

## Minutes

### Jefferson County Commission

Thursday, September 30, 2010

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A meeting of the Jefferson County Commission was held on Thursday, September 30, 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, Dale Manuel, Jim Surkamp and Frances Morgan; Tim Boyde, County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of this September 30, 2010 meeting is available through the Jefferson County Commission Office.)

The Meeting was called to order at 9:35 a. m. by Commissioner Widmyer.

#### **PLEDGE OF ALLEGIANCE.**

**PRESENTATION OF PROCLAMATION FOR NEAL D. CARPENTER** presented to his widow, Mrs. Mary Jo Carpenter, in honor of his years of service to Jefferson County.

#### **APPROVAL OF MINUTES.**

Motion by Ms. Noland to approve the minutes of September 23, 2010 as amended, seconded by Mr. Manuel and unanimously approved. (An audio tape of the September 23, 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 \$16, 892.29 being purchase order numbers: 48969, 48862, 48876, 45555, 45556, 48898, 48380, 48877, 48878, 48879, 48880, 48994, and 49975. Motion seconded by Ms. Morgan and unanimously approved.

#### **APPROVAL OF ACCOUNTS PAYABLE**

Motion by Ms. Morgan to approve \$342, 402.68 in accounts payable. Motion seconded by Ms. Noland and unanimously approved.

#### **PUBLIC COMMENT**

Heidi Parker of Charles Town voiced her objections to the water rate hike by Jefferson Utilities, Inc. and requested that the Jefferson County Commission intervene on behalf of the citizens of Jefferson County.

Barbara Gibson of Harpers Ferry commented on the Jefferson County Planning Commission's proposal for rezoning of federal lands.

## **COUNTY ADMINISTRATOR REPORTS**

### **County Administrator Tim Boyde:**

- (1) Presented a plaque received from the 2010 Census Board to the Jefferson County Commission as a Recognition Award for the Commission's excellent work during the 2010 Census.
- (2) Reported two deletions to the agenda: Peter Fricke of the Farmland Protection Board will be placed on next week's agenda for approval of a farmland easement; and, Jennifer Maghan, County Clerk, having nothing to report, was removed from this week's Agenda.
- (3) Reported that the Healthy Lifestyles Return Program will be scheduling two sessions per day on consecutive days to enroll employees. Healthy Lifestyles will also be scheduling a webinar.
- (4) Reported that an agreement was completed between elections and maintenance, as per instructions from the Commissioners at the September 16, 2010 meeting.
- (5) Reported that he met with the consultant for the Commission who is assisting in preparing a plan for the County employees as to procedures for emergencies.
- (6) Reported that, pursuant to the Commissioners request, he sent a letter to the PSD this week requesting documents.

## **COUNTY COMMISSIONER REPORTS**

### **Commissioner Patricia Noland:**

- (1) Reported that on Saturday, September 25, 2010 she attended the grand opening of the Morgan County Courthouse.
- (2) Reported that on September 29, 2010 she attended the Commission-sponsored Roundtable Discussion regarding impact fees as they affect fire companies, emergency services and the Sheriff's Department.
- (3) Reported that she attended a parade committee meeting at the City of Charles Town to discuss ideas for the Christmas parade.

Mr. Manuel commented that the County should have a presence in the parade and Ms. Widmyer suggested asking the County employees if they would like to participate.

### **Commissioner Dale Manuel:**

- (1) Reported that on September 24, 2010 he attended the Jefferson County Council on Aging Recognition of Service Ceremony. He also noted that he and Bill Kline were retired from the Council as of September 30, 2010.
- (2) Reported that on September 25<sup>th</sup> he attended the Parks and Recreation Summit where the idea of a combined municipal and county Parks and Recreation organization was discussed.
- (3) Reported that also on September 25, 2010 he attended the Medication Take Back and did not observe a large amount of participation. Mr. Manuel suggested that perhaps the Medication Take Back should be conducted at the same time as the Electronic Waste and Hazardous Material Recycling for a larger resident turnout.
- (4) Reported that on September 26, 2010 he visited the Arts and Crafts Festival. Mr. Manuel advised that ice cream sales by the Kiwanis was a success.

- (5) Reported that on September 27, 2010 he attended the Building Safety and Security Committee meeting and advised that emergency plans were being developed.
- (6) Reported that on September 29, 2010 he attended the County Commission's Impact Fee Roundtable.

**Commissioner Morgan:**

- (1) Reported that she attended the Jefferson County Planning Committee meeting on Tuesday evening, September 28, 2010.
- (2) Reported that she attended a Workforce Investment Board Meeting in Martinsburg.

**Commissioner Surkamp:**

Commissioner Surkamp had nothing to report.

**Commissioner Lyn Widmyer:**

- (1) Reported that she attended the Parks and Recreation Summit on September 25, 2010.
- (2) Reported that she attended the Building Safety and Security Meeting on September 27, 2010 and advised that the evacuation plans for the County buildings will be done in six months.
- (3) Reported that she attended the Impact Fee Roundtable on September 29, 2010.
- (4) Reported that she met with County staff regarding the 340 corridor study and stated that there is a lot of opportunity in the 340 corridor.

**PRESENTATIONS:**

- (1) **Ed Slonaker of Morgan Financial Group, LLC** - presented the Commission with a quote on Long Term Disability for county employees and explained options.

Motion by Mr. Manuel, seconded by Ms. Noland to take this matter up for discussion in two weeks. Motion defeated 2 – 3 with Commissioners Surkamp, Morgan and Widmyer voting “no.” It was agreed that the issue will be revisited during next year's budget discussion.

**The Commission took a 5-minute break at 10:30 a.m.**

- (2) **Roger Goodwin, Department of Engineering** – requested that the Commission approve a complete release of the remaining \$53,244.00 construction bond amount for Mark D. Zwilsky – Potomac Metals, Inc. (File #S07-04).

Motion by Ms. Noland to approve the complete release of the remaining \$53,244.00 construction bond amount for Mark D. Zwilsky – Potomac Metals, Inc. (File #S07-04). Motion seconded by Ms. Morgan and unanimously approved.

- (3) **Kari Hugel, U.S. Dept. of Commerce** – request to use County Commission Meeting Room for all day testing and interviewing session to fill some vacancies for the position of Field Representative on October 13, 2010 from 9:00 a.m. to 5:00 p.m.

Motion by Ms. Morgan to approve the use of the County Commission Meeting Room by the U.S. Dept. of Commerce for the purpose of all day testing and interviewing to fill some vacancies for the position of Field Representative on October 13, 2010 from 9:00 a.m. to 5:00 p.m. Motion seconded by Ms. Noland and unanimously approved.

- (4) Proclamation – Public Transit Month – October 2010** – Mr. Boyde read a Proclamation to be issued by the Jefferson County Commission proclaiming October 2010 as Public Transit Month.

Motion by Ms. Noland and seconded by Ms. Widmyer to approve the Proclamation designating October 2010 as Public Transit Month.

Ms. Morgan suggested amending the motion and striking the word “wonderful” in the Proclamation. Amended motion unanimously approved.

**The Commission took a 5 minute break.**

- (5) Legal Update: Jefferson Utilities, Inc. (JUI) Rate Increase Case No. 10-1329-W-42T**

**Chris Cody, Jefferson County resident and member of Citizens for Fair Water** commented on the proposed water rate hike by JUI and presented documentation to substantiate the concerns. On behalf of Citizens for Fair Water he requested that attorney James Casimiro remain in the case on behalf of the citizens of Jefferson County.

James Casimiro and Ralph Lorenzetti reported the status of the litigation to the Commissioners and residents in attendance. Mr. Casimiro stated that the old case had been closed, however, there was a new case which incorporated much of the issues in the old case. After discussion, it was agreed that the Jefferson County Commission would intervene in the new case and that would be accomplished by Mr. Casimiro who would remain as legal counsel on behalf of the Commission.

Motion by Ms. Morgan to approve the intervention of the Jefferson County Commission in Case #10-1329-W-42T and that James Casimiro, Esq. be designated as lead counsel in the case. Mr. Surkamp seconded the motion and unanimously approved.

Mr. Manuel moved that the County Commission send a formal request to the PSC requesting that a public hearing be held in Jefferson County, West Virginia. Ms. Morgan seconded the motion and unanimously approved.

Motion by Mr. Manuel that the Jefferson County Commission send letters to our delegation in Charleston asking for support in the Commission’s request to have the PSC schedule a public hearing in Jefferson County, West Virginia. Motion seconded by Mr. Surkamp and unanimously approved.

Ms. Widmyer suggested sending a letter to the WV Development Authority inquiring as to what its position is with regard to the water utilities. Unanimous consent was given.

**Legal Update: Lawsuit filed against Commission by former County employee** – Ralph Lorenzetti and Mr. Boyde reported that copies have been sent to both liability insurance companies and it is likely that the Commission will be represented by one of these companies in this litigation.

**Legal Update by Stephanie Grove** – Ms. Grove reported that she met with Parks and Recreation on Wednesday evening, September 29, 2010, and the department has reinstated Jennifer Myers. Ms. Myers will be in charge of the department until a new Director can be hired.

- (6) **Charlotte Hernandez-Velez, IT Specialist** – presented the Commission with IT Blue Ribbon Panel By-Laws, First Report to Commission and list of perspective panel members. The Commissioners suggested some minor changes to the By-Laws and a change of name.

Motion by Mr. Surkamp to approve the submitted documents with comments noted and change the name of the panel to “IT Advisory Committee.” Motion seconded by Ms. Noland and unanimously approved.

- (7) **Mark Schiavone, Director of Capital Planning and Management** – requested approval of network assessment contractor Global Data Consultants to provide an Information Technology Assessment for Jefferson County.

Motion by Ms. Morgan to approve the request for approval of network assessment contractor Global Data Consultants to provide an Information Technology Assessment for Jefferson County pending approval and signature of Commission legal counsel, Stephanie Grove. Motion seconded by Ms. Widmyer and unanimously approved.

Mr. Schiavone requested the Commission to approve Budget Revision 004 to the General Fund.

Motion by Mr. Manuel to approve Budget Revision 004 to the General Fund. Motion seconded by Ms. Noland and approved 4 – 1. Mr. Surkamp voted “no.”

Mr. Schiavone requested approval to release \$15,648.67 from Department 428 (Data Processing) to purchase one year IBM maintenance on the iSeries computer.

Motion by Ms. Noland to approve release of \$15,648.67 from Department 428 (Data Processing) to purchase one year IBM maintenance on the iSeries computer. Motion seconded by Ms. Morgan and unanimously approved.

- (8) **Jennifer Brockman, Director Planning & Zoning Department** – requested that the Commission schedule a public hearing regarding the Planning Commission’s Petition to Rezone Certain Federal Lands.

Commissioners agreed to tentatively schedule a public hearing on November 18, 2010 beginning at 7:00 p.m. in the County Commission Meeting Room.

Jennifer Brockman requested that the Commission schedule a joint meeting of the Planning Commission and the County Commission regarding the Vision Statement for the Blue Ridge Mountain Communities Watershed Project.

Commission agreed to schedule a joint meeting on December 7, 2010 beginning at 7:00 p.m. to be held on the mountain, weather permitting. Exact location to be determined.

**Commission broke for lunch until 1:30 p.m.**

- (9) **Tim Boyde – Employee Handbook and Personnel Policies**

Mr. Boyde offered a brief overview of the draft of the Employee Handbook and Personnel Policies. Commissioners reviewed pages 1 through 14 of the Employee Handbook, suggesting revisions. Review will be ongoing during the course of upcoming Commission meetings.

- (10) **Budget Work Session**

Mark Schiavone opened the session with a summary of budget decisions to date.

Mr. Manuel made a motion to take \$500,000.00 of the \$970,056.00 remaining in the budget and move it into the Contingency Fund immediately. Ms. Noland seconded the motion and unanimously approved.

Ms. Widmyer suggested funding the following:

JCDA Revolving Fund Proposal	\$125,000.00
Recycling Event WAC	50,000.00
Claymont Society	30,000.00
Summit Point Library	10,000.00
Blue Ridge Community Center	2,500.00
US 340 Grant	5,000.00
AHA Request	15,000.00
PATH litigation	<u>32,000.00</u>
<b>TOTAL</b>	<b>\$269,500.00</b>

Motion by Ms. Morgan to approve Ms. Widmyer’s list for funding in the amount of 269,500.00 and add \$35,000.00 to the Water Advisory Committee for their water budget study in conjunction with Shepherd University, bringing the total funding to **\$304, 500.00.**

Mr. Surkamp moved to amend the motion on the floor to increase the funding to AHA from \$15,000.00 to \$18,000.00, bringing the total funds allocated to **\$307,500.00**, and direct that the additional \$3,000.00 be used to help fund its Youth Program. Ms. Noland seconded the amended motion and unanimously approved.

Roger Ethier of the Water Advisory Committee spoke about the water study.

Paul Pritchard, President of AHA, spoke about AHA's Youth Program.

Motion by Mr. Manuel that \$100,000.00 be deducted from the budget fund and placed in the Capital Building Fund, bringing the total in the Capital Building Fund up to \$275,000.00. Ms. Morgan seconded the motion and unanimously approved.

Ms. Widmyer moved that \$250,000.00 from the Capital Building Fund be allocated to fund the installation of an elevator in the Mason Building. Ms. Noland seconded the motion and unanimously approved.

#### **Consideration of Previously Submitted Personnel Related Requests:**

- a. Todd Fagan** – request to approve position reclassification in GIS office.

Motion by Mr. Surkamp to approve the position reclassification in the GIS office. Motion seconded by Ms. Noland and unanimously approved.

- b. Ralph Lorenzetti, Prosecuting Attorney** – request for additional prosecutor and an upgrade in salary for receptionist.

Motion by Mr. Manuel to approve Mr. Lorenzetti's request to hire an additional prosecutor and fund a starting salary of \$55,000.00 to \$60,000.00 from the Prosecuting Attorney's budget. Motion seconded by Ms. Noland and approved 4 – 1. Mr. Surkamp voted "no."

The Commission agreed to hold over until next week's meeting any discussion or decision on an salary upgrade for the Prosecuting Attorney's receptionist, when they will consider all personnel requests at the same time.

- c. Angie Banks, Assessor** – request for additional funds

The Commissioners agreed to hold over Ms. Banks' request for additional funds until next week's meeting.

- **Tim Boyde** – request to expand vacant part-time position in Commission office to full time and post.

Motion by Mr. Surkamp to approve the expansion of the vacant part-time position in the County Commission Office to full time and post. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to adjourn the meeting. Second by Ms. Widmyer and the meeting was adjourned.

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

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LYN WIDMYER, PRESIDENT