

# Minutes

## Jefferson County Commission

Thursday, August 3, 2023

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A meeting of the Jefferson County Commission was held on Thursday, August 3, 2023 during the third quarterly session at 9:30 am. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, and Commissioners Tricia Jackson, Jennifer Krouse, and Jane Tabb. Also present were Makayla Zonfrilli, County Administrator, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, August 3, 2023 meeting is available on the Jefferson County Commission website.

**PRAYER-** Pastor Adam Johnson

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF PAYROLL**

Motion by Mr. Stolipher to approve the Payroll for August 4, 2023 in the amount of **\$323,950.30**. Motion seconded and unanimously approved.

### **APPROVAL OF REQUISITIONS**

Motion by Mr. Stolipher to approve the requisitions for August 3, 2023 in the amount of **\$52,139.44**. Motion seconded and unanimously approved.

### **APPROVAL OF ACCOUNTS PAYABLE**

CHECK REGISTER				
July 27, 2023				
CHECK #		VENDOR NAME		AMOUNT
88286		AHA-ARTS & HUMANITIES ALLIANCE	\$	1,707.44
88287		ALBERT HOCKMAN	\$	22.60



88318		BERKELEY GLASS INC	\$	4,637.00
88319		BOLAND TRANE SERVICES INC	\$	1,131.28
88320		BUREAU OF CHILD SUPPORT	\$	439.85
88321		CAPITAL LIGHTING & SUPPLIES LLC	\$	765.16
88322		CASTO & HARRIS INC	\$	520.96
88323		COMPTROLLER OF MARYLAND	\$	1,054.14
88324		COX HOLLIDA YOUNG PLLC	\$	810.00
88325		EFTPS IRS TAXES	\$	109,863.53
88326		EMPOWER RETIREMENT	\$	6,665.83
88327		GUTTMAN OIL CO	\$	5,829.47
88328		JACQUELINE SHADLE	\$	31.00
88329		JEFFERSON CO EMERGENCY SERVICES AGENCY	\$	787,217.75
88330		JEFF CO AFRICAN AMERICAN	\$	65.00
88331		JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$	19.21
88332		JEFFERSON SECURITY BANK	\$	3,975.00
88333		JOYCE A. JOHNS	\$	4,300.00
88334		KATRINA CLARK	\$	31.00
88335		MAZZITTI & SULLIVAN EAP	\$	936.00
88336		NATIONAL VISION ADMIN.	\$	1,645.94
88337		NATIONWIDE RETIREMENT SOLUTIONS	\$	1,899.00
88338		OLD CHARLES TOWN LIBRARY	\$	1,500.00
88339		R.E. MICHEL CO. LLC	\$	756.77
88340		SHAUN PACETTI	\$	31.00
88341		SPECIALTY BUSINESS SUPPLIES	\$	1,708.20
88342		STATE TAX DEPARTMENT	\$	150.00
88343		THE HARTFORD	\$	2,368.55
88344		TOWN OF BOLIVAR	\$	19.21
88345		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$	23,593.52
88346		WV DIVISION OF LABOR	\$	90.00
88347		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	48,201.90
88348		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	166.49
88349	BS/011	SHERIFF OF JEFFERSON COUNTY	\$	8,684.80
88350	AM/053	SHERIFF OF JEFFERSON COUNTY	\$	1,796.74
				\$1,023,240.40

- **Motion by Mr. Stolipher to approve the Accounts Payable for August 3, 2023 in the amount of \$1,023,240.40. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

July 27, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
580	CS-002	Jefferson Co. Parks & Rec Comm		\$ 10,000.00
228	AR-207	Friendship Fire Company		\$ 1,800.00
1843	CO-246	P.J. Raco Consulting LLC		\$ 2,750.00
TOTAL				\$ 14,550.00

- **Motion by Mr. Stolipher to approve the Manual Checks for July 27, 2023, in the amount of \$14,550.00. Motion seconded and unanimously approved.**

July 28, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
1844	CO-246	Vibe Design Group		\$ 32,839.76
TOTAL				\$ 32,839.76

- **Motion by Mr. Stolipher to approve the Manual Checks for July 28, 2023, in the amount of \$32,839.76. Motion seconded and unanimously approved.**

August 3, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
581	CS/002	EASTERN PANHANDLE MENTAL HLTH		\$ 1,800.00
866	HD/008	SHERIFF OF JEFFERSON COUNTY		\$ 1,482.49
1088	AV/056	PRINT-O-STAT INC.		\$ 190.00
229	AR/207	AT & T MOBILITY - CC		\$ 734.24
230	AR/207	CITIZENS VOLUNTEER FIRE CO		\$ 3,400.00
231	AR/207	SHERIFF OF JEFFERSON COUNTY		\$ 13,450.32
232	AR/207	ST. ANDREWS MNT COMM CNTR PJT		\$ 2,500.00
1845	CO/246	TEK ADVISORS, LLC.		\$ 227,992.00
<b>TOTAL</b>				<b>\$ 251,549.05</b>

- Motion by Mr. Stolipher to approve the Manual Checks for August 3, 2023, in the amount of \$251,549.05. Motion seconded and unanimously approved.

**PUBLIC COMMENT:** Jacquelyn Milliron, David Tabb.

**PRESENTATIONS**

1. Angie Banks- Assessor- Requested exonerations

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Miya Brown	PP	KT	\$232. 32	309270

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 309270 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Randy & Sawahana Cox	PP	MD	\$151.37	311425

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 311425 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Danny Daniels	PP	MD	\$149.97	311466

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 311466 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Debra Mariani	PP	HFD	\$151.00	307830

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 307830 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Gary & Kelly Musgrove	PP	HFD	\$46.60	307992

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 307992 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Omar Shabnam	PP	RC	\$68.64	313979

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 313979 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Charles & Stephanie Oswald	PP	KD	\$540.67	310378

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 310378 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Vel Anne Schlachter	PP	KD	\$90.05	310593

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 310593 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Stephen & Stephanie Waldron	PP	CTC	\$208.58	306182

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 306182 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Joseph & Carolyn Wrobleski	PP	HFD	\$352.26	308762

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 308762 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Arthur Yates	PP	CTC	\$800.90	306275

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 306275 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Jefferson Utilities Inc	Land	MD	\$763.55	22215

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 22215 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Douglass A Cobb	Land	ST	\$488.80	27411

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 27411 as presented by Ms. Banks. Motion seconded and unanimously approved.**

2. Tom Hansen-Sheriff- Requested

a. Approval of payment of Commission check for FY23

- **Motion by Mr. Stolipher to approve the payment of commission check to the sheriff in the amount of \$15,000. Motion seconded and unanimously approved.**

b. Approve ESAC report, authorize digital signature and acknowledgments

- **Motion by Mr. Stolipher to approve the digital signature for the Commission President on the FY24 ESAC report and certify that the Sheriff's Office budget has not been supplanted as a result of receiving equitable sharing funds and the agreement to abide by the policies and procedures set forth in the Guide. Motion seconded and unanimously approved.**

c. Approval to create a second full-time process server, sitter, transport office

- **Motion by Mr. Stolipher to approve the creation of a second full-time process server and approve the transfer of Bailiff Darryl Wimer to fill this 40 hour position at a rate of \$18.08/hour. Motion seconded and unanimously approved.**

d. Adjust pay grade scale and minimum pay benchmark

**It was an administrative error corrected administratively.**

e. Animal control employee changes

- **Motion by Mr. Stolipher to approve the change of Robert Smith from Animal Control Officer to Kennel Tech and the change of Zachary Holler from the role of Kennel Tech to Animal Control Officer. Motion seconded and unanimously approved.**

3. Edwina Benites- Director, Jefferson County Development Authority- Child Care Crisis Discussion.

#### **PRESENTATION ONLY**

4. Roger Goodwin-Chief County Engineer- Requested-

a. Partial bond release for Roderick Planes, LLC – Aspen Greens Subdivision, Phase IIB (File #20-1- SD).

- **Motion by Mr. Stolipher to approve partial release of Performance Bond No. 52431397 with United Fire & Casualty Company in the amount of \$2,360,734.88 for Roderick Planes, LLC- Aspen Greens Subdivision, Phase IIB (File #20-1-SD). Motion seconded and unanimously approved.**

b. Approval of employment offer to fill position of Land Development Inspector in the Department of Engineering, Planning and Zoning.

- **Motion by Mr. Stolipher to approve the offer of employment to William Smith at \$76,000 per year, with a start date of August 8, 2023 to provide for a replacement person for the position of Land Development Inspector in the Department of Engineering, Planning and Zoning. Motion seconded and unanimously approved.**

c. Approval of employment offer to fill position of Building Inspector in the Department of Engineering, Planning and Zoning.

- **Motion by Mr. Stolipher to approve the offer of employment to Terry Weldon at \$47,250 per year, with a start date of August 21, 2023 for the Department of Engineering, Planning and Zoning-Office of Permits & Inspections and to raise building Inspector Ryan Mose’s salary to \$50,250 per year. Motion seconded and unanimously approved.**
5. Alex Beaulieu-Deputy Director-Office of Planning & Zoning- Requested for a partial refund of the Conditional Use Permit and Variance fees for Carl Epstein/ Tree Nexus.
- **Motion by Mr. Stolipher to approve the partial refund in the amount of \$386.05 for the Conditional Use Permit and Variance fees for Carl Epstein/ Tree Nexus. Motion seconded and unanimously approved.**
6. Luke Seigfried-County Planner-Requested
- **Motion by Mr. Stolipher to approve the schedule of a Joint Session with the Jefferson County Planning Commission on October 5, 2023 at 1:30pm for discussion and possible action related to the draft goals and Objectives for the 2045 Comprehensive Plan Update. Motion seconded and unanimously approved.**
7. Karen Olden/ Nikki Painter-Probate Office-Requested - Review and Consideration for Signature of Motion for Entry of Rule to show cause why Respondent William H. Judy, III should not be held in contempt and Order Granting Rule to show cause why respondent William H. Judy, III should not be held in contempt in re: Estate of Richard Walter Accurso, Deceased and Estate of Ellen Sherry Hoffman, Deceased

*Motion by Mr. Stolipher to convene as a Fiduciary Review Board. Motion Seconded and unanimously approved.*

*Removal executor of the Estate of Richard Walter Accurso*

- **Motion by Ms. Jackson to order the Respondent to appear before the County Commission *in person* on the 7<sup>th</sup> day of September 2023 at 9:30 a.m to: 1) demonstrate full compliance with its March 30, 2023 Order; 2) demonstrate full compliance with all requests set forth in the Petitioner's April 11, 2023 letter-notice; and 3) show cause why he should not be held in contempt and fined \$50 per day for each day he has failed to comply, and continues to fail to comply, with the County Commission’s March 30, 2023 Order and the Petitioner’s April 11, 2023 letter notice. Motion seconded and unanimously approved.**

***Removal executor of the Estate of Ellen Sherry Hoffman***

- **Motion by Ms. Jackson to order the Respondent to appear before the County Commission *in person* on the 7<sup>th</sup> day of September 2023 at 9:30 a.m to: 1) demonstrate full compliance with its March 30, 2023 Order; 2) demonstrate full compliance with all requests set forth in the Petitioner's April 11, 2023 letter-notice; and 3) show cause why he should not be held in contempt and fined \$50 per day for each day he has failed to comply, and continues to fail to comply, with the County Commission's March 30, 2023 Order and the Petitioner's April 11, 2023 letter notice. Motion seconded and unanimously approved.**

***Documentation Attached***

***Motion by Ms. Jackson to adjourn as a Fiduciary Board and reconvene in regular session.***

- **Motion by Mr. Stolipher to close out the 3 estates as presented. Motion seconded and unanimously approved.**

8. Interviews & Appointments to the following :

→ Jefferson County Building Commission- Three (3) Five-year terms ending July 27,2028

\*Addie Crawford

→ Jefferson County Park and Recreation Commission- Three (3) Five-year terms ending June 30, 2028

\*Debra Lee Allen

\*Bryan Derrickson

\*Zach Holland

→ South Jefferson Library Committee- One (1) five year term ending June 30, 2028

\*Nick DiGennaro

→ Jefferson County Board of Health- One (1) five year term ending June 30, 2028

\*Ann Smith

→ Jefferson County Development Authority- One (1) unexpired term ending April 7, 2024

\*Mary Katherine Robinson

→ Jefferson County Community Corrections Boards- Three (3) year at-large terms ending July 3, 2026

\*Aidan Boyer

\*Kristen Vogel

\*Noelle Ward

→ Jefferson County Deputy Sheriff Civil Service Service Commission- One unexpired term ending September 29, 2025

**MOVED TO AUG. 17<sup>TH</sup> COMMISSION MEETING**

→ Hagerstown-Eastern Panhandled Metropolitan Organization Council- One (1) two year term.

\*Elizabeth Ricketts

9. Mike Sine-Director Emergency Services Agency- Requested-

a. Approval of Hire- 4 Part Time employees

**-Motion by Mr. Stolipher to approve the hire of Patrick O'Meara to be hired as a part-time FF/Paramedic I @ \$25.00/hr effective 8/13/2023. Upon**

**completion of the introductory period and meeting the requirements of AP1060 he will receive a promotion to FF/Paramedic II with a new pay rate of \$25.63/hr. Motion seconded and unanimously approved.**

**- Motion by Mr. Stolipher to approve the hire of Shiela Williams to be hired as a part-time FF/Paramedic I @ \$25.00/hr effective 8/13/2023. Upon completion of the introductory period and meeting the requirements of AP1060 she will receive a promotion to FF/Paramedic II with a new pay rate of \$25.63/hr. Motion seconded and unanimously approved.**

**- Motion by Mr. Stolipher to approve the hire of Cheyenne Edwards to be hired as a part-time FF/EMT I @ \$19.67/hr effective 8/13/2023. Upon completion of the introductory period and meeting the requirements of AP1060 she will receive a promotion to FF/EMT II with a new pay rate of \$20.16/hr. Motion seconded and unanimously approved.**

**- Motion by Mr. Stolipher to approve the hire of James Mood to be hired as a part-time FF/EMT I @ \$19.67/hr effective 8/13/2023. Upon completion of the introductory period and meeting the requirements of AP1060 he will receive a promotion to FF/EMT II with a new pay rate of \$20.16/hr. Motion seconded and unanimously approved. Motion seconded and unanimously approved.**

b. ARPA Request- New Ambulance Invoice

- **Motion by Mr. Stolipher to approve the invoice Atlantic Emergency Solutions in the amount of \$286,804.00 for payment for the contracted build of a new ambulance originally signed by Citizens Fire Company and acquired by the Commission during the EMS Transition purchases of VFD equipment. This invoice will be paid out of ARPA funding dedicated to the EMS Transition. Motion seconded and unanimously approved.**

c. Update on MOU with VFDs and possible presentation for Commission approval

d. Continued discussion on EMS standbys - JC Fair and JC Schools w/ attached plan and statement from Shepherdstown Fire Department.

- **Motion by Mr. Stolipher to accept the plan as presented for the EMS Standby for the JC Fair and JC Schools as presented. Motion seconded and unanimously approved.**

e. Information only call statistic 2nd/3rd weeks of July

10. Nathan Cochran- Prosecuting Attorney's Office-

.a Report by counsel on opioid case and consideration of recent developments in the a case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir.Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.

b. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103, 2022-C-14 and 2023-C-112, WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731 and WV Intermediate Court of Appeals No. to be assigned (appeal of Jefferson County Circuit Court Civil Action No. 2022-C-141).

c. Report and recommendation regarding record and Petition for Confirmation of Removal of Civil Service Commissioner.

*Documentation Attached*

d. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.

e Discussion of wage issue regarding Deputy Sheriffs.

f. Presentation and discussion of the Memorandum of Understanding for Recovery Closet.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on items 10b. Motion seconded and unanimously approved.**

- **Motion by Ms. Jackson to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**

*\*Please note that Commissioner Steve Stolipher recused himself from the discussion of item 10b.*

- **Motion by Mr. Stolipher to accept the MOU for the Recovery Closet on the condition that the power gets turned back on in the building. Motion seconded and unanimously approved.**

*Documentation Attached*

## **COUNTY ADMINISTRATOR REPORT**

- Discussion and request to approve the budget revision and adoption of the resolution for the State Auditor's Office, via role call vote, for a Budget Transfer for FY23/24 to reconcile the Coal Severance Account.

**Motion by Mr. Stolipher to approve the budget revision and adoption of the resolution of the State Auditor's Office via role call vote, for a Budget Transfer for FY23/24 to reconcile the Coal Severance Account. Motion seconded and unanimously approved.**

- Discussion and potential approval to move forward to create a Tyler Munis Administrator Position

**It was the consensus of the Commission that the County Administrator provide a full job description for the role and present at the next Commission meeting.**

- Discussion and potential approval of FY23-24 Budget Transfer.
- **Motion by Mr. Stolipher to approve the FY23-24 Budget Transfer as presented. Motion seconded and unanimously approved.**

a. Adjourn

The Commission adjourned at 12:56 pm a motion by Ms. Jackson. Motion was seconded and unanimously approved.

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Steve Stolipher, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant