

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, February 19, 2009, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Widmyer conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Noland, second by Widmyer to dispense with the reading of the Minutes for the meeting held on Thursday, February 12, 2009, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Noland, second by Morgan to approve the following Purchase Orders for the Week of February 17, 2009, totaling \$:4,865.62: 46486, 46290, 46564, 46565, 46567, 46568, 46653, 46566, and 46435. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Noland, second by Manuel to approve the list of Accounts Payable totaling \$313,223.64 dated February 19, 2009 as presented by the County Clerk and reviewed by the County Commission. After discussion, motion by Surkamp, second by Morgan to approve the list of Accounts Payable totaling \$312,008.25 less the amount of \$1,215.39 for purchase of switches. Motion failed by a 1-4 vote. Commissioners Morgan, Manuel, Widmyer and Noland voted no.

Original motion by Morgan, second by Noland to approve the list of Accounts Payable totaling \$313,223.64 dated February 19, 2009 as presented. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	Amt wo PO	CK Amt
057985	439	AMERICAN PLANNING ASSOC	46440	\$334.00	\$0.00	\$334.00
057986	405	ACCURATE SYSTEMS INC	46636	\$267.00	\$0.00	\$267.00
057987	424	AT&T/NJ		\$0.00	\$1.01	\$1.01
057988	440	ASSOC ST.FLOODPLAIN MNGR	46415	\$100.00	\$0.00	\$100.00
057989	405	AMERICAN INTERNATIONAL		\$0.00	\$2,500.00	\$2,500.00
057990	439	AMERICAN INTERNATIONAL		\$0.00	\$2,453.75	\$2,453.75
057991	711	AVMA AMERICAN VETERINARY	46287	\$135.00	\$0.00	\$135.00
057992	425	BIEDLERS ELEC MOTOR REP	46552	\$912.24	\$0.00	\$912.24
057993	401	BOWLES RICE MCDAVID GRAF		\$0.00	\$4,704.68	\$4,704.68
057994	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
057995	425	B-K OFFICE SUPPLY INC	46553	\$906.00	\$0.00	\$906.00
057996	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$49.85	\$49.85
057997	PAYROLL	BUREAU F/CHILD SPprt ENF		\$0.00	\$212.31	\$212.31
057998	716	BLUE RIDGE VETERINARY	46556	\$137.34	\$0.00	\$137.34
057999	700	*CREAMERS AUTO SERVICE	46561	\$39.20	\$0.00	\$39.20
057999	716	*CREAMERS AUTO SERVICE	46561	\$190.42	\$0.00	\$190.42
058000	700	CREAMERS WRECKER SVC	46560	\$150.00	\$0.00	\$150.00
058001	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$27.69	\$27.69
058002	700	CARS/COMPLETE AUTO REPAI	46562	\$634.07	\$0.00	\$634.07
058003	405	DANKA OFFICE IMAGING	46635	\$333.34	\$0.00	\$333.34
058004	403	DAYTON LEGAL BLANK	46489	\$155.42	\$0.00	\$155.42
058005	405	DELL MARKETING LP	46249	\$129.98	\$0.00	\$129.98
058006	PAYROLL	EQUITABLE THE EQUIVEST		\$0.00	\$15.00	\$15.00
058007	405	FEDEX		\$0.00	\$24.34	\$24.34
058007	700	FEDEX		\$0.00	\$97.76	\$97.76
058008	425	FARM PLAN/SOUTHERN STATE	46375	\$508.16	\$0.00	\$508.16
058009	402	FRANK PARSONS INC.	46678	\$619.32	\$0.00	\$619.32
058009	402	FRANK PARSONS INC.	46679	\$23.47	\$0.00	\$23.47
058009	422	FRANK PARSONS INC.	45914	\$74.45	\$0.00	\$74.45
058010	415	GENERAL COUNTY FUND-J FE		\$0.00	\$21,196.22	\$21,196.22
058011	425	GRAINGER, INC	46550	\$184.48	\$0.00	\$184.48
058012	711	GLOBALSTAR USA	46288	\$1,615.01	\$0.00	\$1,615.01
058013	440	INTERNATL CODE COUNCIL	46416	\$100.00	\$0.00	\$100.00
058014	439	KON OFFICE SOLUTIONS	46439	\$325.46	\$0.00	\$325.46
058015	PAYROLL	NG		\$0.00	\$635.00	\$635.00
058016	439	JEFFERSON PUBLISH CO INC	46438	\$82.80	\$0.00	\$82.80
058017	425	JEFFERSON COUNTY SOLID	46558	\$34.95	\$0.00	\$34.95

058018	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,849.00	\$4,849.00
058019	439	LORMAN EDUCATION SERVICE	46432	\$366.00	\$0.00	\$366.00
058020	PAYROLL	COMPTROLLER OF MARYLAND		\$0.00	\$559.72	\$559.72
058021	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
058022	425	NORVAC LOCK TECHNOLOGY	46551	\$230.80	\$0.00	\$230.80
058023	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$735.21	\$735.21
058024	712	**NAT'L ACDMY O/EMERGENC	46602	\$50.00	\$0.00	\$50.00
058025	403	PIFER OFFICE SUPPLY, INC	46492	\$62.75	\$0.00	\$62.75
058025	439	PIFER OFFICE SUPPLY, INC	46404	\$53.74	\$0.00	\$53.74
058026	976	LAURA RATTENNI	46495	\$491.93	\$0.00	\$491.93
058027	425	ROACH OIL COMPANY		\$0.00	\$1,626.62	\$1,626.62
058028	425	SOFTWARE SYSTEMS, INC	46555	\$1,215.39	\$0.00	\$1,215.39
058029	404	SPECIALTY BUS SUPPLIES	46651	\$198.00	\$0.00	\$198.00
058029	405	SPECIALTY BUS SUPPLIES	46637	\$156.87	\$0.00	\$156.87
058029	978	SPECIALTY BUS SUPPLIES	46637	\$264.99	\$0.00	\$264.99
058030	704	ST/WV REGIONAL JAIL &	46300	\$94,727.29	\$0.00	\$94,727.29
058031	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$46.50	\$46.50
058031	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$10.88	\$10.88
058031	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$7,790.50	\$7,790.50
058031	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$33,311.24	\$33,311.24
058032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$29,514.08	\$29,514.08
058032	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$6.73	\$6.73
058033	712	SEN COMMUNICATIONS	46583	\$96.75	\$0.00	\$96.75
058034	424	SPRINT		\$0.00	\$91.12	\$91.12
058034	GRANT	SPRINT		\$0.00	\$110.53	\$110.53
058034	712	SPRINT		\$0.00	\$1,088.36	\$1,088.36
058035	424	SHANNON BUSINESS SYS	46557	\$427.00	\$0.00	\$427.00
058036	424	SOC, LLC	46559	\$1,049.75	\$0.00	\$1,049.75
058037	712	BROOKE SHIPE		\$0.00	\$60.00	\$60.00
058038	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
058039	PAYROLL	TREASURER OF VIRGINIA	46116	\$105.00	\$0.00	\$105.00
058040	PAYROLL	US DEPT OF EDUCATION		\$0.00	\$189.33	\$189.33
058041	712	UPS		\$0.00	\$57.68	\$57.68
058042	425	VALLEY HARDWARE	46373	\$35.00	\$0.00	\$35.00
058043	712	VITAL SIGNS	46584	\$61.95	\$0.00	\$61.95
058044	PAYROLL	VALIC, %CHASE BANK TEXAS		\$0.00	\$100.00	\$100.00
058045	PAYROLL	WV BD O/RISK-INS MGT-#31		\$0.00	\$86,650.00	\$86,650.00
058046	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$133.20	\$133.20
058047	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$166.50	\$166.50
058048	GRANT	PAMELA HOLSTEIN-WALLACE		\$0.00	\$6,250.00	\$6,250.00
Totals				\$107,585.32	\$205,638.32	\$313,223.64

In re: PUBLIC COMMENT

Jennifer S. Maghan, County Clerk appeared before the Commission to comment on the following:

- Records Management and Archival
- Health Insurance

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission to comment on the following:

- Assistant Prosecuting Attorney Steve Groh - Board of Review and Equalization hearings
- Assistant Prosecuting Attorney James Casimiro - Magistrate Court hearings
- Biological Evidence Storage
- Employee issues

Ed Burns appeared before the Commission to comment on the Commission behavior directed at Assistant Prosecuting Attorney Stephanie Grove. Mr. Burns also commented on the Mannings Petition.

In re: APPROVAL OF LAUREN CROWTHERS AS TEMPORARY LEGAL ASSISTANT IN PROSECUTING ATTORNEY'S OFFICE

Motion by Noland, second by Manuel to approve the temporary employment of Lauren Crowthers as a temporary Legal Assistant in the Prosecuting Attorney's Office. Motion carried.

**In re: PETITION TO INCORPORATE MANNINGS
MANNINGS INCORPORATION - ACTION TO BE TAKEN**

The Commission agreed to merge agenda items Petition to Incorporate Mannings and Mannings Incorporation - Action to be Taken

The Commission discussed the Petition to Incorporate Mannings. Paul Ashbaugh was present and made comments.

After discussion, motion by Surkamp, second by Widmyer to dismiss the Petition to Incorporate Mannings and that the Commission finds that the requirements of WV Code §8-2-1 have not been met.

Motion by Manuel, second by Noland to postpone action on this matter for one week. Motion failed by a 2-3 vote. Commissioners Widmyer, Surkamp and Morgan voted no.

Original motion by Surkamp, second by Widmyer to dismiss the Petition to Incorporate Mannings

and that the Commission finds that as per WV Code §8-2-1 a new municipality is not in the best interest of the county as a whole based on the record from a public hearing receiving comments and input from public, and that the Petitioner did not submit the necessary information as required by WV Code §8-2-1 regarding providing for police protection, fire protection, solid waste collection, public water and sewer services and street maintenance services to the area to be incorporated on the date of the incorporation. Motion passed by a 3-2 vote. Motion passed by a 3-2 vote. Commissioners Manuel and Noland voted no. For the record, Stephanie Grove Assistant Prosecuting Attorney was present.

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY

IN RE: PETITION FOR THE INCORPORATION OF MANNINGS

ORDER DENYING PETITION TO INCORPORATE MANNINGS

On the 8th day of January, 2009, a complete proposal and petition for the incorporation of Mannings was submitted to the County Commission of Jefferson County pursuant to West Virginia Code 8-2-1. The application included a petition signed by freeholders residing within the area proposed to be incorporated, a map of the area to be incorporated, and a statement, as required by W.Va. Code 8-2-1(C), by the applicant indicating how municipal services will be provided to the area. The County Commission convened a public hearing in accordance with the provisions of West Virginia Code 8-2-3 on the 4th day of February, 2009. At that hearing the Commission heard comments from residents who resided within the area proposed to be incorporated as well as comments from those residents residing outside the proposed area. In addition, the Commission accepted written public comment to be included in the public record. Written comments were received from various public agencies including the Mayor of Harpers Ferry, the Mayor of Bolivar, the Jefferson County Department of Health, the Jefferson County Planning Commission, Blue Ridge Volunteer Fire Company, and Apple Valley Waste. Several Jefferson County residents also submitted written comments.

In consideration of the public comment received, all of which shall be included in the official record concerning the petition for incorporation and is hereby incorporated in this Order, the County Commission makes the following Findings of Fact:

1. The proposed municipality of Mannings will not provide public water services to its residents, but rather such services will be provided by the Jefferson County Public Service District, which entity is supported in part by user fees or grants and which entity already provides service to the area.
2. Public sewer services will not be provided by the proposed municipality, rather the Jefferson County Public Sewer Service District, which already provides services to the area, will continue to provide the same services to the area.
3. Solid waste collection will not be provided by the proposed municipality, but rather the municipality will rely upon the private entity that currently serves the proposed area to provide solid waste collection.
4. Fire protection to the proposed municipality will be provided by the volunteer fire company that currently serves the area and that is funded in large part through the County Commission via taxpayer monies and impact fees.
5. Police protection to the proposed area will be provided by the Sheriff of Jefferson County, which entity already serves the area and is funded in its entirety by the County Commission of Jefferson County through taxes, including those taxes already paid by residents within the proposed incorporated area. The applicant has not provided documentation indicating that the Sheriff has agreed to continue to provide police service after the date of incorporation of Mannings.
6. The municipality will not provide any street maintenance services after incorporation but rather will rely upon service which is already provided by the West Virginia Division of Transportation, which entity is supported by taxpayer monies, including those tax dollars paid by the current

residents of the proposed area.

7. The submitted plan does not provide any financial or budgeting information to demonstrate how it intends to contribute or provide funding to any agencies that will serve the incorporated area.
8. While some residents who live within the area proposed to be incorporated favored incorporation as a method to receive increased service to the proposed area, several residents testified that more information about the issues of taxation and services is needed before an informed decision on incorporation can be rendered. Several residents indicated that the plan submitted by the applicant failed to address these key issues. For example, Teresa Cline, a resident who lives within the proposed area, stated that she was in favor of the incorporation of Mannings because of the need for increased services to those residents living in the area. However, Ms. Cline indicated that the residents within the proposed area should be informed about the amount of increase in real estate taxes and whether those taxes would be sufficient to provide additional benefits to the area and that such information was needed in order for the residents to make a “sound, informative decision on the proposal.” In addition, other residents who live within the proposed area opposed incorporation, citing the lack of information provided by the applicant.
9. The mayors of the Class IV towns of Harpers Ferry and Bolivar oppose the incorporation of Mannings based upon possible adverse affects on the finances on the towns and possible loss of operating revenue, which loss would render it difficult for the towns to continue to provide municipal services to towns’ the current residents.
10. The Health Department provided comment on the proposed incorporation, citing several deficiencies in the plan submitted by the applicant. Among those the Health Department found that the plan failed to 1) address the threat to potential groundwater supplies caused by out of date septic systems; 2) require trash pickup for all residents in the area; 3) acknowledge that most of the undeveloped property in the area contained a slope well in excess of 25%, which slope makes the property unsuitable for the construction of additional soil absorption systems and could result in an additional decline in water quality; 4) address the manner in which the poor storm water management already in place will be corrected; and 5) to provide for a plan to limit the discharge of nutrients to the Chesapeake Bay. Finally, the Health Department stated that the plan fails to provide any financial plan as to how these issues will be addressed by the municipality.
11. The Jefferson County Planning Commission submitted comment recommending the dismissal of the petition as incomplete and lacking in the basic information required by West Virginia Code to allow the County Commission to reach an informed decision.
12. The Planning Commission also found that the petition contained misleading statements regarding police protection as a result of a conversation that Planning Commissioner Dunleavey reported having with the Jefferson County Sheriff. Further the Planning Commission found that while the petition stated that Mannings would provide funding for police and fire protection, it did not supply any details regarding the source and size of the funding.
13. The Planning Commission also questioned the statement contained in the petition concerning fire insurance rates, which statement indicates that those rates will decrease by twenty percent as a result of incorporation. However, this statement is not supported by any documentation that indicates the source of the estimate.
14. The Planning Commission found that the policies, objectives, and recommendations contained in the Jefferson County Comprehensive Plan demonstrate that the Petition is inconsistent with the Plan.

In consideration of the foregoing, the County Commission makes the following Conclusions of Law:

1. West Virginia Code 8-2-1(a) provides that any part of a county or counties may be incorporated as a city if the area proposed for incorporation meets certain conditions as outlined in W.Va. Code 8-2-1 et seq.
2. One such condition requires that the applicant provide a statement setting the forth the manner in which each major municipal service will be provided and whether the service will be provided by the municipality or by contract with a public or private entity. W.Va. Code 8-1-1(C).
3. The plan for municipal services must address how the proposed municipality intends to provide, from the date of incorporation for fire protection, police protection, solid waste collection, public water and sewer services and street maintenance services. W.Va. Code 8-2-1(C)(i). Further, a statement demonstrating how the proposed incorporation will affect the proposed municipalities finances and services is required. W.Va. Code 8-2-1(C)(iii).
4. West Virginia Code 8-2-3 provides that if the County Commission determines that the requirements of section one and two of Article 2, Chapter 8 have not been met, it shall enter an order dismissing said petition.
5. The County Commission finds that the plan submitted by the application does not meet the requirements of West Virginia Code 8-2-1.
6. The submitted plan does not provide any financial statement addressing the municipality's finances. Further, the plan does indicate the municipality will provide any services, but rather relies upon the services currently provided in the area that are currently funded by taxes or fees paid by each resident in the area. As such, the submitted plan fails to demonstrate the municipality's financial ability to provide any services to the residents of the area.
7. West Virginia Code 8-2-1 prohibits the creation of a new municipality if the area proposed to be incorporated is in close proximity to an existing municipality and the existing municipality is capable of more effectively and efficiently providing services to the area.
8. The Jefferson County Commission finds that there are other entities that are more effectively and efficiently capable of providing services to the area proposed to be incorporated.
9. The Plan submitted fails to demonstrate the ability of the proposed municipality to provide any services to the proposed area but rather relies upon the existing services already provided by either county or private entities, which entities already receive support through either taxes or fees from the current residents in the proposed area. Accordingly, based upon the submitted plan residents will not receive improved or increased service as a result of incorporation. Although there does not exist a nearby municipality to more efficiently provide the services, the County Commission or private entities will continue to provide the same level of service after incorporation. As such, the County Commission is the governing body that is more capable of efficiently and effectively providing services to the proposed incorporated area.
10. West Virginia Code 8-2-1 prohibits the creation of the municipality if its creation is not in the best interest of the county as a whole.
11. The County Commission finds that the creation of the municipality of Mannings is not in the best interest of the county as a whole.
12. The County Commission received testimony that other established municipalities would suffer a loss of revenue as a result of the incorporation of Mannings. This loss of revenue would impede the ability of the municipalities to provide services to their own residents. As such, the creation of a new municipality, which will impede the ability of other municipalities to provide services to their residents is not in the best interest of the county as a whole.
13. The inconsistency with the Comprehensive Plan as found by the Jefferson County Planning Commission, demonstrates that the proposed incorporation is not in the best interest of the

County Commission as a whole.

14. Further, the submitted statement of services to be provided does not indicate that the residents of Manning will receive any additional benefits or services as a result of incorporation of the area. As a result of incorporation, current residents will pay additional taxes in the form of incorporation taxes to receive services identical to those they are already receiving. As such, incorporation is not in the best of either the proposed area or the county as a whole.

Whereupon, by a vote of 3-2, with Commissioners Patsy Noland and Dale Manuel voting in the negative, the Commission voted to dismiss the Petition for the Incorporation of Mannings for the following reasons: 1) the public record demonstrates that incorporation is not in the best interest of the county as a whole; 2) the petition as presented to the County Commission does not meet the requirements of West Virginia Code 8-2-1; and 3) plans to provide infrastructure and services have not been met. Accordingly, it hereby ORDERED that the public record on the Petition for the Incorporation of Mannings be incorporated by reference in this order. It is further ORDERED that the Petition for the Incorporation of Mannings is hereby dismissed.

County Commission of Jefferson County

By: /s/

Dale Manuel, Commission President

In re: DEBBIE YOUNG - VICTIM'S ADVOCATE GRANT

Debbie Young, Jefferson County Victim Advocate with the Jefferson County Prosecuting Attorney's Office appeared before the Commission to request approval of the 2009 VOCA Grant. Ms. Young reported on VOCA statistics and grant specifications.

Motion by Surkamp, second by Manuel to approve the Victims of Crime Act (VOCA) Grant application as presented by Ms. Young and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion carried.

The Commission took a 15-minute break at 11:05 a.m.

In re: TERRY MARCUS - DEVELOPMENT AUTHORITY

Terry Marcus, President of the Jefferson County Development Authority appeared before the Commission to give an update and status report on the hiring process of a new Executive Director. Jane Peters, Executive Director was present and made comments.

The Commission agreed to schedule a meeting with Ms. Peters at a later date.

In re: LEGISLATIVE ISSUES

LEGISLATIVE UPDATE - SET PUBLIC COMMENT MEETING AND TAKE POSITION REGARDING HOUSE BILL 2062 BY DELEGATE BLAIR AND MILLER ADDING THE AMENDMENT THAT HOMES MUST TIE INTO PUBLIC SEWER WITHIN TEN YEARS OF THE ENACTMENT OF THE BILL (JS)

Commissioner Manuel discussed the following Bills: Annexation and Homestead Exemption. Commissioner Surkamp discussed House Bill 2062.

In re: MIKE BALL - REGION 9 - 2010 CENSUS PARTICIPANT STATISTICAL AREAS PROGRAM

Mike Ball, Region 9 appeared before the Commission to discuss the 2010 Census Participant Statistical Areas Program regarding the housing population. Todd Fagan, GIS was present and will be working with Region 9 and on this project.

In re: LEGAL UPDATE

RELEASE FUND FOR CPA SUPPORT TO LEGAL COUNSEL REGARDING JUI/SES MATTERS IN LIGHT OF LAST WEEK'S REVERSAL OF ALJ'S RULING (JS)

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to give a legal update. Mr. Casimiro distributed a copy of the Order from the rate case to the Commission.

In re: MOTION TO INTERVENE IN PSC CASE NO. 09-011-W-C, CITIZENS OF BLUE RIDGE ACT V. JEFFERSON UTILITIES, INC. (JS)

Motion by Surkamp, second by Morgan to intervene in the PSC Case No. 09-011-W-C, Citizens

of Blue Ridge Act V. Jefferson Utilities, Inc. Mr. Casimiro gave an update on the Case. Motion by Manuel, second by Noland to postpone action until next week. Motion failed by a 2-3 vote. Commissioners Widmyer, Morgan and Surkamp voted no.

Original motion by Surkamp, second by Morgan to intervene in the PSC Case No. 09-011-W-C, Citizens of Blue Ridge Act V. Jefferson Utilities, Inc. Mr. Casimiro gave an update on the Case. Motion passed by a 3-2 vote. Commissioner Noland and Manuel voted no.

Motion by Noland to adjourn for lunch at 12:05 p.m.

Commissioner Noland withdrew her motion.

Commissioner Noland left at 12:05 p.m.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

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

-Distributed the Employee Handbook

-FOIA lawsuit

-Tax Appeal - Circuit Court

The Commission agreed to place the FOIA lawsuit on next week's agenda.

In re: COUNTY COMMISSION REPORTS

Commissioner Widmyer reported on the highway projects received from the MPO. Motion by Widmyer, second by Morgan to support the projects for Jefferson County as presented by the MPO and to forward the endorsement and list to the MPO. Motion carried.

In re: SET AGENDA FOR COUNCIL OF GOVERNMENTS MEETING ON WEDNESDAY, FEBRUARY 25, 2009 AT 5:00 P.M.

The Commission agreed to have an open forum at the Council of Governments Meeting on Wednesday, February 25, 2009 at 5:00 p.m.

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

No action was taken on this agenda item.

In re: APPOINTMENTS TO THE EASTERN PANHANDLE TRANSIT AUTHORITY BOARD OF DIRECTORS

No action was taken on this agenda item.

In re: APPOINTMENTS TO THE PROPERTY SAFETY ORDINANCE ENFORCEMENT AGENCY

No action was taken on this agenda item.

In re: DISCUSSION ON BEGINNING AN UPDATE ON THE COMPREHENSIVE PLAN

No action was taken on this agenda item.

In re: LETTER TO ELECTED AND SECRETARY OF ENERGY CONCERNING PATH AND ITS RELIANCE ON OUTDATED OVERESTIMATIONS OF CUSTOMER DEMAND FOR THE TRANSMISSION PROJECT

No action was taken on this agenda item.

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 DECISION

No action was taken on this agenda item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY EMERGENCY SERVICES AGENCY BOARD

No action was taken on this agenda item.

In re: COUNTY ADMINISTRATOR REPORTS

No action was taken on this agenda item.

The Commission received the following information:

Notice of additional Board of Review and Equalization dates.

Appointments to be made to the Planning Commission on April 2nd, 2009.

Appointments to be made to the Historic Landmarks Commission on March 12th, 2009.

Appointments to be made to the Development Authority on April 9th, 2012.

Financial summary for the first quarter ending December 2008 received from the Development Authority.

Correspondence received from Barbara Humes concerning Rattling Springs Development.

Correspondence received from the Division of Highways concerning the Statewide Transportation Improvement Program.

Correspondence received from Susan Rissler Sheely and Jane Rissler concerning the correction of the Myerstown Road street sign.

Copy of the Annexation Bill received from Senator Snyder.

Commission Order received from the Public Service Commission.

Copy of a newspaper article received from the Association of Counties concerning pay raises for jail employees.

Copy of newspaper article received from the Association of Counties concerning wage law calculations.

Legislative information received from the Association of Counties.

Information received from the County Commissioners' Association concerning employer contribution rate for PERS.

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

Jefferson County Public Service District meeting minutes received.

Correspondence received from the Hagerstown/Eastern Panhandle Metropolitan Planning Organization concerning MARC Train.

Notice received from the Association of Counties of the passing of Danny Cline.

CORRESPONDENCE

Correspondence received concerning PATH from the following: Phyllis L. Williams, Mrs. A.M.S. Morgan, III, Matthew Glover, Jason Kowalski, Christine Kowalski, Scott A. Tatina, Tim Thomas and Bill Patterson.

Correspondence received from BCT concerning Jefferson Utilities, Inc. And the Jefferson County Public Service District.

Correspondence received from Heidi Parker concerning Jefferson Utilities, Inc.

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

ALE MANUEL, COMMISSION PRESIDENT D