

MAYOR
P. EDDIE HARDMAN

RECORDER
SHANNON FRAGMIN

COUNCIL
ANNA HARVEY
RANDY CRITCHFIELD
CHAD PALMER
KRISTINA PALMER
WENDY POSEY



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March 21, 2016

MINUTES FOR REGULAR SESSION OF THE COUNCIL OF THE TOWN OF ANMOORE HELD **MONDAY, MARCH 21, 2016** AT THE ANMOORE FIRE DEPARTMENT - COUNCIL CHAMBERS, 158 ASH STREET, ANMOORE, WEST VIRGINIA AT **7:00PM**

COUNCIL PRESENT

Mayor P. Eddie Hardman
Kristina Palmer
Chad Palmer
Anna Harvey
Recorder Shannon Fragmin
Wendy Posey

COUNCIL ABSENT

Randy Critchfield

The Pledge of Allegiance was said followed in prayer given by Councilmember Wendy Posey.

Meeting was called to order. After roll call the Council proceeded with the following:

APPROVAL OF MINUTES

Minutes from **WORK SESSION** of the Anmoore Town Council dated March 3, 2016 approved. **MOTION** by Councilmember Posey, **SECONDED** by Councilmember C. Palmer. **MOTION APPROVED UNANIMOUSLY**

Minutes from **REGULAR SESSION** of the Anmoore Town Council dated March 7, 2016 approved. **MOTION** by Councilmember K. Palmer, **SECONDED** by Councilmember Posey. **MOTION APPROVED UNANIMOUSLY**

Minutes from **WORK SESSION** of the Anmoore Town Council dated March 16, 2016 approved. **MOTION** by Councilmember K. Palmer, **SECONDED** by Councilmember Posey. **MOTION APPROVED UNANIMOUSLY**

CITIZENS BUSINESS

Steven Hanning, Insure America: Their agents currently right the insurance policy for the Town of Anmoore. Presented before Council to introduce himself as there has been a change of administration. He believes that the Town can go from BRIM (Board of Risk and Insurance Management) to another insurance. Out of the four entities in the state of West Virginia brim is the least favorite to go. The town was previously with one another insurance carrier there's also Travelers and the Municipal League. The Municipal League is a One Beacon program with a very competitive pricing and attractive coverages. Right now he is affiliated with the exclusive writer of this program and within the next month or two he will be a part of them officially. The program is very strong and presents an opportunity for this Council, when it's time to renew on July 1. The Town will get a bill June 1 to pay, he is requesting we hold off on paying that bill until he can come back with the other offers. He's very optimistic based on the last two years that he can get a safe pretty favorable price with a lot better coverages.

Brim only has a \$1 million policy and that covers everything in the course of one year. This is very weak as this is the total coverage for the entire year. If the Town were sued for \$3 million our insurance policy would only cover \$1 million of that and the Town would be responsible for the remainder.

Councilmember Harvey stated she's been taking care of some of the insurance stuff for the Town. She reports she just submitted paperwork to both BRIM and Travelers. The Loss Control Questionnaire was one thing she recently submitted. There were several things that the Town has not turned in such as the Employee Handbook which we recently revised. She's getting ready to send this to them this week. We now have a Safety Committee and have meetings. The Town now has a Safety Manual. The town is also doing continuing education with our employees. So we have started several programs trying to benefit our employees. Mr. Hanning stated one thing he likes about One Beacon is they have a Risk Management Department. BRIM relies on Insure America and they have done Safety Manuals for municipalities, but honestly what happens is they get put on a shelf somewhere and thrown away by the next person that comes along. One Beacon has all kinds of employee training and they can even help writing policies and procedures. Councilmember Harvey stated she has been working on the Policies and Procedures Manual. One Beacon also offers all kinds of other services such as drug and alcohol abuse programs, defensive driving, etc.

Councilmember Harvey questioned Mr. Hanning about the Workers Comp. stating we have been working under one policy. She stated we've been working with Nutter Fort who informed us that they have two separate policies one for the Town and one for the Fire Department so she was questioning why ours is combined and if we should have two separate policies. Mr. Hanning stated that there was a reason we had to accident policies that he's unable to remember why at this time. He stated we could have two separate policies but it might not necessarily benefit us much. He doesn't see why you would have two different policies because it's common ownership. The Town governs the Fire Department.

The fire department currently has VFIS (Volunteer Fireman's Insurance Services) because it was cheaper. Mr. Hanning stated he would pull the loss history. Provided that that is okay, we could possibly see a 15 to 25% reduction.

John Compton, Anmoore, WV: Presents before Council with employee issues and requests to go into Executive Session.

DEPARTMENT REPORTS

POLICE: Verbal report was given by Chief Don Quinn

146 proactive and reactive calls since the last Council meeting.

There are three officers that did not want to sign the Acknowledgment Form that they received the Employee Handbook because they do not want to give up the Policeman's Bill of Rights. In the statutory code it allows for more of a hearing if an officer is dismissed for any reason. There is one that goes under the Civil Service Commission and then there's one that does not go under the Civil Service Commission. In the second paragraph of the Acknowledgment Form it states that they could be released for no reason. It is requested that we amend the Acknowledgment Form for the Police Department to include their Policeman's Bill of Rights.

BUILDING INSPECTOR: Verbal report given Vince Smith

He is working with Horner Bros. to identify the corporate boundaries out past the Queens Trailer Park. Horner Bros. reports there was an annexation of 25 acres in the late 70s. Mr. Smith requested that they stay in the price range that was given to them so he may not be able to set a lot of pins. Councilmember Harvey is requesting we have more of a significant survey for the street because there is a controversy over where the Queens street is. Mr. Smith stated that would cost the Town more. He was asked to obtain a quote. Councilmember Harvey questioned exactly where the survey is taking place because there are a couple of issues surrounding these areas. She stated there is a business on Oak Street that is stating they are out of Town limits and there is a residence with chickens. Mr. Smith stated he was surveying the entire annexation.

Eddie Hardman stated that Vickie had called him in regards to the other side of the Jehovah's Witness Church. There wanting to place a building on the other side of it. He stated we had an issue with this before. Councilmember Harvey stated anything on the side of the road is within town limits. The road to the church, anything on the other side is out, anything on this side is in. Mayor Eddie Hardman asked about 58. There was a question with one residence. Councilmember Harvey stated the only place that is out is the Poth's they were grandfathered out because he had a business at the time and he didn't want to pay B&O taxes. Everything else up to the pond is in. Vince Smith stated after we get the Queens property done, this could be the next issue we look at. Councilmember Harvey stated eventually were good have to do all of our boundaries as we can afford it. Vince Smith stated when we do this, we may want to go up to East Point and draw the line through there, because were relying on Clarksburg to say where our boundaries are.

Don Quinn and Vince Smith went up to address the issue of the building on our right-of-way and they wanted us to rock the right away. They were informed that we were not going to rock the right away up to the park. She requested to be able to put rock on it at which time Mr. Smith informed her the Town was going to close that right-of-way off. She was informed the best thing she could do would be to make access as it was before from the front of the house. They also stated that in 2 to 3 weeks they hope to have the building moved off.

Issue with garbage on Linden Street at the apartments. Mr. Smith and Shawn Spurlock recommended a dumpster for that case. They would put a platform right off the road so the dumpster wouldn't have to go back into the property. Right now trash is going everywhere and stray animals are getting into the trash and dragging it places. Mr. Smith and Vicki Kerns looked at it if they continue to charge the tenants the same garbage rate, the owner stated he would pitch in a little extra and we could recoup our money back fairly quickly. For a 4 yard dumpster is about \$1000.

In regards to the Comprehensive Plan, the Town Attorney did some research and discovered the Town does not need to have one. Mr. Smith spoke with Sheena Hunt at Region VI who stated she has never seen an application for a grant that questions if a Town has a Comprehensive Plan. We have never had one here, although it would be great to have one in place. It's not something we need immediately. Mr. Smith is working with WVU Law to see if they would be willing to come in and do a comprehensive plan for the smaller municipalities that choose not to go with the county such as Lumberport, Salem and Anmoore free of charge. Mr. Smith stated there was something going on there that they wanted all of our water and sewage lines. The Town Attorney and Mr. Smith didn't like how the contract looked. Recorder Fragmin stated we don't have to have the contract signed until April 22 so we have plenty of time to research it a little more.

Mr. Smith stated we should hear from WVU Law in a week or so.

Mayor Hardman asked about the progress with Mr. Cox's house. He stated it is leaning over and it looks like it's getting ready to fall over. Mr. Smith stated he has spoken with him and they did get the asbestos certification. Mr. Cox realizes it's going to cost an extensive amount of money to get them down because the one house has a lot of asbestos in it. For issues like this if the Town would have a demolition budget, Mr. Smith could put a condemnation on the house and give them 60 days to tear it down. If he doesn't tear them down, the Town pays to have them tore down and we put a lien on that property. However, if we have no funds then Mr. Smith is spinning his wheels and wasting funds on attorney fees. Nothing is going to get done.

Councilmember Harvey brought up Ed Mino's property. She states the walls and chimney are caving in.

MAINTENANCE: Written report given by Shawn Spurlock, Maintenance Supervisor.

- Work orders were done.
- Cut and hauled brush at various locations in Town.
- Picked up trash.
- Cleaned up trucks and backhoe.
- Rereads were done.
- Fixed catch basin at Dickie Bramer's
- Looked for leaks.
- Fixed service on Nash Street.
- Found service line torn apart on Route 58 due to soil erosion.
- Located lines and helped crews at the bridge project in East View.
- Cleaned up debris for two days from the flooding.
- The Town will not have any inmates until further notice due to the contraband drop that was found. Frank Jenkins said that he would notify the Town when we could start getting the inmates again. Recorder Fragmin stated we would discuss this further in Executive Session.
- Locks were bought for the Fire Department doors. They will be installed tomorrow.
- The manhole on Crisfield Street Mr. Queen inquired about is fine.
- Garbage truck is broke down again with electrical issues. Mr. Spurlock is asking the Council for permission to have it looked at. The Town borrowed Nutter Forts backup truck to do garbage. The Maintenance Department is running behind, but will be finished with the garbage in the morning.

FINANCIAL: Report given by Vickie Kerns, Clerk

Updated the community in regards to our part-time clerk position. Recorder Fragmin stated the Town hired an individual for this position who decided to go to the full-time clerk position when that individual never showed up. Ms. Stevens attempted to do the full-time position for approximately a month before deciding she was unable to do so and requested to go back down to part-time. Council allowed Ms. Stevens to go back down to part-time, unfortunately, within days of that decision she decided to resign. Recorder Fragmin informed Council that she did receive a resignation letter from Ms. Stevens

Recorder Fragmin stated at this point a part-time clerk position has already been posted. The town has received several applicants and we have narrowed it down. Interviews will take place Thursday March 24, 2016 at 6 PM and Council Chambers.

The town will have to post for another full-time clerk position.

The budget has been submitted. It was also submitted to the Clarksburg exponent telegram to be published as required.

At the last Council meeting recorder Fragmin handed everyone a copy of the excise tax ordinance. Recorder Fragmin had Vicki send it to the Town Attorney and he made a couple notes that on it. This is something for Council to look at, obviously a first reading isn't going to be done tonight. Councilmember Harvey asked if he checked state law. Recorder Fragmin stated she thought he did based off of some of the notes he's made. She also asked if we pass this utility tax, will the utilities raise the rates on the people in our Town.

B&O first quarter forms have been mailed.

Councilmember Harvey wanted to make note that the second meeting in April will be Tuesday, April 19, 2016 and three days after this date Recorder Fragmin has to make sure she sends the paperwork in.

EMS/FIRE DEPARTMENT: Report given by Eddie Hardman

EMS put in a request to have new estimates done on ambulance 18 to include the price of lettering and the bumper. Kris Barron is waiting on an email from AEV with the cost of the lettering at this time.

EMS is having a mandatory meeting with the EMTs on Tuesday, March 22, 2016 to go over protocols with the newer EMTs and will be a refresher for the others. That meeting will start at 4 PM. There were some overtime during the past pay. Due to some call lofts and some last-minute transports. EMS is had to cover several calls for Harrison County over the past month as well as Bridgeport. They have three employees that are in need of pants and boots. Kris Barron obtained a price on the pants, they will be between 40 and \$50 a pair. The boots he's unsure of due to sizing.

Uniform shirts were ordered and should be in in about two weeks. They ordered 60 shirts at a cost of \$371.40 (Three hundred seventy one dollars and forty cents) plus shipping. This was cheaper than the original quote and they were able to order some extra shirts.

EMS is currently working on getting transports from Highland Hospital. These will be last-minute transports and will be long-distance with a minimum of 4 ½ hours round-trip. These will be \$750- \$1000 (Seven hundred and fifty to one thousand dollar) transports. Kris Barron would like to come up with an incentive program for the employees and volunteers to take them. Something he was thinking of was a prepaid debit card on hand. This would provide a meal to those individuals transporting on a last minute notice.

Council will see a small drop in transports due to one of the dialysis patients being in the hospital.

BOARDS AND COMMITTEE REPORTS

Water Board: Cannot meet until the clerks are situated at Town Hall.

Recreation Committee: had the Easter Egg Hunt this past weekend. Unfortunately, had a low turnout due to the weather. Recreation committee also sponsored the Open House for the Comprehensive Plan. They had about 10 (ten) people altogether. They also purchased a bingo machine. Their current plans for the bingo machine include allowing people to use it. When they rent out the hall if they choose to use the bingo machine it will be a fundraiser fee, in the amount of \$250 (two hundred and fifty dollars). They have also considered a \$50 (fifty dollar) fee for the individual who runs it. It was an expensive piece of equipment and they would prefer not just anybody use it. Recreation committee also has a bingo planned for the first Sunday in May.

UNFINISHED BUSINESS

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM: as discussed above

QUEENS SURVEY: as discussed above

1D TRAINING: Recorder Fragmin stated that two months ago today we require the maintenance department employees obtain their 1D training certification. Council gave them an additional month from today. Councilmember Harvey stated that they have begun the training

Recorder Fragmin questioned what disciplinary action the Council will enforce if the maintenance department employees do not obtain their 1D training certification within the next month.

Mayor Hardman questioned whether or not we were going to give them a raise once they obtained the certification. Recorder Fragmin stated she would vote for that.

Per the employee handbook insubordination by the refusal to perform work assigned or to comply with written or verbal instructions as supervisory enforce or discourtesy to persons with whom they come in contact with while in performance of their duties. This is punishable by dismissal. Council does not wish to go this far but at some point what we are asking needs to be done.

RETAINER AGREEMENT: This was in regards to the Comprehensive Plan

MOTION made by Councilmember Harvey **SECONDED** by Councilmember C. Palmer to table the comprehensive plan retainer agreement **MOTION APPROVED UNANIMOUSLY**

DESIGNATION OF ANMOORE CONTACT FOR THE LUSDC (land use and sustainable development clinic): Councilmember Harvey has been working with this.

MOTION made by Councilmember K. Palmer **SECONDED** by Councilmember C. Palmer to make Anna the contact for the LUSDC. **MOTION APPROVED UNANIMOUSLY**

INSURANCE: No changes, no new business

MOTION made by Councilmember K. Palmer **SECONDED** by Councilmember Harvey to change the employees' health insurance coverage to only employees 100% and no more family plan. Roll call vote: Anna Harvey: yes Randy Critchfield: yes, Chad Palmer: yes, Kristina Palmer: yes, Wendy Posey: yes, Shannon Fragmin: yes. **MOTION APPROVED UNANIMOUSLY**

The family plan will still be offered, employees will have to pay for it. This takes effect in April at New Enrollment.

Queens Survey: Horner Brothers has already started the survey. They have a plat around Queens' property and out Oak Street. It's approximately \$400 (four hundred dollars) for that and if we wanted it staked this can be an additional \$1500 (fifteen hundred). Per Mayor Eddie Hardman will start on the Crisfield side first.

MOTION made by Councilmember Harvey **SECONDED** by Councilmember K. Palmer to have Horner Brothers to continue with the survey for \$400 (four hundred) and stake it for the additional \$1500 (fifteen hundred). **MOTION APPROVED UNANIMOUSLY**

MOTION made by Councilmember Harvey **SECONDED** by Councilmember C. Palmer to have Charlene Smith with the National Federation of the Blind do their annual road toll on Saturday, May 7, 2016 from 10 AM to 6 PM **MOTION APPROVED UNANIMOUSLY**

MOTION made by Councilmember K. Palmer **SECONDED** by Councilmember Harvey to approve the July 1, 2016 to June 30, 2017 Roll call vote: Anna Harvey: yes Randy Critchfield: yes, Chad Palmer: yes, Kristina Palmer: yes, Wendy Posey: yes, Shannon Fragmin: yes. **MOTION APPROVED UNANIMOUSLY**

NEW BUSINESS

UTILITY TAX ORDINANCE: as discussed above. Council has a few questions that need to be answered before we decide whether or not to go forth with this ordinance.

LEAVE WITHOUT PAY: there was an incident this week where an employee was requesting to take leave without pay in lieu of their annual leave or sick leave. Recorder Fragmin stated that in her experience, people use their leave first, whether it be annual leave or sick leave. If they have it, then they use it. If people choose to use all of their leave in the first three months, then the rest of the year you use leave without pay (LWOP). Then if individuals are repeatedly abusing this system, constantly using LWOP, then disciplinary action can be taken. We cannot say anything to anyone in regards to their annual or sick leave because this is time the employee has earned while being employed here. However, if the employee is constantly using LWOP because they used up all their accrued annual and sick leave within the first three months of the year, then this is an issue for the Town of Anmoore. We pay employees, we have hired employees to be here and if that employee cannot be here because they are continuously using LWOP, they are of no use to us.

Mr. Compton, at this time, chose to discuss this issue outside of Executive Session and stated that he was informed he could not use his sick time, he had to use his vacation time. Recorder Fragmin stated she has never told Mr. Compton this. Mr. Compton agreed and stated his supervisor did. Recorder Fragmin went stated that she did tell him he was not to have LWOP, but he could flex his time. Since he gets 4 (four) hours on the weekend, he could flex his time.

Mr. Compton stated that he contacted the Board of Labor today and explained to them that his supervisor told him he couldn't use his sick time, he had to use his vacation. He stated they provided another number for him to call, which he did, but no one was at the office.

Recorder Fragmin stated this was new information to her. Per her phone conversation with Mr. Compton, Mr. Spurlock told him he was not allowed to have LWOP, he had to use his leave. Mr. Compton agreed and stated he was told he could not use his sick time. Recorder Fragmin corrected him and stated Mr. Compton requested to take LWOP and Mr. Spurlock stated he could not take LWOP. This is different than sick time. Mr. Compton questioned why it couldn't be his choice. He stated he did not want to take time away from Josh (son). Recorder Fragmin asked Mr. Compton what the difference would be if he took LWOP now or in the summer.

Per Councilmember Harvey, legally Mr. Compton has to use his leave before he can take LWOP. She stated she works for the Federal Government and this is how it is for her. Recorder Fragmin confirmed with Mr. Compton that she did explain this to him, which he stated it did not make sense to him. He stated he has never heard anything like this before, which was why he contacted the Labor Board. Recorder Fragmin stated that the question he asked the Labor Board was completely different than the question he asked her. She stated Mr. Compton told the Labor Board that Mr. Spurlock informed him he could not use his sick time that he had to use his annual leave. This was completely different than what he asked Recorder Fragmin. Mr. Compton stated to Recorder Fragmin he wanted to take LWOP. Mr. Compton stated that he has been with the Town for 12 (twelve) years and he feels that he has acquired the 3 (three), but Council made it to 4 (four) weeks that he feels should be his and his decision. Recorder Fragmin completely agreed and informed Mr. Compton that Council is not telling him he cannot take it. Mr. Compton stated that Mr. Spurlock told him he could not take it. It was explained to him again that he wanted LWOP, there was no mention of sick time. Mr. Compton was adamant that he has been and is currently being informed he cannot use his sick time before he uses his annual leave. Council informed Mr. Compton that this is not true. Examples were provided by Councilmember K. Palmer of when to use annual leave or sick leave.

Conversation continued with Mr. Compton regarding this issue. Recorder Fragmin stated Council will not grant LWOP until annual leave or sick leave has been used up. She reiterated that if an employee uses all their time within the first three months of the year and has nothing left, that is a punishment to themselves and they need to manage their time better. If employees chose to use all their time in the first three months than that is fine, because this is time the employee has earned. However, when an employee has to take 50 LWOP days for the last nine months of the year, than that employee is no good for our business. That employee is never here.

Mr. Compton stated he had an appointment on Thursday that he cancelled because he was scared if he had one more day off then he was going to get fired. Recorder Fragmin informed Mr. Compton that he should not have cancelled his appointment because she had it worked out with him, he would flex his time, so he could attend. He stated that Recorder Fragmin told him he was abusing leave at which time Recorder Fragmin stated Mr. Compton was never informed he was abusing time. What was said about abusing time was just stated in Council, if an employee uses up their time in the first 3 (three) months and then takes several LWOP days for the rest of the year, then that is abuse of time. Mr. Compton stated another employee has taken off just as many days without a doctor's excuse. Recorder Fragmin stated if this issue is ever brought to Council or Council ever asks about it, then Council will deal with it then. Council cannot tell employees how they can use their annual leave or sick leave, but what Council can do is when employees use all that leave and then abuse leave by taking LWOP all the time, then this becomes a problem for the Town.

Recorder Fragmin stated he should not have cancelled his appointment. Mr. Compton stated he took that as a scare. Recorder Fragmin stated it was worked out and he was told he could flex his time instead of taking LWOP. Councilmember C. Palmer informed Mr. Compton that he didn't want him to miss any appointment because he was afraid Council would say no. Palmer reiterated to Mr. Compton that if he has sick leave and he wants to use it, legally, we cannot tell him he cannot use it.

Councilmember Harvey asked if it was in the handbook that vacation has to be pre-approved. Mr. Compton stated it was. Mr. Compton also stated his vacation was planned a year ago and has already been pre-approved by his supervisor. Councilmember Harvey told Mr. Compton to make sure he has time to take it off. Councilmember Harvey requested that he give Vickie Kerns a copy of his request. He feels he has done what was expected of him. He would like to discuss the inmate situation in Executive Session.

INSURE AMERICA: as discussed above

PART TIME CLERK POSITIONS:

MOTION made by Councilmember Harvey **SECONDED** by Councilmember K. Palmer to accept Tina Steven's resignation. **MOTION APPROVED UNANIMOUSLY**

Interviews will be Thursday at 6PM. Recorder Fragmin will have the clerks call and schedule the interviews tomorrow. She also stated we needed to post a full-time position in the newspaper.

MOTION made by Councilmember Harvey **SECONDED** by Councilmember C. Palmer to post a full time Town Clerk position in the newspaper. **MOTION APPROVED UNANIMOUSLY**

BILLS

Bills were submitted

MOTION made by Councilmember K. Palmer to pay the bills **SECONDED** by Councilmember C. Palmer **MOTION APPROVED UNANIMOUSLY**

EXECUTIVE SESSION

MOTION made by Councilmember K. Palmer and **SECONDED** by C. Palmer to go into Executive Session:
Entered at 816PM.
Discussed Employee issues.

MOTION made by Councilmember Harvey and **SECONDED** by C. Palmer to go into back into Regular Session:
Entered at 854PM

MOTION made by Councilmember Harvey **SECONDED** by Councilmember K. Palmer that pending the Pruntytown Correctional Facilities investigation, if it is discovered that any of our employees were involved, they will be discharged immediately. **MOTION APPROVED UNANIMOUSLY**

COUNCIL COMMUNICATIONS

None

ADJOURNMENT

There being no further business to come before Council, **MOTION MADE** by Councilmember K. Palmer and **SECONDED** by Councilmember Posey to adjourn. **MOTION APPROVED UNANIMOUSLY**

P. Eddie Hardman, Mayor

Shannon Fragmin, Recorder

APPROVED ON: APRIL 4, 2016