

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 Jefferson County Courthouse thereof on Thursday February 12, 2009 beginning at 9:30 o'clock a.m.

PRESENT: C. Dale Manuel; Commission President;
James Surkamp, Lyn Widmyer, Patsy Noland
Frances B. Morgan; Commissioners

IN RE: PLEDGE OF ALLEGIANCE
Commissioner Noland conducted the Pledge of Allegiance.

IN RE: APPROVAL OF MINUTES
Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the special meeting held on Monday, February 2, 2009 and to approve the Minutes as presented. Motion carried.

Motion by Noland, second by Morgan to dispense with the reading of the Minutes for the Board of Review and Equalization session held on Monday, February 2, 2009 and to approve the Minutes as presented. Motion carried.

Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the special meeting held on Wednesday, February 4, 2009 and to approve the Minutes as amended. Motion carried.

Motion by Morgan, second by Surkamp to dispense with the reading of the Minutes for the regular meeting held on Thursday, February 5, 2009 and to approve the Minutes as amended. Motion carried.

Motion by Manuel, second by Surkamp to dispense with the reading of the Minutes for the special meeting held on Monday, February 9, 2009 and to approve the Minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS
Motion by Surkamp, second by Morgan to approve the following Purchase Orders for the week of February 5, 2009 totaling \$113,888.39: 46116, 46556, 46489, 46495, 46678, 46300, 46549, 46554, 46557, 46559, 46415, 46288, 46289, 46375, 46550, 46551, 46552, 46553, 46555, 46249, 46635, 46636, 46637, 46560, 46562, 46651, 46561 and 46414. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE
Motion by Morgan, second by Noland to approve the list of Accounts Payable totaling \$94,441.10 dated February 12, 2009. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	Amt wo PO	CK Amt
057917	406	ASSESSOR OF JEFFERSON CO	46701	\$73.05	\$0.00	\$73.05
057918	GRANT	AFRICAN AMERICAN COMM		\$0.00	\$3,139.85	\$3,139.85
057919	424	USA MOBILITY WIRELESS,IN		\$0.00	\$88.86	\$88.86
057919	700	USA MOBILITY WIRELESS,IN		\$0.00	\$396.95	\$396.95
057919	712	USA MOBILITY WIRELESS,IN		\$0.00	\$408.96	\$408.96
057920	ALLOC	AHA/ART&HUMANITIES ALL		\$0.00	\$2,302.56	\$2,302.56
057921	425	BLUE RIDGE GARAGE DOORS	46537	\$95.00	\$0.00	\$95.00

057922	425	B-K OFFICE SUPPLY INC	46532	\$1,731.50	\$0.00	\$1,731.50
057923	424	BOLAND SERVICES	46365	\$166.00	\$0.00	\$166.00
057923	425	BOLAND SERVICES	45163	\$385.00	\$0.00	\$385.00
057923	425	BOLAND SERVICES	46365	\$427.00	\$0.00	\$427.00
057924	424	*CREAMERS AUTO SERVICE	46542	\$95.90	\$0.00	\$95.90
057924	440	*CREAMERS AUTO SERVICE	46542	\$40.48	\$0.00	\$40.48
057924	700	*CREAMERS AUTO SERVICE	46541	\$71.90	\$0.00	\$71.90
057924	711	*CREAMERS AUTO SERVICE	46542	\$131.26	\$0.00	\$131.26
057924	716	*CREAMERS AUTO SERVICE	46542	\$289.06	\$0.00	\$289.06
057925	424	CREAMERS WRECKER SVC	46543	\$47.50	\$0.00	\$47.50
057925	711	CREAMERS WRECKER SVC	46543	\$55.00	\$0.00	\$55.00
057926	405	JAMES CASIMIRO III		\$0.00	\$369.23	\$369.23
057927	700	CARS/COMPLETE AUTO REP	46539	\$572.88	\$0.00	\$572.88
057928	424	APPLE VALLEY TIRE	46547	\$105.00	\$0.00	\$105.00
057929	406	DANKA OFFICE IMAGING	44445	\$302.34	\$0.00	\$302.34
057930	700	DODSON'S SEPTIC	46538	\$250.00	\$0.00	\$250.00
057930	716	DODSON'S SEPTIC	46548	\$250.00	\$0.00	\$250.00
057931	712	NANCY DOPSON		\$0.00	\$8.03	\$8.03
057932	424	J.C.EHRLICH		\$0.00	\$30.00	\$30.00
057932	425	J.C.EHRLICH		\$0.00	\$391.00	\$391.00
057933	412	FRONTIER		\$0.00	\$419.46	\$419.46
057933	415	FRONTIER		\$0.00	\$330.35	\$330.35
057933	424	FRONTIER		\$0.00	\$15,040.65	\$15,040.65
057933	712	FRONTIER		\$0.00	\$1,159.88	\$1,159.88
057934	711	FIFTH THIRD BANK	46291	\$85.35	\$0.00	\$85.35
057934	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
057934	402	FIFTH THIRD BANK		\$0.00	\$218.95	\$218.95
057934	404	FIFTH THIRD BANK		\$0.00	\$131.84	\$131.84
057934	425	FIFTH THIRD BANK		\$0.00	\$74.74	\$74.74
057934	439	FIFTH THIRD BANK		\$0.00	\$250.00	\$250.00
057934	700	FIFTH THIRD BANK		\$0.00	\$16.92	\$16.92
057934	700	FIFTH THIRD BANK		\$0.00	\$139.52	\$139.52
057934	711	FIFTH THIRD BANK		\$0.00	\$88.85	\$88.85
057934	711	FIFTH THIRD BANK		\$0.00	\$6.32	\$6.32
057934	711	FIFTH THIRD BANK		\$0.00	\$362.43	\$362.43
057934	712	FIFTH THIRD BANK		\$0.00	\$229.96	\$229.96
057934	712	FIFTH THIRD BANK		\$0.00	\$295.00	\$295.00
057935	700	GALLS INCORPORATED	46187	\$350.66	\$0.00	\$350.66
057936	425	GRAINGER, INC	46536	\$549.72	\$0.00	\$549.72
057937	424	HASLER INC.	45737	\$105.00	\$0.00	\$105.00

057938	712	HANKEY'S RADIO, INCORP.	46582	\$3,060.00	\$0.00	\$3,060.00
057939	700	JEFF CO DEPUTY SHERIFF'S		\$0.00	\$810.00	\$810.00
057939	700	JEFF CO DEPUTY SHERIFF'S		\$0.00	\$261.34	\$261.34
057939	700	JEFF CO DEPUTY SHERIFF'S		\$0.00	\$224.81	\$224.81
057939	700	JEFF CO DEPUTY SHERIFF'S		\$0.00	\$735.62	\$735.62
057940	402	JEFFERSON PUBLISH CO INC	46672	\$224.68	\$0.00	\$224.68
057940	700	JEFFERSON PUBLISH CO INC	46183	\$78.01	\$0.00	\$78.01
057941	413	JEFFERSON UTILITIES INC		\$0.00	\$20.12	\$20.12
057941	425	JEFFERSON UTILITIES INC		\$0.00	\$261.61	\$261.61
057942	405	EDWARD JAMES	46250	\$231.00	\$0.00	\$231.00
057943	405	RALPH A LORENZETTI JR		\$0.00	\$390.00	\$390.00
057944	712	LANGUAGE LINE SERVICES		\$0.00	\$131.46	\$131.46
057945	700	MATTHEW BENDER & CO	46180	\$380.35	\$0.00	\$380.35
057946	700	MCKINNEY'S AUTO REPAIR	46544	\$221.95	\$0.00	\$221.95
057947	424	VERIZON BUSINESS		\$0.00	\$1,104.68	\$1,104.68
057948	712	NORFOLK SOUTHERN CORP		\$0.00	\$12.00	\$12.00
057949	ALLOC	JEFF CO PARKS &		\$0.00	\$11,485.22	\$11,485.22
057950	402	PIFER OFFICE SUPPLY, INC	46388	\$240.03	\$0.00	\$240.03
057950	403	PIFER OFFICE SUPPLY, INC	46494	\$80.80	\$0.00	\$80.80
057950	406	PIFER OFFICE SUPPLY, INC	44444	\$460.42	\$0.00	\$460.42
057951	425	PC RENEWAL	46535	\$81.60	\$0.00	\$81.60
057952	403	PROGRESSIVE PRINTING	46493	\$100.00	\$0.00	\$100.00
057953	425	LANDMARK ELEVATOR INC.	45740	\$240.00	\$0.00	\$240.00
057954	424	ROACH OIL COMPANY		\$0.00	\$344.14	\$344.14
057955	413	RAI GROUP 43, LLC	46397	\$1,757.52	\$0.00	\$1,757.52
057956	425	RCS SECURITY	46533	\$3,850.50	\$0.00	\$3,850.50
057957	401	ROBERT R. RODECKER		\$0.00	\$3,213.94	\$3,213.94
057958	424	RIDERSVILLE CYCLE	46546	\$579.00	\$0.00	\$579.00
057959	424	SHENANDOAH SALES & SERV	46540	\$105.65	\$0.00	\$105.65
057960	GRANT	SHEPHERDSTOWN MEN'S CLUB		\$0.00	\$1,917.65	\$1,917.65
057961	404	SHERIFF OF JEFFERSON CO	46652	\$25.05	\$0.00	\$25.05
057962	424	SMITH-NADENBOUSCH INS		\$0.00	\$849.00	\$849.00
057963	422	SOFTWARE SYSTEMS, INC	45912	\$1,220.00	\$0.00	\$1,220.00
057963	402	SOFTWARE SYSTEMS, INC		\$0.00	\$932.50	\$932.50
057963	403	SOFTWARE SYSTEMS, INC		\$0.00	\$406.00	\$406.00
057963	404	SOFTWARE SYSTEMS, INC		\$0.00	\$1,003.00	\$1,003.00
057963	700	SOFTWARE SYSTEMS, INC		\$0.00	\$30.50	\$30.50
057964	405	SPECIALTY BUS SUPPLIES	46633	\$1,104.90	\$0.00	\$1,104.90
057965	711	STAPLES CREDIT PLAN	46281	\$357.54	\$0.00	\$357.54
057965	711	STAPLES CREDIT PLAN	46282	\$39.99	\$0.00	\$39.99

057965	711	STAPLES CREDIT PLAN	46601	\$136.29	\$0.00	\$136.29
057965	401	STAPLES CREDIT PLAN		\$0.00	\$315.45	\$315.45
057965	402	STAPLES CREDIT PLAN		\$0.00	\$333.97	\$333.97
057965	422	STAPLES CREDIT PLAN		\$0.00	\$118.83	\$118.83
057965	424	STAPLES CREDIT PLAN		\$0.00	\$397.70	\$397.70
057965	433	STAPLES CREDIT PLAN		\$0.00	\$14.98	\$14.98
057965	439	STAPLES CREDIT PLAN		\$0.00	\$26.77	\$26.77
057965	700	STAPLES CREDIT PLAN		\$0.00	\$635.74	\$635.74
057965	711	STAPLES CREDIT PLAN		\$0.00	\$167.26	\$167.26
057965	712	STAPLES CREDIT PLAN		\$0.00	\$541.49	\$541.49
057966	700	WALTER F STEPHENS, JR IN	46185	\$58.45	\$0.00	\$58.45
057967	711	SOFTWARE COMPUTER GROUP	46280	\$150.00	\$0.00	\$150.00
057968	425	SHENANDOAH VALLEY WATER		\$0.00	\$547.40	\$547.40
057969	422	F. MARK SCHIAVONE		\$0.00	\$221.10	\$221.10
057970	424	THOMASSEN FORD/MERCURY	46545	\$224.51	\$0.00	\$224.51
057971	425	HAGEMEYER	46502	\$1,941.37	\$0.00	\$1,941.37
057972	700	SHANNON R. TRAVIS	46184	\$72.00	\$0.00	\$72.00
057973	402	UNITED SYSTEMS & SOFTWARE		\$0.00	\$195.00	\$195.00
057973	403	UNITED SYSTEMS & SOFTWARE		\$0.00	\$167.00	\$167.00
057974	433	URISA/URBAN REG INFO SYS	42451	\$175.00	\$0.00	\$175.00
057975	ALLOC	JEFFERSON CO CONVENTION		\$0.00	\$13,787.78	\$13,787.78
057976	712	PANHANDLE ACCIDENT RECON	46605	\$1,200.00	\$0.00	\$1,200.00
057977	712	VERIZON		\$0.00	\$113.44	\$113.44
057978	700	WAHL BUSINESS SOLUTIONS	46182	\$96.20	\$0.00	\$96.20
057979	405	WEST PAYMENT CENTER	46632	\$1,445.13	\$0.00	\$1,445.13
057980	404	WV SHERIFFS ASSOCIATION	46181	\$115.00	\$0.00	\$115.00
057980	700	WV SHERIFFS ASSOCIATION	46181	\$115.00	\$0.00	\$115.00
057981	700	WEST VIRGINIA UNIFORM-52	46186	\$362.45	\$0.00	\$362.45
057982	401	WVNET		\$0.00	\$83.35	\$83.35
TOTALS				\$26,709.99	\$67,731.11	\$94,441.10

IN RE: PUBLIC COMMENT

Ronda Lehman appeared before the Commission to comment on the Commission's actions to send a letter to the PSD regarding JUI water.

Scott Smiley appeared before the Commission to discuss his concerns with the PATH.

IN RE: EXONERATIONS

Angela Banks, Assessor appeared before the Commission to request approval of an exoneration.

Motion by Morgan, second by Noland to approve an exoneration due to erroneous valuation.

Motion carried.

Name	District	Type	Ticket #	Amount
Dan C. Alexander, Jr	Kabletown	Real Estate	18344 and 18343	\$2,494.29

IN RE: BONDING AND ACTIVITY REPORT

Kirk Davis, Planning and Zoning Acting Director appeared before the Commission for the weekly Bonding and Activity report. Mr. Davis provided the Commission with a report summarizing county projects and an expense report for Judge Sanders' chambers totalling \$125,000.00.

The Commission agreed to hold over discussions on the Judge's renovation expenses until next week in order for Leslie D. Smith, County Administrator to further research available funding or grants for the project.

Mr. Davis provided the Commission with an update on the Planning Director search Committee. Mr. Davis reported to date there are 27 interested applicants and the deadline for applications is February 20, 2009.

Mr. Davis reported on the times and dates for upcoming Planning and Zoning Subdivision Ordinance public hearings.

IN RE: MANNINGS INCORPORATION - ACTION TO BE TAKEN

Commissioner Surkamp reported on the February 10, 2009 Planning Commission meeting.

Kirk Davis, Planning and Zoning Active Director distributed copies of Planning and Zoning staff and Planning Commission recommendations summarizing the petition's compatibility with the Comprehensive Plan for Commission review and consideration.

Commissioner Widmyer requested that Leslie D. Smith, County Administrator organize all correspondence and public comments received from the Manning Incorporation public hearing to be placed in the Commissioner's Hunter House meeting room for further review.

Motion by Manuel, second by Noland authorizing legal counsel to research whether approval of an incorporation is a ministerial act. Motion failed by a 2-3 vote; Commissioners Widmyer, Morgan and Surkamp voted no.

Stephanie Grove, Assistant Prosecuting Attorney reported that the County Commission may dismiss an incorporation if it is not in the interest of the County as a whole as written by West Virginia code.

Motion by Manuel, second by Noland to place this matter on next week's agenda as an appointment at 9:45 a.m. for a one hour discussion. Motion carried

IN RE: AMY JONES - JEFFERSON COUNTY HEALTH DEPARTMENT - BUDGET ISSUES

Amy Jones, Jefferson County Health Department Administrator appeared before the Commission to discuss budget issues.

Ms. Jones provided the Commission with copies of the budget document she received from the County outlining expenditures and revenues and reported on the inconsistencies with the document.

Ms. Jones discussed services provided by the health department and other expenditures and reported on other funding.

The Commission requested that Ms. Jones provide a revised budget summary for the Jefferson County Health Department for Commission review and consideration.

IN RE: MARY BETH BLAIR - EAST RIDGE HEALTH SYSTEMS PRESENTATION

Mary Beth Blair appeared before the Commission to request a letter of support be sent to Governor Manchin on behalf of East Ridge Health Systems.

Ms. Blair reported on behavioral health care system statistics, financial instability for behavioral health care service providers and the various letters of support and Resolutions sent to Governor Manchin by the City of Martinsburg, Berkeley County Commission and other supporting agencies.

Paul Macom, East Ridge Health Systems Executive Director was present and reported on clientele, services, and revenues for East Ridge Health Systems.

The Commission agreed by consensus to authorize Leslie D. Smith, County Administrator to coordinate with Ms. Blair and draft a Letter of Support for the Commission President's signature to be sent to Governor Manchin.

IN RE: ERIN ST. JOHN - HARPERS FERRY STATE OF THE PARKS REPORT

Erin St. John, National Parks Conservation Association, West Virginia Field Manager appeared before the Commission for a Harpers Ferry State of the Parks report.

Ms. St. John provided a State of the Parks report detailing the history of Harpers Ferry National Park. Ms. St. John reported on additional information including current threats to park resources and the current conditions of the parks natural and cultural resources.

Rebecca Harriett, Harpers Ferry National Park Superintendent and Dennis Frye, Harpers Ferry National Park Ranger were present.

Superintendent Harriett reported on her history and credentials.

Mr. Frye provided his insight on the proposed PATH transmission lines and the potential effects to Harpers Ferry National Park.

Mr. Frye provided a status report on the Praire Orchard trespass case.

IN RE: SHEILA EVERS- BIRTHRIGHT BUDGET REQUEST

Sheila Evers and Melissa Mallamas, Birthright Co-Executive Directors appeared before the Commission for a budget request.

Ms. Evers provided a report on services provided by Birthright and provided a presentation of proposed programs with area schools to help reduce teen pregnancy.

The Commission agreed to consider Birthright's budget request during budget deliberations.

The Commission took a 10-minute break at 10:55 a.m.

IN RE: JENNIFER S. MAGHAN – COUNTY CLERK'S REPORT

Cherokee Grim, Assistant Clerk appeared before the Commission for the County Clerk's report on behalf of Jennifer S. Maghan, County Clerk.

Ms. Grim provided the Commission with a memorandum by Clerk Maghan regarding County Commission documents being placed on record with the County Clerk's Office.

Motion by Morgan, second by Surkamp to delay action until next week on Clerk Maghan's request that County Commission documents be placed on record with the County Clerk's office due to her absence. Motion carried.

Ms. Grim requested the Commission consider alternative health insurance bids to potentially decrease expenses to employees with family coverage.

Motion by Manuel, second by Noland authorizing Leslie D. Smith, County Administrator as exclusive bargaining agent for all health insurance bids. Motion carried by a 3-2 vote; Commissioners Surkamp and Morgan voted no.

Motion by Surkamp, second by Morgan that Leslie D. Smith, County Administrator provide documentation of at least two other health insurance bids in addition to Guardian's current rates.

Amended motion by Manuel that in no way should the current level of benefits for employees with individual health coverage be compromised throughout the bidding process.

Commissioner Morgan withdrew her second to Commissioner Surkamp's original motion. Commissioner Manuel seconded Commissioner Surkamp's original motion with the addition of his amendment.

Motion by Surkamp, second by Manuel that Leslie D. Smith, County Administrator provide documentation of a least two other health insurance bids in addition to Guardian's current rates and that in no way should the current level of benefits for employees with individual coverage be compromised

throughout the bidding process. Motion carried by a 4-1 vote; Commissioner Morgan voted no.

IN RE: STEPHANIE GROVE – LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report.

Ms. Grove reported on her review and recommendations of payment of the Bowles and Rice invoice for legal services provided to Rosie Cannarella in the matter of Dehaven vs. The Department of Health.

Motion by Morgan, second by Surkamp to authorize payment of \$4,704.68 to Bowles and Rice for legal services. Motion carried.

Ms. Grove reported on the denial of a Freedom of Information that Jennifer S. Maghan, County Clerk received. Ms. Grove reported she would write the Attorney General requesting a written opinion. Motion by Surkamp, second by Morgan that the Commission does not support Ms. Grove's decision in denying a Freedom of Information request.

Motion by Noland, second by Surkamp to instruct Stephanie Grove, Assistant Prosecuting Attorney to seek the Attorney General's opinion in conjunction with the Secretary of State's Office. Motion carried.

Commissioner Surkamp's original motion was not voted upon.

Ms. Grove reported on Employee Handbook policy determinations previously determined by Commission members with Brandon Sims, Assistant Prosecuting Attorney. The Commission authorized Leslie D. Smith, County Administrator to schedule a future workshop to discuss implementation of a revised Employee Handbook policy and to provide copies of the employee handbook policy to the Jefferson County Commission.

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to request Executive Session in order to discuss JUI litigation. Motion by Morgan, second by Noland to enter into Executive Session to discuss JUI litigation. Motion carried.

Motion by Morgan, second by Noland to return to Regular Session. Motion carried. No action was taken during Executive Session.

IN RE: LETTER TO ELECTEES AND SECRETARY OF ENERGY CONCERNING PATH AND ITS RELIANCE ON OUTDATED OVERESTIMATIONS OF CUSTOMER DEMAND FOR THE TRANSMISSION PROJECT

Commissioner Surkamp provided Commission members with copies of his draft letter to electees and the Secretary of Energy concerning PATH and its reliance on outdated overestimations of customer demand for the Transmission project for their review and consideration and agreed to table this matter for one week.

IN RE: LETTER TO PSC LEGAL COUNSEL FOR CLARIFICATION OF THE RELATIONSHIP BETWEEN COUNTY LAND USE POLICIES AND PSC MANDATES AND LIMITS OF SCOPE REGARDS THE POTOMAC EDISON SUPREME COURT DECISIONS

Commissioner Surkamp provided Commission members with copies of his draft letter to Public Service Commission Legal Counsel for clarification of the relationship between County Land Use Policies and Public Service Commission mandates and limits of scope regards the Potomac Edison Supreme Court Decisions for their review and consideration and agreed to table this matter for one week.

IN RE: DISCUSSION ON BEGINNING AN UPDATE ON THE COMPREHENSIVE PLAN

The Commission agreed to table this matter for one week.

IN RE: MARK SCHIAVONE - CAPITAL IMPROVEMENT PLAN PRESENTATION

Mark Schiavone, Capital Planning and Management Director appeared before the Commission for a presentation of the Capital Improvement Plan.

Mr. Schiavone reported on the contents of the Capital Improvement Plan provided to the Commission last week. Mr. Schiavone provided a summary of all Capital Improvement Projects with a report of cash flow analysis.

The Commission agreed by consensus to authorize Mr. Schiavone to present the Capital Improvement Plan to the Joint Emergency Services Board for review and recommendations.

The Commission recessed for lunch at 12:05 p.m. The Commission reconvened at 1:00 p.m.

IN RE: APPOINTMENTS TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

IN RE: APPOINTMENTS TO THE ZONING BOARD OF APPEALS

Leslie D. Smith, County Administrator reported on the interested applicants to the Zoning Board of Appeals.

Motion by Surkamp, second by Morgan to reappoint Edwin T. Kelly, II and Christy Huddle to the Zoning Board of Appeals for two three-year term ending February 12, 2012. Motion carried.

IN RE: BUDGET MEETINGS - SCHEDULING

The Commission agreed by Consensus to authorize Leslie D. Smith, County Administrator to coordinate scheduling for all upcoming budget meetings.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on Governor Manchin's State of the State Address on Wednesday, February 11, 2009.

Commissioner Manuel reported on Speaker Thompson's attempts to work with Legislators for Stimulus Package distribution.

IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

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: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

Motion by Widmyer, Second by Surkamp to reappoint Dr. Oscar Stine, Lee Snyder and appoint Lawrence W. Johnson to the Water Advisory Committee for three three-year terms ending February 12, 2012. Motion carried.

IN RE: APPOINTMENTS TO THE EASTERN PANHANDLE TRANSIT AUTHORITY BOARD OF DIRECTORS

Motion by Noland, Second by Morgan to reappoint Eugene D. Pearson and George Rutherford to the Eastern Panhandle Transit Authority Board of Directors for two three-year terms ending February 12, 2012.

IN RE: DEPARTMENT OF HEALTH AND HUMAN RESOURCES - CONTRACT OF LEASE

Motion by Surkamp, second by Widmyer to renew and authorize the Commission President's signature upon the Contract of Lease with the Department of Health and Human Resources. Motion carried.

IN RE: SHEPHERDSTOWN BATTLEFIELD - SUPPLEMENTAL AGREEMENT #1

Leslie D. Smith, County Administrator reported on the specifications of the Shepherdstown Battlefield Supplemental Agreement #1.

Motion by Surkamp, second by Widmyer to approve and authorize the Commission President's signature upon Supplemental Agreement #1 for Shepherdstown Battlefield. Motion Carried.

IN RE: APPROVAL OF TEMPORARY LEGAL ASSISTANT IN THE PROSECUTING ATTORNEY'S OFFICE

Leslie D. Smith, County Administrator reported on Ralph Lorenzetti, Prosecuting Attorney previous request to approve the hire of a temporary Legal Assistant. Ms. Smith reported that Mr. Lorenzetti is currently interviewing interested applicants for the position.

The Commission agreed by consensus to approve the hire of a temporary Legal Assistant in the Prosecuting Attorney's Office upon completion of Mr. Lorenzetti's interviews.

IN RE: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE – CONTINUED

The Commission agreed by consensus to hold off on the appointment of Lawrence W. Johnson to the Water Advisory Committee to determine if residency is a requirement.

IN RE: ANN PAONESSA - CITY OF CHARLES TOWN - REQUEST FOR LETTERS OF SUPPORT FOR CITY OF CHARLES TOWN PROJECTS

Leslie D. Smith, County Administrator provided the Commission with an overview of City of Charles Town projects.

Motion by Noland, second by Widmyer to approve and authorize the Commission President's signature upon the Letters of Support for City of Charles Town projects as requested by Ms. Ann Paonessa. Motion carried.

IN RE: APPOINTMENTS TO THE JEFFERSON COUNTY PROPERTY SAFETY ORDINANCE ENFORCEMENT AGENCY

Leslie D. Smith, County Administrator reported on the interested applicants to the Jefferson County Property Safety Ordinance Enforcement Agency.

Motion by Morgan, second by Widmyer to reappoint Fred Blackmer to the Jefferson County Property Safety Ordinance Enforcement Agency for one two-year term ending February 12, 2011. Motion carried.

IN RE: APPROVAL OF COMMUNITY PARTICIPATION PROGRAM GRANT AND RESOLUTION - ELMWOOD CEMETERY ASSOCIATION, INCORPORATED

Motion by Morgan, second by Noland to approve and authorize the Commission President's signature upon the Community Participation Program Grant and Resolution for Elmwood Cemetery Association, Incorporated as presented. Motion carried.

IN RE: REQUEST FOR APPROVAL TO HIRE PART-TIME BAILIFFS: RICHARD BARRON AND CRYSTAL LEE BOYD FROM SHERIFF SHIRLEY

Motion by Surkamp, second by Widmyer to approve the hire of part-time Bailiff Richard Barron as requested by Sheriff Shirley. Motion carried.

IN RE: COMMUNITY CORRECTIONS GRANT UPDATE

Leslie D. Smith, County Administrator provided the Commission with a Community Corrections grant update.

IN RE: COUNTY ADMINISTRATOR REPORTS

Ms. Smith requested Commission direction for agenda packet procedures. The Commission agreed by consensus that the agenda packets could be distributed two-sided.

Ms. Smith reported that she is currently working with Kirk Davis in order to find adequate office space for John Kusner, County Surveyor.

Ms. Smith provided the Commission with the weekly revenue and expenditures reports and the Sheriff's bank and cash report.

IN RE: PROCEDURAL ITEM - WORKFORCE INVESTMENT BOARD

Commissioner Morgan reported on the request received from the Workforce Investment Board to reconsider an appointment of a Jefferson County Commission representative.

Commissioner Morgan reported on Rusty Morgan's previous involvement with the Workforce Investment Board during his term as County Commissioner.

Motion by Manuel, second by Morgan to approve the appointment of a Commission representative to the Workforce Investment Board and approve the bylaws as presented contingent upon review and approval by legal counsel. Motion carried.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Noland reported on the tour she participated in with the Water Advisory Committee.

Commissioner Widmyer reported on the tour she participated in with the Water Advisory Committee.

Commissioner Widmyer reported on the Public Service District meeting she attended.

Commissioner Widmyer reported on the Region 9 meeting she attended.

Commissioner Surkamp reported on the PATH public hearing he attended.

Commissioner Surkamp reported on the Planning Commission meeting he attended.

Commissioner Manuel reported on the Infrastructure Forum with the City of Charles Town he attended.

Commissioner Morgan requested a status report for the Emergency Services Council. Leslie D. Smith, County Administrator provided a status upon for the Emergency Services Council.

Commissioner Morgan reported on the Quarterly Partnership Luncheon she attended.

IN RE: JUDICIAL CENTER ARCHITECTURAL DESIGN PROCESS

The Commission agreed to table this matter for one week.

IN RE: SCHEDULING ADDITIONAL DATES FOR THE BOARD OF REVIEW AND EQUALIZATION

The Commission agreed by consensus to take up this matter during the afternoon session of Board of Review and Equalization.

The Commission received the following information:

Reminder Courthouse is closed Monday, February 16, 2009 - President's Day

Correspondence received from the WV Association of Counties regarding Draft Legislation for Volunteer Fire Departments

Correspondence received from the County Commissioners' Association of West Virginia regarding Prison Population and Amended Executive Order

Monthly activity report received from Jefferson County Animal Control

Correspondence received from Jefferson Utilities, Inc. regarding the Mountain Water Systems

Correspondence received from the Democratic Policy Committee regarding the American Recovery and Reinvestment Act of 2009

2009 Sissonville Fire & Rescue School schedule received from the Sissonville-Millertown-Pocatalico & Guthrie Volunteer Fire Department

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

Correspondence received from the County Commissioners' Association of West Virginia regarding New Local Dialing Procedures in the State of West Virginia

Correspondence received from the WV Association of Counties regarding Prison Population and Executive Order

Letter of Resignation from the Water Advisory Committee received from Jeffrey P. Widmeyer

January 2009 Impact Fee Status Report received from the Department of Capital Planning and Management/Office of Impact Fees

Memorandum received from the Department of Capital Planning and Management regarding the transfer of funds from Office of Impact Fees General Account to Sheriff's School Impact Fee Account

Memorandum received from the Department of Capital Planning and Management regarding the transfer of funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account

Memorandum received from the Department of Capital Planning and Management regarding the transfer of funds from Office of Impact Fees General Account to Sheriff's Fire and EMS Impact Fee Account

Memorandum received from the Department of Capital Planning and Management regarding the transfer of funds from Office of Impact Fees General Account to Sheriff's Parks and Recreation Impact Fee Account

Correspondence received from the WV Association of Counties regarding Information for Budget Planning Purposes - Employer Contribution to PERS will increase one-half of a percent to 11% effective July 1, 2009

Correspondence received from the WV Association of Counties regarding Directory Listing and Updates

Memorandum received from the WV Development Office regarding Application Deadline Fiscal Year 2009 - April 20, 2009 Small Cities Block Grant Program (SCBG)

Correspondence received from Loudoun County, Virginia regarding Loudoun County Heritage Preservation Plan

Notice of Appointment to the Jefferson County Historic Landmarks Commission

Notice of Appointment to the Jefferson County Planning Commission

Notice of Appointment to the Jefferson County Development Authority

The Commission received the following Correspondence:

Correspondence received from Kathy Lloyd concerning the proposed Mannings Incorporation.

Correspondence received from Mayor James Addy from the Corporation of Harpers Ferry concerning the proposed Mannings Incorporation.

Correspondence received from Martha & Phil Rowley concerning the proposed Mannings Incorporation.

Correspondence received from Camille Campbell concerning the proposed Mannings Incorporation.

Correspondence received from Teresa Pangle concerning the proposed Mannings Incorporation.

Correspondence received from Teresa Cline concerning the proposed Mannings Incorporation.

Correspondence received from Carey & Lisa Ingram concerning the proposed Mannings Incorporation.

Correspondence received from Bill Patterson, Tim Thomas, Scott A. Tatina, Christina Kowalski, Robert & Karla Miller, Matthew Glover, Jason Lowalski concerning the proposed PATH transmission lines.

Upon rising, the Commission recessed until Thursday afternoon beginning at 2:00 o'clock p.m.

C. Dale Manuel, Commission President