *Upgrade streetlights from HPS to LED.* Plan to discuss Timeline with Tim Boyer (Potomac) – for Lights and any Required Agreement with the Town
 - *Independence St Improvements:* Have Thrasher Cost Estimate for a 30% Design and Cost Set. Will check with Region 9 on fund source alternatives.

Next Streetscape Committee Meeting Jan 22nd at 10 am

NBRT

NBRT Task Force

- Have updated the NBRT; CDS Trailhead; Bridges; and Trail-Building Timelines to Rev 3. These were sent to County & Town leaders and DOH Coordinators, Karen Allen and Cameron Hunt this morning.
- Proposals for the Design Contractor for the CDS Trailhead Project (Depot Lot) were received by the County the week of Dec 2nd. Evaluations and questions for the top-ranked bidders from the Town were completed and sent to the County the week of Dec 22nd. County sent interview questions and information on the remediation of Parcels 1A and 1B to the top-bidders on Jan 14th. Timeframe for the interviews being worked out now.
- Once awarded, this contract will provide the needed details for the infrastructure to be installed within the footprint of the Parcel 1 Area. This is now expected in the March/April Timeframe.
- Currently planning for a Task Force Meeting on Wednesday Jan 28th. Will verify with County & Town leaders with tentative agenda by Friday the 23rd.

Pete Brown
Streetscape Committee

Sharon Corrick

From: Kate Lehman <goldfairy39@gmail.com>
Sent: Tuesday, January 20, 2026 9:57 AM
To: Town of Bath; Reba; Susan Webster; Mary Lynn Hickey
Subject: Report from the Tree Board

I'm not certain yet if I'll be at the Council meeting. Here's the Tree Board report:

Since the last Council meeting the WV Division of Forestry has approved the Tree City USA (TCUSA) application. In the past, approval by the state results in a rubber stamp approval from TCUSA.

The trees in the Old German Cemetery have been trimmed by Truax Tree Service. Since the bid was submitted, the brick walkway through the cemetery was completed, thus complicating the job for Truax in that no heavy equipment could come into contact with the brick path. The Tree Board approved an \$800 additional charge given the change made in the cemetery after the bid was accepted.

With the completion of this task, the major work outlined in the Community Tree Grant has been completed. A request for reimbursement has been submitted to the WV Division of Forestry.

The Tree Board meets tomorrow. We anticipate receiving the Comprehensive Management Plan from Bartlett's Tree Experts. The plan will identify the heritage trees in town and provide advice on how to manage these trees to improve their longevity. Large trees are more effective than small trees at helping to reduce the frequency and severity of flooding in town.

Sent from my iPhone

Town of Bath Ordinance 2026-1
Vacant Structure Registry

1. Purpose.
2. Definitions.
3. Inspection.
4. Corrective action.
5. Registration generally.
6. Fees.
7. Right of appeal.
8. Amending information.
9. Non-payment of fees/liens.

1. PURPOSE.

(a) The Town of Bath (Town) has determined that an uninspected and unmonitored vacant structure may present a fire hazard, may provide temporary occupancy by transients (including drug users and traffickers), may provide a nuisance from pests and vermin, may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that the health, safety and welfare of the public is served by the regulation of such vacant buildings.

(b) Owners of uninspected and unmonitored vacant buildings shall register such vacant buildings with the Town, make payment of a fee for the registration thereof, and otherwise conform to these vacant building regulations.

(c) This ordinance ensures that, through a registration, inspection, and monitoring process, vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not present otherwise a public hazard.

(d) The Town, by and through its departments shall inspect and monitor vacant buildings, shall assess the effects of the condition of those buildings on nearby structures, and shall promote substantial efforts to rehabilitate and develop such buildings when appropriate.

2. DEFINITIONS.

(a) Definitions. For purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) Boarded: A building or structure subject to the provision of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(2) Exterior maintenance and major systems: The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, driveway, if any, area of the lot, as applicable and as enforced by the Town, particularly in connection with codes adopted by the Town as well as all applicable local, state and federal laws.

(3) Occupied: Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a

building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Town business license, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of bonafide pre-rental inspection.

(4) Open: A building or structure subject to the provisions of this section shall be deemed to be "open" if anyone or more exterior doors other than a storm door is broken, open and/or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(5) Owner: An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

(6) Vacant: A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides, dwells, or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s), or owner-occupant(s), or tenant(s) on a permanent, non-transient basis. A building or structure shall be deemed vacant and subject to the registration and possible penalty provisions provided herein if the exterior maintenance and major systems of the building and the surrounding real property thereof, as defined in this section, are in violation of the building codes or health and sanitation codes and if there is no proof of continual utility service evidencing actual use of electric, water service, etc. Continued is meant to be without more than one (1) thirty (30) day interruption in any given three-hundred sixty (360) day period. In order for such continual utility service to be considered as being actually in use as described in this section, it must be more than merely registered to the owner for purposes of billing and must be utilized, at a minimum, in order to keep the property and the major systems of the building in compliance with building and safety codes. The person or entity asserting that there has been continued utility service has the burden to produce actual bills evidencing utility service for the relevant period.

(b) Applicability. The requirements of this section shall be applicable to each owner of any building that is found to be vacant pursuant to the language contained herein. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Town. The registration fee(s) as required by this section shall be billed by the Town and shall be paid by last day of the month when the property has been registered. For purposes of this section, the following shall also be applicable:

(1) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the secretary of state;

(2) If an estate, the name and business address of the executor of the estate;

(3) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(4) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(5) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(6) If an individual person, the name and residence address of that individual person.

3. INSPECTION.

(a) At the time of registration or to assess if registration is required, the Town Engineer, Fire Chief, and/or Chief of Police shall determine whether it is necessary for any or all of them to inspect the structure so as to identify any public safety issues needing addressed. Inspections shall also be available

to verify the status of any property concerning occupancy, vacancy, etc. If an internal inspection is deemed necessary, the owner will be notified of the same and arrangements made for the same. If the owner fails or refuses to consent to and arrange for an inspection, the Town will seek an administrative search warrant from a court of competent jurisdiction to authorize inspection of the premises for the purpose of determining the structural integrity of the building, the repairs necessary to insure its structural integrity and that it will be safe for entry by firefighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time that the building remains vacant.

(b) All vacant structures are subject to re-inspection on an annual basis or as deemed necessary.

4. CORRECTIVE ACTION.

The property owners shall be notified in writing of any corrective action deemed necessary for life, safety and building code matters by Town officials, the applicable code provisions or ordinances, and will be afforded a reasonable time to the corrective action. Corrective action concerning the occupancy of vacant structures is discussed later herein.

5. REGISTRATION GENERALLY.

(a) At the time of adoption of this ordinance, all owners of realty within the Town that contain a vacant structure, as defined above, shall register the same with the Town. For those structures that qualify as a vacant structure and after the adoption of this ordinance, the owner thereof shall be required to register the structure with the Town within thirty (30) days after the structure is found to meet the definition of a vacant structure. The registration form shall require information from the registrant deemed necessary by the Town Engineer, Fire Chief, and/or Chief of Police, so as to ensure that the purpose of this ordinance is met. Specifically, the above named Town officers shall have the authority to require that the property owner provide a professional opinion (architect, engineer, etc.) to determine the structural integrity of the building, the repairs necessary to ensure its structural integrity and that it will be safe for entry by firefighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time the building remains vacant. The above named officers shall have the authority to issue orders to the owner for corrective action deemed necessary. The Town Engineer and Fire Chief may rely upon the West Virginia State Building Code and Fire Code, as well as other applicable law, for guidance during any such structural review.

(b) Registration statement and fees; local agent. If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open, or vacant and boarded, and shall be required whenever any building has remained vacant for forty-five (45) consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering, but each structure constitutes a separate fee. The owner of the vacant property as of the last day of the month when the property has been registered of each calendar year shall be responsible for the payment of the non-refundable registration fee.

6. FEES.

Said fee shall be billed by the Town; and based on the duration of the vacancy as determined by the following scale:

- (1) \$500 for properties that are vacant during the first year;
- (2) \$1,000.00 for properties that are vacant for at least one year but less than two years;
- (3) \$1,500.00 for properties that are vacant for at least two years but less than three years;
- (4) \$2,000.00 for properties that are vacant for at least three years but less than four years;
- (5) \$3,000.00 for properties that are vacant for at least four years but less than five years; and
- (6) \$4,000.00 for properties that are vacant for at least five years, plus an additional \$300.00 for each year in excess of five years.

7. RIGHT OF APPEAL.

(a) **Appeal Rights.** The owner shall have the right to appeal the imposition of the registration fees to the Town Council upon filing an application in writing no later than thirty (30) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in this ordinance specifically.

(b) **Waiver of Registration Fee.** A waiver of the registration fee, or an extension of a waiver for up to ninety (90) days from the date of the current billing statement, may be granted by the Town Council, if the owner:

(1) Demonstrates with satisfactory proof to the Town that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and

(2) Objectively demonstrates to the Town a reasonable anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building;

(3) Provides satisfactory proof to the Town was actively attempting to sell or lease the property during the vacancy period; or

(4) Provides satisfactory proof to the Town to be evaluated on a case-by-case basis, that the vacancy is temporary and may be due to illness of the owner, active military service, or some other reasonable explanation believed to be short term in nature and documentable as necessary.

(5) Within thirty (30) days, or as soon thereafter as possible, as the waiver application is received by the Town Council shall grant or deny the waiver, or request for extension, in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver or request for extension to the Town, and the Town rendered a decision which the owner seeks to appeal to the Town Council, the owner must file an application in writing no later than thirty (30) calendar days from the date of the Town's decision. Town Council shall either grant or deny the appeal.

(6) Thereafter the decision of Town Council is final unless within thirty (30) days of such decision the owner appeals for injunctive relief to the Circuit Court of Morgan County.

8. AMENDING INFORMATION.

(a) **Duty to Amend Registration Statement.** If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Town within thirty (30) days of the occurrence of such change and advise the division in writing of those changes.

(b) **Exceptions.** This section shall not apply to any building owned by the United States, the State, the County, the Town, or any of their respective agencies or political subdivisions.

(c) **Violations and Penalties for Failure to Register.** The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building upon adoption of this ordinance, or to pay any fees required to be paid pursuant to the provisions of this ordinance, within thirty (30) days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00) for each failure or refusal to pay a required vacant building fee, as

applicable. In such cases, whenever the minimum fine of one-hundred dollars (\$100.00) is imposed, it shall not be subject to suspension or reduction for any reason.

9. NON-PAYMENT OF FEES/LIENS.

(a) Delinquent Registration Fees as a Lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to section 7(b)(4) above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Town and the Town may commence a civil action to collect such unpaid debt.

(b) "Lien" or "Liens" as used in this section shall arise whenever the fees and charges as described in this section are levied or imposed.

(c) If an owner fails to pay the registration fee as assessed and the Town begins the collection action to enforce its lien, then the Town shall post the written notice on the property and send the written notice to the owner(s) by certified and regular mail.

(d) The Town may take action to sell the subject property by means of forfeiture and the court ordered enforcement process to collect the debt owed the Town. Should the Town take the steps necessary to sell the subject property, the Town shall do so, subject to all liens and real and personal property taxes that are due. Purchasers of the subject property shall be similarly responsible for registration pursuant to this section in the same manner as the prior owner and must begin the registration process anew if said property remains vacant.

1ST Reading: January 06, 2026

2nd Reading: January 20, 2026

Approved: Mayor Greg Schene