

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, November 6, 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 Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, October 30, 2008, and to approve the Minutes as prepared. Motion carried.

Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the Special Session held on Thursday, October 31, 2008. The Commission agreed to postpone the approval of this set of minutes until later in the meeting in order to give the Commissioners further time to review the minutes.

In re: APPROVAL OF PURCHASE ORDERS

Motion by R. Morgan, second by Manuel to approve the following Purchase Orders for the Week of November 6, 2008, totaling \$9,213.46: 42445, 46075, 46149, 46212, 46219, 46220, 46275, 46070, 46073, 46316, 46320, 46321, and, 46317. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by Manuel to approve the list of the Accounts Payable dated November 6, 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
057048	413	ALLEGHENY POWER		\$0.00	\$130.20	\$130.20
057048	425	ALLEGHENY POWER		\$0.00	\$110.70	\$110.70
057049	425	ABH SERVICES, INC.		\$0.00	\$9,070.00	\$9,070.00
057050	412	BARDANE PUBLIC HEALTH CT		\$0.00	\$383.00	\$383.00
057050	431	BARDANE PUBLIC HEALTH CT		\$0.00	\$308.33	\$308.33
057051	425	B-K OFFICE SUPPLY INC	46100	\$653.80	\$0.00	\$653.80
057051	439	B-K OFFICE SUPPLY INC	45951	\$529.40	\$0.00	\$529.40
057052	716	PAULA AIELLO		\$0.00	\$23.30	\$23.30
057053	406	*CREAMERS AUTO SERVICE	46311	\$360.06	\$0.00	\$360.06
057053	424	*CREAMERS AUTO SERVICE	46310	\$121.78	\$0.00	\$121.78
057053	440	*CREAMERS AUTO SERVICE	46311	\$32.75	\$0.00	\$32.75
057053	700	*CREAMERS AUTO SERVICE	46309	\$266.62	\$0.00	\$266.62
057054	424	CHARLES TOWN WATER DEPT		\$0.00	\$159.14	\$159.14
057054	425	CHARLES TOWN WATER DEPT		\$0.00	\$832.19	\$832.19
057055	712	VERIZON CABS		\$0.00	\$1,669.67	\$1,669.67
057056	425	OLD CHARLES TOWN LIBRARY		\$0.00	\$1,500.00	\$1,500.00
057057	425	CHARLES TOWN COPYING SRV	46305	\$298.40	\$0.00	\$298.40
057058	405	DANKA OFFICE IMAGING	46224	\$421.72	\$0.00	\$421.72
057059	425	DAYCON	46307	\$1,600.39	\$0.00	\$1,600.39
057060	425	DEHAVEN SEVEN-UP CORP		\$0.00	\$28.50	\$28.50
057061	401	DUNN ENGINEERS, INC		\$0.00	\$6,135.00	\$6,135.00
057062	712	EARTHLINK INC		\$0.00	\$21.95	\$21.95
057063	712	FEDEX		\$0.00	\$20.65	\$20.65
057064	PAYROLL	GUARDIAN		\$0.00	\$1,597.95	\$1,597.95
057064	PAYROLL	GUARDIAN		\$0.00	\$127,623.25	\$127,623.25
057064	PAYROLL	GUARDIAN		\$0.00	\$6,354.72	\$6,354.72
057064	PAYROLL	GUARDIAN		\$0.00	\$-0.22	\$-0.22
057065	425	GRAINGER, INC	46099	\$78.72	\$0.00	\$78.72
057066	439	KON OFFICE SOLUTIONS	45950	\$927.12	\$0.00	\$927.12
057066	401	KON OFFICE SOLUTIONS		\$0.00	\$272.25	\$272.25
057067	402	JEFFERSON PUBLISH CO INC	46217	\$239.73	\$0.00	\$239.73
057067	413	JEFFERSON PUBLISH CO INC	46217	\$14.95	\$0.00	\$14.95
057068	ALLOC	BOYS & GIRLS CLUB		\$0.00	\$10,000.00	\$10,000.00
057069	405	MATTHEW BENDER & CO	46225	\$857.55	\$0.00	\$857.55
057070	712	PRIORITY DISPATCH	45985	\$145.00	\$0.00	\$145.00
057071	700	MCKINNEY'S AUTO REPAIR	46308	\$206.26	\$0.00	\$206.26
057072	413	PC 4 LESS	46218	\$42.00	\$0.00	\$42.00

057073	424	REESE'S NURSERY	45498	\$395.00	\$0.00	\$395.00
057074	425	LANDMARK ELEVATOR INC.	45740	\$240.00	\$0.00	\$240.00
057075	425	ROACH OIL COMPANY		\$0.00	\$548.40	\$548.40
057076	413	RAI GROUP 43, LLC		\$0.00	\$1,650.00	\$1,650.00
057077	402	RECORD MANAGEMENT SOL	45872	\$35.00	\$0.00	\$35.00
057078	425	RIDERSVILLE CYCLE	46306	\$152.50	\$0.00	\$152.50
057079	PAYROLL	RETIREE HLTH BENEFIT TRS		\$0.00	\$8,265.00	\$8,265.00
057080	ALLOC	SHEPHERDSTOWN FIRE CO		\$0.00	\$25,000.00	\$25,000.00
057081	404	SPECIALTY BUS SUPPLIES	44543	\$585.00	\$0.00	\$585.00
057081	405	SPECIALTY BUS SUPPLIES	46226	\$480.33	\$0.00	\$480.33
057082	405	BRANDON C.H. SIMS		\$0.00	\$15.75	\$15.75
057083	975	SUMMIT COMMUNITY BANK		\$0.00	\$2,441.41	\$2,441.41
057084	PAYROLL	TIME INSURANCE CO		\$0.00	\$166.36	\$166.36
057085	716	VALLEY PET CEMETERY		\$0.00	\$68.00	\$68.00
057086	712	VERIZON		\$0.00	\$119.43	\$119.43
057087	405	WEST PAYMENT CENTER	46227	\$1,645.50	\$0.00	\$1,645.50
057088	425	WM OF WEST VIRGINIA, INC		\$0.00	\$751.59	\$751.59
057088	716	WM OF WEST VIRGINIA, INC		\$0.00	\$95.33	\$95.33
057089	415	WV STATE AUDITOR**		\$0.00	\$13,870.00	\$13,870.00
057090	GRANT	PAMELA HOLSTEIN-WALLACE		\$0.00	\$6,250.00	\$6,250.00
057091	402	XEROX CORPORATION	45583	\$1,251.61	\$0.00	\$1,251.61
057092	412	CRAIG W YOHN		\$0.00	\$229.35	\$229.35
TOTAL				\$11,581.19	\$225,711.20	\$237,292.39

In re: EXONERATIONS

Angela Banks, from the Assessor's office, appeared before the Commission to request approval of exonerations.

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

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Angela Johson	Shepherdstown	Real Estate	27743	\$1,327.14

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

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Donald J. Orser	Kabletown	Real Estate	1878	\$270.67

In re: BONDING AND ACTIVITY REPORT

The County Administrator presented information to the Commission, on behalf of Chief County Engineer Roger Goodwin, on the request for a bond extension for Thorn Hill Subdivision. No other bonding matters were presented.

Kirk Davis, Interim Director of Planning and Zoning, appeared before the Commission to give the Planning Commission activity report. Mr. Davis reported on the upcoming public hearings for amendments to the Subdivision and Zoning Ordinances. Mr. Davis also provided the Commission with an update on capital construction projects.

In re: PUBLIC COMMENT

Neil Neilson commented on the passwords to the County's servers.

Laura Rattenni, Circuit Clerk, commented on the password issue and requested a work session with the Commission next week to include representatives from the West Virginia Supreme Court and Mike Manley from Software Systems, Inc. The Commission agreed to have the work session, as requested and to also include the IT Committee in the work session.

In re: LEGISLATIVE ISSUES

The Commission discussed approval of slot machines in Maryland.

The County Administrator reminded the Commission of the legislative meeting in Morgan County on December 10, 2008.

The Commission discussed the MARC train meetings.

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

No action was taken on this agenda item.

In re: AUTHORIZATION OF A FIRE & EMS RESOURCE OPTIMIZATION STUDY WITH RESPECT TO RESPONSE TIMES, EQUIPMENT & FACILITY SUPPORT (GC)

Upon request from Commissioner Corliss, Neal Carpenter appeared before the Commission to discuss implementing a Fire & EMS Resource Optimization Study. After discussion, motion by Corliss,

second by R. Morgan to authorize a Fire and EMS Resource Optimization Study with respect to response times, equipment and facility support and that the study be headed up by Neal Carpenter with representatives from the County Commission, Planning Commission, Fire and EMS, Capital Planning & Management and the Fire Association. Motion by Manuel to amend the motion to postpone final action on the study until a presentation is made by Fire and EMS as to the necessity of the study. Motion to amend failed due to a lack of a second. The Commission then voted on the original motion. Motion carried.

In re: TO PROVIDE IT STAFF WITH PASSWORDS FOR ALL NETWORK COMMUNICATION DEVICES (I.E. SWITCHES, ROUTERS, RF LINKS, ETC) AND SERVERS (I.E. MAIL, DATA, AND STORAGE) (JS)

Commissioner Surkamp withdrew this agenda item without objection from the Commission.

In re: TO EXCLUDE THE AS400 AND ALL DIRECTLY ATTACHED/SUPPORTING DEVICES, BEING UTILIZED BY ELECTEDS, INCLUDING CIRCUIT CLERK AND PROSECUTING ATTORNEY (JS)

Commissioner Surkamp withdrew this agenda item without objection from the Commission.

In re: TO BE PROVIDED TO IT STAFF BY 5 PM FRIDAY, NOVEMBER 14, 2008 (JS)

Commissioner Surkamp withdrew this agenda item without objection from the Commission.

**In re: SET MEETING DATE FOR THE WEEK OF THANKSGIVING
SET MEETING DATE FOR THE WEEK OF CHRISTMAS**

Motion by R. Morgan, second by Manuel to cancel the meetings for the week of Thanksgiving and for the week of Christmas. Motion carried.

In re: SET DATE FOR FIRST MEETING OF 2009

The Commission agreed that the first payroll for 2009 could be paid on December 31, 2008. The Commission also agreed to set the first County Commission meeting for 2009 to January 8, 2009.

The Commission took a break at 10:45 a.m. The Commission reconvened at 11:00 a.m.

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 reported on the General Election.

In re: DON ORSER - REQUEST FOR EXONERATIONS

After discussion with Stephanie Grove, Assistant Prosecuting Attorney, motion by Surkamp, second by R. Morgan to deny the request from Don Orser for exonerations from the previous tax year because the exonerations should have been addressed during Board of Review and Equalization. Motion carried.

In re: DON ORSER - REQUEST FOR ORDER TO CONSOLIDATE ADJACENT PARCELS FOR TAX YEAR 2009

Don Orser appeared before the Commission to request an Order to Consolidate Adjacent Parcels for tax year 2009. After discussion and comments from Assistant Prosecuting Attorney Stephanie Grove and Angie Banks, from the Assessor's office, motion by F. Morgan, second by Surkamp to defer to the Assessor's office on Mr. Orser's request for consolidation. Motion by Manuel, second by Surkamp to table this matter until the Assessor's office can work with Mr. Orser on a resolution to the matter. 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 discussed a hearing with Judge Steptoe concerning passwords to the County servers. After discussion, motion by R. Morgan, second by Manuel to extend their action to provide the passwords to the County's servers to the County's IT Specialist. Motion carried.

Ms. Grove also report on the following:

- Rattlesnake run property tax appeal
- The lawsuit on the new zoning ordinance
- A mailing concerning the petition to place the decision on the zoning ordinance on the ballot

Motion by Corliss, second by Manuel to enter into Executive Session with James Casimiro and Stephanie Grove in order to discuss pending litigation. Motion carried.

The Commission recessed for lunch until 1:30 p.m.

In re: COUNTY COMMISSION WORKSHOP - ORDINANCE CREATING THE JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

The Commission conducted a workshop in order to discuss the draft ordinance creating the Jefferson County Emergency Services Agency. Stephanie Grove, Assistant Prosecuting Attorney, reviewed with the Commission the changes made to the draft ordinance. Comments were made by Jay Watson, Paul Rosa and Ed Burns. After discussion, motion by Surkamp, second by R. Morgan to approve the Ordinance Creating the Jefferson County Emergency Services Agency as a draft until next week in order to allow for any

additional comment. Motion carried.

In re: APPOINTMENTS TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY

No action was taken on this agenda item.

In re: APPOINTMENT TO THE NORTH EASTERN REGIONAL EMS, INC.

Motion by F. Morgan, second by Manuel to reappoint Rusty Morgan to the North Eastern Regional EMS, Inc. for a 2-year term ending October 31, 2010. Motion carried.

In re: APPROVAL OF MINUTES - CONTINUED

Motion by R. Morgan, second by Surkamp to dispense with the reading of the Minutes for the Special Session held on Thursday, October 31, 2008. Motion carried.

**In re: DISCUSS REQUESTING THE PSD CONSIDER PURCHASE, REHABILITATION, AND MANAGEMENT OF MOUNTAIN WATER SYSTEMS (GC)
MOTION TO REQUEST THAT THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT TAKE THE NECESSARY STEPS TO BECOME THE SOLE PROVIDER OF WATER UTILITY SERVICE THROUGHOUT THE UNINCORPORATED BOUNDARIES OF JEFFERSON COUNTY (FM)**

Motion by Corliss, second by R. Morgan to request the PSD consider purchase, rehabilitation, and management of the Mountain Water Systems.

Motion by F. Morgan, second by Surkamp to amend the motion by striking the wording and inserting the following: motion to request the Jefferson County Public Service District to review, consider and report back to the Jefferson County Commission on the feasibility, by acquiring JUI's assets in the unincorporated territory of the County, undertaking to become the sole provider of public water in the unincorporated territory of Jefferson County and if the answer to the County Commission is negative then the County Commission requests that the PSD join with the Commission in pursuing the PSC's approval of the creation of a new PSD to provide public water service in the unincorporated territory of the County. Motion failed by a 2-3 vote. Commissioners R. Morgan, Manuel and Corliss voted no.

Motion by Surkamp, second by Corliss to call the question. Motion passed by a 3-2 vote. Commissioners F. Morgan and Manuel voted no.

The Commission then voted on the original motion. Motion passed by a 3-2 vote. Commissioners F. Morgan and Manuel voted no.

Motion by Corliss, second by Manuel to adjourn. Motion passed by a 3-2 vote. Commissioners F. Morgan and R. Morgan voted no.

The Commission received the following information:

Reminder that the Agenda Closes on Monday, November 10, 2008, at noon.

Reminder Courthouse is Closed Tuesday, November 11, 2008 - Veteran's Day.

Reminder of Canvass on Monday, November 10, 2008 beginning at 9:15 a.m.

Correspondence received from DI Jacobs Consulting Company concerning the Classification and compensation Study.

Invitation received from the Council on Aging to attend a focus group study on Thursday, November 6, 2008.

Correspondence received from James Casimiro concerning the Discovery Requests from Jefferson Utilities.

Correspondence received from Robert Rodecker concerning the cable franchise agreement.

Affidavit of Circulation and Legal Advertising Rate received from the Spirit of Jefferson Newspaper.

2007 Annual Report received from the Jefferson County Office of Homeland Security and Emergency Management.

Correspondence received from Senator Byrd concerning renewable sources of energy.

Correspondence received from Senator Byrd concerning the stream gauge at Millville.

Harpers Ferry National Historical Park Community Bulletin received.

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

Upon rising, the Commission recessed until Monday morning next beginning at 9:15 o'clock a.m.

Frances B. Morgan, Commission President