

Minutes
Jefferson County Commission
Thursday, February 3, 2011

A meeting of the Jefferson County Commission was held on Thursday, February 3, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patsy Noland, Lyn Widmyer, Dale Manuel, Frances Morgan and Walter Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant, and Louie Brunswick, Bailiff. (An audio tape of this February 3, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

Dennis Coen, a student at Harpers Ferry Job Corps, was introduced and he will be following Commissioner Manuel closely today as he goes about Commission business.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the January 27, 2011 meeting as amended. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$59,738.66, being purchase order numbers: 48510, 48511, 48513, 49232, 49269, 49270, 49336, 48795, 48675, 48669, 49265, 49267, 49268, 49365, 48881, 49231, 49253, 49254, 49255, 49257, 49262, 49263, 49264, 49266, 48559, 49260 and 49259. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$144,327.85 subject to Mr. Boyde's research and approval of invoice from Summit Point Bank. Motion seconded by Ms. Noland and unanimously approved.

PUBLIC COMMENT

No public comment was given.

PRESENTATIONS:

1. **Approval of Water Treatment Renewal Agreements with Boland for the Mason Building, Assessor's Office and Hunter House.**

Motion by Mr. Manuel to approve the renewal of the Water Treatment Agreements with Boland for the Mason Building, Assessor's Office and Hunter House. Motion seconded by Mr. Pellish and unanimously approved.

COUNTY ADMINISTRATOR REPORTS:

- Tim Boyde reported that he met with Amy Owen of the Eastern West Virginia Community Foundation and continued to discuss as one option the possibility of the Foundation playing a role in Jefferson County.
- Met with the Department Heads regarding finalizing the budget process.

PRESENTATIONS continued:

2. **Laura Rattenni, Circuit Clerk – Presentation of New Circuit Clerk's Website**

Laura Rattenni presented and demonstrated to the Commission and the public via the media how to navigate the new Circuit Clerk's Website to locate information quickly.

3. **Tim Boyde, County Administrator, presented his revised Workers' Compensation Policy and Extra Hours/Overtime Policy.**

Motion by Ms. Morgan to accept the County Administrator's Workers' Compensation Policy as presented. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Mr. Manuel to hold a meeting with Department Heads before approving the County Administrator's Extra Hours/Overtime Policy. Motion died for lack of a second.

New motion by Mr. Manuel to amend the Extra Hours/Overtime Policy by deleting the words "vacation leave" in the fourth paragraph, first line. Motion died for lack of second.

Motion by Ms. Morgan to approve the Extra Hours/Overtime Policy as presented by the County Administrator. Motion seconded by Ms. Widmyer.

Motion to amend the Extra Hours/Overtime Policy as presented by striking the words "holiday leave" in the fourth paragraph, first line. Motion seconded by Mr. Pellish. Amended motion approved by a vote of 4 – 1. (Ms. Morgan voted "no.")

Motion by Mr. Manuel to amend the Extra Hours/Overtime Policy amended motion by striking the words "sick leave." Motion died for lack of a second.

4. **Toni Milbourne and Jimmy Pierson – Request for Financial Support for the Jefferson County Fireworks Event**

Ms. Milbourne and Mr. Pierson requested that the Commission allocate funds in the amount of \$8,000.00 to be used as a down payment to the company putting on a fireworks display at Sam Mason Park this 4th of July.

The Commissioners referred this request to Mr. Boyde to research and determine from which Jefferson County account the funds could be deducted and report back to the Commission.

The Commission took a 10 minute break at 10:54 a.m.

The Commission reconvened at 11:03 a.m.

5. Legal Update – Stephanie Grove, Assistant Prosecuting Attorney

Ms. Grove presented an update on pending legal matters.

6. Lynn Fields of the Probate Office:

- **Determine proper venue to probate Will of John Rockenbaugh, deceased**

The Jefferson County Commission, sitting as a Probate Court, heard testimony by the Petitioner, witnesses and attorneys in order to determine the proper venue to probate the Will of John Rockenbaugh, deceased.

Present were: Ivan Rockenbaugh, Petitioner

Henry Morrow, Esq. – Attorney for the Estate of John Rockenbaugh
Dennis Barron – Executor of the Estate of John Rockenbaugh
Frank Hill, Esq. – Commissioner of Accounts
Amanda Lewis, Esq. – Attorney for Ivan Rockenbaugh

Wendy Painter, Deputy Jefferson County Clerk - Witness
Alice A. Cottrell – Witness
Dena Marie Wrote – Witness
Leroy Jackson Laisure – Witness

All witnesses and Ivan Rockenbaugh were sworn in by Commissioner Noland.

The following exhibits were entered into evidence:

- ✓ Appraisal of the Estate for Decedents Dying on or After July 13, 2001
- ✓ Estate of John R. Rockenbaugh First & Final Accounting by Dennis L. Barron, Executor, for the Period Ending March 31, 2011
- ✓ State of West Virginia Driver Record for John R. Rockenbaugh
- ✓ Elmcroft Resident Statements (Invoices)
- ✓ John R. Rockenbaugh U.S. Individual Income Tax Return address label
- ✓ WV Dept. of Health & Human Resources Certificate of Death of John R. Rockenbaugh

Closing arguments were offered by attorney Morrow and Ivan Rockenbaugh, speaking on his own behalf (*pro se*) with guidance from his counsel.

Motion by Mr. Manuel that the Commission enter into an Executive Session to discuss the proceedings. Motion seconded by Mr. Pellish and unanimously approved. The Commission entered into Executive Session at 12:07 p.m. pursuant to WV Code § 6-9A-4, Peters v. Wood.

Motion by Ms. Morgan to adjourn the Executive Session and reconvene as the Jefferson County Commission, sitting as a Probate Court. Motion seconded by Mr. Pellish and unanimously approved. The Commission reconvened as a Probate Court at 12:29 p.m.,

Motion by Ms. Morgan to deny the Objection to Venue filed by Ivan Rockenbaugh. Motion seconded by Mr. Manuel and unanimously approved. Order will be prepared by the Commission legal staff.

Frank Hill, Esq. and Henry Morrow, Esq. offered final comments.

- **Order Setting Hearing for the Estate of Sallie Spaulding, Deceased.**

It was recommended by the Commission that Ms. Fields speak to Mr. Camilletti to ascertain how long will be needed for the Sallie Spaulding matter. Ms. Fields will advise Mr. Boyde who will report back to the Commission at which time it will be decided on what date and at what time the hearing for the Estate of Sallie Spaulding, Deceased will be held.

The Jefferson County Commission, sitting as a Probate Court, recessed as a Probate Court and reconvened as the Jefferson County Commission at 12:35 p.m.

7. Request to accept and execute the Tolling of Bonding Agreement with the developer of the Thorn Hill Subdivision, Lots 1-179, File #02-17.

Roger Goodwin, Chief Engineer for Jefferson County, recommended that the Commission accept and execute the Tolling of Bonding Agreement with the developer of Thorn Hill Subdivision.

Motion by Mr. Pellish to accept and execute the Tolling of the Bond Agreement with the developer of the Thorn Hill Subdivision, Lots 1-179, File #02-217. Motion seconded by Mr. Manuel and approved 4 – 1. Ms. Morgan voted “no.”

Due to the late hour and the Board of Review and Equalization hearing scheduled for 1:30 p.m., it was the consensus of the Commissioners that the appointments to the Water Advisory Commission would be postponed until the February 10, 2011 meeting.

The Commission adjourned for the day at 12:50 p.m.

Upon rising the Commission recessed until Tuesday afternoon next beginning at 1:30 o'clock p.m., sitting as a Board of Review and Equalization.

PATRICIA NOLAND, PRESIDENT