

# **Jefferson County Commission**

**Thursday, July 22, 2010**

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A meeting of the Jefferson County Commission was held on Thursday, July 22, 2010 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Lyn Widmyer, President, Commissioners Patsy Noland, Frances Morgan, Jim Surkamp and Dale Manuel, Tim Boyde, County Administrator and Nichelle Hosby. (An audio tape of the July 22, 2010 meeting is available through the Jefferson County Commission Office.)

The Meeting was called to order at 9:30 a. m. by Commissioner Widmyer.

## **PLEDGE OF ALLEGIANCE.**

## **APPROVAL OF MINUTES.**

### **Jefferson County Commission Regular Meeting Minutes of July 15, 2010.**

Mr. Manuel moved that the Minutes be accepted as presented. Ms. Morgan seconded the motion. Two minor amendments were suggested, after which Commissioner Widmyer called for a vote on the Minutes of July 15, 2010 as amended, and the Minutes as amended were unanimously approved. (An audio tape of the July 15, 2010 meeting is available through the Jefferson County Commission Office.)

## **APPROVAL OF PURCHASE ORDERS**

MOTION BY MR. MANUEL to approve Purchase Orders in the amount of \$29,040.07, being purchase order numbers 48282, 48749, 48705, 48706, 48742, 48179, 48748, 48436, 48736, 48737, 48738, 48740, 48741, 48743, 48744, 48745, 48746, 48747, 48739, 47383, 47384, 47385, 47389, 47390, 48619, 48735, 48750, 48752, 48751, 47382, 47387. Ms. Noland seconded and the motion was unanimously approved.

## **APPROVAL OF ACCOUNTS PAYABLE**

MOTION BY MS. MORGAN to approve \$375,916.18 in accounts payable. Ms. Noland seconded and the motion was unanimously approved.

MS. WIDMYER REPORTED that the accounts payable included the Regional Jail bill and payroll.

## **PUBLIC COMMENT (General)**

Public concerns were expressed over the water and sewer rate increases proposed by Jefferson Utilities Inc. and the Jefferson County Public Service District by the following individuals: Ed Dunleavy, Betinna Maher, Craig Daniel, Chris Cody, Paul Maher, Frank Katzenberg, Melinda Cole, Floyd Farroh and Jan Tooke.

## **COUNTY ADMINISTRATOR REPORTS**

**County Administrator Tim Boyde:**

- (1) Reported on the Healthcare meeting held with elected officials, department heads and employees.

Mr. Manuel requested a memo to all staff employees be sent out telling of proposed changes.

- (2) Reported that a letter was sent to the Public Service Commission on how the County would like to see the surcharge money used.
- (3) Reported on the scheduling for the afternoon session.

**COUNTY COMMISSION REPORTS**

**Commissioner Noland:**

- (1) Reported on the Water Advisory Board meeting she attended.
- (2) Reminder that the Free Hazardous Waste Recycle Day sponsored by the Water Advisory Board is Saturday, July 31, 2010 from 9:00 a.m. -3:00 p.m.

**Commissioner Manuel:**

- (1) Reported that the Jefferson County Development Authority developed a Task Force to include all agencies that charge impact fees and that he has volunteered to represent the County.
- (2) Reported that the Norm Thompson deal is still moving forward.
- (3) Reported that the 3M site is still on a short list.
- (4) Reported that the Development Authority is moving toward a cultural heritage/tourism officer.
- (5) Reported that the Emergency Services Agency approved points of discussion for this afternoon's meeting as a concern about Fire and EMS fees taking so long.
- (6) Reported that at the Parks and Recreation meeting the Blue Ridge Fire Company requested land from Parks and Recreation, that an RFP be developed for an audit, that a funding request will be made for a finance officer and that it is establishing a fireworks committee.
- (7) Reported that the Parks and Recreation Commission are not interested at this time in the Cement Mill Property.

**Commissioner Morgan:**

- (1) Reported that she attended the National Park Service meeting.
- (2) Reported on the Historic Landmarks Commission meeting.

**Commissioner Surkamp:**

- (1) Reported on the stop PATH hearing he attended.

**Commissioner Widmyer:**

- (1) Attended a Public meeting held by the Economic Development Authority.
- (2) Reported on the meeting held with Commissioner Noland, Mayor Hamill and Mayor Smith to discuss topics for the next roundtable discussion.

**PRESENTATIONS**

- (1) Assessor Angie Banks recognized Jason Mickey and Mike Kragle for passing IA00 course.
- (2) Motion by Ms. Morgan to approve exoneration's due to erroneous assessments as presented by Angela Banks, Assessor. Motion seconded by Mr. Manuel and unanimously approved.

Name	District	Type	Ticket #	Amount
Christopher Allen Dimon	Charles Town	Real Estate	2086	\$1,055.26
Robin Painter	Charles Town	Land	3205	\$728.69

**(3) NOTICE OF APPORTIONMENT OF JOINTLY OWNER MOTOR VEHICLES:**

MOTION BY MR. MANUEL, seconded by Ms. Morgan and unanimously approved for the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, in the amount of \$388.79 for the following:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Dawn M. Carroll	Wife	\$4900	\$108.86
Dawn M. Carroll	Wife	\$1600	\$35.55
Jeremiah G. Carroll	Husband	\$11000	\$244.38
<b>TOTAL TAXES DUE:</b>			<b>\$ 388.79</b>

Ms. Banks gave a brief update on Senate Bill 401 stating that the Board of Appeals will begin in 2011 for the 2012 tax year.

Ms. Banks and Victoria Myers gave a PowerPoint presentation on the Assessor's new website.

**The commission took a 5 minute break at 10:55 a.m.**

**(4) Robert Dubose – Harpers Ferry Historic Town Foundation**

Mr. Dubose requested \$5,000 in support and financial assistance for the production of the play "The Rivalry" in the fall of 2010 in Harpers Ferry.

The Commission agreed to wait until after August 12, 2010 when the unencumbered balance is known before making any approvals to fund request.

**(5) Jacquelyn Milliron – Water and Sewer rate increases:**

Ms. Milliron requested that the County Commission intervene on behalf of the citizens of Jefferson County against the rate increases that are creating financial strain on the citizens.

Ralph Lorenzetti, Prosecuting Attorney and Susan Lawton, Public Service District representative were both present and gave comment.

Motion by Ms. Morgan to approve intervention in Water Rate Case No. 10-0974-PC-W-42T and to allow Mr. Casimiro to continue in a legal capacity in the continuation of the Rate Case No. 08-0554-W-42A. Motion seconded by Mr. Surkamp and approved unanimously.

The Commission agreed to have Roger Goodwin, Chief County Engineer research water rates.

The Commission took a 5 minute break at 12:00 p.m.

**(6) Jennifer Maghan – County Clerk Report:**

Ms. Maghan presented the poll workers list for approval for the Special Election on August 28, 2010.

Motion by Mr. Manuel to approve the poll workers list as recommended by the County Clerk. Motion seconded by Ms. Noland and approved 4-1. Mr. Surkamp voted no.

**(7) Legal Update and Report:**

Roger Eitleman gave the update for STOP PATH.

Stephanie Grove distributed her to do list and then gave a brief update on the Women's Club Property Resolution.

Motion by Mr. Manuel to approve the resolution as drafted to dispose of the Women's Club Property and determine the rights of the Cities and County. Motion seconded by Mr. Surkamp and unanimously approved.

Ralph Lorenzetti requested permission to hire another attorney.

No decision was made at this time.

**(8) Mark Schiavone:**

Mr. Schiavone presented a revision to the General fund as Revision 001.

Motion by Mr. Manuel to approve budget revision 001 as presented and outlined. Motion seconded by Ms. Noland and unanimously approved.

The Commission recessed for lunch at 12:42 p.m.

The Commission reconvened at 1:30 p.m.

**(9) DISTRIBUTION OF FY11 FUNDS TO SUPPORT FIRE/AMBULANCE SERVICE WORK:**

Pete Kelley, President of the Jefferson County Emergency Services Agency presented a proposal to the Emergency Services Agency distributing funds to all Fire Companies in the FY12.

The following individuals were present and gave comment:

Doug Pittinger, Pete Kelley, Todd Wilt, Mike Alvarez, Toni Milbourne, Ross Morgan, Denny Barron, Bob Burner, Craig Simpson, Paul Rosa, Mike Mood, Ed Smith and Jack Wysong.

Pete Kelley and Michael Alvarez will work with Tim Boyde to find someone with expertise to assist with putting a strategic plan together.

The Emergency Services Agency will report to the commission by August 19, 2010 with a proposal of estimated cost for paying for the services of the expert.

The Commission decided that the Strategic plan should be in place by March 2011 budgeting season.

**(10) Legislative Issues:**

No Legislative update given.

**(11) Kirk Davis – Capital Projects Manager:**

Mr. Davis gave a brief update on the transferring of funds from Far-A-Way Farm Property to the Blount Property.

Motion by Mr. Surkamp to approve the transferring of funds from Far-A-Way Farm Property to the Blount Property and to allow the president to affix her signature upon the appropriate documents contingent upon the Memorandum of Understanding with Antietam National Battlefield. Motion seconded by Ms. Noland and approved unanimously.

**(12) Roger Goodwin – Chief County Engineer:**

Mr. Goodwin gave an update on Chapel View.

Mr. Goodwin reported on the Ground Water Budget (County wide) proposal.

Mr. Goodwin reported on the bids for West Ridge Hills Project.

Motion by Mr. Manuel to approve Analytical Services as contractor for West Ridge Hills recommended by staff. Motion seconded by Ms. Noland and unanimously approved.

Motion by Mr. Manuel to postpone action on West Ridge Hills for two weeks until legal counsel gets in contact with Jefferson Utilities and they are willing to negotiate with the Home Owners Association of West Ridge Hills. Motion seconded by Ms. Noland and approved 3-2. Mr. Surkamp and Ms. Morgan voted no.

**(13) Old Standard Quarry Discussion – Executive Session:**

Ms. Widmyer reported on an update from the conference call with Senator Unger, Cabinet Secretary of the Department of Commerce, Kelly Goes and Debra Gram.

Ms. Widmyer reported that an upcoming public meeting would be held to show what was approved.

John Maxey and Stephanie Grove were present and gave comment.

Mr. Maxey requested that \$500 being used from the Planning Commission budget to FOIA the documents pertaining to the Old Standard Quarry be put back in the Planning Commission budget.

Mr. Boyde stated that no action was needed at this time.

Ms. Grove stated that an Executive Session was needed at this time to give legal advice to possible pending litigation.

Motion by Ms. Morgan to enter into Executive session. Motion seconded by Mr. Manuel.

Motion by Ms. Morgan to return to regular session. Motion seconded by Ms. Widmyer.

Fred Blackmer reported on rules to enter into Executive Session based upon the Ethics Commission.

Stephanie Grove gave comment.

Ed Burns was present and gave comments and read State Code.

Motion by Ms. Morgan to enter into Executive session. Motion seconded by Mr. Surkamp and unanimously approved.

Motion by Mr. Manuel to return to regular session. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to seal the copy of the tape of the Executive Session and to be placed with the Assistant Prosecuting Attorney Stephanie Grove. Motion seconded by Ms. Morgan and unanimously approved.

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

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LYN WIDMYER, COMMISSION PRESIDENT