

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 Courthouse thereof on Thursday, August 14, 2008, beginning at 9:30 o'clock a.m.

PRESENT: Frances B. Morgan, President;
James Surkamp; A.M.S. (Rusty) Morgan, III;
Dale Manuel; Gregory Corliss; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by R. Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, August 7, 2008, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by R. Morgan to approve the following Purchase Orders for the Week of August 14, 2008, totaling \$9,577.53: 45877, 45889, 45960, 45783, 45784, 45785, 45786, 45787, 45789, 45839, 45841, 45842, 45790, 45798, 45799, 45791, and 45794. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss second by Manuel to approve the list of the Accounts Payable dated August 14, 2008 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CHECK AMT
056402	425	ALLEGHENY POWER		\$0.00	\$535.87	\$535.87
056403	424	USA MOBILITY WIRELESS		\$0.00	\$200.17	\$200.17
056403	700	USA MOBILITY WIRELESS		\$0.00	\$397.95	\$397.95
056403	712	USA MOBILITY WIRELESS		\$0.00	\$421.30	\$421.30
056404	425	B-K OFFICE SUPPLY INC	45775	\$957.50	\$0.00	\$957.50
056405	424	BOLAND SERVICES	45112	\$166.00	\$0.00	\$166.00
056405	425	BOLAND SERVICES	45112	\$427.00	\$0.00	\$427.00
056405	425	BOLAND SERVICES	45163	\$385.00	\$0.00	\$385.00
056405	425	BOLAND SERVICES	45777	\$7,368.00	\$0.00	\$7,368.00
056406	ALLOC	BAKERTON FIRE DEPT		\$0.00	\$25,000.00	\$25,000.00
056407	GRANT	BLUE RIDGE ACRES		\$0.00	\$11,258.46	\$11,258.46
056408	440	COUNTRY ROADS TIRE	45781	\$449.83	\$0.00	\$449.83
056408	700	COUNTRY ROADS TIRE	45780	\$860.48	\$0.00	\$860.48
056409	440	CREAMERS AUTO SERV	45769	\$84.06	\$0.00	\$84.06
056409	440	CREAMERS AUTO	45782	\$12.00	\$0.00	\$12.00
056409	712	*CREAMERS AUTO	45782	\$104.05	\$0.00	\$104.05
056410	405	DANKA OFFICE IMAGING	45836	\$437.59	\$0.00	\$437.59
056411	403	DAYTON LEGAL BLANK	45818	\$2,007.44	\$0.00	\$2,007.44
056412	712	NANCY DOPSON		\$0.00	\$30.91	\$30.91
056413	425	FIDELITY ENGINEERING	45774	\$665.00	\$0.00	\$665.00
056414	412	FRONTIER		\$0.00	\$421.33	\$421.33
056414	415	FRONTIER		\$0.00	\$331.27	\$331.27
056414	424	FRONTIER		\$0.00	\$14,524.00	\$14,524.00
056414	712	FRONTIER		\$0.00	\$3,890.66	\$3,890.66
056415	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
056415	422	FIFTH THIRD BANK		\$0.00	\$123.15	\$123.15
056415	424	FIFTH THIRD BANK		\$0.00	\$11.70	\$11.70
056415	425	FIFTH THIRD BANK		\$0.00	\$169.00	\$169.00
056415	433	FIFTH THIRD BANK		\$0.00	\$9.99	\$9.99
056415	700	FIFTH THIRD BANK		\$0.00	\$23.32	\$23.32
056415	700	FIFTH THIRD BANK		\$0.00	\$577.88	\$577.88
056415	711	FIFTH THIRD BANK		\$0.00	\$88.29	\$88.29
056415	711	FIFTH THIRD BANK		\$0.00	\$314.61	\$314.61
056415	712	FIFTH THIRD BANK		\$0.00	\$848.03	\$848.03
056415	712	FIFTH THIRD BANK		\$0.00	\$28.06	\$28.06
056415	712	FIFTH THIRD BANK		\$0.00	\$38.69	\$38.69
056416	425	GRAINGER, INC	45776	\$175.68	\$0.00	\$175.68
056417	440	ROGER GOODWIN		\$0.00	\$75.00	\$75.00
056418	405	STEPHANIE GROVE		\$0.00	\$155.00	\$155.00
056419	ALLOC	INDEPENDENT FIRE CO		\$0.00	\$25,000.00	\$25,000.00
056420	401	JEFFERSON PUBLISH CO		\$0.00	\$30.44	\$30.44
056421	711	JEFFERSON CO FAIR ASSOC	45601	\$160.00	\$0.00	\$160.00
056422	413	JEFFERSON UTILITIES INC		\$0.00	\$18.00	\$18.00
056422	425	JEFFERSON UTILITIES INC		\$0.00	\$234.00	\$234.00
056423	439	JEFFERSON HIGH SCHOOL	45924	\$87.50	\$0.00	\$87.50
056424	712	LANGUAGE LINE SERVICES		\$0.00	\$199.52	\$199.52
056425	402	MARRIOTT INTER.	45886	\$411.55	\$0.00	\$411.55

056426	700	MCKINNEY'S AUTO REPAIR	45778	\$133.98	\$0.00	\$133.98
056427	424	VERIZON BUSINESS		\$0.00	\$1,109.98	\$1,109.98
056428	402	KAREN OLDEN		\$0.00	\$143.44	\$143.44
056429	403	PIFER OFFICE SUPPLY	45823	\$134.44	\$0.00	\$134.44
056429	403	PIFER OFFICE SUPPLY	45826	\$43.07	\$0.00	\$43.07
056429	403	PIFER OFFICE SUPPLY	45827	\$48.65	\$0.00	\$48.65
056430	413	ALICE N. PAINTER		\$0.00	\$75.75	\$75.75
056431	425	LANDMARK ELEVATOR	45740	\$240.00	\$0.00	\$240.00
056432	402	ROBERT R. RODECKER		\$0.00	\$402.50	\$402.50
056433	976	SOFTWARE SYSTEM	45817	\$363.25	\$0.00	\$363.25
056434	404	SOFTWARE SYSTEMS	44536	\$2,525.09	\$0.00	\$2,525.09
056435	405	SPECIALTY BUS SUPPLIES	45838	\$772.54	\$0.00	\$772.54
056436	406	SHEETZ FLEET FUELING		\$0.00	\$972.26	\$972.26
056436	424	SHEETZ FLEET FUELING		\$0.00	\$2,009.27	\$2,009.27
056436	440	SHEETZ FLEET FUELING		\$0.00	\$757.94	\$757.94
056436	700	SHEETZ FLEET FUELING		\$0.00	\$12,153.15	\$12,153.15
056436	711	SHEETZ FLEET FUELING		\$0.00	\$98.66	\$98.66
056436	712	SHEETZ FLEET FUELING		\$0.00	\$529.09	\$529.09
056436	716	SHEETZ FLEET FUELING		\$0.00	\$979.94	\$979.94
056437	712	SPRINT PCS		\$0.00	\$186.62	\$186.62
056438	425	SHEN VALLEY WATER		\$0.00	\$528.05	\$528.05
056439	425	HAGEMeyer	45701	\$4,260.02	\$0.00	\$4,260.02
056440	402	UNITED SYSTEMS & SOFT		\$0.00	\$195.00	\$195.00
056440	403	UNITED SYSTEMS & SOFT		\$0.00	\$167.00	\$167.00
056441	405	WEST PAYMENT CENTER	45837	\$2,021.40	\$0.00	\$2,021.40
056442	425	WILLIAMS MOTOR PARTS	43775	\$3.88	\$0.00	\$3.88
056443	401	WV ASSC COUNTIES		\$0.00	\$6,500.00	\$6,500.00
056444	402	XEROX CORP	45583	\$527.18	\$0.00	\$527.18
TOTAL						\$137,627.38

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$6,530.44
402/CCLK	CO. CLERK	\$1,709.62
403/CIR CLK	CIRCUIT CLERK	\$2,400.60
404/TAX	TAX OFFICE	\$2,525.09
405/PA	PROS ATTY	\$3,386.53
406/ASSR	ASSESSORS	\$972.26
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$421.33
413/ELE	ELECTION	\$93.75
415/MAG CT	MAGISTRATE COURT	\$331.27
415/	GENERAL SCHOOL/CO TRANSFER	
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	\$123.15
424/CTHS	COURT HOUSE	\$18,021.12
425/OB	OTHER BUILDING	\$15,949.00
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	\$9.99
439/PZ	PLANNING ZONING	\$87.50
440/ENG.	DEPT OF ENGINEERING	\$1,378.83
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$14,146.76
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$661.56
712/911	911 COMMUNICATION	\$6,276.93
716/A/C	ANIMAL CONTROL	\$979.94
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	\$363.25
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	
983/CLK ELEC	CO CLERK ELECTION/CAP OUTLAY	
986/CAP/COMM	CO. COMMISSION/CAPITAL OUTLAY	
988/CAP/OB	OTHER BUILDING/CAPITAL OUTLAY	
989/CAP/AGT	AG AGT/CAPITAL OUTLAY	
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
ALLOC	ALLOCATIONS	\$50,000.00
GRANTS	GRANTS	\$11,258.46
PAYROLL	PAYROLL	
TOTALS		\$137,627.38

In re: LEGISLATIVE ISSUES

The Commission discussed gypsy moth spraying funding, homestead exemption and the day reporting center.

In re: BONDING

Upon recommendation from the Chief County Engineer, motion by Manuel, second by R. Morgan to approve the complete release of an escrow account for Norm Thompson, Inc. in the amount of \$1,464. Motion carried.

Upon recommendation from the Chief County Engineer, motion by R. Morgan, second by Corliss to approve the complete release of a letter of credit for Universal Forest Products, Inc. in the amount of \$216,980.35. Motion carried.

In re: EXONERATION

Angela Banks, from the Assessor’s office, appeared before the Commission to present exonerations for approval. Upon recommendation from the Assessor, the Commission approved the following exonerations due to erroneous assessment for the 2008 tax year.

Motion by F. Morgan, second by R. Morgan to approve the following exoneration. Motion carried.

Name	District	Type	Amount	Ticket #
Herbert & Elvira Mount	Harpers Ferry	Real Estate	\$999.73	12970 12971 12972

Motion by R. Morgan, second by Manuel to approve the following exoneration. Motion carried.

Name	District	Type	Amount	Ticket #
Donald & Patricia Walker	Ranson Corp.	Real Estate	\$6,177.62	25644 25645 25646 25647 25649 25650 25651 25652 25653 25654 25655 25656 25657

Motion by F. Morgan, second by R. Morgan to approve the following exoneration. Motion carried.

Name	District	Type	Amount	Ticket #
Donald & Patricia Walker	Ranson Corp	Real Estate	\$7,252.99	25640

In re: PUBLIC COMMENTS

Ruth McQuade commented on the Community Corrections Board.

In re: TONY REDMAN - ACTIVITY REPORT

Tony Redman, Director of Planning and Zoning, appeared before the Commission to give the Planning Commission Activity Report. Mr. Redman presented the Planning Commission’s recommendations and amendments to the Zoning Ordinance and Subdivision Ordinance and Zoning Map. Planning Commissioner Robert Reynolds was present and commented on the matter. The Commission agreed to hold work sessions to review the ordinances and map.

In re: ROGER PERRY - RESOLUTION OF APPRECIATION

Roger Perry appeared before the Commission in order to be presented with a Resolution of Appreciation for his years of service to Jefferson County.

In re: MIKE ALVAREZ & ED SMITH - JEFFERSON COUNTY AMBULANCE AUTHORITY - UPDATE ON 2008

Mike Alvarez and Ed Smith, from the Jefferson County Ambulance Authority, appeared before the Commission to provide an update on the Ambulance Authority for 2008. Mr. Alvarez and Mr. Smith also requested that the Commission grant permission to seek alternative funding for the Ambulance Authority’s building project. The Commission posed no objection to the request to seek alternative funding.

In re: SHERIFF BOOBER - STATUS OF TAXES COLLECTED

Sheriff Boober appeared before the Commission to present the report of the status of taxes collected. Motion by Manuel, second by Corliss to authorize the payment of \$15,000 to Sheriff Boober for the Sheriff’s tax commission as provided by West Virginia Code §11A-1-17. Motion carried.

Sheriff Boober also reported on the issues at the Duffields train station. Sheriff Boober informed the

Commission that there was a bid out for the installation of cameras at the station. The cameras would be purchased by the West Virginia Rail Authority.

Sheriff Boober presented the Commission with a plan to implement the salary study for his departments.

In re: PATSY NOLAND - SALARY CLASS PLAN IMPLEMENTATION

Patsy Noland, Circuit Clerk, appeared before the Commission to request approval of the salary class plan for her department. After discussion, motion by Manuel, second by Coriss to implement the salary class plan for the Circuit Clerk's office. Motion by F. Morgan, second by R. Morgan to table the matter for 2 weeks. Motion carried by a 3-2 vote. Commissioners Manuel and Corliss voted no. Sheriff Boober and Prosecuting Attorney Michael Thompson were present and commented on their submissions of plans to implement the salary study in their departments.

**In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT
-FARMLAND PROTECTION LETTER OF CREDIT FOR \$1,500,000**

Motion by Manuel, second by R. Morgan to approve the Farmland Protection Letter of Credit in the amount of \$1,500,000, as presented by the County Clerk. Motion carried.

-GENERAL ELECTION TIMELINE

The County Clerk reported on the timeline for the General Election.

In re: SWIMMING POOL EXCESS LEVY BALLOT DISCUSSION

Motion by R. Morgan, second by Manuel to reconsider the motion to place the swimming pool excess levy on the General Election ballot. Motion carried.

Motion by R. Morgan, second by Manuel to withdraw the proposal for a swimming pool excess levy from the General Election ballot, which reverses the action taken by this Commission on December 6, 2007. Motion carried.

The Commission took a break at 11:09 a.m. The Commission reconvened at 11:20 a.m.

In re: LEGAL UPDATE AND REPORT

Assistant Prosecuting Attorneys, Stephanie Grove and James Casimiro, appeared before the Commission for a legal update and report.

Ms. Grove reported on the employee evaluation system, correspondence sent to the Planning Commission concerning the process for the ordinance amendments, and the Ranson case.

Mr. Casimiro reported on the Public Service Commission Cases.

**In re: CLASS COST OF SERVICE STUDY - JUI CASES BEFORE PSC - INTERVENTION;
RETENTION OF ATTORNEY MICHAEL AND CPA (FM)**

Motion by Corliss, second by F. Morgan to authorize Assistant Prosecuting Attorney James Casimiro to engage attorney Tom Michael as a consultant in this matter and to authorize the County Administrator to hire a CPA with an initial cap of \$2,500. Motion by Manuel to table the matter. Motion failed due to a lack of a second. Motion by Manuel to amend the motion that the amount is not to exceed \$2,500. Motion failed due to a lack of a second. The Commission then voted on the original motion. Motion passed by a 3-2 vote. Commissioners Manuel and R. Morgan voted no.

In re: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

No action was taken on this agenda item.

In re: APPOINTMENTS OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

In re: JAIL OPENING CELEBRATION COMMITTEE

Commissioner F. Morgan reported on invitation letters for the jail opening celebration. The Commission agreed to authorize President F. Morgan's signature on the invitation letters.

In re: FREE CLINIC BUILDING SPACE AT BARDANE

The Commission agreed to move this agenda matter to next week's agenda.

In re: CANCELLATION OF THE COMMISSION MEETING THE WEEK OF THE LABOR DAY HOLIDAY

Motion by Manuel, second by F. Morgan to cancel the Commission meeting for the week of the Labor Day holiday. Motion failed by a 2-3 vote. Commissioners Corliss, R. Morgan and Surkamp voted no.

In re: AGENDA ADJUSTMENTS

The Commission agreed to move the following agenda items to next week's agenda: New Business 6, New Business 7, New Business 8, New Business 11, New Business 12, New Business 13, New Business 14, New Business 15, New Business 17, New Business 18 and New Business 19.

Commissioner Manuel removed New Business 10 with the Commission's consent.

The Commission took a break for lunch at 12:30 p.m. The Commission reconvened at 1:30 p.m.

In re: DEPARTMENT HEAD EVALUATION

Roger Goodwin, Chief County Engineer, appeared before the Commission for his Department Head Evaluation. Motion by Manuel, second by Corliss to have the County Administrator present for the evaluation. Motion failed by a 2-3 vote. Commissioners F. Morgan, R. Morgan and Surkamp voted no.

Motion by Manuel, second by F. Morgan to enter into Executive Session with Roger Goodwin in order to conduct a department head evaluation. Motion carried.

Motion by Surkamp, second by Manuel to return to Regular Session. Motion carried.

In re: DISCUSSION POSSIBLE VOTE ON FUNDS FOR COMMUNITY ORGANIZATIONS PROVIDING "SAFETY NET" SERVICES

Motion by Surkamp, second by F. Morgan to approve the funding for community organizations as presented by Commissioner Surkamp. Motion by Manuel, second by F. Morgan to amend the motion to eliminate the additional funding to PanTran for fuel. Motion to amend carried by a 4-1 vote. Commissioner Corliss voted no. Motion by Surkamp, second by Manuel to amend the motion to increase the funding for the Charles Town Chaplaincy and Community Ministries by \$1,000 each. Motion carried. The Commission then voted on the amended motion. Motion passed by a 3-2 vote. Commissioners Corliss and R. Morgan voted no.

Eastern Panhandle Free Clinic	\$10,000.00
Shepherdstown Day Care	\$10,000.00
Eastern Panhandle Conservation District	\$5,000.00
Community Ministries	\$4,000.00
African American Culture/Heritage Festival	\$3,000.00
Animal Welfare Society	\$13,000.00
Boys & Girls Club	\$10,000.00
Safe Haven Child Advocacy	\$5,000.00
WAC	\$1,500.00
Shepherdstown Men's Club	\$4,000.00
Charles Town Chaplaincy Services	\$3,000.00
Potomac Headwaters R C & D	\$5,000.00
Gypsy Moth Spraying	\$3,000.00
Kiwanis	\$1,500.00
CASA	\$5,000.00
Duffields	\$3,000.00

In re: OFFICE OF THE STATE AUDITOR - APPROVAL OF AUDIT SERVICES TO BE PROVIDED

Motion by Manuel, second by R. Morgan to authorize the President's signature on the audit services provided by the Office of the State Auditor. Motion carried.

In re: APPROVAL OF PART-TIME COURT BAILIFFS - TRIP/TRANSPORT DEPUTIES - DAVID E. MONEYPENNY, NEWTON E. STEARNS, CHARLES S. RUBLE, CLIFFORD E. TAYLOR

Motion by Manuel, second by F. Morgan to approve the employment of David E. Moneypenny, Newton E. Stearns, Charles S. Ruble, and Clifford E. Taylor as part-time Court Bailiffs and Trip/Transportation Deputies. Motion carried.

In re: APPOINTMENT OF COMMUNITY CRIMINAL JUSTICE BOARD

Motion by Corliss, second by R. Morgan to appoint Ruth McQuade to the Community Criminal Justice Board. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

In re: TASK THE WATER ADVISORY COMMITTEE WITH DEVELOPING A WELL MONITORING PROGRAM WITH REGARD TO WATER QUALITY AND QUANTITY

The Commission discussed developing a well monitoring program.

In re: COUNTY ADMINISTRATOR REPORTS

The County Administrator informed the Commission that Michael Vojtasko had resigned from the Board of Health. The Commission authorized the County Administrator to advertise for the position.

The County Administrator updated the Commission on a personnel matter.

In re: COUNTY COMMISSION REPORTS

Commissioner Corliss reported on a Region 9 meeting.

The Commission received the following information:

Memorandum received from Roger Goodwin concerning the Mountain Community Water Study.

Memorandum received from Bill Polk concerning recycling.

Email received from Barbara Miller concerning a presentation she gave concerning cross border issues during a mass evacuation scenario.

Monthly Activity Reports received from Animal Control.

Correspondence received from the Animal Welfare Society concerning their budget allocation.

Memorandum received from Sheriff Boober concerning County investments.

Correspondence received from Harold D. Slaughter concerning the Community Criminal Justice Board.

Correspondence received from Sheriff Boober concerning the Community Criminal Justice Board.

Correspondence received from Mary Paul Rissler concerning the Community Criminal Justice Board.

Information received from the Association of Counties concerning Democratic and Republican Conventions.

Notice received of a tour of Wheatland Vegetable Farms on September 11, 2008.

Meeting minutes received from the Jefferson County Public Service District.

Information received from the West Virginia Development Office concerning the West Virginia ON TRAC program launch.

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

Copy of a newspaper article received from the Association of Counties concerning unpaid jail bills

CORRESPONDENCE

Correspondence received from John Piwowarski.

Correspondence received concerning the Jefferson Utilities rate case from: Ted & Stephanie Gossert, Gill Narro Garcia, Chris & Celena Phaire, Tim & Holly Lambert, Jeremy Miller, Marcia Derrick, Debbie Crouse, Monte J. Palmer and Jacquelyn J. Milliron

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

Frances B. Morgan, Commission President