

Present:

Ronald K. Collins, President

William L. Stubblefield, Commissioner

Anthony J. Petrucci, Commissioner

Deborah Hammond, County Administrator

Norwood Bentley, County Counsel

Also Present: Penny Miller, County Commission; Theresa Palmer, County Commission; Marsha Kelley, Finance Director; Gwen Campbell, Finance; Jeff Caslay, Finance; Renee Hudson, Finance; Jay Russell, Facilities Supervisor; Dave Orndorff, Facilities; Gary Wine, IT Director; The Honorable Patsy Kilmer, Assessor; Alan Davis, Deputy County Administrator; Steve Allen, Director Emergency Services and Homeland Security, Maria Childers, Fiduciary Supervisor

The Morning Prayer was led by Rev. Ed Taylor of the First Baptist Church followed by the Pledge led by Gwen Campbell.

Re: Agenda

President Collins read the Agenda for the March 4 2010 Berkeley County Commission Meeting.

Commissioner Stubblefield made a motion to accept the Agenda as read by President Collins. Commissioner Petrucci seconded the motion. The motion carried.

Consent Agenda:

1. Purchase Order Log

Commissioner Stubblefield stated that Ms. Hammond had already answered all of his questions prior to the meeting.

Commissioner Petrucci questioned the Shell Fleet invoice and asked if the blizzard contributed to the invoice being so high. Ms. Hammond replied that the invoice was higher than normal and was due to more fuel being purchased during the blizzard conditions.

2. Approval of Minutes

There were no changes or additions to the February 18 or February 22, 2010 Berkeley County Commission Meeting Minutes.

3. Hiring Recommendations and Changes in Status

There were no Hiring Recommendations or Changes in Status.

4. Commission Calendars

President Collins reviewed the Commission Calendars for the month of March.

5. Board and Commission Calendars

President Collins reviewed the Board and Commission Calendars for the month of March.

6. Resolution – Governor’s Community Participation Grant Program – Region 7 Workforce Development

President Collins reviewed the Resolution for the Governor’s Community Participation Grant Program for the Region 7 Workforce Development. Commissioner Stubblefield applauded the individuals with Region 7 who were responsible for obtaining these funds.

7. Resolution of Support – General Motors Franchise – Miller Auto Group

President Collins read the Resolution of Support for the General Motors Franchise for the Miller Auto Group. President Collins also stated that the County Commission would prepare a Resolution of Support for any dealership in Berkeley County that was in danger of losing their franchise to help keep businesses in Berkeley County.

8. Resolutions – Community Participation Grant Program – Berkeley County Humane Society

President Collins reviewed the Resolutions for the Community Participation Grant Program for the Berkeley County Humane Society. Ms. Hammond stated there were two Resolutions for the same amount of money for two separate Grants.

Re: Consent Agenda Approval

Commissioner Petrucci made a motion to approve the Consent Agenda for the March 4 2010 Berkeley County Commission Meeting. Commissioner Stubblefield seconded the motion. The motion carried.

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

The Honorable Patsy Kilmer, Assessor appeared before the Commission to present the Personal Property and Real Estate Exonerations for the Assessor’s Office.

Commissioner Stubblefield made a motion to approve the Personal and Real Estate Exonerations as presented by the Assessor. Commissioner Petrucci seconded the motion. The motion carried.

Re: Board and Commission Meeting Reports

Commissioner Petrucci stated that he had no meetings this week. Commissioner Petrucci read an article that was published in a national magazine addressing unemployment.

Commissioner Stubblefield stated that he attended the Development Authority Executive and Finance Meetings concerning potential new businesses in Berkeley County. He also attended the Berkeley County Emergency Ambulance Authority Meeting. Commissioner Stubblefield also stated that he met with Heather Henline, Editor of the Martinsburg Journal.

President Collins stated that he had no meetings this week.

Re: Board and Commission Vacancies

President Collins stated that a request had been received from Harry Siegel to be reappointed to the Berkeley County Development Authority. Commissioner Stubblefield requested to table the reappointment as another application had also been received for that board and requested Ms. Hammond to schedule an interview for that applicant. President Collins stated that a letter of resignation to the Berkeley County Planning Commission had been received from Gary Phalen. Commissioner Stubblefield stated that two requests had been received for the Berkeley County Emergency Ambulance Authority Board, one of which was a reappointment. Commissioner Stubblefield requested Ms. Hammond to schedule these applicants for interviews. Commissioner Stubblefield also stated there was an application received for the Airport Authority. He also stated that since there were no vacancies on this board the application will be filed for future vacancies.

Re: Honorary Commissioner Presentation

Commissioner Stubblefield introduced William Montgomery an 8th grade student from St. Joseph School and Ben Guell, a senior from Hedgesville High School as Honorary Commissioners. Mr. Montgomery stated that he played hockey for the Berkeley County Recreational League and hoped to become an Artist. Mr. Guell thanked the Commissioners for having him as Honorary Commissioner. Mr. Guell stated that he was a junior at Hedgesville High School and was a member of the Varsity Tennis Team. He also stated that he was Vice President of his class and hoped to attend the University of Charleston and study Public Relations and Political Science. Commissioner Stubblefield swore in both students as Honorary Commissioners for the March 4, 2010 Berkeley County Commission Meeting and presented them with certificates.

**Re: Theresa Palmer, Berkeley County Commission Administrative Assistant III
Community Excellence Award – February 2010
Employee of the Month Presentation – February, 2010**

Theresa Palmer appeared before the Commission to present the Employee of the month awards. Ms. Palmer presented Gwen Campbell, Purchasing Clerk for the Berkeley County Finance Office and Dave Orndorff, Facilities I with the Berkeley County Facilities Department with Employee of the Month Certificates. Ms. Campbell and Mr. Orndorff also received four hours paid leave and will be permitted to park in the designated "Employee of the Month" parking spaces for the month of March.

Ms. Palmer introduced Melanie Files and Richard Lowman who were nominated and selected to receive the Berkley County Community Excellence Award for the month of February. Ms. Files and Mr. Lowman were nominated for all their time and hard work for C-Cap Loaves and Fishes. Ms. Palmer presented each of them with a Community Excellence Certificate.

**Re: Jay Russell, Facilities Supervisor
Presentation of Facilities 2010-2011 Budget**

Jay Russell, Facilities Supervisor, appeared before the Commission to present the 2010-2011 Budget for the Facilities Department. Mr. Russell stated that he appreciated the monthly Department Head Meetings that President Collins has incorporated as the meetings are very informative to all the departments. Mr. Russell stated that he would like to move Dave Orndorff from Facilities I to Facilities II. Mr. Russell stated that he has a very knowledgeable and experienced group of employees and would like to be able to keep those employees. Mr. Russell reviewed his budget and stated that he kept his budget the same as last year. Ms. Hammond stated that the new PERS (Public Employee Retirement System) numbers and salaries had not been provided to the Department Heads yet, but the numbers should be available from Mr. Davis next week. Commissioner Stubblefield stated that the County Government had superb individuals working for them and one of those individuals was Mr. Russell. Commissioner Stubblefield stated that Mr. Russell was a strong advocate for his staff. He also stated that Mr. Russell was acutely conscious of the County's budget and has saved the County over \$400,000 this year by performing work with In House employees. President Collins stated that prior to hiring Mr. Russell the County had to outsource a lot of work, but since the hiring of Mr. Russell and his qualified and trained employees, the Facilities Department is able to perform the work and enabled the County to cut down on outsourcing. President Collins stated that Mr. Russell was appreciated and commended him on his work for the County.

**Re: Clint Hogbin, Berkeley County Solid Waste Authority
Presentation of Solid Waste Authority Budget**

Clint Hogbin of the Berkley County Solid Waste Authority appeared before the Commission to present the budget for the Solid Waste Authority. Mr. Hogbin stated that the 2009 Recycling Program took a cut this year and consequently the days of operation had to be reduced at the Recycling Centers along with the closing of the Marlowe Recycling Center. Mr. Hogbin also stated that employees and staff were laid off due to the reduction of the Centers. Mr. Hogbin reviewed the numbers on tonnage that was collected and stated that this was a good year for collection. Mr. Hogbin stated that the Solid Waste Authority marketed over 100,000 tractor trailers of paper only that did not end up in the landfill. In addition to reviewing the budget, Mr. Hogbin reviewed some of the special collection events held by the Solid Waste Authority. Mr. Hobin discussed the land that the Parks and Recreation may acquire from the railroad and stated that a Level II Environmental Study needed to be conducted. President Collins stated that Mr. Hogbin and his board did an outstanding job. Ms. Hammond stated that the Brownfield Grant may be able to assist with the Level II Environmental Study. President Collins stated that outside agencies are being forced to make cuts and are now affecting the public and the Solid Waste Authority is a prime example.

**Re: Deborah Hammond, County Administrator
Meeting Report
Dunn Building Project Report and Approvals**

1. Meeting Report

Ms. Hammond stated that she attended the Complete Count Census Committee Meeting on Thursday, February 25, 2010. Ms. Hammond reported that the Complete Count Census Committee will have a table at the Home Show at the Martinsburg Mall. Ms. Hammond also attended the Berkeley County Development Authority Meeting concerning new business prospects for Berkeley County.

2. Updates

Ms. Hammond stated that the PERS (Public Employee Retirement System) meeting held by the Consolidated Board was held on Wednesday, March 3rd and the “Smoothing” process was adopted by the Board which means a gradual increase in the PERS rater over a four year period instead of the increase to 17% for employer contribution. Ms. Hammond stated the increase will be 12.5% on July 1, 2010, 14.25% on July 1, 2011, 16% on July 1, 2012 and 18% on July 1, 2013. Ms. Hammond stated that Vivian Parsons of the County Commission Association of WV was armed with the letters sent by the Berkeley County Commission and other counties. Ms. Hammond stated that Kanawha County President, Kent Carper, spoke at the hearing of the impact of the former action on the counties struggling with Regional Jail bills, Health Insurance and the reduction of revenue streams.

Ms. Hammond stated that the Budget Workshop #1, if agreeable with the Commission will be scheduled for Monday, March 8, 2010 at 11:00 A.M. and following meetings will be scheduled on Tuesdays and Thursdays until the completion of the budget. Ms. Hammond stated that the anticipated Health Insurance increase and the PERS increase numbers will also be provided at the Workshop on March 8th along with rough numbers on revenue for the 2010-2011 budget cycles.

Re: Bid Opening – COOP Plan

At 11:00 A.M., President Collins opened the folder containing the Bids received for the COOP Plan. President Collins that the folder contained the Certificate of Publication, the Public Notice and the Public Invitation to Bid. President Collins state that one bid was received as follows:

H-Consulting, LLC
Bid Amount - \$16,700.00

Steve Allen, Director of Berkeley County Emergency Services and Homeland Security, appeared before the Commission to receive the COOP Bid for review and follow up. Mr. Allen introduced Ed Gochenour the new Deputy County Director for Berkeley County Emergency Services and Homeland Security. President Collins stated that the County was fortunate to have Mr. Gochenour working for the County as he had displayed loyalty and exemplary service to the City of Martinsburg.

**Re: Maria Childers, Fiduciary Supervisor
Estate Accounts – Month of March
Estate Hearings Scheduled – Month of March**

Maria Childers, Fiduciary Supervisor appeared before the Commission to present the Estate Accounts for the month of March. Ms. Childers stated there were thirty eight Estate Settlements. President Collins read the names of the thirty eight Estate Accounts.

Commissioner Petrucci made a motion to approve the thirty eight Estate Settlements as read by President Collins. Commissioner Stubblefield seconded the motion. The motion carried.

Re: Estate Hearing – Ropp Estate

Maria Childers, Fiduciary Supervisor appeared before the Commission to present the Estate Account for Nancy Downey Ropp. Frank Hill, Attorney, appeared before the Commission to present the final accounting for the Estate of Nancy Downey Ropp. Mr. Hill stated that Nancy Ann Snider, previous Executrix of the Estate, did not act in a criminal manner and believes that the job was beyond her ability with her health condition. Mr. Hill stated that the Estate of Ms. Ropp may have suffered a net loss of approximately \$20,000 due to Ms. Snider's actions and inactions. Mr. Hill stated that Ms. Snider is forfeiting the 25% of the Estate that she would have received as Executrix of the Estate due to the loss incurred to the Estate due to her actions. The forfeiture by Ms. Snider is expected to exceed the \$20,000 loss.

Commissioner Petrucci made a motion to approve the Nancy D. Ropp Estate Final for Estate #3940. Commissioner Stubblefield seconded the motion. The motion carried.

Re: Estate Hearing – Erskine Estate

Maria Childers, Fiduciary Supervisor stated that Mr. Jeffrey A. Erskine died on January 11 2010. Ms. Childers stated that Mr. Erskine was survived by his wife and three children from a previous marriage. Ms. Childers stated that Ms. Erskine has submitted a request to be removed as Administrator of the Estate and is requesting to have Holly Van Pelt, daughter of Mr. Erskine, appointed as Administrator DBN to the Estate. Heather Durnmire, Attorney, appeared before the Commission and stated that all of Mr. Erskine's children have agreed to have Ms. Van Pelt appointed as Administrator DBN for the Estate of Jeffrey A. Erskine.

Commissioner Stubblefield made a motion to release Ms. Erskine from serving as Administrator of the Estate of Jeffrey A. Erskine and release Angelica Cooper who secured the Bond from any and all responsibility of the Estate and appoint Holly Van Pelt as Administrator DBN to the Estate of Jeffrey A. Erskine. Commissioner Petrucci seconded the motion. The motion carried.

Re: Items from the Public

There were no items from the public.

Re: Recess

President Collins declared the March 4, 2010 Berkeley County Commission Meeting in recess until 2:00 P.M.

Re: Recess

President Collins declared the March 4, 2010 Berkeley County Commission back in session at 2:00 P.M.

Re: Budget Presentation

**Charles Hall, President BCEAA
Presentation of 2010-2011 Proposed Budget**

Mr. Charles Hall, President of the Berkeley County Emergency Ambulance Authority, appeared before the Commission to present the Budget for the Fiscal Year 2010-2011. Mr. Hall distributed a power point hand out to the Commissioners and staff. Mr. Hall stated that a solar powered street sign had been built for the Ambulance Authority by Collin Wagoner as an Eagle Scout project. Mr. Hall reviewed the power point hand out for the notables of the Ambulance Authority for the past year. He also discussed the blizzards of 2010. Mr. Hall presented the budget for the Berkeley County Emergency Ambulance Authority for the Fiscal Year 2010-2011. The Commissioners thanked Mr. Hall for his budget presentation.

Re: Budget Presentation

**The Honorable Virginia Sine, Circuit Clerk
Presentation of Circuit Clerk Budget**

The Honorable Virginia Sine, Circuit Clerk, appeared before the Commission to present the Fiscal Year 2010-2011 budget presentation for the Circuit Clerk's Office. Ms. Sine reviewed the budget line items with the Commission. Ms. Sine stated that the staff of the Clerk's Office was working more over time to accommodate Judge Yoder's request to have a staff member of the Clerk's Office in the court room during all Juvenile and abuse cases. Commissioner Stubblefield requested a letter be sent to Judge Yoder to see if this could be eliminated due to the tight budget constraints. President Collins stated these are tight budget times and would be reviewing all of the budgets. The Commissioners thanked Ms. Sine for her budget presentation.

Re: Budget Presentation

**Joy Johnson, MBCCVB Director
Andrea Ball, Executive Director
Convention and Visitor's Bureau Annual Banquet Presentation**

Andrea Ball, Executive Director of the Martinsburg Berkeley County Convention Visitor's Bureau appeared before the Commission to present the Fiscal Year 2010-2011 budget presentation. Ms. Ball reviewed the events sponsored by the Visitor's Bureau for the year. Ms. Ball stated that the Visitor's Bureau would be sponsoring "Pickin the Panhandle" again this year and would be having Joe Diffey and Ricky Skaggs appearing at this year's event. The Commissioners thanked Ms. Ball for her hard work with the Visitor's Bureau.

Re: Budget Presentation

**Stephanie Allemong-Miller, Director Land Use Planning and Engineering
Presentation of Planning, Building Inspections and Engineering Budgets**

Stephanie Allemong-Miller, Director of Land Use Planning and Engineering appeared before the Commission to present the Fiscal Year 2010-2011 budget presentation. Ms. Allemong-Miller reviewed the budget request for the Building Inspections. She stated that this budget did not reduce as she moved the salaries for Donna Seiler, Code Enforcer and Heather Hamilton, who is Administrative Support for Ms. Seiler to the Building Inspections budget. Ms. Allemong-Miller stated that Donna Seiler had just passed the test to be a Litter Control Officer for DEP and was now able to issue citations on the spot and no longer needed to take these issues to Magistrate Court. Ms. Allemong-Miller reviewed the Fiscal Year 2010-2011 budget for the Planning Department. Ms. Allemong-Miller reviewed the Engineering budget for the Fiscal Year 2010-2011. Ms. Allemong-Miller stated that part of the reduction in the Engineering budget was due to Mr. Teach's salary. Ms. Allemong-Miller stated that she had an overall budget reduction of 17% for all departments. President Collins stated that Ms. Allemong-Miller had set the bar for the budgets. Commissioner Stubblefield complimented Ms. Allemong-Miller for the office as a whole and stated that the merging of the departments was working well with everyone working together and the merge was extremely productive.

**Re: Paul Fisher, Berkeley County Public Service Water District
Presentation of Report – North Mountain Shale, LLC
Pending Mine Permit Application – Water Study**

Paul Fisher of the Berkeley County Public Service Water District appeared before the Commission to present the report of the water study that was performed at the North Mountain Shale site. Mr. Fisher stated that the Dye Trace Study that was performed at the North Mountain Shale site totaled \$16,000 for testing at two locations. Mr. Fisher stated that two of the four samplings showed dye traces. Mr. Fisher stated that the study could be viewed on the Public Service District's web page at www.berkeleywater.org. Commissioner Stubblefield stated that a letter had been prepared from the County Commission going to the WV DEP supporting the Water District. Commissioner Stubblefield also stated that the study would be available on the County Commission web page at www.berkeleycountycomm.org. Commissioner Stubblefield commended the Water District for completing this testing. Commissioner Petrucci stated that he is in support of the public. President Collins stated that the County has to deal with the facts and not what is in their hearts.

Commissioner Stubblefield made a motion to approve the mailing of a letter to the WV DEP requesting that the permit to the North Mountain Shale, LLC not be granted. Commissioner Petrucci seconded the motion. The motion carried.

Re: Items from the Public

There were no items from the public.

Re: Adjourn

Commissioner Petrucci made a motion to adjourn the March 4 2010 Berkeley County Commission Meeting. Commissioner Stubblefield seconded the motion. The motion carried.

Approved: _____

Ronald K. Collins, President