

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

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the Special meeting held on Tuesday, October 21, 2008, and to approve the Minutes as prepared. Motion carried.

Motion by R. Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, October 23, 2008, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Corliss to approve the following Purchase Orders for the Week of October 27, 2008, totaling \$9,503.65: 45985, 46209, 46310, 46100, 46305, 46307, 45950, 45951, 46224, 46225, 46226, 46227, 46308, 46309, 44543 and 46311. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by Manuel to approve the list of Accounts Payable totaling \$288,161.21 dated October 30, 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
056994	PAYROLL	AMERICAN FAMILY LIFE ICU		\$0.00	\$6,348.47	\$6,348.47
056995	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
056996	425	B-K OFFICE SUPPLY INC	46092	\$404.00	\$0.00	\$404.00
056997	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$62.31	\$62.31
056998	PAYROLL	BUREAU F/CHILD SPRT ENF		\$0.00	\$212.31	\$212.31
056999	406	CREAMERS AUTO SERVICE	46097	\$35.95	\$0.00	\$35.95
056999	700	CREAMERS AUTO SERVICE	46097	\$435.97	\$0.00	\$435.97
057000	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$23.07	\$23.07
057001	403	DANKA OFFICE IMAGING	46146	\$1,081.92	\$0.00	\$1,081.92
057002	425	DAYCON	46096	\$80.28	\$0.00	\$80.28
057003	440	DOMINION POST	45948	\$467.31	\$0.00	\$467.31
057004	425	DEAN'S LAWNMOWER SHOP	46095	\$349.99	\$0.00	\$349.99
057005	401	D I JACOBS CONSULTING		\$0.00	\$7,739.34	\$7,739.34
057006	405	D.C. TREASURER	46223	\$195.00	\$0.00	\$195.00
057007	PAYROLL	EQUITABLE THE EQUIVEST		\$0.00	\$15.00	\$15.00
057008	403	SHAYNA MASON	46147	\$24.37	\$0.00	\$24.37
057009	440	FRED PRYOR SEMINARS	45936	\$80.90	\$0.00	\$80.90
057010	424	FRONTIER COMMUNICATIONS		\$0.00	\$640.16	\$640.16
057011	424	FRONTIER		\$0.00	\$413.25	\$413.25
057012	700	GALLS INCORPORATED	45652	\$78.50	\$0.00	\$78.50
057012	701	GALLS INCORPORATED	45650	\$124.78	\$0.00	\$124.78
057013	439	TOM HALL		\$0.00	\$359.10	\$359.10
057014	PAYROLL	NG		\$0.00	\$435.00	\$435.00
057015	439	JEFFERSON PUBLISH CO INC	45941	\$103.58	\$0.00	\$103.58
057015	401	JEFFERSON PUBLISH CO INC		\$0.00	\$1,285.27	\$1,285.27
057016	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
057017	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$5,009.00	\$5,009.00
057018	223	COMPTROLLER OF MARYLAND		\$0.00	\$571.26	\$571.26
057019	700	MCKINNEY'S AUTO REPAIR	46098	\$200.67	\$0.00	\$200.67
057020	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
057021	700	MAACO	45654	\$879.95	\$0.00	\$879.95
057022	403	PATRICIA A NOLAND		\$0.00	\$303.89	\$303.89
057023	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$765.21	\$765.21
057024	402	PIFER OFFICE SUPPLY, INC	46199	\$39.63	\$0.00	\$39.63

057024	402	PIFER OFFICE SUPPLY, INC	46200	\$23.52	\$0.00	\$23.52
057024	403	PIFER OFFICE SUPPLY, INC	46142	\$70.42	\$0.00	\$70.42
057024	403	PIFER OFFICE SUPPLY, INC	46144	\$102.53	\$0.00	\$102.53
057025	700	EVELYN J. PARTLOW	45655	\$56.00	\$0.00	\$56.00
057026	701	QUARTER MASTER	45653	\$492.19	\$0.00	\$492.19
057027	425	ROACH OIL COMPANY		\$0.00	\$129.84	\$129.84
057028	425	RCS SECURITY	46093	\$561.50	\$0.00	\$561.50
057029	988	RIDERSVILLE CYCLE	46094	\$2,917.20	\$0.00	\$2,917.20
057030	976	SOFTWARE SYSTEMS, INC	46145	\$1,842.78	\$0.00	\$1,842.78
057031	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$30.60	\$30.60
057031	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$95.24	\$95.24
057031	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$36,287.35	\$36,287.35
057032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$109.28	\$109.28
057032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$25.56	\$25.56
057032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$37,641.78	\$37,641.78
057032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
057032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,803.34	\$8,803.34
057032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
057033	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$23.81	\$23.81
057033	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$34,444.84	\$34,444.84
057033	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$57.36	\$57.36
057034	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$0.00	\$11,523.14	\$11,523.14
057035	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$0.00	\$14,234.51	\$14,234.51
057036	422	F. MARK SCHIAVONE		\$0.00	\$25.67	\$25.67
057037	451	CHRISTOPHER&TRUDIE STONE		\$0.00	\$100.00	\$100.00
057038	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
057039	700	TASER INTERNATIONAL	45651	\$550.00	\$0.00	\$550.00
057040	428	TIGER DIRECT	46201	\$675.31	\$0.00	\$675.31
057041	PAYROLL	VALIC, %CHASE BANK TEXAS		\$0.00	\$100.00	\$100.00
057042	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$31,599.33	\$31,599.33
057043	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$73,731.53	\$73,731.53
057044	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$199.80	\$199.80
057045	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$249.75	\$249.75
057046	402	XEROX COPORATION	45583	\$1,266.06	\$0.00	\$1,266.06
TOTALS				\$13,140.31	\$275,020.90	\$288,161.21

In re: EXONERATIONS

Angela Banks from the Assessor’s Office appeared before the Commission to request approval of an exoneration.

Motion by Corliss, second by Manuel to approve an exoneration due to an erroneous assessment as presented by the Assessor’s Office. Motion carried.

Name	District	Type	Ticket #	Amount
Peter W. & Lois C. Spreen	Shepherdstown	Real Estate	30084	\$2,668.89

In re: RESOLUTION - JUDITH RICE RETIREMENT

Motion by Corliss, second by Manuel to approve the following Resolution recognizing the retirement of Judith Rice: Motion carried.

RESOLUTION

Whereas, it is the understanding of the County Commission of Jefferson County that Judith Rice, responsible for health and food safety inspections for Jefferson County proposes to retire effective October 31, 2008;

Whereas, the County Commission of Jefferson County recognizes Ms. Rice’s twenty years of faithful and devoted service to Jefferson County;

Whereas, the County Commission of Jefferson County recognizes an additional ten years of service in public health and food safety;

Whereas, the County Commission of Jefferson County recognizes Ms. Rice’s efforts in striving to bring Jefferson County public facilities to a high standard of cleanliness and safety for the public;

Whereas, the County Commission of Jefferson County expresses their gratitude and appreciation on behalf of all the citizens of Jefferson County;

Therefore, be it resolved that the County Commission of Jefferson County hails Judith Rice as having been an asset to Jefferson County during her service and wishes her many healthy years in retirement.

/s/ Frances B. Morgan, President
Jefferson County Commission

Date: 10/30/2008

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Manuel, second by Surkamp to approve the partial release of an Irrevocable Letter of Credit in the amount of \$13,250.00 for The Woods at Wheatland Subdivision, Lots 1-7 & Residue with the County to retain \$244,736.00. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the partial release of an Irrevocable Letter of Credit in the amount of \$261,079.03 for Patricia Sanderson - Longfield Farm Subdivision, Lots 1-28 & Residue Tract 1, 3 & 4 with the County to retain \$752,527.00. Motion carried.

In re: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

Kirk Davis, Acting Director of Planning and Zoning appeared before the Commission to discuss the resignation of Sherry Kelly, Deputy Director of Planning and Zoning. After discussion, the Commission agreed to delay advertising for this position.

The Commission discussed the current parent to child ordinance and the change of the parent to child in the new ordinance.

**In re: APPROVAL OF PROPOSAL AND SCOPE OF WORK - MASON BUILDING ELECTRICAL WORK
APPROVAL OF CONTRACTOR AGREEMENT - ROCKWELL CONSTRUCTION CO., INC. - MASON BUILDING**

Motion by R. Morgan, second by Corliss to approve the proposal and scope of work for the Mason Building for electrical work and to approve the Contractor Agreement for Rockwell Construction Co., Inc. for the Mason Building. Motion carried. For the record, Kirk Davis, Capital Projects Manager was present and made comments.

In re: PUBLIC COMMENT

Edward Burns was present and commented on the County Clerk's online document search containing personal information.

In re: VIRGINIA GRAF - WATER ADVISORY COMMITTEE - SOURCE WATER PROTECTION GRANTS

Virginia Graf, Water Advisory Committee member appeared before the Commission to discuss the Source Water Protection Grant, proposed Resolution and collections of wellhead samples.

After discussion, the Commission took this matter under advisement for legal counsel review.

For the record, Roger Ethier, Water Advisory Committee member was present.

In re: DON ORSER - REQUEST FOR EXONERATIONS

Don Orser appeared before the Commission to request exonerations of excess taxes paid on Lot 10 Section 14H Shannondale and to request an Order to Consolidate Adjacent Parcels for Tax Year 2009. After discussion, the Commission agreed to take this matter under advisement for legal counsel review. For the record, Angie Banks, Assessor's Office was present and made comment.

In re: SHERIFF ED BOOBER - PETITION TO SHERIFF - FARM USE/RESIDUAL UNDEVELOPED PROPERTIES

Sheriff Ed Boober appeared before the Commission to request funding for outside counsel regarding Petition to Sheriff - Farm Use/Residual Undeveloped Properties. Motion by Manuel, second by R. Morgan to allocate \$5,000 for outside counsel regarding Petition to Sheriff. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

Sheriff Ed Boober was present and commented on the County Clerk's records online containing sensitive personal information.

The Commission took a 15 minute break at 11:45 a.m.

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

- **ELECTION UPDATE**

- **COUNTY COMMISSIONER TRAINING FOR OFFICIAL CANVAS - FOR COMMISSIONERS - MONDAY, NOVEMBER 10, 2008, 9:15 A.M. - 9:45 A.M.**

- **OFFICIAL CANVASS OF THE GENERAL ELECTION - FOR THE PUBLIC - MONDAY, NOVEMBER 10, 2008, 10:00 A.M.**

Jennifer S. Maghan, County Clerk appeared before the Commission for the weekly County Clerk's report.

Ms. Maghan provided the Commission with an election update, reported on voting equipment, and the County Commission Canvass Training.

Ms. Maghan reported on the new online records search program and that personal information was contained on some of the documents. Ms. Maghan informed the Commission that the service has been suspended until the social security numbers can be removed from the documents. Software used to redact social security numbers will remove about 80% of the numbers, and the rest will have to be manually deleted. For the record, Mark Schiavone, Director of Capital Planning and Management was present and made comment.

In re: COST PROPOSAL FOR RECALCULATION OF SCHOOL IMPACT FEES

Mark Schiavone, Director of Capital Planning and Management appeared before the Commission to discuss recalculating of school impact fees and a cost proposal from TischlerBise Fiscal, Economic & Planning Consultants. After discussion, motion by Surkamp to authorize the Director of Capital Planning and Management to do a study recalculating the school impact fees. Motion died due to the lack of a 2nd. Mr. Schiavone said he will come back with the request during budget deliberations.

In re: REPORT ON IT ISSUES

George Privitera, IT Specialist appeared before the Commission to give a report on IT issues. Mr. Privitera informed the Commission that he is working on dividing the network and getting prices for domains and servers. Mr. Privitera reported that he does not have access to the servers so he can not issue IP addresses. He also requested a map on where the cable and fiber is run.

In re: PASSWORDS TO COMPUTERS TO IT STAFF, AS VOTED - DATE CERTAIN

Motion by Surkamp, second by F. Morgan to provide to IT Staff George Privitera the passwords to the window based servers as stated by the County Commission at a regular meeting on Thursday, September 18, 2008 and to provide the passwords by November 3, 2008 at 5:00 p.m. Commissioner F. Morgan removed her 2nd.

Motion by Surkamp, second by Corliss to provide only to IT specialist George Privitera the passwords to the County's computer system - namely passwords for all communication devices (i.e., switches, routers, RF Links, etc) and servers (i.e., mail, data, and storage), to exclude the AS400 and all directly attached supporting devices and that this information be provided to only George Privitera who under no circumstances is he to share this with anyone and that they are stored in a safe and that this be accomplished by 5 pm on Monday, November 3rd, 2008.

Motion by Manuel to table this matter. Motion died due to the lack of a second.

Commissioner Manuel requested that Patsy Noland, Circuit Clerk speak on the matter. The Commission did not agree by consensus. Motion by Manuel, second by F. Morgan to allow Patsy Noland, Circuit Clerk speak on the matter regarding passwords and access to servers. Motion failed by a 2-3 vote and objections were noted by Commissioners Corliss, R. Morgan and Surkamp.

Due to an objection to the motion, a motion was made by F. Morgan, second by Corliss to call for the question. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

Original motion by Surkamp, second by Corliss to provide only to IT specialist George Privitera the passwords to the County's computer system - namely passwords for all communication devices (i.e., switches, routers, RF Links, etc) and servers (i.e., mail, data, and storage), to exclude the AS400 and all directly attached supporting devices and that this information be provided to only George Privitera who under no circumstances is he to share this with anyone and that they are stored in a safe and that this be accomplished by 5 pm on Monday, November 3rd, 2008. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

In re: DISCUSS AND VOTE ON PROPOSED NEW ORDINANCE CREATING A JEFFERSON COUNTY FIRE AND EMS AGENCY

The Commission agreed to place this item on next week's agenda.

In re: DISCUSSION OF FIRE & EMS RESOURCE WITH RESPECT TO RESPONSE TIME AND FACILITY SUPPORT (GC)

The Commission agreed to place this item on next week's agenda.

In re: APPROVAL OF CORRESPONDENCE TO ALLEGHENY ENERGY - POTOMAC APPALACHIAN TRANSMISSION HIGHLINE (PATH)

Patience Wait appeared before the Commission to request approval of correspondence to Allegheny Energy regarding the Potomac Appalachian Transmission Highline (PATH). After discussion, motion by Surkamp, second by Corliss to accept the correspondence to Allegheny Energy as amended. Motion carried.

The Commission recessed for lunch at 12:30 p.m. The Commission reconvened at 1:30 p.m.

In re: DUNN ENGINEERING REPORT - MOUNTAIN WATER STUDY

Wayne Hypes with Dunn Engineering appeared before the Commission to give a final report on the Mountain Water Study. For the record, Roger Goodwin, Chief County Engineer, Ed Burns, John Maxey, Mountain Water Rate Committee member, Kaye Moore, Mountain Water Rate Committee member and Stephanie Grove, Assistant Prosecuting Attorney were present and made comments.

In re: DON ORSER - REQUEST FOR EXONERATIONS - CONTINUED

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to discuss the request for Exonerations and consolidation of parcels as presented by Don Orser. The Commission agreed to place this item on next week's agenda.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to give the weekly legal update and report on the following: Civil Division to do list, the Fire and EMS Ordinance, the Water Advisory Committee Grant and the Board of Health lawsuit.

Commissioner F. Morgan left the meeting at 3:15 pm.

In re: LEGISLATIVE ISSUES

No action was taken on the agenda item.

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

No action was taken on this agenda item.

In re: MARC TRAIN UPDATE/DISCUSSION

The Commission discussed a draft letter of opposition to the reduction of MARC Train Commuter Services. After discussion, the Commission agreed to send the amended letter to the Governor, our Congressional and State Delegation and MARC Train officials.

In re: REQUEST FOR ORIGINAL SSI AGREEMENT - DATE CERTAIN (JS)

Leslie D. Smith, County Administrator provided the original SSI Agreement to Commissioner Surkamp as requested.

In re: JEFFERSON COUNTY SOLID WASTE AUTHORITY - REQUEST FOR THE APPOINTMENT OF RUSTY MORGAN AS A PERMANENT LIAISON

By unanimous consent, the Commission approved the request for the appointment of Rusty Morgan as a permanent liaison to the Jefferson County Solid Waste Authority.

In re: CITIZEN CORPS GRANT PROPOSAL - VOLUNTEER MOBILIZATION CENTER

Motion by R. Morgan, second by Manuel to approve the Citizen CORPS Grant proposal for the Volunteer Mobilization Center and to authorize the signatures be placed on the appropriate documents. Motion carried.

In re: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator reported on the cut over on the new radio system for the E-911 Center.

In re: COUNTY COMMISSION REPORTS

Commissioner Manuel reported on the Council of Governments Meeting he attended. Commissioner R. Morgan reported on the Watershed meeting he attended.

The Commission received the following information:

Reminder that the agenda will close next week on Monday, November 3, 2008, at 12:00 p.m.

Reminder that County offices will be closed on Tuesday, November 4, 2008, for Election Day.

Appointments to be made to the Ambulance Authority and the North Eastern Regional EMS, Inc. on Thursday, November 6, 2008.

Correspondence received from Robert Rodecker concerning the cable franchise agreement.

Correspondence received from Tom and Dee Taylor concerning the proposed Rattling Springs development.

Correspondence received from Senator Byrd concerning the Millville river gauge.

Correspondence received from Senator Byrd concerning the Potomac Appalachian Transmission Highline project.

Letter of appreciation received from the Charles Town Ranson Little League.

Correspondence received from Mayor A. David Hamill concerning appointment to the Jefferson

County Parks and Recreation Commission.

Correspondence received from the Jefferson County Council on Aging concerning New Freedom Funding.

Information received concerning eliminated PATH routes.

Information received from the County Commissioners Association concerning the legislative regional meetings.

E-911 fees received from ACN Communications Services, Level 3 Communications, Comtel Telcom Assets, AT&T Communications of West Virginia, and IDT Corporation.

Franchise fee received from Comcast.

Invitation received from the Eastern Panhandle Free Clinic to attend their 7th Annual Volunteer Recognition Dinner on Thursday, November 20, 2008, 6:00 p.m. - 9:00 p.m.

Notice received from the West Virginia Department of Environmental Protection of the Regional Stormwater Network Workshops on Thursday, November 6, 2008, at 8:30 a.m.

Information received from the Association of Counties concerning candidates for the General Election.

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

CORRESPONDENCE

Correspondence received from Kathryn and Barry Wagner concerning PATH.

Correspondence received from John Urciolo concerning the PSC rate case.

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

PRESIDENT