

## **Minutes**

### **Jefferson County Commission**

**Thursday, December 9, 2010**

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A meeting of the Jefferson County Commission was held on Thursday, December 9, 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 December 9, 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**

Following the Pledge of Allegiance the Commissioners, staff and members of the public observed a moment of silence for Terry Marcus, a beloved member of the community who recently passed on.

#### **APPROVAL OF MINUTES**

Motion by Mr. Manuel to approve the minutes of the election canvass of November 8, 2010 as amended. Motion seconded by Ms. Noland and unanimously approved. Ms. Morgan abstained from voting as she was not present. (An audio tape of the November 8, 2010 election canvass is available through the Jefferson County Commission Office.)

Motion by Ms. Noland to approve the minutes of the election canvass of November 9, 2010 as amended. Motion seconded by Ms. Morgan and unanimously approved. (An audio tape of the November 9, 2010 election canvass is available through the Jefferson County Commission Office.)

Motion by Mr. Manuel to approve the minutes as presented of the November 12, 2010 ballot certification from the general election held on November 2, 2010. Motion seconded by Ms. Noland and unanimously approved. Ms. Widmyer abstained from voting as she was not present. (An audio tape of the November 12, 2010 ballot certification is available through the Jefferson County Commission Office.)

Motion by Ms. Noland to approve the minutes of the December 2, 2010 meeting as amended. Motion seconded by Ms. Morgan and unanimously approved. (An audio tape of the December 2, 2010 meeting is available through the Jefferson County Commission Office.)

#### **APPROVAL OF PURCHASE ORDERS**

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$15,065.01 being purchase order numbers: 49139, 49142, 49091, 48532, 49052, 49172, 49173, 49174, 49175, 49177, 49120, 49121, 49122, 49123, 49125, 49126, 49127, 49176, 48533. Motion seconded by Mr. Manuel and unanimously approved.

## **APPROVAL OF ACCOUNTS PAYABLE**

Motion by Ms. Morgan to approve \$220,117.72 in accounts payable. Motion seconded by Mr. Surkamp and unanimously approved.

## **PUBLIC COMMENT**

**David Hammer, Esquire** notified the Commission that Thorn Hill, LLC had been administratively dissolved on February 1, 2010.

**Richard Deal** introduced himself as a candidate for a position on the IT Committee and described his qualifications to the Commission. He advised that his wife, Yocencia, is also applying for a position but could not attend the meeting.

## **COUNTY ADMINISTRATOR REPORTS**

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

1. Reported that he received a letter from the West Virginia Insurance Commission regarding a Health Insurance Exchange Program which offers a cost savings by pooling employers. Mr. Boyde and Mr. Manuel will attend a meeting on January 6, 2011.
2. Reported that the Commission received correspondence from Janet Bailey regarding a HOA noise ordinance. Mr. Boyde responded to Ms. Bailey and shared both pieces of correspondence with the Commission. He suggested that Sheriff Shirley meet with the Commission to ascertain what action could be taken. The Commissioners suggested that, along with Sheriff Shirley, a representative of the HOA and Ms. Bailey should also be included in the discussion.
3. Reported that he received correspondence regarding the Shepherdstown Battlefield Park from the attorney representing Mr. Blount and that the matter would be discussed in the future.
4. Mr. Boyde reported that intern Justin Degenars received an award from Job Corps. for "Student of the Year." On behalf of the Jefferson County Commission Mr. Boyde presented Mr. Degenars with a Certificate of Appreciation for his exemplary work with the Jefferson County IT Department. Ms. Widmyer directed staff to send a letter to Job Corps. expressing the Commission's appreciation for the good work of the interns.

## **COUNTY COMMISSION REPORTS**

### **Commissioner Patricia Noland:**

1. Reported on the Extension Service Committee meeting that she attended.
2. Reported on the Legislative Roundtable at The Woods Resort that she attended.

**Commissioner Dale Manuel:**

1. Reported on the Blue Ridge Mountain Common Vision meeting that he attended.
2. Reported on his meeting with Fire and Rescue President Fletcher and Department Heads
3. Reminder that the Kiwanas' Toy Reception is this evening at 6:30 p.m. at the Parish House.

**Commissioner Frances Morgan:**

1. Reported on the Legislative Roundtable at The Woods Resort that she attended.
2. Reported that she walked with the anti-PATH group in the Christmas Parade.
3. Reported on the Farmland Protection Board meeting that she attended.

**Commissioner James Surkamp:**

1. Reported on the Blue Ridge Mountain Common Vision meeting that he attended.

Mr. Surkamp informed the Commission that after the expiration of his term at the end of this year he plans to work on a Civil War Diary on the internet. He also advised that, in his capacity as a private citizen, he would like to be considered as a candidate for a position on the IT Advisory Committee.

**Commissioner Lyn Widmyer:**

1. Reported on the Region 9 Full Council Meeting she attended.
2. Reported on the Public Service District meeting that she attended.
3. Reported on the briefing she attended with the State Stormwater Control Coordinator.
4. Reported on the Blue Ridge Mountain Common Vision meeting that she attended .
5. Ms. Widmyer informed the Commission that the Old Standard Quarry, LLC's charter was revoked by the State of West Virginia on November 1, 2010. She directed legal staff to research the implications of the revocation on future Commission decisions.

**PRESENTATIONS:**

1. Presentation by Commission of honorary plaque and Proclamation in recognition of 50 years of service by the Emergency Communications – 911 Department. Award accepted by Jeffrey Polczynski, Director of Emergency Communications.

Motion by Ms. Noland to approve the Proclamation of Recognition of the Emergency Communications – 911 Department for 50 years of service. Motion seconded by Mr. Surkamp and unanimously approved.

2. **Angela Banks, Assessor** requested approval for the following two exonerations:
  - (a) Charles K. Nicewarner, in the amount of \$387.18, Ticket No. 7665. Real estate was assessed in the wrong owner's name and consequently assessed in the wrong class. Should have been class 2.

Motion by Mr. Manuel to approve exoneration of \$387.18 for Charles K. Nicewarner, Ticket No. 7665. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
Charles K. Nicewarner	CTC	Real Estate	7665	\$387.18

- (b) David D. Hill, in the amount of \$262.16, Ticket No. 311893. 2008 Buick Lucerne was double assessed

Motion by Ms. Morgan to approve exoneration of \$262.16 for David D. Hill, Ticket No. 311893. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
David D. Hill	Middleway	Personal Property	311893	\$262.16

3. **Stephanie Grove, Assistant Prosecuting Attorney** provided an update of pending legal matters.
4. **Lynn Fields, Probate Office**, requested that the Commission appoint Henry W. Morrow, Jr. as Guardian ad Litem of the Estate of Mildred Olga Valentine and to set a date to hear the petition to probate in solemn form the Last Will and Testament of Mildred Olga Valentine.

Motion by Mr. Manuel to appoint Henry W. Morrow, Jr. as Guardian ad Litem for the Estate of Mildred Olga Valentine and to set a date to hear the petition to probate in solemn form the Last Will and Testament of Mildred Olga Valentine. Motion seconded by Ms. Noland and unanimously approved.

5. Request to approve employment for Animal Control Officer at an annual salary of \$29,286.46 starting December 27, 2010. Commission advised that money for the salary is already in the budget.
6. Motion by Ms. Noland to defer this item until the afternoon session pending the Commission's receipt of documentation regarding the proposed employee. Motion seconded by Mr. Manuel and unanimously approved.
7. Request to approve the employment of Brandon Potts as a full-time Safety Dispatcher, Grade III, Step A, for the 911 Center.

Motion by Mr. Manuel to approve the employment of Brandon Potts as a full-time Safety Dispatcher, Grade II, Step A, for the 911 Center. Motion seconded by Mr. Noland and unanimously approved.

8. **West Virginia Association of Counties (WVACO)** requested County Commissions to send letters to legislators opposing Senate Bill 3194, the Public Safety Employer-Employee Cooperation Act. The Commission opted to take no action.
9. Request by **Roger Ritchie, Jr., Esquire** to use the Commission Meeting Room on December 21, 2010 for a free social security seminar. Mr. Ritchie's law firm is not a 501(c) organization and is not sponsoring the seminar on behalf of any charitable organization.

Mr. Boyde recommended advising Mr. Ritchie to direct his request to the Charles Town Library and allow the library to check on the availability of the meeting room and thus eliminate the appearance of sponsorship by the Jefferson County Commission.

Motion by Ms. Widmyer to deny Mr. Ritchie's request but record Mr. Boyde's recommendation. Motion was withdrawn.

Motion to deny Mr. Ritchie's request by Ms. Noland. Motion seconded by Ms. Widmyer and unanimously approved.

10. **Jennifer S. Maghan, County Clerk** requested an Executive Session to discuss a personnel matter.

Motion by Ms. Morgan that the Commission enter into an Executive Session pursuant to Ms. Maghan's request to discuss a personnel matter. Motion seconded by Mr. Manuel and unanimously approved.

**The Commission entered into an Executive Session at 11:07 a.m.**

**The Commission ended the Executive Session at 11:15 a.m. and took a 5-minute break.**

#### 11. **IT Advisory Committee Interviews and Appointments**

Applicants for positions on the IT Committee are:

- Ed Burns
- Richard Deal, Jr.
- Yocencia Deal
- Neal Nilson
- Richard Doty
- Jim Surkamp

Mr. Doty's credentials were not available for review and he was not able to appear. He could be considered for a position in the next round.

Ms. Morgan made a motion, seconded by Ms. Noland to appoint:

Jim Surkamp -	3-year term
Neal Nilson -	3 year-term
Mrs. Yocencia Deal -	2-year term
Ed Burns -	2-year term

Mr. Manuel moved to amend the motion to appoint Ed Burns to a 3-year term and add Richard Deal. The motions were withdrawn and the Commission instead utilized a different method of nomination and appointment.

Motion by Ms. Widmyer to appoint **Jim Surkamp to a 3-year term**. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to appoint **Ed Burns to a 3-year term**. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Mr. Surkamp to appoint **Mrs. Yocencia Deal to a 2-year term**. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Widmyer to appoint **Neal Nilson to a 3-year term**. Motion seconded by Mr. Manuel and unanimously approved.

Ms. Widmyer directed that the remaining positions, one 2-year term and two 1-year terms, be advertised and applicants reviewed in January 2011.

**12. Ralph Lorenzetti, Prosecuting Attorney** advised the Commission that in the future attorney Steve Groh would be spending 90 – 95% of his time working along with attorney Stephanie Grove on County civil matters.

Mr. Lorenzetti requested that the Commission approve the employment of Michael Nicholas as a paralegal in the Prosecuting Attorney’s Office for a 90-day period at a salary of \$10,000.00 for the 90 days.

Motion by Ms. Morgan to approve the employment of Michael Nicholas as a paralegal in the Prosecuting Attorney’s Office under the terms presented. Motion seconded by Mr. Manuel and approved 4 – 1. Ms. Noland voted “no” because the position is not in the approved budget.

Mr. Lorenzetti reported that plans are continuing for a satellite Day Report Center in downtown Charles Town.

**13. Approval of Contract – FEMA Demolition Project** was tabled until an asbestos study has been completed and submitted to FEMA.

**14. Roger Goodwin, Chief Engineer – Tolling of Construction Bond Agreement for Thorn Hill Subdivision, Lots 1-179**

Stephanie Grove advised the Commission of the results of her research regarding the tax sale of the Thorn Hill lots. She will research the dissolution of the LLC. Ms. Widmyer requested that Ms. Grove also research the issue of the Commission's obligation to start construction of a subdivision.

Motion by Ms. Morgan to table discussion and action on tolling of the Construction Bond Agreement for the Thorn Hill lots until January 20, 2011 at the earliest. Motion seconded by Mr. Surkamp and approved 3 -2. Mr. Manuel and Ms. Noland voted "no."

**15. Commissioner Noland's Proposed Scoring Policy for Agencies that Request Funding from the County Commission**

Revisions that were suggested at the December 2, 2010 meeting were made.

Ms. Morgan made a motion to accept the draft "Fiscal Year 2011 Request for Funding" consisting of four pages with the amendments recommended this date. Motion was seconded by Mr. Manuel and unanimously approved.

**16. FEMA Contract – Demolition Project (revisited)**

**Kirk Davis** reported that the asbestos inspection was done, but that FEMA wants samples and other items. The contractor will provide the items. Mr. Davis requested that the Commission approve the low bidder, Rockwell Construction Company, Inc. as the demolition contractor on the FEMA project and approve Rockwell's proposed demolition contract.

Motion by Ms. Morgan to approve Rockwell Construction Company, Inc. as the demolition contractor on the FEMA project and approve Rockwell's proposed demolition contract. Motion seconded by Mr. Manuel and unanimously approved.

**The Commission broke for lunch at 12:38 p.m.**

**The Commission reconvened at 1:34 p.m.**

**17. WVU County Extension Service – Power Point Presentation by Craig Yohn, Agriculture and Natural Resources Agent, Judy Matlick, Families and Health Program Agent and Jeremy Hovat, 4H and Youth Development Agent. WVU Jefferson County programs were reviewed.**

**18. Approval of Employment of Daniel Coontz as Animal Control Officer (revisited)**

Motion by Ms. Morgan to approve the employment of Daniel Coontz as an Animal Control Officer at a salary of \$29,286.46 annually. Motion seconded by Mr. Manuel and unanimously approved.

**19. Budget Format Work Session with Mark Schiavone, Director of Capital Planning and Management**

General discussion of the upcoming budget review.

**20. Review of the Procurement Card Procedures Draft Policy proposed by Mr. Boyde was deferred until 2011.**

Motion by Mr. Manuel to adjourn. Motion seconded by Ms. Noland and meeting adjourned at 3:00 p.m.

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

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LYN WIDMYER, PRESIDENT



