

Morgan County Commission  
Meeting Minutes  
July 21, 2011

Present: President Stacy Dugan, Commissioner Brenda Hutchinson and Commissioner Brad Close

Also Present: Jody McClintock, County Administrator, Ginger Johnson, Commission Secretary, Kate Shunney, Tricia Strader, Andy Swaim, Kim Michael, Sheriff Tax Office, Dana Thompson, Wayne Vecchitto, Connie Miller, David Stohl

The meeting was opened by Cathy Payne, Chief Deputy County Clerk at 9:30 a.m.

ADMINISTRATION ITEMS:

On a Brad Close/Brenda Hutchinson motion, the County Commission approves the amended minutes from the July 7, 2011 County Commission meeting. This motion carried.

Memo for re-payment of interest to Valley Health

President Dugan recused herself from signing the memo since she is an employee of Valley Health. Commissioner Hutchinson explained that the money is being taken out of the fire recovery fund but it is the money that was put into the fund from the hospital lease. Commissioners Hutchinson and Close signed the memo.

Carol York, Grant Administrator- Resolutions for Triad Engineering & Right of Way Lease Agreement

Right of Way Lease Agreement

Carol York, Grant Administrator, approached the Commission with a resolution authorizing the Morgan County Commission to enter into a Right of Way Lease Agreement that will allow the Commission access to build and maintain a communications tower on a 10,000 square foot parcel located at 941 Gamble Road, Great Cacapon, WV. Ms. York explained that the initial term is for five years. On a Brenda Hutchinson/Brad Close motion, the County Commission authorizes Stacy A. Dugan, President of the Morgan County Commission, to act on its behalf to enter into a contractual agreement with the LESSEE, Mr. Matt S. Grimley, for the lease of the aforementioned property. This motion carried.

Triad Engineering

Carol York, Grant Administrator, approached the Commission with a resolution authorizing the Morgan County Commission to enter into a professional services agreement with Triad Engineering, Inc. Ms. York explained that the environmental phase for the first tower location of the project, at 941 Gamble Road, Great Cacapon, WV was bid on and the bids evaluation committee completed RFP reviews and

ranking of the ten proposals and the highest ranked bidder was TRIAD Engineering, Inc. TRIAD Engineering, Inc. has submitted a Professional Services Agreement for the Environmental phase of the project. On a Brad Close/Brenda Hutchinson motion, the County Commission authorizes Stacy A. Dugan, President of the Morgan County Commission, to act on its behalf to enter into a professional services agreement with TRIAD Engineering, Inc. for the Environmental Phase of the COPS Technology grant project.

#### Letter for online access to bank accounts

Kim Michael, Sheriff's Tax Office, approached the Commission and requested online internet access to the county bank accounts. Ms. Michael explained that she works with the accounts on a daily basis and it would be beneficial for her to be able to check on the status of checks cleared, deposits and etc. Ms. Michael stated that as it stands now, she has to wait to receive the monthly bank statements in the mail at the beginning of each month. President Dugan clarified that the online access will allow Ms. Michael to view the accounts and not move money around from different accounts. Ms. Michael stated that she would not be moving money, this was just for her to be able to view the activity that has taken place. Commissioner Close stated that this is the time of technology and he does not have a problem with Ms. Michael having online access to view the accounts. The County Commission agreed and approved the letter allowing Ms. Michael to have online access to the bank accounts.

#### Solid Waste Authority Funds Request - \$20,000

The County Commission received a funds request from the Morgan County Solid Waste Authority in the amount of \$20,000. The County Commission stated that the funds given to the Solid Waste Authority come out of the general funds account. The County Commission agreed to funds in the amount of \$5000 for the Solid Waste Authority. Commissioner Hutchinson stated that she would be in favor of an additional \$5000 if funds were available at the December budget review. On a Brad Close/Brenda Hutchinson motion, the County Commission grants funds in the amount of \$5000 to be used for daily operations and the County Commission will revisit the request in December 2011. This motion carried.

#### Support Letter for North Berkeley Community Park

The County Commission signed a support letter for the North Berkeley Community Park. The last major component of the park that needs completed is a playground piece with a children's obstacle course for ages 5-12.

#### Attorney General Visit to the Courthouse

President Dugan stated that the Attorney General plans to meet with elected officials and visit the courthouse on August 5, 2011 beginning at 9:30 a.m.

#### Tri State Community Health Invitation

The County Commission received an invitation from Tri State Community Health Center in Hancock, Md. Celebrating the 46<sup>th</sup> Anniversary of the creation of the

Health Centers Program, National Health Center Week is August 8<sup>th</sup> through 12<sup>th</sup>, 2011. This is an annual event. The purpose of National Health Center Week is to honor the patients, celebrate the accomplishments and bring awareness to the community and public officials as to the importance of Community Health Centers. The Tri State Community Health Center has invited the elected officials to celebrate National Health Center Week on August 10, 2011 between the hours of 11:00 am – 2:00 pm.

#### Discussion Regarding Comcast Committee

President Dugan explained that the Comcast contract is up in May 2012. President Dugan suggested that the Commission form a committee to oversee and make sure that the customers in Morgan County do not get left out with the expansion. President Dugan also stated that she would like to find out what other cable franchises offer. Commissioner Hutchinson stated that if a committee is formed, she would like to know the goals of the committee and how long the committee will last and if each County Commissioner selects individuals for the committee.

#### Apple Orchard Acres Task Force

Commissioner Close stated that there was a meeting for the Apple Orchard Acres task force. Commissioner Close stated that he attended the meeting. Commissioner Close stated that the water well system for the development is not supplying enough water and the pipes are leaking. Commissioner Close stated that Lee Snyder, owner of the water systems in the development and President of Valley Water & Sewer, attended the meeting and listened to the customers concerns. Commissioner Close will continue to update the Commission on the issues with the water system at Apple Orchard Acres.

#### Farmland Meeting Update

Commissioner Hutchinson stated that Lin Dunham, Ginger Johnson and herself had attended a regional farmland meeting in Cass, WV on Tuesday, July 19, 2011. Commissioner Hutchinson stated that in spite of the 3 1/2 hour drive, they chose a day trip instead of spending the night to conserve tax dollars. Commissioner Hutchinson stated that she would like to commend the farmland board for their hard work trying to preserve property in Morgan County.

#### AGENDA ITEMS:

##### Kim Nickles, County Clerk's Office- Estate of Sherman Daly

Kim Nickles, County Clerk's Office, approached the Commission for the estate of Sherman Daly. Wayne Vecchitto, Petitioner of the Estate, attended by telephone conference. Mr. Vecchitto explained that Dana Thompson, one of the heirs to the estate is the current executor. Mr. Vecchitto requested that Laura Melia, Esquire, be appointed as the executor of the estate. Dana Thompson approached the Commission and stated that she has no problem with Ms. Melia becoming the executor of the estate. On a Brad Close/Brenda Hutchinson motion, the County Commission authorizes Stacy Dugan, President of the County Commission, to sign

the order to approve Laura A. Melia, Esquire, as the executor of the estate of Sherman Daly. This motion carried.

#### Decision for Marcellus Shale Committee

Commissioner Hutchinson explained that she had approached the Planning Commission regarding a marcellus shale committee. Commissioner Hutchinson explained that the Planning Commission does not want to participate with this project. Commissioner Hutchinson stated that she will oversee the project. Commissioner Hutchinson suggested that each Commissioner submit names of two individuals to serve on the committee. Commissioner Hutchinson stated that she selects Carol Coryea and Linda Kjeldgaard to serve on the committee. Commissioner Close stated that he has one individual at this time and stated that the individual is Mark Hann. Commissioner Close stated that he will have another individual soon. President Dugan stated that the individuals she chose are Jim Hoyt and Larry Schultz. Commissioner Hutchinson explained that she will sit with the board and participate and she would like the board to select a chairperson. Commissioner Hutchinson will contact the members to set a meeting date.

#### Dave Michael, OES Director- Sharing Towers Agreement

Dave Michael, OES Director, approached the Commission and presented a sharing towers agreement. Mr. Michael requested the prosecuting attorney review the agreement before it is finalized. The Commission agreed. The County Commission will wait until the Prosecuting Attorney reviews the document.

#### Possible Executive Session- Unemployment Compensation for Circuit Clerk's Office Employee

Connie Miller approached the Commission. The Commission asked if Ms. Miller would prefer to go into executive session or remain in an open meeting. Ms. Miller preferred to stay in an open meeting. Kim Jackson, Circuit Clerk, was not present at the meeting. Ms. Miller explained that she used to be an employee for the Circuit Clerk's Office but was let go due to budget cuts in the Circuit Clerk Office. Ms. Miller explained that last winter, she had slipped on black ice and broken her hip in seven places. Ms. Miller presented letters that she had received from Kim Jackson, Circuit Clerk, regarding when she will return to work after her accident and her current performance. Ms. Miller presented one letter regarding the conclusion of FMLA Leave and the letter states that if she fails to return to work on the date indicated, the Morgan County Commission will conclude that she has abandoned her position and her employment will be terminated. President Dugan stated that the County Commission had no participation in that letter nor do they approve of the letter. Ms. Miller stated to the Commission that she was told by Ms. Jackson that with the current budget cuts, she had to let Ms. Miller go. Ms. Miller explained that Ms. Jackson had called her regarding the new position that she is hiring for and stated that if Ms. Miller wanted that position, she would have to take it at the starting salary, not the current salary that she was making with her years of service. Ms. Miller stated that she is currently getting unemployment. President Dugan stated

that she thinks the unemployment pay should come out of Kim Jackson's budget and not the County Commission's budget. Commissioner Close stated that he does not know for sure if this will be possible. The Commission asked Jody McClintock, County Administrator, to consult with the Attorney General's Office to see if it is possible to take the unemployment out of the Circuit Clerk's Office budget. The Commissioner's thanked Ms. Miller for her time.

#### Discussion regarding Circuit Clerk filing a Writ of Mandamus

President Dugan explained that she had received a telephone call from Richard Gay, Attorney, stating that he had spoken to Trump & Trump. Mr. Gay stated that Kim Jackson, Circuit Clerk, may file a writ of mandamus. Commissioner Close stated that he is aware of a possible threat of suit. Commissioner Close stated that he does not think things should be placed on the agenda that have not happened. Commissioner Close stated that his suggestion is to call Kim Jackson and try to work this out. Commissioner Hutchinson agreed and stated that she thinks the Commission should discuss the matter with Kim Jackson before turning it over to the attorneys. President Dugan stated that she will call Richard Gay, Attorney, and see what the cost will be. The Commission agreed to discuss the matter with Ms. Jackson to try to work it out verbally.

#### Gary Nelson- Interview for Eastern Panhandle Transportation Authority

There was some confusion regarding the meeting and Mr. Nelson did not make the appointment for the interview. He will be asked to attend the next Commission meeting.

#### David Stohl- Interview for Planning Commission

David Stohl approached the Commission to interview to be on the Planning Commission board. Mr. Stohl stated that he has done construction work for 28 years. Mr. Stohl stated that he would not have a problem attending the Planning Commission meetings once a month. The County Commission thanked him for his time. The County Commission still has other applicants to interview before making a decision.

#### Loan Decisions for Loan #6000732 & CD #36781

The County Commission discussed taking the money out of the credit line to pay off the loan for the Magistrate Building. The interest on the line of credit is lower than the interest for the Magistrate loan. On a Brad Close/Brenda Hutchinson motion, the County Commission authorizes Brad Close to get with the Building Commission to complete the paperwork to transfer money from the line of credit account #6000732 to pay on the loan for the Magistrate Building account #0006000673. This motion carried.

#### IRS Mileage

President Dugan stated that the Commission had received an email from the Prosecuting Attorney asking if they will review the IRS Mileage rate. President

Dugan stated that if county employees travel for meetings or conferences, they will get reimbursed for gas mileage if they choose to use their personal vehicle. Commissioner Hutchinson stated that there are county vehicles for the county employees to use if they choose to. President Dugan stated that she thinks the mileage rate should stay the same and there are county vehicles that the employees can use. Commissioner Hutchinson agreed and stated that the County Commission encourages employees to use the county vehicles. The County Commission unanimously agreed to keep the gas mileage at the same rate and not increase it.

#### ADMINISTRATOR'S REPORT

##### Region 9- Revised Bill

Jody McClintock, County Administrator, explained that the Commission received a bill from Region 9 in the amount of \$5,963.94. The County Commission approved payment.

##### Fibernet 10 day Resolution Period

Jody McClintock, County Administrator, explained that today was the last day for the 10 day resolution period for Fibernet and she hasn't heard anything from Fibernet regarding the letter of possible termination that she had sent to them. The County Commission requested Ms. McClintock contract Debra McLaughlin, Prosecuting Attorney, to see if she has reviewed the contract with Fibernet. Ms. McClintock will follow up with the Commission regarding the contract after she speaks with the Prosecuting Attorney.

##### Adjournment

On a Brad Close/Brenda Hutchinson motion, the County Commission adjourned the meeting at 12:00 p.m. This motion carried.