

**REGULAR TERM:**

State of West Virginia, County of Jefferson, to-wit:

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library meeting room thereof on Thursday, September 10, 2009 beginning at 9:30 o'clock a.m.

**PRESENT:** Dale Manuel; President;  
James Surkamp, Patricia Noland, Lyn Widmyer  
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 meeting held on Thursday, September 3, 2009 and to approve the Minutes as amended. Motion carried.

**IN RE: APPROVAL OF PURCHASE ORDERS**  
Motion by Manuel, second by Morgan to approve the following Purchase Orders for the week of September 10, 2009 totaling \$11,044.41: 46767, 47275, 47552, 47176, 47177, 47180, 47181, 47550, 47553, 47633 and 47551. Motion carried.

**IN RE: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by Morgan, second by Surkamp to approve the list of Accounts Payable for September 10, 2009 totaling \$142,210.75. Motion carried by a 3-2 vote; Commissioners Manuel and Noland voted no.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	Ck Amount
059606	439	AMERICAN PLANNING	47357	\$595.00	\$0.00	\$595.00
059607	425	ABH SERVICES, INC.		\$0.00	\$9,387.00	\$9,387.00
059608	ALLOC	AHA/ART&HUMANITIES		\$0.00	\$4,552.55	\$4,552.55
059609	ALLOC	AHA/ART&HUMANITIES		\$0.00	\$8,333.25	\$8,333.25
059610	424	B-K OFFICE SUPPLY INC	47541	\$474.00	\$0.00	\$474.00
059610	440	B-K OFFICE SUPPLY INC		\$0.00	\$1.00	\$1.00
059611	PAYROLL	BRICKSTREET MUTUAL		\$0.00	\$293.00	\$293.00
059612	700	COUNTRY RDS TIRE/AUTO	47520	\$644.24	\$0.00	\$644.24
059613	424	CHARLES TOWN WATER		\$0.00	\$75.56	\$75.56
059613	425	CHARLES TOWN WATER		\$0.00	\$814.30	\$814.30
059614	712	VERIZON CABS		\$0.00	\$380.00	\$380.00
059615	402	CLERK OF CO. COMM	47457	\$14.60	\$0.00	\$14.60
059616	425	CARLYLE & ANDERSON	47542	\$131.10	\$0.00	\$131.10
059617	716	CREAMERS WRECKER	47543	\$65.00	\$0.00	\$65.00
059618	700	C.A.R.S	47540	\$243.18	\$0.00	\$243.18
059619	425	DAYCON	47269	\$310.91	\$0.00	\$310.91
059620	401	EMBASSY SUITES		\$0.00	\$178.00	\$178.00

059621	424	J.C.EHRLICH		\$0.00	\$31.00	\$31.00
059621	425	J.C.EHRLICH		\$0.00	\$397.00	\$397.00
059622	412	FRONTIER		\$0.00	\$420.47	\$420.47
059622	415	FRONTIER		\$0.00	\$330.47	\$330.47
059622	424	FRONTIER		\$0.00	\$16,102.46	\$16,102.46
059622	424	FRONTIER		\$0.00	\$3,203.95	\$3,203.95
059622	712	FRONTIER		\$0.00	\$1,168.26	\$1,168.26
059623	716	FIFTH THIRD BANK		\$0.00	\$359.91	\$359.91
059624	439	IKON OFFICE SOLUTIONS	47356	\$178.17	\$0.00	\$178.17
059625	402	JEFFERSON PUBLISH CO	47453	\$505.04	\$0.00	\$505.04
059626	413	JEFFERSON UTILITIES INC		\$0.00	\$20.12	\$20.12
059626	425	JEFFERSON UTILITIES INC		\$0.00	\$261.61	\$261.61
059627	401	JEFFERSON CO.CHAMBER	47358	\$825.00	\$0.00	\$825.00
059628	402	MATTHEW BENDER & CO	47458	\$51.47	\$0.00	\$51.47
059628	406	MATTHEW BENDER & CO	47085	\$102.94	\$0.00	\$102.94
059628	401	MATTHEW BENDER & CO		\$0.00	\$697.78	\$697.78
059629	700	MCKINNEY'S AUTO	47539	\$300.40	\$0.00	\$300.40
059630	424	VERIZON BUSINESS		\$0.00	\$1,123.54	\$1,123.54
059631	424	RYAN MILBORNE		\$0.00	\$20.33	\$20.33
059632	425	NOLAND CO.	47509	\$788.92	\$0.00	\$788.92
059633	ALLOC	JEFF CO PARKS &		\$0.00	\$22,708.20	\$22,708.20
059634	403	PIFER OFFICE SUPPLY, INC	47478	\$78.25	\$0.00	\$78.25
059635	433	POTOMAC HEADWATERS	46766	\$100.00	\$0.00	\$100.00
059635	439	POTOMAC HEADWATERS	47360	\$100.00	\$0.00	\$100.00
059635	440	POTOMAC HEADWATERS	47095	\$200.00	\$0.00	\$200.00
059636	425	LANDMARK ELEVATOR	47286	\$240.00	\$0.00	\$240.00
059637	425	RCS SECURITY	47538	\$2,627.50	\$0.00	\$2,627.50
059638	PAYROLL	RETIREE HLTH BENEFIT		\$0.00	\$7,856.00	\$7,856.00
059639	406	SHEPTOWN CHRONICLE	47084	\$42.60	\$0.00	\$42.60
059640	404	SHERIFF OF JEFF CO	47632	\$29.25	\$0.00	\$29.25
059641	424	SMITH-NADENBOUSCH		\$0.00	\$100.00	\$100.00
059642	401	SOFTWARE SYSTEMS, INC		\$0.00	\$1,658.86	\$1,658.86
059642	402	SOFTWARE SYSTEMS, INC		\$0.00	\$403.00	\$403.00
059642	403	SOFTWARE SYSTEMS, INC		\$0.00	\$683.50	\$683.50
059642	404	SOFTWARE SYSTEMS, INC		\$0.00	\$874.50	\$874.50
059642	700	SOFTWARE SYSTEMS, INC		\$0.00	\$518.50	\$518.50
059643	406	STAPLES CREDIT PLAN	47079	\$78.99	\$0.00	\$78.99
059643	GRANT	STAPLES CREDIT PLAN	47174	\$249.99	\$0.00	\$249.99
059643	711	STAPLES CREDIT PLAN	47175	\$135.57	\$0.00	\$135.57
059643	711	STAPLES CREDIT PLAN	47178	\$37.97	\$0.00	\$37.97
059643	401	STAPLES CREDIT PLAN		\$0.00	\$6.30	\$6.30

059643	405	STAPLES CREDIT PLAN		\$0.00	\$38.47	\$38.47
059643	422	STAPLES CREDIT PLAN		\$0.00	\$290.30	\$290.30
059643	433	STAPLES CREDIT PLAN		\$0.00	\$49.47	\$49.47
059643	700	STAPLES CREDIT PLAN		\$0.00	\$942.30	\$942.30
059643	712	STAPLES CREDIT PLAN		\$0.00	\$406.76	\$406.76
059643	716	STAPLES CREDIT PLAN		\$0.00	\$443.38	\$443.38
059644	425	SHERWIN-WILLIAMS	47270	\$125.64	\$0.00	\$125.64
059645	711	SOFTWARE COMPUTER	47171	\$150.00	\$0.00	\$150.00
059646	425	SHEN VALLEY WATER		\$0.00	\$622.29	\$622.29
059647	401	SMITH,COCHRAN& HICKS	47631	\$7,585.29	\$0.00	\$7,585.29
059648	425	HAGEMEYER	47513	\$716.81	\$0.00	\$716.81
059649	402	TROPHIES "R" US, INC	47455	\$20.00	\$0.00	\$20.00
059650	402	UNITED SYS/SOFTWARE		\$0.00	\$206.00	\$206.00
059650	403	UNITED SYS/SOFTWARE		\$0.00	\$177.00	\$177.00
059651	425	VALLEY HARDWARE CO	47510	\$5.65	\$0.00	\$5.65
059652	ALLOC	JEFF CO CONVENTION		\$0.00	\$27,260.73	\$27,260.73
059653	405	WEST PAYMENT CENTER	47413	\$4,447.97	\$0.00	\$4,447.97
059654	424	WILLIAMS MOTOR PARTS	47512	\$19.38	\$0.00	\$19.38
059655	GRANT	PAM HOLSTEIN-WALLACE		\$0.00	\$6,250.00	\$6,250.00
059656	402	XEROX COPORATION	46690	\$1,142.80	\$0.00	\$1,142.80
059657	413	REVA MICKEY		\$0.00	\$100.00	\$100.00
059658	413	GARY DUNGAN		\$0.00	\$100.00	\$100.00
<b>TOTALS</b>				<b>\$23,363.63</b>	<b>\$119,847.12</b>	<b>\$143,210.75</b>

**IN RE: PUBLIC COMMENT**

Paul Rosa appeared before the Commission to express concerns with the Commission’s agenda procedures with consideration to the Open Governmental Proceedings Act.

Janine Watson appeared before the Commission to express her concerns with the Jefferson County Table Games Referendum.

Paulette Sprinkle appeared before the Commission on behalf of “Friends of Happy Retreat” to report on the Washington Home Tour festivities scheduled on September 19, 2009.

**IN RE: BONDING AND ACTIVITY REPORT**

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Morgan, second by Manuel to approve the complete release of an Irrevocable Letter of Credit in the amount of \$353,940.22 for Dan Ryan Builders, Inc. – Quarter Farms Subdivision. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Widmyer, second by Noland to approve the partial release of a cash in escrow account in the amount of \$27,403.00 for Gary L. Patrick – Avalanche Services with the County to retain \$18,989.00. Motion carried.

Jennifer Snyder appeared before the Commission for the weekly Planning and Zoning activity report.

Ms. Snyder provided a status report on the Zoning Ordinance amendments and requested approval of a new public clerk for the Department of Planning and Zoning as recommended by Jennifer Brockman, Planning and Zoning Director.

Motion by Surkamp, second by Morgan to approve the full-time employment of Amy Puetz for the Department of Planning and Zoning. Motion carried.

**IN RE: JENNIE BROCKMAN - RECOMMENDATION ON THE HIRING OF THE PUBLIC CLERK FOR THE DEPARTMENT OF PLANNING AND ZONING**

This matter was discussed under agenda item: "Bonding and Activity Report".

**IN RE: KELLIE BOLES - AGRICULTURE DEVELOPMENT OFFICER**

- **FARMLAND PROTECTION BOARD ANNUAL REPORT**
- **UPDATES TO THE FARMLAND PROTECTION BOARD PROGRAM**
- **APPROVAL TO PURCHASE EASEMENTS ON: HOCKMAN, ROBINSON AND THE BOWER**

Kellie Boles, Agriculture Development Officer appeared before the Commission for the Farmland Protection Board annual report and to request approval of several easements.

Ms. Boles reported on the WV Farmland Protection Board meeting she attended and presented the Commission with the 2008-2009 Farmland Protection Board annual report.

Ms. Boles reported on the procedural changes being implemented by the Farmland Protection Board program.

Motion by Morgan, second by Manuel to approve the Deed of Conservation Easement for the Hockman property consisting of 100 acres of land being shown on Tax Map 100, Parcel 100 as recommended by Kellie Boles, Agriculture Development Officer, pending legal review and approval. Motion carried.

Motion by Morgan, second by Widmyer to approve the Deed of Conservation Easement for the Robinson and Bower properties consisting of 125 acres of land being shown on Tax Map 7, Parcel 0002 as recommended by Kellie Boles, Agriculture Development Officer, pending legal review and approval. Motion carried.

**IN RE: JEFFREY POLCZYNSKI AND TODD FAGAN**

- **E-911 ADDRESSING ORDINANCE AMENDMENT AND ENFORCEMENT PLAN**
- **DISCUSSION/APPROVAL FOR HIRING A DISPATCHER**

Todd Fagan, GIS Coordinator appeared before the Commission for a report and presentation of the draft E-911 Addressing Ordinance amendments.

Mr. Fagan requested the Commission coordinate a workshop after reviewing the draft amendments in order to discuss them further.

Mr. Fagan reported on strategies being implemented to promote public awareness for the Jefferson County Addressing system.

The Commission agreed by consensus to schedule a workshop with Mr. Fagan in 30-days to further discuss the E-911 Addressing Ordinance amendments.

Jeff Polczynski, Communications Director appeared before the Commission to request approval of an additional dispatcher for the Jefferson County Communications Center in order to support 16 Public Safety Dispatchers.

Mr. Polczynski provided a report on the history of the Communications Center workforce and previous Commission action with respect to employment approvals and salary implementation.

Motion by Manuel, second by Noland to approve the hire of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission and one additional new hire as requested by Mr. Polczynski.

Amended motion by Morgan, second by Surkamp to approve the hiring of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission.

Commission members expressed concerns with the number of employees in the Jefferson County Communications Center with regard to public safety.

Motion by Morgan, second by Surkamp to call the question on Commissioner Morgan's amended motion, "to approve the hire of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission". Motion failed by a 2-3 vote; Commissioners Noland, Widmyer and Manuel voted no.

The Commission voted on Commissioner Manuel's original motion, "to approve the hire of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission and one additional new hire as requested by Mr. Polczynski". Motion carried by a 3-2 vote; Commissioners Morgan and Widmyer voted no.

Motion by Manuel, second by Surkamp to authorize the release of funds from the County Commission Capital Outlay account to support the new hire at the Jefferson County Communications Center.

Leslie D. Smith, County Administrator reported on the necessary budget revision to support a new hire for the Jefferson County Communications Center.

Commissioner Manuel withdrew his motion and the Commission agreed by consensus to table this matter for one week.

**The Commission took an 8-minute break at 10:55 a.m. The Commission reconvened at 11:03 a.m.**

**IN RE: LAURA RATTENNI, CIRCUIT CLERK - BUDGET REVISION, SALARY EQUITY, AND HIRING OF A NEW DEPUTY CLERK**

Laura Rattenni, Circuit Clerk appeared before the Commission to request a budget revision of \$14,500.00: \$9,000.00 in support of contractual services, \$4,500.00 in support of acquiring necessary materials and supplies.

Motion by Morgan, second by Noland to approve the budget revision for Laura Rattenni, Circuit Clerk in the amount of \$14,500.00 as requested.

Amended motion by Surkamp that Ms. Rattenni coordinate a meeting with the Jefferson County IT Support Specialist, Charlotte Hernandez-Velez to potentially decrease software service expenditures and to authorize Leslie D. Smith, County Administrator and Mark Schiavone, Capital Planning and Management Director to provide a report detailing the transfer of funds. Commissioner Surkamp's motion died due to lack of a second.

Original motion by Morgan, second by Noland to approve the budget revision for Laura Rattenni, Circuit Clerk in the amount of \$14,500.00 as requested. Motion carried.

Ms. Rattenni requested approval from the Commission to appear at 1:30 p.m. to participate in discussions for agenda item: "Continuation of the Deliberations on the Salary Equity Issue and a Vote on an Equity Plan". The Commission agreed by consensus that Ms. Rattenni could appear before the Commission to discuss issues concerning salary equity.

Ms. Rattenni requested an Executive Session in order to discuss the hire of a temporary, full-time Deputy Clerk.

Motion by Morgan, second by Noland to enter into Executive Session in order to discuss personnel matters with Laura Rattenni, Circuit Clerk. Motion carried.

Motion by Morgan, second by Noland to return to Regular Session. Motion carried.

Motion by Morgan, second by Noland to approve the hire of a temporary full-time Deputy Clerk as requested by Laura Rattenni, Circuit Clerk. Motion carried.

**IN RE: AL BRITTON, GENERAL MANAGER - PNGI CHARLES TOWN GAMING, LLC**

Al Britton, General Manager of Charles Town Races and Slots appeared before the Commission to report on the strategies and procedures being implemented by PNGI Gaming, LLC for the Table Game Referendum.

With consideration to public concerns, Stephanie Grove, Assistant Prosecuting Attorney was present and reported on the Open Governmental Proceedings Act.

Jennifer S. Maghan, County Clerk was present and reported on election requirements and timelines for the proposed December 5, 2009 Table Game Referendum Special Election.

Ms. Maghan further discussed special election/early voting procedures and policies as outlined by the Secretary of State's Office.

The Commission agreed to place this matter on the September 17, 2009 agenda for formal action.

**IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT**

- **POLL WORKER APPROVAL**
- **PROBATE MATTERS:**
  - **SPECIAL SESSION TO APPROVE INTERIM ACCOUNTING FOR THE ESTATE OF JESSIE M. METCALF, DECEASED - FROM FIDUCIARY COMMISSIONER JUNE K. JOVANELLY**
  - **PETITION FOR REMOVAL OF CO-ANCILLARY ADMINISTRATOR OF THE ESTATE OF ELVA NELLIE CRAWFORD, DECEASED - FROM THE LAW OFFICE OF DALE BUCK**

Jennifer S. Maghan, County Clerk appeared before the Commission to report on strategies and procedures being implemented for the upcoming Special Election.

Nikki Painter, Voter's Registration Clerk appeared before the Commission to request approval of the Poll Workers. Ms. Painter reported on the recommendations of the Democratic and Republican Executive Committees.

Reva Mickey, Jefferson County Democratic Executive Committee Chairwoman was present and reported on the revisions to the list of Poll Workers and Committee recommendations.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on her review of the Republican Executive Committee Poll Worker recommendations and draft policies with respect to West Virginia Code.

Motion by Morgan, second by Manuel to approve the list of poll workers as presented by the Jefferson County Democratic and Republican Executive Committees and designated the supply clerk be appointed from the Democratic Party. Motion carried.

Ms. Painter provided the Commission with a list of ineligible precincts for the upcoming Special Election and reported on the information available online at the County Clerk's website.

Lynn Fields, Probate Officer appeared before the Commission for a Special Session to request approval of an interim accounting for the Estate of Jessie M. Metcalf. Ms. Fields reported on the recommendations of June K. Jovanelly, Fiduciary Commissioner.

Motion by Noland, second by Morgan to approve and authorize the Commission President to affix his signature upon the appropriate documents for the interim accounting for the Estate of Jessie M. Metcalf as presented. Motion carried.

Ms. Fields requested a hearing date be set for the Estate of Elva Nellie Crawford. Ms. Fields reported on the Petition for Removal of Co-Ancillary Administrator as presented by Dale Buck, Esquire.

Motion by Morgan, second by Noland to schedule a hearing for the Estate of Elva Nellie Crawford on Thursday, September 17, 2009 at 11:00 a.m. Motion carried.

**IN RE: LEGISLATIVE ISSUES**

Commissioner Manuel reported on the upcoming Interim Sessions.

**IN RE: REPORT OF FEDERAL STIMULUS FUNDS**

Leslie D. Smith, County Administrator reported on the approval of the Energy Efficiency Grant and provided a status update for the Broadband grant.

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

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission to express concerns with the Commission's decision to retain private legal counsel, David Hammer, Esquire to represent them with regard to employee evaluations.

Mr. Lorenzetti reported on meetings he has conducted with staff with respect to training and credentials for the Jefferson County Prosecuting Attorney's Office to ensure adequate representation in all matters of law.

Mr. Lorenzetti discussed the legal requirements of the Prosecuting Attorney's office to provide adequate representation to the Commission with respect to personnel matters and employee evaluations and further added that he would not dispute the Commission's decision to employ outside counsel for the County Administrator's employee evaluation but that he would represent the Commission in all other personnel matters and evaluations.

Mr. Lorenzetti reported on upcoming courses Stephen Groh, Assistant Prosecuting Attorney will be attending specializing in personnel matters.

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

Ms. Grove provided the Commission with the weekly to do list, provided a status update for the Jefferson Orchards case. Ms. Grove further reported on revisions to the Jefferson County Employee Handbook.

Commissioner Morgan reported on the Public Service District order regarding hearing dates for PATH.

Ms. Grove reported on the meeting scheduled with David Hammer, Esquire at 1:00 p.m.

**The Commission recessed for lunch at 12:22 p.m. The Commission reconvened at 1:31 p.m.**

**IN RE: REQUEST FOR SIGNATURE AND SUBMISSION OF 2010 CENSUS NEW CONSTRUCTION PROGRAM REGISTRATION FORM**

Leslie D. Smith, County Administrator reported on the 2010 Census new Construction Program Todd Fagan is coordinating with the U.S. Census Bureau.

Motion by Noland, second by Surkamp to authorize the Commission President's signature upon the 2010 Census New Construction Program Registration Form and to designate Todd Fagan, GIS/Addressing Coordinator as the designated Census Officer for Jefferson County. Motion carried.

**IN RE: MARK SCHIAVONE - RECALCULATION OF SCHOOL IMPACT FEE**

Mark Schiavone, Impact Fee Coordinator appeared before the Commission to provide a summary and recommendation on the three proposals received and to report on School Impact Fee recalculation procedures and requirements.

Motion by Morgan, second by Surkamp to accept the proposal for Tischler and Associates, Incorporated as recommended by Mark Schiavone, Impact Fee Coordinator and to authorize a letter be sent to the Jefferson County Board of Education requesting they assist with the cost. Motion carried.

**IN RE: WEST VIRGINIA HOUSING DEVELOPMENT FUND'S LOW-INCOME HOUSING TAX CREDIT PROGRAM - NOTIFICATION OF THE LOCAL JURISDICTION AND REQUEST FOR COMMENT**

Leslie D. Smith, County Administrator reported on the West Virginia Housing Development Fund's Low-Income Housing Tax Credit Program.

The Commission agreed by consensus to forward this matter to the Affordable Housing Committee for review and recommendation and to authorize Ms. Smith to write a letter to the West Virginia Housing Development Office in support of affordable housing.

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

Motion by Manuel, second by Widmyer to approve and authorize the President's signature upon the lease for the Department of Health and Human Resources lease for one year. Motion carried.

**IN RE: REQUEST FROM JOHN KUSNER FOR THE COMMISSION TO SEND HIM TO THE WATER GEOLOGY CONFERENCE**

No action was taken on this agenda item.

**IN RE: APPROVAL OF DUI GRANT APPLICATION**

Leslie D. Smith, County Administrator reported on the specifications of the DUI grant application.

Motion by Morgan, second by Surkamp to approve and authorize the President's signature upon the DUI grant application as presented. Motion carried.

**IN RE: COMMUNITY PARTICIPATION GRANT PROGRAM - APPROVAL OF RESOLUTION, AGREEMENT AND CONTRACT - FISHERMAN'S HALL**

Motion by Morgan, second by Surkamp to approve the Resolution, Agreement and Contract for the Governor's Community Participation Grant for Fisherman's Hall and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion carried.

***RESOLUTION***

***WHEREAS***, *The Jefferson County Commission has agreed to assist the African-American Community Association of Jefferson County to continue the restoration of Fisherman's Hall. The project will include heating and cooling systems, electrical upgrades, drywall, and plumbing. The amount of the Community Participation Grant Award is \$30,000.*

***NOW, THEREFORE BE IT RESOLVED***, *that the Jefferson County Commission does hereby accept the conditions of the contract between the West Virginia Development Office and the Jefferson County Commission and does hereby authorize the signatures of the President of the Commission.*

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*Dale Manuel, President*

**IN RE: DECISION OF PROCESS OF DISTRIBUTING BUDGET ALLOCATIONS TO FIRE DEPARTMENTS**

Leslie D. Smith, County Administrator requested Commission clarification with regard to distribution of budget allocations to County Fire Departments.

Motion by Surkamp, second by Morgan to authorize the Jefferson County Emergency Services Agency to allocate funds to County Fire Departments with a directive that the Jefferson County Emergency Services Agency Chairperson provide the Commission a quarterly financial report.

The Commission discussed legalities of executing Fire Company Contracts and grants with consideration to authorizing a separate entity to distribute funding.

Ralph Lorenzetti, Prosecuting Attorney was present for comments.

Commissioner Surkamp withdrew his motion and the Commission agreed by consensus to maintain present practice of allocating funds for Fiscal Year 2010.

**IN RE: CONTINUATION OF THE DELIBERATIONS ON THE SALARY EQUITY ISSUE AND A VOTE ON AN EQUITY PLAN**

Leslie D. Smith, County Administrator distributed a draft report summarizing county employee salaries including a cost analysis for a proposed equity plan as previously directed by the Commission.

Commissioners discussed drafting an additional salary compensation schedule with a three-year projection of cost for further review and consideration.

The Commission agreed to table this matter for one week.

**IN RE: DEPARTMENT HEAD EVALUATION**

David Hammer, Esquire appeared before the Commission to request an Executive Session in order to discuss personnel matters.

Motion by Morgan, second by Surkamp to enter into Executive Session with David Hammer, Esquire to discuss personnel matters. Motion carried.

Motion by Surkamp, second by Morgan to return to Regular Session. Motion carried.

No action was taken during Executive Session.

**IN RE: COUNTY COMMISSION REPORTS**

Commissioner Morgan reported on the Foreclosure Workshop hosted by the Jefferson County Democratic Association on Saturday, September 12, 2009.

Commissioner Morgan reported on the Courthouse Committee meeting she attended.

Commissioner Surkamp reported on the Planning Commission meeting he attended.

Commissioner Manuel reported on the Summit Point Raceway tour he attended.

Commissioner Manuel reported on the Shepherdstown Streetscape event he attended.

Commissioner Manuel reported on the PATH meeting he attended with Governor Manchin.

Commissioner Manuel reported on the Free Clinic Grand Opening Ceremony he attended.

Commissioner Widmyer reported on the Free Clinic Grand Opening Ceremony she attended.

Commissioner Widmyer reported on the Civil War Signage Committee meeting she attended.

Commissioner Widmyer reported on the League of Women Voter's meeting she attended concerning the Zoning Referendum.

Commissioner Noland reported on the Summit Point Raceway tour she attended.

**IN RE: COUNTY ADMINISTRATOR REPORTS**

Leslie D. Smith, County Administrator provided the Commission with the weekly Revenue and Expenditure reports.

**IN RE: DEPARTMENT HEAD EVALUATION – CONTINUED**

Mark Schiavone, Capital Planning and Management Director appeared before the Commission for his Department Head evaluation.

Motion by Manuel, second by Morgan to enter into Executive Session to discuss personnel matters. Motion carried.

Motion by Manuel, second by Morgan to return to Regular Session. Motion carried.

**The Commission received the following information:**

Reminder of Zoning Referendum on November 7, 2009.

Appointment to be made to the Sheriff's Civil Service Commission on October 1, 2009.

Day of Remembrance at Independent Fire Company on September 11, 2009 at 9:58 a.m.

Impact Fee Status Report received for August 2009.

Memorandums received from the Department of Capital Planning and Management concerning transfers of funds.

Correspondence received from Senator Byrd concerning HR 2986.

NACo Prescription Drug Discount Card Program report received.

Press Release received concerning presentations given by Information and Cyber Security Experts on October 29, 2009 at the West Virginia Culture Center.

Correspondence received from the Morgan County Commission expressing appreciation for a meeting held with Mark Schiavone concerning the Impact Fee process.

Correspondence received from Michael Mood concerning Middleway Volunteer Fire Company's CIP request.

Correspondence received from the West Virginia Development Office concerning a West Virginia ON TRAC application workshop.

West Virginia County Records Management and Preservation Grant Program information received.

Correspondence received from the Charles Town Utility Board concerning changes to the water treatment process and billing changes.

Newsletter received from the Old Opera House.

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

**The Commission received the following Correspondence:**

Postcards received concerning library funding from Barbara Baker and George Baker.

Correspondence received from Robert Murto concerning telephone taxes.

Correspondence received from Paula Frickey concerning neighbors.

Correspondence received from Gil N. Garcia concerning the Planning Commission agenda.

Correspondence received from John Urciolo concerning elected officials.

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

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DALE MANUEL, COMMISSION PRESIDENT