

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 Jefferson County Court House thereof on Thursday, June 29, 2006 beginning at 9:30 o'clock a.m.

PRESENT: Gregory A. Corliss, President;
James Surkamp; A.M.S. (Rusty) Morgan, III; Jane Tabb; Commissioners
Commissioner Manuel was absent due to a family medical obligation.

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Tabb to dispense with the reading of the minutes for the meeting held on Thursday, June 22, 2006 and to approve the minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Morgan to approve the following Purchase Orders for the week of June 1, 2006 totaling \$16,181.86: 42807, 42808, 42631, 42635, 42886, 42887, 42891, 42893, 42895, 42896 and 42897. Motion carried.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY

No action was taken on this agenda item.

IN RE: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

IN RE: LEGISLATIVE ISSUES

No action was taken on this agenda item.

IN RE: SELECTION OF POINT OF CONTACT OR OTHER REPRESENTATIVES TO FURTHER DISCUSS THE FORMATION OF A CHARLES TOWN/JEFFERSON COUNTY JOINT PLANNING COMMISSION WITH CHARLES TOWN REPRESENTATIVES

Commissioner Corliss reported on the Council of Government meeting he attended. No action was taken on this agenda item, the Commission agreed by consensus to place this matter on the agenda for further action at a later date.

IN RE: EXONERATION – DENNIS MAJ KOWSKI

Ginger Bordier, Assessor appeared before the Commission for an Exoneration request. Motion by Surkamp, second by Tabb to deny Exoneration of Dennis Maj Kowski. Motion carried.

<u>NAME</u>	<u>DISTRICT</u>	<u>TYPE</u>	<u>TICKET NO:</u>
Dennis Maj Kowski	Shepherdstown	Personal	315976

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission for a Planning Commission activity report.

IN RE: CEDAR MEADOWS AIR PARK BOND – EXTENSION REQUEST

After discussion, motion by Morgan, second by Tabb to extend the Bond for Cedar Meadows Air Park until September 30, 2006. Motion carried.

IN RE: ROSE HILL BOND - EXTENSION REQUEST

After discussion, motion by Tabb, second by Morgan to deny the extension request for Rose Hill Subdivision and authorize Mr. Raco to proceed with foreclosure and forfeiture of bond. Motion carried.

IN RE: PUBLIC COMMENT

Joe Coakley appeared before the Commission with comments regarding the request for removal of Paul Burke from the Jefferson County Planning Commission.

IN RE: KENDIG KEAST JULY 11 AND JULY 12, 2006 SCHEDULE

Leslie D. Smith, County Administrator reported on the status and schedule of the Kendig Keast meetings scheduled for July 11 and 12, 2006.

Commissioner Surkamp recommended the Commission schedule a joint meeting with Kendig Keast and Penn National Gaming/Charles Town Races and Slots officials.

IN RE: FARMLAND PROTECTION BOARD – RENAUD PROPERTY CONSERVATION EASEMENT PURCHASE

Kellie Boles, Agriculture Development Officer appeared before the Commission to request approval of the purchase of a Conservation Easement for the Renaud Property upon review by and approval by the Department of Planning, Zoning and Engineering.

Motion by Tabb, second by Morgan to approve the Renaud Property Conservation Easement Purchase as presented by Kellie Boles upon review and approval by the Department of Planning, Zoning and Engineering. Motion carried.

IN RE: SET MEETING WITH JEFFERSON COUNTY BOARD OF EDUCATION JULY 12, 2006

Commissioner Corliss reported on the meeting scheduled with the Jefferson County Board of Education on July 12, 2006.

IN RE: GUARDIAN INSURANCE RENEWAL RATES EFFECTIVE JULY 1, 2006

Leslie D. Smith, County Administrator reported on the 15% rate increase effective July 1, 2006.

Motion by Morgan, second by Tabb to approve the Guardian Insurance renewal rates effective July 1, 2006 as presented. Motion carried.

IN RE: APPROVAL OF EMPLOYMENT – MAINTENANCE DEPARTMENT

Motion by Tabb, second by Morgan to approve the employment of Aaron Stewart as a General Labor for the Jefferson County Maintenance Department. Motion carried.

Motion by Tabb, second by Morgan to approve the employment of Ryan Milbourne as a Maintenance Helper for the Jefferson County Maintenance Department. Motion carried.

IN RE: COUNTY COMMISSIONERS' ASSOCIATION – PUBLIC SERVICE COMMISSION CASE ON 911 PREPAID WIRELESS FEES – REQUEST FOR REPLY TO ALLOW THE 911 COUNCIL AND THEIR ATTORNEY TO REPRESENT COUNTY COMMISSIONERS' ASSOCIATION'S POSITION

Leslie D. Smith, County Administrator reported on the request received from the County Commissioners Association of West Virginia.

Motion by Tabb, second by Morgan to grant the request of the County Commissioners Association of West Virginia pending quick review by Brandon Sims and Jeff Polczynski. Motion carried.

IN RE: KENNETH I. “KIP” PAGE – CHARLES TOWN COMPREHENSIVE PLAN

Mr. Kenneth L. “Kip” Page appeared before the Commission to express his concerns with Charles Town’s Comprehensive Plan. Mr. Page distributed written copies of his comments to the Commission.

Mr. Page reported on a new web page being organized, www.restoreourrightwv.com.

IN RE: SMITH & NADENBOUSCH – WEST VIRGINIA WORKERS COMPENSATION FUND CONTRACT – LEETOWN PARK IMPROVEMENTS

No action was taken on this agenda item.

IN RE: CHANGE ORDERS – JEFFERSON COUNTY COMMUNITY CENTER

Motion by Morgan, second by Corliss to approve Change Order 16 and 17 for the Jefferson County Community Center as presented. Motion carried.

IN RE: JEFFERSON COUNTY CITIZENS FOR ECONOMIC PRESERVATION – REQUEST FOR REMOVAL OF PAUL BURKE FROM THE JEFFERSON COUNTY PLANNING COMMISSION

Peter Chakmakian appeared before the Commission on behalf of the Jefferson County Citizens for Economic Preservation with regard to Paul Burke’s serving on the Jefferson County Planning Commission.

Mr. Chakmakian reported on Planning Commission by laws, conflicts of interest, recusal requirements, principles of law and state statutes. Mr. Chakmakian referenced various Planning Commission meetings where Mr. Burke was asked to recuse himself but declined.

Mr. Chakmakian referenced West Virginia State Code 6-6-7 – Procedures of Removal of County Officials.

Commissioner Surkamp reported on his discussions with the West Virginia Ethics Commission.

Commissioner Tabb expressed her concerns with Mr. Burke’s appeal.

Commissioner Corliss reported on statutes and ordinances.

Commissioner Morgan expressed interest in acquiring opinions from the West Virginia Ethics Commission and legal counsel.

Motion by Tabb, second by Morgan to take the matter under advisement and seek legal consultation with our Prosecuting Attorney’s Office. Motion failed by a 2 to 2 vote; Commissioners Corliss and Surkamp voted no.

IN RE: MICHELLE DAWSON – MOUNTAIN WATER SYSTEMS FAIR WATER RATE COMMITTEE – PETITION PURSUANT TO THE COMMUNITY IMPROVEMENT ACT, WV CODE 16-13B

Ms. Michelle Dawson appeared before the Commission to request the approval of a Petition on behalf of the Mountain Water Systems Fair Water Rate Committee for residents of Keyes Ferry Acres, Westridge Hills and Harpers Ferry Campsites determining the necessity and economic feasibility of creating an assessment district.

Ms. Dawson reported on the June 22, 2006 Public Service District meeting she attended and requested the Commission seek an RFP for Engineering Services.

Lee Snyder and Brandon Sims were present for comments. Mr. Snyder reported on the joint meeting with the County Commission and the Jefferson County Public Service District scheduled for July 17 and July 31, 2006.

The Commission agreed to hold the joint meeting with Jefferson Utilities and Jefferson County Public Service District at the Old Charles Town Library meeting room.

Motion by Surkamp to accept the Petition Pursuant to the Community Improvement Act, WV Code 16-13B as presented and authorize Leslie D. Smith, County Administrator to draft an RFP for Engineering Services for review and consideration by legal counsel, the Public Service District, Planning, Zoning and Engineering and the County Commission. Motion failed due to the lack of a second.

Motion by Tabb, second by Morgan to present the Petition Pursuant to the Community Improvement Act, WV Code 16-13B to legal counsel for review and input prior to drafting an RFP for Engineering Services. Motion carried.

IN RE: COUNTY COMMISSION FACILITATE A MEETING WITH JEFFERSON UTILITIES, JEFFERSON COUNTY PUBLIC SERVICE DISTRICT, MOUNTAIN WATER SYSTEMS FAIR WATER RATE COMMITTEE AND THE COMMISSION ON JULY 17 AND JULY 26, 2006

This matter was discussed under agenda item: “Michelle Dawson – Mountain Water Systems Fair Water Rate Committee – Petition Pursuant to the Community Improvement Act, WV Code 16-13B”.

IN RE: JEFFERSON UTILITIES, INC. – REQUEST FOR USE OF COUNTY MEETING ROOM

This matter was discussed under agenda item: “Michelle Dawson – Mountain Water Systems Fair Water Rate Committee – Petition Pursuant to the Community Improvement Act, WV Code 16-13B”.

IN RE: CONSIDERATION OF PETITION PURSUANT TO THE COMMUNITY IMPROVEMENT ACT PRESENTED BY CITIZENS ORGANIZED AS “MOUNTAIN FAIR WATER RATE ASSESSMENT DISTRICT”

This matter was discussed under agenda item: “Michelle Dawson – Mountain Water Systems Fair Water Rate Committee – Petition Pursuant to the Community Improvement Act, WV Code 16-13B”.

INRE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT

Jennifer S. Maghan appeared before the Commission for the County Clerk’s report of June 29, 2006.

Motion by Morgan, second by Tabb to approve the \$9 million Impact Fee Depository Bond and \$11 million Depository Bond for Farmland Preservation and other County Accounts with Federal Home Loan Bank. Motion carried.

Motion by Corliss, second by Tabb to approve the \$5 million Depository Bond from BB & T Branch Bank as presented. Motion carried.

IN RE: DEPOSITORY BONDS OF PUBLIC MONEY’S REPORT

Jennifer S. Maghan appeared before the Commission with a presentation of the following Depository Bonds of Public Money’s Report:

Depository Bond of Public Moneys Report June 27, 2006

Financial Institution	Total Bond Amount	Percentage Rate	Maturity Date	Market Value	Rating	Safekeeping Location
Bank of Charles Town	Line of Credit	N/A	06/30/2007	9,000,000.00	None Listed	Federal Home Loan Bank of Pittsburgh, PA
	Line of Credit	N/A	06/30/2007	11,000,000.00		
Jefferson Security Bank	Centre City, PA	3.95	09/01/2017	750,000.00		1 ST Bank of Memphis, TN
United Bank	Brigantine, NJ.	4.60	07/01/2011	240,961.56	None - Listed	Wachovia Bank Winston, Salem
	Columbia Cnty., NY	4.60	08/01/2014	247,758.42		
	Crow Creek	4.90	11/15/2009	419,399.32		
	Dyersburg, TN	4.60	12/01/2016	759,567.87		
	Plymouth Cnty., Mass	4.20	12/15/2018	253,711.30		
	Rib Lake Wisc., SD	4.60	03/01/2015	562,887.61		
	Crab Orchard PS	5.50	10/01/2025	237,792.87		
	GNMA Remic 03020	4.00	05/16/2027	576,898.95		
	FNMA Remic 03007	4.50	11/25/2022	419,155.00		
	FMLC Remic 2747	3.75	12/15/2013	213,347.81		
FHLMC Remic 2762	4.00	01/15/2024	292,922.77			

Financial Institution	Total Bond Amount	Percentage Rate	Maturity Date	Market Value	Rating	Safekeeping Location
Susquehanna Bank	FFCB Bond	4.04	06/30/2008	4,000,000		Federal Reserve Bank of Boston
BB&T	FFCB	3.35	02/26/2009	1,500,000.00	AAA	Federal Reserve
	FHLB	3.35	07/09/2009	3,500,000.00	AAA	Federal Reserve

The Commission recessed for a 5-minute break at 11:15. The Commission reconvened at 11:20.

IN RE: JOHN DORSEY – RURAL RETREAT PETITION TO ESTABLISH ROAD MAINTENANCE ASSOCIATION

John Dorsey, Esquire, appeared before the Commission representing Rural Retreat Maintenance Association to present a Petition to establish road maintenance of streets, roadways and common areas with the subdivision known as Rural Retreat Subdivision.

Sworn testimony was heard from Stewart Warden, a resident of Rural Retreat. Mr. Dorsey provided the Commission with true attested copies of the amended Petition, lot owners on Rural Retreat Drive and a reproduction of a tax map identifying Rural Retreat lots.

Brandon Sims, Assistant Prosecuting Attorney was present for comments.

Motion by Surkamp, second by Tabb to approve the Rural Retreat Petition to Establish a Road Maintenance Association for the Maintenance of Streets, Roadways and Common Areas, situate within the Subdivision known as Rural Retreat Subdivision, Charles Town District, Jefferson County, West Virginia. Motion carried.

IN RE: BRANDON SIMS – LEGAL COUNSEL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for a legal counsel update and report.

Motion by Tabb, second by Morgan to enter into Executive Session with legal counsel in order to discuss current and pending litigation. Motion carried.

Motion by Tabb, second by Morgan to return to Regular Session. Motion carried.

No action was taken during or after Executive Session.

IN RE: PARKS & RECREATION COMMISSION – LAND & WATER CONSERVATION FUND CONTRACT – LEETOWN PARK IMPROVEMENTS

Motion by Tabb, second by Morgan to approve the Land & Water Conservation Fund Contract for Leetown Park Improvements as presented by the Parks and Recreation Commission. Motion carried.

IN RE: COUNTY BUILDING PROGRAM – MANAGEMENT AUTHORITY & BUDGETS

Commissioner Morgan expressed his concerns with the County Building Program policy and procedures.

The Commission agreed to schedule a workshop with Jeff Polczynski and Kirk Davis on July 13, 2006 to discuss the County Building Program policies and procedures.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY PARKS & RECREATION COMMISSION

The Commission agreed to authorize Leslie D. Smith to schedule interviews with interested applicants to the Parks and Recreation Commission and place this matter on the agenda for July 13, 2006.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY BOARD OF HEALTH

No action was taken on this agenda item.

IN RE: APPOINTMENT TO THE HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

No action was taken on this agenda item.

IN RE: APPOINTMENT TO THE SUMMIT POINT LIBRARY COMMITTEE

Motion by Morgan, second by Surkamp to appoint Curt Mason to the Summit Point Library Committee for one 5-year term ending June 30, 2011. Motion carried.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY SOLID WASTE AUTHORITY

Motion by Morgan, second by Tabb to appoint Peter Vila to the Jefferson County Solid Waste Authority for one 4-year term ending June 30, 2010. Motion carried

IN RE: APPOINTMENT TO THE EASTERN PANHANDLE REGIONAL PLANNING AND DEVELOPMENT COUNCIL

Motion by Tabb, second by Corliss to appoint Neal Carpenter to the Eastern Panhandle Regional Planning and Development Council – Region 9 for one 1-year term ending June 30, 2007. Motion carried.

IN RE: APPOINTMENT TO THE WV EASTERN PANHANDLE TRANSPORTATION AUTHORITY

Motion by Tabb, Second by Corliss to appoint Eugene Pearson to the West Virginia Eastern Panhandle Transportation Authority for one 4-year term ending July 1, 2010. Motion carried

IN RE: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on Federal Funds received for the Farmland Protection Board.

Commissioner Tabb reported on the Charles Town Advisory Committee meeting she attended.

Commissioner Surkamp reported on the Jefferson County Chamber of Commerce Awards Banquet he attended.

Commissioner Morgan reported on the Subdivision and Ordinance Rewrite Steering Committee meeting he attended.

IN RE: DEPOSITORY BONDS – MICHAEL D. THOMPSON

Motion by Morgan, second by Manuel to approve the security of a \$750,000.00 Depository Bond from Jefferson Security Bank as presented by Michael D. Thompson, Prosecuting Attorney. Motion carried.

The Commission received the following information:

Notice of County Commission Meeting Cancellation on July 6th, 2006.

Acceptance of bond for Thorn Hill, LLC.

Thank you note received from Paula Wilt and the Kidstuff Team for the use of the County Meeting Room.

Notice of a Special Board Meeting of the WV Statewide Addressing and Mapping Project on July 12, 2006.

Copy of correspondence sent to Stephanie Timmermeyer from the Bureau for Public Health received concerning the LCS North Mountain Landfill.

Copy of correspondence sent to the Bureau of Public Health from Berkeley County concerning the LCS Landfill.

Correspondence received from the Division of Culture and History concerning the 2006 State Historic Preservation Annual Work Program.

Correspondence received from McNeer, Highland, McNunn and Varner, L.C. concerning the proposal for exclusive franchise for the distribution of liquefied petroleum gas.

Commission Order received from the Public Service Commission concerning Date Base Management Services.

Notice of Lawsuit and Request for Waiver of Service of Summons received in the action of Aubrey E. Henry v. Jefferson County Commission et al.

Premium Invoice received from Brickstreet.

Upon rising, the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

GREGORY A. CORLISS, COMMISSION PRESIDENT