

TOWN OF BATH COUNCIL MEETING

Tuesday, May 17, 2022

1. CALL TO ORDER: @ 5:30pm by Mayor
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (X) Rose Jackson (X) Elizabeth Skinner (A) Greg Forney (X) Rick Weber (A) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of May 3, 2022 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: None at this time.
5. COMMUNICATION FROM MAYOR: Recorder Webster presented the West Virginia First Memorandum of Understanding regarding the Opioid settlement which the Finance Committee had reviewed (see attached). West Virginia counties and municipalities that agree to the MOU are eligible to receive payment from this settlement with stipulations on the use of the funds.
MOTION: To accept the West Virginia MOU regarding the Opioid settlement as presented- Webster/Chapman – Carried.
Recorder Webster presented the Depot Interior Rehab Construction contract which was reviewed by the Finance Committee.
MOTION: To accept the Depot Interior Rehab Construction contract as presented- Webster/Forney- Carried.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY: No report at this time.
2. PARKS & REC: Next meeting is May 18, 2022. The Town requests those who may be interested in serving as Town representatives on this board to complete a volunteer form found on the Town website or in the office.
3. PLANNING COMMISSION: President Landon has formed sub-committees to work on specific aspects of the responsibilities of the Planning Commission. He thanked Recorder Webster for her work on the Depot Rehab Project. Landon informed Council that the BDA is going to have a 'Sandbox' meeting to gather the heads of projects in the community to learn of the goals and needs of each project.
4. RAIL/TRAIL: Committee Co-Chairman Pete Brown has submitted progress reports to the Town office. He explained on-going work with the engineers and the WV DOH (see attached)
5. STREETScape: Committee Co-Chair Pete Brown has submitted reports to the Town office (see attached). Work with Jeff Gola of Thrasher Engineering Group continues. It is Brown's understanding that Rt. 522 (Washington Street) is to be repaved by the WV DOH this summer.
6. TRAIN DEPOT: Recorder Webster advised Council that the Pre-Construction meeting for the Depot Interior Rehab Project will be Friday, May 20, 2022. The

work on the project is to begin Monday, May 23, 2022.

7. LANDMARK COMMISSION: No report at this time.
8. CLERK/RECORDER REPORT: Recorder Webster was asked to assist the Ordinance Committee on property improvement acceptance documents. She presented her work for review of Council.
9. FINANCE: Chairwoman Webster presented the following bills for approval.
 - (a) Town of Bath \$14,238.50- Motion to approve: Forney/Webster- Carried
 - (b) BS Water \$57,492.59- Motion to approve: Forney/Webster- Carried
 - (c) Tree Board \$600.00 – Motion to approve: Forney/Webster- Carried
10. TREE BOARD: No report at this time.
11. PUBLIC SAFETY: No report at this time.
12. PUBLIC WORKS: No report at this time.
13. ORDINANCE: Councilman Chapman proposed the repeal and replacement of Town of Bath Chapter 18-57. He presented for First Reading the revised Section 18-57 which establishes a general business license fee of \$20.00 (see attached).

MOTION: To accept for First Reading the repeal and replacement of Town of Bath Chapter 18, Article II, Division 2, Section 18-57 – License Fee: Chapman/Jackson- Carried.

Councilman Chapman proposed the repeal and replacement of the Town of Bath Code concerning alcoholic beverage sales to be in compliance with WV State Code (see attached).

MOTION: To accept for First Reading the repeal and replacement of Town of Bath Chapter 6, Article II, Section 6-28 concerning the beverage sales license ordinance- Chapman/Jackson- Carried.

Since both ordinances concern the raising of revenue for Bath public hearings have to be scheduled.
14. CEMETERY: No report at this time.
15. GRANT: Chairman Forney informed Council that the award of Sen. Capito's earmark grants should be made in late summer.
16. BERKELEY SPRINGS WATER WORKS: Chairman Chapman reported that the WV Board of Public Health/EPA requirement of the BSWW to collect accurate information concerning the type of plumbing in customer's home plumbing (including entering the dwelling for inspection) is being taken to the Town's Attorney for advice.
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Miller

Recorder Staub

From: Paula J. Price <Paula.J.Price@wvago.gov>
Sent: Wednesday, May 11, 2022 3:39 PM
To: undisclosed-recipients:
Subject: West Virginia First MOU and Endo Release

I am writing to follow-up on a letter Attorney General Morrissey sent on April 12, 2022 asking that you review and approve the West Virginia First MOU and the Endo Release.

There are two sources of funding available to cities through the MOU. First, the direct share that can be used for approved abatement-related services is reflected in the MOU. Second, city and counties are able to request funding for approved services from the foundation for abatement purposes, including law enforcement funding.

It is imperative that we receive the approved MOU as quickly as possible because it aids in our negotiations with other defendants in the opioid suits. Then, with each settlement with entities in the opioid pharmaceutical supply chain, there will be a sign-on sheet that each city will need to approve to receive the funding from that particular settlement.

The second document is related to our settlement with opioid manufacturer Endo Pharmaceuticals. Currently, we are asking for local governments to sign-on to the Endo settlement, which is a \$26,000,000 settlement.

We need your completed sign-on to both the MOU and the Endo agreement by June 1, 2022.

You may review these documents by clicking the following link: <https://wvago.sharefile.com/share/view/s4e011892e174460ba52677efba867059>

If you have any questions, or believe you have received this email in error, please feel free to contact me or Ann Haight at (304) 558-8986.

Vaughn T. Sizemore

Deputy Attorney General

**Status of Streetscape, State Park and NBRT for Town Council
Monday May 16, 2022**

STREETSCAPE

Phase V:

• **Design Contract:**

We are still working toward five documents:

1. The DOH/Thrasher "Scope of Work" Document, including an audited overhead rate and certified labor rates. Thrasher sent all this to DOH last week. No response yet, will check with DOH and Thrasher this week. We can't make progress until this is complete.
 2. A Town Task Order that will deliver that Scope. Thrasher has a draft proposal for this; waiting for DOH to accept the rates, etc from #1 above.
 3. A formal Contract Document. See #2 above – Thrasher will provide a draft contract document. So far, there is no reason the Town cannot sign a contract while awaiting the results of #4 and #5 below. I have not seen the Draft Contract language
 4. A DOH/Town/FHWA Design Funding Agreement. We commented on a Draft Agreement last week. Fixed the Scope to be what the Town expected in the approved TA Construction Grant.
 5. A formal "Notice to Proceed from DOH". This will follow the completion of #4 above.
- **Contract Process is still Business Sensitive until an Award.**

Phase VI (DOH call for FY22 TA Grant Applications)

- **Streets/Block Faces being identified for Town Review:** (from Spring 2021 Rain Garden Public Input)
 - Balance of Lighting that may be deferred from Phase V; Mercer St ++
 - Congress St – from North Washington to Green Street
 - Union St – from North Washington to Mercer Street
 - Intent to Apply (ITA) for a Design Grant due: May 23rd
 - Application in Draft; will enter into DOH system this week (Pete & Sally)
 - Verifying potential Design Grant estimate with Thrasher (\$60K total; \$48K/\$12K)
 - Full Application for a Design Grant due: June 30th
- Pete & Sally will take care of the ITA on-line application.

Plan to Attend the Town's May 19th SandBox Session with other project leaders

NBRT

Parcel 1A:

- Joel conversation with DOH (Graley)
 - Design of the two bridges will be completed by HDR
 - A couple of items still needed from County and HDR (1 or 2 weeks)
 - Package can move forward after that – still looking for a Design/Build contract solicitation

Parcel 1B: Storm Water Management (SWM) Project (CBT Grant)

- Contractor informed to proceed with final detailed design package and cost estimate after discussion at April 5th Finance Committee meeting
- Anticipate completion of this contract work by end of June, no-cost extension has been requested from CBT.

Berkeley Springs State Park Grant & Project

Status:

- Awaiting FHWA Approval of the project – was sent to FHWA on April 8th
- Will update status this week. DOH believes it should be accepted and returned to DOH "soon."

Pete Brown
571-213-3687