



BERKELEY COUNTY COUNCIL AGENDA

**400 WEST STEPHEN STREET, SUITE 205
THURSDAY, NOVEMBER 10, 2016, 9:30 A.M.**

9:30

Call to Order

Items from the Public

Approval of Agenda

Consent Agenda

1. Purchase Order
2. Internal Budget Revisions
3. Approval of Minutes
4. Changes in Status Notifications
5. Council Calendar – Month of November, 2016
6. Board and Commission Calendar – Month of November, 2016
7. Bond Reduction – Forest Heights, Inc.
Forest Heights Section 7, Phase 1, Bond Reduction
(119-03)
8. Grading Bond Release – Spring Hill Section 6
Engineering Department
9. Grading Bond Release – Spring Hill Section 7
Engineering Department

Correction of Assessments Log, Apportionment of Assessment Applications, Deconsolidation Applications and Consolidation of Properties Applications and Certificate of Re-Entry – Assessor's Office



BERKELEY COUNTY COUNCIL AGENDA

Honorary County Councilperson
Recovery Services Update

Board Meeting Reports
Board and Commission Vacancies

10:00 Bid Opening – RFP Mass Notification Software

10:15 Bid Opening – RFP Snow Removal County Buildings

10:30 Tim Czaja, Director, Berkeley Day Report Center
Day Report Center 3-Month Review and Activity Report

10:45 BREAK

11:00 Frank Rodgers, Director, Cacapon Institute
Abigail Benjamin, Counsel for Blue Heron Environmental Network
Scientific Concerns with Mountaineer Gas Proposed Pipeline in
Berkeley County

11:15 Alan Davis, County Administrator
Follow Up Budget Surplus
Follow Up Discussion of Roof Replacements

11:40 Norwood Bentley, Legal Director
Lee Trace Appeal
Potential Executive Session: Deliberation

Items from the Public

RECESS

The Berkeley County Council reserves the right to re-arrange items on the agenda as needed due to time constraints of the public or the Council.

REQUISITION #: 00094692 PURCHASE ORDER #: 00094692 DESCRIPTION: INV#757
VENDOR: 6757 NORTH MOUNTAIN PRESS
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#757 5000-ENVELOPES	321.00	321.00
.0	(VOTERS)	.00	.00
PURCHASE ORDER TOTAL:			321.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00141321200	Co Elec - Printing				321.00

REQUISITION #: 00095171 PURCHASE ORDER #: 00095171 DESCRIPTION: INV#296253
VENDOR: 6807 M. FRIED STORE FIX INC
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#196253 CUST#BERK0016	1,447.20	1,447.20
.0	SHELVES/4FT STARTER & ADD ON	.00	.00
.0	UNITS	.00	.00
.0	(SHERIFF DEPT-FORFEITURE FUND)	.00	.00
PURCHASE ORDER TOTAL:			1,447.20

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
07370034100	Shf. Forft.-Supp & Matl's				1,447.20

REQUISITION #: 00095176 PURCHASE ORDER #: 00095176 DESCRIPTION: INV#110951A
VENDOR: 2238 EVIDENT INC
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#110951A CUST#9472	521.25	521.25
.0	DRUG TEST KITS	.00	.00
.0	(SHERIFF DEPT)	.00	.00
1.0	INV#110951B CUST#9472	299.00	299.00
.0	EVIDENCE SECURITY TAPE	.00	.00
.0	(SHERIFF DEPT)	.00	.00
PURCHASE ORDER TOTAL:			820.25

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00170023300	Law Enf-Investigation Exp				820.25

REQUISITION #: 00095187 PURCHASE ORDER #: 00095187 DESCRIPTION: INV#2016
VENDOR: 20100 SNIPERCRAFT INC.
SELECT CODE: PURCHASE ORDER PRINTED: NO

2016 NOV -7 AM 10:50
BERKELEY COUNTY COMMISSION
RECEIVED

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#2016 SNIPER RESOURCE	80.00	80.00
.0	MANUAL \$32.00 & POLICE	.00	.00
.0	SNIPER TRAINING & OPERATION	.00	.00
.0	\$48.00	.00	.00
.0	(SHERIFF DEPT-C JONES)	.00	.00

PURCHASE ORDER TOTAL: 80.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00170022100	Law Enf - Training & Ed				80.00

REQUISITION #: 00095474 PURCHASE ORDER #: 00095474 DESCRIPTION: ENCUMBRANCE
 VENDOR: 7095 MILLERS SUPPLIES AT WORK
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	ENCUMBRANCE APPROVED BY	6,694.00	6,694.00
.0	COUNCIL FOR OFFICE FURNITURE	.00	.00
.0	DESK,CHAIRS,HUTCH ETC	.00	.00
.0	(BC DAY REPORT CENTER)	.00	.00

PURCHASE ORDER TOTAL: 6,694.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00173134100	Supplies & Materials				6,694.00

REQUISITION #: 00095537 PURCHASE ORDER #: 00095537 DESCRIPTION: INV#138870610
 VENDOR: 6920 W B MASON CO INC
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#138870610 CUST#C2322565	129.21	129.21
.0	BX BOTTOM FOLDERS (ASSESSORS)	.00	.00
.0	INKJET LABELS (COUNTY CK)	.00	.00
.0	SHEET PROTECTORS & RED MARKERS	.00	.00
.0	(STOCK)	.00	.00

PURCHASE ORDER TOTAL: 129.21

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140634100	Assessor-Supp & Materials				33.49
00140234100	Co Clk - Supp & Materials				37.99
00142434100	CtHouse - Supp & Material				57.73

REQUISITION #: 00095541 PURCHASE ORDER #: 00095541 DESCRIPTION: INV#735592
 VENDOR: 83 LEWIS PAINT & HARDWARE
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#735592 CABLE TIES	74.66	74.66
.0	& 8-TRASH CANS	.00	.00
.0	(VOTERS)	.00	.00

PURCHASE ORDER TOTAL: 74.66

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00141334100	Co Elec - Supp & Material				74.66

REQUISITION #: 00095543 PURCHASE ORDER #: 00095543 DESCRIPTION: INV#138949953
 VENDOR: 6920 W B MASON CO INC
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#138949953 CUST#C2322565	95.23	95.23
.0	TAPE DISPENSER(BC DAY REPT CTR	.00	.00
.0	1" BINDERS (PLANNING)	.00	.00
.0	HANGING FOLDERS,PENCILS	.00	.00
.0	& TAPE DISPENSERS (STOCK)	.00	.00
1.0	INV#138944660 CUST#C2322565	49.70	49.70
.0	2017 DESK PADS	.00	.00
.0	(COUNCIL)	.00	.00
1.0	INV#139052969 CUST#C2322565	17.97	17.97
.0	3-STAPLERS (STOCK)	.00	.00

PURCHASE ORDER TOTAL: 162.90

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00173134100	Supplies & Materials				5.99
00143934100	Plan & Zon-Supp&Materials				20.94
00142434100	CtHouse - Supp & Material				135.97

REQUISITION #: 10043850 PURCHASE ORDER #: 10036109 DESCRIPTION: INV#3827-4
 VENDOR: 121 SHERWIN WILLIAMS
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#3827-4 PAINT	445.22	445.22
.0	(COUNCIL SUITES)	.00	.00
1.0	INV#8886-7 AC#6756-0427-6	340.70	340.70
.0	PAINT (COUNCIL SUITES)	.00	.00
1.0	INV#8943-6 PAINT	37.03	37.03
.0	INV AMT \$38.27 LESS	.00	.00
.0	CREDIT #3973-6 \$1.24	.00	.00
.0	PAINT (COUNCIL SUITES)	.00	.00
1.0	INV#9003-8 PAINT	170.35	170.35
.0	(COUNCIL SUITES)	.00	.00

PURCHASE ORDER TOTAL: 993.30

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142421500	CtHouse - Bldg/Grd Maint				993.30

REQUISITION #: 10043842 PURCHASE ORDER #: 10036110 DESCRIPTION: INV#338143
 VENDOR: 154 GALL'S LLC/QUARTERMASTER
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#331843 AC#5520982	1.310.00	1.310.00
.0	7-COATS \$186.00EA FRT \$8.00	.00	.00
.0	(SHERIFF DEPT)	.00	.00
1.0	INV#337779 AC#5520982	850.00	850.00
.0	1-VEST W/CARRIER	.00	.00
.0	(SHERIFF DEPT-STALEY)	.00	.00
1.0	INV#335933 AC#5520982	11.99	11.99
.0	1-NAMEPLATE \$9.00 FRT \$2.99	.00	.00
.0	(SHERIFF DEPT)	.00	.00
1.0	INV#338531 AC#5520982	91.99	91.99
.0	2-LS SHIRTS \$44.00EA FRT \$3.99	.00	.00
.0	(SHERIFF DEPT-REPHANN)	.00	.00
1.0	INV#338512 AC#5520982	153.14	153.14
.0	1-PR BOOTS \$149.15 FRT \$3.99	.00	.00
.0	(SHERIFF DEPT-DOPSON)	.00	.00

PURCHASE ORDER TOTAL: 2.417.12

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00170034500	Law Enf - Uniforms				2.417.12

REQUISITION #: 10043851 PURCHASE ORDER #: 10036111 DESCRIPTION: INV#1717
 VENDOR: 181 THE UPS STORE #2468
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#1717 BATTERY RETURNED	12.48	12.48
.0	TKING#W0380120276	.00	.00
.0	(IT DEPT)	.00	.00

PURCHASE ORDER TOTAL: 12.48

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142421800	CtHouse - Postage				12.48

REQUISITION #: 10043823 PURCHASE ORDER #: 10036112 DESCRIPTION: INV#3090711558
 VENDOR: 2027 RELX INC.
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#3090711558 AC#1001F55CC	144.28	144.28

.0 LEGAL ON LINE NOV2016 .00 .00
.0 (COUNCIL-BENTLEY) .00 .00

PURCHASE ORDER TOTAL: 144.28

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140122200	Co Council-Dues/Subscript				144.28

REQUISITION #: 10043847 PURCHASE ORDER #: 10036113 DESCRIPTION: INV#5114
VENDOR: 20774 TRI TECH SOFTWARE SYSTEMS
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#5114 CUST#WV032	40,260.00	40,260.00
.0	SO#6775-3 CAD W/NCIC LICENSES	.00	.00
.0	SW CAD \$33000.00	.00	.00
.0	MAINT \$7260.00	.00	.00
.0	(IT DEPT)	.00	.00

PURCHASE ORDER TOTAL: 40,260.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142834100	Data Pr - Supp & Mater'ls				40,260.00

REQUISITION #: 10043835 PURCHASE ORDER #: 10036114 DESCRIPTION: INV#1002357764
VENDOR: 220 PITNEY BOWES INC.
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#1002357764 AC#0017366543	641.93	641.93
.0	RED INK CARTRIDGES &	.00	.00
.0	TAPE STRIPS-POSTAGE MACHINE	.00	.00
.0	(100 W KING)	.00	.00

PURCHASE ORDER TOTAL: 641.93

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142434100	CtHouse - Supp & Material				641.93

REQUISITION #: 10043837 PURCHASE ORDER #: 10036115 DESCRIPTION: INV#CP134B
VENDOR: 2274 IRS/UNTD STATES TREASURY
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#CP134B ID#55-6000296	741.15	741.15
.0	PAYROLL TAX SHORTAGE	.00	.00
.0	JUN30-2016 FORM 941	.00	.00
.0	(FINANCE)	.00	.00

PURCHASE ORDER TOTAL: 741.15

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142422600	CtHouse-Insurance & Bonds				741.15

REQUISITION #: 10043825 PURCHASE ORDER #: 10036116 DESCRIPTION: INV#38357
 VENDOR: 23 BERKELEY PRINTING& DESIGN
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#38357 500-HOMSTSEAD CARDS	208.50	208.50
.0	(ASSESSORS OFFICE)	.00	.00

PURCHASE ORDER TOTAL: 208.50

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140621200	Assessor - Printing				208.50

REQUISITION #: 10043838 PURCHASE ORDER #: 10036117 DESCRIPTION: INV#329114
 VENDOR: 289 TRI COUNTY RENTALS INC
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#329114 RENTAL OF COMP	55.00	55.00
.0	WACK JUMP	.00	.00
.0	(802 RENOVATION)	.00	.00

PURCHASE ORDER TOTAL: 55.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142421500	CtHouse - Bldg/Grd Maint				55.00

REQUISITION #: 10043812 PURCHASE ORDER #: 10036118 DESCRIPTION: INV#102016
 VENDOR: 292 THE JOURNAL
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#102016 AC#L02522	32,900.16	32,900.16
.0	NOTICE OF DELINQUENT REAL	.00	.00
.0	ESTATE TAX RUN DATE	.00	.00
.0	OCT22,29 & NOV05 2016	.00	.00
.0	(TAX OFFICE)	.00	.00
1.0	INV#525031 AC#L02525	75.95	75.95
.0	RFP-COMMUNITY ENGAGEMENT,	.00	.00
.0	ANTI-HARASSMENT & ANTI-	.00	.00
.0	DISCRIMINATION TRAINING	.00	.00
.0	RUN DATE OCT29-2016	.00	.00
.0	(COUNCIL)	.00	.00

PURCHASE ORDER TOTAL: 32,976.11

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140922000	Shf TaxProcess-Advert/Pub				32,900.16
00140122000	Co Council-Advertise/Pub				75.95

REQUISITION #: 10043829 PURCHASE ORDER #: 10036119 DESCRIPTION: INV#88012857
VENDOR: 303 UNITED SYSTEMS & SOFTWARE
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#88012857 MONTHLY MAINT	331.00	331.00
.0	DOC WIZARD OCT2016	.00	.00
.0	(CIRCUIT CK-PER IT)	.00	.00

PURCHASE ORDER TOTAL: 331.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142821600	Data Pr - Maint/Rpr Equip				331.00

REQUISITION #: 10043830 PURCHASE ORDER #: 10036120 DESCRIPTION: INV#18596
VENDOR: 404 RECORDS MANAGEMENT
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#18596 RECORD STORAGE BOXES	90.72	90.72
.0	INVOICED NOV01-2016	.00	.00
.0	(CENTRAL DISPATCH)	.00	.00

PURCHASE ORDER TOTAL: 90.72

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
19A71223000	911 Fee-Contracted Servic				90.72

REQUISITION #: 10043839 PURCHASE ORDER #: 10036121 DESCRIPTION: INV#1448731
VENDOR: 4048 TASER INTERNATIONAL
SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#1448731 AC#104625	13,325.00	13,325.00
.0	TASER ASSURANCE ANNUAL PLAN	.00	.00
.0	65-TASERS \$205.00EA	.00	.00
.0	(SHERIFF DEPT)	.00	.00

PURCHASE ORDER TOTAL: 13,325.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00170021600	Law Enf - Maint/Rrp Equip				13,325.00

REQUISITION #: 10043813 PURCHASE ORDER #: 10036122 DESCRIPTION: INV#102016
 VENDOR: 5384 CHERYL SAVILLE
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#102016 REIMBURSEMENT FOR	333.18	333.18
.0	MILEAGE FROM OFFICE TO	.00	.00
.0	WV SUPREME COURT OF APPEALS	.00	.00
.0	AND RETURN 617 MILES AT \$.54	.00	.00
.0	PER MILE OCT11-12 2016	.00	.00
.0	(PROS ATTY)	.00	.00
1.0	INV#102016 REIMBURSEMENT FOR	333.18	333.18
.0	MILEAGE FROM OFFICE TO	.00	.00
.0	WV SUPREME COURT OF APPEALS	.00	.00
.0	AND REUTRN 617 MILES AT \$.54	.00	.00
.0	PER MILE OCT24-25 2016	.00	.00
.0	(PROS ATTY)	.00	.00

PURCHASE ORDER TOTAL: 666.36

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140521400	Pro Att - Travel				666.36

REQUISITION #: 10043822 PURCHASE ORDER #: 10036123 DESCRIPTION: INV#52748
 VENDOR: 5583 BOLAND TRANE SERV. INC
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#52748 CONT#C00008406	375.00	375.00
.0	INTELLIGENT SERVICES NOV2016	.00	.00
.0	(JUDICIAL CENTER-PER IT)	.00	.00
1.0	INV#52909 CONT#M00000033	490.50	490.50
.0	WATER TREATMENT AGREEMENT	.00	.00
.0	CONTRACT NOV2016	.00	.00

PURCHASE ORDER TOTAL: 865.50

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142822200	Data Pr - Dues/Subscript				375.00
00142421500	CtHouse - Bldg/Grd Maint				490.50

REQUISITION #: 10043827 PURCHASE ORDER #: 10036124 DESCRIPTION: INV#FTQ5334
 VENDOR: 5749 CDW GOVERNMENT, INC
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#FTQ5334 CUST#3583678	567.25	567.25
.0	5-MONITORS \$113.45EA	.00	.00
.0	(IT DEPT)	.00	.00
1.0	INV#FVB7699 CUST#3583678	73.33	73.33
.0	MAGENTA PLOTTER CARTRIDGE	.00	.00

.0	(IT DEPT)	.00	.00
1.0	INV#FTR6886 CUST#3583678	69.02	69.02
.0	2-MAINT TANK-PLOTTER	.00	.00
.0	(IT DEPT)	.00	.00
1.0	INV#FTS3806 CUST#3583678	32.89	32.89
.0	USB ADAPTER	.00	.00
.0	(IT DEPT)	.00	.00
1.0	INV#FTZ3742 CUST#3583678	293.32	293.32
.0	4-PRINTER CARTRIDGES	.00	.00
.0	(IT DEPT)	.00	.00

PURCHASE ORDER TOTAL: 1,035.81

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142834100	Data Pr - Supp & Mater'ls				1,035.81

REQUISITION #: **10043824** PURCHASE ORDER #: **10036125** DESCRIPTION: INV#581582
 VENDOR: **6386 TELTRONIC INC**
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#581582 AC#12514	69.30	69.30
.0	UNIT CHARGER	.00	.00
.0	(SHERIFF DEPT)	.00	.00

PURCHASE ORDER TOTAL: 69.30

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00170034100	Law Enf-Supp & Materials				69.30

REQUISITION #: **10043828** PURCHASE ORDER #: **10036126** DESCRIPTION: INV#913008
 VENDOR: **6421 IT SAVVY LLC**
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#913008 AC#556008-0000	1,253.82	1,253.82
.0	6-WIRELESS RADIOS \$208.97EA	.00	.00
.0	(IT DEPT)	.00	.00

PURCHASE ORDER TOTAL: 1,253.82

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142834100	Data Pr - Supp & Mater'ls				1,253.82

REQUISITION #: **10043818** PURCHASE ORDER #: **10036127** DESCRIPTION: INV#30084
 VENDOR: **6454 VALLEY REG'L ENTERPRISES**
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
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1.0	INV#30084 AC#BERKCOUN	115.00	115.00
.0	EMPLOYMENT PHYSICAL/DRUG	.00	.00
.0	SCREENING	.00	.00
.0	(BC DAY REPORT CENTER-FAIR)	.00	.00

PURCHASE ORDER TOTAL: 115.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00173122300	Professional Services				115.00

REQUISITION #: 10043826 PURCHASE ORDER #: 10036128 DESCRIPTION: INV#102016
 VENDOR: 6467 DOUG COPENHAVER JR
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#102016 REIMBURSEMENT FOR	321.84	321.84
.0	MILEAGE FROM OFFICE TO	.00	.00
.0	CHARLESTON FOR CCAWV	.00	.00
.0	CONFERENCE SEPT18-20 2016	.00	.00
.0	596 MILES AT \$.54 PER MILE	.00	.00
.0	(COUNCIL)	.00	.00
1.0	INV#102016 REIMBURSEMENT FOR	311.04	311.04
.0	MILEAGE TO CHARLESTON FOR	.00	.00
.0	CCAWV CONFERENCE OCT27-2016	.00	.00
.0	576 MILES AT \$.54 PER MILE	.00	.00
.0	(COUNCIL)	.00	.00

PURCHASE ORDER TOTAL: 632.88

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140121400	Co Council - Travel				632.88

REQUISITION #: 10043848 PURCHASE ORDER #: 10036129 DESCRIPTION: INV#548425
 VENDOR: 6587 TREASURER, VA TECH
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#548425 MEMEBERSHIP	1,250.00	1,250.00
.0	CONTRIBUTION FOR I-81 CORRIDOR	.00	.00
.0	COALITION FUND#548425	.00	.00

PURCHASE ORDER TOTAL: 1,250.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00143156700	EC DEVE CONTRIB TO GOV				1,250.00

REQUISITION #: 10043854 PURCHASE ORDER #: 10036130 DESCRIPTION: INV#316542687
 VENDOR: 6590 US BANK EQUIPMENT FINANCE
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#316542687 CUST#20884653	287.04	287.04
.0	RICOH C5503 COPIER NOV2016	.00	.00
.0	(CIRCUIT CK-PER IT)	.00	.00

PURCHASE ORDER TOTAL: 287.04

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142821900	Data Pr - Bldg/Equip Rent				287.04

REQUISITION #: 10043831 PURCHASE ORDER #: 10036131 DESCRIPTION: INV#12081623
 VENDOR: 6650 STATE ELECTRIC SUPPLY CO
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#12081623 CUST#520735	70.21	70.21
.0	23-4PORT FACE PLATES	.00	.00
.0	(IT DEPT)	.00	.00

PURCHASE ORDER TOTAL: 70.21

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142834100	Data Pr - Supp & Mater'ls				70.21

REQUISITION #: 10043817 PURCHASE ORDER #: 10036132 DESCRIPTION: INV#749
 VENDOR: 6757 NORTH MOUNTAIN PRESS
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#749 1-RL HEAVY BROWN	302.55	302.55
.0	KRAFT PAPER & DISPENSER	.00	.00
.0	(COUNTY CK)	.00	.00

PURCHASE ORDER TOTAL: 302.55

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140234100	Co Clk - Supp & Materials				302.55

REQUISITION #: 10043833 PURCHASE ORDER #: 10036133 DESCRIPTION: INV#122016
 VENDOR: 682 WVCOA-WV CODE OFFICIALS
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#122016 WINTER MEETING	150.00	150.00
.0	& SEMINAR DEC8-9 2016	.00	.00
.0	(ENGINEERING-ABEREGG)	.00	.00
1.0	INV#122016 WINTER MEETING	150.00	150.00
.0	& SEMINAR DEC8-9 2016	.00	.00

.0	(ENGINEERING-FEISER)	.00	.00
1.0	INV#122016 WINTER MEETING	150.00	150.00
.0	& SEMINAR DEC8-9 2016	.00	.00
.0	(ENGINEERING-EATON)	.00	.00

PURCHASE ORDER TOTAL: 450.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00144022100	Enginee - Training & Ed				450.00

REQUISITION #: 10043849 PURCHASE ORDER #: 10036134 DESCRIPTION: INV#69800
 VENDOR: 6865 DDL BUSINESS SYSTEMS LLC
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#69800 AC#687	117.87	117.87
.0	TOSHIBA 5055C COPIER	.00	.00
.0	OVERAGE \$3.12 SEPT24-OCT24	.00	.00
.0	2016 (OES)	.00	.00
.0	TOSHIBA 5560C COPIER	.00	.00
.0	OVERAGE \$114.75 SEPT24-OCT24	.00	.00
.0	2016 (PROS ATTY)	.00	.00

PURCHASE ORDER TOTAL: 117.87

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142821600	Data Pr - Maint/Rpr Equip				117.87

REQUISITION #: 10043855 PURCHASE ORDER #: 10036135 DESCRIPTION: INV#K049999140101
 VENDOR: 6895 ZONES INC.
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#K04999140101 AC#0071041487	297.39	297.39
.0	CONFERENCE ROOM PHONE	.00	.00
.0	(IT)	.00	.00

PURCHASE ORDER TOTAL: 297.39

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142834100	Data Pr - Supp & Mater'ls				297.39

REQUISITION #: 10043845 PURCHASE ORDER #: 10036136 DESCRIPTION: INV#138950109
 VENDOR: 6920 W B MASON CO INC
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#138950109 CUST#C2382927	290.36	290.36
.0	HANGING POCKET FOLDERS	.00	.00

.0	W/REINFORCED TABS 4-BXS	.00	.00
.0	\$72.59EA	.00	.00
.0	(SHERIFF DEPT)	.00	.00

PURCHASE ORDER TOTAL : 290.36

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00170034100	Law Enf-Supp & Materials				290.36

REQUISITION #: 10043821 PURCHASE ORDER #: 10036137 DESCRIPTION: INV#98158
 VENDOR: 6950 BERKELEY CLUB BEVERAGES
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#98158 BOTTLED WATER	15.80	15.80
.0	THRU NOV02-2016	.00	.00
.0	(VOTERS)	.00	.00
1.0	INV#98161 BOTTLED WATER	7.90	7.90
.0	THRU NOV02-2016	.00	.00
.0	(BALIFFS)	.00	.00
1.0	INV#98157 BOTTLED WATER	7.90	7.90
.0	THRU NOV02-2016	.00	.00
.0	(BC DAY REPORT CENTER)	.00	.00
1.0	INV#98155 BOTTLED WATER	15.80	15.80
.0	THRU NOV02-2016	.00	.00
.0	(CENTRAL DISPATCH)	.00	.00
1.0	INV#98159 BOTTLED WATER	23.70	23.70
.0	THRU NOV02-2016	.00	.00
.0	(COURT HOUSE/FIDUCIARY)	.00	.00
1.0	INV#98166 BOTTLED WATER	11.85	11.85
.0	THRU NOV02-2016	.00	.00
.0	(COUNCIL)	.00	.00
1.0	INV#98165 BOTTLED WATER	19.75	19.75
.0	THRU NOV02-2016	.00	.00
.0	(TAX OFFICE)	.00	.00
1.0	INV#98169 BOTTLED WATER	11.85	11.85
.0	THRU NOV02-2016	.00	.00
.0	(ENGINEERING)	.00	.00
1.0	INV#98160 BOTTLED WATER	23.70	23.70
.0	THRU NOV02-2016	.00	.00
.0	(CIRCUIT CK)	.00	.00
1.0	INV#98168 BOTTLED WATER	23.70	23.70
.0	THRU NOV02-2016	.00	.00
.0	(ASSESSORS OFFICE)	.00	.00
1.0	INV#98167 BOTTLED WATER	3.95	3.95
.0	THRU NOV02-2016	.00	.00
.0	(PLANNING DEPT)	.00	.00
1.0	INV#98164 BOTTLED WATER	3.95	3.95
.0	THRU NOV02-2016	.00	.00
.0	(IT DEPT)	.00	.00
1.0	INV#98163 BOTTLED WATER	3.95	3.95
.0	THRU NOV02-2016	.00	.00
.0	(FINANCE)	.00	.00

PURCHASE ORDER TOTAL : 173.80

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00141334100	Co Elec - Supp & Material				15.80
00141634100	Cirt Ct - Supp & Material				7.90
00173134100	Supplies & Materials				7.90
19A71234100	911 Fee - Supp & Mater'ls				15.80
00142434100	CtHouse - Supp & Material				11.85
01641134100	Fid Sup - Supp & Mater'ls				11.85
00140134100	Co Council Supp&Materials				11.85
00140934100	Shf Tax -Supp & Materials				19.75
00144034100	Enginee - Supp & Material				11.85
00140334100	Cir Clk-Supp & Materials				23.70
00140634100	Assessor-Supp & Materials				23.70
00143934100	Plan & Zon-Supp&Materials				3.95
00142834100	Data Pr - Supp & Mater'ls				3.95
00140234100	Co Clk - Supp & Materials				3.95

REQUISITION #: 10043815 PURCHASE ORDER #: 10036138 DESCRIPTION: INV#102016
 VENDOR: 809 INHERITANCE TAX ADM FUND
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#102016 APPOINTMENT FEES	240.00	240.00
.0	48-DECEDENTS OCT2016	.00	.00
.0	(FIDUCIARY)	.00	.00
PURCHASE ORDER TOTAL:			240.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
01641134900	Fid Sup- Charges by Other				240.00

REQUISITION #: 10043814 PURCHASE ORDER #: 10036139 DESCRIPTION: INV#138387
 VENDOR: 841 SPECPRINT
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#138387 12 MONTH LEASE OF	330.00	330.00
.0	DIRECTORY SERVICES	.00	.00
.0	BERKELEY COUNTY.WV MAP &	.00	.00
.0	OWNERSHIP ATLAS	.00	.00
.0	(COUNTY CK)	.00	.00
PURCHASE ORDER TOTAL:			330.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00140222200	Co Clk - Dues & Subscript				330.00

REQUISITION #: 10043820 PURCHASE ORDER #: 10036140 DESCRIPTION: INV#102016
 VENDOR: 878 MARY BETH BENNETT
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#102016 REIMBURSEMENT FOR	205.60	205.60
.0	MILEAGE FROM OFFICE TO INWOOD.	.00	.00
.0	KEARNEYSVILLE.SPRING MILLS.	.00	.00
.0	YOUTH FAIR.WAYNESBORO AND	.00	.00
.0	RETURN 290 MILES AT \$.54	.00	.00
.0	PER MILE OCT02-31 2016	.00	.00
.0	PLUS REGISTRATION FEE \$49.00	.00	.00
.0	FOR AGRI-BUSINESS CONFERENCE	.00	.00
.0	(EXTENSION OFFICE)	.00	.00

PURCHASE ORDER TOTAL: 205.60

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00141221400	Ag Agnt - Travel				205.60

REQUISITION #: 10043841 PURCHASE ORDER #: 10036141 DESCRIPTION: INV#19777
 VENDOR: 955 D & N AUTO SPECIALISTS
 SELECT CODE: PURCHASE ORDER PRINTED: NO

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	AMOUNT
1.0	INV#19777 FT/RR ROTORS.	542.11	542.11
.0	FT/RR BRAKES & INSPECTION	.00	.00
.0	(DURANGO-IT DEPT)	.00	.00

PURCHASE ORDER TOTAL: 542.11

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT	TASK	COST CODE	AMOUNT
00142821700	Data Pr - Maint/Rpr Autos				542.11

REPORT DATE 11/07/2016
SYSTEM DATE 11/07/2016
FILES ID B

BERKELEY COUNTY COMMISSION
PURCHASE ORDER REGISTER
COMPLETE REPORT

PAGE 16
TIME 10:51:47
USER GCAMPBELL

SUMMARY PAGE INFORMATION

REPORT SEQUENCE: 1. Purchase Order Number

INCLUDING PURCHASE ORDER NUMBERS FROM:
TO: 99999999

ERRORS DETECTED: 0

END OF REPORT

**BERKELEY COUNTY COUNCIL
APPROVED FOR PAYMENT**

DATE _____ CHECK NO. _____

PRESIDENT

COUNCIL

COUNCIL

COUNCIL

COUNCIL

Alan

RECEIVED

2016 NOV -7 AM 10: 09

INTERNAL BUDGET REVISION

I, Gwen Campbell, Procurement Coordinator, hereby request an internal budget revision change

for Fund # 001

Account # 401

Line Item # 217

The Reason for this change is: maint on council vehicles-oil chgs etc

(1) Decrease Line Item # 222 by 500.00

Dues? Subscrip.

(2) Increase Line Item # 217 by 500.00

Maint. Repair - Auto.



11-7-2014

Department Head/Elected Official Signature & Date



11-7-2014.

Approved Budget Revision
Administrative Officer

Date

Approved Budget Revision County Council:

BERKELEY COUNTY COUNCIL
 STATEMENT OF EXPENDITURES, ENCUMBRANCES & APPROPRIATIONS

AS OF 10/2016

	APPROPRIATIONS (REVISED)	MONTH-TO-DATE EXPENDITURES	YEAR-TO-DATE EXPENDITURES	OUTSTANDING ENCUMBRANCES	UNENCUMBERED BALANCE	EXPENDED and ENCUMBERED %
001-401-101-00						
County Council - Salaries	202540.00	16878.40	67513.60		135026.40	33.33
001-401-103-00						
County Co-Employee Salary	427412.00	33978.38	135750.04		291661.96	31.76
001-401-104-00						
Co Council - FICA/Soc Sec	48192.00	3708.15	14650.43		33541.57	30.40
001-401-105-00						
Co Council - Insurance	95924.00	6287.24	25198.94		70725.06	26.26
001-401-106-00						
Co Council - Retirement	75594.00	5421.34	22338.70		53255.30	29.55
001-401-108-00						
Co Council - Overtime	10160.00	850.52	3425.38		6734.62	33.71
001-401-212-00						
Co Council - Printing	500.00				500.00	
001-401-214-00						
Co Council - Travel	4500.00	1094.61	2614.01		1885.99	58.08
001-401-218-00						
Co Council - Postage	50.00				50.00	
001-401-220-00						
Co Council-Advertise/Pub	13900.00	963.82	1678.44	495.84	11725.72	15.64
001-401-221-00						
Co Council-Training & Ed	2000.00	360.00	1460.00		540.00	73.00
001-401-222-00						
Co Council-Dues/Subscript	20000.00	359.66	11706.90	2633.00	5660.10	71.69
001-401-223-00						
Co Council-Profess Serv	15000.00		2962.50	2635.00	9402.50	37.31
001-401-224-00						
Co Council - Audit Costs	40000.00				40000.00	
001-401-226-00						
Co Council Insurance&Bond	5310.00	3176.42	5280.84		29.16	99.45
001-401-230-00						
Co Council-Contract Serv	1000.00				1000.00	
001-401-341-00						
Co Council Supp&Materials	3290.00	1780.91	2317.92	99.99	872.09	73.49
TOTALS FOR DEPT 401	965372.00	74859.45	296897.70	5863.83	662610.47	31.36
TOTALS FOR General County	965372.00	74859.45	296897.70	5863.83	662610.47	31.36
371-401-105-00						
Group Insurance Expense		204233.28	820778.85	192950.27	-1013729.12	

REPORT DATE 10/31/2016
SYSTEM DATE 11/07/2016
FILES ID B

BERKELEY COUNTY COUNCIL
STATEMENT OF EXPENDITURES, ENCUMBRANCES & APPROPRIATIONS

PAGE 2
TIME 09:53:25
USER GCAMPBELL

AS OF 10/2016

	APPROPRIATIONS (REVISED)	MONTH-TO-DATE EXPENDITURES	YEAR-TO-DATE EXPENDITURES	OUTSTANDING ENCUMBRANCES	UNENCUMBERED BALANCE	EXPENDED and ENCUMBERED %
TOTALS FOR DEPT 401		204233.28	820778.85	192950.27	-1013729.12	
TOTALS FOR Health Insurance		204233.28	820778.85	192950.27	-1013729.12	
REPORT TOTALS	965372.00	279092.73	1117676.55	198814.10	-351118.65	136.37

RECEIVED
2016 NOV -7 AM 10:09
BERKELEY COUNTY COUNCIL

INTERNAL BUDGET REVISION

I, Gwen Campbell, Procurement Coordinator, hereby request an internal budget revision change

for Fund # 001 Account # 700 Line Item # ~~341~~ 216

The Reason for this change is:

- (1) Decrease Line Item # 001-700-341 by \$ 13,325.00
Supplies & Materials
- (2) Increase Line Item # 001-700-216 by \$ 13,325.00
Maint & Repair Equip.

[Signature] 11/3/16
Department Head/Elected Official Signature & Date

[Signature] 11-7-2016
Approved Budget Revision Date
Administrative Officer

Approved Budget Revision County Council:

INQUIRY
BA171S-3

BUDGETING / ACCOUNTING
Fiscal Balance

11/01/2016 B
15:03:30

Type choices, press Enter.

B=Budget Trans History E=Encumbrance Trans History F=Fiscal Balance
G=G/L Trans History P=Period Balances

Account Number...: 00170021600

Law Enf - Maint/Rrp Equip

Choice.....: F

Post Period...: 10 2016

	Current Month	Fiscal Year-To-Date	Fiscal Year
Original Budget.....:	.00	10000.00	10000.00
Budget Revisions.....:	.00	.00	.00
Revised Budget.....:	.00	10000.00	10000.00
Expenditures.....:	.00	.00	.00
Encumbrance Activity....:	.00	.00	.00
Unencumbered Balance....:		10000.00	10000.00

HELP F3=Exit F8=Clear F12=Previous

Rebecca Scales

From: Gwen Campbell
Sent: Tuesday, November 01, 2016 3:16 PM
To: Rebecca Scales
Subject: Line number/amount
Attachments: Untitled.PDF

Rebecca

Also on the Taser International invoice for \$13,325.00 please let me know what line number the Sheriff wants to pay it from.

Usually its paid form 700-216 and if this is the case this time I have attached a budget revision since there is only \$10,000.00 in that line.

Thks

Gwen



4048

Remit Payment to:
TASER International
PO BOX 29661
DEPARTMENT 2018
PHOENIX, AZ 85038-9661
Ph: (480) 991-0797
Fax: (480) 991-0791
sales@taser.com
www.taser.com

Invoice

Invoice No SI1448731
Invoice date 8/22/2016
Page 1 of 1
Sales order SO160253719
Purchase order Year 3 Billing
Your ref TAP #00002833
Payment Net 30
Invoice account 104625
RMA number
Mode of delivery Customer Pickup
Terms of delivery FOB Scottsdale

BILL TO:

BERKLEY COUNTY COMMISSION
400 W STEPHEN ST
STE 201
MARTINSBURG, WV 25401
USA

SHIP TO:

BERKELEY CO SHERIFF'S OFFICE
802 EMMETT ROUSCH DR
STE C
MARTINSBURG, WV 25401
USA

Item number	Revision	Description	Ordered	Shipped	Backordered	Unit price	Amount
85049		TASER ASSURANCE PLAN CEW ANNUAL PAYMENT, X2	65.00	65.00	0.00	205.00	13,325.00

SCANNED

RECEIVED
2016 AUG 29 AM 10:26
BERKLEY COUNTY COMMISSION

700-216

on P.O. Log
11/10

Please see <http://www.taser.com/sales-terms-and-conditions> for all sales terms and conditions.

Sales Amount	13,325.00
Misc./Handling	0.00
Shipping Freight & Handling	0.00
Sales tax	0.00
Total	13,325.00
Amount received	0.00
BALANCE DUE	13,325.00 USD

Payment due 09/21/2016

Vendor 4048

BERKELEY COUNTY COUNCIL

SYSTEM DATE 11/03/2016

PAGE 1

REPORT DATE 11/03/2016

TIME 9:06:10

VOUCHERS PAYABLE HISTORY REPORT

FILES ID B

USER NGIPE

TY	TRANSACTION	TRANS.	CHECK	DESCRIPTION	ACCOUNT NUMBER	INVOICE NUMBER	P.O. NUMBER
VR	00090746-001	05/10/2013	25-C2	Battery Packs	00141634100	.1321902	00090746
	020494	07/22/2013		999.75			
VR	00090746-002	05/10/2013	20Hol	sers 50Cartridges.	00170034100	.1321902	00090746
	020494	07/22/2013		4484.72			

TOTALS FOR TRANSACTION VR

00090746				5484.47			
VR	00092616-001	07/10/2014	TasersHol	stersCartridge	00198045900	1364440	00092616
	022511	09/16/2014		78732.80			

TOTALS FOR TRANSACTION VR

00092616				78732.80			
VR	00093592-001	04/28/2015	50	Black Ink Cartridges	00141634100	1397846	00093592
	023760	06/16/2015		1521.00			

TOTALS FOR TRANSACTION VR

00093592				1521.00			
VR	10031096-001	07/10/2014	TasersHol	stersCartridge	10170034100	1364440	10031096
	000084	09/16/2014		10812.10			

TOTALS FOR TRANSACTION VR

10031096				10812.10			
VR	10033372-001	07/31/2015	65Taser	AssurancePlanAnn	00170021600	.1407555	10033372
	024296	10/15/2015		13325.00			

TOTALS FOR TRANSACTION VR

10033372				13325.00			
VR	10033888-032	10/10/2015	4702/		00170022100	OCT2015	
	024418	11/17/2015		699.00			

TOTALS FOR TRANSACTION VR

10033888				699.00			
				110574.37			

TOTALS FOR VENDOR 4048

FINAL REPORT TOTALS

110574.37

SYSTEM DATE 11/03/2016

PAGE 2

REPORT DATE 11/03/2016

TIME 9:06:10

BERKELEY COUNTY COUNCIL

VOUCHERS PAYABLE HISTORY REPORT

Vendor 4048

FILES ID B

USER NGIPE

SUMMARY PAGE INFORMATION

SORT AND TOTAL SEQUENCE: VENDOR NUMBER, VOUCHER NUMBER
PARTIAL REPORT ON CHECK DATE BEGINNING WITH 01/01/2013
ENDING WITH 11/03/2016

PRINT VOUCHER DISTRIBUTION DETAIL OPTION: YES
END OF REPORT

Berkeley County Council Meeting

October 27, 2016

9:30 A.M.

Present:

James P. Whitacre, President Pro Tem

Elaine C. Mauck, Councilperson

James R. Barnhart, Councilperson

Dan Dulyea, Councilperson

Alan J. Davis, County Administrator

Norwood Bentley, III, Legal Director

Penny Shewell, Office Administrator

President Copenhagen was no present for the meeting.

Also Present: Gwen Campbell, Procurement Coordinator; The Honorable Larry Hess, Assessor; Kevin Knowles, Recovery Services Coordinator; Tim Czaja, Director, Berkeley Day Report Center; Mike Thompson, Planning Director; Heather Williams, Planner I, Brian Ross, Engineering Director

Re: Call to Order

President Pro Tem Whitacre called the October 27, 2016 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 Mauck made a motion to approve the Agenda for the October 27, 2016. Councilperson Dulyea 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 received.

3. Approval of Minutes

There were no change to the October 11, 2016 or the October 13, 2016 Berkeley County Council meeting minutes.

4. Changes in Status

There were no changes in status.

5. Council Calendar

President Pro Tem Whitacre reviewed the Council Calendar for the month of October.

6. Board and Commission Calendar

President Pro Tem Whitacre reviewed the Board and Commission calendar for the month of October. Councilperson Mauck stated that the Senior Services Facilities committee would be meeting on November 1st at 9:30 A.M. Alan Davis, County Administrator stated that President Copenhaver would not be appearing on the WEPM radio program on October 28th.

7. Resolution – 2017-18 WV Records Management and Preservation Board Grant

Re: Consent Agenda Approval

Councilperson Dulyea made a motion to approve the Consent Agenda for the October 27, 2016 Berkeley County Council meeting. Councilperson Mauck seconded the motion. The motion carried unanimously.

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

The Honorable Larry Hess, Assessor appeared before the Council and presented three (3) personal tax exonerations for reason of office error totaling \$858.62.

Councilperson Dulyea made a motion to approve the three (3) personal tax exonerations for reason of office error totaling \$858.62. Councilperson Mauck seconded the motion. The motion carried unanimously.

Mr. Hess presented three (3) real estate exonerations for reason of office error totaling \$900.56.

Councilperson Mauck made a motion to approve the three (3) real estate exonerations for reason of office error totaling \$900.56. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Berkeley County Recovery Services Center Handbook Discussion Recovery Services Update

Kevin Knowles, Recovery Services Coordinator appeared before the Council and reviewed the Berkeley County Recovery Services Center Handbook. Mr. Knowles stated that the Recovery Center is partnering with the Berkeley Day Report Center to have meetings every Tuesday in the center. He further stated that no recovery services are provided in the center. Mr. Knowles stated that he is working with

the state to get documentation for the financing to hire two (2) people to staff the center and further stated that he was looking for two (2) volunteers to staff the center temporarily. Vice President Whitacre stated that he would like to see the center adopt a mission statement. Councilperson Dulyea advised if volunteers were utilized in the center, background checks would need to be completed. Mr. Knowles stated that all of the furniture in the center had been donated and that P.J. Orsini would be donating a refrigerator. Alan Davis, County Administrator advised that due to the uniqueness of the program, things would need to be run through Norwood Bentley, Legal Director to ensure everything is done properly.

The consensus of the Council was to give permission to Mr. Knowles to move forward with the handbook.

Re: Honorary County Councilperson

Councilperson Mauck introduced Breanna Phillips a senior at Hedgesville High School. Ms. Phillips stated that she planned to attend WVU and major in sports medicine and minor in physical therapy. She also stated that she was Vice President of her class. Councilperson Mauck swore in Ms. Phillips as Honorary County Councilperson and presented her with a certificate.

Re: Board Meeting Reports

Councilperson Barnhart reported that he attended the Public Service Water District board meeting where they reported that they were \$288,000 over budget for the first quarter.

Councilperson Mauck reported that she attended the Senior Services board meeting. She reported that Shepherd University and St. Joseph Services will be working to provide food and gift boxes for seniors for Christmas. She also reported that assistance with Medicare sign ups is being provided at the center. Councilperson Mauck reported that the Senior Center was looking at having the Harlem Globetrotters at their celebrity breakfast. She also reported that they were updating their by-laws.

President Pro Tem Whitacre stated that he did not have any meetings to report on as he had been out of town.

Councilperson Dulyea stated that he did not have any meetings to report on, but stated that he did attend the parade.

Re: Board and Commission Vacancies

Councilperson Mauck requested to have a letter of thanks sent to Matthew DeHaven for serving on the Convention and Visitor's board. She also requested to have a letter of thanks sent to Floyd Kursey for his service on the Farmland Protection board and Tanya Jones for her service on the Senior Services board. Councilperson Dulyea requested to have Bill Powell and Trent Reid scheduled for interviews for the Development Authority.

Councilperson Dulyea made a motion to appoint Paul "P.J." Orsini to the Development Authority to fill the unexpired term of Tony Zelenjka. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Councilperson Issues – Councilperson Mauck
Farmland Preservation**

Councilperson Mauck recognized Floyd Kursey for his years of service on the Farmland Protection Board and presented him with a plaque from the board.

**Re: Interview – Board and Commission Vacancy
John Langdon – Candidate – Berkeley County Farmland Protection Board**

John Langdon appeared before the Council to be interviewed as a candidate for the Farmland Protection Board. The Council interviewed Mr. Langdon.

Councilperson Mauck made a motion to appoint John Langdon to the Farmland Protection Board effective November 1, 2016. Councilperson Dulyea seconded the motion. The motion carried unanimously.

**Re: Tim Czaja, Director, Berkeley Day Report Center
Memorandum of Understanding The Renovo Center, LLC**

Tim Czaja, Director, Berkeley Day Report Center appeared before the Council and presented a Memorandum of Understanding (MOU) with The Renovo Center, LLC.

Councilperson Barnhart made a motion to approve the MOU between the Berkeley Day Report Center and the Renovo Center, LLC. Councilperson Mauck seconded the motion. The motion carried unanimously.

**Re: Alan Davis, County Administrator
State Budget Revision # 05 Fund 001**

Alan Davis, County Administrator presented and reviewed State Budget Revision # 05 for Fund 001.

Councilperson Dulyea made a motion to approve State Budget Revision # 05 for Fund 001 as presented by Mr. Davis. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Bret Preston, WV DNR Wildlife Resources
Sportsman's Paradise and Falling Waters Waterfall**

Bret Preston with WV DNR Wildlife Resources appeared before the Council and spoke regarding Sportsman's Paradise and Falling Waters Waterfall. Mr. Preston spoke about fishing and boating activities and opportunities of the WV DNR Wildlife Resources ongoing projects. He stated that they have funding for roads and boat ramps which would come from boating and fishing. He further stated that DEP would need to look at the property to survey for parking lots to assure there was enough area for a turnaround for boat trailers. Brandon Keplinger from WV DNR also appeared before the Council and spoke regarding the opportunities at Sportsman's Paradise.

The Council agreed for Mr. Davis, Mr. Bentley and Mike Thompson, Planning Director to move forward with opportunities for Sportsman's Paradise.

Thomas Ressler appeared before the Council and stated that he felt money was being wasted on this project as it would just create more recreational drinking and drugs. He also stated that the Falling Waters Association had no funds and wanted to know if the state was going to maintain the roads.

Laura Gassler, Director, Berkeley County Convention and Visitor's Bureau appeared before the Council and stated that she thought the state taking over Sportsman's Paradise and building a boat ramp would be a great asset for tourism to Berkeley County.

Delegate John Overington appeared before the Council and thanked the Council for moving forward with the project.

Honorary County Councilperson Breanna Phillips stated that her High School Environmental Class would like to get involved with the maintenance and cleanup as they are always looking for projects.

Re: Recess

Councilperson Barnhart made a motion to Recess the October 27, 2016 Berkeley County Council meeting until 1:00 P.M. Councilperson Mauck seconded the motion. The motion carried unanimously.

Submitted by: *Penny Shewell*

Penny Shewell, Office Administrator

Approved by: _____

James P. Whitacre, President Pro Tem

November 10, 2016

Berkeley County Council Meeting

October 27, 2016

Board of Assessment Appeals

1:00 P.M.

Present:

James P. Whitacre, President Pro Tem

Elaine C. Mauck, Councilperson

James R. Barnhart, Councilperson

Dan Dulyea, Councilperson

Alan J. Davis, County Administrator

Norwood Bentley, III, Legal Director

Penny Shewell, Office Administrator

President Copenhagen was no present for the meeting.

Also Present: The Honorable Larry Hess, Assessor, Tamara Edgar, Assessor's Office; Brad Unger, Assessor's Office; Dave Linton, Assessor's Office

Re: Call to Order

President Pro Tem Whitacre called the October 27, 2016 Berkeley County Council Meeting sitting as the Board of Assessment Appeals to Order at 1:00 P.M.

Re: Board of Assessment Appeals

Bowles Rice, LLP

Martinsburg Ventures, LLC

The Honorable Larry Hess, Assessor appeared before the Council to begin the Board of Assessment Appeals hearing for Martinsburg Ventures, LLC.

Kin Sayre, Esquire, Bowles Rice, LLP representing Martinsburg Ventures, LLC appeared before the Council and introduced Steve Larkin and Chip Harrison who would be testifying on behalf of the tax payer, Martinsburg Ventures, LLC. All present were sworn in by Penny Shewell.

Steve Larkin employed by Toll Brothers was questioned by Mr. Sayre.

Mr. Sayre distributed tax payer Exhibits A, B and C.

Brad Unger from the Assessor's Office questioned Mr. Larkin.

Mr. Harrison was questioned by Mr. Sayre. Mr. Bentley and Mr. Unger also questioned Mr. Harrison.

Brad Unger appeared before the Council and distributed Assessor's Office Exhibits 1, 2, 3, 4, 5 and 6. Mr. Sayer questioned Mr. Unger.

Mr. Hess appeared before the Council and presented closing remarks.

Mr. Sayre distributed tax payer Exhibit D and made closing remarks.

Councilperson Mauck made a motion to extend the deadline for the Board of Assessment Appeals to December 31, 2016. Councilperson Dulyea seconded the motion. The motion carried unanimously.

Re: Recess

Councilperson Dulyea made a motion to Recess the October 27, 2016 Board of Assessment Appeals. Councilperson Mauck seconded the motion. The motion carried unanimously.

Submitted by: Penny Shewell

Penny Shewell, Office Administrator

Approved by: _____

James P. Whitacre, President Pro Tem

November 10, 2016



Berkeley County Sheriff's Department

LAW ENFORCEMENT
510 SOUTH RALEIGH STREET
MARTINSBURG, WV 25401



Phone: (304) 267-7000
Sheriff Kenneth Lemaster

Fax: (304) 267-7118
sheriff@berkeleywv.org

Date: October 28, 2016

From: Kenneth Lemaster *KL*
Sheriff

To: Berkeley County Council
Berkeley County Clerk's
Finance Department

Subject: New hire-Elaine Merceruio

I would like to hire Ms. Elaine Merceruio on a part-time temporary basis. Ms. Merceruio will be paid \$ 10.50 per hour from account 700. She will fill the vacant Administrative Assistant position of Amanda Holben. Her duties will include but not be limited to acting as a relief Clerk to the ladies in the front office.

Her start date will be effective after the date the Council grants this approval. I am in no way related to Ms. Merceruio.

If you have any questions concerning this request please feel free to contact me.

RECEIVED
2016 NOV -1 AM 9:09
6 2 1



County Clerk of Berkeley County

Berkeley County Courthouse 100 West King Street, Room 1
Martinsburg, WV 25401-3247

Phone: (304) 264-1927 Fax: (304) 267-1794



November 2, 2016

Berkeley County Council,

As you are aware, there has been a vacancy in the Finance Department for a few months, which was vacated by the retirement of Mrs. Maxine Ashton. With assistance from Mr. Alan Davis, an advertisement for the position was ran, with a starting rate at \$21,295 annually, with benefits. After interviewing 7 of the 36 applicants which applied for the position, I would like to the Council to approve the hiring of Mr. Michael Mercurio at the starting rate of \$21,295, to be paid out of budget 402. Mr. Mercurio has a strong background in banking and data entry. His start date will be on Monday, November 14th, 2016. I certify that I am in no way of any relation to Mr. Mercurio.

Should there be any questions or concerns, please contact the office.

Respectfully,

John W. Small, Jr.
Berkeley County Clerk

RECEIVED
2016 NOV -7 AM 11:20
BERKELEY COUNTY COUNCIL

“Second oldest county in West Virginia”

Dear John,

Please accept this letter of resignation from my position as payroll clerk for the last fourteen years. My last day will be close of business Friday November 4th 2016.

There have been many unhappy changes being made in the Finance Department and a prior conversation with Mr. Davis in which I was informed he could make my move effective immediately, I have chosen to start a new job on Monday November 7th 2016. I would like to thank you for the opportunity you gave me to be part of your County Clerk Family. If you should have any questions regarding payroll I can be reached by phone anytime.

Sincerely,

Renee Hudson

RECEIVED

2016 NOV -7 AM 11: 22

BERKELEY COUNTY COUNCIL

COUNCIL CALENDAR

NOVEMBER 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3 9:30 am County Council Meeting	4	5
6	7	8 OFFICES CLOSED  Election Day	9	10 9:30 am County Council Meeting	11 OFFICES CLOSED  Veterans Day	12
13	14 9:00 am Board of Canvass	15	16	17 9:30 am County Council Meeting	18	19
20	21	22	23	24 THANKSGIVING OFFICES CLOSED 	25 OFFICES CLOSED 	26
27	28	29	30			

BOARDS/COMMISSION CALENDAR

NOVEMBER 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 9:30 Senior Services 5:00 pm Sewer District 7:00 pm Airport Authority	2	3	4	5
6	7 6:00 pm Planning Commission	8 GENERAL ELECTION DAY OFFICES CLOSED	9 9:30 am Development Authority	10 6:30 pm Fire Board	11 VETERAN'S DAY OFFICES CLOSED	12
13	14 12:00 pm Region 9 2:30 pm LEPC 4:00 pm EPTA 5:00 pm Water District 6:00 pm Farmland Protection	15 9:00 WRNR –Barnhart 11:30 am Parks & Rec 2:00 pm Central Dispatch 6:00 pm Roundhouse Authority	16 10:00 am CVB 4:00 pm Berkeley County Criminal Justice Board 6:00 pm Solid Waste Authority	17	18 9:00 am WEPM Talk Radio-Jim Barnhart	19
20	21 6:00 pm Planning Commission	22 5:00 pm Sewer District	23 3:00 pm Senior Services	24 THANKSGIVING  OFFICES CLOSED	25 THANKSGIVING  OFFICES CLOSED	26
27	28 1:00 pm Historic Landmarks 5:00 pm Water District	29 4:00 pm Health Board	30			

BERKELEY COUNTY ENGINEERING/
BUILDING INSPECTIONS DEPARTMENTS
400 WEST STEPHEN STREET
MARTINSBURG, WV 25401
PHONE (304) 264-1966 FAX (304) 262-3128
www.berkeleywv.org

October 31, 2016

Forest Heights, Inc.
41 All American Way
Martinsburg, WV 25405

RE: Forest Heights section 7, phase 1, bond reduction (119-03)

As-builts have been approved and the area has been stabilized. Therefore the current bond in the amount of \$49,896.00 may be reduced by \$42,411.60 for a remaining bond of \$7,484.40. Not less than 15% of the bonded amount is to be held for 180 days after approval. We will revisit the site on May 1, 2017. If all items remain satisfactory the remaining amount will automatically be released.

Sincerely,

Steve D. Aberegg
Assistant County Engineer
saberegg@berkeleywv.org

BERKELEY COUNTY ENGINEERING/
BUILDING INSPECTIONS DEPARTMENTS
400 WEST STEPHEN STREET
MARTINSBURG, WV 25401
PHONE (304) 264-1966 FAX (304) 262-3128
www.berkeleywv.org

11/4/2016

Spring Hill LLC
P. O. Box 1192
Inwood, WV 25428

RE: Spring Hill Sect. 6, Grading bond release

All items have been completed and as-builts have been approved. Therefore, the associated bond in the amount of \$52,440.00 may be release.

Sincerely,

Steve D. Aberegg
Assistant County Engineer
saberegg@berkeleywv.org

BERKELEY COUNTY ENGINEERING/
BUILDING INSPECTIONS DEPARTMENTS
400 WEST STEPHEN STREET
MARTINSBURG, WV 25401
PHONE (304) 264-1966 FAX (304) 262-3128
www.berkeleywv.org

11/4/2016

Spring Hill LLC
P. O. Box 1192
Inwood, WV 25428

RE: Spring Hill Sect. 7, Grading bond release

All items have been completed and as-builts have been approved. Therefore, the associated bond in the amount of \$15,000.00 may be release.

Sincerely,

Steve D. Aberegg
Assistant County Engineer
saberegg@berkeleywv.org

APPLICATION FOR CONSOLIDATION OF PROPERTY

Date: 4/28/16

Reason: Taxpayer would like to receive one bill and building sits on both parcels.

I, W. Dean Russell, Jr., hereby make application to the County Council of Berkeley County, West Virginia, as provided in Chapter 11-4-17 and 11-4-18 of West Virginia Code, for the consolidation of the following parcel (s) of land, situated in Martinsburg District, Berkeley County:

PARCEL(s) DESCRIPTIONS AND SIZES TO BE CONSOLIDATED:

.57 Acre Lot 8 Briarwood Professional Court Map 4D Parcel 115
.51 Acre Lot 6 Briarwood Professional Court Map 4D Parcel 116

ASSESSED VALUE:

LAND	MINERAL	IMPROVEMENT	TOTAL
\$ 81,960	\$ -0-	\$ 361,140	\$ 443,100
\$ 73,320	\$ -0-	\$ -0-	\$ 73,320

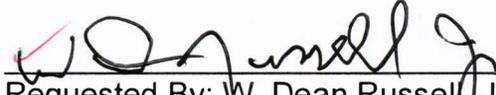
Listed in the 2016 Land Book on Page 2601 Line 9 and
Listed in the 2016 Land Book on Page 2601 Line 10

ASSESSED VALUE AND DESCRIPTION OF NEW CONSOLIDATION WILL BE:

Tax Value land \$ 155280 Improvement (s) \$ 361140 Total \$ 516420

CLASS 4 Description: Briarwood Professional Center Lot 8 & 6


Assessor


Requested By: W. Dean Russell, Jr.

W. Dean Russell, Jr.
Print Name and Position

Phone Number: 304 283-7321

Approved by Berkeley County Council this date, _____

Berkeley Council President

2016 NOV -7 AM 11:15
BERKELEY COUNTY COUNCIL
RECEIVED

Office error

TAXABLE YEAR OF 2016
EXONERATIONS/CORRECTION OF ASSESSMENTS

Page 1 – November 7, 2016

X Personal Real Estate

Ticket #	District	Name Listed on Tax Ticket	Value Exonerated on New Tax Exonerated Statement	Reason for Exoneration	By
0800001623s	08 Opequon	Drake, David J.	\$265.94	The incorrect vehicle was keyed.	Office error
0600001600s	06 Martinsburg	Armstrong, Dexter J. III & Jennifer	\$92.52	The bill was keyed in the incorrect district.	Office error

The above listed exonerations have been

Approved by *[Signature]*, Assessor _

The above exonerations are hereby approved by the
 Berkeley County Council on the 10th day of November.

_____ County Council
 _____ Prosecuting Attorney

BERKELEY COUNTY COUNCIL
 2016 NOV -7 AM 11:15
 RECEIVED

BOARDS & COMMISSIONS

VACANCIES THRU 2016

Name	Board Size	Member Count	Vacancies	Councilperson
Board of Zoning Appeals	5	3	2	Council
Building Code Appeals Board	5	4	1	Council
Nerems INC	2	1	1	Council
Building Permits Advisory Committee	5	3	2	Council
Eastern Panhandle Transit Authority	5	3	2	Dan Dulyea
Berkeley County Criminal Justice Board	15	11	4	Dan Dulyea
Berkeley County Development Authority	21	20	1	Dan Dulyea
Berkleley County Planning Commission	10	9	1	Jim Whitacre
Roundhouse Authority	14	12	2	Elaine Mauck
Berkeley County Building Commission	5	4	1	Doug Copenhaver
Historic Landmarks	5	4	1	Elaine Mauck
Convention and Visitor's Bureau	5	4	1	Elaine Mauck

BOARDS & COMMISSIONS

TERM EXPIRATIONS THRU 2016

BOARD NAME	MEMBER NAME	EXPIRATION	SENT	RETURNED
DECEMBER 2016				
Eastern Panhandle Inland Port Coalition	Hunter Wilson	December 1, 2016	✓	
Historic Landmarks Commission	Margaret LeFevre	December 1, 2016	*	*
Berkeley County Farmland Preservation	Carla Kitchen	December 11, 2016	✓	
Building Permits Advisory Committee	William T Newcomb	December 12, 2016	✓	✓
Berkeley Senior Services	Bonnie Stubblefield	December 31, 2016	✓	✓
Berkeley Senior Services	Christopher Strovel	December 31, 2016	✓	
Berkeley Senior Services	Craig Potter	December 31, 2016	✓	✓
Berkeley Senior Services	Richard Dennis	December 31, 2016	✓	
Berkeley Senior Services	Ronald Collins	December 31, 2016	✓	✓
Berkeley Senior Services	William E Clark	December 31, 2016	✓	✓
Building Code Appeals Board	John Talbott	December 31, 2016	✓	
* Not Eligible for Reappointment				

APPLICATIONS RECEIVED FOR BOARDS

DATE	NAME OF APPLICANT	BOARD REQUESTED	DISCLOSURE	
			REC'd	STATUS
02/23/2015	Chad Wallen	Planning Commission	YES	Interviewed 03/05/2015
01/11/2016	Jim Klein	Development Authority	YES	Interviewed 01/21/2016
05/09/2016	Tim Lewis	Development Authority	YES	Interviewed 05/26/2016
05/27/2016	Michael Hornby	Airport Authority	YES	Interviewed 06/09/2016
08/04/2016	Richard Mier	Health Board	YES	Interviewed 08/18/2016
08/31/2016	William Cornett	Senior Services	YES	Interviewed 09/15/2016
09/19/2016	Kevin Haught	Development Authority	YES	Interviewed 10/06/2016
09/22/2016	Tina Combs	Development Authority	YES	Interviewed 10/20/2016
10/24/2016	Bill Powell	Development Authority	YES	Interviewed 11/10/2016
10/25/2016	Trent Reid	Development Authority	YES	Interviewed 11/10/2016
11/04/2016	John Hilleary	Historic Landmarks	YES	
11/04/2016	Mark Baker	Roundhouse Authority	YES	

BERKELEY COUNTY COUNCIL
APPLICATION FOR APPOINTMENT TO
COMMISSIONS, AUTHORITIES, BOARDS OR DISTRICTS

NAME: John Thornton Hilleary

ADDRESS: (please print)
P.O. Box 656 Gerrardstown, WV 25420

EMAIL: N/A

CONTACT PHONE NUMBERS:

HOME/CELL: 304 229 1281 WORK: Retired

MAGISTERIAL DISTRICT: PLEASE CHECK APPROPRIATE BOX

() ADAM/STEPHEN () NORBORNE () POTOMAC () TUSCARORA () SHENANDOAH () VALLEY *

REGISTERED POLITICAL PARTY: _____ *

LENGTH OF RESIDENCY: 10 years

COMMISSION, AUTHORITY, BOARD OR DISTRICT INTERESTED IN SERVING ON:

Historic Landmarks Commission

EXPERIENCE: Attended meetings when held

SPECIAL TRAINING OR EDUCATION: Geology, Archaeology, Horticulture

English

LIST THREE REFERENCES:

NAME	ADDRESS	PHONE NO.
Janita Giles	714 Giles Mill Rd	304 229 8707
Rep. John Overington	491 Hoffman Rd	304 274 1791
Mr and Mrs R. Clower	234 Runnymede Rd.	304 229 3242

RETURN TO: BERKELEY COUNTY COUNCIL
400 W. STEPHEN STREET, SUITE 201B
MARTINSBURG, WEST VIRGINIA 25401

*This information is required by State Code for some Boards.

**Completed Financial Disclosure Form required to be included with Board Application.

BERKELEY COUNTY COUNCIL

ANNUAL FINANCIAL DISCLOSURE STATEMENT

Due at the time of application for appointment to a Board, Commission and/or Authority and annually thereafter. The information provided on this form should cover the twelve (12) month period prior to the month of application or your appointment.

Your Name and Address:
Name: John T. Hilleary Home Phone #: 304 229 1281
Home Address: 2956 Runnymede Rd
City, State/Zip: Gerrardstown, West Virginia
Business Address: None
City, State/Zip: N/A
Email Address: N/A

Business Names: List all names, if any, under which you do business. For example, Tom Smith Construction, Acme Video Rentals, etc. If no business, please mark "N/A".
None

Your Employment: For purposes of this report, an employer is anyone that you worked for during the past twelve (12) months who provides you with a W-2 form. List the name and address of each of your employers, including City, County or State government. If none, please mark "N/A". If you are self-employed, please indicate so and provide additional information under "Business Interests" and "Sources of Income".
Retired

Appointed Positions on Boards, Commissions, Authorities or Agencies: List all Boards, Commissions, Authorities and/or Agencies which you now serve on by appointment of City, County, or State authority.
None

Officeholder/Candidate Information: (complete below as appropriate)
Do you currently hold a City, County, Circuit or State elected office? Yes ___ No x If yes, title of Office: _____
Have you filed candidacy papers for public office in the next election? Yes ___ No ___ N/A ___ If yes, what office? _____
Date you filed your candidacy papers? N/A

Sales or Contracts with Governmental Agencies: List all sales of goods, or professional or other services or contracts provided to any State, County, Municipal or other local governmental agency made in the past twelve (12) months in your name or through a partnership, corporation or association in which you owned or controlled an interest of ten percent (10%) or more. If none mark "N/A".

N/A

20 % Gross Income Categories: Did you receive more than twenty percent (20%) of your gross income during the past twelve (12) months from any one or more of the categories listed below? Yes ___ No ___ N/A ___. Please circle all categories that apply.

Manufacturing Surface Mining Chemical Deep Mining Insurance Mining Equipment Retail Sales
Timbering Wholesale Sales Waste Disposal Race Tracks Intrastate Transportation Interstate Transportation
Trade Associations Recreation Related Labor Organizations Counties Towns Cities or Towns Banks
Banks Savings & Loans Loan or Finance Companies Electric Utilities Professional Associations Water Utilities
Gas Utilities Telephone Utilities Advertising Cable TV Promotional Companies Media Real Estate
Groups or Associations promoting gaming or lotteries Beer, wine or liquor companies or distributors
Associations of public employees or public officials Other: none

Gifts: List the name of any person with a direct and immediate interest in an activity over which you exercise any formal influence who gave you or any member of your family a gift, including meals and beverages, during the past twelve (12) months, if the total value of such gift (s) when added together, has a value in excess of \$100.00. If none, please mark "N/A".
This is meant to include the position for which you have been appointed or to which you seek appointment.

Do not list gifts from:

- Your spouse, child, grandchild, parent or grandparent.
- A trust established by your spouse, child, grandchild or any ancestor.
- A bequest, by will, from a deceased member of your immediate family.

no gifts

Debts: List all debts, of any amount, which debts are owed to you or by you from or to any person or entity over whom you may exercise any influence as a result of the appointment you hold or which you seek. If none, please mark "N/A".

no debt

Signature: I hereby acknowledge that the information contained herein and on any attached pages is true, correct and complete to the best of my knowledge.

John T. Hilleary
Signature

Date: 11/1/16

Printed Name JOHN T. HILLEARY



BERKELEY COUNTY

APPLICATION FOR APPOINTMENT TO COMMISSIONS, AUTHORITIES, BOARDS OR DISTRICTS

NAME: MARK C BAKER
(please print)

ADDRESS: 714 WEST KING ST. MARTINSBURG WV 25401

EMAIL: MARK BUSY B @ AOL . Com

PHONE: HOME/CELL: 304-671-3562 WORK: ————

MAGISTERIAL DISTRICT:

- Adam Stephen/Opequon
 Norborne
 Potomac
 Tuscarora
 Shenandoah
 Valley

REGISTERED POLITICAL PARTY: DEMOCRAT *

LENGTH OF RESIDENCY: 63 yrs

COMMISSION, AUTHORITY, BOARD OR DISTRICT INTERESTED IN SERVING ON:

Round House

EXPERIENCE: IN Contracting business 41 yrs , DOT
22 yrs.

SPECIAL TRAINING OR EDUCATION: James Rumsey

LIST THREE REFERENCES:

NAME	ADDRESS	PHONE#
<u>Andrew Dimagno</u>	<u>1304 King St.</u>	<u>304-266-671-1425</u>
<u>George Karos</u>	<u>CITY HALL</u>	<u>304-2642131</u>
<u>DOUG COPENHAVER</u>	<u>COUNTY COUNCIL</u>	

RETURN TO: BERKELEY COUNTY COUNCIL
400 W. STEPHEN STREET, SUITE 201
MARTINSBURG, WV 25401

* This information is required by State Code for some Boards.

** Completed Financial Disclosure Form required with Board Application.

Sales or Contracts with Governmental Agencies: List all sales of goods, or professional or other services or contracts provided to any State, County, Municipal or other local governmental agency made in the past twelve (12) months in your name or through a partnership, corporation or association in which you owned or controlled an interest of ten percent (10%) or more. If none mark "N/A".

N/A

20 % Gross Income Categories: Did you receive more than twenty percent (20%) of your gross income during the past twelve (12) months from any one or more of the categories listed below? Yes No N/A . Please circle all categories that apply.

Manufacturing Surface Mining Chemical Deep Mining Insurance Mining Equipment Retail Sales
Timbering Wholesale Sales Waste Disposal Race Tracks Intrastate Transportation Interstate Transportation
Trade Associations Recreation Related Labor Organizations Counties Towns Cities or Towns Banks
Banks Savings & Loans Loan or Finance Companies Electric Utilities Professional Associations Water Utilities
Gas Utilities Telephone Utilities Advertising Cable TV Promotional Companies Media Real Estate
Groups or Associations promoting gaming or lotteries Beer, wine or liquor companies or distributors Rental
Associations of public employees or public officials Other: _____

Gifts: List the name of any person with a direct and immediate interest in an activity over which you exercise any formal influence who gave you or any member of your family a gift, including meals and beverages, during the past twelve (12) months, if the total value of such gift (s) when added together, has a value in excess of \$100.00. If none, please mark "N/A".
This is meant to include the position for which you have been appointed or to which you seek appointment.

Do not list gifts from:

- Your spouse, child, grandchild, parent or grandparent.
- A trust established by your spouse, child, grandchild or any ancestor.
- A bequest, by will, from a deceased member of your immediate family.

N/A

Debts: List all debts, of any amount, which debts are owed to you or by you from or to any person or entity over whom you may exercise any influence as a result of the appointment you hold or which you seek. If none, please mark "N/A".

N/A

Signature: I hereby acknowledge that the information contained herein and on any attached pages is true, correct and complete to the best of my knowledge.

Date: _____

Oct. 18, 2016

Signature _____

Mark C Baker

Printed Name _____

MARK C BAKER

RE-APPOINTMENTS RECEIVED FOR BOARDS

MEMBER	BOARD REQUESTED	RE-APP'T REQ'D	RE-APP'T Ltr. Recv'd	DISC. RECV'D	TERM EXPIRATION	TERM LENGTH
11/01/2016	William Clark	Senior Services	YES	YES	December 31, 2016	3 YEARS
11/02/2016	Bonnie Stubblefield	Senior Services	YES	YES	December 31, 2016	2 YEARS
11/03/2016	Craig Potter	Senior Services	YES	YES	December 31, 2016	3 YEARS
11/01/2016	William Newcomb	Building Permits Advisory	YES	YES	December 12, 2016	2 YEARS
11/04/2016	Ron Collins	Senior Services	YES	YES	December 31, 2016	3 YEARS

Classified/Legal Advertising Invoice

The Journal

207 W King St

Martinsburg, WV

25401

(304) 263-8931

**BC COUNCIL
400 W. STEPHEN STREET
SUITE 201
MARTINSBURG WV, WV**

10/05/2016 10:53:56AM

25401

No: 524301

Phone: 304 264-1923

Ad No 524301	Customer No: L02525	Start Date 10-06-2016	Stop Date 10-06-2016	Category: Legal Notices		Classification: Legals/Public Notice			
Order No	Rate: LE	Lines: 113	Words: 366	Inches: 11.77	Cost 70.56	Payments .00	Balance 70.56		
Publications ... Runs Journal ... 1		Solicitor: SP	Origin: 2	Sales Rep: 12	Credit Card	Credit Card Number	Card Expire		
		<table border="1"> <tr> <th align="center">Identifier</th> </tr> <tr> <td> REQUEST FOR PROPOSALS REGARDING QUALIFICATION AND PRICE PROPOSALS FOR MASS NOTIFICATION SYSTEM The County Council of </td> </tr> </table>						Identifier	REQUEST FOR PROPOSALS REGARDING QUALIFICATION AND PRICE PROPOSALS FOR MASS NOTIFICATION SYSTEM The County Council of
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REQUEST FOR PROPOSALS REGARDING QUALIFICATION AND PRICE PROPOSALS FOR MASS NOTIFICATION SYSTEM The County Council of									
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RECEIVED
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 COUNTY COUNCIL

REQUEST FOR PROPOSALS REGARDING QUALIFICATION AND PRICE PROPOSALS FOR MASS NOTIFICATION SYSTEM

The County Council of Berkeley County, West Virginia (herein referred to as the "County Council" or "Council") is requesting Qualification and Price Proposals from interested parties for a mass notification system that can be utilized to notify the community members of Berkeley County in the event of an emergency.

The County Council (or its designated representatives) will be evaluating submissions to this request and will ultimately select a firm judged to be both responsible and responsive to the request in every way, including having offered the most beneficial, appropriate price proposals. The County Council reserves the right to interview some or all prospective firms to discuss Qualifications & Price Proposals. The format for submittals, information regarding the scope of work, and selection criteria used by the County Council is available from the County Council Office, 400 W. Stephen Street, Suite 201, Martinsburg, WV 25401, or by telephone at 304-264-1923. Inquiries should be directed to Randy Lilly, Emergency Manager, rlilly@berkeleywv.org, 304-263-1345.

Three (3) copies of submittals of Qualification & Price information from interested businesses should be enclosed in a sealed opaque envelope marked "Mass Notification System - O.H.S.E.M.". Proposals must be submitted and time-stamped into the County Council Office, Room 201, 400 W. Stephen Street, Martinsburg, WV, 25401 no later than 4:00 PM on Wednesday, November 9, 2016. Failure to provide the required information as requested in the RFP for Berkeley County's review may result in disqualification.

Proposals will be opened and entered into public record at 10:00 AM on Thursday, November 10, 2016 in the County Council Meeting Room, 400 W. Stephen Street, Room 205, Martinsburg, WV, 25401.

Berkeley County shall make positive efforts to utilize Disadvantaged Business Enterprises for its supplies and services and shall allow these sources the maximum feasible opportunity to compete for contracts. Berkeley County does not discriminate on the basis of race, color, national

origin, sex, religion, age or disability for the provision of services.

Berkeley County reserves the right to accept or reject any or all proposals, to waive technicalities, and to take whatever action is in the best interest of the Berkeley County Council.
10/6 (1)

Certificate of Publication

This is to certify the annexed advertisement

BC COUNCIL
NOTICE

appeared for 1 consecutive days/weeks in The Journal Publishing Company, a newspaper in the City of Martinsburg, WV in its issue beginning:

10-6-16

and ending

10-6-16

The Journal
207 W. King Street
Martinsburg, WV 25401

Fee (\$) 70.56

THE STATE OF WEST VIRGINIA
COUNTY OF BERKELEY

The foregoing instrument was acknowledged

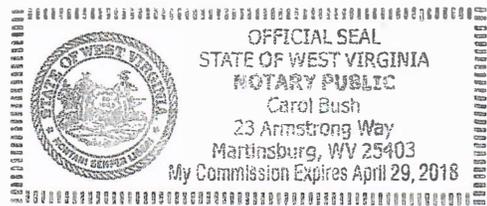
before me this 6 October 2016 by

Denny Craft

My commission expires Apr 29 2018

Carol Bush

Notary Public



**COUNTY COUNCIL of BERKELEY
COUNTY, WEST VIRGINIA**

**Request for Proposal (RFP)
For
Mass Notification System for Berkeley County
Homeland Security & Emergency Management**

**Bid Proposal due no later than
4:00 PM, Wednesday, November 9, 2016
in the County Council Office, Room 201,
400 W. Stephen Street, Martinsburg, WV, 25401**

October, 2016

**REQUEST FOR PROPOSALS
REGARDING QUALIFICATION AND PRICE PROPOSALS FOR
MASS NOTIFICATION SYSTEM**

The County Council of Berkeley County, West Virginia (herein referred to as the "County Council" or "Council") is requesting Qualification and Price Proposals from interested parties for a mass notification system that can be utilized to notify the community members of Berkeley County in the event of an emergency.

The County Council (or its designated representatives) will be evaluating submissions to this request and will ultimately select a firm judged to be both responsible and responsive to the request in every way, including having offered the most beneficial, appropriate price proposals. The County Council reserves the right to interview some or all prospective firms to discuss Qualifications & Price Proposals. The format for submittals, information regarding the scope of work, and selection criteria used by the County Council is available from the County Council Office, 400 W. Stephen Street, Suite 201, Martinsburg, WV 25401, or by telephone at 304-264-1923. Inquiries should be directed to Randy Lilly, Emergency Manager, rlilly@berkeleywv.org, 304-263-1345.

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Berkeley County reserves the right to accept or reject any or all proposals, to waive technicalities, and to take whatever action is in the best interest of the Berkeley County Council.

I. INTRODUCTION:

Proposals are being requested from contractors to submit bids for the supply for service, implementation of and training for the use of a mass notification system as ordered by the County Council of Berkeley County, West Virginia, (hereinafter referred to as "County Council" or "Council"). Only written responses to this RFP shall be considered. All materials submitted shall become part of the proposal.

II. BACKGROUND:

Berkeley County is located in the eastern panhandle of West Virginia. According to 2010 Census information, Berkeley County has a population of 104,169 making it the second-most populous county in West Virginia, behind Kanawha. Martinsburg is the County Seat.

The county lies adjacent to the Washington-Baltimore Metropolitan area and is one of three counties in the Hagerstown-Martinsburg, MD-WV Metropolitan Statistical Area.

Partly because of its proximity to Washington, D.C., Berkeley County is the fastest growing county in the State of West Virginia and among the fastest growing in the entire country.

Berkeley County is currently governed by a five (5) member County Council.

III. SCOPE OF WORK

A. GENERAL

The County Council is requesting bids for the supply of services, implementation of and training for the use of a mass notification system to notify its citizens in the event of an emergency.

1. GUIDELINES AND REQUIREMENTS

- a. The proposed scope of service involves the supply of services, implementation of and training for the use of a mass notification system to notify citizens in the event of an emergency.
- b. Successful solution provider will be responsible for implementation of and training for the use of a mass notification to include but not be limited to:
 - Working with Berkeley County IT, Berkeley County Dispatch and Berkeley County Homeland Security and Emergency Management to get said mass notification implemented and operational.
 - Importation of public landline phone information from Berkeley County, WV into said mass notification system.
 - Operational training of said mass notification system to selected Berkeley County employees and possibly others.
 - Integration of IPAWS, Center of Disease Control and National Weather Service announcements into the system for the Berkeley County area if applicable.
 - Importation of Berkeley County GIS Maps into the system if applicable.
 - Provide 24/7 phone support

- c. The solution (mass notification system) should have functionality to provide the following but not limited to:
- Have the following routes of message/alerting communication:
 - i. Text message
 - ii. Cellphone voice
 - iii. Landline voice
 - iv. E-Mail
 - v. Mobile App
 - vi. Solution webpage
 - Ease of operation for both administrator and end user
 - Ability to import Berkeley County GIS maps
 - Ability for unlimited users to opt into solution
 - Text to speech capability
 - Customizable caller ID
 - Ability for end users to have multiple phone numbers for voice and text
 - IPAWS compatible
 - Ability to generate automated weather alerts in conjunction with National Weather Service
 - Ability for end user to “confirm” receipt of message
 - Ability for end user to anonymously opt into solution
 - Ability for end user to choose what type of messages/alerts to receive including the type of weather alerts they wish to receive
 - Ability to schedule or set a start and end time for messages
 - Ability to select a specific area to send message to
- d. Successful bidder will be expected to meet with County Representatives immediately after bid award to develop a work schedule.
- e. Company/matrix manufacturer will be responsible as part of their proposal for delivery of all materials to 802 Emmett Rousch Drive, Martinsburg, WV, 25401.
- f. Contractor must contact Randy Lilly at rlilly@berkeleywv.org, 304-263-1345 should there be any questions or problems.
- g. This project is not subject to prevailing wage.
- h. Berkeley County is a tax exempt organization. Tax number 55-6000296.

IV. Q&E / TECHNICAL PROPOSAL:

Respondent shall respond to and reference each section and subsection for portion(s) of RFP proposal. *At a minimum, your **Qualifications Proposal shall include the following information. Failure to discuss each item may deem the submittal non-responsive and may result in non-consideration of respondent's services.***

A. Firm Information

1. Name, address, telephone number, fax number of Contracting firm and parent company, if any, from which the project will be managed.
2. Nature of Contracting firm and parent company, if any.

B. Firm Capabilities

1. Describe the size of your firm/project office as related to size of staff.

C. Firm Principals and Background

1. Submit the names, titles, and resumes of the "principal" staff member(s) who will be responsible for the project during the performance of the contract. Please assure that the information provided includes specialized experience and technical competence in providing relevant services on similar sized projects during the past three (3) years.
2. Describe in depth the operations team available to the "principal" staff member(s). Include an organizational chart of manpower, titles, qualifications, roles in contract performance, and availability for telephone consultations and on-site meetings.
3. Provide a list of at least three (3) but no more than five (5) similar and/or relevant projects that you have completed during the past five (5) years. This information must include the business name, contact person, address, email address, and phone number.

- D. All technical proposals should include any conclusions, remarks and/or supplemental information that is pertinent to this request. Submitters are also required to provide written information regarding their inability to conform to any of the technical requirements listed above. Failure to do so will result in disqualification of proposal.

V. PRICE PROPOSAL:

- A. At a minimum, your Price Proposal shall include the following:
1. A lump-sum price quotation for all services listed-Attachment A
 2. Fully executed Non-Collusion Certificate - Attachment B.
 3. Proof of current business licenses.
 4. Any conclusions, remarks and/or supplemental information pertinent to this request.

VI. TERM OF CONTRACT:

- A. The contract will commence immediately upon award by the County Council.
- B. If the Firm and/or Company awarded the bid subsequently fails to comply with the specifications, it will be given thirty (30) calendar days' notice to render satisfactory

service. If at the expiration of such thirty (30) calendar days' notice, the unsatisfactory conditions have not been corrected, the County Council reserves the right to terminate the contract.

VII. USE OF EXISTING DOCUMENTS:

Berkeley County will cooperate to the fullest extent by making available to the Firm/Company all documents pertinent to this service that may be in the County Council's possession. Berkeley County makes no warranty as to the accuracy of existing documents nor will the County Council accept any responsibility for errors and omissions that may arise from the Firm/Consultant having relied upon them.

VIII. COMPENSATION TO THE CONTRACTOR:

Invoices must be submitted to:

Berkeley County Council
400 W. Stephen Street
Suite 201
Martinsburg, WV, 25401

Payment will be made within thirty (30) days of receipt and approval.

IX. SELECTION PROCESS:

- A. This solicitation is issued pursuant to the implementation of Berkeley County's Purchasing Policy. Berkeley County shall not be liable for any costs not included in the proposal, not contracted for subsequently, or in regard to preparation of your proposal.
- B. A Selection Committee appointed by the County Council will evaluate responses to this request and select those firms judged to be most qualified.
- C. It is the County Council's intent to open and review each firm's Qualifications & Experience/ Technical Proposal to determine a firm's qualifications, experience and technical approach to the services. If the Selection Committee determines that a firm's Qualifications & Experience/Technical Proposal is acceptable, than price will be considered.
- D. Since it is the County Council's desire to select the most qualified firm, the Selection Committee reserves the right to schedule oral presentations from those firms it deems most qualified, to take place within ten (10) business days following notification.
- E. Selection criteria to be used by the Committee are:
 - 1. Responsiveness to the scope of work and these instructions;
 - 2. Past performance of the firm including timely completion of services, compliance with scope of work performed within budgetary constraints, and user satisfaction;
 - 3. Specialized experience and technical competence in performing relevant services

in the past ten (10) years, including qualifications of staff members who will be involved in these services;

4. Oral presentations, if required;
5. Composition of the principals and staff assigned to provide these services, particularly the proposed manager and immediate staff, and their qualifications and experience with services such as that being proposed;
6. Adequacy of the personnel of the firm to accomplish the proposed scope of work in the required time;
7. Firm's capacity to perform the work, giving consideration to current workloads;
8. Firm's familiarity with problems applicable to this type of services;
9. References from previous clients, including size and scope of the services, name and telephone number of contact person.
10. Price Proposal.

X. PROPOSALS AND AWARD SCHEDULE:

- A. Proposals received prior to the deadline will be treated as confidential, until receipt of all Proposals and opening of the same. Proposals received after the deadline will not be considered in the evaluation process and will be returned unopened.
- B. It is expected that the contract award will be made within forty-five (45) calendar days after the opening of proposals. The contract will be awarded to the Company whose proposal, conforming to this request, will be the most advantageous to Berkeley County.
- C. Proposals must give the full name and address of the proposer and the person signing the proposal shall indicate his or her title and/or authority to bind the firm in a contract.
- D. Proposals may not be altered or amended after they are opened.
- E. The approval or disapproval of the Company's Proposal will be determined by its response to this request and on past performance. No assumptions should be made on the part of the Firm/Company as to this Committee's prior knowledge of their abilities.
- F. Berkeley County reserves the right to request clarification of information submitted and to request additional information of one or more applicants.

XI. TERMS AND CONDITIONS:

- A. The County Council reserves the right to reject any or all proposals or to award the contract to the next recommended Company if the successful Company fails to execute an agreement within ten (10) calendar days after being notified of the award of this proposal.

- B. Berkeley County reserves the right to request clarification of information submitted and to request additional information of one or more applicants.
- C. Any proposal may be withdrawn up until the date and time set within this RFP for the opening of the proposals. Any proposal not so withdrawn will constitute an irrevocable offer, for a period of ninety (90) calendar days, to sell to Berkeley County the services set forth above, in the manner and at the costs set forth.
- D. The selected Company shall be required to enter into a contract agreement with the County Council. Any agreement or contract resulting from the acceptance of the proposal shall be made on forms approved by the Berkeley County In-House Legal Director and shall contain, at a minimum, applicable provisions of this request for proposal. The County Council reserves the right to reject any agreement that does not conform to this request for proposal and any Berkeley County requirements for agreements or contracts.
- E. Selected Firm/Company shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the Berkeley County Council.
- F. No reports, information or data given to or prepared by the Firm/Company under this agreement shall be made available to any individual or organization by the Firm/Company without the prior written approval of the Berkeley County Council.
- G. Firms/Companies shall give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed by the County Council under the West Virginia Freedom of Information Act.
- H. Berkeley County shall not be liable for any costs incurred by the Firm/Company in regard to preparation of its proposal.
- I. Berkeley County reserves the right to request interviews.
- J. The County Council reserves the right to reject any and/or all proposals, to waive technicalities, and to take whatever action is in the best interest of the County.
- K. Berkeley County reserves the right to not hold discussions after award of the contract.
- L. By submitting a proposal, the Firm/Company agrees that it is satisfied, as a result of its own investigations of the conditions set forth in this request, and that it fully understands the obligations set forth therein.
- M. The Firm/Company shall abide by and comply with the true intent of the RFP and its Scope of Work and shall not take advantage of any unintentional error, ambiguity or omission, but shall fully complete every part as contemplated by the true intent and meaning of the scope of services described herein.
- N. The Firm/Company hereby represents and warrants:
 - 1. That it is now, or will be by the time its Proposal is opened, qualified to do business in the State of West Virginia and that it will take such action as, from

time to time hereafter, may be necessary to remain so qualified;

2. That it is not in arrears with respect to the payment of any monies due and owing the State, or any department or agency thereof, including, but not limited to, the payment of taxes and employee benefits, and that it shall not fall into arrears during the term of the contract; that it shall comply with all federal, State, and local laws, ordinances, and legally enforceable rules and regulations applicable to its activities and obligations under the contract;
 3. That it shall procure, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under the contract;
 4. That the facts and matters set forth hereafter in the contract and made a part hereof are true and correct.
- O. In addition to any other remedy available to Berkeley County, breach of any of the services contracted herein shall, at the election of the County Council, be grounds for termination of the contract. Failure of the County Council to terminate the contract shall not be considered or construed as either a waiver of such breach or as a waiver of any rights or remedies granted or available to Berkeley County.
- P. HOLD HARMLESS/INDEMNIFICATION: If a contract is awarded, the successful Firm/Company will be required to indemnify and hold Berkeley County, its agents and/or employees harmless from and against all liability and expenses, including attorney's fees, howsoever arising or incurred, alleging damage to property or injury to, or death of, any person arising out of or attributable to the Firm's/Company's performance of the contract awarded. Any property or work to be provided by the Firm/Company under the contemplated contract will remain at the Firm's/Company's risk until written acceptance by the County Council; and the Firm/Company will replace, at Firm's/Company's expense, all such property or work damaged or destroyed by any cause whatsoever, prior to its acceptance by the County.
- Q. Termination for Convenience: Berkeley County may terminate this or any contract, in whole or in part, whenever the County Council determines that such termination is in the best interest of the County, without showing cause, upon giving 30 days written notice to the Firm/Company. Berkeley County shall pay all reasonable costs incurred by the Firm/Company up to the date of termination. However, in no event shall the Firm/Company be paid any amount that exceeds the price proposed for the work performed. The Firm/Company will not be reimbursed for any profits which may have been anticipated but which have not been earned up to the date of termination.

Termination for Default: When the Firm/Company has not performed or has unsatisfactorily performed the contract, Berkeley County may terminate the contract for default. Upon termination for default, payment may be withheld at the discretion of the County Council. Failure on the part of a Firm/Company to fulfill the contractual obligations shall be considered just cause for termination of the contract. The Firm/Company will be paid for services satisfactorily rendered prior to termination less any excess costs incurred by Berkeley County in re-procuring and completing the work.

- R. The contractual obligation of Berkeley County under the contemplated contract is contingent upon the availability of appropriated funds from which payment for this contract can be made.
- S. INTERPRETATION: The contract resulting from this proposal shall be construed under the laws of the State of West Virginia.

XII. INTERPRETATIONS, DISCREPANCIES, OMISSIONS:

Should any Firm/Company find discrepancies in, or omissions from, the documents or be in doubt of their meaning, they should at once request in writing an interpretation from the County Council. All necessary interpretations will be issued to all Firms/Companies in the form of addenda to the specifications, and such addenda shall become part of the contract documents. Failure of any Firm/Company to receive any such addendum or interpretation shall not relieve such Firm/Consultant from any obligation under their proposal as submitted. Berkeley County will assume no responsibility for oral instructions or suggestions. Every interpretation made by Berkeley County will be made in the form of an addendum that, if issued, will be sent by Berkeley County to all interested parties.

LIST OF APPENDICES THAT ARE ATTACHED

Attachment A – Mass Notification Price Proposal

Attachment B – Non-Collusion Certificate

**ATTACHMENT A
PRICE PROPOSAL**

INSTRUCTIONS

This sheet must be placed on the very top of your price proposal. The County Council will utilize this sheet for purposes of reading the proposal into the public record.

Berkeley County Council
400 West Stephen Street
Suite 201
Martinsburg, WV, 25401

Bid Title: Mass Notification System

Bid Due Date & Time: Wednesday, November 9, 2016 no later than 4:00 PM

Bid Opening Date & Time: Thursday, November 10, 2016 @ 10:00 AM

We have received all documents related to the above referenced project. We have examined all documents, attended the mandatory pre-bid conference, and have had the opportunity to examine the site area where work is to be performed. We hereby propose to furnish all labor, materials, equipment and incidentals and to perform all operations necessary and required for the successful completion of the project.

Lump Sum Price for all the **Mass Notification System** contained in Request for Proposal including all addendums and attachments:

\$ _____

Business Name & Address: _____

By: _____
(Authorized Signature) (Date)

Title: _____

**ATTACHMENT B
NON-COLLUSION CERTIFICATE**

I HEREBY CERTIFY I am the _____
(Title)

and the duly authorized representative of the firm of _____

whose address is _____

AND THAT NEITHER I nor, to the best of my knowledge, information and belief, the above firm nor any of its other representatives I here represent have:

- (a) Agreed, conspired, connived or colluded to produce a deceptive show of competition in the compilation of the bid or offer being submitted herewith;
- (b) Not in any manner, directly or indirectly, entered into any agreement, participated in any collusion to fix the bid price or price proposal of the bidder or offeror herein or any competitor, or competitive bidding in connection with the Contract for which the within bid or offer is submitted; and that no member of the County Council of Berkeley County, West Virginia, administrative or supervisory personnel or other employees of Berkeley County have any interest in the bidding company except as follows: (complete if applicable)

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

Signature

Date

Printed or Typed Name

Classified/Legal Advertising Invoice

The Journal

207 W King St

Martinsburg, WV

25401

(304) 263-8931

**BC COUNCIL
400 W. STEPHEN STREET
SUITE 201
MARTINSBURG WV, WV**

10/07/2016 3:13:00PM

25401

No: 524423

Phone: 304 264-1923

Ad No 524423	Customer No: L02525	Start Date 10-10-2016	Stop Date 10-10-2016	Category: Legal Notices		Classification: Legals/Public Notice			
Order No	Rate: LE	Lines: 117	Words: 375	Inches: 12.19	Cost 72.96	Payments .00	Balance 72.96		
Publications ... Runs Journal ... 1		Solicitor: SP	Origin: 2	Sales Rep: 12	Credit Card	Credit Card Number	Card Expire		
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REQUEST FOR

PROPOSALS REGARDING QUALIFICATION AND PRICE PROPOSALS FOR SNOW REMOVAL

The County Council of Berkeley County, West Virginia (herein referred to as the "County Council" or "Council") is requesting Qualification and Price Proposals from interested parties for Snow Removal.

The County Council (or its designated representatives) will be evaluating submissions to this request and will ultimately select a firm judged to be both responsible and responsive to the request in every way, including having offered the most beneficial, appropriate price proposals. The County Council reserves the right to interview some or all prospective firms to discuss Qualifications & Price Proposals. The format for submittals, information regarding the scope of work, and selection criteria used by the County Council is available from the County Council Office, 400 W. Stephen Street, Suite 201, Martinsburg, WV 25401, or by telephone at 304-264-1923. Inquiries should be directed to Tommy Puffenburger, Facilities Director, at 304-676-4184.

A Pre-Proposal Conference will be held at 10:00 AM on Monday, October 24, 2016 in the Dunn Building, 400 W. Stephen Street, Room 205, Martinsburg, WV, 25401. Attendance at this conference is encouraged.

Three (3) copies of submittals of Qualification & Price information from interested businesses should be enclosed in a sealed opaque envelope marked "Snow Removal Bid". Proposals must be submitted and time-stamped into the County Council Office, Suite 201, 400 W. Stephen Street, Martinsburg, WV, 25401 no later than 4:00 p.m. on Wednesday; November 9, 2016. Failure to provide the required information as requested in the RFP for Berkeley County's review may result in disqualification.

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Berkeley County shall make positive efforts to utilize Disadvantaged Business Enterprises for its supplies and services and shall allow these sources the maximum feasible opportunity to compete for contracts. Berkeley County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability for the provision of services.

Berkeley County reserves the right to accept or reject any or all proposals, to waive technicalities, and to take whatever action is in the best interest of the Berkeley County Council.
10:10 (1)

Certificate of Publication

This is to certify the annexed advertisement

**BC COUNCIL
NOTICE**

appeared for 1 consecutive days/weeks in The Journal Publishing Company, a newspaper in the City of Martinsburg, WV in its issue beginning:

10-10-16

and ending

10-10-16

**The Journal
207 W. King Street
Martinsburg, WV 25401**

Fee (\$) 72.96

THE STATE OF WEST VIRGINIA
COUNTY OF BERKELEY

The foregoing instrument was acknowledged

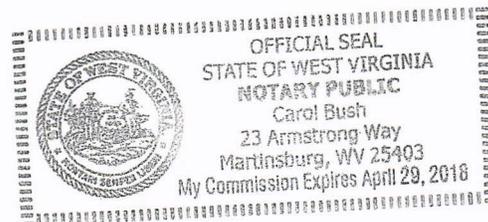
before me this 10 October 2016 by

Barney Craft

My commission expires Apr 29 2018

Carol Bush

Notary Public



**COUNTY COUNCIL of BERKELEY
COUNTY, WEST VIRGINIA**

Request for Proposal (RFP)

For

Snow Removal

October, 2016

**REQUEST FOR PROPOSALS
REGARDING QUALIFICATION AND PRICE PROPOSALS FOR
SNOW REMOVAL**

The County Council of Berkeley County, West Virginia (herein referred to as the "County Council" or "Council") is requesting Qualification and Price Proposals from interested parties for Snow Removal.

The County Council (or its designated representatives) will be evaluating submissions to this request and will ultimately select a firm judged to be both responsible and responsive to the request in every way, including having offered the most beneficial, appropriate price proposals. The County Council reserves the right to interview some or all prospective firms to discuss Qualifications & Price Proposals. The format for submittals, information regarding the scope of work, and selection criteria used by the County Council is available from the County Council Office, 400 W. Stephen Street, Suite 201, Martinsburg, WV 25401, or by telephone at 304-264-1923. Inquiries should be directed to Tommy Puffenburger, Facilities Director, at 304-676-4184.

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Berkeley County reserves the right to accept or reject any or all proposals, to waive technicalities, and to take whatever action is in the best interest of the Berkeley County Council.

I. INTRODUCTION:

Proposals are being requested from Contractors to provide snow removal services as ordered by the County Council of Berkeley County, West Virginia, (hereinafter referred to as "County Council" or "Council"). Only written responses to this RFP shall be considered. All materials submitted shall become part of the proposal.

II. BACKGROUND:

Berkeley County is located in the eastern panhandle of West Virginia. According to 2010 Census information, Berkeley County has a population of 104,169 making it the second-most populous county in West Virginia, behind Kanawha. Martinsburg is the County Seat.

The county lies adjacent to the Washington-Baltimore Metropolitan area and is one of three counties in the Hagerstown-Martinsburg, MD-WV Metropolitan Statistical Area.

Partly because of its proximity to Washington, D.C., Berkeley County is the fastest growing county in the State of West Virginia and among the fastest growing in the entire country.

Berkeley County is currently governed by a five (5) member County Council.

III. SCOPE OF WORK

A. GENERAL

The County Council is requesting price quotations for an annual snow removal contract for the following locations:

- 800-802 Emmett Rousch Drive.
- Rear of 126 W. King Street and 110 W. King Street.
- 217 North High Street-Senior Center.
- Tower Road (approximately 2.8 miles access to transmitter site).
- Stephen Street parking lots.
- Dunn Building, 400 W. Stephen Street, parking lots.
- Crawford Building parking lots.
- Judicial Center (former Berkeley Building) parking lots.
- 510 & 520 S. Raleigh Street (former Martins & CVS) parking lots.

B. GUIDELINES AND REQUIREMENTS

- a. **Snow removal will only occur when snow accumulations are in excess of eight (8) inches.** The Facilities Director, in consultation with the County Administrator and/or President of the County Council, will decide when Contractor assistance is needed. The minimum snow accumulation per event will be eight (8) inches for activation to occur. The Facilities Director at the time of activation will advise the contractor where to respond and what action is to be taken. Removal may include scraping and plowing parking lots and/or hauling snow away.
- b. Successful Contractor must initiate snow removal operations as soon as possible after being activated and must keep response time to a minimum.

- c. Contractor shall provide all tools, equipment, materials and labor to complete this project.
- d. Contractor's flat hourly rate must be all-inclusive to include mobilization, training, fuel, repairs, equipment and labor (including any anticipated overtime).
- e. Contractor will be responsible for any and all property damage or personal injury caused by Contractor's equipment/personnel during snow removal operations.
- f. Contractor will provide trained equipment operators for all equipment. Operators must possess the appropriate commercial driver's license (CDL) as required by law.
- g. Contractor must own (or have available) all equipment needed for snow removal operations
- h. A Bid Sheet is provided and must be used. Contractors must provide, as a minimum, the following information:

Equipment Make	Equipment Year	Equipment Model	Vehicle ID# & Description	Hourly Rate
----------------	----------------	-----------------	---------------------------	-------------

- i. Contractor shall follow all applicable local, state and/or safety requirements for this project.
- j. Contractor must submit invoices in a timely manner in a format acceptable to Berkeley County.
- k. At the time of bid submission, the Contractor must include all information as detailed in Section V-Price Proposal.
- l. The Berkeley County contact for this contract is the Facilities Director or designee. The Facilities Department telephone number is (304) 676-4184.

IV. Q&E / TECHNICAL PROPOSAL:

Respondent shall respond to and reference each section and subsection for portion(s) of RFP proposal. *At a minimum, your Qualifications Proposal shall include the following information. Failure to discuss each item may deem the submittal non-responsive and may result in non-consideration of respondent's services.*

A. Firm Information

- 1. Name, address, telephone number (landline and cell), fax number of Contracting firm and parent company, if any, from which the project will be managed.
- 2. Nature of Contracting firm and parent company, if any.

B. Firm Capabilities

1. Describe the size of your firm/project office as related to size of staff.

C. Firm Principals and Background

1. Submit the names, titles, and resumes of the "principal" staff member(s) who will be responsible for the project during the performance of the contract. Please assure that the information provided includes specialized experience and technical competence in providing relevant services on similar sized projects during the past three (3) years.
2. Describe in depth the operations team available to the "principal" staff member(s). Include an organizational chart of manpower, titles, qualifications, roles in contract performance, and availability for telephone consultations and on-site meetings.
3. Provide a list of at least three (3) but no more than five (5) similar and/or relevant projects that you have completed during the past five (5) years. This information must include the business name, contact person, address, email address, and phone number.

D. Miscellaneous Requirements:

All proposals must provide written proof that:

- The selected Company/Contractor is licensed to conduct business in the State of West Virginia.
- West Virginia Code § 21-11-2 requires that all persons performing contractual work in West Virginia must be duly licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. West Virginia Code § 21-11-11 requires any prospective Bidder (if applicable) to include the contractor's license number on their bid. The successful Bidder will be required (if applicable) to furnish a copy of their contractor's license prior to issuance of the contract.
- The selected Company/Contractor must certify that it is employing only US Citizens or those persons legally in the United States.
- The selected Company/Contractor must show proof of current workers compensation coverage in good standing or payroll information which will show that coverage is not required.
- If subcontractors are used, subcontractors must also provide proof of contracting license and workers compensation in good standing (if applicable).

- E. All technical proposals should include any conclusions, remarks and/or supplemental information that is pertinent to this request. Submitters are also required to provide

written information regarding their inability to conform to any of the technical requirements listed above. Failure to do so will result in disqualification of proposal.

V. PRICE PROPOSAL:

- A. At a minimum, your Price Proposal shall include the following:
1. Completion of Price Proposal (Attachment A) in its entirety.
 2. Fully executed Non-Collusion Certificate - Attachment B.
 3. Proof of current business and/or contractor's licenses.
 4. Statement that only US Citizens or legal immigrants are employed.
 5. Proof of minimum insurance requirements as detailed in Section IX below.
 6. Proof of current workers compensation coverage, if required.
 7. Any conclusions, remarks and/or supplemental information pertinent to this request.

VI. TERM OF CONTRACT:

- A. The contract will commence upon award by the County Council.
- B. The term of the contract will be for one (1) year with the option to renew it for two (2) additional years.
- C. If the Firm and/or Company awarded the bid subsequently fails to comply with the specifications, it will be given thirty (30) calendar days' notice to render satisfactory service. If at the expiration of such thirty (30) calendar days' notice, the unsatisfactory conditions have not been corrected, the County Council reserves the right to terminate the contract.

VII. USE OF EXISTING DOCUMENTS:

Berkeley County will cooperate to the fullest extent by making available to the Firm/Company all documents pertinent to this service that may be in the County Council's possession. Berkeley County makes no warranty as to the accuracy of existing documents nor will the County Council accept any responsibility for errors and omissions that may arise from the Firm/Consultant having relied upon them.

VIII. COMPENSATION TO THE CONTRACTOR:

Invoices must be submitted to:

Berkeley County Council
400 W. Stephen Street
Suite 201
Martinsburg, WV, 25401

Payment will be made within thirty (30) days of receipt and approval.

IX. INSURANCE REQUIREMENTS:

Professional Liability – The successful Bidder must show evidence of professional liability insurance coverage in the amount of one million (\$1,000,000) dollars, with a minimum coverage of one million (\$1,000,000) dollars per occurrence and one million (\$1,000,000) dollars aggregate and must include coverage for errors, omissions and negligent acts, prior to execution of a contract with Berkeley County.

X. PERFORMANCE, PAYMENT AND MAINTENANCE BONDS:

No Performance, payment and/or maintenance bond is required for the project.

X. SELECTION PROCESS:

- A. This solicitation is issued pursuant to the implementation of Berkeley County's Purchasing Policy. Berkeley County shall not be liable for any costs not included in the proposal, not contracted for subsequently, or in regard to preparation of your proposal.
- B. A Selection Committee appointed by the County Council will evaluate responses to this request and select those firms judged to be most qualified.
- C. It is the County Council's intent to open and review each firm's Qualifications & Experience/ Technical Proposal to determine a firm's qualifications, experience and technical approach to the services. If the Selection Committee determines that a firm's Qualifications & Experience/Technical Proposal is acceptable, than price will be considered.
- D. Since it is the County Council's desire to select the most qualified firm, the Selection Committee reserves the right to schedule oral presentations from those firms it deems most qualified, to take place within ten (10) business days following notification.
- E. Selection criteria to be used by the Committee are:
 1. Responsiveness to the scope of work and these instructions;
 2. Past performance of the firm including timely completion of services, compliance with scope of work performed within budgetary constraints, and user satisfaction;

3. Specialized experience and technical competence in performing relevant services in the past ten (10) years, including qualifications of staff members who will be involved in these services;
4. Oral presentations, if required;
5. Composition of the principals and staff assigned to provide these services, particularly the proposed manager and immediate staff, and their qualifications and experience with services such as that being proposed;
6. Adequacy of the personnel of the firm to accomplish the proposed scope of work in the required time;
7. Firm's capacity to perform the work, giving consideration to current workloads;
8. Firm's familiarity with problems applicable to this type of services;
9. References from previous clients, including size and scope of the services, name and telephone number of contact person.
10. Price Proposal.

XI. PROPOSALS AND AWARD SCHEDULE:

- A. Proposals received prior to the deadline will be treated as confidential, until receipt of all Proposals and opening of the same. Proposals received after the deadline will not be considered in the evaluation process and will be returned unopened.
- B. It is expected that the contract award will be made within forty-five (45) calendar days after the opening of proposals. The contract will be awarded to the Company whose proposal, conforming to this request, will be the most advantageous to Berkeley County.
- C. Proposals must give the full name and address of the proposer and the person signing the proposal shall indicate his or her title and/or authority to bind the firm in a contract.
- D. Proposals may not be altered or amended after they are opened.
- E. The approval or disapproval of the Company's Proposal will be determined by its response to this request and on past performance. No assumptions should be made on the part of the Firm/Company as to this Committee's prior knowledge of their abilities.
- F. Berkeley County reserves the right to request clarification of information submitted and to request additional information of one or more applicants.

XII. TERMS AND CONDITIONS:

- A. The County Council reserves the right to reject any or all proposals or to award the contract to the next recommended Company if the successful Company fails to execute an agreement within ten (10) calendar days after being notified of the award of this

proposal.

- B. Berkeley County reserves the right to request clarification of information submitted and to request additional information of one or more applicants.
- C. Any proposal may be withdrawn up until the date and time set within this RFP for the opening of the proposals. Any proposal not so withdrawn will constitute an irrevocable offer, for a period of ninety (90) calendar days, to sell to Berkeley County the services set forth above, in the manner and at the costs set forth.
- D. The selected Company shall be required to enter into a contract agreement with the County Council. Any agreement or contract resulting from the acceptance of the proposal shall be made on forms approved by the Berkeley County In-House Legal Director and shall contain, at a minimum, applicable provisions of this request for proposal. The County Council reserves the right to reject any agreement that does not conform to this request for proposal and any Berkeley County requirements for agreements or contracts.
- E. Selected Firm/Company shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the Berkeley County Council.
- F. No reports, information or data given to or prepared by the Firm/Company under this agreement shall be made available to any individual or organization by the Firm/Company without the prior written approval of the Berkeley County Council.
- G. Firms/Companies shall give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed by the County Council under the West Virginia Freedom of Information Act.
- H. Berkeley County shall not be liable for any costs incurred by the Firm/Company in regard to preparation of its proposal.
- I. Berkeley County reserves the right to request interviews.
- J. The County Council reserves the right to reject any and/or all proposals, to waive technicalities, and to take whatever action is in the best interest of the County.
- K. Berkeley County reserves the right to not hold discussions after award of the contract.
- L. By submitting a proposal, the Firm/Company agrees that it is satisfied, as a result of its own investigations of the conditions set forth in this request, and that it fully understands the obligations set forth therein.
- M. The Firm/Company shall abide by and comply with the true intent of the RFP and its Scope of Work and shall not take advantage of any unintentional error, ambiguity or omission, but shall fully complete every part as contemplated by the true intent and meaning of the scope of services described herein. Clarifications may be requested and dealt with at the Pre-Proposal Conference.

- N. The Firm/Company hereby represents and warrants:
1. That it is now, or will be by the time its Proposal is opened, qualified to do business in the State of West Virginia and that it will take such action as, from time to time hereafter, may be necessary to remain so qualified;
 2. That it is not in arrears with respect to the payment of any monies due and owing the State, or any department or agency thereof, including, but not limited to, the payment of taxes and employee benefits, and that it shall not fall into arrears during the term of the contract; that it shall comply with all federal, State, and local laws, ordinances, and legally enforceable rules and regulations applicable to its activities and obligations under the contract;
 3. That it shall procure, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under the contract;
 4. That the facts and matters set forth hereafter in the contract and made a part hereof are true and correct.
- O. In addition to any other remedy available to Berkeley County, breach of any of the services contracted herein shall, at the election of the County Council, be grounds for termination of the contract. Failure of the County Council to terminate the contract shall not be considered or construed as either a waiver of such breach or as a waiver of any rights or remedies granted or available to Berkeley County.
- P. Hold Harmless/Indemnification: If a contract is awarded, the successful Firm/Company will be required to indemnify and hold Berkeley County, its agents and/or employees harmless from and against all liability and expenses, including attorney's fees, howsoever arising or incurred, alleging damage to property or injury to, or death of, any person arising out of or attributable to the Firm's/Company's performance of the contract awarded. Any property or work to be provided by the Firm/Company under the contemplated contract will remain at the Firm's/Company's risk until written acceptance by the County Council; and the Firm/Company will replace, at Firm's/Company's expense, all such property or work damaged or destroyed by any cause whatsoever, prior to its acceptance by the County.
- Q. Termination for Convenience: Berkeley County may terminate this or any contract, in whole or in part, whenever the County Council determines that such termination is in the best interest of the County, without showing cause, upon giving 30 days written notice to the Firm/Company. Berkeley County shall pay all reasonable costs incurred by the Firm/Company up to the date of termination. However, in no event shall the Firm/Company be paid any amount that exceeds the price proposed for the work performed. The Firm/Company will not be reimbursed for any profits which may have been anticipated but which have not been earned up to the date of termination.
- R. Termination for Default: When the Firm/Company has not performed or has unsatisfactorily performed the contract, Berkeley County may terminate the contract for default. Upon termination for default, payment may be withheld at the discretion of the

County Council. Failure on the part of a Firm/Company to fulfill the contractual obligations shall be considered just cause for termination of the contract. The Firm/Company will be paid for services satisfactorily rendered prior to termination less any excess costs incurred by Berkeley County in re-procuring and completing the work.

- S. The contractual obligation of Berkeley County under the contemplated contract is contingent upon the availability of appropriated funds from which payment for this contract can be made.
- T. Interpretation: The contract resulting from this proposal shall be construed under the laws of the State of West Virginia.

XIII. INTERPRETATIONS, DISCREPANCIES, OMISSIONS:

Should any Firm/Company find discrepancies in, or omissions from, the documents or be in doubt of their meaning, they should at once request in writing an interpretation from the County Council. All necessary interpretations will be issued to all Firms/Companies in the form of addenda to the specifications, and such addenda shall become part of the contract documents. Failure of any Firm/Company to receive any such addendum or interpretation shall not relieve such Firm/Consultant from any obligation under their proposal as submitted. Berkeley County will assume no responsibility for oral instructions or suggestions. **ORAL ANSWERS SHALL NOT BE BINDING ON BERKELEY COUNTY.** No requests received after **4:00 p.m., Wednesday, October 26, 2016** will be considered. Every interpretation made by Berkeley County will be made in the form of an addendum that, if issued, will be sent by Berkeley County to all interested parties.

LIST OF APPENDICES THAT ARE ATTACHED

Attachment A – Snow Removal Price Proposal

Attachment B – Non-Collusion Certificate



500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

DIRECT TELEPHONE: (304) 340-1251

DIRECT TELECOPIER: (304) 340-1080

E-Mail: ccallas@jacksonkelly.com

State Bar No. 12293

October 5, 2016

Via Hand Delivery

Ms. Ingrid Ferrell
Executive Secretary
Public Service Commission
of West Virginia
201 Brooks Street
Charleston, West Virginia 25323

02:53 PM OCT 05 2016 PSC EXEC SEC DIV

Re: Mountaineer Gas Company
Case Nos. 15-1256-G-390P
and 16-0922-G-390P

Dear Ms. Ferrell:

Enclosed for filing is an 8.5" x 11" version of the map that Mr. Lokant presented at the October 5, 2016 evidentiary hearing (admitted into evidence as Joint Exhibit 2).

Please file this letter and the enclosed document(s). We also ask that you date stamp the extra copy provided and return it with our messenger. As always, we appreciate your assistance.

Sincerely yours,

Nicklaus A. Presley

NAP/mv

Enclosure

cc: Linda S. Bouvette, Esq.
Robert R. Rodecker, Esq.
Jackie Roberts, Esq.
Tom White, Esq.

Lee F. Feinberg, Esq.
Susan J. Riggs, Esq.
Derrick P. Williamson, Esq.
Barry A. Naum, Esq.

To: Berkeley County Council
From: Abigail Benjamin, Esq.
RE: Scientific Concerns about the Proposed Mountaineer Gas Pipeline
Date: November 7, 2016

Scientific Concerns

- 1. Karst geology:** is a landscape feature created by the highly dissolvable limestone rock inside our county. (This feature is informally called “limestone sinkholes”) In the original 190 page permit filing to the Public Service Commission of West Virginia, Mountaineer Gas omitted all mention of Berkeley County’s unique *karst geography* until it was raised by Blue Heron Environmental Network’s expert witness. A revised map created by the Mountaineer Gas Pipeline in their permit application shows the *karst geography* of Berkeley County in light grey.

This unusual landscape feature causes an unstable ground support for pipelines, increasing the likelihood of breakage. The highly porous *karst geology* also greatly increases the potential pollution area for accidental spills. to a greater spill around of pollution

2. Potential For Pollution of the Potomac River

In our areas of West Virginia, the rivers and watershed run North, into the Potomac River. The Potomac River is the drinking water source for 6 million people in the greater Washington DC Area. Berkeley County make insure that pipeline construction will not pollute the Back Creek Watershed and other water pathways to the Potomac River.

RECEIVED
2016 NOV -7 AM 11:43
BERKELEY COUNTY COUNCIL

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NOs. 16-09-22-G-390P and 15-1256-G-390P (REOPENED)

MOUNTAINEER GAS COMPANY
SURCHARGE ON INFRASTRUCTURE
IMPROVEMENTS

DIRECT TESTIMONY
AND EXHIBITS
OF

BRENT WALLS

on behalf of

THE BLUE HERON ENVIRONMENTAL NETWORK

on Sunday, October 2, 2016

at

Maxim Reporting, LLC

64 Foal Lane, Martinsburg, West Virginia 25405

4:00 p.m.

ABIGAIL BENJAMIN, ESQUIRE

906 West Burke Street

Martinsburg, West Virginia 25401

1 water through WSSC, which draws their water directly
2 from the Potomac River.

3 Q. Thank you. How far is the Potomac River from
4 the proposed sites on this permit under Mountaineer Gas.

5 A. In some parts of the proposed pipeline route,
6 were less than a mile away.

7 Q. Thank you. I'd like to go back and talk about
8 your position about the karst geology, and specifically
9 what you said was the devastating effects. Do you have
10 any evidence to share with the commission about those
11 type of devastating effects?

12 A. Well, the evidence that I have is based on
13 some reports from various different research projects
14 that shows that there is an excessive amount of
15 transmissivity or communication between karst geology
16 and places where that water is being withdrawn. There
17 was a study done by USGS in 2002 in the Berkeley County
18 and Jefferson County area. This report showed that
19 there was a significant impact of the increasing
20 development in the area because of the septic systems
21 that were being put in the karst geology, and there was
22 a signature in several of the wells that were tested for
23 nitrate, nitrogen and bacteria. And what that shows is
24 that the karst geology can easily transmit a source of

1 pollution from one point to another point within a very
2 short period of time. Other evidence --

3 Q. Oh, I would like to pause.

4 A. Okay.

5 Q. Just to clarify, so you mentioned that the
6 karst geology has a greater risk of significant
7 pollution. Could you just spend some time to define the
8 for the non-science majors what you mean by
9 communication and pathway.

10 A. Sure. So karst geology is made up of carbonic
11 rock, and carbonic rock, limestone, dolemite are
12 examples. When water and carbon dioxide mix within the
13 rock media, it creates carbonic acid, which then
14 dissolves some of the material in the rock. And when
15 that occurs you have much, you have porous material to
16 where water can flow through the rock much faster than
17 most ground media, and this karst geology is responsible
18 for several of the caves that that we find throughout
19 this region in the Eastern Panhandle. It's also
20 responsible for several of the sinkholes that you would
21 find in other regions of the country; and so that
22 communication allows for flow from a river into the
23 karst geology. It allows for the flow of pollution that
24 goes into the karst geology to go into the river or into

1 people's drinking water wells that are within that an
2 aquifer.

3 Q. Okay. Do you -- looking at this research
4 about the septic system study for Berkeley County,
5 that's dated August 20th 2002, do you think that has
6 relevance to this pipeline permit?

7 A. I think it does have relevance to the pipeline
8 in this permit because it shows the fragile nature of
9 the karst geology. It also documents that it's in
10 several zones within this region; and so therefore
11 they're not just going to have to traverse one small
12 band. They're going to have to diverse several sections
13 of this karst geology, and there's fairly significantly
14 wide karst geology. And it shows that there's a greater
15 and greater signature of pollution.

16 Q. Thank you returning to the karst geology, did
17 you see mention of the unique geology in the Eastern
18 Panhandle reflected in Mountaineer's permit application.

19 A. I only saw it in a short few spaces, but it
20 did not go into detail of the potential hazards that
21 karst geology could pose for Mountaineer Gas pipeline.

22 Q. Thank you. Is it your opinion, expert opinion
23 that having a pipeline that's connected to the northern
24 part of the Eastern Panhandle is more or less dangerous

1 than the existing natural gas pipelines that are in the
2 southern part of the Eastern Panhandle?

3 A. It's my opinion that the northern pipeline
4 that's being proposed would be significantly more
5 dangerous than what's already there. What we have right
6 now is a pipeline that's coming up from the south which
7 is going in between karst geology; and so therefore it's
8 avoiding some of the hazards that are associated with
9 karst geology. The proposed pipeline would be going
10 through several zones of karst geology; therefore, it
11 would have several opportunities for pollution problems
12 or subsidence or sinkholes or loss of water quality in
13 the streams.

14 Q. Okay. Moving forward. Mountaineer Gas has
15 mentioned that they are interested in doing best
16 management practices to preserve the unique flora and
17 fauna arm the Back Creek watershed protection area as
18 well as other areas in the Eastern Panhandle. Could I
19 direct your attention to the Back Creek Water Protection
20 Plan and you can share with the Commission some unique
21 animal and plant species in our Eastern Panhandle
22 region?

23 A. Sure. In the Back Creek watershed there are
24 several rare and threatened endangered species. And one

Back Creek Watershed Protection Plan

West Virginia and Virginia

June 13th, 2014



Submitted to:



West Virginia
Conservation Agency

151 Aikens Center, Suite 1
Martinsburg, WV 25404

Prepared By:



GREEN & RIVERS
P.O. Box 106 Thomas, WV 26292

"Investing in Clean Water for a Healthy Life"



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ACRONYMS & ABBREVIATIONS

AOI	Area of Interest
ATV	All-Terrain Vehicle
BHEN	Blue Heron Environmental Network
BMP	Best Management Practice
CFS	Cubic Feet per Second
EPA	US Environmental Protection Agency
EPCD	Eastern Panhandle Conservation District
FFA	Future Farmers of America
FSA	Farm Service Agency
GPS	Global Positioning System
GIS	Geographic Information System
LULC	Land Use Land Cover
NRCS	Natural Resources Conservation Service
NSD	Natural Stream Design
ROW	Right of Way
RTES	Rare, Threatened, and Endangered Species
TEAM	The Easy Assessment Method
USACE	U.S. Army Corps of Engineers
USDA	United States Department of Agriculture
USGS	United States Geological Survey
UNT	Un-named Tributary
VADEQ	Virginia Department of Environmental Quality
WMA	Wildlife Management Area
WVCA	West Virginia Conservation Agency
WVDA	West Virginia Department of Agriculture
WVDOF	West Virginia Division of Forestry
WVDOH	West Virginia Division of Highways
WVDEP	West Virginia Department of Environmental Protection
WVDNR	West Virginia Division of Natural Resources
WWTP	Waste Water Treatment Plant

INTRODUCTION

Purpose of Report

This Back Creek Watershed Protection Plan is a framework for stakeholders to become more familiar with the water quality issues within the Back Creek Watershed. It is a starting point to focus restoration efforts and enable financial and technical assistance to facilitate improvement strategies and restoration projects in the Back Creek Watershed. This plan is designed to be an evolving document and can be modified to include new data as it becomes available. This restoration process should be assisted by relevant state and local governmental agencies.

This document can be utilized by state agencies or stakeholders to secure funding to implement solutions and protect key conservation areas. Public outreach efforts can be recommended by identifying key water quality issues and their causes. Local Best Management Practices (BMPs) as well as direct aquatic restoration efforts will help the local water resources. This Plan will address concerns related to overall watershed health. The results will identify critical resources to protect (e.g. high-priority forested lands), potential sites to restore (e.g. severely eroding streambanks). This plan will also recommend conceptual solutions, an implementation framework, cost estimates, and a method for evaluation.

The report focuses on the following watershed elements and data:

- The unique forested nature of the watershed and the threatened and endangered species that depend on the water resources of this valley, such as the federally endangered plant harperella (*Ptilimnium nodosum*), wood turtle, eastern cricket frog, green floater mussel, and recently noted freshwater sponge (not yet identified) (WVDNR Natural Heritage Program, 2012; Vilella and Nelson, 2008).
- WV Save Our Streams field data gathered by BHEN (WVSOS, 1998-2012).
- Water quality data collected by WVDEP Watershed Assessment Branch and Virginia Department of Environmental Quality.
- Two workshops facilitated by Green Rivers, LLC in order to gather valuable stakeholder input.
- Forestry prioritization maps generated by the WVDOF (Peddicord and Harouff, 2012).
- A stream assessment conducted by WVDEP identifying and prioritizing streambank and riparian area restoration opportunities (Hartman and Cochran, 2012).
- GIS data analysis of land use, impervious surface, core aquatic habitats, agricultural stream buffers and other relevant information.
- Berkeley County Comprehensive Plan 1990 and 2006 Update (Berkeley County Planning Commission, 2006).
- Building upon existing Berkeley County Storm Water Management Ordinance and Subdivision and Land Development Ordinance.

Area of Interest

The Back Creek Watershed, flowing in Berkeley and Morgan Counties, West Virginia and Frederick County, Virginia is comprised of distinctive, high-quality, cold and warm water streams, and unique shale bedrock outcrop topography. Back Creek is one of the few watersheds in the eastern panhandle that does not have water quality impairments on the WV 501 (c) 3 list of impaired waters. Back Creek flows north from the headwaters until it joins the Potomac River near McCoy's Ferry (on the Maryland side

along the Chesapeake and Ohio Canal). Back Creek is part of the Chesapeake Bay Watershed and drains 274 square miles at the confluence with the Potomac River. Back Creek is identified by its HUC-10 number 0207000404, and further broken into nine HUC-12 sub-watersheds: Outlet Back Creek, Tilhance Creek, Elk Branch-Back Creek, Warm Springs Hollow-Back Creek, Brush Creek-Back Creek, Isaacs Creek-Back Creek, Mine Spring Run-Back Creek, Babbs Run and Hogue Creek ([Figure 1](#)).

Back Creek is described by WV Division of Natural Resources (WVDNR) as a “High Quality Recreational Stream” for fishing, swimming, canoeing, and kayaking. Additionally, the American Whitewater Association (AW) describes a portion of Back Creek from Route 9 Bridge in Hedgesville to the confluence of the Potomac River as “Class II Whitewater”. Beginning in 1982, AW considered this section a candidate for Wild and Scenic River designation. Since then, the Blue Heron Environmental Network (BHEN) has been collecting data to formally establish Back Creek as a Wild and Scenic River. This watershed is partially positioned atop karst geology and hydrology ([Figure 2](#)). The landscape within the area is diverse, ranging from fertile farmland throughout the valley bottom, to steep forested areas, to housing developments in the northeast portion of the watershed—all within one of the state’s most rapidly growing counties between 2000 and 2010 (US Census Bureau).

The Back Creek Watershed is unique in its large areas of undeveloped and forested land. Rare, threatened, and endangered species (RTES) have been documented in ecosystems throughout the WV portion of the watershed, including unique, shale barren ecosystems.

Plants include harperella (*Ptilimnium nodosum*), Shale Barren Goldenrod (*Solidago arguta* var. *harrisii*), Northeastern Bulrush (*Scirpus ancistrochaetus*), Downy Arrow-wood (*Viburnum rafinesquianum*), False Hop Sedge (*Carex lupuliformis*), Branching Bur-reed (*Sparganium androcladum*), Grass Leaved Sedge (*Juncus biflorus*), Hairy Rock-cress (*Arabis hirsuta* var. *pyncocarpa*), Spotted Pond Weed (*Potamogeton pulcher*), Sweet-scented Indian Plantain (*Hasteola suaveolens*), Marsh Speedwell (*Veronica scutellata*), Kate’s Mountain Clover (*Trifolium virginicum*), Rusty Woodsia (*Woodsia ilvensis*), Water Pimpernel (*Samolus valerandi* ssp. *parviflorus*), Whorled Coreopsis (*Coreopsis verticillata*), Shale Barren Primrose (*Oenothera argillicola*), Sharp-scaled Manna-grass (*Glyceria acutiflora*), and Pussytoes Ragwort (*Packera antennariifolia*).

Mammals include the Allegheny Wood Rat (*Neotoma magister*), Least Shrew (*Cryptotis parva*), Meadow Jumping Mouse (*Zapus hudsonius*), Southern Pygmy Shrew (*Sorex hoyi winnemana*), and Black Vulture (*Coragyps atratus*).

Fish, Reptiles and Amphibians include the Tessellated Darter (*Etheostoma olmstedi*), Northern Red-bellied Cooter (*Pseudemys rubriventris*), Northern Red Salamander (*Pseudotriton ruber*), Wood Turtle (*Glyptemys insculpta*), and Eastern Cricket Frog (*Acris crepitans crepitans*).

Other invertebrates include Cooper’s Cave Amphipod (*Stygobromus cooperi*), and Jane’s Meadowhawk (*Sympetrum janeae*).

In the Virginia portion of the watershed the Wood Turtle has been documented in all sub-watersheds, except Isaacs Creek; and the Appalachian Springsnail (*Fontigens bottimeri*) has been documented in the Hogue Creek sub-watershed.

In 2008, a mussel survey of the WV mainstem of Back Creek was submitted by USGS to the WVDNR. The document contains detailed descriptions of stream channel characteristics and aquatic fauna present

during the survey. The survey indicates the presence of seven mussel and four turtle species. The document is an excellent reference to describe the unique habitats and fauna of the watershed as well as morphological characteristics of stream reaches (Villella and Nelson, 2008).

Stakeholder Process

For the purposes of this project, a stakeholder is defined as any individual or group directly or indirectly affected by activities pertaining to water quality within the Back Creek Watershed, such as landowners, businesses, municipalities, county governments, nonprofit organizations, and state and federal agencies.

BHEN, an established local stakeholder group, has demonstrated their commitment to the Back Creek watershed by completing several successful initiatives along Back Creek. BHEN has conducted numerous litter clean-ups, on-going water quality monitoring and environmental education initiatives, and was a driving force in removing a low water crossing in order to construct the Allensville Memorial Bridge.

Stakeholders met at two open meetings to compile local knowledge of the watershed, share concerns about issues facing the watershed, and prioritize conservation and restoration needs in the watershed. These meetings were conducted on August 8th and September 12, 2012. Additionally, relevant state, local and non-governmental organizations with knowledge and interest in the watershed were included in the stakeholder process including WVDEP Nonpoint Source Program, WVDEP Basin Coordinator, NRCS, Farmland Protection Board, WVDNR, Freshwater Institute, Cacapon Institute, BHEN, VADEQ, and the Potomac Conservancy.

For a complete list of the attendees at each of the stakeholder meetings and a summary of the meeting notes and discussion, please refer to the Appendices section.

Berkeley County Comprehensive Plan

The original Berkeley County Comprehensive Plan was developed in 1990. However, the Berkeley County Comprehensive Plan Update was developed in 2006. The Plan brings together a range of information to guide future development in Berkeley County, including: demographics, growth trends, land use analysis, and natural and cultural resources. Many of the conclusions and recommendations from the plan are relevant to this Back Creek Watershed Protection Plan and are included in this report. Furthermore, the Berkeley County Comprehensive Plan has been approved at a county level by the Berkeley County Planning Commission, who has legal authority over development ordinances. The 2006 Update contains 9,825 acres of land designated for high density development which will increase impervious surfaces and is not conducive to watershed protection ([Figure 3](#)). This protection plan recommends amending the Comprehensive Plan to eliminate high density development areas in the watershed. The 100 year floodplain coincides with the designated natural resource conservation area shown on the Berkeley County Comprehensive Plan's Growth Management Map with the exclusion of the Sleepy Creek WMA on the western edge of the watershed and therefore should be considered a focus area for protection.

Current Water Data Inventory

- WVDA collected water quality data monthly at the low water bridge on Back Creek from 1/30/2003– 10/27/2004. Water was tested for temperature, dissolved oxygen, pH, conductivity,

nitrate, nitrite, total phosphorous, ammonia and total suspended solids and can be seen in [Table 1](#).

- WVSOS data from the Blue Heron Environmental Network can be seen in [Table 2](#).
- WVDEP data from the Nonpoint Source Division for Escherichia coli, metals, temperature, turbidity, benthic macroinvertebrate (biological), and nutrients can be seen in [Tables 3-9](#).
- A summary of baselines conditions in Back Creek and Tihance Creek is shown in [Table 10](#).
- VADEQ data for benthic macroinvertebrate (biological) monitoring can be seen in [Table 11](#).
- A map showing the 303 (d) List of Impaired Waters of Virginia stream segments can be seen in [Figure 4](#).

GIS ANALYSIS

Preserving the forested areas of the watershed and key wetland and aquatic resources from development are key priorities of this protection plan. GIS analysis was used to provide maps that prioritize parcels for conservation. These maps can be used as a framework to direct conservation efforts to the high priority areas. Currently, there are 1,694 acres within the WV portion of the watershed protected through the Berkeley County Farmland Protection Board and Conservation Easements. Additionally, Sleepy Creek WMA contains 6,760 acres of protected land. In the Virginia portion of the watershed, there are 2,464 acres of land in Conservation Easements.

Forest Parcel Preservation Prioritization

WV Division of Forestry created GIS maps identifying and prioritizing forested parcels within the watershed for protection. A complete description of the rationale and data management processes for these maps can be found in the Appendix. A map showing forested property parcels color coded by their conservation priority value can be seen in [Figure 5](#). Protection of the high and medium priority forest parcels is an important part of preserving the water quality and ecological assets of the Back Creek Watershed and preventing increased flooding and erosion.

Land Use Analysis

Green Rivers utilized 2006 Land Use Land Cover (LULC) data developed by the Multi-resolution Land Characteristics Consortium to analyze land use in the Back Creek Watershed. The data was analyzed to divide land use into seven (7) categories: Forested, Developed Areas, Agriculture, Grasslands, Wetlands, Open Water, and Barren. The acreage and percentage in each land use category for the entire watershed and for the respective WV and VA portions of the watershed was then determined. The total area of the watershed is 175,190 acres of which 75% is Forested, 6.6% is Developed Areas, 18% is Agricultural, and less than 0.4% combined for Grassland, Wetland, Barren, and Open Water areas. The total area of the watershed in WV is 67,927 acres of which 79% is Forested, 4.5% is Developed Areas, 16% is Agricultural, and less than 0.5% combined for Grassland, Wetland, Barren, and Open Water areas. The total area of the watershed in VA is 107,339 acres of which 72% is Forested, 8% is Developed Areas, 19% is Agricultural, 0.6% is Open Water, and less than 0.4% combined for Grassland, Wetland, and Barren ([Figures 6-7](#)). The major trends in the land use analysis show the largest percentage of land as forested area, agriculture as the second largest, and a low percentage of developed area within the watershed. Based on this analysis, preserving the forested nature of the watershed, limiting high density development, and implementing BMPs on agricultural lands are the main strategies for protection of the Back Creek Watershed.

Aquatic Habitat Preservation Prioritization:

Green Rivers created GIS maps identifying and prioritizing parcels that contain important, core aquatic and wetland habitats, and the presence of RTES. The analysis utilizes data sets created by the Conservation Fund's Freshwater Institute which show areas of core aquatic habitat, core wetlands, and wetland connective corridors in the watershed. RTES data was provided by WVDNR's Natural Heritage Program and shows documented locations of these species within the watershed. Back Creek has long been known for its exceptional aquatic diversity and the presence of RTES. The preservation of habitat for these unique species and preservation of key wetland and aquatic habitats is important to protecting the water quality and biodiversity in Back Creek (Figures 8-12). Highest Priority Parcels contain the 100 Year Floodplain and or Core Wetlands. High Priority Parcels contain RTES, Wetland Corridor, and Core Aquatic Habitat areas. Medium Priority Parcels contain two out of the RTES, Wetland Corridor, and Core Aquatic Habitat areas. Lower Priority Parcels contain one out of the RTES, Wetland Corridor, and Core Aquatic Habitat areas. It should be noted that many of the high priority parcels for habitat conservation are located near the confluence of Back Creek with the Potomac River. Much of this area has been designated as a Growth Area and High Density Development Area in the 2006 Berkeley County Comprehensive Plan (Figure 3). These properties should be preserved as soon as possible to prevent development. In the meantime, an overlay of high priority preservation parcels should be added to the Comprehensive Plan to add protection mechanisms for these areas.

BERKELEY COUNTY ASSESSOR INFORMATION:

Tax Map Disclaimer: "Tax Maps are **FOR TAX PURPOSES ONLY**. The tax map was compiled for purposes of taxation from available record evidence and has not been field verified. This map is not a valid survey plat and the data on this map does not imply any official status to such data. The State of West Virginia and county assessor's office assume no liability that might result from the use of this map."

Tax Map Restriction: "All tax maps created under the provisions of reappraisal legislation are the property of the Berkeley County Assessor and the reproduction, copying, distribution, or sale of such maps or any copies thereof without written permission of the Berkeley County Assessor is prohibited by law."

Figures 5, 10-13, and 16-18 of this report contain Berkeley County Tax Maps provided by the Berkeley County Assessor and are subject to the above Disclaimer and Restrictions.

SOURCES OF POINT SOURCE POLLUTION

NPDES Permits

The NPDES Permit system was created under the Clean Water Act as a mechanism for tracking pollutant discharges from facilities into our nation's waterways. All facilities that discharge into a water of the United States must apply for a NPDES permit. NPDES permit information is available via the EPA's Enforcement and Compliance History Online (ECHO) website (http://www.epa-echo.gov/echo/compliance_report.html). Information available includes the history of inspection dates, compliance and violation history, and a list of the amount and type of pollutants allowed through the NPDES permit.

In the WV portion of the Back Creek Watershed, the Woods Subdivision WWTP and LCS Services Landfill are the NPDES permits of greatest concern. The Woods WWTP has recent history of violations while the discharge from the Landfill has been brought up as a concern by stakeholders. In VA, the UNIMIN Sand Plant has a history of releases of the chemical petroleum sodium sulfanate which have caused fish kills (Houff, 2000). There are also several WWTP discharges in the VA portion of the watershed which include schools and housing developments. Volunteer monitoring at NPDES discharge points can be used to alert WVDEP to issues and prompt NPDES inspections.

SOURCES OF NONPOINT SOURCE POLLUTION

Streambank Erosion & Sediment

Unstable streambanks are present throughout the Back Creek Watershed. Problems associated with streambank erosion include increased sedimentation leading to high turbidity, suspended sediment, sedimentation of the stream substrate leading to reduced aquatic habitat, and a loss of valuable land. Sedimentation occurs when soil is washed from the land or streambanks into the streams, and is deposited on the stream bed. Erosion can be natural, but is greatly accelerated when land is disturbed without proper best management practices when houses are built, fields are plowed, and hills are logged (Petty and others, 2005). The use of herbicidal sprays to keep right of ways clear is another concern. The soils in Back Creek are prone to erosion, making this an important issue for Back Creek. An increase in impervious surfaces in the watershed would lead to increased flooding frequency and severity, further increasing erosion.

In order to quantify sedimentation in the entire Back Creek Watershed, an inventory of eroded streambanks is needed. However, a comprehensive inventory of eroded streambanks along the mainstem of the WV portion of Back Creek was completed in summer 2012 by WVDEP as part of the Watershed Protection Plan Development. DEP staff waded and floated the mainstem documenting erosion using TEAM methodology (Adolfson and others, 2012). This inventory showed 28 areas of slight erosion, 120 areas of moderate erosion, and 66 areas of severe streambank erosion. The eroded streambank inventory was mapped to show the physical location and severity of erosion sites ([Figure 13](#)). This map should be used to identify locations to perform stream surveys and to develop stream restoration conceptual designs. These projects should be prioritized based on two major factors: (1) the project's potential to reduce sedimentation, and (2) landowner willingness to see the project to successful completion. Other prioritization matrices to be used should include the following: (a) potential to reduce bacteria; (b) potential for training and public outreach; (c) potential for matching funds and in-kind donations; (d) potential for overall success; and (e) physical conditions, including water quality, channel scouring and sediment deposition, channel stability, riparian habitat conditions, stream type, and stream slope characteristics. Future inventorying of eroded streambanks in tributaries to Back Creek is suggested in the Monitoring section of this Plan. This will allow for a wider selection of restoration sites in the watershed.

There are a total of 1,384 mi of streambank within the entire Back Creek Watershed of which 69 miles are mainstem in the WV portion (USGS, 2011). The total length of eroded streambanks along the WV portion of the mainstem of Back Creek is estimated to be 25,079 ft or 4.75 mi (7%). From the Virginia border to just past the confluence with Tub Run, Back Creek streambanks have low areas of erosion although very high levels of fine sediment deposition were observed on the streambed near the Virginia border. One of the heaviest concentrations of eroded streambanks is the relatively straight

section of Back Creek's mainstem upstream and downstream of the confluence with Elk Branch. The mainstem then becomes sinuous down to the Potomac River and exhibits frequent areas of high erosion. Here, implementation of NSD projects will be less effective due to the creek's low gradient and establishing a permanent, vegetated riparian zone is the recommended management measure ([Figure 13](#)).

Littering

Litter in the streams, especially tires, was identified as a common source of water quality pollution. The dumping of bags of trash and tires from vehicles over inclines into the floodplain where the refuse will be carried into the river system is estimated to be the largest source of litter. The unexpected closure of the landfill on Saturdays due to maximum waste acceptance levels may cause people who show up with loads of trash to dispose of them illegally when they find the landfill closed (Stakeholder Meeting, 2012). Litter also comes from fishing supplies, food, drink, and tobacco product wrappers, and other garbage left by passing motorists and recreational users of the creek. The Allensville Bridge and Rt. 9 Bridge are high litter areas. The WVDEP Make It Shine program is an excellent program which can assist in cleaning up existing litter and raising local awareness of the issue. Illegal dumping and littering can be reported to the WVDNR and WVDEP enforcement divisions. Relevant contacts are shown in [Tables 13](#) and [16](#).

Fecal Coliform

Fecal coliform comes from human and animal sources and can be a hazard to human health. Failing septic systems, straight pipes, improperly operating wastewater treatment plants, agricultural operations, and wildlife are all potential sources of fecal coliform.

According to WV's water quality standards the "Maximum allowable level of fecal coliform content for Primary Contact Recreation shall not exceed 200 counts/100ml as a monthly geometric mean based on not less than five samples per month; nor to exceed 400 counts/100ml in more than 10 percent of all samples taken during the month." For a complete explanation of WVDEP's fecal coliform monitoring and decision rationale please see the Appendix.

Of the thirty-four (34) in-stream fecal coliform data points collected by WVDEP from June 1998 through May 2008, four (4) data points exceeded 400 cfu/100 mL ([Table 5](#)). These monitoring locations are in the mainstem of Back Creek, Tihance Creek, an UNT of White's Run, and Tub Run ([Figure 14](#)). Based on WV's water quality standards, Back Creek and its tributaries have limited data and are not listed on the State's 303d list for fecal coliform.

Virginia designates all of its waters for primary contact; therefore, all waters are required to meet the bacteriological criteria for this use. The criterion applies to all flows. The *E. coli* criteria requires a geometric mean concentration of less than 126 cfu/100 ml of water with no sample to exceed 235 cfu/100 ml of water. In the Back Creek Watershed, Hogue Creek, Little Isaacs Creek, Babbs Run and Parish Run are all listed on the Virginia Section 303 (d) List of Impaired Waters for bacteriological impairments ([Figure 4](#)). Hogue Creek has a TMDL for reduction of bacteria that was approved by USEPA in 2007 (Capacasa, 2007).

Roads, Bridges, Recreational Vehicles

Roads create impervious surfaces and are sources of petroleum residue, litter and sediment that can impact water quality. Dirt roads and the clearing of roadside ditches to bare dirt can be significant sediment contributors. Roads in the Back Creek Watershed should be inventoried and prioritized

according to their maintenance needs and pollution potential. This project would be a great undertaking for local research initiatives by volunteers, academics or state agencies. Pennsylvania has a statewide program to combat pollution from dirt and gravel roads that is run through the Center for Dirt and Gravel Road Studies at Penn State University. Publications from this program about methods for environmentally sensitive road management and construction can be found at http://www.dirtandgravel.psu.edu/Resources/technical_bulletins.html. The Forest Service also has a "Field Guide for Environmentally Sensitive Maintenance of Unpaved Roads" available for download at http://www.fs.fed.us/eng/php/library_card.php?p_num=1177%201802P. These materials are excellent resources for any future attempts to inventory and alleviate pollution from dirt and gravel roads in the watershed.

Bridges alter stream hydrology and can create stream scour, sediment deposition, bank erosion, and debris dams. In cooperation with the VA and WV Departments of Transportation, bridges in the Back Creek watershed should be inventoried by their type and older "box culvert" style bridges should be replaced with span bridges when they are scheduled for replacement.

ATV and 4WD drive vehicles driving in the stream bed was brought up as a concern by stakeholders. There are areas in the watershed where these activities are destabilizing streambanks, destroying riparian vegetation and causing sedimentation. Allensville Rd. was identified as a hot spot for ATV use along Back Creek. Continued identification of problem areas and contact with landowners is recommended. Once landowners have been contacted, access ramps can be closed, signage can be posted and law enforcement called when violations occur.

Impervious and Developed Areas

The increase in impervious surface and loss of natural habitat from development transports pollutants such as oil and gasoline from motor vehicles into the creek, increases the frequency and severity of flood events, and reduces the replenishment of the water table. Sedimentation is directly linked to development, which can be quantified by the area of impervious surfaces as found by Petty and others (2005). Imperviousness is an important indicator of water quality, and the quantification of imperviousness threshold levels directly assists in understanding the negative effects of urban runoff on in-stream water quality (Arnold and Gibbons, 1996; Brabec and others, 2002).

Research indicates that streams in catchments with greater than 10% imperviousness have a higher likelihood of experiencing water quality degradation. Common thresholds include catchments that are protected (less than 10%), impacted (10-30%), and degraded (greater than 30%) (Arnold and Gibbons, 1996; Brabec and others, 2002). A more recent tool describes streams with catchments at 8-10% imperviousness as stable but with erosion apparent. This tool also notes a threshold of 20%, at which stream substrate quality decreases and erosion is active (CWP, 1998; 2004). The Back Creek Watershed contains less than one (1) percent impervious surface and therefore, all measures should be taken to maintain this high quality status.

A GIS analysis of impervious surface in the Back Creek Watershed showed a total of 1,169 impervious acres out of 175,219 total acres or 0.67%. In the Virginia section of the watershed, the percentage was 0.86% and in the WV section it was 0.37% (Figure 15). These are low numbers, particularly in comparison to the high growth rate of Berkeley and Frederick Counties. The Back Creek Headwaters, Isaacs Creek, Hogue Creek, and Babbs Run watersheds in Virginia show the highest imperviousness. Expansion of development from Winchester can be seen in the eastern portions of the Babbs Run and

Hogue Run watersheds. In WV, Tilhance Creek watershed and the area bordering Hedgesville show the highest imperviousness. Implementation and enforcement of stormwater ordinances are important parts of the Watershed Protection Plan and will prevent a significant increase in impervious surfaces.

Agriculture

Agricultural activities can be sources of fecal coliform, nutrients, and pesticides and cause erosion and sedimentation. There are currently 554 acres under nutrient management plans in the WV portion of the Back Creek Watershed (Barnes, 2012). Using land use data, a total of 12.4 miles of streams within the WV portion of the watershed and 28.3 miles within the VA section of the watershed border agricultural lands ([Figures 16-18](#)). These agricultural lands provide locations to implement BMPs and for land conservation in high priority riparian areas. This type of conservation will build upon the Berkeley County Farmland Protection Board's and Potomac Conservancy's success in implementing conservation easements in the watershed.

Residual Arsenic Pesticides

A map of historic apple orchard locations in the Back Creek Watershed shows areas that have the potential for arsenic soil contamination ([Figure 2](#)). The orchard locations are based on GIS data derived by USGS from air photos and topographic maps prepared using information from the time period of extensive use of arsenical pesticides between the 1920s and 1960s. An orchard's presence in this data set does not necessarily indicate the use of arsenical pesticides on the site or that elevated arsenic and metal concentrations are present. Arsenical pesticides may have been used on part, or none, of the land and, under current land use, the land may have been remediated and no longer contain elevated arsenic and metal concentrations in soil (Larkin et al, 2006). Future use of these lands should include Phase I and Phase II environmental site assessments to ensure that any contamination is properly disposed of and not released into the watershed.

LOAD REDUCTIONS

With the exception of Hogue Creek, a TMDL has not been developed for streams in the Back Creek Watershed and existing water quality monitoring data shows that water quality standards for their designated uses are being met. Since water quality criteria are being met in the watershed, this plan focuses on preservation of the exceptional resources of the watershed. "If a TMDL has not yet been developed, the plan (Watershed Protection Plan) should be designed to attain water quality standards if possible, in addition to other environmental goals. If implementation of the watershed plan successfully addresses water quality impairments, a TMDL may not be needed" (EPA Watershed Plan Development Handbook, 2008). Reductions of bacterial loading in listed streams, continued attainment of all other water quality standards, and habitat conservation goals can be attained by implementing specific BMPs listed in this Plan. BMP implementation's effects can be measured using project specific load reductions and other criteria independent of an established TMDL. In the future, if a TMDL is developed for Back Creek, the project specific load reductions and other criteria can be merged into the TMDL.

In the VA portion of the watershed, a TMDL for Hogue Creek was approved by USEPA in 2007. The TMDL calls for reductions in fecal coliform to meet primary contact impairments. A description of the load reductions called for in the Hogue Creek TMDL is located in the Water Quality section of this report ([Table 12](#)). Load reductions will be realized through implementation of agricultural BMPs, removal of straight pipes, repairs and upgrades to failing septic systems, and upgrades to wastewater treatment

plants as needed throughout the watershed. VADEQ continues to monitor bacteria load reductions in Hogue Creek as the TMDL is implemented (Capacasa, 2007).

The following load reductions are for watershed wide implementation of agricultural BMPs. Based on the GIS analysis shown in Figures 16-18, in the Back Creek Watershed there are 196 stream segments within agricultural lands in WV totaling approximately 65,350' and 373 stream segments in VA totaling approximately 149,208'. Load reductions were calculated assuming BMPs of cattle exclusion fencing, a 35' riparian buffer on all stream segments, and one stream crossing and one alternative watering source per 1,000' of stream. Sediment load reduction for cattle exclusion fencing and 35' riparian buffers is estimated at 75% and 56%, respectively. (Chesapeake Bay Program, 2007) This results in an 89% total sediment load reduction by assuming the riparian buffer will reduce the remaining post fencing load of 25% by an additional 56%.

Stormwater and low impact development BMP implementation can achieve a wide range of load reductions depending on the practices implemented. Runoff reduction rates range from 0-90% and total phosphorus reduction rates range from 0-75% for individual practices. Multiple practices can be paired on one site to achieve higher load reductions at that site. Table 17 shows the respective load reductions for individual stormwater and low impact development BMPs. The table is for use in the Runoff Reduction Method, "an innovative system for stormwater design that focuses on Best Management Practices' (BMPs) capacity to reduce overall runoff volume as well as remove pollutants. The method also incorporates built-in incentives for Low Impact Development, such as preserving forests and reducing soil disturbance and impervious cover. The CWP and CSN have also been working with the Virginia Department of Conservation and Recreation (DCR) to integrate the Runoff Reduction method into proposed stormwater regulations and updated stormwater management handbook, and have developed Excel-based calculators for estimating runoff reduction for new development and redevelopment."(Region 9) The full suite of tools for planning and calculating site specific load reductions can be accessed from the Region 9 website at <http://www.region9wv.com/bay/LIDtools.html>.

Natural Stream Design project implementation to reduce sedimentation from bank erosion can be expected to achieve load reductions of 25%. (Zegre, Gaujot)

As a tributary to the Chesapeake Bay, any load reducing actions in the Back Creek Watershed will contribute to the load reductions set forth in the Chesapeake Bay Phase II Watershed Implementation Plan for WV. The entire document can be accessed here: http://www.wvca.us/bay/files/bay_documents/253_WV_WIP_Final-Phase_II_03292012.pdf. It contains useful information on recommended management measures and expected load reductions.

RECOMMENDED MANAGEMENT MEASURES

Preservation & Conservation

Protection of forest, wetland, and farmland properties is seen as a key component in the protection of water quality in Back Creek. Conservation easements are one of the major tools that can be used to ensure property remains in its current development status into the future. Easements are legal documents placing a property in protection while allowing for continued use of the property for managed timber harvest, light residential housing for family members, as well as other uses as determined by the landowner. The easement is placed in the care of a managing entity who is charged

with making sure the easement is followed. A challenge in using easements to reach watershed protection goals is they are voluntary on the part of the landowner. The most important parcels for conservation of forested lands, wetlands, RTES, and core aquatic habitat can be seen in the prioritization maps ([Figures 5](#) and [12](#)). Utilizing the overlain Berkeley County Tax Map data, measures will be taken to approach applicable landowners about entering into easements on their property. Using landowners with existing easements to approach their neighbors about entering into a similar easement will be used as an effective method of landowner communication (Emily Warner, Potomac Conservancy, August 2012 Stakeholder Meeting). Existing conservation easements in WV can be seen in [Figure 12](#) while conservation easements in VA can be seen in [Figure 4](#).

State and Federal Governmental Agencies, as well as non-profit conservation groups offer a variety of easement mechanisms. A description of applicable easements and their administrative entities are provided below and in [Table 14](#).

- West Virginia Land Trust: www.wvlandtrust.org
- Cacapon and Lost River Land Trust: www.cacapon.org
- Potomac Conservancy: www.potomac.org
- Land Trust of the Eastern Panhandle: www.landtrustepwv.org
- Greenbrier Land Conservation Trust
- The Nature Conservancy: www.nature.org
- Trust for Public Land: www.tpl.org
- National Committee for the New River: www.ncnr.org
- Statewide Farmland Protection Authority: www.wvfarmlandprotection.org
- Berkeley County Farmland Protection Board: www.wvfarmlandprotection.org/co_berk_main.cfm
- Forest Legacy Program: www.wvforestry.com/forest_legacy_program.cfm

Planned and Low Impact Development

Zoning and ordinance enforcement are another mechanism that will direct development away from high priority preservation areas ([Figures 5](#) and [12](#)) and prevent increases in impervious surfaces ([Figure 15](#)). Much of the watershed is rural and without municipal influence. Therefore, ordinances must originate at the county level with the Berkeley County Planning Commission. The Berkeley County Comprehensive Plan 2006 Update's Planned Development analysis has designated a Natural Resource Protection land use for the 100 year floodplain of Back Creek ([Figure 3](#)). Currently many of the large parcels near the confluence of Back Creek and the Potomac which are identified as high priority preservation because of RTES and core aquatic habitat are designated for High Density Development in the Comprehensive Plan. The Comprehensive Plan should be amended so the high priority forest and aquatic habitat preservation parcels identified in [Figures 5](#) and [12](#) are designated Natural Resource Protection land use, although this may be challenging due to development pressure.

Morgan County USA

News from Morgan County, West Virginia

West Virginia Senate Rules Committee Moves to Ban Marcellus Waste from Eastern Panhandle

Posted on October 21, 2014 by Editor

The West Virginia Legislative Rule Making Committee yesterday moved to close a loophole in state law that would have allowed radioactive Marcellus shale waste into the LCS Services Landfill in Hedgesville, West Virginia.

The Committee unanimously passed a rule that provides that “a commercial solid waste facility that is located in a county that is, in whole or in part, within a karst region as determined by the West Virginia Geologic and Economic Survey, may not accept drill cuttings and drilling waste generated from horizontal well sites.”



(From left to right: Senator John Unger, Senator Herb Snyder, William Madert (Jefferson County Solid Waste Authority), Clint Hogbin (Berkeley County Solid Waste Authority), Senator Donald Cookman)

The Eastern Panhandle is a karst region.

Karst topography is a landscape formed from the dissolution of soluble rocks and is characterized by underground drainage systems with sinkholes, dolines, and caves. It is porous and exceptionally vulnerable to water contamination and pollution.

Clint Hogbin, chairman of the Berkeley County Solid Waste Authority, said that the passage through the committee was a “giant step forward,” but warned that the rule was not final until the full Senate and House pass it. They will take it up when the new legislature convenes in January 2015.

Hogbin says that the LCS Services landfill has yet to accept Marcellus waste and that it is unlikely that it will before the legislature takes up the measure in January.

Hogbin attended the Committee meeting yesterday along with William Madert of the Jefferson County Solid Waste Authority.

The Committee is comprised of six Senators and six members of the House of Delegates.

The Committee is chaired by Senator Herb Snyder (Jefferson County). Senator John Unger (Berkeley County) also sits on the committee.

Hogbin said he was concerned about Pennsylvania fracking waste finding its way down I-81 into the LCS Landfill in Berkeley County. He said that fracking waste from West Virginia is currently being disposed of in five landfills.



Hogbin said that the Waste Management landfill in Harrison County takes in more Marcellus waste than the rest of the state landfills combined take in regular garbage waste.

Earlier this year, the West Virginia legislature passed a law — HB 107 — that allowed the industry to dump unlimited amounts of drilling wastes in segregated cells at certain municipal waste landfills.

The law also allows municipal waste landfills without special cells — like the Eastern Panhandle's only landfill — the LCS Services Hedgesville landfill — to accept Marcellus waste — but it cannot exceed its tonnage limits.

Hogbin says that the Hedgesville landfill has yet to accept any drilling waste, but it nevertheless has the legal authority to do so, even though it sits atop a significant karst region.

Hogbin said that Senator Donald Cookman (Hampshire) first identified the loophole and tried to close it earlier this year, but his efforts were turned back by the House of Delegates.

Cookman then began pushing for a rulemaking fix.

Yesterday, Cookman praised the work of the rules committee.

“It was imperative that the Legislative Rule-Making Committee pass the provision in order to further protect West Virginia’s water,” says Cookman. “I vow to continue working with my fellow lawmakers and the citizens of this great state to make sure West Virginia’s waters remain pure and free of pollution.”

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Morgan County USA

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AN EXPERT REPORT ON
**GEOLOGIC HAZARDS IN THE
KARST REGIONS OF VIRGINIA
AND WEST VIRGINIA**

Investigations and Analysis Concerning the
Proposed Mountain Valley Gas Pipeline



Ernst H. Kastning, Ph.D., P.G.

July 3, 2016



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Proposed Mountain Valley Gas Pipeline

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Protect Our Water, Heritage, Rights (The POWHR Coalition)
www.powhr.org

July 3, 2016

Executive Summary

The proposed corridor of the Mountain Valley Pipeline (MVP) passes through a significant area of karst as it crosses the mountainous Valley and Ridge Province (the Appalachian Fold Belt) in Summers and Monroe counties, West Virginia and Giles, Craig, Montgomery, and Roanoke counties in Virginia. Karst is a landscape that is formed by the dissolving of bedrock. Severe karst can create hazards for structures that are built on or across it. The environment, both on the surface and in the subsurface, is more easily degraded in karst than in most other terrains. Karst poses severe constraints on engineering, construction, and maintenance of large-scale structures built upon it or across it. Moreover, the karst in this mountainous region is much different than that in other areas. Siting a pipeline through the Appalachian karst poses significantly greater hazards than in karst areas where the terrain has lower topographic relief.

Karst is a critical factor in siting and management of a high-pressure gas pipeline such as the one proposed. However, other potential hazards such as land instability, weak soils, and potential seismicity are also highly significant in this region. When two or more of these elements act together, the resulting environmental threat from the pipeline is compounded and exacerbated.

The conclusion of this report is that the karst and associated hazards constitute a serious incompatibility with the proposed pipeline. The effect of these threats on the emplacement and maintenance of the line, as well as the potential hazards of the line on the natural environment, renders this region as a 'no-build' zone for the project.

Report Contents

The first two sections of this report are included as a summary of karst and its occurrence in the central Appalachian region. The first section provides a brief overview of the nature of karst and how it works as a system, including sinkholes, caves, integrated groundwater flow networks, and the inseparable relation between surface water and groundwater. The second section describes attributes of karst specific to the region of concern, namely the geologic fold belt constituting the central Valley and Ridge Province of Virginia and West Virginia.

Environmental issues and concerns relative to the proposed pipeline are identified and discussed in detail in the third section. Groundwater contamination is a concern related to construction of the pipeline as well as to its operation. Sinkhole collapse may occur where groundwater patterns are altered and in fill used in burying the pipe (the process of suffosion). Erosion of denuded land is likely, and steep slopes underlain by weak soils may become unstable and lead to soil creep and landslides. The threat of this hazard is exacerbated within the Giles County Seismic Zone, an area of enhanced seismic risk that is traversed by the propose pipeline. Allogenic water (flowing on impermeable rocks in the uplands before it reaches soluble rock below) as well as relatively pure water originating from ridge crests may be compromised in quantity and quality by the presence of the pipeline before it reaches the karst in the lowlands.

A long corridor, cutting a swath through these sensitive terrains may create extensive zones of land instability, collapse, flooding, siltation, and disruption of natural flow paths of surface and ground water. Caves, some of which have been designated as significant by public agencies and speleological organizations, may be intersected, thus compromising hydrologic and ecologic systems. The most dramatic negative results would occur where two or more hazards act in unison or result in a cascading series of events.

Geologic Hazards

The Mountain Valley Pipeline application is deficient and inadequate because it fails to address significant environmental hazards that would be created by the pipeline, if constructed as proposed. It fails to address geologic hazards that occur within areas in or near the proposed corridor and their potential impacts on the pipeline itself. Geologic hazards that are not adequately addressed by the application include:

- *Groundwater Contamination:* Karst terrains are uniquely vulnerable to augmented groundwater contamination owing to the nature of the groundwater aquifers that form in such areas. Thousands of people living in these potentially impacted areas depend on groundwater to supply their homes. The risk of severe groundwater contamination is increased during construction and may occur should a pipeline rupture in this karst terrain.
- *Vulnerability of Groundwater Recharge:* Allogenic recharge areas (where surface water from steep, upland mountain slopes enters karst aquifers at the base of those slopes) are especially vulnerable to disruption owing to hydrologic alterations that would be caused by the construction of the pipeline.
- *Enhanced Potentials for Surface Collapse:* Construction of the pipeline in mountainous terrain would likely alter hydrologic flows by channelizing subsurface waters. Should the pipeline trench intersect with below-ground karst features, results would include enhanced potential for collapse in the karst.
- *Accelerated Erosion:* Pipeline construction on steep slopes will remove native vegetation, cut into steep slopes, alter soils via compaction, remove surface soil over the pipeline trench and access roads, and will thus create potential for accelerated erosion.
- *Slope Instability:* Unconsolidated geologic material present throughout the area on steep slopes should not be considered as stable. Movement of such materials, especially if stimulated by excess rainfall or by seismic activity, can be expected to threaten the integrity of the proposed pipeline. Over half of the preferred route from Monroe to Roanoke counties has slopes that are 20 percent grade or greater. Almost 20 percent of the slopes along this route are 35 percent grade or greater.
- *Weak Soils:* Even if in the absence of such extreme weather or seismic events, soils on steep slopes can be subject to the slow and persistent downslope movement known as “soil creep”. This would threaten the integrity of underground structures such as pipelines,

especially where those structures run parallel to a slope. Soils on steep slopes should not be considered as stable. Several soil groups are high in plasticity and shrink-swell characteristic, resulting in poor drainage and low bearing strength that can induce downslope movement.

- *Seismic Risks:* The proposed route of the pipeline passes through an area with a history of severe seismic activity and enhanced seismic risk as determined by recent geophysical studies. A major seismic event would clearly threaten the integrity of the pipeline. However, even moderate seismic activity, in combination with other conditions, such as karst, severe slopes, and weak soils, pose elevated risks. By extension, in karst areas, the quality of groundwater may be threatened as well.

The above hazards occur as a direct result of the terrain typical to the region being traversed by the proposed pipeline corridor. Multiple geologic hazards are inherent to karst in mountainous regions such as that of concern here. Because of their potential to interact synergistically, they cannot be mitigated by engineering practice. For these reasons, large karst systems must be avoided during pipeline construction.

Examples of Geologic Hazards and Potential Interactions

Much of the pipeline corridor would encounter karst as it passes through the area that is the focus of this report. There are many specific locations where karst features are within or perilously close to the corridor. Four specific examples have been selected as important in order to illustrate cumulative environmental hazards that cannot be mitigated through engineering and construction practice:

- **Milepost 181-195 segment, in Monroe County:** The proposed pipeline crosses numerous interacting karst features, including springs providing allogenic recharge, sinkholes, caves, and a sinking stream. Within this segment, the corridor ascends the northern flank of Peters Mountain where it encounters steep slopes and unstable soils in an area of enhanced seismic risk and where numerous springs discharge waters that are essential to residences, community water supplies, and a commercial bottling facility.
- **Milepost 208-210 segment in Giles County:** Dye traces have documented multi-mile groundwater transport through karst aquifers and with extensive caves. The pipeline is proposed to cross Sinking Creek at a point where its waters have begun to descend into subsurface channels, within an area that is well populated, with numerous homes that depend on karst aquifers for household waters. The pipeline is proposed to enter this area after descending a long and steep mountain slope with potentially unstable soils within the Giles County Seismic Zone of enhanced risk from earthquakes.
- **Milepost 213-214 segment in Giles County:** The pipeline is proposed to cross a cave that is approximately 3000 feet in length, contains water, is inhabited by significant biota, has been designated as a cave conservation site, and is near the surface with little overlying bedrock. Furthermore, the proposed corridor crosses over the cave and runs along a slope

within potentially unstable soils. This would threaten the integrity of the pipeline if soil slippage were to occur. The site is within the Giles County Seismic Zone.

- **Milepost 220-226 segment in Montgomery County:** The proposed corridor crosses an area known as the “Mt. Tabor Karst Sinkhole Plain” - perhaps the most intensive karst terrain along the entire route, and associated conservation areas. Several dye tracings have documented the interconnected nature of karst areas and caves within this area. Along this segment, the corridor is proposed to pass through two cave conservation areas, a natural area preserve, and a major segment of the karst plain where scores of large, compound sinkholes are present at the surface. As a result, MVP has proposed an alternate corridor for study in this area. However, a greater length of alternate proposed corridor passes through cave conservation areas than would the original proposed corridor. Both proposed corridors pass through the watershed of areas containing sinkholes that have been shown by dye traces to provide discharge into the primary spring of the Mill Creek Springs Natural Area Preserve that discharges into Mill Creek, a tributary of the North Fork of the Roanoke River. This is a short distance upstream from where it serves as habitat for a federally protected fish, the logperch. Furthermore, both proposed corridors pass through steep slopes that would threaten the integrity of the pipeline within a significant cave conservation area. This area is also populated, with numerous homes that draw household waters from karst aquifers and have no access to alternative water supplies.

The above examples were specifically selected for this report to illustrate potential environmental problems along the corridor. There are many other examples of interacting geologic hazards over the entire length of the corridor within karst. This is typical of the entire region.

Conclusions

There are serious problems imposed by geologic and hydrogeologic constraints along the route of the Mountain Valley Pipeline. They fall into two basic categories: (1) the impact of the geologic setting on constructing and safely maintaining the pipeline and (2) the environmental impacts of the pipeline on the land that it would pass through.

As discussed in this report, the predominant geologic aspects are:

- Karst
- Hydrogeology
- Slope Stability
- Soil
- Seismicity

Although each of these five topics has serious specific considerations that have not been addressed by the applicant, the greatest concern is that all five topics are interrelated and are not mutually exclusive. These geologic attributes and the geologic risks are typical to the region and operate as **a system**. Therefore, they should not be merely evaluated on an individual basis.

Siting a pipeline through the Appalachian karst poses significantly greater hazards than in areas where the terrain has much lower topographic relief, and lacks similar geologic hazards. Steep slopes promote a profound influence of the pipeline on soil stability, erosion, and groundwater.

The analysis of this report unequivocally demonstrates that the Mountain Valley Pipeline cannot be safely built through the areas of Monroe, Giles, Montgomery, and Roanoke Counties that are characterized by karst terrain and steep slopes. Doing so would significantly threaten the structural integrity of the pipeline, and the ecological integrity of the surrounding environment. Many of the potential hazards are immitigable; they cannot be adequately circumvented with engineering or construction practices. The same is true should a catastrophic event occur, such as a breach of the pipeline.

Author of This Report

The author, Ernst H. Kastning, PhD, PG, has studied karst for over 50 years throughout the United States and abroad, and he has authored numerous publications on the subject. His primary expertise is karst along the entire Appalachian region extending from Alabama to New England. His résumé is appended to this report.

Section 3

Mountain Valley Pipeline Environmental Concerns

Introduction

To begin, there are three basic tenets when reviewing environmental concerns related to the Mountain Valley Pipeline:

- (1) As previously stated, *karst landscapes are among the most sensitive to environmental degradation. Moreover, these terrains can pose some of the most severe constraints on construction and development.* This is well demonstrated in the vast literature on applied problems in karst. Often karst is considered a ‘no-build’ zone for major construction projects.
- (2) Also as previously stated, **the presence of karst features within mountainous landscapes, such as that proposed for MVP, poses challenges and creates hazards that are not present where karst features occur in non-mountainous terrain.** Topography of high relief adds considerably to environmental problems in karst.
- (3) *Areas of karst along the proposed route of the Mountain Valley Pipeline pose some of the most severe challenges and concerns for the MVP project.* The intensity of karst as a hazard has been largely understated in the Resource Reports of the MVP application and in the Hazards Assessment by Draper Aden Associates, February 16, 2016, submittal 20160226-5404 (31274307).

Potential hazards related to karst are exacerbated when they combine with other hazards, especially soils with low physical integrity, slope stability, and potential for seismic events. MVP documents do not address the sequential or cumulative effects of these hazards. Because this is a highly important aspect of the siting process, these synergetic effects are discussed in detail in Section 4 of this report.

No gas pipeline as large as 42 inches in diameter has been constructed across the Appalachian fold belt. Existing large pipelines run over land to the west and east of these mountains, but not across them. The geologic hazards that are summarized in this report are likely partially responsible for the lack of existing large pipelines across the Appalachian ridges.

Environmental Hazards in the Appalachian Karst

It is important to delineate various environmental problems associated with karst in the Appalachian region. Karst poses environmental concern regardless of where it occurs, whether in

this mountainous region or areas of lower topographic relief (Dougherty, 1983). These are discussed below.

The proposed route of the MVP passes through karst in several places. Karst terrain is a significant environmental feature throughout a segment of the project extending from milepost 172 through 234, in Monroe, Giles, Craig, Montgomery and Roanoke counties (*see for example*, Submittal 20151125-5156 to FERC Docket CP16-10, C.E. Zipper and others, "Motion to Intervene and Protest," November 2015). By example, four specific areas in West Virginia and Virginia are of particular concern and are addressed in this section. They are, from northwest to southeast: (1) exposed karst from Little Mountain to Peters Mountain in Monroe County, (2) Sinking Creek at the intersection of Routes 604 (Zells Mill Road) and 700 (Mountain Lake Road) in Giles County, (3) the area of karst at Canoe Cave on Sinking Creek Mountain in Giles County, and (4) the Mt. Tabor Karst Sinkhole Plain, northeast of Blacksburg in Montgomery County. Significant geologic, hydrologic, and environmental problems associated with these are summarized in this section.

Carbonate-rock terrains pose environmental hazards that are unique with respect to the wide spectrum of bedrock types, and karstic landscapes are particularly sensitive to environmental degradation (LeGrand, 1973; White, 1988). Stresses induced by human activity in karstic terrain result in environmental problems that are much more acute than those that would occur in terrains underlain by either crystalline (metamorphic or igneous) or clastic (other sedimentary) rock. Problems such as groundwater supply and quality and land instability abound in the Appalachian region, as they do in most populated karst regions worldwide, especially those in areas of high topographic relief. **The New River Valley Region, which is largely coincident with the area addressed in this report, has historically been one of the most sensitive karst regions within the Valley and Ridge Region (Kastning, 1989a, 1990; Kastning and Kastning, 1998).**

Groundwater Contamination

Sinkholes, abundant features in the karst of the Virginias (Hubbard, 1984), serve as funnels through which surface water readily enters ground and the aquifer. These are viewed as points of discrete recharge. However, even where sinkholes are less evident or non-existent, water can readily drain into subsurface aquifers. In these circumstance it uniformly infiltrates into surficial materials (soil and underlying regolith) and then comes in contact with the underlying soluble rock. This is termed diffuse recharge. Upon contact with the bedrock, water continues to move downward along fractures. Once underground, water freely courses through enlarged conduits, including caves, and eventually emerges at springs and seeps or is pumped to the surface by domestic or other wells. **A karstic groundwater system is a well-connected 'geologic plumbing' network, and groundwater travels through it at rates similar to water traveling in constructed pipes. There is little or no filtration of this water and contaminants may quickly enter existing water supplies.**

The zone between the surface and the bedrock is known as the **epikarst**. This includes the soil, regolith, and the sculpted upper surface of the bedrock. Epikarst is a highly important zone with respect to environmental problems. Pipelines traversing areas underlain by soluble rock (karst terrain) will be largely constructed within the epikarst. In some cases, where the soil and regolith

are thin, trenching during construction may also include excavation of the bedrock. **Excavation of bedrock in karst, for example during trenching or quarrying, can be disruptive to groundwater flow and affect both quantity and quality of water** (Kastning, 2008). Soil and regolith above the bedrock is very thin in most places where the proposed MVP corridor crosses karst (*see* submittal 20151130-5432, November 30, 2015, Preserve Giles County, Section 6, especially p. 95, 97-98 via document pagination).

If there is one single environmental issue that stands out in the karst of the Appalachians, it would have to be the sensitivity of the karstic aquifers to groundwater contamination (Kastning, 1988, 1989a, 1990; Kastning and Kastning, 1991; White, 1988). This problem is universal among all karst regions in the United States that underlie areas of economic growth (Aley, 1972; Aley and others, 1972; LeGrand, 1973). Much of the karstic terrain of the Virginias lies in rural regions where environmental impacts are generally limited to those imposed by agricultural practices and highways (Davies, 1970). In some cases, karst lies within the confines of public land (parks, forests, and the like). On the negative side, the region's karstic groundwater problems are increasing with the advent of (1) expanding urbanization, (2) increased usage of environmentally damaging artificial chemicals, (3) shortage of repositories for hazardous wastes (both household and industrial), and (4) ineffective public education concerning waste disposal and the sensitivity of the karstic groundwater system. Urbanization is rapidly encroaching in the region and economic development is resulting in potentially severe karst-related environmental problems. For example, corridors for highways, high-voltage power transmission lines, and gas pipelines have emerged as threats to karst (Werner, 1983; Kastning, 1995a, 1996).

For some time, sinkholes in rural areas were highly susceptible to illegal dumping by landowners or by passersby (Hubbard, 1989; Slipher and Erchul, 1989; Kastning and Kastning, 1992a, 1993). Fortunately, this source of contamination has largely abated as the result of legislation and education. However, sinkholes continue to be infilled with brush and construction debris (generally excavated materials from elsewhere). Some of this has come from construction of corridors such as highways and transmission lines.

Efforts to bring attention to the **sinkhole contamination problem** have been moderately successful (Kastning and Kastning, 1991, 1993, 1994, 2001). Articles in local newspapers, educational materials published by the Virginia Cave Board (a collegial body of the Division of Natural Heritage, Virginia Department of Conservation and Recreation) and other publications have addressed this problem in the Virginias (Hubbard, 1989; Kastning and Kastning, 1990, 1992a, 1995; Zokaites, 1997, Veni and others, 2001).

Sinkholes have been filled with earth materials for the purpose of leveling the land for development. It is important to note that filling a sinkhole with anything is highly undesirable. Sinkholes are natural drains and points of recharge. Filling of sinkholes often leads to undesirable consequences such as groundwater contamination, clogging of natural conduits in the underlying bedrock, flooding on the surface after storms, and suffosion (piping) of the fill which may lead to subsidence or collapse. Emplacement of excavated material onto a karst terrain during the construction of a gas pipeline can lead to blockage of recharge, whether through discrete infiltration into sinkholes or through diffuse infiltration through the overburden.

Fortunately steps have been taken to legally protect the karstic environment in the Appalachian region. For example, both Virginia and West Virginia have enacted state laws that protect caves and their natural contents from vandalism and contamination. The Commonwealth of Virginia has established the Virginia Cave Board as part of the Department of Conservation and Recreation to take up matters relating to caves and karst in the Commonwealth, to advise other agencies, and to participate in education related to caves, cave science, and cave conservation.

An issue of environmental concern is the likelihood that sinkholes would be filled and drainage blocked as a result of installation of the Mountain Valley Pipeline. This can occur during construction wherein excavated material from the pipeline trench or from roads used to install the line will be displaced into nearby sinkholes. Additionally, erosion produced within the corridor may convey debris downslope into sinkholes. Blockage of natural drainage avenue through sinkholes is detrimental to recharge to an underlying aquifer as well as causing contamination of groundwater with sediment and chemicals associated with pipeline construction and maintenance.

The above paragraph expresses concern that sinkholes would be filled. I will note that the “Karst Mitigation Plan” submitted by the Applicant (Resource Report 6, Appendix D, p. 266-284 via document pagination) calls for “**stabilization**” of sinkholes. Although this term is not defined in the document, it may suggest filling.

The risk of **groundwater contamination by natural gas pipelines** is significant and real, despite the fact that methane, a primary constituent of natural gas, is volatile in the ambient environment. Natural gas transported by commercial pipelines includes many other constituents that could be non-volatile, especially in a groundwater environment. These include high-molecular-weight organic compounds that either originate in the geologic reservoirs or form via hydrocarbon synthesis under the high-pressure conditions that occur within the pipeline. As stated by Resource Report 1 in the application, “typical filtration and separation equipment” is planned for each of the proposed compressor stations, indicating that non-gaseous constituents are expected to be present. Commercial pipelines typically specify contractual limits on non-methane content for transportable fluids (*see for example*, FERC Gas Tariffs that are available on the internet for commercial gas-pipeline companies). Such tariffs typically state the expectation that some liquid contents will be included within the transported fluids. They also state non-zero limits for contaminants such as sulfur, oxygen, and water, the presence of which can stimulate hydrocarbon synthesis under high-pressure such as those that occur in pipelines.) Furthermore, solid particles known as “**black powder**” can accumulate in natural gas pipelines, and may contain toxic metals including lead, mercury, and arsenic (*see* submittal 20160512-5183 to FERC Docket CP16-10 by Sierra Club of Virginia, especially the section entitled “Soil and Groundwater Contamination” on pages 10 and 11 via document pagination). **Such particles, if present in a pipeline experiencing rupture, would likely be released along with gaseous and liquid hydrocarbons, and other contaminants, at the point of rupture.**

Collapse and Formation of Sinkholes

The potential for spontaneous or catastrophic subsidence or collapse in the karst regions of the Virginias is low. Nonetheless, **collapses occasionally occur throughout the karst.** Massive collapses in which homes or businesses are swallowed by newly formed sinkholes are rare. The most common causes for catastrophic sinkhole collapse are (1) over pumping of groundwater from karstic aquifers, resulting in a relatively sudden loss of buoyancy that uphold roofs of cavernous openings, (2) sudden or oscillatory changes in the position of the water table due to modifications to surficial runoff and infiltration to the karstic groundwater system, and (3) leaky pipelines, such as water mains or sewer lines. Most collapses occur within the overburden (soil or regolith) and seldom does bedrock fall into underlying voids.

Suffosion (Piping)

Collapse of surficial material in karst is very common in areas of construction, especially where fill is used to level land. There have been countless examples of sinkholes developing in these artificial fills. (This author has personally visited, studied, inventoried, documented, and advised landowners in at least 20 such cases from 1985 to the present.) This includes construction sites for road beds, parking lots, and buildings. It is not uncommon for sinkholes to form after construction and to damage structures built on the fill. The process responsible (**suffosion/piping**) may take years to manifest itself in collapse, but this is always a concern where fill is emplaced upon bedrock that may have openings allowing infiltration (*i.e.* karst).

In areas undergoing development, sinkholes are often viewed as unwanted holes in the ground. If they are filled in to produce level land, the potential for ensuing environmental problems is twofold: First, as stated above, naturally developed paths of infiltration are often blocked, leading to ponding or flooding on the fill. Secondly, over the long run, fill materials drain into the subsurface and settling may occur. These disturbances easily impact any structures built on the fill. Additionally, the increased weight of water, fill, and structures upon the cavernous bedrock could cause catastrophic collapse in the future.

The reason that collapses are more common (and more frequent) in artificial fill than in natural undisturbed settings is easy to understand. When fill is put down it is rarely compacted sufficiently to attain the structural strength and density of nearby natural overburden. Porosity in fill is typically much higher than that of the surrounding undisturbed materials. (*see* Figure 5 in Appendix B). This promotes a higher migration of groundwater through the fill, leading to suffosion and eventual collapse.

Intrinsic to construction of gas pipelines is the process of burying the pipes under fill material that came out of the trench, was cut from the slope, or was brought in with trucks. **Despite the effort to compact fill, the former trench will nonetheless become a zone of enhanced percolation and flow of groundwater.** This can be envisioned as two concentric tubes. The central tube is the gas pipe that carries the product. The outer 'tube' is the surrounding fill. Its outer boundary would be the former walls and floor of the trench. **Therefore, the result would be an outer, annular, artificial pipe that carries groundwater parallel to the gas pipeline.**

As within any aquifer, **discharge is proportional to the hydraulic gradient**. In basic terms this is the slope of the path of flow from high points of recharge down to low points of discharge. The steeper the gradient, the more gravity-induced potential is applied to the flow system. It follows then that the **infilled trench surrounding a pipe on steeper slopes will have a greater discharge than it would on gentler slopes**. By design, the MVP pipeline would in many places be constructed directly up or down steep slopes of the mountains in the region. Therefore, in this case, groundwater flowing in the fill alongside the pipe would likely have a relatively high discharge and velocity of flow. By extension, suffosion and collapse in the fill could ensue, even though this process may take years and go undetected until the surface finally collapses into the growing cavity. **Sudden and unexpected collapse of the material around the pipeline could have profound consequences such as breaks in the line and ensuing cascading calamities (e.g., fire, explosion, and release of toxic gases into the atmosphere and uncontrolled release of pipeline liquids into the groundwater flow system).**

Although large-scale collapse of surficial materials within the study area occurs rarely, the likelihood for karst collapse will increase within the pipeline corridor if the pipeline is constructed. Such increased risk of collapse will occur as a direct result of the construction process. Collapse is a characteristic phenomenon in karst regions where piping (suffosion) is induced by emplacement of artificial fills. Excavation of a trench for a pipeline and subsequent refilling would create subsurface zones with enhanced groundwater flows, with potential to increase rates of underground dissolution at subsurface locations receiving those flows. Underground rock dissolution caused by surface water infiltration is usually undetected until the final roof of an enlarging cavity falls in; such processes could easily and suddenly impact the integrity of the pipe.

Erosion

Erosion of surficial materials may readily ensue when an area is denuded of vegetation. Construction of gas pipelines entails excavation of a trench and subsequent placement of fill once the pipe is laid. It is necessary to construct roads along the line to allow vehicles to service the process and, on very steep slopes, along the tops of ridges to tether heavy equipment used to lay pipe. That too results in significant removal of vegetation and cutting and filling. **In effect there are two adjacent corridors: one for the pipe and one for the road. Erosion becomes a large problem along this rearranged earth material, even if moderate revegetation is carried out.** Unlike other corridors (e.g., highways and some power lines), a gas pipeline would in many places go directly up and down steep mountain sides. The steeper the slope, the greater the tendency is for erosion and the more severe it may become.

To see firsthand the effect of erosion along corridors one need only walk under existing high-voltage power lines in the Appalachia region. Access roads along these lines often exhibit erosion and gouging and typically need to be repaired to be useful.

Sediment from erosion moves downslope and eventually becomes deposited where land levels off at the base of steep slopes. A problem in karst terrains of this region is that they principally exist in relatively low-lying topography, including locations at the bases of slopes.

Sediment contributed from erosion in the uplands can notably impact the karst below by (1) infilling sinkholes and blocking points of discrete recharge, and (2) blanketing an area and hindering diffuse recharge to the underlying karstic aquifer.

There are many areas where the MVP corridor moves off steep mountain slopes and onto lowlands. In many cases the lowlands are soluble rocks that have karst. Hence there is a pronounced concern that erosional debris from the corridors may impact the karst environment, including local aquifers that supply water for consumption or agriculture.

Slope Stability and Potential Seismicity

The potential for downslope movement of surficial material adjacent to the installed pipeline is an important consideration in these counties. **Movement, whether gradual (surficial creep) or catastrophic (landslide, mudslide, rockslide, or debris slide), may place segments of the pipe under lateral pressure and cause displacement.** This is likely if the material in which the line is entrenched is differentially displaced rather than uniformly along the line. Sudden slope failures would cause displacement at specific locations along the pipe, perhaps breaking welds or bending pipe to the point of failure.

It has been suggested that damage from slope failure is less likely where the line is trending directly up or down a slope (in the direction of the maximum component of gravitational force) than where the line runs parallel along a slope and has little change in elevation over that distance. In the latter situation a slide or zone of enhanced creep may put a severe bend in the line, perhaps compromising the seams where pipe segments join. However, in situations where the line is running directly up or down a slope, severe problems with potential failure may still occur, especially if suffosion is occurring. Additionally, steep segments along the line will create other issues related to movement of groundwater alongside the pipe. Determination of slope steepness and properties of soils in the vicinity of the line are crucial in identifying where this may occur. A detailed discussion of this hazard, wherein slope instability, soil character, and possible seismic disturbances can interact in a compound manner, is presented in Section 4.

Maps of slope intensity were produced in April 2016 by Drs. Stockton Maxwell and Andrew Foy of the GIS Center of the Department of Geospatial Science at Radford University. Percent slope (with 100 percent slope being 45 degrees) was calculated for 100 meter by 100 meter quadrats. The map was produced as an ArcGIS product and is available from the Center (<http://www.arcgis.com/apps/MapTools/index.html?appid=bcc1646d43ad4f7fbfd4953b5d722cc7>).

The New River Valley (NRV) Regional Commission provides area-wide planning for the physical, social, and economic elements of the NRV district (Montgomery, Giles, Pulaski, and Floyd counties and the City of Radford). The Commission produced a Hazard Mitigation Plan for the area that was adopted in 2005 and approved by the Federal Emergency Management Agency (FEMA). It was updated in 2011 (<http://nrvc.org/what-we-do/community-development/2011-hazard-mitigation-plan>; *specifically see* Section 4.4, *Geologic Hazards: Landslide, Rockfall, Karst, and Earthquakes*). The purpose of the plan is to recognize potential natural or artificial hazards and provide guidance for implementing responses to disasters. The plan included a **Landslide Rating Map** (*see* Appendix B, Figure 4.). Dr. Chester F. Watts of the Department of

Geology, Radford University, developed that map. This small-scale map shows Giles and Montgomery counties. Factors of safety were calculated over the area and are shown as color coding on the map. The proposed MVP route traverses areas represented by fairly high risk, particularly in Giles and Montgomery counties. This is expected as the highest ridges and greatest relief are in this area. The assumption for this map is that these slides would be induced by severe storms. ~~But, as discussed later in this report,~~ seismic events may also trigger slides. Parameters in the factor of safety equation included slope of the ground surface, total soil thickness, saturated soil thickness, tree root strength, tree surcharge, soil cohesion, effective internal angle of friction, dry-soil unit weight, moist-soil unit weight, saturated-soil unit weight, and water unit weight. ***This hazard plan is very relevant to the pipeline siting process and apparently has not been introduced or referenced by MVP nor by its consultants.***

Soils along the route of the proposed pipeline have been studied by Nan Gray (LPSS), Dr. Steven Hodges, and Meghan Betcher, who have assessed their strength characteristics (*see* Section 4 for this data). Drs. Carl Zipper and Robert Tracy have commented on the seismic (earthquake) potential of the area through information submitted to the Federal Energy Regulatory Commission (FERC). These are submittals 20150223-5031 and 20150401-5083 to Docket PF15-3. Furthermore, the U.S. Forest Service has expressed concerns with seismic risk faced by the proposed routing of the pipeline through the Jefferson National Forest (*see* Submittal 20160311-5013 to Docket CP16-10).

Dr. Richard D. Shingles of Virginia Tech (retired-emeritus), Meghan Betcher, Project Scientist at Downstream Strategies, and Darren Jones, GIS Technician for Roanoke County have compiled tables identifying the most severe slopes and associated soils along the pipeline corridor (Tables 1-A, 1-B, and 2 in Appendix B). The tables were compiled using data from MVP Resource Reports, Appendix 1-J, “Vertical and Lateral Slope Tables,” soil data from the GIS Center of the Department of Geospatial Science at Radford University, and input from regional soil experts Nan Gray and Dr. Steve Hodges. The tables list affected soils and slope angles that are keyed to MVP designated mile indicators. These important data are presented in Section 4.

One of the most active earthquake zones in the mid-Atlantic region is the Giles County Seismic Zone (GCSZ). Bollinger (1981) and Bollinger and Wheeler (1983, 1988) present a detailed analysis of the zone with maps, geologic analysis, and seismic history that includes dates and magnitudes of recorded earthquakes in the area dating back into the late 1800s. The largest earthquake of record in the GCSZ occurred on May 31, 1897 and had an estimated Richter magnitude of 5.8 to 5.9 (Mercalli intensity VIII). It caused considerable damage in Pearisburg and surrounding areas, and it remains the largest documented earthquake in Virginia history (<https://www.dmme.virginia.gov/dgmr/majorearthquakes.shtml>). A recent peer-reviewed publication in a scientific journal (Biryol and others. 2016) confirms that the term “Giles County Seismic Zone” remains in scientific use, and that the GCSZ continues to be an area with enhanced seismic risk (see Figure 6, Appendix B)

Biryol and others (2016) describe the GCSZ as a “prominent, densely clustered seismic zone” that “is associated with the reactivation of normal faults in the old crystalline basement”. The GCSZ is represented by these investigators as seismically active in their Figures 9 and 10 (not shown

here). The activity is being driven by underlying asthenospheric movement. (The asthenosphere is the upper layer of the earth's mantle, which lies below the lithosphere). Statements in the MVP application assert that the GCSZ is not a "significant seismic source zone."

MVP Resource Report 6, section 6.6.1.3, should be considered as non-credible by FERC based on the fact that the 1897 earthquake did occur. If the GCSZ is not a "significant seismic source", how would the applicant explain the origin of the 1897 earthquake? FERC should consider the GCSZ as a zone of enhanced seismic risk, which is consistent with an extensive record of peer-reviewed and published work (Bollinger, 1981; Bollinger and Wheeler, 1983, 1988; Bollinger; Biryol and others, 2016).

The preferred route of MVP passes through the center of the Giles County Seismic Zone as discussed in Section 4 and shown in Figure 6 (Appendix B). Should a potential magnitude 4 to 6 earthquake occur once the pipeline is operational, there may well be a triggering of landslides on unstable or metastable slopes that could potentially disrupt the pipeline and cause significant collateral damage. Perhaps the pipeline itself may be directly broken by ground motion during an earthquake.

It is clear that steep mountain slopes in the area of Monroe, Giles, Montgomery, Craig, and Roanoke counties are subject to mass movement including large landslides. Seismicity and severe runoff from storms have triggered these events in the past and can easily do so in the future. Earthquakes do not necessarily have to be large to do damage to the pipeline. Small events can easily trigger mass movement on metastable slopes. The Mountain Valley Pipeline would be most subject to these hazards in the many areas having steep slopes.

Ancillary Environmental Concerns Along the Pipeline Corridor

There are some other considerations relative to karst in the area under consideration. They concern the natural processes and relate to environmental hazards that are germane to siting a gas pipeline.

Valley-Train Aquifers and Allogenic Recharge to Karst

The term '*allogenic recharge*' describes the influx of surface water derived from a mountainside into an aquifer at a lower elevation. Allogenic recharge of karst aquifers is common in Monroe, Giles, Craig, Montgomery, and Roanoke counties as a direct result of the geologic structure of the area, where dense and weather-resistant sandstone tends to form ridgetops. Water originating here, and in other upland slopes, drains into lower-lying terrains that are often underlain by carbonate rock (limestone and dolostone) where karst is typically developed.

In conjunction with the previous comments on surficial processes, erosion, and groundwater contamination, there is another aquifer-related aspect found along mountain fronts, upslope from the valley lowlands. Unconsolidated material on the mountain slopes is extensive and much of this material occupies streambeds in smaller valleys that are cut into the slopes and flow directly downhill into the broader valleys where they become tributaries to the major streams in the lowlands. **These smaller tributary streams flowing off higher elevations, and the larger**

streams in the valleys, collectively form the rectilinear (lattice) drainage patterns that are characteristic of the Valley and Ridge Province.

Sedimentary material, such as alluvium and colluvium, found in the beds of the valley-side streams, are collectively known as **valley-train deposits**. Water flowing within these deposits is typically perched on underlying impermeable bedrock such as dense, crystalline sandstone in the highest elevations or shale further down the mountainsides. Therefore, water is unable to percolate further into the subsurface.

The importance of groundwater within valley-train deposits is often overlooked or not recognized at all. This is because most people in this region live in the low-lying valleys where the topography is gentle, and fewer homes exist in the steeper, higher elevations. Yet there are places where potable water is obtained from springs issuing from alluvium and colluvium in the streambeds. Contamination and disruption of these smaller, linearly confined aquifers can severely impact vital water supplies (Kastning and Watts, 1997).

Valleys with tributary streams flowing straight downhill to base level are visible all along the mountain fronts. Water flowing in valley-train deposits is often pirated directly into the bedrock where these small streams meet the soluble rock on the lower flanks of the mountains or in the valley bottoms. The point of recharge is often a well-defined sinkhole, pit, or other opening very near the contact of the carbonate rock with the insoluble rock upslope. Therefore, in the Valley and Ridge Province, **allogenic water from the uplands significantly recharges karst in the lowlands.**

Allogenic water derived from upland slopes should be viewed as an integral part of the overall drainage basin that contributes to a karst aquifer. Flow of storm water is very intense and rapid in steep allogenic streams. Thus, any events that alter the quantity and/or quality of water in the valley-train deposits will also rapidly impact that of the water entering a karst aquifer.

Herein lies another important concern about pipeline corridors that may be constructed through the Appalachian fold belt. What happens upstream may have significant consequences downstream. Any activity associated with construction and maintenance of a corridor in the uplands may cause ancillary problems in the lowlands. For example, **if the proposed pipeline were to significantly disturb valley-train deposits and their included water, this would impact the receiving aquifers downstream, including those developed in karst. Such occurrence may also impact users who obtain water directly from springs in the alluvium and colluvium in the upland streams. Negative effects would include reduced flow to springs, siltation, and contamination of the water supply.**

To reiterate, allogenic water, flowing from insoluble rock in the uplands, enters karst aquifers upon making contact with an outcrop of soluble rock. Upstream allogenic zones are important components of recharge for nearly all karst aquifers in this region. Documents submitted to FERC by Mountain Valley Pipeline and Draper Aden Associates do not address allogenic recharge. This is a major omission because allogenic recharge supplies drinking water for homes in karst areas. If constructed, the pipeline would not only directly impact water resources on and within karst terrains, it would also disturb the sources of allogenic water. Much of the

proposed pipeline corridor is sited in zones where allogenic recharge to karst aquifers is prevalent.

Importance of Establishing Protective Buffer Zones in Karst

A major consideration in protecting natural water supplies is the protection of contributing sources - the "upstream" areas of the flow system (Kastning and Kastning, 1997; Kastning, 2000). For surficial streams such protection entails environmental management of all tributaries within the catchment area (drainage basin). In groundwater-protection strategies, attention is usually focused on all zones that contribute recharge.

Recharge zones in karst vary considerably within a continuum. On one end of the spectrum is *diffuse recharge*, whereby water infiltrates through the soil zone or other overburden to the interface with the bedrock. Under these conditions, recharge occurs over a wide geographic area. At the other end of the spectrum is *discrete discharge*, a process whereby water enters the bedrock in distinct places. Sinkholes are excellent examples of discrete recharge. Some sinkholes take the full discharge of one or more surface streams; these locations are termed *swallets*.

As mentioned in the previous section, allogenic water is often derived from large contributing drainage areas or watersheds on upland slopes. In effect, if upstream areas contribute significant recharge to karst aquifers, they are inherently part of the greater aquifer system. If the contributing areas are subjected to construction impacts, buffer zones should be required to prevent contamination of groundwater through natural filtration. A buffer zone is an area that is identified as having significant impact on the main resource. **In general, buffer zones incorporate most of the drainage area that contributes recharge and that can be environmentally degraded through poor land-use practices.**

It is evident from the foregoing that in the case of sinkholes or sinkhole clusters, buffer zones may have to be one or more orders of magnitude larger than the size of sinkholes as indicated on a map or by other means (Kastning and Kastning, 1997; Kastning, 2000). The determination of the size of a buffer zone is based on any of several criteria: (1) the boundary of the drainage basin that contributes recharge to a sinkhole or a cluster of sinkholes, (2) the area within the contributing basin that is under potential development, (3) the natural settings, including topography, geologic parameters such as bedrock and structure, and vegetative cover, (4) inherent storm-water hydrological responses, and (5) proximity of land-use activities within the basin that may impact recharge at sinkholes and discharge at springs.

Virginia requires that resource protection areas (RPAs) be designated for land development around streams. This is required in the eastern part of the Commonwealth, and stream-buffer ordinances are in effect in various counties. Engineering criteria are available for stream buffers. Implicitly, buffers around recharge zones in karst serve a similar purpose in protecting recharge areas.

If it is known that a karst system is very extensive (often based on dye-trace studies) and that it is sensitive (e.g., having rare or endangered species), it should be required that the entire area be protected with a buffer zone.

Karst terrains require special consideration for environmental protection. Environmentally sound engineering often requires that areas of karst be sufficiently delineated. This is especially true where recharge zones must be protected from contaminants introduced at the surface that may be readily conveyed into underlying aquifers discretely through infiltration at sinkholes or diffusely along dissolutionally widened fractures.

In the case of the Mountain Valley Pipeline, it is imperative to delineate buffer zones in areas of karst where it is known that there are a high densities of sinkholes, extensive mapped caves, long groundwater flow paths documented by dye-tracing, and significant allogenic recharge. Those areas include (but are not limited to): the Indian Creek to Peters Mountain area of Monroe County, the Canoe Cave area in Giles County, and the Mt. Tabor Karst Sinkhole Plain of Montgomery County, and the Elliston Karst Plain in eastern Montgomery and western Roanoke counties (discussed further in Section 4). Buffer zones would be intended to define areas that should be protected from pipeline development, especially where there are potential impacts to sensitive features within karst. Unfortunately, the MVP application routes the proposed pipeline through areas where potential impact to sensitive karst is likely. Documents submitted by Mountain Valley Pipeline and its consultants have not adequately considered buffer zones.

Water Originating Along the Eastern Continental Divide

Because water on the land surface sheds from the highest places downhill to the lowest places, the first and cleanest water comes from the uplands. Meteoric water (derived from precipitation – for example rain or snowmelt) will flow down each side of the dividing ridge. **The Eastern Continental Watershed Divide** represents an upland in the eastern United States and would be crossed by the proposed pipeline route. The Divide and adjacent ridges are sources for much of the water that flows eastward on the surface and through the subsurface from the mountain crests to the Chesapeake Bay and Atlantic Ocean. The divide also contributes water to streams that flow westward via the Ohio and Mississippi rivers to the Gulf of Mexico. Clean water in the uplands of the Appalachian Mountains is of prime concern owing to its importance as a water source, and it must remain clean. As this water subsequently enters allogenic zones, epikarst, and karst aquifers as recharge, its quality must be maintained. Both the contributing upland watersheds and the highly sensitive karst aquifers in the lowlands must be avoided by large-scale construction projects such as the Mountain Valley Pipeline.

The purity of upland water needs to be maintained. The Mountain Valley Pipeline and its consultants have not addressed this issue.



Berkeley County Council

400 W. STEPHEN STREET, SUITE 201
MARTINSBURG, WV 25401
PHONE: (304) 264-1923



www.berkeleywv.org

THE COUNCIL

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JIM WHITACRE
ELAINE C. MAUCK, M.A.
JAMES R. BARNHART
DAN DULYEA

ALAN J. DAVIS
COUNTY ADMINISTRATOR

DATE: October 31, 2016
TO: County Council
FROM: Alan J. Davis-County Administrator *AD*
RE: 2016 General Fund Unencumbered Fund

On Thursday, July 28, 2016 the County Council approved the attached State Budget Revision #2 to the General Fund that revised the projected unencumbered fund balance from \$1,500,000 to \$3,502,659. At that time the additional unencumbered fund balance was allocated as follows:

Account Name & Number	Beginning Balance	Amount Allocated	Spent and/or encumbered to-date	Unencumbered Balance
001-696-566 Transfer to Financial Stabilization Fund	\$0	\$1,000,000	\$0	\$1,000,000
001-699-566 Contingency	\$226,489	\$285,221	\$269,570	\$242,140
001-731-000 Day Report Center	\$95,000	\$207,438	\$54,417	\$248,021
001-988-458 Capital-Other Buildings	\$0	\$506,558	\$6,558	\$500,000

The purpose of the presentation is to receive further direction from the Council on the distribution of the unencumbered balance \$1,000,000 currently allocated to 001-696-566, Transfer to Financial Stabilization Fund.

Attachment

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

2016 AUG -1 PM 12:08

Berkeley County Council
 GOVERNMENT ENTITY

CONTROL NUMBER
 FY: FY2016-17
 Fund: 1
 Rev. No: 2
 Pages: 298

RECEIVED
 JUL 28 2016

Person To Contact Regarding Request: 400 W. Stephen Street
 Name: Alan J. Davis STREET OR PO BOX
 Phone: 304-267-5102
 Fax: 304-267-5049 Martinsburg 25401
 CITY ZIP CODE

COUNTY
 Government Auditor

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance		57,547		57,547
299	Unassigned Fund Balance	1,500,000	2,002,659		3,502,659
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 2,060,206

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
403	Circuit Clerk	1,009,373	11,064		1,020,437
405	Prosecuting Attorney	1,734,079	1,443		1,735,522
409	Sheriff's Tax Processing	123,080	1,484		124,564
424	Courthouse	2,550,196	21,058		2,571,254
980	Sheriff-Law Enforcement		25,940		25,940
988	Other Buildings		506,558		506,558
731	Community Based Corrections Program	95,000	207,438		302,438
696	Transfer to Financial Stabilization Fund		1,000,000		1,000,000
699	Contingencies	226,489	285,221		511,710
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures 2,060,206

APPROVED BY THE STATE AUDITOR
 BY: Ora Ash/Karen 7/29/2016
 Deputy State Auditor, Local Government Services Div. Date

Douglas E. Gentry 7/28/16
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE



Berkeley County Council

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DAN DULYEA

ALAN J. DAVIS
COUNTY ADMINISTRATOR

DATE: October 31, 2016

TO: County Council

FROM: Alan J. Davis – County Administrator *AJD*

RE: Roof Replacement for 800 Emmett Rousch Drive & 315 W. Stephen Street

On Thursday, September 8, 2016 bids for the roof replacement for 800 Emmett Rousch Drive (former Health Department) and 315 W. Stephen Street (Crawford Building) were opened and read into public record. There were four (4) bids received prior to the closing date/time and all contractors had attended the mandatory Pre-Bid Conference that was held on Monday, August 29, 2016. Below is a summary table of the bids that were received.

CONTRACTOR	ADDRESS	315 W. STEPHEN STREET	800 EMMETT ROUSCH DRIVE
Russell's Roofing Company	2244 Paperrmill Road Winchester, VA, 22601	No Bid	\$23,757
Tri-State Roofing & Sheet Metal Company	221 Plum Run Road, Ridgeley, WV, 26753	No Bid	\$27,750
FPS Building & Development, Inc.	1065 Ritter Drive Beaver, WV, 25413	\$124,900	\$34,900
W. Harley Miller Contractors, Inc.	P.O. Box 945 Martinsburg, WV, 25402	\$157,900	\$45,900

The Building Committee has reviewed and discussed the bids. The consensus is that the bids received appear to be unreasonably high. The purpose of the discussion is to receive input and direction from the County Council.

If there are any questions, please feel free to contact me.

Attachment

Cc. Tommy Puffenburger via e-mail
Tracie McCormick via e-mail
Gwen Campbell via e-mail