

Minutes
Jefferson County Commission
Thursday, July 16, 2020

A meeting of the Jefferson County Commission was held on Thursday, July 16, 2020 during the third quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Patricia Noland, Ralph Lorenzetti, Caleb Judson, and Josh Compton.. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, July 16, 2020 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Lorenzetti led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the June 15, 2020 Primary Election Canvass Minutes as amended. Motion seconded and unanimously approved.

Motion by Mr. Compton to approve the June 18, 2020 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Lorenzetti to approve the June 25, 2020 Special Session Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Ms, Noland to approve Requisitions for July 16, 2020 in the amount of \$64,348.35 to include Requisition Nos. 20052, 20053, 20058, 20059, and 20060. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
83406	ADVANCE AUTO PARTS	\$ 90.32
83407	BUREAU OF CHILD SUPPORT	\$ 248.31
83408	CACH LLC	\$ 274.77
83409	CERVIS TECHNOLOGIES INC	\$ 1,500.00
83410	CITY OF CHARLES TOWN	\$ 4,500.00
83411	COMPILED TECHNOLOGIES LLC	\$ 890.00
83412	COMPTROLLER OF MARYLAND	\$ 1,344.00
83413	CORPORATION OF SHEPHERDSTOWN	\$ 204.68
83414	CRYSTAL SPRING	\$ 16.00
83415	EFTPS IRS TAXES	\$ 102,405.63
83416	EMPOWER RETIREMENT	\$ 2,590.00
83417	JEFFERSON SECURITY BANK	\$ 4,880.00
83418	KELSEY STIPANOVIC	\$ 495.64
83419	KONE INC.	\$ 1,621.34
83420	MARION A. HAZEL	\$ 1,395.03
83421	MAZZITTI & SULLIVAN EAP	\$ 936.00
83422	NATIONWIDE RETIREMENT SOLUTIONS	\$ 849.00
83423	RANSON POLICE DEPT	\$ 313.16
83424	TONI L MILBOURNE	\$ 850.00
83425	MOOREFIELD POLICE DEPARTMENT	\$ 867.88
83426	VA DEPT OF TAXATION	\$ 1,215.25
83427	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 17,868.88
83428	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 47,029.58
83429	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 500.00
83430	WV SHERIFFS ASSOCIATION	\$ 2,200.00
83431	WV STATE TAX DEPARTMENT	\$ 35,534.59
83432	JCESA	\$ 240,973.00
TOTAL		\$ 471,593.06

Motion by Mr. Compton to approve the Accounts Payable for June 25, 2020 in the amount of \$471,593.06. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
83433		AHA-ARTS & HUMANITIES ALLIANCE		293.38
83434		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		3,194.16
83435		BOLIVAR / HARPERS FERRY PUBLIC LIBRARY		20,625.00
83436		COAST TO COAST COMPUTER PRODUCTS		393.80
83437		COLONIAL LIFE		163.20
83438		CREAMERS WRECKER SERVICE		85.00
83439		CRYSTAL SPRING		536.25
83440		DELTA DENTAL OF WV		6,665.13
83441		DODSON SEPTIC SERVICE LLC		300.00
83442		EASTERN PANHANDLE CONSERVATION DISTRICT		500.00
83443		GUTTMAN OIL CO		2,042.76
83444		HIGHMARK WV		207,045.11
83445		JAMIE WOLFE		530.31
83446		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		434.42
83447		JEFFERSON CO EMERGENCY SERVICES AGENCY		655,711.75
83448		JEFFERSON CO CONVENTION AND VISITORS BUREAU		7,334.49
83449		JEFFERSON COUNTY DEVELOPMENT AUTHORITY		26,500.00
83450		JEFF CO PARKS & RECREATION COMMISSION		73,801.69
83451		JEFFERSON DAY REPORT CENTER		37,502.50
83452		JEFFERSON CO SCHOOLS		909.00
83453		NATIONAL VISION ADMIN.		1,841.56
83454		OLD CHARLES TOWN LIBRARY		22,125.00
83455		SHAUN PACETTI		56.25
83456		SHENTEL		2,015.55
83457		SHEPHERDSTOWN PUB LIBRARY		20,625.00
83458		SHERWIN-WILLIAMS		71.70
83459		SOUTH JEFFERSON PUBLIC LIBRARY		20,625.00
83460		TOWN OF BOLIVAR		19.65
83461		WVU WEST VIRGINIA UNIVERSITY		3,700.00
83462		XEROX FINANCIAL SERVICES		249.81
83463	AM/53	TYLYER TECH		1,728.00
TOTAL				1,117,625.47

Motion by Mr. Compton to approve the Accounts Payable for July 2, 2020 in the amount of \$1,117,625.47. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
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83465		AMANDA MASTERS		\$ 77.06
83466		AT&T		\$ 140.95
83467		BOLAND TRANE SERVICES INC		\$ 1,771.00
83468		BUREAU OF CHILD SUPPORT		\$ 248.31
83469		CACH LLC		\$ 276.30
83470		CAPITAL LIGHTING & SUPPLIES, LLC		\$ 21.77
83471		EFTPS IRS TAXES		\$ 98,100.60
83472		EMPOWER RETIREMENT		\$ 4,309.13
83473		FEDEX		\$ 50.21
83474		GLOBAL SCIENCE & TECHNOLOGY INC.		\$ 730.00
83475		GUTTMAN OIL CO		\$ 4,995.82
83476		INVESTIGATIVE SPECIALTY SERVICES LLC		\$ 825.00
83477		JEFFERSON SECURITY BANK		\$ 4,680.00
83478		LANGUAGE LINE SERVICES		\$ 125.59
83479		MILLENIUUM INSURANCE GROUP		\$ 900.00
83480		NATIONWIDE RETIREMENT SOLUTIONS		\$ 849.00
83481		R.E. MICHEL CO. LLC		\$ 129.45
83482		RICE TIRES CO		\$ 2,149.92
83483		THE HARTFORD		\$ 2,406.65
83484		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 15,576.05
83485		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 46,660.08
83486		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 500.00
83487		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 166.49
83488		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		\$ 56,356.00
TOTAL				\$ 242,045.38

Motion by Mr. Lorenzetti to approve the Accounts Payable for July 9, 2020 in the amount of \$242,045.38. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
83489		AMERIFLEX		\$ 128.00
83490		CONTROL SYSTEMS INC		\$ 38.54
83491		CRYSTAL SPRING		\$ 19.98
83492		DAVID BOOBER		\$ 963.57
83493		EASTERN PANHANDLE REGIONAL PLANNING & DEVELOPMENT		\$ 29,973.26
83494		FIFTH THIRD BANK		\$ 103,334.20
83495		KELSEY STIPANOVIC		\$ 314.39
83496		MATTHEW BENDER		\$ 204.16

83497		MATTHEW BENDER		\$ 1,334.07
83498		SENCOMMUNICATIONS LLC		\$ 295.00
83499		THE HARTFORD		\$ 3,756.70
83500		WV ASSOCIATION OF COUNTY CLERKS		\$ 650.00
83501		WVCORP WV COUNTIES SELF INSURANCE RISK POOL		\$ 193,784.25
83502		XEROX CORPORATION		\$ 1,058.44
83503		GENERAL CO FUND- 004		\$ 26,929.80
TOTAL				\$ 362,784.36

Motion by Ms. Noland to approve the Accounts Payable for July 16, 2020 in the amount of \$362,784.36. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
807	AV/56	PRINT-O-STAT		\$ 190.00
808	AV/56	THE THRASHER GROUP		\$ 14,800.00
1478	CO/246	TYLER TECH		\$ 1,275.00
TOTAL				\$ 16,265.00

Motion by Mr. Lorenzetti to approve the Manual Checks for June 26, 2020 in the amount of \$16, 265.00. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
809	AV/56	MILLERS SUPPLIES AT WORK		\$ 223.04
701	HD/8	ENVIVO HEALTH LLC		\$ 1,960.00
506	CS/2	EPTA EASTERN PANHANDLE TRANSIT		\$ 3,583.50
507	CS/2	JEFF CO CIMMUNITY MINISTRIES		\$ 3,000.00
TOTAL				8,766.54

Motion by Mr. Compton to approve the Manual Checks for July 3, 2020 in the amount of \$8,766.54. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
508	CS/2	EASTRIDGE HEALTH SYSTEM		\$ 1,300.00
702	HD/8	ATTENTI		\$ 3,696.00
703	HD/8	CDA		\$ 360.00
811	AV/56	SEGRA		\$ 599.50
810	AV/56	MR. PRINT		\$ 1,653.04
TOTAL				\$ 7,608.54

Motion by Ms. Noland to approve the Manual Checks for July 10, 2020 in the amount of \$7,608.54. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
509	CS/2	GREENWAY ENG		\$ 19,796.60
705	HD/8	FIFTH THIRD BANK		\$ 57.27
704	HD/8	ENVIVO HEALTH LLC		\$ 208.00
327	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 103,428.20
813	AV/56	GLOBAL SCIENCE & TECH		\$ 1,645.00
812	AV/56	FIFTH THIRD BANK		\$ 1,072.63
1241	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 155,179.43
1242	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 1,584.44
1243	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 11,293.11
1244	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 1,222.44
138	IP/249	TISCHLERBISE		\$ 1,455.00
130	IP/249	TISCHLERBISE		\$ 1,980.00
107	IP/249	TISCHLERBISE		\$ 1,620.00
116	IP/249	TISCHLERBISE		\$ 3,030.00
TOTAL				\$ 303,572.12

Motion by Mr. Compton to approve the Manual Checks for July 17, 2020 in the amount of \$303,572.12. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Noland to approve the Payroll for July 9, 2020 in the amount of \$271,636.70. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was received by Christine Wimer, Catherine Jozwick, Danny Chiotis, Steven Welch, Jenn Miller, and David Tabb (via e-mail)

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

PRESENTATIONS

1. Angie Banks, Assessor requested the approval of the following Exonerations:

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Robert & Sandra Biggs	PP	CTD	300717	\$27.83

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 300717 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Joni Miller	PP	HFD	308416	\$95.60

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 308416 as presented. Motion seconded and unanimously approved.**

2. Jacki Shadle, Clerk of the County Commission – requested the approval of a resolution of appreciation for Gail Magaha, longtime employee. – This item was postponed, as Ms. Shadle was unavailable to attend and present the Resolution.

3. Pete Dougherty, Sheriff – requested the approval of employment for a deputy to fill a current vacancy within the ranks.
 - **Motion by to approve the employment of Micah Hutchins for the position of Deputy Sheriff, effective August 2, 2020, at a salary of \$47,833.00. Motion seconded and unanimously approved.**
4. Ronda Eddy, Jefferson Day Report Center – introduced Kelly Franklin, the newly hired Executive Director of the Jefferson Day Report Center and John Unger, the Community Engagement & Economic Development Director, John Unger.
5. Neil McLaughlin or Lyn Goodwin, Jefferson County Development Authority – introduced Dennis Jarvis II, newly hired Executive Director of the Jefferson County Development Authority Board.
6. Jennifer Myers, Director, Jefferson County Parks and Recreation – updated the Commission the budgetary effects of COVID-19 on the JCPRC.
7. Edgar Aguilar and Nathan Fox, Kinsley Construction – requested the approval of placing a field trailer on County property – this item was pulled from the agenda as the construction company found another section of land for the trailer.
8. Lynn Fields, Probate Office – Quarterly Review
 - **Motion by Ms. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to approve the estates both opened and closed during the third quarter, including the accountings and waivers and the final settlement, as presented. Motion seconded and unanimously approved.**
 - **Motion by Mr. Compton to adjourn as a Fiduciary Review Board. Motion seconded and unanimously approved.**
9. Interviews and Appointments
 - a. Summit Point Library Committee – one five-year term ending June 30, 2025

- **Motion by Ms. Noland to reappoint Cathie Burke to the South Jefferson Library Committee for one five-year term ending June 30, 2025. Motion seconded and unanimously approved.**
- b. Jefferson County Solid Waste Authority – one four-year term ending June 30, 2024
 - **Motion by Mr. Compton to reappoint William Weston to the Jefferson County Solid Waste Authority for one four-year term ending June 30, 2024. Motion seconded and unanimously approved.**
- c. Harpers-Ferry Bolivar Public Service District – one six-year term ending June 30, 2026 – no action was taken on this item as there were no applicants for the position.
- d. Eastern Panhandle Regional Planning and Development Council – one two-year term ending June 30, 2022
 - **Motion by Ms. Noland to appoint Dennis Jarvis to the Eastern Panhandle Regional Planning and Development Council for a two-year term ending June 30, 2022. Motion seconded and unanimously approved.**
- e. Jefferson County Parks and Recreation Commission – three three-year terms ending June 30, 2023.
 - **Motion by Ms. Tabb to reappoint Dale Manuel, David Hill, and Paul Marshall to the Jefferson County Parks and Recreation Commission each for a term of three years, ending June 30, 2023. Motion seconded and unanimously approved.**
- f. Jefferson County Board of Health – one five-year term ending June 30, 2025 and one unexpired term ending June 30, 2021
 - Ms. Noland nominated Mr. Bresland for the five-year term (3 votes – Ms. Noland, Mr. Lorenzetti, and Ms. Noland)
 - Mr. Compton nominated Judith Jones for the five year term (2 votes – Mr. Compton and Mr. Hudson)
 - After receiving the majority vote, Mr. Bresland was reappointed to the Jefferson County Board of Health for one five-year term ending June 30, 2025.

- Ms. Noland nominated Jerry Franklin for the unexpired term (1 vote – Ms. Noland)
 - Ms. Tabb nominated Judith Jones for the unexpired term (4 votes – Ms. Tabb, Mr. Compton, Mr. Hudson, and Mr. Lorenzetti)
 - After receiving the majority vote, Ms. Jones was appointed to an unexpired term ending June 30, 2021.
10. Kathy Santa Barbara, Attorney – expressed objections to the “legally defective” notice of public hearing by the Planning Commission as respect to the Solar Energy Facilities text amendment.
11. Alexandra Beaulieu, Zoning Administrator – Solar Energy Facilities Text Amendment overview and scheduling of a public hearing.
- **Motion by Ms. Tabb to send the proposed solar energy facilities amendment back to the Planning Commission for further edits. Motion seconded and fails on a vote of 2-3 with Ms. Noland, Mr. Compton, and Mr. Hudson opposing.**
 - **Motion by Ms. Noland for the Commission to hold a public workshop on the proposed solar energy facilities amendment to be coordinated by staff. Motion seconded and unanimously approved.**

NEW BUSINESS

12. Discuss/Update the Jefferson County recycling Ordinance - it was the consensus of the Commission to direct counsel to do more research on this matter.
13. Discuss relocation of the SWA Transfer Station – no action was taken on this matter; however, Ms. Noland asked that Mr. Compton approach Mr. Jarvis at the Development Authority to inquire about available land that may be a good fit for the relocation of the Transfer Station.
14. Discussion of JCC Meeting Room use by outside agencies during COVID-19 – it was the consensus of the Commission to disallow outside use of the JCC Meeting Room for the time being due to concerns regarding COVID-19.
15. Approval of Cooperation Law Enforcement Agreement

- **Motion by Mr. Compton to approve the Cooperative Law Enforcement Agreement between the Jefferson County Sheriff's Department and the USDA Forest Service, Region Nine Law Enforcement and Investigation and Harpers Ferry Job Corps Civilian Conservation Center. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

COVID-19 Updates – Ms. Grove notified the Commission of a few COVID-19 related updates, including the Governor's mask mandate and the County's application for funds from the CARES Act grant.

Ambulance Fee Billing Updates – Ms. Grove stated that, due to the Ambulance Fee office transitioning to the Tyler system, there would be a delay in the mailing of the ambulance fee bills.

- **Motion by Ms. Tabb to extend the mail out of the ambulance fee bills until August 31, 2020. Motion seconded and unanimously approved.**

16. Nathan Cochran, Assistant Prosecuting Attorney

1. Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
3. Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
4. Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
5. Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
6. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
7. Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
8. Discussion of Jefferson County Circuit Court Civil Action #20-C-26. Discussion/Action.
9. Review and report on aspects of county policies and local

government/component/agency/department involvement based on C-19 crisis – Discussion/Action.

- **Motion by Ms. Tabb to go into Executive Session to receive legal advice regarding Jefferson County Circuit Court Civil Action #19-P-69; Jefferson County Circuit Court Civil Action #20-C-20; discussion of legal issues regarding proposed solar text amendment including bonding and related matters and discussion of issues regarding implementation of compensation standards for certain employees under compensation policy 204 and associated policies. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to direct the assistant Prosecuting Attorney provide an opinion concerning the constitutionality of retroactive payments to the county employees in questions and provide a copy of the opinion to both the County Commission and the Clerk of the County Commission.**

17. The Commission adjourned at 11:02 pm on a motion by Ms. Noland. Motion was seconded and unanimously approved.

Jane M. Tabb, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant