

Minutes
Jefferson County Commission
Thursday, May 19, 2011

A meeting of the Jefferson County Commission was held on Thursday, May 19, 2011 in the County Commission meeting room at the Old Charles Town Library 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 May 19, 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 Ms. Morgan to approve the Minutes of the May 12, 2011 regular meeting of the Jefferson County Commission as presented. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the May 12, 2011 Public Hearing as presented. Motion seconded by Ms. Morgan and approved 4 to 1. Ms. Widmyer did not vote as she was absent from the May 12, 2011 public hearing.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$25,545.54, being purchase order numbers 52903, 52902, 52875, 48385, 52817, 49295, 52827, 52826, 52824, 52822, 52821, 52820, 52819, 52818, 52823, 49417, 49418, 49420, 49423, 49422, 49421, 49425, 49426, and 49519. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Manuel to approve the accounts payable in the amount of \$318,221.07. Motion seconded by Ms. Morgan.

Amended motion by Mr. Manuel to hold the vote on \$318,221.07 of accounts payable until the afternoon session to allow time for all invoices to be reviewed. Amended motion seconded by Ms. Morgan and unanimously approved.

PUBLIC COMMENT

- Thomas Trumble expressed concern regarding a recent State regulation prohibiting charities from selling food cooked on their own premises to the public unless the charities are able to comply with strict criteria imposed by the regulation.

Ms. Morgan suggested that this matter be placed on the Commission's Agenda as an appointment. The Commissioners unanimously agreed. Ms. Morgan also suggested that a letter should be sent to the West Virginia Department of Health supporting the charities and requesting a clarification of the regulation. Mr. Boyde was directed to send a letter to Mr. Zeleski at the Department of Health requesting a clarification of the regulation.

Mary Walsh of the Animal Welfare Society echoed Mr. Trumble's concern.

- Jim Gibson of Charles Town expressed his concerns with the Rt. 340 study.
- Debbie Sirbaugh spoke on behalf of herself and her disabled brother regarding problems in their subdivision attributable to the builder.
- Doug Horrocks of Harpers Ferry informed the Commission of problems between the children and staff at Blue Ridge Elementary School.

PRESENTATIONS:

1. **Angie Banks, Assessor, requested that the Commissioners sign the certificates she received from the State which certified the accuracy of the Personal Property and Land books maintained by the Assessor's Office during the Board of Real Estate Review.** The Commissioners signed the certificates and returned them to Ms. Banks.

Jack Young, Capt. U.S. Navy, Ret., Jean Neely, Vice President and Vicky Thomas, President of SAIL (Shepherdstown Area Independent Living) introduced the Commission to SAIL and the ways in which it proposes to help the elderly, impaired and disabled citizens to continue to live in their own homes.

The Commission took a break at 10:35 a.m.

The Commission reconvened at 10:45 a.m.

2. **Jennifer S. Maghan, County Clerk,** gave an update on election voter turnout. Ms. Maghan also requested the Commission to approve the hiring of a summer intern, Arabia Anderson, at \$9.85 an hour.

Motion by Ms. Widmyer to approve the hire of Arabia Anderson at \$9.85 an hour as a summer intern working in the Clerk's Office. Motion seconded by Mr. Pellish and unanimously approved.

3. **Roger Goodwin, Chief County Engineer, re: water budget study project:**
 - a. Request that the Commission approve a contract with Analytical Services, Inc., to perform a county-wide water budget study in the amount of \$68,545.00 in accordance with Option No. 2 of its proposal of April 19, 2011 and to authorize the GIS Department to obtain the resources necessary to perform the in-house work.

Motion by Mr. Manuel to approve a contract with Analytical Services, Inc. authorizing Analytical Services, Inc. to perform a county-wide water budget study in the amount of \$68,545.00 in accordance with Option No. 2 of its proposal dated April 19, 2011 and to authorize the GIS Department to obtain the resources necessary to perform the in-house work. Motion seconded by Ms. Morgan and unanimously

approved.

- b. Roger Goodwin**, recommendation for tolling the construction bond for Notting Hill Subdivision, Duplex Lots 1-22 and Parcels A, B & C. The project meets the requirements to be allowed to toll the bond. Recommend authorizing the Commission President and Staff to execute the Tolling of Bonding Agreement with the developer, provided the County Commission finds that it is justified due to current economic conditions.

Motion by Ms. Widmyer to accept the recommendation of Mr. Goodwin and authorize the Commission President and Staff to execute the Tolling of Bonding Agreement with the developer. Motion seconded by Mr. Manuel and approved 4 to 1, with Ms. Morgan voting “no.”

- c. Roger Goodwin**, request that the Commission authorize a complete release of the remaining \$54,000.00 from the construction bond amount for Michael R. Shveda – Shepherdstown Estates Subdivision, Lots 1-9 & Residue (File #07-24).

Motion by Ms. Morgan to approve a complete release of the remaining \$54,000.00 from the construction bond amount for Michael R. Shveda – Shepherdstown Estates Subdivision, Lots 1-9 & Residue (File #07-24). Motion seconded by Mr. Manuel and unanimously approved.

- d. Roger Goodwin**, request for the complete release of the construction bond security for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22) – cash in escrow with the Bank of Charles Town, Charles Town, West Virginia.

Motion by Mr. Manuel to approve the complete release of the construction bond security for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22) – cash in escrow with the Bank of Charles Town, Charles Town, West Virginia. Motion seconded by Ms. Widmyer and unanimously approved.

- e. Mr. Goodwin’s** request for the complete release of the construction bond security for Rattlesnake Run, Inc./Thomas Harding for the Oxford Meadows Subdivision, Lots 1-14 (File #06-27) – Letter of Credit #60004966069 with Susquehanna Bank, Greencastle, PA was moved to the June 2, 2011 agenda for discussion/action.

The Commission took a break at 11:20 a.m.

The Commission reconvened at 11:25 a.m.

NEW BUSINESS:

4. Resolution in honor of Eliza Bayles on the occasion of her retirement.

Motion by Ms. Morgan to approve the Resolution honoring Eliza Bayles on the occasion of her retirement. Motion seconded by Mr. Manuel and unanimously approved. It was the consensus of the Commissioners that Ms. Bayles be asked to attend a future Commission meeting to be honored in person for her many years of service to the County.

**County Commission of Jefferson County
Charles Town, West Virginia**

**RESOLUTION
ELIZA BAYLES**

Whereas, Eliza Bayles has served Jefferson County Government since 2001; and

Whereas, she has served Jefferson County with diligence and loyalty; and

Whereas, she is looked up to by fellow co-workers as always being a kind, good-hearted person with a wonderful sense of humor and a friend; and

Whereas, such qualities and length of service are rare and very much appreciated,

Therefore Be It Resolved, that upon Eliza Bayles's retirement, the Jefferson County Commission wishes to honor and commend her for her tireless efforts serving County Government and wishes her well for the future.

May 19th, 2011

County Commission of Jefferson County:

Patricia Noland, President

Dale Manuel

Frances Morgan

Lyn Widmyer

Walter Pellish

PRESENTATIONS continued:

5. **Roger Goodwin gave an update on the Westridge Hills Test Project.**

Roger Goodwin gave an update on Stormwater Management Pond at Windmill Crossing in Charles

Town and how it affects county residences.

Motion by Ms. Widmyer that the Commission send a letter to the City of Charles Town Council and Planning Commission attaching the April 28, 2011 memorandum, written by Chief Engineer Roger Goodwin addressing stormwater management issues at Windmill Crossing, and that the City of Charles Town should consider requiring a bond as is done in the County. The Commission will continue to work with the City as we always have. Ms. Morgan would second the original motion providing it be changed to exclude the original letter because all of the stormwater problems are not known. It was Ms. Morgan's suggestion that the Commission letter also be sent to the Charles Town Public Utility Board and that the letter be sent immediately by close of business this date.

Ms. Morgan would offer this as a friendly amendment to the original motion, if acceptable. Ms. Widmyer agreed and suggested that the letter state that the recommendations would provide solutions in the near term, but the Commission recognizes that the stormwater management issues extend beyond just Windmill Crossing and everyone will have to work together on them.

Mr. Pellish suggested it would be faster to telephone the appropriate officials rather than send a letter. Ms. Noland advised that she would be happy to call Mayor Peggy Smith and discuss the issues. Another option is for the Commissioners to meet with the Charles Town city officials in an attempt to resolve the stormwater management problems.

Mr. Manuel requested that during the lunch hour the proposed motion and friendly amendment be put into written form for clarification and taken up again in the afternoon session. The Commissioners were in agreement and Ms. Widmyer will write the motion with amendment and draft the proposed letter.

NEW BUSINESS continued:

- 6. Barbara Miller, Homeland Security and Emergency Management** request for approval of cooperative agreement regarding the Citizen Corps Grant in the amount of \$13,000.00. No matching funds are required.

Motion by Mr. Manuel to approve the cooperative agreement with Volunteer West Virginia for a Citizen Corps Grant in the amount of \$13,000.00. Motion seconded by Ms. Morgan and unanimously approved.

UNFINISHED BUSINESS:

- 7. (9 on agenda) Request to approve and include two positions in the maintenance department (carpentry and auto mechanic) which were inadvertently omitted from the final budget deliberation to be reinstated into next year's budget (DM) – Discussion/Action** – This item was removed from the agenda and will be rescheduled for the June 23, 2011 meeting.

COUNTY COMMISSIONER REPORTS:

- Mr. Boyde reported that he received a proposal from Don Jacobs for standardizing job descriptions and he will be submitting the proposal for review at the June 2, 2011 meeting.
- Mr. Boyde spoke with Amy Owens of the Eastern West Virginia Community Foundation and he believes there

is a mechanism in place to put back proceeds from the realtor's commission towards a scholarship program for Parks & Recreation which is in the process of being finalized.

COUNTY COMMISSIONERS REPORTS:

Commissioner Widmyer:

- Attended a Region 9 meeting.
- Attended a Jefferson County Homeowners Association meeting.

Commissioner Manuel:

- Attended the Primary Election results at the County Courthouse.
- Attended a Jefferson County Emergency Services Agency meeting. June 28, 2011 is the next meeting with the JCESA and Fire and Rescue Association at 7:00 p.m. All Commissioners are asked to attend.
- Attended an E-9-1-1 Advisory Board meeting.
- Attended a Jefferson County Parks and Recreation Department meeting.

Commissioner Morgan:

- No meetings this week.

Commissioner Pellish:

- Attended a Jefferson County Development Authority meeting.

Commissioner Noland:

- Attended the "My Fair Lady" gala and play at the Old Opera House.
- Attended a Jefferson County Council on Aging meeting.

The Commission adjourned for lunch at 12:15 p.m.

The Commission reconvened its regular meeting at 1:25 p.m. after the close of the Public Hearing at 1:00 p.m.

ACCOUNTS PAYABLE revisited:

Motion by Ms. Morgan to approve the accounts payable in the amount of \$318,221.07. Motion seconded by Mr. Manuel and unanimously approved.

PRESENTATIONS continued:

6. (8 on agenda) – Roger Goodwin – stormwater management issues at Windmill Crossing continued.

The Commissioners reviewed and discussed Ms. Widmyer's draft letter to the officials at the City of Charles Town.

Ms. Morgan made a motion that the letter be sent this date on County Commission letterhead under Madam President's signature, with the change that the letter needs to include in the address line "The Honorable Peggy

Smith, Mayor,” and with the additional change that in paragraph two the language be amended to say “post additional construction bond with Jefferson County (in an amount determined in an agreement between the City and Jefferson County). Ms. Morgan moved that the letter be sent this date with those two changes because of the urgency of the matter. Lyn seconded the motion. The motion was defeated 3 to 2, with Ms. Noland, Mr. Manuel and Mr. Pellish voting “no.”

Mr. Manuel moved that the Commission invite the Mayor of Charles Town and council members and their staff, to a joint meeting with the County Commission and its staff to discuss the problem and, in preparation of the discussion, that the Memo be resent to the Mayor and the appropriate staff just as Mr. Goodwin has written it. Ms. Noland seconded the motion and the motion was unanimously approved.

There being no further business, Mr. Manuel moved to adjourn the meeting. Ms. Morgan seconded the motion and the motion was unanimously approved. The meeting was adjourned at 1:45 p.m.

Upon rising the meeting was adjourned until Thursday, June 2, 2011.

PATRICIA A. NOLAND, PRESIDENT