

Morgan County Commission
Meeting Minutes
December 6, 2012

Members present: Stacy Dugan and Brad Close

Absent: Brenda Hutchinson

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

Also present: Jody McClintock, County Administrator; Ginger Johnson, Commission Secretary; Joshua Clark, Morgan Messenger; Laura Breeden, Sheriff Tax Office; Michael Moss; Paul Comes, Comcast; Dale McConnell; Bob Ford; Jerry Berman; Kate Lehman; Sally Berman; Danielle Hofe, Probation Office; Keith DeBlasio; Ruth Raasch; Chris Risinger; Katie Willard; Matt Close; Dawn White; Mike McKechnie, Mountain View Solar; Betty Mason, Louis Herrell, Dan Duckwall and Sylvia and Richard Thomas

ADMINISTRATION ITEMS:

November 15, 16 and November 20 2012 Meeting Minutes

On a Brad Close/ Stacy Dugan motion, the Morgan County Commission unanimously approved the November 15, 16 and November 20, 2012 meeting minutes. This motion carried.

Assessor's Exonerations

The Commission decided to wait until the next meeting to approve the exonerations. The Commission will be meeting with a representative from the WV Tax Office Legal Division to learn the responsibilities regarding tax exonerations and case law later in today's Commission meeting.

Reception for Michael Lorenson

President Dugan stated that there is a reception today at 1:30 pm for Newly Appointed Circuit Court Judge, Michael Lorenson.

Courthouse Christmas Party

President Dugan stated that the courthouse employee Christmas Party is scheduled for Wednesday, December 19, 2012 at 12:30 pm and is being held at Cacapon State Park. The courthouse will close at 12 noon that day.

AGENDA ITEMS:

Danielle Hofe, Probation Office- Requests for additional filing cabinets

Danielle Hofe, Probation Office, approached the Commission to request additional filing cabinets for the Probation Office. Ms. Hofe explained that the office needs a locking evidence cabinet and a filing cabinet for records. Commissioner Close asked Ms. Hofe if she has spoken to the Supreme Court regarding the needed cabinets. Ms. Hofe stated that she has not; but per the WV Code, the county provides all office furniture for the Probation Office. Ms. Hofe stated that she will talk to the Supreme Court about obtaining the cabinets. On a Brad Close/Stacy Dugan motion, the County Commission agreed that if the Supreme Court does not supply the needed cabinets, the County Commission will provide the cabinets for the Probation Office. This motion carried.

Jerry Berman- Comcast Franchise Agreement

Jerry Berman and Paul Comes, Director of Government Affairs for Comcast, approached the Commission to review the Comcast Franchise Agreement. Mr. Comes reviewed the services for Morgan County. Mr. Comes explained that the new agreement will include expanding cable coverage in the county while the franchise fees remain the same. On a Brad Close/Stacy Dugan motion, the County Commission approves and signs the 10 year franchise agreement between internet provider Comcast and the Morgan County Commission. This motion carried.

\$15,000 Grant for computers from Comcast to Boys & Girls Club

Chris Risinger, Boys and Girls Club and Paul Comes approached the Commission and explained that Comcast participates in foundation grant programs that helps the needs of the community. Mr. Comes stated that the Boys & Girls Club submitted an application for a grant and were accepted. Mr. Comes stated that the Boys & Girls Club have been awarded funds in the amount of \$15,000 for a new state of the art computer lab. The Commission thanked Mr. Risinger and Mr. Comes for all of their hard work.

Jerry Berman- Present Great Cacapon Post Office Petition to County Commission

Jerry Berman approached the Commission with a petition signed by more than 560 people asking for the hours at the Great Cacapon Post Office to stay the same. The US Postal Service Plan is to cut the hours from eight to six hours a day. Mr. Berman also submitted a letter to the Commission for their review. Mr. Berman explained that the letter is in opposition to the proposed changes in operation. Mr. Berman requested the Commission forward the letter to the Postal Regulatory Commission and WV Legislators along with a copy of the supported resolution and a copy of the petition. The Commission approved the letter and agreed to send it to the Postal Regulatory Commission and Legislators requesting the operating hours stay the same at the Great Cacapon Post Office. The Commission thanked Mr. Berman for his time.

Katie Willard- DEP (Department of Environmental Protection) Youth & Environmental program

Katie Willard, DEP, approached the Commission and explained that she is with the Department of Environmental Protection and she works with the youth to organize and facilitate environmental programs. Ms. Willard explained that she covers eight counties in the eastern panhandle. Ms. Willard presented a handout of information to the Commission. The County Commission thanked Ms. Willard for her time.

Dawn White- Update on Courthouse Geothermal System

Dawn White approached the Commission to discuss and get an update on the geothermal system for the courthouse. Ms. White asked if the geothermal system was operating. Commissioner Close stated no. Ms. White stated that the taxpayers are paying the bill for a system that isn't even working. Ms. White asked the County Commission to make this a top priority. Ms. White stated that this is the only courthouse in the state of WV with a non-functioning geothermal system. Commissioner Close explained that the Commission is aware the system is not working and the Commission is working on the issues. Ms. White asked if she could come before the Commission in 30 days for a report. Commissioner Close stated yes she may. Ms. White agreed to come before the Commission in 30 days to get a review of the progress regarding the geothermal system.

Benefits of solar panels in reduction of cost of Courthouse electrical usage

Dawn White approached the Commission to discuss the benefits of the solar panels in reduction of cost of the courthouse electrical usage. Ms. White stated that there is no benefits at all to having the solar panels on the rooftop and the electric bills show no credit earned. Ms. White asked if we are getting actual savings from the solar panels. Mike McKechnie, President, Mountain View Solar, approached the Commission and explained that the savings are on the transformer at the courthouse and the panels have reduced the amount of electricity bills for the courthouse. Mr. McKechnie agreed to meet with Ms. White to discuss the savings from the solar panels. The Commission thanked Ms. White and Mr. McKechnie.

Bill Clark- EDA Director- Pines Opportunity Center Leases

On a Stacy Dugan/Brad Close motion, the County Commission went into executive session to consult legal council at 11:38 a.m. This motion carried.

On a Stacy Dugan/Brad Close motion, the County Commission came out of executive session at 11:51 a.m. This motion carried.

On a Brad Close/Stacy Dugan motion, the County Commission accepts the lease agreements with Berkeley Springs Instruments and WDTF-LP FM radio contingent upon legal review. This motion carried.

The County Commission took a recess and reconvened at 4:00 p.m. Commissioner Hutchinson was present for the meeting beginning at 4:00 p.m.

Jan Mudrich, Assistant Director, WV Tax Office Legal Division- Responsibilities regarding tax exonerations and case law

President Dugan introduced Jan Mudrich, Assistant Director, WV Tax Office Legal Division and stated that he is here to explain the responsibilities regarding tax exonerations and case law. Mr. Mudrich explained the exoneration process and when exonerations should and should not be approved. Mr. Mudrich stated that only clerical errors should be exonerated. Mr. Mudrich stated that taxpayers errors or negligence should not be exonerated. Mr. Mudrich stated that the taxpayers should come to the County Commission to request a hearing if they wish to have an exoneration. Mr. Mudrich stated that penalties should not be exonerated. The County Commission agreed to start using a new form and new procedure requiring taxpayers come to the Commission first to request an exoneration. The Commission will approve the new form at the next meeting and move forward with the new procedure. The County Commission thanked Mr. Mudrich for his time.

Adjournment

On a Brad Close/Brenda Hutchinson motion, the County Commission adjourned the meeting at 4:50 p.m. This motion carried.