

**Council Meeting
Nutter Fort
March 12, 2013**

The regular meeting of Council of Nutter Fort, was held, Tuesday, March 12, 2013, in council chambers with the following members present: Stephen Korn, Barbara Gorby, William Benincosa, Karen Phillips, Robin Newhouse, and Recorder Sam Maxson. Absent was Mayor Nathan Rohrbough. Also present were Treasurer Julia Foley, Data Technician Leslie Holbert, Police Chief Ron Godwin, Fire Chief Jeremy Haddix, and Supervisor Jim Wolfe. Guests were; Leanne Spornak, Mathew Reem, and Linda Blake.

The meeting was called to order at 7:30 PM by Recorder Maxson, with Councilor Benincosa asking prayer, followed by the pledge of allegiance.

- The ordinance (attached), establishing a program to charge for deployment of public safety services for the Nutter Fort Fire Department, was passed on the first reading by unanimous vote after a motion by William Benincosa and a second by Barbara Gorby.
- William Benincosa motioned authorization to pay voluntary assessment (see attached invoice) in the amount of \$50 to the West Virginia Municipal league. After a second by Barbara Gorby, the motion was approved by unanimous vote.
- A pledge of a \$100 donation to the junior police academy was approved, by unanimous vote, following a motion by Barbara Gorby and a second by Stephen Korn.

Discussion was held concerning an opportunity to purchase the property at 1405 and 1405 ½ Buckhannon Pike. This property is adjacent to the public safety complex. A letter was read from the mayor, who was absent due to work, in support of the purchase. He recommended purchasing the property, razing the 2 structures and preparing the 50 x 120' lot and advertise them for commercial use. After much discussion, council felt we should order an appraisal of the property as a vacant lot, before making any offer on the property.

- The general budget for the 2013-2014 year was approved by unanimous vote after a motion by Karen Phillips and a second by Barbara Gorby.
- The coal severance budget was approved by unanimous vote, following a motion by William Benincosa and a second by Barbara Gorby.
- The ordinance (attached) for increasing the water tap fees and the sewer connection fees was approved on the first reading, by unanimous vote after a motion by Barbara Gorby and a second by Stephen Korn.
- The building permits (attached) were approved by unanimous vote following a motion by Karen Phillips and a second by Barbara Gorby.
- Stephen Korn motioned approval of the bills (attached) and, after a second by Barbara Gorby, they were approved by unanimous vote.
- The minutes of the February 26, 2013 meeting were approved by unanimous vote after a motion by Barbara Gorby and a second by Karen Phillips.

Police Chief's Report -None

Fire Chief Report Chief Haddix informed council that the contractor that built the addition on the fire department has billed the fire department via e-mail \$50,000 for payment of prevailing wage cost plus \$25,000 for accounting fees. Haddix told council that the fire department has already paid Underwood, the agreed upon fee of over \$637,000 for the work. The fire department has retained the services of attorney Johnny Brown to handle the matter. Chief Haddix also told council that, as of now, according to attorney Brown, the disagreement is between the WV Department of Labor and Underwood Construction.

Maintenance Supervisor's Report None

Treasurers' Report Treasurer Julia Foley informed council that 2 new office workers have been hired, Wendy Bess, and Tyler Matheny and will start after they work out their notices at their present employers. Treasurer Foley also asked that it go on record that on Tuesday, February 26, 2013 it was the governing body's decision to move the grant files in their entirety within her possession and that Shana would be solely responsible for the grant records.

Mathew Reem of Burton Avenue, has requested a business license to sell items on E-Bay. He told council that all his sales will be on line and mostly shipped. No one will come to his house to pick up the merchandise. If someone needs to pick up the merchandise, they will be met in another location, as he does not want customers to know where he lives. This is a part time business. Council agreed to grant him a license. There will not be a sign at his residence, according to Mr. Reem.

- Robin Newhouse motioned we go into executive session at 8:25PM to discuss the grant situation and Stephen Korn seconded.
- The regular meeting was resumed at 8:49PM


Old Business None

New Business Recorder Maxson reported that he attended the Mayor's Association meeting Wednesday, March 6, 2013 on behalf of Mayor Rohrbough, who was working. He also reminded council members that the drawing for ballot position will be held in council chambers on Tuesday, April 2 at 7:00PM.

The meeting was adjourned at 8:55PM after a motion by William Benincosa and a second by Karen Phillips.



(Mayor)



(Recorder)

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE USER FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE TOWN OF NUTTER FORT FIRE DEPARTMENT FOR MOTOR VEHICLE ACCIDENTS AND RESIDENTIAL AND COMMERCIAL ESTABLISHMENT FIRES.

WHEREAS, Emergency Fire service run activity to vehicular accidents and structure fires continue to increase each year, new Homeland Security regulations, such as biological training and equipment, etc. will create increased demands on all operational areas of the Fire Department's services; and,

WHEREAS, the Fire Department have investigated different methods to maintain a high level of quality Fire emergency services throughout times of constantly increasing service demands, where maintaining an effective response by the Fire Department decreases the insurance companies costs by saving lives and minimizing vehicular damage by fire; and,

WHEREAS, raising the real property tax to meet the increase in service demands would not be fair to the property owners, when a majority of the Motor Vehicular Accidents (MVA) involve individuals not owning property or paying property taxes in the jurisdiction of the Fire Department; and the ability of the Fire Department to effectively respond decreases the liability of the insurance companies by saving lives and minimizing vehicular and structure damage by fire; and,

WHEREAS, the Town Council desires to implement a fair and equitable procedure by which to collect said fees from insurance companies and non-tax payers and shall establish a billing system in accordance with State and Federal laws, regulations and guidelines; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF NUTTER FORT, HARRISON COUNTY, WEST VIRGINIA, TO CREATE AND ENACT PART 7, CHAPTER 3, ARTICLE 777:

SECTION 1. The Town of Nutter Fort's Fire Department shall initiate user fees for the delivery of Fire Department services, personnel, supplies and equipment to the scene of motor vehicle accidents and structure fires. The rate of the user fees shall be that which is the usual customary and reasonable costs (UCR), which includes any services, personnel, supplies and equipment and may fluctuate based on the needs of the accident or fire and or both.

SECTION 2. The user fees shall be filed to the motor vehicle insurance, commercial or homeowner's insurance, representing an add-on-cost of the claim for damages of the vehicles, property and/or injuries. The claim costs shall be filed to the insurance coverage of the owner of a vehicle, owner of property, or responsible party.