

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

**October 5, 2023**  
**9:30 A.M.**

**Present:**

**G. Edgar Gochenour, President Pro Tem**

**James R. Barnhart, Commissioner**

**H. D. Boyd, Commissioner**

**R. Stephen Catlett, Commissioner**

**Gary A. Wine, County Administrator**

**Penny Shewell, Office Administrator**

**President Whitacre was no present for the meeting.**

Also Present: Anthony Delligatti, Legal Director; The Honorable Larry Hess, Assessor; Will Lorenson, Fiduciary Supervisor; The Honorable Tony Petrucci, County Clerk; Cheri Horvath, Finance Director, Tracey Guilliams, Grants Administrator

**Re: Call to Order**

President Pro Tem Gochenour called the October 5, 2023 Berkeley County Commission meeting to Order at 9:35 A.M.

**Re: Items from the Public**

Alfred Benjamin, retired New York Firefighter appeared before the Commission and spoke regarding the county's policy on hiring family members and spoke about the World Trade Center.

Tom Ressler appeared before the Commission and spoke against the county spending money on Sportsman's Paradise.

**Re: Agenda**

President Pro Tem Gochenour stated that the 10:50 item for an interview needed to be removed from the Agenda and there would be no Honorary Commissioner today.

Commissioner Catlett made a motion to approve the amended Agenda for the October 5, 2023 Berkeley County Commission meeting. Commissioner Boyd 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**

There were no internal budget revisions to be addressed.

## **3. Changes in Status**

President Pro Tem Gochenour stated that a new hire recommendation was received from the Honorable Catie Delligatti, Prosecuting Attorney for Jared Smallwood as an Assistant Prosecuting Attorney effective October 16, 2023 with an annual salary of \$81,000.

President Pro Tem Gochenour stated that a new hire recommendation was received from Mike Laing, Chief Court Marshal for Tammy Faircloth as a part time custodian effective October 16, 2023 with an hourly rate of \$17.80.

President Pro Tem Gochenour stated that a new hire recommendation was received from Tim Czaja, Community Corrections Director for Melody Shaffer as a JOTIPP Recovery Coach effective October 16, 2023 with an annual salary of \$43,135.

President Pro Tem Gochenour stated that changes in status were received from Jennifer Swisher, 9-1-1 Director for Samantha Noll and Emily Rosen to go from Telecommunicator I to Telecommunicator II effective October 11, 2023 with annual salary changes from \$46,356 to \$50,341.

President Pro Tem Gochenour stated that changes in status were received from the Honorable Larry Hess, Assessor for Cody Legg to transfer from Department 406 to Department 407 and be reclassified as Assistant effective October 1, 2023 with an annual salary increase from \$49,700 to \$53,000 and Rhonda Loudan to be reclassified as Assistant effective October 1, 2023 with an annual salary change from \$64,775 to \$68,075.

## **4. Approval of Minutes**

There were no changes to the September 21, 2023 Berkeley County Commission meeting minutes.

## **5. Commission Calendar**

President Pro Tem Gochenour reviewed the Commission calendar for the month of October.

## **6. Board and Commission Calendar**

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

## **Re: Consent Agenda Approval**

Commissioner Catlett made a motion to approve the Consent Agenda for the October 5, 2023 Berkeley County Commission meeting. Commissioner Boyd seconded the motion. The motion carried unanimously.

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

The Honorable Hess, Assessor appeared before the Commission and presented one (1) personal tax exoneration for reason of tax payer error totaling \$422.74.

Commissioner Barnhart made a motion to approve the one (1) personal tax exoneration for reason of tax payer error in the amount of \$422.74. Commissioner Catlett seconded the motion. The motion failed with a vote of five to zero.

Mr. Hess presented sixteen (16) personal tax exonerations for reason of office error totaling \$6,881.41.

Commissioner Boyd made a motion to approve the sixteen (16) personal tax exonerations for reason of office error totaling \$6,881.41. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Mr. Hess presented one (1) real estate exoneration for reason of office error totaling \$98.58.

Commissioner Catlett made a motion to approve the one (1) real estate exoneration for reason of office error totaling \$98.58. Commissioner Boyd seconded the motion. The motion carried unanimously.

**Re: Board Meeting Reports**

Commissioner Boyd reported that he attended the Museum Commission board meeting where they discussed the direction of the museum, funding sources and the project lay out of design plans. He also reported that he attended the Home Consortium board meeting where they reported giving out five (5) loans and also reported that listings are down. Commissioner Boyd reported that he attended the CVB meeting where they approved the mural for Frog Hollow.

Commissioner Barnhart reported that he attended the Public Service Water District board meeting where they reviewed the audit with no deficiencies and reported that the CIF account currently had a balance of \$4 million.

Commissioner Catlett reported that while visiting Poor House Farm Park he received many compliments on the new playground equipment. He also reported that he attended the Berkeley County Emergency Ambulance Authority meeting where they extended the waiver to sign up for the Homestead Exemption by one month. Commissioner Catlett reported that he attended the Public Service Sewer District board meeting and pleased with the progress. He also attended the Public Service Stormwater District board meeting where they are waiting for the permit to be approved through DEP. He also reported that there are stormwater issues with PO Faulkner Park parking lot and have met with Kim Petrucci with the City of Martinsburg. Commissioner Catlett reported that he would be traveling to Charleston on Sunday to attend the CCAWV board meeting on Monday as he was appointed as the Regional Legislative representative.

Vice President Gochenour reported that he visited Poor House Farm Park and reported that the children were enjoying the new playground equipment. He also reported that he attended the Planning Commission meeting where the Hickory Ridge Subdivision project was denied and a 264 apartment complex and hotel was approved where the old Holiday Inn used to be.

**Re: Board and Commission Vacancies**

Vice President Gochenour requested to have Jason Steadman scheduled for an interview as a candidate for the Airport Authority.

**Re: Bid Opening – RFP Audit Services**

Gary Wine, County Administrator reviewed the RFP for the Audit Services. He stated that nine (9) letters denying to bid were received with two (2) bids being received.

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

<b>Bid #</b>	<b>Audit Firm</b>	<b>Total Bid</b>
Bid # 1	Perry & Associates	\$33,250
Bid # 2	BHM	\$30,000

**Re: Will Lorensen, Fiduciary Supervisor  
Estate Accounts – Month of October  
Estate Hearings to be Scheduled**

Will Lorensen, Fiduciary Supervisor appeared before the Commission and presented thirty nine (39) estate accounts for the month of October.

Commissioner Barnhart made a motion to approve the thirty nine (39) estate accounts for the month of October. Commissioner Catlett seconded the motion. The motion carried unanimously.

Mr. Lorensen had no estate hearings to be scheduled.

**Re: Board and Commission Interview  
Robert MaHaffey – Candidate – Library Board**

Robert MaHaffey appeared before the Commission and was interviewed as a candidate for the Library board.

Commissioner Boyd made a motion to appoint Robert MaHaffey to the Library board for a full five year term. Commissioner Catlett seconded the motion. The motion carried unanimously.

**Re: Robert MaHaffey, Chair, Berkeley County Museum Board  
Presentation of Bylaws Berkeley County Museum Board**

Robert MaHaffey, Chair, Berkeley County Museum board appeared before the Commission and reviewed the bylaws for the Museum board.

Commissioner Catlett made a motion to approve the bylaws for the Berkeley County Museum board. Commissioner Boyd seconded the motion. The motion carried unanimously.

**Re: Tracey Guilliams, Grants Administrator  
Acceptance of BJA FY23 Comprehensive Opioid Stimulant and Substance Use Site-Based Program for JOTIPP Program  
Acceptance of BJA Edward Byrne Memorial Justice (JAG) Program  
Acceptance of BJA FY23 STOP School Violence Program**

Tracey Guilliams, Grants Administrator appeared before the Commission and reviewed the BJA FY23 Comprehensive Stimulant and Substance Use Site-Base Program for the JOTIPP program grant with the award amount totaling \$1,300,000 with a 0% match.

Commissioner Barnhart made a motion to accept the BJA FY23 Comprehensive Opioid and Substance Use Site-Based program for the JOTIPP program grant. Commissioner Boyd seconded the motion. The motion carried unanimously.

Ms. Guilliams reviewed the BJA Edward Byrne Memorial Justice (JAG) program grant stating that the grant award totaled \$15,257 with a 0% match.

Commissioner Catlett made a motion to accept the BJA Edward Byrne Memorial Justice (JAG) program grant. Commissioner Boyd seconded the motion. The motion carried unanimously.

Ms. Guilliams reviewed the BJA FY23 STOP School Violence Program grant stating that the grant award totaled \$1,000,000 with a 0% match.

Commissioner Catlett made a motion to accept the BJA STOP School Violence program grant. Commissioner Boyd seconded the motion. The motion carried unanimously.

**Re: Board and Commission Interview  
Deidre Johnson – Candidate – Museum Board**

Deidre Johnson appeared before the Commission and was interviewed as a candidate for the Museum board.

**Re: Gary Wine, County Administrator  
Snow Removal Contract Extension  
Bid Recommendation Public Safety Drone Package  
Berkeley County Trick or Treat  
State Budget Revision # 03 Fund 001**

Gary Wine, County Administrator reviewed the Snow Removal contract extension with B&R Mowing and Landscaping, Inc. and Pitzers Chapel Pines, LLC.

Commissioner Catlett made a motion to approve the contract extension renewal with B&R Mowing and Landscaping, Inc. and Pitzers Chapel Pine, LLC. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Mr. Wine reviewed the bid received for the public safety drone package. He stated after reviewing the specifications presented in the bid document, it has been brought to their attention that the proposed equipment is not on the Department of Defense, Defense Innovation Unit (DIU) approved list. Mr. Wine stated since the unit isn't on the approved list we can't use the awarded grant funds for this

purchase and recommended that the bid not be awarded and the RFP be modified and re-bid to ensure the request equipment has been vetted through the DOD on Ramp process.

Commissioner Barnhart made a motion to deny the bid received from Adorama, Inc. and rebid the RFP for the public safety drown. Commissioner Boyd seconded the motion. The motion carried unanimously.

Mr. Wine stated that verification has been made with the City of Martinsburg that they will hold Trick or Treat on Tuesday, October 31, 2023 from 6:00 P.M. to 8:00 P.M. and recommends that the county hold Trick or Treat at the same designated date and time. He stated if approved this would be published to social media and the county web site.

Commissioner Catlett made a motion to designate Trick or Treat in Berkeley County, Tuesday, October 31, 2023 from 6:00 P.M. to 8:00 P.M. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Mr. Wine reviewed State Budget Revision # 03 for Fund 001.

Commissioner Boyd made a motion to approve State Budget Revision # 03 for Fund 001. Commissioner Catlett seconded the motion. The motion carried unanimously.

**Re: Chuck Young, Cox Hollida, CPA  
Charli Hielmann, Cox Hollida, CPA  
Presentation of County Commission FY23 Financial Statement**

Chuck Young and Charli Hielmann from Cox Hollida appeared before the Commission. Charli Hielmann presented the County Commission FY23 Financial Statement.

**Re: Executive Session – County Commission Personal Issues and Pending Litigation**

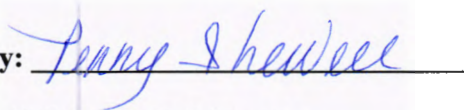
Commissioner Barnhart made a motion to go into executive session for personal issues and pending litigation at 12:59 P.M. Commissioner Catlett seconded the motion. The motion carried unanimously.

President Pro Tem Gochenour declared the Commission out of executive session at 1:30 P.M.

There were no motions made during or after executive session.

**Re: Recess**

Commissioner Barnhart made a motion to Recess the October 5, 2023 Berkeley County Commission meeting.

Submitted by:   
**Penny Shewell, Office Administrator**