

AGENDA FOR THURSDAY, JANUARY 28, 2010

Old Charles Town Library Meeting Room
200 E. Washington Street, Charles Town, WV

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. 10:15 a.m. - Annette van Hilst - Partnership for Affordable Housing - Funding Request - Discussion/Action
- 4. 10:30 a.m. - Mark Schiavone - Annual Impact Fee Report
- 5. 10:45 a.m. - Legal Update and Report - (Stephanie Grove)
- 6. 11:00 a.m. - Jennifer S. Maghan - County Clerk's Report
- Hearing - Estate of William T. Goff, Jr., Deceased - Request for Continuance

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 7. Legislative Issues
- 8. Jefferson County Republican Executive Committee - Request to Use County Meeting Room - Discussion/Action
- 9. Discuss February Meeting Schedule
- 10. Proposed State Legislation for Mandatory Water Hookups - Discussion/Possible Action (JS)
- 11. County Administrator Reports

☐☐☐ 12. County Commission Reports

☐☐☐ 13. 11:15-12:15 - Tom Bayuzik - Development Authority - Executive Session - Potential Business Prospect Presentation

☐☐☐ 14. 12:20 p.m. - Lunch Break

~~~~~**AFTERNOON SESSION**~~~~~

☐☐☐ 15. 1:30 p.m. - Staff Reports

- Roger Goodwin, Chief County Engineer - Bonding
- Jennifer Brockman, Director of Planning & Zoning - Activity Report
- Mark Schiavone - Budget Updates
  - Request to Amend FY 2009 Approved CIP for Parks & Recreation. Increase Approved Funding for Leetown Park Playground by \$2,300 (from approved \$72,000 to \$75,300)
- Kirk Davis, Sr., - Capital Projects Manager - Grants Update

☐☐☐ 16. 2:00 p.m. - County Commission Workshop - FY11 Budget

- I Move that During the Upcoming Budget Deliberations that Salary Increases and New Programs be Put on Hold until the Finalization of the Budget in Mid July (DM)
- Overview of Projected Revenues (Mark Schiavone)
- Role of Unencumbered Balance (Mark Schiavone)
- Approval of Grant Request Application Form ( Mark Schiavone)

**INFORMATION:**

☐☐☐ 17. Correspondence received from Terry Courtwright thanking Mason Carter, Ordinance Compliance Officer, for his assistance.

☐☐☐ 18. Correspondence received from the Eastern Panhandle Free Clinic thanking the Commission for their financial support.

☐☐☐ 19. Invitation received from Ox Paperboard to celebrate 140 years of paper making in West Virginia at the Charles Town Races and Slots on Saturday, June 30, 2010.

- 20. Invitation received from Friendship Fire Company to attend the Annual Membership Awards Banquet Saturday, February 6, 2010.
- 21. New release received from AHA concerning a Jefferson County photo exhibit.
- 22. Legislative information received from the Association of Counties.
- 23. Legislative information received from the County Commissioners' Association.
- 24. Thank you letter received from W. Matthew Harris for the opportunity to apply for appointment to the Zoning Board of Appeals.
- 25. Letter of resignation received from Lynne Deming as a member of the Planning Commission.
- 26. Notice received from the Extension Office of an Extension Service Committee meeting on February 3, 2010.
- 27. Information received from the Extension Office on the National Conservation Innovation Grant Proposal for Precision Nutrient Management Using a Systems Approach in Karst Geology.
- 28. E911 fees received.
- 29. Weekly settlement report received from the West Virginia Lottery for the Charles Town Races and Slots.

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

#3 10:15 am  
1/28/10



**PARTNERSHIP  
FOR  
AFFORDABLE  
HOUSING**

158 W. Washington Street  
Charles Town, WV 26034  
www.PAHwv.org

January 25, 2010

Lyn Widmyer, President  
Board of County Commissioners  
Jefferson County West Virginia  
Post Office Box 250  
124 East Washington Street  
Charles Town WV 25414

Subject: Support of HOME Application

Dear President Widmyer :

**Board of Directors**

**President**  
Terry Marcus

**Vice-President**  
William Willingham

**Secretary**  
Annette Van Hilst

**Treasurer**  
Dan VanBelleghem

**Members**  
Sheila Evers  
Mary Lois Gannon-Miller  
Donny Haines  
Rosella Kern  
Melissa Mallamas  
Dale Manuel  
A.M.S. (Rusty) Morgan III  
Patsy Noland  
Mark Roper

**Ex Officio**  
Jack Huyett  
Renny Smith

**Program Coordinator**  
A. J. Bucey

The Partnership will submit on January 29, 2010, an application to the HOME Program for \$60,000 in funding to assist in the purchase by two to three low & moderate income households of residential units currently held by local lenders.

The Partnership will use funds that you previously provided us to pay administrative costs, pay for a housing counseling course for the potential homebuyers and to help pay for any needed repairs. We will work with our local weatherization service (EWVCAC) to make sure that the properties are energy efficient and with local contractors to do any needed major repair work. The local lenders will work with us not only to help identify the residential units, but to provide permanent financing for the homebuyers. Partnership funds may be used to secure options on the properties.

We believe that this program though similar in concept to the current HOME purchase program in Jefferson County, is different because we will be working with local lenders to take empty residential units out of their inventory and we will work with households in Jefferson County to assist them to move into these homes that are currently unoccupied and a blighting influence on their neighborhoods.

We would ask you to support our application by formally informing the HOME Consortium that you endorse our application. Annette van Hilst, our Secretary and Jerry Bucey will be at your meeting on January 28, 2010 to answer your questions, We have also attached a DRAFT copy of the application for your review.

Sincerely

Terry L. Marcus, President  
Partnership for Affordable Housing

Attachments: Draft Support Letter  
Draft Application Form  
Exhibit showing Funding Examples

Appointments

## DRAFT SUPPORT LETTER

January 29, 2010

Patricia McMillan  
Community Development Director  
232 North Queen Street, 2nd Floor  
Martinsburg, WV 25401

Dear Ms. McMillan:

On January 28, 2010, the Partnership for Affordable Housing requested our endorsement of their HOME application. This letter is to inform you and the HOME Consortium that the Board of County Commissioners of Jefferson County at their meeting on January 28, 2010 did formally endorse the application.

We would request that you consider full funding for the application. As you know, we have provided funding to the Partnership over the past three years. The Partnership will use part of the funds we previously provided to them to pay for administrative costs, to pay for a home ownership course for the selected participants and other costs not requested from the HOME program.

HOME funds will be used as grant/second mortgages to make the homes affordable to low and moderate income Jefferson County Residents. Additionally by making possible the purchase of foreclosed properties from local lending institutions, the proposed program will fill empty homes in the County and will help us to maintain the value of the County's housing stock.

Sincerely

Lyn Widmyer  
President

Cc: Partnership for Affordable Housing

DRAFT

Eastern Panhandle HOME Consortium of West Virginia

FUNDING REQUEST
HOME INVESTMENT PARTNERSHIPS PROGRAM
FY 2010-2011 (JULY 1, 2010 - JUNE 30, 2011)

Applicant: Partnership for Affordable Housing, Inc.
Address: 238 West Washington Street
City: Charles Town WV ZIP Code: 25414
Contact Name/Title: Jerry Bucey, Executive Director

Telephone number: 304-671-1833 Fax number:
E-mail: ajbuce@citlink.net

Is this organization registered as a charitable organization under Section 501(c) (3) of the Internal Revenue Code? [ ] No [X] Yes Federal Tax ID Number: 68-0658232
Year incorporated as a West Virginia Nonprofit: 2006

Purpose of Project: Arrange for the purchase of 2 to 3 foreclosed single-family housing units located in Jefferson County by income eligible households. The units to be purchased are currently owned by local lenders; bring the units to standard if needed and provide counseling and assistance to prospective homebuyers. Homebuyers will be recruited and screened for income, credit and home management skills. Counseling in all three areas will be provided. Mortgages will be arranged through local lenders.

Project/Program Location (include street address, neighborhood or area served):
Jefferson County.

Total project cost: \$283,000 to \$323,000 HOME funds requested: \$60,000
Project Start Date: June 2010 Completion Date: July 2011

Are you requesting project funds only? [X] YES [ ] NO

Are you requesting CHDO operating funds? [ ] YES [X] NO

If yes, indicate the amount and attach agency budget: Amount: \$

Summary of Other Project Funding:

Table with 3 columns: Source(s), Amount, Status. Rows include Partnership (\$20,000 cash), Partnership (\$7000 in kind), Local lenders (\$300,000), and Weatherization funds (\$15,000).

Will this project be continued in subsequent years? [X] YES [ ] NO

# DRAFT

## PROJECT BENEFICIARIES

Estimate the number of low to moderate-income households served by this project: 2 to 3

Identify the **primary** beneficiaries this project will serve. Check the appropriate category below:

- |                                     |                                   |                          |                               |
|-------------------------------------|-----------------------------------|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> | Low and/or moderate income        | <input type="checkbox"/> | Individuals with disabilities |
| <input type="checkbox"/>            | Elderly individuals (over age 62) | <input type="checkbox"/> | Homeless persons              |
| <input type="checkbox"/>            | At risk and abused children/youth | <input type="checkbox"/> | Battered spouses              |
| <input type="checkbox"/>            | Persons living with HIV/AIDS      |                          |                               |
| <input type="checkbox"/>            | Other (explain)                   |                          |                               |

## PROJECT DESCRIPTION

**In the space below, (may attach up to 2 additional sheets) provide a detailed description of the proposed project. Explain its purpose and how it will benefit Jefferson County as well as how the funds will be used. Include ways to document quantifiable performance measures to demonstrate program impact and how it addresses local affordable housing needs.**

Jefferson County has one of the highest rate of housing foreclosures in the state. Due to our proximity to the Washington D. C. Metro Area, our area in the early portions of this decade had more housing production than the rest of the state. As a consequence, when the mortgage crisis struck, many families who lost their jobs also lost their homes. Local lenders now hold foreclosed properties that they cannot sell and some of these vacant homes sit empty and deteriorating in our communities and neighborhoods, causing property values to be decreased and acting as a blighting influence on the adjoining properties.

The Partnership for Affordable Housing is applying for funding through the Eastern Panhandle HOME Consortium of West Virginia for \$60,000 (Sixty thousand) that will help to start the process to reverse these conditions while providing affordable home ownership for households in Jefferson County.

HOME funds will be used to assist two to three households to each purchase a foreclosed residential property currently held by a local lending institution. By working with the local lenders for the purchase of these properties, the units will be removed from the lender's inventory and will assist the lender to meet his community reinvestment goals. HOME funds will be used, depending upon the individual family circumstances to provide a combination of direct grants and soft second mortgages. HOME assistance will average \$20,000 per household.

### Program

The Partnership will undertake the following actions:

1. Working with local lenders identify potential properties for the Program We have had preliminary discussions with the Bank of Charles Town, BBT and Jefferson Security Bank and they have indicated their interest in working with us on this type of program.
- 2.1. Once the properties have been identified, work with the lender to arrange either to option the property or for the purchase of the property, using Partnership funds for an option or a bridge loan from the lender, or arrange with the lender to hold the properties

DRAFT

while the Partnership identifies and works with income eligible households (under HOME guidelines) to assist them to purchase the property.

3.1. Recruit households to participate in a HOME purchase program that will include screening, counseling and homebuyer assistance. Six to nine households will be recruited through referrals and contacts with social service agencies and non-profits serving this population. Recruitment will be carried out through Community Ministries of Jefferson County, the Free Clinic, Birthright, Habitat for Humanity, local realtors, etc.

4.1. Working in conjunction with the lenders, each unit will be inspected to assure that it meets local standards and to identify any needed weatherization improvements. Inspections will be requested from city officials if units are located within corporate boundaries and if located in the County, a code inspector will be hired to carry out the inspection. If improvements and /or weatherization are needed, weatherization assistance will be sought from the Eastern West Virginia Community Action Agency, Inc. and local contractors will be used to make any needed improvements (using Partnership funds) including the replacement of appliances. Volunteer labor from Partnership members may also be used to make minor improvements such as painting, etc. We note that we plan to acquire properties that require no or very little rehab. Housing counseling services will be provided either through Telemon or through Consumer Credit Counseling Services of Southern WV. The Partnership will provide funds to contract with Credit Counselors of Southern WV and/or Telemon to provide Homeownership training and counseling to include credit enhancement and home management skills to each indentified household. The 5-week course will be offered for the convenience of the prospective homeowners at the Partnership's office, 238 W. Washington St., Charles Town WV 25414. The intent is to insure the education and counseling of prospective homebuyers so that they may make informed, voluntary decisions regarding the homebuying process. Partnership volunteers will also attend the training to gain an understanding of the counseling services. The Partnership hopes to build on this initial HOME project to become a HUD certified housing counseling agency and to establish a continuing Home Ownership Club.

5.1. Once the households have completed the course, permanent financing will be arranged from the lender who owns the foreclosed property (30 year fixed rate mortgages will be used either through WVHDF, or through FHA). Second mortgages and direct grants where necessary will be provided by the Partnership using the HOME funds. Second mortgages will either be no interest loans with provision of recapture of a share of the profits upon resale of the property, or low interest loans with repayment to start at year 5 of ownership. No repayment will be required from direct grants that will average \$3000 per households. Second mortgages and grants will average \$17,20,000 per household.

**Budget:**

| Amount        | Source  | Use of Funds                                                                              |
|---------------|---------|-------------------------------------------------------------------------------------------|
| \$ 6,000.00   | PAH     | Contract staff, currently contracting with Jerry Bucey, provided in kind                  |
| \$,,,1,000.00 | PAH     | Office expense, provided in kind                                                          |
| \$ 3,000.00   | PAH     | <b>Contract Counseling Services</b>                                                       |
| \$.17,000.00  | PAH     | <b>Funds for options &amp; rehabilitation services (possible 3<sup>rd</sup> mortgage)</b> |
| \$ 60,000.00  | HOME    | <b>Grant/2<sup>nd</sup> mortgages</b>                                                     |
| \$300,000.00+ | Lenders | <b>First Mortgages</b>                                                                    |

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\$ 15,000.00 Weatherization funds Provided thru EWVCAC

**Staffing**

The lead staff person will be Executive Director, A. J. "Jerry" Bucey. He will be assisted by members of the Board of the Partnership who will undertake various tasks as follows:

Renny Smith: Social worker who formerly ran The Jefferson County Homeless Shelter and Melissa Mallamas of Birthright to oversee the housing counseling program.

Annette van Hilst and Dan vanBelleghem to oversee outreach efforts.

Mark Roper, local contractor, to assist with identifying any needed work on the identified properties and contacting local contractors to do the work.

If you require additional information about our organization you may access our web site at <http://www.pahvv.org/>.

| <b>Time Frame:</b>                           |             | <b>Expected Outcome</b>                                |
|----------------------------------------------|-------------|--------------------------------------------------------|
| HOME Award                                   | Month 0-1   | sign grant agreement                                   |
| Start outreach                               | Month 1-3   | Identify & screen households to participate            |
| Identify possible units                      | Month 1-3   | Working with lenders, identify & inspect 3 Units       |
| Gain control of units                        | Month 4-6   | Obtain financing or options for units from lenders     |
| Home Counseling workshops                    | Month 6-7   | Carry out 5 week homeownership course                  |
| Repair/rehab/weatherization                  | Month 6-9   | Bring units to standards                               |
| Arrange for permanent Mortgages from lenders | Month 9-10  | Have 2-3 households obtain financing for Selected unit |
| Loan closing & purchase of units home.       | Month 11-12 | 2 to 3 households move into their own                  |

**Addressing local housing needs :**

The proposed program will address local housing needs three ways:

1. It will provide affordable home ownership for 2 to 3 households within the County
- ~~2.1~~ It will assist local lenders to lower their inventory of foreclosed residential properties
- ~~3.1~~ It will bring the properties up to local standards and assist in the elimination of slums & blight.

# DRAFT

## APPLICATION AUTHORIZATION

The undersigned certifies that:

1. He/she is legally authorized to request and accept financial assistance from the Eastern Panhandle HOME Consortium of the West Virginia.
2. To the best of his/her knowledge, all representations that are part of this application are true and correct;
3. Should the requested financial assistance be provided, that in execution of this project, the applicant will comply with all assurances required by federal laws which govern the HOME Investment Partnership Program of the Department of Housing and Urban Development and all assurances set forth in the contract to be signed with the City of Martinsburg, as HOME Administrator. The applicant also certifies that physical construction on the project as defined in the application has not begun, and will NOT begin until a 2010 Program Year HOME investment Partnerships agreement with City of Martinsburg has been executed. Action to the contrary may result in termination of the agreement.

Name of Certifying Representative: Terry L. Marcus

Title of Certifying Representative: President

\_\_\_\_\_  
Signature of Certifying Representative

Date Signed

**Non-government organizations must attach a copy of the following items (as applicable):**

- **Yes** Organization Budget for current year showing sources of funds and types of expenses.
- Commitment letters from non-HOME sources. **See Exhibit A**
- **YES** Most recent financial audit or statement, including balance sheet and income statement **See Exhibit B**
- **YES** Most recent IRS Form 990 submittal (or tax return) **Exhibit B**
- **No** recent annual report
- **YES** Most recent Officer and Board Member list **Exhibit B**
- **YES** List of Staff and/or volunteers working on this project **Exhibit B**
- **YES** Articles of Incorporation (if not HOME/CDBG funded in last 3 years) **Exhibit B**
- **YES** IRS Determination Letter (if not HOME/CDBG funded in last 3 years) **Exhibit B**
- Any other appropriate information about your project or organization (annual reports, maps, brochures, newsletters, news articles, etc.)
- **Web site information Exhibit C**
- **Financing examples for HOME project are at Exhibit D**
- **Capital projects may be required to provide additional information regarding project budget, sources and use of funds, site control, project timeline and benchmarks, and plans and specifications, if available.**

**Funding Requests must be submitted to: City of Martinsburg Community Development Department, 232 North Queen Street, Martinsburg, WV 25401. Provide one (1) original application, and one (1) copy. DO NOT STAPLE or BIND the application. Applications and attachments should be in an 8-1/2" x 11" format.**



238 W. Washington Street  
Charles Town, WV 25414  
www.PAHwv.org

**DRAFT  
HOME  
APPLICATION**

**TO BE  
SUBMITTED  
JANUARY 29,2010**

## TABLE OF CONTENTS

| ITEM                                            | PAGE<br>NO. | INCLUDED | TO BE<br>SUBMITTED |
|-------------------------------------------------|-------------|----------|--------------------|
| <b>Application form</b>                         | 5 pages     | X        |                    |
| <b>APPENDIXES</b>                               |             |          |                    |
| PAH current budget                              |             |          | X                  |
| <b>Exhibit A:</b><br>Commitment letters         |             |          | X                  |
| <b>Exhibit B:</b><br>Latest Financial Statement |             |          | X                  |
| 2008 Form 990                                   |             |          | X                  |
| List of Officers & Board Members                |             |          | X                  |
| List of Staff & volunteers working<br>on grant  |             |          | X                  |
| Articles of Incorporation                       |             |          | X                  |
| IRS Determination Letter                        |             |          | X                  |
| <b>Exhibit C:</b><br>Web site Information       |             |          | X                  |
| <b>Exhibit D</b><br>Funding Examples            | 2 pages     | X        |                    |



| Source of Funds | rate   | term   | amount        |
|-----------------|--------|--------|---------------|
| 5 Year Loan     | 1.00%  | 60     | 20,000        |
| 20 Year Loan    | 6.00%  | 360    | 0             |
| 30 Year Loan    | 6.00%  | 360    | 0             |
| 20 Year Loan    | 5.50%  | 360    | 144,000       |
| Debt Service    |        |        | 1,177         |
| Debt Service    | \$0    | 0      | 0             |
| Debt Service    |        |        | 0             |
| Debt Service    |        |        | 0             |
| Monthly         | Yearly | Yearly | Income        |
|                 |        |        | (\$46,379.64) |

HOME  
PARTNERSHIP  
BANK  
HOME  
PARTNERSHIP  
BANK

| Source of Funds              | Bank Price | Rehab  | Misc Costs | Sales Price  | Loan Closing | Downpayment | Total Funds Needed                                  |
|------------------------------|------------|--------|------------|--------------|--------------|-------------|-----------------------------------------------------|
| HOME<br>Partnership<br>Buyer | #####      | \$0.00 | \$1,000.00 | \$141,000.00 | \$3,000.00   | \$4,230.00  | \$148,230.00                                        |
| Needed Loan                  |            |        |            |              |              |             | \$20,000.00<br>\$0.00<br>\$4,230.00<br>\$124,000.00 |

### LOAN PAYMENT CALCULATION

| Source of Funds | rate   | term   | amount        |
|-----------------|--------|--------|---------------|
| 5 Year Loan     | 1.00%  | 60     | 20,000        |
| 20 Year Loan    | 6.00%  | 360    | 0             |
| 30 Year Loan    | 6.00%  | 360    | 0             |
| 20 Year Loan    | 5.50%  | 360    | 144,000       |
| Debt Service    |        |        | 1,177         |
| Debt Service    | \$0    | 0      | 0             |
| Debt Service    |        |        | 0             |
| Debt Service    |        |        | 0             |
| Monthly         | Yearly | Yearly | Income        |
|                 |        |        | (\$41,837.33) |

HOME  
PARTNERSHIP  
BANK  
HOME  
PARTNERSHIP  
BANK

| Source of Funds              | Bank Price | Rehab | Misc Costs | Sales Price  | Loan Closing | Downpayment | Total Funds Needed                                      |
|------------------------------|------------|-------|------------|--------------|--------------|-------------|---------------------------------------------------------|
| HOME<br>Partnership<br>Buyer | #####      | ##### | \$1,000.00 | \$219,000.00 | \$3,000.00   | \$6,570.00  | \$228,570.00                                            |
| Needed Loan                  |            |       |            |              |              |             | \$20,000.00<br>\$8,000.00<br>\$6,570.00<br>\$194,000.00 |

### LOAN PAYMENT CALCULATION

| Source of Funds | rate   | term   | amount        |
|-----------------|--------|--------|---------------|
| 5 Year Loan     | 1.00%  | 60     | 20,000        |
| 20 Year Loan    | 6.00%  | 360    | 0             |
| 30 Year Loan    | 6.00%  | 360    | 0             |
| 20 Year Loan    | 5.50%  | 360    | 144,000       |
| Debt Service    |        |        | 1,177         |
| Debt Service    | \$0    | 0      | 0             |
| Debt Service    |        |        | 0             |
| Debt Service    |        |        | 0             |
| Monthly         | Yearly | Yearly | Income        |
|                 |        |        | (\$57,735.42) |

HOME  
PARTNERSHIP  
BANK  
HOME  
PARTNERSHIP  
BANK

#4

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: 1/28</p> <p>Appt Time or New Business: 10:30</p> |
|-------------------------------------------------------------------------------------------------------|

RECEIVED

AGENDA REQUEST FORM

JAN 18 2010

Name: F. Mark Schiavone Jefferson County Commission

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 15 min

Date Requested - 1st Choice: 28 January 2010

Date Requested - 2nd Choice:

If a specific date is needed, please provide reason for specific date: Presentation required by Ordinance to be held within the month of January

Subject: Presentation of 2009 Annual Report on Impact Fees

Please provide the County Commission with a description of your request or presentation, including any background information: The presentation of an annual report on impact fees is statutorily required (c.f. West Virginia Code §7-20-8(d)), and is also a requirement of the County Impact Fee Procedure Ordinance (c.f. 2003-1 section 6). The letter and spirit of these code sections is to make transparent the fee collection, accounting, and disbursement process by publishing an annual report.

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

Attachments: CY 2009 Jefferson County Annual Report on Impact Fees

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

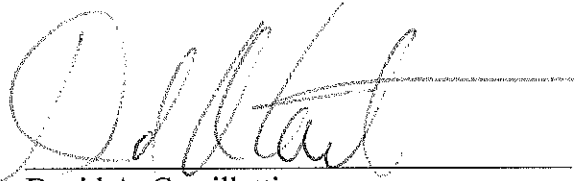
IN RE: THE ESTATE OF WILLIAM T. GOFF, JR.

MOTION FOR CONTINUANCE

NOW COMES, Petitioner, Debra J. Goff, by counsel, David A. Camilletti and requests a general continuance of the hearing currently scheduled for Thursday, January 28, 2010 at 11:00 a.m. As grounds for this motion, Counsel respectfully submits that Mary Ellen Goff, Executrix of the Estate of William T. Goff, has not filed an appraisalment of the estate. The failure of the Executrix to file the appraisalment hinders Counsel from preparing an estimation or argument to present to the Commission and hinders this Commission from rendering a decision on the Petition for Elective Share.

WHEREFORE, Debra J. Goff prays the County Commission would continue the hearing currently scheduled for Thursday, January 28, 2010 at 11:00 a.m. until such time as the Executrix of the Estate file the appraisalment of said estate for the following relief:

Debra J. Goff, Petitioner  
By counsel



David A. Camilletti  
WV State Bar Id No. 599  
Campbell Miller Zimmerman, PC  
201 N. George Street, Suite 202  
Charles Town, WV 25414  
304-725-5325  
304-724-8009 / facsimile

CAMPBELL ♦ MILLER ♦ ZIMMERMAN, P.C.  
201 North George Street  
Suite 202  
Charles Town, WV 25414  
(304) 725-5325

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

IN RE: THE ESTATE OF WILLIAM T. GOFF, JR.

**CERTIFICATE OF SERVICE**

I hereby certify that service of a true copy of the foregoing has been made as follows:

Type of Service: United States First Class Mail, postage prepaid

Date of Service: January 14, 2010

Persons served and address: David DeJarnett  
Bowles Rice McDavid Graff and Love  
Counsel for the Estate of William T. Goff  
P.O. Box 1419  
Martinsburg, WV 25402

Joseph Gyoker  
261 Long Hollow Lane  
Fort Valley, VA 22652

Mary Ellen Goff, Executrix  
304 S. Reyman Street  
Ranson, WV 25438

Henry Worcester, III,  
218 Worcester Lane  
Kearneysville, West Virginia 25430

Item Served: *Motion for Continuance*



---

David A. Camilletti, Esquire  
W.V. State Bar #599

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

IN RE: THE ESTATE OF WILLIAM T. GOFF, JR.

ORDER SETTING HEARING

This day came the Petitioner, by counsel, Campbell Miller Zimmerman, PC and David A. Camilletti, Esquire, having previously filed a duly verified Petition of Debra J. Goff for Elective Share. It appears to the Court by said Petition that the Petitioner is entitled to a hearing on this matter.

It is therefore ORDERED that the Petition of Debra J. Goff for Elective Share shall be set down for hearing before the County Commission of Jefferson County, West Virginia on the 28 day of JANUARY, 2010 at 11:00 o'clock (a.m.)/p.m., or as soon thereafter as Counsel may be heard.

It is further ORDERED that the Petitioner shall cause a duly attested copy of this Order and Petition of Debra J. Goff for Elective Share be served upon Joseph Gyoker, Mary Ellen Goff, 304 S. Reyman Street, Ranson, West Virginia; Henry Worcester, III, 218 Worchester Lane, Kearneysville, West Virginia 25430; and David DeJarnett, Esquire at Bowles Rice McDavid Graff and Love, P.O. Drawer 1419, Martinsburg, West Virginia 25402 by certified mail, return receipt requested and by regular first class mail.

The Clerk shall enter this Order as of the day and date below written and shall transmit five (5) attested copies to David A. Camilletti, Esquire, Campbell Miller Zimmerman, PC, 201

#8

**Nichelle Hosby**

---

**From:** Anne Newcomer Dungan [annedungan@hotmail.com]  
**Sent:** Wednesday, January 20, 2010 11:45 AM  
**To:** nhosby@jeffersoncountywv.org  
**Subject:** GOP Meeting

The Jefferson County Republican Executive Committee would like permission to use the meeting room under the library on Saturday, Feb. 6 from 9:00 a.m. until 12:00 noon. I have checked with the Planning Commission, and it is available at that time.

Thank you.

Anne Dungan  
JCREC Chairman  
304-535-6914

---

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

New business

Commission Office Use Only

11 9

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Sandy McDonald

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: January 28, 2010

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: **Discuss February Meeting Schedule**

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

| February              |                       |           |                                                                                                                                                                        |                                                                                                           |
|-----------------------|-----------------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Monday                | Tuesday               | Wednesday | Thursday                                                                                                                                                               | Friday                                                                                                    |
| 1 BORE 1:30           | 2                     | 3         | 4<br>10:00 -<br>10:15 -<br>10:30 - Mark Schiavone - CIP Report<br>10:45 - Stephanie<br>11:00 - County Clerk<br>1:30 pm BORE<br>7:00 pm P&R Plk SCSA - work done Budget | 5                                                                                                         |
| 8                     | 9 BORE 1:30           | 10        | 11<br>10:00 -<br>10:15 -<br>10:30 -<br>10:45 - Stephanie<br>11:00 - County Clerk<br>1:30 BORE                                                                          | 12 BORE<br>deadline at<br>noon to apply<br>to the<br>Assessor                                             |
| 15 President's<br>Day | 16 BORE final<br>date | 17        | 18<br>1:30 Staff Reports<br>FY11 Work Plans - County Departments                                                                                                       | 19<br>2:00 Review<br>4:00 Adjourn                                                                         |
| 22                    | 23                    | 24        | 25                                                                                                                                                                     | 26<br>2:00 Roger Goodwin - Bonding Policy Review Committee<br>Recommendations and set Public Hearing Date |

## 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: 12/10/2009

/s/ Dale Manuel

PRESIDENT  
JEFFERSON COUNTY COMMISSION

#10

**Laura Kuhn**

---

**From:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**To:** "Laura Kuhn" <laura@jeffersoncountywv.org>  
**Sent:** Tuesday, January 19, 2010 8:52 AM  
**Attach:** Mandatory Hook Up Bill 2010.doc  
**Subject:** Fw: Agenda Item

----- Original Message -----

From: "Jim Surkamp" <jim@jimsurkamp.net>  
To: "Sandy McDonald" <sandy@jeffersoncountywv.org>; "Jim Surkamp" <jim@jimsurkamp.net>  
Sent: Monday, January 18, 2010 7:25 PM  
Subject: Agenda Item

- > Sandy
- >
- > Please put on the agenda for the next meeting -
- >
- > "Proposed state legislation for mandatory water hookups.
- > Discussion/Possible Action"
- >
- > And put the attached bill in our packets
- >
- > Thanks!
- > Jim
- >

## H. B. 2785

(By Delegates Manchin, Beach,  
Miley and D. Poling)  
[Introduced January 13, 2010; referred to the

Committee on Political Subdivisions then Government  
Organization.]

A BILL to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to requiring that every house, dwelling or business located in an area where public water services are made available for the first time after July 1, 2009, be connected to the public water service.

*Be it enacted by the Legislature of West Virginia:*

That §16-13A-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 13A. PUBLIC SERVICE DISTRICTS.**

#### **§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.**

(a) (1) The board may make, enact and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection and the use of any public service properties owned or controlled by the district. The board shall establish rates, fees and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any other law or laws, to pay the cost of maintenance, operation and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees and charges may be based upon:

- (A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial and public use of water and gas;
- (B) The number and kind of fixtures connected with the facilities located on the various premises;
- (C) The number of persons served by the facilities;
- (D) Any combination of paragraphs (A), (B) and (C) of this subdivision; or

(E) May be determined on any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned or operated by the West Virginia Division of Highways.

(2) Where water, sewer, stormwater or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the district. Notwithstanding the provisions of section eight, article three, chapter twenty-four of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or \$50, with the district to secure the payment of service rates, fees and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the average usage for the applicant's specific customer class or \$50 has been remitted to the district. After twelve months of prompt payment history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees, rentals or charges for services or facilities furnished remain unpaid for a period of twenty days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, ten days after the water or gas services become delinquent.

(b) In the event that any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separately water facilities, sewer facilities or stormwater facilities and the district owns and operates another kind of facility either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer or stormwater service fees and charges: *Provided*, That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district

which provides water and sewer service, water and stormwater service or water, sewer and stormwater service has the right to terminate water service for delinquency in payment of water, sewer or stormwater bills. Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer or stormwater district is providing water service and the district providing sewer or stormwater service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer or stormwater district that is providing water service, upon the request of the district providing sewer or stormwater service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer or stormwater account: *Provided, however,* That any termination of water service must comply with all rules and orders of the Public Service Commission.

(c) Any district furnishing sewer facilities within the district may require, or may by petition to the circuit court of the county in which the property is located, compel or may require the Division of Health to compel all owners, tenants or occupants of any houses, dwellings and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the Division of Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of section nine, article one, chapter sixteen of this code, from the houses, dwellings or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment and disposal of sewage and waste matters from the houses, dwellings and buildings where there is gravity flow or transportation by any other methods approved by the Division of Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of section nine, article one, chapter sixteen of this code and the houses, dwellings and buildings can be adequately served by the sewer facilities of the district and it is declared that the mandatory use of the sewer facilities provided for in this paragraph is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the main sewer line, the Public Service District Board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance and purchase of a pump or any other method approved by the Division of Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than thirty days after service of petition to the appropriate owners, tenants or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant or occupant of any house, dwelling or building located near the sewer facility and the engineer for the district has certified that the sewer facilities are available to and are adequate to serve the owner, tenant or occupant and sewage will flow by gravity or be transported by other methods approved by the Division of Health from the house, dwelling or building into the sewer facilities, the district may charge, and the owner, tenant or occupant shall pay, the rates and charges for services established under this

article only after thirty-day notice of the availability of the facilities has been received by the owner, tenant or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's or occupant's specific customer class.

(e) The owner, tenant or occupant of any real property may be determined and declared to be served by a stormwater system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C.F.R. §122.26; (2) the district's authority has been properly expanded to operate and maintain a stormwater system; (3) the district has made available a stormwater system where stormwater from the real property affects or drains into the stormwater system; and (4) the real property is located in the Municipal Separate Storm Sewer System's designated service area. It is further hereby found, determined and declared that the mandatory use of the stormwater system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant or occupant shall pay the rates, fees and charges for stormwater services established under this article only after thirty-day notice of the availability of the stormwater system has been received by the owner. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) For any waterline or extension constructed, after July 1, 2009, the owner of a dwelling or business, except those used primarily for agriculture, located within three hundred feet of a location where such public water service is deemed available by the Public Service Commission must pay the approved tap fee and, thereafter, pay the greater of the minimum bill or the otherwise applicable tariff rates based on usage: *Provided*, That this subsection may not be construed so as to prevent a person from using any other source of water to which a person has access. *Provided, however*, That a person who is not connected to the water service shall only be required to pay the initial minimum fee established as determined by the Public Service Commission. If the person does connect to the tap the above no longer applies.

(g) All delinquent fees, rates and charges of the district for either water facilities, sewer facilities, gas facilities or stormwater systems or stormwater management programs are liens on the premises served of equal dignity, rank and priority with the lien on the premises of state, county, school and municipal taxes. In addition to the other remedies provided in this section, public service districts are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, stormwater or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided*, That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property, unless the owner has contracted directly with the public service district to purchase the services or facilities.

~~(g)~~ (h) Anything in this section to the contrary notwithstanding, any establishment, as defined in section three, article eleven, chapter twenty-two of this code, now or hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by section eleven of said article, is exempt from the provisions of this section.

~~(h)~~ (i) A public service district which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community shall prepare an annual report detailing the collection and expenditure of rates, fees or charges and make it available for public review at the place of business of the governing body and the stormwater utility main office.

NOTE: The purpose of this bill is to require that all houses, dwellings and businesses, except those used primarily for agriculture, located within three hundred feet of where public water service is deemed available for the first time after July 1, 2009, must pay the initial tap fee and thereafter, pay the greater of the minimum bill or the otherwise applicable tariff rates based on usage.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

[http://www.legis.state.wv.us/bill\\_status/bill\\_status.cfm](http://www.legis.state.wv.us/bill_status/bill_status.cfm)

#13

|                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>1-28-10</u></p> <p>Appt Time or New Business:<br/><u>11:15-12:15</u></p> |
|----------------------------------------------------------------------------------------------------------------------------------|

AGENDA REQUEST FORM

Name: THOMAS BAYUZIK

Department or Entity: JEFFERSON COUNTY DEVELOPMENT AUTHORITY

Estimation of amount of time needed for appointment: 20 MINUTES

Date Requested - 1<sup>st</sup> Choice: 1-28-10

Date Requested - 2<sup>nd</sup> Choice: 2-04-10

(EXECUTIVE SESSION)

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

prefer ASAP

Subject: Potential business prospect

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

A presentation of a significant economic development project impacting Jefferson County

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

None at this time purely informational.

Attachments:

**RECOVERY: United States Federal Government  
Seeks to Acquire Site  
29 June 2009**

**RECOVERY: Requirement:** The General Services Administration (GSA) is conducting market research and requesting expressions of interest from owners and authorized agents to purchase, or to obtain donated property, containing at a minimum 1,250 acres suitable for development. Any questions regarding this notice must be submitted in writing or by email to Christian Townsend at [R03Site@gsa.gov](mailto:R03Site@gsa.gov).

The general site criteria includes, but is not limited to:

- That it be contiguous
- Be within approximately 150 miles of the U.S. Capitol in Washington D.C.
- Provide geometry and topography suitable for development
- Have no landfills or hazardous waste contamination, on or near the site, for which cleanup would significantly impact project cost or schedule
- Be such that the developable area is not located within a 100 year flood plain or have other geological or environmental impairments
- Have reasonable access to power, water, telephone, cable or satellite and fiber optics
- Have convenient access to major traffic arteries and to food service establishments, retail services and hotels.

The Government reserves the right to amend the area of consideration and/or site criteria.

Expressions of interest in the project may be submitted **no later than 07/20/2009** in email form to [R03Site@gsa.gov](mailto:R03Site@gsa.gov), including the following information:

- Location address and map
- Site plan with size indicated and showing that the requirements above fit on site

The following additional information will be accepted, but is not required, as part of the Letter of Interest:

- Aerial photos, topographic drawings and/or USGS maps
- Current zoning
- Title information and legal description
- Prominent features of the site
- Identification of existing structures
- Availability of public utilities such as water, sewer, electricity, and natural gas
- Records of the archaeological history of the site
- Records of any historic structures and cultural resources located on or in the immediate area of the site and any correspondence with the State Historic Preservation Office or local preservation authority
- Known Natural Resources
- Phase 1 Environmental Site Assessment (ESA) of the site
- Legal description
- Land cost
- Other information about the site

|                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:<br/>1-28-10</p> <p>Appt Time or New Business:<br/>1:30pm</p> |
|-------------------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

**Name:** F Mark Schiavone *ms*

**Department or Entity:** DCPM

**Estimation of amount of time needed for appointment:** 5

**Date Requested – 1<sup>st</sup> Choice:** 28 January 2010

**Date Requested – 2<sup>nd</sup> Choice:** 4 February 2010

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

**Subject:** Request to amend FY 2009 Approved CIP for Parks & Recreation. Increase approved funding for Leetown Park Playground by \$2,300.00 (from approved \$72,000 to \$75,300).

**Please provide the County Commission with a description of your request or presentation, including any background information:** This project ran over budget by \$2300. The purchase of an additional truck (also on the FY 2009 CIP and impact-fee approved list) came under budget by \$3,161.30, so this request in essence shifts approved funding by impact fees from the truck purchase to the playground project.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** Motion to approve amending the FY 2009 CIP for Parks & Recreation by increasing the amount approved for funding by impact fees for the Leetown Park Playground Equipment project by \$2,300.

**Attachments:** email correspondence from Tim Barr.

## F. Mark Schiavone

---

**From:** Timothy C. Barr [tbarr@jcprc.org]  
**Sent:** Wednesday, January 20, 2010 12:17 PM  
**To:** 'F. Mark Schiavone'  
**Cc:** 'Jennifer Myers'  
**Subject:** FW: CIP Documents



2009 CIP Form  
2\_Leetown\_Playsy...

Mark:

I would like to come in and talk to you about the bill that Jen discussed with you below in November. I have attached a copy of the form 2, that shows that handicapped parking and ramps were part of the requested budget for the Leetown Play System project. I know that the \$2,300 is in excess of the total approved for the Leetown project, but we were \$2,847.00 under with the truck purchase, leaving us with a total of \$3,161.30 remaining that has been approved for 2010 impact fee funding. I would like to request that the remaining impact fee funding from the Truck be transferred to the Play System in order to get the ADA parking bill reimbursed from JCPRC's impact fee account.

I will also forward the requisition and invoice for this item for your information.

Thank you,

Timothy C. Barr  
Director  
Jefferson County Parks & Recreation Commission  
tbarr@jcprc.org  
Office: (304) 728-3207  
Cell: (304) 261-5885

From: Jennifer Myers [mailto:jmyers@jcprc.org]  
Sent: Thursday, November 19, 2009 2:22 PM  
To: 'tbarr@jcprc.org'  
Subject:

The Jefferson Asphalt Bill cannot be turned for impact fee reimbursement in as it is not covered under that "rule" because your request was for playground equipment specifically, not for paving. They said it is a separate item. If you have any questions concerning this please call Mark and he can explain in more detail as he has all the guidelines.

\$314.30 is all that is left in Impact Fee Acct. for Leetown Park Playground.

Jennifer L. Myers  
Assistant Director  
Jefferson County Parks & Recreation Commission  
jmyers@jcprc.org  
(304) 728-3207

I move that during the upcoming budget deliberations that salary increases and new programs be put on hold until the finalization of the budget in mid July.

#16

COUNTY COMMISSION OF JEFFERSON COUNTY



**GRANT REQUEST APPLICATION**  
(For Request of \$3,000.00 and above)

**Application Submissions: January 1<sup>st</sup> – February 28<sup>th</sup>**  
**Awards: No Later than June 15<sup>th</sup>**  
**Reporting: By December 31<sup>st</sup>**

County Commission of Jefferson County  
124 East Washington Street  
P.O. Box 250  
Charles Town, WV 25414  
Phone: 304-728-3284  
Fax: 304-725-7916  
www.jeffersoncountywv.org



**GRANT REQUEST APPLICATION**  
\$3,000.00 and above

Date: \_\_\_\_\_

**ORGANIZATIONAL INFORMATION**  
(Submit original and 6 copies)

Legal Name of Organization \_\_\_\_\_

Address \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_

Executive Director, President or CEO (name and title) \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email Address \_\_\_\_\_

Contact Name and Phone \_\_\_\_\_

Website \_\_\_\_\_ Year Organization was Founded \_\_\_\_\_

Tax Exempt Number (EIN) \_\_\_\_\_

Services Provided and/or Purposes of Organization (Mission Statement) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Amount of this request \_\_\_\_\_

**DONATION INFORMATION**

(Applicant must submit a copy of most recent financial audit or the most recent financial state with application for request exceeding \$3,000.00)

Financial Representative \_\_\_\_\_

Name of Project \_\_\_\_\_

Summary of Project \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date or Dates of Project \_\_\_\_\_

County Commission of Jefferson County  
 124 East Washington Street  
 P.O. Box 250  
 Charles Town, WV 25414  
 Phone: 304-728-3284  
 Fax: 304-725-7916  
 www.jeffersoncountywv.org



**TOTAL DONATION REQUEST**

Name of Organization \_\_\_\_\_  
 Total cost of Project/Activity \$ \_\_\_\_\_  
 Amount Granted \$ \_\_\_\_\_  
 This request as % of total cost \_\_\_\_\_%

This organization spent the awarded funds for (please check all that apply):

|                     |          |                            |          |
|---------------------|----------|----------------------------|----------|
| Acquisition         | \$ _____ | Ongoing Costs              | \$ _____ |
| Basic Needs         | \$ _____ | Project/Program Support    | \$ _____ |
| Capital             | \$ _____ | Renovation                 | \$ _____ |
| Construction        | \$ _____ | Safety, Education/Training | \$ _____ |
| Crisis Intervention | \$ _____ | Start-up Costs             | \$ _____ |
| Equipment           | \$ _____ | Supplies                   | \$ _____ |
| Families            | \$ _____ | Utilities                  | \$ _____ |
| Fixed Assets        | \$ _____ | Other                      | \$ _____ |
|                     |          | <b>TOTAL</b>               | \$ _____ |

How has this donation helped your organization give back to your community? (Please be as specific as possible) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name and Title

County Commission of Jefferson County  
 124 East Washington Street  
 P.O. Box 250  
 Charles Town, WV 25414  
 Phone: 304-728-3284  
 Fax: 304-725-7916  
 www.jeffersoncountywv.org



**SPENDING REPORT**

Total cost of Project/Activity \$ \_\_\_\_\_  
 Amount Request \$ \_\_\_\_\_  
 This request as % of total cost \_\_\_\_\_%

List any previous donations within the last five (5) years received from the County Commission of Jefferson County (year, purpose and amount): \_\_\_\_\_  
 \_\_\_\_\_

This organization is (will be) requested funds for (please check all that apply):

|                     |          |                            |          |
|---------------------|----------|----------------------------|----------|
| Acquisition         | \$ _____ | Ongoing Costs              | \$ _____ |
| Basic Needs         | \$ _____ | Project/Program Support    | \$ _____ |
| Capital             | \$ _____ | Renovation                 | \$ _____ |
| Construction        | \$ _____ | Safety, Education/Training | \$ _____ |
| Crisis Intervention | \$ _____ | Start-up Costs             | \$ _____ |
| Equipment           | \$ _____ | Supplies                   | \$ _____ |
| Families            | \$ _____ | Utilities                  | \$ _____ |
| Fixed Assets        | \$ _____ | Other                      | \$ _____ |
|                     |          | <b>TOTAL</b>               | \$ _____ |

How will this donation help your organization give back to your community? (Please be as specific as possible) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**No later than December 31<sup>st</sup>, the awarded organizations will be required to submit to the County Commission of Jefferson County an accounting of how the donation monies were spent. If this accounting is not received, the organization may not be considered for any future donations from the County Commission of Jefferson County.**

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name and Title

AM

**Sandy McDonald**

---

**From:** "Terry Courtwright" <tec@intergate.com>  
**To:** <engineering@jeffersoncountywv.org>  
**Cc:** <sandy@jeffersoncountywv.org>; <dmanuel@frontiernet.net>  
**Sent:** Monday, January 18, 2010 10:43 AM  
**Subject:** Letter of Appreciation

Dear Mr. Goodwin:

Please extend my sincerest thanks to Mr. Mason Carter, Ordinance Compliance Officer, for getting a trailer, which was being used as a permanent residence, moved from a right-of-way to my property. His actions in this regard are truly appreciated and commendable.

Terry E. Courtwright  
304-725-3281  
917 General Rogers Road  
Charles Town, WV 25414

# Eastern Panhandle Free Clinic

1212 North Mildred St. • Ranson, WV 25438

Phone 304-724-6091 • Fax 304-725-7204

January 11, 2010

Commissioner Dale Manuel  
Jefferson County Commissioners  
P.O Box 250  
Charles Town, WV 25414

**RECEIVED**

JAN 15 2010

**Jefferson County Commission**

Dear Commissioner Manuel:

I wish to express my gratitude for the kind and generous donation that you made to the Eastern Panhandle Free Clinic. With the financial challenges to the Clinic that the downturn in the economy has presented, your generosity is appreciated more than ever.

Your financial support enables us to continue to provide excellent healthcare to our neighbors in the Eastern Panhandle who are unable to afford healthcare and prescriptions; many of whom have very serious chronic health conditions. I can assure you that your donation will help save lives and improve the health of clinic patients.

As President of the Board of Directors of the Eastern Panhandle Free Clinic and on behalf of the other Board Members, I thank you for your financial donation and hope that you will continue to support our efforts.

Sincerely,



Susan Sullivan-Rakoff



87159

All contributions are tax deductible to the full extent of the law. No goods and/or services were received for your contribution. EPFC is a nonprofit 501 (c) 3 organization, tax ID # 55-0778553.

**Sandy McDonald**

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**From:** "Kevin Hayward" <khayward@oxpaperboard.com>  
**To:** "Jim Surkamp" <jim@jimsurkamp.net>  
**Sent:** Monday, January 18, 2010 1:15 PM  
**Subject:** RE: 140 years of paper making at the Halltown Mill

Thanks Jim. We look forward to seeing you. Could you also forward to the entire commission? I don't think I have everyone's email but would be happy to have the entire commission. Thanks

Regards,

Kevin Hayward  
OX Paperboard  
Ox Paper Tube and Core  
304-725-2076 ext 133



**From:** Jim Surkamp [mailto:jim@jimsurkamp.net]  
**Sent:** Monday, January 18, 2010 12:57 PM  
**To:** khayward@oxpaperboard.com  
**Subject:** Re: 140 years of paper making at the Halltown Mill

Kevin Hayward wrote:

You are cordially invited to help us celebrate 140 years of paper making in West Virginia and honor the service of our employees. Currently we have 11 employees with over 40 years service, 6 with over 30 years service, and 13 with over 20 years service to the Halltown mill. We are truly a living history of manufacturing in West Virginia and one of the greenest companies in the State. Join us as we give thanks to our employees and map out our objectives to continue the tradition. Please see below for RSVP instructions and we look forward to seeing you.



*Come Celebrate 140 Years of Paper Making in  
West Virginia!  
Saturday, January 30, 2010*

*Cocktails 5:00pm - Dinner 6:30pm - Awards After Dinner*

*You and a guest are invited to  
Charles Town Races & Slots - Skyline Terrace*

*Prime Rib & Seafood Buffet Featuring...*

Carved Prime Rib of Beef with Au Jus  
Carved Turkey or Ham

Baked Chicken

BBQ Ribs  
Beef Tips

Sausage & Peppers  
Potstickers  
Sweet & Sour Meatballs

Asian Rice  
Home Made Scalloped Potatoes  
Home Made Mashed Potatoes  
Braised Cabbage  
Broccoli Medley  
Corn on the Cob  
Green Beans & Carrots  
Corn Nuggets

Sushi

Clams & Mussels  
Peel & Eat Shrimp  
Coconut Shrimp

Salmon  
Baked Sword Fish  
Red Snapper  
Mahi Mahi  
Tuna

Sushi and Spring Roll Bar  
Oysters and Clams on the Half Shell

Two Soup De Jour  
Bountiful Salad Bar  
Assortment of Cheeses and Crackers  
Fresh Fruit Trays  
Delectable Island of Desserts  
Chocolate Fountain

*Please RSVP no later than January 22 by completing the sign-up sheet or  
contacting Kathy (ext. 109)*

Regards,

Kevin Hayward  
OX Paperboard  
President  
304-725-2076 ext 133



#20



**Friendship Fire Company**  
P.O. Box 126  
Harpers Ferry, WV 25425  
Phone: 304-535-2211  
Fax: 304-535-1382



**RECEIVED**

JAN 15 2010

Jefferson County Commission

*Friendship Fire Company, Inc. of Harpers Ferry, WV cordially invites you and a guest to attend our Annual Membership Awards Banquet on Saturday, February 6, 2010 at the Quality Inn (formerly Cliffside Inn) Ballroom in Harpers Ferry.*

*Social hour will begin at 6:00 p.m. with dinner being served at 7:15 p.m., followed by award presentations. Dance will follow after the awards banquet and will be open to all fire company members.*

*If you plan to attend, please respond by January 29, 2010 with the attached form.*

*Hope to see you there!*

*FFC Banquet Committee*

Friendship Fire Company, Inc.  
P.O. Box 126  
Harpers Ferry, WV 25425

I/We plan to attend \_\_\_\_\_ (number of people attending)  
(limit 1 person and guest)

Organization Represented \_\_\_\_\_

Name(s) \_\_\_\_\_

Title(s) \_\_\_\_\_

RECEIVED

JAN 19 2010



News for release Jan. 15, 2010.

For more information, contact Benita Keller at 304-268-2371.

Jefferson County Commission

AHA Sponsors Jefferson County Photo Exhibit

The Arts and Humanities Alliance of Jefferson County is sponsoring an exhibit of black-and-white photographs documenting life in Jefferson County in the summer of 2009 taken by members of an AHA-sponsored workshop led by noted photographer and teacher Benita Keller.

Photographs from the "Jefferson County Photography Project" will be exhibited Feb. 5-7 and Feb. 12-14 at the Old Opera House Heiler Gallery at 204 N. George St. in Charles Town, W.V., with a "meet the artist" reception Feb. 12 before the evening's play.

The exhibit will move to the Firehouse Gallery in the Charles Town Visitor's Center at 108 N. George St. from Feb. 17 through March, with an artist reception Feb. 19 from 6-8 p.m.

Photographers represented in the exhibit are Jessica Hartman, Benita Keller, C. Mason, Joanna Pecha, Frank Robbins, Carl Schultz and Rip Smith.

In May, photographs from the project that were not previously shown will be exhibited at the Bridge Gallery at 8566 Shepherdstown Pike, Shepherdstown, W.V.

The project was funded in part by a donation from artist Marianne Pernold Young of Portsmouth, N.H.

Keller, of Shepherdstown, is a fine art photographer, artist, freelance photojournalist, lecturer and curator, whose work is archived in the National Museum of Women in Washington, D.C. She was the photography editor of *Antietam Review* magazine and taught photography at Hagerstown Community College, Montgomery College School of Art and Design, the Art Institute of Washington, D.C., and Shepherd University.

The mission of AHA, a volunteer, non-profit organization, is to preserve the rich history and culture of Jefferson County and to encourage creative opportunity for all its citizens. For more information about AHA, go to [www.ahajc.org](http://www.ahajc.org).

###

7 Pages

**TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF COUNTIES**

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE**  
**Tuesday, January 19<sup>th</sup>, 2010**



**Capitol Quotes:**

*"Our welcome centers and rest stops have stayed open, our state offices have normal operating hours, our social services continue, and we are paying our bills on time." Governor Manchin in his State of the State address, emphasizing that WV is not experiencing some of the budgetary problems other states are.*

*"This will help to create better jobs. This is about more than cutting taxes. It's about fair and progressive taxation that meets our state's needs and allows us to compete and prosper." Governor Manchin's description during the State of the State address of his proposal for a constitutional amendment that would allow the legislature to reduce or eliminate personal property taxes on commercial and industrial properties."*

The session began Wednesday, Jan. 13<sup>th</sup> with the Governor's State of the State address delivered that evening. The highlight of the evening was the introduction of actress Jennifer Garner, a Charleston native, who was recognized for her work with Save the Children, a group that assists needy children in rural counties. The session has gotten off to a fast pace as far as introduced bills. The Senate introduced no less than 212 bills on the first day and the House has a 61 page list of carry-over bills from the 2009 session. The best way to keep up on a daily basis is the legislative web site: [www.legis.state.wv.us](http://www.legis.state.wv.us)

Currently, a major issue facing counties is not legislative but will have a negative impact on county budgets. The Consolidated Public Retirement Board has voted to increase the employer contribution to PERS to 17% (currently it's 11%) beginning July 1, 2010. This will affect all PERS employers, including state agencies. The action is being taken to make up the shortfall from losses in investments and is anticipated to be only for FY 2011. We will be working with the Retirement Board, the Governor's office, and others to try to find a less harsh measure to make up the funds.

The proposed constitutional amendment to give the Legislature the authority to reduce or eliminate personal property taxes for business, commercial, industrial, and manufacturing is of concern to counties. The amendment is very broad, giving the Legislature a great deal of leeway in its implementation. The constitutional amendment would have to be passed by voters. The West Virginia Association of Counties is fortunate to have Jerry Knight, retired Property Tax Division Director, and his firm, Knight Consulting, on our "county team" this year for consultation on property tax issues

during the session. His analysis of the personal property tax issue reveals that, if personal property tax would be eliminated by the Legislature, it would leave a hole of \$543.7 million dollars, approximately 39% of the tax year 2009 tax base. Additionally, any proposal to fill the hole would have to allow for long term growth. Using the most recent 10 years of data, a revenue replacement for the personal property tax base would need to grow at around 4% per year to keep counties whole.

If you visit the Capitol during the session, your best parking is probably at the office of the WV Association of Counties. It's one of the best membership perks so please avail yourself of it. Stop in and say hello while you're in town and let us know you're parking there. Parking is at a premium around the Capitol and we try to keep track that only our members are parking in our lot.

#### LEGISLATIVE CALENDAR 2010

**Twentieth Day – February 1, 2010: Submission of Legislative Rule-Making Review bills due (WV Code §29A-3-12)**

**Forty-first Day – February 22, 2010; Last day to introduce bills in the Senate and the House (Senate Rule 14; House Rule 91a). Does not apply to originating or supplementary appropriations bills. Does not apply to Senate or House resolutions or concurrent resolutions.**

**Forty-seventh Day – February 28, 2010: Bills due out of committees in house of origin to ensure three full days for readings**

~~**Fiftieth Day – March 3, 2010: Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills. (Joint Rule 5b)**~~

**Sixtieth Day – March 13, 2010: Adjournment at Midnight (WV Const. Art. VI, §22)**

#### WVACO Legislative Committee:

**Circuit Clerks: Betsy Castle & Barb Core**

**County Clerks: Jan Pest & Janice Cosco**

**Commissioners: Danny Greathouse & Bob Bell**

**Sheriffs: Rodney Miller & Virgil Miller (no relation!)**

**Assessors: Chris Kessler & Eric Hodges**

**Prosecutors: Rick Staton & Gerry Hough**

**Ex Officio: President David "Bugs" Stover**

**This committee will meet by conference call every Friday at 8:30 a.m. Please let your representatives know if there are any comments/concerns/questions you want to relay.**

The following bills were introduced in the House of Delegates from Wed., Jan. 13<sup>th</sup> through Friday, Jan. 15<sup>th</sup>. In order to keep this fax a reasonable size, a list of Senate bills will be provided later this week. Also, this information will be sent out via our county officials' listserves. If you are not yet on our email listserves, contact Mary at [mary@wvaco.org](mailto:mary@wvaco.org) and she will get you started. In the listing of bills, only the lead sponsor will be included.

|      |                    |                                                                                                                                                                                |                                          |
|------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 4002 | Boggs              | Specify that broadband services facilities be included in projects eligible for Infrastructure Council funds                                                                   | Energy,<br>Econ Dev,<br>Finance          |
| 4003 | Campbell           | Recognize GIS User Groups to assist in development of State GIS Plan                                                                                                           | Gov Org<br>Finance                       |
| 4008 | Fleischauer        | Adoption of green building standards for construction or renovation of public blgs over 5000 square feet                                                                       | Gov Org<br>Finance                       |
| 4010 | Fleischauer        | Provide all employees have right to review & copy contents of their personnel file                                                                                             | Labor,<br>Econ Dev,<br>Judiciary         |
| 4011 | Fleischauer        | Meeting & conference rights for police or firefighters employed by political subdivisions                                                                                      | Poli Sub<br>Judiciary                    |
| 4014 | Lawrence           | Require law enforcement agencies certify qualified officers to carry concealed firearms nationwide                                                                             | Judiciary                                |
| 4016 | Miley              | Requiring public officials disclose additional information on financial disclosure statements (Ethics Commission bill)                                                         | Com Sub<br>on 2 <sup>nd</sup><br>reading |
| 4017 | Perry              | Allow for more streamlined approach to approved home plans of DOC inmates; parole procedures                                                                                   | Gov Org<br>Judiciary                     |
| 4032 | Governor's<br>Bill | Provide for early parole eligibility for inmates convicted of nonviolent offenses who complete advanced rehab treatment program based on risk & needs assessment               | Judiciary<br>Finance                     |
| 4036 | Governor's<br>Bill | Establish Judicial Vacancy Advisory Commission to assist Governor in filling judicial vacancies                                                                                | Judiciary                                |
| 4038 | Governor's<br>Bill | Establish statutory lien on insurance proceeds for total loss to real property in favor of municipality or county and require proceeds be made available for property clean-up | Judiciary                                |
|      |                    |                                                                                                                                                                                |                                          |

## STATEHOUSE NEWS

Friday January 15, 2010

**Proposal leaves tax issue up to officials**by George Hohmann  
Daily Mail Business Editor

CHARLESTON, W.Va.—The draft version of Gov. Joe Manchin's proposal that would allow the Legislature to exempt commercial and industrial business property from the personal property tax leaves it up to the Legislature to decide how local governments would make up lost revenue.

During his State of the State address Wednesday Manchin said, "Last year we reconvened the Comprehensive Tax Modernization Group and, upon their findings, I am recommending a constitutional amendment that will give us the flexibility we need to lower taxes on commercial and industrial property, while also considering the impact on local governments.

"This will help to create better jobs," Manchin said. "This is about more than cutting taxes - it's about fair and progressive taxation that meets our state's needs and allows us to compete and prosper."

On Thursday, Manchin's office released a draft of his bill, including his proposed amendment to the state constitution.

The proposed amendment says that personal property directly used in commercial and industrial businesses or components "as the Legislature may in its discretion designate, may by law enacted by the Legislature be exempt from ad valorem taxation."

Sen. Brooks McCabe, D-Kanawha, said at last August's Business Summit that the personal property tax on machinery and equipment raises \$150 million a year "and that's why we've not been able to do away with it."

Lisa Dooley, executive director of the West Virginia Municipal League, pointed out Thursday that the proposed amendment doesn't lower taxes; it just gives the Legislature the authority to do so.

Manchin spokesman Matt Turner was asked Thursday if Manchin has said what he proposes to help local governments make up for lost tax revenue.

"Our proposal would give the Legislature the flexibility to do this and lawmakers would have the discretion to determine if it would be viable for the counties," Turner said. "So the Legislature would have to weigh the consequences - potential business expansion and job creation, and the subsequent increase in revenue from other sources that could come from that growth, versus the loss of existing revenue from business inventory tax."

Dooley said her recollection is that the Comprehensive Tax Modernization Group's motion in favor of the proposal included a statement that local government would be held harmless or there would be a calculation to keep local government whole.

"We're taking the Governor and the Tax Modernization Committee at their word," she said. "The reason we haven't jumped up in arms and said, 'This will destroy our budget,' is because of the way the constitutional amendment has been proposed. It's not an automatic tax decrease. There has to be legislative discussion. That's where we come in.

"I'm not saying it's a good or bad thing," Dooley said. "If business likes it, we probably will, too - as long as we're held harmless and made whole."

Patti Hamilton, executive director of the West Virginia Association of Counties, said, "We were active with the Tax Modernization Project meetings. It was very apparent this was going to be a major thrust of their recommendations. I

## Proposal leaves tax issue up to officials - Statehouse News - Charleston Daily Mail - Wes... Page 2 of 3

did voice concerns there, which I believe were listened to, in the sense that it did move from being a pretty much flat-out exemption-type constitutional amendment to one that would give legislative authority.

"My concern is, it's a huge hole to fill," Hamilton said. "I believe \$150 million is just manufacturing inventory and equipment. The amendment is much broader than that. It's commercial, business. It was stated in the Tax Modernization Project that it intended to be broad, which I guess gives the Legislature a great deal of leeway so they could choose the deductions or exemptions they want to implement.

"I think \$150 million is the most shallow hole that would have to be filled. If you go much deeper than manufacturing inventory and equipment, you've got a much deeper hole to fill.

"Property tax is almost our sole source of revenue," Hamilton said of the counties. "In some counties, personal property tax makes up 40 to 50 percent of the budget. Another question is how is the state going to fill up the hole for the schools because approximately 70 percent of that money goes directly to the school boards.

"I'm also concerned because I really have yet to hear meaningful ways that hole can be filled," Hamilton said. "It's one thing to say we'll be made whole, but how? Who's going to bear the burden? Will it be the homeowner with the property tax? The income tax? Increased sales taxes? Somebody's got to make up that difference.

"We're in a difficult position of wanting to help business and see the economy grow, but not at the expense of such a huge source of revenue to county government."

Hamilton said during the Tax Modernization meetings it was asked whether the average citizen would vote for the proposal if the personal property tax were retained and citizens would still pay it on their vehicles but businesses could end up with no tax.

"I think it's a real public policy question," she said.

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Steve Roberts, president of the West Virginia Chamber of Commerce, said Manchin discussed the amendment with chamber members Tuesday "and he found us to be enthusiastic supporters of his proposal.

"We start by being pleased that the governor has recognized the need for flexibility because we obviously are in a competitive situation with surrounding states and the rest of the country," Roberts said. "Our constitution, which was written 75 years ago, did not contemplate some of the economic development incentives that are used in other states.

"While we agree there are some important details that are yet to be worked out, the fact that the governor is calling for flexibility in how some taxes are levied is an important and noteworthy matter. We're not inclined to be critical because there are some details to be worked out. We're inclined to say we're smart enough in West Virginia to figure out how to do this and make ourselves competitive with other states.

"This could go to the heart of capital investment for the kinds of employers we most want in our state," Roberts said. "Those who have capital-intensive industries tend to pay the highest wages and benefits, and we in West Virginia have fewer incentives to attract and keep those employers than most other states."

Karen Price, president of the West Virginia Manufacturers Association, said after the speech, "I believe the Tax Modernization Group said the tax on commercial and industrial property is the biggest barrier to the economy in the state because it taxes capital investment.

"Many other states do not tax capital investment or, if they do, they find a way to get around it," Price said. "This is something we talked about for many years. Ohio has phased it out. Virginia and North Carolina are in the process of phasing it out. States we compete with for investment are a step or two ahead of us, so let's catch up."

Contact writer George Hohmann at [busin...@dailymail.com](mailto:busin...@dailymail.com) or 304-348-4836.

**Click now to learn about School Closings or Delays.**

STATEHOUSE NEWS

Friday, January 15, 2010

**Officials blast retirement increase**

by Billy Wolfe  
Daily Mail staff

CHARLESTON, W.Va.--Local government officials reacted with surprise and outrage to a decision by the state Consolidated Public Retirement Board to significantly increase employer contributions to public employee retirement plans.

The board decided Wednesday to increase employer contributions from 11 percent of total payroll to 17 percent.

Kanawha County Commission President Kent Carper said that decision is going to "blow the county budget" and greatly increase taxes in Kanawha County.

The estimated increase for courthouse employees alone is about \$700,000.

The county commission is not the only agency that will see an increase. Countywide, Carper expects the burden on taxpayers will be even greater.

"Between the Board of Education, (Kanawha Valley Regional Transportation Authority), Kanawha County Emergency Ambulance Authority, and the various municipalities, I would estimate that the tax hike on residents of Kanawha County will easily exceed \$8 million," Carper said.

Anne Lambright, executive director of the retirement board, has said the increase is necessary to offset state investment losses last budget year.

Kanawha County already was struggling to make payroll and bill payments and recently transferred \$1 million from its stabilization fund to the general fund to stabilize cash flow. Tax collections have been flat, and commissioners already had decided to start postponing bill payments until the exact due date.

"What it means is, any of the anticipated increases in revenues we had to catch up with other natural costs and growth of government, we're not going to have anymore," Carper said.

Officials also questioned whether there was proper public notice of the meeting in advance.

A posting in the State Register said board members planned to meet Jan. 13 "to conduct regular business." No other description of the meeting agenda was listed.

Yeager Airport Director Rick Atkinson called the posting "outrageous."

"That is absolutely unacceptable and might even be illegal," he said.

Carper said he never saw a specific agenda for the meeting.

A phone call to Teresa Miller, the board's chief operating officer, was not immediately returned.

Atkinson said the board's decision will increase the airport's contribution by at least \$120,000. The airport already contributes about \$220,000 to retirement plans, he said.

"It will bankrupt small municipalities," he said. "Putting this on the backs of employees and taxpayers is just outrageous."

Carper said state officials are overreacting to projected shortfalls and unfunded liabilities.

"I can't imagine what the board was thinking," he said. "I have a lot of respect for them, but this was a flippant decision."

"Of course, retirement plans have to be sound. But is everybody going to retire tomorrow morning? I don't think so," he added.

Charleston Finance Director Joe Estep said the decision means the city will have to pay about \$972,000 more for its retirement plans.

"It's a big, big hit for us," he said.

Estep was unsure which specific budget items would suffer the most as a result of the increase. He said he was just beginning to plan next year's budget when he got the news.

"We haven't even begun the balancing act yet," he said. "But I can tell you this: Whatever I thought I had or needed has now changed by \$972,000."

Nitro Mayor Rusty Casto said he was not sure how much the city's contribution will increase but said he was aware of the board's decision.

The Kanawha Parks and Recreation Commission expects a \$50,400 increase; the Kanawha County Emergency Ambulance Authority expects a \$56,898 increase; and Metro 911 expects an increase of \$20,000 to \$25,000.

Contact writer Billy Wolfe at [billy.wo...@dailymail.com](mailto:billy.wo...@dailymail.com) or 304-348-4843.

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COMMENTS (16) ON "OFFICIALS BLAST RETIREMENT INCREASE"

POST COMMENT

Posted By: **Realty Rick ??** (12 hours ago)

Yeager Airport Director Rick Atkinson called the posting "outrageous."

[Report Abuse](#)

Outrageous Rick ? This is so laughable ! The Hired Holstein Cowboy is also Laughable !

Posted By: **larydee38** (9:40am 01-17-2010)

I remember before my retirement in 2000, that all state employees received a letter from those in power that told us of the glorious benefits of investing the retirement system into the stock market, most of us did not want it but in WV the government is the sole decision maker. Perhaps the Governor could tax the runaway auto insurance business in this state that he allows to ravish us, but that would probably reduce political kickbacks and it takes a lot of money to get reelected. Perhaps we could get Bill Clinton and George Bush to raise money for Wv public retirement as they are doing for disaster relief, after all this is also a disaster.

[Report Abuse](#)

Posted By: **bb01** (5:50am 01-16-2010)

I'm a Kanawha county employee and have not got a raise in three years, Boo Hoo.

[Report Abuse](#)

Posted By: **Boo Hoo** (10:50pm 01-15-2010)

Unlike state employees, Kanawha County employees get a pay raise every year -- the county needs to remember that an increase in salary also results in an increase in benefit costs.

[Report Abuse](#)

# Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 13, Issue 1

January 20, 2010

## 2010 Legislative Session Underway.....

Welcome to the 2010 CCAWV Legislative Lineup. This communication is our attempt to keep you informed about what's going on at the Legislature. CCAWV will send this list of introduced bills for your review each Wednesday evening. It will be faxed to each county, as well as posted to our CCAWV members only list serve.

The 2010 Legislative Session began on January 13th. A whole slew of bills were carried over in the House (1331) and several more have been introduced since. Carry-over bills are those bills from last session that did not pass that delegates choose to re-introduce. The senate has introduced over 230 bills. Listed below are those bills introduced in the House and the Senate that have county implications. This list does not include carry-over bills, we will send it separately.

CCAWV continues to employ the excellent lobbying assistance of Mr. Paul Hardesty. Together, and with your help, on the ground in each county, we hope to represent and protect the best interests of county government.

The CCAWV Legislative Committee will meet by conference call on Thursday evenings at 4:00 pm throughout the session. If you see bills of interest or concern, please contact your legislative representatives or myself so that we can share those concerns. My cell number is (304) 415-1608.

The CCAWV Legislative Committee members are as follows:

|                                                    |               |
|----------------------------------------------------|---------------|
| Danny Greathouse, Hancock County, Chairman         | (304)564-3311 |
| Brad Tuckwiller, Greenbrier County, President      | (304)647-6689 |
| Ron Watson, Harrison County, Vice President        | (304)624-8500 |
| Karen Disibbio, Mercer County, Past President      | (304)487-8306 |
| Joe Coburn, Mercer County, Past President          | (304)487-8306 |
| Tim McCormick, Ohio County, District One Chair     | (304)234-3628 |
| Fran King, Clay County, District Two Chair         | (304)587-4259 |
| Art Kirkendoll, Logan County, District Three Chair | (304)792-8626 |
| Asel Kennedy, Monongalia County                    | (304)291-7257 |
| Cindy Pyles, Mineral County                        | (304)788-5921 |
| Jinks Hinkle, Nicholas County                      | (304)872-7830 |
| Jerry Linkinoggor, Clay County                     | (304)587-4259 |
| Gordon Lambert, McDowell County                    | (304)436-8548 |
| Jerry Berry, Summers County                        | (304)466-7100 |

Don't forget to attend the CCAWV Legislative meeting, January 31- February 2, for the latest news and updates. Our Legislative reception will be on Monday night, February 1st. Remember to invite your legislators to the event. Hope to see you there.

## **Bills Introduced This Week.....**

Listed on the following pages are bills of county interest, introduced in the opening days of the 2010 session. If at any time during the session you have questions or want complete copies of any of the reported legislation, please call or fax, and we'll do our best to accommodate your requests, call 345-4639 or fax 346-3512... Your views on bills introduced are invited and encouraged. Give me or a board member a call to express your views!

### **House Bills of County Interest Introduced January 13-20, 2010...**

HB 4002. By Del. Boggs, Campbell, Swartzmiller and Walters - **Specifying that infrastructure projects providing broadband services facilities be included in infrastructure projects eligible for funding - To Energy, Industry and Labor, Economic Development and Small Business then Finance**

HB 4003. By Del. Campbell, Barker, Beach, Miley, Varner, Andes, Cann, Ferro and Canterbury - **West Virginia Geographical Information System (FN) - To Government Organization then Finance**

HB 4006. By Del. Fleischauer - **Requiring the reporting and publication of all compensation, including contingent compensation, paid to lobbyists for all lobbying activities - To Judiciary**

HB4008. By Del. Fleischauer, Beach, Manypenny, Brown, Staggers, Talbott and Lawrence - **Green Buildings Act - To Government Organization then Finance**

HB 4011. By Del. Fleischauer, Manypenny, Marshall, Martin, Barker, Staggers, Brown, Klempa, Longstreth and Poling, D. - **Relating to meeting and conference rights for members of police or fire departments employed by political subdivisions - To Political Subdivisions then Judiciary**

HB 4016. By Del. Miley, Poling, M., Caputo, Morgan, Boggs, Fragale, Fleischauer, Barker, Hunt, Frazier and Moore - **Strengthening the Ethics Act financial disclosure filing requirements - To Judiciary**

HB 4017. By Del. Perry, Morgan and Ross - **Relating to the powers and duties of the board of parole - To Government Organization then Judiciary - [Interim Bill]**

HB 4020. By Del. Spencer - **Relating to the Emergency Medical Services Retirement System Act (FN) - To Pensions and Retirement then Finance**

HB 4027. By Del. Overington, Carmichael, Walters, Miller, J., Blair, Cowles, Duke, Sobonya, Rowan, Sumner and Shott - **Providing that activities, documents and records of the government be in English - To Judiciary then Finance**

HB 4032. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to accelerated parole eligibility for certain inmates - To Judiciary then Finance**

HB 4038. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Imposing a statutory lien on fire insurance proceeds in the event of a total loss to real property - To Judiciary**

**HB 4039.** By Del. Varner and Ferro - **Increasing the number of persons that may be appointed to the Marshall County Park and Recreation Board** - To Government Organization - [Local Bill]

**HB 4042.** By Del. Armstead, Ellem, Lane, Overington, Schadler, Hamilton, Schoen and Sobonya - **Relating to ethical standards for elected and appointed officials and public employees** - To Judiciary

**HJR 101.** By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Commercial and Industrial Tangible Personal Property Tax Exemption Amendment** - To Constitutional Revision then Finance

### **Senate Bills of County Interest Introduced January 13-20, 2010....**

**SB 12** By Sen. McCabe, Plymale, Foster, Palumbo and Chafin - **Relating to regional water and wastewater authorities** - Introduced 01/13/10 - To Government Organization then Finance - To Government Organization 01/13/10

**SB 16** By Sen. McCabe, Foster, Unger, Jenkins, Wells and Chafin - **Creating WV Manufacturing Competitiveness and Growth Act** - Introduced 01/13/10 - To Economic Development then Finance - To Economic Development 01/13/10

**SB 22** By Sen. Sypolt - **Changing federal poverty guideline qualifier for senior citizens' homestead tax credit** - Introduced 01/13/10 - To Finance - (original similar to H. B. No. 2102)

**SB 23** By Sen. Sypolt - **Requiring equal number of members from each magisterial district on county planning commissions** - Introduced 01/13/10 - To Government Organization

**SB 30** By Sen. Barnes - **Calculating prevailing wage on federally funded construction projects** - Introduced 01/13/10 - To Labor then Finance - To Labor 01/13/10

**SB 33** By Sen. Deem - **Relating to managed timberland valuation** - Introduced 01/13/10 - To Finance - (original similar to H. B. No. 2511)

**SB 34** By Sen. Deem - **Allowing county commissions to regulate and restrict locations of video lottery establishments** - Introduced 01/13/10 - To Judiciary then Finance - To Judiciary 01/13/10

**SB 39** By Sen. Wells - **Requiring Public Land Corporation seek free gas rights from natural gas lessors on public lands** - Introduced 01/13/10 - To Natural Resources then Judiciary - To Natural Resources 01/13/10

**SB 40** By Sen. Jenkins - **Expanding counties covered by Route 2 and Interstate 68 Authority** - Introduced 01/13/10 - To Transportation and Infrastructure then Government Organization - To Transportation and Infrastructure 01/13/10

- SB 41 By Sen. McCabe, Minard, Foster, Palumbo and Chafin - **Relating to community enhancement districts** - Introduced 01/13/10 - To Economic Development then Finance - To Economic Development 01/13/10
- SB 42 By Sen. McCabe, Foster, Unger, Palumbo and Chafin - **Revising Municipal Economic Opportunity Development District Act** - Introduced 01/13/10 - To Economic Development then Finance - To Economic Development 01/13/1
- SB 66 By Sen. Barnes - **Prohibiting elected officials distributing public moneys within ninety days of elections** - Introduced 01/13/10 - To Judiciary then Finance - To Judiciary 01/13/10
- SB 70 By Sen. McCabe, Foster, Unger, Palumbo and Chafin - **Relating to municipalities and counties issuing bonds** - Introduced 01/13/10 - To Government Organization then Finance - To Government Organization 01/13/10
- SB 76 By Sen. Jenkins - **Requiring defendants pay certain incarceration costs** - Introduced 01/13/10 - To Judiciary then Finance - To Judiciary 01/13/10
- SB 77 By Sen. Jenkins and Plymale - **Relating to temporary detention of certain criminal suspects** - Introduced 01/13/10 - To Judiciary - (original same as H. B. No. 2088)
- SB 79 By Sen. Plymale and Jenkins - **Limiting certain parks and recreation entities' liability** - Introduced 01/13/10 - To Natural Resources then Judiciary - (original similar to H. B. No. 2517) - To Natural Resources 01/13/10
- SB 100 By Sen. White, Jenkins and Chafin - **Relating to volunteer firefighters' rebuttable presumptions for workers' compensation claims** - Introduced 01/13/10 - To Judiciary then Finance - (original same as H. B. No. 2874) - To Judiciary 01/13/10
- SB 106 By Sen. Chafin, Green, Minard, D. Facemire and Stollings - **Relating to certain volunteer firefighters' benefits** - Introduced 01/13/10 - To Finance
- SB 108 By Sen. Chafin and Green - **Dedicating portion of severance taxes for counties and municipalities** - Introduced 01/13/10 - To Government Organization then Finance - To Government Organization 01/13/10
- SB 116 By Sen. Snyder - **Requiring certain property value assessment adjustments** - Introduced 01/13/10 - To Judiciary then Finance - To Judiciary 01/13/10
- SB 119 By Sen. Minard and White - **Adding magistrate court deputy clerk in Braxton County** - Introduced 01/13/10 - To Government Organization then Finance - To Government Organization 01/13/10
- SB 126 By Sen. Green - **Exempting certain disclosures under Freedom of Information Act** - Introduced 01/13/10 - To Judiciary
- SB 138 By Sen. Minard - **Relating to PEIA underwriting nonstate employer groups** - Introduced 01/13/10 - To Banking and Insurance then Finance - To Banking and Insurance 01/13/10

- SB 144** By Sen. Chafin, White and Oliverio - **Dedicating portion of severance tax revenue to counties and municipalities** - Introduced 01/13/10 - To Government Organization then Finance - To Government Organization 01/13/10
- SB 163** By Sen. McCabe - **Authorizing issuance of revenue bonds for public projects** - Introduced 01/13/10 - To Government Organization then Finance - To Government Organization 01/13/10
- SB 169** By Sen. Browning and Plymale - **Relating to Economic Development Authority loans' criteria** - Introduced 01/13/10 - To Economic Development then Finance - To Economic Development 01/13/10
- SB 181** By Sen. Caruth - **Relating to land development ordinances** - Introduced 01/13/10 - To Economic Development then Government Organization - To Economic Development 01/13/10
- SB 196** By Sen. Unger and White - **Creating WV Volunteer Firefighter Length of Service Act** - Introduced 01/13/10 - To Pensions then Finance - To Pensions 01/13/10
- SB 211** By Sen. Browning and Foster - **Creating Protection of Water Act** - Introduced 01/13/10 - To Natural Resources then Energy, Industry and Mining - To Natural Resources 01/13/10
- SB 218** By Sen. Tomblin (Mr. President) and Caruth [By Request of the Executive] - **Providing for early parole eligibility for certain inmates** - Introduced 01/14/10 - To Judiciary - (original same as H. B. No. 4032)
- SB 231** By Sen. Laird and Snyder - **Creating personal income tax credit for spaying or neutering pets** - Introduced 01/18/10 - To Finance
- SB 232** By Sen. Snyder, Browning, Foster, Laird, Minard, Oliverio, Kessler, Palumbo, Barnes, Deem, Unger, Stollings, McCabe, Plymale and Wells - **Transferring certain requirements for redeeming delinquent land sales from county clerks to State Auditor** - Introduced 01/19/10 - To Government Organization then Finance - (original similar to H. B. No. 2937) - To Government Organization 01/19/10
- SJR1** By Sen. Sypolt and Minard - **Proposing amendment to Constitution designated Homestead Exemption Increase Amendment** - Introduced 01/13/10 - To Judiciary then Finance - (original same as H. J. R. No. 3 - similar to H. J. R. No. 8) - To Judiciary 01/13/10
- SJR2** By Sen. Unger and White - **Proposing amendment to Constitution designated Homestead Exemption Increase Amendment** - Introduced 01/13/10 - To Judiciary then Finance - To Judiciary 01/13/10
- SJR7** By Sen. Minard - **Proposing amendment to Constitution designated Homestead Exemption Increase Amendment** - Introduced 01/13/10 - To Judiciary then Finance - (original similar to H. J. R. No. 12, H. J. R. No. 14, H. J. R. No. 3 and H. J. R. No. 8) - To Judiciary 01/13/10
- SJR8** By Sen. Snyder - **Proposing amendment to Constitution designated Homestead Exemption Calculation Amendment** - Introduced 01/13/10 - To Judiciary then Finance - To Judiciary 01/13/10

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**SJR10 By Sen. Sypolt - Proposing amendment to Constitution designated Initiative, Referendum and Recall Amendment - Introduced 01/13/10 - To Judiciary then Finance - To Judiciary 01/13/10**

**SJR11 By Sen. Tomblin (Mr. President) and Caruth [By Request of the Executive] - Proposing amendment to Constitution designated Commercial and Industrial Tangible Personal Property Tax Exemption Amendment - Introduced 01/14/10 - To Judiciary then Finance - To Judiciary 01/14/10**

---

RECEIVED

JAN 21 2010

Jefferson County Commission

19 January 2010

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

In Reference to:  
W. Matthew Harris  
116 Monte Carlo Way  
Charles Town, West Virginia 25414

Dear Jefferson County Commission;

I would like to thank the Jefferson County Commission for accepting my Resume, Letter of Interest and References for an opening within the Zoning Board of Appeals of Jefferson County.

Although I did not win the election of appointment, it was my pleasure and challenge to stand in front of the Commission with my crudential. I believe the individuals you elected are an interesting and outstanding fit for the positions they selected. Furthermore, you can always depend on my dedicated service to the Jefferson County, Jefferson County Commission and our citizens.

I look forward to the next appointment that may become available in the coming months within Jefferson County.

Respectfully

At your service; W. Matthew Harris

#125

Lynne Deming  
915 Hidden Hollow Drive  
Kearneysville, WV 25430  
January 15, 2010

**RECEIVED**

JAN 20 2010

Jefferson County Commission  
Lyn Widmyer, President  
124 E. Washington Street  
Charles Town, WV 25414

**Jefferson County Commission**

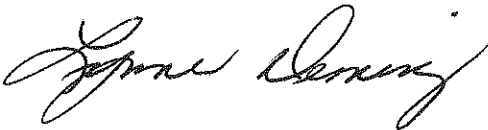
Dear President Widmyer,

Please accept this letter as notification of my resignation from the Jefferson County Planning Commission effective immediately.

I appreciate the opportunity provided me to represent the residents of Jefferson County in carrying out the duties of the Planning Commission.

---

Very sincerely,



Lynne Deming



West Virginia University

Extension Service

RECEIVED

#250

January 20, 2010

JAN 21 2010

Sandy Slusher McDonald  
Acting County Administrator  
P.O. Box 250  
Charles Town, WV 25414

Jefferson County Commission

Dear Sandy,

The Jefferson County Extension Service Committee will meet on Wednesday, February 3, 2010 at the WVU Jefferson County Extension Office. The meeting will begin at 7:00 p.m. and will conclude by 9:00 p.m.

This is an open meeting. Extension "users" and others interested in the WVU Extension program in Jefferson County are encouraged to attend and actively participate in the meeting. The extension office is located in the Jefferson County Public Services Center on Wiltshire Road near Bardane.

We will be discussing the proposed County Commission and Board of Education 2010/2011 budget requests, 2009 accomplishments, plans for 2010, as well as, the annual memorandum of understanding to continue employment of the Extension Agents. The County Extension Service Committee is established in each county by state law and has the authority to annually approve budgets and employment of the Extension Agents. A list of the Committee members and whom they represent is attached.

We're looking forward to our discussion about Extension programming that affects our Jefferson County citizens. Please join us! Call April (728-7413 ext. 0) if you are able to attend. If you have any questions about the meeting, call Judy Matlick at 728-7413 ext. 3.

Sincerely,

Judith A. Matlick  
Extension Agent  
Extension Associate Professor

Craig W. Yohn  
Extension Agent  
Extension Associate Professor

Jeremy P. Horvat  
Extension Agent  
Extension Instructor

**Snow Date: In case of bad weather, the meeting will be rescheduled. Call Judy at 304-728-7413 ext. 3 for a message if there is any question about the weather.**

Enclosure: JCESC Membership

Cooperative  
Extension Service

The West Virginia  
University Cooperative  
Extension Service,  
U. S. Department  
of Agriculture,  
West Virginia County  
Boards of Education and  
County Commissions  
Cooperating

Jefferson County Extension Office

Phone: 304 728-7413  
Fax: 304 728-4101  
www.wvu.edu/~exten/

1948 Wiltshire Road  
Suite 3  
Kearneysville WV 25430

Equal Opportunity/Affirmative Action Institution

**Jefferson County Extension Service Committee  
Membership; January 1, 2010**

|                                                                     |                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center"><b>County Commission</b></p>                      | <p>Patsy Noland<br/>48 Douglas Dr.<br/>Charles Town, WV 25414<br/>Phone: 304-725-2341</p>                                                                                                                                                                                                                         |
| <p align="center"><b>Board Of Education</b></p>                     | <p>Gary Kable<br/>P.O. Box 621<br/>Charles Town, WV 25414<br/>Phone: 304-725-5108</p>                                                                                                                                                                                                                             |
| <p align="center"><b>Farm Bureau</b></p>                            | <p>Samuel Donley, Jr.<br/>4368 Engle Molers Rd.<br/>Shepherdstown, WV 25443<br/>Phone: 304-876-2168</p>                                                                                                                                                                                                           |
| <p align="center"><b>4-H Leaders Association</b></p>                | <p>Peggy Grantham<br/>2517 S. Childs Rd.<br/>Kearneysville, WV 25430<br/>Phone: 304-725-8903</p>                                                                                                                                                                                                                  |
| <p align="center"><b>Community Educational Outreach Service</b></p> | <p>Wallis Anne Magaha<br/>36 Orange Blossom Lane<br/>Ranson, WV 25438<br/>Phone: 304-725-7179</p>                                                                                                                                                                                                                 |
| <p align="center"><b>WVU Board Of Governors</b></p>                 | <p>William (Pete) Walker<br/>118 Shade Tree Lane<br/>Shenandoah Junction, WV 25442<br/>Phone: 304-725-5401</p> <p>Michael E. Alvarez<br/>3775 Kabletown Road<br/>Charles Town, WV 25414<br/>Phone: 304-725-2350</p> <p>Arthena Roper<br/>418 S. Samuel St.<br/>Charles Town, WV 25414<br/>Phone: 304-728-9240</p> |

**National Conservation Innovation Grant Proposal  
Precision Nutrient Management Using a Systems Approach in Karst Geology**

During the fall of 2009, the West Virginia University Extension Service was awarded a grant to promote and expand the use of new technologies and proven tools to create a comprehensive nutrient management cost sharing program for agriculture producers in Berkeley, Jefferson, and Morgan Counties. The program is directed at producers who farm in the Karst Geology of the region.

It includes several practices that occur throughout the growing season. Many are inter-related which means that to be eligible for one practice, you may have to use another. For example, to be eligible to plant fields in cover crops to sequester nutrients, a corn late nitrate stalk test must be taken. To qualify for the cost share on the split application of nitrogen on corn or wheat, a diagnostic test such as a tissue test, PSNT or chlorophyll meter test must be used to determine the amount of N that is required. A cost share is also being offered if a producer hires the use of real time red and near infrared technology to determine nitrogen application rate.

There is a cost share on the use of variable rate application of lime, phosphorous and potassium. A producer is only eligible for this practice if there has been a prescription developed based on GPS referenced yield maps (for P and K) or GPS referenced soil samples.

If producers want to invest in GPS guidance to apply nutrients themselves, or yield monitors to more efficiently manage nutrients there is a cost share for that which would also include software. This would also pay if others are providing these services for the producer.

Finally, there is a specific cost share incentive to move manure from storage facilities beyond the farmstead. Producers will be paid \$2.50 per loaded mile for every mile that is further than one mile from the manure storage facility.

I am sure the question that is before you is, "Who can provide these services.?" Several custom operators in the region are gearing up to provide some of these services. An informational meeting is scheduled for all area custom applicators and custom service providers.

---

An educational meeting for you will be held on **Monday, February 1st beginning at 7:00 pm** at the WVU Tree Fruit Research and Education Center. and others have been informed of this pilot program and will hopefully make the investment in these technologies and practices. Please call April to register at 304.728.7413, ext. 0.

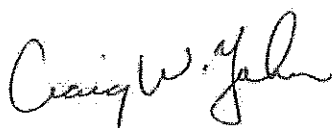
NRCS has several levels of nutrient management under EQIP. It is hoped that this will help them develop procedures that will make these cost shared practices more available to the producer as occurs in Maryland, Pennsylvania and Virginia.

Please complete the enclosed application and return by **February 15, 2010** to be eligible for spring practices. Thank you for your interest in participating in this pilot project.

**RECEIVED**

Yours for better farming,

JAN 21 2010



Jefferson County Commission

**Precision Soil Sampling, Recommendation Cost Share** Precision agriculture is used to improve the agronomic, environmental and economical perspective of crop management from in-field variability. This management requires the use of a GPS (Global Positioning System) and information management tools such as GIS (Geographic Information System) to assess management information and understand variations. Precision soil sampling and recommendation must include all of the following:



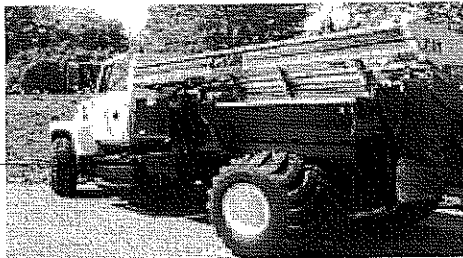
- Precision soil sampling (zone) or “smart sampling” in no larger than 2.5 acre grids
- Analysis through a Certified Lab using Mehlich I analysis
- Recommendations based on West Virginia University Soil Testing Lab in accordance with the NRCS 590 Nutrient Management Standards.

- Development of database and maps which interpolate sample results and provide files to producers which then will be used to variably apply nutrients to their small fields.



**Variable Rate Application of Nutrients Cost Share** Utilize precision sampling or a GPS based yield monitoring system to collect field-specific crop data, and a software/record keeping system that analyzes that data. Nutrients shall be applied based on West Virginia Soil Testing Lab and West Virginia NRCS 590 Nutrient Management Standards.

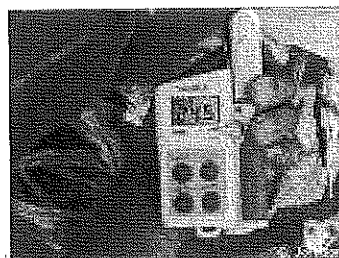
Producers may utilize software/record keeping systems that analyzes that data which may used to recommend variable rate fertilizer, lime, and/or variable rate planting. This system involves the development and use of an extensive record keeping system of crop management and yield data inputs using GPS technology. This technology may be purchased by the producer or the producer may utilize a service(s) that provides this technology.



## **Nitrogen Use Efficiency**

### Apply the Proper Rate of Nitrogen

- Develop a Pre-Season estimate of Nitrogen based on expected yields, yield history or yield monitor data for predominant soil types within the field. (*all non-legume crops*); Adjust nitrogen application based on previous manure use and/or green manures (*all non-legume crops*). Depending on growing crop and type of nutrient(s) used, implement in-season nitrogen adjustments based on Pre-Sidedress Nitrate Test (PSNT) (*corn and previous manure application only*), Leaf Chlorophyll Meter (LCM), or Tissue Test. (*corn, small grain*).



### Eastern Panhandle Conservation Innovation Grant Application Form

Name \_\_\_\_\_

Farm Name \_\_\_\_\_

Address \_\_\_\_\_

Farm Number \_\_\_\_\_

\_\_\_\_\_

Field(s) \_\_\_\_\_

Phone # \_\_\_\_\_

Tract # \_\_\_\_\_

Email \_\_\_\_\_

#### Best Management Practices (BMP's) applied for:

| BMP's                                    | Limits                                                                                   | Cost-Share Rate                                                                                                                                                                                          | Yes (X) | No (X) | Amount applied for                               |
|------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------|--------------------------------------------------|
| Precision Soil Sampling                  | Not to exceed 200 acres                                                                  | \$6.00 per acre                                                                                                                                                                                          |         |        | _____ acres of Forage<br>_____ acres of Row Crop |
| Variable rate application of P,K or Lime | Not to exceed 200 acres. Must have precision Sampling or yield maps                      | \$8.00 per acre for lime<br>\$8.00 per acre for P/K application                                                                                                                                          |         |        | _____ acres of Forage<br>_____ acres of Row Crop |
| Nitrate Application Evaluation           | Not to exceed 5 fields that have had manure application                                  | \$5.00 per field                                                                                                                                                                                         |         |        | _____ fields                                     |
| Split N Application                      | Corn or wheat using nitrate evaluation tool prior to application not to exceed 200 acres | \$8.00 per acre                                                                                                                                                                                          |         |        | _____ acres                                      |
| Late Corn Stalk Nitrate Test             | Not to exceed 5 fields                                                                   | \$5.00 per field                                                                                                                                                                                         |         |        | _____ fields                                     |
| Cover Crop                               | Fields must have Late Corn Stalk Nitrate Test in Optimum or High Range                   | \$26.65 per acre by October 15 <sup>th</sup> (drilled)<br>\$23.85 per acre by October 15 <sup>th</sup> (broadcast)<br>Could be piggy backed with State or EQIP Program (90% cost share—\$59.94 per acre) |         |        | _____ acres<br>Previous Crop:<br>_____           |
| On Farm Yield Monitoring and Guidance    | Farm Enterprise must be no less than 175 acres                                           | \$8.00 per acre                                                                                                                                                                                          |         |        | _____ acres                                      |
| Distance Hauling of Animal Manures       | Must be generated on the farm. Filed must be greater than .5 miles from manure storage   | \$2.50 per loaded mile                                                                                                                                                                                   |         |        | _____ miles                                      |

On the farms identified above the Applicant agrees to participate in the identified program if the offered is accepted by West Virginia University. The undersigned shall hereafter be referred to as the "Participant." The participant understands that starting a practice prior to contract approval causes the practice to be ineligible for program financial assistance. The participant will obtain the landowner's signature on the contract or provide written authorization to participate in the programs being offered if not the participant.

|                            |             |
|----------------------------|-------------|
| <b>Applicant Signature</b> | <b>Date</b> |
|----------------------------|-------------|

**Return Applications to:  
Conservation Innovation Grant  
Craig W. Yohn  
1948 Wiltshire Road, Suite 3  
Kearneysville, WV 25430**

**Questions?  
Call  
Craig Yohn—304.728.7413, ext. 2  
Mary Beth Bennett—304.264.1936  
Denis Scott—304.258.8400**

**PUBLIC BURDEN STATEMENT**

In accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0578-0013. The time required to complete this information collection is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**NONDISCRIMINATION STATEMENT**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**PRIVACY ACT STATEMENT**

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a). This information is used to track contract or agreement progress. The authority for requesting the following information is 7 CFR 630 (Long Term Contracting); 7 CFR 1410 (CRP); 7 CFR 631 and 702 (IEQIP); 7 CFR 636 (WHIP); 7 CFR 622 (WPFPP); 7 CFR 1465 (AMA); 7 CFR 1469 (CSP); 7 CFR 625 (HFR); 7 CFR 1494 (FRPP); and 7 CFR 1467 (WRP). Furnishing information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

#28

Jefferson County Commission - E911  
110 E Washington Street

RECEIVED

Charles Town, WV 25414

JAN 20 2010

E911

Jefferson County Commission

Reporting Period: December 01, 2009 - December 31, 2009

FEIN: 202758841

Company Name: Vonage America c/o BillSoft Services, Inc.  
10100 W 87th St.  
Suite 200  
Overland Park, KS 66212-4628

Phone: (913) 859-9674

Fax: (913) 438-9260

Month Collected for : 12/01/09 - 12/31/09

Contact Name: Tiffany Barnes

Date Remitted: 01/20/10

|                  | <u>Residential</u> |               | <u>Centrex</u>  |
|------------------|--------------------|---------------|-----------------|
| # Lines          | <u>1,038</u>       | # Lines       | <u>0</u>        |
| Tax Rate         | <u>2.90</u>        | Tax Rate      | <u>0.00</u>     |
| Amount Billed    | <u>3,010.20</u>    | Amount Billed | <u>0.00</u>     |
| Admin Fee        | <u>0.0000</u>      | Admin Fee     | <u>0.0000</u>   |
| Net Remittance   | <u>3,010.20</u>    |               | <u>0.00</u>     |
| Total Remittance |                    |               | <u>3,010.20</u> |

Signed:  01/11/10  
Date

Name & Title: Tiffany Barnes, Preparer

*I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.*

37439



JPMorgan Chase Bank, N.A.  
Syracuse, New York

50-937-213

1/15/2010

Security features. Details on back.

**VONAGE TAX ACCOUNT**

23 MAIN STREET  
HOLMDEL, NJ 07733

PAY TO THE ORDER OF  
Jefferson County Commission

\$ 3,010.20

DOLLARS

Three Thousand Ten And 20/100

Jefferson County Commission - E911

110 E Washington Street  
Charles Town, WV 25414

*Tanya Brewster*

AUTHORIZED SIGNATURE

MEMO

12/1/2009 - 12/31/2009: FEIN202758841: Jefferson County WV Generic E911 Dual  
Remittance Form

⑆037439⑆ ⑆021309379⑆

95708707⑆

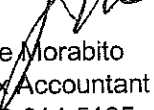
Telecommunications Company  
CTC of West Virginia  
3 High Ridge Park  
Stamford, CT 06905

County of Jefferson E-911, WV

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

FEIN No: 06-1449041  
Report Month: Dec-09

|                             |           |
|-----------------------------|-----------|
| A. Gross Line Count         | 17,891.00 |
| B. Less Adjustments         | 0.00      |
| C. Net Line Count           | 17,891.00 |
| D. Line Rate                | 2.90      |
| E. Surcharge Billed         | 51,883.90 |
| F. Centrex Line Count       | 2,305.57  |
| G. Centrex Line Rate        | 0.725     |
| H. Surcharge Billed         | 1,671.54  |
| I. Administrative Fee Rate  | 0.03      |
| J. Administrative Fee Taken | 1,606.66  |
| K. Net Surcharge Remitted   | 51,948.78 |

Signature:   
Name: Joe Morabito  
Title: Tax Accountant  
Phone: 203-614-5105

Date: 1/14/2010

**RECEIVED**

JAN 21 2010

Jefferson County Commission

USD

CITIZENS CHKREOTAX 2021823 001 CHECK DATE: 1/15/2010 CHECK NO. 56219936

| INVOICE NO.          | DATE       | GROSS AMOUNT | DISCOUNT AMOUNT | NET AMOUNT |
|----------------------|------------|--------------|-----------------|------------|
| 47775 004-WVE911JEFF | 12/14/2009 | 51,948.78    | .00             | 51,948.78  |
|                      |            | 51,948.78    | .00             | 51,948.78  |

8410006501 ©2004 Moore Wallace. All rights reserved. SecureScan® - Patents 5,018,767 ; 5,193,953 ; 5,707,083 - 0207

QUESTIONS? PLEASE CALL 1-800-209-9963.

REMOVE DOCUMENT ALONG THIS PERFORATION

THIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK

**CITIZENS** communications  
Citizens Communications Company  
3 High Ridge Park  
Stamford, CT 06905

HSBC BANK USA 50-682  
ONE HSBC CENTER 213  
BUFFALO, NEW YORK 14203

DATE 1/15/2010

NET AMOUNT **56219936**

\*\*\* VOID AFTER 1 YEAR \*\*\*

**\$ 51,948.78**

DOLLAR FIVE ONE THOUSAND NINE HUNDRED FORTY EIGHT AND 78/100 DOLLARS

PAY Fifty-One Thousand Nine Hundred Forty-Eight and 78/100 Dollars

PAY TO JEFFERSON COUNTY COMMISSION  
PO BOX 250  
CHARLESTOWN WV 25414

C1081678

⑈56219936⑈ ⑆021306822⑆ 797⑈02973⑈7⑈

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

**CITIZENS** communications  
180 SOUTH CLINTON AVENUE  
ROCHESTER, NY 14646-0300

FIRST-CLASS MAIL  
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JEFFERSON COUNTY COMMISSION  
PO BOX 250  
CHARLESTOWN WV 25414

#29

P.O. Box 2067  
Charleston, WV 25327



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John C. Musgrave  
Director

To: Controller

Location: Jefferson County Commission

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From: Melissa White ext. 290

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**Comments:**

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

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WV LOTTERY  
WEST VIRGINIA LOTTERY  
First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2009

Charles Town  
1999 Net Terminal Revenue \$ 45,603,174  
Benchmark Goal @ 2% \$ 912,063.48

| DATE                             | 2% OF ADJ. NET REVENUE | TO JEFFERSON COUNTY | TO FIVE CITIES  | BOLIVAR 12.42% | CHARLES TOWN 34.56% | HARPERS FERRY 3.65% | RANSON 35.06% | SHEPHERDS TOWN 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                         | \$ 174,493.08          | \$ 174,493.08       | \$ -            | \$ -           | \$ -                | \$ -                | \$ -          | \$ -                  |
| 08/08/09                         | \$ 155,846.74          | \$ 138,408.80       | \$ 17,437.94    | \$ 2,165.79    | \$ 6,026.55         | \$ 836.48           | \$ 6,117.24   | \$ 2,491.88           |
| 08/15/09                         | \$ 162,444.28          | \$ 81,222.14        | \$ 81,222.14    | \$ 10,087.79   | \$ 28,070.37        | \$ 2,964.81         | \$ 28,492.73  | \$ 11,606.64          |
| 08/22/09                         | \$ 152,520.62          | \$ 76,260.31        | \$ 76,260.31    | \$ 9,471.53    | \$ 26,355.56        | \$ 2,783.50         | \$ 26,752.12  | \$ 10,887.60          |
| 08/29/09                         | \$ 160,945.84          | \$ 80,472.92        | \$ 80,472.92    | \$ 9,984.74    | \$ 27,811.44        | \$ 2,937.26         | \$ 28,229.90  | \$ 11,499.58          |
| 09/05/09                         | \$ 161,596.30          | \$ 80,799.15        | \$ 80,799.15    | \$ 10,035.13   | \$ 27,923.84        | \$ 2,949.13         | \$ 28,343.99  | \$ 11,546.06          |
| 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         | \$ 24,559.56  | \$ 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    | \$ 9,977.93    | \$ 24,982.06        | \$ 2,638.44         | \$ 25,357.93  | \$ 10,329.68          |
| 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    | \$ 9,136.18    | \$ 25,422.41        | \$ 2,684.95         | \$ 25,804.92  | \$ 10,511.75          |
| 10/24/09                         | \$ 135,193.32          | \$ 67,581.66        | \$ 67,581.66    | \$ 8,393.64    | \$ 23,956.22        | \$ 2,466.73         | \$ 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                         | \$ 127,493.16          | \$ 63,741.59        | \$ 63,741.59    | \$ 7,916.71    | \$ 22,029.09        | \$ 2,328.57         | \$ 22,360.55  | \$ 9,108.67           |
| 11/14/09                         | \$ 131,919.28          | \$ 65,959.64        | \$ 65,959.64    | \$ 8,192.19    | \$ 22,795.65        | \$ 2,407.53         | \$ 23,138.64  | \$ 9,425.83           |
| 11/21/09                         | \$ 119,094.10          | \$ 59,547.05        | \$ 59,547.05    | \$ 7,395.74    | \$ 20,579.48        | \$ 2,173.47         | \$ 20,889.11  | \$ 8,509.27           |
| 11/28/09                         | \$ 144,799.96          | \$ 72,399.98        | \$ 72,399.98    | \$ 8,892.08    | \$ 25,021.43        | \$ 2,642.60         | \$ 25,397.91  | \$ 10,345.96          |
| 12/05/09                         | \$ 102,013.02          | \$ 51,006.51        | \$ 51,006.51    | \$ 6,335.01    | \$ 17,627.85        | \$ 1,861.74         | \$ 17,893.08  | \$ 7,286.83           |
| 12/12/09                         | \$ 104,921.16          | \$ 52,460.58        | \$ 52,460.58    | \$ 6,515.60    | \$ 18,130.39        | \$ 1,914.61         | \$ 18,403.17  | \$ 7,496.62           |
| 12/19/09                         | \$ 85,688.78           | \$ 32,834.39        | \$ 32,834.39    | \$ 4,078.03    | \$ 11,347.57        | \$ 1,196.46         | \$ 11,518.30  | \$ 4,692.03           |
| 12/26/09                         | \$ 106,812.68          | \$ 53,406.34        | \$ 53,406.34    | \$ 6,633.07    | \$ 18,457.23        | \$ 1,949.33         | \$ 18,734.94  | \$ 7,831.77           |
| 01/02/10                         | \$ 185,960.80          | \$ 92,980.40        | \$ 92,980.40    | \$ 11,548.17   | \$ 32,134.03        | \$ 3,393.78         | \$ 32,617.52  | \$ 13,286.90          |
| 01/09/10                         | \$ 110,040.92          | \$ 55,020.46        | \$ 55,020.46    | \$ 6,833.54    | \$ 19,015.07        | \$ 2,008.25         | \$ 19,301.16  | \$ 7,862.42           |
| 01/18/10                         | \$ 121,102.56          | \$ 60,551.28        | \$ 60,551.28    | \$ 7,520.47    | \$ 20,926.52        | \$ 2,210.12         | \$ 21,241.39  | \$ 8,652.78           |
| Subtotal                         | \$ 4,050,704.42        | \$ 2,481,393.96     | \$ 1,569,320.46 | \$ 194,909.62  | \$ 542,357.14       | \$ 57,280.20        | \$ 550,617.61 | \$ 224,255.69         |

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>January 16, 2010<br>FY10 |
|---------------------------------------------------|-----------------------------------------|
| To be Deposited on:                               | January 25, 2010                        |
| Amount Played                                     | 72,926,301.79                           |
| Amount Won                                        | 65,584,565.94                           |
| Amount Promo                                      | 299,836.00                              |
| MWAP Contribution                                 | <u>33,650.34</u>                        |
| <b>Adjusted Gross Terminal Revenue</b>            | <b><u>7,008,249.51</u></b>              |
| Administrative Costs @ 4%                         | 0.00                                    |
| Excess Lottery Fund @ 4%                          | <u>280,329.97</u>                       |
| <b>Net Terminal Revenue</b>                       | <b><u>6,727,919.54</u></b>              |
| Surcharge @ 10%                                   | 672,791.94                              |
| State Share Excess @ 58%                          | 390,219.33                              |
| Track Share of Capital Reinvestment @ 42%         | 282,572.61                              |
| Track Share of Capital Reinvestment @ 42% - 96%   | \$ 271,289.71                           |
| Track Share of Capital Reinvestment @ 42% - 4%    | \$ 11,302.90                            |
| <b>Adjusted Net Terminal Revenue</b>              | <b><u>6,055,127.60</u></b>              |
| Racetrack @ 46.50% / 42%                          | 2,543,153.59                            |
| Lottery Fund @ 30% / 0%                           | 0.00                                    |
| Excess Lottery Fund @ 0% / 41%                    | 2,482,602.30                            |
| Race Track Purses @ 7% / 14% / 8%                 | 484,410.21                              |
| Workers' Compensation Debt Reduction @ 7%         | 0.00                                    |
| Employee Pension Fund @ 1% / .5%                  | 30,275.64                               |
| Greyhound Development @ .75%                      | 45,413.46                               |
| Thoroughbred Development @ .75%                   | 45,413.46                               |
| Racing Commission @ 1%                            | 60,551.28                               |
| <hr/>                                             |                                         |
| County/Municipality @ 2%                          | 121,102.56                              |
| 3% Funds:                                         |                                         |
| Tourism Promotion Fund @ 1.375%                   | 83,256.00                               |
| Development Office Promotion Fund @ .375%         | 22,706.73                               |
| Research Challenge Fund @ .5%                     | 30,275.64                               |
| Capitol Renovation and Improvement Fund @ .6875%  | 41,629.00                               |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 3,784.45                                |
| 1% Funds:                                         |                                         |
| State Capitol Complex Parking Garage @ 1%         | 0.00                                    |
| Cultural Facilities and Capitol Resources @ .5%   | 0.00                                    |
| Capitol Dome and Capitol Improvements @ .5% / 1%  | <u>60,551.28</u>                        |
|                                                   | <b><u>6,055,127.60</u></b>              |