

**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, September 4, 2008, beginning at 9:30 o'clock a.m.

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

Commissioner Manuel was absent due to a prior commitment.

**In re: PLEDGE OF ALLEGIANCE**

Commissioner R. Morgan conducted the Pledge of Allegiance.

**In re: DISPENSE WITH READING OF MINUTES**

Motion by Corliss, second by R. Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, August 28, 2008, and to approve the Minutes as prepared. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Corliss, second by R. Morgan to approve the following Purchase Orders for the Week of September 4, 2008, totaling \$28,993.08: 46029, 45702, 45825, 46136, 46137, 46138, 45800, 46031, 45963, 45476, 45736, 46027, 46030, 45629, 45630, 46032, 46035, and 46036. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Corliss, second by R. Morgan to approve the list of the Accounts Payable dated September 4, 2008, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
056561	413	ALLEGHENY POWER		\$ 0.00	\$ 57.60	\$ 57.60
056562	425	ABH SERVICES, INC.		\$ 0.00	\$ 6,543.36	\$ 6,543.36
056563	412	BARDANE PUBLIC HEALTH CT		\$ 0.00	\$ 383.00	\$ 383.00
056563	431	BARDANE PUBLIC HEALTH CT		\$ 0.00	\$ 308.33	\$ 308.33
056564	716	BRIGGS WELD & RAD REPAIR	46028	\$ 24.00	\$ 0.00	\$ 24.00
056565	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ 0.00	\$ 72.00	\$ 72.00
056566	425	B-K OFFICE SUPPLY INC	46017	\$ 1,057.00	\$ 0.00	\$ 1,057.00
056567	PAYROLL	BUREAU F/CHILD SUPPORT		\$ 0.00	\$ 62.31	\$ 62.31
056568	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ 0.00	\$ 212.31	\$ 212.31

056569	ALLOC	CITIZENS FIRE COMPANY		\$	0.00	\$ 25,000.00	\$ 25,000.00
056570	401	CO COMMISSIONERS ASSOC		\$	0.00	\$ 245.00	\$ 245.00
056571	424	*CREAMERS AUTO SERVICE	46021	\$	241.84	\$ 0.00	\$ 241.84
056571	700	*CREAMERS AUTO SERVICE	46022	\$	44.41	\$ 0.00	\$ 44.41
056572	ALLOC	THE CONSERVATION FUND		\$	0.00	\$ 2,250.00	\$ 2,250.00
056573	PAYROLL	CHILD SUPPORT ENFORCE AG		\$	0.00	\$ 23.07	\$ 23.07
056574	402	DELL MARKETING LP	45883	\$	1,001.98	\$ 0.00	\$ 1,001.98
056575	425	DAYCON	46018	\$	778.26	\$ 0.00	\$ 778.26
056576	412	SHANNA D. NICODEMUS		\$	0.00	\$ 218.21	\$ 218.21
056577	PAYROLL	EQUITABLE THE EQUIVEST		\$	0.00	\$ 15.00	\$ 15.00
056578	425	J.C.EHRLICH	46019	\$	260.00	\$ 0.00	\$ 260.00
056578	424	J.C.EHRLICH		\$	0.00	\$ 30.00	\$ 30.00
056578	425	J.C.EHRLICH		\$	0.00	\$ 389.00	\$ 389.00
056579	439	FRED PRYOR SEMINARS	45930	\$	179.00	\$ 0.00	\$ 179.00
056580	700	GALLS INCORPORATED	45627	\$	216.61	\$ 0.00	\$ 216.61
056580	700	GALLS INCORPORATED	45627	\$	14.98	\$ 0.00	\$ 14.98
056581	PAYROLL	GUARDIAN		\$	0.00	\$ 6,460.02	\$ 6,460.02
056581	PAYROLL	GUARDIAN		\$	0.00	\$ 129,580.37	\$ 129,580.37
056581	PAYROLL	GUARDIAN		\$	0.00	\$ 1,651.50	\$ 1,651.50
056581	PAYROLL	GUARDIAN		\$	0.00	\$ (0.23)	\$ (0.23)
056582	440	ROGER GOODWIN		\$	0.00	\$ 49.35	\$ 49.35
056583	700	KON OFFICE SOLUTIONS	45628	\$	648.00	\$ 0.00	\$ 648.00
056584	PAYROLL	NG		\$	0.00	\$ 635.00	\$ 635.00
056585	406	JEFFERSON PUBLISH CO INC	44438	\$	200.00	\$ 0.00	\$ 200.00
056585	451	JEFFERSON PUBLISH CO INC	45926	\$	186.45	\$ 0.00	\$ 186.45
056586	425	JEFFERSON COUNTY SOLID	46025	\$	27.65	\$ 0.00	\$ 27.65
056587	439	JEFFERSON COUNTY SCHOOLS	45924	\$	87.50	\$ 0.00	\$ 87.50
056588	PAYROLL	JEFFERSON SECURITY BANK		\$	0.00	\$ 4,593.00	\$ 4,593.00
056589	GRANT	JC BLACK HISTORY		\$	0.00	\$ 1,500.00	\$ 1,500.00
056590	ALLOC	KIWANIS CLUB OF		\$	0.00	\$ 1,500.00	\$ 1,500.00
056591	402	MATTHEW BENDER & CO	45890	\$	77.17	\$ 0.00	\$ 77.17
056591	401	MATTHEW BENDER & CO		\$	0.00	\$ 77.17	\$ 77.17
056592	PAYROLL	COMPTROLLER OF MARYLAND		\$	0.00	\$ 687.06	\$ 687.06
056593	700	MCKINNEY'S AUTO REPAIR	46023	\$	64.00	\$ 0.00	\$ 64.00
056593	700	MCKINNEY'S AUTO REPAIR	46034	\$	28.70	\$ 0.00	\$ 28.70
056594	PAYROLL	MD Child Support Account		\$	0.00	\$ 140.00	\$ 140.00
056595	716	MED-VET INTERNATIONAL	46101	\$	402.95	\$ 0.00	\$ 402.95
056596	700	SPAN PUBLISHING, INC.	45626	\$	286.20	\$ 0.00	\$ 286.20
056597	PAYROLL	NATIONWIDE RETIREMENT		\$	0.00	\$ 765.21	\$ 765.21
<b>CHCKNO</b>	<b>DEPT</b>	<b>VENDOR</b>	<b>PONUM</b>		<b>POAMT</b>	<b>NOAMT</b>	<b>CHECK AMOUNT</b>
056598	402	PIFER OFFICE SUPPLY, INC	45878	\$	193.07	\$ 0.00	\$ 193.07
056599	403	LAURA RATTENNI		\$	0.00	\$ 23.30	\$ 23.30
056600	413	RAI GROUP 43, LLC		\$	0.00	\$ 1,650.00	\$ 1,650.00
056601	425	RCS SECURITY	46020	\$	130.00	\$ 0.00	\$ 130.00
056602	402	RECORD MANAGEMENT SOLUT	45872	\$	35.00	\$ 0.00	\$ 35.00
056603	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 8,421.66	\$ 8,421.66
056603	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 36,009.70	\$ 36,009.70
056603	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 17.76	\$ 17.76
056603	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 36.90	\$ 36.90
056603	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 75.96	\$ 75.96
056603	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 8.62	\$ 8.62
056604	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 30.48	\$ 30.48
056604	PAYROLL	SHERIFF OF JEFFERSON CO		\$	0.00	\$ 19.56	\$ 19.56



451/ZONING	ZONING DEPT	\$	186.45
700/SHRF	SHERIFF DEPT	\$	2,974.46
701/SHRF	SHERIFF DEPT		
704/WV JAIL	ST/WV REGIONAL JAIL		
711/OES	EMERG SVC	\$	16.79
712/911	911 COMMUNICATION	\$	1,910.06
716/A/C	ANIMAL CONTROL	\$	599.25
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE		
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT		
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	\$	2,441.41
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY		
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	\$	38,750.00
GRANTS	GRANTS	\$	6,548.49
PAYROLL	PAYROLL	\$	223,185.47
<b>TOTALS</b>		\$	<b>317,792.82</b>

**In re: LEGISLATIVE ISSUES**

Commissioner Surkamp reported on a meeting between Governor Manchin and horse racing representatives.

Commissioner F. Morgan requested that an update on the status of the Fire/EMS fees be placed on next week's agenda.

**In re: BONDING AND ACTIVITY REPORT**

There was no bonding.

Tony Redman, Director of Planning and Zoning, reminded the Commission of the public hearing dates for the zoning and subdivision ordinances.

Mr. Redman also requested an Executive Session with the Commission in order to discuss compensation issues. The Commission agreed to take this matter up later in the meeting in order to get legal advice on whether or not this issue is appropriate for Executive Session.

**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 a meeting of the Jail Opening Celebration Committee. After discussion, motion by Corliss, second by R. Morgan to approve the Jail Opening Celebration Committee's request for additional funding in the amount of \$640. Motion passed by a 3-1 vote.

Commissioner R. Morgan voted no.

**In re: PUBLIC COMMENT**

No public comment was given.

**In re: BARKING DOG ORDINANCE**

The Commission agreed to set the hearing date for the Barking Dog Ordinance to October 2, 2008.

**In re: EASTERN PANHANDLE TRANSIT AUTHORITY - REQUEST FOR ADDITIONAL FUNDING**

After discussion and comments from Fred Blackmer, motion by Corliss, second by Surkamp to provide the Eastern Panhandle Transit Authority with additional funding in the amount of \$10,950 and to also encourage Charles Town and Ranson to support the additional request for funds. Motion passed by a 3-1 vote. Commissioner R. Morgan voted no.

**In re: KELLIE BOLES - DEED OF CONSERVATION EASEMENT - DAVIDSON PROPERTY**

Kellie Boles, Agriculture Development Officer, appeared before the Commission to request the approval of a Deed of Conservation Easement for the Davidson Property. After discussion, motion by R. Morgan, second by Corliss to approve the Deed of Conservation Easement for 121 acres on the Davidson Property, pending legal review. Motion carried.

The Commission took a break at 10:20 a.m.

The Commission reconvened at 10:30 a.m.

**In re: FREE CLINIC SPACE AT BARDANE**

After discussion and comments from Kirk Davis, motion by R. Morgan, second by F. Morgan to direct Kirk Davis and legal staff to work with the Free Clinic staff to work out a draft lease agreement to consider providing building space at Bardane. Motion carried.

**In re: BUILDING PROGRAM DISCUSSION**

After discussion with Kirk Davis, motion by R. Morgan, second by Corliss, to authorize Kirk Davis to proceed with the geotechnical study and to work with Mark Schiavone, Bond Counsel and the County Administrator to develop a financial plan. Motion carried.

**In re: MIDDLEWAY VOLUNTEER FIRE COMPANY - CERTIFIED FIRE COMPANY - REQUEST FOR TRANSFER OF TANKER 19**

Motion by R. Morgan, second by F. Morgan to approve the Transfer of Tanker 19 to the Middleway Volunteer Fire Company. Motion carried.

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

Motion by Surkamp, second by R. Morgan to appoint Mark Shields to the Board of Health for one unexpired term ending June 30, 2010. Motion carried.

**In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT**

Stephanie Grove, Assistant Prosecuting Attorney, appeared before the Commission to give the legal update and report. Ms. Grove reported on the following:

- The possible need for a 30 foot easement for the Solid Waste Authority on the Poor House Property.
- Rattlesnake Run Board of Review and Equalization appeal.
- Charles Town Fees Case
- Payroll

The Commission also discussed with Ms. Grove, Tony Redman's request for an Executive Session to discuss compensation issues. After discussion, motion by F. Morgan, second by Surkamp to enter into Executive Session with Mr. Redman to discuss compensation issues. Motion failed by a 2-2 vote. Commissioners Corliss and R. Morgan voted no.

Assistant Prosecuting Attorney James Casimiro was also present and reported to the Commission on the Public Service Commission Cases. Mr. Casimiro requested an Executive Session in order to discuss pending litigation. The Commission agreed to go into Executive Session later in the meeting.

**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 updated the Commission on voter registration information.

**In re: TONY REDMAN - COMPENSATION ISSUES**

Tony Redman, Director of Planning and Zoning, appeared before the Commission concerning compensation issues for his staff and the wage study. The County Administrator reported that the Consultant for the wage study would be here on September 17-18, 2008 to meet with everyone.

**In re: EXECUTIVE SESSION**

Motion by Surkamp, second by F. Morgan to enter into Executive Session with legal counsel in order to discuss pending litigation, as provided by Peters vs. Wood County. Motion carried.

The Commission recessed for lunch until 1:30 p.m. and resumed regular session.

**In re: REQUEST FOR MODIFICATION TO FY 2009 CAPITAL IMPROVEMENT PLAN FOR PARKS AND RECREATION COMMISSION**

After discussion and comments from Mark Schiavone, motion by R. Morgan, second by Corliss to approve the request for modification to the FY2009 Capital Improvement Plan to increase the funding to \$42,000 for the Parks and Recreation Commission to provide lighting at Sam Michaels Park. Motion carried.

**In re: BUDGET (FM)**

Commissioner F. Morgan requested clarifications from the County Administrator on budget issues.

**In re: COMMUNICATIONS CENTER OPERATIONS (FM)**

The Commission discussed continuity of operations at the Communications Center.

**In re: SSI REPORT**

The Commission reviewed the report received on SSI from the County Administrator.

**In re: COUNTY ADMINISTRATOR REPORTS**

The County Administrator updated the Commission on the Cable Franchise Agreement.

The County Administrator reported that Potomac Highlands Support Services requested use of the County meeting room. The Commission agreed to allow them to use the room.

The County Administrator provided the Commission with hurricane updates received from Barbara Miller.

The County Administrator discussed setting up a workshop with the Ambulance Authority.

The County Administrator provided the Commission with the expenditure reports.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Corliss informed the Commission of an upcoming Region 9 meeting.

Commissioner F. Morgan reported on an email received from the director of the senior center concerning paper donations from the County. The County Administrator reported that she had looked into the matter and determined that the paper donation had been going on for many years. The Commission agreed to continue with the donation of paper to the Senior Center.

**In re: DEPARTMENT HEAD EVALUATION.**

Motion by Corliss, second by F. Morgan to enter into Executive Session in order to conduct a Department Head Evaluation with Leslie D. Smith, County Administrator. Motion carried.

Motion by Corliss, second by R. Morgan to close Executive Session and return to Regular Session. Motion carried.

**The Commission received the following information:**

Appointments to the Farmland Protection Board to be made on September 11, 2008.

Acceptance of bond for The Church of Jesus Christ of Latter-Day Saints in the amount of \$128,683 and for Potomac Metals, Inc. in the amount of \$174,922.

Memorandum received from the Eastern Panhandle Conservation District concerning the annual plan of work meeting on September 3, 2008.

Information received from Allegheny Power concerning rate increase filing for fuel adjustments.

Stage Whispers newsletter received from the Old Opera House.

Franchise agreement check received from Comcast.

Grant information received from the Division of Highways.

Harpers Ferry National Historical Park Community Bulletin received.

Jefferson County 4-H Report received.

Correspondence received from the Division of Culture and History concerning Bullskin Run.

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

### **CORRESPONDENCE**

Correspondence received from John Urciolo concerning the Keys Ferry Acres Water System.

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

---

**PRESIDENT**