

**REGULAR TERM:**

State of West Virginia, County of Jefferson, to-wit:

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library thereof on Thursday, June 30, 2005, beginning at 9:30 o'clock a.m.

**PRESENT:** Gregory Corliss, President Pro Tem;  
James Surkamp;  
Dale Manuel; Jane M. Tabb; Commissioners  
Commissioner Morgan was absent due to a prior commitment.

**In re: PLEDGE OF ALLEGIANCE**  
Commissioner Corliss conducted the Pledge of Allegiance.

**In re: DISPENSE WITH READING OF MINUTES**  
Motion by Manuel, second by Surkamp to dispense with the reading of the Minutes for the meeting held on Thursday, June 23, 2005, and to approve the Minutes as prepared. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**  
Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of June 27, 2005, totaling \$22,771.80: 41397, 41179, 41197, 41311, 41394, 41395, 41399, 40743, 41178, 40693, 40124, 41396, 41398, 41230, 41333, 41180 and 41249. Motion carried.

**In re: GREEN INFRASTRUCTURE STUDY FUNDING**  
The Commission discussed funding for the proposed Green Infrastructure Study. The Commission agreed the matter should be included for discussion in their budget deliberations to complete a budget revision to be sent to the State. After discussion, motion by Tabb, second by Surkamp to meet in work session on Tuesday, July 12, 2005, at 9:30 a.m. for the purpose of conducting budget deliberations to complete a budget revision. Motion carried.

**In re: PARTIAL BOND RELEASE - PFK LLC**  
Motion by Tabb, second by Surkamp to approve the partial release of an Escrow Account for PFK LLC in the amount of \$35,024, with the County to retain \$249,070. Motion carried.

**In re: PARTIAL BOND RELEASE - BC PARTNERS, INC.**  
Motion by Tabb, second by Manuel to approve the partial release of an Escrow Account for BC Partners, Inc. in the amount of \$14,763.96, with the County to retain \$51,650. Motion carried.

**In re: COMPLETE BOND RELEASE - PFK LLC**  
Motion by Manuel, second by Surkamp to approve the complete release of an Escrow Account for PFK LLC in the amount of \$62,135. Motion carried.

**In re: COMPLETE BOND RELEASE - BC PARTNERS, INC.**  
Motion by Tabb, second by Manuel to approve the complete release of a Letter of Credit for BC Partners, Inc. in the amount of \$53,700. Motion carried.

**In re: COMPLETE BOND RELEASE - LARRY D. RUFFNER, SR.**  
Motion by Surkamp, second by Tabb to approve the complete release of a Letter of Credit for Larry

D. Ruffner, Sr. in the amount of \$11,375. Motion carried.

**In re: PLANNING COMMISSION ACTIVITY REPORT**

Sherry Kelly, Planner for the Department of Planning, Zoning and Engineering, appeared before the Commission to give the Planning Commission Activity Report.

**In re: APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS**

No applications were received for appointment as an alternate member of the Board of Zoning Appeals.

**In re: APPROVAL OF EMPLOYMENT - ROBERT AMICK - FULL-TIME PUBLIC SAFETY DISPATCHER**

Motion by Tabb, second by Manuel to approve the full-time employment of Robert Amick as a Public Safety Dispatcher. Motion carried.

**In re: SMITH NADENBOUSCH - INVOICE FOR EXCESS COVERAGE**

The Commission discussed the invoice received from Smith Nadenbousch for excess coverage. The Commission asked the County Administrator to contact Mr. Moshier from Smith Nadenbousch to see if Mr. Moshier would be able to meet with the Commission later in the meeting to answer questions.

**In re: DOUGLASESTEEP - JAIL PROJECT ADVISORY COMMITTEE AND SAVE AMERICA'S TREASURES PROGRAM**

Douglas Esteepp appeared before the Commission to request that the Commission form a citizen's advisory committee to assist in the jail project. Mr. Esteepp also recommended that the Commission apply for grant funds through the Save America's Treasures Program and that the Commission seek National Historical Status for the Courthouse and the jail building. The Commission made no decision at this time.

**In re: WILLOW SPRING FARM APARTMENTS VI - LOW-INCOME HOUSING TAX CREDIT PROGRAM**

After discussion, motion by Tabb, second by Manuel to approve to send a letter of no opposition for Willow Spring Farm Apartments VI participation in the Low-Income Housing Tax Credit Program. Motion carried.

**In re: ALLEN R. TAYLOR - PENNSYLVANIA HOUSE OF REPRESENTATIVES - INVITATION TO ADDRESS COMMITTEE ON JULY 11, 2005**

The Commission discussed the invitation received from Allen R. Taylor from the Pennsylvania House of Representatives to address their committee on July 11, 2005. The Commission agreed to decline the invitation.

**In re: PARKS AND RECREATION COMMISSION - CHARLES TOWN/RANSON LITTLE LEAGUE - WAIVER OF BONDING FOR THE CONSTRUCTION OF A BASEBALL FIELD AT SAM MICHAELS**

After discussion, motion by Manuel, second by Surkamp to approve the waiver of bond for the construction of a baseball field at Sam Michael's Park with the understanding that construction would follow all County ordinances and regulations. Motion carried. The County Administrator also brought to the attention of the Commission a request received yesterday for waiver of bond for the community center. The Commission agreed to place the matter on their next agenda.

**In re: APPROVAL OF EMPLOYMENT - JOSEPH GALSKY - ANIMAL CONTROL OFFICER**

Motion by Tabb, second by Manuel to approve the employment of Joseph Galsky as an Animal

Control Officer. Motion carried.

**In re: APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION**

The Commission agreed to conduct interviews of the applicants for the Parks and Recreation Commission at their next meeting.

**In re: APPOINTMENT TO THE BOARD OF HEALTH**

Motion by Surkamp, second by Tabb to reappoint Michael Vojtasko to the Board of Health for a 5-year term ending June 30, 2010. Motion carried.

**In re: APPOINTMENT TO THE SUMMIT POINT LIBRARY COMMITTEE**

Motion by Manuel, second by Corliss to reappoint Catherine Burke to the Summit Point Library Committee for a 5-year term ending June 30, 2005. Motion carried.

**In re: UPDATE ON RANSON-COUNTY SCHOOL IMPACT FEE AGREEMENT**

The Commission discussed the Ranson-County School Impact Fee Agreement and correspondence received from Ranson concerning the Law Enforcement and Fire & EMS Impact Fees. The Commission agreed to ask the Prosecuting Attorney to review the correspondence received from Ranson and then report back to the Commission at their next meeting.

**In re: APPROVAL OF NOISE ORDINANCE**

Motion by Tabb, second by Manuel to approve the June 23, 2005 Draft of the Noise Ordinance with an effective date of August 1, 2005. Motion by Surkamp to amend the motion to change the quiet time on Friday and Saturday from 10:00 p.m. to 11:00 p.m. Amendment failed due to a lack of a second. The Commission voted on the original motion to approve the June 23, 2005 Draft of the Noise Ordinance with an effective date of August 1, 2005. Motion passed by a 3-1 vote. Commissioner Surkamp voted no.

**In re: UPDATE: MEETING RE RAILROAD ACCIDENTS**

Commissioner Surkamp updated the Commission on meeting with railroad officials concerning the railroad accidents. Commissioners Manuel and Surkamp agreed to continue to look into the matter.

**In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT**

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report.

Ms. Maghan requested approval of two new employees. Motion by Surkamp, second by Manuel to approve the employment of Christiana Joan Lowry and Cherokee Frazier in the County Clerk's office. Motion carried.

Ms. Maghan reported on the June 25, 2005 Special Election. Ms. Maghan reported to the Commission that catered lunches had been provided to the poll workers. Ms. Maghan informed the Commission that the total cost of the bill to Renaissance Refinishing for catering lunch was \$1,952 and requested that the Commission authorize payment. Ms. Maghan informed the Commission that she wanted to pay the invoice from the Voter's Registration List Fund and the deadline to pay out of that fund was today before the funds would roll over into the County's General Fund and that the check for that fund required two signatures, the County Clerk's and the Sheriff of Jefferson County. Ms. Maghan reported that the Sheriff refused to sign the check to Renaissance Refinishing in the amount of \$1,952. After full consensus, the Commission agreed to hear from Sheriff Boober on the matter. Sheriff Boober informed the Commission that he did not sign the check because he had contacted Auditor Paul Shroyer, from the State Auditor's office, and that Mr. Shroyer informed him that payment of the invoice for catering of poll worker's lunches was not an acceptable County expenditure. After discussion, motion by Corliss, second by Tabb to request that legal counsel provide an opinion as to whether or not the County has the authority to fund lunches for

poll workers. Motion carried.

**In re: NOAH MEHRKAM - THE RECTOR COMPANY - PUBLIC SAFETY BUILDING**

Coleman Rector and Noah Mehrkam, from The Rector Company, appeared before the Commission to make a presentation to provide a lease-purchase option for the proposed Public Safety Building. The Commission made no decision on the matter.

**In re: SCHEDULING MEETINGS WITH SHEPHERDSTOWN COUNCIL, CHARLES TOWN COUNCIL, BERKELEY COUNTY COMMISSION**

The Commission agreed to have the County Administrator send letters to the municipalities to work out a date to hold a joint meeting and to request that the municipalities provide agenda items for that meeting. The Commission also agreed to work out agenda items for a meeting with the Berkeley County Commission.

**In re: MANAGEMENT CONSULTANT**

The County Administrator informed the Commission that she had been in contact with the Management Consultant who submitted a proposal to the County but, that no date for a meeting has been set.

**In re: SMITH NADENBOUSCH - INVOICE FOR EXCESS COVERAGE**

The County Administrator informed the Commission that she had been in contact with Mr. Moshier, from Smith Nadenbousch, but he was unable to meet with the Commission today due to already scheduled client appointments. The Commission agreed to not pay the invoice for excess coverage at this time.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Tabb informed the Commission that she would be placing on the agenda for approval at the next meeting the Early Action Compact with the EPA.

Commissioner Tabb reported on a Farmland Protection Board meeting.

Commissioner Tabb reported on the Chamber of Commerce's annual dinner.

Commissioner Manuel reported that he took a tour of the county road problems with representatives from the Division of Highways.

Commissioner Surkamp reported on a Shannondale picnic where he received a copy of the proposed firehall.

Commissioner Surkamp reported on a Planning Commission meeting.

Commissioner Surkamp reported on the Division of Highways meeting.

Commissioner Corliss commented on the meeting of the Eastern Panhandle Transportation Authority.

The County Administrator reminded the Commission of the Canvass tomorrow at 9:30 a.m.

The County Administrator reminded the Commission that there was no meeting next week.

The County Administrator informed the Commission that their next meeting would be back in the County Commission meeting room in the Courthouse.

**The Commission received the following information:**

Reminder - Courthouse is closed on Monday, July 4, 2005.

The County Commission will meeting as a Board of Canvassers on Friday, July 1, 2005, at 9:30 a.m for the June 25, 2005 Special Election.

Notice of Jefferson County Commission meeting cancellation on Thursday, July 7, 2005.

Correspondence received from Robert A. Scharmer, Jr. concerning his positive experience dealing with the staff from the Department of Planning, Zoning and Engineering.

Correspondence received from the Boys & Girls Club concerning their FY2006 budget allocation.

Copy of a newspaper article received from the Association of Counties concerning federal budget cuts.

Correspondence received from the Ambulance Authority concerning the FY2006 budget.

Correspondence received from Marian Buckner requesting reappointment to the Potomac Headwaters RC&D.

Letter of resignation received from Jason Ahalt, Animal Control Officer.

Correspondence received from the Board of Risk and Insurance Management concerning Civil Action 05-C-143.

Correspondence received from Region 9 concerning FY2006 Local Assessment Invoice.

Correspondence received from Shepherdstown Vision 20/20 concerning land use maps.

Correspondence received from the City of Ranson concerning the Impact Fee Ordinances for Parks & Recreation and Fire & Emergency Medical Services.

First In Your Family Newsletter received.

Notice received of the County Commissioners' Association Annual Golf Tournament on Saturday, August 6, 2005.

Meeting Agenda for July 1, 2005 received from the Board of Health.

June 2005 Board of Health Minutes received.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, July 1, 2005.

Weekly settlement for the Charles Town Races received from the West Virginia Lottery.

Upon rising, the Commission recessed until Thursday, July 14, 2005, beginning at 9:30 o'clock a.m. but, the Commission will convene as a Board of Canvassers on Friday, July 1, 2005, beginning at 9:30 a.m.

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PRESIDENT