



CORPORATION OF HARPERS FERRY

Town Council

MINUTES

Regular Meeting **Monday, 12 October 2020** **7:00 p.m.**
Town Hall • 1000 Washington Street, Harpers Ferry, West Virginia 25425 • VIA ZOOM

Called to order at 7:01 p.m. by Mayor Bishop. Due to the COVID-19 pandemic, this meeting was conducted through Zoom and live-streamed on social media, in compliance with the State's emergency guidance on the Open Governmental Meetings Act.

Member	Title	Status
Wayne Bishop	Mayor	Present (<i>left at 10:29 p.m.</i>)
Kevin Carden	Recorder	Present
Barbara Humes	Councilmember	Present
Hardwick S. Johnson, Jr.	Councilmember	Present (<i>left at 10:56 p.m.</i>)
Christian Pechuekonis	Councilmember	Present
Jay Premack	Councilmember	Present
Charlotte Thompson	Councilmember	Present

The agenda was approved as amended. Item 4.c.ii. was stricken from the agenda. Items 4.e.iii. and 4.e.iv. were moved to before item 7.a. Item 5.b. was moved to before item 4.a.

1. Mayor's announcements.

The Mayor announced that he will look into federal stormwater funding.

2. Approval of minutes.

a. Regular Council meeting: 10 August 2020; 14 September 2020.

The minutes for 10 August 2020 were approved as amended. The minutes for 14 September 2020 were not available at this time.

b. Special Council meeting: 5 August 2020; 27 August 2020; 23 September 2020; 29 September 2020; 6 October 2020.

The minutes for 5 August 2020 were approved as amended. The minutes for 27 August and 23 September 2020 were approved as received. The minutes for 29 September and 6 October 2020 were not available at this time.

3. Treasurer's reports and approvals.

a. Review and approval of financial reports: August 2020.

The August 2020 financial reports were approved as received.

b. Approval of invoices and purchases over \$500.

i. Invoice 3711 – Hoy Shingleton, \$16,942.00.

Motion	Motion to approve payment of Invoice 3711 to Hoy Shingleton in the amount of \$16,942.00 from budget account "Construction in Progress". (ROLL CALL VOTE REQUESTED)
Motion by	Jay Premack
Second	Christian Pechuekonis
YES	Humes, Premack, Johnson, Pechuekonis, Case, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

4. Town reports.

a. Police Department.

i. Police report for the month of September 2020.

Chief Brown reported that for the month of September 2020, there were 107 incidents, 100 citations issued, 9 assists to other agencies, one call-out, and no accidents.

b. Ordinance Compliance Officer.

i. Report for September 2020.

A written report was submitted to the Council.

c. Budget and Finance Committee.

Jay Premack reported that the Budget and Finance Committee reviewed a request to install bollards at the entrance to the cemetery on Fillmore Street; more information is needed before the Committee can recommend approval of this item, and it may also require review and approval by other bodies of the Town government. Capital outlay was reviewed. Advantage Technology's IT contract was renewed, including a cost increase of about \$100 per month. A revision to the FY2021 budget was reviewed and approved, as well as a change to the Town's dumpster contact and an employee salary adjustment.

i. Discussion and action to change dumpster contract.

Motion	Motion to increase the size of the dumpster behind Town Hall to 8 yards from 4 yards, effective immediately, maintaining current twice-weekly pickup with additional cost to come from Line Item 809, required as a result of an increase of waste left by a larger number of visitors as a result of COVID-19. (ROLL CALL VOTE REQUESTED)
Motion by	Jay Premack
Second	Barbara Humes
YES	Humes, Premack, Johnson, Pechuekonis, Case, Carden, Bishop

NO	<i>none</i>
Result	MOTION APPROVED

~~ii. Discussion and action regarding the installation of bollards in the Town right-of-way on Fillmore Street.~~

iii. Discussion and action regarding FY 2021 Budget Revision 1.

Motion	Motion to approve FY2021 Budget Revision 1 as presented. (ROLL CALL VOTE REQUESTED)
Motion by	Jay Premack
Second	Christian Pechuekonis
YES	Humes, Premack, Johnson, Pechuekonis, Case, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

d. Office Operations Committee.

No report.

e. Water Department.

i. General report.

Christy Huddle reported that it closing on the USDA loan for the water system improvement project is anticipated before the end of this year. The project engineer is submitting an application for a permit from the WV Division of Highways. A recent water leak resulted in over one million gallons of lost water, but many customers were not notified that the water was being shut off for repair; the policy for notifying customers, especially businesses, will be reviewed. The water loss rate for the next month will be much lower due to the recent repair. Approval was received to send sludge to landfills in Pennsylvania, since landfills in West Virginia will no longer accept sludge. Chris Spanos replaced the water turbidity meter and calibrated the Xylem source water sensor, which resulted in a saving of several thousand dollars. The tracks were replaced on the mini-excavator at no cost by United Rentals, another large saving in costs. Water shut-offs for non-payment have resumed. The Water Commission will hold an emergency meeting later this week to discuss CARES Act funding for customers who are unable to pay their bills due to the COVID-19 pandemic. An application has been submitted for a \$25,000 source water protection grant to cover funding for a hydrocarbon sensor.

ii. Discussion and action on hiring a Water Project Coordinator.

Main motion	Motion to hire a Water Project Coordinator to serve during the duration of the project pursuant to the description provided by Bill Robinson to the Town Council. (ROLL CALL VOTE REQUESTED)
Main motion by	Jay Premack
Second – main motion	Nancy Case

Amendment	Motion to amend the main motion by adding “contingent on budgetary assurance from the Town’s CPA”.
Amendment by	Barbara Humes
Second to amend	Christian Pechuekonis
YES – amendment	Humes, Premack, Johnson, Pechuekonis, Case, Carden, Bishop
NO – amendment	<i>none</i>
Result – amendment	AMENDMENT APPROVED
YES – main motion	Premack, Pechuekonis, Case
NO– main motion	Humes, Johnson, Carden, Bishop
Result – main motion	MOTION FAILED

iii. Discussion and action on appointment of Operator-in-Training.

This item was discussed in executive session.

Motion	Motion to hire William Steach as Operator-in-Training at a starting wage of \$12.00 per hour, effective immediately. (ROLL CALL VOTE REQUESTED)
Motion by	Barbara Humes
Second	Jay Premack
YES	Humes, Premack, Pechuekonis, Case, Carden
NO	<i>none</i>
Result	MOTION APPROVED

iv. Discussion and action on employee salary adjustment.

This item was discussed in executive session.

Motion	Motion to increase hourly wage of Chris Spanos by \$1.00 per hour, to \$18.51, effective immediately. (ROLL CALL VOTE REQUESTED)
Motion by	Barbara Humes
Second	Jay Premack
YES	Humes, Premack, Pechuekonis, Case, Carden
NO	<i>none</i>
Result	MOTION APPROVED

5. Organizations / other reports.

a. Parks and Recreation Commission.

i. Update on activities.

A written report was submitted to the Town Council, which was read aloud by Pat Morse. The consensus of Town Council members was to discourage trick-or-treating due to the current pandemic; this advice will be communicated through the newsletter, social media, and the website.

b. Harpers Ferry-Bolivar Tourism Association.

i. Discussion on the proposed Holiday driving tour for visitors during Olde Tyme Christmas.

Cathy Baldau reported that the Harpers Ferry-Bolivar Tourism Association decided to modify this year's Olde Tyme Christmas celebration due to the COVID-19 pandemic. Residents and businesses will be encouraged to decorate their properties for the holidays. The National Park has also agreed to decorate some of its properties. A map will be provided to visitors for a driving tour to see the decorations and lights. The Parks and Recreation Commission will work with the Tourism Association on this project.

6. Unfinished business.

a. Update on Corporation of Harpers Ferry's response to the COVID-19 pandemic.

Christian Pechuekonis said the portable toilets in Lower Town will be left in place until the end of this month.

b. Discussion on committee report regarding police services for the Corporation of Bolivar.

Jay Premack reported that the Jefferson County Sheriff's Office proposed a concept plan to the Bolivar Town Council to establish a full-time dedicated officer for Bolivar from Monday to Friday, with regular JCSO coverage on weekends, which would cost an additional \$80,000 over the existing contract (totaling \$160,000). The Bolivar Town Council approved the concept at a subsequent meeting. The Harpers Ferry committee that was formed to discuss the subject of police services for Bolivar is reviewing the history of the police service agreements between the two towns, analyzing Bolivar's wants and needs, and explore a path forward to bridge the communities and better understand what services would be offered. The committee feels Harpers Ferry and Bolivar are sister communities, and it is important to maintain the relationship between the two while moving forward.

c. Discussion and action on annual snow plowing and snow removal contract.

The advertisement for snow plowing and removal has been submitted to The Journal. A special meeting will likely be called for further discussion of this item.

d. Discussion and action on Parking Committee's recommendation on increasing parking rates.

Through discussion, it was decided to bring this item back for Town Council action at a later date.

7. New business.

a. Discussion and action regarding multiple RFQ submissions for Harpers Ferry municipal attorney.

This item was discussed in executive session.

Motion	Motion that the Town make an offer to retain the services of Mr Kin Sayre, with the law firm of Bowles Rice, to be the Harpers Ferry Municipal Attorney, conditioned upon Mr Sayre agreeing to a reduced hourly rate as discussed (\$300) and with the offer being made effective immediately. (ROLL CALL VOTE REQUESTED)
Motion by	Nancy Case
Second	Christian Pechuekonis
YES	Humes, Premack, Pechuekonis, Case, Carden
NO	<i>none</i>
Result	MOTION APPROVED

b. Discussion and action regarding pay status of M. Scales at Michael L. Scales, PLLC.

This item was discussed in executive session.

Motion	Motion that the Town increase the hourly rate for Mr Michael Scales, of Michael L. Scales, PLCC, as discussed (to \$300 per hour), applicable to only future agreements with Harpers Ferry going forward. (ROLL CALL VOTE REQUESTED)
Motion by	Nancy Case
Second	Christian Pechuekonis
YES	Humes, Premack, Pechuekonis, Case, Carden
NO	<i>none</i>
Result	MOTION APPROVED

c. Discussion and action regarding the contract status of R. Bastress and the Corporation of Harpers Ferry’s intent to legally challenge SB657 or any other related laws and / or rules.

Main motion	<p>Motion that the Corporation of Harpers Ferry (“the Town”) void the contract to retain Mr Robert Bastress, executed on March 11, 2020. The Town will pay the cost and expenses incurred to date, pursuant to said contract.</p> <p>The Town Council instructs Mr Bastress to formally withdraw the Town’s intent to bring a lawsuit against the State of West Virginia, challenging the validity of, or any law or rule enacted pursuant to, SB657, the Tourism Development District Act, and further, instructs Mr Bastress to notify the State of West Virginia (P. Morrissey, D. Warner and M. Graney) that he, on behalf of the Corporation of Harpers Ferry, does not intend to sue the State of West Virginia at this time. The Town Council requests to be carbon-copied on Mr Bastress’ official correspondence to the State of West Virginia, abandoning the Town’s intent to sue.</p> <p>I further move that the Town Council send official correspondence to the State of West Virginia (P. Morrissey, D. Warner and M. Graney), notifying them of the same and that the Harpers Ferry Resolution Opposing Proposed</p>
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	WV Senate Bill 657 and Proposed House Bill 4641, adopted on February 10, 2020, is rescinded and without effect. (ROLL CALL VOTE REQUESTED)
Main motion by	Nancy Case
Second – main motion	Jay Premack
Amendment	Motion to amend the main motion by vacating the motion, distributing Mr Bastress’ legal opinion to the public, and scheduling public hearings and workshops to determine the path forward with or without legal action.
Amendment by	Barbara Humes
Second to amend	Hardy Johnson
YES – amendment	Humes, Johnson, Bishop
NO – amendment	Premack, Pechuekonis, Case, Carden
Result – amendment	AMENDMENT FAILED
YES – main motion	Premack, Pechuekonis, Case, Carden
NO – main motion	Humes, Johnson, Bishop
Result – main motion	MOTION APPROVED (unamended)

Motion	Motion to enter executive session, pursuant to WV Code § 6-9A-4(b)(2)(A) (for agenda items 4.e.iii. and 4.e.iv.) and 6-9A-4(b)(12) (for agenda items 7.a. and 7.b.).
Motion by	Nancy Case
Second	Hardy Johnson
Result	MOTION APPROVED. Executive session began at 10:29 p.m.

The meeting returned to open session at 11:01 p.m.

Motion to adjourn by Jay Premack, second by Christian Pechuekonis. Meeting adjourned at 11:06 p.m.

The above minutes are true and correct, as approved.

Mayor: _____ Date: _____

Recorder: _____ Date: _____