



# CORPORATION OF HARPERS FERRY

## Town Council

### MINUTES

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**Regular Meeting**                      **Monday, 10 October 2022**                      **7:00 p.m.**  
Camp Hill-Wesley United Methodist Church • 645 Washington Street, Harpers Ferry, West Virginia 25425

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The meeting was called to order at 7:00 p.m. by Mayor Vaughn.

Member	Title	Status
Greg Vaughn	Mayor	Present
Kevin Carden	Recorder	Present
Chris Craig	Councilmember	Present
Greg "Storm" DiCostanzo	Councilmember	Present
Laurel Drake	Councilmember	Present
Jerry Hutton	Councilmember	Present
Christian Pechuekonis	Councilmember	Present

The agenda was approved as amended. Items 7.f., 7.g., and 7.h. were moved to follow item 3.b. Items 4.d.viii., 6.c., and 7.d. were moved to the end of the meeting.

There were several public comments:

- George Owens spoke on proposed changes to the Street Use Agreement.
- Benjamin Buckley spoke on proposed changes to the Street Use Agreement.
- Christy Huddle spoke on proposed changes to the Street Use Agreement.
- Robert Nelson spoke on proposed changes to the Street Use Agreement.
- Barbara Humes noted several typographical errors in the proposed Street Use Agreement deed and ordinance.
- Midge Flinn Yost spoke on proposed changes to the Street Use Agreement.

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

- The Mayor thanked Pat Morse, Deb Kelly, Virlyssa Breeden, and Storm DiCostanzo for setting up the church hall for today's meeting. He also thanked the church for allowing the Town Council to meet here.
- The Mayor recently attended the 150<sup>th</sup> anniversary ceremony of Storer College.
- The Mayor and Deb Kelly continue to aggressively pursue funding sources for the water project. Next week, the project will be presented in Charleston.

#### **2. Approval of minutes.**

##### **a. Regular meeting: 8 August 2022; 12 September 2022.**

The minutes for 8 August 2022 were not available. The minutes for 12 September 2022 were approved as amended.

**b. Special meetings: 28 September 2022.**

The minutes for 28 September 2022 were approved as received.

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

**a. Review and approval of financial reports: August 2022.**

The financial reports for August 2022 were approved as received.

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

<b>Motion</b>	Motion to approve the invoices and purchases over the purchasing threshold as submitted.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**4. Town reports.**

**a. Police Department.**

**i. Police report for the month of September 2022.**

Chief Brown reported that for the month of August 2022, there were 104 citations issued, 101 incidents, four assists to other agencies, and no accidents or call-outs.

**ii. Discussion and action on establishing / approving an official staffing level for the Harpers Ferry Police Department.**

<b>Motion</b>	Motion to approve the official staffing level for the Harpers Ferry Police Department as submitted, pending approval by the Budget and Finance Committee.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**b. Ordinance Compliance Officer.**

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

Kevin Hamilton presented an overview of the report for September 2022, which was also included in writing in the documents for this meeting.

Mayor Vaughn mentioned that he sent a letter, with pictures, to Park Superintendent Tyrone Brandyburg a few weeks ago requesting that the old Shipley School be brought into compliance with Town Ordinance Article 1109. No reply has been received yet.

**c. Budget and Finance Committee Report.**

**i. Discussion and action regarding a plan for participating in the Solar Energy Offering from Potomac Edison.**

<b>Motion</b>	Motion to approve up to \$4,300 to participate in the Solar Energy Offering from Potomac Edison, on an annual basis, starting in December 2023.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**ii. Discussion and action for allocating up to \$1,000.00 from 906 Arts & Humanities in support of the 2022 Art in the Park event per approved budget.**

<b>Motion</b>	Motion to approve allocation of up to \$1,000 in support of the 2022 Art in the Park event, from Line 906 Arts and Humanities.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**iii. Discussion and action for allocating up to \$250.00 from 402 Economic Development in support of the 2022 Halloween event per approved budget.**

<b>Motion</b>	Motion to approve allocation of up to \$250 in support of the 2022 Halloween event, from Line 402 Economic Development.
<b>Motion by</b>	Christian Pechuekonis
<b>Second</b>	Laurel Drake
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**iv. Discussion and action on bidding for the upgrading of the structural requirements and exterior doors for the Town Hall building.**

*No action at this time.*

**v. Discussion and action regarding revision of Annual Purchasing Threshold Guidelines for FY 2022.**

<b>Motion</b>	Motion to revisions to the Annual Purchasing Threshold Guidelines for FY 2022.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**d. Water Department.**

**i. General report from Water Commission.**

Laurel Drake reported that the Bolivar Town Council has recommended Gino Sisco to fill the Bolivar resident seat on the Water Commission. No high lead or copper was found in any of the 20 homes that participated in the recent lead and copper surveys. The results of the survey will be sent to Water Works customers as part of the annual Consumer Confidence Survey.

The pipe from the spring to the water treatment plant needs new valves and air vents. Chris Eckinrode is advising the Water Works on how to perform the replacement work.

Mayor Vaughn has asked the Water Commission to research uniforms for Water Works employees. He has also asked the Commission to look into the potential for contracting out reading of water meters.

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

A written report was received from the engineer.

**iii. Discussion and action regarding substantial completion of Water Treatment Plant.**

<b>Motion</b>	Motion to approve substantial completion of the Water Treatment Plant as recommended by the project engineer and USDA, and release of 50% of project retainage in Pay Application #18.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Jerry Hutton
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**iv. Discussion and action on Resolution #19 / Pay Application #18 for the Water Treatment Facility Improvements.**

<b>Motion</b>	Motion to approve Resolution #19 / Pay Application #18 for the Water Treatment Facility Improvements in the amount of \$383,397.97.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**v. Discussion and action regarding repair of drywall for offices at the Water Treatment Plant.**

<b>Motion</b>	Motion to approve the additional work recommended by the engineer to repair the office wall structure at the Water Treatment Plant for up to \$3,000.00, from Plant Maintenance – Contract Services.
<b>Motion by</b>	Laurel Drake
<b>Second</b>	Christian Pechuekonis

YES	7
NO	0
Result	<b>MOTION APPROVED</b>

**vi. Discussion and action regarding approval of payment Application #2 for Elks Run 8” Water Main Replacement project.**

<b>Motion</b>	Motion to approve Payment Application #2 for the Elks Run 8” Water Main Replacement as presented.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
YES	7
NO	0
Result	<b>MOTION APPROVED</b>

**vii. Discussion and action regarding the purchase of Mobile Meter Reading service.**

<b>Motion</b>	Motion to approve the purchase of CUSI’s Mobile Meter Reading Service for up to \$1,400.00 per year, from Line 620.8 Office Supplies and Expenses.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
YES	7
NO	0
Result	<b>MOTION APPROVED</b>

**viii. Discussion and action on establishing / approving a wage-salary scale for water plant employees.**

*This item was discussed in executive session. Recorder Kevin Carden was not present during the vote on the motion immediately below.*

<b>Motion</b>	Motion to approve Water Works salary scale as presented.
<b>Motion by</b>	Laurel Drake
<b>Second</b>	Chris Craig
YES	5
NO	1
Result	<b>MOTION APPROVED</b>

**ix. Water Plant Manager’s report.**

Chris Styer reported that the water treatment facility is currently operating at about half-capacity due to a low chlorine condition. An expert will be coming tomorrow to resolve or repair the issue. Diggers hit an electric line today while excavating for the Elks Run main replacement; they will be working overnight to restore power. The water loss rate is currently about 20%. Hydrant flushing will take place in November.

**e. Parking Committee.**

Christian Pechuekonis reported that the Parking Committee is currently working on erecting residential parking permit signs. Two streets that should have had signs did not.

**f. Planning Commission.**

**i. Planning Commission report.**

Chris Craig reported that the Comprehensive Plan update will kick off in mid-November. Consultants from West Virginia University will be arriving and will be given a tour of the Town. The consultants have recommended that the Planning Commission and Town Council be brought together to be involved in the process. It was suggested that it may be a good idea to bring in representatives from the National Park, SWaN, and the Merchants Association as well. A contract form for WVU will require approval by Town Council.

**g. Historic Landmarks Commission.**

**i. Historic Landmarks Commission report.**

Christian Pechuekonis reported that discussions continue on a wayside sign for Boundary Street. The Commission is getting to the core of what items will be useful from the Dan Riss archives. The welcome letter has been completed and is awaiting review from SHPO. A working meeting will be held to go over the list of definitions in Appendix A.

**5. Organizations / other reports.**

**a. Discussion and action on appointment of a library board member.**

The following applicant was nominated for appointment to the Bolivar-Harpers Ferry Public Library Board:

Applicant

Maggie Rock

Nominated by

Chris Craig

<b>Action</b>	Appointment to the Bolivar-Harpers Ferry Public Library Board to fill an unexpired term.
<b>Maggie Rock</b>	Carden, Craig, DiCostanzo, Drake, Hutton, Pechuekonis, Vaughn
<b>Result</b>	<b>Maggie Rock appointed to the Bolivar-Harpers Ferry Public Library Board.</b>

**6. Unfinished business.**

**a. Discussion and action regarding establishing additional Town Council meeting guidelines, if needed.**

Mayor Vaughn urged the Town Council to reflect on this evening's meeting and what needs fine-tuning. He said the acoustics in the church hall are bad; mics are helpful, but only if they are spoken into. Storm DiCostanzo said there are mics that would be a better option than what is here. He will test the room with different mic types. Alternatively, the Town could hire a local sound tech company to look at what is needed.

**b. Update on the Stormwater General Plan.**

Storm DiCostanzo reported that a group met in September to discuss a stormwater plan. The Corporation of Bolivar is involved. The group collectively agreed to focus on projects

that are entirely on public property because that will make it easier to get funding. A number of elements were recommended for implementation.

**c. Discussion and action regarding candidate selection to fill Public Works Administrator position.**

*This item was discussed in executive session. Recorder Kevin Carden was not present during the vote on the motion immediately below.*

<b>Main motion</b>	Motion to hire Steve Paradis to the Public Works Administrator position, with full benefits, effective immediately.
<b>Main motion by</b>	Laurel Drake
<b>Second – main motion</b>	Chris Craig
<b>Amendment</b>	Motion that Steve Paradis be paid \$38 per hour, for 20 hours per week, for the Public Works Administrator position.
<b>Amendment by</b>	Laurel Drake
<b>Second to amend</b>	Storm DiCostanzo
<b>YES – amendment</b>	6
<b>NO – amendment</b>	0
<b>Result – amendment</b>	<b>Amendment approved</b>
<b>YES – main motion</b>	6
<b>NO – main motion</b>	0
<b>Result – main motion</b>	<b>MOTION APPROVED as amended</b>

**7. New business.**

**a. Discussion and action regarding Town Council endorsement of WV Attorney General opioid settlement agreement with CVS.**

<b>Motion</b>	Motion to endorse the West Virginia Attorney General’s opioid settlement agreement with CVS.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Chris Craig
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**b. Discussion and action regarding Town Council endorsement of WV Attorney General opioid settlement agreement with TEVA Pharmaceutical Industries.**

<b>Motion</b>	Motion to endorse the West Virginia Attorney General’s opioid settlement agreement with TEVA Pharmaceutical Industries.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Laurel Drake
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

**c. Discussion and action regarding acquiring temporary services to fill staffing void resulting from employee extended medical absence.**

<b>Motion</b>	Motion to contract with Manpower to fill a staffing void resulting from an employee's extended medical absence.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Chris Craig
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

- d. **Discussion and action regarding P-card purchases and Town vehicle insurance claim.**  
*This item was discussed in executive session. Recorder Kevin Carden was not present during the vote on the motion immediately below.*

<b>Motion</b>	Motion that the Chief Water Operator's P-card be revoked for three months; that he obtain three estimates to repair the damaged vehicle by 25 October 2022; and that he pay the Town back for personal items purchased via P-card, including shoe inserts and a bicycle.
<b>Motion by</b>	Jerry Hutton
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	6
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

- e. **Discussion and action regarding adopting a 2022-2023 policy regarding office closure during inclement weather policy for Town employees.**

<b>Motion</b>	Motion to adopt the 2022-2023 Inclement Weather Policy as submitted.
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Jerry Hutton
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

- f. **Discussion and action on approval of corrective and amended deed regarding the previously adopted "Street Use Agreement" between the Corporation of Harpers Ferry and SWaN.**

Town Attorney Kin Sayre reviewed corrections that were made to the deed. He also gave an overview of the process for approval, including a public hearing before the second reading of Ordinance 2022-04.

Mike Funk, attorney for Harpers Ferry Hill Top LLC, said some changes were made to correct errors to legal descriptions that were identified in the original deed. Also, provisions concerning public utilities were made consistent with the Street Use Agreement that was approved in 2021.

Jerry Hutton inquired whether a provision on page 16 of the draft document addresses language that was mentioned during public comments concerning reversion of the



former paper streets to the Town if work is not substantially completed by a certain date. Mr Sayre said that it does.

Storm DiCostanzo inquired why the hotel’s transformers will be moved to a new proposed location. Laurel Ziemianski responded that the transformers must be placed as close as possible to the structure; if they are not, a third transformer may be required. The proposed location at the northwest corner of the parking facility adjoins the electrical room. Potomac Edison would not allow the transformers to be placed underground; rather, they must be placed above ground on a concrete pad and properly grounded. Placing a transformer on the opposite side of the street decreases efficiency and could create a collision hazard.

Ms Ziemianski further stated that issues with the previously-proposed placement of the transformers were not identified until after the Street Use Agreement was approved in 2021. In response to concerns that were expressed regarding noise disturbance to the residential neighborhood, she said the transformers emit about 60-64 decibels of sound, but this can be buffered with hedges and a wall. That would not only mitigate noise concerns, but would also help hide the transformers.

There were also concerns expressed with the proposed porte-cochère disrupting the historic view from further west on Ridge Street. Ms Ziemianski said it may be possible to engineer a cantilevered design which would not require support posts on the former East Ridge Street right-of-way.

Finally, Chris Craig asked whether maintaining the historic overlook of the confluence at its present spot still ensures 24/7 public access. Ms Ziemianski said it does.

**g. Discussion and action on first reading for approval of Ordinance 2022-04 Corrective and Amended Deed, authorizing the Mayor to execute the Corrective and Amended Deed by and between the Corporation of Harpers Ferry and HF Hill Top LLC.**

<b>Main motion</b>	Motion to approve first reading of Ordinance 2022-04 Corrective and Amended Deed, with technical changes that were agreed upon in this meeting. (ROLL CALL)
<b>Main motion by</b>	Jerry Hutton
<b>Second – main motion</b>	Chris Craig
<b>Amendment</b>	Motion to amend proposed Ordinance 2022-04 by removing page 8, paragraph 1, subparagraph (i). (ROLL CALL)
<b>Amendment by</b>	Storm DiCostanzo
<b>Second to amend</b>	Christian Pechuekonis
<b>YES – amendment</b>	Carden, Craig, DiCostanzo, Hutton, Pechuekonis
<b>NO – amendment</b>	Drake, Vaughn
<b>Result – amendment</b>	<b>Amendment approved</b>
<b>YES – main motion</b>	Carden, Craig, DiCostanzo, Drake, Hutton, Pechuekonis, Vaughn
<b>NO – main motion</b>	none
<b>Result – main motion</b>	<b>MOTION APPROVED as amended</b>

**h. Discussion and action to set dates for public hearing and second reading for approval of Ordinance 2022-04.**

Mayor Vaugh recommended that a Doodle poll be taken to set a date for the public hearing and second reading.

**i. Discussion and action to fund up to \$900.00 from the Potomac Street Improvement Project account for the replacement of two dead redbud trees on Potomac Street.**

<b>Motion</b>	Motion to approve up to \$900.00 from the Potomac Street improvement funds for the replacement of two redbud trees on Potomac Street.
<b>Motion by</b>	Jerry Hutton
<b>Second</b>	Storm DiCostanzo
<b>YES</b>	7
<b>NO</b>	0
<b>Result</b>	<b>MOTION APPROVED</b>

<b>Motion</b>	Motion to enter executive session, pursuant to WV Code §§ 6-9A-4(b)(2)(A) and 6-9A-4(b)(2)(A) <i>(for agenda items 4.d.viii., 6.c., and 7.d.)</i> .
<b>Motion by</b>	Storm DiCostanzo
<b>Second</b>	Christian Pechuekonis
<b>Result</b>	<b>MOTION APPROVED. Executive session began at 9:45 p.m.</b>

The meeting returned to open session at 12:10 a.m.

Motion to adjourn by Storm DiCostanzo, second by Chris Craig. Meeting adjourned at 12:14 a.m.

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

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

Recorder: \_\_\_\_\_ Date: \_\_\_\_\_