

Minutes
Jefferson County Commission
Thursday, November 18, 2010

A meeting of the Jefferson County Commission was held on Thursday, November 18, 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 November 18, 2010 meeting is available through the Jefferson County Commission Office.)

The Meeting was called to order at 12:00 p.m. by Commissioner Widmyer.

PLEDGE OF ALLEGIANCE.

Due to the lateness of the hour, Ms. Widmyer inquired of Jim Taylor from Briggs Animal Adoption Center if he would care to reschedule his presentation for another day. Mr. Taylor agreed to reschedule and will do so after the first of the year.

PRESENTATIONS:

- 1, **Lynn Fields of the Probate Office** presented for Commission approval attorney Mary Binns-Davis Petition of Mary Binns-Davis to Resign as Administratrix of the Estate of William E. Farrell, Deceased and Appointment of Mrs. Farrell as Administratrix of the Estate.

Mr. Surkamp made a motion to approve the Petition and resignation of attorney Mary Binns-Davis as Administratrix of the Estate of William F. Farrell, Deceased. Motion was seconded by Mr. Manuel and unanimously approved. (See Order, page 2.)

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE:

THE ESTATE OF WILLIAM E. FARRELL

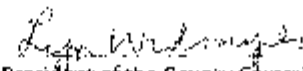
ORDER TO RESIGN AS FIDUCIARY

COMES NOW the Petitioner, Mary Binns-Davis, Administratrix of the Estate of William E. Farrell and pursuant to West Virginia Code §44-3-7, hereby files her Petition to Resign as Fiduciary. In support of her Petition, the Petitioner states as follows:

1. On March 17, 2010, the Petitioner was qualified as the Administratrix of the Estate of William E. Farrell.
2. Margaret Farrell, the deceased spouse, is the only individual, so far known by the Petitioner, to have an interest in the estate of the Petitioner's hands or under the Petitioner's control, and to which the Petitioner's duties to as such fiduciary relate.
3. None of the individuals so far know to have an interest in the estate of the Petitioner are under disability; however, Margaret Farrell is a non-resident of the State of West Virginia with a residence address of 10505 Cedarville Road, Brandywine, Maryland.
4. That the Appraisal of the Estate has been filed in the Jefferson County Probate Office.
5. That the Petitioner desires to resign as Fiduciary of the estate of William E. Farrell.
6. That the probate assets consists almost entirely of the proceeds of a lawsuit.
7. That the attorney handling the lawsuit for Margaret Farrell and Margaret Farrell desire to take over the Administration of the estate in the Petitioner's hands to maximize recovery for Margaret Farrell and avoid time delay associated with having another lawyer sign necessary releases.
8. That the Estate of William E. Farrell will suffer no prejudice or loss if the Petitioner resigns and Margaret Farrell is appointed as the Administratrix of the Estate of William E. Farrell.
9. That Petitioner is unaware of any reason why Margaret Farrell would be unable to qualify as Administratrix.

WHEREFORE the Petitioner respectfully requests that she be permitted to resign as fiduciary in the Estate of William E. Farrell.

ENTERED this 18 day of November, 2010.


President of the County Commission

(1)(a) The matter of the Petition for Removal of Executor, Mickey D. Duncan, from the Administration of the Estate of Francis D. Duncan, for an accounting, and for the

appointment of Patricia Mauck, Diane Pulse, and Gale Hill as Co-Administratrixes CTA was postponed at Mickey Duncan’s request.

(1)(b) Substituted in the place of Duncan was attorney David Camilletti’s motion for extension of time to file an elective share in the matter of Sallie Shepherd Spalding. The Commission will hear this matter in the afternoon session.

2. **Legal Update – Stephanie Grove, Assistant Prosecuting Attorney** requested an Executive Session to discuss issues associated with the PATH litigation.

Mr. Surkamp made a motion that the Commission commence an Executive Session to discuss issues associated with the PATH litigation. Motion seconded by Mr. Morgan and unanimously approved.

The Commission reconvened at 2:00 p.m. No action was taken during the Executive Session.

3. **Angela Banks, Assessor** requested approval for exoneration and apportionments:

Request exoneration for Margaret M. Drennen, MMD, LLC, in the amount of \$2,271.60, Ticket No. 28203. Part of land should have received Farm Use Valuation.

Motion by Ms. Morgan to approve exoneration of \$2,271.60 for Margaret M. Drennen, MMD, LLC for Ticket No. 28203. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
Margaret M. Drennen, MMD, LLC	Shepherdstown	Real Estate	28203	\$2,271.60

NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Request approval of 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 \$186.54, Ticket No. 304920, for the following:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Ashley N. White	Wife	\$8,400.00	\$180.10
Rusty A. White	Husband	\$ 300.00	\$ 6.44
TOTAL TAXES DUE:			\$ 186.54

Motion by Ms. Noland to approve the apportionment of jointly owned motor vehicles, Ticket No. 304920, in the amount of \$186.54. Motion seconded by Mr. Manuel and unanimously approved.

NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Request approval of 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 \$113.30, Ticket No. 304876, for the following:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Ashley N. White	Wife	\$4,800.00	\$106.64
Rusty A. White	Husband	\$ 300.00	\$ 6.66
TOTAL TAXES DUE:			\$ 113.30

Motion by Ms. Morgan to approve the apportionment of jointly owned motor vehicles, Ticket No. 304876, in the amount of \$113.30. Motion seconded by Ms. Noland and unanimously approved.

4. **Jennifer Maghan, County Clerk** - request approval to hire Marissa Curry of Harpers Ferry Job Corps as a paid intern at a pay rate of \$8.00 per hour through the month of December, 2010. Ms. Maghan informed the Commission that the money for Ms. Curry’s salary had been budgeted previously.

Motion by Mr. Surkamp to approve the hiring of Marissa Curry of Harpers Ferry Job Corps as a paid intern in the County Clerk’s Office at a pay rate of \$8.00 per hour through the month of December, 2010 and to utilize the funds for her salary previously budgeted by the County Clerk for employment purposes. Motion seconded by Ms. Noland and unanimously approved.

5. Tim Boyde advised the Commission that two candidates had applied for the position on the Water Advisory Committee. Mr. William Nowell introduced himself to the Commission and spoke about his qualifications to be on the Committee.

Mr. Surkamp nominated Mr. Nowell to fill the position on the Water Advisory Committee. Motion was seconded by Ms. Noland and unanimously approved.

The second candidate, Mary Sell, was not able to attend the meeting and her resume was not received in readable condition. Ms. Sell will be sent a letter advising her of the Commission’s choice and suggesting that she may wish to reapply in January, 2011, when there will be three more openings on WAC.

A brief discussion followed regarding revitalizing the Building Committee and readvertising the vacant position on the Building Committee.

- (5)(a) Mr. Boyde informed the Commission that the Jefferson Center is concerned that it cannot comply with Commission requirements to obtain funds allocated by the

Commission because it is new and does not yet possess the required documents and paperwork. Because the Center is new it is in need of the funds up front.

Motion by Mr. Manuel that upon receipt by the Jefferson County Commission of a letter from the Jefferson Center describing how the allocated funds will be used, the Jefferson County Commission will release the funds to the Jefferson Center. Motion seconded by Ms. Noland and unanimously approved.

6. **Roger Goodwin, County Engineer** – presented Hospice of the Panhandle’s request for waiver of permit fees in the amount of \$10,122.76 for two buildings to be constructed in Shepherdstown, WV.

Motion by Ms. Noland to approve a full waiver of Hospice of the Panhandle’s permit fees in the amount of \$10,122.76 for two buildings to be constructed in Shepherdstown, WV. Motion seconded by Ms. Morgan and unanimously approved./

- (6)(a) Request for complete bond release of \$15,909.00 on the SPARC Training Building #1.

Motion by Mr. Manuel to approve the complete bond release on the SPARC Training Building #1 in the amount of \$15, 909.00. Seconded by Ms. Noland and unanimously approved.

7. **Kirk Davis of Capital Planning and Management** initiated a discussion on the possible purchase of the Cement Mill Property to be held in trust prior to transfer to the National Park Service. Discussion was for informational purposes only. No action was taken.
8. Discussion and action on the request by **Mark Schiavone** for approval of Revision 002 to the Coal Severance Fund (Fund 002) and draft Resolution was postponed until the meeting on Thursday December 2, 2010.
9. The motion by attorney David Camilletti for extension of time to file elective share in the Sallie Shepherd Spaulding probate matter was revisited by the Commission.

Ms. Morgan made a motion to approve a 90-day extension of Mr. Camilletti’s request for an extension to file an elective share in the Sallie Shepherd Spaulding matter. Motion was seconded by Mr. Surkamp and unanimously approved.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the minutes of the November 4, 2010 meeting as amended. Motion seconded by Ms. Noland and unanimously approved. (An audio tape of the November 4, 2010 meeting is available through the Jefferson County Commission Office.)

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$37,677.95 being purchase order numbers: 44124, 48657, 48661, 48984, 48985, 48987, 48988, 48989, 48990, 48992, 49079, 49090, 49097, 48531, 49069, 49072, 4907549076, 49077, 48640, 48641, 48642. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve \$384,919.30 in accounts payable. Motion seconded by Mr. Surkamp and unanimously approved.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

- (1) In place of the afternoon work session, at the December 2, 2010 meeting Troy Truax of the Delta Development Group, Inc. will present a proposal for Jefferson County Emergency Services' 5-Year Strategic Plan.
- (2) All new and approved policies have been distributed to Department Heads and elected officials.
- (3) Currently in the process of budget review.
- (4) Met with Chuck Penn of Dominion Electric.
- (5) Attended an Economic Development Authority Board meeting with County Commissioner and employees.

Commissioner Frances Morgan:

- (1) Attended the Heritage event at the Clarion Hotel in Shepherdstown.
- (2) Attended the Day Report Center meeting on November 10, 2010.
- (3) Attended the Planning Commission meeting.
- (4) Attended the Board of Health meeting on November 12, 2010.

Commissioner Jim Surkamp:

- (1) Attended the State Racing Committee meeting.

Commissioner Patricia Noland:

- (1) Attended the United Way Art of the Grapes Reception at the Hollywood Casino.
- (2) Attended a meeting at the Board of Education Office.
- (3) Attended a meeting at the Jefferson County Council on Aging.

Commissioner Dale Manuel:

- (1) Attended the Farmers' Year Round Market meeting on November 4, 2010.
- (2) Participated in the Election Canvass on November 8, 2010.
- (3) Participated in Election Canvass and Special Commission meeting on November 9, 2010.
- (4) Attended a meeting at the Rotary Club regarding the Christmas for Charities dinner.
- (5) Attended the Leadership Jefferson Lunch on November 10, 2010.
- (6) Attended the Certification of Election Results on November 12, 2010.
- (7) Attended the United Way Art of the Grapes Reception at the Hollywood Casino.
- (8) Attended a Steering Committee Meeting on November 16, 2010, Jefferson County Day at the Legislature.
- (9) Attended an EPTA meeting on November 16, 2010.
- (10) Attended an Emergency Services Agency meeting on November 16, 2010.
- (11) Attended a Home Consortium meeting on November 17, 2010.
- (12) Attended a Parks & Rec meeting on November 17, 2010.

Commissioner Lyn Widmyer:

- (1) Attended a Planning Committee meeting regarding rezoning of federal lands along the US 340 corridor and explained the County Commission's positions on hearings and schedules.
- (2) Attended the State Racing Commission meeting.
- (3) Attended the Board of Community Ministries meeting.

Ms. Noland moved to adjourn the meeting and the meeting was adjourned at 3:15 p.m.

Upon rising the Commission recessed until Thursday morning December 2, 2010, beginning at 9:30 o'clock a.m.

LYN WIDMYER, PRESIDENT

