

## AGENDA FOR THURSDAY, DECEMBER 10, 2009

Y/ N/ NA

### APPOINTMENTS:

- 1. 9:30 a.m. - Pledge of Allegiance  
Approval of Minutes  
Approval of Purchase Orders  
Approval of Accounts Payable
- 2. 9:40 a.m. - Public Comment
- 3. 9:45 a.m. - David Hammer - Attorney-Client Communication - Leslie Smith
- 4. 10:00 a.m. - Jefferson County Public Service District Appointment Interviews  
- Discussion/Action
- 5. 10:15 a.m. - Charles F. Printz, Jr., Esq. - Annexation by Corporation of  
Shepherdstown - Discussion/Action
- 6. 10:30 a.m. - Kellie Boles - Easement Acquisition - Discussion/Action
- 7. 10:45 a.m. - Stephanie Grove - Legal Update and Report
- 8. 11:00 a.m. - Hearing - Estate of Anna Belle, Deceased
- 9. 11:15 a.m. - Jennifer S. Maghan - County Clerk's Report  
- Bond Resolution - Discussion/Action
- 10. 11:30 a.m. - Bonding and Activity Report
- 11. 1:30 p.m. - County Commission Workshop - Work Plans
- 12. 2:30 p.m. - Todd Fagan - Addressing Ordinance, Enforcement, and Policy  
Workshop Part II

### OLD BUSINESS:

- 13. Legislative Issues
- 14. Kirk Davis, Sr., Capital Projects Manager - Grants Update

- 15. Mark Schiavone - Budget Updates
- 16. Jefferson County Compensation and Classification Study - Longevity Pay for Part-time Employees - Discussion/Action
- 17. Discussion and Action for 50 Percent of any Revenues that may be Generated by a Positive Vote on Table Games by the Citizens of Jefferson County be Allocated to Fire and EMS Services and Law Enforcement (DM)

**NEW BUSINESS:**

- 18. Approve Funding for County Clerk's Employees - Jefferson County Compensation and Classification Longevity Pay (DM)
- 19. Census Jefferson County - Increasing Participation (JS)
- 20. County Commission Meetings - Location - Discussion/Action
- 21. Approval of 2010 Holiday Schedule - Discussion/Action
- 22. Schedule a Public Hearing on the HOME Consortium - Discussion/Action
- 23. Approval of Blue Ridge Mountain Study Grant in the Amount of \$30,000 - Discussion/Action
- 24. Adoption of Subdivision and Land Development Regulations Amendments Proposed in October 2008 - Discussion/Action
- 25. Schedule Interviews for County Administrator - Discussion/Action
- 26. County Administrator Reports
- 27. County Commission Reports

**INFORMATION:**

- 28. Reminder of Table Games Election Canvass on Friday, December 11, 2009, beginning at 9:30 a.m.
- 29. Impact Fee Status Report received for November 2009.
- 30. Memorandums received from the Department of Capital Planning and Management

concerning transfers of funds.

- 31. Correspondence received from the Jefferson County Public Service District concerning a rate case filing.
- 32. Letter of resignation received from Edward E. Dunleavy as a member of the Jefferson County Planning Commission.
- 33. Notice of public meeting received to discuss the Evaluation and Feasibility Study on the Glen Haven Water System on December 16, 2009, at 7:00 p.m.
- 34. Notice of public meeting received for the Mountain Water Project on December 17, 2009, at 7:00 p.m.
- 35. Newsletter received from the Association of Counties.
- 36. Correspondence received from the Census Bureau concerning local census offices.
- 37. Oath of Office received from Brenden Soennecken as a member of the Jefferson County Emergency Services Agency.
- 38. Weekly reports received from the West Virginia Lottery for Charles Town Races and Slots.
- 39. Miscellaneous

## NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, December 10, 2009, or as soon thereafter as the Commission may decide:

**Jefferson County Public Service District - 1 six year term ending December 1, 2015**

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, prior to the proposed date of appointment.

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

JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

340 Edmond Road, Suite A  
Kearneysville, WV 25430  
Telephone Number: (304)-725-4647  
Fax Number: (304)-725-5976

General e-mail:

[gm@jcpsd.com](mailto:gm@jcpsd.com)

Jack Lantzy  
162 Meadowlark Lane  
Shepherdstown, WV 25443  
800-841-9643 h: 876-2728  
6 years 12/01/2009

Joseph Hankins  
977 Turner Road  
Shepherdstown, WV 25443  
h: 876-1138 w: 876-2815 ext. 212  
[j.hankins@freshwaterinstitute.org](mailto:j.hankins@freshwaterinstitute.org)  
6 years 12/01/2011

Jim Cummins  
P.O. Box 83  
Bakerton, WV 25410  
876-3234  
6 years 12/01/2013

16-13A-3



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414

Phone: 304/728-3284

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Fax: 304/725-7916



November 3, 2009

Jack Lantzy  
162 Meadowlark Lane  
Shepherdstown, WV 25443

Dear Mr. Lantzy:

Please be advised that your term on the Jefferson County Public Service District will expire on December 1, 2009. Until the County Commission has acted to appoint someone for another 6 year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, December 10, 2009 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Sandy Slusher McDonald  
Acting County Administrator

**Jefferson County Public Service District Appointment**

**Letters of interest received from:**

**Peter Appignani**

**Mike Chapman**

P.O. Box 184  
Rippon, WV 25441  
December 1, 2009

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

RECEIVED

DEC 01 2009

Dear Commissioners,

JEFFERSON COUNTY COMMISSION

I have a 15 year history of various types of volunteer work in the county. I would like to continue that by applying for the opening on the Public Service District. I recognize the issues that face the PSD. Their challenges range from managing aging infrastructure and current expansion to compliance with the Chesapeake Watershed Initiative. I understand the responsibilities of this board, and if appointed, I can offer a unique set of skills and experience.

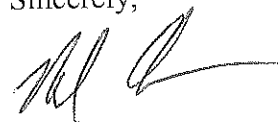
I am a fifth generation resident of Jefferson County. My family and I still own a 350 acre active farm in Rippon on which I worked until I graduated Jefferson High School. In 1992, I was awarded a Bachelor's degree from Shepherd in Business Administration with a concentration in Accounting. Although I am not a practicing accountant, I do have a thorough understanding of GAAP and GAAS. I have reviewed budgets and financial statements and participated in financial audits throughout my entire career.

Currently, I work in the field of information technology at Royal Vendors. I have installed and configured accounting, payroll, manufacturing, and logistics systems ranging from \$200 for small businesses to \$3M for large corporations. I have experience in computer hardware, networks, applications, databases and telecom. As a member of the PSD, I would be happy to serve in an advisory role over the systems and technology used in its daily operations. I have already performed a quick assessment and have some no cost recommendations to make.

If appointed, I would be not only be able to influence the organization's vision and objectives, but I also have the unique ability to assist the PSD's operations staff on any information technology or financial matters. I am dedicated to this county and look forward to the opportunity to better serve it on the PSD Board.

If you have any further questions, please call me (304) 279-6297.

Sincerely,



Mike Chapman

# P. Michael Chapman

P.O. Box 184  
Rippon, WV 25441

(304) 279-6297  
pmchapman@aol.com

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## Objective

To obtain a leadership role in an Information Systems and Technology department at a progressive organization where my technical, operational, and management skills can directly contribute to the achievement of the institution's mission and my career growth and development.

## Profile

Motivated and professional with over 16 years of experience and expertise in a diverse range of technologies. Organized and results driven with a demonstrated ability to design an IT infrastructure from the ground up, and to successfully procure, implement and manage multi-million dollar information systems.

Proven leadership, management and team-building skills in IT, business and the community through volunteer work. Served as a Sergeant and Executive Board member of the Deputy Sheriff Reserve, United Way Day of Caring Project Manager, Charles Town Rotary member, Chamber of Commerce member, and Leadership Jefferson graduate.

## Professional Experience

*Information Systems Manager,  
Royal Vendors Inc. 1995 – Present*

### Responsibilities

- ♦ Lead IT Department's operational and strategic planning to include: fostering innovation, planning projects, and organizing and negotiating the allocation of resources.
- ♦ Manage the deployment, monitoring, maintenance, development, upgrade, and support of all IT systems to include: servers, PCs, operating systems, hardware, software, networks, and peripherals.
- ♦ Benchmark, analyze, report on, and make recommendations for the improvement and growth of the IT infrastructure and IT systems.
- ♦ Oversee provision of end-user services, including help desk and technical support services.
- ♦ Work with stakeholders to define business and systems requirements for new technology implementations.
- ♦ Direct research on potential technology solutions in support of procurement efforts.
- ♦ Manage financial aspects of the IT Department to include purchasing, budgeting, and budget review.
- ♦ Develop business case justifications and cost/benefit analyses for IT spending and initiatives.
- ♦ Develop and implement all IT policies and procedures, including those for architecture, security, disaster recovery, standards, purchasing, and service provision.
- ♦ Negotiate and administer vendor, outsourcer, and consultant contracts and service agreements.
- ♦ Practice asset management for IT hardware, software, and equipment.
- ♦ Manage IT staffing, including recruitment, supervision, scheduling, development, evaluation, and disciplinary actions.
- ♦ Establish and maintain regular written and in-person communications with the organization's executives, department heads, and end users regarding pertinent IT activities.
- ♦ Manage all telecom resources including PBX, POTS, T1, long distance and cell phones.

### Accomplishments

- ♦ Designed, planned and migrated Royal Vendors from an ASCII terminal/UNIX environment to a 250 user Windows Server/PC platform.

# P. Michael Chapman

P.O. Box 184  
Rippon, WV 25441

(304) 279-6297  
pmchapman@aol.com

- ♦ Successfully implemented an \$80,000 time and attendance system to serve three locations and 1600 employees.
- ♦ Coded legacy data conversion and implemented a new Cort Directions/Infinium payroll/HRMS system to serve 1600 employees in 20+ states.
- ♦ Designed office layout, data center, fiber/copper network and phone system for plant expansion in Kearneysville. Interviewed, negotiated, hired and managed sub-contractors involved in infrastructure including electrical and environmental.
- ♦ Developed multi-site model, designed and managed IT infrastructure for a new plant acquisition in Mississippi.
- ♦ Implemented Enterasys 802.11b wireless network at 6 acre Kearneysville facility. System integrated manufacturing equipment (CNC's) to Windows Servers to improve efficiencies.
- ♦ Implemented \$2.5 million Baan ERP system. Was one of a three person cross-functional team tasked with selecting and implementing the system. Implementation took 18 months and was a resounding success:
  - Reduced finished goods inventories by 70%
  - Decreased customer lead-times by 66%
  - Improved inventory accuracy by 81%
  - Enhanced dozens of shop floor processes
  - Provided timely business intelligence to management
- ♦ Managed a \$625,000 annual operating budget (does not include capital purchases). Have always been on or under budget.
- ♦ Implemented Galaxy Access Control System to secure facility.
- ♦ Developed (hired/trained) entire staff required to successfully manage network operations.

## Technical Skills Summary

- |                       |                   |                                |
|-----------------------|-------------------|--------------------------------|
| ♦ Project Management  | ♦ Windows Server  | ♦ Baan ERP system              |
| ♦ IT Management       | ♦ Exchange Server | ♦ Human Resource Mgt Systems   |
| ♦ MS Applications     | ♦ MS SQL          | ♦ Electronic time card systems |
| ♦ Accounting software | ♦ Oracle          | ♦ Access Control Systems       |
| ♦ Security Appliances | ♦ HP-UX           | ♦ AIX                          |
| ♦ Help Desk Software  |                   | ♦ EMC Symmetrix/Clariion       |

## Education

Shepherd College – Shepherdstown, WV

RBA, Business Administration with concentration in Accounting, 1992

Blue Ridge CTC – Microsoft Windows Server 2003, Exchange Server 2003  
Completed 2005

Oracle University – 5 week program, DBA track  
Completed 2002

### Miscellaneous Classes

UNIX Admin I and II, Emergency Response Planning, Designing a World Class Website, Mastering Internet Security, Network Security, Windows Security, MS SQL Server, ERP Concepts, Adv MS Project, MS Access, Baan 4GL Programming, Symantec Firewall Admin, APICS CPIM track, Infinium Admin.

**RECEIVED**

NOV 16 2009

Peter L. Appignani  
26 General Wright Ct  
Harpers Ferry, WV 25425-3061  
Day: (301) 251-7608  
Evening: (304) 724-2130

**Jefferson County Commission** November 13, 2009

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Dear Commissioners:

Please accept this letter of interest for your consideration in response to the Jefferson County Commission's Notice of Intent to Appoint a Director to the Board of the Jefferson County Public Service District. As requested, a copy of my professional resume is attached.

I believe my extensive engineering and program/project management background will complement the existing Public Service District Board. In addition, my experience working in a highly regulated environment, as well as my current position with a federal regulatory agency would be a valuable asset since many of the Public Service Districts activities are regulated by both federal and state agencies.

I have been closely following the activities of the Jefferson County PSD over the past year. I am very familiar with those activities and the current issues that must be dealt with in the near future. I am aware of the general condition of the water, wastewater and storm water infrastructure in Jefferson County. While some of this infrastructure is new, much of the infrastructure is in need of repair or replacement. Recent population growth in the county has saturated wastewater treatment capacity and anticipated grant funding for a new wastewater treatment facility was not realized. Combine these issues with the recent Executive Order on Chesapeake Bay Restoration and Protection and the U.S. Environmental Protection Agency Chesapeake restoration strategy, the Jefferson County PSD faces many challenges today. These challenges and others will ultimately affect the health and quality of life of the residents of Jefferson County.

Thank you for the opportunity to apply for this vacancy.

Sincerely



Peter Appignani

**Peter Lawrence Appignani**  
26 General Wright Court  
Harpers Ferry, WV 25425-3061  
Evening Phone: (304) 724-2130  
Day Phone: (301) 251-7608  
Email: [pappignani@frontiernet.net](mailto:pappignani@frontiernet.net)  
Work Email: [peter.appignani@nrc.gov](mailto:peter.appignani@nrc.gov)

Country of citizenship: United States of America

Veterans' Preference: 5-point preference based on active duty in the U.S. Armed Forces

Highest Grade: GG-0800-15, 11/2008-Present

## WORK EXPERIENCE

**U.S. NUCLEAR REGULATORY COMMISSION (NRC) 05/2005 - Present**

**Position: Senior Risk and Reliability Engineer (GS-15, Step 7), Office of Nuclear Regulatory Research, Division of Risk Analysis, Probabilistic Risk Assessment Branch.**

- Currently Project Manager/Technical Monitor for the Standardized Plant Analysis Risk (SPAR) Model Level 1 development program (internal events). Responsible for all aspects of 77 internal events models representing all 104 operating commercial nuclear power plants operating in the U.S. This includes management of Department of Energy (DOE) laboratory efforts, review and approval of model changes, quality assurance, integration with external events, low power shut-down and large early release frequency (LERF) models and interfacing with NRC and industry stakeholders (e.g., Office of Nuclear Reactor Regulation (NRR), Office of Nuclear Security and Incident Response (NSIR), NRC Regional Senior Reactor Analysts (SRAs), licensees, Nuclear Energy Institute (NEI), Institute of Nuclear Power Operations (INPO), Electric Power Research Institute (EPRI), industry Owners Groups, etc.).
- Project Manager/Technical Monitor for development of new reactor SPAR models. Completed AP1000 SPAR model, currently developing Advanced BWR SPAR model in support of the Office of New Reactors (NRO).
- Provided significant level of support for Mitigating Systems Performance Index (MSPI) plant basis document and data review, and implementation of the new performance indicator. MSPI was successfully implemented in April 2006 and replaced the Safety System Unavailability indicators.
- Completed review of Idaho National Engineering and Environmental Laboratory (INEEL) SPAR model data analysis. The data under review includes initiating event frequencies, component failure probabilities and unavailability's, common cause failure probabilities, and human error probabilities, which support the various plant SPAR probabilistic risk assessment (PRA) models. The models are the foundation of the NRC's risk informed regulation activities especially Significant Determination Process (SDP) and Accident Sequence Precursor (ASP) analysis. Nuclear Regulatory Commission Technical Report (NUREG) published January 2006.
- Performed several ASP Analyses, and reviews of contractor ASP analyses.
- Contributed risk insights in support of an NRR Island Mode of Operations issue. The issue involved the understanding of nuclear plant risk while operating at low power separated from the grid. This also included a review of the AP1000 Safety Evaluation Report (SER) for applicability.

**AMERICAN ELECTRIC POWER COMPANY 10/1998 - 5/2005**

**Position: Principal Nuclear Specialist, Probabilistic Risk Assessment Team, Safety and Analysis Group, D.C Cook Nuclear Generation Group (Pressurized Water Reactor - PWR):**

- Senior technical staff with primary responsibilities for all aspects associated with the D.C. Cook Nuclear Plant PRA. Additional duties included assisting the Safety & Analysis engineering staff and administration of the Corrective Action Program for the Safety & Analysis Group.
- Westinghouse Owners Group member, Risk Management Subcommittee.
- Extensive experience in supporting License Amendment Requests including allowed outage time extensions, Notice of Enforcement Discretion, Significant Determination Process, and Maintenance Rule A4 application from a risk informed perspective.
- Qualified to the following Position Specific Guides: Prepare Updated final Safety Analysis Report (UFSAR) Change Requests, Perform Engineering Calculations, Perform Mentoring Duties, Emergency Plan, Emergency Operations Facility Communicator-NRC/ENS, Review Severe Accident Management, Develop Applications for Use of Risk Analysis Techniques, Perform Risk Prioritization for Maintenance Rule, GI-89-10.
- Participated in Industry Peer Review of a Westinghouse Nuclear Power Plant PRA in accordance with ASME/ANS Standard for commercial nuclear power plant PRAs.

**SCIENCE APPLICATIONS INTERNATIONAL CORPORATION 10/1995 - 10/1998**

**Position: Senior Interdisciplinary Systems Engineer/Senior Research Scientist:**

- Provide a broad range of systems engineering analysis and direct program management support to the Department of Defense, Program Manager Joint Computer-aided Acquisition and Logistics Support (PM JCALS), Defense Information Infrastructure program on behalf of the U.S. Army Information Systems Engineering Command at Ft. Monmouth, NJ. Responsible for technical evaluation, consulting and oversight of contractor design and development activities for a \$1 billion Joint Services Computer-aided Acquisition and Logistics Support system. Responsibilities included developing and delivering technical briefings, authoring and publishing technical papers, reports, official correspondence and contractual documents, technical oversight and guidance of all contractor development activities, and coordinating field site activities such as site surveys, pilot development activities and system demonstrations.
- Responsible for several major JCALS pilot projects exceeding \$20 million in engineering support, hardware and software for the US Army, the Defense Logistics Agency, the US Navy, the US Air Force, and the Defense Information Systems Agency including the Defense Information Infrastructure Common Operating Environment (DII COE) and spanning the continental United States. Also, direct technical research and evaluation of commercial software products for integration and technical refreshment of the developed software products.

**SCIENCE APPLICATIONS INTERNATIONAL CORPORATION 01/1984 - 10/1995**

**Senior Research Scientist**

**Position: Consultant; Reliability Engineering, Systems Analysis, Modeling (Quantitative & Qualitative), Research & Development, Policy Development and Implementation:**

- Developed reliability data for eight Probabilistic Risk Assessments and performed system level and higher modeling. Also provided modeling support for five level I and II PRAs for the nuclear power

industry which highlighted areas of needed safety improvements. Developed computerized records retrieval systems, databases and statistical analysis programs and interfaces to remote systems and final statistical calculation package. Plant types include General Electric design boiling water reactors (BWRs), Westinghouse PWRs, Babcock & Wilcox PWRs, the Hanford N-Reactor and Savannah River Reactors.

- Developed a computerized programmatic performance indicator for the U.S. Nuclear Regulatory Commission, which is intended to allow the commission to focus its resources on the commercial nuclear power plants that exhibit the poorest safety system maintenance effectiveness. Performed research focused on the identification of potential programmatic performance indicators for the U.S. NRC. Presented a paper at the International Atomic Energy Agency (IAEA) on the research performed for this programmatic performance indicator.
- Contributor to an evaluation of the relationship of Technical Specifications to Probabilistic Risk Assessments for the Probabilistic Evaluation of Technical Specifications project for Brookhaven National Laboratories. This was research performed for the USNRC in an effort to evaluate quantitative risk based regulations.
- Participated in the Operational Safety Reliability Research Project for Brookhaven National Laboratory (BNL) and NRC by contributing ideas and experience to a Reliability Program Plan and by developing plant specific reliability data on Emergency Diesel Generators from an operating utility.
- Co-author for the Diesel Generator Reliability Program, NUREG/CR-5078, which was used by the US NRC in development of the "maintenance rule".
- Developed reliability data for several research projects in association with national laboratories and U.S. Government agencies, including the US NRC (AEOD and Research), Brookhaven National Laboratory, Argonne National Laboratory, Battelle National Laboratory, Idaho National Engineering Laboratory, EPRI, IEEE, and INPO.
- Directed an analysis for the Consejo Seguridad Nuclear (CSN), the Spanish equivalent of the US NRC/AEOD, to determine the applicability and feasibility of existing Operational Experience Feedback Programs for the Spanish commercial nuclear power industry. Completed a review of the CSN's reporting requirements and a comparison to the US NRC's reporting requirements in an effort to improve the CSN's requirements. The CSN, through a cooperative international agreement, shares information with the NRC, and utilizes many of the programs developed by the NRC.

#### **CAROLINA POWER & LIGHT COMPANY, BRUNSWICK STEAM ELECTRIC PLANT** 09/1980 - 12/1984

**Engineering Technician/Auxiliary Nuclear Plant Operator (BWR)**

**Position: Technical Support Staff (Engineering Staff) 1982-1984:**

- Operations liaison to the plant engineering, licensing and outage support staff.
- Evaluated the performance of the plant on a day-to-day basis, collecting and analyzing data at the plant, system, and component level and making recommendations to improve performance.
- Nuclear Power Reliability Data Systems (NPRDS) Coordinator. Implemented a computerized reliability problem identification program for the nuclear plant system engineers using the data. NPRDS has been replaced by EPIX.
- Acted as CP&L representative to the NPRDS INPO User's Group, an advisory panel and as chairman of a working group tasked with defining component boundaries.

**Position: Auxiliary Nuclear Plant Operator 1980-1982**

- Responsible for the safe operation of a two unit (800 MWe each) boiling water nuclear reactor electric generating facility. These included the operation, testing and maintenance of the process, electrical and control systems required for the safe operation of the nuclear power plant.

**US NAVY 08/1971 - 08/1980**

**Machinist Mate, First Class**

**Position: Training Officer 1978-1980 U.S. Naval & Marine Corps Reserve Center, Louisville, KY:**

- Served as head of the training department
- Supervised a staff of eight instructors. Responsible for training of approximately 500 officer and enlisted naval reservists.
- Instructor for all aspects of marine (naval) engineering and damage control courses.

**Position: First Class Nuclear Machinist Mate 1971-1978 USS William H. Bates (SSN-680):**

- Qualified on all watch stations related to the nuclear powered propulsion plant and auxiliary equipment, including supervisory positions.
- Qualified in submarines.
- Supervised a staff of 25 nuclear trained reactor plant operators and technicians.
- Responsibilities included operations, planning and scheduling preventive and corrective maintenance, qualifications, and quality assurance associated with the reactor plant, submarine containment (subsafe) systems, and propulsion systems.
- Received a commendation from the Commander Submarine Force US Atlantic Fleet, for discovering and correcting a generic design deficiency in the main propulsion turbine bearing journals. The cause could not be attributed to any known phenomenon. Worked with the manufacturer to identify the root cause, and designed, installed and tested a modification to prevent the recurrence. The design was also installed on all other submarines of the class.

A summary of naval schools includes:

- Machinist Mate Class A School
- Naval Nuclear Power School, Mare Island, CA
- Nuclear Plant Operator Prototype Training, Idaho Falls
- Enlisted Submarine Indoctrination Course

## **EDUCATION**

Thomas Edison State College  
Trenton, New Jersey US  
Bachelor's Degree - 7/1995  
Major: Nuclear Engineering Technology

Ocean County College  
Toms River, New Jersey US  
Associate Degree  
Major: Mathematics

## PROFESSIONAL PUBLICATIONS SELECTED TECHNICAL PUBLICATIONS

1. A Reliability Program for Emergency Diesel Generators at Nuclear Power Plants, Program Structure, NUREG/CR-5078, Prepared for the U.S. Nuclear Regulatory Commission, April 1988.
2. Reliability Data Analysis for Space Station Freedom, External Maintenance Task Team, Final Report, Prepared for the National Aeronautics and Space Administration, Johnson Space Center, Texas, July 1990.
3. Galileo RTG Risk Assessment Data Analysis, Final Report, Prepared for Planning Research Corporation, for the National Aeronautics and Space Administration, Code QS, Washington D.C., September 1988.
4. The Development And Evaluation Of Programmatic Performance Indicators Associated With Maintenance At Nuclear Power Plants, NUREG/CR-5436, Vols. I & II May 1990, Vol. III, December 1991.
5. Case Study D, How to Formulate and Use A Probabilistic Safety Assessment Data Base, Prepared for the International Atomic Energy Agency, 1986.

## SELECTED PAPERS

1. One Search For Measures of Maintenance Effectiveness in Safety, International Conference on Probabilistic Safety Assessment and Management, Beverly Hills, CA., February, 1991.
2. Data Collection and Database Techniques to Support Quantification of the Space Transportation System (STS) Main Propulsion System (MPS) Risk Models, International Conference on Probabilistic Safety Assessment and Management, Beverly Hills, CA., February, 1991.
3. Daily Power Fluctuations as a Measure of Maintenance Effectiveness in Power Plant Safety, presented, by invitation, to the IAEA, 1991.

## PERSONAL INTERESTS & COMMUNITY INVOLVEMENT

- Licensed private pilot, single engine land,
- Love to spoil our two Australian shepherds who bring much joy to our lives,
- Board of Directors, Treasurer, Gap View Village Homeowners Association,
- Founder and interim President and Secretary of the Jefferson County Organization of Homeowners Associations, Inc. a 501(3)(c) non-profit corporation established with the purpose of the discussion of common problems, the sharing of solutions, the communication of important information to our communities and to be a cohesive force to protect the interests and welfare of Jefferson County home owners.

My wife Tish and I have been involved in many community activities since moving to Jefferson County in 2005 including sponsoring a candidate forum through Gap View Village HOA with the City of Ranson for the 2008 general election, participated in a forum concerning foreclosures in Jefferson County, and organized a Gala for the preservation of Happy Retreat, the home of George Washington's brother Charles.

My wife has served on the Boards of Safe Haven Child Advocacy, Happy Retreat, Arts and Humanity Alliance of Jefferson County (AHA), JC Convention and Visitors Bureau, and she was a member of the Heritage Festival Committee.

**Sandy McDonald**

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**From:** "Linda Rhodes" <lerhodes44@yahoo.com>  
**To:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>; <pnoiland@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>; <dmanuel@frontiernet.net>  
**Sent:** Sunday, November 15, 2009 7:29 PM  
**Subject:** Email to support Peter Appignani

We understand that Peter Appignani has submitted an application for a vacant position on the Jefferson County Public Service District Board of Directors. We would like to support Pete in this endeavor.

Pete is our neighbor. He has served on the Gap View Village Board of Directors for the past two years. We have had frequent contact with Pete as we have also served on one of the Gap View Village committees.

We have worked together on issues to improve the quality of life in Jefferson County. Pete keeps us all informed on the latest news through our Gap View Village website. He has linked current newspaper articles on topics such as the proposed water rate increase and zoning. He has erected signs and reminded us to vote.

Pete is a "hands-on" fellow... just to give you an example. When our community needed two bulletin boards, Pete not only donated the supplies needed to erect them, but personally built the boards. These two boards are similar to the one in front of the Court house. They stand over six feet tall.

In our opinion, Pete's exceptional skills and sound judgment make him an ideal candidate for public service.

Ed and Linda Rhodes  
44 General Pryor Court  
Harpers Ferry, WV 25425

**Sandy McDonald**

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**From:** "Melissa Blubaugh" <mygolden2@yahoo.com>  
**To:** <sandy@jeffersoncountywv.org>  
**Sent:** Saturday, November 14, 2009 10:42 PM  
**Subject:** Endorsement for P. Appignani

Dear Ms. McDonald,

I am writing to endorse **PETER APPIGNANI** to fill the vacancy board member position to the JCPSD.

I know Peter has been working tirelessly on behalf of himself and others to address our future rate increases with both the PSD and JUI. I believe Mr. Appignani to be both an ally and asset to customers like myself as we face increases in **BOTH WATER and SEWER RATES** in our region. We need someone within the framework of these utilities who is a customer himself and is well versed in the implications of this utility partnership between JCPSD and JUI.

Sincerely yours,

Melissa Blubaugh

42 Pommel Lane

Charles Town, WV 25414

**Sandy McDonald**

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**From:** "sherry and joe vogt" <sherry.joe.vogt@gmail.com>  
**To:** <sandy@jeffersoncountywv.org>  
**Cc:** <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>; <pnoland@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>; <dmanuel@frontiernet.net>; <fmorgan@jeffersoncountywv.org>  
**Sent:** Saturday, November 14, 2009 6:13 PM  
**Subject:** Letter of support

I am writing on behalf of Peter Appignani. I would like to recommend Peter to the Jefferson County Public Service District Board of Directors. I understand there is an opening on the Board that is going to filled this December.

I have had the pleasure of knowing Peter and working with Peter for several years on the Gap View Home Owners Association. Peter has been a dedicated and hard working individual, and has always gone above and beyond the call of duty on his position with the board. He has worked on many issues with the county of Jefferson to help the betterment of citizens in the county as well.

Peter would be a huge asset to the Board, and I hope you consider his application to the Board. His determination and commitment to improvements to Jefferson County and the citizens of the county is amazing.

Thank you for your time.

Sherry Vogt  
41 General Walker Court  
Harpers Ferry, WV 25425  
304 724 1213

**Sandy McDonald**

---

**From:** "It's me" <happytrudi@yahoo.com>  
**To:** <sandy@jeffersoncountywv.org>  
**Sent:** Saturday, November 14, 2009 1:14 PM  
**Subject:** Letter of support for Mr. Appignani

Good Morning:

To Whom it may concern,

I am a JCPSD customer who lives in Deerfield Village and it has come to our attention that a vacancy exists on the JCPSD board of directors. Furthermore, I have been informed that Mr. Peter Appignani is submitting his Application for that vacancy by December 1, 2009. I know Mr. Appignani is more than fully qualified to fulfill the position as board of director on the JCPSD and I support his appointment in that capacity. Please appoint Mr. Appignani to the JCPSD Board of Directors.

Sincerely,

Trudi Tooke  
74 Pathfinder Ct.  
Shepherdstown, Wv 25443

**Sandy McDonald**

---

**From:** <rsrd1@frontiernet.net>  
**To:** <sandy@jeffersoncountywv.org>; "Laura" <laura@jeffersoncountywv.org>; "Jim Surkamp" <jsurkamp@comcast.net>; "Patsy" <pnoland@jeffersoncountywv.org>; "Lyn" <lwidmyer@jeffersoncountywv.org>; "Dale" <dmanuel@frontiernet.net>; "Francis" <fmorgan@jeffersoncountywv.org>  
**Cc:** "Peter Appignani" <pappignani@frontiernet.net>  
**Sent:** Saturday, November 14, 2009 12:53 PM  
**Subject:** PSD Appointment

To the County Commission:

I would like express my support for Mr. Pete Appignani for the upcoming open position on the Jefferson County Public Service District Board of Directors which becomes vacant on December 1, 2009.

I believe Mr. Appignani will be a great asset not only to the PSD Board but for all Jefferson County residents. I believe he has the experience, knowledge and proper perspective on the issues to help move this county in the right direction. His tireless efforts over the years have proven this without a doubt.

Please make the right choice - Pete Appignani - for the PSD Board of Directors.

Thank you,  
Rick Pescitani  
VP Breckenridge HOA

**Sandy McDonald**

---

**From:** "S. J. Campbell" <sjcampbell2@comcast.net>  
**To:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>; <pnoland@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>; <fmorgan@jeffersoncountywv.org>; <dmanuel@frontiernet.net>  
**Sent:** Saturday, November 14, 2009 10:39 AM  
**Subject:** Letter of Support for Peter Appignani as Appointee to the Jefferson County public Service District Board of Directors

Good Morning:

I am a JCPSD customer who lives in Deerfield Village and I understand that a vacancy exists on the JCPSD board of directors. Furthermore, I have been informed that Mr. Peter Appignani is submitting his application for that vacancy by December 1, 2009. I know Mr. Appignani is more than fully qualified to fulfill the position as board of director on the JCPSD and I support his appointment in that capacity. Please appoint Mr. Appignani to the JCPSD Board of Directors.

Sincerely,

Stephen J. Campbell  
61 Pathfinder Ct.  
Shepherdstown, WV 25443

**Sandy McDonald**

---

**From:** <cdgracie@aol.com>  
**To:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>;  
<pnoland@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>;  
<dmanuel@frontiernet.net>; <fmorgan@jeffersoncountywv.org>  
**Sent:** Saturday, November 14, 2009 11:51 AM  
**Subject:** Letter of Support for Peter Appignani as Appointee to the Jefferson County public Service District Board of Directors

Hello,

I am a JCPSD customer who lives in Deerfield Village and I understand that a vacancy exists on the JCPSD board of directors. I have been informed that Mr. Peter Appignani is submitting his application for that vacancy by December 1, 2009. I know Mr. Appignani is more than fully qualified to fulfill the position as board of director on the JCPSD and I support his appointment in that capacity. Please appoint Mr. Appignani to the JCPSD Board of Directors.

Sincerely,

Christine Colantoni  
60 Pathfinder Ct.  
Shepherdstown, WV 25443

**Sandy McDonald**

---

**From:** "richard raymond" <richard\_raymondpreservation@yahoo.com>  
**To:** <sandy@jeffersoncountywv.org>; <dmanuel@frontiernet.net>  
**Cc:** "Peter Appignani" <pappignani@FRONTIERNET.NET>  
**Sent:** Monday, November 16, 2009 1:54 PM

Please excuse my brevity; my email is not happy.

This email is written in support of Peter Appignani who is making application for the Jefferson County Public Services District Board of Directors.

Peter is very comptent and has been involved with the Gap View Home Owners Association. We have known each other since his arrival in the county. If there are any questions please email back or call me at 304.724.7391.

Best regards,

Richard Raymond  
Past President of the Charles Town Kiwanis, Current LT Governor of the WV Kiwanis District 6, and past board memeber of AHA (arts and humanities alliance of Jefferson county).

**Sandy McDonald**

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**From:** "Pam Parziale" <pamoren@frontiernet.net>  
**To:** "Sandy Slusher" <sandy@jeffersoncountywv.org>  
**Sent:** Thursday, November 19, 2009 3:47 PM  
**Subject:** Appointment to JC Public Service

To Sandy Slusher McDonald, Acting County Administrator,  
Jefferson County

Dear Ms. Slusher,

We want to request your consideration of Peter Appignani to the board of the Jefferson County Public Service District.

We have known Peter for a number of years and are impressed with his knowledge of local issues. More importantly, Peter understands the broader picture of the quality of life that is possible for us, the residents of Jefferson County.

First and foremost, Peter Appignani is a scientist. He looks at the facts before making a decision. He knows where to look for information that is relevant. This is crucial as Jefferson County faces many complex issues. Peter will give careful consideration to all sides of an issue in order to arrive at a decision that is in the best interest of Jefferson County.

We request that you give Peter Appignani the opportunity to serve our county.

Thank you,

Ren & Pam Parziale

Sycamore Pottery

5210 Paynes Ford Road

Kearneysville WV 25430

304-725-4251

email: [pamoren@frontiernet.net](mailto:pamoren@frontiernet.net)

[www.eiderdowncottage.com/sycamorepottery/](http://www.eiderdowncottage.com/sycamorepottery/)

**Sandy McDonald**

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**From:** <t.kaym@comcast.net>  
**To:** <sandy@jeffersoncountywv.org>  
**Sent:** Friday, November 20, 2009 9:03 AM  
**Attach:** Recommendation Ltr.doc  
**Subject:** Letter of Recommendation

Good Morning Sandy,

Attached is a letter of recommendation for the appointment of Peter Appignani to the upcoming vacancy on the Jefferson County Public Service District Board.

If you need further information or have questions please contact me at 304-725-0701.

Thanks,

Kay Moore

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

November 20, 2009

Dear Commissioners:

It is with great pleasure that I write this letter of recommendation for the appointment of Peter Appignani to the upcoming vacancy on the Jefferson County Public Service District Board.

I have known Peter for several years and have worked with him on numerous complex West Virginia Public Service Commission projects. He always has intelligent, thought-provoking comments and presents them in a clear, precise manner. Not only are his observations consistently analytically sound, they also contribute greatly to the task at hand. One particular case was a predominantly complicated financial study. Peter was able to quickly analyze the fiscal contents of this multifaceted case and explained the ramifications and alternatives of the case in layman's terms making the case systematically, logically and coherently comprehensible. Not only are his observations always analytically sound, but they also contribute greatly to achieving the goals at hand.

Peter's personal qualities match his intellectual qualities. I have found Peter to possess all of the qualities required to excel in virtually any environment – maturity, seriousness, unimpeachable respect for fellow companions, dedication and a positive outlook. Most importantly, I believe Peter to be an individual of impeccable integrity and highly suited to a position of leadership and responsibility. He is a highly motivated, persistent and intelligent person and will serve Jefferson County residents humbly and skillfully. His academic credentials as well as his professional background are above reproach.

It is obvious to all who know Peter that he will make an outstanding member of and will be a tremendous asset to the Jefferson County Public Service District Board. I highly recommend Peter Appignani for appointment to the vacancy of the Jefferson County Public Service District Board without any reservation for such an appointment and endeavor. If I can provide any additional information, please do not hesitate to contact me.

Sincerely,

Thurmona Kay Moore

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

November 20, 2009

Dear Commissioners:

It is with great pleasure that I write this letter of recommendation for the appointment of Peter Appignani to the upcoming vacancy on the Jefferson County Public Service District Board.

I have known Peter for several years and have worked with him on numerous complex West Virginia Public Service Commission projects. He always has intelligent, thought-provoking comments and presents them in a clear, precise manner. Not only are his observations consistently analytically sound, they also contribute greatly to the task at hand. One particular case was a predominantly complicated financial study. Peter was able to quickly analyze the fiscal contents of this multifaceted case and explained the ramifications and alternatives of the case in layman's terms making the case systematically, logically and coherently comprehensible. Not only are his observations always analytically sound, but they also contribute greatly to achieving the goals at hand.

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It is obvious to all who know Peter that he will make an outstanding member of and will be a tremendous asset to the Jefferson County Public Service District Board. I highly recommend Peter Appignani for appointment to the vacancy of the Jefferson County Public Service District Board without any reservation for such an appointment and endeavor. If I can provide any additional information, please do not hesitate to contact me.

Sincerely,

  
Thurmona Kay Moore

RECEIVED

NOV 20 2009

JEFFERSON COUNTY COMMISSION

**Laura Kuhn**

---

**From:** <rsrd1@frontiernet.net>  
**To:** <sandy@jeffersoncountywv.org>; "Laura" <laura@jeffersoncountywv.org>; "Jim Surkamp" <jsurkamp@comcast.net>; "Patsy" <pnoland@jeffersoncountywv.org>; "Lyn" <lwidmyer@jeffersoncountywv.org>; "Dale" <dmanuel@frontiernet.net>; "Francis" <fmorgan@jeffersoncountywv.org>  
**Cc:** "Peter Appignani" <pappignani@frontiernet.net>  
**Sent:** Saturday, November 14, 2009 12:53 PM  
**Subject:** PSD Appointment

To the County Commission:

I would like express my support for Mr. Pete Appignani for the upcoming open position on the Jefferson County Public Service District Board of Directors which becomes vacant on December 1, 2009.

I believe Mr. Appignani will be a great asset not only to the PSD Board but for all Jefferson County residents. I believe he has the experience, knowledge and proper perspective on the issues to help move this county in the right direction. His tireless efforts over the years have proven this without a doubt.

Please make the right choice - Pete Appignani - for the PSD Board of Directors.

Thank you,  
Rick Pescitani  
VP Breckenridge HOA

## **Laura Kuhn**

---

**From:** "Jeremy Miller" <millerjeremyj@gmail.com>  
**To:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>; <pnoland@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>; <dmanuel@frontiernet.net>; <fmorgan@jeffersoncountywv.org>  
**Sent:** Monday, November 16, 2009 8:10 PM  
**Subject:** Peter Appignani-JCPSD

To all concerned,

It is my understanding that Peter Appignani is submitting his application for appointment to the JCPSD. I am writing this letter to express my support for appointing him to a position on the PSD. I would be happy to have him represent me and my community in this capacity and would think favorably of anyone who votes to approve his appointment.

Thank you,  
Jeremy Miller  
96 General McClellan Ct.  
Harpers Ferry

**Laura Kuhn**

---

**From:** <hlambert13@aol.com>  
**To:** <jsurkamp@comcast.net>; <pnoland@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>; <dmanuel@frontiernet.net>; <fmorgan@jeffersoncountywv.org>  
**Cc:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>  
**Sent:** Tuesday, November 17, 2009 10:29 AM  
**Subject:** Recommendation for position on the Jefferson County Public Service District Board of Directors

To Whom It May Concern,

I am writing to express my support of Peter Appignani for the upcoming open position on the Jefferson County Public Service District Board of Directors. I have known Mr. Appignani as a trustworthy, hard working individual who has the best interest of his community in mind. Mr. Appignani serves as the Treasurer for our Home Owners Association and has been responsible for the significant improvement in our neighborhood's budget, and the presentation of a more fiscally responsible yearly budget. He works to inform us about upcoming county issues (the Zoning vote, for example) posting various sources of information on our community website and message boards. In addition, Mr. Appignani has advocated for our community on several issues including the continuing increases in our water rates. Mr. Appignani would certainly be an asset to our County.

Thank you,

Holly & Timothy Lambert

Harpers Ferry, WV

**Laura Kuhn**

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**From:** "Michael Katterjohn" <michael\_katterjohn@yahoo.com>  
**To:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>; <pnoland@jeffersoncountywv.org>; <dmanuel@frontiernet.net>; <fmorgan@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>  
**Sent:** Tuesday, November 17, 2009 1:51 PM  
**Subject:** Letter of Support for Peter Appignani as Appointee to the Jefferson County public Service District Board of Directors

To whom it may concern:

We are a JCPSD customer who lives in Deerfield Village and we understand that a vacancy exists on the JCPSD board of directors.

Furthermore, We have been informed that Mr. Peter Appignani is submitting his application for that vacancy by December 1, 2009.

We know Mr. Appignani is more than fully qualified to fulfill the position as board of director on the JCPSD and we support his appointment in that capacity.

Please appoint Mr. Appignani to the JCPSD Board of Directors.

Sincerely,

Michael and Marilyn Katterjohn  
38 Pathfinder Court  
Shepherdstown, WV 25443

**Laura Kuhn**

---

**From:** "Debbie Carswell" <Debbie.Carswell@Loudoun.k12.va.us>  
**To:** <hlambert13@aol.com>; <jsurkamp@comcast.net>; <dmanuel@frontiernet.net>;  
<pappignani@frontiernet.net>; <fmorgan@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>;  
<lwidmyer@jeffersoncountywv.org>; <pnoland@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>  
**Sent:** Tuesday, November 17, 2009 12:03 PM  
**Subject:** Pete Appignani

Dear Commissioners,

We strongly encourage you to appoint Mr. Peter Appignani to the open position on the Jefferson County Public Service District Board. We have worked closely with Mr. Appignani on the Gap View Village Homeowners Association Board of Directors. He has been the Treasury Director of that Board. The finances of Gap View Village were - to put it kindly!- a total disaster. Mr. Appignani has turned our financial situation totally around. He has done an outstanding job of helping us not only balance our budget but prepare for future outstanding expenses such as development roads maintenance. He has also been an important part in helping us understand the convoluted covenants and bylaws that were created by Dan Ryan builders. That is still an ongoing project. Mr. Appagnani has shown his desire and commitment to make not just Gap View Village a better community, but Jefferson County as well. He constantly encourages others to take an active part in the community at large. He has done extensive research into water issues and has shared his findings with our community. Jefferson County could only benefit by having Mr. Peter Appignani on the Public Service Commission Board.

Thank you.

Sincerely,

Mrs. Debbie Carswell (former president of Gap View Village Homeowners Association)

Mr. Walter Carswell

Mr. and Mrs. Timothy Lambert

**Sandy McDonald**

---

**From:** "Humes Barbara" <bhumes1@comcast.net>  
**To:** <sandy@jeffersoncountywv.org>  
**Sent:** Monday, November 16, 2009 11:37 PM  
**Subject:** Endorsement for PSD

Sandy: Could you provide each of the County Commissioners with a copy of this message?

I am writing to encourage the appointment of Peter Appignani to the Public Service Commission. He is knowledgable, detail oriented, and a logical thinker. He would be a tremendous asset to have as a member of the PSD.

Barbara Humes  
Harpers Ferry

*Kathryn Lynn Grant Adams  
Meadow Brook  
1980 Shepherdstown Pike  
Harpers Ferry, WV 25425-5529*

November 18, 2009

Jefferson County Commission  
PO Box 250  
124 East Washington Street  
Charles Town, WV 25414-0250

Ladies and Gentlemen:

I wish to express my support for the application of my neighbor, Peter Appignani, for a position on the Jefferson County Public Service District Board of Directors.

I have known Peter Appignani for several years. During that time, I have been impressed by his concern for and commitment to Jefferson County. Without fail, he is well informed about issues affecting the county. He always has constructive ideas and suggestions for preserving and protecting what is good about the county and for assisting in meeting the future challenges of the county as it continues to grow.

I believe that Jefferson County would benefit from having Peter Appignani's considerable intellect and concern for the county applied to the issues with which the Jefferson County Public Service District Board of Directors must deal.

Very truly yours,

Lynn Adams  
(Kathryn Lynn Grant Adams)

**Laura Kuhn**

---

**From:** "Kathi Katzenberger - KJK Interiors" <kathi@kjkinteriors.com>  
**To:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>;  
<pnoland@jeffersoncountywv.org>; <lwidmyer@jeffersoncounty.org>; <dmanuel@frontiernet.net>;  
<fmorgan@jeffersoncountywv.org>  
**Sent:** Wednesday, November 18, 2009 7:16 PM  
**Subject:** letter of recommendation

Dear Jefferson County Commissioners,

We are writing in support of Pete Appignani's request for position with the Jefferson County Public Service District Board of Directors.

Over the last few years, we have worked personally with Pete and found him to be a man of outstanding character and intelligence. He is an extremely competent and valuable leader who serves our community with passion and consistency. He is thorough and works through whatever problems or issues that come his way without hesitation. He cares about his neighbors and is concerned about the overall health of Jefferson County and its residents. His ongoing volunteerism is well respected and we are sure he will be a great asset to your Board.

Best Regards,

Frank & Kathi Katzenberger  
43 General Anderson Court  
Harpers Ferry, WV 25415  
304-724-9334

November 19, 2009

RECEIVED

NOV 19 2009

Jefferson County Commission

Mr. Dale Manuel,  
President,  
Jefferson County Commission

Dear Mr. Manuel:

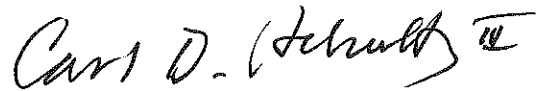
I am writing to you in reference to the "Notice of Intent to Appoint" issued recently by the Jefferson County Commission which states that the County Commission

"...proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, December 10, 2009...Jefferson County Public Service District-1 six year term ending December 1, 2015."

As a former member of the Board of Directors of the Public Service District, I know how important it is that Board members have an open mind on issues coming before them and that they not prejudge these issues based on their adherence to a particular position on questions of growth and development in Jefferson County.

Please try to make this appointment based on the objectivity and fairness of the candidate's views and his or her willingness to consider all sides of PSD policies that impact on growth and development in Jefferson County.

Yours truly,



Carl D. Schultz III

Harpers Ferry

**Laura Kuhn**

---

**From:** "TJA.Milliron" <tjmilliron@comcast.net>  
**To:** <sandy@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <jsurkamp@comcast.net>; <pnoland@jeffersoncountywv.org>; <lwidmyer@jeffersoncountywv.org>; <dmanuel@frontiernet.net>; <fmorgan@jeffersoncountywv.org>  
**Sent:** Friday, November 27, 2009 3:51 PM  
**Subject:** Consideration for the JCPSD Board Position

Dear Commissioners,

This comes to you as you consider and review the candidates for the available position on the Jefferson County Public Service District Board. I am a constituent of Jefferson County and a customer of JCPSD and feel **Peter Appignani** would do an outstanding job. In addition to his knowledge and background, he would uphold the integrity of the existing board with energy and wisdom.

Thank you for your consideration of my recommendation of **Peter Appignani for the JCPSD Board position.**

Sincerely,

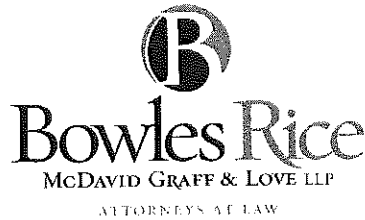
Jacquelyn J. Milliron

#5

600 Quarrier Street  
Charleston, West Virginia 25301  
(304) 347-1100

7000 Hampton Center  
Morgantown, West Virginia 26505  
(304) 285-2500

5th Floor, United Square  
501 Avery Street  
Parkersburg, West Virginia 26101  
(304) 485-8500



101 South Queen Street  
Martinsburg, West Virginia 25401

Post Office Drawer 1419  
Martinsburg, West Virginia 25402-1419  
(304) 263-0836

www.bowlesrice.com

333 West Vine Street, Suite 1700  
Lexington, Kentucky 40507-1639  
(859) 252-2202

480 West Jubal Early Drive  
Suite 130  
Winchester, Virginia 22601  
(540) 723-8877

2400 Cranberry Square  
Morgantown, West Virginia 26508-9209  
(304) 594-1000

November 23, 2009

Amy R. Lamp Leonard  
Telephone — (304) 264-4235  
Facsimile — (304) 267-3822

E-Mail Address:  
leonard@bowlesrice.com

**RECEIVED**

NOV 25 2009

**Jefferson County Commission**

Sandy Slusher McDonald, Acting Administrator  
County Commission of Jefferson County, WV  
Post Office Box 250  
Charles Town, West Virginia 25414

Re: Annexation by Corporation of Shepherdstown

Dear Ms. Slusher:

This is a follow-up to my e-mail to you dated November 19, 2009, by which on behalf of the Corporation of Shepherdstown, I requested that it be placed on the agenda for **December 10** for Discussion/Action to approve the annexation of 13.09 acres into the corporate limits of Shepherdstown. The Corporation of Shepherdstown will be represented by Charles F. Printz, Jr., Esquire.

I have enclosed a copy of the Certificate of the Corporation of Shepherdstown, West Virginia to Annex without an Election under the Provisions of West Virginia Code § 8-6-4 a Parcel of Real Estate Consisting of 13.09 Acres, the original of which will be filed on the date of the meeting. Also, I have enclosed a proposed Order by the Jefferson County Commission approving the annexation.

If necessary, please forward this information to the prosecuting attorneys office for review prior to December 10. If you have any questions, or need additional information, please do not hesitate to contact me. I would also appreciate if you would confirm with me that this action will be added to the December 10 agenda as soon as possible

Very truly yours,

Amy R. Lamp Leonard

Enclosures

cc: Mayor Arthur J. Auxer, III

CERTIFICATE OF THE CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE § 8-6-4 A PARCEL OF REAL ESTATE CONSISTING OF 13.09 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT AND PART OF PARCEL 1 ON TAX MAP 2, LOCATED IN THE SHEPHERDSTOWN CORPORATION DISTRICT, OWNED BY SHEPHERD UNIVERSITY BOARD OF GOVERNORS.

WHEREAS, Shepherd University Board of Governors, on behalf of Shepherd University, is the owner of a parcel of real estate consisting of 13.09 acres and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and as part of Parcel 1 on Tax Map 2, in the Shepherdstown Corporation District, and,

WHEREAS, by Ordinance of the Corporation of Shepherdstown adopted November 17, 2009, the herein above described parcel of real estate consisting of 13.09 acres, was annexed into the Corporation of Shepherdstown under the provisions of West Virginia Code § 8-6-4 (Annexation Without Election) subject to the Final Order of the Jefferson County Commission recognizing said annexation, and

WHEREAS, Shepherd University Board of Governors, on behalf of Shepherd University, requested said annexation of the herein above described real estate consisting of 13.09 acres into the Corporation of Shepherdstown as evidenced by that petition dated August 5, 2009, and filed with the Corporation of Shepherdstown on September 14, 2009, a copy of which is attached hereto as Exhibit A, and

WHEREAS, it appears from said petition, and as verified by the Corporation of Shepherdstown that, at the time the Petition was filed by Petitioner, there were qualified voters residing within said parcel of real estate, and that a majority of said qualified voters have executed an Endorsement of Petition for Annexation, in support of the Petition and requesting that the Corporation of Shepherdstown annex said parcel of real estate.

NOW, THEREFORE, this Certificate as required by West Virginia Code §§ 8-6-3 and 8-6-4 is hereby filed with the records of the Corporation of Shepherdstown and the Jefferson County Commission certifying that all of the applicable requirements of West Virginia

Code § § 8-6-3 and 8-6-4 have been met in regard to this annexation request and that the Petition filed herein by all of the owners and freeholders of said property, and endorsed by a majority of the qualified voters, is sufficient in every respect in regard to the annexation into the Corporation of Shepherdstown of the herein above described parcel of real estate consisting of 13.09 acres and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and as part of Parcel 1 on Tax Map 2, in the Shepherdstown Corporation District, and being the same real estate conveyed to Shepherd University Board of Governors, on behalf of Shepherd University, by deed dated July 16, 2009, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1067, at page 325, said real estate more particularly described in the Legal Description attached hereto as Exhibit B.

WHEREFORE, the Corporation of Shepherdstown prays that the County Commission of Jefferson County, West Virginia, enter an order as provided by West Virginia Code § § 8-6-3 and 8-6-4, ordering and acknowledging that the corporate limits of the Corporation of Shepherdstown, West Virginia, be increased by that real estate more particularly described in Exhibit B attached hereto and that said annexation by the Corporation of Shepherdstown of said real estate be approved and confirmed.

Dated this 17 day of November, 2009.

CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA,  
a municipal corporation,

By: Arthur J. Auxer, III  
Arthur J. Auxer, III, Mayor

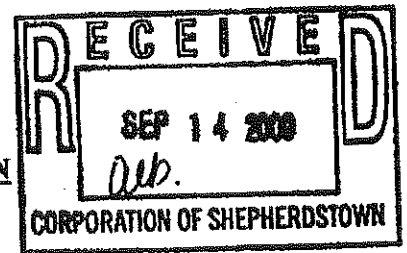
ATTEST:

Jim Rebscher  
Recorder

## EXHIBIT A

Petition for Annexation by the Corporation of Shepherdstown,  
from Shepherd University Board of Governors, dated August 5,  
2009, and filed September 14, 2009

**PETITION FOR ANNEXATION**  
**BY THE CORPORATION OF SHEPHERDSTOWN**



FROM: Shepherd University Board of Governors  
DATE: AUGUST 5, 2009

The Shepherd University Board of Governors (the "Petitioner"), a West Virginia public university, hereby petitions the Corporation of Shepherdstown (the "Town"), pursuant to West Virginia Code § 8-6-4 (Annexation without an election) and the Town Code § 9-1424, to annex an improved parcel of real estate, containing 13.09 acres (the "Property").

The Property is a portion of the West Campus of Shepherd University on the west side of WV Sec. Rt. 480 (N. Duke Street), located in the Shepherdstown District and Shepherdstown Corporation District, Jefferson County, West Virginia, and is contiguous with the current municipal boundary of the Town of Shepherdstown. See Exhibit A.

The Property is a portion of the real property owned by the Petitioner, all of which is described in a Deed dated the 16th day of July, 2009, and recorded in the Office of the Clerk of County Commission of Jefferson County, West Virginia, in Deed Book 1067, page 325, a copy of which is attached and labeled Exhibit B, by which Deed the Petitioner acquired clear title to the Property.

The Property is identified in the County Assessor's office as being part of parcel 16, on Tax Map 8, of the Shepherdstown District, Jefferson County, West Virginia and as being part of parcel 1, on Tax Map 2, of the Shepherdstown Corporation District, Jefferson County, West Virginia. The Property is currently zoned as residential growth according to the Zoning Map for Jefferson County, West Virginia.

### OWNERSHIP

The Petitioner is the sole freeholder of the Property.

### QUALIFIED VOTERS

The Property is improved by eleven (11) residence hall buildings, identified as follows:

1. Miller Hall;
2. Shaw Hall;
3. Thacher Hall;
4. Burkhart Hall;
5. Moler Hall;
6. Yost Hall;
7. Boteler Hall;
8. Lurry Hall;
9. Martin Hall;
10. Maple Hall; and
11. Birch Hall.

The residence hall buildings are used as housing for Shepherd University students and staff and as of the date of filing are occupied by thirty-three (33) individuals over the age of 18 years.

The Petitioner has determined that seventeen (17) of these individuals, the names of who are set forth in Exhibit C attached hereto, have occupied the Property for at least 60 days and are bona fide West Virginia residents. By virtue of the foregoing, said individuals are Qualified Voters occupying the Property as of this date. W. Va. Code § 8-1-2(10).

Attached hereto and made a part hereof, as Exhibit D, is an Endorsement of Petition signed by a majority of the Qualified Voters of the Property as of the date of filing, that they consent to the annexation of the Property.

### REQUIREMENTS OF CHAPTER 14 OF THE TOWN CODE

In accordance with the provisions of Section 9-1424, Annexation, of the Town Code, the Petitioner submits the following information:

I. Basis For Annexation Request, Development Plans, Zoning

The Property is improved by eleven (11) residence hall buildings, as identified above, which are used as housing for Shepherd University students and a limited number of staff. Further, such residence halls are used for boarding individuals during the summer months on a short term, temporary basis, for special events, such as the Contemporary American Theater Festival.

The Petitioner desires to have the Property annexed by the Corporation of Shepherdstown and to continue its current use, with no further development plans at the present time.

This Petition is submitted expressly conditioned on the Property being annexed in Zoning District "Shepherd College" (no density standards); the improvements thereon being owned and used by Shepherd University (fka Shepherd College).

II. Legal Description And Plat

A legal description of the Property is attached as Exhibit E. A plat of the Property, prepared by Frederick Seibert & Associates, Inc., 128 South Potomac Street, Hagerstown, Maryland, is attached as Exhibit A.

III. Statement Of Projected Impacts To The Town

A. Utilities. Currently, water and sewer services are being furnished to the Property by the Town. After annexation of the Property, garbage service will continue to be managed by the University's private, commercial garbage service. Electric and telephone services are, and will be, furnished to the Property by Allegheny Energy and Frontier, respectively.

B. Proffers. No proffers will be made to the Town.

C. Financial Impact. It is submitted that there will be no detrimental financial impact to the Town resulting from the annexation of the Property. However, it is anticipated that a financial benefit will inure to the Town from various sources, i.e., video lottery, utility excise taxes (electricity, telephone, and water), and contracted amounts for cable services.

The cost of maintaining the existing paved roads and rights-of-way located upon the Property, which are vested in Shepherd University and include parts of West Campus Drive, Campus Hill Drive and University Drive, will not be borne by the Town as such roads are part of the West Campus of Shepherd University and are maintained by Shepherd University. Any annual costs of the Property to be borne by the Town would be *de minimis*, or none at all. In summary, the Town will improve its financial posture upon the Property being annexed.

D. Traffic Study. The Petitioner will not perform a traffic study of the proposed annexation as no traffic will be generated beyond that which exists at this time.

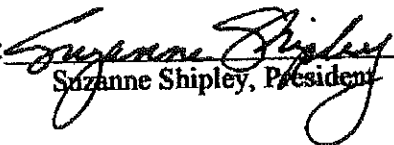
E. Adequate Public Facilities. The Petitioner is unaware of any adverse impact that annexation of the Property would cause the Town, because the Property is currently developed and will continue to be used as currently developed. As stated in Section A, there will be no impact upon the Town's public facilities beyond those that exist at this time.

F. Police Protection. Security for the Property is currently being provided by Shepherd University, and there is a cooperative agreement between the Town's police department and the University campus police which will be unchanged by the annexation.

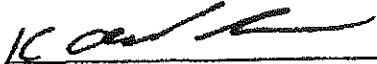
#### SUMMARY

For the foregoing reasons, the Petitioner respectfully prays the Town Council to approve this Petition.

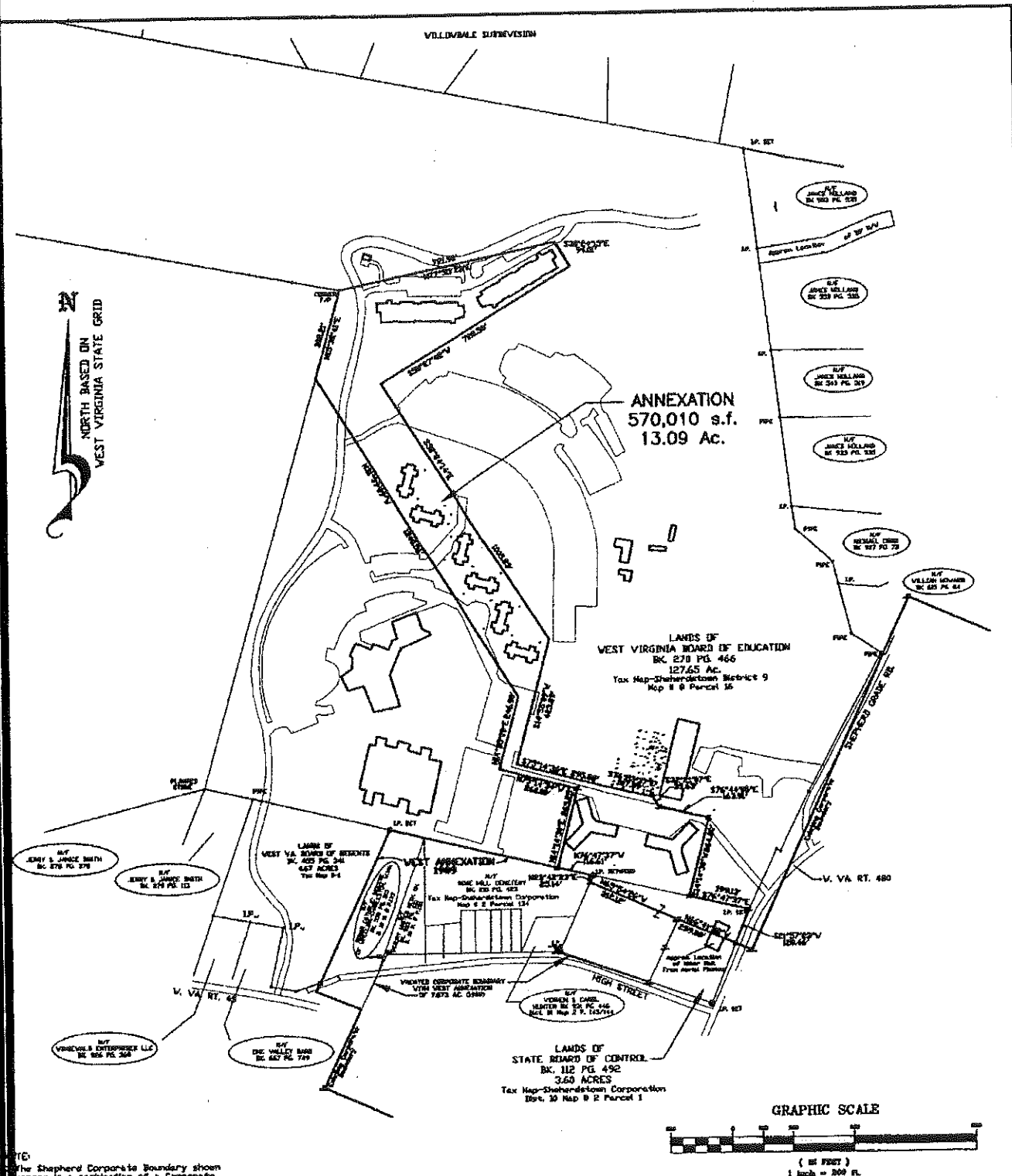
Shepherd University Board of Governors,  
a West Virginia public university

By:   
Suzanne Shipley, President

Counsel for Petitioner

  
K. Alan Perdue      WV 4338  
General Counsel  
Shepherd University

# Exhibit A



NOTE:  
The Shepherd Corporate Boundary shown hereon is a combination of a Corporate Boundary Survey by John S. Kusner, licensed West Virginia Surveyor, done in 1984 along with the West Annexation performed by Topographical Surveys, Inc. in 1989. The bearings of this survey differ from previous surveys as true north shown hereon is based on West Virginia State Plane Coordinates.  
Buildings within the proposed annexation have been located through surveys. Other features such as roads and buildings shown hereon have been scaled on from aerial and topographic plans.

<b>PROPOSED SHEPHERD CAMPUS ANNEXATION</b> SHEPHERD CAMPUS ANNEXATION INTO <b>SHEPHERDSTOWN CORPORATE BOUNDARY</b> SHEPHERDSTOWN, WEST VIRGINIA	
<b>FREDERICK SEBERT &amp; ASSOCIATES, INC.</b> CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS 126 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225 (301) 342-0000 (301) 342-9000 (301) 342-1000 (301) 342-2000	SHEPHERD CAMPUS ANNEXATION INTO <b>SHEPHERDSTOWN CORPORATE BOUNDARY</b> SHEPHERDSTOWN, WEST VIRGINIA

<b>PROPOSED SHEPHERD CAMPUS ANNEXATION</b> SHEPHERD CAMPUS ANNEXATION INTO <b>SHEPHERDSTOWN CORPORATE BOUNDARY</b> SHEPHERDSTOWN, WEST VIRGINIA
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Exhibit B

DEED

THIS DEED, made the 16<sup>th</sup> day of July, 2009, by and between the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation, party of the first part, GRANTOR, and the SHEPHERD UNIVERSITY BOARD OF GOVERNORS, on behalf of SHEPHERD UNIVERSITY, an agency of the State of West Virginia, party of the second part, GRANTEE.

WHEREAS, Shepherd University was historically known as Shepherd College until its name was changed by Act of the Legislature of West Virginia in 2004; and

WHEREAS, all title to real property of Shepherd University had previously been conveyed to various governing boards of the institution, including the Regents of State Normal Schools, the State Board of Control, the State Board of Education, the Board of Regents, the Board of Directors of the State College System of West Virginia, and the West Virginia Higher Education Interim Governing Board; and

WHEREAS, title to real property had been transferred to successor governing boards pursuant to the provisions of the West Virginia Code, including W.Va. Code §18-26-11 (subsequently repealed by the Acts of 1989), and W.V. Code §18B-1-3(a) and (b); and

WHEREAS, title to all real property that was transferred to or vested in the West Virginia Higher Education Interim Governing Board was transferred to the West Virginia Higher Education Policy Commission, effective July 1, 2001, by virtue of the provisions of W.Va. Code §18B-1-3(e); and

WHEREAS, the provisions of the aforesaid W. Va. Code §18B-1-3(e) provide for the conveyance of "any real property specifically identifiable with that institution..." by the West Virginia Higher Education Policy Commission

to Shepherd University and to the other public higher education institutions of West Virginia; and

WHEREAS, The West Virginia Higher Education Policy Commission approved the conveyance of the following described real property to the Shepherd University Board of Governors at a duly --noticed, regular meeting on December 5, 2003 and authorized its Chancellor to execute deeds and other appropriate documents on its behalf to effectuate such conveyance.

NOW, THEREFORE, WITNESSETH: That for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said party of the first part, the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation, does hereby GRANT and CONVEY with covenants of GENERAL WARRANTY, unto the said party of the second part, SHEPHERD UNIVERSITY BOARD OF GOVERNORS, on behalf of SHEPHERD UNIVERSITY, an agency of the State of West Virginia, all of the following described parcels of real estate and any and all interests therein, along with the improvements, structures, and appurtenances located thereon, all situate, lying and being in Jefferson County, West Virginia, as previously conveyed in the following deeds:

	DATE	GRANTOR	Document on File	Book #	Page #	GRANTEE
1	6/5/1957	Board of Education of Jefferson County	Deed	219	373	WV Board of Education.
2	6/12/1893	Bell	Deed	75	47	Regents of State Normal Schools
3	6/21/1948	Billmyer	Deed	174	246	WV Board of Education.
4	6/23/1948	Boswell	Deed	174	267	WV Board of Education.
5	6/29/1946	Boswell	Deed	166	5	Board of Control
6	6/17/1948	Branson	deed	174	253	WV Board of Education.
7	6/24/1948	Christman	Deed	174	251	WV Board of Education.
8	6/29/1948	Cookus	Deed	174	260	WV Board of Education.
9	11/10/1953	Corporation of Shepherdstown	Deed	196	468	WV Board of Education.
10	11/10/1953	Corp. of Shepherdstown	Order of Abandonment			WV Board of Education.
11	6/25/1948	Creamer	Deed	174	264	WV Board of Education.
12	5/14/1979	Fletcher	Deed	455	341	Board of Regents
13	9/15/1969	Hamilton	Deed	312	58	Board of Regents
14	7/12/1949	Hill	Deed	177	211	WV Board of Education.
15	6/25/1948	Hughes	Deed	174	294	WV Board of Education.

16	8/5/1960	Jenkins	Deed	242	98	WV Board of Education.
17	6/25/1948	Johnson	Deed	174	259	WV Board of Education.
18	6/12/1946	Line	Deed	166	9	Board of Control
19	6/12/1893	Line	Deed	74	388	Regents of State Normal Schools
20	6/12/1893	Line	Deed	74	390	Regents of State Normal Schools
21	5/10/2011	Line, etal	Deed	106	113	State Board of Control
22	6/12/1946	Line,etal	Deed	166	7	State Board of Control
23	6/24/1948	Martin	Deed	174	263	WV Board of Education.
24	6/29/1946	Martin	Deed	166	6	State Board of Control
25	12/31/1960	Martin	Deed	244	264	WV Board of Education.
26	7/12/1949	Miller	Deed	177	215	WV Board of Education.
27	6/22/1948	Musser	Deed	174	257	WV Board of Education.
28	10/1/1964	Potts	Deed	270	466	WV Board of Education.
29	7/12/1915	Schley	Deed	112	492	State Board of Control
30	7/21/1948	St. John's Baptist Church	Deed	174	243	WV Board of Education.
31	6/17/1948	Staley	Deed	174	254	WV Board of Education.

32	6/22/1948	Stubbs	Deed	174	248	WV Board of Education.
33	6/22/1948	Stubbs	Deed	174	250	WV Board of Education.
34	8/9/1991	Tabler	Deed	689	457	Board of Directors of State College System
35	6/22/1948	Tennant	Deed	174	255	WV Board of Education.
36	6/21/1962	Waltz	Deed	256	21	WV Board of Education.
37	3/22/2026	Weltzheimer	Deed	128	201	State Board of Control
38	7/21/1948	Williams	Deed	174	266	WV Board of Education.
39	6/24/1948	Williams	Deed	174	258	WV Board of Education.

This conveyance is SUBJECT to all exceptions, reservations, restrictions, covenants, conditions, easements and rights of way, as contained in prior deeds of record for the chain of title as to each parcel, including any and all building restrictions and conditions that may have been set forth therein.

Further, it is the intent of this DEED to convey any and all rights that may have vested in the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, including, without reservation, any and all rights pursuant to the provisions of any leases, recorded or unrecorded, especially any rights of

reversion that may be included in any such leases and any and all rights pursuant to any options to purchase, recorded or unrecorded.

It is the intent of the parties that any and all rights or interests in real property, that have vested in the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, and any of its predecessors in title, which may have been acquired for the benefit of SHEPHERD UNIVERSITY, are hereby conveyed to the SHEPHERD UNIVERSITY BOARD OF GOVERNORS.

The real estate herein described and conveyed is exempt from taxation of real estate.

DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment as provided by law, the undersigned hereby declares that the transfer involved in this document to which this Declaration is appended, is not subject to West Virginia excise tax and is exempt under the provisions of Chapter 11, Article 22, Section 1 of the West Virginia Code, 1931, as amended.

IN WITNESS WHEREOF, the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation of the State of West Virginia, has caused its corporate name to be subscribed hereto by Brian Noland, its Chancellor, by authority duly given.

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION,  
a statutory corporation of the State of West Virginia

By:



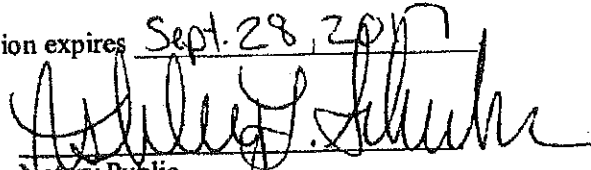
Brian Noland,  
Its Chancellor

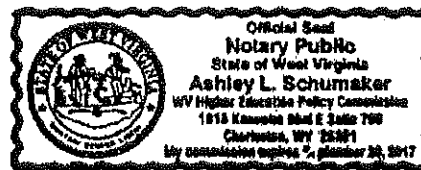
ACKNOWLEDGEMENT

STATE OF WEST VIRGINIA  
County of Kanawha, TO WIT:

The foregoing instrument was acknowledged before me in my said county and state this 16<sup>th</sup> day of July, 2009, by Brian Noland, Chancellor of the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation of the State of West Virginia, for and on behalf of said corporation.

My Commission expires Sept. 28, 2017

  
Notary Public



This instrument prepared by  
K. Alan Perdue, Esq.  
WV ST Bar # 4338  
PO Box 5000  
Shepherdstown, WV 25443  
304-876-5009

## EXHIBIT C

### Qualified Voters

1. Jonathan Calabretta
2. Tracie Ellis
3. ReNesha Martin
4. Ellisa Woodbrey
5. Michael Woodbrey
6. Sarah Brill
7. Rebekah Newman
8. Rachel Barnes
9. Leah Berkhouse
10. Joan Conklin
11. Dane Wood
12. Scott Carpenter
13. Kari Statler
14. Carri Pultz-Williams
15. Tara Iacoponi
16. Edward Horner
17. Johnna Simon

ENDORSEMENT OF PETITION FOR ANNEXATION

IN RE: 13.09 acres, located within the West Campus of Shepherd University

I, as one of the undersigned persons, as of the date appearing opposite my signature, hereby certify and affirm to the Corporation of Shepherdstown that I am a resident of West Virginia, that I have resided within West Virginia for at least one (1) year, and that I have been an occupant of the above reference property for at least sixty (60) days, and do further support the Petition for Annexation by the Board of Governors of Shepherd University, and do further request that the Corporation of Shepherdstown annex the above referenced property.

Kari Staller \_\_\_\_\_ Date 8/21/09

Kari M. Staller  
Signature

\_\_\_\_\_  
Name (printed) \_\_\_\_\_ Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) \_\_\_\_\_ Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) \_\_\_\_\_ Date

\_\_\_\_\_  
Signature

ENDORSEMENT OF PETITION FOR ANNEXATION

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Rachel G. Barnes 9/9/09  
Name (printed) Date

Rachel G. Barnes  
Signature

Leah Berkhouse 9/9/09  
Name (printed) Date

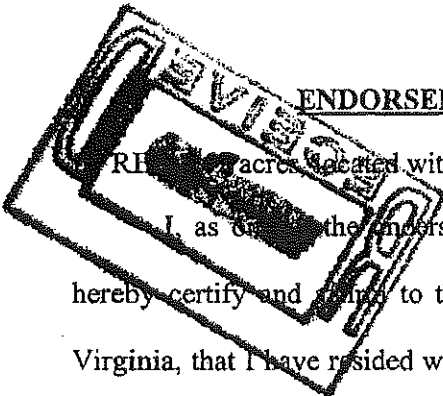
Leah Berkhouse  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature



ENDORSEMENT OF PETITION FOR ANNEXATION

Property located within the West Campus of Shepherd University

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Ellisa Woodbrey 8/10/09  
Name (printed) Date

Ellisa Woodbrey  
Signature

Michael Woodbrey 8/10/09  
Name (printed) Date

Michael Woodbrey  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

**ENDORSEMENT OF PETITION FOR ANNEXATION**

IN RE: 13.09 acres, located within the West Campus of Shepherd University

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Dane S. Wood 09-02-09  
Name (printed) Date

Dane S. Wood  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

ENDORSEMENT OF PETITION FOR ANNEXATION

IN RE: 13.09 acres, located within the West Campus of Shepherd University

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JONATHAN CALABRETTA 8/5/09  
Name (printed) Date

[Signature]  
Signature

Tracie Ellis 8/27/09  
Name (printed) Date

Tracie Ellis  
Signature

Penisha Martin 8/28/09  
Name (printed) Date

Penisha Martin  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

**ENDORSEMENT OF PETITION FOR ANNEXATION**

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Scott Carpenter \_\_\_\_\_ 9/16/09 \_\_\_\_\_  
Name (printed) Date

Scott Carpenter \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

EXHIBIT E

LEGAL DESCRIPTION

Suggested description for lands of Shepherd University to be annexed into the Corporation of Shepherdstown

Beginning for the outline hereof at an iron pin and cap set at the end of the S 75°46'19" E 678.83 feet line of the "West Boundary Annexation" area as shown on a plat prepared for Shepherdstown by Appalachian Surveys, Inc. in 1989, running thence with said line reversed, with bearings corrected to reflect a recent survey N 76°47'37" W 116.61 feet to a point, thence through the lands of West Virginia Board of Education (Book 270, page 466) N 14°14'30" E 265.25 feet to a point, thence N 75°14'34" W 260.00 feet to a point, thence N 14°55'09" E 246.90 feet to a point, thence N 31°39'09" W 1240.56 feet to a point in the western boundary of said lands, thence with part of said boundary N 15°32'41" E 302.21 feet to an existing corner fence post, thence through said lands N 77°55'23" E 721.90 feet to a point, thence S 30°24'15" E 94.01 feet to a point, thence S 58°27'42" W 728.58 feet to a point, thence S 32°24'14" E 1005.83 feet to a point, thence S 14°55'09" W 423.89 feet to a point, thence S 75°14'36" E 295.88 feet to a point, thence S 76°53'37" E 157.59 feet to a point, thence S 32°21'07" E 39.63 feet to a point, thence S 76°44'05" E 163.91 feet to a point, thence S 14°14'30" W 264.80 feet to a point in the northern line of lands of the State Board of Control (Book 112, page 492), thence with said lands S 76°47'37" E 199.13 feet to a point, thence S 21°57'23" W 120.46 feet to a point in the existing corporate boundary, thence with said boundary N 66°41'58" W 259.08 feet to a point, thence N 65°54'26" W 312.12 feet to a point, thence N 23°42'23" E 25.14 feet to the place of beginning;

Containing 13.09 acres of land more or less;

Said annexation being part of the lands conveyed by Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to the West Virginia Board of Education by deed dated October 1, 1964 and recorded at Book 270, page 466 along with part of the lands conveyed by Howard Pinkney Schley and Anna Woolery Schley to the State Board of Control by deed dated July 12, 1915 and recorded at Book 112, page 492 among the Land Records of Jefferson County, Maryland.

RAS/vab.4381.15 desc

EXHIBIT B  
LEGAL DESCRIPTION

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**IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

ORDER APPROVING AND CONFIRMING THE ANNEXATION TO THE CORPORATION OF SHEPHERDSTOWN A PARCEL OF REAL ESTATE CONSISTING OF 13.09 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT AND PART OF PARCEL 1 ON TAX MAP 2, LOCATED IN THE SHEPHERDSTOWN CORPORATION DISTRICT, OWNED BY SHEPHERD UNIVERSITY BOARD OF GOVERNORS, AS PROVIDED BY WEST VIRGINIA CODE 8-6-3 AND 8-6-4 (ANNEXATION WITHOUT ELECTION).

This \_\_\_\_ day of December, 2009, came the Corporation of Shepherdstown, West Virginia, a municipal corporation, by its attorney, Charles F. Printz, Jr., and moved the County Commission of Jefferson County, West Virginia, to approve and confirm the annexation by the Corporation of Shepherdstown of a parcel of real estate consisting of 13.09 acres and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and as part of Parcel 1 on Tax Map 2, in the Shepherdstown Corporation District, owned by Shepherd University Board of Governors, on behalf of Shepherd University, and being the same real estate conveyed to it by deed dated July 16, 2009, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1067, at page 325, said real estate more particularly described in that certain Legal Description attached hereto as Exhibit A.

It appearing by the Certificate of the Corporation of Shepherdstown filed this date with the Jefferson County Commission, a copy of which is attached hereto as Exhibit B, and by that Petition of the owner of said real estate dated August 5, 2009, and filed September 14, 2009, a copy of which is attached to said Certificate, that all of the owners and freeholders of said real estate and a majority of the qualified voters residing within said parcel of real estate have requested that the herein above referred to real estate be annexed to and become a part of the Corporation of Shepherdstown.

It further appearing that the Certificate of the governing body of the municipality of Shepherdstown was this day filed showing that an annexation has been made in the manner

required by law, to the corporate limits thereof, and that by such annexation the said corporate limits should be increased to include that real estate more particularly described in Exhibit A, attached hereto.

It is therefore Ordered that such annexation to said corporate limits be and the same is hereby approved and confirmed, and the Clerk of the Jefferson County Commission is directed to deliver to the said governing body of the Corporation of Shepherdstown a certified copy of this Order as soon as practicable.

This order shall take effect this \_\_\_\_\_ day of December, 2009.

JEFFERSON COUNTY COMMISSION

By: \_\_\_\_\_  
Dale Manuel, President

Dated this \_\_\_\_\_ day of December, 2009.

ATTEST:

\_\_\_\_\_  
Jennifer S. Maghan  
Clerk of the County Commission of  
Jefferson County, West Virginia

## EXHIBIT A

### LEGAL DESCRIPTION

Suggested description for lands of Shepherd University to be annexed into the Corporation of Shepherdstown

Beginning for the outline hereof at an iron pin and cap set at the end of the S 75°46'19" E 678.83 feet line of the "West Boundary Annexation" area as shown on a plat prepared for Shepherdstown by Appalachian Surveys, Inc. in 1989, running thence with said line reversed, with bearings corrected to reflect a recent survey N 76°47'37" W 116.61 feet to a point, thence through the lands of West Virginia Board of Education (Book 270, page 466) N 14°14'30" E 265.25 feet to a point, thence N 75°14'34" W 260.00 feet to a point, thence N 14°55'09" E 246.90 feet to a point, thence N 31°39'09" W 1240.56 feet to a point in the western boundary of said lands, thence with part of said boundary N 15°32'41" E 302.21 feet to an existing corner fence post, thence through said lands N 77°55'23" E 721.90 feet to a point, thence S 30°24'15" E 94.01 feet to a point, thence S 58°27'42" W 728.58 feet to a point, thence S 32°24'14" E 1005.83 feet to a point, thence S 14°55'09" W 423.89 feet to a point, thence S 75°14'36" E 295.88 feet to a point, thence S 76°53'37" E 157.59 feet to a point, thence S 32°21'07" E 39.63 feet to a point, thence S 76°44'05" E 163.91 feet to a point, thence S 14°14'30" W 264.80 feet to a point in the northern line of lands of the State Board of Control (Book 112, page 492), thence with said lands S 76°47'37" E 199.13 feet to a point, thence S 21°57'23" W 120.46 feet to a point in the existing corporate boundary, thence with said boundary N 66°41'58" W 259.08 feet to a point, thence N 65°54'26" W 312.12 feet to a point, thence N 23°42'23" E 25.14 feet to the place of beginning;

Containing 13.09 acres of land more or less;

Said annexation being part of the lands conveyed by Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to the West Virginia Board of Education by deed dated October 1, 1964 and recorded at Book 270, page 466 along with part of the lands conveyed by Howard Pinkney Schley and Anna Woolery Schley to the State Board of Control by deed dated July 12, 1915 and recorded at Book 112, page 492 among the Land Records of Jefferson County, Maryland.

## EXHIBIT B

CERTIFICATE OF THE CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE § 8-6-4 A PARCEL OF REAL ESTATE CONSISTING OF 13.09 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT AND PART OF PARCEL 1 ON TAX MAP 2, LOCATED IN THE SHEPHERDSTOWN CORPORATION DISTRICT, OWNED BY SHEPHERD UNIVERSITY BOARD OF GOVERNORS.

CERTIFICATE OF THE CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE § 8-6-4 A PARCEL OF REAL ESTATE CONSISTING OF 13.09 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT AND PART OF PARCEL 1 ON TAX MAP 2, LOCATED IN THE SHEPHERDSTOWN CORPORATION DISTRICT, OWNED BY SHEPHERD UNIVERSITY BOARD OF GOVERNORS.

WHEREAS, Shepherd University Board of Governors, on behalf of Shepherd University, is the owner of a parcel of real estate consisting of 13.09 acres and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and as part of Parcel 1 on Tax Map 2, in the Shepherdstown Corporation District, and,

WHEREAS, by Ordinance of the Corporation of Shepherdstown adopted November 17, 2009, the herein above described parcel of real estate consisting of 13.09 acres, was annexed into the Corporation of Shepherdstown under the provisions of West Virginia Code § 8-6-4 (Annexation Without Election) subject to the Final Order of the Jefferson County Commission recognizing said annexation, and

WHEREAS, Shepherd University Board of Governors, on behalf of Shepherd University, requested said annexation of the herein above described real estate consisting of 13.09 acres into the Corporation of Shepherdstown as evidenced by that petition dated August 5, 2009, and filed with the Corporation of Shepherdstown on September 14, 2009, a copy of which is attached hereto as Exhibit A, and

WHEREAS, it appears from said petition, and as verified by the Corporation of Shepherdstown that, at the time the Petition was filed by Petitioner, there were qualified voters residing within said parcel of real estate, and that a majority of said qualified voters have executed an Endorsement of Petition for Annexation, in support of the Petition and requesting that the Corporation of Shepherdstown annex said parcel of real estate.

NOW, THEREFORE, this Certificate as required by West Virginia Code § § 8-6-3 and 8-6-4 is hereby filed with the records of the Corporation of Shepherdstown and the Jefferson County Commission certifying that all of the applicable requirements of West Virginia

Code § § 8-6-3 and 8-6-4 have been met in regard to this annexation request and that the Petition filed herein by all of the owners and freeholders of said property, and endorsed by a majority of the qualified voters, is sufficient in every respect in regard to the annexation into the Corporation of Shepherdstown of the herein above described parcel of real estate consisting of 13.09 acres and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and as part of Parcel 1 on Tax Map 2, in the Shepherdstown Corporation District, and being the same real estate conveyed to Shepherd University Board of Governors, on behalf of Shepherd University, by deed dated July 16, 2009, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1067, at page 325, said real estate more particularly described in the Legal Description attached hereto as Exhibit B.

WHEREFORE, the Corporation of Shepherdstown prays that the County Commission of Jefferson County, West Virginia, enter an order as provided by West Virginia Code § § 8-6-3 and 8-6-4, ordering and acknowledging that the corporate limits of the Corporation of Shepherdstown, West Virginia, be increased by that real estate more particularly described in Exhibit B attached hereto and that said annexation by the Corporation of Shepherdstown of said real estate be approved and confirmed.

Dated this 17 day of November, 2009.

CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA,  
a municipal corporation,

By: Arthur J. Auxer, III  
Arthur J. Auxer, III, Mayor

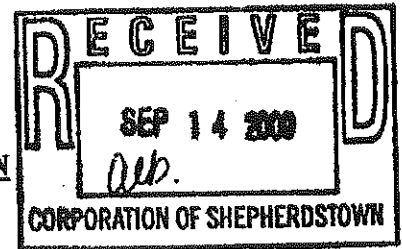
ATTEST:

Jim Rebertus  
Recorder

## EXHIBIT A

Petition for Annexation by the Corporation of Shepherdstown,  
from Shepherd University Board of Governors, dated August 5,  
2009, and filed September 14, 2009

**PETITION FOR ANNEXATION**  
**BY THE CORPORATION OF SHEPHERDSTOWN**



FROM: Shepherd University Board of Governors

DATE: AUGUST 5, 2009

The Shepherd University Board of Governors (the "Petitioner"), a West Virginia public university, hereby petitions the Corporation of Shepherdstown (the "Town"), pursuant to West Virginia Code § 8-6-4 (Annexation without an election) and the Town Code § 9-1424, to annex an improved parcel of real estate, containing 13.09 acres (the "Property").

The Property is a portion of the West Campus of Shepherd University on the west side of WV Sec. Rt. 480 (N. Duke Street), located in the Shepherdstown District and Shepherdstown Corporation District, Jefferson County, West Virginia, and is contiguous with the current municipal boundary of the Town of Shepherdstown. See Exhibit A.

The Property is a portion of the real property owned by the Petitioner, all of which is described in a Deed dated the 16th day of July, 2009, and recorded in the Office of the Clerk of County Commission of Jefferson County, West Virginia, in Deed Book 1067, page 325, a copy of which is attached and labeled Exhibit B, by which Deed the Petitioner acquired clear title to the Property.

The Property is identified in the County Assessor's office as being part of parcel 16, on Tax Map 8, of the Shepherdstown District, Jefferson County, West Virginia and as being part of parcel 1, on Tax Map 2, of the Shepherdstown Corporation District, Jefferson County, West Virginia. The Property is currently zoned as residential growth according to the Zoning Map for Jefferson County, West Virginia.

**OWNERSHIP**

The Petitioner is the sole freeholder of the Property.

**QUALIFIED VOTERS**

The Property is improved by eleven (11) residence hall buildings, identified as follows:

1. Miller Hall;
2. Shaw Hall;
3. Thacher Hall;
4. Burkhart Hall;
5. Moler Hall;
6. Yost Hall;
7. Boteler Hall;
8. Lurry Hall;
9. Martin Hall;
10. Maple Hall; and
11. Birch Hall.

The residence hall buildings are used as housing for Shepherd University students and staff and as of the date of filing are occupied by thirty-three (33) individuals over the age of 18 years.

The Petitioner has determined that seventeen (17) of these individuals, the names of who are set forth in Exhibit C attached hereto, have occupied the Property for at least 60 days and are bona fide West Virginia residents. By virtue of the foregoing, said individuals are Qualified Voters occupying the Property as of this date. W. Va. Code § 8-1-2(10).

Attached hereto and made a part hereof, as Exhibit D, is an Endorsement of Petition signed by a majority of the Qualified Voters of the Property as of the date of filing, that they consent to the annexation of the Property.

**REQUIREMENTS OF CHAPTER 14 OF THE TOWN CODE**

In accordance with the provisions of Section 9-1424, Annexation, of the Town Code, the Petitioner submits the following information:

I. Basis For Annexation Request, Development Plans, Zoning

The Property is improved by eleven (11) residence hall buildings, as identified above, which are used as housing for Shepherd University students and a limited number of staff. Further, such residence halls are used for boarding individuals during the summer months on a short term, temporary basis, for special events, such as the Contemporary American Theater Festival.

The Petitioner desires to have the Property annexed by the Corporation of Shepherdstown and to continue its current use, with no further development plans at the present time.

This Petition is submitted expressly conditioned on the Property being annexed in Zoning District "Shepherd College" (no density standards); the improvements thereon being owned and used by Shepherd University (fka Shepherd College).

II. Legal Description And Plat

A legal description of the Property is attached as Exhibit E. A plat of the Property, prepared by Frederick Seibert & Associates, Inc., 128 South Potomac Street, Hagerstown, Maryland, is attached as Exhibit A.

III. Statement Of Projected Impacts To The Town

A. Utilities. Currently, water and sewer services are being furnished to the Property by the Town. After annexation of the Property, garbage service will continue to be managed by the University's private, commercial garbage service. Electric and telephone services are, and will be, furnished to the Property by Allegheny Energy and Frontier, respectively.

B. Proffers. No proffers will be made to the Town.

C. Financial Impact. It is submitted that there will be no detrimental financial impact to the Town resulting from the annexation of the Property. However, it is anticipated that a financial benefit will inure to the Town from various sources, i.e., video lottery, utility excise taxes (electricity, telephone, and water), and contracted amounts for cable services.

The cost of maintaining the existing paved roads and rights-of-way located upon the Property, which are vested in Shepherd University and include parts of West Campus Drive, Campus Hill Drive and University Drive, will not be borne by the Town as such roads are part of the West Campus of Shepherd University and are maintained by Shepherd University. Any annual costs of the Property to be borne by the Town would be *de minimis*, or none at all. In summary, the Town will improve its financial posture upon the Property being annexed.

D. Traffic Study. The Petitioner will not perform a traffic study of the proposed annexation as no traffic will be generated beyond that which exists at this time.

E. Adequate Public Facilities. The Petitioner is unaware of any adverse impact that annexation of the Property would cause the Town, because the Property is currently developed and will continue to be used as currently developed. As stated in Section A, there will be no impact upon the Town's public facilities beyond those that exist at this time.

F. Police Protection. Security for the Property is currently being provided by Shepherd University, and there is a cooperative agreement between the Town's police department and the University campus police which will be unchanged by the annexation.

#### SUMMARY

For the foregoing reasons, the Petitioner respectfully prays the Town Council to approve this Petition.

Shepherd University Board of Governors,  
a West Virginia public university

By:   
Suzanne Shipley, President

Counsel for Petitioner

  
K. Alan Perdue      WV 4338  
General Counsel  
Shepherd University



Exhibit B

DEED

THIS DEED, made the 16<sup>th</sup> day of July, 2009, by and between the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation, party of the first part, GRANTOR, and the SHEPHERD UNIVERSITY BOARD OF GOVERNORS, on behalf of SHEPHERD UNIVERSITY, an agency of the State of West Virginia, party of the second part, GRANTEE.

WHEREAS, Shepherd University was historically known as Shepherd College until its name was changed by Act of the Legislature of West Virginia in 2004; and

WHEREAS, all title to real property of Shepherd University had previously been conveyed to various governing boards of the institution, including the Regents of State Normal Schools, the State Board of Control, the State Board of Education, the Board of Regents, the Board of Directors of the State College System of West Virginia, and the West Virginia Higher Education Interim Governing Board; and

WHEREAS, title to real property had been transferred to successor governing boards pursuant to the provisions of the West Virginia Code, including W.Va. Code §18-26-11 (subsequently repealed by the Acts of 1989), and W.V. Code §18B-1-3(a) and (b); and

WHEREAS, title to all real property that was transferred to or vested in the West Virginia Higher Education Interim Governing Board was transferred to the West Virginia Higher Education Policy Commission, effective July 1, 2001, by virtue of the provisions of W.Va. Code §18B-1-3(e); and

WHEREAS, the provisions of the aforesaid W. Va. Code §18B-1-3(e) provide for the conveyance of "any real property specifically identifiable with that institution..." by the West Virginia Higher Education Policy Commission

to Shepherd University and to the other public higher education institutions of West Virginia; and

WHEREAS, The West Virginia Higher Education Policy Commission approved the conveyance of the following described real property to the Shepherd University Board of Governors at a duly -noticed, regular meeting on December 5, 2003 and authorized its Chancellor to execute deeds and other appropriate documents on its behalf to effectuate such conveyance.

NOW, THEREFORE, WITNESSETH: That for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said party of the first part, the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation, does hereby GRANT and CONVEY with covenants of GENERAL WARRANTY, unto the said party of the second part, SHEPHERD UNIVERSITY BOARD OF GOVERNORS, on behalf of SHEPHERD UNIVERSITY, an agency of the State of West Virginia, all of the following described parcels of real estate and any and all interests therein, along with the improvements, structures, and appurtenances located thereon, all situate, lying and being in Jefferson County, West Virginia, as previously conveyed in the following deeds:

	DATE	GRANTOR	Document on File	Book #	Page #	GRANTEE
1	6/5/1957	Board of Education of Jefferson County	Deed	219	373	WV Board of Education.
2	6/12/1893	Bell	Deed	75	47	Regents of State Normal Schools
3	6/21/1948	Billmyer	Deed	174	246	WV Board of Education.
4	6/23/1948	Boswell	Deed	174	267	WV Board of Education.
5	6/29/1946	Boswell	Deed	166	5	Board of Control
6	6/17/1948	Branson	deed	174	253	WV Board of Education.
7	6/24/1948	Christman	Deed	174	251	WV Board of Education.
8	6/29/1948	Cookus	Deed	174	260	WV Board of Education.
9	11/10/1953	Corporation of Shepherdstown	Deed	196	468	WV Board of Education.
10	11/10/1953	Corp. of Shepherdstown	Order of Abandonment			WV Board of Education.
11	6/25/1948	Creamer	Deed	174	264	WV Board of Education.
12	5/14/1979	Fletcher	Deed	455	341	Board of Regents
13	9/15/1969	Hamilton	Deed	312	58	Board of Regents
14	7/12/1949	Hill	Deed	177	211	WV Board of Education.
15	6/25/1948	Hughes	Deed	174	294	WV Board of Education.

16	8/5/1960	Jenkins	Deed	242	98	WV Board of Education.
17	6/25/1948	Johnson	Deed	174	259	WV Board of Education.
18	6/12/1946	Line	Deed	166	9	Board of Control
19	6/12/1893	Line	Deed	74	388	Regents of State Normal Schools
20	6/12/1893	Line	Deed	74	390	Regents of State Normal Schools
21	5/10/2011	Line, etal	Deed	106	113	State Board of Control
22	6/12/1946	Line,etal	Deed	166	7	State Board of Control
23	6/24/1948	Martin	Deed	174	263	WV Board of Education.
24	6/29/1946	Martin	Deed	166	6	State Board of Control
25	12/31/1960	Martin	Deed	244	264	WV Board of Education.
26	7/12/1949	Miller	Deed	177	215	WV Board of Education.
27	6/22/1948	Musser	Deed	174	257	WV Board of Education.
28	10/1/1964	Potts	Deed	270	466	WV Board of Education.
29	7/12/1915	Schley	Deed	112	492	State Board of Control
30	7/21/1948	St. John's Baptist Church	Deed	174	243	WV Board of Education.
31	6/17/1948	Staley	Deed	174	254	WV Board of Education.

32	6/22/1948	Stubbs	Deed	174	248	WV Board of Education.
33	6/22/1948	Stubbs	Deed	174	250	WV Board of Education.
34	8/9/1991	Tabler	Deed	689	457	Board of Directors of State College System
35	6/22/1948	Tennant	Deed	174	255	WV Board of Education.
36	6/21/1962	Waltz	Deed	256	21	WV Board of Education.
37	3/22/2026	Weltzheimer	Deed	128	201	State Board of Control
38	7/21/1948	Williams	Deed	174	266	WV Board of Education.
39	6/24/1948	Williams	Deed	174	258	WV Board of Education.

This conveyance is SUBJECT to all exceptions, reservations, restrictions, covenants, conditions, easements and rights of way, as contained in prior deeds of record for the chain of title as to each parcel, including any and all building restrictions and conditions that may have been set forth therein.

Further, it is the intent of this DEED to convey any and all rights that may have vested in the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, including, without reservation, any and all rights pursuant to the provisions of any leases, recorded or unrecorded, especially any rights of

reversion that may be included in any such leases and any and all rights pursuant to any options to purchase, recorded or unrecorded.

It is the intent of the parties that any and all rights or interests in real property, that have vested in the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, and any of its predecessors in title, which may have been acquired for the benefit of SHEPHERD UNIVERSITY, are hereby conveyed to the SHEPHERD UNIVERSITY BOARD OF GOVERNORS.

The real estate herein described and conveyed is exempt from taxation of real estate.

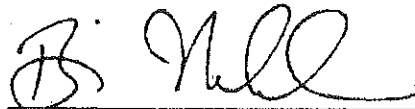
DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment as provided by law, the undersigned hereby declares that the transfer involved in this document to which this Declaration is appended, is not subject to West Virginia excise tax and is exempt under the provisions of Chapter 11, Article 22, Section 1 of the West Virginia Code, 1931, as amended.

IN WITNESS WHEREOF, the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation of the State of West Virginia, has caused its corporate name to be subscribed hereto by Brian Noland, its Chancellor, by authority duly given.

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION,  
a statutory corporation of the State of West Virginia

By:



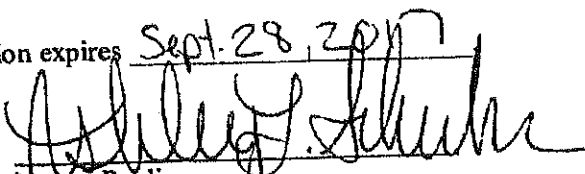
\_\_\_\_\_  
Brian Noland,  
Its Chancellor

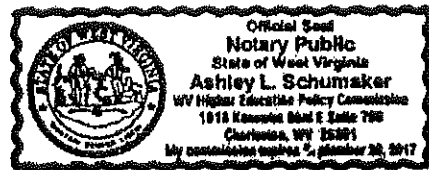
ACKNOWLEDGEMENT

STATE OF WEST VIRGINIA  
County of Kanawha, TO WIT:

The foregoing instrument was acknowledged before me in my said county and state this 16<sup>th</sup> day of July, 2009, by Brian Noland, Chancellor of the WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION, a statutory corporation of the State of West Virginia, for and on behalf of said corporation.

My Commission expires Sept. 28, 2017

  
Notary Public



This instrument prepared by  
K. Alan Perdue, Esq.  
WV ST Bar # 4338  
PO Box 5000  
Shepherdstown, WV 25443  
304-876-5009

## EXHIBIT C

### Qualified Voters

1. Jonathan Calabretta
2. Tracie Ellis
3. ReNesha Martin
4. Ellisa Woodbrey
5. Michael Woodbrey
6. Sarah Brill
7. Rebekah Newman
8. Rachel Barnes
9. Leah Berkhouse
10. Joan Conklin
11. Dane Wood
12. Scott Carpenter
13. Kari Statler
14. Carri Pultz-Williams
15. Tara Iacoponi
16. Edward Horner
17. Johnna Simon

ENDORSEMENT OF PETITION FOR ANNEXATION

IN RE: 13.09 acres, located within the West Campus of Shepherd University

I, as one of the undersigned persons, as of the date appearing opposite my signature, hereby certify and affirm to the Corporation of Shepherdstown that I am a resident of West Virginia, that I have resided within West Virginia for at least one (1) year, and that I have been an occupant of the above reference property for at least sixty (60) days, and do further support the Petition for Annexation by the Board of Governors of Shepherd University, and do further request that the Corporation of Shepherdstown annex the above referenced property.

Kari Staller \_\_\_\_\_ 8/21/09 \_\_\_\_\_  
Name (printed) Date

Kari M. Staller \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

ENDORSEMENT OF PETITION FOR ANNEXATION

IN RE: 13.09 acres, located within the West Campus of Shepherd University

I, as one of the undersigned persons, as of the date appearing opposite my signature, hereby certify and affirm to the Corporation of Shepherdstown that I am a resident of West Virginia, that I have resided within West Virginia for at least one (1) year, and that I have been an occupant of the above reference property for at least sixty (60) days, and do further support the Petition for Annexation by the Board of Governors of Shepherd University, and do further request that the Corporation of Shepherdstown annex the above referenced property.

Rachel G. Barnes 9/9/09  
Name (printed) Date

Rachel G. Barnes  
Signature

Leah Berkhouse 9/9/09  
Name (printed) Date

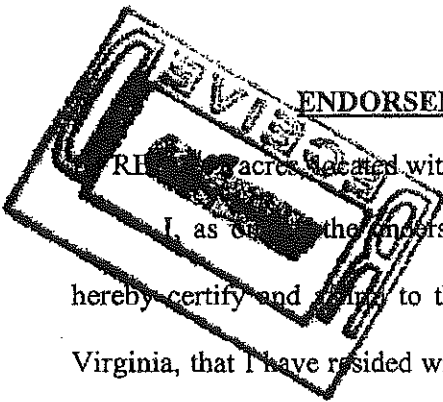
Leah Berkhouse  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature



ENDORSEMENT OF PETITION FOR ANNEXATION

RE: [redacted] acres located within the West Campus of Shepherd University  
I, as one of the undersigned persons, as of the date appearing opposite my signature, hereby certify and affirm to the Corporation of Shepherdstown that I am a resident of West Virginia, that I have resided within West Virginia for at least one (1) year, and that I have been an occupant of the above reference property for at least sixty (60) days, and do further support the Petition for Annexation by the Board of Governors of Shepherd University, and do further request that the Corporation of Shepherdstown annex the above referenced property.

Ellisa Woodbrey \_\_\_\_\_ 8/16/09 \_\_\_\_\_  
Name (printed) Date

Ellisa Woodbrey \_\_\_\_\_  
Signature

Michael Woodbrey \_\_\_\_\_ 8/17/09 \_\_\_\_\_  
Name (printed) Date

Michael Woodbrey \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature



ENDORSEMENT OF PETITION FOR ANNEXATION

IN RE: 13.09 acres, located within the West Campus of Shepherd University

I, as one of the undersigned persons, as of the date appearing opposite my signature, hereby certify and affirm to the Corporation of Shepherdstown that I am a resident of West Virginia, that I have resided within West Virginia for at least one (1) year, and that I have been an occupant of the above reference property for at least sixty (60) days, and do further support the Petition for Annexation by the Board of Governors of Shepherd University, and do further request that the Corporation of Shepherdstown annex the above referenced property.

JONATHAN CALABRETTA 8/5/09  
Name (printed) Date

[Signature]  
Signature

Tracie Ellis 8/27/09  
Name (printed) Date

Tracie Ellis  
Signature

ReNesha Martin 8/28/09  
Name (printed) Date

ReNesha Martin  
Signature

\_\_\_\_\_  
Name (printed) Date

\_\_\_\_\_  
Signature

**ENDORSEMENT OF PETITION FOR ANNEXATION**

IN RE: 13.09 acres, located within the West Campus of Shepherd University

I, as one of the undersigned persons, as of the date appearing opposite my signature, hereby certify and affirm to the Corporation of Shepherdstown that I am a resident of West Virginia, that I have resided within West Virginia for at least one (1) year, and that I have been an occupant of the above reference property for at least sixty (60) days, and do further support the Petition for Annexation by the Board of Governors of Shepherd University, and do further request that the Corporation of Shepherdstown annex the above referenced property.

Scott Carpenter  
Name (printed)

9/16/09  
Date

Scott Carpenter  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

EXHIBIT E

LEGAL DESCRIPTION

Suggested description for lands of Shepherd University to be annexed into the Corporation of Shepherdstown

Beginning for the outline hereof at an iron pin and cap set at the end of the S 75°46'19" E 678.83 feet line of the "West Boundary Annexation" area as shown on a plat prepared for Shepherdstown by Appalachian Surveys, Inc. in 1989, running thence with said line reversed, with bearings corrected to reflect a recent survey N 76°47'37" W 116.61 feet to a point, thence through the lands of West Virginia Board of Education (Book 270, page 466) N 14°14'30" E 265.25 feet to a point, thence N 75°14'34" W 260.00 feet to a point, thence N 14°55'09" E 246.90 feet to a point, thence N 31°39'09" W 1240.56 feet to a point in the western boundary of said lands, thence with part of said boundary N 15°32'41" E 302.21 feet to an existing corner fence post, thence through said lands N 77°55'23" E 721.90 feet to a point, thence S 30°24'15" E 94.01 feet to a point, thence S 58°27'42" W 728.58 feet to a point, thence S 32°24'14" E 1005.83 feet to a point, thence S 14°55'09" W 423.89 feet to a point, thence S 75°14'36" E 295.88 feet to a point, thence S 76°53'37" E 157.59 feet to a point, thence S 32°21'07" E 39.63 feet to a point, thence S 76°44'05" E 163.91 feet to a point, thence S 14°14'30" W 264.80 feet to a point in the northern line of lands of the State Board of Control (Book 112, page 492), thence with said lands S 76°47'37" E 199.13 feet to a point, thence S 21°57'23" W 120.46 feet to a point in the existing corporate boundary, thence with said boundary N 66°41'58" W 259.08 feet to a point, thence N 65°54'26" W 312.12 feet to a point, thence N 23°42'23" E 25.14 feet to the place of beginning;

Containing 13.09 acres of land more or less;

Said annexation being part of the lands conveyed by Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to the West Virginia Board of Education by deed dated October 1, 1964 and recorded at Book 270, page 466 along with part of the lands conveyed by Howard Pinkney Schley and Anna Woolery Schley to the State Board of Control by deed dated July 12, 1915 and recorded at Book 112, page 492 among the Land Records of Jefferson County, Maryland.

RAS/vab.4381.15 desc

## EXHIBIT B

### LEGAL DESCRIPTION

Suggested description for lands of Shepherd University to be annexed into the Corporation of Shepherdstown

Beginning for the outline hereof at an iron pin and cap set at the end of the S 75°46'19" E 678.83 feet line of the "West Boundary Annexation" area as shown on a plat prepared for Shepherdstown by Appalachian Surveys, Inc. in 1989, running thence with said line reversed, with bearings corrected to reflect a recent survey N 76°47'37" W 116.61 feet to a point, thence through the lands of West Virginia Board of Education (Book 270, page 466) N 14°14'30" E 265.25 feet to a point, thence N 75°14'34" W 260.00 feet to a point, thence N 14°55'09" E 246.90 feet to a point, thence N 31°39'09" W 1240.56 feet to a point in the western boundary of said lands, thence with part of said boundary N 15°32'41" E 302.21 feet to an existing corner fence post, thence through said lands N 77°55'23" E 721.90 feet to a point, thence S 30°24'15" E 94.01 feet to a point, thence S 58°27'42" W 728.58 feet to a point, thence S 32°24'14" E 1005.83 feet to a point, thence S 14°55'09" W 423.89 feet to a point, thence S 75°14'36" E 295.88 feet to a point, thence S 76°53'37" E 157.59 feet to a point, thence S 32°21'07" E 39.63 feet to a point, thence S 76°44'05" E 163.91 feet to a point, thence S 14°14'30" W 264.80 feet to a point in the northern line of lands of the State Board of Control (Book 112, page 492), thence with said lands S 76°47'37" E 199.13 feet to a point, thence S 21°57'23" W 120.46 feet to a point in the existing corporate boundary, thence with said boundary N 66°41'58" W 259.08 feet to a point, thence N 65°54'26" W 312.12 feet to a point, thence N 23°42'23" E 25.14 feet to the place of beginning;

Containing 13.09 acres of land more or less;

Said annexation being part of the lands conveyed by Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to the West Virginia Board of Education by deed dated October 1, 1964 and recorded at Book 270, page 466 along with part of the lands conveyed by Howard Pinkney Schley and Anna Woolery Schley to the State Board of Control by deed dated July 12, 1915 and recorded at Book 112, page 492 among the Land Records of Jefferson County, Maryland.

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Commission Office Use Only  
Date on Agenda: 12/10/09  
Appt Time or New Business: 10:30

**AGENDA REQUEST FORM**

Name: Kellie Boles

Department or Entity: JC Farmland Protection Board

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 12/10

Date Requested – 2<sup>nd</sup> Choice: 12/17

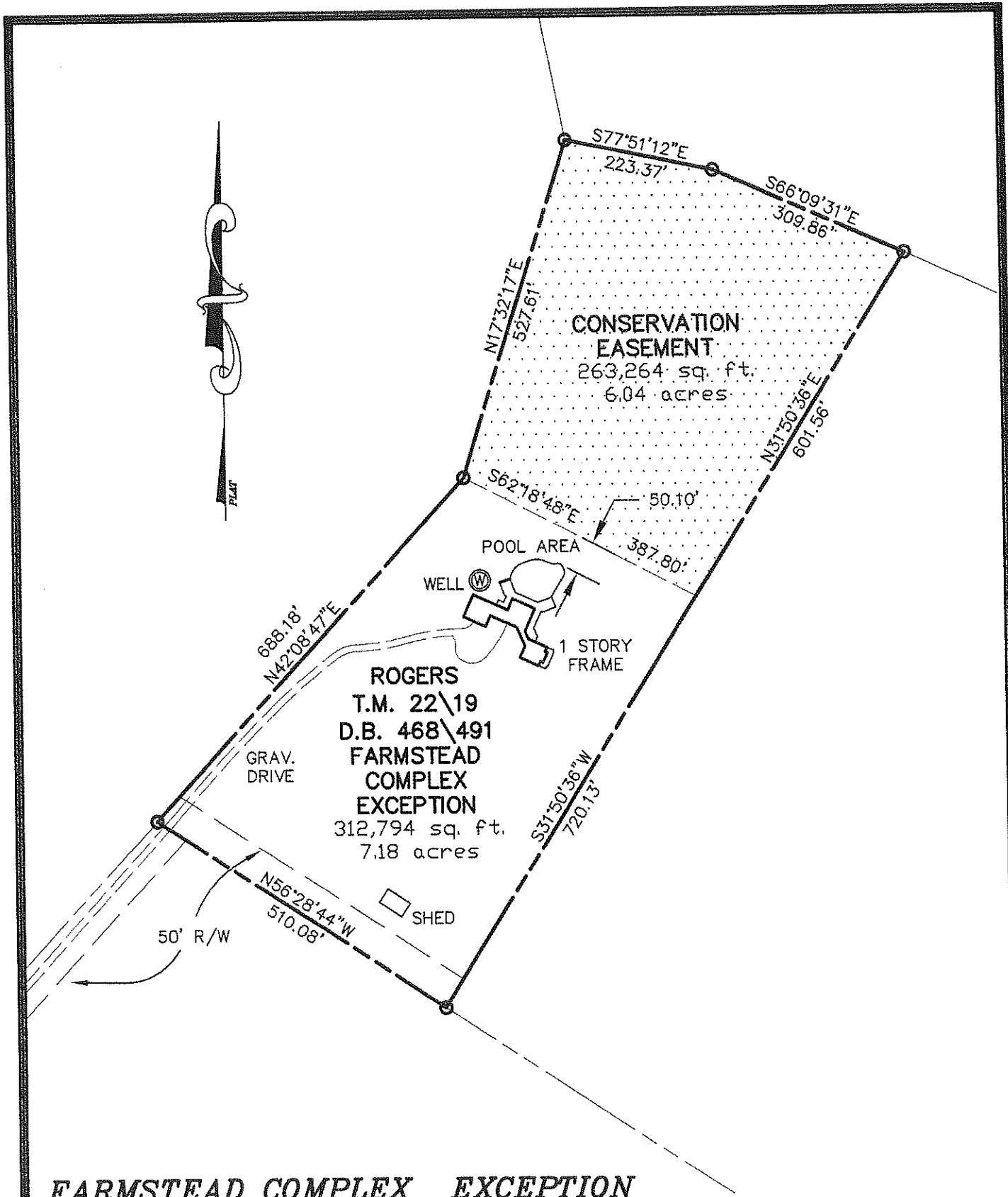
If a specific date is needed, please provide reason for specific date: NA

Subject: **Easement Acquisition**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Jefferson County Farmland Protection Board has received an application for a donation of development rights on property in Charles Town.**

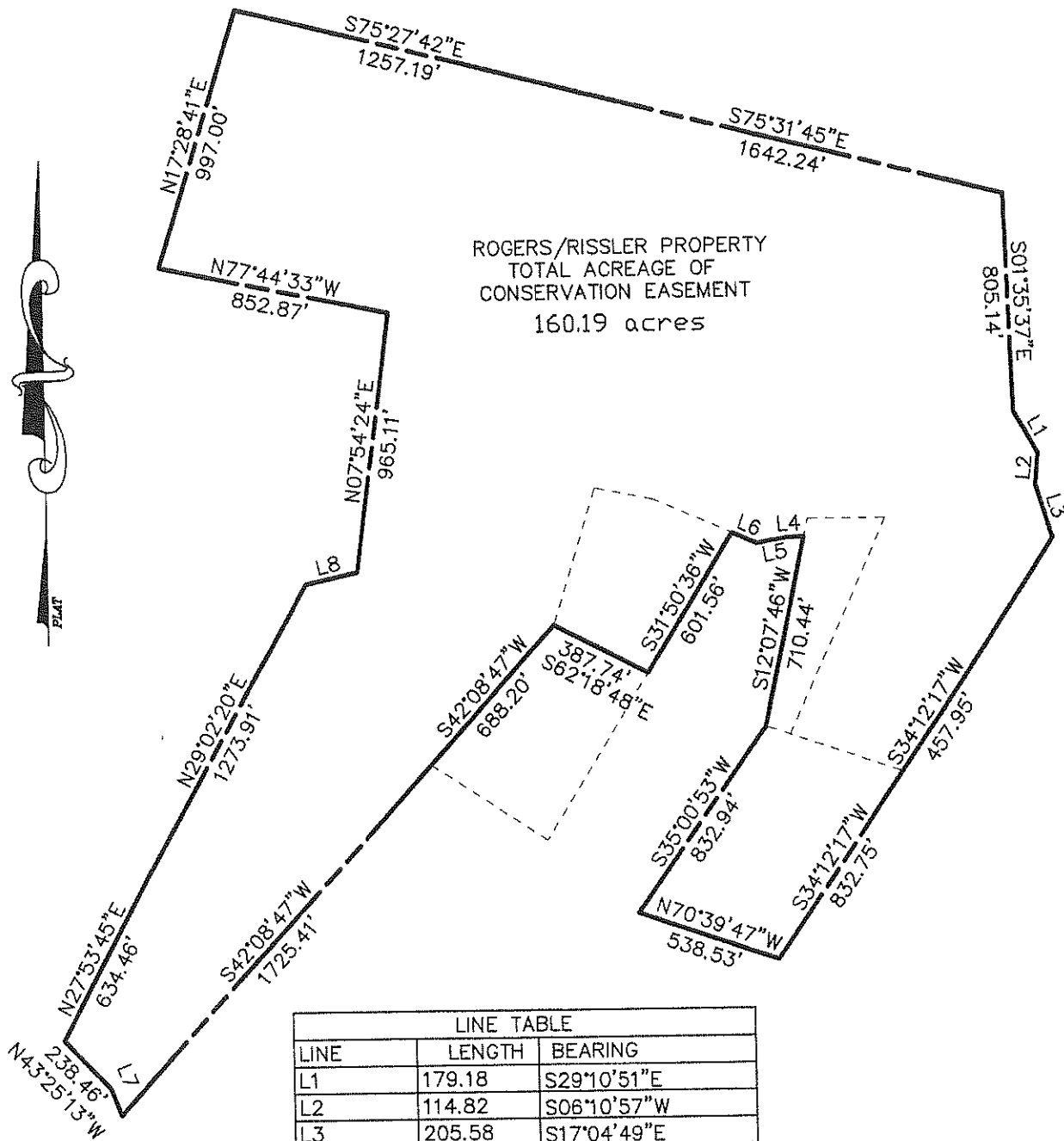
Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The Jefferson County Commission approves the JCFPB to acquire the donated development rights and record a Deed of Conservation Easement on 160.19 acres of property owned by James A. Rogers and Patricia F. Rissler at 443 Long Marsh Lane Charles Town, WV 25414.**

Attachments: **Draft Deed and Survey**



**FARMSTEAD COMPLEX EXCEPTION**

PLAT SHOWING FARMSTEAD COMPLEX EXCEPTION TO LOT 14 SEC. 1, MEADOWBROOK. STANDING IN THE NAME OF JAMES ROGERS & PATRICIA RISSLER, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 468\491 LOCATED IN KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.



NOTE THIS IS NOT A BOUNDARY SURVEY.

SKETCH SHOWING TOTAL ACREAGE OF CONSERVATION EASEMENT FOR THE FARMLAND PROTECTION BOARD, PROPERTY STANDING IN THE NAME OF JAMES ROGERS & PATRICIA RISSLER AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY. LOCATED IN KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA. SKETCH COMPILED FROM EXISTING PLATS OF RECORD.

## DEED OF CONSERVATION EASEMENT

This **DEED OF CONSERVATION EASEMENT** ("**Conservation Easement**") made this \_\_\_\_ day of \_\_\_\_\_, 2009, By and between James A. Rogers and Pat Rissler, residing at 442 Long Marsh Lane, Charles Town, WV 25414, party of the first part, hereinafter referred to as the "Grantors", and THE LAND TRUST OF THE EASTERN PANHANDLE, INC, ("Land Trust") having its mailing address at P. O. Box 2240, Martinsburg, WV 25402, and THE JEFFERSON COUNTY FARMLAND PROTECTION BOARD ("FPB") having its mailing address at P. O. Box 731, Charles Town, WV 25414-0731, parties of the second part hereinafter referred to as the "Grantees." For purposes of this agreement, references to the rights, duties and obligations of the Grantors apply equally and in full force to any successors to the parties to this agreement.

### WITNESSETH:

WHEREAS, the Grantors, are the owners in fee simple of certain real property, hereinafter called the "Protected Property", which has agricultural, scenic, open-space and aesthetic value in its present state which has not been subject to extensive development or exploitation, which property is located in Kabletown District, Jefferson County, West Virginia, and consists of approximately \_\_\_\_ acres more particularly described in Exhibit A attached hereto and incorporated by this reference.

WHEREAS, the Grantees are "Holders" as defined under West Virginia Code §20-12-1 et. seq., empowered to hold perpetual conservation and preservation easements in Jefferson County, West Virginia; and

WHEREAS, the Land Trust is a non-profit corporation incorporated under the laws of the State of West Virginia as a tax exempt public Charity under Section 501(C)(3) and 509(a)(1) of the Internal Revenue Code, qualified under Section 170(h) of the Internal Revenue Code to receive qualified conservation contributions, whose purpose is to preserve land for natural, historic, open space, scenic, recreational, environmental, agricultural, scientific, charitable, educational and aesthetic purposes; and

WHEREAS, the FPB is a public agency established to provide landowners with an opportunity to voluntarily protect agricultural land in Jefferson County by the voluntary placement of conservation or preservation easements on eligible property; and

WHEREAS, Grantor, Trust and the FPB have the exclusive common purpose of preserving the agricultural and open space character of the Property; and

WHEREAS, Grantor further intends, as owner of the Property, to convey to FPB and the Trust the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, the Legislature of the State of West Virginia (“Legislature”) has recognized the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural, open-space and scenic resources of the State of West Virginia; and

WHEREAS, the Legislature has declared that agriculture is a unique life support industry, and recognizes the need to prevent the irreversible loss of agricultural land. The legislature authorizes the State of West Virginia and its counties so desiring to protect agricultural land and woodland as open-space land, to develop programs and to accept qualifying properties voluntarily entered into the program; and

WHEREAS, the County Commission of Jefferson County, West Virginia (“County Commission”) has declared that the agriculture community of Jefferson County provides sources of agriculture products for the citizens of the state; enhances tourism; protects worthwhile community values, institutions and landscapes which are inseparably associated with traditional farming; and controls the urban expansion which is consuming land, topsoil and woodland of the county; and

WHEREAS, the County Commission has resolved to provide landowners of Jefferson County an opportunity to voluntarily protect agricultural land by creating the Jefferson County Farmland Protection Board and authorizing it to administer the Jefferson County Farmland Protection Program; and

WHEREAS, the FPB affirms that this Easement represents a unique and valuable asset to the quality of life in Jefferson County, and that by accepting this Easement, it will act in good faith to uphold the conservation easement and not seek to benefit from its conversion or elimination. It agrees by accepting this grant to honor the

intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come. and

WHEREAS, the Protected Property provides "open space (including farmland and/or forestland)" as that phrase is used in P. L. 96-541, 26 USC 170(h)(4)(A)(ii), that benefit the general public, specifically through the preservation of prime agricultural land, maintenance of cropland, and pastureland and the practice of soil and water conservation measures; and

WHEREAS, the specific conservation values of the Protected Property are more particularly documented in an Baseline Documentation Report, prepared by the Grantees and signed and acknowledged by the Grantors establishing the baseline condition of the Protected Property at the time of this grant and including reports, maps, photographs, and other documentation, and to be used for the purpose of monitoring compliance with the terms thereof; and

WHEREAS, the Grantors and Grantees have the exclusive common purpose of conserving the above-described conservation values of the Protected Property by means of placing restrictions on the use which may be made of the Protected Property in perpetuity; and

NOW THEREFORE, the Grantors, for and in consideration of the facts above recited and of the mutual covenants, terms, conditions and restrictions including good and valuable consideration herein contained do hereby give, grant, bargain, sell and convey unto the Grantees a Conservation Easement in perpetuity over the Protected Property of the nature and character and to the extent hereinafter set forth.

1. **Purpose.** It is the purpose of this Conservation Easement to assure that the Protected Property will be retained forever predominately in its present natural, scenic, open space condition to protect a rural, agricultural viewshed of Jefferson County and to prevent any use of the Protected Property that will impair or interfere with the conservation values or interests of the Protected Property described above, including the *prime, unique* and other productive soils. Grantors intend that this Conservation Easement will confine the use of the Protected Property to such activities as are consistent with the purpose of this Conservation Easement.

2. **Prohibited uses.** Any activity on or use of the Protected Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of

the foregoing, the following activities and uses are expressly prohibited except as provided in paragraph 3, below:

2.1 Structures. Construction or placement of any building or other permanent structure, whether for residential or agriculture purposes, on the Protected Property is prohibited except as permitted in paragraphs 3.3 and paragraph 3.4 below, except that grantors may construct de minimus agricultural structures, such as loafing sheds (also known as run-in sheds) and watering troughs for livestock anywhere on the property.

2.2 Mining. The exploration, development, mining or extraction of soil, sand, gravel, mineral, oil, gas or any other hydrocarbon substance from the Protected Property is prohibited.

2.3 Waste. Dumping or storage of trash, garbage, hazardous substances, abandoned vehicles or machines or other material on the Protected property is prohibited. However, composting of biodegradable material used or produced on the Protected Property to improve gardens and pastures is permitted.

2.4 Surface Water. There shall be no pollution, alteration, depletion or extraction of surface water, natural water courses, lakes, ponds, wetlands, subsurface water or any other water bodies, nor shall there be activities conducted on the Protected Property, which would be detrimental to water purity, or which could alter natural water level and/or flow in or over the Protected Property.

2.5 Motorized Vehicles. The use of motorized vehicles, boats, and aircraft is prohibited, except that motorized vehicles may be used as necessary for agricultural operations on the Protected Property and for reasonable access to the residential area and barn area as described in paragraphs 3.3 and 3.4 below.

2.6 Commercial Forestry. There shall be no commercial forestry on the Protected Property. The harvesting of timber, either existing naturally on the Property or grown for commercial purposes, for trade or profit shall be prohibited. The growing of Christmas trees, orchards and nursery stock; or the removal, sale and renewal of such, shall not be deemed to be commercial forestry or harvesting of timber. However, such activities must be carried out in accordance with a conservation plan in order to minimize soil erosion and other impacts to the soils. In addition, ornamental plants and woodland products grown for human consumption are not considered commercial forestry or harvesting of timber. Nothing in this paragraph shall

prohibit the right to cut and remove dead trees, to cut and remove non-native invasive species, to cut and remove firewood for use on the property, or to cut emergency fire breaks. Diseased or insect-infected trees may be removed subject to a written evaluation by a qualified forester and approval of the Grantee.

2.7 Roads and Impervious Surfaces. No portion of the Protected Property shall be paved or otherwise covered with impervious surface, except as allowed in paragraphs 3.3 and 3.4 below. Impervious surfaces shall be defined as any material which covers land and inhibits the percolation of stormwater directly into the soil, including, but not limited to, buildings, roofs, the area covered by permanent or nonpermanent structures, macadam and pavement, gravel and stone driveways and parking areas.

2.8 Utilities. Installation, maintenance, repair, replacement, removal or relocation of electric, gas, water and wind power facilities, sewer lines, or other public or private utilities, including telephone or other communications services over or under the Protected Property is prohibited, except as necessary to serve the Protected Property and uses permitted by this Conservation Easement, including the agricultural uses permitted in paragraph 3.1 below. Notwithstanding the preceding sentence, the construction or installation of commercial telecommunications structures, including towers, buildings, antennas, satellite and microwave dishes and any other telecommunications support facilities are prohibited on the Protected Property.

2.9 Signs. Except for no trespassing signs, for sale signs and signs identifying this Conservation Easement or the owner of the Protected Property, all other signs, advertisements and billboards of any nature are prohibited. The permitted signs may not exceed 5 square feet individually or 25 square feet in total.

2.10 Topography. Ditching, draining, diking, filling, excavating, removal of topsoil or sand, gravel or rock on the Protected Property is prohibited, except when such activities are conducted in order to carry out activities permitted under this Conservation Easement, are in accordance with the Conservation Plan, do not exceed one (1) acre in total area and are restored within a reasonable time period.

2.11 Commercial and Industrial Activities. Commercial and industrial structures are prohibited. In addition, any home-based business that does not require a Division of Environmental Protection permit to operate may be conducted on the Property, except that the occupation or business use must be conducted entirely within the single residential dwelling or

appurtenances allowable under paragraphs 3.4 and 3.5 below, and must be clearly incidental and subordinate to the use of the dwellings for residential purposes.

2.12 Recreation. Commercial recreational activities are prohibited. Commercial recreational uses shall not include non-developed, personal recreational uses as defined under paragraph 3.1 below.

2.13 Subdivision. The Protected Property may not be divided, partitioned, subdivided, nor conveyed except as provided for in paragraph 3.7, below.

2.14 Transfer of Development Rights. The Protected Property and any portion thereof shall not be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights which have been encumbered or extinguished by this Conservation Easement shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise; provided, however, that with prior written permission of the Grantee, this paragraph shall not preclude such transfer of development rights resulting from the destruction or demolition of any existing residential building on the Protected Property.

3. **Grantor's Reserved Rights**. The Grantor hereby reserves the following rights:

3.1 Quiet Enjoyment. The right to undertake or continue any activity or use of the Protected Property not prohibited by this Conservation Easement and that is consistent with the purposes of the Conservation Easement. The Property Owner has the right to reside on the Protected Property and to benefit from all aspects of the quiet enjoyment of the Protected Property. The Property Owner has the right to engage in any and all personal recreational uses of the Protected Property, including but not limited to hiking, touring, swimming, biking, hunting and fishing; that require no development of the land and that are not inconsistent with the purposes of the Conservation Easement. "More than a *de minimus* use for commercial recreational activity", as such phrase is used in Section 2031 (c) (8) B) of the Code, is prohibited.

3.2 Agricultural Uses. The right to engage in agricultural uses on the Protected Property consistent with a conservation plan. For example, other production of plants and animals useful to man, including, but not limited to, forage, grain and field crops; pasturage,

dairy and dairy products; swine; poultry and poultry products; etc., and the processing and storage of the agricultural products produced principally on the Property are permitted.

3.3 Conveyance. The right to sell, give mortgage, lease, or otherwise convey the Protected Property, provided such conveyance is subject to the terms of this Conservation Easement and written notice is provided to Grantee in accordance with paragraph 18.5 below.

3.4 Residential Dwelling. The Grantors and Grantees acknowledge the existence of one single residential dwelling currently existing on the property. No other single residential dwelling shall be constructed or placed on the Property. Grantors and Grantees also acknowledge a right of way from the existing residential dwelling to Ann Lewis Road, recognized on official Jefferson County, West Virginia maps as "Long Marsh Lane". Grantors have the right to improve this right of way with an impervious surface not exceeding 12 feet in width. The existing residential dwelling shall be contained in a building envelope ("residential area") more fully described in Exhibit B. The Grantor has the right to maintain, repair, enlarge or replace such single residential dwelling, as well as to construct appurtenances, such as garages and sheds, and agricultural structures, within the building envelope.

3.5 Agricultural Structures. The Grantors and Grantees also acknowledge the existence of a barn currently existing on the property. This barn shall be contained in a building envelope ("barn area") more fully described in Exhibit C. The Grantor has the right to maintain, repair, enlarge or replace such barn, as well as to construct appurtenances, such as garages and sheds, and other agricultural structures, within the building envelope, as well as to maintain the existing driveway from the barn area to the right of way described in paragraph 3.4 above.

3.6 The right to install a well and septic drain field solely for the benefit of the residential structure permitted herein on the Protected Property adjacent to the designated residential areas described in Exhibits A and B by the Grantor without further permission from the Grantees

3.7 The Protected Property consists of \_\_\_\_ parcels as shown in Exhibit A. In the future these parcels shall be conveyed together.

4. Grantees' Rights. To accomplish the purpose of this Conservation Easement, the following rights are conveyed to the Grantees by this Conservation Easement:

4.1 Preservation. The right to preserve and protect the conservation values of the Protected Property.

4.2 Right of Entry. The right to enter the Protected Property at all reasonable times and with prior notice and, if necessary, across other lands retained by the Grantors, for the purposes of (a) inspecting the Protected Property to determine if the Grantors are complying with the covenants and purposes of this Conservation Easement; (b) enforcing the terms of this Conservation Easement; and (c) taking any and all actions with respect to the Protected Property as may be necessary or appropriate, with or without order of court, to remedy or abate violations thereof.

4.3 Enforcement. The right to prevent any activity on or use of the Protected Property that is inconsistent with this Conservation Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use, pursuant to paragraph 10.

4.4 Periodic Onsite Inspections. Pursuant to the terms of this easement, the Grantee is responsible for periodic on-site inspections. The terms of this Conservation Easement prohibit conversion of the Protected Property to any uses not permitted herein and to any uses that are inconsistent with the purposes of this Conservation Easement.

4.5 Multiple Grantees: Rights and Obligations. The Land Trust shall have the primary responsibility for stewardship and monitoring of this Conservation Easement, determining if a violation has occurred, and for approving any amendments to the Conservation Easement. These duties may be fulfilled directly by the Land Trust or its agent. The Land Trust will share with the other parties to this Conservation Easement monitoring and stewardship information, including but not limited to written notices and monitoring reports. The Land Trust is responsible for any costs incurred in enforcing the terms of the Conservation Easement, including any attorney's fees and any costs of a suit. The Land Trust can recover costs from Grantor or third party. The Land Trust and the FPB shall make every good faith effort to determine a unified course of action should a potential or actual violation of the Conservation Easement arise. The FPB shall have the right to enforce the terms of the Conservation Easement if the Land Trust becomes unable or refuses to enforce the Conservation Easement, or if the FPB in its sole discretion finds that Land Trust's enforcement action or consent fails to protect the conservation purposes of this Conservation Easement. In such case where the FPB individually enforces the terms of the Conservation Easement without the agreement or consent of the Land Trust, then the FPB shall be individually responsible for its own costs.

5. **Access.** Unless expressly provided herein, nothing contained in this Conservation Easement shall give or grant to the public a right to enter upon or to use the Protected Property or any portion thereof where no such right existed in the public immediately prior to the execution of this Conservation Easement.

6. **Costs and Liabilities.** Grantors retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantors shall keep the Grantee's interest in the Protected Property free of any liens arising out of any work performed for, materials furnished to or obligations incurred by Grantors.

Grantors agree to release, hold harmless, defend and indemnify Grantees from any and all liabilities which Grantees may suffer or incur as a result of or arising out of the activities of Grantors on the Protected Property, including, but not limited to, the violation of any environmental laws. Grantees agree to release, hold harmless, defend and indemnify Grantors from all liabilities including but not limited to injury, losses, damages, judgments, costs, expenses and fees which Grantors may suffer or incur as a result of or arising out of the activities of Grantees on the Protected Property. .

7. **Taxes.** The Grantors agree to pay any real estate taxes or other assessments levied on the Protected Property. If the Grantors become delinquent in payment of said taxes or assessments, such that a lien created against the land is to be executed upon, the Grantees, at thier option, shall, after written notice to the Grantor, have the right to purchase and acquire the Grantors' interest in said Protected Property by paying funds to discharge said lien or delinquent taxes or assessments, or to take such other actions as may be necessary to protect the Grantees' interest in the Protected Property and to assure the continued enforceability of this Conservation Easement.

8. **Title.** The Grantors covenant and represent that the Grantors are the sole owners and are seized of the Protected Property in fee simple and have good right to grant and convey the aforesaid Conservation Easement; that the Protected Property is free and clear of any and all liens and encumbrances, including but not limited to, any mortgages not subordinated to this Conservation Easement, that no party other than the Grantors is in possession or is entitled to possession under a lease or otherwise of the Protected Property, and that the Grantese shall have the use of and enjoy all of the benefits derived from and arising out of the aforesaid Conservation Easement.

9. **Hazardous Waste.** The Grantors covenant and represent that, to their knowledge, no hazardous substance or toxic waste has been generated, treated, stored, used, disposed of, or deposited in or on the Protected Property, and that there are not now any underground storage tanks located on the Protected Property.

10. **Grantees' Remedies.** In the event that the Grantees become aware of a violation of the terms of this Conservation Easement, the Grantees shall give notice to the Grantors, at Grantors' last known post office address, of such violation via certified mail, return receipt requested, and request corrective action sufficient to abate such violation and restore the Protected Property to its previous condition at the time of this grant. Grantors agree that the Baseline Documentation Report shall be deemed to provide objective information concerning the Protected Property's condition at the time of this grant. Failure by the Grantors to cause discontinuance, abatement or such other corrective action as may be requested by the Grantees within thirty (30) days after receipt of such notice shall entitle Grantees to bring an action at law or equity in court of competent jurisdiction to enforce the terms of this Conservation Easement; to require the restoration of the property to its previous condition; to enjoin such non-compliance by ex parte temporary or permanent injunction in a court of competent jurisdiction; and/or to recover any damages arising from such noncompliance. Such damages, when recovered, may be applied by the Grantees, in their sole discretion, to corrective action on the Protected Property. If such court determines that the Grantors have failed to comply with this Conservation Easement, Grantors shall reimburse Grantees for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorney's fees, in addition to any other payments ordered by such court.

10.1 **Emergency Enforcement.** If either Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of such Protected Property, Grantee may pursue its remedies under this paragraph without prior notice to Grantors or without waiting for the period for cure to expire.

10.2 **Violations Due to Causes beyond Grantor's Control.** Nothing herein shall be construed to entitle the Grantees to institute any enforcement proceedings against the Grantors for any changes in the Protected Property due to causes beyond the Grantors' control, such as changes caused by fire, flood, storm, earthquake or the unauthorized wrongful acts of third persons. In the event of violations of this Conservation Easement caused by unauthorized wrongful acts of third persons, at Grantees' option, Grantors agree to assign its right of action to

Grantees, to join in any suit, and/or to appoint Grantees its attorney-in-fact for the purposes of pursuing enforcement actions.

10.3 Standing. By virtue of the Grantees' acquisition of rights under this Conservation Easement, it shall be entitled, at its option, to standing before appropriate courts of law to pursue remedies or other matters which are necessary or incidental to the protection of the property which is subject to this Conservation Easement.

10.4 Costs of Enforcement. Any costs incurred by Grantees in enforcing the terms of this Conservation Easement against Grantors, including without limitation costs of suit and attorneys' fees, and any costs or restoration necessitated by Grantors' violation of the terms of this Conservation Easement shall be borne by Grantors. If Grantors prevail in any action to enforce the terms of this Conservation Easement, Grantors' costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantees. Any costs incurred by Grantees in enforcing the terms of this Conservation Easement against any third party shall be borne by Grantees.

10.5 Forbearance. Forbearance by Grantees to exercise their rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement by Grantors shall not be deemed or construed to be a waiver by Grantees of such term or of any subsequent breach of the same or any other term of this Conservation Easement or of any of Grantees' rights under this Conservation Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any breach by Grantors shall impair such right or remedy or be construed as a waiver.

11. Parties Subject to Conservation Easement. The covenants agreed to and the terms, conditions, and restrictions imposed by this grant shall not only be binding upon the Grantors but also its future lessees, agents, personal representatives, successors and assigns, and all other successors to Grantors in interest and shall continue as a servitude running in perpetuity with the Protected Property. The term "Grantors" shall include the Grantors and the Grantors' heirs, executors, administrators, successors and assigns and shall also mean the masculine, feminine, corporate, singular or plural form of the word as needed in the context of its use. The term "Grantee" shall include the Jefferson County Farmland Protection Board and its successors and assigns; and The Land Trust of the Eastern Panhandle, Inc. and its successors and assigns.

12. Subsequent Transfers. The Grantors agrees that the terms, conditions, restrictions and purposes of this grant or reference thereto will be inserted by Grantor in any subsequent deed or other legal instrument by which Grantors divest either the fee simple title or

possessory interest in the Protected Property; and Grantors further agree to notify Grantees of any pending transfer at least thirty (30) days in advance.

13. **Merger.** The Grantors and Grantees agree that the terms of this Conservation Easement shall survive any merger of the fee and easement interest in the Protected Property.

14. **Assignment.** The parties hereto recognize and agree that the benefits of this Conservation Easement are in gross and assignable, and the Grantees hereby covenant and agree that in the event they transfer or assign the Conservation Easement held under this indenture, the organization receiving the interest will be a qualified organization as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986 (or any successor section) and the regulations promulgated thereunder, which is organized and operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Internal Revenue Code, and Grantees further covenant and agree that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes which were originally intended

15. **Extinguishment.** If circumstances arise in the future that render the purpose of this Conservation Easement impossible to accomplish, this Conservation Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. The amount of any proceeds received, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be apportioned \_\_\_\_\_ percent to the Land Trust of the Eastern Panhandle and \_\_\_\_\_ percent to Grantors, which is the ratio that the appraised value of this easement bears to the unrestricted fair market value of the Property as these values are determined on the date of this Deed. The Farmland Protection Board shall receive no proceeds from any sale, exchange, or involuntary conversion.

The Land Trust shall use its share of the proceeds for land conservation in a manner consistent with the conservation purposes set forth herein. In making this Conservation Easement, Grantors have considered the possibility that uses prohibited by the terms of this Conservation Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. Grantors believe that any such changes in the use of neighboring properties will increase the benefit to the public of continuation of this Conservation Easement, and Grantors and Grantees intend that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Conservation Easement.

16. **Eminent Domain.** If the Conservation Easement is taken, in whole or in part, by eminent domain by public, corporate or other authority so as to abrogate the restrictions imposed by this conservation Easement, the Grantors and Grantees shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate value of the interests of the Land Trust of the Eastern Panhandle and Grantors, as set forth above. The FPB shall receive no proceeds from the taking. The grantee's proceeds shall be used as specified above. All expenses incurred by Grantors and the Grantees in such action shall be paid out of the recovered proceeds. .

17. **Amendment.** If circumstances arise under which an amendment to or modification of this Conservation Easement would be appropriate, Grantors and Grantees are free to jointly amend this Conservation Easement, provided that no amendment shall be allowed that will invalidate this Conservation Easement or be inconsistent with the purpose of this Conservation Easement, and shall not affect its perpetual duration. Any such amendment shall be recorded as above specified. No such amendment shall be effective unless in writing and signed by all parties hereto.

18. **Miscellaneous Provisions.**

18.1 **Severability.** If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

18.2 **Recording and Re-recording.** This Conservation Easement shall be recorded in the Office of the Clerk of the County Commission, Jefferson County, West Virginia, immediately upon execution thereof, and in no case later than sixty (60) days after execution thereof. The Grantees are authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Easement; for such purpose, the Grantors appoint the Grantees its attorney-in-fact to execute, acknowledge and deliver any necessary instrument on its behalf. Without limiting the foregoing, the Grantors agree to execute any such instrument upon request.

18.3 Captions. The captions herein have been inserted solely for convenience of reference and are not part of its Conservation Easement and shall have no effect upon construction or interpretation.

18.4 Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed as original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded copy shall be controlling.

18.5 Notices. Any notices required in this Conservation Easement shall be sent by registered or certified mail to the following address or such address as may be hereafter specified by notice in writing:

**Grantors:**

**Grantee:**

The Land Trust of the Eastern Panhandle, Inc.  
P.O. Box 2240  
Martinsburg, WV 25402

**Grantee:**

Jefferson County Farmland Protection Board  
P. O. Box 731  
Charles Town, WV 25414-0731

18.6 Effective Date. This Conservation Easement shall be effective immediately upon execution hereof.

18.7 Governing Law. The terms and provisions hereof shall be governed, and the rights, duties, and obligations of the parties hereto shall be determined, by reference to the laws of the State of West Virginia and the laws of the United States.

18.8 Entire Agreement. This agreement, including Exhibits A, B and C hereto, shall be deemed to constitute the entire and only agreement between the parties, and no oral statements or representations or other written matter not contained or referenced herein shall have any force or effect.

18.9 Subordination. Any mortgage or lien arising after the date of this Conservation Easement shall be subordinated to the terms of this Conservation Easement.

TO HAVE AND TO HOLD the said Conservation Easement unto said Grantees forever.

DECLARATION OF CONSIDERATION OF VALUE. The undersigned hereby declare under penalty of fine and imprisonment as provided by law, that the conveyance made by this document is both a gift to a charitable nonprofit corporation without consideration and a transfer of property right to Federal and county governmental entities, and therefore, is exempt from the West Virginia excise tax due on the transfer of real property.

IN WITNESS WHEREOF, the Grantor has executed and sealed this document the day and year first above written.

GRANTOR:

GRANTEE:

Land Trust of the Eastern Panhandle

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---

Signature

Signature

---

---

Date

Date

GRANTOR:

GRANTEE:

Jefferson County Farmland Protection Board.

---

---

Signature

Signature

---

---

Date

Date

STATE OF \_\_\_\_\_,  
COUNTY OF \_\_\_\_\_, to-wit:

The Foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_ by

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS:

STATE OF \_\_\_\_\_,  
COUNTY OF \_\_\_\_\_, to-wit:

The Foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_ by

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS:

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn, this day that \_\_\_\_\_ is the Chairman of the Jefferson County Farmland Protection Board, a West Virginia governmental entity named in the foregoing instrument: that the seal affixed to said instrument of the corporation seal of said governmental entity; and acknowledged said instrument to be the free act and deed of such entity.

\_\_\_\_\_  
Notary Public

My Commission Expires:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS:

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that \_\_\_\_\_ is the President of the Land Trust of the Eastern Panhandle, Inc., a West Virginia Corporation named in the foregoing instrument; that the seal affixed to said instrument is the corporation seal of said corporation; and acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public

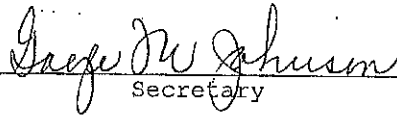
My Commission Expires:

R E S O L U T I O N

"Resolved that this bank do execute and deliver to the County Commission of Jefferson County, West Virginia, a bond in the current penalty of \$3,600,000 (in addition to a bond for \$12,000,000 expiring December 31, 2009) as depository of Public Moneys, under the provisions of Chapter 7, Article 6, Section 2, Official Code of West Virginia, and that said bond be secured by Irrevocable Standby Letter of Credit number 10074840 for \$3,600,000 to secure Certificate of Deposit No. 43575. This Irrevocable Standby Letter of Credit is issued by the Federal Home Loan Bank of Pittsburgh, PA in the favor of the Jefferson County Commission.

The draft of the said new bond has been read and submitted to a regular Board of Directors meeting held on November 10, 2009 which was approved, and the Senior Vice President be and he/she is hereby authorized and directed to execute said bond, in the corporate name, and under the corporate seal of this bank, and the Senior Vice President of this bank be and he/she is hereby authorized and directed to execute the letter of credit with the Federal Home Loan Bank of Pittsburgh, PA as described above, and to file with the Clerk of the said County Commission the said bond of this bank to become effective November 6, 2009, and to expire on November 5, 2010, subject to the approval of and acceptance by said County Commission.

I certify the foregoing to be an exact copy of a resolution unanimously passed and adopted at a regular meeting of the Board of Directors for Bank of Charles Town, held on November 10, 2009 at which a quorum was present and acting throughout.

  
Secretary

State of West Virginia

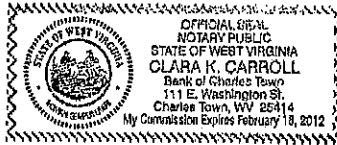
County of Jefferson, to-wit:

The foregoing instrument was acknowledged before me this 10th day of November, 2009, by Gayle M. Johnson, Secretary of Bank of Charles Town, a West Virginia Corporation, on behalf of the corporation.

Clara K. Carroll  
Notary Public

My commission expires:

February 18, 2012



BOND OF BANK OF CHARLES TOWN  
AS  
DEPOSITORY OF PUBLIC MONEYS

KNOW ALL MEN BY THESE PRESENTS,

That the undersigned Bank of Charles Town, a banking institution incorporated under the laws of the State of West Virginia and doing business at Charles Town, Jefferson County, West Virginia, is held and firmly bound unto the State of West Virginia, in the sum of Three Million Six Hundred thousand \$3,600,000 (in addition to a bond for \$12,000,000 expiring December 31, 2009 secured with two FHLB Letters of Credit), for the payment of which well and truly to be made, the said Bank of Charles Town binds itself and its successors firmly by these presents.

IN WITNESS WHEREOF the said Bank of Charles Town has executed this bond by causing its Senior Vice President to sign its corporate name and affix its corporate seal hereto by order of its Board of Directors, this 10th day of November, 2009.

The condition of the above obligation is such that whereas the said Bank of Charles Town has been designated by the County Commission of Jefferson County, West Virginia, as depository of public moneys in the form of Certificate of Deposit #43575 under the provisions of Chapter 7, Article 6, Section 2, Official Code of West Virginia, now therefore, if said Bank of Charles Town shall receive, keep safe, and pay over all moneys relating to Certificate of Deposit #43575 which may be deposited in or come under the custody of said Bank of Charles Town as such depository, from the 6th day of November 2009, until the 5th day of November, 2010, and shall faithfully perform all of the duties imposed by said Article upon the said Bank of Charles Town as such depository, then this obligation shall be void; otherwise to remain in full force and effect.

As security for the faithful performance of this bond and to protect and indemnify against any or all loss of public moneys in Certificate of Deposit #43575 by reason of any default on the part of said Bank of Charles Town in its capacity as such depository of public moneys, the said Bank of Charles Town, by order of said County Commission, and in accordance with the provisions of Chapter 7, Article 6, Section 2 of the code, has executed Irrevocable Standby Letter of Credit Number 10074840 for \$3,600,000 to cover the Certificate of Deposit. This letter of credit is issued with the Federal Home Loan Bank of Pittsburgh, PA. The letter of credit will be held by the

Federal Home Loan Bank of Pittsburgh, PA as collateral security for this bond, with a copy provided to the Jefferson County Commission.

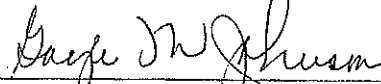
In event of any default in the conditions of this bond, the Federal Home Loan Bank shall reimburse the County Commission of Jefferson County, West Virginia, and shall accept as sufficient evidence of such default for such delivery, a certified copy of an order of said County Commission stating such default.

Upon receipt of said security under this Letter of Credit from said Federal Home Loan Bank of Pittsburgh, PA in case of any default of the said Bank of Charles Town in complying with the conditions of its said bond, the same County Commission shall apply the proceeds to the payment of the amount owing by said Bank of Charles Town by reason of any such default in the conditions of its said bond, and after such payment the residue, if any, derived from the proceeds of the sale of said security, shall be paid to said Bank of Charles Town.

On November 5, 2010, if the said Bank of Charles Town has complied with the conditions of this bond, said letter of credit will expire, and, if the need for a new bond is necessary for a subsequent period, the said Bank of Charles Town will execute such new bond and a new letter of credit.

Bank of Charles Town

SEAL

  
Senior Vice President

State of West Virginia

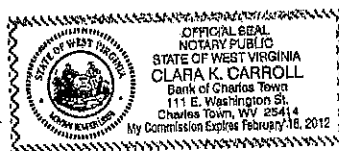
County of Jefferson, to-wit:

The foregoing instrument was acknowledged before me this 10th day of November, 2009, by Gayle M. Johnson, Senior Vice President of Bank of Charles Town, a West Virginia corporation, on behalf of the corporation.

  
Notary Public

My Commission expires:

February 18, 2012



I, \_\_\_\_\_, Prosecuting Attorney of  
Jefferson County, West Virginia, hereby certify that the above  
bond is in due and legal form and conformable to the provisions  
of Chapter 7, Article 6, Section 2 of the Code of West Virginia.

\_\_\_\_\_  
Prosecuting Attorney

Date \_\_\_\_\_

Commission Office Use Only

Date on Agenda: 12/10/09

Appt Time or New Business: 1:30

AGENDA REQUEST FORM

Name: Sandy McDonald

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 1 hour

Date Requested - 1st Choice: December 10, 2009

Date Requested - 2nd Choice:

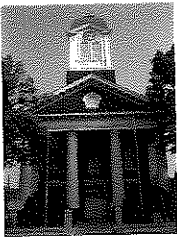
If a specific date is needed, please provide reason for specific date:

Subject: Workshop on Work Plans

Please provide the County Commission with a description of your request or presentation, including any background information: See and or discuss any new programs or what direction each Department has planned for 2011

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

Attachments:



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414

Phone: 304/728-3284

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Fax: 304/725-7916



To: Department Heads/Elected Officials

From: Sandy Slusher McDonald  
Acting County Administrator *SSM*

Date: November 20, 2009

Re: County Commission Work Session 12/10/09

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At a regular meeting of the County Commission of Jefferson County, on Thursday, November 19, 2009 the Commission agreed to hold a work session with Department Heads and Elected Officials to discuss the Work Plan for Fiscal Year 2011.

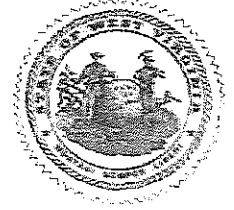
The Work Session is scheduled for Thursday, December 10, 2009 at 1:30 p.m. The Commission would like to discuss with you any new programs you may have for Fiscal Year 2011 and what direction you may want to go.

If you have any questions, please feel free to contact me.



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414



Phone: 304-728-3284

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Fax: 304-725-7916

**To:** All Elected Officials & Department Heads

**From:** County Commission of Jefferson County *JCC/tyr*

**Date:** November 9, 2009

**Re:** Work Plan for Fiscal Year 2011

~~~~~

The County Commission will be conducting a series of work sessions with each elected official and department head beginning December 2009 concerning your department's work plan for the upcoming fiscal year that begins July 1, 2011. In that respect, the Commission would like for each of you to develop a work plan for your office to discuss at these work sessions. This will be an annual process that the Commission will begin this year as a precursor to the annual budget process in February and March. In subsequent years, the Commission would like to complete this process in the first quarter of each fiscal year (July-September).

The typical work plan begins with a short description or summary of the plan, an introduction or background of the department, activities for the fiscal year (goals and objectives), the resources needed to complete or achieve the activities i.e., personnel, supplies, capital and the rationale for the requested resources. Finally, what results you expect and what value or value added will be received by the taxpayer for these services. All of this, of course, culminates in the budget request for your department.

We realize this is something new and a lot to ask of each of you. However, with funding and revenues becoming more constrained each year, the Commission has determined that every program or plan must be fiscally justified and that the funding and priority process must begin much earlier in the budget planning year.

We ask that you provide the plan for your department(s) to the Commission office no later than noon on November 30, 2009.

Thank you for your support and cooperation in this most important project.

JCC/tyr



Telephone: 728-3205  
Tax Office: 728-3220  
Fax: 728-3299

## SHERIFF and TREASURER of Jefferson County

Robert E. Shirley  
P.O. Box 9  
Charles Town, WV 25414

**RECEIVED**

November 9, 2009

NOV 10 2009

Jefferson County Commission  
124 East Washington St  
Charles Town WV 25414

**Jefferson County Commission**

Re: Request for Work Plan

Honorable Commissioners:

I have received your request for a work plan for the upcoming fiscal year. I regret to inform you that I will be unable to fulfill your request.

I oversee the largest department of any single elected official. I have approximately 75 employees, three offices to maintain and a reserve staff. The time allotted for me to acquire the information needed to appropriately accomplish this task is not feasible.

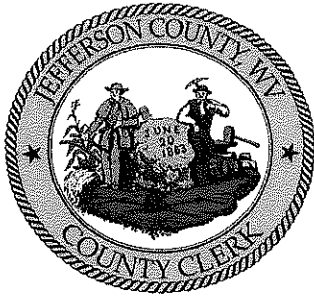
Between employees out injured, sick, on bereavement, vacation and training, not to mention holidays and meetings, I do not have adequate time to meet with my staff to be able to obtain their needs and wishes for the upcoming year to formulate such a plan.

My budget requirements will also vary based upon the outcome of the December 5<sup>th</sup> vote and upon the improvement of the economy. If the table games pass, I will need more deputies to handle the influx in visitors to the county and the traffic accidents and crime that could come with them and without an upswing in the economy I will have to request more deputy positions to be able to handle the calls for service for those that have turned to crime to sustain their families. As sad as it is, I find that more and more the answer to "Why did you do it?" is "I can't find a job" or "I need to support my family".

I am more than willing to provide you with a work plan; however I would like to submit it to you after the first of the year. The additional time will afford me greater knowledge as to my needs and the opportunity to determine those of my staff.

Respectfully Submitted,

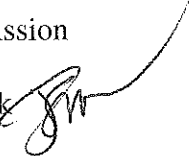
Robert E. Shirley  
Sheriff and Treasurer  
Jefferson County



*Jennifer S. Maghan*  
*Jefferson County Clerk*

November 16, 2009

To: Jefferson County Commission

From: Jefferson County Clerk 

RE: Response to Commission's Request for Budget Work Plan Request

With all due respect, the office of the County Clerk will submit a detailed request for appropriations of anticipated or expected expenditures for this office prior to March 2, 2010 as prescribed in the W. Va. Code § 7-7-7.

RECEIVED  
NOV 16 2009  
JEFFERSON COUNTY COMMISSION

|                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>12/10/09</u></p> <p>Appt Time or New Business: <u>2:30</u></p> |
|------------------------------------------------------------------------------------------------------------------------|

**RECEIVED**

**AGENDA REQUEST FORM**

OCT 27 2009

**Jefferson County Commission**

Name: Todd Fagan

Department or Entity: GIS/Addressing

Estimation of amount of time needed for appointment: 1 hour

Date Requested – 1<sup>st</sup> Choice: Nov 12<sup>th</sup>, 2009

Date Requested – 2<sup>nd</sup> Choice: Nov 19<sup>th</sup>, 2009

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

Subject:  
**Addressing Ordinance, Enforcement, & Policy Workshop (Pt. II)**

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

**On Oct 22, 2009, we spent Part I of our workshop discussing proposed language for our 3<sup>rd</sup> amendment to E9-1-1 Addressing Ordinance. Staff was directed to refine some elements and return with edits for final approval. At the next workshop, we will further discuss next steps for the ordinance amendment and resolve our enforcement plan and policy questions.**

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

**uncertain if motions will arise**

Attachments:  
**prior submission as workbooks**



# Part-time Employees

| Name:               | Department:    | Title:              | Current Salary: | Hire Date:                 |            | Length:                                     |
|---------------------|----------------|---------------------|-----------------|----------------------------|------------|---------------------------------------------|
| Laura Kuhn          | Co. Comm       | Executive Assistant | \$20.10         | 10/23/1995 FT<br>May 05 PT | 11/09/2009 | 13 years FT / 7 months PT<br>total 14 years |
| Virginia Keeney     | Assessor       | Clerk               | \$12.00         | 05/04/2006                 | 11/09/2009 | 3 years, 4 months                           |
| Joan Mercer         | Assessor       | Clerk               | \$12.00         | 01/09/2003                 | 11/09/2009 | 6 years, 4 months                           |
| Maraget fassenbaker | Assessor       | Clerk               | \$10.00         | 10/05/2009                 | 11/09/2009 | 0 years, 0 months                           |
| Helen Dettmer       | GIS Addressing |                     | \$11.50         | 09/07/2004                 | 11/09/2009 | 5 years, 1 month                            |
| Joy Fisher          | GIS Addressing |                     | \$10.50         | 03/03/2008                 | 11/09/2009 | 1 years, 6 months                           |
| Brian Bellman       | Sheriff        | Trip Guard          | \$12.00         | 07/30/1998                 | 11/09/2009 | 11 years, 3 months                          |
| Ritche Barron       | Sheriff        | Bailiff             | \$12.50         | 02/17/2009                 | 11/09/2009 | 8 months                                    |
| Louis Brunswick     | Sheriff        | Bailiff             | \$12.50         | 07/06/2000                 | 11/09/2009 | 9 years, 4 months                           |
| David Erye          | Sheriff        | Bailiff             | \$12.50         | 03/26/2001                 | 11/09/2009 | 8 years, 7 months                           |
| Robert James        | Sheriff        | Bailiff             | \$12.50         | 04/18/2008                 | 11/09/2009 | 1 year, 6 months                            |
| Todd Lutman         | Sheriff        | Bailiff             | \$12.50         | 11/12/1999                 | 11/09/2009 | 10 years                                    |
| George Manning      | Sheriff        | Bailiff             | \$12.50         | 11/26/2006                 | 11/09/2009 | 9 years, 11, months                         |
| Glen Maye           | Sheriff        | Bailiff             | \$12.50         | 06/15/2004                 | 11/09/2009 | 5 years, 4 months                           |
| Kenneth Mills       | Sheriff        | Bailiff             | \$12.50         | 07/01/2000                 | 11/09/2009 | 9 years, 4 months                           |
| Ronald Molere       | Sheriff        | Bailiff             | \$12.50         | 09/24/2006                 | 11/09/2009 | 3 years, 2 months                           |
| Patrick Norris      | Sheriff        | Bailiff             | \$12.50         | 11/10/2009                 | 11/09/2009 | 0                                           |
| Robbie Roberts      | Sheriff        | Bailiff             | \$12.50         | 07/29/1994                 | 11/09/2009 | 5 years, 3 months                           |
| Charles S. Ruble    | Sheriff        | Bailiff             | \$12.50         | 09/19/2008                 | 11/09/2009 | 1 year, 1 month                             |
| Romulo Quezada      | Sheriff        | Trip Guard          | \$12.50         | 05/00/2005                 | 11/09/2009 | 4 years                                     |
| James E. Sigler     | Sheriff        | Bailiff             | \$12.50         | 09/19/2008                 | 11/09/2009 | 1 year, 1 month                             |
| Larry Vangosen      | Sheriff        | Bailiff             | \$12.50         | 03/02/2006                 | 11/09/2009 | 3 years, 8 months                           |
| Alfred Wilcox       | Sheriff        | Crossing Guard      | \$7.00          | 03/02/2005                 | 11/09/2009 | 4 years, 8 months                           |
| Joseph Cambardella  |                | Dispatcher          | \$15.26         | 12/02/2006                 | 11/09/2009 | 2 years, 11 months                          |
| Rendall Ford        |                | Dispatcher          | \$15.26         | 12/03/2001                 | 11/09/2009 | 7 years, 11 months                          |
| Adam Watson         |                | Dispatcher          | \$15.26         | 09/29/2009                 | 11/09/2009 | 3 months                                    |
| Michael Schweitzer  |                | Dispatcher          | \$15.26         | 07/23/2007                 | 11/09/2009 | 2 years, 3 months                           |

113 Y.O.S

I move that 50 percent of any revenues that may be generated by a positive vote on table games by the citizens of Jefferson County be allocated to fire and EMS services and law enforcement. ( DM )

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
|--------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Dale Manuel

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: December 10<sup>th</sup>

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: Approve funding for the County Clerk’s Employees – Jefferson County Compensation and Classification Study Longevity Pay

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

Attachments:

**Sandy McDonald**

---

**From:** "F. Mark Schiavone" <mschiavone@jeffersoncountywv.org>  
**To:** "Sally Gran" <sgran@jeffersoncountywv.org>; "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**Sent:** Friday, November 20, 2009 11:43 AM  
**Attach:** Book2.xls  
**Subject:** Book2.xls

The cost of including County Clerk staff with 2 or more years service comes to \$13,564

Mark

| Start     | years              | y>=2          |
|-----------|--------------------|---------------|
| 22-Dec-97 | #NAME?             | #NAME?        |
| 18-Oct-07 | #NAME?             | #NAME?        |
| 17-Sep-08 | #NAME?             |               |
| 19-Jan-09 | #NAME?             |               |
| 31-Jul-06 | #NAME?             | #NAME?        |
| 15-Jul-05 | #NAME?             | #NAME?        |
| 7-Aug-06  | #NAME?             | #NAME?        |
| 27-Jun-05 | #NAME?             | #NAME?        |
| 28-Jul-08 | #NAME?             |               |
| 23-Jul-07 | #NAME?             | #NAME?        |
| 2-Jan-91  | #NAME?             | #NAME?        |
| 14-Jun-04 | #NAME?             | #NAME?        |
| 3-Jan-06  | #NAME?             | #NAME?        |
| 13-Jun-05 | #NAME?             | #NAME?        |
| 12-Jul-06 | #NAME?             | #NAME?        |
|           | <b>total years</b> | <b>#NAME?</b> |
|           | @\$200             | #NAME?        |
|           | 7.65%              | #NAME?        |
|           | <b>Total</b>       | <b>#NAME?</b> |

**Sandy McDonald**

---

**From:** "Jim Surkamp" <jim@jimurkamp.net>  
**To:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**Sent:** Friday, December 04, 2009 12:28 AM  
**Subject:** Agenda Item

Sandy

I would like to have included in the next due meeting -

"Census Jefferson County - Increasing Participation"

The County Commission voted in July 27, 2009 to fund \$70,000 to educate the public on the zoning ordinances which wasn't used.

I move that that fund be set aside and be used to do at least one postcard mailing program sent to every household in ways that will increase their participation and understanding of the important value of the Census plan, what it is used for etc. Also the program should be designed to send cards in Spanish where necessary. The budget would be used by the Complete Count Committee with approvals for expenditures by a majority of that body and approvals in advance by the County Commission for expenditures. Not all the fund should be used.

Jim

## JEFFERSON COUNTY COMMISSION HOLIDAY SCHEDULE 2010

|                               |                                                          |
|-------------------------------|----------------------------------------------------------|
| NEW YEAR'S DAY                | FRIDAY, JANUARY 1, 2010                                  |
| MARTIN LUTHER KING'S BIRTHDAY | MONDAY, JANUARY 18, 2010                                 |
| PRESIDENT'S DAY               | MONDAY, FEBRUARY 15, 2010                                |
| PRIMARY ELECTION              | TUESDAY, MAY 11, 2010                                    |
| MEMORIAL DAY                  | MONDAY, MAY 31, 2010                                     |
| WEST VIRGINIA DAY             | MONDAY, JUNE 21, 2010                                    |
| INDEPENDENCE DAY              | MONDAY, JULY 5, 2010                                     |
| LABOR DAY                     | MONDAY, SEPTEMBER 6, 2010                                |
| COLUMBUS DAY                  | MONDAY, OCTOBER 11, 2010                                 |
| ELECTION DAY                  | TUESDAY, NOVEMBER 2, 2010                                |
| VETERAN'S DAY                 | THURSDAY, NOVEMBER 11, 2010                              |
| THANKSGIVING                  | THURSDAY, NOVEMBER 25, 2010<br>FRIDAY, NOVEMBER 26, 2010 |
| CHRISTMAS                     | FRIDAY, DECEMBER 24, 2010                                |
| NEW YEAR'S EVE                | FRIDAY, DECEMBER 31, 2010                                |

IN ADDITION TO THE DAYS LISTED ABOVE, THE COMMISSION WILL OBSERVE AS HOLIDAYS, ANY NATIONAL, STATE OR OTHER ELECTION DAY THROUGHOUT THE COUNTY, AND ALL DAYS WHICH MAY BE APPOINTED OR RECOMMENDED BY THE GOVERNOR, OF THIS STATE, OR THE PRESIDENT OF THE UNITED STATES, AS DAYS OF THANKSGIVING, OR FOR THE GENERAL CESSATION OF BUSINESS, ANY DAY OR PART THEREOF DESIGNATED BY THE GOVERNOR AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE, FOR STATE EMPLOYEES STATEWIDE MAY ALSO BE TIME OFF FOR COUNTY EMPLOYEES IF THE COUNTY COMMISSION ELECTS TO DESIGNATE THE DAY OR PART THEREOF AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE FOR COUNTY EMPLOYEES. ANY ENTIRE OR PART STATE WIDE DAY OFF DESIGNATED BY THE GOVERNOR MAY, FOR ALL COURTS, BE TREATED AS IF IT WERE A LEGAL HOLIDAY, AS PROVIDE FOR IN 2-2-1 OF THE WEST VIRGINIA CODE, AS AMENDED.

DATE: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
|--------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Sandy McDonald

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: December 10, 2009

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Schedule a public hearing on HOME Consoritum**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Set a public hearing on January 14, 2010 at 10:00 am to discuss the specific housing needs of Jefferson County**

Attachments:

**JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA  
HOME INVESTMENT PARTNERSHIP PROGRAM**

Notice is hereby given by the Jefferson County Commission that it will hold a public hearing on **Thursday, January 14, 2009 at 10:00 a.m.**, in the **Old Charles Town Library Meeting Room at 200 East Washington Street, Charles Town, WV 25414**. The Jefferson County Commission Chambers are accessible to persons with physical disabilities. If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call **Sandy Slusher McDonald, Acting County Administrator, at 304-728-3284** to make those arrangements.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Jefferson County and part of Morgan County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2010. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2010. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2010 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

The following general types of activities are eligible for funding under the HOME program: Homeowner Rehabilitation, including repair, rehabilitation or reconstruction of owner occupied houses; Homebuyer Activities, including funds for purchase and/or rehabilitation of existing houses or new construction of houses for homebuyers; Rental Housing, including acquisition and/or rehabilitation of existing rental housing or new construction of rental housing; and Tenant Based Rental Assistance, including financial assistance for rent, security deposits and under certain conditions, utility deposits for tenants. All HOME funds must be used for persons and households that meet the HUD income guidelines and definition of low- and moderate-income.

Notice is also hereby given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2010 beginning December 15, 2009. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. **Please contact The County Commission Office at [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or 304-728-3284.**

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to **Sandy Slusher McDonald, Acting County Administrator, P.O. Box 250, Charles Town, WV 25414** or [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

Dale Manuel, President  
Jefferson County Commission

**Sandy McDonald**

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**From:** <pmcmillan@cityofmartinsburg.org>  
**To:** <sandy@jeffersoncountywv.org>  
**Cc:** "Dale Manuel" <dmanuel@frontiernet.net>  
**Sent:** Monday, November 23, 2009 3:27 PM  
**Attach:** Jefferson Co. HOME hearing.doc; Jefferson Co notices.pdf  
**Subject:** HOME hearing to be scheduled

*Hello, Sandy - I am requesting that the four local government members of the HOME Consortium schedule a public hearing and publish a notice of public hearing on HOME sometime between now and the end of January, if possible. In the past, this has been part of a regularly scheduled Commission meeting.*

*The newspaper notice must be published not less than two weeks prior to the hearing.*

*It can be printed as either a legal notice or a block ad - whichever costs less. We can reimburse you or pay the invoice directly to the newspaper. I will need a copy of the **Certificate of Publication** and a copy of the ad.*

*Attached please find:*

- (1) a draft notice for the hearing - please be sure to check names, locations, etc.*
- (2) a copy of last year's notice.*

**Please let me know when you will hold the hearing.** *I will make every effort to be present. I am happy to discuss this with you and to answer any questions about the hearing or the public notice. Thanks and have a relaxing Thanksgiving holiday.*

Pat  
Patricia E. McMillan  
Community Development Director  
City of Martinsburg  
232 North Queen Street  
Martinsburg, WV 25401  
[www.cityofmartinsburg.org](http://www.cityofmartinsburg.org)  
Tel. (304) 264-2131, ext. 278  
Fax (304) 264-2137

# Legal Notices

## JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA HOME INVESTMENT PARTNERSHIP PROGRAM

Notice is hereby given by the County Commission of Jefferson County that it will hold a public hearing on Thursday, February 5, 2009 at 11:30 a.m., at the Jefferson County Courthouse at 100 East Washington Street, Charles Town, WV 25414. The Jefferson County Commission Courtroom is accessible to persons with physical disabilities. If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call Leslie D. Smith, County Administrator at 304-728-3284.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Morgan County, and part of Jefferson County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2009. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2009. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2009 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

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Notice is also given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2009 beginning July 1, 2009. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. Please contact the Jefferson County Commission at 124 East Washington Street, Charles Town, WV 25414, 304-728-3284 or email at: info@jeffersoncountywv.org.

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to Dale Manuel, Jefferson County Commission President at P.O. Box 250, Charles Town, WV 25414.

Dale Manuel, President  
Jefferson County Commission

## IN THE COURT OF JEFFERSON WEST V

In Re: Chan  
Petition of  
Matsuda I  
Violet Um  
Civil Action  
08-P-132

## LEGAL NOTICE PUBLISHED CHANGE PROCEDURE

Notice is given that on the 5th day of February 2009, at said day, or after as the be heard Ur Meyer, will tion to the of Jefferson Virginia for order by said ing her nan ko Matsuda let Umeko A time and pl ested party be heard, if

You are notified that this matter scheduled with notice or publication

A copy of the undersigned office at Clerk of Court, 119 East Washington Street, Suite 200, Charles Town, WV 25414

Entered in the said Court file January 22, 2009  
Lau

Jefferson

Deputy  
1/22/2009

## TRUSTEE VALUABLE

The undersigned, by virtue of the authority vested in me by certain deed recorded in the Clerk of the County of Jefferson, West Virginia, at the office of Trust Book 401, Susan Catrow, Trustee, convey unto T. real proper said deed of

# Legal Notices

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The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Morgan County, and part of Jefferson County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2009. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2009. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2009 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

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All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to Dale Manuel, Jefferson County Commission President at P.O. Box 250, Charles Town, WV 25414.

Dale Manuel, President  
Jefferson County Commission

1/22/2t

## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

In Re: Change of Name  
Petition of Umeko  
Matsuda Meyer to  
Violet Umeko Meyer  
Civil Action Number:  
08-P-132

### LEGAL NOTICE OF PUBLICATION CHANGE OF NAME PROCEEDING

Notice is hereby given that on the 5th day of February 2009, at 10:00 a.m. on said day, or as soon thereafter as the matter may be heard Umeko Matsuda Meyer, will apply by Petition to the Circuit Court of Jefferson County, West Virginia for the entry of an order by said Court changing her name from Umeko Matsuda Meyer to Violet Umeko Meyer at which time and place any interested party may appear and be heard, if they so desire.

You are hereby notified that this matter may be rescheduled without further notice or publication.

A copy of said Petition can be obtained from the undersigned Clerk at her office at Clerk of Circuit Court, 119 North George Street, Suite 100, Charles Town, WV 25414.

Entered by the Clerk of said Court this 15th day of January, 2009.

Laura E. Rattenni  
Circuit Clerk  
Jefferson County, WV  
By S. Mason  
Deputy Circuit Clerk

1/22/2t

## TRUSTEES' SALE OF VALUABLE REAL ESTATE

The undersigned Trustees, by virtue of the authority vested in them by that certain deed of trust dated July 21, 2006, and duly recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed of Trust Book 1572, at page 401, Susan Bounds did convey unto Tasha N. Keller Catrow, Trustee, certain real property described in said deed of trust; and the beneficiary has elected to appoint Teays Valley Trust-

... I.J.C. as substitute

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
|--------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 12/10/09

Date Requested – 2<sup>nd</sup> Choice: 12/17/09

If a specific date is needed, please provide reason for specific date: **This grant has to approved and signed by December 17, 2009 to be returned to National Fish and Wildlife Foundation.**

Subject: **Approval of Blue Ridge Mountain Study Grant in the amount of \$30,000**

Please provide the County Commission with a description of your request or presentation, including any background information: **In the Spring of 2009, the Jefferson County Planning Commission applied for a \$30,000 grant from the National Fish and Wildlife Foundation, Chesapeake Bay Small Watershed Grant Program. This grant requires the applicant to provide a \$15,000 cash or in-kind match. The purpose of the grant is to develop a locally supported management plan for the Shenandoah River watershed on the Blue Ridge Mountain in Jefferson County, WV. The County has been awarded this grant and needs to accept it by signing the grant contract.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move to approve the Blue Ridge Mountain Study Grant contract; to approve the \$15,000 match (an in-kind match from the Departments of Planning and GIS); and to authorize the County Commission President to sign the paperwork on our behalf.**

Attachments: **Grant Contract**

#24

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
|--------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 12/10/09

Date Requested – 2<sup>nd</sup> Choice: 12/17/09

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

**Subject: Adoption of Subdivision and Land Development Regulations amendments proposed in October 2008. The Planning Commission and County Commission have already held public hearings on minor amendments that were proposed immediately after the adoption of the Subdivision and Land Development Regulations.**

Please provide the County Commission with a description of your request or presentation, including any background information: **On \_\_\_\_\_, 2008 the County Commission held a public hearing to receive public comment on proposed amendments to the recently adopted Subdivision and Land Development Regulations to address some minor changes that were discovered upon implementation. The hearings were held and the adoption was postponed until a decision was made about the Zoning Ordinance. Staff is requesting that the County Commission adopt these amendments at this time.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move to approve the amendments to the 2008 Jefferson County Subdivision and Land Development Regulations.**

Attachments: **Memo dated October 8, 2008**

#25

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
|--------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Sandy McDonald

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: December 10<sup>th</sup>, 2009

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Schedule Interviews for County Administrator**

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

Attachments: **2**

# December 2009

| Sunday | Monday | Tuesday | Wednesday | Thursday                              | Friday        | Saturday |
|--------|--------|---------|-----------|---------------------------------------|---------------|----------|
|        |        | 1       | 2         | 3                                     | 4             | 5        |
| 6      | 7      | 8       | 9         | 10                                    | 11            | 12       |
|        |        |         |           |                                       |               |          |
| 13     | 14     | 15      | 16        | 17<br>County<br>Commission<br>Meeting | 18            | 19       |
| 20     | 21     | 22      | 23        | 24<br>No Meeting                      | 25<br>Holiday | 26       |
|        |        |         |           |                                       |               |          |
| 27     | 28     | 29      | 30        | 31<br>No Meeting                      |               |          |

# January 2010

| Sunday | Monday        | Tuesday | Wednesday | Thursday                              | Friday  | Saturday |
|--------|---------------|---------|-----------|---------------------------------------|---------|----------|
|        |               |         |           |                                       | 1       | 2        |
|        |               |         |           |                                       | Holiday |          |
| 3      | 4             | 5       | 6         | 7<br>County<br>Commission<br>Meeting  | 8       | 9        |
| 10     | 11            | 12      | 13        | 14<br>County<br>Commission<br>Meeting | 15      | 16       |
| 17     | 18<br>Holiday | 19      | 20        | 21<br>No Meeting                      | 22      | 23       |
| 24     | 25            | 26      | 27        | 28<br>County<br>Commission<br>Meeting | 29      | 30       |
| 31     |               |         |           |                                       |         |          |



## **Special Election Canvass - Table Games Referendum**

The County Commission of Jefferson County will meet as a Board of Canvassers on Friday, December 11, 2009, at 9:30 a.m. for the purpose of canvassing the ballots from the December 5, 2009 Table Games Referendum. The Canvass will be held in the Old Charles Town Library meeting room located at 200 East Washington Street, Charles Town, West Virginia 25414.

# Impact Fee Status Report November 2009

Department of Capital Planning and Management/Office of Impact Fees

## Summary

Date Range: Sunday 1 November through Monday 30 November 2009

Report Date: 01 December 2009.

Process Number Range: 0900113 - 0900151

**RECEIVED**

Total Applications: 19

DEC 03 2009

Total Non-Exempt: 12

*Of which:*

Commercial: 0

Residential: 12

*Of which:*

County: 11

Municipal: 1 (Ranson)

**Jefferson County Commission**

Total Exempt: 7

*Of which:*

Commercial: 3

Residential: 4

*Of which:*

County: 4

Municipal: 0

Tables 1 through 7 summarize impact fee processing for the month of November 2009:

**Table 1. Form 100 Tallies**

|                        | Exempt | Residential Applications | Commercial Applications | Total        |
|------------------------|--------|--------------------------|-------------------------|--------------|
| I-30 November 2009     | 7      | 4                        | 3                       |              |
| Fees collected         |        | \$118,154.00             |                         | \$118,154.00 |
| <i>Of which</i>        |        |                          |                         |              |
| School Impact Fee      |        | \$102,554.00             |                         | \$102,554.00 |
| Law Enforcement Fee    |        | \$2,386.00               |                         | \$2,386.00   |
| Parks & Recreation Fee |        | \$6,856.00               |                         | \$6,856.00   |
| Fire & EMS Fee         |        | \$6,358.00               |                         | \$6,358.00   |

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

| Description                                                         | Amount         |
|---------------------------------------------------------------------|----------------|
| Opening Statement Balance (1 November 09)                           | \$182,397.33   |
| November Deposits (1 – 30 November 2009)                            | \$118,154.00   |
| Interest Earned (30 November 08)                                    | \$131.51       |
| School Sep Transactions (withdraws via transfer on 6 Nov 2009)      | (\$159,500.02) |
| Law Sep Transactions (withdraws via transfer on 6 Nov 2009)         | (\$2,097.79)   |
| Parks & Rec Sep Transactions (withdraws via transfer on 6 Nov 2009) | (\$10,626.76)  |
| Fire & EMS Sep Transactions (withdraws via transfer on 6 Nov 2009)  | (\$10,172.76)  |
| Ending Statement Balance 30 November 2009)                          | \$118,285.51   |
| <i>Outstanding Credits(deposits through 01 December 2009)</i>       | <i>0.00</i>    |

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

| Description                                                 | Amount         |
|-------------------------------------------------------------|----------------|
| Opening Balance (1 November 2009)                           | \$2,594,499.30 |
| Interest Earned (30 November 2009)                          | \$4,259.25     |
| Oct Transactions (deposits via transfer on 6 November 2009) | \$159,500.02   |
| Ending Balance (30 November 2009)                           | \$2,758,258.57 |

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

| Description                                             | Amount      |
|---------------------------------------------------------|-------------|
| Opening Balance (1 November 2009)                       | \$20,555.29 |
| Interest Earned (30 November 2009)                      | \$34,83     |
| Oct Transactions (deposits via transfer on 6 Sep 2009)* | \$2,097.79  |
| Ending Balance 30 November 09                           | \$22,687.91 |

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

| Description                                                 | Amount        |
|-------------------------------------------------------------|---------------|
| Opening Balance (1 November 2009)                           | \$120,941.27  |
| Interest Earned (30 November 2009)                          | \$170.90      |
| Oct Transactions (deposits via transfer on 6 November 2009) | \$10,626.76   |
| Check 101 (Requisition 09R0053)                             | (\$32,153.00) |
| Ending balance 30 November 09                               | \$99,585.93   |

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

| Description                                                 | Amount       |
|-------------------------------------------------------------|--------------|
| Opening Balance (1 November 2009)                           | \$435,009.79 |
| Interest Earned (30 November 2009)                          | \$689.75     |
| Oct Transactions (deposits via transfer on 6 November 2009) | \$10,172.76  |
| Check 101 (Requisition 09R0054)                             | (\$2,577.21) |
| Ending Balance (30 November 2009)                           | \$443,295.09 |

**Table 7. Total Impact Fees as of 01 December 2009 /1**

| Description                               | Amount                |
|-------------------------------------------|-----------------------|
| Department of Impact Fees General Account | \$118,285.51          |
| School Impact Fee Account                 | \$2,758,258.57        |
| Law Enforcement Fee Account               | \$22,687.91           |
| Parks & Recreation Impact Fee Account     | \$99,585.93           |
| Fire & EMS Impact Fee Account             | \$443,295.09          |
| <b>Total</b>                              | <b>\$3,442,113.01</b> |

Notes:

/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.

# Form 100 Transaction Summary

Jefferson County Government – Department of Impact Fees

Applications with IFC Signature Dates/Form 190 Processing Dates between Tuesday, November 01, 2009 and Wednesday, November 30, 2009

| Process Number | Application Date | Last Name | First Name      | Tax District     | Deed | Pag | Tax Parcel | Impact Fee | Agreement Date | Exemption Reason                            |
|----------------|------------------|-----------|-----------------|------------------|------|-----|------------|------------|----------------|---------------------------------------------|
| 0900133        | 11/04/2009       |           | Cambridge, LLC. | 02 Charles Town  | 1068 | 119 | 8 32.13    | \$0.00     | 11/04/2009     | Replacement of habitable DU with another DU |
| 0900134        | 11/06/2009       | Graham    | Susan           | 07 Middleway     | 967  | 662 | 16 6.1     | \$0.00     | 11/06/2009     | Replacement of habitable DU with another DU |
| 0900135        | 11/10/2009       | Taylor    | Evelyn          | 02 Charles Town  | 552  | 287 | 2 7        | \$0.00     | 11/10/2009     | Replacement of habitable DU with another DU |
| 0900146        | 11/18/2009       | Beamer    | Michael         | 02 Charles Town  | 935  | 264 | 20A 68.1   | \$0.00     | 11/18/2009     | Replacement of habitable DU with another DU |
| 0900147        | 11/18/2009       |           | Recreational    | 04 Harpers Ferry | 824  | 141 | 8 67       | \$0.00     | 11/18/2009     | No change in use (commercial)               |
| 0900148        | 11/18/2009       |           | Recreational    | 04 Harpers Ferry | 824  | 141 | 8 67       | \$0.00     | 11/18/2009     | No change in use (commercial)               |
| 0900149        | 11/18/2009       |           | Recreational    | 04 Harpers Ferry | 824  | 141 | 8 67       | \$0.00     | 11/18/2009     | No change in use (commercial)               |

Category Count: 7

Category Total

\$0.00

## Not-Exempt Applications

|         |            |     |                |                  |      |     |        |             |            |                                  |
|---------|------------|-----|----------------|------------------|------|-----|--------|-------------|------------|----------------------------------|
| 0900136 | 11/10/2009 |     | Dan Ryan       | 06 Kabletown     | 1046 | 151 | 20B 5  | \$13,070.00 | 11/10/2009 | N/A                              |
| 0900137 | 11/10/2009 | Tim | Southern Home  | 06 Kabletown     | 1070 | 114 | 6C 237 | \$13,070.00 | 11/10/2009 | N/A                              |
| 0900138 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 105 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900139 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 106 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900140 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 107 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900141 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 108 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900142 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 109 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900143 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 110 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900144 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 111 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900145 | 11/17/2009 |     | Ryan Homes     | 02 Charles Town  | 1023 | 459 | 9C 112 | \$9,868.00  | 11/17/2009 | N/A                              |
| 0900150 | 11/23/2009 |     | K              | 04 Harpers Ferry | 960  | 208 | 9D 89  | \$13,070.00 | 11/23/2009 | N/A                              |
| 0900151 | 11/24/2009 |     | Gencraft Homes | 08 Ranson Corp   |      |     | 8D 25G | \$0.00      | 11/24/2009 | Other - see Form 200 for details |

Category Count: 12

Category Total \$118,154.00 / Grand Total \$118,154.00

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

MEMORANDUM

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fm*  
DATE: Tuesday, 01 December 2009  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's School Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County School Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of November 2009.

This transfer consists of two components:

- Impact Fee Process Numbers **0900133** through **0900151**, inclusive. Within this range there were 12 non-exempt impact fee payments. This amounts to **\$102,554.00**.
- Interest earned by the Office of Impact Fees General Account in November 2009 amounts to **\$131.51**, of which **\$114.41** is attributed to fees collected for School.

**As per the attached invoice, the total amount of this transfer is \$102,668.41.**

Check # 730

RECEIVED

DEC 03 2009

Jefferson County Commission

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 9053

**Date:** 12/1/2009

**Bill To:**

Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430

**P.O. Number**

0

**Vendor Number**

**Dept./Line**

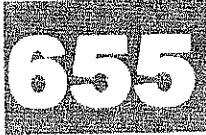
**Item # Charged**

**Description**

**Amount**

|               |                                                                                                                                                                                                            |                     |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|               | Impact Fee payments collected for month of November 2009 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). | \$102,554.00        |
|               | Interest earned by the Office of Impact Fees General Account November 2009.                                                                                                                                | \$114.41            |
|               | Impact Fee Process Numbers 0900133 through 0900151, inclusive. Within this range, there were 12 non-exempt impact fee payments.                                                                            |                     |
| <b>Total:</b> |                                                                                                                                                                                                            | <b>\$102,668.41</b> |

**Notes/Comments:** Transfer of funds into School Impact Fee Account (3107582).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 730

Trace 20091201:36151.69

Date 12/1/2009

Series 1

Recipient Sheriff of Jefferson County

Amount \$102,554.00

Account 3107582

Signature 1 Dale Manuel

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of November School Impact Fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount      |
|--------------|----------------|-----------|------------|-------------|
| 11/12/2009   | 0900136        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 11/12/2009   | 0900137        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 11/18/2009   | 0900138        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/18/2009   | 0900139        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/18/2009   | 0900140        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/18/2009   | 0900141        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/18/2009   | 0900142        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/18/2009   | 0900143        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/18/2009   | 0900144        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/18/2009   | 0900145        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 11/24/2009   | 0900150        | 2003-3    | 11/24/2005 | \$11,358.00 |

Total amount for this withdraw \$102,554.00

Total amount for this account \$102,554.00

Total amount all accounts \$102,554.00

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

MEMORANDUM

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fmj*  
DATE: Tuesday, 01 December 2009  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of November 2009.

This transfer consists of two components:

- Impact Fee Process Numbers **0900133** through **0900151**, inclusive. Within this range there were 11 non-exempt impact fee payments. This amounts to **\$2,386.00**.
- Interest earned by the Office of Impact Fees General Account in November 2009 amounts to **\$131.51**, of which **\$1.32** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$2,387.32.**

**Check # 731**

**Jefferson County Commission**  
P.O. Box 250  
Charles Town, WV 25414

# Invoice

**Number:** 9054  
**Date:** 12/1/2009

**Bill To:**

Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430

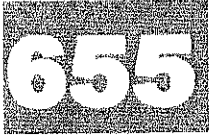
**P.O. Number**

0

**Vendor Number**

| Dept./Line<br>Item # Charged | Description                                                                                                                                                                                                         | Amount            |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|                              | Impact Fee payments collected for month of November 2009 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120). | \$2,386.00        |
|                              | Interest earned by the Office of Impact Fees General Account November 2009.                                                                                                                                         | \$1.32            |
|                              | Impact Fee Process Numbers 0900133 through 0900151, inclusive. Within this range, there were 11 non-exempt impact fee payments.                                                                                     |                   |
| <b>Total:</b>                |                                                                                                                                                                                                                     | <b>\$2,387.32</b> |

**Notes/Comments:** Transfer of funds into Law Enforcement Impact Fee Account (3120120).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 731

Trace 20091201:36299.97

Date 12/1/2009 Series 2

Recipient Sheriff of Jefferson County

Amount \$2,386.00

Account 3120120

Signature 1 Dale Manuel

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of November Law Enforcement fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 11/12/2009   | 0900136        | 2005-1    | 3/22/2005  | \$262.00 |
| 11/12/2009   | 0900137        | 2005-1    | 3/22/2005  | \$262.00 |
| 11/18/2009   | 0900138        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/18/2009   | 0900139        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/18/2009   | 0900140        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/18/2009   | 0900141        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/18/2009   | 0900142        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/18/2009   | 0900143        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/18/2009   | 0900144        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/18/2009   | 0900145        | 2005-1    | 3/22/2005  | \$200.00 |
| 11/24/2009   | 0900150        | 2005-1    | 3/22/2005  | \$262.00 |

**Total amount for this withdraw \$2,386.00**

**Total amount for this account \$2,386.00**

**Total amount all accounts \$2,386.00**

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

MEMORANDUM

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *ms*  
DATE: Tuesday, 01 December 2009  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of November 2009.

This transfer consists of two components:

- Impact Fee Process Numbers **0900133** through **0900151**, inclusive. Within this range there were 12 non-exempt impact fee payments. This amounts to **\$6,856.00**.
- Interest earned by the Office of Impact Fees General Account in November 2009 amounts to **\$131.51**, of which **\$7.89** is attributed to fees collected for Parks & Recreation.

As per the attached invoice, the total amount of this transfer is **\$6,863.89**.

Check # 732

**Jefferson County Commission**P.O. Box 250  
Charles Town, WV 25414**Invoice**

Number: 9055

Date: 12/1/2009

**Bill To:**Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414**Pay To:**Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430**P.O. Number**

0

**Vendor Number****Dept./Line****Item # Charged****Description****Amount**

|               |                                                                                                                                                                                                                        |                   |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|               | Impact Fee payments collected for month of November 2009 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). | \$6,856.00        |
|               | Interest earned by the Office of Impact Fees General Account November 2009.                                                                                                                                            | \$7.89            |
|               | Impact Fee Process Numbers 0900133 through 0900151, inclusive. Within this range, there were 12 non-exempt impact fee payments.                                                                                        |                   |
| <b>Total:</b> |                                                                                                                                                                                                                        | <b>\$6,863.89</b> |

**Notes/Comments:** Transfer of funds into Parks & Recreation Impact Fee Account (3122808).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 732

Trace 20091201:36472.22

Date 12/1/2009

Series 3

Recipient Sheriff of Jefferson County

Amount \$6,856.00

Account 3122808

Signature 1 Dale Manuel

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Nov 2009 Park Fees

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 11/12/2009   | 0900136        | 2005-2    | 5/12/2005  | \$752.00 |
| 11/12/2009   | 0900137        | 2005-2    | 5/12/2005  | \$752.00 |
| 11/18/2009   | 0900138        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/18/2009   | 0900139        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/18/2009   | 0900140        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/18/2009   | 0900141        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/18/2009   | 0900142        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/18/2009   | 0900143        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/18/2009   | 0900144        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/18/2009   | 0900145        | 2005-2    | 5/12/2005  | \$575.00 |
| 11/24/2009   | 0900150        | 2005-2    | 5/12/2005  | \$752.00 |

**Total amount for this withdraw \$6,856.00**

**Total amount for this account \$6,856.00**

**Total amount all accounts \$6,856.00**

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
Charles Town, West Virginia 25414

**COPY**

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

**MEMORANDUM**

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *ms*  
DATE: Tuesday, 01 December 2009  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of November 2009.

This transfer consists of two components:

- Impact Fee Process Numbers **0900133** through **0900151**, inclusive. Within this range there were 12 non-exempt impact fee payments. This amounts to **\$6,358.00**.
- Interest earned by the Office of Impact Fees General Account in November 2009 amounts to **\$131.51**, of which **\$7.89** is attributed to fees collected for Fire & EMS.

**As per the attached invoice, the total amount of this transfer is \$6,365.89.**

**Check # 733**

**Jefferson County Commission**P.O. Box 250  
Charles Town, WV 25414**Invoice**

Number: 9056

Date: 12/1/2009

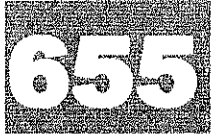
**Bill To:**Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414**Pay To:**Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430**P.O. Number**

0

**Vendor Number****Dept./Line****Item # Charged****Description****Amount**

|               |                                                                                                                                                                                                                |                   |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|               | Impact Fee payments collected for month of November 2009 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816). | \$6,358.00        |
|               | Interest earned by the Office of Impact Fees General Account November 2009.                                                                                                                                    | \$7.89            |
|               | Impact Fee Process Numbers 0900133 through 0900151, inclusive. Within this range, there were 12 non-exempt impact fee payments.                                                                                |                   |
| <b>Total:</b> |                                                                                                                                                                                                                | <b>\$6,365.89</b> |

**Notes/Comments:** Transfer of funds into Fire & EMS Impact Fee Account (3122816).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 733

Trace 20091201:37107.17

Date 12/1/2009

Series 4

Recipient Sheriff of Jefferson County

Amount \$6,358.00

Account 3122816

Signature 1 Dale Manuel

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Nov 09 Fire/EMS fees

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 11/12/2009   | 0900136        | 2005-3    | 5/12/2005  | \$698.00 |
| 11/12/2009   | 0900137        | 2005-3    | 5/12/2005  | \$698.00 |
| 11/18/2009   | 0900138        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/18/2009   | 0900139        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/18/2009   | 0900140        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/18/2009   | 0900141        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/18/2009   | 0900142        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/18/2009   | 0900143        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/18/2009   | 0900144        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/18/2009   | 0900145        | 2005-3    | 5/12/2005  | \$533.00 |
| 11/24/2009   | 0900150        | 2005-3    | 5/12/2005  | \$698.00 |

**Total amount for this withdraw \$6,358.00**

**Total amount for this account \$6,358.00**


**Total amount all accounts \$6,358.00**

**Jefferson County  
Public Service District**

**RECEIVED**

NOV 30 2009

Jefferson County Commission

Date: November 24, 2009  
To: All Sewer Customers of Jefferson County Public Service District  
From: Susanne Lawton, General Manager   
Re: Rate Case Filing

As required by West Virginia law, the District is providing all of its customers with direct notice of our recent filing with the West Virginia Public Service Commission (PSC). The language in the attached notice is required and is thought by the PSC to be self explanatory, but if anyone has any questions please feel free to call the office.

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON

Entered by the Public Service Commission of West Virginia, in the City of Charleston on the 20<sup>th</sup> day of November 2009.

CASE NO. 09-1915-PSD-42T-PC  
JEFFERSON COUNTY PUBLIC SERVICE DISTRICT,  
a public utility.

Rule 42T application to increase rates and charges  
and Petition for approval of Interim Rates.

CASE NO. 09-0347-PSD-PC-CN (PETITION TO REOPEN)  
JEFFERSON COUNTY PUBLIC SERVICE DISTRICT,  
a public utility.

Application for a certificate of convenience and  
necessity to construct a wastewater treatment plant,  
approval of financing and related agreements and  
modification to the accounting treatment and usage  
of the District's Capital Improvement Fee and Capacity  
Assurance Fee.

**NOTICE OF FILING**

On November 10, 2009, the Jefferson County Public Service District filed an application, duly verified, for a non-project related rate increase, approval of interim rates due to financial distress, and to reopen the certificate of convenience and necessity ("Certificate") granted by the Public Service Commission of West Virginia ("PSC") for approval of revised funding and post-project rates, including tariffs containing requested increases in rates, tolls, and charges for furnishing sewer service to approximately 2058 users located in Jefferson County. The application is on file with and available for public inspection at the Public Service Commission, 201 Brooks Street, in Charleston, West Virginia.

The District is seeking approval of a non-project related rate increase to take effect prior to implementation of the project related rates.

The proposed increased rates and charges will become effective December 10, 2009 unless otherwise ordered by the Public Service Commission and will produce \$115,667.00 annually in additional revenues, or an overall increase in revenues of approximately 6.2%. The District has also requested that the non-project related rate increase be used as interim rates.

The average monthly bill for the various classes of customers will be changed by the District's proposed non-project related rate increase as follows :

|                                    | (\$)INCREASE | (%)INCREASE |
|------------------------------------|--------------|-------------|
| Residential ( 4,500 gallons month) | \$4.59       | 8.6%        |
| Commercial (20,000 gallons month)  | \$20.40      | 8.6%        |

The District has no resale customers.

The Jefferson County Public Service District estimates that the Project will cost approximately \$26,530,467.00. It is proposed that the Project will be financed by a \$1,000,000.00 capacity assurance agreement contribution from the Jefferson County Development Authority, and a \$26,484,800.00 loan from the West Virginia Department of Environmental Protection payable over 30 years at 0% interest per annum with a .5% per annum administrative fee. The utility will not need interim financing.

These rates represent the following increases for all District customers over the proposed non-project related rate increase:

|                                      | (\$)INCREASE | (%)INCREASE |
|--------------------------------------|--------------|-------------|
| Residential ( 4,500 gallons monthly) | \$18.36      | 31.7%       |
| Commercial (20,000 gallons monthly)  | \$81.60      | 31.7%       |

The proposed increased rates and charges post project will produce approximately \$708,138 annually in additional revenue, an increase of 38.26% over annual revenue for the fiscal year ended June 30, 2009.

The utility anticipates charging the following rates for all its customers after construction of the project:

RATES (customers with a metered water supply)  
 \$16.95 per thousand gallons of metered water usage

MINIMUM CHARGE  
 No bill will be rendered for less than \$38.59 per month.  
 The above minimum charge is subject to an additional \$1.51 per thousand gallons per month.

FLAT RATE CHARGE (Customers with non-metered water supply)  
 Equivalent of 4,500 gallons of water usage, \$76.28 per month

MULTIPLE OCCUPANCY  
 For unmetered trailer parks, the monthly charge for services shall be equal to the number of units multiplied by the unmetered charge provided above.

#### TRANSPORTATION CHARGE

A monthly charge of \$1,009 per month will be imposed upon the City of Charles Town for reimbursement of fixed debt associated with lift stations needed to transport Charles Town's sewage from the former Sanitary Associates service area. The charge will be imposed until the indebtedness is satisfied. In addition to the monthly charge of \$1,009, a transportation charge of \$1.65 per thousand gallons shall apply to all flows from the former Sanitary Associates area.

#### DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

#### TAP FEE

The following charge is to be made whenever the utility installs a new tap to serve an applicant.

A tap fee of \$250.00 will be charged to customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

#### DISCONNECT - RECONNECT FEES

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with the City of Charles Town, a disconnection fee of \$10.00 shall be charged. Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with Jefferson Utilities, Inc., a disconnection fee of \$20.00 shall be charged.

Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement with the City of Charles Town is reconnected, a reconnection fee of \$10.00 shall be charged. Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement with Jefferson Utilities, Inc. is reconnected, a reconnection fee of \$20.00 shall be charged.

#### LEAK ADJUSTMENT INCREMENT

\$3.36 per M. gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on customer's side of the meter. This rate shall be applied to all such consumption above customer's historical average usage.

#### RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

## CAPITAL IMPROVEMENT FEE

As used in this section, a "Developer" is defined as "a person, corporation, or entity who is in the business of land and/or commercial or housing development for profit, or a person, corporation, or entity who requests an alternate main line extension that includes the installation of mains by the person, corporation or entity."

As used in this section, a "Previously Developed Tract" is defined as property previously subdivided for commercial or housing development, for profit.

On and after January 14, 2009, Developers and resale customers (in instances of developer connections), and those seeking a new sewer connection for a Previously Developed Tract shall pay to the District a capital improvement fee (CIF) for connections made to the sewer system of an unserved structure or facility. For Developers and those seeking a new sewer connection for a Previously Developed tract, the CIFs are due as of the date of the entry into the final sewer availability agreement with the Jefferson County Public Service District. For resale customers making developer connections, the CIF is due the month following the date a new customer of the District's resale customer to which the CIF is applicable connects to the facilities of the District's resale customer.

The capital improvement fee shall be \$7,500.00 per equivalent dwelling unit (EDU). Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth below.

## CAPACITY ASSURANCE FEE

Developers, those seeking to assure capacity for a Previously Developed Tract, and resale customers of the District (in instances of developer connections) may execute a Capacity Assurance Agreement ("CAA") and pay a Capacity Assurance Fee ("CAF") to the District in the amount of \$7,500.00 per EDU. Execution of the CAA and payment of the CAF shall entitle the payee to a reservation of capacity as provided in the CAA.

At such time as the reserved capacity is called upon by the entity paying a CAF, the CAF will be treated by the District as a credit, without interest, against the District's then effective CIF. Subject to this credit, entities that have paid a CAF remain responsible for payment of the District's then effective CIF for construction on property identified in the CAA.

RESIDENTIAL USAGE EQUIVALENTS FOR CAPITAL IMPROVEMENT FEE

| UNIT                                | WATER<br>GALLONS PER DAY | RESIDENTIAL USAGE<br>EQUIVALENT |
|-------------------------------------|--------------------------|---------------------------------|
| Apartments                          | 150/unit                 | 1.0/unit                        |
| Bowling Alleys 200/alley            | 1.33/alley               |                                 |
| Churches with kitchen               | 8/member                 | 0.05/member                     |
| Churches w/o kitchen                | 2/member                 | 0.013/member                    |
| Food Service                        | 32/seat                  | 0.213/seat                      |
| Fast Food Restaurant                | 35/seat                  | 0.23/seat                       |
| Bar & Cocktail Lounge<br>(additive) | 2/patron                 | 0.013/patron                    |
| Tavern-Little or no food            | 20/seat                  | 0.132/per seat                  |
| Hotel                               | 120/room                 | 0.8/per room                    |
| Industry, sanitary                  | 15/person/shift          | 0.1/person per shift            |
| Institutions:                       |                          |                                 |
| Hospital                            | 250/bed                  | 1.67/bed                        |
| Nursing Homes                       | 150/bed                  | 1.0/bed                         |
| Others                              | 75/person                | 0.5/person                      |
| Office Buildings                    | 15/person                | 0.1/person                      |
| Laundry Self Service                | 250/washer               | 1.67/washer                     |
| Mobile Home Park                    | 150/unit space           | 1.0/unit space                  |
| Motels                              | 120/room                 | 0.8/room                        |
| Retail Stores                       | 400/toilet room          | 2.67/toilet room                |
| Residence                           | 150/residence            | 1/0/residence                   |
| School:                             |                          |                                 |
| Day, no cafeteria/showers           | 15/pupil                 | 0.1/pupil                       |
| Day with cafeteria                  | 18/pupil                 | 0.12/pupil                      |
| Day with cafeteria/showers          | 20/pupil                 | 0.133/pupil                     |
| Boarding                            | 75/pupil                 | 0.5/pupil                       |
| Service Station                     | 500/set of pumps         | 3.33/set of pumps               |
| Shopping Centers                    | 16/100 ft. of sales area | 0.12/100 ft. of<br>sales area   |
| Swimming Pools                      | 10/swimmer design        | 0.067/swimmer design            |
| Theaters:                           |                          |                                 |
| Drive In                            | 4/car space              | 0.0247/car space                |
| Others                              | 3/seat                   | 0.02/seat                       |
| Warehouse                           | 15/employee              | 0.1/employee                    |

If a unit does not appear on this schedule, the District shall determine the EDU value of a proposed improvement in consultation with its consulting engineer.

SURCHARGE FORMULA TO BE APPLIED IN CASES WHERE SURFACE DRAINAGE IS CONNECTED TO THE DISTRICT'S SANITARY SYSTEM

## APPLICABILITY

Whenever the District has discovered that a customer's roof drain, downspout, storm sewer or similar facility conducting surface water has been connected to the District's sewer system and such a customer has failed to take appropriate action within thirty (30) days of receipt of a demand by the District in accordance with the Rules and Regulations of the Public Service Commission to eliminate such connection, a surcharge will be imposed upon the customer calculated on the basis of the following formula:

|          |   |                                                                                                         |
|----------|---|---------------------------------------------------------------------------------------------------------|
| S        | = | A x R x .006233 x C                                                                                     |
| S        | = | the surcharge in dollars                                                                                |
| A        | = | the area under roof and or the area of any other water<br>collecting                                    |
| R        | = | the measured monthly rainfall in inches surface connected to<br>the sanitary sewer, in square feet      |
| .0006233 | = | the conversion factor to change inches of rain x square feet<br>surface to thousand of gallons of water |
| C        | = | \$8.04: the District's approved rate per thousand gallons of<br>metered water usage                     |

The District shall not impose the surcharge unless and until the customer has been notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or surface water is being introduced into the sanitary sewer system at the customer's location, and that the customer has not acted within thirty days from receipt of such notice to divert the water from the sanitary sewer system. Said surcharge shall be calculated and imposed for each month that said condition continues to exist. Failure to pay the surcharge and/or correct the situation shall give rise to the possible termination of water service in accordance with the Rules and Regulations of the Public Service Commission of West Virginia.

The increases shown are based on averages of all customers in the indicated class. Individual customers may receive increases that are greater or less than average. Furthermore, the requested rates and charges are only a proposal and are subject to change (increases or decreases) by the Public Service Commission in its review of this filing.

A complete copy of this tariff, as well as a representative of the District to provide any information requested concerning it, is available to all customers, prospective customers, or their agents at the following office of the District:


Jefferson County Public Service District  
340 Edmond Road, Suite A  
Kearneysville, West Virginia 25430

A copy of this tariff is also available for public inspection at the office of the Executive Secretary of the Public Service Commission at 201 Brooks Street, Charleston, West Virginia.

Pursuant to §24-2-11, West Virginia Code, IT IS ORDERED that the Jefferson County Public Service District give notice of the filing of said application, by publishing a copy of this order twice in a qualified newspaper as provided in W. Va. Code §59-3-1 et seq., published and of general circulation in Jefferson County, making due return to this Commission of proper certification of publication immediately after publication. Anyone desiring to protest or intervene should file a written protest or notice of intervention within 30 days following the date of this publication unless otherwise modified by Commission order. Failure to timely protest or intervene can affect your right to protest aspects of this certificate case, including any associated rate increases, or to participate in future proceedings. All protests or requests to intervene should briefly state the reason for the protest or intervention. Requests to intervene must comply with the Commission's rules on intervention set forth in the Commission's Rules of Practice and Procedure. All protests and interventions should be addressed to Sandra Squire, Executive Secretary, P. O. Box 812, Charleston, West Virginia 25323.

IT IS FURTHER ORDERED that if there is no substantial protest to the Application received within said thirty day period, the Commission may waive formal hearing and grant the application based on the evidence submitted with said application and its review thereof.

X True Copy, Teste:

  
Sandra Squire  
Executive Secretary

SS/s  
091915sa.wpd

**Sandy McDonald**

---

**From:** "Jennifer Brockman" <jbrockman@jeffersoncountywv.org>  
**To:** "'Sandy McDonald'" <sandy@jeffersoncountywv.org>  
**Sent:** Tuesday, December 01, 2009 10:15 AM  
**Subject:** FW: Jefferson County Planning Commission (PC)

I got this from Lyn Widmyer.

Jennie Brockman, Director  
Jefferson County Department of Planning and Zoning  
Office (304) 728-3228

**From:** Lyn Widmyer [mailto:lynwidmyer@gmail.com]  
**Sent:** Thursday, November 12, 2009 12:58 PM  
**To:** Jennifer Brockman  
**Subject:** Fwd: Jefferson County Planning Commission (PC)

----- Forwarded message -----

**From:** **Edward and Carol Dunleavy** <edunleavy@frontiernet.net>  
**Date:** Wed, Nov 11, 2009 at 8:24 AM  
**Subject:** Jefferson County Planning Commission (PC)  
**To:** Manuel Dale <dmanuel@frontiernet.net>, Morgan Frances <fberrymorgan@aol.com>, Morgan Frances <fmorgan@jeffersoncountywv.org>, Noland Patsy <pnoland@jeffersoncountywv.org>, Lyn Widmyer <lynwidmyer@gmail.com>, Widmyer Lyn <lwidmyer@jeffersoncountywv.org>, jsurkamp@comcast.net

Dear Commissioners:

An increase in time constraints imposed by my personal life has made it exceedingly difficult to fulfill my responsibilities as a Planning Commissioner. As a consequence, effective immediately, I resign from the Jefferson County Planning Commission.

I've enjoyed my role on the PC for the past 2+ years and have a great deal of respect for the current members of the PC who diligently and responsibly fulfill their roles.

Thank you for the opportunity of participating in the County government.

Edward E. Dunleavy

# Jefferson County Public Service District

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## NOTICE OF PUBLIC MEETING

Jefferson County Public Service District will hold a public meeting to discuss the Evaluation and Feasibility Study on the Glen Haven Water System by Gwin Dobson and Foreman Inc., Consulting Engineers.

The public is encouraged to attend and learn about the report and share your thoughts, questions and concerns.

Date: December 16, 2009

Place: Bethel United Methodist Church  
Bakerton Road  
Bakerton, WV 25420

Time: 7:00 pm to 9:00 pm

Should you need directions or have questions about the meeting, please call Ashley at 304-725-4647 or write to [admasst@jcpsd.com](mailto:admasst@jcpsd.com).

# Jefferson County Public Service District

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## NOTICE OF PUBLIC MEETING

### MOUNTAIN WATER PROJECT

Jefferson County Public Service District and Jefferson Utilities will hold a public meeting to discuss the proposed upgrade to the existing public water system serving Keyes Ferry Acres, Westridge Hills and Harpers Ferry Campsites.

The public is encouraged to attend and learn about the project and share your thoughts, questions and concerns.

Date: December 17, 2009

Place: Chestnut Hill Church  
1497 Hostler Road  
Harpers Ferry, WV 25425

Time: 7:00 pm to 9:00 pm

Should you need directions or have questions about the meeting, please call Ashley at 304-725-4647 or Emily at 304-725-9140, or write to [admasst@jcpsd.com](mailto:admasst@jcpsd.com) or [seswater@frontiernet.net](mailto:seswater@frontiernet.net)

# WVACO

#35

## The County Line

A monthly publication of the West Virginia Association of Counties

NOVEMBER 2009 | Number 174

### COURTHOUSE VIDEO TO DOCUMENT HISTORY

A couple of years ago, the West Virginia Association of Counties presented an idea to WV Public Broadcasting – the making of a video featuring some of the history and architecture of West Virginia’s courthouses. Their response was – Great idea! Get the funding! WV PBS put us in touch with Deb Keddie of The Walkabout Company who is diligently pursuing the project and funding for it as its producer. The West Virginia Association of Counties is serving as fiscal agent for the contributions and grants and the West Virginia Courthouse Facilities Improvement Authority has been kept advised of the progress.

As of this month, the following have contributed funding or have awarded grant funds to the project:

- BrickStreet
- WV Humanities Council
- WV State Bar Foundation
- Casto & Harris
- Marshall County Commission
- Robinson & McElwee
- WV Association of Circuit Clerks
- Mercer County Commission
- ACS Computer Systems
- Wyoming County Commission
- Fayette County Commission
- PPG
- WV Dept of Education & The Arts
- WV County Clerks Association

Wood County Commission  
 Randolph County Commission  
 (Additionally, the National Coal Heritage Area will match contributions from counties within their area.)

Counties were selected for the documentary by historians and architects who looked at those that provided significant history, unique architecture, or both. The courthouses selected are: Barbour, Cabell, Doddridge, Fayette, Jefferson, Greenbrier, Kanawha, Marion, Marshall, McDowell, Mercer, Randolph, Wirt, Wood and Wyoming. Many of the site visits and much of the footage has been completed and the script is being researched and written.

Approximately \$40,000 is still needed to complete this production which is scheduled for a late summer/early fall broadcast in 2010. Copies of the video will be provided to schools, Convention & Visitors’ Bureaus (historical tourism is one of the fastest-growing markets in the hospitality industry), and other interested organizations. A website with photos and information on all 55 counties will be created by The Walkabout Company and a 2011 calendar featuring the courthouses that are in the documentary will be published.

Contributions are needed to complete this historic project. Please make them payable to the West Virginia Association of Counties and your company or organization will be listed on the video and all accompanying materials as a sponsor.

### INSIDE

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### THE President's View

*Dwight D. Eisenhower was president of the United States and would on occasion speak on television to the American people interrupting that brand new show that was in color called Bonanza. One could go to the theatre in Charleston and see Ben Hur and perhaps run into West Virginia's youngest governor Cecil H. Underwood while eating out after the show. "Russia" continued to win the space race by crashing a ship into the moon becoming the first country to place an object on another heavenly body. We countered that year by having Explorer 6 take the first pictures of the earth from space and by beginning operations at the National Radio Astronomy Observatory located in our very own Green Bank, Pocahontas County, West Virginia. One could drive down the road in a brand new car that cost an*

Continued to page 6

### INTERIM HIGHLIGHTS

November's interim session was punctuated with a special session which included several issues such as municipal police and firefighters' pensions, recovery zone bonds, and OPEB liability billing.

► Finance Subcommittee B held a discussion about **property tax appeals revisions** as embodied in SB 484 which passed during the legislative session but was vetoed for various technical flaws. Scott Icard, Counsel to the State Chamber's Tax Committee, described the bill as "much needed reform" of property tax assessments and appeals. The bill has been substantially revised during working group meetings with stakeholders in order to alleviate problems and gain support from Assessors. Several key provisions to the Chamber have been dropped and the last-minute idea of an additional session of Board of Equalization and Review (BER) is being explored, according to Icard. Jerry Knight, Consultant to the Association of WV Assessors and former Property Tax Division Director, stated in his presentation to the committee that his review of the bill turned up several major concerns. One that has been resolved is keeping the assessment date for minerals at July 1<sup>st</sup> rather than making it January 1<sup>st</sup>. He explained that they are waiting for feedback from the Chamber on splitting the Board of Equalization and Review process and need to see specific language. Of great concern is that the bill prohibits the County Commission sitting as the BER from increasing erroneous assessments on mineral values. He provided an example from one county where the BER found a \$50 million error in value for a mineral property and accordingly increased it. The taxpayer did not contest the increase. "This would keep the county commission from making upward adjustments for only this select few types of properties," Knight explained. The Association of WV Assessors is not supportive of this bill in its present form but we are willing to work on it,"

Continued to page 5

WEST VIRGINIA ASSOCIATION OF COUNTIES  
2211 WASHINGTON STREET, EAST  
CHARLESTON, WV 25311

TELEPHONE (304) 346-0591 | FAX (304) 346-0592  
EMAIL: [WVACO@WVACO.ORG](mailto:WVACO@WVACO.ORG) | WEBSITE: [WWW.WVCOUNTIES.ORG](http://WWW.WVCOUNTIES.ORG)

WVACO's County Line is published monthly by the WV Association of Counties. It is mailed to county officials, legislators, affiliated members, & other interested parties.

Patti Hamilton EXECUTIVE DIRECTOR  
Kathy Yates ADMINISTRATIVE ASSISTANT  
Jack C McClung LEGAL COUNSEL  
Mary Rader SECRETARY

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Phone: 888-822-6772

Fax: 877-212-8599

[www.wvrisk.org](http://www.wvrisk.org)

## SYMPATHY....

The West Virginia Association of Counties extends our sympathy to .....

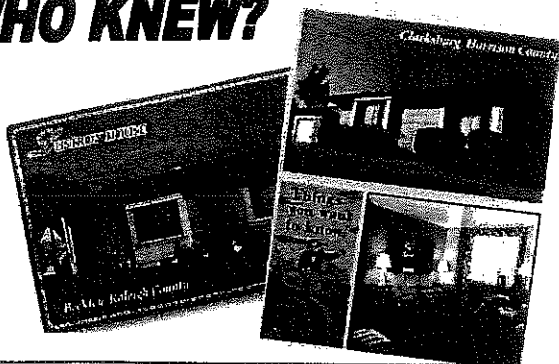
Raleigh County Commissioner Pat Reed, whose mother passed away at 94, November 4.



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## WHO KNEW?



### Clarksburg, HARRISON COUNTY and Beckley, RALEIGH COUNTY

Poised with millions of WW II veterans returning home, the United States faced a serious housing shortage in the 1940's. In 1946, an Ohio businessman proposed an idea to the National Housing Agency to pursue mass-produced, prefabricated, affordable housing, and received more than \$40 million for development. The Lustron house was a one-story, gabled ranch house constructed entirely of steel, with primary finishes of porcelain-enameled steel panels in a variety of exterior colors. The \$6,000-\$10,000 home was shipped to the construction site in 3,000 pieces and was typically installed on a concrete slab. The original plan was a 1,000 square-foot house. Efficient space saving features included a built-in buffet in the dining room, sliding bedroom doors and a futuristic combination clothes washing machine and dishwasher. Only 2,498 Lustron home were constructed.

## COUNTY ASSOCIATION LEADERSHIP MEETS

In order to improve communications and working relationships, a Leadership Meeting among the Presidents of the Member Associations of the West Virginia Association of Counties was hosted by WVACO on September 30<sup>th</sup>. All organizations of county officials were represented by their President and/or Vice-President, including: WVACO President David "Bugs" Stover; Mike Rutherford, President of the WV Sheriffs' Association; Brad Tuckwiller, President of the County Commissioners' Association; Diana Cromley, President of the WV County Clerks Association; Cathy Gatson, President of the WV Association of Circuit Clerks; Damon Morgan, President of the Prosecuting Attorneys Association; Rose Ann Maine, Vice-President of the Association of WV Assessors; Jan Pest, Vice-President of the WV County Clerks Association; and Ron Watson, Vice-President of the County Commissioners' Association. The discussion centered around legislative communications during the session and working together to achieve common goals. They decided to further communicate via email listserve and all Presidents and Vice-Presidents will be invited and encouraged to attend WVACO board meetings. The consensus was to make this leadership meeting at least an annual event.

### Land Use Master Plan Workshop

WEST VIRGINIA DIVISION OF  
**ENERGY**

Office of Coalfield Community Development

December 9, 2009  
Bridgeport Conference Center  
10 AM to 3 PM  
Lunch Included

Sponsored by

West Virginia Division of Energy  
Office of Coalfield Community Development

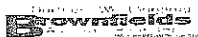
West Virginia Community Development Hub

Northern West Virginia Brownfields Assistance Center

Legislation enacted in 2009 requires each county where there are surface mining operations to develop a Land Use Master Plan which incorporates post-mining land use needs. This Plan must be approved by the Office of Coalfield Community Development. Each County is also required to update these Plans every 3 years and re-submit them to the Office for approval.

This workshop is being conducted to help Counties understand this mandate and to aid them in the development or revision of these plans.

This is an important opportunity to get first-hand advice and answers to your questions about what is being asked of Counties in West Virginia regarding this legislation.



For More Information or to Make Reservations Contact:  
Patrick Kirby, Director, Northern WV Brownfields Assistance Center  
Patrick.Kirby@mail.wvu.edu or (304) 293-2867 x. 5439

## NEWS FROM THE REGIONAL JAIL AUTHORITY

**At it's meeting in October, the  
Regional Jail Authority Board voted  
to set the per diem for 2011 at  
\$48.80, BEGINNING JULY 2, 2010.**

### Detect, Protect, Dis-infect

*By Kathy Yates, WVACO Admin. Asst.*

#### *Why the Need*

Computers "talk" to each other over the Internet by sending data through their communications ports. If a port is open, it "listens" for communications from the Internet. A computer has thousands of ports: which ones are open depends on the software the computer is running. Hackers can "eavesdrop" or scan the ports to determine which are open and vulnerable to unauthorized access.

#### *Detection*

An intrusion detection system (IDS) monitors incoming Internet traffic, much like a security camera "watches" your front door to see who might be trying to come in. When the IDS detects a suspicious pattern, it sends an alert (and creates a record) that an intruder may be trying to break in to your computer. Some IDS alerts — but not all — show a pop-up message on your screen. An IDS alone cannot prevent an unauthorized entry into your computer; only a firewall can do that.

#### *Protection*

Firewalls block hackers' access to your computer by creating a barrier — like a wall — between your ports and the Internet that allows you to control the data that comes and goes through your ports. Your firewall protects your ports even if you don't have an IDS. Sometimes a firewall is bundled with an IDS. If not, and if you want an IDS, be sure it's compatible with your firewall.

#### *Dis-infection*

Anti-virus software detects and deletes viruses that are in your computer. Viruses often attach themselves to your computer through email attachments and floppy disks. That means a firewall can't catch them. Similarly, an IDS won't alert you when a virus is attacking your computer. Look for anti-virus software that recognizes current viruses, as well as older ones; that can effectively reverse the damage; and that updates automatically.

**"Try not to be a man of success but rather to become a man of value." - ALBERT EINSTEIN**

# Calendar of Events

**JANUARY 13, 2010**      **2010 Session Starts**

**FEBRUARY 14-16, 2010**      **WVCo Annual Conference**  
Charleston Embassy Suites, Kanawha County

**MARCH 6 - 10**      **NACo Legislative Conference**  
Washington, DC

**MARCH 13**      **Session ends**

## 2009 LEGISLATIVE INTERIM CALENDAR

December 7-9  
January 10-12, 2010



**Visit our website:**  
**www.wvcounties.org**

## History Day and History Hero Deadlines

History Day at the West Virginia Legislature is scheduled for February 18, 2010 at the State Capitol Complex in Charleston. On that day an awards ceremony will be held in the Norman L. Fagan West Virginia State Theater to honor the latest History Hero award recipients. Registration forms for History Day tables in the Capitol and nomination forms for 2010 History Heroes will be mailed in early November to historical or genealogical societies, preservation and landmark commissions, and patriotic or other similar groups already on our list. If your history-related group is already receiving our monthly newsletter, West Virginia Archives and History News, by mail, then you are included on our mailing list. If your group would like to be added to the list, call Archives and History at (304) 558-0230. History Hero nominations must be postmarked by December 31, or hand-delivered to the Archives and History Library at The Culture Center by the Library's holiday noon closing time on that day. History Day registrations are due by January 28, 2010. For more information about History Day, or to request nomination or display space reservation forms, contact Archives and History at (304) 558-0230.



## MEMBER PROFILE:

**Burley "Butch" Tennant**  
**MARION COUNTY COMMISSIONER**



**Years in office:** 1 year

**Education:** 2 years WVU

**My favorite sport is:** Football

**I'm most proud of:** my family

**My favorite meal is:** Pasta & Meatballs

**Three people (living or dead) I'd invite to dinner:** My parents and Lou Holtz

**A dream I have is:** to win the Lottery

**The hardest thing I have ever done:** Say goodbye to my parents

**My favorite movie is:** Rudy

**My favorite music is:** Motown

**You would be surprised to know:** I'm a Notre Dame fan

**My pet peeve is:** When people say they can't do something. "Can't never did anything."

**My motto is:** Do unto others as you would have them do unto you.



### RECIPE OF THE MONTH

## TURKEY CHOWDER

**GREENBRIER COUNTY**

1 cup finely chopped green onion  
1 cup finely chopped carrot  
1 cup finely chopped celery  
1/4 cup butter                      1/4 cup flour  
2 cups turkey broth or chicken bouillon  
2 cups half-and-half              1/4 teaspoon salt  
1/8 teaspoon white pepper  
1 dash cayenne pepper  
2 cups diced cooked turkey

Saute onions, carrots, celery in butter until soft but not brown. Blend in flour. Gradually stir in broth, then half & half. Cook, stirring constantly, until mixture thickens. Stir in salt, pepper, cayenne, and turkey. Stir a few minutes until turkey is heated through. Devour!

*"Regret for the things we did can be tempered by time; it is the regret for the things we did not do that is inconsolable". Sidney Harris*

concluded Knight. Vivian Parsons, speaking on behalf of the County Commissioners' Association, told the committee that many of the concerns of commissioners have been addressed. Their understanding of the split BER session is that a circuit judge could remand an issue back to the county commission and only those cases would be heard at a second BER session held in the fall. Jeff Amburgey, Property Tax Division Director, said the Tax Department shares many of the Assessors' concerns and have about three other issues that need to be changed. Thanks to Assessors Eddie Young, Cheryl Romano, Helen Phillips, Arlene Mossor, Terri Funk, and Dolan Irvine and Commissioners Ron Watson and Chuny Angotti who were in attendance.

► The Legislative Oversight Committee for Regional Jails heard a presentation from Scott Cumutte, President of the West Virginia Law Institute. As a result of a recommendation from the Governor's Commission on Prison Overcrowding, the Law Institute has been commissioned by the Legislature to conduct a study of West Virginia's criminal sentencing. Cumutte told the committee they will be focusing on non-violent and property offenses, parole, and obvious ways to address the problem of "data silence" and the inability to share information among various agencies. With regard to non-violent and property crimes, he told the committee that the average length of incarceration for those crimes has nearly doubled in the last few years. They will also be looking at expansion of community corrections and will concentrate more on the front end of sentencing by studying the alternatives available rather than the sentence's back end of early release or just shortening sentences.

► A second presentation by former Sheriff and former Moundsville Penitentiary warden Arthur McKenzie informed the committee about a program called Family Connections. Backing his presentation with data, he informed the committee that in 1985 there were 41,000 drug offenders incarcerated nationally but in 2008 there were 500,000. One in every 100 adults in the U.S. is incarcerated, the largest per capita rate in the world. The cost of one year in prison is about equal to the cost of one year of college (if the inmate is healthy; otherwise it can greatly exceed the cost of one year of college). While recidivism is a national problem, West Virginia has an 80% recidivism rate. "Family Connections reaches out to the inmates' families, keeping families together while they're apart," McKenzie said. Success upon release is positively affected by maintaining family connections. Family Connections is found in several states and they offer a "hospitality house" for family members who travel to see inmates and need a place to stay. McKenzie introduced his niece from South Dakota who runs a hospitality house in Sioux Falls. She explained to the committee how they operate and what the benefits are to the families and children.

Once special session bills are signed by the Governor, summaries of those that affect counties will be sent to all county officials.

## COUNTY WELLNESS..... HEALTHY LIFESTYLES - TEN EASY TIPS

The following tips emphasize the "little things" that we can do to keep ourselves healthy:

- (1) Wash hands for 15-20 seconds (about as long as it takes to sing "Happy Birthday" twice)
- (2) Take a walk - it's easy, simple and free
- (3) Keep a food journal - writing down what we eat leads to greater weight loss and the behavior changes needed to keep the weight off
- (4) Chill out - reduce stress
- (5) Eat out less - it often leads to over-eating
- (6) Socialize - stay in contact through friends, clubs, church groups
- (7) Get some sleep - West Virginia was just named the most "sleep-deprived" state; sleep is especially in keeping up the body's immune system during flu season
- (8) Eat whole foods - fruits, vegetables, nuts, eggs, whole grains
- (9) Cut way back on sodas and other "liquid calories"
- (10) Find what you love to do - your "higher purpose" in life

## CONGRATULATIONS...

On Nov 18, 2009 Senator Robert C Byrd became the longest serving member of Congress in the nations history. Senator Byrd turns 92 Nov 20.

"Happy Birthday Senator Byrd" from the WVACO.

## GOVERNOR UNVEILS COMPREHENSIVE STRATEGIC PLAN TO ADDRESS SUBSTANCE ABUSE

The West Virginia Partnership to Promote Community Well-Being, a body appointed by the Governor to address substance abuse prevention and early intervention, presented a strategic plan on November 16<sup>th</sup>. The Plan identifies five components for an effective substance abuse system for West Virginia:

- (1) integrated data system
- (2) continual learning, training and workforce development
- (3) capacity building (technical assistance)
- (4) communications at all levels
- (5) funding and support

The WV Partnership set the following goals to accomplish its mission: "To build and support a sustainable effort to reduce substance abuse and related problems in West Virginia."

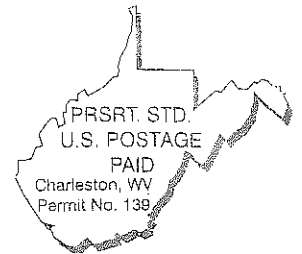
- (1) Develop and implement a system of comprehensive substance abuse strategies in prevention, early intervention, treatment and recovery
- (2) Improve the coordination of alcohol, tobacco, and other drug prevention, early intervention, treatment and recovery services
- (3) Increase the availability of prevention, early intervention, treatment and recovery programs
- (4) Increase the quality of prevention, early intervention, treatment and recovery workforce and the services it provides

*"Nothing great in the world has been accomplished without passion."*

years  
WV

2211 Washington Street East  
Charleston, WV 25311

RECEIVED



NOV 3 0 2009

Jefferson County Commission



5\*\*\*\*\*MIXED AADC 250  
ADMINISTRATOR  
PO BOX 250  
CHARLES TOWN, WV 25414-0250

0000134

### Direct to You

I recently had an opportunity to witness the fruits of leadership and partnership in action. Fayette County has been selected by the Boy Scouts of America as the site for a new national High Adventure Center to be called The Summit. It will host over 20,000 boy scouts annually from all over the country. It is the culmination of over 18 months of effort and competition with other states that encompassed everyone from the Fayette County Commission, their Planning and Zoning Board, the Governor and the WV Development Office, Congressman Rahall, Senators Rockefeller and Byrd, the National Park Service, and of course, the Boy Scouts. Add to that a philanthropist, Stephen Bechtel, who credits his success to scouting and through his foundation provided \$50 million, and you have a legacy that will benefit generations to come. Commissioner Matt Wender, in his remarks at the announcement ceremony, provided a historical perspective on the bold steps and vision that brought Fayette County to this point. He commended the County Commission of 1963 who had the courage to implement county-wide planning and zoning which has ensured the protection of thousands of acres around the New River Gorge. He named a few of those whose progressive thinking and vision in the 1960's and 1970's helped to make the New River Gorge part of the national park system. I was very proud that my mom and dad, Pat and Helen Hamilton, were among those whom Commissioner Wender recognized. Sadly, my dad's memories of those days have been clouded by Alzheimer's but he was ably represented by my mom who remembers well the efforts they made. Without the vision and leadership of those who saw a way to enhance the future of Fayette County, the area would not have been competitive for selection. At this time of Thanksgiving, thanks to all the visionaries who look not just to the next election cycle or to maintain status quo but to the legacy they can leave for their grandchildren's grandchildren.

Patti Hamilton

### President's View

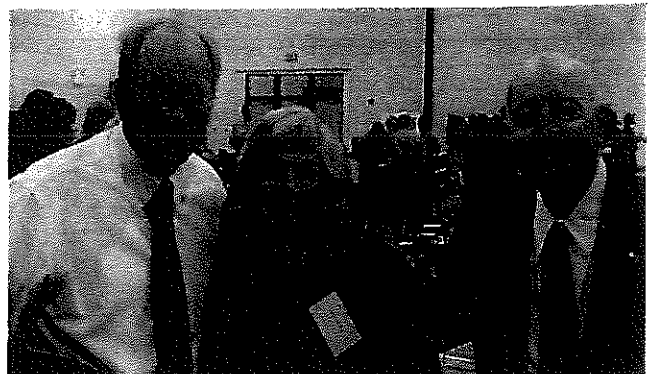
CONTINUED FROM PAGE 1

*\$2,200 and top off the tank at 25 cents a gallon. If on this drive you were listening to the radio you'd find out that a plane went down in an Iowa field killing Buddy Holly, Richie Valens and the "Big Bopper". This was also the year that folks were beginning to think about forming an association that would watch out for the interests of county government in West Virginia.*

*We've come a long way in the last half century and we have begun to meet and plan a celebration of our past fifty years and perhaps more importantly to plan for our next fifty. In January we'll take a look at fifty years of WVACo history and have a short hike down memory lane.*

*David "Bugs" Stover*

Pictured:  
Fayette County  
Commissioners  
Matt Wender  
and  
Ken Eskew,  
And  
Patti's mother-  
Helen Hamilton





# 36

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Economics and Statistics Administration**  
**U.S. Census Bureau**  
Regional Census Center  
DETROIT, MI 48207-4184

November 19, 2009

The Honorable Dale Manuel  
President of Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Dear Mr. Manuel:

Thank you for your continued cooperation and support with the many programs conducted within your county by the U.S. Census Bureau.

Now, just under five months from Census Day, April 1, 2010, we are opening two new Local Census Offices across West Virginia which will join the Early Local Census Office that opened one year ago. Each office has a manager and five assistant managers to oversee the operations for the next 12 months. Enclosed are brief biographies of the individuals managing the office which will serve your county, as well as a map indicating the geographic area served by each of the three total local offices in West Virginia and a list of the offices with addresses and local contact information.

Each Local Census Office is responsible for developing and implementing a field plan to ensure a complete and accurate count in its territory. This includes the selection of "Be Counted" sites and "Questionnaire Assistance Centers" where individuals in unique living situations can pick up needed census forms, and where the public may ask any questions that arise as they complete their household's census questionnaire to mail it back in a timely manner. It also includes the recruitment and hiring of the largest group of part-time temporary census staff – the Non-Response Follow-up Enumerators – who will visit each household from which a questionnaire is not returned by mail.

It is important that the applicant pool for these positions reflects the local population of each locality. We look forward to working with you and your staff to ensure that census recruitment and promotion efforts reach everyone in your county.

Thank you for your commitment to ensuring full participation of your county. I appreciate your perspective on making Census 2010 a success. If I can be of further assistance, please feel free to call me at (313) 396-5208.

Sincerely,

Dwight P. Dean  
Regional Director

Enclosures

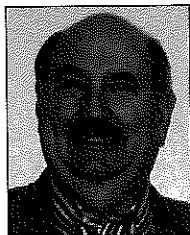
Jefferson County Commission

NOV 30 2009

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## Morgantown #2447

Marina Tower/ 48 Donley, Suite 301 / Morgantown, WV 26501 / 304-212-3081



**Steven Dragoo — Local Census Office Manager — [icom.lco.2447@census2010.gov](mailto:icom.lco.2447@census2010.gov)**  
Steve's previous position as director of marketing and business development for Armed Forces Services Corporation has uniquely prepared him for the management position in the Morgantown office. In his spare time, Steve enjoys his friends, occasionally playing classical guitar, reading and enjoying the peace and quiet from his front porch in the mountains.



**Annette Sovastion — Assistant Manager for Field Operations — [amfo.lco.2447@census2010.gov](mailto:amfo.lco.2447@census2010.gov)**

Annette is retired after serving 27 years as a Trooper with the West Virginia State Police. Upon graduation from the F. B. I. National Academy, she was appointed to the rank of Captain, Troop 7 Commander and was a member of the department's "Senior Staff." Annette has worked for the US Census Bureau since 2008, as a Recruiting Assistant, Quality Control Lister, Field Operations Supervisor, and most recently as a Partnership Assistant.



**Cloudia Metts — Assistant Manager for Administration — [ama.lco.2447@census2010.gov](mailto:ama.lco.2447@census2010.gov)**

Cloudia retired from the US Department of Justice after serving more than 40 years in the National Security and Criminal Justice Information Services (CJIS) in Washington, D.C. and Clarksburg, WV. She was a Management Program Analyst/Watch Commander at the CJIS. In her leisure time, Cloudia enjoys her family and friends, volunteering, shopping and reading.



**Matthew Anderson — Assistant Manager for Technology — [amt.lco.2447@census2010.gov](mailto:amt.lco.2447@census2010.gov)**

Matt has a degree in electronics from Devry Institute of Technology and has had a variety of high tech careers working in fields such as high energy physics, environmental remediation and Access control. He started as an Enumerator with the Census Bureau in April of 2009, moved up to Quality Control and is now the Assistant Manager for Technology in the Morgantown office. Matt grew up in West Virginia and has spent the last 25 years in Santa Fe, New Mexico. He is happy to be back rediscovering the wonderful outdoor recreation opportunities in West Virginia.



**Willa J. Hebb — Assistant Manager for Recruiting — [amr.lco.2447@census2010.gov](mailto:amr.lco.2447@census2010.gov)**

Willa has worked for the 2010 Census since January of 2009 as Recruiter and Crew Leader. She was an enumerator for the 2000 Census in her home town. In the past Willa, has worked for Test Doctorate at Fort Bliss, Texas, and payroll and accounting at Bruce Foods, Inc. in El Paso, TX. She is very active with a Native American organization, makes all types of dolls, and spends time with her 4 grandchildren who live near her home.



**Linda Maloney — Assistant Manager for Quality Assurance — [amqa.lco.2447@census2010.gov](mailto:amqa.lco.2447@census2010.gov)**

Linda has past supervisory experience that includes cashier supervisor at Shop- n-Save and assistant branch manager for Fairmont Federal Credit Union. She has her own business selling wedding gowns and wedding party accessories, as well as doing all types of clothing alterations. Between them, she and her husband have 6 children and 7 grandchildren. Linda enjoys meeting new people and her hobbies are sewing, oil painting and gardening.

# West Virginia 2010 Census Contact List

**Detroit Regional Census Center**  
300 River Place Drive, Suite 2950  
Detroit, Michigan 48207  
313-396-5200  
[www.census.gov/detroit](http://www.census.gov/detroit)

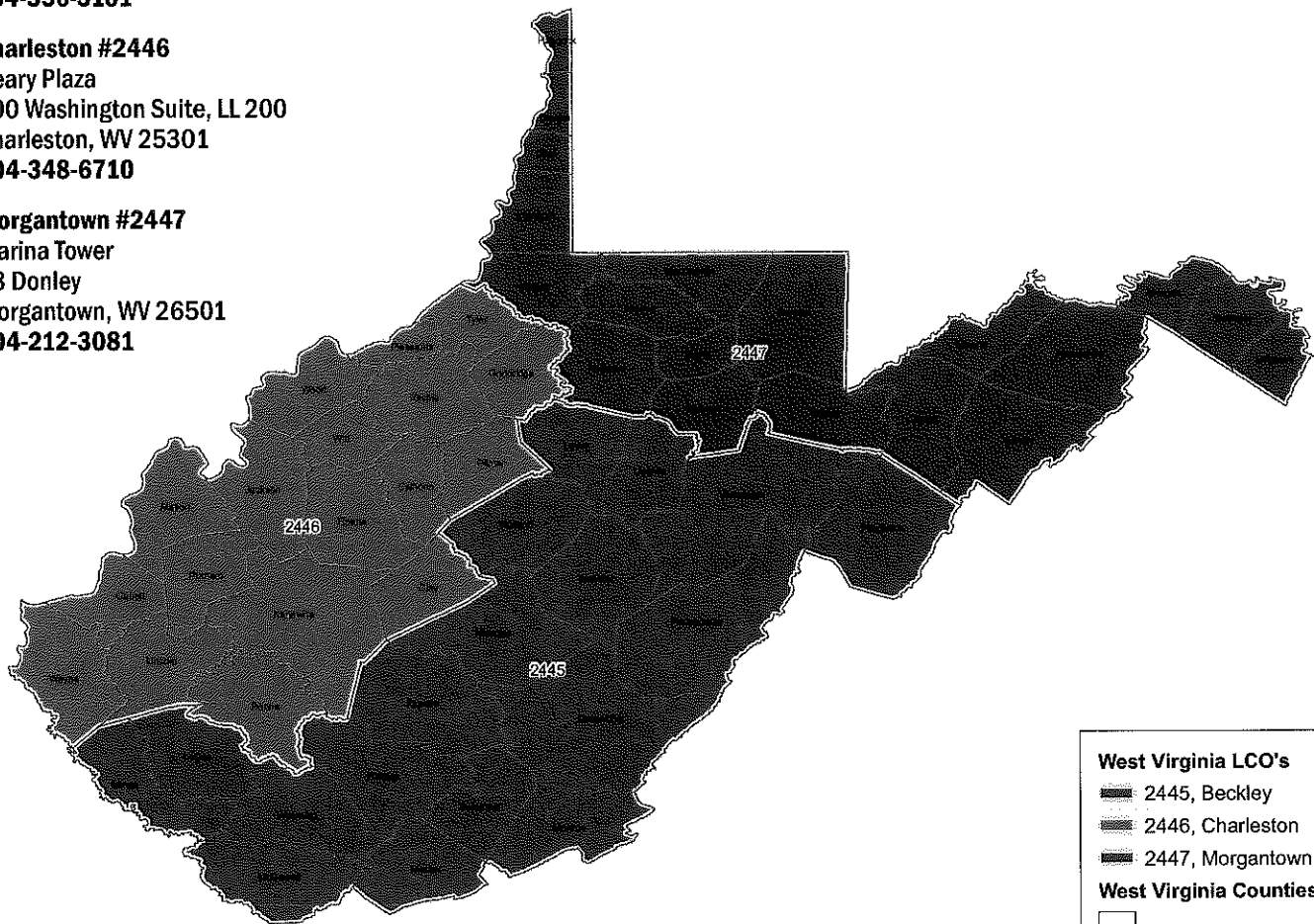
## Local Census Offices – West Virginia

### West Virginia

**Beckley #2445**  
2 Crossroads Mall  
5475 Robert C. Byrd Drive  
Suite E-15  
Bradley, WV 25880  
304-356-3101

**Charleston #2446**  
Geary Plaza  
700 Washington Suite, LL 200  
Charleston, WV 25301  
304-348-6710

**Morgantown #2447**  
Marina Tower  
48 Donley  
Morgantown, WV 26501  
304-212-3081



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#37

# State of West Virginia,

COUNTY OF JEFFERSON

I, **Brendan Soennecken**, do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of West Virginia.

I, **Brendan Soennecken**, do solemnly swear or affirm that I will faithfully discharge and perform the duties of the office of Jefferson County Emergency Services Agency to the best of my skill and judgment, and according to law. So help me God.

Signed 

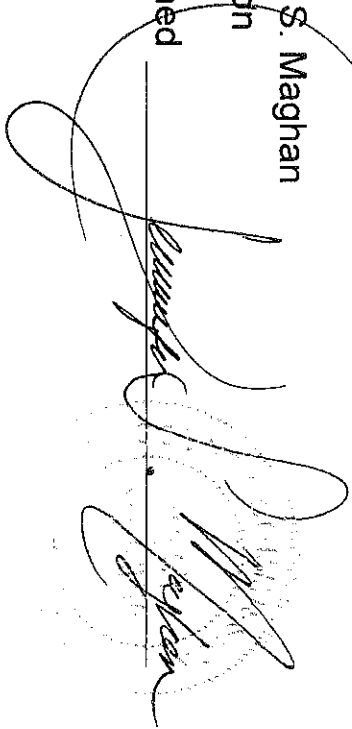
The above oath was taken and subscribed on this 30<sup>th</sup> day of November, 2009 at the Jefferson County Court House, 100 East Washington Street, Charles Town, West Virginia.

**WV Constitution Article IV, Section 5. Oath or affirmation to support the constitution.**

Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the constitution of the United States and the constitution of this state, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment; and no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided.

Oath administered by Jennifer S. Maghan  
Clerk of the County Commission

Signed



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NOV 30 2009

Jefferson County Commission

WV LOTTERY  
WEST VIRGINIA LOTTERY  
First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2009

#38

Charles Town  
1999 Net Terminal Revenue \$ 45,603,174  
Benchmark Goal @ 2% \$ 912,063.48

| DATE                             | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>12.42% | CHARLES<br>TOWN<br>34.56% | HARPERS<br>FERRY<br>3.85% | RANSON<br>35.08% | SHEPHERDS<br>TOWN<br>14.29% |
|----------------------------------|------------------------------|---------------------------|----------------------|-------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 4 days ending:<br>7/1/09- 7/4/09 | \$ 128,262.42                | \$ 128,262.42             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:                     |                              |                           |                      |                   |                           |                           |                  |                             |
| 07/11/09                         | \$ 168,815.08                | \$ 168,815.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/18/09                         | \$ 160,652.98                | \$ 160,652.98             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/25/09                         | \$ 158,869.08                | \$ 158,869.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/01/09                         | \$ 174,483.08                | \$ 174,483.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/08/09                         | \$ 155,846.74                | \$ 138,408.80             | \$ 17,437.94         | \$ 2,185.79       | \$ 6,026.55               | \$ 636.48                 | \$ 6,117.24      | \$ 2,491.88                 |
| 08/15/09                         | \$ 182,444.28                | \$ 81,222.14              | \$ 81,222.14         | \$ 10,087.79      | \$ 28,070.37              | \$ 2,964.81               | \$ 28,492.73     | \$ 11,608.64                |
| 08/22/09                         | \$ 152,520.62                | \$ 76,260.31              | \$ 76,260.31         | \$ 9,471.53       | \$ 26,355.56              | \$ 2,783.50               | \$ 26,752.12     | \$ 10,897.60                |
| 08/29/09                         | \$ 180,945.84                | \$ 80,472.92              | \$ 80,472.92         | \$ 9,994.74       | \$ 27,811.44              | \$ 2,937.26               | \$ 28,229.90     | \$ 11,499.58                |
| 09/05/09                         | \$ 181,586.30                | \$ 80,798.15              | \$ 80,798.15         | \$ 10,035.13      | \$ 27,923.84              | \$ 2,949.13               | \$ 28,343.99     | \$ 11,548.06                |
| 09/12/09                         | \$ 172,573.84                | \$ 86,286.92              | \$ 86,286.92         | \$ 10,716.84      | \$ 29,820.76              | \$ 3,149.47               | \$ 30,269.45     | \$ 12,330.40                |
| 09/19/09                         | \$ 140,020.30                | \$ 70,010.15              | \$ 70,010.15         | \$ 8,695.26       | \$ 24,195.51              | \$ 2,555.37               | \$ 24,559.58     | \$ 10,004.45                |
| 09/26/09                         | \$ 138,633.74                | \$ 69,316.87              | \$ 69,316.87         | \$ 8,609.16       | \$ 23,955.91              | \$ 2,530.07               | \$ 24,316.35     | \$ 9,905.38                 |
| 10/03/09                         | \$ 144,572.08                | \$ 72,286.04              | \$ 72,286.04         | \$ 8,977.93       | \$ 24,982.06              | \$ 2,838.44               | \$ 25,357.93     | \$ 10,329.69                |
| 10/10/09                         | \$ 139,301.26                | \$ 69,660.83              | \$ 68,650.63         | \$ 8,650.81       | \$ 24,071.25              | \$ 2,542.25               | \$ 24,433.44     | \$ 9,953.09                 |
| 10/17/09                         | \$ 147,120.42                | \$ 73,560.21              | \$ 73,560.21         | \$ 9,136.18       | \$ 25,422.41              | \$ 2,684.95               | \$ 25,604.92     | \$ 10,511.75                |
| 10/24/09                         | \$ 135,183.32                | \$ 67,581.66              | \$ 67,581.66         | \$ 8,383.64       | \$ 23,356.22              | \$ 2,488.73               | \$ 23,707.85     | \$ 9,657.42                 |
| 10/31/09                         | \$ 129,056.60                | \$ 64,528.30              | \$ 64,528.30         | \$ 8,014.41       | \$ 22,300.98              | \$ 2,355.28               | \$ 22,636.54     | \$ 9,221.09                 |
| 11/07/09                         | \$ 127,483.18                | \$ 63,741.59              | \$ 63,741.59         | \$ 7,916.71       | \$ 22,029.09              | \$ 2,326.57               | \$ 22,360.55     | \$ 9,108.67                 |
| 11/14/09                         | \$ 131,919.28                | \$ 65,959.64              | \$ 65,959.64         | \$ 8,192.19       | \$ 22,785.65              | \$ 2,407.53               | \$ 23,138.64     | \$ 9,425.83                 |
| 11/21/09                         | \$ 118,094.10                | \$ 59,547.05              | \$ 59,547.05         | \$ 7,395.74       | \$ 20,579.46              | \$ 2,173.47               | \$ 20,889.11     | \$ 8,509.27                 |
| Subtotal                         | \$ 3,109,384.54              | \$ 2,010,724.02           | \$ 1,098,660.52      | \$ 136,463.65     | \$ 379,697.08             | \$ 40,101.11              | \$ 385,410.12    | \$ 156,999.58               |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

RECEIVED  
NOV 25 2009  
Jefferson County Commission

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| <b>Week Ending Date</b>                                  | <b>Week Ending</b>         |
|----------------------------------------------------------|----------------------------|
|                                                          | <b>November 21, 2009</b>   |
|                                                          | <b>FY10</b>                |
| <b>To be Deposited on:</b>                               | <b>November 27, 2009</b>   |
| <b>Amount Played</b>                                     | <b>70,646,338.13</b>       |
| <b>Amount Won</b>                                        | <b>63,428,691.91</b>       |
| <b>Amount Promo</b>                                      | <b>279,929.00</b>          |
| <b>MWAP Contribution</b>                                 | <b><u>45,697.20</u></b>    |
| <b>Adjusted Gross Terminal Revenue</b>                   | <b><u>6,892,020.02</u></b> |
| <b>Administrative Costs @ 4%</b>                         | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 4%</b>                          | <b><u>275,680.80</u></b>   |
| <b>Net Terminal Revenue</b>                              | <b><u>6,616,339.22</u></b> |
| <b>Surcharge @ 10%</b>                                   | <b>661,633.93</b>          |
| <b>State Share Excess @ 58%</b>                          | <b>383,747.68</b>          |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | <b>277,896.25</b>          |
| <i>Track Share of Capital Reinvestment @ 42% - 38%</i>   | <b>\$ 285,770.80</b>       |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | <b>\$ 11,115.45</b>        |
| <b>Adjusted Net Terminal Revenue</b>                     | <b><u>5,954,705.29</u></b> |
| <b>Racetrack @ 46.50% / 42%</b>                          | <b>2,500,976.22</b>        |
| <b>Lottery Fund @ 30% / 0%</b>                           | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | <b>2,441,429.17</b>        |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | <b>478,376.42</b>          |
| <b>Workers' Compensation Debt Reduction @ 7%</b>         | <b>0.00</b>                |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | <b>29,773.53</b>           |
| <b>Grayhound Development @ .75%</b>                      | <b>44,660.29</b>           |
| <b>Thoroughbred Development @ .75%</b>                   | <b>44,660.29</b>           |
| <b>Racing Commission @ 1%</b>                            | <b>59,547.05</b>           |
| <b>County/Municipality @ 2%</b>                          | <b>119,084.10</b>          |
| <b>3% Funds:</b>                                         |                            |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | <b>81,877.20</b>           |
| <b>Development Office Promotion Fund @ .375%</b>         | <b>22,330.14</b>           |
| <b>Research Challenge Fund @ .5%</b>                     | <b>29,773.53</b>           |
| <b>Capitol Renovation and Improvement Fund @ .6875%</b>  | <b>40,938.80</b>           |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | <b>3,721.69</b>            |
| <b>1% Funds:</b>                                         |                            |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | <b>0.00</b>                |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | <b>29,773.53</b>           |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <b><u>29,773.53</u></b>    |
|                                                          | <b><u>5,954,705.29</u></b> |

P.O. Box 2067  
Charleston, WV 25327



Phone: (304) 558-0500  
Fax: (304) 558-3321  
www.wvlottery.com

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John C. Musgrave  
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

From: Melissa White ext. 290

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**Comments:**

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

P.O. Box 2067  
Charleston, WV 25327



Phone: (304) 558-0500  
Fax: (304) 558-3321  
www.wvlottery.com

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John C. Musgrave  
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| DATE                             | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>12.42% | CHARLES<br>TOWN<br>34.56% | HARPERS<br>FERRY<br>3.65% | RANSON<br>35.08% | SHEPHERDS<br>TOWN<br>14.28% |
|----------------------------------|------------------------------|---------------------------|----------------------|-------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 4 days ending:<br>7/1/09- 7/4/09 | \$ 128,262.42                | \$ 128,262.42             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:                     |                              |                           |                      |                   |                           |                           |                  |                             |
| 07/11/09                         | \$ 168,815.08                | \$ 168,815.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/18/09                         | \$ 160,652.98                | \$ 160,652.98             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/25/09                         | \$ 158,869.08                | \$ 158,869.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/01/09                         | \$ 174,493.08                | \$ 174,493.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/08/09                         | \$ 155,846.74                | \$ 136,408.80             | \$ 17,437.94         | \$ 2,169.79       | \$ 6,026.55               | \$ 636.48                 | \$ 6,117.24      | \$ 2,491.88                 |
| 08/15/09                         | \$ 162,444.28                | \$ 81,222.14              | \$ 81,222.14         | \$ 10,087.79      | \$ 28,070.37              | \$ 2,964.61               | \$ 26,492.73     | \$ 11,606.64                |
| 08/22/09                         | \$ 152,520.82                | \$ 76,260.31              | \$ 76,260.31         | \$ 9,471.53       | \$ 26,355.58              | \$ 2,783.50               | \$ 26,752.12     | \$ 10,897.60                |
| 08/29/09                         | \$ 160,945.84                | \$ 80,472.92              | \$ 80,472.92         | \$ 9,894.74       | \$ 27,611.44              | \$ 2,937.26               | \$ 28,229.90     | \$ 11,499.58                |
| 09/05/09                         | \$ 161,596.30                | \$ 80,798.15              | \$ 80,798.15         | \$ 10,035.13      | \$ 27,923.84              | \$ 2,949.13               | \$ 28,343.99     | \$ 11,548.08                |
| 09/12/09                         | \$ 172,573.84                | \$ 86,286.92              | \$ 86,286.92         | \$ 10,716.84      | \$ 29,820.76              | \$ 3,149.47               | \$ 30,269.45     | \$ 12,330.40                |
| 09/19/09                         | \$ 140,020.30                | \$ 70,010.15              | \$ 70,010.15         | \$ 8,695.26       | \$ 24,195.51              | \$ 2,555.37               | \$ 24,559.56     | \$ 10,004.45                |
| 09/26/09                         | \$ 138,633.74                | \$ 69,316.87              | \$ 69,316.87         | \$ 8,609.16       | \$ 23,955.91              | \$ 2,530.07               | \$ 24,316.35     | \$ 9,905.38                 |
| 10/03/09                         | \$ 144,572.08                | \$ 72,286.04              | \$ 72,286.04         | \$ 8,977.93       | \$ 24,982.06              | \$ 2,638.44               | \$ 25,357.93     | \$ 10,329.88                |
| 10/10/09                         | \$ 139,301.26                | \$ 69,650.63              | \$ 69,650.63         | \$ 8,650.61       | \$ 24,071.25              | \$ 2,542.25               | \$ 24,433.44     | \$ 9,953.08                 |
| 10/17/09                         | \$ 147,120.42                | \$ 73,560.21              | \$ 73,560.21         | \$ 8,136.18       | \$ 25,422.41              | \$ 2,684.95               | \$ 25,804.92     | \$ 10,511.75                |
| 10/24/09                         | \$ 135,163.32                | \$ 67,581.66              | \$ 67,581.66         | \$ 8,393.64       | \$ 23,356.22              | \$ 2,466.73               | \$ 23,707.65     | \$ 9,657.42                 |
| 10/31/09                         | \$ 129,056.60                | \$ 64,528.30              | \$ 64,528.30         | \$ 8,014.41       | \$ 22,300.98              | \$ 2,355.28               | \$ 22,636.54     | \$ 9,221.09                 |
| 11/07/09                         | \$ 127,483.18                | \$ 63,741.59              | \$ 63,741.59         | \$ 7,916.71       | \$ 22,029.09              | \$ 2,326.57               | \$ 22,360.55     | \$ 9,108.87                 |
| 11/14/09                         | \$ 131,919.28                | \$ 65,959.64              | \$ 65,959.64         | \$ 8,192.19       | \$ 22,795.65              | \$ 2,407.53               | \$ 23,138.64     | \$ 9,425.63                 |
| 11/21/09                         | \$ 119,094.10                | \$ 59,547.05              | \$ 59,547.05         | \$ 7,395.74       | \$ 20,579.46              | \$ 2,173.47               | \$ 20,889.11     | \$ 8,509.27                 |
| 11/28/09                         | \$ 144,799.98                | \$ 72,399.98              | \$ 72,399.98         | \$ 8,982.08       | \$ 25,021.43              | \$ 2,642.80               | \$ 25,397.91     | \$ 10,345.96                |
| Subtotal                         | \$ 3,254,184.50              | \$ 2,063,124.00           | \$ 1,171,060.50      | \$ 145,445.73     | \$ 404,716.49             | \$ 42,743.71              | \$ 410,808.03    | \$ 167,344.54               |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| Week Ending Date                                         | Week Ending<br>November 28, 2009<br>FY10 |
|----------------------------------------------------------|------------------------------------------|
| <b>To be Deposited on:</b>                               | <b>December 4, 2009</b>                  |
| <b>Amount Played</b>                                     | <b>85,193,737.29</b>                     |
| <b>Amount Won</b>                                        | <b>76,412,940.39</b>                     |
| <b>Amount Promo</b>                                      | <b>294,880.00</b>                        |
| <b>MWAP Contribution</b>                                 | <b><u>46,289.26</u></b>                  |
| <b>Adjusted Gross Terminal Revenue</b>                   | <b><u>8,379,627.64</u></b>               |
| <b>Administrative Costs @ 4%</b>                         | <b>0.00</b>                              |
| <b>Excess Lottery Fund @ 4%</b>                          | <b><u>335,185.10</u></b>                 |
| <b>Net Terminal Revenue</b>                              | <b><u>8,044,442.54</u></b>               |
| <b>Surcharge @ 10%</b>                                   | <b>804,444.24</b>                        |
| <b>State Share Excess @ 58%</b>                          | <b>466,577.66</b>                        |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | <b>337,866.58</b>                        |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i>   | <b>\$ 324,351.92</b>                     |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | <b>\$ 13,514.66</b>                      |
| <b>Adjusted Net Terminal Revenue</b>                     | <b><u>7,239,998.30</u></b>               |
| <b>Racetrack @ 46.50% / 42%</b>                          | <b>3,040,799.29</b>                      |
| <b>Lottery Fund @ 30% / 0%</b>                           | <b>0.00</b>                              |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | <b>2,958,399.31</b>                      |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | <b>579,199.88</b>                        |
| <b>Workers' Compensation Debt Reduction @ 7%</b>         | <b>0.00</b>                              |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | <b>36,199.99</b>                         |
| <b>Greyhound Development @ .75%</b>                      | <b>54,299.99</b>                         |
| <b>Thoroughbred Development @ .75%</b>                   | <b>54,299.99</b>                         |
| <b>Racing Commission @ 1%</b>                            | <b>72,399.98</b>                         |
| <b>County/Municipality @ 2%</b>                          | <b>144,799.96</b>                        |
| <b>3% Funds:</b>                                         |                                          |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | <b>89,549.98</b>                         |
| <b>Development Office Promotion Fund @ .375%</b>         | <b>27,149.99</b>                         |
| <b>Research Challenge Fund @ .5%</b>                     | <b>36,199.99</b>                         |
| <b>Capitol Renovation and Improvement Fund @ .6875%</b>  | <b>49,774.99</b>                         |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | <b>4,525.00</b>                          |
| <b>1% Funds:</b>                                         |                                          |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | <b>0.00</b>                              |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | <b>36,199.99</b>                         |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <b><u>38,199.99</u></b>                  |
|                                                          | <b><u>7,239,998.30</u></b>               |

