

Minutes

Jefferson County Commission

Thursday, March 24, 2011

A meeting of the Jefferson County Commission was held on Thursday, March 24, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patsy Noland, Dale Manuel, Frances Morgan and Lyn Widmyer; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of this March 24, 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 Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the March 14, 2011 Jefferson County Commission Budget Work Session as presented. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the March 16, 2011 Jefferson County Commission Budget Work Session as presented. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the March 17, 2011 regular meeting of the Jefferson County Commission as presented. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$54,668.99, being purchase order numbers: 48799, 48684, 48686, 48687, 49372, 48383, 49465, 49469, 49470, 49571, 49197, 49206, 49205, 49204, 49202, 49199, 49203 and 49468. 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 \$276,953.87. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS:

Legislative Updates – There were no updates.

Ms. Widmyer requested that Mark Schiavone, Director of Capital Planning and Management, research legislation regarding mitigating impact fees and provide the Commission with a report.

COUNTY ADMINISTRATOR REPORTS:

- **Mr. Boyde** reported that he is preparing drafts of the policies that the Commission requested.
- He reported that, as requested by the Commission, a letter was sent to the Public Service Commission requesting a hearing here on the JUI utilities case.
- He reported that last week he emailed a draft job description for the proposed CFO to the Commissioners for review and comment and is currently awaiting their responses.

Note for the record:

- With regard to the approved budget, **Mr. Manuel** would like to revisit the request of the Maintenance Department for two new positions. These positions were briefly discussed but not acted upon in the recent budget discussions and he would like to review the request more carefully.
- **Ms. Morgan** suggested that July, 2011 would be a good time to review this request, at the time the Commission normally reviews the budget. Ms. Widmyer and Ms. Noland were in agreement. (Mr. Pellish was absent from the meeting.)
- **Ms. Widmyer** suggested that the request by Cloverdale Heights Subdivision to be excluded from the Charles Town Urban Growth boundary should be forwarded to Jennifer Brockman, Director of Planning and Zoning and to Stephanie Grove, Esq., legal counsel for the Commission, for their review and recommendations.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Reported that she attended a Jefferson County Homeowners' Association meeting.
- Attended the Open House at Sam Michael's Park sponsored by the Jefferson County Parks and Recreation Department.
- Attended a WAC meeting
- Attended an Eastern Panhandle Transportation Authority meeting.

Commissioner Manuel:

- Reported that he also attended the Open House at Sam Michael's Park.

Commissioner Morgan:

- Reported that she attended a Criminal Justice Board meeting.
- Attended a Farmland Protection Board meeting.

- Attended a meeting at Daily Companions in Martinsburg, West Virginia. She advised that Daily Companions are starting a “Best Buddies” program and will be sponsoring a dinner and live and silent auction on Sunday, June 5, 2011.

Commissioner Noland:

- Nothing to report this week.

PRESENTATIONS:

1. **Joe Sachett, Executive Director of the Berkeley/Jefferson Day Report Center**, informed the Commission that the satellite program in Charles Town should be open by the latter part of June, 2011. He requested that the Commission allocate the sum of \$36,940.00 to be used as matching funds in order to obtain a Federal grant for the program.

Ms. Morgan moved that the Commission approve the \$36,940.00 in matching funds to be used as presented by Mr. Sachett. Mr. Manuel seconded the motion and it was unanimously approved. There was unanimous consent to allow Ms. Noland, on behalf of the Commission, to sign the Resolution presented by Mr. Sachett.

Resolution Approving Matching Funds for Berkeley/Jefferson Day Report Center

Whereas, the County Commission of Jefferson County finds that the Berkeley/Jefferson Day Report Center is a valuable resource for rehabilitating criminal offenders from Jefferson County, and the center will benefit the citizens of Jefferson County;

Whereas, the County Commission of Jefferson County is an equal partner with the Berkeley County Commission and supports the goals and mission of the Berkeley/Jefferson Day Report Center;

Now therefore be it resolved, that the County Commission of Jefferson County approves the expenditure of Thirty-Six Thousand Nine Hundred and Forty Dollars (\$36,940.00)as matching funds to those of the Berkeley County Commission toward obtaining grant funding and continuing the operation of the Berkeley/Jefferson Day Report Center.

Date: 3-24-2011



Tim Boyde, Administrator

Co. Comm'n of Jefferson County

Delegate Tiffany Lawrence joined the Commission meeting.

- 2. Teresa Warnick, Sarah Gabriel, intern and Charlie Daniels, Teen Court Coordinator in Morgan County,** pursuant to the request of the Commission, presented and explained their detailed business plan with its supporting data and budget and again requested that the Commission approve the \$5.00 fee to fund the Teen Court.

Ms. Noland expressed concern and asked that Ms. Warnick and Ms. Gabriel return at another time and bring figures from a successful Teen Court program in West Virginia for the Commission to review before any decision could be made.

Delegate Lawrence questioned Ms. Warnick and Ms. Gabriel about the availability of counseling for the participants.

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

The Commission reconvened at 11:09 a.m.

- 3. Nikki Painter of the County Clerk's Office** requested that the Commission approve the list of potential Poll Workers and alternates for the May 14, 2011 Primary Election.

Note for the record:

Ms. Morgan commented that it is wonderful that we have these volunteers and a good system of remuneration for services of the poll workers, but it should be noted that this is not a closed process and residents are welcome to contact the County Clerk's Office or the Democratic or Republican Chairpersons to get involved and have a chance to serve in the elections.

Motion by Mr. Manuel to approve the list of poll workers and alternates as presented by Nikki Painter, Deputy County Clerk. Motion seconded by Ms. Widmyer and unanimously approved.

Ms. Painter also advised the Commission that SB581 had passed and early voting would begin on Saturday, April 29, 2011 and continue on through the following Saturday.

Additionally, HB2936 was not yet signed, but it is anticipated that it will be. HB2936 changes the day for canvassing to begin.

- 4. Public Hearing on the Petition of Peter Spaulding for Elective Share of the Estate of Sallie Shepherd Spaulding, deceased.**

Henry Morrow, Jr., Esquire advised the Commission, Sitting as a Probate Court, that no hearing was necessary as the parties were in the process of settlement negotiations. He stated that the Commission would be apprised of their progress. There being no objections the hearing was adjourned and the Commission returned to its regular meeting.

The Commission took a break at 11:15 a.m.

The Commission reconvened at 11:25 a.m.

5. **Stephanie Grove, Assistant Prosecuting Attorney**, updated the Commission on pending legal matters.

6. **Roger Goodwin, Chief County Engineer:**

- Request complete release of the construction bond security for Eastland Associates of West Virginia, Inc. – Eastland Subdivision, Section V-B, Lots 110-122 (File #04-27) – Letter of Credit #235 with the Bank of Charles Town, West Virginia.

Motion by Mr. Manuel to approve the complete release of the construction bond security for Eastland Associates of West Virginia, Inc. – Eastland Subdivision, Section V-B, Lots 110-122 (File #04-27 – Letter of Credit #235 with the Bank of Charles Town, West Virginia). Motion seconded by Ms. Morgan and unanimously approved.

- Request complete release of the construction bond security for Robert S. and Amy R. Leonard – Brookstone Subdivision, Lots 1-6 & 7 – Residue (File #06-37) – Letter of Credit #957057447400004 with Branch Banking & Trust, Martinsburg, West Virginia. Said construction bond was resecured with Letter of Credit #5203902 from Jefferson Security Bank, Shepherdstown, West Virginia in the amount of \$266,235.00.

Ms. Noland recused herself from voting on this matter as Ms. Leonard had served as her attorney and assisted in the closing of Ms. Noland’s mother’s estate.

Motion by Mr. Manuel to approve the complete release of the construction bond security for Robert S. and Amy R. Leonard – Brookstone Subdivision, Lots 1-6 & 7 – Residue (File #06-37) – Letter of Credit #957057447400004 from Branch Banking & Trust, Martinsburg, West Virginia and substitute Letter of Credit #5203902 from Jefferson Security Bank, Shepherdstown, West Virginia in the amount of \$266,235.00. Motion seconded by Ms. Widmyer and carried 4 to 0 with Ms. Noland not voting due to her recusal.

- Request complete release of the construction bond security for Greenbrier Investments, LLC – Waterside Reserve Subdivision (File #05-19) – Letter of Credit #S406406 with Fifth Third Bank, Morgantown, West Virginia. The construction bond has been resecured with Letter of Credit #598 from First United Bank & Trust, Moorefield, West Virginia in the amount of \$139,942.00.
- **Motion by Ms. Morgan** to approve the complete release of the construction bond security for Greenbrier Investments, LLC – Waterside Reserve Subdivision (File #05-19) being Letter of Credit #S406406 from Fifth Third Bank, Morgantown, West Virginia and substitute Letter of Credit #598 from First United Bank & Trust, Moorefield, West Virginia in the amount of \$139,942.00. Motion seconded by Mr. Manuel and unanimously approved.
- Request by Thorn Hill, LLC to approve the release of the existing Letter of Credit down to \$10,000.00 to be held as the surety for the Site Stability Bond.

Motion by Mr. Manuel to approve the partial release of \$3,490,000.00 down to \$10,000.00, said \$10,000.00 to be held as the surety for the Site Stability Bond. Motion seconded by Ms. Noland and carried 3 to 1 with Ms. Morgan voting “no.”

Mr. Goodwin updated the Commission on the progress of the Westridge Hills project.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Widmyer and unanimously approved.

Upon rising the Commission recessed until Thursday, March 31, 2011 beginning at 9:30 o'clock a.m.

PATSY A. NOLAND, PRESIDENT