

Berkeley County Council Meeting
400 W. Stephen Street, Suite 205
Martinsburg, WV 25401

June 15, 2023
9:30 A.M.

Present:

G. Edgar Gochenour, President Pro Tem

James R. Barnhart, Councilperson

R. Stephen Catlett, Councilperson

Alan J. Davis, County Administrator

Penny Shewell, Office Administrator

President Whitacre and Councilperson Boyd were not present for the meeting.

Also Present: Tracie McCormick, Procurement Coordinator; Anthony Delligatti, Legal Director; The Honorable Sheriff Nathan Harmon; Jack Laing, Facilities Director; Gary Wine, Deputy County Administrator

Re: Call to Order

President Pro Tem Gochenour called the June 15, 2023 Berkeley County Council Meeting to Order at 9:35 A.M.

Re: Items from the Public

There were no items from the public.

Re: Agenda

Councilperson Catlett made a motion to approve the Agenda for the June 15, 2023 Berkeley County Council meeting. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Consent Agenda

1. Purchase Order Log

There were no questions regarding the purchase order log.

2. Internal Budget Revisions

Alan Davis, County Administrator reviewed the seven (7) internal budget revisions received.

3. Changes in Status

President Pro Tem Gochenour stated that a letter of resignation was received from Emergency Communications from Francesca Domenico effective June 8, 2023.

4. Approval of Minutes

Councilperson Barnhart made a motion to approve the minutes of the June 1, 2023 Berkeley County Council meeting minutes with the noted corrections to state that he left the meeting at 11:00 A.M. and Councilperson Boyd made a motion to Recess the meeting. Councilperson Catlett seconded the motion. The motion carried unanimously.

5. Council Calendar

President Pro Tem Gochenour reviewed the Council calendar for the month of June. He stated that the public hearing for the Subdivision Regulations was scheduled for July 13 at 11:00 A.M. and 6:00 P.M.

6. Board and Commission Calendar

President Pro Tem Gochenour reviewed the Board and Commission calendar for the month of June.

Re: Consent Agenda Approval

Councilperson Catlett made a motion to approve the Consent Agenda for the June 15, 2023 Berkeley County Council meeting. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Correction of Assessments Log, Apportionment of Assessments, Deconsolidation and Consolidation of Properties Applications – Assessor’s Office

The Assessor’s Office had nothing to present this week.

Re: Board Meeting Reports

Councilperson Barnhart reported that he attended the Health Department board meeting where staff reports were presented. He also reported that he attended the Region 9 board meeting held at the Airport where they introduced a new staff member, approved the budget and scheduled the next meeting to be held in Shepherdstown. Councilperson Barnhart stated that LGAC is looking for an additional member if anyone is interested in attending, please contact Rachel Snavely, Region 9 Executive Director.

Councilperson Catlett reported that he attended the Farmland Protection board meeting and stated that they were pleased with the new Executive Director. He further stated that they would be hosting a retirement get together for Mark Schiavone at Butler’s Farm.

President Pro Tem Gochenour reported that he met with the LEPC subcommittee and reported that the Sheriff is working on a full scale exercise to work with all agencies on July 27 and the school board, Council and EMS will be invited. He further stated that the training will be a classroom environment. President Pro Tem Gochenour reported that the Development Authority went to closing with CMC today with the TIF District application being completed next week.

Re: Board and Commission Vacancies

Councilperson Catlett made a motion to appoint Scott McAboy for a 3 year term to the Board of Zoning Appeals. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Councilperson Issues - President Pro Tem Gochenour
Nestle Quarry Road Complaints**

President Pro Tem Gochenour stated that he has received numerous complaints of the noise and dust on Nestle Quarry Road. He stated that everyone had been brought together and tried to resolve some of the issues and a lot of work has been done, but still needs more work. Vice President Gochenour stated that he had spoken with DEP regarding the air quality and has asked Anthony Delligatti, Legal Director to provide as much information as possible to DEP to address the dust issues.

Anthony Delligatti, Legal Director appeared before the Council and stated that most regulatory issues had been addressed and believes at this point that this would need to go before the courts.

Sheriff Harmon appeared before the Council and spoke about his departments efforts with Nestle Quarry Road.

Re: Bid Opening – RFP Roof Replacement 110 W. King Street

Alan Davis, County Administrator reviewed the RFP for the Roof Replacement at 110 W. King Street. He stated that the RFP had been placed on the county web site, social media platforms and advertised in the Martinsburg Journal with Certification of Publication Present in the bid file and read ahead. He also stated that a mandatory pre-bid conference was held with seven (7) contractors in attendance who were also taken to 110 W. King Street to take their own measurements. Mr. Davis stated that four (4) addendums were sent out to all contractors that attended the pre-bid conference.

At 10:00 A.M. President Pro Tem Gochenour opened the sealed bids as follows:

Bid #	Contractor	Lump Sum Price
Bid # 1	Black Stone Roofing, LLC Winchester, VA	\$111,000/ 20 year warranty \$124,000/30 year warranty
Bid # 2	Heidler Roofing Services Hagerstown, MD	\$131,448/20 year warranty \$153,696/30 year warranty \$100 per man hours & cost of material with a 35% markup
Bid # 3	High Point Roofing Hedgesville, WV	\$ 72,309.42/20 year warranty No Price for 30 year warranty

**Re: Board and Commission Interview
David Puffenburger – Candidate – Fire Board**

David “Tommy” Puffenburger appeared before the Council and was interviewed as a candidate for the Fire Board.

**Re: Board and Commission Interview
Phillip Petry – Candidate – Fire Board**

Phillip Petry appeared before the Council and was interviewed as a candidate for the Fire Board.

**Re: Gary Wine, Deputy County Administrator
Bid Recommendation Office Furniture
Day Report Center Construction Contract**

Gary Wine, Deputy County Administrator appeared before the Council and reviewed the bid for the Office Furniture. He stated that Phase I (Tax Office) did not exceed \$15,000 so the furniture did not need to be bid, however three (3) quotes were obtained. Mr. Wine recommended that the office furniture for Phase II (IT) be awarded to Laber's Office Furniture in the low bid amount of \$103,604.83.

Councilperson Catlett made a motion to award the office furniture for Phase II (IT) to Laber's Office Furniture in the low bid amount of \$103,604.83. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Mr. Wine reviewed the Day Report Center construction contract with Waynesboro Construction Company, LLC.

Councilperson Barnhart made a motion to approve the construction contract with Waynesboro Construction Company, LLC and authorize the President to sign. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Anthony Delligatti, Legal Director
Setting of Regional Meeting of the West Virginia First Foundation**

Anthony Delligatti, Legal Director appeared before the Council and stated that the Council needed to select a representative and set a date to hold a meeting of the West Virginia First Foundation. He stated that the meeting should permit for calling in via phone conference and or Zoom. Mr. Delligatti further stated that the meeting would be chaired by the Council representative of Berkeley County and he would have the proposed Agenda.

Councilperson Catlett made a motion to conduct the meeting of the West Virginia First Foundation on Wednesday, July 12, 2023 at 1:00 P.M. in the Berkeley County Council chambers with Vice President G. Edgar Gochenour representing the Berkeley County Council. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Alan Davis, County Administrator
Reformation of County Council to County Commission
State Budget Revision # 12 Fund 001**

Alan Davis, County Administrator stated that Senate Bill 649 was passed and became effective June 8, 2023. He further stated that the required legal ad was run in the Martinsburg Journal on May 1, 2023 with the Certification of Publication present in the read ahead. Mr. Davis stated that the Council could now adopt a Resolution to change the name of the Berkeley County Council to the Berkeley County Commission.

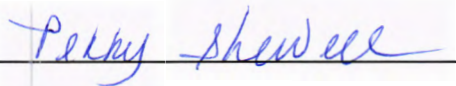
Councilperson Barnhart made a motion to change the name of the Berkeley County Council to the Berkeley County Commission effective July 1, 2023. Councilperson Catlett seconded the motion. The motion carried unanimously.

Mr. Davis reviewed State Budget Revision # 12 for Fund 001.

Councilperson Catlett made a motion to approve State Budget Revision # 12 for Fund 001. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Recess

Councilperson Barnhart made a motion to Recess the June 15, 2023 Berkeley County Council meeting.

Submitted by: 

Penny Shewell, Office Administrator