

**BOLIVAR  
TOWN COUNCIL MEETING  
MINUTES  
Tuesday, May 1, 2018 @ 7:30p.m.**

**Helen Dettmer, Mayor  
Sarah Gordon-Absent  
John Paul Heafer-Mayor Pro Tem  
Stephen J. Paradis  
Jerry Powell-Absent  
Scott Whetsell  
P. Jean Reed, Recorder**

Councilpersons Sara Gordon and Jerry Powell were not present for this meeting.  
Mayor Dettmer asked everyone to stand for a moment of silence and the Pledge of Allegiance.

**Call to Order**

The regular meeting of the Bolivar Town Council was called to order by Mayor Helen Dettmer on Tuesday, May 1, 2018 @7:30p.m.

**Treasurers Report**

No Treasurers report due to absence of Accountant Eric Lewis. Had a copy of last month's report and asked for it to be approved. Councilperson Steve Paradis asked if we had received the last sales tax check and Mayor Dettmer said no there should be another coming soon. We still have one payment to the Sheriff's Department for services. Councilperson Steve Paradis said so we do not have to touch the \$162,934 Unencumbered Funds. Mayor Dettmer said not at this time.

**Councilperson John Paul Heafer moved to approve the July 1, 2017 thru March 31, 2018 Financial Report. Councilperson Scott Whetsell seconded the motion. Motion passed.**

**Minutes:**

**Approval of Minutes for April 3, 2018 Regular Meeting**

**Councilperson Steve Paradis moved to accept the Minutes for the April 3, 2018 Regular Meeting as presented with the correction on page 4, Mr. McGee was asking for a donation to the Harpers Ferry Merchants Association. Recorder Reed will correct. Councilperson Scott Whetsell seconded the motion. Motion passed.**

**Approval of Minutes for April 17, 2018 Special Meeting**

**Councilperson Steve Paradis moved to accept the Minutes for the April 17, 2018 Special Meeting with the correction of 2 dates. Recorder Reed will correct. Councilperson Scott Whetsell seconded the motion. Motion passed.**

**Approval of Minutes for April 19, 2018 Hearing Hotel/Motel Occupancy Tax**

Councilperson Steve Paradis asked that 2 dates be changed in these minutes. **Councilperson Steve Paradis moved to approve the minutes of the April 19, 2018 Hearing on Hotel/Motel Occupancy Tax with 2 date corrections. Recorder Reed will correct. Councilperson John Paul Heafer seconded the motion. Motion passed.**

**Attendee Concerns:**

- Sandi Marra-Spoke on behalf of Harpers Ferry asked for support of the new Hotel in Harpers Ferry. She asked for a formal statement of support to the Harpers Ferry Council. This will help with jobs, property values, and lowering the new utility rates.
-

- Deb Hale-Mentioned a combined letter from those affected by the proposed Hotel Occupancy Tax. Mayor Dettmer said we all have a copy that we received this afternoon.
- Rock Wheeler-Would like for the Council to defer the passing of this tax (Hotel Occupancy) for one year in order to allow our businesses to absorb these challenges, and/or be lowered to a smaller percentage (less than 5%) and possibly reconsider a B & O Tax, which would be spread out among all Bolivar businesses, a fairer option in our opinion.  
**See attached letter for complete details.**
- Deb Hale-Felt she should have been notified about this proposal sooner than March when this was first discussed. We are not Harpers Ferry and we have to depend on ourselves as the drawing card. Asked about the Town checking on other businesses that might not be paying the sales tax. Maybe donations to could be made to Jefferson County Convention & Visitors Bureau. She feels like their types of businesses are being targeted unfairly.
- Ben Shankman- 1. If I could raise my price even \$1.00, I would have already done that. I cannot afford to hire even one person as seasonal help. I do everything cooking, cleaning, laundry etc. 2. Glad Bolivar is checking on other businesses that may not be following all the regulations. 3. How does tax benefit town and CVB. We did not see other businesses attend this hearing. We did have 5 out of 5 B & B Owners show up for the hearing.

#### **Town Attorney, Dave Hammer**

Attorney Hammer assured everyone at the meeting that Sheriff Dougherty is tracking down all unlicensed businesses. If anyone knows of businesses operating without a license, he needs to be notified. This is true for the Town, Sheriff's Dept., and the Health Department.

- The cost of collecting this tax could be done by the Sheriff's Department at a cost of \$1000 for the first year. Then we would set down and go over the Intergovernmental Agreement that has to be approved by the Attorney General.
- This could go into effect by July 1, 2018.
- We are scheduled for the Second Reading of the Bolivar Urban Deer Hunt Ordinance tonight. If this is adopted, this will start later in 2018.
- Attorney Hammer said Mayor Dettmer spotted a new ordinance and confirmed through Mr. Lewis, that we have the right to know how much Liquor, Intoxicating Liquor and Wine Sales there are in the Cooperate Limits. This has been an issue for a while because we don't know if we have been collecting the tax that by code we are due. We know it is not in our budget. We asked about it a couple months ago and now we have a new statute that authorizes us to get this information. On April 23, I sent a letter to the State Tax Department requesting that same information and the preceding 7 years. So far, no response but I will let you know as soon as I hear something.

#### **Sheriff's Department Report and Public Comment (Brandon Conway)**

During the month of April 2018 there were a total of 111 recorded calls of service by the Sheriff's Department in Bolivar.

This month, the breakdown included: 70 directed patrols, 1 alarm call, 2 animal complaints, 2 break/enter property NIP, 1 disabled vehicle, 1 loose dog complaint, 1 fight NIP, 1 illegal burn, 1 juvenile complaint, 1 harassment complaint, 3 reckless driver, 1 theft not in progress, 2 theft NIP, 2 break/enter vehicles NIP, 1 destruction of property NIP, 6 disturbance calls, 1 domestic violence complaint, 1 juvenile complaint, 1 missing person, 1 welfare check, 3 public service calls, 2 911 Hang up, 1 traffic hazard, 5 traffic stops, 1 threat and 2 miscellaneous matters. If Members of the Council and Citizens have any general concerns about law enforcement are asked to call the Sheriff's Office during business hours Monday-Friday 8AM to 5:30PM and anytime there is an emergency call 911.

#### **Mayor's Report**

- Thanks to Laura for setting up the Farmer's Market in the Park last week. Also, thanks to Scott Whetsell for helping set up and clean up the Farmer's Market.
  - Dennis Fry, Harpers Ferry National Historical Park Historian, is retiring.
  - Mark your calendar for the following:  
May 19-1/2 Marathon, support the runners (8:00AM – 11:30AM)
-

May 8-Election Day-Town Offices will be closed.  
May 28-Memorial Day-Town Offices will be closed.  
June 1-Copy Cat, Music in the Park  
June 22- Movie in the Park

**Street Committee** (John Paul Heafer)

Councilperson John Paul Heafer said he would like to start checking for Pot Holes but needs help. Mayor Dettmer asked if he had a volunteer in mind and he said Scott Whetsell.

**Bolivar Planning Commission**

No meeting

**Park and Recreation Committee**

We will have a meeting this month (May)

**Old Business**

**Second Reading and Enactment of Bolivar Hotel Motel Occupancy Tax Ordinance**

- Councilperson John Paul Heafer asked, before we continue, do we have an estimate on how much money this might bring in since the Sheriff will charge \$1000 for the first year to collect.
- Mayor Dettmer said we don't know since every business is different. We do know we have 14 licensed businesses this would affect. It is just like when we started the sales tax, we just don't know.
- Councilperson Steve Paradis said our Citizens that came out tonight are against this. I did talk to Annette and apparently Bolivar is the only one in Jefferson County that does not contribute to the CVB. Annette has established an Americana Brand for Charles Town, Ranson and Shepherdstown. He asked for the Council to Table the Proposed Hotel Motel Occupancy Tax Ordinance until we come up with a plan as to exactly what we are going to do with the money collected from this tax. Also, give a possible donation to the CVB so that we are not free loading, look at our surpluses, work with the Community and establish a plan.
- Mayor Dettmer said she would be interested in hearing from the other businesses that are not here tonight.
- Deb Hale said she figured they were not here because they are not paying taxes.
- Mayor Dettmer said they are registered with the State and with Bolivar.
- Sandi Marra said Bolivar does not have a consistent News Letter or E-mail communication, there is no communication at all. Unless you are fully engaged, you are oblivious.
- Mayor Dettmer said this was a class one legal ad published in the newspaper. We followed the law. Sarah is not here tonight, she did speak with several of these business owners, so a lot of them did know about this tax.

**Councilperson Steve Paradis moved to table the Bolivar Hotel Motel Occupancy Tax Ordinance for the purpose of developing a plan on how the anticipated funds would be spent. Councilperson Scott Whetsell seconded the motion. Motion passed.**

- Councilperson John Paul Heafer said if we have a winter like the one several years ago, that surplus would be gone. Councilperson Whetsell agreed.

**Councilperson Steve Paradis moved to monitor our Municipal Sales Tax Revenue and at the point when the Sales Tax Revenue reaches \$25,000, we vote to give \$5,000 to the CVB as a donation.**

- Councilperson John Paul Heafer he has never been any place in the United States that does not charge a Hotel Motel Tax.

**- Councilperson John Paul Heafer seconded the motion. Motion passed.**

- Councilperson Steve Paradis thanked all the Business Owners that showed up and spoke tonight.
- Attorney Hammer asked everyone to please check legal notices in the newspaper.
- Recorder Reed asked those attending how they found out about the previous meetings about the Hotel Motel Tax Ordinance?
- Rock Wheeler said Councilperson Steve Paradis called them and told them about it.
- Recorder Reed asked Councilperson Steve Paradis if he had contacted all the other businesses?
- Councilperson Steve Paradis said no he spoke to Yinching. She was at the last meeting.
- Mayor Dettmer said she wrote in her notes, Yinching said it didn't matter to her business at all. I noticed someone signed in her place so I want that clarified.
- Deb Hale said if we get in touch with her she is in total agreement.
- Mayor Dettmer said we will get back to that. We will be revisiting that.

Mayor Dettmer thanked everyone and said we may be calling on some of you later on. If you know of someone in the Community that is flying under the radar, please say something. We need to know, call our town office and ask. Once someone has a business license it goes directly to Jefferson County Tax Office. Deb Hale is still concerned about the sales tax and those that are not paying. We do our due diligence. People have a right to their privacy.

#### **New Business**

##### **1. Introduction of Sandi Marra-Representative from Bolivar to Harpers Ferry Water Commission.**

We are working on the letter of Conditions and looking to close on the loan. This is well over due. Long term benefits will save our water. There will be 5 miles of new pipe. We will have 24 hour staff. The first increase will be 5%. After closing on the loan, there will be a 29% increase.

- Councilperson John Paul Heafer asked how long after the first 29% increase will there be another 29% increase. You are talking about borrowing over \$6,000,000 for 800 customers. The cost of that is going to be enormous.
- Sandi Marra said she is new to this but this was approved by the USDA in order to get the loan.
- Councilperson John Paul Heafer said it won't be long until you will have a \$100 minimum.
- Benjamin Shankman asked if it would be possible to separate the old pipes from upgrading the water plant.
- Sandi Marra asked Benjamin to put these questions on paper and drop off at the Town Hall.
- Councilperson Heafer said he worked for the Water Company for nearly 20 years and every time he asked for an upgrade on pipes, he was asked to put it off for 3 to 4 months because they did not have the money.
- Mayor Dettmer thanked Sandi.

#### **Old Business**

##### **2. Second Reading and Enactment of Bolivar Urban Deer Hunt Ordinance**

**Councilperson Steve Paradis moved to read the Urban Deer Hunt Ordinance by Title and Section.**

**Councilperson Scott Whetsell seconded the motion. Motion passed**

Attorney Hammer read the Urban Deer Hunt Ordinance.

**Councilperson Scott Whetsell moved to adopt the Bolivar Urban Deer Hunt Ordinance.**

**Councilperson Steve Paradis seconded the motion. Councilperson John Paul Heafer voted No.**

**Motion passed 3 to 1.**

#### **New Business**

##### **2. Introduction of Lee Snyder, Jefferson Utilities**

Mr. Snyder said he is owner, operator of Jefferson Utilities for 21 years and have over 3000 customers. He said for a number of years he has told Harpers Ferry he could serve them better than they could serve themselves. He has sent letters to Harpers Ferry, the most recent on March 9, 2018. He has heard nothing from Harpers Ferry as of this date. He presented Mayor Dettmer and Council with a four page letter with rates of Harpers Ferry Current and Jefferson Utilities Current and with the rates of Harpers Ferry Future. **(See attached letter for full details).** Mr. Snyder also said he has a letter from the owner of KOA that

states his water bill would increase over what we would charge them by \$30,000 per year. Mr. Knott, owner of the Clarion Inn has requested to change his water service from Harpers Ferry to Jefferson Utilities since he already has Jefferson Utilities serving River Riders which Mr. Knott also owns. I feel this is a significant public issue in representing the people in your community.

- Attorney Hammer said given Bolivar is just a customer of Harpers Ferry Water, is there a way for the Citizens of Bolivar to express their concerns about this issue?
- Mr. Snyder said yes, the purpose of the Public Service Commission is to determine what is best for the customers of the utility.
- What I have said to Harpers Ferry and now Bolivar is that Jefferson Utilities represents a viable alternative for customers of both Harpers Ferry and Bolivar. We have over 3000 customers and adding another 800 customers would be nothing.
- We have large customers such as US Customs, the new Roxul Plant in Kearneysville.
- Councilperson Steve Paradis asked about the surcharge of \$12.00. Mr. Snyder said his prices include the \$12.00 surcharge.
- Mayor Dettmer asked Sandi Marra if there is any Grants or Grant money available to help with this.
- Sandi Marra said no, we are too rich.
- Councilperson Heafer asked if there is any help for the elderly.
- Sandi Marra said she was not sure, that would probably go through the State.
- Councilperson John Paul Heafer said he feels Harpers Ferry does not care about the people. They want to continue as is just so they can say they own Harpers Ferry Water Works. Mr. Heafer said we would be much better off to go with Lee Snyder.
- Councilperson Steve Paradis asked if this is something we can ask the Water Commission about? We need to hear from our current water supplier.
- Sandi Marra said their might already be legal action in the process.
- Mr. Snyder said he would be happy to return.

Mayor Dettmer announced an all day Conference on Tourism at the Bavarian Inn on May 8 and there would be fee of \$35.00.

Councilperson Steve Paradis said he was a little confused about 2 line items on our budget that was in the newspaper. He felt they were different than what he had written down and voted on.

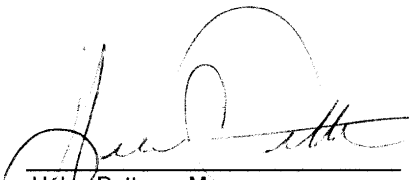
- Mayor Dettmer asked Councilperson Paradis to bring his paperwork to the office and go over everything with Laura and get this resolved.

#### **Adjournment**

**Councilperson John Paul Heafer moved to adjourn. Councilperson Scott Whetsel seconded the motion. Motion passed. Meeting adjourned @9:03p.m.**

Respectfully submitted,

  
\_\_\_\_\_  
P. Jean Reed, Recorder

  
\_\_\_\_\_  
Helen Dettmer, Mayor