

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 March 26, 2009 beginning at 9:30 o'clock a.m.

PRESENT: Dale Manuel; President;
James Surkamp, Lyn Widmyer, Patsy Noland; Commissioners

Commissioner Morgan was absent.

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Noland conducted the Pledge of Allegiance.

IN RE: MOMENT OF SILENCE

The Commission observed a moment of silence in memory of Justice Joseph P. Albright.

IN RE: APPROVAL OF MINUTES

Motion by Noland, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, March 19, 2009 and to approve the Minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Widmyer, second by Noland to approve the following Purchase Orders for the week of March 26, 2009 totaling \$21,773.42: 46705, 46706, 46707, 46501, 46773, 46270, 46599, 46831, 46832, 46833, 46834, 46836, 46901, 46902, 46903, 46194, 46195, 46441, 46442, 46443, 46444, 46445, 46837, 46835 and 46839. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE

Motion by Manuel, second by Surkamp to approve the list of Accounts Payable for March 26, 2009 totaling \$118,216.26. Motion carried.

Leslie D. Smith, County Administrator provided an explanation of accounts payable, line items and county expenditures.

| CK# | Dept | Vendor | PO# | PO Amt | Amt wo PO | CK Amt |
|--------|---------|--------------------------|-------|------------|-------------|-------------|
| 058278 | 424 | ALLEGHENY POWER | | \$0.00 | \$1,014.55 | \$1,014.55 |
| 058278 | 425 | ALLEGHENY POWER | | \$0.00 | \$12,634.65 | \$12,634.65 |
| 058279 | PAYROLL | AMERICAN FAMILY LIFE ICU | | \$0.00 | \$4,520.88 | \$4,520.88 |
| 058280 | 405 | ACCURATE SYSTEMS INC | 46647 | \$512.98 | \$0.00 | \$512.98 |
| 058281 | 712 | BATTERY MART | 46269 | \$107.90 | \$0.00 | \$107.90 |
| 058282 | 425 | B-K OFFICE SUPPLY INC | 46830 | \$812.50 | \$0.00 | \$812.50 |
| 058283 | 424 | BONDED APPS OF MD | 46549 | \$4,746.00 | \$0.00 | \$4,746.00 |
| 058284 | 700 | *CREAMERS AUTO SERVICE | 46827 | \$499.65 | \$0.00 | \$499.65 |
| 058284 | 711 | *CREAMERS AUTO SERVICE | 46827 | \$55.65 | \$0.00 | \$55.65 |
| 058284 | 716 | *CREAMERS AUTO SERVICE | 46827 | \$42.98 | \$0.00 | \$42.98 |
| 058285 | 425 | CHARLES TOWN COPYING | 46823 | \$10.80 | \$0.00 | \$10.80 |
| 058286 | 425 | CATROW CONSTRUCTION CO | 46824 | \$500.00 | \$0.00 | \$500.00 |
| 058287 | 700 | C.A.R.S. | 46826 | \$741.03 | \$0.00 | \$741.03 |
| 058288 | 978 | DELL MARKETING LP | 46639 | \$2,556.80 | \$0.00 | \$2,556.80 |
| 058289 | 424 | FRONTIER | | \$0.00 | \$813.43 | \$813.43 |
| 058290 | 425 | GRAINGER, INC | 46820 | \$630.40 | \$0.00 | \$630.40 |
| 058291 | 406 | GUTTMAN OIL CO | | \$0.00 | \$53.97 | \$53.97 |
| 058291 | 424 | GUTTMAN OIL CO | | \$0.00 | \$652.43 | \$652.43 |
| 058291 | 440 | GUTTMAN OIL CO | | \$0.00 | \$171.88 | \$171.88 |
| 058291 | 700 | GUTTMAN OIL CO | | \$0.00 | \$5,122.06 | \$5,122.06 |
| 058291 | 711 | GUTTMAN OIL CO | | \$0.00 | \$92.55 | \$92.55 |
| 058291 | 712 | GUTTMAN OIL CO | | \$0.00 | \$140.11 | \$140.11 |
| 058291 | 716 | GUTTMAN OIL CO | | \$0.00 | \$480.43 | \$480.43 |
| 058292 | 439 | IKON OFFICE SOLUTIONS | 46409 | \$619.70 | \$0.00 | \$619.70 |
| 058292 | 712 | IKON OFFICE SOLUTIONS | 46588 | \$767.89 | \$0.00 | \$767.89 |
| 058293 | 712 | DR ROBERT JONES | | \$0.00 | \$1,000.00 | \$1,000.00 |
| 058294 | 405 | STRAFFORD PUBLICATIONS | 46646 | \$519.95 | \$0.00 | \$519.95 |
| 058295 | 425 | NORVAC LOCK TECHNOLOGY | 46829 | \$868.85 | \$0.00 | \$868.85 |

| | | | | | | |
|---------------|---------|--------------------------|-------|--------------------|--------------------|---------------------|
| 058296 | 424 | Comfort Design, Inc. | 46031 | \$1,184.00 | \$0.00 | \$1,184.00 |
| 058297 | 402 | PIFER OFFICE SUPPLY, INC | 46393 | \$26.98 | \$0.00 | \$26.98 |
| 058297 | 402 | PIFER OFFICE SUPPLY, INC | 46682 | \$14.64 | \$0.00 | \$14.64 |
| 058298 | 424 | ROACH OIL COMPANY | | \$0.00 | \$320.74 | \$320.74 |
| 058298 | 425 | ROACH OIL COMPANY | | \$0.00 | \$180.88 | \$180.88 |
| 058299 | 405 | TRACY P. RICE, CCR | 46648 | \$1,763.30 | \$0.00 | \$1,763.30 |
| 058300 | 425 | RCS SECURITY | 46828 | \$3,107.77 | \$0.00 | \$3,107.77 |
| 058301 | 711 | RANSON CVB | 46730 | \$35.00 | \$0.00 | \$35.00 |
| 058302 | 405 | SPECIALTY BUS SUPPLIES | 46650 | \$556.24 | \$0.00 | \$556.24 |
| 058302 | 978 | SPECIALTY BUS SUPPLIES | 46650 | \$259.99 | \$0.00 | \$259.99 |
| 058303 | 978 | STAPLES CREDIT PLAN | 46645 | \$283.96 | \$0.00 | \$283.96 |
| 058304 | 700 | SUPERIOR AUTO BODY | 46825 | \$1,237.22 | \$0.00 | \$1,237.22 |
| 058305 | 425 | SHENANDOAH AC/HEATING | 46822 | \$1,600.00 | \$0.00 | \$1,600.00 |
| 058306 | 405 | TERESA TRITELLI | | \$0.00 | \$97.35 | \$97.35 |
| 058307 | PAYROLL | WV PUB EMP RETIRE SYS | | \$0.00 | \$20,057.42 | \$20,057.42 |
| 058308 | PAYROLL | WV PUB EMP RETIRE SYS | | \$0.00 | \$46,800.75 | \$46,800.75 |
| TOTALS | | | | \$24,062.18 | \$94,154.08 | \$118,216.26 |

IN RE: EXONERATION

Upon recommendation from the Assessor, motion by Noland, second by Widmyer to approve the following exoneration due to erroneous assessment. Motion carried.

| NAME | DISTRICT | TYPE | AMOUNT | TICKET # |
|------------|-----------|-------------|----------|----------|
| Eric Karns | Middleway | Real Estate | \$373.15 | 21938 |

IN RE: PUBLIC COMMENT

No public comment was given.

IN RE: BONDING AND ACTIVITY REPORT

Kirk Davis, Acting Director of Planning and Zoning, appeared before the Commission for the weekly activity report.

Mr. Davis updated the Commission on the Planning Director selection and reported that interviews have been scheduled for April 6-8, 2009.

Mr. Davis reported on the architects meeting for the proposed judicial center.

Mr. Davis requested approval to advertise the positions for a Planner and Zoning Administrator for the Department of Planning and Zoning. The Commission agreed by delay advertising for a Planner and Zoning Administrator until a Planning Director is selected.

Mr. Davis reported on the Planning Commission's intent to acquire independent legal counsel. Mr. Davis referenced a memorandum by Bob Reynolds regarding contracting independent legal counsel.

Motion by Manuel to not expend \$5,000.00 for legal services to the Planning Commission.

After discussion, Commissioner Manuel withdrew his motion and the Commission agreed to discuss this matter further with the Planning Commission.

Mr. Davis reported on a proposed meeting with the County Commission and the Planning Commission.

Mr. Davis updated the Commission on space for the Sheriff and Bailiff's.

IN RE: RALPH LORENZETTI - JEFFERSON COUNTY PROSECUTING ATTORNEY

- INTRODUCTION OF JOSEPH SACCHET - COMMUNITY CORRECTIONS DIRECTOR

- APPROVAL OF COMMUNITY CORRECTIONS GRANT

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission with Pamela-Games Neely, Berkeley County Prosecuting Attorney to request approval of the Community Corrections Grant in support of the Day Reporting Center.

Ms. Games-Neely reported on the proposed Community Corrections Program and requested Commission approval of the Community Corrections Grant.

Ms. Games-Neely provided an overview of the Berkeley County Day Reporting Center and services that will be provided to Jefferson County.

Ms. Games-Neely reported on the goals and objectives and advantages of the Community Corrections Program. Ms. Games-Neely provided additional insight with regard to Regional approaches and cost effective strategies.

Motion by Surkamp, second by Noland to approve and authorize the Commission President's signature upon the Community Corrections Grant as presented. Motion carried.

Mr. Lorenzetti and Ms. Games-Neely reported that Mr. Sacchet will be available at a later date.

IN RE: COURTHOUSE HVAC BIDS RECEIVED

Kirk Davis, Acting Director of Planning and Zoning and Bill Polk, Maintenance Director appeared before the Commission and provided an update on HVAC bid negotiations.

Motion by Noland, second by Widmyer to approve the contract with Comfort Design, Inc. in the amount of \$374,724.00 for HVAC renovations to the Jefferson County Courthouse. Motion carried.

IN RE: JEFFERSON COUNTY PARKS & RECREATION COMMISSION - APPROVAL OF AN ADJUSTMENT OF JCPRC'S 2009 CIP BUDGET TO INCLUDE \$72,000 FOR A NEW PLAY SYSTEM TO BE INSTALLED AT LEETOWN PARK

Tim Barr, Parks and Recreation Director and Mark Schiavone, Director of the Department of Capital Planning and Management and the Department of Impact Fees appeared before the Commission to request approval of adjustment of Jefferson County Parks and Recreation Commission's 2009 CIP budget to include \$72,000.00 for a new play system to be installed at Leetown Park.

Mr. Barr reported on the action taken by the Parks and Recreation Commission during their March 18, 2009 meeting. Mr. Barr provided the Commission with photographs of the new play system to be installed at Leetown Park.

Motion by Noland, second by Widmyer to approve the \$72,000.00 adjustment to the Jefferson County Parks and Recreation Commission's 2009 CIP budget for installation of a new play system at Leetown Park. Motion carried.

The Commission took a 10-minute break at 10:35 a.m.

IN RE: LEGISLATIVE ISSUES

Commissioner Noland provided a status update on the following Legislative Bills: Senate Bill 266, Senate Bill 718, House Bill 3294, Senate Bill 736, Senate Bill 459 and Senate Bill 505.

Commissioner Manuel provided a status update on the following Legislative Bills: Senate Bill 218, Senate Bill 277 and Senate Bill 607.

Commissioner Manuel provided a status update for the MARC Train Resolution.

IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

No new information was provided.

IN RE: APPOINTMENTS OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS

No new information was provided.

IN RE: APPROVAL OF JEFFERSON COUNTY EMERGENCY SERVICES AGENCY BY-LAWS

The Commission agreed to discuss this matter under agenda item, "Stephanie Grove – Legal Update and Report."

IN RE: APPROVAL OF POSITION DESCRIPTIONS, CLASSIFICATION PLAN AND COMPENSATION SALARY SCHEDULES

The Commission agreed to schedule a workshop to discuss this matter further.

IN RE: DISCUSSION, REPORT OF FEDERAL STIMULUS FUNDS TO BE AVAILABLE TO JEFFERSON COUNTY

Leslie D. Smith, County Administrator reported that Stimulus funding options are continuously being researched.

IN RE: WATER ADVISORY COMMITTEE APPOINTMENT

The Commission agreed to table this matter for two weeks and requested that Leslie D. Smith, County Administrator draft an alternate policy and procedure for Board appointees with options to include Committee preference and status quo guidelines for members serving on more than one committee.

IN RE: APPROVAL OF CONTRACT WITH STANTEC, INC. - JEFFERSON COUNTY EMERGENCY OPERATIONS PLAN

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on her review and recommendations for the contract with Stantec, Incorporated.

Motion by Widmyer, second by Manuel to approve and authorize the Commission President's signature upon the contract with Stantec, Incorporated. Motion carried.

IN RE: APPOINTMENT OF A COUNTY COMMISSIONER TO THE FARMERS MARKET BOARD OF DIRECTORS

Nomination by Widmyer to appoint Commissioner Noland to the Farmers Market Board of Directors.

Nomination by Surkamp to appoint Commissioner Surkamp to the Farmers Market Board of Directors. After discussion, Commissioner Surkamp withdrew his nomination.

Commissioner Noland was appointed to the Farmers Market Board of Directors.

IN RE: DISCUSSION OF PERSONNEL POLICY - (EMPLOYEE COURSE OF ACTION IN EVENT OF HARASSMENT)

This matter was discussed under agenda item: “Stephanie Grove – Legal Update and Report”.

**IN RE: JENNIFER S. MAGHAN - COUNTY CLERK’S REPORT
- COUNTY FINANCIAL STATEMENTS – MATERIALS CORRECTIONS MADE**

No County Clerk’s report was provided.

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

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

Ms. Grove reported on the PATH meeting sponsored by the Sierra Club that she attended.

Ms. Grove reported to the Commission with regard to intervening in the PATH case. Ms. Grove recommended filing a “Friends of the Court” brief as opposed to intervening.

Ms. Grove reported on her review and recommendations of various county contracts.

Commissioner Surkamp requested that Ms. Grove provide clarity on any current grievance policies for County Commission employees. Ms. Grove reported on current county grievance policy. The Commission agreed by consensus that Leslie D. Smith, County Administrator shall provide copies of the current grievance policy to the Commission and schedule a workshop with County Department Heads and Elected Officials to discuss the policy.

Ms. Grove reported that the Jefferson County Emergency Services Agency by-laws are still under review.

IN RE: JESSICA PERDUE - WEST VIRGINIA STATE PURCHASING CARD PROGRAM

Locke Wysong, Regional Representative from the WV Auditor’s Office and Jessica Perdue from the WV Auditor’s Office appeared before the Commission to discuss the West Virginia Purchasing Card Program.

Ms. Perdue provided the Commission with an overview of the West Virginia Purchasing Card Program and reported on its guidelines and restrictions.

Rachel Caldwell, United Bank Representative was present for comments.

Leslie D. Smith, County Administrator reported on her review and recommendations of materials provided by Ms. Perdue in support of the West Virginia Purchasing Card Program.

Ms. Perdue provided Stephanie Grove, Assistant Prosecuting Attorney with a copy of the West Virginia Purchasing Card Program contract for her review and recommendations.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator provided the Commission with a list of possible workshop items from previous county agendas and requested Commission direction in scheduling the workshops.

Leslie D. Smith, County Administrator reported on proposals for County Liability Insurance Policies.

Leslie D. Smith, County Administrator provided the Commission copies of a 2-page synopsis on the Cable Franchise agreement from Robert Rodecker, Esquire.

Leslie D. Smith, County Administrator reported on her meeting with Angela Banks, Assessor regarding Ms. Banks’ participation in the Wage Study with Mr. Don Jacobs.

Motion by Manuel, second by Noland that Angela Banks, Assessor be able to reconsider participation in the County’s Wage Study with Mr. Don Jacobs. Motion carried by a 3-1 vote; Commissioner Surkamp voted no.

Leslie D. Smith, County Administrator provided an update on the USGS water study.

Leslie D. Smith, County Administrator reported on upcoming meetings and appointments.

Leslie D. Smith, County Administrator reported on Planning Commission vacancies.

Leslie D. Smith, County Administrator reported on an email she received from Annette VanHilst requesting a letter of support to Governor Manchin for the HOME/Affordable Housing Programs. The Commission agreed to place this matter on next week’s agenda for discussion.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Widmyer reported on the “Walk of the Hite Farm” event she attended.

Commissioner Widmyer reported on her Community participation in acquiring signatures for the Income Survey for Mountain residents.

Commissioner Manuel reported on the “Walk of the Hite Farm” event he attended.

IN RE: COUNTY COMMISSION WORKSHOP

No County Commission workshop was conducted.

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT – CONTINUED

Stephanie Grove, Assistant Prosecuting Attorney provided the Commission copies of the weekly “to do list”.

Motion by Surkamp, second by Manuel to enter into Executive Session to discuss pending litigation. Motion carried.

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

The Commission received the following information:

Reminder State Treasurer John Perdue will be in Jefferson County on Monday, March 30, 2009.

Appointments to be made to the Planning Commission on April 9, 2009.

Correspondence received from the N.Y.T. Certified Public Accountants, LLC concerning the Hagerstown/Eastern Panhandle MPO (HEP/MPO).

Legislative Information received from the Association of Counties.

Legislative Information received from the County Commissioners Association.

Notice of Filing for the Jefferson County Public Service District received from the Public Service Commission.

Jefferson County Board of Health agenda and minutes received.

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

E-911 fees received.

The Commission received the following Correspondence

Correspondence received from John Urciolo concerning property tax legislation.

Correspondence received from John Urciolo concerning county health care.

Correspondence received from Gil N. Garcia concerning a subdivision work session.

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

DALE MANUEL, COMMISSION PRESIDENT