



# CORPORATION OF HARPERS FERRY

## Town Council

### MINUTES

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**Regular Meeting**

**Monday, 9 May 2022**

**7:00 p.m.**

**Town Hall • 1000 Washington Street, Harpers Ferry, West Virginia 25425**

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Called to order at 7:00 p.m. by Mayor Vaughn. The Town Council met in Town Hall. However, due to the COVID-19 pandemic, no audience members were physically present. With the exception of the Financial Officer, all presenters communicated with the Town Council through Zoom Webinar. The meeting was live-streamed for the public on YouTube, in compliance with the State's emergency guidance on the Open Governmental Meetings Act.

Member	Title	Status
Greg Vaughn	Mayor	Present
Kevin Carden	Recorder	Absent
Chris Craig	Councilmember	Present
Greg "Storm" DiCostanzo	Councilmember	Present ( <i>recording</i> )
Laurel Drake	Councilmember	Present
Jim Jenkins	Councilmember	Absent
Christian Pechuekonis	Councilmember	Present

The agenda was approved as submitted.

There were no public comments.

#### **1. Mayor's announcements.**

- a. Harpers Ferry will be represented at the May 18, 2022 Jefferson County Tourism Summit by Mayor Vaughn, and Council Members Christian Pechuekonis, Chris Craig, and Storm DiCostanzo. It will be held at the Bavarian Inn in Shepherdstown.
- b. Town offices will be closed on May 10 for the Election Day state holiday. Only essential employees will be on duty, which includes the Town's police officers and Class II Water Operators.
- c. Mayor Vaughn visited the Hill Top Hotel site and reports that demolition of the main structure is complete. Later additions made to the annex building were demolished, and the original structure is being examined by engineers. SWaN has gone to great lengths to reclaim, preserve, and recycle materials from the site. Structural stones are being sorted and stacked for reuse on site.
- d. There will be a Celtic wedding procession on June 24, 2022, featuring a piper (bagpipes), starting at 2p.m. at the intersection of Church Street and Washington Street. The procession will move down High Street to Lower Town, then proceed up the Stone Steps to St. Peter's Church. The procession will be escorted by police, for safety and traffic control.

**2. Approval of minutes.**

- a. **Regular meeting: 14 March 2022.**
- b. **Special meetings: 24 March 2022.**

There were no minutes received for approval.

**3. Treasurer’s reports and approvals.**

- a. **Review and approval of financial reports: March 2022.**

General Fund and Water Works budgets are currently at the 75% mark for Fiscal Year 2022. Income is at 70%, and expected to meet the estimate for the year. B&O tax is at 75%, and Sales Tax is ahead of target, at 83%. Parking is at 63%, and it is hoped that (off from calendar year 2021.)

Water Works income is at 62.7%, which is lower than hoped, but congruent with prior years. Pulling back FY22 and 23 revenue numbers. Operating expenses are at 61.5%.

Revisions to the FY22 and FY23 budgets will be ready for Council review and approval soon.

<b>Motion</b>	Motion to approve the financial reports as submitted through March 2022.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Chris Craig
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

- b. **Approval of invoices and purchases over Purchasing Threshold.**

<b>Motion</b>	Motion to approve purchases over the Purchasing Threshold as presented through April 2022.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Chris Craig
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**4. Town reports.**

- a. **Police Department.**

- i. **Police report for the month of April 2022.**

Police Chief John Brown participated via Zoom and reported that there were 0 accidents, 7 assists, 37 citations, and 87 incidents.

Among the assists, six were for the County and one for the Charles Town PD. The PD responded to the incident in which a barge along the Potomac River broke free and floated downstream towards Harpers Ferry.

There have been no incidents relating to the Hill Top Hotel development, and its demolition.

Mayor Vaughn added that on April 14, 2022 the police conducted an enforcement action that was a benefit to the community.

**b. Ordinance Compliance Officer.**

**i. Report for the month of April 2022.**

The new vacant and uninhabitable structures ordinance requires an oversight board. It will consist of three voting members (code enforcement officer, Executive Director of Health, and Fire Chief) plus two non-voting resident members. All enforcement decisions will lie with the board, and the Circuit Court is the venue for appeals.

**c. Budget and Finance Committee.**

Work on the FY22 and FY23 budgets continues. Major new initiatives in the budget will include an administrator for the Water Works and other infrastructure-related oversight; Comprehensive Plan assistance for the Planning Commission; and an engineering assessment of the Town Hall structure.

The Town has verified that the ARPA funds assigned to Harpers Ferry based on population have all been obligated to the Elks Run water main project. Jefferson County has not yet assigned the additional ARPA funds apportioned to it by the federal government.

**i. Discussion and action regarding funding for Music on the Ridge 2022.**

The event will be a lower-profile and simplified “soft opening” version of the event, as it returns from a two-year hiatus. It will be held on June 4, 2022 along East Ridge Street, and on private property. Fences will separate the event space from neighboring areas. Four acoustic acts will be selected to perform. No food or beverages will be available, adjacent property owners will be notified, and bonded Town employees will handle the ticketing process and funds. The Town Hall office will investigate if additional measures will be necessary to hold a Town event of this nature, and apply legal and insurance measures as might be recommended.

<b>Motion</b>	Motion to approve up to \$2,250 from Line Item 906 (Economic Development) and \$2,250 from Line Item 402 (Arts & Humanities) to support Music on the Ridge on June 4, 2022, pending legal and insurance review.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**ii. Discussion and action regarding landscaping proposals for Town parks.**

Weeding, planting, mulching, and other beautification work will take place in three parks: the park across from Town Hall, the gazebo park, and the area near the picnic tables towards the end of Potomac Street.

<b>Motion</b>	Motion to approve up to \$10,000 from Line Item 906 (Arts & Humanities – Beautification) to landscape Town parks as submitted.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**iii. Discussion and action on portal for Elks Run water main bid.**

A meeting took place on May 4th to finalize the bid. The Town’s legal advisor and consulting engineer approved of the bid and the BidExpress electronic platform. A newspaper advertisement will also need to be placed, and there may need to be minor adjustments to bid.

<b>Motion</b>	Motion to place the Elks Run 8” Main project out to bid on the electronic bidding portal, subject to final legal and engineering edits.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**d. Water Department.**

**i. Water Commission general report.**

Items 2.d.i. through 2.d.iv. were described.

**ii. Presentation and discussion on monthly Water Treatment Facility Improvements Engineer’s Report for the month of April 2022.**

Work continues on the plant upgrades, and the Pall membrane filter will be installed soon. It will filter pathogens and other contaminants much more completely than the current system, and less water testing will be required. Changeover will commence in June, during which time the plant will have less capacity to produce water. Citizens are encouraged to conserve water during this period. Those expecting to use a large amount of water, such as to fill a swimming pool, are encouraged to make an appointment with the Water Department.

**iii. Discussion and action on Resolution #13 / Pay Application #12 for the Water Treatment Facility Improvements.**

The description of the Resolution and Pay Application were read.

<b>Motion</b>	Motion to approve Resolution #14 and Pay Application #13 for the Water Treatment Facility Improvements Project as presented.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	5
<b>NO</b>	0

<b>Result</b>	<b>MOTION APPROVED</b>
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**iv. Discussion and action regarding corrective billing for a residential customer in the Harpers Ferry Water Works service area.**

A meter had been broken for 22 months, resulting in the customer only being billed for the minimum amount instead of the actual water consumption. The PSC recommended that the customer be back billed for the previous three months, minus what they paid, based on the first reading from the new meter. This will become the new policy for broken meters that are later fixed. This provides a strong incentive for broken meters to be repaired as soon as possible.

<b>Motion</b>	Motion to adopt the policy of PSC for when broken meters are replaced, in which the customer is back billed for the previous three months, minus what they paid, based on the first reading from the new meter.
<b>Motion by</b>	Laurel Drake
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**v. Discussion and action regarding a Leak Adjustment Policy.**

New leak adjustment policy is the result of new PSC rules. Policy as submitted is in accordance with the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities.

If a customer bill is more than double that customer's usual bill, they can apply for a leak adjustment. More things will now count as a leak subject to adjustment. Intentional leaks or those that are the result of carelessness, such as leaving a hose running, will not qualify.

The Water Commission will develop a standard operating procedure (SOP) for assessing and implementing leak adjustments. This task is to be assigned to a specific Town employee, such as the Water Clerk or Water Works Superintendent.

<b>Motion</b>	Motion to approve the Leak Adjustment Policy and place it on the Town website, on the Water Works page.
<b>Motion by</b>	Laurel Drake
<b>Second</b>	Chris Craig
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**vi. Water Plant Manager's report.**

No report was given.

**e. Ordinance Review Committee.**

The ORC did not meet over the past month. A date for the next meeting is being set.

**f. Parking Committee.**

An update on parking revenues was given. After analysis, it was determined that 66% of parking revenues come from Potomac Street alone.

Parking revenues were down in the first quarter of 2022, but returned back to expected levels in April. Work will begin soon to consolidate mailboxes along Washington Street, in order to add more parking spaces and create a neater appearance, starting near the Woman's Club. Poles and boxes will be set at uniform heights and distances. Some street signs will need to be relocated.

Hiring a parking attendant is still anticipated, pending financial review and completion of a recruiting plan.

**g. Planning Commission.**

**i. Planning Commission report.**

The full PC met on April 19th. There were discussions about the work needed to meet the Comprehensive Plan deadline in 2023, including the hiring of consultants to help PC with the process. It was contemplated that renewable energy, encouragement of high residential occupy rates, and encouragement of affordable housing will be among the key discussion topics.

The Committee voted to rescind its prior motion to create the "2022 Comprehensive Plan Committee of Harpers Ferry."

Planning Commission members were tasked with reviewing the Town's permit process, per existing Town ordinances, in order to produce a flow chart to guide residents and public through the permitting process. BZA and Historic Landmarks will also be consulted.

Two permit applications are in process that involve use of materials in the public right-of-way, which have also been reviewed by HLC.

Paul Thomas volunteered to represent PC on the Stormwater Task Force.

A WV DOH engineer surveyed the corridor for the Armory Canal Trail project, accompanied by Chris Craig and Matt Mullinax of Region 9. HFNHP staff, including Andrew Lee and Archaeologist Darlene Hassler, were also consulted. The Town will need to document the Town's right-of-way through the corridor. Boundaries will also need to be examined. The Tree Committee advised about hazardous trees that will need to be removed or otherwise mitigated. Most can be managed by volunteers, but some will need to be handled by professionals. Work on the project will begin either later in the year or in 2023.

**h. Historic Landmarks Commission.**

**i. Historic Landmarks Commission report.**

Further information will be forthcoming regarding 571 Henry Clay Street, from both HLC and BZA. HLC will discuss and potentially change its processes during its next meeting, to better reflect that body's advisory role. Several potential improvements were mentioned.

**5. Organizations / other reports.**

The Trail & Town Alliance thanked the town for its support of the Flip Flop Festival. Approximately 80 long distance hikers attended workshops and other events.

The Alliance also made official its MOU with WV DNR to develop hiking trails in Woodpecker Woods Wildlife Sanctuary. The Ridge Street connector trail is the next project on the Alliance's list.

**6. Unfinished business.**

*None.*

**7. New business.**

**a. Discussion and action regarding endorsing a proclamation concerning Jefferson County Relay for Life.**

<b>Motion</b>	Motion to have the Mayor endorse the proclamation.
<b>Motion by</b>	Chris Craig
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**b. Discussion and action regarding endorsement of West Virginia First Memorandum of Understanding and West Virginia Local Government Election and Release Form related to opioid-related claims and settlement agreement.**

The State agreed to a settlement with two pharmaceutical companies, in which funds provided by the latter will be distributed to WV localities. Among other uses, funding may be used for law enforcement efforts intended to reduce the supply of illicit opioids.

<b>Motion</b>	Motion to authorize the Mayor to endorse the West Virginia First Memorandum of Understanding and West Virginia Local Government Election and Release Form.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Chris Craig
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**c. Discussion and action regarding endorsing a letter of support to the C&O Canal National Historic Park for improvements to the Byron Bridge staircase.**

A design has been selected for a new bike-accessible ramp on the C&O Canal Trail side of the Byron Bridge, and that the C&O Park will be applying for TAP grant to construct it. The Canal Towns Partnership, of which Harpers Ferry is a member, asked the Town to provide a letter of support.

<b>Motion</b>	Motion for the Mayor to sign send the letter as submitted to express support for the C&O Canal National Historical Park's Goodloe Byron Bridge Staircase Improvements 2022 Transportation Alternatives Program (TAP) request for the construction of an improved pedestrian and bicycle bridge.
<b>Motion by</b>	Chris Craig
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**d. Discussion and action regarding employee salary adjustment.**

<b>Motion</b>	Motion to approve a \$2/hr pay raise to Ryan Slusher for a six-month period, effective May 9, 2022.
<b>Motion by</b>	Laurel Drake
<b>Second</b>	Chris Craig
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**e. Discussion and action regarding temporary new hire for Water Department.**

<b>Motion</b>	Motion to offer contract employment to Tom Hall for up to four months, at \$30/hr plus \$15/day for gas, working a minimum of two 10-hour shifts per week, pending consideration of references.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	5
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**f. Discussion and action regarding hiring an administrator for the Water Works and related water system infrastructure / distribution initiatives.**

*No action was taken.*

<b>Motion</b>	Motion to enter executive session, pursuant to WV Code § 6-9A-4(b)(2)(A) <i>(for agenda items 5.e. and 5.f.)</i> .
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Chris Craig
<b>Result</b>	<b>MOTION APPROVED. Executive session began at 8:32 p.m.</b>

The meeting returned to open session at 9:30 p.m.

Motion to adjourn by Chris Craig, second by Christian Pechuekonis. Meeting adjourned at 9:32 p.m.



*The above minutes are true and correct, as approved.*

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_