

Minutes

Jefferson County Commission

Thursday, December 16, 2010

A meeting of the Jefferson County Commission was held on Thursday, December 16, 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 16, 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. Morgan to approve the minutes of the Special Session of November 8, 2010 as amended. Motion seconded by Mr. Manuel and unanimously approved. (An audio tape of the November 8, 2010 Special Session is available through the Jefferson County Commission Office.)

Motion by Mr. Manuel to approve the minutes of the Special Session of December 7, 2010 regarding the Blue Ridge Mountain Common Vision Document as presented. Motion seconded by Mr. Surkamp and approved 3 – 2. Ms. Morgan and Ms. Noland abstained from voting as they were not present at the meeting. (An audio tape of the December 7, 2010 meeting is available through the Jefferson County Planning & Zoning Department.)

Motion by Ms. Morgan to approve the minutes of the December 9, 2010 meeting as amended. Motion seconded by Ms. Noland and unanimously approved. (An audio tape of the December 9, 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 \$43, 831.77 being purchase order numbers: 48299, 48658, 49144, 49145, 49330, 49212, 48897, 49092, 49094, 48106, 49178, 49179, 49180, 49181, 49182, 49183, 49210, 48932, 49184 and 48936. Motion seconded by Mr. Manuel. Commissioners questioned the \$3,065.25 charge from Downstream Strategies, Purchase Order Number 48932. Voting on motion was postponed until the afternoon meeting session.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Manuel to approve \$356,795.71 in accounts payable minus \$3,149.00 for Smith Nadenbousch. Motion seconded by Ms. Noland and unanimously approved. Ms. Noland noted that \$239,866.29 of the total amount paid was for distributions of allocations to various agencies.

RESOLUTIONS/RECOGNITIONS

Commissioner Widmyer presented former WV Delegate Terry Walker with a Resolution on behalf of the County Commission honoring his service to Jefferson County and the State of West Virginia.

Mr. Boyde presented Certificates of Recognition for Job Corps. interns Matt Conley and Derrick Shinault acknowledging their excellent work for Jefferson County. Mr. Conley and Mr. Shinault were not able to be present to accept their Certificates.

PUBLIC COMMENT

Debbie Royalty commented that the Public Service Commission staff filed a motion recommending the PATH case either be dismissed or asking PATH, LLC to toll on their application. Ms. Royalty inquired if the Commission would be supporting the PSC staff. The Commissioners, by unanimous consent, opted to discuss this matter during the legal update portion of today's meeting.

Heidi Parker thanked the Commission and Ralph Lorenzetti for appointing and allowing James Casimiro, Esquire to assist Jefferson County residents in their efforts to stop Jefferson Utilities, Inc. proposed rate increase.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

1. Met with Matt Ward from the Ferguson Group to look at whether or not the Commission would be interested in pursuing Federal grants and Federal earmarks either independently or in conjunction with the City of Ranson. Ms. Widmyer requested Mr. Boyde to put something together for the Commission as an agenda item in January 2011 at his discretion.
2. Requested that the agenda be amended to allow for committee appointments for the Criminal Justice Board of Jefferson-Berkeley Counties to be placed at the end of today's agenda. All four individuals' terms expire on 12/31/2010 and they are willing to serve again. Permission granted to amend the agenda.
3. Reported that he prepared two draft policies regarding workers' compensation and overtime pay and forwarded them to the Commissioners via email for review.
4. Reported that he will meet with representatives of the WV Risk Pool regarding employee safety committees and employee assistance programs.

COUNTY COMMISSION REPORTS

Commissioner Frances Morgan:

1. Reported that she attended a Planning Commission meeting.

Commissioner Dale Manuel:

1. Reported that he attended a meeting of the Emergency Services Agency.
2. Reported that he attended a Parks & Recreation Commission meeting.

3. Reported that he would like to put on the agenda for next year a request for allocation of capital to the Parks & Recreation Department to obtain a new copier and maintenance lease for the copier.

Commissioner Lyn Widmyer:

1. Reported that she attended a meeting of the Jefferson County Partnership which meets under the guidance of the Development Authority.

Commissioner Patsy Noland:

1. Reported that she attended a meeting of the Jefferson County Council on Aging. She noted that the JCCOA still has not received the \$50,000.00 that was allocated to it. Mr. Boyde stated that the funds will be released next week.

PRESENTATIONS:

1. **Richard L. Doty** presented his qualifications for appointment to the IT Advisory Committee.

Motion by Mr. Surkamp to appoint Richard Doty to a two-year term on the IT Advisory Committee. Motion seconded by Mr. Manuel and unanimously approved.

Commissioner Surkamp suggested that a liaison be appointed from the Jefferson County Commission to the IT Advisory Committee and that the item be placed on the January 6, 2011 agenda.

2. **Public Hearing and Resolution – Eastern Panhandle Home Consortium**

Commissioner Widmyer called the public hearing to session at 11:00 a.m. The focus of the hearing was (1) the Eastern Panhandle Home Consortium FY 2011 Home Program and, (2) to request that the Commission approve a Resolution renewing its participation in the EPHC for FY 2011 – FY 2012.

Patricia McMillan, the HOME Administrator for the City of Martinsburg, provided an overview of the HOME Program and program outcomes for the Eastern Panhandle HOME Consortium for the last four years. She requested that members of the public offer comments and suggestions on the use of FY 2011 HOME funds in Jefferson County.

Annette G. van Hilst, Secretary of the Partnership for Affordable Housing reported on the Partnership's accomplishments and goals for the future.

Comments were given by Marie Galozzi, the part-time Program coordinator and Katie See, City Planner for Charles Town who offered support for the Program.

(Commissioner Surkamp left the meeting at 11:05 a.m. due to inclement weather.)

Ms. Widmyer closed the hearing at 11:15 a.m.

Motion by Ms. Morgan to approve the Resolution of the County Commission of Jefferson County, West Virginia Authorizing Participation in the Eastern Panhandle HOME

Consortium of West Virginia for the Period of July 1, 2011 to June 30, 2012. Motion seconded by Mr. Manuel and unanimously approved.

RESOLUTION

A RESOLUTION OF THE County Commission of Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012

WHEREAS, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

WHEREAS, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

WHEREAS, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

WHEREAS, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2010-2011; and

WHEREAS, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:

1. Jefferson County will cooperate with the City of Martinsburg, Town of Hedgesville, County of Berkeley, City of Charles Town, City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2011 to June 30, 2012 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2011 HOME Investment Partnership Program.

Adopted this _____ day of _____, 2010.

BY:

Name and Title

ATTEST:

Name and Title

The Commission took a five minute break at 11:17 a.m.

3. **David Camilletti, Esquire** presented the Petition of Martin and Brenda Lookingbill for Closing Unused Roads, Streets, and Travel Ways located between their various properties and to schedule a date for a hearing on the matter before the Commission.

Motion by Ms. Morgan to approve the Petition and set the matter for hearing before the County Commission on January 20, 2011 at 11:00 a.m. Motion seconded by Ms. Noland and unanimously approved.

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO: _____

ORDER SETTING HEARING

This day came the Petitioners, by counsel, David A. Camilletti, Esquire, having previously filed a duly verified Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways. It appears to the Court by said Petition that the Petitioners are entitled to a hearing on this matter.

It is therefore ORDERED that the Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways shall be set down for hearing before the County Commission of Jefferson County, West Virginia on the 20th day of January, 2010 at 11:00 o'clock (a.m.)/p.m., or as soon thereafter as Counsel may be heard.

It is further ORDERED that the Petitioner shall cause a duly attested copy of this Order and the Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways be served upon Southland Corporation, P.O. Box 711, Dallas, TX 752211; and cause Notice of said Hearing to be published as a Class 1 legal advertisement.



The Clerk shall enter this Order as of the day and date below written and shall transmit two (2) attested copies to David A. Camilletti, Esquire, 103 W. Liberty Street, Charles Town, West Virginia 25414.

RECEIVED

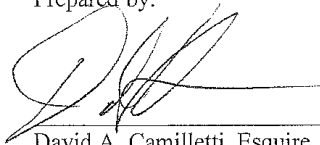
DEC 23 2010

Jefferson County Commission

ENTERED this 16th day of December, 2010.


President of the  Commission

Prepared by:



David A. Camilletti, Esquire
WV State Bar Id No. 599
Counsel for Petitioners

JEFFERSON COUNTY COMMISSION

Jennifer S Maghan
JEFFERSON County 10:22:17 AM
Instrument No 2010025235
Date Recorded 12/22/2010
Document Type ORD
Book-Page 1088-48

- 4. Tom Moslener, Panhandle Pedalers Cycling Club of Charles Town WV** request to approve a Resolution pledging the County Commission's support for the placement of "Share the Road" signs on specific roads within Jefferson County

Motion by Mr. Manuel to approve with amendments the Resolution supporting placing "Share the Road" signs on the roads mentioned by Mr. Moslener of the Panhandle Pedalers Cycling Club of Charles Town WV. Motion seconded by Ms. Morgan and unanimously approved.

RESOLUTION

WHEREAS, bicycling offers residents and tourists alike a chance to enjoy the beauty of Jefferson County; and

WHEREAS, the safety and well being of all bicyclists are of high importance to our citizens; and

WHEREAS, recent traffic incidents within the county have created an urgent need to have "Share the Road" cycling signs installed within the county;

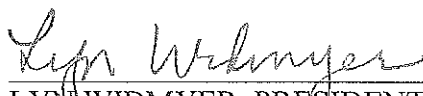
WHEREAS, members of the Panhandle Pedalers Cycling Club of Charles Town WV (PPCC) have identified essential and frequently traveled bicycling routes where the volume of vehicle traffic is a high concern for the safety of cyclists.

NOW, THEREFORE, be it resolved that the Jefferson County Commission endorses the installation of "Share the Road" signs within the county by the West Virginia Department of Highways along the following roads recommended by the Panhandle Pedalers Cycling Club:

Bakerton Road
Summit Point Road
Kabletown Road
Old Leetown Pike
Leetown Road
Ridge Road
Darke Lane
Earle Road
Lloyd Road
Withers Larue Road

These signs should be installed in as timely a manner as possible; all costs for the purchase, installation and maintenance of signs are to be borne by the West Virginia Department of Highways; the roads listed above should be viewed as the beginning of a cycling network where "Share the Road" signs are to be installed; and the Panhandle Pedalers Cycling Club should be considered a valuable resource in terms of recommending roads that should be evaluated for "Share the Road" signs.

BE IT FINALLY RESOLVED, that the Jefferson County Commission requests the West Virginia Department of Highways to purchase, install and maintain "Share the Road" signs within Jefferson County.



LYN WIDMYER, PRESIDENT
JEFFERSON COUNTY COMMISSION

5. Roger Goodwin, Department of Engineering, Chief Engineer:

- a. Request to authorize a partial release of the Construction Bond security for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22) in the amount of \$28,361.00 – Letter of Credit #9570254380 00004 with BB&T, Martinsburg, WV.

Motion by Ms. Noland to approve the partial release of the Construction Bond security for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22) in the amount of \$28,361.00 – Letter of Credit #9570254380 00004 with BB&T, Martinsburg, WV. Motion seconded by Mr. Manuel and unanimously approved.

- b. Request to approve the complete release of the remaining \$216,477.00 construction bond amount for James P. Phillips – Apple Valley Waste Services, Inc. (File #S08-02) – Letter of Credit with City National Bank of Martinsburg, WV.

Motion by Ms. Noland to approve the complete release of the remaining \$216,477.00 construction bond amount for James P. Phillips – Apple Valley Waste Services, Inc. (File #S08-02) – Letter of Credit with City National Bank of Martinsburg, WV. Motion seconded by Mr. Manuel and unanimously approved.

- c. Michael R. Shveda request to authorize a partial release of \$337,030.00 from the construction bond amount for Shepherdstown Estates Subdivision, Lots 1-9 & Residue (File #07-24) – Letter of Credit with Jefferson Security Bank, Shepherdstown, WV. Staff recommendation to reduce construction bond to \$54,000.00 pursuant to the bonding policy.

Motion by Ms. Morgan to reduce the construction bond amount for Michael R. Shveda – Shepherdstown Estates Subdivision, , Lots 1-9 & Residue (File #07-24) – Letter of Credit with Jefferson Security Bank, Shepherdstown, WV to \$54,000.00 as recommended by staff pursuant to the bonding policy. Motion seconded by Mr. Manuel and unanimously approved.

- 6. **Stephanie Grove, Assistant Prosecuting Attorney**, requested that the Commission enter into an Executive Session with regard to PATH pending litigation citing WV Code § 6-9A-4, Peters v. Wood.

Motion by Ms. Morgan to enter into an Executive Session concerning the PATH pending litigation by authority of WV Code § 6-9A-4. Motion seconded by Mr. Manuel and unanimously approved.

Commission entered into Executive Session at 12:03 p.m.

Motion by Ms. Morgan to end Executive Session, seconded by Mr. Manuel and unanimously approved. Executive Session ended at 12:12 p.m.

The Public Service Commission staff filed a motion recommending the PATH case either be dismissed or asking PATH, LLC to toll on their application.

Motion by Ms. Noland that the Commission take no action on the PSC staff's motion. Ms. Noland's motion seconded by Mr. Manuel. Friendly amendment by Ms. Morgan to include the words "at this time" at the end of Ms. Noland's motion. Amendment seconded by Ms. Noland and amended motion unanimously approved.

Ms. Grove reported that she received bond documents for the Affordable Housing scattered projects and requested that Commission President Widmyer execute the documents on behalf of the Commission.

Motion by Ms. Morgan that the Commission authorize Commission President Widmyer to execute the bond documents on behalf of the Commission. Motion seconded by Mr. Manuel and unanimously approved.

- 7. Barbara Miller, Director of Homeland Security and Emergency Management** presentation and request for approval of 2010 Jefferson County Emergency Operations Plan and 2010 Jefferson County Government Continuity of Operations Plan.

Motion by Ms. Morgan to approve the 2010 Jefferson County Emergency Operations Plan and 2010 Jefferson County Government Continuity of Operations Plan as presented. Motion seconded by Ms. Noland and unanimously approved.

- 8. Jeffrey A. Polczynski, ENP, Director of Communications** request for approval of the employment of Mark Prangle as a full-time Public Safety Dispatcher II at Grade III, Step A, in the Emergency Communications Center with exact date of employment to be determined by the Director of Communications

Motion by Ms. Noland to approve the employment of Mark Prangle as a full-time Public Safety Dispatcher II at Grade III, Step A, in the Emergency Communications Center with a January 17, 2011 start date. Motion seconded by Mr. Manuel and unanimously approved.

- 9. Jennifer Brockman, Planning Department Director** request that the County Commission schedule a public hearing on a date certain to consider Urban Growth Boundaries proposed by the Towns of Harpers Ferry and Bolivar for inclusion on the County Zoning Map.

By unanimous consent of the Commissioners a public hearing to consider the Urban Growth Boundaries as proposed by the Towns of Harpers Ferry and Bolivar for inclusion on the County Zoning Map was scheduled for January 27, 2011 at 7:00 p.m.

10. Purchase Orders Revisited

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$43, 831.77 being purchase order numbers: 48299, 48658, 49144, 49145, 49330, 49212, 48897, 49092, 49094, 48106, 49178, 49179, 49180, 49181, 49182, 49183, 49210, 48932, 49184 and 48936. Motion seconded by Ms. Noland and unanimously approved.

- 11. Request by Ms. Widmyer** to establish a date in February 2011 to hold the First Annual Economic Outlook for Jefferson County in the form of a roundtable discussion with the Development Authority to take the lead in arranging the meeting and presentations. Mr. Manuel suggested that someone should first meet with the Development Authority and volunteered to do so. Mr. Manuel's offer was unanimously accepted by the Commissioners.

- 12. Mr. Boyde explained** that the letter received by the Commission from attorney Edwin Brown on behalf of Mr. Blunt and the Shepherdstown Battlefield Park (Cement Mill Property) discussed land values and Mr. Boyde reported that Mr. Blunt will seek a new appraisal of the property.

13. Closing of the Millville Post Office Revisited

Mr. Manuel suggested that the Commission obtain additional information regarding the proposed closing of the Millville Post Office and subsequently prepare a Resolution that would support the continued operation of the Post Office. Mr. Manuel's suggestion was unanimously agreed upon by the Commissioners.

14. Tim Boyde, County Administrator, Review of Procurement Card Procedures Draft Policy

Mr. Boyde recommended that the ceiling for P-Card purchases before administrative approval is required be raised from \$100.00 to \$250.00. Depending on the individual or circumstances the ceiling could be raised above \$250.00 if warranted.

Motion by Ms. Morgan to approve a ceiling of \$250.00 on P-Card purchases before administrative approval is required. Motion seconded by Ms. Noland and unanimously approved.

15. Mike Mood, President/Chief of the Middleway Fire Company request for approval of complete waiver from the minor subdivision, site plan and building permit fees of \$2,000.00.

Motion by Ms. Noland to approve the complete waiver of the minor subdivision, site plan and building permit fees in the amount of \$2,000.00 for the Middleway Fire Company. Motion seconded by Ms. Morgan and unanimously approved.

16. Mark Schiavone, Director of Capital Planning and Management request to approve Budget Revision 005 to the General Fund (Special Election Reimbursement).

Motion by Mr. Manuel to approve Budget Revision 005 to the General Fund (Special Election Reimbursement). Motion seconded by Ms. Noland and unanimously approved.

Mark Schiavone request to approve Budget Revision 006 to the General Fund (2nd Round Salary Adjustments).

Motion by Ms. Morgan to approve Budget Revision 006 to the General Fund (2nd Round Salary Adjustments). Motion seconded by Mr. Manuel and unanimously approved.

17. Appointments to Criminal Justice Board Revisited

Mr. Boyde requested that the following individuals be reappointed to the Criminal Justice Board of Jefferson-Berkeley Counties upon the expiration of their terms on 12/31/2010:

Ralph Lorenzetti, Esquire
Sheriff Robert Shirley
Hal Slaughter, Psychologist
Dr. Sheri Hoff, Board of Education

Motion by Ms. Morgan to reappoint Ralph Lorenzetti, Esquire, Sheriff Robert Shirley, Hal Slaughter, Psychologist and Dr. Sheri Hoff of the Board of Education to the Criminal Justice Board of Jefferson –Berkeley Counties upon the expiration of their terms on 12/31/2010. Motion seconded by Mr. Manuel and unanimously approved.

18. **Ms. Widmyer noted** that the Commission had planned to recognize Commissioner Jim Surkamp with a plaque for his years of excellent service to Jefferson County. Due to inclement weather Mr. Surkamp was not present to receive his award. Mr. Manuel suggested that Mr. Surkamp be invited to the January 6, 2011 meeting to be honored at that time. The Commissioners unanimously agreed.

Ms. Noland made a motion to adjourn the meeting. Motion was seconded by Mr. Manuel and the meeting was adjourned at 12:50 p.m.

Upon rising the Commission recessed until Thursday morning, January 6, 2011 beginning at 9:30 o'clock a.m.

PATRICIA NOLAND, PRESIDENT