

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

September 1, 2022
9:30 A.M.

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: Tracie McCormick, Procurement Coordinator; Anthony Delligatti, Legal Director; The Honorable Larry Hess, Assessor; Will Lorensen, Fiduciary Supervisor; Tracey Guilliams, Grants Administrator; Randy Lilly, Director, Emergency Services; Marty Roberts, Fire Chief; Tim Czaja, Community Corrections Director; Cheri Horvath, Finance Director; Doug Smith, County Engineer; Jack Laing, Facilities Director;

Re: Call to Order

President Copenhaver called the September 1, 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 September 1, 2022 Berkeley County Council meeting. Councilperson Gochenour seconded the motion. The motion carried unanimously.

Re: Consent Agenda

- 1. Purchase Order Log**
- 2. Internal Budget Revisions**

3. Changes in Status

President Copenhaver stated that new hire recommendations were received from Tim Czaja, Community Corrections Director for Susan Owens as a part time driver effective September 6, 2022 with a rate of \$17.82 per hour and Andia Mae Orujov as a Therapist III effective September 12, 2022 with an annual salary of \$76,065.

President Copenhaver stated that a letter of resignation was received from Fiduciary from Christina Isenberg effective September 9, 2022.

President Copenhaver stated that a letter of resignation was received from Voter's Registration From Kaitlin Davis effective September 9, 2022.

4. Approval of Minutes

There were no changes to the August 18, 2022 Berkeley County Council meeting minutes.

Councilperson Barnhart made a motion to approve the minutes for the August 18, 2022 Berkeley County Council meeting. Vice President Whitacre seconded the motion. Councilperson Dulyea abstained due to absence. The motion carried.

5. Council Calendar

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

6. Board and Commission Calendar

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

7. Bond Release – Lot 18 JD Rockefeller Science/Tech Center (Grading) BCP File #2201-021 tied to #2201-020, 2103-0388 & 2012-379, Bond #0783639 – Engineering Department

8. Cash Surety Agreement -2003 Industrial Circle, LLC, Trailer/Equipment Storage Area (Grading Permit) BCP File #2208-0221 tied to #2207-208 – Engineering Department

9. Cancelled Check Request – County Clerk's Finance Office

Re: Consent Agenda Approval

Councilperson Dulyea made a motion to approve the Consent Agenda for the September 1, 2022 Berkeley County Council meeting. Vice President Whitacre 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 Honorable Larry Hess, Assessor appeared before the Council and presented two (2) personal property tax exonerations for reason of taxpayer error totaling \$617.42.

Councilperson Barnhart made a motion to approve the two (2) personal tax exonerations for reason of tax payer error totaling \$617.42. Councilperson Dulyea seconded the motion. The motion failed with a vote of zero to five.

Mr. Hess presented sixteen (16) personal tax exonerations for reason of office error totaling \$2,165.45.

Councilperson Dulyea made a motion to approve the sixteen (16) personal tax exonerations for reason of office error totaling \$2,165.45. Councilperson Gochenour seconded the motion. The motion carried unanimously.

Mr. Hess presented two (2) real estate exonerations for reason of office error totaling \$706.74.

Councilperson Gochenour made a motion to approve the two (2) real estate exonerations for reason of office error totaling \$706.74. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Board Meeting Reports

Councilperson Barnhart reported that he attended the Region 9 board meeting where Keith Lowery from the Jefferson County Commission was the guest speaker. He also reported that they approved the budget and transportation reports were presented. He also reported that he attended the Public Service Water District board meeting where there were no new projects.

Councilperson Dulyea reported that he had no meetings.

Vice President Whitacre reported that he had no meetings.

Councilperson Gochenour reported that he attended the Parks and Recreation stakeholders meeting for Poor House Farm Park and Taylor Park regarding the facilities and the parking lots. He also reported that he met with the Chairperson and Anthony Delligatti, Legal Director regarding remains found on the Morgan Park property.

President Copenhaver reported that he attended the Ambulance Authority meeting where they are trying to get public safety vehicles and looking at some ambulances that are smaller that would work in the Marlowe area. He also reported that the employees are concerned about pay increases since the county gave pay increases, but also stated that the employees received a pay increase in January, but stated they would continue to monitor.

Re: Board and Commission Vacancies

Vice President Whitacre made a motion to reappoint Charles Hall to EPTA for a full term. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Bid Opening – RFP Police Interceptors

Alan Davis, County Administrator reviewed the RFP for the Police Interceptors stating the request was for eight (8) SUV's since trucks were not available. He stated that the RFP was placed on the county web site and advertised in the Journal with the certification of publication present in the bid file.

President Copenhaver opened the sealed bids as follows at 10:00

Bid #	Company	Description	Total
Bid # 1	Whiteside of St. Clairsville Clairsville, OH	No Bid	
Bid # 2	Hagerstown Ford Hagerstown, MD	8-2023 Police Interceptors	\$360,480
Bid # 3	Kent Parsons Ford Martinsburg, WV	8-2023 Police Interceptors	\$365,792
Bid # 4	Keystone Ford Chambersburg, PA	8-2023 Police Interceptors	\$374,000

Re: Bid Opening – RFP Snow Removal Waverly Court

Alan Davis, County Administrator reviewed the RFP for the Snow Removal for Waverly Court. He stated that the RFP was placed on the county web site and placed in the Journal with the certification of publication present in the bid file.

At 10:05 President Copenhaver opened the sealed bids as follows:

Bid #	Company	Total Bid	PU w/Plow Per Hr	Labor Per Hr	Tractor Per Hr	Lg Loader Per Hr
Bid # 1	Riverside Farms, LLC Hedgesville, WV	\$675	\$125	\$40	\$120	\$160
Bid # 2	Law Enforcement LLC	\$80 per plow per hr \$40 per man per hour	\$80	\$40	\$96	\$145
Bid # 3	Pitzer Chapel Pines LLC	\$230	\$85	\$35	\$125	\$160

**Re: Presentation of Service Weapon to Berkeley County Sheriff's Department
Retired Sergeant Colleen Thompson**

Sheriff Nathan Harmon appeared before the Council and presented Retired Sergeant Colleen Thompson with her service weapon. He spoke about Sergeant Thompson's time with the Sheriff's Department and others spoke as well. The Council all congratulated her on her retirement.

**Re: Nicholas Diehl, Executive Director, Eastern WV Regional Airport
Supplemental Funding Needs**

Nic Diehl, Executive Director for the Eastern WV Regional Airport appeared before the Council and stated that the Airport is looking for ideas to bring the community to the Airport and are looking into an educational park for children with a pavilion. He also stated that they are holding the 100 year celebration of the Airport next year and will be putting on a two (2) day show and anticipate 50,000 to 60,000 people. He stated that the Airport is looking to the Council for some supplemental funding to assist with these goals.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Lawrence Edward Williams
Estate Accounts Month of September
Estate Hearings to be Scheduled**

Will Lorensen appeared before the Council and reviewed the estate of Lawrence Edward Williams. He requested the Council to accept a copy of the will in solemn form.

Councilperson Barnhart made a motion to accept the will of the estate of Lawrence Edward Williams in solemn form. Councilperson Gochenour seconded the motion. The motion carried unanimously.

Mr. Lorensen presented fifty four (54) estate accounts for the month of September with one of the accounts being for the estate of Harry W. Yoe to which William Howell from Truist United Bank appeared before the Council and spoke regarding.

Councilperson Gochenour made a motion to approve the fifty four (54) estate accounts for the month of September. Councilperson Dulyea seconded the motion. The motion carried unanimously.

The Council scheduled two (2) estate hearing for the estates of Mary Fazenberger for Thursday, October 6, 2022 at 11:00 A.M. and Lori Ann Dom at 11:15 A.M.

Re: Public Hearing Proposed Ambulance Authority Commercial Fees

Alan Davis, County Administrator stated that the legal ad for the public hearing was advertised in the Journal with the certification of publication present in the read ahead. He further stated that no oral or written comments had been received.

Councilperson Barnhart made a motion to open the public hearing for the Proposed Ambulance Authority Commercial Fees. Vice President Whitacre seconded the motion. The motion carried unanimously.

Brian Costello, Executive Director, Berkeley County Emergency Ambulance Authority appeared before the Council and reviewed a power point presentation reviewing their data base. He stated that they are working with the Assessor's Office and the Secretary of State's Office for businesses and reviewed questions that still needed to be answered.

Steve Catlett appeared before the Council and spoke regarding the strain the ambulance fees would put on residents and spoke in favor of the commercial rate fees.

Councilperson Dulyea made a motion to close the public hearing. Vice President Whitacre seconded the motion. The motion carried unanimously.

**Re: Kevin Whitney, Crabtree, Rohrbaugh & Associates
Expansion of Day Report Center
Review of Dunn Building Bid**

Kevin Whitney with Crabtree, Rohrbaugh & Associates appeared before the Council and reviewed the expansion of the Day Report Center for a possible two (2) story building and a three (3) story building.

The consensus of the Council was to expand the Day Report Center to a three (3) story building.

**Re: Randy Lilly, Emergency Services Manager
Marty Roberts, Fire Chief
W.V. Fire Commission Requirements
Berkeley Fire First Due Area**

Randy Lilly, Emergency Services Manager and Marty Roberts, Fire Chief appeared before the Council and reviewed the WV. Fire Commission requirements. Fire Chief Roberts stated that we currently have our FDID number, but now since more counties are trying to establish a Fire Department they are requiring counties to designation a Fire First Due Area.

Vice President Whitacre made a motion to designate the piece of property at the 300 Block of Mall Drive as the First Due Area. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Stephanie Stout
Request Letter of Support for Unsolicited Grant**

Stephanie Stout appeared before the Council requesting a letter of support for an unsolicited grant. She stated that she is trying to provide a place for people to come after leaving incarceration to work and be educated.

Vice President Whitacre made a motion to approve the letter of support. Councilperson Dulyea seconded the motion. The motion carried unanimously.

**Re: Alan Davis, County Administrator
Anthony Delligatti, Legal Director
Health Department Funding**

- **Operational and Capital Funding**

**Berkeley County Appointments to Health Board
Effectiveness of Combined Berkeley-Morgan County Health Departments**

Lisa Poland, President of the Health Department board appeared before the Council and addressed issues and concerns of the Council as previously discussed. She stated that the phone situation had been addressed, the clinical side not being staffed was due to the walk out due to COVID and now have a new Nursing Director effective October 4th. She stated that complaints on in inspectors of food services/franchises is due to them following the rules of the state. She stated that they have posted for new nursing positions and only have one left open. Mrs. Poland stated that Patty from Morgan County comes over on regular basis. She also stated that that the concerns that staff are not willing to meet with builders on site has been addressed and added to their application if they want to meet. She stated that they have discussed hiring a soil scientist for disputes and put out an RFQ. Mrs. Poland stated that a new sanitarian has been hired effective September 7th and would be trained by the state.

**Re: Alan Davis, County Administrator
Follow Up Discussion Supplemental Funding
2022 Chamber Image Book**

The consensus of the Council was to table the follow up discussion on supplemental funding until next week.

Mr. Davis reviewed the ad for the 2022 Chamber image book.

The consensus of the Council was to place a one page ad in the Chamber image book.

Re: Executive Session – Real Estate

Councilperson Barnhart made a motion to go into executive session at 1:35 P.M to discuss real estate. Councilperson Dulyea seconded the motion. The motion carried unanimously.

President Copenhaver declared the Council out of executive session at 2:00 P.M.

Councilperson Dulyea made a motion to purchase property, seven (7) lots at Sportsman's Paradise from John Foster in the amount of \$179,000 and authorize the President to sign. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Public Hearing Proposed Ambulance Authority Commercial Fees

President Copenhaver was not present.

President Pro Tem Whitacre called the meeting to Order.

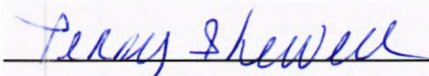
Councilperson Dulyea made a motion to open the public hearing for Proposed Ambulance Authority Commercial Fees. Councilperson Gochenour seconded the motion. The motion carried unanimously.

Brian Costello, Executive Director, Berkeley County Emergency Ambulance Authority stated he had nothing new to present from this morning's meeting.

Councilperson Barnhart made a motion to close the public hearing. Councilperson Dulyea seconded the motion. The motion carried unanimously.

Re: Recess

Councilperson Barnhart made a motion to Recess the September 1, 2022 Berkeley County Council meeting.

Submitted by: 

Penny Shewell, Office Administrator