

AGENDA
JEFFERSON COUNTY COMMISSION
THIRD QUARTERLY SESSION - JULY - SEPTEMBER 2020
THURSDAY, SEPTEMBER 17, 2020
6:00 P.M.

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

***This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through GoToWebinar. Invites will be posted on Facebook and email alerts.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF ACCOUNTS PAYABLE

- September 10, 2020
- September 17, 2020

APPROVAL OF MANUAL CHECKS

- September 11, 2020
- September 18, 2020

APPROVAL OF PAYROLL

- September 3, 2020

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

***You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to info@jeffersoncountywv.org. Your comments will be included in the minutes and agenda correspondence. Please include your name.*

PRESENTATIONS

1. 6:30 p.m. Angie Banks, Assessor
- Exonerations - Discussion/Action

2. 6:45 p.m. Earl Cogle, Fire Chief, Blue Ridge Mountain Fire Company
- Request Waiver of Fees- Discussion/Action
3. 7:00 p.m. Interviews and Appointments to the Jefferson County Farmland Protection Board - Three 4-year terms ending September 7, 2024 - Discussion/Action
3. 7:15 p.m. Lynn Fields, Probate
- Estate of Geraldine W. Bolyard: Counsel for the Estate is requesting that the Commission compel Fiduciary Commissioner, David DeJarnett, to prepare and present his report to the Commission in order to finalize the Estate - Discussion/Action
- Estate of Frances P. Rampp: Current administrator cta, Joseph Rampp wishes to step down and have sister, Charis Tawney, appointed as executor of the Estate - Discussion/Action
- Accept/Approve Fiduciary Commissioner's Report - Discussion/Action
4. 7:30 p.m. Nathan Cochran, Assistant Prosecuting Attorney
 - Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues - Discussion/Action
 - Discussion of EEOC Charge #533-2017-00706 and 533-2019-01397 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69 - Discussion/Action
 - Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282) - Discussion/Action
 - Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1) - Discussion/Action
 - Report by Counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues, and matters related thereto - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #17-C-174 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #20-C-20 - Discussion/Action
 - Discussion of legal issues regarding proposed solar text amendment including bonding and related matters - Discussion/Action
 - Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20 - Discussion/Action

5. 7:30 p.m. Pete Dougherty, Sheriff
 - GHSP Grant Approval - Discussion/Action
 - Vehicle Purchases and Disposal - Discussion/Action

NEW BUSINESS

6. Discuss possible work session for the Solar Facilities Amendment and Stormwater Management Amendment - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Payment of COVID-19 testing for E-911 dispatchers - Discussion/Action

7. ADJOURN

CORRESPONDENCE/INFORMATION

Impact Fee Status Report for July 2020.

Impact Fee Status Report for August 2020.

Election information.

Comments from Gail Kohlhorst, Richard Zigler, and Mary Lee Vandevonder re: the Solar Facilities text amendment.

E-mail from David Tabb re: Broadband Survey.

E-mail from Robert Aitcheson re: proceedings for the removal of a Planning Commissioner.

At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$429,019.09		\$429,019.09
6.2% Tax Payable OASDI	\$25,470.32		\$25,470.32
1.45% Tax Payable HI	\$5,956.63		\$5,956.63
Fed Withholding	\$40,528.95		\$40,528.95
WV State Withholding	\$18,091.70		\$18,091.70
PERS Retirement Deduct 4.5%	\$10,853.71		\$10,853.71
PERS Retirement Deduct 6%	\$5,060.01		\$5,060.01
Hosp. Pre-Taxed	\$15,656.00		\$15,656.00
Cancer/ICU Pre-Taxed	\$605.87		\$605.87
Cancer/ICU Not Pre-Taxed	\$939.76		\$939.76
Optional Life Not Pre Taxed	\$1,800.44		\$1,800.44
Christmas Club	\$4,620.00		\$4,620.00
Wage Attach #1	\$248.31		\$248.31
Wage Attach #2	\$443.25		\$443.25
Wage Attach #3			\$0.00
DSRS Retirement Deduct 8.5%	\$6,489.51		\$6,489.51
457 - Nationwide	\$849.00		\$849.00
457I - Empower	\$4,473.12		\$4,473.12
457R - Roth	\$785.00		\$785.00
MD State Tax	\$693.72		\$693.72
D/VF	\$1,945.42		\$1,945.42
VA State Tax	\$175.96		\$175.96
Colonial(Plus)	\$81.60		\$81.60
Uniforms			\$0.00
Total Deductions	\$145,768.28	\$0.00	\$145,768.28
Net Wages Total	\$283,250.81	\$0.00	\$283,250.81
Payroll Date	September 3, 2020		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angie Banks, Assessor

Department or Organization: **Assessor's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 17, 2020**

If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Date Requested – 2nd Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*):

Exonerations – Discussion/Action

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$**[Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#)

Telephone for conference call **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Earl Cogle**

Department or Organization: **Blue Ridge Mountain Fire Co.**

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1st Choice: **September 17, 2020**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Request to waive all building permit fees required by the Department of Engineering, Planning, and Zoning associated with the processing of the inside renovation in the amount of \$559.00. (835 sq ft)**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N
If so, how much? \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.
If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information: Earl Cogle

Email address: brmvfcchief@frontiernet.net Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **September 17, 2020**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews and Appointments to the Jefferson County Farmland Protection Board – three Jefferson County Farmland Protection Board - Three 4-year terms ending September 7, 2024**

- I. **one farmer-at-large representative**
- II. **one farm bureau representative - applicant must be a current member of the Jefferson County Farm Bureau**
- III. **one non-farmer/public representative**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, September 17, 2020, or as soon thereafter as the Commission may decide:

Jefferson County Farmland Protection Board - Three 4-year terms ending September 7, 2024

Positions available

- one farmer-at-large representative
- one farm bureau representative - applicant must be a current member of the Jefferson County Farm Bureau
- one non-farmer/public representative

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, no later than 12:00 p.m. the Monday prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

As of 8/27/2013

FARMLAND PROTECTION BOARD
Elizabeth Wheeler, Administrator
PO Box 731
Charles Town, WV 25414
304-728-3255 (W) 304-283-3129 (H)
farmlandprotection@jcda.net

Lyn Goodwin
P.O. Box 237
Charles Town, WV 25414
728-3255
lyngoodwin@jcda.net
Represents: Development Authority

Catharine Johnson (seeking reappointment)
251 Southwood Drive
Kearneysville, WV 25430
304-876-7080
304-283-8543
southwoodfarmforge@gmail.com
Represents: Farmer at large (Cedarbrook Farm)
4 years 9/7/2020

Robert Glenn (seeking reappointment)
P.O. Box 749
Shepherdstown, WV 25443
304-268-8125
email: rglenn@jacksonkelly.com
Represents: Non-Farmer (Public)
4 years 9/7/2020

Russell Quinn (not seeking reappointment - has already served two consecutive terms)
677 Quinn Lea Rd
Harpers Ferry, WV 25425
304-261-1442
email: russquinn@frontiernet.net
Represents: Farm Bureau
4 years 9/7/2020

Nick Kercheval
1751 Engle Molers Rd
Harpers Ferry, WV 25425
876-6890 (h) 304-671-4911 (cell)
email: truxnscoots@msn.com
Represents: Farment & Soil Conservation
4 years 9/7/2022 (replaced Funkhouser)

Jessica Carroll

From: Catharine Johnson <southwoodfarmforge@gmail.com>
Sent: Wednesday, September 9, 2020 3:48 PM
To: Elizabeth Wheeler; Jessica Carroll
Subject: Jefferson County Farmland Protection Board

Hello Jessica,

Please consider this email as my willingness to serve another term on the Farmland Protection Program Board.

Sincerely,

Catharine Johnson
251 Southwood Drive
Kearneysville, WV. 25430
Phone 304-876-7080
Cell 304-283-8543

--

Catharine Johnson
Manager
Southwood Farm Forge
Kearneysville, WV. 25430

Jessica Carroll

From: Glenn, Robert E. <rglenn@jacksonkelly.com>
Sent: Monday, July 20, 2020 2:53 PM
To: Jessica Carroll
Cc: Elizabeth Wheeler (FarmlandProtection@jcda.net)
Subject: Farmland Board

I would like to continue serving on the Board for another term.

thx

Robert Glenn | Counsel | [Jackson Kelly PLLC](#)

310 West Burke Street | Martinsburg, WV 25402 | www.JacksonKelly.com

Office Direct: (304) 260-4957 (Preferred) | Mobile: (304) 268-8125 | Fax: (304) 263-7110 | rglenn@JacksonKelly.com |

[V-card](#) | [BIO](#)

CONFIDENTIALITY NOTE: This email message from the law office of Jackson Kelly PLLC is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply e-mail and destroy all copies of the original message.

Application For Farmland Protection
Board

Jefferson County Commission
Application for Boards, Committees or Commissions

Please type or print information

Name: Susannah M. Buckles

Home Telephone Number: 304-283-5884

Work Address: 371 Gap View Farm Ln, Charles Town WV 25414

Work Phone Number: _____

Mobile Phone Number: 304-283-5884

E-mail Address: osusannahbee@gmail.com

Party Affiliation: (Building Commission and Health Department applicants)

N/A

Occupation: Farmer

Education: High School Foxcroft School

College Univ. of Pacific, Shepherd U BA85

Trade/Business School _____

Are you a United States citizen? Yes No

Are you a West Virginia resident? Yes No

Are you a resident of Jefferson County? Yes No

Are you able to produce verification of residency? Yes No

(Proof of paying personal property tax, voter registration, etc.)

Address: 371 Gap View Farm Ln
Charles Town, WV 25414

Magisterial District: Charles Town

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

Lifelong resident Jefferson County
Operate 330 acre cattle farm, which is under Farmland Prot. Program
I am a member of WV Farm Bureau.

Organization Memberships and Positions Held: _____

Jefferson Co. Historical Soc, V. Pres.
Friends of Webb Blessing House, Board Member

Have you even been convicted of any felonies? If yes, please list. No

Date:	Offense:

Statement: _____

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature: Suzanne M. Bueller Date: 9/9/2020

This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.

Glen H. Hetzel, PH. D.
895 Smith Road
Charles Town , WV 25414
Telephone: 304-728-0011
Fax: 304-725-5088
Email: ghetzel@citlink.net

Education:

- Ph. D.** Agricultural Engineering Technology, Michigan State University, 1979
- M. E.** Master of Engineering, West Virginia University, 1967
- B. S.** Agricultural Mechanics, West Virginia University, 1962

Professional Experience:

- 1/1989 - Present Own and operate a farm near Charles Town, WV
- 12/31/1999 Retired as Associate Professor Emeritus from Virginia Tech, Blacksburg, VA
- 7/1993 - 12/1999 Extension Agricultural Engineer (Farm Safety Specialist) and Associate Professor, Biological Systems Engineering Department, Virginia Tech, Blacksburg, VA
- 10/1975-6/1999 Extension Agricultural Engineer (Farm Safety Specialist) Assistant Professor, Biological Systems Engineering Department, Virginia Tech, Blacksburg, VA
- 9/1973 - 10/1975 Graduate Teaching Assistant, Agricultural Engineering Department Michigan State University, East Lansing, Michigan
- 9/1967 - 8/1973 Instructor, Agricultural Engineering Department Virginia Tech, Blacksburg
- 9/1965 - 10/1967 Graduate Research Assistant, Agricultural Engineering Department West Virginia University, Morgantown, WV
- 10/1962 - 8/1965 Instructor/Lecturer, Agricultural Engineering Department, West Virginia University on a USAID Project at Egerton College, Njoro, Kenya, East Africa

Membership in Professional Organizations:

- American Society of Agricultural and Biological Engineers, 1967-present
 - Served on various committees and also chaired committees
 - Chaired the NAMIC Engineering Safety Award committee 1997-98
- International Society of Agricultural Safety and Health (ISASH) 1976-present (formerly called National Institute for Farm Safety)
 - Past President 1984-85 and 2007-08
 - Served on various committee over the past 44 years
- National Safety Council, 1976-2002
- Virginia Extension Service Association, 1975-1999
 - National Institute for Farm Safety Served as Treasurer for 3 years

Service to the Profession

- National Safety Council, Agricultural Division
 - Program Promotion Committee, 1982-1999

Review Committee for Farm Safety Publications, 1981-1999
National 4-H Engineering Event
Management Committee, 1976-1997
American Society of Agricultural Engineers
Agricultural Safety Technical Committee 1977-1999, Chair 1989-90

Awards

ASAE Packer Engineering Safety Award 1992, recognizing outstanding contributions to the advancement of agricultural safety engineering
ISASH Maynard Coe award for professional contributions to Agriculture Safety and Health
Virginia Extension Service Association "Outstanding Agent of the Year"

Other activities

Currently Chairman of the Administrative Board, Duncan Memorial United Methodist Church, Berryville, VA
Previously Lay Leader at Duncan Memorial United Methodist Church, Berryville, VA

Jefferson County 4H committee- 2 terms
Jefferson County, WV Homeland Security Committee 2018
Jefferson County, WV committee to write the proposed Campground development policies

2018

Jefferson County Commission
Application for Boards, Committees or Commissions

Please type or print information

Name: Glen H. Hetzel

Home Telephone Number: 304-728-0011

Work Address: Retired

Work Phone Number:

Mobile Phone Number:

E-mail Address: ghetzel@citlink.net

Party Affiliation: *(Building Commission and Health Department applicants)*

Occupation: Agriculturalist

Education: High School Harpers Ferry High School

College See resume

Trade/Business School

Are you a United States citizen? Yes No

Are you a West Virginia resident? Yes No

Are you a resident of Jefferson County? Yes No

Are you able to produce verification of residency? Yes No

(Proof of paying personal property tax, voter registration, etc.)

Address: 895 Smith Rd
Charles Town, WV 25414

Magisterial District: Appleton

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

Resumes attached

Organization Memberships and Positions Held : _____

See Resumes

Have you ever been convicted of any felonies? If yes, please list.

Date:	Offense:
<u>No</u>	

Statement: _____

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature: _____ Date: _____

This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.

Magisterial District: Kabletown

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

 Resume attached

Organization Memberships and Positions Held : _____
 See Resume

Have you even been convicted of any felonies? If yes, please list.

Date:	Offense:
<u> No </u>	

Statement: _____

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

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I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature: _____ Date: _____

This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.

AGENDA REQUEST FORM

www.jeffersoncountywv.org

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 15-20 minutes

DATE REQUESTED: 1ST CHOICE September 17th, 2020

IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:

SUBJECT: (1) Estate of Geraldine W. Bolyard: Counsel for the estate is requesting that the commission compel Fiduciary Commissioner, David DeJarnett to prepare and present his report to the commission in order to finalize the estate.

(2) Estate of Frances P. Rampp: Current administrator cta, Joseph Rampp wishes to step down and have sister, Charis Tawney appointed as executor of the estate. Charis Tawney is named as a suitable successor executor in the will .

PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION, INCLUDING ANY BACKGROUND INFORMATION:

(1) The probate office would defer to the county commission for guidance on this issue.

(2) It is our recommendation that Joseph Rampp be allowed to recuse himself as current administrator cta and allow Charis Tawney to be appointed as executor.

ARE DOCUMENTS ATTACHED: Yes

IS A PROJECTOR NEEDED?: NO

lfields@jeffersoncountywv.org (304) 728-3210

MORROW & MORROW

ATTORNEYS AT LAW

P.O. Box 459

Charles Town, West Virginia 25414

Telephone (304) 725-3441

Facsimile (304) 725-5056

Henry W. Morrow (1919 - 2004)
Henry W. Morrow, Jr.

121 East Liberty Street
E-Mail: Morrowlawoffice@aol.com

August 4, 2020

The Honorable Jane M. Tabb, President, Jefferson County Commission
The Honorable Ralph Lorenzetti, Esquire, Vice President Jefferson County Commission
The Honorable Josh Compton, Jefferson County Commissioner
The Honorable Caleb W. Hudson, Jefferson County Commissioner
The Honorable Patsy Noland, Jefferson County Commissioner

In re: The Estate of Geraldine W. Bolyard

Dear President Tabb and Members of the Commission:

I am attorney for the estate of Geraldine W. Bolyard.

On or about November 29, 2018, Barry R. Bolyard qualified as executor of his mother's estate.

On or about January 10, 2019, I filed the estate appraisal with the Jefferson County Clerk's Probate Office.

Sometime between the filing of the estate appraisal and January 25, 2019, Timmy Staubs timely filed a claim against the estate with the probate office.

On February 13, 2019, I filed a counteraffidavit and objections to the Staubs claim. Sometime thereafter, the claim was referred to Fiduciary Commissioner David DeJarnett for the purposes of conducting a hearing, taking evidence and arguments and issuing a report to the Commission with recommendations as to disposition of the claim.

Jefferson County Commissioners
In re: The Estate of Geraldine W. Bolyard
August 4, 2020
Page Two

On July 30, 2019, an evidentiary hearing lasting one hour and forty-five minutes (1:45) was held before Commissioner DeJarnett at the Law offices of Bowles Rice in Martinsburg.

In the past year, and at the repeated request of the executor, I have attempted on multiple occasions to contact Commissioner DeJarnett for the purpose of attempting to determine when a decision might be forthcoming. Mr. DeJarnett, since October of 2019 has not responded to a single message and his secretary has also not responded to two requests. I have attached a detailed Time Line narrative of the attempts to contact Mr. DeJarnett for your information.

Respectfully, I am requesting that the Commission require Commissioner DeJarnett to prepare and issue his report in this case and to show just cause as to why he has not issued his report. It has been more than one year since the hearing and the issues are fairly straightforward. While I realize that the Commission does not have Time Standard Rules like the circuit courts, nevertheless, there is a constitutional guarantee to "justice without . . . delay" which certainly applies here.

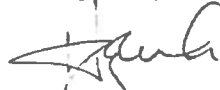
Amid complaints from litigants and their counsel that circuit judges were not performing their duties in a reasonably timely fashion, the West Virginia Supreme Court of Appeals adopted time standard rules applicable to all circuit court proceedings. There are no such rules for County Commissions but inasmuch as the Supreme Court determined that the foundation for such rules rested with the West Virginia Constitution, County Commissions are constitutionally bound to apply rules of reason to insure that the constitutional mandate is not denied.

The West Virginia Constitution, Article III, Section 17, requires that "justice shall be administered without sale, denial or delay," On this foundation, the Supreme Court adopted several rules for circuit courts which, while not expressly applicable to county commissions, are instructive. For example, a final judgment is required within six months in all civil appeals from magistrate court. Rule 16.11(b), *Trial Court Rules*. Pre- and post trial motions must be heard within one month. Rule 16.05 (b) and (e), *Trial Court Rules*. In other civil matters, final judgment must be entered within six months. Rule 16.05 (d), *Trial Court Rules*. As stated in the Purpose of the Time Standard Rules: "Pursuant to these principles, the Supreme Court of Appeals has determined that the expeditious processing and timely disposition of cases by circuit courts are essential to the proper administration of justice." Rule 16.01, *Trial Court Rules*. This rationale applies with equal force to proceedings before county commissions notwithstanding the lack of formal rules or procedures to enforce the constitutional requirement.

Jefferson County Commissioners
In re: The Estate of Geraldine W. Bolyard
August 4, 2020
Page Three

I merely request that this body, the County Commission, understand that justice is being delayed in this case for reasons which my client, the executor, cannot understand. Settling the estate of a loved one, and in this case, Mr. Bolyard's mother, can be unsettling and stressful. The longer the delay, the more stress is experienced. There needs to be a resolution so Mr. Bolyard can complete settlement of the estate and move on with his life. Unfortunately, until Mr. DeJarnett issues his report, this will be impossible. I have made every reasonable attempt to contact Commissioner DeJarnett to make him aware of the delay and my client's concern and the stress Mr. Bolyard is experiencing. Since Commissioner DeJarnett has chosen not to respond to those reasonable inquiries or otherwise give any guidance, Mr. Bolyard is left with little choice but to appeal to this Commission. Commissioner DeJarnett stated in October 2019 that his recommended decision would be issued "shortly." On April 7, 2020, Commissioner DeJarnett said to Attorney Alex Tsiatsos that his report would be issued that week. It is now August of 2020, one year after the evidentiary hearing, nine months after Commissioner DeJarnett said his report would be issued "shortly" and more than four months since he said it would be issued the week of April 7. Mr. Bolyard asks that the Commission understand that the delay in this matter is unreasonable and unnecessary and take appropriate action to end this delay.

Respectfully,



Henry W. Morrow, Jr.,
Counsel for the Estate of
Geraldine W. Bolyard

HWMjr/

cc: Timmy Staubs
David A. DeJarnett, Fiduciary Commissioner
Barry R. Bolyard
Jefferson County Clerk's Probate Office (for filing in the Estate file)

TIME LINE

The Estate of Geraldine W. Bolyard

Estate Executor: Barry R. Bolyard
Estate Attorney: Henry W. Morrow, Jr.

Claimant: Timmy Staubs, Pro se
Claim Amount: Approximately \$ 3,700.00

TIME LINE AS OF AUGUST 4, 2020

Geraldine Bolyard died on March 20, 2018.

Preliminary Proceedings relating to the probate of a copy of a will were held between the date of Mrs. Bolyard's death and November 29, 2018, culminating in denial of probate of the will copy but permitting the probate of an original will and the appointment of Barry R. Bolyard as executor of Mrs. Bolyard's estate. Formal administration of the estate began on November 29, 2018.

On or before January 25, 2019, and prior to the expiration of the claim filing deadline, Claimant filed the instant claim against the estate with the Clerk of the Jefferson County Commission. On or about February 13, 2019, the Executor filed a Counteraffidavit and Objection to the instant claim. Fiduciary Commissioner David DeJarnett was appointed by the County Commission to report on the claim and to conduct proceedings settling the claim pursuant to *West Virginia Code*: § 44-2-1, et seq. By letter dated May 2, 2019, Commissioner DeJarnett advised the parties of his appointment and the requirements to proceed to hearing.

On July 30, 2019, Commissioner DeJarnett conducted an evidentiary hearing on the instant claim, which lasted approximately one hour and forty-five minutes. The Commissioner advised the parties they could file memorandums of law following the hearing. The claimant was given fifteen (15) days from the date of receipt of the transcript to file his initial memorandum; the Estate was given fifteen (15) days from the date Claimant filed his memorandum or 30 days from the date of receipt of the transcript whichever first occurred; and finally, the Claimant was given an additional ten (10) days following the Estate's filing of its memorandum to file a reply memorandum. All briefs were delivered to Commissioner DeJarnett and the case was finally submitted for decision sometime prior to October 19, 2019.

On October 19, 2019, Commissioner DeJarnett send an email to Mr. Morrow stating, *inter alia*, "I will be preparing my report to the County Commission shortly."

On December 19, 2020, Mr. Morrow sent an email to Commissioner DeJarnett. That email asked: "Do you have a target date for when you plan to submit your report? My Client is anxious and has contacted me on several occasions, most recently today, asking when the report will be filed and, of course, I don't have any answer for him. If you could let me know

something so I can advise my client, I would appreciate it.” Mr. DeJarnett did not respond to that email.

In Mid-February, Mr. Morrow called Commissioner DeJarnett’s direct dial number and, receiving no answer, left a voice mail message respectfully asking once again if Commissioner DeJarnett could advise when he planned to submit his report. Mr. DeJarnett did not answer Mr. Morrow’s voicemail message.

On April 2, 2020, Mr. Morrow again wrote an email to Commissioner DeJarnett the substance of which is as follows:

Dear Mr. Commissioner:

On October 19, 2019, nearly six months ago, you sent me an email advising me that you would be issuing your recommendation to the Jefferson County Commission “shortly.” When we did not hear anything by Christmas, I sent you an email respectfully requesting a status report. When I didn’t receive a response to my December email, and at the request of my client I called and left a voicemail message on your office voicemail in Mid-February, again requesting a status report. I did not receive a response to either inquiry. The executor, Mr. Bolyard, wants to wrap up settlement of this estate and is unable to do so as long as resolution of this claim remains outstanding.

Would it be possible for you to provide me with an anticipated date for when you will issue your findings and report to the Commission and the parties in this case? I realize that this was a difficult case but my client keeps pressing me for when he can wrap up settlement of the estate and I have no answer for him other than to be patient.

I’m sure whatever assistance you can provide would be greatly appreciated by all the parties.

Respectfully,

Henry W. Morrow, Jr.

On April 7, 2020, Alex Tsiatsos, Mr. Bolyard’s attorney in another matter, talked with Commissioner DeJarnett by telephone and, according to an email sent by Mr. Tsiatsos to Mr. Bolyard and Mr. Morrow, Commissioner DeJarnett “said he would have the recommendation out [that] week.”

On June 16, 2020, Mr. Morrow called Commissioner DeJarnett's direct dial number and, once again, getting no answer left a voicemail message respectfully requesting a status report. Commissioner DeJarnett did not respond to Mr. Morrow's message.

On June 24, having received no response to the June 16 message, Mr. Morrow called Commissioner DeJarnett's direct dial number and, getting no answer, this time opted to be transferred to Commissioner DeJarnett's secretary, Lilly. Mr. Morrow spoke with Lilly and advised her that he had been trying to get through to Commissioner DeJarnett since December without any response and could she please check with him and see if she could provide a status report. Neither she or Commissioner DeJarnett responded to this request.

On July 2, having received no response to the June 24 discussion with Lilly, Mr. Morrow called Commissioner DeJarnett's direct dial number and, getting no answer, again opted to be transferred to Commissioner DeJarnett's secretary, Lilly. She did not answer the transferred call and Mr. Morrow was only able to get her voicemail. Mr. Morrow left a message on her voicemail repeating his request for a status report and requested a call-back. As of August 4, 2020, neither Commissioner DeJarnett or Lilly have responded to the inquiries and Mr. Morrow has been wholly unable to talk with either of them about the matter.

It has been nine (9) months since the matter was submitted for decision and one (1) year since the evidentiary hearing.

August 1, 2020

Probate Court
P.O. Box 208
Charles Town, WV 25414

Re: Estate of Frances P. Rampp
55 River Haven Drive.
Harpers Ferry, WV 25425

To the Probate Court:

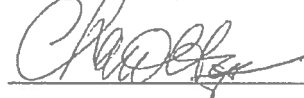
I, Joseph N. Rampp, son of Frances P. Rampp, requests that I be allowed to step down as executor of the estate of Frances P. Rampp. I no longer wish the responsibility, as I need to focus on my health and pursuing work.

In my place, I appoint Charis E. Tawney, daughter of Frances P. Rampp. Charis is now living at the estate and will take over responsibilities including debt owned and finalize probate and will fairly include both myself and other sister Elena C. Wilson in their shares.


All siblings are in agreement that Charis E. Tawney, take over as executor of the estate of Frances P. Rampp.



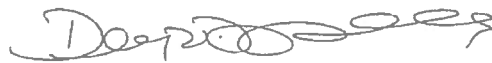
Joseph N. Rampp, Date



Charis E. Tawney, Date



Elena C. Wilson, Date



NOTARY

08/01/2020

(Commission Exp 11 May 2021)

United States of America

State of West Virginia



County of Jefferson, ss:

Estate Summary

Deceased Person	FRANCES PIERCY RAMPP		
Social Security Number	5173		
Date of Death	06/27/2016		
Surety Name	BRUCE GIBSON		
Amount of Bond	500.00		
Application Date	08/16/2016		
Will Recording Date	Date On Will	03/08/2011	
Appraisal Date	01/11/2017		
Appraisal Deadline 1	11/14/2016	Appraisal Deadline 2	12/14/2016
Publication Date	12/21/2016	Claim Deadline Date	02/19/2017

Surety Description

Real Property

Personal Representative(s)

JOSEPH RAMPP ADMINISTRATOR CTA
Mobile: 916-834-9806

55 RIVER HAVEN DRIVE, HARPERS FERRY, WV 25425-7091

List of Beneficiaries

ELENA C WILSON
CHARIS E TAWNEY
JOSEPH RAMPP

DAUGHTER
DAUGHTER
SON

OLNEY, MD
CARMICHAEL, CA
55 RIVER HAVEN DRIVE, HARPERS FERRY, WV 25425-7091

Claims

WELLS FARGO HEALTH ADVANTAGE

PO BOX 660553, DALLAS, TX 75266

Claim Amount: 2,265.00 Status:
Date Filed: 12/12/2016 Contact Date:

Deadline Date: 01/01/2017 Release Date:

BANK OF AMERICA NA

PO BOX 982238, EL PASO, TX 79998

Claim Amount: 1,466.78 Status:
Date Filed: 12/28/2016 Contact Date:

Deadline Date: 01/17/2017 Release Date:

Jennifer S Nashan
JEFFERSON County 02:57:28 PM
Instrument No 20160036979
Date Recorded 08/10/2016
Document Type WILL
Pages Recorded 4
Book-Page 76-735
Recording Fee \$5.00
Additional \$6.00

Last Will and Testament of

FRANCES P. RAMPP

I, FRANCES P. RAMPP, of Harpers Ferry, Jefferson County, West Virginia, being of sound and disposing mind and memory, make this my LAST WILL AND TESTAMENT, hereby revoking all previous wills which I have made.

ARTICLE I - DEFINITIONS

A. My heirs pursuant to this Will are my surviving children, ELENA C. WILSON, CHARIS E. TAWNEY, and JOSEPH N. RAMPP, and any grandchildren born to or adopted by my children. Except as provided in this my last Will and Testament. I have intentionally omitted to provide herein for any other relatives or for any other person, whether claiming to be an heir of mine or not.

B. The words "survive me", or words of like import shall be taken to mean survive me for a period of at least thirty days.

ARTICLE II - DISPOSITION OF ESTATE

After the payment of all proper charges against and claims upon my estate, all the rest, residue and remainder of my property, real and personal, tangible and intangible, wheresoever situate and howsoever held, to which I shall be legally or equitably entitled, or over which I may have a power of appointment, hereinafter referred to as my Residuary Estate, I give, devise and bequeath and appoint as follows:

A. I hereby give, devise and bequeath all of my estate and property, real, personal or mixed, wheresoever located, of which I may die seized or possessed, or to

Frances P. Rampp (SEAL) Page 1 of 4
FRANCES P. RAMPP

which I may be entitled to at the time of my death in equal shares to my children, ELENA C. WILSON, CHARIS E. TAWNEY, and JOSEPH N. RAMPP. If any of my children shall have predeceased me, leaving no lineal descendants, then that child's share shall be used to augment the shares of the other children. If any of my children shall predecease me leaving lineal descendants, then that child's share shall be distributed in equal shares to that child's children, my grandchildren. If any of said grandchildren is a minor at the time the property is distributed, the property may be delivered without bond to his or her guardian or to any suitable person with whom the child resides or who has custody or control of the child.

ARTICLE III - APPOINTMENT OF EXECUTOR

I appoint my daughter, ELENA C. WILSON of Olney, Maryland, Executor of this Last Will and Testament. In the event my daughter does not survive me or is unable to serve as Executor, I hereby appoint Charis E. Tawney of Folsom, California, either of whom may act as Executor of this Last Will and Testament. I direct that my Executor pay all of my just debts, funeral expenses the costs of the administration of my estate, and all inheritance and estate taxes. Further, my Executor, in his or her sole discretion, may sell any of my assets as they may direct to pay any of my just debts. I further direct that neither bond nor surety be required of my Executor, if appointed under this Will.

ARTICLE IV - FUNERAL ARRANGEMENTS

It is my will and I direct that I be cremated. I direct that there be no formal viewing of my body following my death and that there be no formal funeral conducted. I desire that my ashes be scattered at a location to be agreed upon by my children.

Frances P. Rampp (SEAL) Page 2 of 4
FRANCES P. RAMPP

IN THE WITNESS WHEREOF, I, FRANCES P. RAMPP, have placed my signature at the end of the preceding page; furthermore, I have signed this document and acknowledged it to be my LAST WILL AND TESTAMENT, in the presence of the undersigned witnesses on this 8th day of March, 2011.

Frances P. Rampp
FRANCES P. RAMPP

SIGNED AND SEALED by FRANCES P. RAMPP, and at the same time published, declared, and acknowledged by her to be her LAST WILL AND TESTAMENT, therefore, in the presence of FRANCES P. RAMPP, and in the presence of each other, we each sign our names at the request of the testator, who is under no duress or disability, this 8th day of March, 2011.

Robin Skinner Prinz of Leesburg, VA
Rachel M. Hendricks of Martinsburg WV
Russ M. Moor of Martinsburg, WV

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON, to-wit:

THIS DAY, personally appeared before me Robin Skinner PRINZ, Rachel M. Hendricks, and Russ M. Moor, the three attesting witnesses whose names are signed to the foregoing Will of FRANCES P. RAMPP who, after being by me first duly sworn, did depose and say that they are the same persons who signed the attestation clause as witnesses to such foregoing Will; that the said FRANCES P. RAMPP, the testator whose name is signed to the forgoing Will did sign, seal, publish and declare the same as her Last Will and Testament in their presence; and

Frances P. Rampp (SEAL) Page 3 of 4
FRANCES P. RAMPP

presence; and that they, at her request and in her presence, and in the presence of each other, did set their hand as witnesses thereto the day and year therein, that at the time of the attestation of said Will it was proven to the satisfaction of said three witnesses that the testator was of sound and disposing mind and memory and over the age of eighteen years; and that they have each made this affidavit at the request of said testator.

Robin Skinner Prutz
Rachel M. Hendricks
Diane M. Ryan

Taker, subscribed and sworn to by Robin Skinner Prutz,
Rachel M. Hendricks, and Diane M. Ryan before the
undersigned Notary Public, this 8th day of March, 2011.

Susan C. Ott
Notary Public

My Commission Expires: 06/02/2020



Frances F. Rampp (SEAL) Page 4 of 4
FRANCES F. RAMPP

FORM ET 6.01
Rev. 08/14

APPRAISEMENT OF THE ESTATE
FOR DECEDENTS DYING ON OR AFTER JULY 13, 2001

PART 1: GENERAL INFORMATION QUESTIONNAIRE

A. Decedent's Name FRANCES PIERCY RAMPP		B. Social Security Number 5173	C. Date of Death 06/27/2016
D. Decedent's Residence at Death 55 RIVER HAVEN DRIVE, HARPERS FERRY, WV 25422		E. State West Virginia	F. County Jefferson
G. Marital Status at Death Single, Widow(er) or Divorced <input checked="" type="radio"/> Married <input type="radio"/>	Name of Surviving Spouse JEFFERSON	H. West Virginia Counties Where Decedent Held Real Estate.	
I. Will this estate be required to file a Federal Estate Tax Return FORM 706 (see instructions on page 2)?		YES <input type="radio"/> NO <input checked="" type="radio"/>	
J. Will this estate be required to file the Nonprobate Inventory Form ET 6.02 (see instructions on page 3)?		YES <input type="radio"/> NO <input checked="" type="radio"/>	
K. Did the Decedent leave a WILL?		YES <input checked="" type="radio"/> NO <input type="radio"/>	
L. Fiduciary's Name and Mailing Address (include zip code) JOSEPH RAMPP 55 RIVER HAVEN DRIVE HARPERS FERRY WV 25425-7091		M. Preparer's Name and Address CPA <input type="radio"/> Attorney <input type="radio"/>	
Fiduciary's Phone Number: 916-834-9806		Preparer's Phone Number:	

PART 2: QUESTIONNAIRE OF NONPROBATE REAL ESTATE

Answer each of the following questions concerning the decedent's interest in NONPROBATE REAL ESTATE. If you answer "YES" to any question below, you must complete the attached Inventory of Nonprobate Real Estate provided with this form which shows:

- the type of transfer(s) with reference to the question number below;
- name(s) of the person(s) with an interest in the real estate as joint tenant or transferee;
- relationship to the decedent of ALL above named persons;
- market value at the date of death; and
- description of the real estate including assessed value.

	MARKET VALUE
1. Did the decedent own an interest in any real estate as joint tenant with right of survivorship? YES <input type="radio"/> NO <input checked="" type="radio"/>	1
2. Did the decedent transfer an interest in any real estate without adequate consideration within three years prior to date of death? YES <input type="radio"/> NO <input checked="" type="radio"/>	2
3. Did the decedent own an interest in any real estate in an inter vivos trust (living trust) arrangement or in which the decedent retained the right of use and enjoyment? YES <input type="radio"/> NO <input checked="" type="radio"/>	3
4. Did the decedent own an interest in any real estate in which the decedent retained a power of appointment, whether special or general? YES <input type="radio"/> NO <input checked="" type="radio"/>	4
5. Did the decedent own an interest in any real estate as a life estate including a dower interest? YES <input type="radio"/> NO <input checked="" type="radio"/>	5
6. Did the decedent own an interest in any real estate transferable by a transfer on death deed? YES <input type="radio"/> NO <input checked="" type="radio"/>	6
7. TOTAL VALUE OF NONPROBATE REAL ESTATE (add lines 1 through 6 above)	7

PART 3: SUMMARY OF PROBATE ASSETS

Complete PART 4 first. Enter the total from each schedule of PART 4 on the appropriate line below.

	MARKET VALUE
1. Schedule A: Real estate or any interest therein	1 142,750
2. Schedule B: Tangible personal property of every kind	2 3,800
3. Schedule C: Government bonds and securities of every kind	3 0
4. Schedule D: Shares of corporate stock of every kind	4 0
5. Schedule E: Money, certificates of deposit, notes, accounts, etc.	5 85
6. Schedule F: All other assets not hereinbefore mentioned	6 0
7. TOTAL VALUE OF PROBATE ASSETS (add lines 1 through 6 above)	7 146,635

PART 4: INVENTORY OF PROBATE ASSETS -- TRANSFERS BY WILL OR INTESTACY
 After completing PART 4, enter the total from each schedule on the appropriate line in PART 3.

SCHEDULE A: Describe any real estate or any interest in real estate. Include description and appraised value of out of state property, but do not include this amount in the total. See page 3 of the instructions.	ASSESSED VALUE	APPRAISED VALUE
SECTION 4B # 37 JEFFERSON COUNTY CO - KABLETOWN	8500	12750
SECTION 4B # 36 JEFFERSON CO. - CO. KABLETOWN	92300	130000
TOTAL (enter the total appraised value on line 1 of PART 3)		142750

SCHEDULE B: Tangible personal property of every kind. See page 3 of the instructions.	APPRAISED VALUE
CAR - 05 FORD ESCAPE	2300.00
FURNITURE	500.00
WASHER/DRYER/ KITCHEN APPLIANCES / ACS (3)	500.00
CLOTHING	300.00
TELEVISIONS / COMPUTERS	200.00
TOTAL (enter the total appraised value on line 2 of PART 3)	3800

SCHEDULE C: Bonds and securities of every kind. See page 3 of the instructions.	APPRAISED VALUE
	Jacqueline C Shadie JEFFERSON County 12:43:17 PM Instrument No 2017000474 Date Recorded 01/11/2017 Document Type APR Pages Recorded 4 Book-Page 29-485 Recording Fee \$5.00 Additional \$6.00
TOTAL (enter the total appraised value on line 3 of PART 3)	0

PART 4 (continued)

SCHEDULE D: Corporate stock of any kind. See page 3 of the instructions.				
NAME OF THE COMPANY	CLOSELY HELD	NUMBER OF SHARES	MARKET VALUE PER SHARE	TOTAL MARKET VALUE
/				
TOTAL (enter the total market value on line 4 of PART 3)				0

SCHEDULE E: Money, bank accounts, certificates of deposits, notes, accounts receivable, etc. Show dates of notes. See page 3 of instructions.	APPRAISED VALUE
CHECKING ACCOUNT SAVINGS ACCOUNT	0 84.99
TOTAL (enter the total appraised value on line 5 of PART 3)	84.99

SCHEDULE F: All other assets, not hereinbefore mentioned, including insurance payable to the estate. See page 3 of the instructions.	APPRAISED VALUE
/	
TOTAL (enter the total appraised value on line 6 of PART 3)	0


PART 5: BENEFICIARIES. List the names and relationships of all beneficiaries or heirs of the estate. Show the age of any life tenant after their name. See page 3 of the instructions.

BENEFICIARY OR HEIR	RELATIONSHIP	BENEFICIARY OR HEIR	RELATIONSHIP
ELENA C WILSON	DAUGHTER		
CHARIS E TAWNEY	DAUGHTER		
JOSEPH RAMPP	SON		


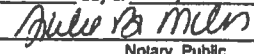
PART 6: OATH OF FIDUCIARY

State of West Virginia County of Jefferson, To-wit:

I, JOSEPH RAMPP, fiduciary for the estate of FRANCES PIERCY RAMPP after diligent effort to ascertain the taxable property of this estate, have made answers to each of the questions and have completed, in detail, the schedules for each category of property and believe each item thereof to be correct. I thereby believe the foregoing to be the true and lawful appraisal of ALL real estate and probate property of the estate of the above named decedent.



 Fiduciary


 before me this 26 day of September, 2016


 Notary Public
 My Commission expires June 21, 2022

PART 7: APPROVAL OF FIDUCIARY COMMISSIONER/FIDUCIARY SUPERVISOR

I, _____, Fiduciary Commissioner/Fiduciary Supervisor of Jefferson County, West Virginia, to whom the estate of the above named decedent was referred, do hereby approve the foregoing appraisal of such estate.

Given under my hand this _____ day of _____, 20 _____

By _____
 Fiduciary Commissioner/Fiduciary Supervisor Deputy

PART 8: CLERK OF THE COUNTY COMMISSION

STATE OF WEST VIRGINIA
 COUNTY OF JEFFERSON, To-wit:

In the Clerk's office of Jefferson County on the 11th day of January, 2017, the foregoing appraisal of the above named decedent was presented and upon motion admitted to record.

Attest Jacqueline C. Shadle, Clerk
 By Karen Old, Deputy

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: ESTATE OF JAMES L. HATCHETT, DECEASED

Date of Death: August 14, 2010

D. FRANK HILL, III, EXECUTOR

REPORT OF SPECIAL COMMISSIONER

TO THE HONORABLE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA:

The report of S. Andrew Arnold, the Special Commissioner to whom this cause was referred by action dated on the 30th day of January, 2020, and made pursuant to the said Order to conduct proper proceedings and make recommended findings and conclusions on all matters pertaining to this Estate and to submit the same to this Commission.

Upon receipt of this referral, the undersigned Special Commissioner made a discreet and thorough inquiry into the status and progress on the administration of the Estate of James L. Hatchett. That inquiry included the following:

1. The Special Commissioner made a complete review of those items appearing of record in the Office of the Clerk of this County Commission, including qualification information, public recording and admission to probate of the Last Will and Testament of the Decedent (appearing of record as on September 14, 2010), the Form ET 6.01 - Appraisement of the Estate and Form ET 6.02 Nonprobate Inventory Form (recorded on December 3, 2013), and a deed transferring and conveying the Decedent's real

estate for a bona fide purchaser (recorded October 25, 2012).

2. The Special Commissioner made a complete review of those items appearing in the file for the James L. Hatchett Estate in the Probate Office of the Clerk of this County Commission, including formal and informal correspondence such as letters and emails.

3. In light of the restrictions imposed during the Covid-19 pandemic, the Special Commissioner informally interviewed the beneficiaries under the Last Will and Testament of James L. Hatchett, deceased, the Executor and the Deputy Clerks in the Probate Office of the Clerk of this County Commission.

Upon the conclusion of this review, the Special Commissioner has received an offer from the Executor to voluntarily resign his position as Executor of the Estate of James L. Hatchett, deceased, upon an entry of an order accepting such resignation by this County Commission, subject to conditions imposed by this County Commission as contained in a proposed Order appended to this Report as Exhibit A, including an appointment of John K. Dorsey, a discreet and competent attorney practicing before this Commission, as Administrator, c.t.a., d.b.n., in the event a full and proper accounting has not been tendered by the Executor prior to his resignation.

All of which is respectfully submitted this 27th day of
August, 2020.



SPECIAL COMMISSIONER

STATE OF WEST VIRGINIA,

COUNTY OF JEFFERSON, To-wit:

I, S. Andrew Arnold, Special Commissioner of the County Commission of Jefferson County, West Virginia, certify that before proceeding to execute the Order pursuant to which the foregoing report was made, I made the informal inquiries as noted in the foregoing report.

I further report that I completed said report on the 27th day of August 2020, and that on said day I gave written notice to all attorneys who appear of record and all pro se parties in the said cause by depositing the same in due course of the mail properly addressed or forwarded the same by facsimile or electronically at the last known addresses of the parties. That said report and evidence were retained by me ten (10) days after the examination of the parties interested, that no exceptions to the said report have been filed before me and that said report and evidence are this day filed in the Office of the Clerk of the County Commission of Jefferson County, West Virginia.

The undersigned Special Commissioner believes he is entitled to receive the sum of \$750.00 as compensation for performing the services required of him in this connection, and has included the same in the taxation of costs hereto subjoined.

Taxation of Costs

S. Andrew Arnold, Fee for Special Commissioner (Other out of pocket costs)	\$	750.00
	\$	<u>0.00</u>

Given under my hand this 27th day of August, 2020.



SPECIAL COMMISSIONER

Taken, subscribed and sworn to before me and the said
report is filed this 27th day of August, 2020.



By: Debra J. Henshaw
Notary Public

CERTIFICATE OF SERVICE

I, S. Andrew Arnold, Special Commissioner, do hereby certify that I have served a copy of the foregoing Report of Special Commissioner upon counsel of record and parties pro se

Ken Darrenbacker: Ken.derrenbacker@gmail.com

David Hatchett: dhatchett58@gmail.com

John Hatchett: zjohn@mac.com

Lisa Darrenbacker: lisaderrenb@gmail.com

Cindy Peterson: uwanur@msn.com

Frank Hill: dfhatty@frontiernet.net

John K. Dorsey: jdadmin@jddjcpa.com

by 1st Class, U.S. Mail, facsimile and/or email this 27th day of August, 2020.

I further certify that I will hold the same for 10 days from the date hereof for purpose of receiving exceptions to the report.



S. ANDREW ARNOLD, SPECIAL COMMISSIONER



Name: **Nathan Cochran, Assistant Prosecuting Attorney**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 17, 2020**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Please provide the County Commission with a description of your request or presentation, including any background information:

1. Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
3. Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
4. Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
5. Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
6. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
7. Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
8. Discussion of Jefferson County Circuit Court Civil Action #20-C-20. Discussion/Action.
9. Discussion of legal issues regarding proposed solar text amendment including bonding and related matters. Discussion/Action.
10. Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20. Discussion/Action.

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty

Department or Organization: **Sheriff's Office**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice next meeting

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): GHSP Grant Approval
Vehicle Purchases and Disposal

Please provide the County Commission with a description of your request or presentation, including any background information:

It is time for the renewal of the Governor's Highway Safety Grant. This year they are projecting we will be awarded \$96,000. This grant funds patrol activities for Jefferson County law enforcement agencies as well as Grant, Hardy, and Pendleton Counties.

I am seeking permission to order vehicles due to an extended delivery period. We are being told if ordered in September, vehicles would be available in February or March.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request: none

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

I move to approve the grant application and resolution for the Governor's Highway Safety Grant and authorize the President to affix her signature.

I move to authorize the Sheriff to order vehicles in September.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address: pdougherty@jcsdww.com

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

RECEIVED

SEP 11 2020

County Commission
of Jefferson County, WV

9:45 AM

GOVERNOR'S HIGHWAY SAFETY PROGRAM

STATE OF WEST VIRGINIA
DIVISION OF MOTOR VEHICLES

Application – Page 3

PROJECT OBJECTIVE(S)

Objectives must be specific, recognizable, clearly qualified, time framed, measurable terms of the impact to be achieved. Please use additional pages as necessary (i.e., number 3a, 3b, 3c, etc.)

Through highway safety funds for enforcement and education, this project's goals are:

1. To reduce crashes in the four-county area by 10% from a 3-year average (2016-2018) of 1,462 to 1,316 by September 30, 2021.
2. To reduce total injuries in the four-county area by 15% from a 3-year average (2016-2018) of 617 to 555 by September 30, 2021.
3. To reduce fatalities in the four-county area by 15% from a 3-year average (2016-2018) of 16 to 14 by September 30, 2021.
4. To reduce unrestrained driver fatalities in the four-county area by 25% from a 3-year average (2016-2018) of 4 to 3 by September 30, 2021.
5. To reduce alcohol-related crashes in the four-county area by 15% from a 3-year average (2016-2018) of 105 to 89 by September 30, 2021.
6. To reduce alcohol-related injuries in the four-county area by 15% from a 3-year average (2016-2018) of 67 to 57 by September 30, 2021.
7. To reduce alcohol-related fatalities in the four-county area by 25% from a 3-year average (2016-2018) of 4 to 3 by September 30, 2021.
8. To maintain pedestrian fatalities in the four-county area at the 3-year average (2016-2018) of 0 through September 30, 2021.
9. To reduce total ejections in the four-county area by 15% from a 3-year average (2016-2018) of 19 to 16 by September 30, 2021.
10. To reduce fatal ejections in the four-county area by 20% from a 3-year average (2016-2018) of 5 to 4 by September 30, 2021.
11. To reduce crashes involving drivers under 20 in the four-county area by 10% from a 3-year average (2016-2018) of 329 to 296 by September 30, 2021.
12. To reduce fatalities of drivers under 20 in the four-county area by 50% from a 3-year average (2016-2018) of 2 to 1 by September 30, 2021.

PROJECT ACTIVITIES

Specific statements of activities that will directly impact the identified problem. Please use additional pages as necessary (i.e., number 3a, 3b, 3c, etc.)

This project will fund enforcement patrols within Jefferson County, as well as Grant, Hardy and Pendleton Counties, to effectively and meaningfully assist this overall project with the goals of reducing roadway crashes, injuries and fatalities in the four-county area. Activities will include:

Speed/Aggressive Driving Enforcement patrols:

- Enforcement should be conducted primarily along the target locations listed below (based on crash data). Enforcement may be worked adjacent or parallel to these segments, but enforcement is preferred along the listed segments. The entirety of these segments falling within the counties listed may be worked; smaller agencies may work these target locations if the road segments fall within their agency's jurisdiction, or if adjacent or parallel roadways to the target locations fall within their jurisdiction. The following 12 roadway segments are in order from most crashes to least within each county.

Grant
CR 005
CR 009

Hardy
CR 010

Jefferson
US 340
CR 017
CR 001
CR 013
CR 009/05
CR 032
CR 027
CR 018
CR 015

Seat Belt enforcement patrols and checkpoints:

- Enforcement should be conducted during the following designated enforcement periods:
 - National CIOT May Blitz: May 14-31, 2021
 - CIOT October Mini Blitz: October 9-25, 2020
 - CIOT March Mini Blitz: March 5-21, 2021
 - CIOT August Mini Blitz: August 6-22, 2021
 - Rescheduled May 2020 Blitz: November 9-29, 2020

Impaired Driving Enforcement patrols and checkpoints: c

- Impaired Driving Enforcement patrols and checkpoints should be conducted primarily along the target locations listed below (based on crash data). Enforcement may be worked adjacent or parallel to these segments and the mile markers listed; smaller agencies may work these target locations if the road segments fall within their agency's jurisdiction, or if adjacent or parallel roadways to the target locations fall within their jurisdiction. The 10 roadway segments below are in Jefferson County and listed from most crashes to least crashes. As can be seen by the roadway segments under the Speed Enforcement section, many of the same roadways are both speed and alcohol-related crash problem areas.

US 340
CR 017
CR 009/05

CR 001
CR 013
CR 032

- The primary focus should be during the following enforcement periods:
 - National Drive Sober or Get Pulled Over (DSOGPO) Enforcement Periods:
 - December 16, 2020 - January 1, 2021
 - August 20 - September 6, 2021
 - State Blitzes:
 - Thanksgiving (Nov. 24-28, 2020)
 - West Virginia Day (June 18-21, 2021)
 - Fourth of July weekend (July 2-5, 2021)

Distracted Driving Enforcement patrols:

- Enforcement should be primarily conducted during Distracted Driving Awareness Month in April 2021 and the rescheduled April 2020 Distracted Driving Enforcement (October 5-12, 2020) but will also be used strategically throughout the grant year

Work Zone Enforcement:

- Work Zone enforcement patrols will be conducted on roadways with WVDOH work zones. See Special Conditions for additional information.

Electronic citation-related *equipment* may be requested based on the need of the agencies in this grant.

Revised 9/20

CONDITIONS & ASSURANCES

The applicant hereby certifies and assures that it shall comply with the following regulations, policies, guidelines, and requirements of the Governor's Highway Safety Program as further clarified in the Highway Safety Administrative Manual.

1. The applicant hereby certifies it has legal authority to apply for the grant: that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of this proposal/application, including all understandings and assurances contained therein, and directly authorizes the person identified as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. **RELATIONSHIP.** The relationship of the Sub-Grantee to the Governor's Highway Safety Program shall be that of an independent contractor, not that of a joint enterprise. The Sub-Grantee shall have no authority to bind the Governor's Highway Safety Program for any obligation or expense without the express prior written approval of the Governor's Highway Safety Program.
3. **LAW OF WEST VIRGINIA.** The proposal/application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the Governor's Highway Safety Program.
4. **ACCESS TO RECORDS.** The Governor's Highway Safety Program through any authorized representative will have access to and the right to examine all records, books or documents related to the proposal/application/contract/grant, and to relevant books and records of contractors.
5. **USE OF FUNDS.** Funds awarded by the Governor's Highway Safety Program may be extended only for the purpose and activities specifically covered by the Sub-Grantee's approved project description and budget.
6. **ALLOWABLE/UNALLOWABLE COSTS.** The allowability/unallowability of costs incurred under this grant shall be determined in accordance with general principles and standards for selected cost items set forth in the Highway Safety Administrative Manual.
7. **REPORTS & SUSPENSIONS.** The Sub-Grantee shall submit, at such times and in such form as may be prescribed, such reports as the Governor's Highway Safety Program may reasonably require, including but not limited to fiscal and program progress reports. Failure to submit any required report (i.e. Progress, Fiscal, Activity, etc.) by close of business (C.O.B.) on the designated due date may result in suspension of the project. To reinstate the project, a letter of explanation signed by the Authorized Official, the Project Director, and the Fiscal Director must be submitted promptly to the Governor's Highway Safety Program. More than one suspension in any twelve (12) month project period will automatically terminate the project for the remainder of the project's funding period.
8. **SANCTIONS FOR NONCOMPLIANCE.** In the event of the Sub-Grantee's noncompliance with the terms, conditions, covenants, rules or regulations of this grant, the Governor's Highway Safety Program shall impose such contract sanctions as it may deem appropriate, including but not limited to: a) Withholding of payments to the Sub-Grantee until the Sub-Grantee complies, or b) Cancellation, termination or suspension of the contract in whole or in part, or c) Refrain from extending any further assistance to the Sub-Grantee until satisfactory assurance of future compliance has been received from the Sub-Grantee.
9. **WRITTEN APPROVAL OF CHANGES.** The Sub-Grantee must obtain prior written approval from the Governor's Highway Safety Program for all changes relating to the scope of the project and for all financial adjustments between major budget categories.
10. **MATCHING CONTRIBUTION.** The Sub-Grantee will have available, and will expend as needed, adequate resources to defray that portion of the total costs as set forth in the proposal as "Local Funds" and as approved by the Governor's Highway Safety Program.
11. **PROJECT INCOME.** All income earned by the Sub-Grantee as a result of the conduct of this project, must be accounted for and included in the total budget.
12. **DISCRIMINATION PROHIBITED.** No person shall, on the grounds of race, color, sex, national origin, religion, disability or age be excluded from participation in, be refused the benefits of, or to be otherwise subjected to discrimination under grants awarded by the Governor's Highway Safety Program.
13. **FEDERAL GRANT REQUIREMENTS AND CONTRACTS.** The agency shall comply with the following statutes and implementing regulations as applicable: The Agency shall comply with the following statutes and implementing regulations as applicable: a) 49 CFR Part 18 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; b) 2 CFR 225, Cost Principles for State, Local, and Indian Tribal Governments, 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and all other relevant Federal regulations covering the Highway Safety Program; c) 5 U.S.C. §1501-1508 and 5 CFR Part 151 "Political Activity of State and Local Offices or Employees" (HATCH ACT), d) 23 U.S.C. §313 Buy America; and e) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 (www.nhtsa.gov) and additions or amendments thereto.

14. **FEDERAL LOBBYING**. The Agency agrees that no Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
15. **STATE LOBBYING**. None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect ("grassroots") lobbying activities.
16. **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS**. a) The prospective lower tier participant (the Agency) certifies, by submission of this contract proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Federal Agency. b) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
17. **PROHIBITION OF USING GRANT FUNDS TO CHECK FOR HELMET USAGE**. The State and each sub-recipient will not use 23 U.S.C. Chapter 4 Grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
18. **AUDIT**. It is the responsibility of the Sub-grantee to provide for the performance of an independent audit as detailed in the Highway Safety Administrative Manual. The Sub-Grantee further agrees to submit a copy of each audit to the Governor's Highway Safety Program, including a systematic statement for the timely and appropriate resolution of findings or recommendations.
19. **CONSULTANT/CONTRACTS**. No agreement or contract may be entered into by the Sub-Grantee for the execution of project activities or provisions of service which is not incorporated in the approved grant, and/or without the prior written permission of the Governor's Highway Safety Program. Grant approval does not constitute consultant/contract approval.
20. **PROPERTY ACCOUNTABILITY**. The Sub-Grantee shall establish and administer a system to control, protect, preserve, use, maintain, and dispose of any property or equipment furnished by the Governor's Highway Safety Program. The obligation continues as long as the property is retained by the Sub-Grantee notwithstanding the expiration of this agreement. Prior to the sale, trade-in, or disposal of property, disposition instructions will be obtained from the Governor's Highway Safety Program. The Sub-Grantee assures that all property shall be made available to the Governor's Highway Safety Program for inspection/inventory at the request of the Governor's Highway Safety Program.
21. **ACCOUNTING REQUIREMENTS**. Sub-Grantee agrees to record all project funds and costs following generally accepted accounting principles. A separate account number or cost recording must separate all project costs from the Sub-Grantee's other or general expenditures. Adequate documentation for all project costs and incomes must be maintained. Adequate documentation of financial and supporting materials, as defined in the Highway Safety Administrative Manual, must be retained and be available for audit purposes.
22. **OBLIGATION OF PROJECT FUNDS**. Funds may not, without prior written approval from the Governor's Highway Safety Program, be obligated prior to the effective date or subsequent to the termination date of the project period. Obligations outstanding as of the termination date shall be liquidated within thirty days.
23. **ASSUMPTION OF FUNDING**. The Sub-Grantee will assume the funding of improvements after a reasonable period of assistance.
24. **REPORTING OF IRREGULARITIES**. Sub-Grantees are responsible for reporting promptly to the Governor's Highway Safety Program the nature and circumstances surrounding any fiscal irregularities discovered. Failure to report known irregularities may result in suspension of the grant or other remedial action determined by the Governor's Highway Safety Program.
25. **PUBLIC AVAILABILITY OF INFORMATION**. The Sub-Grantee agrees to comply with the terms and conditions of pertinent Federal and State Freedom of Information Acts, and to require its contractors to comply with these requirements.
26. **CONFLICT OF INTEREST**. No public official or employee of the State of West Virginia, who performs any duties under the project, may participate in any administrative decision with respect to this project, if such a decision can be expected to result in any benefit or remuneration to him or his or his immediate family.

27. **CANCELLATION PROVISION.** If this project is not started within thirty days of the grant award, the Sub-Grantee will report to the Governor's Highway Safety Program by letter the steps taken to initiate the project. If after sixty days from the date of the grant award the project is still not operational, a further statement explaining the delay will be submitted by the Sub-Grantee to the Governor's Highway Safety Program. Upon receipt of the sixty-day letter, and unless warranted by extenuating circumstances, the Governor's Highway Safety Program will cancel the project and redistribute the funds to other projects.
28. **CRIMINAL PENALTIES.** Whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property which are the subject of this grant, or whoever knowingly and willingly falsifies, conceals or covers up by trick, scheme, or device any material fact in any application/contract for assistance submitted to the Governor's Highway Safety Program shall be subject to prosecution.
29. **MEETINGS.** Sub-Grantee assures that the Project Director, Fiscal Officer (or designee), and/or the Authorized Official (or designee) will attend any meeting, conference, workshop, or other similar function as deemed necessary by the Governor's Highway Safety Program for administration of this project. Additionally, the Sub-Grantee assures that the Project Director will cooperate and fully participate with staff of the Governor's Highway Safety Program and Law Enforcement Liaisons during statewide initiatives and campaigns.
30. **TRAVEL.** All out of state travel to be reimbursed under any Highway Safety grant must receive written approval in advance from the Governor's Highway Safety Program. All estimated travel expenses (per diem, registration, transportation, etc.) must be included with the request for out of state travel. All Requests for Reimbursements for travel expenses must be submitted to the Governor's Highway Safety Program within 2 months of the travel dates.
31. **PARTICIPATION.** Law enforcement agencies/officers must be an active participant in Highway Safety/NHTSA funded initiatives in order to receive any Highway Safety Program/NHTSA funded benefit, such as highway safety related equipment, training, conference attendance, reimbursement for enforcement (not to exceed the officer's time and one-half rate of pay), etc.
32. **STATEWIDE MEDIA.** Statewide media costs incurred by the GHSP are accepted and recognized by the Grantee as a supplemental benefit to complement their local and regional law enforcement efforts.
33. **SEAT BELT POLICY.** Any law enforcement agency receiving Highway Safety funds must have a written seat belt use policy in place for their agency. A copy of this policy, which must outline sanctions for non-compliance with the policy, must be on file with their respective Regional Coordinator.
34. **REGIONAL COORDINATOR.** In the event that the position of Regional Coordinator becomes available, the Governor's Highway Safety Program must be involved in the selection process of filling the position and must give final approval of hiring the individual selected.
35. **REQUIRED ACTIVITIES.** Failure to complete the "Coordinator's Required Activities" may result in temporary or permanent suspension of the program. It is imperative to the success of the Highway Safety Program that these activities be implemented. If a particular activity cannot be completed, a written detailed explanation must be submitted to the Program Manager as to why it cannot be completed.
36. **FINAL REQUEST FOR REIMBURSEMENT.** Sub-grantees must submit a Final Request for Reimbursement to the Governor's Highway Safety Program no later than November 15 for the preceding fiscal year and must include all expenditures made prior to October 1. Any Request for Reimbursement submitted after November 15 for funds expended prior to October 1 of the preceding fiscal year will be denied.
37. **EQUIPMENT.** Computers/laptops/tablets/in-car video cameras may not be purchased by any sub-grantee without prior written approval by the Director or Federal Programs Administrator of the GHSP. Any equipment with a total cost of \$5,000 or more per item must receive written prior approval from the NHTSA Region 3 office (and submitted by the GHSP). Additionally, any individual item costing \$5,000 or more must meet the **BUY AMERICA** guidelines set forth by NHTSA.

In accordance with the Conditions and Assurance Pages 5 - 7, and without limiting same, we certify this application is an accurate and complete description of the project to be considered for receiving Highway Safety funds. We further agree this application shall be binding upon the applicant, assignees, transferees, lessees, and successors in interest. These assurances shall also be binding through every modification or amendment to the project.

Signature of Authorized Official
(Required)

Date

Signature of Project Director
(Required)

Date

Special Conditions

1. The GHSP will reimburse Jefferson County Commission for up to 693.33 hours (for each of two deputies) (up to 40 hours/week or 80 hours/pay period per deputy) of eligible highway safety enforcement activity from October 1, 2020 through January 31, 2021. Compensation will be based on time spent on the activity plus a corresponding proportional share of fringe benefits earned while performing the highway safety enforcement activity.
 - a. These enforcement activities will primarily be divided between Deputies Forman and Cox. No funds may be reimbursed for activity that is not highway safety-related (sick leave, vacation leave, non-highway safety related enforcement or training). Replacement officers may be used in place of Forman and Cox in these instances, provided the replacement officers are performing highway safety-related activities.
 - b. Only an deputy's straight time is eligible for reimbursement.
 - c. This grant provides funding for highway safety enforcement activities for up to 40 hours per week (or 80 hours in a pay period due to the 12-hours shifts deputies currently work) (per each officer or their replacement) for the four-month period designated above.
 - d. Officers working under this grant must report citations issued electronically (e-citation).
 - e. The Commission will provide the GHSP with all requested documents to verify amount of time work, type of highway safety activities worked, etc.
2. All agencies must submit requested data to the Data Tracking & Agency Support Program (DTASP) on time, monthly, to qualify to work highway safety OT.
 - a. Any agencies awarded funds through the fiscal agency must also stay current with DTASP and submit accurate data, to qualify to work highway safety OT.
3. All agencies awarded funds through the fiscal agency must sign an agency agreement each grant year, and it must be kept on file with the fiscal agency.
4. When working any highway safety enforcement program, that program is considered zero tolerance. Example: while working distracted driving enforcement, there is zero tolerance for cell phone use. Citations only.
 - b. Seat belt usage and impaired driving are always zero tolerance, whether they occur while working seat belt enforcement, impaired driving enforcement or any other paid enforcement.
5. All agencies (who are in good standing with the GHSP, regional program, fiscal agency and DTASP) are permitted to work all national and state enforcement periods listed here:
 - c. National Click it or Ticket (CIOT) Blitz, designated dates in May 2021
 - d. State CIOT Blitz, designated dates in October 2020
 - e. State CIOT Blitz, designated dates in March 2021
 - f. State CIOT Blitz, designated dates in August 2021
 - g. National Drive Sober or Get Pulled Over (DSOGPO) Enforcement, designated dates in December 2020
 - h. National DSOGPO Enforcement, designated dates in August/September 2021
 - i. State DSOGPO Enforcement, designated dates for Thanksgiving 2020, West Virginia Day 2021, Fourth of July 2021
6. WVSP emphasis counties in Region 6 are Berkeley, Grant, Hampshire, Hardy and Pendleton Counties, meaning that WVSP will provide the majority of highway safety enforcement in these counties, although local agencies are still permitted to work highway safety enforcement, provided there is data justification and they are in good standing with GHSP.
7. Seat belt checkpoints must be conducted as nighttime enforcement, which starts at 6pm; these checkpoints have the same legal requirements as DUI checkpoints.
8. All DUI overtime funding should be conducted between the hours of 8 PM and 4 AM unless otherwise authorized by GHSP and assigned GHSP Program Manager, based on documented data justification.

9. All highway safety patrols are authorized patrols of no less than two (2) hours and no more than eight (8) scheduled hours at no more than one-and-one-half times the regular pay rate. Any funds paid to officers exceeding the actual one and one-half overtime rate (benefits, social security, etc.) are not reimbursable by the grant per Federal and State regulations.
10. All highway safety enforcement must be worked in addition to regular manpower staffing. Highway safety enforcement should bring additional officers out to enforce traffic laws, in addition to officers on regularly scheduled shifts.
11. Work Zone enforcement must take place in the work zone, 4 miles of a roadway leading into the work zone, parallel roadways adjacent to roadway under construction, up to 1 mile stretch of any roadway that intersects a roadway under construction and roadways designated the CMV route for the purpose of CMV's avoiding roadway construction. Work zone location must be provided to and approved by the GHSP Program Manager prior to enforcement being conducted.
12. Written approval for any travel or purchase requiring prior written approval from GHSP must be attached to the reimbursement request.

Signature of Authorized Official
(Required)

Date

Signature of Project
Director
(Required)

Date

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 17, 2020**

If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Date Requested – 2nd Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*):

- ✚ **Discuss possible work session for the Solar Facilities Amendment and Stormwater Management Amendment – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N [Click here to enter text.](#)

If so, how much? \$ [Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Y/N [Click here to enter text.](#) Internet/Wi Fi Y/N [Click here to enter text.](#)

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

Impact Fee Status Report July 2020

Office of Impact Fees

Summary

Date Range: Wednesday 1 through Friday 31 July 2020

Report Date: 3 August 2020

Process Number Range: 2000166-2000190

Total Applications: 25

Total Non-Exempt: 24

Of which:

Commercial: 2

Residential: 22

Of which:

County: 17

Municipal: 7

Total Exempt: 1

Of which:

Commercial: 0

Residential: 1

Of which:

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for July 2020. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

Table 1. Form 100 Tallies

	Exempt	Commercial	Residential	Total
1 – 31 July 2020	1	2	22	25
Fees collected		\$14.00	\$150,886.00	\$150,900.00
<i>Of which</i>				
School Impact Fee			\$136,344.00	\$136,344.00
Law Enforcement Fee		\$9.00	\$2,816.00	\$2,825.00
Parks & Recreation Fee			\$10,582.00	\$10,582.00
EMS Fee		\$5.00	\$1,144.00	\$1,149.00

Table 2. Financial Data – Office of Impact Fees General Account (3111776)

Description	Amount
Opening Statement Balance (1 July 2020)	\$169,279.42
July Deposits (1 – 31 July 2020)	\$150,900.00
School June Transactions (withdraws via transfer on 20 July 2020)	(\$155,179.43)
Law June Transactions (withdraws via transfer on 20 July 2020)	(\$1,584.44)
Parks & Rec June Transactions (withdraws via transfer on 20 July 2020)	(\$11,293.11)
EMS June Transactions (withdraws via transfer on 20 July 2020)	(\$1,222.44)
Interest Earned (31 July 2020)	\$83.01
Ending Statement Balance (31 July 2020)	\$150,983.01
<i>Outstanding Credits (deposits through 1 August 2020)</i>	<i>\$0.00</i>

Table 3. Financial Data – School Impact Fee Account (3107582)

Description	Amount
Opening Balance (1 July 2020)	\$4,879,063.71
June Transactions (deposits via transfer on 20 July 2020)	\$155,179.43
2020 Impact Fee Recalculation Study (28 July 2020)	(\$3,030.00)
Interest Earned (31 July 2020)	\$2,097.27
Ending Balance (31 July 2020)	\$5,033,310.41

Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)

Description	Amount
Opening Balance (1 July 2020)	\$171,121.86
June Transactions (deposits via transfer on 20 July 2020)	\$1,584.44
2020 Impact Fee Recalculation Study (28 July 2020)	(\$1,620.00)
Interest Earned (31 July 2020)	\$72.84
Ending Balance (31 July 2020)	\$171,159.14

Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)

Description	Amount
Opening Balance (1 July 2020)	\$310,448.09
June Transactions (deposits via transfer on 20 July 2020)	\$11,293.11
2020 Impact Fee Recalculation Study (28 July 2020)	(\$1,980.00)
Interest Earned (31 July 2020)	\$133.58
Ending Balance (31 July 2020)	\$319,894.78

Table 6. Financial Data –EMS Impact Fee Account (3122816)

Description	Amount
Opening Balance (1 July 2020)	\$14,957.63
June Transactions (deposits via transfer on 20 July 2020)	\$1,222.44
2020 Impact Fee Recalculation Study (28 July 2020)	(\$1,455.00)
Interest Earned (31 July 2020)	\$6.48
Ending Balance (31 July 2020)	\$14,731.55

Table 7. Total Impact Fees as of 1 August 2020/1

Description	Amount
Office of Impact Fees General Account	\$150,983.01
School Impact Fee Account	\$5,033,310.41
Law Enforcement Fee Account	\$171,159.14
Parks & Recreation Impact Fee Account	\$319,894.78
EMS Impact Fee Account	\$14,731.55
Total Impact Fees	\$5,690,078.89

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

Table 8. Pending July 2020 Fee Transfers /1

Account	31 July 2020 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$5,033,310.41	\$136,418.71	\$5,169,729.12
Law Enforcement Fee Account	\$171,159.14	\$2,826.66	\$173,985.80
Parks & Recreation Impact Fee Account	\$319,894.78	\$10,587.81	\$330,482.59
EMS Impact Fee Account	\$14,731.55	\$1,149.83	\$15,881.38
Total Impact Fees	\$5,539,095.88	\$150,983.01	\$5,690,078.89

/1 This table represents each of the impact fee category account totals as of 31 July 2020 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in July 2020 are listed in table 1 of the General Account (3111776); these transactions will be processed in August 2020. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.

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Form 100 Transaction Summary

Jefferson County Government – Office of Impact Fees

Impact Fee Applications Processed between dates Wednesday 1 through Friday 31 July 2020

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fee Collected	Date	Exemption Reason
Exempt Applications											
2000187	07/24/2020	Liskey	James	07 Middleway	1225	46	22	11.2	\$0.00	07/24/2020	Form 200
Category Count: 1									\$0.00		
Non-Exempt Applications											
2000166	07/02/2020	Lutman	David	02 Charles Town	1233	605	16	12	\$6,700.00	07/02/2020	N/A
2000167	07/02/2020	Lutman Land		02 Charles Town	1233	605	16	12	\$6,700.00	07/02/2020	N/A
2000168	07/02/2020	Lutman Land		02 Charles Town	1233	605	16	12	\$6,700.00	07/02/2020	N/A
2000169	07/06/2020	SAB Real Estate		09 Shepherdstown	1199	721	8A	19	\$11.00	07/06/2020	N/A
2000170	07/06/2020	Lutman Land		02 Charles Town	1233	605	16	12	\$6,700.00	07/06/2020	N/A
2000171	07/06/2020	Lutman Land		02 Charles Town	1241	215	16	17.5	\$6,700.00	07/06/2020	N/A
2000172	07/06/2020	Lutman Land		06 Kabletown	1237	405	9E	41	\$6,700.00	07/06/2020	N/A
2000173	07/06/2020	Lutman Land		04 Harpers Ferry	1241	94	5B	10	\$6,700.00	07/06/2020	N/A
2000174	07/07/2020	Dillow	Cindy	04 Harpers Ferry	1240	509	9	14.5	\$6,700.00	07/07/2020	N/A
2000175	07/14/2020	Clements	William and	06 Kabletown	1139	666	16	16.2	\$6,700.00	07/14/2020	N/A
2000176	07/14/2020	Harry Catrow	H & G Catrow	09 Shepherdstown	1140	145	7	32.15	\$6,700.00	07/14/2020	N/A
2000177	07/14/2020	President's		08 Ranson Corp	1059	359	8G	71	\$7,281.00	07/14/2020	N/A
2000178	07/14/2020	President's		08 Ranson Corp	1059	359	8G	72	\$7,281.00	07/14/2020	N/A
2000179	07/14/2020	President's		08 Ranson Corp	1059	359	8G	73	\$7,281.00	07/14/2020	N/A
2000180	07/14/2020	President's		08 Ranson Corp	1059	359	8G	74	\$7,281.00	07/14/2020	N/A
2000181	07/14/2020	President's		08 Ranson Corp	1059	359	8G	75	\$7,281.00	07/14/2020	N/A
2000182	07/14/2020	President's		08 Ranson Corp	1059	359	8G	76	\$7,281.00	07/14/2020	N/A
2000183	07/14/2020	Henry	Bonnie	07 Middleway	1235	521	25	12.6	\$6,700.00	07/14/2020	N/A
2000184	07/20/2020	Farell	Julia	09 Shepherdstown	1161	79	10	9.15	\$6,700.00	07/20/2020	N/A
2000185	07/23/2020	Lemuel B.	Jerry L. Bock	09 Shepherdstown	1237	47	5A	21	\$6,700.00	07/23/2020	N/A
2000186	07/23/2020	Wormald, Jr.	Robert	04 Harpers Ferry	975	635	10A	121	\$6,700.00	07/23/2020	N/A

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
Non-Exempt Applications											
2000188	07/29/2020	Luxen	Maria	02 Charles Town	1164	200	22	2.15	\$6,700.00	07/29/2020	N/A
2000189	07/31/2020	CD DG Ranson,		08 Ranson Corp	1243	18	11	25	\$3.00	07/31/2020	N/A
2000190	07/31/2020	Henry	James	07 Middleway	1242	724	15	2	\$6,700.00	07/31/2020	N/A
Category Count: 24									Category Total \$150,900.00		
TOTAL APPLICATIONS: 25									Grand Total \$150,900.00		

Impact Fee Status Report

August 2020

Office of Impact Fees

Summary

Date Range: Saturday 1 through Monday 31 August 2020

Report Date: 1 September 2020

Process Number Range: 2000191-2000248

Total Applications: 58

Total Non-Exempt: 56

Of which:

Commercial: 0

Residential: 56

Of which:

County: 14

Municipal: 42

Total Exempt: 2

Of which:

Commercial: 0

Residential: 2

Of which:

County: 1

Municipal: 1

Tables 1 through 7 summarize impact fee processing for August 2020. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

Table 1. Form 100 Tallies

	Exempt	Commercial	Residential	Total
1 – 31 August 2020	2	0	56	58
Fees collected		\$0.00	\$297,975.00	\$297,975.00
<i>Of which</i>				
School Impact Fee			\$270,932.00	\$270,932.00
Law Enforcement Fee		\$0.00	\$2,464.00	\$2,464.00
Parks & Recreation Fee			\$22,157.00	\$22,157.00
EMS Fee		\$0.00	\$2,422.00	\$2,422.00

Table 2. Financial Data – Office of Impact Fees General Account (3111776)

Description	Amount
Opening Statement Balance (1 August 2020)	\$150,983.01
August Deposits (1 – 31 August 2020)	\$297,975.00
School July Transactions (withdraws via transfer on 14 August 2020)	(\$136,418.71)
Law July Transactions (withdraws via transfer on 14 August 2020)	(\$2,826.66)
Parks & Rec July Transactions (withdraws via transfer on 14 August 2020)	(\$10,587.81)
EMS July Transactions (withdraws via transfer on 14 August 2020)	(\$1,149.83)
Interest Earned (31 August 2020)	\$60.56
Ending Statement Balance (31 August 2020)	\$298,035.56
<i>Outstanding Credits (deposits through 1 September 2020)</i>	<i>\$0.00</i>

Table 3. Financial Data – School Impact Fee Account (3107582)

Description	Amount
Opening Balance (1 August 2020)	\$5,033,310.41
2020 Impact Fee Recalculation Study for July (11 August 2020)	(\$2,020.00)
July Transactions (deposits via transfer on 14 August 2020)	\$136,418.71
Interest Earned (31 August 2020)	\$2,170.49
Ending Balance (31 August 2020)	\$5,169,879.61

Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)

Description	Amount
Opening Balance (1 August 2020)	\$171,159.14
2020 Impact Fee Recalculation Study for July (11 August 2020)	(\$620.00)
July Transactions (deposits via transfer on 14 August 2020)	\$2,826.66
Interest Earned (31 August 2020)	\$73.20
Ending Balance (31 August 2020)	\$173,439.00

Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)

Description	Amount
Opening Balance (1 August 2020)	\$319,894.78
2020 Impact Fee Recalculation Study for July (11 August 2020)	(\$740.00)
July Transactions (deposits via transfer on 14 August 2020)	\$10,587.81
Interest Earned (31 August 2020)	\$138.24
Ending Balance (31 August 2020)	\$329,880.83

Table 6. Financial Data –EMS Impact Fee Account (3122816)

Description	Amount
Opening Balance (1 August 2020)	\$14,731.55
2020 Impact Fee Recalculation Study for July (11 August 2020)	(\$970.00)
July Transactions (deposits via transfer on 14 August 2020)	\$1,149.83
Interest Earned (31 August 2020)	\$6.26
Ending Balance (31 August 2020)	\$14,917.64

Table 7. Total Impact Fees as of 1 September 2020/1

Description	Amount
Office of Impact Fees General Account	\$298,035.56
School Impact Fee Account	\$5,169,879.61
Law Enforcement Fee Account	\$173,439.00
Parks & Recreation Impact Fee Account	\$329,880.83
EMS Impact Fee Account	\$14,917.64
Total Impact Fees	\$5,986,152.64

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

Table 8. Pending August 2020 Fee Transfers /1

Account	31 August 2020 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$5,169,879.61	\$270,987.10	\$5,440,866.71
Law Enforcement Fee Account	\$173,439.00	\$2,464.61	\$175,903.61
Parks & Recreation Impact Fee Account	\$329,880.83	\$22,161.24	\$352,042.07
EMS Impact Fee Account	\$14,917.64	\$2,422.61	\$17,340.25
Total Impact Fees	\$5,688,117.08	\$298,035.56	\$5,986,152.64

/1 This table represents each of the impact fee category account totals as of 31 August 2020 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in August 2020 are listed in table 1 of the General Account (3111776); these transactions will be processed in September 2020. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.



Form 100 Transaction Summary

Jefferson County Government – Office of Impact Fees

Impact Fee Applications Processed between dates Saturday 1 through Monday 31 August 2020

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
2000194	08/11/2020	Labrie	Patricia and Eric	06 Kabletown	439	359	19A	27.1	\$0.00	08/11/2020	Form 200
2000202	08/18/2020	R & D		08 Ranson Corp	1178	722	1	93	\$0.00	08/18/2020	Form 200

Category Count: 1 **Category Total** **\$0.00**

Non-Exempt Applications											
2000191	08/05/2020	Sanders	Caroline	10 Shepherdstown	1227	539	2	136	\$3,719.00	08/05/2020	N/A
2000192	08/05/2020	Lutman	David	09 Shepherdstown	1242	666	20	8	\$6,700.00	08/05/2020	N/A
2000193	08/05/2020	Lutman	David	09 Shepherdstown	1242	666	20	8	\$6,700.00	08/05/2020	N/A
2000195	08/11/2020	Wormald, Jr.	Robert	04 Harpers Ferry	975	635	10A	118	\$6,700.00	08/11/2020	N/A
2000196	08/11/2020	Lutman Land		06 Kabletown	1243	504	20	6	\$6,700.00	08/11/2020	N/A
2000197	08/11/2020	Lutman	David	09 Shepherdstown	1242	666	20	8	\$6,700.00	08/11/2020	N/A
2000198	08/11/2020	Lutman Land		06 Kabletown	1243	516	20	6	\$6,700.00	08/11/2020	N/A
2000199	08/13/2020	Mark E. Roper		08 Ranson Corp	1011	240	2	24.4	\$6,524.00	08/13/2020	N/A
2000200	08/18/2020	Quigley	Douglas	02 Charles Town	1170	409	23E	199	\$6,700.00	08/18/2020	N/A
2000201	08/18/2020	Secatello	Vincent	02 Charles Town	875	458	7	53.5	\$6,700.00	08/18/2020	N/A
2000203	08/25/2020	Lutman Land		04 Harpers Ferry	1244	273	4A	26	\$6,700.00	08/25/2020	N/A
2000204	08/25/2020	Lutman Land		06 Kabletown	1243	516	20	6.25	\$6,700.00	08/25/2020	N/A
2000205	08/25/2020	Lutman Land		06 Kabletown	1243	516	20	6.24	\$6,700.00	08/25/2020	N/A
2000206	08/25/2020	Lutman Land		04 Harpers Ferry	1244	273	4A	27	\$6,700.00	08/25/2020	N/A
2000207	08/26/2020	Short	Daniel & Sharon	04 Harpers Ferry	1199	138	8	3	\$6,700.00	08/26/2020	N/A
2000208	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000209	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000210	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000211	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000212	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000213	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
<i>Non-Exempt Applications</i>											
2000214	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000215	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000216	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000217	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000218	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000219	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000220	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000221	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000222	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000223	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000224	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000225	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000226	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000227	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000228	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000229	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000230	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000231	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000232	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000233	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000234	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000235	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000236	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000237	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000238	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000239	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000240	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000241	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000242	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A
2000243	08/26/2020	Collier	Michael	08 Ranson Corp	.	.	8	24.10	\$4,578.00	08/26/2020	N/A

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
Non-Exempt Applications											
2000244	08/27/2020	Gladhill	Maurice	02 Charles Town	952	565	4G	44	\$6,700.00	08/27/2020	N/A
2000245	08/27/2020	DR Acquisitions		08 Ranson Corp	1028	659	4	317	\$7,281.00	08/27/2020	N/A
2000246	08/27/2020	DR Acquisitions		08 Ranson Corp	1028	659	4	318	\$7,281.00	08/27/2020	N/A
2000247	08/27/2020	DR Acquisitions		08 Ranson Corp	1028	659	4	319	\$7,281.00	08/27/2020	N/A
2000248	08/27/2020	DR Acquisitions		08 Ranson Corp	1028	659	4	320	\$7,281.00	08/27/2020	N/A
Category Count: 56									Category Total \$297,975.00		
TOTAL APPLICATIONS: 58									Grand Total \$297,975.00		

<p>November 3, 2020</p>	<p>A voter whose legal name has changed may update their registration by filing an affidavit of change of legal name at the polling place on Election Day without using a provisional ballot.</p> <ul style="list-style-type: none"> - W. Va. Code § 3-2-22(d)(2) <p>Post Summary Returns Upon completion of the count, the returns are to be open to the public by posting a summary of the returns as have been tabulated at the central counting center.</p> <ul style="list-style-type: none"> - W. Va. Code § 3-4A-27(e)
<p>November 4, 2020</p>	<p>Absentee Ballots Without Postmark Accepted 1 day after Election Day, absentee ballots without postmark are accepted if delivered by the US Postal Service or other express shipping service and received by the County Clerk, no later than the day after Election Day. (Does not apply to UOCAVA ballots.)</p> <ul style="list-style-type: none"> - W. Va. Code § 3-3-5(g)(1)
<p>November 9, 2020</p>	<p>Absentee Ballots Postmarked by Election Day Accepted No later than the hour at which the board of canvassers convenes to begin the canvass, absentee ballots by mail shall be accepted if ballot bears a postmark of the US Postal Service dated no later than Election Day and the ballot is received by the County Clerk, within the required time. Absentee ballots from military are accepted without postmark if received prior to start of canvass.</p> <ul style="list-style-type: none"> - W. Va. Code §§ 3-3-5(g)(2) 3-5-17
<p>November 9, 2020</p>	<p>Canvass Returns On the 5th day, excluding Sundays, after General Election, County Commission, as the board of canvassers, meets to canvass General Election returns. The board of canvassers shall meet from day to day adjourning no longer than is absolutely necessary until the canvass is complete.</p>

Comment on Draft Ordinance ZTA19-03 – Solar Energy Facilities

The Eastern Panhandle Sierra Club* supports the use of solar power and other renewable alternatives to fossil fuels. We welcome the solar power industry to Jefferson County and look forward to the time when our homes and businesses are powered in a more sustainable and less polluting manner. However, we also want to make sure that solar fields are introduced in such a way that they do not mar the beauty of the County; that the land is adequately preserved and protected so it can be used for agriculture in the future; that the widespread use of pesticides and herbicides is minimized and limited to eco-friendly substances; that current land owners and Jefferson County farmers have the opportunity to use partial acreage for solar power while still maintaining their agricultural base; and that solar facilities are designed and buffered in such a way as to blend in with the local landscapes.

We are concerned that the proposed ordinance is not constructed to allow adequate public participation in the consideration of new projects and to ensure that the County retains adequate control and oversight of the industry within its boundaries. When concerns and problems arise, we want to make certain that citizens can go to the Planning and County Commissions who will have the authority to do something about it. Accordingly, we propose that the County move to a Conditional Use Permitting process that would allow for a public hearing and individual permit for proposed projects in excess of 200 acres.

Since there is no mandated time frame for amending the draft ordinance once the public hearing is concluded, we recommend that the Planning Commission take adequate time to carefully consider all comments and revise the Draft Ordinance, resubmitting it to the County Commission with plenty of time for additional review or hearings as needed.

Additional comments from the Eastern Panhandle Sierra Club are as follows:

Compliance with the Comprehensive Plan. The Plan provides for alternative power sources that will “**complement or replace existing power sources.**” The draft ordinance makes no distinction such as this in terms of solar farms whose sole purpose may be to generate electricity for use outside of WV. Goal #10, Objective #9 states that the County will “**encourage the creation of and use of a variety of energy sources (including renewable energy) within Jefferson County in ways that respect the character of the County.**” The draft ordinance provides very little in the requirements for buffers, either in terms of footage requirements or landscaping. For instance, more attention should be paid to solar panels on land that may line both sides of a highway or residence.

Draft Ordinance Sections.

Standards. Section B-2(Setbacks) a. Solar Panels i. SHOULD BE CHANGED FROM 100 FEET TO 200 FEET

B. Accessory Components i. SHOULD BE CHANGED FROM 25 FEET TO 50 FEET

Submitted by Gail Kohlhorst

Chair, Eastern Panhandle Sierra Club

3153 Engle Molders Rd.

Harpers Ferry, WV 25425

*The Eastern Panhandle Sierra Club is part of the WV Sierra Club and this statement reflects the comments of our local organization, representing Jefferson, Berkeley, and Morgan counties.

County Commission of Jefferson County,

My name is Richard Zigler. I live and farm in Jefferson County. I also believe in, and have strongly defended property rights of landowners. This is a "Property Rights" issue more than anything else.

There is much debate over the having of commercial solar facilities in our county. After all the debates and proposals, it simply all boils down to trying to limit the income of the landowner by piling on regulations and undue restrictions as the result of a few people that personally don't want a facility in their backyard. They claim "viewshed" issues, maybe a few neighboring property values, and other trivial matters as the reasons to stop an array that would create Renewable Green Energy, and have no new encumbrances on county infrastructures of water, sewer, roads, emergency services, or on our crowded and financially stressed school system.

Again, solar arrays are Green Renewable Energy. They provide green space. They provide wildlife habitat. They do not pollute streams or the land. They do not have exhaust or smokestacks. Because the equipment will have significant value when the project gets decommissioned in the future, it will be in the best interest for the energy company to reclaim. The farmer retains ownership of the land and has a stable income for retirement. It can be returned to agriculture whereas a housing development cannot.

If I rent out a house, that property is deemed commercial and the tax consequences are increased. In a land lease situation, for a solar array, the county still gets its revenue, but again, without need of improving or creating new infrastructure. Basically, to the county, it would be "Free" money.



Received

AUG 05 2020

Jefferson County Commission

Aug. 24, 2020

64 C Edward Lane
Charles Town, WV 25414

To Caleb Hudson:

I was pleasantly surprised to read the article in the August issue of "The Observer" reporting the possibility of solar power for our county. I had no idea we might be on the cutting edge of helping solve climate change! We are all aware of the problem because of constant news about fires, floods, droughts, and the increasing intensity of storms.

Solar power has been talked about for over 50 years, but those who own coal and gas companies have had such a hold on the industry that governments never considered green, clean energy.

Here's hoping that at your Sept. 11th meeting the majority of your commission votes that the time to begin its now to vote for solar power, so that future generations can survive. You would be setting an example for other counties on how to be part of the solution.

Mary Lee Vandevander
SRV5004@yahoo.com
330-831-5773

Jessica Carroll

From: David Tabb <sssi27@yahoo.com>
Sent: Tuesday, September 8, 2020 10:13 AM
To: JCCInfo
Subject: Broadband Survey

Dear Appalachian Region,

The Jefferson County Commission approved to give away \$75,000 to preform a survey on broadband. It is simple, the further you get from larger town or cities, the worse broadband services and options become.

You either have or will get a hard copy of a broadband survey. The questions asked could profile your home and what type of electronics you own or use. Your information could be sold to marketers and give access to predators. There is no place on the hard copy or internet survey that indicates this information is private or secure.

Danny Lutz and I went to Charleston and met with Bray Cary in the Governor's office, on January 13, 2020, and pitched the only broadband service that will put the State of West Virginia as #1 (in the United States) with satellite broadband services for everyone. This will cost less and provide more. The new norm is work from home. This is the only way to sling shot West Virginia into the 21st century and beyond.

The only question you need to respond to is number 21: "any other comments?". We need satellite service for the whole State of West Virginia and we need it now. The cost is similar to the "give away" by the State to Rockwool and the satellite service won't pollute our environment. Demand a change.

If the Government would act now, we could have service within 4 to 6 months. The satellites are already in place. Only you can demand the service from your tax dollars. We are entitled to have accessible communications. Remember, your property is being assessed, as if you already have good broadband service.

Stay safe and demand more from the tax dollars you have paid.

Sandra McDonald

From: Robert Aitcheson <bob.aitch46@gmail.com>
Sent: Thursday, September 03, 2020 9:45 AM
To: Sandra McDonald
Subject: Supplement to my Motion for the County Commission to Initiate proceedings to Remove Planning Commission Member Stolipher

Sandy,

Thank you for the information yesterday. It was great to talk with you!

Realizing that 3 minutes is not adequate to fully discuss this matter with the Commission, I submit the following supplementation. Please confirm your receipt of this email and that it has been conveyed to the Commissioners.

To the Jefferson County Commission:

1) The W Va Code 8A-2-4(e) & (f) allow persons to serve on the Planning Commission with business regularly before that commission or with regular interaction with commission staff, PROVIDED THAT the member recuses himself or herself from any vote, discussion or other activity regarding “the conflicting issue”. While Stanley Dunn is purported to be a lawful petitioner [and this is not in any way conceded] he is also a straw party for the many properties and pending sales Mr Stolipher has lined up once this grossly inadequate industrial/commercial solar text amendment is, he hopes, rammed through this Commission. It’s Mr Stolipher’s own financial gain that hangs in the balance, not just Mr Dunn’s.

2) Facts which form the basis of this Motion are set forth in paragraph 2 thereof. There are several things I should add, however.

a) I have photocopies from Mr Stolipher’s website with Oakcrest Realty of his listings of two of the properties that I am reliably informed he, as agent, has under contract to Horus Renewables Corp of Sacramento, CA.

b) In addition, I have spoken with personnel in his Oakcrest office and have reliably confirmed the existence of those contracts.

c) Further, I have just learned from the Jefferson County Development Authority website that Mr Stolipher, apparently trading as Belmont West Properties[according to the Secretary of State’s website, the LLC by the same name’s charter was last revoked 11//1/16] has listed for sale a large number of contiguous farm properties in Kabletown Magisterial District totaling 1,805 ACRES awaiting the passage of the pending version of the text amendment, undoubtedly with much more substantial monetary rewards to Mr Stolipher. See also the Revised Generation Interconnection System Impact Study Report For PJM Generation Interconnection Request Queue Position AD2-158 “Old Chapel-Millville 138 KJV” 46.5 MW Capacity/ 77.5 MW Energy (February 2020, Revision 2) previously provided to this Commission by Mr Rockwell.

d) As stated in my Motion, Mr Stolipher has aggressively promoted this text amendment, including voting, seconding motions, etc. He has violated his oath of office. This text amendment proposal does nothing to protect the citizens of this County who are taxpayers & those nearby that would become a massive industrial/commercial solar complex on prime agricultural land in this county.

3) I have made two motions to the Planning Commission during the pendency of the matter below, for Mr Stolipher to be recused from participating in matters pertaining to ZTA 19-03. Both Mr Stolipher & the Commission refused these motions.

a) Mr Stolipher says that he secured a letter from the State Ethics Commission that he could participate in ZTA 19-03, yet he's NEVER produced such an alleged letter so the alleged assessment & the purported facts given to the Commission could be determined to be accurate & complete. Moreover, there is no Advisory Opinion on the Commission's website on this subject matter that appears to have been generated by him.

b) More importantly and as confirmed by a staff attorney at the Commission, the Legislature has NEVER given the Ethics Commission jurisdiction for enforcement of W Va Code 8A-2-4(e) & (f). Thus, any alleged letter Mr Stolipher claims to have received from the Ethics Commission bears no relevance to this Motion.

c) Finally, letter or no letter, Mr Stolipher's stunning lack of integrity in failing to disqualify himself voluntarily when he clearly has a substantial financial interest in the subject matter & the outcome, is appalling. His conduct in this matter requires further investigation by this Commission & his removal from the Planning Commission.

4) Under County Ordinance 2007-1, there are two methods to initiate removal proceedings against a public official, one by a petition of at least 50 citizens and one by this Commission [see County Ordinance 2007-1, Section 3]. Consistent with this Commission's DUTY to prevent the abuse by a public official of their position for monetary gain, this Commission should IMMEDIATELY initiate an investigation and proceedings for removal of Mr Stolipher.

Respectfully,
Robert D. Aitcheson