

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, February 25, 2010 beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE
Commissioner Surkamp conducted the Pledge of Allegiance.

In re: APPROVAL OF MINUTES
No minutes were provided due to County Offices closed for inclement weather on February 11, 2010.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Noland, second by Manuel to approve the following Purchase Orders for the week of February 25, 2010 totaling \$113,151.09: 47907, 47682, 48050, 47141, 47772, 47778, 48013, 48046, 48047, 48048, 48052, 48053, 48055, 47366, 47948, 47949, 48060, 48049, 48058, 47368. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Manuel, second by Noland to approve the list of accounts payable for February 25, 2010. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK Amount
060895	439	AMERICAN PLANNING ASSOC	47369	460.00	0.00	460.00
060896	425	COMCAST		0.00	146.35	146.35
060897	716	AMERICAN INTERNATIONAL		0.00	76.88	76.88
060898	716	ALPHA TECH PET	48035	253.44	0.00	253.44
060899	716	ADVANCED WEAPONS TECH	47340	1,571.00	0.00	1,571.00
060900	424	BRIGGS WELD & RAD REPAIR	48044	300.00	0.00	300.00
060901	401	CO COMMISSIONERS ASSOC		0.00	195.00	195.00
060902	700	COUNTRY ROADS TIRE & AUT	48038	437.36	0.00	437.36
060903	405	CIVIC RESEARCH INSTITUTE	47946	179.95	0.00	179.95
060904	425	CT CARPET 1 FLOOR/HOME	47999	5,368.90	0.00	5,368.90
060905	700	CDW-GOVERNMENT INC	47715	1,250.00	0.00	1,250.00
060906	425	CRAIGO 1ST CHOICE HEATIN	48042	289.25	0.00	289.25
060907	424	APPLE VALLEY TIRE	48039	245.00	0.00	245.00
060908	700	DODSON'S SEPTIC	48041	250.00	0.00	250.00
060908	716	DODSON'S SEPTIC	48041	250.00	0.00	250.00
060909	425	DAYCON	48036	451.92	0.00	451.92
060910	424	FARM PLAN/SOUTH STATE		0.00	381.43	381.43
060910	425	FARM PLAN/SOUTH STATE		0.00	244.51	244.51
060910	716	FARM PLAN/SOUTH STATE		0.00	35.96	35.96
060911	701	GALLS,AN ARAMARK CO	47710	155.94	0.00	155.94
060912	415	GENERAL COUNTY FUND-J FE		0.00	27,567.71	27,567.71
060913	424	GRAINGER, INC	48037	199.45	0.00	199.45

060913	425	GRAINGER, INC	48043	81.48	0.00	81.48
060914	711	GLOBALSTAR USA	48011	1,641.63	0.00	1,641.63
060915	712	DR ROBERT JONES		0.00	1,000.00	1,000.00
060916	402	JENNIFER S. MAGHAN		0.00	315.00	315.00
060917	PAYROLL	MSBCBS		0.00	132,831.78	132,831.78
060918	401	PATRICIA A NOLAND		0.00	620.51	620.51
060919	712	NORFOLK SOUTHERN CORP		0.00	12.00	12.00
060920	403	PIFER OFFICE SUPPLY, INC	47923	98.15	0.00	98.15
060920	404	PIFER OFFICE SUPPLY, INC	47789	449.01	0.00	449.01
060921	425	PRO-TECH ELECTRONICS CO.	48040	100.20	0.00	100.20
060922	700	QUARTER MASTER	47716	93.93	0.00	93.93
060922	701	QUARTER MASTER	47716	138.46	0.00	138.46
060922	701	QUARTER MASTER	47717	427.02	0.00	427.02
060923	425	RCS SECURITY	48045	5,630.00	0.00	5,630.00
060924	986	SOFTWARE SYSTEMS, INC		0.00	9,788.06	9,788.06
060925	404	SPECIALTY BUS SUPPLIES	47711	102.50	0.00	102.50
060925	405	SPECIALTY BUS SUPPLIES	47947	2,315.28	0.00	2,315.28
060925	700	SPECIALTY BUS SUPPLIES	47711	102.50	0.00	102.50
060925	716	SPECIALTY BUS SUPPLIES	47338	79.00	0.00	79.00
060926	700	WALTER F STEPHENS, JR IN	47713	148.35	0.00	148.35
060927	PAYROLL	WV DEPUTY SHRF RETIRE		0.00	7,985.30	7,985.30
060928	PAYROLL	WV DEPUTY SHRF RETIRE		0.00	9,864.12	9,864.12
060929	424	SPRINT		0.00	94.71	94.71
060929	712	SPRINT		0.00	1,542.75	1,542.75
060930	425	THYSSEN KRUPP ELEVATOR	47299	395.85	0.00	395.85
060931	424	US POST MASTER		0.00	3,475.00	3,475.00
060932	425	VALLEY HARDWARE CO	47892	14.62	0.00	14.62
060933	PAYROLL	WV BD O/RISK-INS MGT		0.00	89,547.00	89,547.00
060934	712	WV ENHANCED 911 COUNCIL	47777	95.00	0.00	95.00
060935	PAYROLL	WV PUB EMP RETIRE SYS		0.00	1.28	1.28
060935	PAYROLL	WV PUB EMP RETIRE SYS		0.00	23,047.55	23,047.55
060936	PAYROLL	WV PUB EMP RETIRE SYS		0.00	3.14	3.14
060936	PAYROLL	WV PUB EMP RETIRE SYS		0.00	56,338.49	56,338.49
060937	424	WALMART BUSINESS		0.00	169.41	169.41
060937	716	WALMART BUSINESS		0.00	13.68	13.68
TOTAL				\$23,575.19	\$365,297.62	\$388,872.81

In re: PUBLIC COMMENT

Commissioner Widmyer reported that a day and a night public meeting will need to be set up for the Small Cities Block Grant Program.

Motion by Manuel, second Noland to approve and authorize Sandy Slusher McDonald to set up dates for a day and a night meeting for the Small Cities Block Grant Program. Motion carried.

Roger Eitelman, President of the Jefferson County Interveners STOP PATH reported that 2009 was a successful year.

Mr. Eitelman reported that the decision point for PATH will be in July 2011.

Motion by Manuel, second by Noland to move this item to an appointment. Motion carried.

Commissioner Manuel noted that he would like the PATH model to be tighter.

The Commission directed staff to create a Resolution for Senate Bill 614 and House Bill 4403.

Mr. Eitelman requested the signatures on the Resolution once completed to show support of both

Bills.

Motion by Noland, second by Manuel to authorize signatures on Senate Bill 614. Motion carried.

A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION
SUPPORTING WEST VIRGINIA SENATE BILL 614 TO REQUIRE LANDOWNER
NOTIFICATION AND OTHER CHANGES

WHEREAS, the members of the Jefferson County Commission have been elected to serve and protect the collective interest of citizens of Jefferson County, West Virginia; and

WHEREAS, the West Virginia Legislature has been elected to serve and protect the collective interest of citizens throughout the state; and

WHEREAS, the West Virginia Legislature has the authority to enact laws governing the conduct of business by State agencies; and

WHEREAS, Senate Bill 614 will require utility companies to directly notify landowners in and adjacent to the routes for proposed new transmission lines in a timely fashion; and

WHEREAS, this timely notification would give sufficient notice for landowners to determine if they wish to be interveners in transmission line applications placed before the Public Service Commission; and

WHEREAS, this should be considered both a common courtesy and an instrument of good and transparent government; and

WHEREAS, SB 614 would enact other provisions intended to promote the welfare of West Virginia residents prospectively affected by new transmission lines;

NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Commission does hereby support the passage of SB 614.

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

President

Commissioner

Commissioner

Commissioner

Commissioner

Motion by Noland, second by Manuel to authorize signatures on House Bill 4403. Motion carried

A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION
SUPPORTING WEST VIRGINIA HOUSE OF DELEGATES BILL 4403 TO REQUIRE
LANDOWNER NOTIFICATION AND OTHER CHANGES

WHEREAS, the members of the Jefferson County Commission have been elected to serve and protect the collective interest of citizens of Jefferson County, West Virginia; and

WHEREAS, the West Virginia Legislature has been elected to serve and protect the collective interest of citizens throughout the state; and

WHEREAS, the West Virginia Legislature has the authority to enact laws governing the conduct of business by State agencies; and

WHEREAS, House Bill 4403 will require utility companies to directly notify landowners in and adjacent to the routes for proposed new transmission lines in a timely fashion; and

WHEREAS, this timely notification would give sufficient notice for landowners to determine if they wish to be interveners in transmission line applications placed before the Public Service Commission; and

WHEREAS, this should be considered both a common courtesy and an instrument of good and transparent government; and

WHEREAS, HB 4403 would enact other provisions intended to promote the welfare of West Virginia residents prospectively affected by new transmission lines;

NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Commission does hereby support the passage of HB 4403.

COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

President

Commissioner

Commissioner

Commissioner

Commissioner

The Commission recognized Ronald Fletcher as the newly appointed Jefferson County Fire and Rescue Association President.

In re: ROGER ETHIER – WATER ADVISORY COMMITTEE – FUNDING REQUEST

Roger Ethier, member of the Water Advisory Commission reported on the low pressure and dirty water on Hog Run.

Mr. Ethier reported that Shepherd University would be collecting samples and data weekly to help find a baseline.

Commissioner Morgan arrived at 10:00 a.m.

John Maxey, President of the Planning Commission reported that the Blue Ridge Watershed Study plans to use the baseline data provided by Shepherd University to the Water Advisory Commission.

Bill Zaleski, Registered Sanitarian with the Health Department was present and gave comments and agreed with Mr. Maxey’s comments.

Jennifer Brockman was present and gave comments.

Commissioner Widmyer directed the Planning Commission, Water Advisory Commission and the Health Department to get together and come up with a proposal to bring before the Commission.

In re: DEVELOPMENT AUTHORITY – DISCUSSION OF FY10 ACCOMPLISHMENTS AND FY11 WORK PLANS

Tom Bayuzik, Development Authority Director reported on the accomplishments of 2009.

Mr. Bayuzik reported that Route 9 is scheduled to be completed in the fall of 2010.

Mr. Bayuzik reported that the Jefferson County Development Authority website will be up and running on Friday, February 26, 2010.

Mr. Bayuzik reported on the Eastern Regional Airport.

Commissioner Manuel reported that the Development Authority Board recommends going from 16 board members to 15.

Commissioner Morgan says she disagrees if the State Law says the Board can have as many as 21 members.

In re: EXECUTIVE SESSION MEETING WITH MR. BAILEY, ATTORNEY FOR THE COUNTY CLERK LAWSUIT

This item has been rescheduled for a later date due to a scheduling conflict.

In re: HEALTH DEPARTMENT – DISCUSSION OF FY10 ACCOMPLISHMENTS AND FY11 WORK PLAN

Amy Jones, Director of the Health Department reported on the 2009 accomplishments of the Health Department and new initiatives for FY2011.

Bob Johnson, Chairman of the Health Department Board was present and gave comments.

Bill Zaleski, Registered Sanitarian was present and gave comments.

In re: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT

Jennifer S. Maghan reported on the breakdown of the Election’s budget.

Commissioner Widmyer suggested that a roundtable discussion be scheduled to review the budget.

In re: LEGAL UPDATE AND REPORT – (STEPHANIE GROVE)

Stephanie Grove, Assistant Prosecuting Attorney reported that she did not prepare a to-do list due to Board of Review and Equalization.

Ms. Grove reported that she will be in Charleston for two cases.

Ms. Grove reported that she will have a revised Overtime Pay Policy written in two weeks.

Ms. Grove reported that she will need to address a personnel matter in Executive Session.

Motion by Manuel, second by Morgan to enter into Executive Session for the matter of personnel issues. Motion carried.

The Commission reconvened at 1:35 p. m.

In re: APPROVAL OF BUDGET REVISION 005 TO THE GENERAL FUND (001) – (CONTINUED)

Mark Schiavone, Director of Capital Planning and Management reported on the breakdown of the longevity pay.

Motion by Morgan, second by Widmyer to adopt the resolution to amend the budget for the General Fund as revision 005. Motion carried 4-1. Commissioner Surkamp voted no.

In re: MARK SCHIAVONE - , DIRECTOR OF CAPITAL PLANNING AND MANAGEMENT – DECISION ON AUTOMATIC IMPACT FEE INFLATION ADJUSTMENT –

Mark Schiavone, Director of Capital Planning and Management recommended that the Commission move to prevent the automatic inflation adjustment from taking effect.

Motion by Manuel, second by Noland to prevent the automatic inflation adjustment of all impact fee schedules from taking effect on April 1, 2010. Motion carried.

In re: MARK SCHIAVONE – EMAIL SERVER ISSUES – SITE LICENSE AND ARCHIVING

Mark Schiavone, Director of Capital Planning and Management reported that we are running our email server without a license

Motion by Manuel second by Morgan to approve the purchase of a 250 – seat site license for our email server and to approve the purchase of archiving software for 250 users and to approve the modification of the budget for department 428 by moving \$2,700 from Contracted Services to Computer Software. Motion carried.

Commissioner Widmyer reported that there will be a roundtable discussion with IT and the New County Administrator, Tim Boyde.

Mr. Schiavone reported on the County’s insurance.

In re: LEGISLATIVE ISSUES

Commissioner Noland reported on the following legislative issues:

- House Joint Resolution 101
- Senate Resolution 11
- Senate Bill 232
- Senator Snyder’s Bill 237
- Senate Bill 333

Commissioner Manuel reported that Senator Doyle is looking into Hotel/Motel Tax to go to libraries.

In re: REQUEST FOR USE OF THE COUNTY MEETING ROOM FOR CENSUS 2010

Motion by Morgan, second by Manuel to approve request of the meeting room for Census 2010. Motion carried.

In re: APPROVAL OF RESOLUTION AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM

Motion by Manuel, second by Noland to approve the resolution for participation in the Eastern Panhandle Home Consortium as presented. Motion carried

**A RESOLUTION OF THE COUNTY COMMISSION OF JEFFERSON COUNTY
AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM
OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011.**

WHEREAS, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as “HOME”); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

WHEREAS, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

WHEREAS, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

WHEREAS, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2010-2011; and

WHEREAS, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, City of Charles Town, , City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and
2. The **President** of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2010 to June 30, 2011 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and
3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2010 HOME Investment Partnership Program.

Adopted this 25th day of February 2010.

BY: /s/
Lyn Widmyer, Commission President

ATTEST:

/s/
Jennifer Maghan, County Clerk

In re: COUNTY ADMINISTRATOR REPORTS

Sandy Slusher McDonald, Acting County Administrator reported that the Commission Staff has been relocated to the first floor of the Hunter House.

Ms. McDonald reported that an ad is being placed for the vacancy on the Planning Commission.

Ms. Mc Donald reminded the Commission of the Banquet for Middleway Fire Department at the Lion's Center.

In re: COUNTY COMMISSION REPORTS

Commissioner Noland reported on the Board of Review and Equalization hearings she attended.

Commissioner Noland reported on the Water Advisory meeting she attended.

Commissioner Manuel reported on the Development Authority meeting he attended.

Commissioner Morgan reported on the recruitment for jobs for the Census 2010.

Commissioner Morgan reported on the Farmland Protection Board meeting she attended.

Commissioner Morgan reported on the Planning Commission meeting she attended.

Commissioner Surkamp reported on that the Census 2010 Postcards will be mailed.

Commissioner Widmyer reported on the Solid Waste Authority meeting she attended.

In re: BARBARA MILLER, DIRECTOR OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT – 2010 SNOWSTORM UPDATE

Barbara Miller, Director of Homeland Security reported on the Snowstorm of February 2010. Ms. Miller showed a PowerPoint presentation of the storm to include the Governor.

Commissioner Morgan left at 2:30 p. m.

In re: ROGER GOODWIN – BONDING POLICY REVIEW COMMITTEE – RECOMMENDATIONS AND SET PUBLIC HEARING DATE

Becky Burns, Administrative Assistant reported that Mr. Goodwin is out sick and could not attend and would like this topic continued at the next available date.

In re: ROGER GOODWIN – ENGINEERING – REVIEW OF FY11 WORK PLAN

Becky Burns, Administrative Assistant reported that Mr. Goodwin is out sick and could not attend and would like this topic continued at the next available date.

In re: KIRK DAVIS, SR., – CAPITAL PROJECTS MANAGER – REFUND TO THE CAPITAL OUTLAY FUND

Kirk Davis, Sr., reported on the balance in the Capital Outlay account and requested that funds be transferred from the savings account to the active checking account.

Commissioner Morgan returned at 3:00 p. m.

Motion by Morgan, second by Widmyer to approve the transfer of \$220,000.00 from the savings account to the active checking account for the purpose of refunding the Capital Outlay account. Motion carried.

Mr. Davis reported on the move of the Hunter House.

Commissioner Manuel questioned the HVAC in the Hunter House.

Bill Polk, Maintenance Director was present and gave comments and will be performing an energy audit.

In re: KIRK DAVIS, SR., – CAPITAL PROJECTS MANAGER – REIMBURSEMENT FROM MAGISTRATE COURT

Kirk Davis, Sr. reported that we received reimbursement from the Supreme Court of Appeals for services based on the West Virginia Code § 50-3-4.

Motion by Manuel, second by Morgan to approve the deposit of \$673.01 to the Magistrate Court Fund and to be used in accordance with the provisions of Rule 8 of the Administration Rules for Magistrate Courts. Motion carried.

In re: JENNIFER BROCKMAN – PLANNING COMMISSION – REVIEW OF FY11 WORK PLAN

Jennifer Brockman, Director of Planning and Zoning presented a PowerPoint presentation of her FY11 work plan.

Ms. Brockman reported on the accomplishments for 2009.

The Commission received the following information:

Appointments to be made to the Historic Landmarks Commission on March 4, 2010.

Appointment to be made to the Harpers Ferry/Bolivar Public Service District on March 4, 2010.

Appointments to be made to the Water Advisory Committee on March 4, 2010.

Memorandum received from the Engineering Department concerning a bond for Harvest Hills Subdivision in the amount of \$1,419,162.

Notice of a public meeting on Wednesday, March 3, 2010, at 7:00 p.m. for public review and discussion on the proposed plans for the new Jefferson County Judicial Center/Courthouse Annex.

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

Notice received from the Division of Highways concerning the addition of a road to the state local service system.

Animal Control report received for January 2010.

Correspondence received from the United State Department of Agriculture concerning the issuance of Errata Sheet for page 88 of the Lower Shenandoah River Watershed Assessment, Virginia and West Virginia.

Invitation received to attend the Shepherdstown Fire Department Recognition and Awards Dinner and Dance on March 20, 2010.

Legislative information received from the County Commissioners' Association.

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

The Commission received the following Correspondence:

Correspondence received from the Fox Glen Community concerning road conditions.

Correspondence received from Scott Smiley concerning the Mountain Water System.

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

LYN WIDMYER, COMMISSION PRESIDENT