

**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, January 7, 2010 beginning at 9:30 o'clock a.m.

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

Commissioner Widmyer was absent during the A.M. session due to a previously scheduled obligation with the Public Service District.

**In re: PLEDGE OF ALLEGIANCE**

Commissioner Noland conducted the Pledge of Allegiance

**In re: APPROVAL OF MINUTES**

Motion by Noland, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, December 17, 2009 and to approve the Minutes as amended. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Morgan, second by Manuel to approve the following Purchase Orders for the week of January 3, 2010 totaling \$20,210.24: 47549, 47671, 47740, 47827, 47132, 47154, 47581, 47826, 47828, 47426, 47427, 47830 and 47831. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Noland, second by Manuel to approve the list of accounts payable for January 7, 2010. Due to an inquiry by Commissioner Noland of an expenditure by the County Clerk, the Commission agreed by consensus to delay approval of Accounts Payable until later in the meeting.

**In re: PUBLIC COMMENT**

Paul Rosa appeared before the Commission to provide his recommendations for appointees to the Emergency Services Agency Board. Mr. Rosa reported on the credentials for several applicants to the Emergency Services Agency Board.

**In re: LEGISLATIVE ISSUES**

Unanimous decision to strike this topic as it was discussed under Senator Snyder and Delegate Lawrence – Legislative Update.

**In re: LORI ROBERTSON – REQUEST FOR FUNDING AND LETTER OF COMMITMENT FROM THE COUNTY FOR THE GREATER SHEPHERDSTOWN BIKING LOOP**

Lori Robertson, Recorder for the City of Shepherdstown requested funds in the amount of \$38,000.00 from the county that will be matched by the City of Shepherdstown to assist with completing the Greater Shepherdstown Biking Loop.

Mayor Auxer of Shepherdstown commented that the Town Council of Shepherdstown had not approved the \$38,000.00 match but they were waiting to find out if the County was in support of the venture.

Motion by Surkamp, second by Morgan to approve the \$38,000.00 cash match upon approval from the Corporation of Shepherdstown for the purpose of construction of the Greater Shepherdstown Biking Loop. Upon approval, the Town of Shepherdstown will work in conjunction with the Jefferson County Parks and Recreation Commission. Motion carried 5-0.

**In re: BARBARA J. MILLER – FY09 HOMELAND SECURITY GRANT ELIGIBILITY CERTIFICATION – DISCUSSION/ACTION**

Barbara J. Miller, Director of Homeland Security reported that the WV Department of Military Affairs and Public Safety is requiring proof of eligibility to apply for FY-09 Homeland Security Grants this year.

Ms. Miller reported that all required proof has been gathered and is ready to be submitted to the Regional Homeland Security Coordinator, Pamela Holstein-Wallace.

Motion by Widmyer, second by Manuel to approve the FY09 Homeland Security Grant Eligibility Certification and for the President of the County Commission to affix her signature to the document. Motion carried.

**In re: BARBARA J MILLER – UPDATE FROM THE DECEMBER 19-20, 2009 SNOWSTORM**

Barbara J. Miller, Director of Homeland Security reported that a heavy snowstorm commenced that resulted in a state-wide emergency declaration by the Governor, followed by a local declaration by the Jefferson County Commission. The Emergency Operation Center was activated.

Ms. Miller reported that at this time, agencies have been asked to submit financial information to be given to the state.

**IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT**

Jennifer S. Maghan, County Clerk reported on the two elections that are coming for the year and the procedures and time frames for registering.

**IN RE: JIMMY PIERSON – PARK MANAGER, CITY OF RANSON – REQUESTING FUNDING FOR THE PURCHASE OF TABLES AND CHAIRS FOR THE RANSON CIVIC CENTER**

Jimmy Pierson, Park Manager for the City of Ranson reported the need to purchase 500 table and chairs for the Ranson Civic Center.

Commissioner Surkamp expressed concern with the County being able to use the chairs and tables when needed.

Commissioner Noland asked what programs are being held at the Center and how do these programs benefit the residents of Jefferson County.

Mr. Pierson responded with a list of different competitive sports and activities for all ages and reported that the Center is booked from now until the end of May.

Commissioner Morgan questioned the potential erosion of the Jefferson County Parks and Recreation revenues and fees.

Commissioner Widmyer reported that she had sent an email to the Jefferson County Parks and Recreation Commission and that this item is on the agenda.

Mr. Nichols, Board member for the Parks and Recreation Commission reported that Tim Barr needs to work with the Ranson Parks and Recreation Center.

Toni Milbourne, Board member for the Parks and Recreation Commission reported that changes need to be made toward the way the Jefferson County Parks and Recreation Director is handling things.

Motion by Surkamp, second by Manuel to approve the request for the Ranson Civic Center in the amount of \$21,100.00 for chairs and tables to support activities at the Ranson Civic Center. Motion carried.

**In re: STEPHANIE GROVE – LEGAL UPDATE AND REPORT**

Stephanie Grove, Assistant Prosecuting Attorney distributed her to do list, which included preparation of court briefs and informed the Commission that she is preparing Oral Argument for the Jefferson Orchard and the Rissler Case.

Ms. Grove reported that Judge Sanders upheld the Commission decision for Shenandoah Sales and Services.

Ms. Grove reported that she will be assisting Mr. Lorenzetti with a felony case that may go to trial.

Ms. Grove reported she is drafting a letter for Shawna Molina in regards to the Pan Tran Authority.

Commissioner Morgan reported that the resolution to provide funding for the Farmland Protection Board contractual agreement is still needed and that the Board will need Ms. Groves' legal assistance.

Commission Widmyer updated Ms. Grove that the Small City Block Grant deadline is March 22, 2010 and that it will need her legal review prior to submission.

Commissioner Manuel raised a question concerning the Blue Ridge Mountain Water Study.

Commissioner Widmyer reported that at the PSD meeting the point was brought up that the application will be approved on February 1, 2010.

Ms. Grove requested to have a work session with the Prosecuting Attorney's Office.

**In re: KIRK DAVIS, SR. CAPITAL PROJECTS MANAGER – GRANT UPDATE –**

Kirk Davis, Sr., Capital Projects Manager reported on the Energy Grant.

Mr. Davis reported on the Chesapeake Bay Sedimentation.

Mr. Davis reported there is a meeting scheduled with the architect for the Courthouse.

Mr. Davis reported that he is in the process of designing a location map of every County building.

Commissioner Widmyer commented that she would like to see a comprehensive layout of every building and what it is called. She also stated it should include why each building has its name.

**In re: KIRK DAVIS, SR. CAPITAL PROJECTS MANAGER – GRANT AGREEMENT – WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES – DISCUSSION/ACTION**

Kirk Davis, Sr., Capital Projects Manager reported that the Health Department receives a \$80,000.00 Grant for the Water Advisory Committee Grant.

Motion by Manuel, second by Morgan to authorize signature on the West Virginia Department of Health and Human Resource Grant. Motion carried.

**In re: KIRK DAVIS, SR. CAPITAL PROJECTS MANAGER – SHEPHERDSTOWN CIVIL WAR BATTLEFIELD TRANSPORTATION ENHANCEMENT PROGRAM – GRANT EXTENSION – DISCUSSION/ACTION**

Kirk Davis, Sr., Capital Projects Manager reported that a letter of request to take our initial Grants and move them toward the purchase of property known as the Cement Mill Property to become part of our Shepherdstown Battlefield is being sent to Harold Simmons.

**In re: MARK SCHIAVONE – BUDGET UPDATES – DECISION ON UNEMPLOYMENT INSURANCE – DISCUSSION/ACTION**

Mark Schiavone, Coordinator of Capital Planning and Management reported that the revenues and expenditure books have not closed.

Mr. Schiavone reported that we currently pay unemployment insurance through the State versus paying through Brickstreet which saves us money. No action needed.

Mr. Schiavone reported that there are 34 employees that were not giving longevity pay with less than 2 years of service.

**The Commission recessed for lunch at 12:40 p.m. The Commission reconvened at 1:34 p.m.**

**In re: JAMES CASIMIRO, III – LEGAL UPDATE**

James Casimiro, III, Assistant Prosecuting Attorney reported on the proposed rate increase and the surcharge for the Jefferson Utilities and that the appeal is due by January 20, 2010.

Mr. Casimiro, III will be responding to Jefferson Utilities.

Mr. Casimiro reported that there are additional items to discuss but will need to go into executive session at the next Commission meeting.

**In re: SENATOR SNYDER AND DELEGATE LAWRENCE – LEGISLATIVE UPDATE**

Commissioner Widmyer welcomed Senator Snyder, Delegate Lawrence and Delegate Walker.

Delegate Lawrence stated that this was their last stop and that they wanted to hear from the Commissioners about issues that they would like to have addressed.

Senator Snyder reported that he will introduce a bill on the Regional Jail Bill that will give a 1% transfer tax over a five year period. This bill will give us three million dollars that will stay here.

Senator Snyder reported on the Horseman Bill.

Senator Snyder reported that he will be working to establish a Tax Index.

Delegate Walker reported that we need to work on educating others in the State.

Delegate Lawrence announced that she was appointed by the Supreme Court to Access Justice – Anti Gang Law.

Delegate Lawrence will be working on Domestic Violence, Tobacco Bill and that the Alcohol Bill did pass.

Commissioner Manuel reported that he would like to see legislation on road miles and traffic count and that they work on the redoing the road formula.

Delegate Lawrence reported she is obtaining that formula.

Commissioner Surkamp suggested that they speak with the Assessor's office regarding the numbers for assessments drops as well as new construction.

Commissioner Morgan expressed concern regarding the horse industry bill.

Senator Snyder reported on the 10/10 and that it puts money back into the hands of WV residents only.

Senator Snyder reported that the Purse Split is included in his Bill. This Bill will stop the Mountaineers from a 50/50 split to being proportional instead.

Commissioner Noland requested to be informed of anything coming down the pike that will affect the County.

Commissioner Morgan expressed concern with the amount of young people who have died due to substance abuse and wanted to know what we are not doing to bring awareness to this issue.

Delegate Lawrence responded that we are addressing grades K-5 and the high schools with the Dare and Focus programs and that we are currently not reaching the middle schools children.

Senator Snyder reported on the EPA and the mandate for the Chesapeake Bay deadline.

**In re: JEFFERSON COUNTY HEALTH DEPARTMENT – REQUEST FOR CHRISTMAS BONUSES FOR HEALTH DEPARTMENT EMPLOYEES – DISCUSSION/ACTION**

Motion by Noland, second by Morgan to table this matter indefinitely. Motion carried.

**In re: DISCUSS 2010 COUNTY COMMISSION MEETING SCHEDULE – DISCUSSION/ACTION**

Motion by Widmyer, second by Manuel to meet the remaining Thursday's for the month of January and to discuss at the last meeting of every month the schedule for the next month. Motion carried.

Commissioner Widmyer stated for the record that the Commission will be meeting additional days for interviews of the new County Administrator as well as any public hearings.

**In re: DISCUSS COUNTY COMMISSION PREPARATION OF MINUTES AND TURNAROUND**

Commissioner Widmyer reported that the current turnaround is 48 hours.

Commissioner Noland asked staff what time frame they think is needed.

Nichelle Hosby, Administrative Assistant reported that having Commissioners review the minutes was very helpful with clarifying motions.

Commissioner Morgan reported that Commissioners should not be proofing the minutes and that she opposes the time extension.

Commissioner Noland stated that if motions need to be clarified then she believes that the Commission should assist staff.

Sandy McDonald, Acting County Administrator stated that the minutes could not be prepared in seven hours as we are still answering phones and that we meet all day Thursday, currently we have to have them by Monday so they can go out on Tuesday.

Motion by Noland, second by Manuel to extend the time period for completing the minutes by staff to one week on County Commission meetings. Motion carried 3-2. Commissioners Surkamp and Morgan voted in the negative.

Commissioner Surkamp suggested two people listening with pen to complete minutes.

**In re: DISCUSS FINAL DISTRIBUTION OF THE REMAINING ALLOCATED LONGEVITY FUNDS**

No action taken on this matter.

**In re: APPOINT TO THE JEFFERSON COUNTY PLANNING COMMISSION**

Commissioner Surkamp suggested we invite Mr. Alemar in for an interview next week and anyone else who may apply.

**In re: SHERIFF ROBERT E. SHIRLEY – REQUEST FOR APPROVAL OF EMPLOYMENT – CRYSTAL THARP AND JAMES EDDY – PART-TIME BAILIFFS/TRIP GUARDS**

Motion by Manuel, second by Noland to approve the hiring of Crystal Tharp and James Eddy as part-time bailiffs and trip guards. Motion carried 4-1. Commissioner Morgan voted in the negative. Commissioner Widmyer directed staff to include on the request form that a place for personnel issues such as hiring, that it be stated if this is a current vacant budgeted position or to attach a statement say as such.

**In re: PROPOSED EARTHEN DAMS OR IMPOUNDMENT(S) CONSTRUCTION TO ENHANCE SPRING FLOW-US GEOLOGICAL SURVEY LEETOWN SCIENCE CENTER – KEARNEYSVILLE, WV – DISCUSSION/ACTION**

Commissioner Widmyer suggested that this item be sent to Roger Goodwin, Chief County Engineer to review this request.

Unanimous consent to refer this item to Roger Goodwin, Chief County Engineer.

**In re: AUTHORIZE FORMAL APPROVAL FOR ROGER GOODWIN, COUNTY ENGINEER TO RELEASE A REQUEST FOR PROPOSAL TO DRILL TEST WELLS AT WEST RIDGE HILLS TO INCLUDE AN ENGINEER AND A HYDROLOGIST – DISCUSSION/ACTION**

Commissioner Surkamp reported that in July 2009 that the Commission set aside \$30,000.00 to drill test wells in the mountain and make sure a hydrogeologist is included.

Motion by Surkamp, second by Widmyer to authorize approval of Roger Goodwin, Chief County Engineer to release a request of \$30,000.00 to drill test wells to include a Hydrogeologist at West Ridge Hills. Motion carried.

**In re: REQUIREMENTS TO STORE HISTORIC LANDMARKS COMMISSION DATA ON COUNTY SERVER – DISCUSSION/ACTIONS**

Commissioner Surkamp reported on a letter sent by John Allen concerning placing, Historic

information on the County Server.  
Commissioner Noland suggested to refer this matter to Doug Perks.

**In re: REQUEST TO RESCHEDULE THE DATE OF THE COUNTY-WIDE COALITION SEWER MEETING – DISCUSSION/ACTION**

Commissioner Widmyer asked if we have anyone on staff attending these meetings.  
Commissioner Surkamp asked for unanimous consent to obtain CD recordings, agenda, and minutes from meetings.

**In re: REVISED MOVING EXPENSES POLICY – DISCUSSION/ACTION**

The Commission agreed to incorporate changes that were previously approved.

**In re: COUNTY ADMINISTRATOR REPORTS**

Sandra McDonald, Interim County Administrator reported that the Department Heads met and have agreed on a format for their work plans. Commissioners Noland and Widmyer will meet to discuss the deadline.

Ms. McDonald reminded the Commission that there is an interview scheduled Wednesday, January 13, 2010 at 11:00 a.m.

Ms. McDonald reported on the possibility of changing the offices around.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Noland reported that she enjoyed having the time off to spend the Holidays with her family and friends.

Commissioner Manuel reported on the ESA presentation concerning the Fire and EMS fee.

Commissioner Manuel reported on the Affordable Housing Grant.

Commissioner Manuel reported that the Korean Water Bottling Plant move to Berkeley County.

Commissioner Widmyer reported on the PSD meeting.

Commissioner Widmyer reported that the Golder Report will be on the PSD website.

Commissioner Widmyer reported on the Chesapeake Bay meeting.

**The Commission received the following information:**

Correspondence received from the West Virginia Division of Culture and History concerning the consideration to nominate Beverly to the National Register of Historic Places.

Correspondence received from the Historic Landmarks Commission regarding storage space and applications necessary to store data on the County's network.

Correspondence received from the County Commission of Berkeley County concerning the November 3, 2009 Legislative Summit.

Appointment to be made to the Jefferson County Zoning Board of Appeals on January 14, 2010.

Press release received concerning PATH.

Correspondence received from FEMA concerning revalidated letters of map change for Jefferson County.

Copy of a newspaper article received from the Association of Counties concerning voting issues.

Correspondence received from the Jefferson County Emergency Services Agency regarding the retirement of Ed Smith and hiring Douglas Pittinger as his replacement.

Resignation as a Water Advisory Committee member received from Virginia Graf.

Meeting minutes received from the Jefferson County Public Service District.

Community Bulletin received from the Harpers Ferry National Historical Park.

E-911 fees received.

Oath of Office received from Peter Appignani as a member of the Jefferson County Public Service District

Weekly settlement report for the Charles Town Races received from the Charles Town Races and Slots.

West Virginia Ethics Reporter received.

Miscellaneous

**The Commission received the following correspondence:**

Correspondence received from Richard A. Zigler concerning the annexation of Shepherd University dormitories to Shepherdstown.

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