

Minutes

Jefferson County Commission

Thursday, October 14, 2010

A meeting of the Jefferson County Commission was held on Thursday, October 14, 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 October 14, 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.

Motion by Ms. Noland to approve the minutes of October 7, 2010 as presented. Motion seconded by Ms. Morgan and unanimously approved. (An audio tape of the October 7, 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 \$8,233.83 being purchase order numbers: 49017, 48651, 48653, 48972, 48975, 48381, 49014, 49015, 49016, 49018, 48630, 48631, 48632, 49020. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve \$255,062.67 in accounts payable. Motion seconded by Mr. Manuel and unanimously approved.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

- (1) Reported that IT is experiencing difficulties with the live broadcast of the meeting today, but that notices were sent out to the public in advance citing the problem and requesting their patience.
- (2) Reported that Angela Banks, Assessor, had nothing to report and has been removed from today's Agenda.
- (3) Reported on the prescription drug program and how it works. Stated that the program has been well received by Jefferson County residents.

COUNTY COMMISSION REPORTS

Commissioner Frances Morgan:

- (1) Reported that she attended Middleway Days on Saturday, October 9, 2010.
- (2) Reported that she also attended the NAACP Freedom Fund Banquet on Saturday evening, October 9, 2010.
- (3) Reported that she attended the Candidate Forum in Bolivar on Sunday, October 10, 2010.
- (4) Reported that she attended the “goodbye” party for Roger Eitelman (PATH) on Sunday evening, October 10, 2010.
- (5) Reported that she attended the dedication of the South Jefferson Elementary School addition on Monday, October 11, 2010.
- (6) Reported that in the evening of October 11, 2010 she attended a meeting of the Farmland Protection Board. Ms. Morgan was named Secretary of the Board.
- (7) Reported that she attended a Planning Commission Meeting on Tuesday evening, October 12, 2010.
- (8) Reported that she attended the Potomac Street Celebration in Harpers Ferry on Wednesday, October 13, 2010.

Commissioner Jim Surkamp:

- (1) Reported that he attended the NAACP Freedom Fund Banquet on Saturday, October 9, 2010.

Commissioner Dale Manuel:

- (1) Reported that he attended the annual NAACP Freedom Fund Banquet at Shepherd University on Saturday, October 9, 2010. Mr. Manuel stated that it was well attended with an inspiring message on “soaring words.”
- (2) Reported that he attended Middleway Days on Saturday, October 9, 2010. He reported that there was lots of good food and fun.
- (3) Reported that on Sunday, October 10, 2010 he attended an Open House at the Citizens Fire Company, which gave him an opportunity to meet the County’s committed firefighters.
- (4) Reported that on Monday, October 11, 2010 he attended the dedication of the addition to South Jefferson Elementary School. Mr. Manuel stated that the student speakers were exemplary.
- (5) Reported that on Tuesday, October 12, 2010 he attended a meeting of the Homeless Coalition. He reported that through efforts of the churches and an outpouring of volunteers, the Coalition will be able to provide cold weather shelters for many of the homeless this year.
- (6) Reported that he attended the Potomac Street Celebration in Harpers Ferry on Wednesday, October 13, 2010. He reported that the event was well attended and county and State allocations were recognized.

Commissioner Patricia Noland:

Ms. Noland had nothing new to report this week.

Commissioner Lyn Widmyer:

- (1) Reported that she attended Middleway Days on Saturday, October 9, 2010.
- (2) Reported that she attended the Citizens Fire Company Open House on Sunday, October 10, 2010.

- (3) Reported that she attended a meeting of the Canal Towns Initiative. She explained that Canal Towns is a coalition of towns along the C&O canal that are working to attract more tourism and to energize their communities. Harpers Ferry and Shepherdstown are involved in West Virginia and Hancock, Williamsport, Brunswick, Sharpsburg and Point of Rocks in Maryland. There is a grant for the National Park Service to put together a program.
- (4) Reported that she attended a meeting of the NAACP where the topic was the school levy. There was great concern that the levy will not pass.

Ms. Morgan inquired if it would be helpful for the County Commission issued a Resolution supporting the levy. There was unanimous consent to place a Resolution on next week's agenda.

Ms. Widmyer suggested that the Commission needed to do a photo op, with the Commissioners holding a "Vote Yes to the Levy" sign.

- (5) Ms. Widmyer suggested that this would be an appropriate time to go over upcoming Commission meeting dates. Following discussion it was unanimously agreed as follows:

The Commission will hold its regular meeting on November 4, 2010, conduct canvass of votes from the November 2, 2010 election on November 8, 2010 and hold a regular meeting on November 18, 2010.

By unanimous consent, the Commission will not meet on November 11, 2010 or November 25, 2010.

In December 2010 the Commission will hold regular meetings on December 2, 7, 9 and 16, 2010. Commission will not meet on December 23, 2010 and December 30, 2010.

PRESENTATIONS:

- (1) **Letter and Memorandum of Understanding of U.S. Customs and Border Patrol for review and signature re: Emergency Landing of Aircraft.**

Mr. Boyde explained the terms of the Memorandum of Understanding and, following discussion, Mr. Manuel made a motion to approve the Memorandum of Understanding regarding landing emergency aircraft with the understanding that the U.S. Customs and Border Patrol will notify the surrounding property owners that this will be occurring. Ms. Noland seconded the motion and it was unanimously approved.

- (2) **Extension Office Copier Maintenance Renewal.**

Ms. Noland made a motion to approve \$2,800.00 to renew the maintenance agreement on the Extension Office copier, with the money to be taken from the coal severance fund. Mr. Manuel seconded the motion and it was unanimously approved.

(3) Update to Stormwater Management Pond at Windmill Crossing.

Roger Goodwin, Chief Engineer, provided an update on the status of the plans for the management of the stormwater ponds at Windmill Crossing. Mr. Goodwin advised that the ponds are not currently adequate. Ms. Widmyer had previously voiced her concerns to the City of Charles Town. Ms. Widmyer suggested that (1) the Planning Commission work out the ownership of the ponds with the City of Charles Town, (2) execute a Memorandum of Understanding with the City of Charles Town, and (3) request that the City forward copies of plans to the Planning Commission for review where City and County lands adjoin.

Attorney Peter Chakmakian answered questions from the Commissioners regarding responsibility for maintaining the stormwater management facilities.

Mr. Goodwin also offered updates on the Westridge Hills project, the water budget study, and the Chapel View Subdivision issues.

Stephanie Grove: offered her legal opinion on jurisdiction.

The Commission directed Mr. Boyde to handle (1) getting an agreement with the City of Charles Town that they will send copies of plans to the County Planning Commission for review when City and County properties adjoin and, the County will forward its plans to the City, (2) ascertain the relationship of the capacity of the stormwater management ponds in the County to the proposed development by the City, and (3) determine who is going to pay for upkeep and maintenance.

These tasks should be set down in writing with a timeline and the name(s) of the person(s) responsible for handling each task. Notify the Homeowners' Association and Windmill Crossing merchants that these discussions are being held.

(4) Stephanie Grove – Legal Update:

- (1) Reported that she is working with the Sheriff regarding a West Virginia Human Rights Violation that allegedly occurred a year ago.
- (2) Reported that she has been working on contract issues with Brad Stevens, attorney for PATH.
- (3) Reported that she spoke with attorney Ray Byrd and advised him that he would be placed on the October 21, 2010 agenda for the Commission meeting. Ms. Grove will email to the Commissioners the order that Mr. Byrd submitted. Mr. DeJarnett did not submit an order.

The Commission took a 5 minute break at 11:00 a.m.

(5) Legislative Issues – Patricia Noland:

Ms. Noland reported that she will be sending a letter to the Berkeley County Commission explaining that the Jefferson County Commissioners will not be able to participate in the Berkeley County Summit on Tuesday, November 16, 2010.

Ms. Noland reminded the Commission that Earl Ray Tomblin, WV State Senate President and Lieutenant Governor, will be making a presentation on the Potomac Street project at Harpers Ferry City Hall on Friday, October 15, 2010 at 5:00 p.m.

Ms. Widmyer added that Senator Herb Snyder will be here in November to update the Commission on the Chesapeake Bay Initiative. He/she will have some good things to report.

(6) Approval of Resolution for the Community Participation Grant Program Funds in the amount of \$4,500.00. – Fisherman’s Hall.

Motion by Mr. Surkamp to approve the Resolution for the Community Participation Grant program for Fisherman’s Hall in the amount of \$4,500.00 and to authorize the president to affix her signature on the Resolution. Motion seconded by Mr. Manuel and unanimously approved.

JEFFERSON COUNTY COMMISSION

CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 14th day of October, 2010 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Lyn Widmyer, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and to act as the administrator of grant funds pursuant to provisions of the Community Participation Program in the amount of \$4,500. The funds from this

project will be used for the preservation and rehabilitation of the Fisherman's Hall.

Dated: _____

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

Motion by Mr. Manuel to approve the Resolution for the Community Participation Grant program for Star Lodge/Locke House in the amount of \$500.00 and to authorize the president to affix her signature on the Resolution. Motion seconded by Mr. Surkamp and unanimously approved.

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Dated: _____

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

Motion by Mr. Manuel to approve the Resolution for the Community Participation Grant program for Star Lodge/Locke House in the amount of \$2,000.00 and to authorize the president to affix her signature on the Resolution. Motion seconded by Ms. Morgan and unanimously approved.

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CHARLES TOWN, WV

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Dated: _____

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

Motion by Ms. Noland to approve the Resolution for the Community Participation Grant program for the Webb/Blessings House for the Jefferson County Black History Society in the amount of \$5,000.00 and to authorize the president to affix her signature on the Resolution. Motion seconded by Mr. Manuel and unanimously approved.

JEFFERSON COUNTY COMMISSION

CHARLES TOWN, WV

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Dated: _____

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

(7) Tim Boyde, County Administrator presented proposed employee policies regarding Hours of Work, Compensatory Time and Supervisory Responsibilities.

The Commissioners reviewed the proposed policies along with Mr. Boyde. No action was taken at this time.

Judy Matlick, coordinator of the County Extension Service inquired as to if the Extension Office would be able to keep the hours they now work of 8:30 a.m. to 4:30 a.m.

(8) Executive Session Tim Boyde – Employee Evaluation – (§6-9A-4).

Motion by Ms. Noland to go into Executive Session for a personnel evaluation. Motion seconded by Ms. Morgan and unanimously approved.

The Commission went into Executive Session and adjourned at the conclusion of the session.

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

LYN WIDMYER, PRESIDENT