



# CORPORATION OF HARPERS FERRY

## Town Council

### MINUTES

**Special Meeting**

**Tuesday, 29 September 2020**

**6:00 p.m.**

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

Called to order at 6:00 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
Kevin Carden	Recorder	Present
Barbara Humes	Councilmember	Present
Hardwick S. Johnson, Jr.	Councilmember	Present
Christian Pechuekonis	Councilmember	Present
Jay Premack	Councilmember	Present
Nancy Singleton Case	Councilmember	Present

Also in attendance were Chris Styer, Chief Water Operator; Christy Huddle, Laurel Drake, and Bill Robinson, members of the Water Commission; Hoy Shingleton, attorney for the project; and Steve Sherry, property owner.

#### **1. Overview of Deed of Easement and Right-of-Way required for the water system improvement project to move forward.**

Chris Styer provided an overview of the requirements for easements. He also read a letter provided by Chris Eckinrode, the project engineer. Two sets of properties owners of residences on Public Way, which are currently served by water utility lines running up Church Street, have requested to be exempted from granting easements to Harpers Ferry Water Works for service line realignments as part of the water system improvement project. Mr Eckinrode stated that the realignment of the service lines to these two properties was mainly for the benefit of the property owners; therefore, he does not oppose exempting these two properties.

#### **2. Explanation of options.**

The appraisal for the two easements for which the property owners have requested to be exempted total a bit over \$4,000. If the Town decides to pursue the two easements, a condemnation hearing would have to be held at the Circuit Court, a costly and lengthy legal

process. That process would last until at least the end of 2021, possibly all the way until 2023. However, there should be only a slight delay to the rest of the project while the legal case is proceeding. If the easements are not agreed to, it is recommended that the meter pit for the Paschall-Cox property (currently on private property near the residence) be moved to the property line at the street right-of-way.

During a project team meeting last week, there was discussion about pursuing a better interest rate. The project is currently locked in at a 3.5% interest rate; if the loan is closed before the end of the year, the interest rate could be as low as 2.15%.

**3. Request from residents to be relieved from executing Deed of Easement.**

Steve Sherry provided a letter requesting to be exempted from providing easements, which he read aloud. Mr Sherry and Greg Dean own two properties, at 156 and 163 Public Way. The project engineer has expressed no objection to exempting these properties, and the attorney for the project advised that these two properties should be exempted from the project.

**4. Request from residents to be relieved from executing Deed of Easement.**

Pat Morse read aloud a letter sent by Phillip Paschall. Mr Paschall and Elizabeth Cox, the owners of 167 Public Way, have requested to be exempted from providing an easement for the water system improvement project.

**5. Executive session (if necessary).**

<b>Motion</b>	Motion to enter executive session, pursuant to WV Code § 6-9A-4(b)(9).
<b>Motion by</b>	Barbara Humes
<b>Second</b>	Christian Pechuekonis
<b>Result</b>	<b>MOTION APPROVED. Executive session began at 6:51 p.m.</b>

*The meeting returned to open session at 8:00 p.m.*

**6. Town Council vote.**

<b>Main motion</b>	Motion to provide the project exemptions requested by the property owners for properties located on Tax Map 3, Parcel 0029, associated with Steve Sherry and Greg Dean; and Tax Map 3, Parcel 0030, and Tax Map 3, Parcel 0031, both associated with Phillip Paschall and Elizabeth Cox. (ROLL CALL VOTE REQUESTED)
<b>Main motion by</b>	Barbara Humes
<b>Second – main motion</b>	Hardy Johnson
<b>Amendment 1</b>	Motion to postpone the vote on the main motion until requested information and current documents for the project can be provided.
<b>Amendment 1 by</b>	Nancy Case
<b>Second to amend 1</b>	Jay Premack
<b>YES – amendment 1</b>	Humes, Premack, Johnson, Pechuekonis, Case, Carden, Bishop
<b>NO – amendment 1</b>	<i>None</i>

<b>Result – amendment 1</b>	<b>AMENDMENT 1 APPROVED</b>
<b>Amendment 2</b>	Motion to amend the first amendment by adding that the vote will take place one week from tonight (6 October 2020), with requested material to be provided to the Council within three days of now (2 October 2020).
<b>Amendment 2 by</b>	Barbara Humes
<b>Second to amend 2</b>	Christian Pechuekonis
<b>YES – amendment 2</b>	Humes, Premack, Johnson, Pechuekonis, Case, Carden, Bishop
<b>NO – amendment 2</b>	<i>None</i>
<b>Result – amendment 2</b>	<b>AMENDMENT 2 APPROVED</b>
<b>YES – main motion</b>	Humes, Premack, Johnson, Pechuekonis, Case, Carden, Bishop
<b>NO – main motion</b>	<i>None</i>
<b>Result – main motion</b>	<b>VOTE ON MAIN MOTION POSTPONED BY AMENDMENTS</b>

**7. Overview of water system improvement project.**

An overview of the project was provided to the Town Council by email.

Motion to adjourn by Hardy Johnson, second by Christian Pechuekonis. Meeting adjourned at 8:24 p.m.

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

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

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