

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 16th day of March, A.D., 2011.

Members Present: Donald L. Hart, Jr., Chair
Wanda J. Thornton
Ron S. Wolff
Grayson Chesser
John Charles "Jack" Gray
Sandra Hart Mears
Robert D. Crockett
C. Reneta Major

Members Absent: Laura Belle Gordy, Vice-Chair

Others Present: Steven B. Miner, County Administrator
Yvonne N. Pennell, Administrative Assistant
Mark B. Taylor, County Attorney

Call to Order

The meeting was called to order and opened with a prayer by the Reverend Broad, after which the Pledge of Allegiance to the Flag was recited.

Adoption of the Agenda

Mr. Wolff made a motion to approve the adoption of the Agenda. Mrs. Thornton seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Removal of Item 6 (Consideration of Minutes)

Mr. Wolff made a motion to remove the minutes because the minutes had just been received. Mrs. Thornton seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Consent Agenda

Mr. Crockett made a motion to approve the following items under the Consent Agenda. Mrs. Thornton seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

- a. Preparation of Resolutions of Recognition for former Supervisors Stephen D. Mallette and E. Philip McCaleb
- b. Schedule Public Hearings to receive public comment on the Locustville, Pungoteague, and Tasley Agricultural and Forestal Districts
- c. Award of IFB 632 for purchase and removal of scrap metal
- d. Renewal of RFP 225 for inmate of food service
- e. Award RFP 238 for Airport Engineering Services
- f. Award RFP 237 for recycling services
- g. Adopt the following Fire Commission Bylaw Change

Adopted February 19, 1997
Amended March 21, 2002
Amended September 16, 2004
Amended May 19, 2005
Amended July 21, 2005
Amended March 18, 2009
Amended March 16, 2011

Mission Statement

MISSION STATEMENT

The principal reason and purpose of the Accomack County Fire & Rescue Commission is to provide professional guidance to the County of Accomack, its citizens, and its Fire & Rescue Agencies. The Commission will strive to enhance the quality of services provided by the Fire & EMS Agencies of Accomack County. Members of the Accomack County Fire & Rescue Commission are dedicated to serve the citizens of our County. The overall goal to improve Fire & EMS services in our County will be done through planning and implementation. Planning for today and tomorrow will be aimed at one common goal:

THE IMPROVEMENT OF DELIVERED FIRE & EMS SERVICES TO SAFEGUARD LIVES AND PROPERTY IN THE COUNTY OF ACCOMACK.

BYLAWS

ACCOMACK COUNTY FIRE & RESCUE COMMISSION

ARTICLE I

This Commission which is duly recognized and chartered by the County of Accomack, Commonwealth of Virginia shall be known by the name of the Accomack County Fire and Rescue Commission.

Members shall represent each Fire and Rescue Company in the County of Accomack. Other members of the Commission will consist of the County Administrator, or his representative, one member of the Accomack County Board of Supervisors, and two members at large. Members at large will not be affiliated with any fire and rescue organization. Each fire and rescue company in the County must submit a name of their representative, and ~~one~~ **three (3) alternates**, to the Accomack County Board of Supervisors by November 15th each year. The Accomack County Board of Supervisors will appoint their representative, and the two members at large at the November board meeting annually. The board will ratify all members of the Fire & Rescue Commission at the December meeting. Names can be submitted at any time to replace members that are unable to fulfill their term on the Commission. A list of representatives who serve on the Commission shall be attached to these bylaws, and will be updated at the next regularly scheduled meeting if a change of membership occurs. The Commission has the authority to appoint committees that may include non-members of the Commission. **(Amended September 16, 2004).**

Members of the Fire and Rescue Commission who fail to be present at three (3) consecutive meetings and have failed to be represented by their alternate will void their membership on the Commission. It will be the sole responsibility of the members to send their alternate to the meeting they can't attend. The Tangier Fire and Rescue Company will be exempt from this rule because of the burden of traveling to Accomack on a monthly basis.

The Commission shall conduct a regular business meeting on the third Thursday of each month.

ARTICLE II

Elected officers of the Accomack County Fire & Rescue Commission shall consist of a Chairperson, Vice Chairperson, and Secretary/Treasurer.

If a vacancy should occur among elected officers, such vacancy shall be filled at the next regular or special called meeting by elective process.

ARTICLE III

The government of the Commission is entrusted to its duly elected officers. New officers shall serve a one year progressive term. Elections will be held annually on the regular meeting night of the month of January. Officers elected shall take office at the January meeting.

The Parliamentary Authority of the Accomack County Fire and Rescue Commission shall be the current edition of Robert's Rules of Order Newly Revised. (Inserted on September 16, 2004)

ARTICLE IV

The Commission shall hold one regular meeting monthly, and special meetings may be called at any time the Chairperson deems necessary. The Chairperson has the right to cancel or postpone meetings. Executive Sessions can be requested by any voting member of the Commission and passed by a majority vote according to State Statute.

ARTICLE V

It shall be the duty of the Chairperson to conduct all meetings of the Fire & Rescue Commission, and to have supervision over the business and the affairs of the Commission, and such officer shall be the Executive Officer.

~~Ten (10)~~ *Six (6)* members will represent a quorum. When the voting process is required in decision making, the majority of the Commissioners present are empowered to make decisions binding on all. A majority means a simple majority of one-half the members present plus one. (1) One Commissioner, one vote, alternate can not vote when the Commissioner is present and a tie vote would be defeated. **(Amended March 21, 2002).**

ARTICLE VI

The Vice Chairperson shall assume and discharge the duties of the office of the Chairperson in the absence of or disability of the Chairperson, or when called upon by the Chairperson.

ARTICLE VII

The Secretary/Treasurer shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such other records as the Commission may direct, render reports of membership when called upon at a meeting, and handle under the direction of the Chairperson all correspondence of the Commission. The Secretary shall have roll call at all regular meetings. The Secretary/Treasurer shall handle the financial affairs of the Commission, keep a record of all money received and expended, and render an account of the status of all financial affairs to the Commission at each regular business meeting.

ARTICLE VIII

The bylaws may be amended at any regularly scheduled or special meeting of the Commission by a Extraordinary Majority, two-thirds (2/3) majority vote of the members present at the meeting; provided that each member is notified by personal contact that such an amendment is to be voted on at a specified meeting. To amend the bylaws it has to lie on the table for thirty (30) days.

ARTICLE IX

Article IX of the Accomack County Fire & Rescue Commission bylaws is established for the purpose of the distribution of funds to Fire & Rescue Companies in the County of Accomack.

A formula for the distribution of funds to Fire and Rescue Companies in Accomack County has been adopted by the Accomack County Board of Supervisors and attached to these bylaws. Funds will be distributed based on current or future distribution formulas as adopted by the Accomack County Board of Supervisors.

ADDENDUM I

FORMULA FOR DISTRIBUTING COUNTY'S ANNUAL CONTRIBUTION OF FUNDS TO FIRE COMPANIES AND RESCUE SQUADS

Reporting Period:

All companies shall compile and report the required data for the performance of January 1 through December 31 each year.

Submission of Documents:

All required elements must be forwarded to the Accomack County Administrator's Office by January 31 of the prevailing performance period. Department submitting information packets that are not COMPLETE shall not be awarded ANY funds. Approved documents for the collection of the data shall be mailed to the Departments or obtained by contacting the Accomack County Administrator's Office.

Unclaimed Funds

Should a department fail to submit all required documentation by the deadline, it shall be the duty of the Accomack County Fire and Rescue Commission to determine a suitable use for the unclaimed funds at their February meeting to make recommendation to the Board of Supervisors at their regular March meeting.

Use of the funds shall consist of improvement of the fire/EMS emergency management system of Accomack County. Funds may be used for, but not limited to the purchase of fire equipment, fire training, fire prevention/educations or grants to individual companies. **(Amended March 16, 2011)**

Item 1

Each Fire & Rescue Company Duly Organized Pursuant to Sections 27-8, 27-8.1 and 15.1-26.01 of the Code of Virginia, and approved by the County of Accomack, (Board of Supervisors), which (1) has filed and maintained a current list of members names with the Clerk of the Circuit Court of Accomack County, in accordance with section 27-42 of the Code of Virginia, and which (2) consist of twenty effective members and has and keeps in good and serviceable condition an engine, hose, and other proper implements as the County deems advisable as required by Section 27-10 of the Code of Virginia, and which submits an annual statement of income and expenditures and a budget request (intent of funds use) in a format required by the County, shall receive A SUM OF \$4000.

Item 2

Each Fire Company meeting the above requirements which participates in the Virginia Fire Incident Reporting System (V-FIRS) by completing and submitting the required reports for each and every fire attended, or which provides the same data and reports in a

format approved by the Accomack County Fire & Rescue Commission shall receive A SUM OF \$4000.

Item 3

Each Fire Company which (1) maintains maintenance records on all its fire apparatus in accordance with a Standard for Maintenance of Fire Fighting Apparatus adopted by the Accomack County Fire & Rescue Commission, and using forms provided by or approved by the Commission, and each station must have at least one pumper or tanker having a rating of 750 G.P.M. **done by the Apparatus Testing not a third party** or more to an Underwriter's test each year as a part of such maintenance standard, shall receive A SUM OF \$4000. **(Amended May 19, 2005)**

Item 4

Each Emergency Medical Services (EMS) Agency (1) licensed by the Virginia Department of Health, Division of Emergency Medical Services, to provide ambulance services in accordance with Title 32 of the Code of Virginia (whether as part of a Fire Company or as an independent body, which (2) has been recognized by the Accomack County Fire and Rescue Commission as required by Section 15.1-26.01, and which (3) is providing such services to the County, and which (4) submits an annual statement of income and expenditures and a budget request (intent of funds use) in a format required by the County, shall receive A SUM OF \$4000.

Item 5

Each EMS Agency defined above which maintain records of every EMS call on a standardized Pre-hospital Care Report approved by the Eastern Shore EMS Council or the State Division of EMS in accordance with standards approved by the Operational Medical Director and which submits such for data analysis as may be required or requested by the Council or Division, shall receive A SUM OF \$4000.

Item 6

Each fire company duly organized pursuant to sections 27-8, 27-8.1 and 15.1-26.01 of the Code of Virginia and approved by the Accomack County Board of Supervisors and which are (1) licensed by the Virginia Office of EMS to provide BLS or ALS non transport and; (2) which maintain and submit Pre-Hospital Care Reports as required by the Virginia Office of EMS shall receive the sum of \$4,000. Each agency receiving funds shall have a mutual aid agreement in place and shall submit a response plan as required by the Eastern Shore EMS Council **(Amended July 21, 2005)**.

Item 7

Report of NIMS training level to be included in the year ending funding formula. The standard form would be provided to the departments when the year end forms are given to each station. Those departments who fail to report training levels would not loose any of the funding currently associated with the formula. **(Amended March 18, 2009)**

ADDENDUM II

ACCOMACK COUNTY FIRE & RESCUE COMPANY
ATTENDANCE MEMBERSHIP

- | | |
|-----------|------------|
| 1. _____ | 1A. _____ |
| 2. _____ | 2A. _____ |
| 3. _____ | 3A. _____ |
| 4. _____ | 4A. _____ |
| 5. _____ | 5A. _____ |
| 6. _____ | 6A. _____ |
| 7. _____ | 7A. _____ |
| 8. _____ | 8A. _____ |
| 9. _____ | 9A. _____ |
| 10. _____ | 10A. _____ |
| 11. _____ | 11A. _____ |
| 12. _____ | 12A. _____ |

- | | |
|-----------|------------|
| 13. _____ | 13A. _____ |
| 14. _____ | 14A. _____ |
| 15. _____ | 15A. _____ |
| 16. _____ | 16A. _____ |
| 17. _____ | 17A. _____ |
| 18. _____ | 18A. _____ |
| 19. _____ | 19A. _____ |
| 20. _____ | 20A. _____ |

List of Ad hock Committees

- (1). EMS Council
- (2). EMS Training
- (3). Fire Training Center (Committee)
- (4). 9-1-1 Commission
- (5). Firemen’s Association
- (6). Department of Forestry
- (7). Fire Police (Committee)
- (8). Apparatus Testing (Committee)
- (9). Incident Command Committee (Committee)
- (10). Sheriff
- (11). State Police
- (12). Hazmat
- (13). Technical Rescue
- (14). Career Employees
- (15). Director of Public Safety
- (16). District Representative for the Virginia State Firemen’s Association
- (17). State Fire Chief
- (18). Fire Training (Committee)

Public Comment

The following persons offered comments concerning:

Reverend Broad commented on the Building and Zoning Department on how polite and how helpful the department was.

Wesley Edwards commented on the collection of delinquent taxes.

Public Officials

Tom Brockenbrough, GIS Coordinator, discussed the drawings he submitted concerning the population in the 9 districts, minority population, and African-American population. A discussion ensued concerning the population in the districts concerning the minority/majority population and representation. The Board, by consensus, agreed to use the same criteria as that used in the 2001 redistricting process.

Following a lengthy discussion concerning the minority/majority population districts a meeting was scheduled for Wednesday, March 23rd at 5PM in the Board of Supervisors Chambers to conduct a work session to begin the process from existing numbers.

Regional Sewer Plan for Northern Accomack County-Atlantic Ocean Watershed

Stewart Hall appeared before the Board and introduced Mr. Pete Kocsik, P.E., from Hatch Mott MacDonald as the firm that was selected to perform work on the regional sewer plan for northern Accomack County as well as a preliminary engineering report for the Town of Chincoteague. Mr. Hall noted that this project was funded by the Southern Rivers Watershed Enhancement Program.

Mr. Kocsik stated the requirements for the funding was to do two (2) things: 1) prepare a preliminary engineering report for the Town of Chincoteague and 2) a wastewater treatment needs assessment for the Wallops Research Park and surrounding communities. He presented his presentation to the Board and responded to questions.

Award of IFB 630 for Quinby Harbor Phase II Redevelopment Project

The Chair made a motion to budget and appropriate \$110,000 from Undesignated Fund Balance to cover additional costs associated with completion of Quinby Harbor Phase II Redevelopment Project. Mr. Gray seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Appointments

Eastern Shore Area Agency on Aging/Community Action Agency

Mrs. Thornton made a motion to leave Ms. Major on the Eastern Shore Area Agency on Aging/Community Action Agency and appoint a citizen representative at the next monthly meeting. Mr. Wolff seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Eastern Shore of Virginia Broadband Authority

Mr. Wolff made a motion to appoint Mr. Pete Lalor to the Eastern Shore of Virginia Broadband Authority to fill the unexpired term of Joseph L. Caffrey, who resigned. Mrs. Mears seconded the motion. The motion passed unanimously with Ms. Gordy absent.

Johnsongrass/Gypsy Moth Control Committee

The Board was informed, by letter, that William E. Shockley, Jr. would be the contact person for the Johnsongrass/Gypsy Moth Control Committee.

Social Services Board

Mrs. Thornton made a motion to leave two (2) board members (Mrs. Gordy and Ms. Major) on the Social Services Board until the end of the year. Mr. Wolff seconded the motion. Ayes: Mrs. Thornton, Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Mears, Mr. Crockett, Mrs. Hart. Nays: None. Abstentions: Ms. Major. Absent: Mrs. Gordy.

Solid Waste Proposal (PPEA) from Waste Alliance

Mr. Michael A. Mee, Vice President of Waste Alliance and Mr. Delbert Beasley, President of Beasley Disposal, Inc. provided the Board with a PPEA Proposal for solid waste. Mr. Mee spoke on the issue of solid waste disposal and transfer stations. Mr. Crockett made a motion to accept the proposal and advertise per PPEA requirements and policies. Mr. Wolff seconded the motion. The motion passed unanimously approved with Mrs. Gordy absent.

Old Chincoteague Elementary School Gym

Wayne Burton, Parks and Recreation, told the Board of the deplorable conditions of the old Chincoteague Elementary School gymnasium and responded to questions.

Town of Chincoteague Vice Mayor Ellen Richardson of Chincoteague shared pictures of the building with the Board so they could see condition of the school.

Mr. Gray made a motion to get cost estimates for repairs and authorized a Public Hearing to turn facility over to the Town of Chincoteague. Mrs. Thornton seconded the motion.

Following a lengthy discussion, the motion passed unanimously with Mrs. Gordy absent.

FY12 District Drainage Funds

Mr. Crockett stated he would like to have Public Works Director Stewart Hall be in control of the District Drainage Funds to take funds from whatever district and complete the work whether it would be docks, ramps, or any area in which he sees that there was a problem.

Mr. Crockett made a motion to authorize Mr. Hall and County Attorney Mark Taylor develop and rewrite the current policy and bring back to the Board at the next regular meeting.

A lengthy discussion took place concerning the District Drainage Funds and the incorporated towns.

Mrs. Thornton made a motion to refer the District Drainage Funds to Mr. Hall and come back with a written policy and bring it back at next month's meeting. Ms. Major seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Metompkin Infrastructure Improvement Project

Mr. David F. Annis, Director of Housing Development – A-N Planning District Commission told the Board he had received bids for the block grant for improvements to the streets in Metompkin, including widening and paving of Finney and Savage Drives, and a deceleration turn-lane off of north bound Rt. 13. He said Branscome Construction was the low bidder of a price of \$416,935 and the State Department of Housing & Community Development has been given until June 15, 2011 to complete the work.

Chairman Hart made a motion to accept the low bid from Branscome Construction contingent upon review and approval of County Attorney. Mrs. Thornton seconded the motion. The motion passed unanimously with Mr. Gordy absent.

County Administrator's Report

County Administrator gave an update concerning the Land Swap (Wallops Relocation).

Board of Supervisors Comment Period

Ms. Major stated she was happy to be back on the Board and was looking forward to working with all the members.

Mr. Wolff told the Board ANEC was present at his meeting that was held on Monday night and Part II of the Wallops Transmission Corridor was explained.

Budget Items

Mrs. Mears made a motion to approve the budget items and Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

FISCAL YEAR 2011

From Contingencies (As of 8/19/10: \$191,576 remaining in regular operating contingency/\$196,470 in special contingencies)

Decrease Contingency

Operating Budget Contingency \$ 20,000

Increase Expenditures

Volunteer Fire and Rescue \$ 20,000

The **FY10** general fund contribution for Onancock Volunteer Fire Company was not disbursed in FY10 since Onancock was not in Compliance with Fire Services Commission rules dictating payment. Onancock VFC is not in compliance and seeks their FT10 contribution. Parksley VFC made the same request last month and that request was granted by the Board

Other

Increase Revenues

Contributions from Fire & Rescue Companies \$ 2,000

Increase Expenditures

Fire Training Services \$ 2,000

Pooled company training funds administered by the Public Safety Department

Increase Revenue

Miscellaneous Recoveries \$ 9,675

Increase Expenditures

Sheriff \$ 9,675

Insurance claim recovery

Grants

(The following budgetary amendments require a public hearing in accordance with §15.2-2507 of the Code of Virginia)

Increase Revenues

From the Commonwealth \$3,427,412

Increase Expenditures

Economic Development \$3,427,412

Transportation Partnership Opportunity grant to develop an Unrestricted height corridor along public roadways utilized by the Mid-Atlantic Spaceport (MARS) facility

Payables

Mr. Wolff made a motion to approve the payables. Ms. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Closed Meeting

Mr. Wolff made a motion that the Board go into closed meeting for the following purposes pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended.

Mrs. Mears seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

1. Pursuant to Subsection (A) (1) for discussion consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific officers, appointees, or employees of any public body, and
2. Pursuant to Subsection (A) (3) for discussion or consideration of the acquisition of real property for public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Wolff made a motion, seconded by Mrs. Mears , to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member’s knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Opening Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

| | | | |
|------|-------------|------------|---------------|
| Aye: | Mr. Chesser | Mr. Gray | Mrs. Thornton |
| | Mr. Wolff | Mrs. Mears | Mr. Crockett |
| | Ms. Major | Mr. Hart | |

Nays: None

Absent: Mrs. Gordy

Mrs. Thornton made a motion to dissolve the Wallops Park Relocation Committee. Mr. Wolff seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Adjournment

Mrs. Thornton made a motion to adjourn to March 23, 2011 at 5:00 in the Board of Supervisors Chambers in Accomac. Mr. Wolff seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Chair