

**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 meeting room thereof on Thursday, October 16, 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 R. Morgan conducted the Pledge of Allegiance.

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

Motion by Manuel, second by R. Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, October 9, 2008, and to approve the Minutes as prepared. 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 October 13, 2008, totaling \$124,539.67: 42444, 45773, 45829, 45900, 46199, 46298, 45967, 46251, 46252, 46271, 45945, 45947, 45596, 45771, 46084, 46091, 46221, 46222, 46089, 46090, and 45735. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Corliss, second by R. Morgan to approve the list of the Accounts Payable dated October 16, 2008, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	Amt wo PO	CK Amt
056891	425	COMCAST		\$0.00	\$55.93	\$55.93
056892	424	USA MOBILITY WIRELESS,IN		\$0.00	\$200.17	\$200.17
056892	700	USA MOBILITY WIRELESS,IN		\$0.00	\$397.95	\$397.95
056892	712	USA MOBILITY WIRELESS,IN		\$0.00	\$421.30	\$421.30
056893	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
056894	425	B-K OFFICE SUPPLY INC	46076	\$2,030.32	\$0.00	\$2,030.32
056895	424	BOLAND SERVICES	45112	\$166.00	\$0.00	\$166.00
056895	424	BOLAND SERVICES	45112	\$385.00	\$0.00	\$385.00
056895	425	BOLAND SERVICES	45112	\$427.00	\$0.00	\$427.00
056896	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$62.31	\$62.31
056897	PAYROLL	BUREAU F/CHILD SPPRT ENF		\$0.00	\$212.31	\$212.31
056898	700	BENCHMARK PROF SEMINARS	45647	\$295.00	\$0.00	\$295.00

056899	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$23.07	\$23.07
056900	425	DAYCON	46081	\$470.16	\$0.00	\$470.16
056901	424	NANCY DOPSON		\$0.00	\$5.32	\$5.32
056902	PAYROLL	EQUITABLE THE EQUIVEST		\$0.00	\$15.00	\$15.00
056903	424	J.C.EHRLICH		\$0.00	\$30.00	\$30.00
056903	425	J.C.EHRLICH		\$0.00	\$434.00	\$434.00
056904	716	FEDERATION OF HUMANE	46297	\$45.00	\$0.00	\$45.00
056905	413	FIFTH THIRD BANK	45577	\$49.23	\$0.00	\$49.23
056905	401	FIFTH THIRD BANK		\$0.00	\$330.09	\$330.09
056905	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
056905	422	FIFTH THIRD BANK		\$0.00	\$142.38	\$142.38
056905	424	FIFTH THIRD BANK		\$0.00	\$825.01	\$825.01
056905	425	FIFTH THIRD BANK		\$0.00	\$24.99	\$24.99
056905	433	FIFTH THIRD BANK		\$0.00	\$133.63	\$133.63
056905	433	FIFTH THIRD BANK		\$0.00	\$14.40	\$14.40
056905	439	FIFTH THIRD BANK		\$0.00	\$200.00	\$200.00
056905	439	FIFTH THIRD BANK		\$0.00	\$880.00	\$880.00
056905	440	FIFTH THIRD BANK		\$0.00	\$51.99	\$51.99
056905	440	FIFTH THIRD BANK		\$0.00	\$450.00	\$450.00
056905	440	FIFTH THIRD BANK		\$0.00	\$217.13	\$217.13
056905	700	FIFTH THIRD BANK		\$0.00	\$31.86	\$31.86
056905	700	FIFTH THIRD BANK		\$0.00	\$63.59	\$63.59
056905	700	FIFTH THIRD BANK		\$0.00	\$215.05	\$215.05
056905	700	FIFTH THIRD BANK		\$0.00	\$288.52	\$288.52
056905	711	FIFTH THIRD BANK		\$0.00	\$730.30	\$730.30
056905	711	FIFTH THIRD BANK		\$0.00	\$69.98	\$69.98
056905	712	FIFTH THIRD BANK		\$0.00	\$14.95	\$14.95
056905	712	FIFTH THIRD BANK		\$0.00	\$290.89	\$290.89
056906	700	GALLS INCORPORATED	45644	\$343.42	\$0.00	\$343.42
056907	428	INFOPRINT		\$0.00	\$594.00	\$594.00
056908	PAYROLL	NG		\$0.00	\$435.00	\$435.00
056909	428	IBM CORPORATION		\$0.00	\$1,338.00	\$1,338.00
056910	440	THE JOURNAL	45944	\$525.20	\$0.00	\$525.20
056911	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$5,109.00	\$5,109.00
056912	712	LANGUAGE LINE SERVICES		\$0.00	\$263.70	\$263.70
056913	700	MELLEN MARKETING ASSOC	45648	\$260.00	\$0.00	\$260.00
056914	712	PRIORITY DISPATCH	45966	\$2,634.00	\$0.00	\$2,634.00
056915	PAYROLL	COMPTROLLER OF MARYLAND		\$0.00	\$552.94	\$552.94
056916	424	VERIZON BUSINESS		\$0.00	\$1,111.31	\$1,111.31
056917	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
056918	440	MICHAEL MONAGHAN		\$0.00	\$103.55	\$103.55
056919	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$765.21	\$765.21
056920	402	PIFER OFFICE SUPPLY, INC	46197	\$228.70	\$0.00	\$228.70
056920	404	PIFER OFFICE SUPPLY, INC	44541	\$122.82	\$0.00	\$122.82
056921	700	QUARTER MASTER	45649	\$199.84	\$0.00	\$199.84
056922	425	RCS SECURITY	46063	\$4,010.00	\$0.00	\$4,010.00
056922	425	RCS SECURITY	46274	\$885.80	\$0.00	\$885.80
056923	413	SHEPHERDSTOWN CHRONICLE	46210	\$17.99	\$0.00	\$17.99
056924	716	SPECIALTY BUS SUPPLIES	46106	\$98.64	\$0.00	\$98.64

056925	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$103.86	\$103.86
056925	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$24.28	\$24.28
056925	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,145.44	\$8,145.44
056925	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$34,828.62	\$34,828.62
056925	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
056925	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
056926	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$31,086.46	\$31,086.46
056926	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$52.98	\$52.98
056926	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$23.81	\$23.81
056927	406	SHEETZ FLEET FUELING		\$0.00	\$423.07	\$423.07
056927	424	SHEETZ FLEET FUELING		\$0.00	\$2,306.72	\$2,306.72
056927	440	SHEETZ FLEET FUELING		\$0.00	\$941.69	\$941.69
056927	700	SHEETZ FLEET FUELING		\$0.00	\$12,022.22	\$12,022.22
056927	711	SHEETZ FLEET FUELING		\$0.00	\$238.90	\$238.90
056927	712	SHEETZ FLEET FUELING		\$0.00	\$465.32	\$465.32
056927	716	SHEETZ FLEET FUELING		\$0.00	\$949.48	\$949.48
056928	700	WALTER F STEPHENS, JR IN	45645	\$169.80	\$0.00	\$169.80
056929	711	SOFTWARE COMPUTER GROUP	45593	\$300.00	\$0.00	\$300.00
056930	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
056931	PAYROLL	CHASE BANK TEXAS		\$0.00	\$100.00	\$100.00
056932	404	WV SHERIFFS ASSOCIATION	45646	\$155.00	\$0.00	\$155.00
056932	700	WV SHERIFFS ASSOCIATION	45646	\$155.00	\$0.00	\$155.00
056933	440	WV CODE OFFICIALS ASSOC	45942	\$150.00	\$0.00	\$150.00
056934	424	WV BUREAU OF EMPLOYMENT		\$0.00	\$1,435.00	\$1,435.00
056935	401	WVNET		\$0.00	\$16.67	\$16.67
056936	GRANT	PAMELA HOLSTEIN-WALLACE		\$0.00	\$2,666.11	\$2,666.11
TOTAL				\$14,123.92	\$113,390.94	\$127,514.86

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$346.76
402/CCLK	CO. CLERK	\$258.65
403/CIR CLK	CIRCUIT CLERK	
404/TAX	TAX OFFICE	\$277.82
405/PA	PROS ATTY	
406/ASSR	ASSESSORS	\$423.07
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	
413/ELE	ELECTION	\$67.22
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	
422/CP&M	CAPITAL PLANNING & MNGMNT	\$142.38
424/CTHS	COURT HOUSE	\$6,464.53
425/OB	OTHER BUILDING	\$8,338.20
428/DATAP	DATA PROCESSING	\$1,932.00
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	\$148.03
439/PZ	PLANNING ZONING	\$1,080.00
440/ENG.	DEPT OF ENGINEERING	\$2,439.56

451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$14,442.25
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$1,339.18
712/911	911 COMMUNICATION	\$4,090.16
716/A/C	ANIMAL CONTROL	\$1,093.12
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	
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	
GRANTS	GRANTS	\$2,666.11
PAYROLL	PAYROLL	\$81,965.82
<b>TOTALS</b>		<b>\$127,514.86</b>

**In re: BONDING AND ACTIVITY REPORT**

There was no bonding this week. The County Administrator informed the Commission that Dunn Engineering would be meeting with the Commission on October 30, 2008, concerning the Mountain Water Study.

Tony Redman, Director of Planning and Zoning, appeared for the Planning Commission activity report. Mr. Redman reported on the hearing dates for the Subdivision Regulations Amendments and the Zoning Ordinance Amendments.

**In re: JENNIFER S. MAGHAN - COUNTY CLERK - COMPUTER ISSUES AND SSI**

Jennifer S. Maghan, County Clerk, appeared before the Commission to discuss computer issues in her department. Patsy Noland and George Privetera commented on the matter. After discussion, motion by F. Morgan, second by Surkamp to direct the County Administrator to prepare a letter to Software Systems, designating George Privetera as the point of contact to Software Systems for all IT issues and to also have Mr. Privetera provided with a copy of all Software Systems billings. Motion passed by a 4-1 vote. Commissioner Manuel voted no. The Commission also requested that Mr. Privetera prepare a proposal for obtaining the necessary training that he requires for the AS/400.

**In re: PUBLIC COMMENT**

Patience Waite commented on PATH.

**In re: EXONERATIONS**

Upon recommendation from the Assessor, motion by R. Morgan, second by Manuel to approve the following exoneration for 2007 due to erroneous assessment. Motion carried.

Name:	District:	Type:	Amount	Ticket #
William M. Craven	Harpers Ferry Municipality	Real Estate	\$1,675.40	15243

Upon recommendation from the Assessor, motion by R. Morgan, second by Manuel to approve the Notice of Apportionment of Jointly Owned Motor Vehicles for 2008. Motion carried.

Name:	Vehicle:	Amount:
James M. Pretre	2005 Toyota Camry	\$192.09
	1988 Ford Ranger	\$13.10
Ann Pretre	2004 Honda Odyssey	\$194.27

**In re: SHERIFF ED BOOBER - REQUEST FOR COUNSEL FOR PETITION TO SHERIFF - FARM USE/RESIDUAL UNDEVELOPED PROPERTIES**

Sheriff Boober appeared before the Commission to request counsel for a petition to the Sheriff concerning Farm Use/Residual Undeveloped Properties. After discussion, motion by Manuel, second by Corliss to authorize the Sheriff to obtain outside counsel for this matter. Motion carried.

The Commission took a 10 minute break at 11:00 a.m.

**In re: LEGAL UPDATE AND REPORT**

James Casimiro, Assistant Prosecuting Attorney, reported on the JUI Rate cases. Stephanie Grove, Assistant Prosecuting Attorney, provided legal update and report on the following:

- To do list
- Upcoming public hearing for joint Fire/EMS Board
- Noise ordinance. The Commission agreed to conduct a public hearing on amendments to the noise ordinance.

**In re: MOTION TO PURSUE INTERVENER STATUS BEFORE THE PUBLIC SERVICE COMMISSION CONCERNING THE PATH ALIGNMENT AND ITS EFFECTS ON JEFFERSON COUNTY RESIDENTS**

Motion by Manuel, second by R. Morgan to pursue intervener status before the Public Service Commission concerning the PATH alignment and its effects on Jefferson County residents. Motion carried.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission for the County Clerk's report. Ms. Maghan reported on the General Election.

**In re: LEGISLATIVE ISSUES**

No legislative report was given.

**In re: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION**

Commissioner Surkamp reported on a Planning Commission meeting discussion concerning restoring the April 2005 zoning ordinance amendments. After discussion, the Commission agreed that a written motion on the matter should be prepared for a later meeting.

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

No action was taken on this agenda item.

The Commission recessed for lunch at 12:00 p.m.

The Commission reconvened at 1:15 p.m.

**In re: REQUEST FROM RUTH WAGNER, AARP PRESIDENT FOR A RESOLUTION TO STAND WITH AARP'S DIVIDED WE FAIL INITIATIVE ON HEALTH CARE AND FINANCIAL SECURITY**

After discussion, motion by Manuel, second by F. Morgan to approve the AARP's Divided We Fail Initiative Health Care and Financial Security Resolution for Jefferson County. Motion carried.

**In re: TASK STAFF TO OBTAIN DETAILS OF PRESCRIPTION DRUG BENEFIT OFFERED BY CCAWV AND/OR NACO FOR COMMISSION REVIEW AND DECISION**

After discussion, the Commission directed the County Administrator to begin the application process for the prescription drug benefit offered by CCAWV and/or NACO.

**In re: NORTHERN SHENANDOAH VALLEY REGIONAL COMMISSION MEMBERSHIP DISCUSSION**

Motion by Corliss, second by F. Morgan to pay the dues for the Northern Shenandoah Valley Regional Commission Membership of approximately \$2,500 as part of the next budget revision. Motion passed by a 3-2 voted. Commissioners R. Morgan and Surkamp voted no.

**In re: BUDGET REVIEW**

The County Administrator provided the Commission with a review of the status of the budget.

In re: **PROPOSAL TO REORGANIZE JEFFERSON COUNTY GOVERNMENT AS FOLLOWS:**

**1. TRANSFER BUDGET MANAGEMENT FROM THE OFFICE OF THE COUNTY ADMINISTRATOR TO THE DEPARTMENT OF CAPITAL PLANNING AND MANAGEMENT. BUDGET MANAGEMENT FOR THE 2009 BUDGET WILL REMAIN WITH THE COUNTY ADMINISTRATOR UNTIL THE 2009 BUDGET IS CLOSED. BUDGET PLANNING AND SUBSEQUENT EXECUTION, FOR THE 2010 BUDGET WILL BE, WITH ASSISTANCE FROM THE COUNTY ADMINISTRATOR, THE RESPONSIBILITY OF THE NEW FINANCIAL OFFICER.**

The Commission discussed the proposal to reorganize County government. Comments were given on the matter by Leslie D. Smith, County Administrator, and Mark Schiavone, Director of Capital Planning and Management.

Motion by Corliss, second by Surkamp to transfer budget management from the Office of the County Administrator to the Department of Capital Planning and Management. Budget Management for the 2009 budget will remain with the County Administrator until the 2009 budget is closed. Budget planning and subsequent execution, for the 2010 budget will be with assistance from the County Administrator, the responsibility of the Department of Capital Planning and Management.

Motion by Manuel to amend the motion to place the financial officer under the office of the County Administrator and to place the Animal Control office under the Department of Capital Planning and Management. Motion to amend failed due to a lack of a second.

Motion by Manuel, second by R. Morgan to table the matter for one week. Motion failed by a 2-3 vote. Commissioners F. Morgan, Corliss and Surkamp voted no.

The Commission then voted on the original motion to reorganize. The motion passed by a 4-1 vote. Commissioner Manuel voted no.

**2. CREATE A PURCHASING AGENT TO CENTRALIZE PURCHASING BY JEFFERSON COUNTY. THE CURRENT CONSTRUCTION MANAGER WILL ASSUME THESE NEW DUTIES 1 DECEMBER 2008.**

Motion by Corliss, second by Surkamp to create a purchasing agent to centralize purchasing by Jefferson County. The current Construction Manager will assume these new duties 1 December 2008.

Motion by Manuel, second by R. Morgan to table the matter for one week. Motion failed by a 2-3 vote. Commissioners F. Morgan, Corliss and Surkamp voted no.

Motion by Surkamp, second by F. Morgan to reconsider the motion to table. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

Motion by Surkamp, second by R. Morgan to table the matter for one week in order to meet with Kirk Davis to get his response on the matter. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

**3. CREATE A HUMAN RESOURCE DEPARTMENT UNDER THE COUNTY COMMISSION TO BE FUNDED UNDER THE 2010 BUDGET.**

Motion by Corliss, second by R. Morgan to create a human resource department under the County Commission to be funded under the 2010 budget.

The motion was withdrawn.

Motion by F. Morgan, second by Surkamp to recommend the creation of a human resource director position to be filled pending budgetary consideration under the 2010 budget. Motion passed by a 4-1 vote. Commission Manuel voted no.

In re: PERSONNEL POLICY MANUAL - FIX LANGUAGE SO SICK LEAVE IS NOT INCLUDED IN PAYMENTS UPON RETIREMENT, RESIGNATION OR DISMISSAL TO CONFORM WITH WIDESPREAD CONVENTION

The Commission agreed to discuss the sick leave policy with the legal department.

In re: CREATE UP-TO-DATE, COMPLETE AND CENTRALIZED RECORD OF ACCRUED SICK LEAVE AND VACATION TIME. HAVE DEPARTMENT HEADS SUBMIT WITH REGULAR PAYROLL ACCRUED SICK AND VACATION TIME FOR BOTH THE DEPARTMENT HEAD AND ALL THEIR EMPLOYEES.

The Commission agreed to move this agenda item forward to next week.

In re: COUNTY COMMISSION REPORTS

Commissioner R. Morgan reported on Norfolk Southern's plans for double tracks.

Commissioner Manuel reported on the Parks and Recreation meeting.

Commissioner Surkamp reported on the Planning Commission meeting.

In re: COUNTY ADMINISTRATOR REPORTS

The County Administrator reported on the following:

- Receipt of the Comcast franchise application.

- The visit by Governor Manchin on Friday.

- Reminder of the public hearing on Tuesday on the Ordinance creating the Jefferson County Emergency Service Agency.

In re: EXECUTIVE SESSION - PERSONNEL MATTERS

Upon request from the County Administrator, motion by Manuel, second by Corliss to enter into Executive Session to discuss personnel matters. Motion carried.

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

No action was taken during or after Executive Session.

The Commission received the following information:

Notice of Public Hearing - Ordinance Creating the Jefferson County Emergency Services Agency.

Order Granting Defendant's Motion for Summary Judgement for Civil Action No: 08-C-77 received from the Circuit Court of Jefferson County.

**Invitation to the FHLBank Letters of Credit and Tax Exempt Bonds: A New Business Opportunity Conference received from the WV Association of Counties.**

**Meeting minutes for September 8, 2008 received from the Jefferson County Public Service District.**

**Charles Town-Ranson Christmas Parade notice received from the City of Charles Town.**

**Meeting minutes for September 10, 2008 received from the Harpers Ferry/Bolivar Public Service District.**

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

**Correspondence received from Governor Joe Manchin, III.**

**Correspondence received from Herb Snyder regarding Jefferson County Commission's request to intervene in PATH Public Service Commission case.**

**Notice of Ribbon Cutting received from the Chamber of Commerce for American.**

**General Finance at Jefferson Crossing on Monday, October 20, 2008 at 10:00 a.m.**

**Notice of Ribbon Cutting received from the Chamber of Commerce for the Wal-mart Grand Re-Opening on Wednesday, October 22, 2008 at 8:00 a.m.**

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

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**PRESIDENT**