

Minutes
Jefferson County Commission
Thursday, March 31, 2011

A meeting of the Jefferson County Commission was held on Thursday, March 31, 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, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of this March 31, 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.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the March 21, 2011 Budget Work Session as amended. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the March 23, 2011 Special Session - Probate Hearing as amended. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the March 23, 2011 Special Session - Public Hearing as amended. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the March 24, 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 \$13,186.22, being purchase order numbers: 48801, 48816, 49473, 49474, 49475, 49106, 49373, 49471, 49573, 49572, 49476 and 49480. 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 \$360,092.77. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Ed Burns addressed the issue of his past experience with an animal disaster annex.

PRESENTATIONS:

1. Angela Banks, Assessor – Apportionment.

Angela Banks, Assessor, presented for approval a Notice of Apportionment of Jointly Owned Motor Vehicles pursuant to a certified copy of a final divorce order entered under the provisions of §15-2-48 of the West Virginia Code, in the amount of \$206.73, Ticket No. 303083, for Tax year 2010, as follows:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Laurie McDougall	Wife	\$3,600.00	\$79.98
Mathew McDougall	Husband	\$5,500.00	\$122.19
TOTAL TAXES DUE:			\$ 206.73

Motion by Ms. Morgan to approve the apportionment as presented. Motion seconded by Mr. Manuel and unanimously approved.

2. Discussion regarding Case No. 10-1329-JUI v. PSC.

Mr. Boyde reported that he received an email from James Casimiro, Assistant Prosecuting Attorney, inquiring if the Commission wanted him to intervene in Case No. 10-1329-JUI v. PSC. He advised Mr. Boyde that the PSC has its own attorney to represent its interests in the matter. He further advised that JUI has appealed the case to the Supreme Court. Mr. Manuel, Ms. Noland and Mr. Pellish were against any intervention by Mr. Casimiro on behalf of the Commission. Ms. Widmyer and Ms. Morgan opined that the Commission should intervene. The majority of the Commissioners (3) was against and directed Mr. Boyde to inform Mr. Casimiro not to intervene.

3. Interviews and Appointments to the Jefferson County Planning Commission – 3 year terms ending March 31, 2014.

Mr. Pellish commented that in his opinion the letters informing the members whose terms are expiring should be revised. It was the general consensus of the Commissioners that the letter should be clarified.

Mr. Pellish also suggested that an order should be established and that the Commission should consider interviewing currently serving members for reappointment before new applicants. Additionally, he recommended that the application policy be changed to reflect a definite deadline for the submission of applications/letters of interest to the Commission for consideration. The Commissioners were in agreement.

Ms. Noland directed that a policy be drafted setting forth specific media and methods that will be utilized for informing the public of upcoming vacancies on Commissions, Boards and Committees with details explaining how to apply. The notification should include the deadline for submission of an application/letter of interest.

Daniel Hayes who is currently serving on the Planning Commission as Vice Chair and Liaison to the Public Service Commission spoke to the Commission regarding his qualifications and past work as a member of the Planning Commission. He expressed his interest in being reappointed to another term.

Motion by Ms. Morgan to approve the reappointment of Daniel Hayes to the Planning Commission. Mr. Manuel seconded the motion and it was unanimously approved.

Mr. Manuel nominated Paul Taylor for appointment to the Planning Commission. Ms. Noland and Mr. Pellish were in agreement with Mr. Taylor's nomination.

Mr. Pellish nominated Ed Burns for appointment to the Planning Commission. Ms. Noland and Mr. Manuel were in agreement with Mr. Burns' nomination.

Ms. Morgan and Ms. Widmyer supported the nomination of Russell Kitchner for appointment to the Planning Commission.

Ed Burns then spoke to the Commission regarding his qualifications to serve on the Planning Commission.

Ed Burns was appointed with four votes -- Ms. Noland, Mr. Manuel, Mr. Pellish and Ms. Morgan.

Paul Taylor was appointed with three votes – Ms. Noland, Mr. Manuel and Mr. Pellish.

- 4. Interviews and Appointments to the Jefferson County Development Authority.**
- **4-three year terms ending April 5, 2014 – Discussion/Action**
 - **1-three year term ending April 5, 2014 – Shepherdstown Municipal Representative - Discussion/Action**
 - **1 unexpired term ending April 5, 2012 – Discussion/Action**

Mr. Boyde informed the Commission that with regard to the reappointment of Howard Mills as representative of the Shepherdstown District, he had received a request from the Mayor of Shepherdstown that no action be taken to reappointment Mr. Mills until after Shepherdstown officials have had an opportunity to take action on his appointment. The Commissioners will honor the Mayor's request.

Mr. Pellish nominated Mark Dyck, C. C. Hammann and James Tolbert for reappointment to the Jefferson County Development Authority.

Mark Dyck offered his reasons for requesting reappointment to the Development Authority. **Eric Lewis, Annette Gavin, Ian Gingold, Elliott Simon and David Hardy** spoke to the Commission regarding their qualifications to serve as members of the Development Authority.

By a majority of the Commissioners, the following individuals were appointed to a 3-year term as members of the Jefferson County Development Authority:

Mark Dyck, reappointed
C. C. Hammann, reappointed
James Tolbert, reappointed
Annette Gavin, newly appointed

Eric Lewis volunteered and was appointed to complete the unexpired term ending April 5, 2012.

The Commission took a break at 10:55 a.m.

The Commission reconvened the meeting at 11:00 a.m.

5. **Stephanie Grove, Assistant Prosecuting Attorney**, updated the Commission on pending legal matters.
6. **Barbara Miller, Director of Homeland Security and Emergency Management – request to approve contract with J. H. Harvey, LLC to work with the Emergency Managers in WV Region 3 to develop an Animals in Disaster Annex for their Emergency Operations Plans.**

Ms. Widmyer moved that the Commission approve the contract with J. H. Harvey, LLC to work with the Emergency Managers in WV Region 3 to develop an Animals in Disaster Annex for their Emergency Operations Plans. Motion seconded by Mr. Manuel and unanimously approved.

7. **Mark Schiavone, Director of Capital Planning and Management – request to approve Revision 009 to the General Fund.**

Motion by Mr. Manuel to approve Revision 009 to the General Fund as presented. Motion seconded by Ms. Widmyer and unanimously approved.

NEW BUSINESS:

8. **Legislative Issues:** No updates this week.
9. **Request for approval of appointment of new Deputy Reserve Officer to the Jefferson County Deputy Reserves.**

Mr. Manuel moved approval of the appointment of Kevin Morgan as the new Deputy Reserve Officer to the Jefferson County Deputy Reserves. Ms. Noland seconded the motion and it was unanimously approved.

10. **Request approval to hire Jeremiah Sanders as temporary GIS intern for summer 2011.**

Ms. Morgan made a motion to approve the hire of Jeremiah Sanders as a temporary GIS intern for summer 2011. Ms. Noland seconded the motion and it was unanimously approved.

Note for the record: Ms. Morgan informed Jennifer Brockman, Director of Planning and Zoning, that she was approached by an attendee of the US 340 Corridor - East Gateway Plan Kickoff Meeting last Saturday who complimented the Planning and Zoning Department on how professionally the meeting was managed. The individual is looking forward to reviewing the compilation of comments.

Mr. Manuel also received comments that the meeting area was set up very well, however, the arrangement of tables could be improved as some of those in attendance had difficulty hearing the speakers.

11. **Discuss meeting schedule.**

The Commissioners were in agreement that the Commission would not meet on Thursday,

April 21, 2011 and Thursday, June 16, 2011. Further, Ms. Noland moved that the Commission not schedule a meeting for May 26, 2011. Motion seconded by Mr. Pellish and carried 3 to 2 with Ms. Widmyer and Ms. Morgan voting “no.”

Tuesday, April 19, 2011 at 10:00 a.m. was selected as the date and time to hold a public hearing to lay the levy. The public will receive notice of the hearing through various media. Ms. Morgan suggested that the Commission put on public record an explanation of how the current rate was calculated.

PRESENTATIONS cont’d.:

12. Kirk Davis, Capital Projects Manager, request to approve the cost proposal for the purchase of signage (five steel signs) as specified in the Water Advisory Grant. Signs will be located in the stream and watershed areas of the parks.

Ms. Morgan moved that the Commission approve the cost proposal for the purchase of signs and order the signs. Ms. Widmyer seconded the motion and it was unanimously approved.

COUNTY ADMINISTRATOR REPORTS:

Mr. Boyde advised the Commission that the West Virginia Public Service Commission has scheduled two public hearings in Jefferson County regarding the JUI case on July 26 and July 27, 2011.

Mr. Boyde reported that he has received information on the Year Round Farmers Market and will distribute copies to all the Commissioners.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Received a telephone call from James Kelsh, Esquire requesting a response to his letter concerning consolidating utilities. This item will be placed on next week’s agenda for discussion.
- Attended the US 340 Corridor – East Gateway Plan Kickoff Meeting.
- Attended a Solid Waste Authority meeting. This item will be placed on next week’s agenda for discussion.
- Attended a Region 9 meeting.
- Spoke to Alana Hartman of the WVDEP. Jefferson County will not receive the MS4 designation.
- Attended a WV Department of Highways meeting.

Commissioner Manuel:

- Attended the US 340 Corridor – East Gateway Plan Kickoff Meeting.
- Attended a joint meeting with JCESA and Fire and Rescue personnel. They would like to schedule another joint meeting and include the Jefferson County Commission. Mr. Boyde will make arrangements for this meeting.
- Participated in a League of Women Voters question and answer forum.

Commissioner Morgan:

- Attended the US 340 Corridor – East Gateway Plan Kickoff Meeting.
- Attended the Blue Ridge Fire Department Chicken Barbeque.

- Attended the Shepherdstown Fire Department Chicken Barbeque.
- Attended the Friends of Happy Retreat committee meeting.
- Attended the P-Card training in Martinsburg.
- Attended the CVB Roundtable meeting.
- Attended the opening event to celebrate the civil war trail markers in Harpers Ferry at the A-frame.

Commissioner Pellish:

- Became informed on impact fees and calculations.

Commissioner Noland:

- Attended the CVB local convention at the Visitor's Bureau.
- Announced that she has been selected as one of only 21 people across the nation to participate in the County Leadership Institute in Washington, DC. Ms. Noland was nominated by the West Virginia Association of Counties.

Ms. Grove requested an Executive Session to discuss a personnel matter.

Motion by Mr. Manuel to enter into an Executive Session, pursuant to WV Code §6-9A-4, to discuss a personnel matter. Motion seconded by Mr. Pellish and unanimously approved. Ms. Noland suggested that the Commission adjourn for the day following the Executive Session and the Commissioners were in unanimous agreement. The Commission entered into an Executive Session at 12:00 p.m. and subsequently recessed until Thursday, April 7, 2011 at 9:30 o'clock a.m.

PATSY A. NOLAND, PRESIDENT