

Morgan County Commission
Meeting Minutes
June 17, 2010

Members Present: Thomas Swaim, Brenda Hutchinson and Stacy Dugan

The meeting was opened by Cathy Payne, Deputy County Clerk at 9:35 a.m.

ADMINISTRATION ITEMS:

On a Thomas Swaim/Stacy Dugan motion, the County Commission approved the meeting minutes from the June 10, 2010 County Commission meeting. This motion carried.

Town of Paw Paw VFD Equipment Resolution

Carol York, Grants Assistant, approached the Commission and presented a resolution for the Paw Paw Volunteer Fire Department. Ms. York explained that the County Commission has been awarded funding of \$1000.00 for the Fiscal Year 2010 Community Participation program for Morgan County Commission to be used for the Town of Paw Paw Volunteer Fire Department equipment. On a Stacy Dugan/Thomas Swaim motion, the County Commission accepts the conditions of the contract and authorizes Brenda J. Hutchinson, President, as the official representative for the Commission in the administrative of the Community Participation Program for the Morgan County Commission. This motion carried.

Authorization for the Morgan County Clerk to perform duties for delinquent land sales for the Morgan County Sheriff

On a Brenda Hutchinson/Stacy Dugan motion, the Morgan County Commission of Morgan County, West Virginia does hereby order that the Clerk of the County Commission of Morgan County, West Virginia be authorized to perform the duties of the State Auditor and retain the fees incident to the duties as set forth in sections, fourteen, sixteen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of this article 11A of the West Virginia Code pursuant to W.VA. Code11A-3-5b. This motion carried.

Courthouse Concerns

Architects Tom Potts and Sean Simon, representing Silling Associates, Inc. approached the Commission to discuss concerns they have regarding the courthouse. Mr. Potts stated to the Commission that there are a few problems that could delay the move into the courthouse. Mr. Simon stated that the problems included patching chipped precast stone and heat pumps that are not working properly. Mr. Potts stated that there is still work

needed to be done on the access control system. Mr. Potts stated that he has addressed these concerns with the contracting company, Milestone Construction Services, Inc. but has not gotten a response. Mr. Potts stated that he will write a letter to Milestone Constructions Services, Inc. requesting they respond in writing on the plan to close the project.

AGENDA ITEMS:

Kim Nickles- Estate of John Easton

Attorney Richard Gay, representing Mary Easton, and Attorney Tina Byers, representing Gary Easton, approached the Commission regarding the estate of John Easton. On a Thomas Swaim/Stacy Dugan motion, the County Commission authorizes its president, Brenda J. Hutchinson to sign the order of elective share stating that this matter came before the County Commission of Morgan County, West Virginia for purposes of addressing the recommended decision of the Fiduciary Commissioner, Patrick G. Henry, appointed by this Court by Order of June 17, 2010. This motion carried.

Bennett Lentczner- Solid Waste Authority funds request

Bennett Lentczner and Ellen Smith, representing the Morgan County Solid Waste Authority, approached the Commission regarding a funds request. Mr. Lentczner stated that the recycling center is an essential service to the county. Mr. Lentczner explained that the recycling center could use additional funding for salaries, operations and maintenance. Mr. Lentczner requested funds in the amount of \$32,000.00. The County Commission explained that a decision cannot be made today but they will review the request at the budget review meeting on July 1, 2010.

Kevin Boles- Morgan County Observatory funds request

Kevin Boles, representing the Morgan County Observatory, approached the Commission and explained the history of the observatory. Mr. Boles presented the Commission with a handout of information explaining the activities the observatory offers to children. Mr. Boles explained that the observatory has scholarship programs for the children and approximately 50 – 70% of the children take the scholarships. Mr. Boles stated that additional funding is needed to provide the scholarships. Mr. Boles requested funds in the amount of \$2000.00. The Commission agreed to consider the request at the budget review meeting on July 2, 2010.

Paul Combs- Comcast

Paul Combs, Robert Jacobs and Tom Kalisz, representing Comcast, approached the Commission. Mr. Combs explained to the Commission that the recent changes regarding digital cable was to give customers better service. Mr. Combs stated that Comcast started sending customers notification of changes in March. William Carey, cable observation citizen for Comcast, approached the Commission and asked Mr. Combs why Comcast is forcing its customers to purchase the digital box. Mr. Carey stated that if Comcast is upgrading and the customers need a box, Comcast should supply the box at no additional

charge. Mr. Combs stated if the customers want additional channels, they have to purchase the box. Commissioner Dugan asked Mr. Combs why there wasn't an ad in the Morgan Messenger informing the customers of the upgrade. Mr. Combs stated that there were flyers placed in the customers' bills and an advertisement in the Hancock newspaper; but in the future, they will advertise any changes in the Morgan Messenger. Commissioner Dugan stated that there has been confusion, and she has had many citizens approach her with complaints regarding the upgrade. Commissioner Dugan asked how many customers Comcast has lost due to the bill increase and the miscommunication of the upgrade. Mr. Combs stated he did not know. The Commission stated that Jody McClintock, County Administrator, is the official Comcast contact person, and William Carey is the cable observation person. Any persons with problems or complaints regarding Comcast may contact Ms. McClintock at the County Commission office.

Re-appointments to Morgan County Planning Commission

Jim Hoyt, Mary Ellen Largent, Carl Cowgill and Brad Close

On a Stacy Dugan/Thomas Swaim motion, the County Commission re-appoints James Hoyt, Mary Ellen Largent, Carl Cowgill and Brad Close to the Morgan County Planning Commission for a three year term. These appointments are effective immediately and will expire June 30, 2013. This motion carried.

Jody McClintock- Application for payment to Milestone Construction Services Inc.

Jody McClintock, County Administrator, approached the Commission and presented an application for payment to Milestone Construction Services, Inc. On a Stacy Dugan/Thomas Swaim motion, the Commission authorized its president, Brenda J. Hutchinson, to sign the adopted resolution and authorized the directed payment to Milestone Construction Services, Inc. in the amount of \$140,397.05 for the construction of the courthouse. This motion carried.

Bruce Beadenkopf- Letter from soil expert regarding the soccer field

Bruce Beadenkopf approached the Commission and stated that he does not have a letter but Rebecca McLeod is with him to discuss the studies of the soil tests. Ms. McLeod approached the Commission and stated that she thought the \$8000.00 the Commission spent on the soccer field soil testing was too expensive, and she could have gotten the soil tests for much less. Commissioner Dugan stated that Ms. McLeod's husband is on the Parks and Recreation board and has known about the soil tests. There was much discussion about it, and it was also advertised in the local newspaper. Commissioner Dugan stated that she wished Ms. McLeod would have spoken up sooner. Commissioner Hutchinson stated that the Commission followed the recommendations of the DEP (Department of Environmental Protection) regarding the soil testing. Commissioner Hutchinson stated that the Commission got three proposals concerning the tests and went with the least expensive of the three. Ms. McLeod stated that moving forward means looking at your options, not spending money on an extensive study. Commissioner Hutchinson stated that the Commission did not have an extensive study, it was a soil

sampling test. Ms. McLeod stated that she would have had the soil sampling tested at Reliance Laboratory in Martinsburg, WV. Commissioner Hutchinson stated that the Commission did not have this information before the decision was made. The Commission will follow up with the soccer field.

Adjournment

On a Stacy Dugan/Thomas Swaim motion, the County Commission adjourned the meeting at 1:00 p.m. This motion carried.