

Berkeley County Council Meeting

July 14, 2022

400 W. Stephen Street, Suite 205

9:30 A.M.

Martinsburg, WV 25401

Present:

Douglas E. Copenhaver, Jr., President

James P. Whitacre, Vice President

Dan Dulyea, Councilperson

James R. Barnhart, Councilperson

G. Edgar Gochenour, Councilperson

Alan J. Davis, County Administrator

Penny Shewell, Office Administrator

Also Present: Anthony Delligatti, Legal Director; Gary Wine, Deputy County Administrator

Re: Call to Order

President Copenhaver called the July 14, 2022 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

Vice President Whitacre made a motion to approve the Agenda for the July 14, 2022 Berkeley County Council meeting. Councilperson Dulyea seconded the motion. The motion carried unanimously.

Re: Consent Agenda

1. Purchase Order Log

Alan Davis, County Administrator stated the invoice for Thomas Sommerville was for the replacement of the hot water heater at 520 S. Raleigh Street as the old one had rusted out. He also state the invoice on page 5 for TI Dawson was to repair the air conditioner at 100 W. King Street. Mr. Davis stated that the invoice on page 10 for Mid Atlantic Entry was for repairs to the gate at the Sheriff's Department and the invoice on page 4 for Holtzman's Oil Company was for our bulk oil purchase which is delivered to EPTA. Mr. Davis stated the invoice on page 1 to the WV Risk Pool was for our quarterly and semiannual payments and the small policy for Community Service and Deputy Reserves. He also stated that the invoice on page 2 for the Journal in the amount of \$845.25 was for a mandatory Class II legal ad from March that was just billed due to internal changes at the Journal. Councilperson Dulyea questioned why we were paying rent to AmeriGas for a 500 gallon tank.

2. Internal Budget Revisions

There were no internal budget revisions to be addressed.

3. Changes in Status

President Copenhaver stated that new hire recommendations were received from the Honorable Catie Delligatti, Prosecuting Attorney for Claire Stancil as a Legal Assistant effective July 25, 2022 with an annual salary of \$34,000, Chelsea Lathan as a Legal Assistant /Administrative Assistant effective July 25, 2022 with an annual salary of \$34,000 and Casey Nathaniel Putney as an assistant Prosecuting Attorney effective August 8, 2022 with an annual salary of \$66,500.

President Copenhaver stated that a change in status was received from Mrs. Delligatti for Haley Pacheco for a salary change from \$38,500 to \$43,500 effective July 15, 2022.

President Copenhaver stated that a new hire recommendation was received from Tim Czaja, Community Corrections Director for Shasta Redman as a Home Confinement Officer effective July 18, 2022 with an annual salary of \$37,509.

President Copenhaver stated that a new hire recommendation was received from the Honorable Sheriff Nathan Harmon for Brianna Salvato as an Administrative Assistant/Dispatcher effective July 18, 2022 with an annual salary of \$31,870.

President Copenhaver stated that a changes in status were received from the Honorable Larry Hess, Assessor for Linda Timbrook for a salary change from \$13.50 per hour to \$15.50 per hour and Kalli Dellmotte for a salary change from \$11.50 per hour to \$13.50 per hour effective July 1, 2022.

President Copenhaver stated that resignations were received from the Sheriff's Department from Luke Watts effective June 23, 2022 and Brittney Conner effective July 7, 2022.

President Copenhaver stated that a letter of resignation was received from the DRC from Jordan Baylor effective July 6, 2022.

President Copenhaver stated that a letter of resignation was received from Home Confinement from Quincey Miltenberger effective July 8, 2022.

President Copenhaver stated that a letter of resignation was received from IT from Michaela McDonough effective July 22, 2022.

4. Approval of Minutes

There were no changes to the June 30, 2022 Berkeley County Council meeting minutes.

5. Council Calendar

President Copenhaver reviewed the Council calendar for the month of July.

6. Board and Commission Calendar

President Copenhaver reviewed the Board and Commission calendar for the month of July.

7. **Bond Release – Stonecrest Phase 1, Section 4, Lots 40-51, BCP File #2107-263 tied to BCP File #013-07, Bond #1003693301**
8. **Bond Release – Stonecrest PUD Phase 1, Section 1, Lots 1-10 & 76- 89, BCP File #2011-320 tied to BCP File #022-15, Bond #1001057815**

Re: Consent Agenda Approval

Councilperson Dulyea made a motion to approve the Consent Agenda for the July 14, 2022 Berkeley County Council meeting. Councilperson Gochenour seconded the motion. The motion carried unanimously.

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

The Assessor had nothing to present this week.

Re: Board Meeting Reports

Councilperson Barnhart reported that he was unable to attend the Health Department Board meeting, but did attend the Public Service Water District board meeting where the Leak Adjustment Policy was adjusted to comply with the PSC and the Executive Director’s report was presented.

Councilperson Dulyea reported that one of his meetings was cancelled and one meeting he was unable to attend.

Vice President Whitacre reported that he had no meetings this week.

Councilperson Gochenour reported that he attended the Health Department board meeting along with President Copenhaver. He also reported that he attended the Development Authority meeting.

President Copenhaver reported that he and Councilperson Dulyea requested to be placed on the Health Department’s Agenda to discuss soil and food trucks, but were only give five (5) minutes to speak at “Items from the Public” and no dialogue even after requesting to be placed on the Agenda.

Re: Board and Commission Vacancies

Councilperson Gochenour made a motion to appoint Charles Walker to the LEPC board for a full term. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Gary Wine, Deputy County Administrator
Bid Recommendation RFQ Fiber Optics Infrastructure Master Plan**

Gary Wine, Deputy County Administrator appeared before the Council and reviewed the RFQ for the Fiber Optics Infrastructure Master Plan. He recommended that Design Nine be selected to move forward with the timeline and price negotiation.

Councilperson Dulyea made a motion to award the RFQ for the Infrastructure Master Plan to Design Nine to move forward with the time line and price negotiation. Vice President Whitacre seconded the motion. The motion carried unanimously.

Councilperson Dulyea stated that he had always said that studies weren't needed and thought they were a waste of money, but wanted to go on record as saying that he was wrong and studies are needed and necessary.

**Re: Board and Commission Interview
Cora Kowalski – Candidate – BC Criminal Justice Board**

Cora Kowalski appeared before the Council and was interviewed as a candidate for the Criminal Justice Board.

**Re: Alan Davis, County Administrator
Unencumbered Fund Balance Coal Severance Fund 002
Request from Solid Waste Authority FY23 Lump Sum Funding
Resolution to Become a Participating Employer of West Virginia Emergency Medical Services
Retirement System (EMSRS)
Declaration of Surplus Property**

Alan Davis, County Administrator reviewed the Unencumbered Fund Balance for Coal Severance Fund 002.

Councilperson Gochenour made a motion to approve the Resolution for State Budget Revision #01 for Fund 002 for the Coal Severance for the unencumbered fund balance. Vice President Whitacre seconded the motion. The motion carried unanimously.

Mr. Davis stated that the Solid Waste Authority had submitted a request to be paid their FY23 funding in a lump sum now rather than in quarters over the fiscal year. Clint Hogbin, Chair of the Solid Waste Authority appeared before the Council and presented the financial situation the Solid Waste Authority was currently in.

Councilperson Barnhart made a motion to provide the lump sum payment for the Solid Waste Authority in the amount of \$72,657. Councilperson Gochenour seconded the motion. The motion carried unanimously.

Mr. Davis stated during the 2022 legislative session HB4688 was passed that allows all of the County's twenty two (22) career firefighters and full time emergency communications dispatchers hired after July 1, 2022 to transfer/join the WV Emergency Medical System Services Retirement System (WVEMSRS). Mr. Davis reviewed the steps that must be taken for Berkeley County employees to participate which include adopting the Resolution to Become a Participating Employer of the West Virginia Emergency Medical Services Retirement System (EMSRS).

Councilperson Gochenour made a motion to allow professional career firefighters and eligible dispatchers to enter into the WVEMSRS and adopt the Resolution. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Mr. Davis reviewed the Declaration of Surplus Property.

Councilperson Dulyea made a motion to approve the Declaration of Surplus Property. Vice President Whitacre seconded the motion. The motion carried unanimously.

Re: Items from the Public

Dan James, Prosecuting Attorney for Morgan County appeared before the Council and stated that he was there on behalf of the Berkeley Morgan Health Department and advised that the Board had been asked to be present for executive session today which they complied with, but they had not posted an Agenda and reminded the Council of Roberts Rules.

Re: Executive Session Potential Removal of Board Members and Personnel Matters

Councilperson Gochenour made a motion to go into executive session for the potential removal of board members and personnel matters at 11:45 A.M. Councilperson Dulyea seconded the motion. The motion carried unanimously.

President Copenhaver declared the Council out of executive session at 12:18 P.M.

There were no motions made during or after executive session.

Re: Recess

Councilperson Barnhart made a motion to Recess the July 14, 2022 Berkeley County Council meeting.

Submitted by: *Penny Shewell*

Penny Shewell, Office Administrator