

**AGENDA FOR THURSDAY, MARCH 11, 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. 9:45 a.m. - County Administrator Reports
- 4. 9:50 a.m. - County Commission Reports
- 5. 10:00 a.m. - Sheriff Shirley - Department Update and Introduction of New Deputy Douglas Fletcher
- 6. 10:15 a.m. - Jennifer S. Maghan - County Clerk's Report
- 7. 10:30 a.m. - State Auditor's Office - FY2008 and FY2009 Audit Exit Discussion
- 8. 11:00 a.m. - Legal Update and Report - (Stephanie Grove)  
- Department Heads Overtime Policy - Status Report

**UNFINISHED BUSINESS:**

- 9. 11:15 a.m. - Water Advisory Committee Appointments
- 10. 11:30 a.m. - Jefferson County Emergency Services Agency Appointments
- 11. 11:45 a.m. - Harpers Ferry/Bolivar Public Service District Appointment

**NEW BUSINESS:**

- 12. 11:50 a.m. - Legislative Issues
- 13. 12:05 p.m. - Request for use of County Meeting Room Received from Daniel P. Lutz, Jr. - Discussion/Action

- 14. 12:15 p.m. - Break for Lunch

~~~~~ AFTERNOON SESSION ~~~~~

- 15. 1:30 p.m. - Jennifer Brockman, Director of Planning & Zoning  
- Planning Commission recommendations regarding Bakerton and  
340 Zoning Map Amendment Request
- 16. 1:45 p.m. - Mark Schiavone, Director of Capital Planning and Management  
- Budget Issues
- 17. 2:00 p.m. - Jefferson County Emergency Services Agency - Budget Discussion
- 18. 2:15 p.m. - Parks and Recreation Commission - Budget Discussion
- 19. 2:30 p.m. - Duffields Station, Inc. - Budget Discussion
- 20. 2:45 p.m. - Jefferson County Development Authority - Budget Discussion
- 21. 3:00 p.m. - Adjourn

**INFORMATION:**

- 22. The County Commission will be welcoming the new County Administrator, Tim Boyde, and expressing their appreciation to Sandy McDonald, Deputy County Administrator on Wednesday, March 17, 2010, 4:00 p.m. - 5:30 p.m. in the basement of the Charles Town Library.
- 23. Memorandum received from the Engineering Department concerning an acceptance of bond in the amount of \$30,040 for Cambridge Manufactured Home Development.
- 24. Memorandums received from the Department of Capital Planning and Management concerning transfers of funds.
- 25. Impact Fee Status report received for February 2010.
- 26. Correspondence received from the Historic Landmarks Commission concerning the proposed "monopine" cellular tower.
- 27. Correspondence received from the Historic Landmarks Commission supporting the work of the County's GIS/Addressing office.

- 28. Correspondence received from the West Virginia Development Office concerning the Land and Water Conservation Fund.
- 29. Correspondence received from the West Virginia Division of Culture and History concerning the proposed mountain communities water extension.
- 30. Correspondence received from the State Tax Department concerning the budget for the Statewide Computer Network.
- 31. Correspondence received from the U.S. Census Bureau concerning the "Take 10" challenge.
- 32. Notice received of the National Animal Control Association Training Academy on May 3-7, 2010.
- 33. Legislative information received from the Association of Counties and the County Commissioners' Association.
- 34. Newsletter received from the Harpers Ferry National Historical Park.
- 35. Memorandum received from the West Virginia Development Office concerning the 2010-2014 Consolidated Action Plan.
- 36. E-911 fees received.
- 37. Weekly settlement report for the Charles Town Races and Slots received from the West Virginia Lottery.
- 38. Meeting minutes received from the Jefferson County Public Service District.
- 39. Correspondence received from Jennifer Maghan, County Clerk regarding removal of platform in the mail room.
- 40. Correspondence received from Kimberly D. Smeltzer opposing the proposed judicial center building project.
- 41. Correspondence received from Gil Narro Garcia concerning the Planning Commission agenda.

*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.*

**BYREGULAR TERM:**

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

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library meeting room thereof on Thursday, February 25, 2010 beginning at 9:30 o'clock a.m.

**PRESENT:** Lyn Widmyer; President;  
James Surkamp, Patricia Noland, Dale Manuel; Commissioners

**In re: PLEDGE OF ALLEGIANCE**  
Commissioner Surkamp conducted the Pledge of Allegiance.

**In re: APPROVAL OF MINUTES**  
No minutes were provided due to County Offices closed for inclement weather on February 11, 2010.

**In re: APPROVAL OF PURCHASE ORDERS**  
Motion by Noland, second by Manuel to approve the following Purchase Orders for the week of February 25, 2010 totaling \$113,151.09: 47907, 47682, 48050, 47141, 47772, 47778, 48013, 48046, 48047, 48048, 48052, 48053, 48055, 47366, 47948, 47949, 48060, 48049, 48058, 47368. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by Manuel, second by Noland to approve the list of accounts payable for February 25, 2010. Motion carried.

| CK#    | DEPT | VENDOR                   | PO#   | PO Amt   | Amt wo PO | CK Amount |
|--------|------|--------------------------|-------|----------|-----------|-----------|
| 060895 | 439  | AMERICAN PLANNING ASSOC  | 47369 | 460.00   | 0.00      | 460.00    |
| 060896 | 425  | COMCAST                  |       | 0.00     | 146.35    | 146.35    |
| 060897 | 716  | AMERICAN INTERNATIONAL   |       | 0.00     | 76.88     | 76.88     |
| 060898 | 716  | ALPHA TECH PET           | 48035 | 253.44   | 0.00      | 253.44    |
| 060899 | 716  | ADVANCED WEAPONS TECH    | 47340 | 1,571.00 | 0.00      | 1,571.00  |
| 060900 | 424  | BRIGGS WELD & RAD REPAIR | 48044 | 300.00   | 0.00      | 300.00    |
| 060901 | 401  | CO COMMISSIONERS ASSOC   |       | 0.00     | 195.00    | 195.00    |
| 060902 | 700  | COUNTRY ROADS TIRE & AUT | 48038 | 437.36   | 0.00      | 437.36    |
| 060903 | 405  | CIVIC RESEARCH INSTITUTE | 47946 | 179.95   | 0.00      | 179.95    |
| 060904 | 425  | CT CARPET 1 FLOOR/HOME   | 47999 | 5,368.90 | 0.00      | 5,368.90  |
| 060905 | 700  | CDW-GOVERNMENT INC       | 47715 | 1,250.00 | 0.00      | 1,250.00  |
| 060906 | 425  | CRAIGO 1ST CHOICE HEATIN | 48042 | 289.25   | 0.00      | 289.25    |
| 060907 | 424  | APPLE VALLEY TIRE        | 48039 | 245.00   | 0.00      | 245.00    |
| 060908 | 700  | DODSON'S SEPTIC          | 48041 | 250.00   | 0.00      | 250.00    |
| 060908 | 716  | DODSON'S SEPTIC          | 48041 | 250.00   | 0.00      | 250.00    |
| 060909 | 425  | DAYCON                   | 48036 | 451.92   | 0.00      | 451.92    |
| 060910 | 424  | FARM PLAN/SOUTH STATE    |       | 0.00     | 381.43    | 381.43    |
| 060910 | 425  | FARM PLAN/SOUTH STATE    |       | 0.00     | 244.51    | 244.51    |
| 060910 | 716  | FARM PLAN/SOUTH STATE    |       | 0.00     | 35.96     | 35.96     |
| 060911 | 701  | GALLS,AN ARAMARK CO      | 47710 | 155.94   | 0.00      | 155.94    |

|              |         |                          |       |                    |                     |                     |
|--------------|---------|--------------------------|-------|--------------------|---------------------|---------------------|
| 060912       | 415     | GENERAL COUNTY FUND-J FE |       | 0.00               | 27,567.71           | 27,567.71           |
| 060913       | 424     | GRAINGER, INC            | 48037 | 199.45             | 0.00                | 199.45              |
| 060913       | 425     | GRAINGER, INC            | 48043 | 81.48              | 0.00                | 81.48               |
| 060914       | 711     | GLOBALSTAR USA           | 48011 | 1,641.63           | 0.00                | 1,641.63            |
| 060915       | 712     | DR ROBERT JONES          |       | 0.00               | 1,000.00            | 1,000.00            |
| 060916       | 402     | JENNIFER S. MAGHAN       |       | 0.00               | 315.00              | 315.00              |
| 060917       | PAYROLL | MSBCBS                   |       | 0.00               | 132,831.78          | 132,831.78          |
| 060918       | 401     | PATRICIA A NOLAND        |       | 0.00               | 620.51              | 620.51              |
| 060919       | 712     | NORFOLK SOUTHERN CORP    |       | 0.00               | 12.00               | 12.00               |
| 060920       | 403     | PIFER OFFICE SUPPLY, INC | 47923 | 98.15              | 0.00                | 98.15               |
| 060920       | 404     | PIFER OFFICE SUPPLY, INC | 47789 | 449.01             | 0.00                | 449.01              |
| 060921       | 425     | PRO-TECH ELECTRONICS CO. | 48040 | 100.20             | 0.00                | 100.20              |
| 060922       | 700     | QUARTER MASTER           | 47716 | 93.93              | 0.00                | 93.93               |
| 060922       | 701     | QUARTER MASTER           | 47716 | 138.46             | 0.00                | 138.46              |
| 060922       | 701     | QUARTER MASTER           | 47717 | 427.02             | 0.00                | 427.02              |
| 060923       | 425     | RCS SECURITY             | 48045 | 5,630.00           | 0.00                | 5,630.00            |
| 060924       | 986     | SOFTWARE SYSTEMS, INC    |       | 0.00               | 9,788.06            | 9,788.06            |
| 060925       | 404     | SPECIALTY BUS SUPPLIES   | 47711 | 102.50             | 0.00                | 102.50              |
| 060925       | 405     | SPECIALTY BUS SUPPLIES   | 47947 | 2,315.28           | 0.00                | 2,315.28            |
| 060925       | 700     | SPECIALTY BUS SUPPLIES   | 47711 | 102.50             | 0.00                | 102.50              |
| 060925       | 716     | SPECIALTY BUS SUPPLIES   | 47338 | 79.00              | 0.00                | 79.00               |
| 060926       | 700     | WALTER F STEPHENS, JR IN | 47713 | 148.35             | 0.00                | 148.35              |
| 060927       | PAYROLL | WV DEPUTY SHRF RETIRE    |       | 0.00               | 7,985.30            | 7,985.30            |
| 060928       | PAYROLL | WV DEPUTY SHRF RETIRE    |       | 0.00               | 9,864.12            | 9,864.12            |
| 060929       | 424     | SPRINT                   |       | 0.00               | 94.71               | 94.71               |
| 060929       | 712     | SPRINT                   |       | 0.00               | 1,542.75            | 1,542.75            |
| 060930       | 425     | THYSSEN KRUPP ELEVATOR   | 47299 | 395.85             | 0.00                | 395.85              |
| 060931       | 424     | US POST MASTER           |       | 0.00               | 3,475.00            | 3,475.00            |
| 060932       | 425     | VALLEY HARDWARE CO       | 47892 | 14.62              | 0.00                | 14.62               |
| 060933       | PAYROLL | WV BD O/RISK-INS MGT     |       | 0.00               | 89,547.00           | 89,547.00           |
| 060934       | 712     | WV ENHANCED 911 COUNCIL  | 47777 | 95.00              | 0.00                | 95.00               |
| 060935       | PAYROLL | WV PUB EMP RETIRE SYS    |       | 0.00               | 1.28                | 1.28                |
| 060935       | PAYROLL | WV PUB EMP RETIRE SYS    |       | 0.00               | 23,047.55           | 23,047.55           |
| 060936       | PAYROLL | WV PUB EMP RETIRE SYS    |       | 0.00               | 3.14                | 3.14                |
| 060936       | PAYROLL | WV PUB EMP RETIRE SYS    |       | 0.00               | 56,338.49           | 56,338.49           |
| 060937       | 424     | WALMART BUSINESS         |       | 0.00               | 169.41              | 169.41              |
| 060937       | 716     | WALMART BUSINESS         |       | 0.00               | 13.68               | 13.68               |
| <b>TOTAL</b> |         |                          |       | <b>\$23,575.19</b> | <b>\$365,297.62</b> | <b>\$388,872.81</b> |

**In re: PUBLIC COMMENT**

Commissioner Widmyer reported that a day and a night public meeting will need to be set up for the Small Cities Block Grant Program.

Motion by Manuel, second Noland to approve and authorize Sandy Slusher McDonald to set up dates for a day and a night meeting for the Small Cities Block Grant Program. Motion carried.

Roger Idleman, President of the Jefferson County Interveners STOP PATH reported that 2009 was a successful year.

Mr. Idleman reported that the decision point for PATH will be in July 2011.

Motion by Manuel, second by Noland to move this item to an appointment. Motion carried.

Commissioner Manuel noted that he would like the PATH model to be tighter. The Commission directed staff to create a Resolution for Senate Bill 614 and House Bill 4403. Mr. Idleman requested the signatures on the Resolution once completed to show support of both Bills.

Motion by Noland, second by Manuel to authorize signatures on Senate Bill 614. Motion carried.

A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION  
SUPPORTING WEST VIRGINIA SENATE BILL 614 TO REQUIRE LANDOWNER  
NOTIFICATION AND OTHER CHANGES

WHEREAS, the members of the Jefferson County Commission have been elected to serve and protect the collective interest of citizens of Jefferson County, West Virginia; and

WHEREAS, the West Virginia Legislature has been elected to serve and protect the collective interest of citizens throughout the state; and

WHEREAS, the West Virginia Legislature has the authority to enact laws governing the conduct of business by State agencies; and

WHEREAS, Senate Bill 614 will require utility companies to directly notify landowners in and adjacent to the routes for proposed new transmission lines in a timely fashion; and

WHEREAS, this timely notification would give sufficient notice for landowners to determine if they wish to be interveners in transmission line applications placed before the Public Service Commission; and

WHEREAS, this should be considered both a common courtesy and an instrument of good and transparent government; and

WHEREAS, SB 614 would enact other provisions intended to promote the welfare of West Virginia residents prospectively affected by new transmission lines;

NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Commission does hereby support the passage of SB 614.

COUNTY COMMISSION OF  
JEFFERSON COUNTY, WEST VIRGINIA

\_\_\_\_\_  
President

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_

\_\_\_\_\_

Commissioner

Commissioner

Dated: February 25, 2010

Motion by Noland, second by Manuel to authorize signatures on House Bill 4403. Motion carried

A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION  
SUPPORTING WEST VIRGINIA HOUSE OF DELEGATES BILL 4403 TO REQUIRE LANDOWNER NOTIFICATION  
AND OTHER CHANGES

WHEREAS, the members of the Jefferson County Commission have been elected to serve and protect the collective interest of citizens of Jefferson County, West Virginia; and

WHEREAS, the West Virginia Legislature has been elected to serve and protect the collective interest of citizens throughout the state; and

WHEREAS, the West Virginia Legislature has the authority to enact laws governing the conduct of business by State agencies; and

WHEREAS, House Bill 4403 will require utility companies to directly notify landowners in and adjacent to the routes for proposed new transmission lines in a timely fashion; and

WHEREAS, this timely notification would give sufficient notice for landowners to determine if they wish to be interveners in transmission line applications placed before the Public Service Commission; and

WHEREAS, this should be considered both a common courtesy and an instrument of good and transparent government; and

WHEREAS, HB 4403 would enact other provisions intended to promote the welfare of West Virginia residents prospectively affected by new transmission lines;

NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Commission does hereby support the passage of HB 4403.

COUNTY COMMISSION OF  
JEFFERSON COUNTY, WEST VIRGINIA

\_\_\_\_\_  
President

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

---

Commissioner

---

Commissioner

Dated: February 25, 2010

The Commission recognized Ronald Fletcher as the newly appointed Jefferson County Fire and Rescue Association President.

**In re: ROGER ETHIER – WATER ADVISORY COMMITTEE – FUNDING REQUEST**

Roger Ethier, member of the Water Advisory Commission reported on the low pressure and dirty water on Hog Run.

Mr. Ethier reported that Shepherd University would be collecting samples and data weekly to help find a baseline.

**Commissioner Morgan arrived at 10:00 a.m.**

John Maxey, President of the Planning Commission reported that the Blue Ridge Watershed Study plans to use the baseline data provided by Shepherd University to the Water Advisory Commission.

Bill Zaleski, Registered Sanitarian with the Health Department was present and gave comments and agreed with Mr. Maxey's comments.

Jennifer Brockman was present and gave comments.

Commissioner Widmyer directed the Planning Commission, Water Advisory Commission and the Health Department to get together and come up with a proposal to bring before the Commission.

**In re: DEVELOPMENT AUTHORITY – DISCUSSION OF FY10 ACCOMPLISHMENTS AND FY11 WORK PLANS**

Tom Bayuzik, Development Authority Director reported on the accomplishments of 2009.

Mr. Bayuzik reported that Route 9 is scheduled to be completed in the fall of 2010.

Mr. Bayuzik reported that the Jefferson County Development Authority website will be up and running on Friday, February 26, 2010.

Mr. Bayuzik reported on the Eastern Regional Airport.

Commissioner Manuel reported that the Development Authority Board recommends going from 16 board members to 15.

Commissioner Morgan says she disagrees if the State Law says the Board can have as many as 21 members.

**In re: EXECUTIVE SESSION MEETING WITH MR. BAILEY, ATTORNEY FOR THE COUNTY CLERK LAWSUIT**

This item has been rescheduled for a later date due to a scheduling conflict.

**In re: HEALTH DEPARTMENT – DISCUSSION OF FY10 ACCOMPLISHMENTS AND FY11 WORK PLAN**

Amy Jones, Director of the Health Department reported on the 2009 accomplishments of the Health Department and new initiatives for FY2011.

Bob Johnson, Chairman of the Health Department Board was present and gave comments.

Bill Zaleski, Registered Sanitarian was present and gave comments.

**In re: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT**

Jennifer S. Maghan reported on the breakdown of the Election’s budget.

Commissioner Widmyer suggested that a roundtable discussion be scheduled to review the budget.

**In re: LEGAL UPDATE AND REPORT – (STEPHANIE GROVE)**

Stephanie Grove, Assistant Prosecuting Attorney reported that she did not prepare a to-do list due to Board of Review and Equalization.

Ms. Grove reported that she will be in Charleston for two cases.

Ms. Grove reported that she will have a revised Overtime Pay Policy written in two weeks.

Ms. Grove reported that she will need to address a personnel matter in Executive Session.

Motion by Manuel, second by Morgan to enter into Executive Session for the matter of personnel issues. Motion carried.

**The Commission reconvened at 1:35 p. m.**

**In re: APPROVAL OF BUDGET REVISION 005 TO THE GENERAL FUND (001) – DISCUSSION/ACTION (CONTINUED)**

Mark Schiavone, Director of Capital Planning and Management reported on the breakdown of the longevity pay.

Motion by Morgan, second by Widmyer to adopt the resolution to amend the budget for the General Fund as revision 005. Motion carried 4-1. Commissioner Surkamp voted no.

**In re: MARK SCHIAVONE - , DIRECTOR OF CAPITAL PLANNING AND MANAGEMENT – DECISION ON AUTOMATIC IMPACT FEE INFLATION ADJUSTMENT – DISCUSSION/ACTION**

Mark Schiavone, Director of Capital Planning and Management recommended that the Commission move to prevent the automatic inflation adjustment from taking effect.

Motion by Manuel, second by Noland to prevent the automatic inflation adjustment of all impact fee schedules from taking effect on April 1, 2010. Motion carried.

**In re: MARK SCHIAVONE – EMAIL SERVER ISSUES – SITE LICENSE AND ARCHIVING – DISCUSSION/ACTION**

Mark Schiavone, Director of Capital Planning and Management reported that we are running our email server without a license

Motion by Manuel second by Morgan to approve the purchase of a 250 – seat site license for our email server and to approve the purchase of archiving software for 250 users and to approve the modification of the budget for department 428 by moving \$2,700 from Contracted Services to Computer Software. Motion carried.

Commissioner Widmyer reported that there will be a roundtable discussion with IT and the New County Administrator, Tim Boyde.

Mr. Schiavone reported on the County’s insurance.

**In re: LEGISLATIVE ISSUES**

Commissioner Noland reported on the following legislative issues:

- House Joint Resolution 101
- Senate Resolution 11
- Senate Bill 232
- Senator Snyder’s Bill 237
- Senate Bill 333

Commissioner Manuel reported that Senator Doyle is looking into Hotel/Motel Tax to go to libraries.

**In re: REQUEST FOR USE OF THE COUNTY MEETING ROOM FOR CENSUS 2010**

Motion by Morgan, second by Manuel to approve request of the meeting room for Census 2010. Motion carried.

**In re: APPROVAL OF RESOLUTION AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM – DISCUSSION/ACTION**

Motion by Manuel, second by Noland to approve the resolution for participation in the Eastern Panhandle Home Consortium as presented. Motion carried

**RESOLUTION**

**A RESOLUTION OF THE County Commission OF Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011.**

**WHEREAS**, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

**WHEREAS**, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

**WHEREAS**, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

**WHEREAS**, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

**WHEREAS**, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2010-2011; and

**WHEREAS**, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:**

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, City of Charles Town, , City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2010 to June 30, 2011 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and
3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2010 HOME Investment Partnership Program.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BY:

\_\_\_\_\_

Name and Title

ATTEST:

\_\_\_\_\_

Name and Title

**In re: COUNTY ADMINISTRATOR REPORTS**

Sandy Slusher McDonald, Acting County Administrator reported that the Commission Staff has been relocated to the first floor of the Hunter House.

Ms. McDonald reported that an ad is being placed for the vacancy on the Planning Commission.

Ms. Mc Donald reminded the Commission of the Banquet for Middleway Fire Department at the Lion's Center.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Noland reported on the Board of Review and Equalization hearings she attended.

Commissioner Noland reported on the Water Advisory meeting she attended.

Commissioner Manuel reported on the Development Authority meeting he attended.

Commissioner Morgan reported on the recruitment for jobs for the Census 2010.

Commissioner Morgan reported on the Farmland Protection Board meeting she attended.

Commissioner Morgan reported on the Planning Commission meeting she attended.

Commissioner Surkamp reported on that the Census 2010 Postcards will be mailed.

Commissioner Widmyer reported on the Solid Waste Authority meeting she attended.

**In re: BARBARA MILLER, DIRECTOR OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT – 2010 SNOWSTORM UPDATE**

Barbara Miller, Director of Homeland Security reported on the Snowstorm of February 2010.

Ms. Miller showed a PowerPoint presentation of the storm to include the Governor.

**Commissioner Morgan left at 2:30 p. m.**

**In re: ROGER GOODWIN – BONDING POLICY REVIEW COMMITTEE – RECOMMENDATIONS AND SET PUBLIC HEARING DATE**

Becky Burns, Administrative Assistant reported that Mr. Goodwin is out sick and could not attend and would like this topic continued at the next available date.

**In re: ROGER GOODWIN – ENGINEERING – REVIEW OF FY11 WORK PLAN**

Becky Burns, Administrative Assistant reported that Mr. Goodwin is out sick and could not attend and would like this topic continued at the next available date.

**In re: KIRK DAVIS, SR., – CAPITAL PROJECTS MANAGER – REFUND TO THE CAPITAL OUTLAY FUND – DISCUSSION/ACTION**

Kirk Davis, Sr., reported on the balance in the Capital Outlay account and requested that funds be transferred from the savings account to the active checking account.

**Commissioner Morgan returned at 3:00 p. m.**

Motion by Morgan, second by Widmyer to approve the transfer of \$220,000.00 from the savings account to the active checking account for the purpose of refunding the Capital Outlay account. Motion carried.

Mr. Davis reported on the move of the Hunter House.

Commissioner Manuel questioned the HVAC in the Hunter House.

Bill Polk, Maintenance Director was present and gave comments and will be performing an energy audit.

**In re: KIRK DAVIS, SR., – CAPITAL PROJECTS MANAGER – REIMBURSEMENT FROM MAGISTRATE COURT – DISCUSSION/ACTION**

Kirk Davis, Sr. reported that we received reimbursement from the Supreme Court of Appeals for services based on the West Virginia Code § 50-3-4.

Motion by Manuel, second by Morgan to approve the deposit of \$673.01 to the Magistrate Court Fund and to be used in accordance with the provisions of Rule 8 of the Administration Rules for

Magistrate Courts. Motion carried.

**In re: JENNIFER BROCKMAN – PLANNING COMMISSION – REVIEW OF FY11 WORK PLAN**

Jennifer Brockman, Director of Planning and Zoning presented a PowerPoint presentation of her FY11 work plan.

Ms. Brockman reported on the accomplishments for 2009.

**The Commission received the following information:**

Appointments to be made to the Historic Landmarks Commission on March 4, 2010.

Appointment to be made to the Harpers Ferry/Bolivar Public Service District on March 4, 2010.

Appointments to be made to the Water Advisory Committee on March 4, 2010.

Memorandum received from the Engineering Department concerning a bond for Harvest Hills Subdivision in the amount of \$1,419,162.

Notice of a public meeting on Wednesday, March 3, 2010, at 7:00 p.m. for public review and discussion on the proposed plans for the new Jefferson County Judicial Center/Courthouse Annex.

Correspondence received from the Division of Highways concerning the Statewide Transportation Improvement Program.

Notice received from the Division of Highways concerning the addition of a road to the state local service system.

Animal Control report received for January 2010.

Correspondence received from the United State Department of Agriculture concerning the issuance of Errata Sheet for page 88 of the Lower Shenandoah River Watershed Assessment, Virginia and West Virginia.

Invitation received to attend the Shepherdstown Fire Department Recognition and Awards Dinner and Dance on March 20, 2010.

Legislative information received from the County Commissioners' Association.

Weekly settlement report for the Charles Town Races and Slots received from the West Virginia Lottery.

**The Commission received the following Correspondence:**

Correspondence received from the Fox Glen Community concerning road conditions.

Correspondence received from Scott Smiley concerning the Mountain Water System.

Upon rising the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

---

LYN WIDMYER, COMMISSION PRESIDENT

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

**AGENDA REQUEST FORM**

Name: Robert Shirley

Department or Entity: Sheriff

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 3/11/2010

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

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

**RECEIVED**

MAR 03 2010

**Jefferson County Commission**

Subject:

- Brief Department Update
- Introduce new Deputy Douglas Fletcher

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

N/A

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

N/A

Attachments:

February 23, 2010

To Whom It Concerns:

Please accept this fax as my request to be placed on the County Commission agenda regarding the Jefferson Co. Commission 2008 Audit.

Thank you,

Salli Martin  
Field Auditor

WV State Auditor

cell (304) 813-9054

salli.martin@wvsa0.gov

3/11/10  
10:30

**Sandy McDonald**

---

**From:** "Salli Martin" <Salli.Martin@wvsao.gov>  
**To:** <sandy@jeffersoncountywv.org>  
**Sent:** Friday, March 05, 2010 9:48 AM  
**Subject:** Exit March 11, 2010  
Sandy,

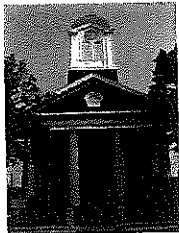
I just needed to let you know that I will actually be doing my exit for both fiscal year 2008 and 2009 on March 11, 2010 at 10:30 am.

Thanks,

Salli Martin

#9  
1

## THE COUNTY COMMISSION OF JEFFERSON COUNTY



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

Phone: 304-728-3284

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

Fax: 304-725-7916



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 4, 2010, or as soon thereafter as the Commission may decide:

### **Water Advisory Committee - 1 unexpired term ending 1/31/2011**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

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

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 4, 2010, or as soon thereafter as the Commission may decide:

**Water Advisory Committee- 3 expired terms ending January 31, 2013**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

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

# Water Advisory Commission

## Members Currently serving as of June 2009

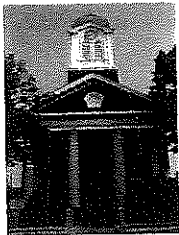
| Name             | Address                                                 | Phone                        | Expiration |
|------------------|---------------------------------------------------------|------------------------------|------------|
| Roger Ethier     | P.O. Box 1392<br>Shepherdstown, WV 25443                | 304-283-6196                 | 1/31/2010  |
| Larry Johnson    | 125 Burke St<br>Martinsburg, WV 25401                   | 304-267-9759                 | 1/31/2010  |
| Dicck Latterell  | PO Box 3609<br>Shepherdstown, WV 25443                  | 304-876-6072                 | 1/31/2010  |
| Susan Lawton     | P.O. Box 430<br>Charles Town, WV 25414                  | 304-724-7143                 | 1/31/2011  |
| Dan Riss         | PO Box 725<br>Harpers Ferry, WV 25425                   | 304-535-2432                 | 1/31/2011  |
| Lee Snyder       | 270 Industrial Blvd.<br>Kearneysville, WV 25430         | 304-725-3915                 | 1/31/2012  |
| Oscar Stine      | 7633 Flowing Springs Rd<br>Shepherdstown, WV 25443      | 304-876-2009                 | 1/31/2012  |
| Ruth McQuade     | 63 Juniper Circle<br>Shepherdstown, WV 25443            | 304-876-6619                 | 1/31/2012  |
| Jane Arnett      | 832 S. George St<br>Charles Town, WV 25414              | 304-725-2316                 | 1/31/2012  |
| Robert K. Denton | 19955 Highland Vista Dr. Suite 170<br>Ashburn, VA 20147 | 703-726-8030                 | 1/31/2011  |
| Patsy Noland     | Jefferson County Commission                             | 304-728-3284<br>304-261-7911 |            |

## Resigned member effective February 2010

| Name           | Address                                      | Phone        | Expiration |
|----------------|----------------------------------------------|--------------|------------|
| Virginia Graff | 2054 Turnberry Dr.<br>Charles Town, WV 25414 | 304-728-2869 | 1/31/2011  |

## Interested Applicants effective June 2009

| Name           | Address                                             | Phone        | Expiration |
|----------------|-----------------------------------------------------|--------------|------------|
| William Nowell | 389 Shenandoah River Dr.<br>Harpers Ferry, WV 25425 | 304-725-2440 |            |
| Larry Johnson  | 125 Burke St<br>Martinsburg, WV 25401               | 304-267-9759 |            |
| Roger Ethier   | P.O. Box 1392<br>Shepherdstown, WV 25442            | 304-283-6196 |            |
| Mark Shields   | 82 Foster Circle<br>Shenandoah Junction, 25443      | 301-827-6173 |            |



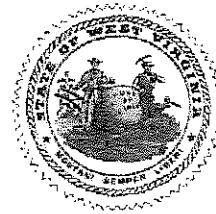
# THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304/728-3284

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

Fax: 304/725-7916



February 2, 2010

Virginia Graf  
2054 Kabletown Road  
Charles Town, WV 25414

Dear Ms. Graf:

The County Commission of Jefferson County has received your resignation as a member of the Water Advisory Committee.

On behalf of the Commission, I want to thank you for your time and effort spent in serving on the Water Advisory Committee. Please accept this letter as a token of our appreciation for your efforts.

For the Commission,

Sandra Slusher McDonald  
Acting County Administrator

RECEIVED

January, 27, 2010

Jefferson County Commission  
PO Box 250  
124 E Washington Street  
Charles Town WV 25414

JAN 28 2010

Sirs,

Jefferson County Commission

I have been made aware that there might be some openings on the Water Advisory Committee becoming available soon. I'd like to make known my interest in consideration for service on WAC should a vacancy occur.

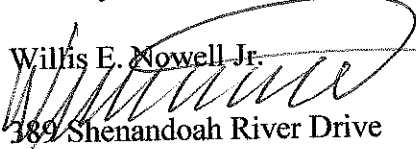
I have 13 years of professional work as a sanitarian and life experience as a Jefferson County resident for the greatest part of my adulthood. I feel I can bring unique qualifications to address the acutely sensitive to the issues facing the future of potable water availability to my fellow citizens on the Blue Ridge Mountain as well as other locales.

My familiarity with the Blue Ridge, gained both from professional experience and as consequence of having lived on "up there" for nearly 50 years, has given me a deep commitment to the protection of our precious surface and ground water resources. I am also aware of the special needs of County lands lying west of the Shenandoah River in the Great Limestone Valley.

My baccalaureate of science in Medical Technology provides a measure of knowledge that would be useful in evaluating the information the committee is charged with reviewing. Knowing both the magnitude of the challenges facing the County in the future and the dire consequences of a failure to act effectively provides me with the drive to act in the best interests of all our residents.

Thank you in advance for your consideration of my request.

Willis E. Nowell Jr.

  
389 Shenandoah River Drive  
Harpers Ferry WV 25425 6021  
(304) 725-2440  
email: willis\_nowell@shannondale.org

RECEIVED

Jefferson County Commission  
P.O. Box 250  
124 E. Washington Street  
Charles Town, WV 25414

2/18/2010

FEB 22 2010

Jefferson County Commission

Sirs,

In response to the Commission's notice of intent of appoint members of the Water Advisory Committee, I'm making known my interest in being considered to serve on that body. I have 13 years of professional work as a sanitarian with the Jefferson County Health Department and life experience as a County resident for nearly half a century. I can offer the committee unique qualifications to address the acutely sensitive issues facing the future of potable water availability to my fellow citizens on the Blue Ridge Mountain as well as locales lying west of the Shenandoah River.

My familiarity with the Blue Ridge, gained both from professional experience and a consequence of having lived "up there on the Mountain" for nearly 50 years, has given me a deep commitment to the protection of our precious surface and ground water resources. I am also aware of the special characteristics and needs of County lands situated in the Great Limestone Valley of the Shenandoah.

My baccalaureate of science in Medical Technology provides a technical and scientific background useful in evaluating related data the committee is charged with reviewing. My practical experience in evaluating individual water and sewage systems for the County would be an invaluable asset to the committee. Knowing both the magnitude of the challenges facing the County in the future and the medical consequences of a failure to act effectively provides me with the drive to act in the best interests of all our residents.

Thank you in advance for your consideration of my request.

Willis E. Nowell Jr.

389 Shenandoah River Drive  
Harpers Ferry WV 25425 6021  
(304) 725-2440  
email: willis\_nowell@shannondale.org

**Sandy McDonald**

---

**From:** <lwjohnson9@comcast.net>  
**To:** <sandy@jeffersoncountywv.org>  
**Cc:** <enineerswoboard@hotmail.com>  
**Sent:** Tuesday, February 02, 2010 8:42 PM  
**Subject:** Water Advisory Committee

February 2, 2010

Ms Sandy Slusher McDonald  
Acting County Administrator  
124 E Washington St.  
PO Box 250  
Charles Town, WV 25414

RE: Water Advisory Committee Appointment

Dear Ms Slusher,  
Roger Ethier, Chairman of WAC, has informed me that my appointment on the committee has expired. I would like to request reappointment to the committee. It has been an enjoyable experience and I feel that I can continue to add my expertise to the committee.

(I will be on vacation from February 4th thru 24th so will not be available for phone or email correspondence.)

Sincerely,

Larry Johnson  
[lwjohnson9@comcast.net](mailto:lwjohnson9@comcast.net)  
Cc. Roger Ethier

Hard Copy to Follow

**RECEIVED**

FEB 04 2010

**Jefferson County Commission**

February 2, 2010


Ms Sandy Slusher McDonald  
Acting County Administrator  
124 E Washington St.  
PO Box 250  
Charles Town, WV 25414

RE: Water Advisory Committee Appointment

Dear Ms Slusher,

Roger Ethier, Chairman of WAC, has informed me that my appointment on the committee has expired. I would like to request reappointment to the committee. It has been an enjoyable experience and I feel that I can continue to add my expertise to the committee.

Sincerely,

  
Larry Johnson

[lwjohnson9@comcast.net](mailto:lwjohnson9@comcast.net)

Cc. Roger Ethier

Feb 2, 2010

Ms Sandy Slusher McDonald  
Acting County Administrator  
124 E Washington St.  
PO Box 250  
Charles Town, WV 25414

Dear Sandy,

It has been brought to my attention that my 3 year term on WAC expired as or Jan 31, 2010. My intention is to remain on the WAC for another term and I therefore respectfully petition that the County Commissioners approve an extension of my term for voluntary service on the Jefferson County WAC for another 3 years term.  
Thanks

Sincerely,

  
Roger Ethier, WAC Chairperson

Feb 2, 2010

Ms Sandy Slusher McDonald  
Acting County Administrator  
124 E Washington St.  
PO Box 250  
Charles Town, WV 25414

Dear Sandy,

Please seriously consider Mr. Mark Shields, Shenandoah Junction, Jefferson County, WV as the primary candidate to fill the vacant position on the Water Advisory Committee that recently became open when Ms. Virginia Graf resigned to pursue other interest. His background in Public Health fills a serious void that urgently needs to be filled ASAP.

Thanks

Sincerely,



Roger Ethier, Chairperson, WAC

Mark A. Shields  
82 Fosters Circle  
Shenandoah Jct. WV 25442  
January 26, 2010

RECEIVED

JAN 28 2010

Jefferson County Commission  
P.O Box 250  
124 E. Washington Street  
Charles Town, WV 25414

Jefferson County Commission

Dear Commissioners:

I am contacting you regarding a possible opening on the Jefferson County Water Advisory Committee. If a position should become available, I respectfully request being appointed to the committee. I am currently a member of the Jefferson County Board of Health and believe the collaboration between the two organizations would be beneficial to the county.

I am currently employed with the Federal Government at the Food and Drug Administration, Center for Biologics Evaluation Research and Review (CBER) as a Consumer Safety Officer.

With my work at CBER, I have the training to protect and promote the health of the public in the 21st century by assuring the safety, efficacy, and security of human biological products and medical devices. My practical experience is in the scientific regulatory process, from initial submission of applications to the time of product/device termination. I provide authoritative advice and counsel to all parties engaged or interested in the FDA scientific regulatory review process. I am responsible for communicating and explaining all regulatory requirements to applicants and managers in industry as well as coordinating compliance with any regulatory findings and recommendations. My enclosed resume provides more history of my qualifications in the Health Sciences.

I believe my Medical Laboratory background would be a benefit to the Water Advisory Committee in dealing with water contamination and bio-burden issues. I am confident that I can perform the duties effectively. Furthermore, I am genuinely interested in the water issues facing the citizens of Jefferson County.

Should you need to reach me, please feel free to call me at (301)-827-6173. Thank you for your consideration.

Sincerely,



Mark A. Shields

**Mark Anderson Shields**

**DATE OF BIRTH:** April 3, 1953  
**PLACE OF BIRTH:** Bethesda, Maryland  
**HOME ADDRESS:** 82 Fosters Circle  
Shenandoah Jct. WV 25442  
**BUSINESS ADDRESS:** 1401 Rockville Pike  
Rockville, MD 20852  
**TITLE:** Consumer Safety Officer GS-696  
Regulatory Project Manager

**Education:**

Shepherd College  
Shepherdstown, WV 25443  
B.A. 1984

Baylor University  
Waco TX  
A.S. 1974  
Major: Health Science

**Professional Experience:**

**Food and Drug Administration**  
**Center for Biologics Evaluation and Research**  
**Office of Blood Research and Review**  
**Division of Blood Applications**  
**Rockville, MD 20852**

**Dates Employed: 08/2001-Present**  
**Consumer Safety Officer GS-696-14**

I currently serve as a Regulatory Project Manager in the Division of Blood Applications, Office of Blood Research and Review, CBER. I receive, evaluate and review regulatory submissions related to new drugs and other biological products as well as biological license applications to ensure safety and efficacy.

I act as co-leader of the scientific review team responsible for evaluation of medical data for licensure of biological products and devices. I am responsible for the management activities of the review team including scheduling meetings, and preparing issue-based agendas and official records of meetings. I work directly with all members of the review

Mark A. Shields - WAC

team (scientific, regulatory and management) to develop project plans, objectives and performance goals to meet time frames, milestones and endpoints.

I assure timely resolution of scientific and regulatory conflicts or problems to avoid delays in achieving goals. I am the driving force for the timely completion of project activities and attainment of stated objectives.

I act as the contact person for outside individuals and organizations to the FDA regulatory process. I am the liaison between industry and the FDA regulatory process.

**Walter Reed Army Medical Center  
Department of Medicine  
6900 Georgia Ave. NW  
Washington, DC 20307**

**Dates Employed: 01/1993 - 08/2001  
Supervisory Medical Technologist GS-644-12**

I managed and directed the Bone Marrow/Stem Cell Processing Laboratory. I supervised all laboratory and cell collection operations and medical personnel involved with bone marrow and stem cell collection, processing, and cryopreservation. I assured compliance with accrediting agencies standards (MEDCOM, FDA, AABB, CAP, FAHCT, JCAOH) in the collection and preparation of specialized cellular products to meet patient care needs.

I researched and evaluated new products and analytical systems related to progenitor cell processing and quality control. I established and executed a complete Quality Program for cell collections, laboratory operations, and reinfusion of human hematopoietic progenitor cells.

I was also responsible for the supervision of the Hematology/Oncology Service laboratory. This was a laboratory dedicated to the needs of the Oncology doctors for rapid turn-around times of whole blood cell counts, Bone Marrow biopsy, slide preparation and staining. I served as the Technical Director of all laboratory operations. Duties involved every aspect of laboratory procedures, policy and administration with emphasis on quality assessment and improvement. I was instrumental in the integration of this laboratory into the needs of the Hematology/Oncology Service and acceptance into the hospital laboratory control program.

Mark A. Shields - WAC

**Walter Reed Army Medical Center  
Department of Pathology  
6900 Georgia Ave. NW  
Washington, DC 20307**

**Dates Employed: 10/1991 – 01/1993  
Medical Technologist GS-644**

I served as Team Leader, Special Products Laboratory, Blood Donor Center, Blood Bank. I was responsible for four areas of the Blood Bank; Autologous Donations, Rare Donor File, Frozen Blood, and Bone Marrow Processing.

In addition, I was required to be competent in every area of a complex Blood Bank and Blood Donor Center, being able to independently perform all procedures involved with Donor selection, whole blood collection and Hemapheresis procedures. I gained extensive experience with blood component preparation, processing, storage and shipment of blood and blood components. I showed competency in Immuno-hematological problem solving, cross-matching and transfusion.

My duties in the autologous donor area required me to educate and instruct physicians and patients regarding the advantages of, and procedures for, autologous blood donations. Major emphasis was applied to safety, patient care and convenience.

The rare donor file and storage was required for the WRAMC Blood Bank to maintain storage of unusual and unique red blood cell phenotypes. Specific units were identified through extensive testing of red cells for rare antigen expression. Once a unit was identified as being rare, it was processed and frozen. Records of the unusual unit were shared with a national clearinghouse of the American Association of Blood Banks. This file was required to be actively maintained for WRAMC to be accredited as a reference laboratory in blood banking.

The Bone Marrow Transplant program started at WRAMC in 1989. From its beginning, I was involved with the evolution of a complex and difficult series of laboratory procedures designed to process, purify, concentrate and store autologous bone marrow for use in cancer treatments. New and experimental procedures were used in the process.

### **Prior Memberships:**

American Association of Blood Banks  
American Society for Apheresis  
Drug Information Association  
International Society of Cellular Therapy

Mark A. Shields - WAC

## **Prior Employments:**

### **1989-1990 Medical Technologist, GS 09-644**

Walter Reed Army Medical Center  
Department of Pathology, Blood Bank  
Washington, DC 20307

During this period, I worked part time in the blood bank performing serological testing of transfusion units for transmittable diseases. Tests included HBsAg, HTLV-I, CMV, Syphilis, Hepatitis CORE, and HIV. I also performed platelet apheresis and collected whole blood from volunteer and autologous donors.

This part-time position allowed me the opportunity to obtain a West Virginia General Contractors license which I used to renovate old residential properties in Jefferson and Berkeley Counties.

### **1985-1989 Medical Technologist, GS-644-11**

Walter Reed Army Medical Center  
Department of Pathology, Chemistry Section  
Washington, DC 20307

As the group leader for routine and priority chemistry, I provided leadership and support for 12 medical technologists working in the chemistry laboratory. It was my responsibility to see that all medical specimens were stored and assayed without error. I was responsible for performing complex and unusual tests and studies requiring specialized knowledge and skill in clinical chemistry. Duties included the selection of new methodology and instrumentation and the evaluation of reagents and the establishment of new working procedures. This analysis included identifying analytical error, ease of operation and cost of assay, sensitivity and specificity. I established and monitored systems of quality control for new and highly developed tests and techniques not encountered in the routine clinical laboratory.

I accepted referrals of unusual test results or equipment operation, evaluated data and instrument function and assay techniques for the purpose of solving assay or quality control problems. I used the knowledge of pathological, physiological, and analytical factors and conditions that affected the test results. Abnormal test results were repeated under appropriate analytical conditions to insure the validity of the result or I could suggest additional tests that could clarify or amplify diagnosis. At times I was required to initiate special studies or experiments to isolate procedural problems as to instrument, reagents, technique, specimen integrity or interference, and subsequently evaluate data and implement the corrective actions necessary to establish normal operation.

As the Group Leader, I scheduled workers to specific areas within the laboratory and made decisions concerning which areas should be cut back during manpower shortages.

Mark A. Shields - WAC

I provided leadership and served as a role model for other technologists, resolving conflicts, and motivating workers to increase productivity and decrease errors.

**1980-1985**                      **Medical Technologist, GS 11-644**  
Walter Reed Army Medical Center  
Department of Pathology, Chemistry Section  
Washington, DC 20307

In this position, I independently planned, coordinated and instructed an extensive training program in clinical chemistry laboratory procedures. Provided laboratory training for the Medical Technology Course 6H68F offered to Army Medical Service Corps officers, and provided laboratory instruction to senior and junior pathology residents, interns and fellows. Responsible for independently providing training for various civilian and military technologists newly assigned to the section or sent to WRAMC for specialized training from within WRAMC regional support area. Technical papers were prepared for presentation to hospital personnel in relation to laboratory operation and new techniques or assays. I provided didactic lectures in chemical chemistry, related mathematics, and safety. Administered written and oral examinations, and independently assessed the performance of students to determine knowledge acquired and their ability to operate in a clinical chemistry laboratory.

I provided detailed written evaluations of each student's knowledge and ability. I independently designed and set up extensive laboratory exercises and experiments to illustrate material presented in classroom lectures. I prepared technical papers and articles for local publication regarding new instruments, methods, and techniques being introduced into the hospital laboratory. I wrote lectures and provided objectives regarding new training and analytical developments.

I developed new tests and methodologies for use in the laboratory. New assay protocols were established and experiments performed to demonstrate accuracy, precision, linearity, specificity, and recovery. Methods included RIA, ELISA, centrifugal, batch and random access analyzers, and multichannel analyzers. I was instrumental in Quality Control monitoring of work performed in the laboratory and corrected technical and instrumental errors. I investigated unacceptable proficiency testing and provided management with reports concerning discrepant results.

I was the chemistry laboratory Safety Officer and was responsible for accident prevention and hazard elimination. I educated workers about specific hazards and safe working practices in the laboratory while working with toxic chemicals and biological hazards. I provided written reports on monthly inspections of the work area.

Mark A. Shields - WAC

**1978-1980                      Medical Technologist, GS 07-644**

Walter Reed Army Medical Center  
Department of Pathology, Chemistry Section  
Washington, DC 20307

I performed routine and special procedures in the determination of the following analytes: Sodium, Potassium, Chloride, Carbon Dioxide, Urea Nitrogen, Creatinine, Glucose, CFP, SGOT, SGPT, Cholesterol, Triglycerides, Aldolase, gamma GT, Alkaline, Acid Phosphatase, Iron and Total Binding Capacity, Uric Acid, HbA(one)c, Iso-enzymes, HDA, Calcium, Phosphorous, Total Protein, Albumin, Ammonia, Total and Direct Bilirubin, Lithium, and Magnesium.

**1977-1978                      Assistant Golf Course Superintendent**

Woodmont Country Club  
1201 Rockville Pike  
Rockville, MD 20853

I was responsible for supervising 15-20 laborers in turf grass management. Duties included assignment of individuals and job teams to work areas and supervision of tasks. The golf course consisted of two 18-hole courses and covered over 500 acres of land. Besides grass cutting, work involved tilling and earth moving, erosion control and watershed management for irrigation and flood control. Shrub, tree, and flower nursery propagation. Heavy equipment service, maintenance and overhaul. Soil tests and turf grass disease identification including proper pesticide, fungicide, and herbicide application.

Coordination of work groups involved variables such as growing seasons, weather, course play, workers mental and physical abilities, and equipment availability.

**1975-1977                      Laboratory Manager**

Diagnostic Assay Services  
9801 Gaither Road  
Gaithersburg, MD 20760

My main responsibility was in personnel. All employees of the laboratory were under my supervision. Duties included hiring, promotions, and termination of workers, on all levels with emphasis on training and technical assistance to technologists. Using knowledge and expertise learned in previous employment, it was my assignment to see that all medical specimens were collected, transported, and assayed without error. I supervised laboratory personnel specialized in radioimmunoassay. The laboratory served medical facilities coast-to-coast, handling 3500 samples per month.

My technical abilities were focused on research and development of new radiochemistry procedures using stock solutions of high specific activity radioisotopes, steroid and hormone

Mark A. Shields - WAC

solutions requiring purification. Specific antibodies were investigated for accuracy and reproducibility utilizing a variety of separation techniques such as ion-exchange resins, dextran and protein coated charcoals, solvent and salt precipitation solutions. All reagents used were prepared in-house.

I was responsible for all phases of laboratory administration including the purchasing of all stock chemicals, equipment and supplies when needed. This responsibility included the procurement and disposal of all radioactive materials. Budget and cost appropriations were established based on growth projection rates and laboratory needs within the corporate framework.

Quality Control and technical data was collected and presented to state and federal licensing authorities during quarterly inspections. Organization and administration of educational needs of the laboratory personnel was an additional requirement of the position. With company stock options offered to me totaling 10% of the corporate holding, I was appointed to the Board of Directors as Corporate Secretary. This allowed me to have a significant voice in the direction of the company as well as laboratory operation. Of concern were development of company growth through investigation of new business opportunities, medical-legal considerations, and client-company liaison.

**1973-1973**

**1974-1975**

**Herner Analytics, Inc.**

1500 E. Jefferson St.  
Rockville, MD 20853

I was responsible for performance of radioimmunoassay and competitive protein binding procedures. I developed the understanding and expertise needed to work independently in a reference medical laboratory. Skills acquired: handling radioactivity in liquid and solid form of isotopes Carbon-14, Cobalt-57, Iodine-125, Iodine-131, Iron-57, and Tritium; use and repair of liquid scintillation counters and automated gamma counters; use of pH buffer solutions through knowledge of ionic equilibrium and activity coefficients.

Associated knowledge and skills included:

- Theory of antigen-antibody binding complexes.
- The utilization of vacuum ultrafiltration systems.
- Acid and enzymatic hydrolysis of protein bound hormones.
- Processes of double antibody methodology.
- Troubleshooting to solve procedure problems in analysis.
- Use, purpose and actions of organic compounds in the human body such as protein production, transport, target organs, feedback mechanisms.
- Radioactivity exposure monitoring of laboratory personnel.

Mark A. Shields - WAC

## MILITARY EXPERIENCE

MARK A. SHIELDS

21 May 1971 - June 1979

2290th U.S. Army Reserve Hospital (1000 beds)

1850 Baltimore Road

Rockville, MD

21 May 1971: Enlisted in the U.S. Army Reserve as a Medical Laboratory Specialist and attended the Medical Laboratory Procedures Basic Course. U.S. Army Medical Field Service School, Fort Sam Houston, San Antonio, Texas. When returned to reserve status in August 1972, training was as follows:

Nov 72-Jul 73

Assigned- Pathology Service, Walter Reed Army Medical Center (WRAMC), Washington, DC. In lieu of weekend reserve duty, I reported to WRAMC hematology and chemistry labs every Tuesday. Procedures were done using CBC, hematocrit, hemoglobin, and blood smear staining techniques. When transferred to chemistry section, work was done in the area of special chemistry, performing a variety of tests using flame photometers, gas chromatography, atomic absorption, spectrophotometers, and thin layer chromatography.

May 73

Assigned- First Army Medical Laboratory, Fort Meade, MD. Work in Microbiology laboratory included sample collection and microbe on all types of plated and tube media. Identification of organisms was done using cell morphology and staining, antibiotic sensitivity tests and biochemical differentiation.

Aug 73-Aug 74

Assigned-U.S. Army Academy of Health Sciences, Ft. Sam Houston, San Antonio, TX. Attended the 52-week Advanced Medical Laboratory Course. Graduated August 1974 and returned to reserve status.

Aug 74-80

Assigned-Walter Reed Army Medical Center, Chemistry lab, Washington, DC. Working every Tuesday in lieu of weekend drills. I performed routine and stat chemistry procedures. I gained experience with Autoanalyzer I & II, SMA6/60, SMA 12/60, Automatic Chloride Titrators, IL Flamephotometer, Dupont ACA, A-C Bilirubinometer, Perkin/Elmer 91, and Beckman DB Spectrophotometers.

May 75, Jul 76, Jul 77

Assigned-Kimbrough Army Hospital, Fort Meade, MD for Annual Training. I worked in the Chemistry Section, performed routine electrolytes and stat blood gases.

#10

## NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to appoint and interview persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, February 18, 2010, or as soon thereafter as the Commission may decide:

**Jefferson County Emergency Services Agency - One unexpired term ending November 2, 2011**

**Jefferson County Emergency Service Agency Board**  
**Updated: February 2010**

| Name                             | Address                                                          | Magisterial District | Affiliation          | Notes                     |
|----------------------------------|------------------------------------------------------------------|----------------------|----------------------|---------------------------|
| Toni Milbourne                   | PO Box 586 Harpers Ferry, WV 25425                               | Harpers Ferry        | Public               | 11-2-2011                 |
| James E. Watson                  | PO Box 101, Charles Town, WV 25414<br>304-725-2570; 304-725-2514 | Charles Town         | Fire & Rescue Assoc. | 11-2-2011                 |
| Doug Pittinger, Director         | 116 East Washington St. Charles Town, WV 25414<br>304-728-3287   |                      |                      |                           |
| R. Fred Collins                  | 336 Ashley Drive Shepherdstown, WV 25443                         | Shepherdstown        | Fire/EMS             | Resigned<br>November 2009 |
| Todd L. Wilt, II                 | 1890 Meyerstown Rd. Charles Town, WV 25414                       | Kabletown            | Fire                 | 11-2-2011                 |
| R.M. Pete Kelley                 | P.O. Box 1257 Shepherdstown, WV 25443                            | Shepherdstown        | EMS                  | 11-2-2012                 |
| Brenda Engle                     | 50 Westhall Drive Charles Town, WV 25414                         | Kabletown            | EMS                  | 11-2-2012                 |
| Michael Alvarez                  | 3775 Kabletown Rd. Charles Town, WV 25414                        | Kabletown            | Public               | 11-2-2010                 |
| Paul Rosa                        | P.O. Box 1350 Harpers Ferry, WV 25425                            | Charles Town         | EMS                  | 11-2-2010                 |
| Brendan Soenneken                | PO Box 542 Harpers Ferry, WV 25425<br>304-261-8178               | Harpers Ferry        | Public               | 11-2-2012                 |
| John L. Matthews<br>304-283-5341 | 59 General McClellan Court<br>Harpers Ferry WV 25425             | Harpers Ferry        | EMS                  | 11-2-2012                 |

exp 11/2/11

# Applicants

|               |                                             |               |          |  |
|---------------|---------------------------------------------|---------------|----------|--|
| Jeff Good     | 776 Thoroughbred Dr. Charles Town, WV 25414 | Kabletown     | Fire/EMS |  |
| Andrew Arnold | P.O. Box 1033 Shepherdstown, WV 25442       | Shepherdstown | Fire/EMS |  |
| Maggie Gorman |                                             | Shepherdstown | Fire/EMS |  |
| Alan Williams | P.O. Box 195 Charles Town, WV 25414         | Charles Town  | Fire/EMS |  |
| Michael Mood  | 51 Shady Acres Lane Kearneysville, WV 25430 | Middleway     | Fire     |  |

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY BOARD

Brenda Engle        *Represents Fire/EMS*  
50 Westhall Drive  
Charles Town, WV 25414  
h: 725-7258  
3 years 11/2/10

Michael Alvarez    *Represents Citizen*  
3775 Kabletown Road  
Charles Town, WV 25414  
w: 535-6124 / h: 725-2350  
3 years 11/2/10

Paul Rosa            *Represents Fire/EMS*  
P.O. Box 1350  
Harpers Ferry, WV 25425  
535-9961  
3 years 11/2/10

Toni Milbourne    *Represents Citizen*  
P.O. Box 586  
Harpers Ferry, WV 25425  
304-535-6851  
3 years 11/2/2011

~~Fred Collins        *Represents Fire/EMS*  
336 Ashley Drive  
Shepherdstown, WV 25443  
304-283-3257  
email: [fdkarc@yahoo.com](mailto:fdkarc@yahoo.com)  
3 years 11/02/2011~~

*resigned  
Shep Dist.*

Todd L. Wilt, II    *Represents Fire/EMS*  
1890 Meyerstown Rd.  
Charles Town, WV 25414  
304-728-3926  
3 years 11/2/2011

Jefferson County Emergency Services Agency Board

James E. Watson *Represents Jefferson County Fire and Rescue Association*

Jefferson County Fire & Rescue Association

P.O. Box 101

Charles Town, WV 25414

304-725-2570 304-725-2514

3 years 11/2/2011

John L. Matthews

59 General McClellan Court

Harpers Ferry, WV 25425

email: john.l.matthews@secureskies.net

Cell: 304-283-5341

h: 304-725-5624

3 years 11/2/12

R. M. Pete Kelley *Represents Fire/EMS*

P.O. Box 1257

Shepherdstown, WV 25443

h: 876-3409

3 years 11/2/12

Brendan Soennecken

P.O. Box 542

Harpers Ferry, WV 25425

cell: 304-261-8178

3 years 11/2/12

email: soennecken@gmail.com

Dale Manuel *Represents Jefferson County Commission*

75 Porter Way

Charles Town, WV 25414

304-725-8160

Jefferson County Emergency Services Agency

Ed Smith, Operations Manager

116 E. Washington Street

304-728-3287 (Office)

FEIN - 55-0751374

P. O. Box 147  
Ranson, WV 25438  
March 2, 2010  
[Robbie4771@aol.com](mailto:Robbie4771@aol.com)  
304-724-4159

Lyn Widmeyer, President  
Jefferson County Commission  
124 East Washington St  
Charles Town, West Virginia 25414

Dear President Widmeyer:

This is to support the candidacy of Mr. Andrew Arnold of the Shepherdstown Volunteer Fire Department for a position on the recently created board to oversee the volunteer fire/rescue departments in the county. I have become acquainted with him in his former role as president of the department and we have discussed fire and emergency medical issues on various occasions. As a member since 1989 he has held a number of offices in both the business and operational divisions. His tenure as president of this large and diversified company bodes well for his effectiveness on the board.

Mr. Arnold is a career officer in the District of Columbia Fire Department, giving him additional training and operational experience. Jefferson County is fortunate to have the services of a number of individuals who are employed in fire departments in other counties. The training they receive in those agencies is helpful to the county.

It was a pleasure to become a member of the Shepherdstown department after moving here from Charlottesville. I had known and worked with the late Lee Morgan when he was chief through my work as a senior instructor for the University of Maryland's fire school for six years then as Maryland State Fire Marshal for 18 years. Both jobs brought me in contact with Chief Morgan and others in his department which responds to calls in Maryland through automatic aid agreements with Sharpsburg.

At the present time I am an associate in a Georgia based fire consulting firm that conduct surveys for cities and counties to assist in fire protection planning. I have done surveys for such entities as Columbus, GA, Orlando and Savannah as well as many smaller jurisdictions including the John F Kennedy Space Center. This, plus experience in several career and volunteer departments, has given me the chance to meet and work with many people in both volunteer and career fire departments and I consider Mr. Arnold to be well above average in capability and interest in the fire and rescue service.

Incidentally, the board concept being employed in Jefferson County should work well. We recommended such an organization in Levy County, Florida, which has a dozen fire departments, only one with any paid people, and it is working well. Like Jefferson it is a growing county. In summary, I can endorse Mr. Arnold without reservation.

CC: Commissioners Noland, Manuel, Surkamp,  
and Morgan

Yours very truly,

  
J. C. Robertson

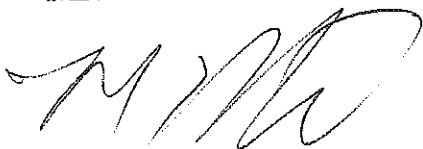
Michael T. Mood  
51 Shady Acres Lane  
Kearneysville, WV 25430  
304-582-0204

3/3/10

I would like to be considered for the JCESA board position for a fire member. I reside on the Middleway side of the county which has no representation on the board and I serve as the Chief of the Middleway Volunteer Fire Company, Inc. I have been in the emergency services field since 1988 where I started as a volunteer at the Branchville Volunteer Fire & Rescue Squad in PG County, Maryland which had both volunteer and paid staffing in their stations. I served there until 1994. I joined the Metropolitan Police Dept in 1990 and served as a police officer until 1997. In 1998 I joined the Jefferson County Sheriff's Dept. as a Reserve Deputy. I served there until 2001 when I left them and joined the Blue Ridge Mountain Volunteer Fire company. I worked my way up to the rank of Captain with Blue Ridge as well as served on their board of directors. In 2006 I moved to the Middleway Area. In 2007 I, with the help of others, was a driving force to establish the Middleway Volunteer Fire Company, Inc. I worked diligently to obtain the needed equipment and worked our way through mounds of red tape to open our doors. I currently hold the position of Chief and President of the Middleway Volunteer Fire Company, Inc. I have obtained firefighter I & II, leadership III, Incident Safety Officer, Fire Officer I, Fire Officer II which both deal directly with operation and budgeting of fire companies as well as many other fire and rescue classes.

I believe that we have one shot at doing the paid fire assistance program here in Jefferson County the right way and I believe that the County should be represented geographically as well as with experience. We must make sure that policies are put in place that will be a win, win for both the career staffing as well as the volunteer staffing. I believe that I am the right person for that position and fit both.

Sincerely,  
Michael Mood



Alan M. Williams  
PO Box 195  
Charles Town, WV 25414

Jefferson County Commission  
104 East Washington St.  
Charles Town, WV, 25414

RECEIVED

FEB 05 2010

JEFFERSON COUNTY COMMISSION

February 3, 2010

To whom it may concern,

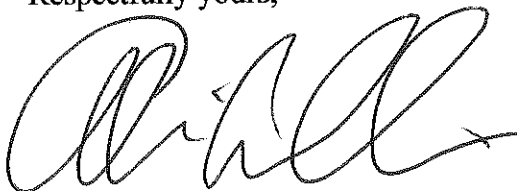
The letter is to inform you of my intent to apply for the available position on the Jefferson County Emergency Services Agency Board.

I am a resident of Charles Town and an active member of Citizens Fire Company. I have 26 years of service in fire and rescue. I have pro board fire fighter III and am certified as a Virginia EMT/Paramedic.

My experience from Loudoun County, I feel, makes me uniquely qualified for a position on the board. I was an active volunteer in Loudoun County as the system transitioned from an all volunteer system to a combination system. I experienced the difficult decisions the had to be made. These decisions were tempered with the publics needs and still allowed the individual volunteer companies to maintain their "unique flavor."

I look forward to discussing this opportunity with you further.

Respectfully yours,



Alan M. Williams

776 Thoroughbred Drive  
Charles Town, WV 25414  
(202) 253-5596 (Mobile)

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

3 February 2010

RE: JCESA Board Vacancy

To Whom It May Concern:

I am very interested in serving on the Jefferson County Emergency Services Agency Board. I have over 18 years experience in the emergency services field, extensive additional formal training, education and experience, and have prior experience on the Jefferson County Ambulance Authority Board. I am also a candidate for a Master's Degree in Public Administration (degree anticipated 9/2010). I fully understand the importance of serving on this board, and am very interested in serving my community by lending my experience and expertise to the agency.

I have attached my latest Curriculum Vitae for your review and comment. If there are any additional questions, or if any further information or clarification is needed, please feel free to contact me at the number identified above, or via email to [jmgco1@gmail.com](mailto:jmgco1@gmail.com). I very much appreciate your time and consideration.

Sincerely,

Jeffrey M. Good

Attachment

**Jeffrey M. Good**  
XXX-XX-6082, U.S. Citizen  
776 Thoroughbred Drive  
Charles Town, WV 25414  
202-253-5596 (Mobile)  
jmgco1@gmail.com

**Career Overview:**

**Director, Medical Center Safety, Compliance, Bio-Security & Emergency Management**  
**Director, Emergency Operations Center & Chief Officer, Special Operations Team**  
The George Washington University Medical Center  
(January 2001 – Present)

**Safety Officer / Management Team (GS-12)**  
National Disaster Medical System – PHS-1 & NDMS-1 Management Team / IRCT-2  
Department of Health and Human Services, USA  
(May 2001 – June 2009)

**Specialist II, Safety & Emergency Preparedness**  
L&M Technologies – NASA Headquarters Facility  
(November 1999 – January 2001)

**Occupational Health Technician V/Assistant Medical Administrator**  
Medcor, Inc – Washington, DC Convention Center Authority  
(May 2001 – May 2003)

**Manager, Occupational Safety & Health**  
Medcor, Inc – May Department Stores – Hecht Company Division (Baltimore & Joppa, MD)  
(September 1997 – November 1999)

**Assistant Manager, Occupational Safety & Health**  
Medcor, Inc – May Department Stores – Hecht Company Division (Washington, DC)  
(February 1997 – September 1997)

**Committee & Board Participation Overview:**

**Member**  
Jefferson County (WV) Emergency Services Agency Board  
(October 2005 – March 2009)

**Member & Past Co-Chair**  
Jefferson County (WV) Local Emergency Planning Committee  
(November 2005 – December 2008)

**Member**  
Emergency Management Accreditation Program – Program Review Committee  
National Emergency Management Association/EMAP  
(August 2004 – Present)

**Member**  
Emergency Services Special Interest Committee  
International Association of Emergency Managers  
(August 2004 – Present)

## **Emergency Services Experience:**

### **Technical Advisor/Team Member**

Special Threat Action Team, MPDC Domestic Security Office, Washington, DC  
(September 2005 – Present)

### **EMT/Firefighter (probationary)**

Friendship Fire Company No. 1, Jefferson County, WV  
(August 2004 – Present)

### **Past Deputy Chief (BLS) / EMT / Paramedic Assistant / Emergency Driver**

Calvert Advanced Life Support, Calvert County, MD  
(November 1995 – September 2006)

### **Safety Officer / Health Technician**

PHS-1 Disaster Medical Assistance Team – FEMA/DHS/HHS  
(May 2001 – May 2006)

### **Captain – Deputy Logistics, Planning, and Training**

District of Columbia Department of Health, Rapid Response Team  
(June 2002 – June 2004)

### **Crew Chief/Lead EMT**

Chalfont Chemical Fire Company #1, Bucks County, PA  
(August 1994 – October 1998)

### **Ambulance Attendant/Paramedic Assistant**

Narberth Ambulance / VMSC Lower Merion, Montgomery County, PA  
(May 1992 – October 1998)

## **Affiliations, Societies & Professional Organizations:**

- American Society of Safety Engineers
- International Association of Emergency Managers
  - Member, Forming Committee, Emergency Services Special Interest
- National Emergency Management Association
- International Code Council
- National Fire Protection Association
  - ◆ Member, Health Care and Fire Service Sections
  - ◆ Principal Member, NFPA Technical Committees –
    - Emergency Medical Services Protective Clothing & Equipment (2002 – 2005)
    - Emergency Service Organization Risk Management (2002 – 2005)
    - Hazardous Chemicals (2002-2003)

## **Specialized Training & Certifications:**

### **American Society of Safety Engineers**

- Certificate in Safety Management

### **Maryland Fire & Rescue Institute & UMUC**

- Emergency Response Team Leader
- Fire Related Human Behavior

### **United States Fire Administration, The National Fire Academy**

- Advanced Incident Safety Operations & Management - Pilot Course
- Hazardous Materials Incident Management
- Hazardous Materials Operating Site Practices
- Emergency Response to Terrorism – Tactical Concepts – Company Officer
- Emergency Response to Terrorism – Basic Concepts
- Fire Service Supervision

### **Federal Emergency Management Agency, Emergency Management Institute**

- Emergency Program Manager
- Emergency Preparedness USA
- Radiological Emergency Management
- Basic Incident Command System
- Introduction to the Incident Command System
- ICS for Single Resources and Initial Action Incidents
- National Response Framework, An Introduction
- Emergency Support Function (ESF) #8 Public Health and Medical Services
- Anticipating Hazardous Weather & Community Risk
- An Orientation to Hazardous Materials for Medical Personnel
- Introduction to Continuity of Operations & Continuity of Operations Awareness
- Multi-Hazard Emergency Planning for Schools
- National Incident Management System (NIMS) an Introduction
- Introduction to Mitigation
- Mitigation for Homeowners
- Emergency Response to Terrorism

### **National Emergency Response & Rescue Training Center (DHS/ODP)**

- EMS-I: Basic Concepts for WMD Incidents
  - WMD Terrorism Awareness for Emergency Responders
  - Incident Response to Terrorist Bombings – Awareness
  - Vehicle Bomb Search Methods
- 
- Powered Industrial Equipment Instructor
  - HazCom, Lab Safety, Chemical Hygiene Plan & Bloodborne Pathogens Standard Instructor
  - National Registry of Emergency Medical Technicians – Level B
  - Basic Trauma Life Support – Advanced Course
  - Advanced Medical Life Support
  - EMS Command School
  - Hazardous Materials Technician – (MFSC & National Board on Professional Fire Service Qualifications)
  - Fire Inspector I – (MFSC & National Board on Professional Fire Service Qualifications)
  - Emergency Response Team Leader – Including On-Scene Hazardous Materials Incident Command
  - Certified Emergency Vehicle Operator

## **Education:**

- American Military University, Charles Town, WV
  - MPA – Disaster Management Concentration: GPA 3.6 (degree anticipated 09/2010)
- The George Washington University, School of Business and Public Management, Washington DC
  - B.B.A. – Individualized Field: Emergency Response Management
- The Haverford School, Haverford, PA
  - High School Diploma
- The National Fire Academy & The Emergency Management Institute
  - Various Professional Development Courses
- Maryland Fire & Rescue Institute & UMUC
  - Various Professional Development Courses
- National Emergency Response & Rescue Training Center
  - Various Professional Development Courses

## **Security Clearances:**

- FBI Bioterrorism Clearance
  - USDA & CDC Select Agent and Toxin Program
  - Alternate Responsible Official Designation

## **Conferences/Seminars:**

- National Collegiate Emergency Medical Services Foundation (2003)
  - o Lectured on dangers associated with hazardous materials on university campuses
- U.S. Office of Personnel Management Panel Discussion (2003)
  - o Panel member, Continuity of Operations and importance of redundant communications
- GW EMeRG Training Academy (2001 – present)
  - o Program Director & Lead Instructor – Hazardous Materials training for responders
- Industrial College of the Armed Forces (2003 – present)
  - o Presenter, critical emergency management issues in healthcare administration

## **Other Honors, Awards, Activities:**

- 10 Year Service Pin – American Society of Safety Engineers (2008)
- United States Navy - ROTC Scholarship (1993)
- Member, Loyal Order of the Moose, Lodge 948 (2006-present)
- Speaker, National Collegiate EMS Foundation 2003 Conference (2003)
- Top BLS Runner, Calvert ALS (2002 & 2003)
- NCAA Division I Athletic Scholarship – Crew (1992)
- Smith Center Director's Award – The George Washington University (1995)
- CEMC Sports – Member, Board of Directors & Head Coach, Babe Ruth Baseball (1997-2001)
- Montgomery County Recreational Sports – Boys 7<sup>th</sup> grade basketball coach (1999)
- Official Scorekeeper, Men's & Women's Basketball, GWU (1992 – 2004)
- University Police Department Life Saving Award (2008)
- Heartsaver Hero Award, American Heart Association (2008)
- Certificate of Heroism, Sudden Cardiac Arrest Association (2008)

## Career Details:

**Director, Medical Center Safety, Bio-Security, Compliance & Emergency Management**  
**Director, Emergency Operations Center & Chief Officer, Special Operations Team**  
**The George Washington University Medical Center,**  
**2300 EYE St., NW, Washington, DC 20037.**  
**Astra Bain-Dowell, Supervisor (202) 994-4281.. 40+ Hours/week..**

As the director, I am charged with ensuring compliance with all applicable federal, state, and local rules on safety, health, and the environment for a major academic medical center, bio-medical research facility and associated entities. In my duties as director, I am responsible for the creation of operational plans for hazardous waste (chemical and biological), general industrial hygiene duties, chemical and biological security, and I acted as the biological safety officer/alternate responsible facility official. I am also the on-call safety professional, responding to all situations relating to the health, safety and security of the facilities, and the surrounding neighborhood. This includes serving as the lead Chemical Hygiene Officer, and security officer for all chemical and biological stocks at the Medical Center. I manage a combined \$950,000 budget to include all applicable contract management. I directly supervise a staff of seven and an emergency augmented staff of 53. I am the official-in-charge for all incidents involving the Medical Center.

I was charged with developing, implementing and managing the Emergency Operations Center for the Medical Center. The \$350,000 center contains state-of-the-art electronics and communications devices. I also directed the purchasing and planning for all emergency response and special operations capabilities for the Medical Center, to include all personal protective equipment, detection and monitoring equipment, respiratory protection, and all other associated facets. I developed a comprehensive continuity of operations plan for the Medical Center.

As the Emergency Manager for the Medical Center, I am responsible for developing, exercising, and implementing all aspects of an emergency management program. The Medical Center is comprised of 4 buildings in the center of Washington, DC, and has a full-time population of approximately 2200 individuals. In addition we serve as the alternate command center for the George Washington University Hospital (the President's hospital) with a population of roughly 1200 staff and 250 patients, as well as the alternate command center for the George Washington University, with a population of 27,500 staff, faculty and students. We work closely with the Metropolitan Police Department for all city-wide incidents, such as the 2004 Presidential Inaugural, and other high-profile events. We also work closely with the CDC and US Department of Health and Human Services for pandemic planning and information sharing. As the Director, I have the ultimate responsibility to direct and manage these events, as well as ensure the security, safety and safe conclusion of any emergency events affecting the Medical Center, University, Hospital and City.

In addition, I also serve as the chief officer for the University Special Operations Team, responsible for all chemical emergency and suspicious package responses across campus. I function as a subject matter expert for all issues concerning special operations response on campus. I am also a credentialed member of the Metropolitan Police Department's Special Threat Action Team, serving in both a branch safety and decontamination advisory role.

I also serve on the University-wide Cross Functional Team, responsible for security and access control policy and operational practice for the entire University. I also serve as the Medical Center point-of-contact with the University Police Department for programs and policies in the Medical Center. I hold an FBI clearance as required by the US Bioterrorism Act. As the security manager for the Bio-Safety Level 3 facility, I am responsible for preparing background checks, compiling reports and granting access to the facility. I also manage the physical security for the special pathogens laboratory. I consult as a code enforcement expert on all construction projects affecting the Medical Center.

**Member, Jefferson County (WV) Emergency Services Agency Board**  
**Jefferson County, West Virginia**  
**Jefferson County Commission, Supervisor.. 8+ hours/month.. Volunteer Position**

I was appointed by the County Commissioners to serve a term on the Emergency Services Agency Board (formerly the Jefferson County Ambulance Authority). As a board member, I am responsible for budget, personnel, planning, training, and other standards for the County pre-hospital emergency medical services program. The Agency responds to over 3000 9-1-1 calls annually.

**Member & Past Co-Chair, Jefferson County (WV) LEPC**  
**Jefferson County, West Virginia**  
**Jefferson County Commission, Supervisor. 8+ hours/month.. Volunteer Position**

I was asked by the County Commissioners to serve an open-ended term on the LEPC. In June of 2006, I was unanimously elected co-chair of the LEPC. As an LEPC member I am responsible for and serve as a subject matter expert on all-hazard planning, specifically relating to chemical emergencies, as well as all aspects of terrorism (CBRN-E).

**Specialist II, Safety & Emergency Preparedness, L&M Technologies, Inc.**  
**NASA Headquarters, 300 "E" St., SW, Washington, DC 20546.**  
**Kathleen Harer, Supervisor (no current number). 40+ hours/week..**

I was contracted to the NASA Headquarters Center as the Center Safety & Emergency Preparedness Specialist. I was the acting safety manager for the NASA Headquarters Center, with responsibilities including consultation on, and development of a safety program for 488,000+ sq.' office space with over 1500 federal and contract employees. I was charged with ensuring compliance with all applicable federal and local standards, completing all facility safety and fire protection inspections, and addressing all employee concerns/complaints. Additionally, I assisted with all accident/incident investigations, facilitated & lead safety training seminars, ensured emergency egress plan compliance, and consulted on all matters affecting safety of the center. I served as the Headquarters representative on both the GIDEP, and LLIS programs. This position was equivalent to a GS-13 Safety Manager. The contract ended when a GS-13 in the federal civil service system was hired into the position.

**Manager, Occupational Health & Safety, Medcor, Inc.**  
**Hecht's BDC/JBTDC, 3000 Waterview Ave., Baltimore, MD 21230.**  
**Mike Golub, Supervisor (815) 363-9500.. 40+ hours/week..**

While contracted to the Hecht Company, my responsibilities included primary and emergent patient care for more than 400 warehouse employees. Other items I was charged with included workers' compensation tracking and cost controls, administration of the return to work program, claim mitigation & accident investigations. I served as Emergency Response Team Chief, directing a staff of eighteen. I also functioned as the Chemical Hygiene Officer and subject matter expert for all chemical processes and related work in the Joppa distribution center. My responsibilities also included providing safety and risk management consulting services to two distribution centers totaling more than 1.5 million square feet, with more than 400 employees. My efforts included: safety program consultation and direction, facility inspections, fire prevention inspections, area program audits, powered industrial equipment instruction, HAZCOM and Bloodborne Pathogens instruction, PPE selection and purchasing, OSHA compliance monitoring, and maintenance of all OSHA required files. The results of these efforts included saving the May Company over \$300,000 in direct workers compensation costs, and reduced the lost-time frequency rate to 0.00 for the Baltimore Distribution Center.

**Professional References:**

**Jason J. Bivens**

Deputy Director  
Baltimore County [MD] 9-1-1 Center  
(443) 322-4114

**Rolfe "Pete" Kelley**

President  
Jefferson County Emergency Services Agency  
[wvkelly@frontiernet.net](mailto:wvkelly@frontiernet.net)

**Daniel Kaniewski**

Deputy Director,  
Homeland Security Policy Institute, The George Washington University  
(202) 994-7890  
[dankan@gwu.edu](mailto:dankan@gwu.edu)

**Shannon Aldrich**

Special Agent (in-training)  
DOJ/Federal Bureau of Investigation  
(301) 996-1167  
[shannon.aldrich@ic.fbi.gov](mailto:shannon.aldrich@ic.fbi.gov)

**Frank Cilluffo**

Associate Vice President for Homeland Security  
Homeland Security Policy Institute, The George Washington University  
(202) 994-2437  
[cilluffo@gwu.edu](mailto:cilluffo@gwu.edu)

**Paul M. Maniscalco**

Senior Research Scientist  
Homeland Security Policy Institute, The George Washington University  
(202) 994-2803  
[paulm@gwu.edu](mailto:paulm@gwu.edu)

**Mark Aldrich**

Physical Security Specialist – HazMat  
DOJ/FBI  
(716) 410-0037  
[Mark.aldrich2@ic.fbi.gov](mailto:Mark.aldrich2@ic.fbi.gov)

**Ricardo Tappan**

Homeland Security Policy Institute  
(202) 253-5615  
[rtappan@gwu.edu](mailto:rtappan@gwu.edu)

**Sandy McDonald**

---

**From:** "Rock Solid" <rocksolidwv@hotmail.com>  
**To:** <sandy@jeffersoncountywv.org>; <dmanuel@frontiernet.net>  
**Cc:** <rosslmorgan61@aol.com>; <micahkiger@yahoo.com>; <jeffcoamb@citlink.net>;  
<wvkelley@frontiernet.net>  
**Sent:** Sunday, February 14, 2010 4:29 PM  
**Attach:** County Commission Request Letter.docx  
**Subject:** Application for Appointment to JCESA

Commissioner Manuel and Sandy,

Pete Kelley requested I send a copy of this application for appointment to the JCESA electronically in addition to sending a hard copy. A hard copy is being sent as well.

Please accept this as an official request for appointment and feel free to forward it to anyone necessary.

Also, please contact me with any questions or concerns.

I can be reached at 304-261-7536

or by email at: [rocksolidwv@hotmail.com](mailto:rocksolidwv@hotmail.com)

Thank you for your time and consideration,

Andrew D. Arnold

---

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

To: Jefferson County Commission

From: Andrew D. Arnold

Re: Application for Appointment to the Jefferson Co. Emergency Services Association

Date: February 14, 2010

Commission Members,

Please accept this letter as a request for consideration for appointment to the Jefferson County Emergency Services Association.

I am a lifetime resident of Jefferson County in the Shepherdstown area and I have been a member of the Shepherdstown Fire Department for nearly twenty years. At Shepherdstown Fire Department I have held positions as a firefighter, EMT, Paramedic, Lieutenant, and President.

I held employment with the Jefferson County Ambulance Authority during its early years.

I have been a firefighter and paramedic in Shepherdstown (all volunteer), for the City of Martinsburg (all career/ small city), for Morgan County Rescue Service (combination career/volunteer/rural), and for the last eight years, I have been a firefighter and paramedic for the District of Columbia Fire Department in Washington, DC.

I have been promoted to the rank of EMS Captain and am currently assigned to operations in "Special Operations and Homeland Security" with the DCFD.

I feel my experience with these entities will be an asset as an appointment to the "board". My platform for pursuing this endeavor is that I feel very strongly that it is time for Operational Guidelines to be established under a "county umbrella" so that we can have like response across each department. Currently, each department operates under their own guidelines. Because I feel strongly about moving forward with career fire personnel, I think it to be unfair if career employees were placed into a system with seven or eight different sets of rules and response guidelines.

I feel I have some experience and expertise in operating both fire and EMS under a "Standard Operating Guideline" system, or SOG based system. As a firefighter and paramedic under this type of system I have seen the wonderful advantages of having all companies operating similarly under such guidelines. Furthermore, with my promotion as a mid-level manager in such a system, I have garnered experience within the incident command system on both small and large scale emergency incidents that I feel will be helpful in developing such guidelines.

As president of Shepherdstown, and as an EMS Captain with DCFD, I have further experience in administrative functions, financial responsibilities, personnel actions and responsibilities, specific to both the volunteer fire service and career fire service.

Again, I would like to reiterate my interest, experience, and expertise in emergency operational response and the guidelines that should be set in place to govern all personnel, volunteer and career, in providing an adequate, aggressive, safe response to emergencies in Jefferson County.

Thank you for your consideration,

Andrew D. Arnold

PO Box 1033, Shepherdstown, WV 25443

(304)261-7536

rocksolidwv@hotmail.com

RECEIVED

FEB 22 2010

JEFFERSON COUNTY COMMISSION

January 22, 2001

To: Sandy McDonald  
County Commission Manager

From: Maggie Gorman

Dear Sandy:

This letter is a request for appointment on the Jefferson County Emergency Services agency.

I am a life time member of the a county Fire Department with over 25 years of service, and was active in both, fire and ambulance as well as all fund raising aspects of that Department.

I am married with 3 children all young adults.

My husband and I are the owners of the Shepherdstown Lumber & Hardware in Shepherdstown and I am the owner manager.

I am requesting this appointment because although I am not as active with the fire department as I used to be, I still hold a high regard for the fire and EMS volunteers that save lives and property on a daily basis.

I feel that I would compliment your board with my experience in emergency services and business knowledge. Thank you for your consideration.

Sincerely,



Maggie Gorman  
304-876-6388 work  
304-876-2459 home

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 4, 2010, or as soon thereafter as the Commission may decide:

**Harpers Ferry/Bolivar Public Service District - 1 unexpired term ending June 30, 2014**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

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



HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

P.O. Box 235  
192 Lake Quigley Drive  
Harpers Ferry, WV 25425  
304-535-2390 Fax 304-535-2524

James A. Addy  
Mayor of Harpers Ferry  
P.O. Box 217  
Harpers Ferry, WV 25425  
w: 535-2206 Fax: 535-6520  
6 years 06/30/2010  
Secretary

Robert J. Hardy  
1343 W. Washington Street  
Harpers Ferry, WV 25425  
h: 535-2450  
6 years 06/30/2012  
Treasurer

Raymond Biller (Vacant)  
P.O. Box 15  
Harpers Ferry, WV 25425  
h: 535-6915  
6 years 06/30/2014  
Chairman

16-13A-3

**Harpers Ferry/ Bolivar PSD**  
P. O. BOX 235  
192 LAKE QUIGLEY DRIVE  
HARPERS FERRY, WEST VIRGINIA 25425  
(304)-535-2390 FAX (304)-535-2524

---

To: Jefferson County Commissioners

The Harpers Ferry/ Bolivar PSD are writing this letter to you in reference to the passing of Mr. Raymond Biller-Board Chairman. The PSD will need to fill the open spot on the board in a timely fashion, due to the fact that we are currently under construction of our sludge dewatering building. And phase II of construction on the plant upgrade to BNR advanced treatment for Bay standards will be getting under way shortly.

Thanks



James E. Williams-Operations Manager

**RECEIVED**

FEB 18 2010

Jefferson County Commission

Jefferson County Commission  
Po Box 250  
Charles Town, WV 25414  
March 1, 2010  
IN RE Harpers Ferry/Bolivar Public Service Distract

RECEIVED

MAR 03 2010

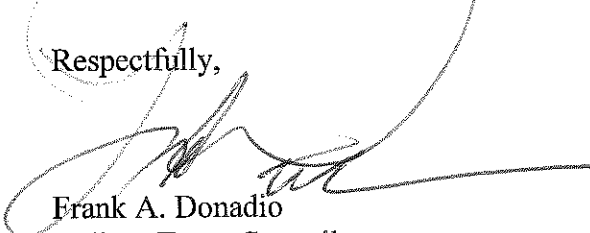
Jefferson County Commission

I am writing you to express my sincerest interest in the Harpers Ferry/Bolivar unexpired term to the Sewer Board ending 8-30-2014. As a long term resident of Bolivar, West Virginia and current elected representative on the Bolivar Town Council I can clearly see the need to appoint a candidate whose concerns and viewpoints clearly reflect the views of Harpers Ferry/Bolivar and of Jefferson County as a whole.

As you may recall, I was elected to the Bolivar town Council earlier this year running against a field of 15 other candidates. As chairman of the standing street committee I have dealt with several complex issues regarding water and sewer lines and easements. Moreover I have been involved with the Elk Run Study Group and recognize the importance of water and sewer use and how it affects the future and growth of Jefferson County.

I have attached a copy of my most recent resume. As you can see I am a full time member of the executive appeals group at Verizon Communications. I have extensive regulatory and statutory experience working for a large, publicly regulated corporation. Trust that I will be able to balance my responsibilities with Verizon and the challenges that this office would provide. I look forward to hearing from you soon.

Respectfully,



Frank A. Donadio  
Bolivar Town Council  
304-535-1778  
Cell 703-969-4305

107 Madison Street  
Po Box 667  
Harpers Ferry, WV 25425

Phone 304-535-1778  
Cell 703-969-4305  
E-mail  
[frank.a.donadio@verizon.com](mailto:frank.a.donadio@verizon.com)  
Office 703-712-1250

# Frank A Donadio

---

## Objective

To obtain a management level position at an established, well managed corporation that is able to afford me advancement opportunity closer to my home in West Virginia.

## Work experience

2000-Current                      Verizon Communications                      Falls Church, VA

**IHD Analyst-**                      August 2005-current

- Special Assignment-Responsible for both internal and external supervisory support for all Customer Sales and Services Centers in Virginia and West Virginia. Provides workable solutions for both the Customer escalations and general Q&A module involving all issues relating to Customer Satisfaction and high level sales support.
- Acting Management Takeover for Irate customers on complex issues.
- Acting Q&A manager for all issues relating to systems, order processing and customer service issues.
- Acting Manager for a wide variety of systems, billing, and coaching issue resolutions
- Provided all office training, including all system rollouts and new process.

**Sales and Service Consultant-** May 2000-current

- Responsible for all sales, marketing and Customer Service issues for a customer base of over 90 million residential customers. This includes revenue attainment goals for all strategic and non-strategic products including local packages, long distance, DTV and DSL..
- Exceeded yearly sales objective in each year, ER rating
- Awarded 31 Customer citations, outstanding service awards and verbatim
- Awarded Verizon "Gold Club" 2001-2004

1998-1999                      Bank of America/NationsBank                      Arlington, VA

**Personal and Commercial Banker 3**

- Responsible for all sales, marketing and Customer Service issues for a wide array of all financial products including personal accounts, Mortgage loan, HELOCS, Auto loans, second mortgages and all investments products.
- Surpassed all monthly sales goals for all financial products.
- Originated more than \$800,000.00 for the period.
- Achieved top ten list 5 consecutive months in the region.
- Achieved Outstanding Customer service and sales awards every month.
- Acted as assistant branch manager for Customer Service issues and surpassed customer care index every month.

1997-1998                      Brokers Commitment Corporation      Reston, VA

**National Wholesale Account Executive**

- Responsible originations for all wholesale mortgage products for sale to national investor sales for small mortgage company.
- Manager of product inventory.
- Manager of Telemarketing, Retail division.

1990-1997                      Fannie Mae                                      Washington, DC

**Mortgage Business Analyst**

- Strategic analyst for all Secondary mortgage market. Production division
- Awarded Outstanding Customer support award for various periods.

**Outside/ Part-time  
Experience**

1997-1999                      May Company/Hecht's                      Fairfax, VA

**Parttime Trainer and Sales Associate**

- Provided new employee sales training orientation.
- Received Top Sales award for division, December 1997
- Top rated trainer in retail location.

2000-2001                      Federated Department Stores/Macy's

**Evening Customer Service Manager**

- Responsible for all store customer service functions.
- Responsible for running entire store and directly supervising more than 85 associate employees

2002-2006                      Verizon Communications                      Fairfax, VA

**Senior Steward-CWA**

- Provide Leadership for all stewards and members of Local 2222
- Responsible for overseeing and filing of grievances, mediated disputes and provided solutions on issues for all areas of the company.

**Education**

The University of Maine/Orono                      Orono, ME

**Masters in Public Administration**

- Pending

Nasson College                                              Springvale, ME

**BA in Political Science/Public Administration**

- Minors in Economics and History.
- Graduated Cum Laude, With Honors Thesis 1982.
- Study abroad in Florence, Italy-1980.

MCI

**\*\* Transmit Conf. Report \*\***

P.1

Mar 1 2010 11:53

| Fax/Phone Number | Mode   | Start   | Time  | Page | Result | Note |
|------------------|--------|---------|-------|------|--------|------|
| 13047257916      | NORMAL | 1,11:53 | 0'36" | 4    | # 0 K  |      |

[Click here and type address]

**To:** Jefferson County Commission      **Fax:** 304-725-7916  
**From:** Frank Donadio      **Date:** 3/1/2010  
**Re:** Harpers Ferry/Bolivar PSD seat      **Pages:** 4  
**CC:** [Click here and type name]

Urgent     For Review     Please Comment     Please Reply     Please Recycle



...ct this text and delete it or replace it with your own. To save changes to this template  
... choose Save As from the File menu. In the Save As Type box, choose Document  
... Next time you want to use it, choose New from the File menu, and then double-click  
... mplate.

To: Jefferson Co. Commission

From: DANIEL P. Latz Jr.

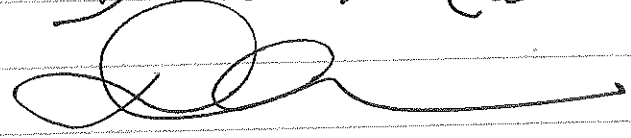
Date: 2 March 2010

I would like to request use of the County Commission meeting room on Monday evening 15 March 2010.

for holding a casting meeting at 7:00 PM.

This casting is for a new play to be presented in the Court Room in April

Thank you

DANIEL P. Latz Jr.  


725-0966 H  
860-5771 C

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

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 3/11/10

Date Requested – 2<sup>nd</sup> Choice: 3/18/10

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

**Zoning map amendment has been heard by the Planning Commission and their recommendation needs to be forwarded to the County Commission in a timely manner.**

Subject:

**Planning Commission recommendation regarding Bakerton and 340 Zoning Map Amendment Request**

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

**See attached staff report**

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

- Attachments:
- Applicants Application and supporting documents**
  - Letter from US Park Service**
  - Staff Report to Planning Commission and County Commission**
  - Planning Commission motion and minutes to be distributed at CC meeting**



RECEIVED

DEC 22 2009

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

November 24, 2009

Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

Attn: Ms. Jennifer M. Brockman, AICP  
Director of Planning and Zoning

Re: Zoning Map Amendment Request

Dear Ms. Brockman.

Pursuant to the recent election results in association with the proposed adoption of new zoning ordinances and districts, Potomac Professional Services, LLC (Potomac), on behalf the property Owner Shenandoah Professional Center, LLC, would like to formally request a Zoning Map Amendment for the following property within Jefferson County, West Virginia:

Article 12. Map and Text Amendments, of the current Jefferson County Zoning Ordinances requires the following information for any petition for a zoning map amendment.

1. Substantiation for the Request

- a. Current Zoning: Residential Growth (R-G)
- b. Requested Zoning: Residential/Light Industrial/Commercial (R-L-G)
- c. The property is located at the intersection of Rt. 340 and Bakerton Rd and is visible from Rt. 340 heading north and south. The Shenandoah Professional Center, a professional office building, is currently an operational commercial use on the property. The Shenandoah Professional Center was approved as a commercial use under a Conditional Use Permit, approved on January 14, 2003. With public input and concerns, the building was renovated from an 1800's era farmhouse to a historically correct, updated professional office building which is an impressive site along the route from Harpers Ferry to Charles Town.

The undeveloped rear property, referred to on the recorded plat as Lot 2, is currently approved as a single family lot, but with any proposed development would need to adhere to the current entitlement process within Jefferson County.

Through planning for the recent zoning ordinance election, the property was proposed by the County to be rezoned to General Commercial due to its proximity to a high traffic roadway and viable commercial potential. The requested zoning map amendment stays consistent with the intent of the County Commissioners and their vision for the future needs of Jefferson County.

- d. The property is in a location that is beneficial for commercial growth within the County. This proposed zoning amendment would provide the County with a concentrated area of potential commercial development along a major traffic corridor, in lieu of spot development.
2. Tax District, Map and Parcel Number
    - a. Harpers Ferry District, TM 9, Parcel 37 & 37.2
  3. Deed Book Reference
    - a. DB 996, Page 552, Lot 1 and 2
  4. Plat or Sketch pursuant to Section 7.4(b)
    - a. See attached
  5. Tract Size
    - a. Lot 1 – 1.491 acres, Lot 2 – 8.185 acres, Total = 9.676 acres
  6. Discussion on:
    - a. Comprehensive Plan compatibility of the proposed change.
      - i. This proposed zoning change from residential to a predominately commercial zone stays consistent with the 2004 Jefferson County Comprehensive Plan in that growth was encouraged in areas where water, sewer, schools, and other public facilities are available, and the encouragement and support of commercial and industrial to provide a diversified and sound local economy.

The location of this property is consistent with the 2004 Comprehensive Plan in all of the aforementioned ways, as well as being adjacent to a major roadway feeding Jefferson County.
    - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.
      - i. Although this request is believed to be consistent with the current Comprehensive Plan adopted in 2004, the area has undergone significant growth since that time that has increased traffic on primary and secondary roadway systems. The influx of home sales

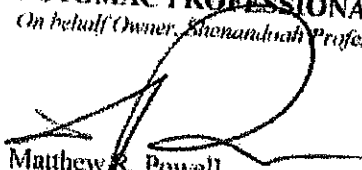
between 2005 through 2007 was primarily driven from buyers who are commuting to and from the Washington DC/Metropolitan area, thus significantly taxing the major roadway systems, especially the Rt. 340 Corridor running from Maryland to West Virginia. In addition, the recent approval of table games at the Charles Town Race Track is expected to increase traffic even more throughout the region.

This significant growth and impact to the major roadways has emphasized the need to centralize the potential commercial uses on or in close proximity to the major road networks for easy access and increased visibility.

If you have any further questions or comments, please contact the undersigned at 1(304) 725-3712, ext. 217.

Sincerely,

**POTOMAC PROFESSIONAL SERVICES, LLC**  
*On behalf Owner, Shenandoah Professional Ctr, LLC*

  
Matthew R. Powell  
Vice President Development



# United States Department of the Interior

NATIONAL PARK SERVICE  
Harpers Ferry National Historical Park  
P.O. Box 65  
Harpers Ferry, West Virginia 25425

IN REPLY REFER TO:

L1425 (HAFE)

February 3, 2010

Mr. John Maxey, President  
Jefferson County Planning Commission  
P.O. Box 338  
Charles Town, WV 25414

RECEIVED

FEB 12 2010

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Dear Mr. Maxey:

This is in response to the petition to rezone the property designated as: Harpers Ferry Tax District, Map 9, Parcels 37 and 37.2, and sometimes referred to as the former Fritts Mansion property. The 9.7-acre property, located near the intersection of Route 340 and Bakerton Road near Harpers Ferry, is currently zoned Residential Growth. The owners, Shenandoah Professional Center, LLC, have requested a change in the zoning to Residential/Light Industrial/Commercial. The National Park Service (NPS), as an adjacent property owner with significant holdings, welcomes the opportunity to comment on this matter.

While the NPS supports planned economic growth in the county that is consistent with the policies and recommendations outlined in the 2004 Comprehensive Plan, the rezoning of the Fritts Mansion property is not consistent with what we believe are the goals and objectives of the county as documented in the Plan. Rezoning to Residential/Light Industrial/Commercial, which would allow intensive development and commercial use, will have a significant adverse impact on the historic values inherent in the adjoining lands managed by the National Park Service.

The rezoning of the Fritts property is not compatible with the Plan as follows:

1. It is not consistent with the vision for the County that seeks to *shape growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community* (page 8). The majority of the Fritts property is zoned Residential Growth and the visual appearance of the property and its surroundings supports this designation. Even the current commercial operation, conducted on the adjacent parcel out of the former residence, maintains a residential appearance. Additional commercial/industrial development, however, would adversely affect the views from multiple historic and rural lands where the NPS is developing visitor hiking/walking trails and outdoor interpretive exhibits.
2. It does not *[p]romote the conservation of the natural, cultural, and historical resources and the preservation of the scenic beauty* (page 19). The Fritts property is mostly undeveloped and largely retains its rural-residential appearance. It is located within the core battlefield area of the park between Bolivar Heights and School House Ridge, areas of national significance as part of the 1862 Harpers Ferry Battlefield. The former Ott property and former Harpers Ferry Caverns property that adjoins the Fritts property to the north and west were acquired by the Park pursuant to the Harpers Ferry National Historical Park Revision Act of 2004 which was the culmination of nearly 20 years of local, regional, and national efforts to protect the nationally significant resources of School House Ridge. While Shenandoah Professional Center, LLC, is to be commended for the restoration of the adjacent 19<sup>th</sup>-century structure, additional commercial or

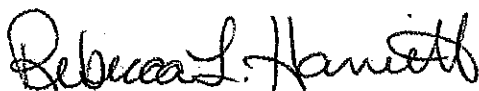
industrial uses of the Fritts property would be out of scale and context with the character of the surrounding rural landscape and the history that occurred there.

3. It is not consistent with Recommendation 3.01 (page 24). Potential commercial or industrial uses conflict with the surrounding uses which are predominantly rural lands maintained by the NPS for their historic rural-agricultural setting. The NPS strives to maintain the agricultural appearance of the surrounding battlefield properties by leasing approximately 350 acres for use by area farmers.
4. It is not consistent with the Plan (page 32), as more intensive development at this intersection would likely exacerbate the county's greatest transportation problem, which is a bottleneck through the Harpers Ferry water gap. It is also inconsistent with Recommendation 3.25 (page 73), which suggests a Historic Gateway Special Study Area. The Plan states, *...the purpose of the study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where development does not cause visual blight and major traffic problems along the eastern corridor to the State.* We are not aware that such a study has been implemented.
5. The Plan acknowledges that history tourism is a significant element of Jefferson County's economy (page 56). According to economic surveys, the Park and its visitors provide total direct spending in the local area amounting in the tens of millions of dollars. We believe these benefits numbers will only continue to increase, as visitors stay longer to experience the historic sites on School House Ridge. However, commercial or industrial development of the Fritts property will significantly impact the rural appearance and historic values of the property. It will mar the historic and scenic views from adjacent parklands where hundreds of millions of dollars of investment have been made to attract tourists and businesses. We expect visitor use to decline if the scenery from a visitor's or prospective business owner's survey of community amenities would be no different than what they may have left in a suburban environment.

In summary, the NPS supports planned growth in the County and adjacent to the park; however, any such development should be compatible with the County's long-range goals to preserve rural-agricultural lands and to preserve historic resources both of which are inherent in adjacent park lands. Therefore the NPS does not support the petition to rezone the Fritts property.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Rebecca L. Harriett  
Superintendent

cc: Members, Jefferson County Planning Commission:

Arnold Daily, Jr.  
Ellen May  
Robert Reynolds  
Thomas Trumble  
Stephen Alemar  
John Sidor  
Frances Morgan, County Commissioner

**Amy Puetz**

---

**From:** JCC [info@jeffersoncountywv.org]  
**Sent:** Wednesday, February 03, 2010 12:07 PM  
**To:** apuetz@jeffersoncountywv.org  
**Subject:** Fw: Planning Commission Agenda 2-9-10

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

**From:** "gil narro garcia" <gilnarrogarcia@comcast.net>  
**Sent:** 2/3/2010 11:19:18 AM  
**To:** planningdepartment@jeffersoncountywv.org  
**Cc:** HFMayor@aol.com, info@jeffersoncountywv.org  
**Subject:** Re: Planning Commission Agenda 2-9-10

Here you go again. The request for the public hearing on your agenda: "This property is located at the

intersection of Route 340 and Bakerton Rd. and is a total of 9.676 acres. This property is currently zoned Residential Growth and a request has been made by the owners, Shenandoah

Professional Center, LLC, to change the zoning to Residential/Light Industrial/Commercial." denied.

The property in question is an important drainage area for ground water--that is why it is mostly always wet! Also, the property is right on the Bakerton road entrance to the HFN Park. Give me a break! You must demand that an environmental study done by an independent and reliable firm--and I'm not thinking Snyder--before you even consider a public hearing on a zoning change. Finally, you must take into consideration the floodgates you're opening when you start changing residential to commercial zoning on a piecemeal basis, especially on the declared "Main Street" (Hwy 340) designation by the J. County Commission.

Your record of disrespect and disregard for citizens is well established by your approval of the denuding and destruction of the Allstadt Farm land behind the flea market. Most seriously, you've kept citizens in the dark about what the developers are doing to that land.

I have copied the County Commission because this matter is very serious and you appear unable to handle it properly and with regard to the community and the environment.

Gil Narro Garcia

881 Elk Run Dr.

Harpers Ferry WV

304-535-2235

## **Staff Assessment**

### **Shenandoah Professional Services Rezoning Application**

**Submitted By:**

**Jefferson County Department of Planning and Zoning**

**Prepared for:**

**Jefferson County Planning Commission**

**&**

**The Jefferson County Commission**

#### **Request at a Glance:**

**Applicant:** Potomac Professional Services, LLC on behalf of Shenandoah Professional Center, LLC

**Address:** 36 Bakerton Road, Harpers Ferry, WV 25425

**Current Zoning:** Residential Growth

**Proposed Zoning:** Residential-Light Industrial-Commercial

**Acreage:** 9.676 on two contiguous parcels

## **Background**

The property at 36 Bakerton Road, Harpers Ferry, WV, known as the Shenandoah Professional Center, was approved on January 14, 2003 for a Conditional Use Permit (CUP). At that time the property was a single parcel. On February 7, 2006 the property was subdivided into two parcels. One parcel, which is 1.491 acres, has the historic house which is used for offices. The residue parcel is 8.185 acres and is primarily vacant with the exception of some ruins of an old barn.

The original application for the CUP requested that both office use and a self storage facility be permitted. The office use was approved and the self storage facility was not approved since it was not in keeping with the character of the area.

## **Introduction and Purpose**

Shenandoah Professional Services has requested rezoning of this property, which is the purpose of this report. The property is located at the corner of Bakerton Road and Route 340. Access to the property is from Bakerton Rd. The site is located to the west of the Town of Bolivar. Much of the property is surrounded by lands owned by the National Park Service, which is part of the Harpers Ferry Park. While this property and property to the north, south, west and east are zoned Residential Growth, a great deal of this property is owned by the National Park Services. It is not anticipated or proposed to be developed under this zoning classification. *Map 1* shows the National Park Service Property and *Map 2* shows the current zoning for those parcels.

The property is identified on the Jefferson County Tax Map as two parcels. They include parcel 37, as shown on Tax Map 9, consisting of 1.491 acres and parcel 37.2, as shown on Tax Map 9, consisting of 8.185 acres. The property is zoned Residential Growth.

The applicant has requested rezoning of the entire subject property from Residential Growth to Residential-Light Industrial-Commercial. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan in accordance with West Virginia State Code requirements.

## **Statutory Authority and Requirements**

The West Virginia State Code, Section 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. The County Zoning Ordinance also requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended." As

concerns amendments, by petition State statute provides that "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See *WVC 8A-7-9(c)*] This subsection of the State Code goes on to state that, "If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area."

## **Scope of this Assessment**

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. It assumes that no major changes of an economic, physical or social nature within the area involved have occurred, that were not anticipated when the comprehensive plan was adopted, such that they would "substantially" alter the basic characteristics of the area. This assumption is also limited to the proposal to rezone subject site.

The format for this assessment includes citation of specific provisions of the Comprehensive Plan, which are identified by page number in the following section of this report, followed by staff commentary regarding the degree to which staff believes the provision has significance in determining consistency between the rezoning application and the Plan document. Identification of the specific page numbers where these provisions can be found in the Plan, permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, "Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals." In that sense, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance in establishing their respective findings regarding the application.

Finally, this report provides a recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered

the professional opinion of staff; no more and no less. Since the Planning and Zoning staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

## **Relevant Comprehensive Plan Elements and Commentary**

The following section is formatted to provide the page number on which the plan language and/or subsections can be located, followed by the language contained in the body of the plan document. Each reference is then followed by staff commentary where considered appropriate. When language in the Plan is considered more important, text is shown in bold for additional emphasis. Staff commentary is italicized throughout this section of the assessment.

### ***Page 8: Jefferson County – A Vision***

Ironically, the natural beauty and rural setting of Jefferson County, the qualities that are so attractive to new residents, are the very qualities that are most threatened by a rapid pace of growth. Farming is no longer the driving economic force in our county and in the mid 1980s, new residents from other places outnumbered long time residents for the first time. With houses coming at a far faster pace than jobs, Jefferson County is facing a future as just another bedroom community in the larger metropolitan area.

The intent of this plan is not to recreate or recapture the past but to shape future growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community. **Perhaps the biggest challenge of all is to provide an economic base that provides enough job opportunities to allow people to both live and work here.** Jefferson County is home to people of different income levels and professions-from crafts people to mill workers to employees of national consulting firms. The rising cost of housing threatens this diversity.

#### *Staff Comment:*

*This provision notes that the intent of the plan is to shape growth in a manner that preserves the most important features of the County including the rural landscape and natural beauty of its rivers. Text in bold, however, states that providing jobs also represents a challenge if the County is to allow people to both live in work in the County. It may be important to note that jobs can be provided in a number of alternative County locations. Rural landscapes and beautiful rivers can only be preserved where they exist. Once these rural landscapes and vistas are developed, they are lost forever.*

## ***Page 8 – Plan Policies***

This plan encourages new development patterns that foster mixed-use neighborhoods, so that a sense of community begins at the subdivision level.

- **The Plan recommends that Jefferson County’s natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds.**
- **This plan encourages economic development so that residents can live and work in the County.**

### *Staff Comment*

*Employment centers can be provided in a number of alternative County locations where it is appropriate for more intense uses. While providing economic opportunities, the plan recognizes the importance to protect natural resources.*

- **This Plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision.**

### *Staff Comment*

*This policy indicates that new, more intense development should be located within or adjacent to the Towns. Rezoning the parcels included in this request to Residential-Light Industrial-Commercial will result in a more intense development currently not located in that area. There are a variety of permitted uses in the proposed new zoning category which allows for more intense uses.*

- **The Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.**

### *Staff Comment*

*This policy is designed to insure provisions of adequate infrastructure concurrent with development that may require it. Such resources are limited at the subject location. The policy statement is also designed to minimize sprawl from existing urban core areas to rural areas, such as where the subject property is located. Transportation issues will be addressed further, under the topic of transportation.*

### ***Page 12 – The Role of the Comprehensive Plan***

Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many of the land use proposals.

#### *Staff Comment*

*This provision of the plan restates the notion, expressed earlier in this report, that the nature and intent of its recommendations will sometimes be in conflict. As such, the document provides some flexibility in interpretation.*

### ***Page 19 – Statement of Goals***

A list of general goals was adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted, unchanged and incorporated into the 1994 Comprehensive Plan. These goals have been adopted in the 2004 Comprehensive Plan as well.

- **Encourage growth and development in areas where sewer, water, schools and other public facilities are available or can be provided without unreasonable cost to the community.**
- **Promote growth and development that are both economically and environmentally sound.**
- **Promote the maintenance of an agriculture base in the County at a level sufficient to encourage the continued viability of farming in all its various forms.**
- **Encourage and support commercial, industrial, and agriculture activities to provide a diversified and sound local economy.**
- **Promote the conservation of the natural, cultural, and historical resources and the preservation of its scenic beauty.**
- **Advocate the maintenance and improvements of transportation systems so that people and goods can move safely and efficiently throughout the County.**
- **Promote a diversity of housing within the County.**
- **Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.**

- Promote a Planning and Zoning process that is understandable and straightforward, with ample opportunity for meaningful public input.
- **Promote pedestrian friendly, livable communities.**
- Promote inter-entity and inter-agency collection and exchange of information and cooperation on planning.

*Staff Comment*

*With the Goals unchanged for over 20 years, there continues to be a common held vision that they are important to the County. While the Goals are important to the community, they do appear to reflect conflicting values. However, encouraging and supporting residential, commercial and light industrial developments can be accomplished in a number of ways and in a number of alternative locations in the County that are more appropriate. With the current economic decline, there are a large number of residential and commercial vacancies, in existence now, that can promote this kind of development. Adding to a saturated market is not smart growth policy. While the proposed rezoning has a mixed use element conceptually built into it, there is not enough property to provide a work and housing mix. As a result, this will be an auto dependent rezoning that is not in keeping with pedestrian friendly, livable communities. Such activity has been established elsewhere in the County.*

*Since there are existing and additional locations that can provide this type of activity, the natural resources, cultural and historic preservation (the Harpers Ferry Park and viewsheds) of the scenic beauty can only occur where these features or resources are present.*

***Pages 26-28 – Transportation Planning***

With the increase in population in the last three decades, Jefferson County's roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely.

*Staff Comment:*

*The notion that inadequate funding and increased transportation demands are conditions the County will probably face indefinitely is ominous. The staff acknowledges that there is an existing bottleneck along Route 340, which is a major transportation route through the County. Rezoning this parcel of land to Residential-Light Industrial-Commercial use may aggravate this*

*condition. While this development by itself may or may not generate a lot of traffic, allowing this type of development to sprawl along Route 340 could result in increased congestion.*

## **Page 26 - Transportation - General Goals**

In order to realize the vision stated above, general goals are set forth as follows:

1. Reduce the occurrence and severity of roadway traffic accidents by encouraging the West Virginia Department of Transportation, Division of Highways to reduce or eliminate conditions which cause them.
2. **Encourage the West Virginia Department of Transportation, Division of Highways to take measures to provide for and maintain efficient roadway traffic flow.**
3. **Find creative solutions to both funding and legislative limitations, in order to solve transportation problems.**
4. Seek a coordinated transportation plan among all levels of government that provides for coordinated transportation planning and funding of highways, streets, commuter rail service, public transit, car/van pooling, park & ride facilities, bike paths, pedestrian access, and technological improvements to the transportation system in the County.
5. Encourage alternate forms of transportation within the County, such as pedestrian trails and bike paths, provided they are feasible and prove beneficial.
6. Encourage the State and Federal government to increase public transit service to the County, provided it is feasible and proves beneficial.

## **Page 27 - Planning for a Responsible Transportation Network**

The transportation component of the 1994 Comprehensive Plan focused on problem areas, and general traffic volume. In general, maintenance and improvement of the existing road network are the responsibility of the State, homeowners associations and individual owners. Residents are often concerned about the volume and speed of traffic on neighborhood roadways and the state highways. This is perceived as both a safety and quality-of-life issue.

During the Comprehensive Plan process, citizens have expressed concerns with some of the roads in the County. The County has reached a critical turning point as undeveloped land is becoming committed to new subdivision and development. As more and more land is developed future transportation improvements may become more difficult and more costly. Therefore, it is prudent for the State and County to plan for the future needs now, while the land is available and the improvements can be more easily made, or at least the land can be reserved during the development process for future improvements.

**RECOMMENDATION 3.05:** The County should solicit the assistance and cooperation of both the State and Federal governments to create and execute a coordinated comprehensive transportation management plan. This plan must have its primary goal, the efficient flow of people, goods and services in support of both economic development and quality of life. It must be coordinated with all modalities of transportation that interface with the County. The

plan must be comprehensive and systematic in its scope, encompassing all of the major components of transportation including roads, pedestrian and bike paths, public transit and telecommuting. The transportation section of the comprehensive plan should incorporate the Metropolitan Planning Organization (MPO) - traffic study, upon its completion.

*Staff Comment:*

*The Comprehensive Plan reflects the growth in traffic volumes along the Route 340 corridor from 1996 to 2002. It is clearly the most heavily trafficked route. The West Virginia Department of Transportation traffic counts, from 2008 show 38,000 average daily trips (ADT) at WV 26 and 29,400 near Bakerton Rd. This recommendation suggests the need for a US 340 corridor study, that should include an access management component.*

**Page 32 – Highway Problem Areas**

Table T-2 is an update of Table 42, "Summary of Traffic Problems in Jefferson County, WV", which is presented in the 1994 Comprehensive Plan. This table provides a text description of highway problem area locations.

Some problem areas have been addressed by the WVDOH and are removed from the list. These include but are not limited to the replacement of a one-lane bridge with a two-lane bridge, and the installation of signals and gates at several at-grade crossings.

However, there remain numerous locations with poor sight distance, sharp curves, inadequate road shoulders, encroaching fixed objects, hidden entrances, unsafe intersections, and roadways subject to periodic flooding. These locations are generally depicted on the Highway Problem Areas Map on page 30.

*Staff Comment:*

*Page 30 of the Plan (titled Highway Problem Areas) identifies the Route 340 corridor as having problem areas, but does not identify the intersection at Bakerton Road as a problem area. There is an accompanying table on page 31 of the plan which lightly details this issue, but it fails to mention the single lane sections. These single lane sections are where the bottlenecks occur along portions of the Route 340 corridor.*

*While a single more intense non-residential development may not have a significant negative impact on US 340, setting the precedent for allowing this type of development without a comprehensive corridor management plan, sets the state for an accumulation of minor negative effects that could result in a major problem.*

## **Pages 32 and 33 – The Harpers Ferry Water Gap**

The County is faced with a traffic flow bottleneck in the form of a major river crossing through a narrow gorge and National Park. US 340, which is a four lane limited access highway from Frederick, MD to Sandy Hook, narrows to two lanes as it crosses the Potomac River into Virginia. This road remains two lanes as it winds its way through the Shenandoah-Potomac River water gap at Harpers Ferry and crosses the Shenandoah River at Bolivar. At Bolivar, this highway again widens to four lanes for the approach to and from Charles Town. Due to employment trends in the region, US 340 is the busiest highway used to access Jefferson County. On Fridays, commuter traffic has been known to back up from the Potomac River Bridge as far as Brunswick, Maryland as county residents return from their jobs in Maryland and Washington. Holiday travel can also create weekend backups at this bottleneck. Ways to correct this problem have been discussed. Several options to increase the capacity of this section of highway are to: widen the bridge/highway to four lanes, double deck the bridge/highway, or build an alternate by-pass highway. Given the major river crossings, coordination is necessary between the States of West Virginia, Maryland and Virginia, the impact on the National Park, and the design difficulties and high cost, it is unlikely that one of these solutions will be implemented in the foreseeable future. Therefore, another option is for future transportation planning efforts to study the benefits and feasibility of options that may decrease commuter traffic along this section of highway. These options may include park & ride facilities that are coordinated with public transportation, and encouraging telecommuting, etc.

### *Staff Comment:*

*This focuses specifically on the two-lane roadway condition through the Shenandoah-Potomac River Water Gap at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes, however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost and impact on the National Park. The solutions offered in the form of park and ride facilities, public transportation and telecommuting are commendable. However, staff does not expect these alternatives to fix this problem, but rather sees these alternatives as band-aids at best.*

*The new Route 9 is not expected to solve the traffic concerns on Route 340, as the traffic on Rt. 9 has a different commuting pattern and direction than that of Route 340. Again, while the proposed development alone may or may not have a significant negative effect on Route 340, the County needs to consider the potential accumulation of these effects. Without a detailed site plan for a specific use, the impact is hard to predict.*

## Page 34

Recommendation 3:08: Reduce dependence on the automobile for both intra-County and inter-County travel by:

- a. Where feasible and beneficial, encourage the West Virginia Department of Transportation, Division of Highways to install "park and ride" facilities along its rights of way on US 340 and WV 9;
- c. Provide incentives for alternative transportation such as commuter rail, bike path, park & ride, public transit, and telecommuting, etc.

### *Staff Comment:*

*These recommendations may work in some areas of the County and may be beneficial to some extent, particularly along WV 9 or other roadways, but can only be expected to provide limited benefits in relieving congestion along Route 340..*

## Page 41 – Water and Service

Due to the prohibitive overall cost to provide water and sewer service to the entire County, developing in this format county-wide is not feasible. Land areas that are outside of the regions that can reasonably be expected to be served by water and sewer facilities should be developed at lower densities, with properties employing wells and drain fields. The issue of well and septic use in relation to the County's development patterns is discussed in greater detail in the section of this chapter entitled "Jefferson County - 2020" where issues of residential densities are addressed and coordinated.

### *Staff Comment:*

*This planning concept encourages that dense or intense development be located where existing water and sewer facilities can be extended to serve them, rather than building new water and sewer systems in rural County locations. This is a fundamental principle of smart growth. Since the area is generally surrounded by National Park property, it is unlikely that this area could develop at the intensity required to support this type of infrastructure.*

## Page 48 – Natural Resources

In terms of environmental resources, Jefferson County suffers from an embarrassment of riches. Located in the shadow of the Blue Ridge at the confluence of two major rivers, Jefferson County is also one of the most agriculturally productive counties in the State of West Virginia. If we are not careful, we could squander these resources. Effective planning is essential to preserving these resources for use and enjoyment of future generations.

## **Page 52 - Other Natural Resources**

Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan.

Caves are generally located on private or protected property, and are beyond the purview of this Plan. Wildlife corridors have not been studied in detail as part of the preparation of this Plan, however effective clustering of rural residential development should have no impact on this element of the environment.

**The protection of scenic vistas has been the subject of public comment during this process. During the life of the 1994 Plan, which stated that scenic vistas should be protected through the purchase of easements, the Circuit Court voided the issuance of a Improvement Location Permit (ILP) for a telecommunications tower near Alstadt's Hill, based on non-conformance with the Comprehensive Plan, although no easements were in place.**

**The County should identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard.**

### *Staff Comment:*

*Natural features are given top priority in the 2004 Comprehensive Plan. The text shown in bold provides substantial support for the need to protect the "scenic vistas" both in this plan and in the 1994 Comprehensive Plan. Most of the site is visible from various areas of the National Park. Considering the property's location in relation to the national historic buildings and park, the views may be considered more important than the development proposed. Staff suggests that any development of the site, with or without rezoning, identify key locations where components of the viewshed may be considered more important and would require easements to protect the view.*

## **Page 55 and 56 - Historic Preservation**

Jefferson County is an area rich in historical and archaeological interest. It has arguably been referred to as the most historic rural county in America. As part of our country's first western frontier, it was settled by Europeans before 1720 and was inhabited by Native Americans for several thousand years before.

Surveyed by a young George Washington and host to seven Washington family homes and three Revolutionary War generals' residences, Jefferson County's rich early history in the areas of transportation, farming, the military and industry are still evident in the structures and other resources that survive. **As one of the major areas of military maneuver and the site of the John Brown Insurrection, the County's place at one of the crossroads of the Civil War forever links it to many of the important events that occurred during our Nation's greatest test of endurance.**

**Given its size and population, Jefferson County has been fortunate in the amount of historic preservation projects that have been implemented around the County. The effort to preserve the fire engine house of the Harpers Ferry Armory (a.k.a. "John Brown's Fort) in the late 1890s is among some of the earlier concerted efforts at preserving a historic building in the United States. From Harpers Ferry National Historical Park to the historic districts of Shepherdstown and Middleway, Jefferson Countians can be proud of the number of historic resources that have been preserved here.**

Currently, 5 districts and 58 sites in the County are listed on the National Register of Historic Places. "Traveller's Rest", the home of General Horatio Gates, is the County's only officially designated National Historic Landmark.

Over the years, a "windshield survey" of historic and vernacular buildings was created. This inventory was an initial effort, and is outdated, incomplete and should not be used as a working document nor a model for a new inventory.

**History tourism is a significant element of Jefferson County's economy. Harpers Ferry, the Appalachian Trail, Shepherdstown, Antietam and the C&O Canal all serve to draw visitors to the County and surrounding area. The Jefferson County Landmarks Commission was reestablished in 1980 to be a central clearinghouse for preservation activities in the County, from reviewing nominations to the National Registers of Historic Places, to restoring and interpreting the Peter Burr Farm, to providing input regarding developments.**

**While there have been many preservation "success" stories in Jefferson County, the issue has not been without controversy in recent years. Disagreements over such projects as the proposed demolition of the circa 1920 Jefferson County Jail have highlighted such issues as the responsibility of governments as stewards of historic structures, the use of appropriate government bodies in advisory roles, identification of preservation priorities, and long term preservation planning.**

Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue.

**RECOMMENDATION 3.13: The County should examine existing land use regulations and Planning Commission resources and explore regulation amendments and policies that encourage preservation of historic resources. Some amendments and policies the County may want to investigate may include:**

- a. Rewarding the retention and restoration of historic buildings during the subdivision process with limited increased density to offset the expense of preservation.
- b. Re-evaluating zoning restrictions on the adaptive reuse of historic buildings county-wide in order to encourage their continued occupancy and maintenance.
- c. Requiring documentation of significant structures that are to be removed due to development activity.

**RECOMMENDATION 3.14: The County should promote the establishment of a county-wide inventory of structures built before 1900 and of sites with archeological potential, inspections being conducted only with the approval of affected landowners. This inventory should be readily available to the public and should be used as a planning tool and as a means of evaluating historic resources and of determining preservation priorities.**

*Staff Comment:*

*This element of the 2004 Comprehensive Plan underscores the importance of the County's history, as central to its identity and as a key component of the County's economy. Heritage Tourism is an important component to the Jefferson County economy. Since Heritage Tourism is so important, the Historical National Park and it's surroundings should be protected. Although, it has not been determined that an event of historical significance happened on the subject property, such events did take place in the vicinity. While the applicant has taken great strides and should be commended in restoring the existing home to offices, the remaining acreage is open for use. Considering that mini-storage units were once proposed on the site, there is a need for caution as to what could be placed on that property regardless of what has occurred. It is important to remember that the proposed zoning allows a variety of uses.*

**Page – 63 – Business and Industry**

Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.

In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban

locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.

**While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.**

*Staff Comment:*

*Language in this section of the plan, particularly that shown in bold text, notes the possible adverse impacts commercial development on the fringe of town can have on traditional downtown central business districts. There is some evidence of underutilization of buildings located in the commercial core in Charles Town and Ranson presently. Rezoning of the subject property may lead to development which could be in direct competition with downtown commercial businesses.*

**Page 66**

History, culture and scenic beauty combine to make Jefferson County an attractive area for travel and tourism. The area's proximity to the major population centers of Baltimore and Washington enhances this potential. Local attractions include Harpers Ferry, Shepherdstown, the Contemporary American Theater Festival, Charles Town Races and Slots, Summit Point Raceway, the Mountain Heritage Arts and Crafts Festival, the Washington Heritage Trail, white water rafting, etc. Two existing organizations are primarily responsible for encouraging the expansion of the tourism industry and an increase in visitors - the Jefferson County Chamber of Commerce and the Jefferson County Convention and Visitors Bureau. The JCDA can be most useful in assisting with the location and expansion of destination oriented tourist facilities. It should be noted, however, that current labor force constraints will make it difficult to provide large quantities of employees to fill any significant numbers of tourism/service sector jobs, which are predominantly entry level, minimum wage positions. Current commuters and probable future residents are not a source of employees for these jobs.

*Staff Comment:*

*This section of the Plan underscores the importance of heritage tourism to the economy and notes the cultural and scenic features that drive locally based tourism's economic engine. Staff notes that care should be taken when reviewing rezoning that might jeopardize the efforts to nurture the tourism economy or reduce interest in visitation to tourist offerings.*

## **Page 71 – Residential Growth-Light Industrial-Commercial**

This zone, commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses.

There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof.

Land zoned for commercial and industrial use makes up approximately 5% of the County, which is almost evenly split between the I-C District and the mixed use district. **With needing to maximize its potential for commercial development to offset the demands of residential development every mixed use property developed entirely for residential use is a lost opportunity for much needed commercial development. For this reason, discussion should be held during the zoning amendment process regarding whether such standards should be incorporated into the ordinance or left to be determined by the market.**

### *Staff Comment:*

*While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows two vague uses as permitted by right, "Commercial Uses" and "Uses of light industrial." These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses could be proposed on the subject property, each of which could have very different impacts.*

## **Page 72 – Historic Gateway Special Study Area**

The US 340 corridor from the Shenandoah River bridge to the Charles Town bypass serves many purposes. It is the major transportation spine in the eastern part of the County. It is from this road that one views the panorama of the rest of the County from Alstadt's Hill. It serves as a collector for several secondary State highways which serve significant numbers of houses and businesses, and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this road, as are development pressures.

This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing

developments indistinguishable in character, and commercial development rivaling "strips" in nearby larger cities.

US 340 is the main transportation spine through the County. As such, it is only appropriate and logical that the bulk of the development that incurs happens along this corridor. As such, the purpose of this study is not to turn US 340 into an undeveloped parkway. Rather, it is stated here that the purpose of this study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where the development does not cause visual blight and major traffic problems along the eastern entrance corridor to the State. Buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of this study.

**RECOMMENDATION 3.25 : The County should study the US 340 corridor, including land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor.**

*Staff Comments:*

*The study recommended for the 340 Corridor has yet to be undertaken, but the current rezoning proposal underscores its importance. This section appears to be in conflict with itself. On one hand the section notes that views are important in this key County gateway location. However, the section also points out that development along the corridor is logical and the intent of the study would not be to create an "undeveloped parkway." Nevertheless the section specifically states that the purpose of such study is to assure that future development does not cause "visual blight" and "major traffic problems" along the eastern entrance to the State (and County). Again, while this rezoning is for 9.676 acres of property, the expansion and potential for traffic and visual blight is possible without careful consideration of the Corridor as a whole. It is imperative that the activity on this Corridor be reviewed very closely due it being the "most identifiable and visible artery in the County."*

***Staff Recommendation***

The applicant has provided documentation in support of their request for rezoning and has demonstrated consistency of the proposed rezoning with certain limited provisions contained in the Comprehensive Plan.

However, staff recommends denial of this application. While staff recognizes some conflict between various plan goals and objectives, we believe such conflicts are inherent in a

document of this nature. As noted on page 12 of the Plan, "its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals."

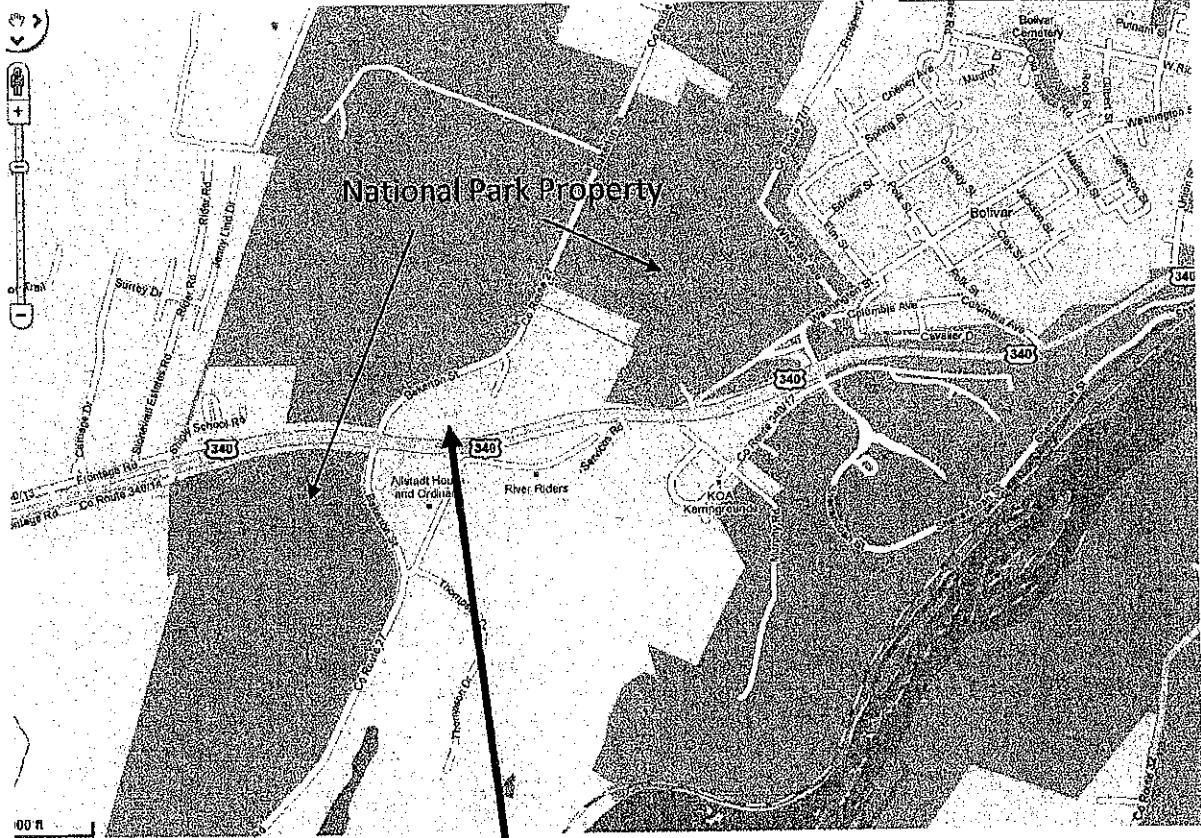
A number of policies, objectives and recommendations provided in the plan, when taken together, provide a compelling argument for denial of this rezoning application. They include:

- While the plan may acknowledge growth along Route 340 that occurs over time, such development should extend from existing core areas and not be located in the middle of a rural area with no services appropriate for this type of activity.
- Pages 32 and 33 of the Comprehensive Plan discuss the Harpers Ferry Water Gap. This discussion focuses specifically on the two-land roadway condition through the Shenandoah-Potomac River Water Gap at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost and impacts on the National Park. For these reasons staff cannot recommend a rezoning that can only create additional pressures on limited highway capacity in this area. As noted in this report, the proposed change of zoning could result in higher traffic patterns than currently allowed in the existing zoning.
- Page 72 of the Comprehensive Plan identifies the Route 340 Corridor as an area that should be targeted for special study. It notes that the corridor serves as a collector for several secondary state highways which serve significant numbers of houses and businesses and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this route. This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing developments indistinguishable in character and commercial development rivaling "strips" in nearby larger cities. The Plan recommends study of the US 340 corridor, including land use, viewscales, economic development, traffic design and management in order to create an effective strategy for a long term plan of this important Corridor. The Plan notes that buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of the study. Staff agrees with the Comprehensive Plan recommendations and believes such a study should precede any rezoning with the corridor.
- The 2004 and 1994 Comprehensive Plans provide substantial discussion of the need for protection of "scenic vistas"(see page 52). This issue has also been raised over the years

with plan updates. As such, it is a scenic vista with County, State and National significance. Rezoning the site for Residential-Light Industrial-Commercial use places scenic vistas at risk.

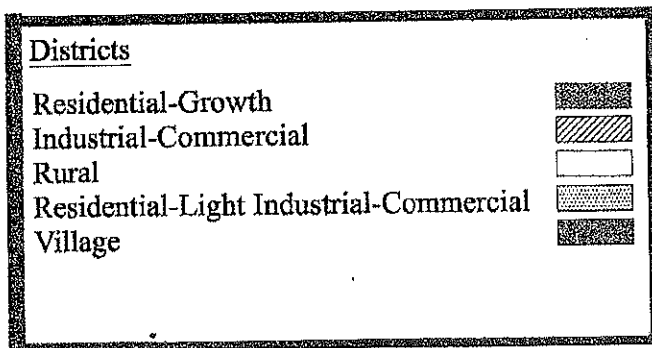
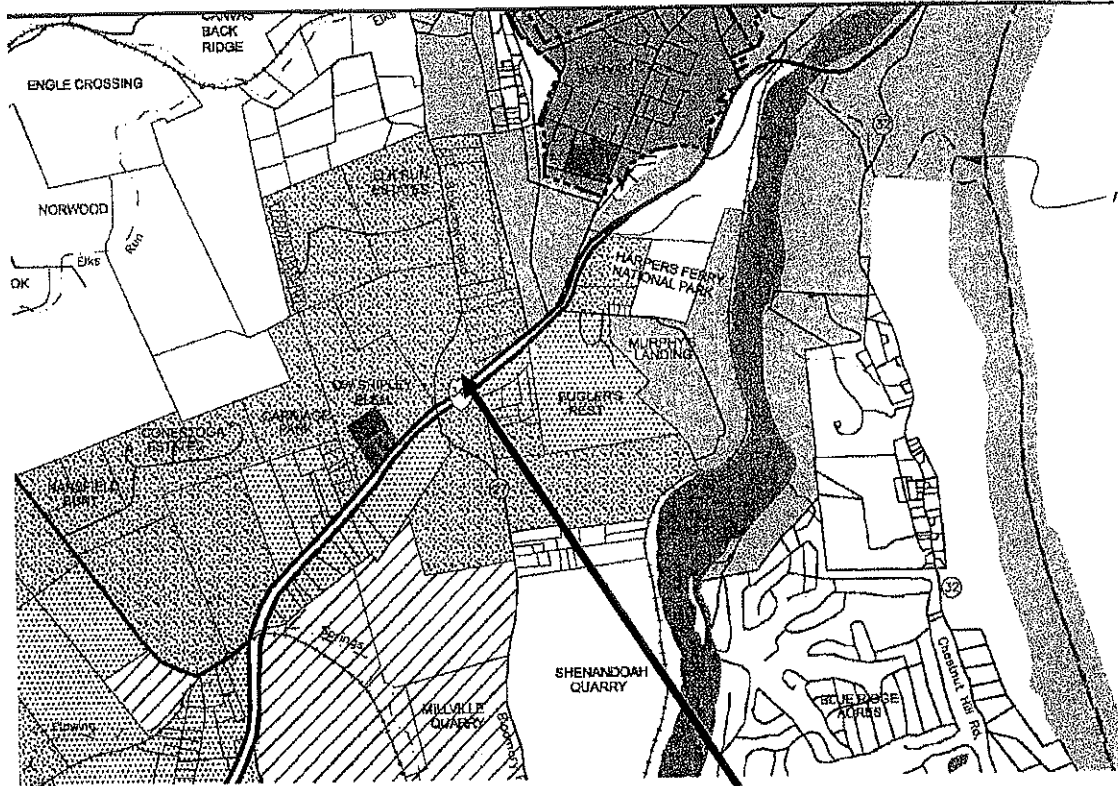
- The site is visible from various areas of the National Park. Considering the subject property's proximity to national historic lands, the views may be considered more than attractive natural features and scenic vistas. They are a part of a greater story in the nation's history worthy of interpretation. For both reasons, staff suggests that any development of the site, with or without rezoning, identify key locations where components of the viewshed may be considered most important and explore providing for purchase of easements on those portions.
- As noted previously, some of the Plan's goals appear to reflect conflicting values. However, staff believes some goals can be achieved in a number of ways, while others are location dependent. The example identified earlier in this report was the goal of encouraging and supporting commercial and industrial development and providing jobs in the County which can be accomplished in a number of ways and in a number of alternative locations within the County. Such a goal need not be implemented on the subject property. However, conservation of natural resources, cultural and historic resources (the Harpers Ferry Park and viewsheds) and preservation of scenic beauty can only occur where these features or resources are present.

Map 1



Subject Property

Map 2



Subject Property

**A Motion Recommending Denial of a  
Rezoning for Shenandoah Professional Center, LLC Property  
February 23, 2009**

**Whereas**, Potomac Professional Services, LLC. has requested rezoning of property known as the Shenandoah Professional Center LLC; and

**Whereas**, The property is located at 36 Bakerton Road, Harpers Ferry, WV 25425 and is identified as Parcels 37 and 37.2 as shown on Tax Map 9, cumulatively consisting of 9.676 acres; and

**Whereas**, The applicant is requesting rezoning from Residential Growth to Residential-Light Industrial-Commercial; and

**Whereas**, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended; and

**Whereas**, The Planning Commission finds that the requested rezoning is not in conformance with the adopted 2004 Comprehensive Plan as outlined in the staff report; and

**Whereas**, The Planning Commission further finds that there have not been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and

**Whereas**, Staff recommends a denial of the requested rezoning based on the conditions outlined in the staff report attached; and

**Now therefore be it moved**, that the Jefferson County Planning Commission recommends \_\_\_\_\_ the request for rezoning from Residential Growth to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 37 and 37.2 as shown on Tax Map 9.

Recommended \_\_\_\_\_ this \_\_\_ day of February 2010  
By vote of the Jefferson County Planning Commission  
By a vote of \_ Yes \_ No

\_\_\_\_\_  
John Maxey, Commission President

**Sandy McDonald**

---

**From:** "Michelle Mason" <MMason@JeffersonCountyWV.ORG>  
**To:** "Sandy" <sandy@jeffersoncountywv.org>  
**Sent:** Thursday, February 18, 2010 12:19 PM  
**Subject:** JCESA Budget Workshop Request

Donald Pittinger dropped off the FY 2011 Budget request to our office this morning for JCESA.

Since he is new to the budget process, he was unsure of who to request a budget workshop with. I referred him to your office, but also told him I would forward his request to schedule a budget workshop with the County Commission. The contact numbers he left with me were 304-728-3287 and his cell phone 304-995-7435. He is requesting a return call with a scheduled time.

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

***Michelle Mason***

Assistant Impact Fee Coordinator  
Department of Capital Planning and Management  
Jefferson County Government  
114 E. Washington Street  
Charles Town, WV 25414  
(304) 728-3331: Phone  
(304) 724-2178: Fax  
[mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)



## JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 Sixteenth Avenue  
Ranson, WV 25438  
E-mail – jeffcoamb@citlink.net  
Telephone – 304-728-3287  
Fax – 304-728-6221

March 4, 2010

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

Attn: Lyn Widmyer, President

RECEIVED

MAR 04 2010

JEFFERSON COUNTY COMMISSION

Dear Madam:

Please amend our FY 2011 Budget Request to include an additional \$81,000.00 to cover the cost of the mortgage for the new Operation Center for the Jefferson County Emergency Services Agency.

This funding was agreed upon by the Jefferson County Commission your November 29, 2007 commission meeting. (Please reference the attached letter.)

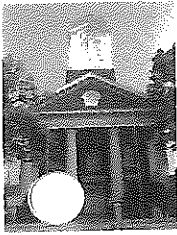
Sincerely,

Douglas M. Pittinger  
Director

/jls

cc: Mark Schiavone, Coordinator  
Capital Planning and Management

# THE COUNTY COMMISSION OF JEFFERSON COUNTY



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



Phone: 304/728-3284

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

Fax: 304/725-7916

December 3, 2007

R. M. Pete Kelley  
President  
Jefferson County Ambulance Authority  
208 South Mildred Street  
Ranson, WV 25438

Dear Mr. Kelley:

At a meeting of the County Commission of Jefferson County, Thursday, November 29, 2007, the Commission agreed to support the Jefferson County Ambulance Authority in the building of an Operation Center on the land located off of 16<sup>th</sup> Avenue in Ranson.

The Commission agreed to fund the payments for the Ambulance Authority's loan through the USDA Rural Development Program as reflected as a line item in your budget.

If you need anything additional, please contact the Commission office.

Sincerely,

Frances B. Morgan  
President  
Jefferson County Commission

Please join the  
Jefferson County Commission  
in welcoming

Tim Boyde

As he starts his new job as the  
County Administrator

Wednesday, March 17, 2010  
4:00—5:30 pm  
In the basement of the Charles Town  
Library

We will also be expressing our  
appreciation to

Sandy Slusher McDonald,  
Deputy County Administrator

For all her hard work during the  
transition period.

Please RSVP by  
Friday, March 12, 2010  
At 304\*728\*3284

# 22

**JEFFERSON COUNTY, WEST VIRGINIA**

**Engineering Department**

116 East Washington Street  
P.O. Box 716  
Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

MEMORANDUM

TO: SANDY SLUSHER McDONALD, ACTING COUNTY ADMINISTRATOR  
JEFFERSON COUNTY COMMISSION

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER *RLG*  
ENGINEERING DEPARTMENT

DATE: FEBRUARY 22, 2010

SUBJECT: CAMBRIDGE MANUFACTURED HOME DEVELOPMENT  
SECTION 4, PHASE 4, LOTS D99 & D102 – FILE 09-21

Please find enclosed the bond(s) and security for the following project(s):

Cambridge Manufactured Home Development which is secured by Cash-in-Escrow with The Bank of Charles Town in Charles Town, West Virginia in the amount of \$30,040.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

RECEIVED

MAR 01 2010

JEFFERSON COUNTY COMMISSION

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

<sup>#741</sup>  
COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

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

RECEIVED

MEMORANDUM

MAR 02 2010

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *frs*  
DATE: Monday, 01 March 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's School Impact Fee Account.**

Jefferson County Commission

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County School Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000007** through **1000019**, inclusive. Within this range there were 13 non-exempt impact fee payments. This amounts to **\$125,270.00**.
- Interest earned by the Office of Impact Fees General Account in February 2010 amounts to **\$102.63**, of which **\$90.31** is attributed to fees collected for School.

**As per the attached invoice, the total amount of this transfer is \$125,360.31.**

Check # 741

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

Number: 10008

Date: 3/1/2010

**Bill To:**

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

**Pay To:**

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

**P.O. Number**

0

**Vendor Number**

| Dept./Line<br>Item # Charged | Description                                                                                                                                                                                                | Amount              |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|                              | Impact Fee payments collected for month of February 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). | \$125,270.00        |
|                              | Interest earned by the Office of Impact Fees General Account February 2010.                                                                                                                                | \$90.31             |
|                              | Impact Fee Process Numbers 1000007 through 1000019, inclusive. Within this range, there were 13 non-exempt impact fee payments.                                                                            |                     |
| <b>Total:</b>                |                                                                                                                                                                                                            | <b>\$125,360.31</b> |

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



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

Account 3111776

Schools

Check Number 741

Trace 20100301:38602

Date 3/1/2010

Series 1

Recipient Sheriff of Jefferson County  
 Amount \$125,270.00

Account 3107582  
 Signature 1 Lyn Widmyer  
 Signature 2 Bobby Shirley  
 Signature 3 Jennifer Maghan

Notes: Transfer of Feb fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount      |
|--------------|----------------|-----------|------------|-------------|
| 2/17/2010    | 1000007        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 2/17/2010    | 1000008        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 2/22/2010    | 1000009        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 2/22/2010    | 1000010        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/22/2010    | 1000011        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/22/2010    | 1000012        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/22/2010    | 1000013        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/22/2010    | 1000014        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/22/2010    | 1000015        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/22/2010    | 1000016        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/22/2010    | 1000017        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 2/26/2010    | 1000018        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 2/26/2010    | 1000019        | 2003-3    | 11/24/2005 | \$11,358.00 |

**Total amount for this withdraw \$125,270.00**

**Total amount for this account \$125,270.00**

**Total amount all accounts \$125,270.00**

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
P.O. Box 250  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone (304) 724-3381  
Fax (304) 724-2178

mschiavone@jeffersoncountywv.org

MEMORANDUM

MAR 02 2010

TO: Leslie Smith, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone  
DATE: Monday, 01 March 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000007** through **1000019**, inclusive. Within this range there were 5 non-exempt impact fee payments. This amounts to **\$1,310.00**.
- Interest earned by the Office of Impact Fees General Account in March 2010 amounts to **\$102.63**, of which **\$1.03** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$1,311.03.**

**Check # 742**

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

Number: 10009

Date: 3/1/2010

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

0

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

|               |                                                                                                                                                                                                                     |                   |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|               | Impact Fee payments collected for month of February 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120). | \$1,310.00        |
|               | Interest earned by the Office of Impact Fees General Account February 2010.                                                                                                                                         | \$1.03            |
|               | Impact Fee Process Numbers 1000007 through 1000019, inclusive. Within this range, there were 5 non-exempt impact fee payments.                                                                                      |                   |
| <b>Total:</b> |                                                                                                                                                                                                                     | <b>\$1,311.03</b> |

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



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

Account 3111776

Law Enforcement

Check Number 742

Trace 20100301:38674.52

Date 3/1/2010

Series 2

Recipient Sheriff of Jefferson County

Amount \$1,310.00

Account 3120120

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Feb fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 2/17/2010    | 1000007        | 2005-1    | 3/22/2005  | \$262.00 |
| 2/17/2010    | 1000008        | 2005-1    | 3/22/2005  | \$262.00 |
| 2/22/2010    | 1000009        | 2005-1    | 3/22/2005  | \$262.00 |
| 2/22/2010    | 1000010        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/22/2010    | 1000011        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/22/2010    | 1000012        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/22/2010    | 1000013        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/22/2010    | 1000014        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/22/2010    | 1000015        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/22/2010    | 1000016        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/22/2010    | 1000017        | 2005-1    | 3/22/2005  | \$0.00   |
| 2/26/2010    | 1000018        | 2005-1    | 3/22/2005  | \$262.00 |
| 2/26/2010    | 1000019        | 2005-1    | 3/22/2005  | \$262.00 |

**Total amount for this withdraw \$1,310.00**

**Total amount for this account \$1,310.00**

**Total amount all accounts \$1,310.00**

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

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator


Phone: (304) 724-3333  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

RECEIVED

MAR 02 2010

MEMORANDUM

TO: Sandy Slusher McDonald, Vivian Fields, and Terrence H. Hinkle, Jefferson County Commission

FROM: F. Mark Schiavone 

DATE: Monday, 01 March 2010

SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000007** through **1000019**, inclusive. Within this range there were 13 non-exempt impact fee payments. This amounts to **\$8,360.00**.
- Interest earned by the Office of Impact Fees General Account in February 2010 amounts to **\$102.63**, of which **\$6.16** is attributed to fees collected for Parks & Recreation.

**As per the attached invoice, the total amount of this transfer is \$8,366.16.**

Check # 743

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

Number: 10010

Date: 3/1/2010

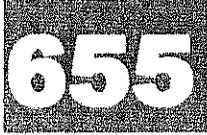
**Bill To:**Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414**Pay To:**Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430**P.O. Number**

0

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

|               |                                                                                                                                                                                                                        |                   |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|               | Impact Fee payments collected for month of February 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). | \$8,360.00        |
|               | Interest earned by the Office of Impact Fees General Account February 2010.                                                                                                                                            | \$6.16            |
|               | Impact Fee Process Numbers 1000007 through 1000019, inclusive. Within this range, there were 13 non-exempt impact fee payments.                                                                                        |                   |
| <b>Total:</b> |                                                                                                                                                                                                                        | <b>\$8,366.16</b> |

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



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

Account 3111776

Parks & Rec

Check Number 743

Trace 20100301:38765.36

Date 3/1/2010

Series 3

Recipient Sheriff of Jefferson County

Amount \$8,360.00

Account 3122808

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Feb fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 2/17/2010    | 1000007        | 2005-2    | 5/12/2005  | \$752.00 |
| 2/17/2010    | 1000008        | 2005-2    | 5/12/2005  | \$752.00 |
| 2/22/2010    | 1000009        | 2005-2    | 5/12/2005  | \$752.00 |
| 2/22/2010    | 1000010        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/22/2010    | 1000011        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/22/2010    | 1000012        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/22/2010    | 1000013        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/22/2010    | 1000014        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/22/2010    | 1000015        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/22/2010    | 1000016        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/22/2010    | 1000017        | 2005-2    | 5/12/2005  | \$575.00 |
| 2/26/2010    | 1000018        | 2005-2    | 5/12/2005  | \$752.00 |
| 2/26/2010    | 1000019        | 2005-2    | 5/12/2005  | \$752.00 |

**Total amount for this withdraw \$8,360.00**

**Total amount for this account \$8,360.00**

**Total amount all accounts \$8,360.00**

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

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

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

MEMORANDUM

RECEIVED

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendrick MAR 02 2010  
FROM: F. Mark Schiavone *ms*  
DATE: Monday, 01 March 2010 Jefferson County Commission  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000007** through **1000019**, inclusive. Within this range there were 13 non-exempt impact fee payments. This amounts to **\$7,754.00**.
- Interest earned by the Office of Impact Fees General Account in February 2010 amounts to **\$102.63**, of which **\$5.13** is attributed to fees collected for Fire & EMS.

**As per the attached invoice, the total amount of this transfer is \$7,759.13.**

Check # 744

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 10011

**Date:** 3/1/2010

**Bill To:**

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

**Pay To:**

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

**P.O. Number**

0

**Vendor Number**

**Dept./Line**

**Item # Charged**

**Description**

**Amount**

|               |                                                                                                                                                                                                                |                   |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|               | Impact Fee payments collected for month of February 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816). | \$7,754.00        |
|               | Interest earned by the Office of Impact Fees General Account February 2010.                                                                                                                                    | \$5.13            |
|               | Impact Fee Process Numbers 1000007 through 1000019, inclusive. Within this range, there were 13 non-exempt impact fee payments.                                                                                |                   |
| <b>Total:</b> |                                                                                                                                                                                                                | <b>\$7,759.13</b> |

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



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

Account 3111776

Fire & EMS

Check Number 744

Trace 20100301:38826.58

Date 3/1/2010

Series 4

Recipient Sheriff of Jefferson County

Amount \$7,754.00

Account 3122816

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Feb fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 2/17/2010    | 1000007        | 2005-3    | 5/12/2005  | \$698.00 |
| 2/17/2010    | 1000008        | 2005-3    | 5/12/2005  | \$698.00 |
| 2/22/2010    | 1000009        | 2005-3    | 5/12/2005  | \$698.00 |
| 2/22/2010    | 1000010        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/22/2010    | 1000011        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/22/2010    | 1000012        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/22/2010    | 1000013        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/22/2010    | 1000014        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/22/2010    | 1000015        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/22/2010    | 1000016        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/22/2010    | 1000017        | 2005-3    | 5/12/2005  | \$533.00 |
| 2/26/2010    | 1000018        | 2005-3    | 5/12/2005  | \$698.00 |
| 2/26/2010    | 1000019        | 2005-3    | 5/12/2005  | \$698.00 |

**Total amount for this withdraw \$7,754.00**

**Total amount for this account \$7,754.00**

**Total amount all accounts \$7,754.00**

# Impact Fee Status Report

## February 2010

Department of Capital Planning and Management/Office of Impact Fees

### Summary

Date Range: Monday 1 through Friday 26 February 2010  
 Report Date: 01 March 2010.  
 Process Number Range: 1000007 - 1000019

RECEIVED

MAR 02 2010

Jefferson County Commission

Total Applications: 13

Total Non-Exempt: 13

*Of which:*

Commercial: 0

Residential: 13

*Of which:*

County: 5

Municipal: 8

Total Exempt: 0

*Of which:*

Commercial: 0

Residential: 0

*Of which:*

County: 0

Municipal: 0

Tables 1 through 7 summarize impact fee processing for the month of February 2010:

**Table 1. Form 100 Tallies**

|                        | Exempt | Residential Applications | Commercial Applications | Total        |
|------------------------|--------|--------------------------|-------------------------|--------------|
| 1-28 February 2010     | 0      | 13                       | 0                       |              |
| Fees collected         |        | \$142,694.00             |                         | \$142,694.00 |
| <i>Of which</i>        |        |                          |                         |              |
| School Impact Fee      |        | \$125,270.00             |                         | \$125,270.00 |
| Law Enforcement Fee    |        | \$1,310.00               |                         | \$1,310.00   |
| Parks & Recreation Fee |        | \$8,360.00               |                         | \$8,360.00   |
| Fire & EMS Fee         |        | \$7,754.00               |                         | \$7,754.00   |

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

| Description                                                          | Amount        |
|----------------------------------------------------------------------|---------------|
| Opening Statement Balance (1 February 09)                            | \$59,161.38   |
| January Deposits (1 – 28 February 2010)                              | \$142,694.00  |
| Interest Earned (31 December 08)                                     | \$102.63      |
| School Jan Transactions (withdraws via transfer on 13 Jan 2010)      | (\$45,476.84) |
| Law Jan Transactions (withdraws via transfer on 13 Jan 2010)         | (\$1,399.00)  |
| Parks & Rec Jan Transactions (withdraws via transfer on 13 Jan 2010) | (\$3,011.02)  |
| Fire & EMS Jan Transactions (withdraws via transfer on 13 Jan 2010)  | (\$9,274.52)  |
| Ending Statement Balance 28 February 2010)                           | \$142,796.63  |
| <i>Outstanding Credits(deposits through 01 March 2010)</i>           | <i>0.00</i>   |

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

| Description                                                  | Amount         |
|--------------------------------------------------------------|----------------|
| Opening Balance (1 February 2010)                            | \$2,881,551.74 |
| Interest Earned (28 February 2010)                           | \$4,228.37     |
| Jan Transactions (deposits via transfer on 17 February 2010) | \$45,476.84    |
| Ending Balance (28 February 2010)                            | \$2,931,256.95 |

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

| Description                                             | Amount      |
|---------------------------------------------------------|-------------|
| Opening Balance (1 February 2010)                       | \$25,155.23 |
| Interest Earned (28 February 2010)                      | \$37.54     |
| Jan Transactions (deposits via transfer on 13 Jan 2010) | \$1,399.00  |
| Ending Balance 28 February 2010)                        | \$26,591.77 |

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

| Description                                                  | Amount       |
|--------------------------------------------------------------|--------------|
| Opening Balance (1 February 2010)                            | \$107,574.42 |
| Interest Earned (28 February 2010)                           | \$157.07     |
| Jan Transactions (deposits via transfer on 17 February 2010) | \$3,011.02   |
| Withdraw (CHK 102 REQ 10R0056)                               | (\$2,300.00) |
| Ending balance 28 February 2010                              | \$108,415.51 |

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

| Description                                                  | Amount       |
|--------------------------------------------------------------|--------------|
| Opening Balance (1 February 2010)                            | \$451,812.65 |
| Interest Earned (28 February 2010)                           | \$664.32     |
| Jan Transactions (deposits via transfer on 17 February 2010) | \$9,274.52   |
| Ending Balance (28 February 2010)                            | \$461,751.49 |

**Table 7. Total Impact Fees as of 01 March 2010/1**

| Description                               | Amount                |
|-------------------------------------------|-----------------------|
| Department of Impact Fees General Account | \$142,796.63          |
| School Impact Fee Account                 | \$2,931,256.95        |
| Law Enforcement Fee Account               | \$26,591.77           |
| Parks & Recreation Impact Fee Account     | \$108,415.51          |
| Fire & EMS Impact Fee Account             | \$461,751.49          |
| <b>Total</b>                              | <b>\$3,670,812.35</b> |

Notes:

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

610

# Form 100 Transaction Summary

Jefferson County Government – Department of Impact Fees

Applications with IFC Signature Dates/Form 190 Processing Dates between Monday, February 01, 2010 and Sunday, February 28, 2010

| Process Application Number | Application Date | Last Name | First Name         | Tax District     | Deed | Pag | Tax Parcel | Impact Fee  | Agreement Date | Exemption Reason    |
|----------------------------|------------------|-----------|--------------------|------------------|------|-----|------------|-------------|----------------|---------------------|
| 1000007                    | 02/16/2010       |           | THZ Enterprises    | 09 Shepherdstown | 975  | 69  | 8C 338     | \$13,070.00 | 02/16/2010     | N/A                 |
| 1000008                    | 02/16/2010       |           | THZ Enterprises    | 09 Shepherdstown | 975  | 69  | 8C 342     | \$13,070.00 | 02/16/2010     | N/A                 |
| 1000009                    | 02/19/2010       | Kelly     | Patrick            | 06 Kabletown     | 1036 | 567 | 9H 19      | \$13,070.00 | 02/19/2010     | N/A                 |
| 1000010                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000011                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000012                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000013                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000014                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000015                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000016                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000017                    | 02/19/2010       |           | Builders Unlimited | 08 Ranson Corp   | .    | .   | 8 5-7      | \$9,668.00  | 02/19/2010     | Not in Fee District |
| 1000018                    | 02/26/2010       | Stoner    | Christopher        | 09 Shepherdstown | 911  | 206 | 20 29      | \$13,070.00 | 02/26/2010     | N/A                 |
| 1000019                    | 02/26/2010       |           | Dan Ryan           | 02 Charles Town  | 1018 | 29  | 6A 29      | \$13,070.00 | 02/26/2010     | N/A                 |

Category Count: 13

Category Total \$142,694.00  
Grand Total \$142,694.00

#25



RECEIVED

MAR 04 2010

Jefferson County Commission

Sarah Farley  
EBI Consulting  
6876 Susquehanna Trail South  
York, PA 17403

February 22, 2010

Ms. Farley,

This letter is regarding the proposed "monopine" cellular tower at 9036 Middleway Pike near Charles Town, West Virginia (Project 61096126-SLF). As you know, this site has been previously reviewed by the Jefferson County Historic Landmarks Commission and West Virginia State Historic Preservation Office. Both the JCHLC and SHPO have expressed serious concerns about the location of this proposed tower. As we stated on several occasions, many of the county's most treasured historic sites would be affected by a tower in this location. During a balloon test two years ago, it was determined that the tower would be visible from several National Register properties as well as being located in the middle of a Civil War Battlefield.

Certainly, Verizon can find a suitable location that will serve its customers while not desecrating our county's heritage.

Sincerely,

John C. Allen, Jr.  
Chairman, JCHLC

Cc: Susan Pierce, SHPO, Jefferson County Commission

#26



RECEIVED

MAR 04 2010

Jefferson County Commission

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

February 25, 2010

Commissioners:

The Jefferson County Historic Landmarks Commission would like to express its support of the work of the county's GIS/Addressing Office. The mapping and GIS datalayers that have been produced by that office are exceptionally useful to a wide range of county residents and businesses. The JCHLC has worked with the GIS/Addressing Office to include historic resources information in the county mapping. This collaborative work has resulted in a better overall product and shared cost benefits. Our commission believes that it will be of great use to the public to have this material available online. Having access to accurate and comprehensive mapping is in the best interest of the county citizens and the GIS/Addressing Office is working to provide that opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'John C. Allen, Jr.'

John C. Allen, Jr.  
 Chairman, JCHLC

1900 Kanawha Boulevard East • Charleston, WV 25305-0311  
(304) 558-2234 • (800) 982-3386 • [www.wvcommerce.org](http://www.wvcommerce.org)

February 24, 2010

The Honorable Dale Manuel  
President  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

RECEIVED

FEB 24 2010

Dear Commissioner Manuel:

Jefferson County Commission

**Re: Jefferson County's LWCF Grant Application (Moulton Park - \$45,000 LWCF)**

Our office has assessed Land and Water Conservation Fund (LWCF) outdoor recreation project applications received for Federal funding consideration from the Fiscal 2010 and preceding Fiscal 2009 funding cycles. If the county wishes to be competitively ranked for funding consideration, our office will need additional information or correction of items noted below to be able to develop a complete project application.

We have no deadline for this request, however, those applications which are complete and competitive will be recommended to the National Park Service on a "first come" basis, up to the limits of our consolidated FY 2009 and 2010 fund balances. Anything not funded this year may be the basis for a new application next year.

The following Environmental Screening Form (ESF) additions or errors and omissions need your reply:

- A State Historic Preservation Office (SHPO) clearance letter is needed to complete the application's Environmental Assessment.
- The concept plan for the proposed park improvements needs to designate parking space and picnic areas proposed for handicapped access to comply with ADA requirements.
- The proposed plan is, by and large, a support facilities upgrade for accommodating vehicles at the park. Are there plans that can be added for a walking/hiking trail component around or along the park's perimeter?
- The DI Form 2010 (debarment certification) requires an address for the project site (with nearest Town & Zip Code).
- ESF Questions 2(D)(2), 2(D)(3) and 2(D)(7) need to be answered in the project narrative on the location of right-of-way boundaries and any easements (map description required), who and how site fees and on-site management will be provided, and how this project relates to the State's recreation plan (go to [www.wvcommerce.org/scorp](http://www.wvcommerce.org/scorp)).
- The Flood Insurance certification was signed for both insurable and uninsurable improvements when the instructions only call for "either/or". This form needs to be reaccomplished with one signature.
- The park location needs to be marked on the county floodplain boundary map included.
- Please indicate the source(s) for the project cost estimates.

Based on your reply, we may need to request additional information or clarification. Please contact myself or Jim Marshall of our office at 304.558.2234 or by email at [john.r.mcgarrrity@wv.gov](mailto:john.r.mcgarrrity@wv.gov) or

The Honorable Dale Manuel Letter  
February 24, 2010  
Page Two

[james.s.marshall@wv.gov](mailto:james.s.marshall@wv.gov) if you wish to discuss this proposal or need additional information to be able to make a reply.

Sincerely,



John McGarrity  
Senior Planner

JM:jm

cc: Tim Barr



*The Culture Center*  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • www.wvculture.org  
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

February 22, 2010

Mr. Todd E. Kelvington  
Environmental Specialist  
Thrasher Engineering  
30 Columbia Blvd.  
P.O. Box 1532  
Clarksburg, WV 26301

**RECEIVED**

MAR 01 2010

*Jefferson County Commission*

RE: Proposed Mountain Communities Water Extension  
Jefferson Utilities, Inc./Jefferson Co. PSD  
FR#: 10-442-JF

Dear Mr. Kelvington:

We have reviewed the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to submitted information, the Jefferson County Public Service District and Jefferson Utilities, Incorporated are proposing to extend water utility service on the north and west sides of the Shenandoah River to the communities of Keys Ferry Acres, Harpers Ferry Campsites, and Westridge Hills, located along the western slopes of the Blue Ridge Mountains immediately south and east of the Shenandoah River. It is our understanding that two above ground booster stations and three water storage tanks will also be installed during this project.

Architectural Resources:

We cannot complete our review with the information provided. Please forward photographs of any buildings and/or structures that will be within the line-of-sight of the proposed project (i.e., buildings and/or structures that will be able to see the proposed project). These photographs should be keyed to a USGS topographic map. We will provide further comments upon receipt of the requested information; however, we reserve the right to request the completion of Historic Property Inventory (HPI) forms.

Archaeological Resources:

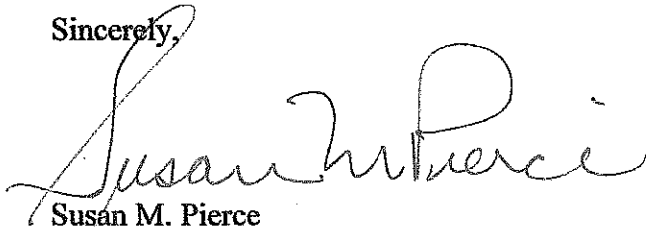
While a search of office site files located no known archaeological sites within the proposed project area, our records do indicate that there are over twenty known sites within a one-mile

February 22, 2010  
Mr. Kelvington  
Page 2  
FR# 10-442-JF

radius. One of these sites, a Woodland period habitation site is situated immediately adjacent to a proposed line location. We will require some additional information in order to better comment on the project's potential effects to archaeological resources. Submitted information states that a majority of the proposed line installation work will occur within existing rights-of-way. Project mapping, however, indicates that there are areas where line installation work is scheduled to occur outside of existing road rights-of-way. Please clarify whether the proposed booster stations and new water storage tanks will be installed within previously disturbed areas. Please indicate the proposed excavation depths at these sites. Please provide photographs of the following: all areas where line installation work will occur outside of existing road rights-of-way including the proposed Shenandoah River Crossing area illustrating the locations of the bore pits, the proposed tank sites and their associated access road areas, and the proposed booster station sites. We will provide further comment upon receipt of the requested information.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Aubrey Von Lindern, Historian, or Carolyn Kender, Archaeologist, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,



Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/ACV/CMK

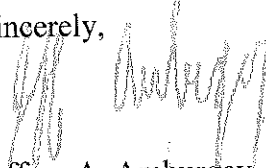
CC: Mr. John Allen - Jefferson County Historic Landmarks Commission  
Mr. Jim Surkamp - Jefferson County Commission ✓



Honorable Members of the  
Jefferson County Commission  
February 24, 2010  
Page Two

Should you have questions regarding this information, please feel free to contact Kris Pinkerman at (304) 558-3940.

Sincerely,



Jeffrey A. Amburgey  
Director  
Property Tax Division

JAA/kpj

cc: Assessor of Jefferson County



430

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Economics and Statistics Administration**  
**U.S. Census Bureau**  
Washington, DC 20233-0001  
OFFICE OF THE DIRECTOR

**RECEIVED**

MAR 01 2010

Dear Elected Official:

**Jefferson County Commission**

Are you up for the "Take 10" challenge?

On behalf of the U.S. Census Bureau, we are challenging every elected official to join us in making history by helping to boost the mail back participation rates across the Nation and in your community during the 2010 Census.

During each Decennial Census, the Census Bureau undertakes the count of every person residing in the United States, as mandated by Article 1, Section 2 of the U.S. Constitution. To encourage everyone to take 10 minutes to answer the 10 simple questions on the 2010 Census form, we are launching the "Take 10" campaign. Through "Take 10," you can visit [www.2010census.gov](http://www.2010census.gov) to get updates on the proportion of households that have mailed back 2010 Census forms. You will also be able to view differences between your community's participation rates and those of neighboring communities or other areas across the country.

During the 2000 Census, 72 percent of households that received the form mailed it back. In 2010, we are challenging communities to do even better. The Census Bureau's "Take 10" campaign gives you a wide range of tools to inspire your community to meet our challenge. These include:

- An interactive, map-based, "Take 10" Web site that allows local areas to track and compare their 2010 Census mail back participation rates, which will be updated on a daily basis at [www.2010census.gov](http://www.2010census.gov). and to look up their 2000 Census participation rates.
- An electronic toolkit is available which includes talking points, sample speeches, news releases, newsletter copy, event suggestions, flyers, stickers, and doorknob hanger templates, and more.
- Suggestions on how to use friendly competition with other communities to inspire your community to participate in the census.

As an elected official, you can play an important leadership role in encouraging your constituents to mail back their forms. The 2010 Census questionnaires are delivered from March 15-17, 2010. From the time the forms are delivered until the closing of the mail campaign at the end of April, you have the opportunity to remind your constituents of the importance of mailing back their census forms and the impact of the census on their communities. We believe that you can encourage participation through speeches, special events, and challenges.

# The NACA 100 Level II Training Academy

## National Animal Control Association

The National Animal Control Association (NACA) was formed in 1978 for the express purpose of assisting its members to perform their duties in a professional manner. NACA believes its most important contribution towards solving our domestic animal problems is to make available to Animal Control agencies and personnel a comprehensive training program.

## Topics to be Covered Include:

- Constitutional Law, Search & Seizure
- Civil Liability for the ACO
- Stress Management
- Public Speaking
- News Media Relations
- Crime Scene Documentation
- Self-Defense Against Humans
- Investigative Resources
- Blood Sports
- Search Warrants and Affidavits

## Tuition/Registration/Payment

Tuition for this program is \$525.00. To register for this program, we ask that you first call our office at 913-768-1319 (press option 6). Send your original completed registration form (located on the back) to our office by April 1, 2010 with payment. You may pay for this program either with Agency Check, Purchase Order Number or by Credit Card (Visa or MasterCard). A 20% (\$105.00), nonrefundable fee will be assessed on any cancellation made after April 1, 2010. NOTE: Programs are subject to cancellation, without sufficient registrations, 30 days prior to program start.

## Who Should Attend

This program is designed for Animal Control Officers at the federal, state, and local levels, Police Officers, and Sheriff's Deputies responsible for animal control and all of its many facets. It is **not** necessary to attend Level I before Level II.

- Blood Sports
- Search Warrants and Affidavits

## Credit

Upon successful completion of a written examination (receiving a grade of 80% or above) participants are awarded certificates of completion. Participants who have successfully completed Level I and Level II, will upon completion, be eligible to receive their National Certification.

## Academy Information

The National Animal Control Association Training Academy was designed to be delivered in two levels. Upon successful completion of both Level I and Level II, the National Animal Control Association shall nationally certify each participant and issue the appropriate documentation and pin. Successful completion of Level I and Level II shall include a minimum passing score of 80% on written examinations and mandatory attendance during all training.

## Location and Lodging

The school will be conducted in Nashville, Tennessee, at the Holiday Inn Opryland/Airport, located at 2200 Elm Hill Pike in Nashville. A special lodging rate of \$89.00 per night, plus tax, single or double occupancy has been arranged. You should make your reservations by calling the Holiday Inn Opryland/Airport at 615-883-9770 or 866-871-1171 and identify yourself as attending the National Animal Control Association Training Academy. You must make your reservations by April 2, 2010 to obtain this rate. Note: A hotel airport shuttle is provided.

## Questions

For additional information, please contact the National Animal Control Association at 913-768-1319 (press option 6). Our fax number is 913-768-1378. You may also visit: [www.nacantc.org](http://www.nacantc.org)

## Joseph Maniaci Scholarship

Scholarships for this class may be available via the Joseph Maniaci Scholarship Fund. Applications may be obtained by visiting: [www.nacantc.org](http://www.nacantc.org)

RECEIVED  
FEB 26 2010  
JEFFERSON COUNTY  
CIRCUIT COURT

To  
ALL  
COUNTY  
OFFICIALS

VARIOUS  
INFO  
OF  
INTEREST

Charleston  
Daily Mail  
Editorial  
2-25-10

5 cc's  
Circuit Clerk  
Co. Clerk  
Co. Comm  
JCSD  
Pros. Atty  
3-1-10  
TC

# Legislators stuck local governments

## Local taxpayers cannot afford what state politicians promised

**T**HE Unfunded Public Retirement Board has made a prediction for the future of the state's public pension plans based on solid facts. Taxpayers will have to pay hundreds of millions of dollars a year into pension plans in recent years.

During the same time taxpayers, the Pew Center on the States has serious concerns about West Virginia's pension obligations.

For example, the state has more than \$4 billion in unfunded liabilities for public teachers pensions. The Public Employees Retirement System has a \$900 million hole.

Legislators have made pension promises that taxpayers and local governments simply cannot meet.

Many of the pension plans themselves, the Legislature passed the buck to the non-elected Public Retirement Board which passed the buck on local governments by increasing the amount of contributions paid to other government entities and pay into PERB.

The board has tried to increase what employees have to pay into their retirement. This reduces the amount of money available to fill the hole in PERB.

In Jefferson County, the board has hit up local government entities for \$2 million. Elsewhere, local governments could wind up paying more than \$7 million in wage increases just a one-time increase.

That is quite a burden to place on county and municipal taxpayers during a recession.

The board passed the increase at a Jan. 15 meeting with little warning to the local governments. The agenda was simply to discuss regular business.

Clearly, this is a violation of the state's open meeting law. The board should rescind the increase and give local officials a chance to air their objections.

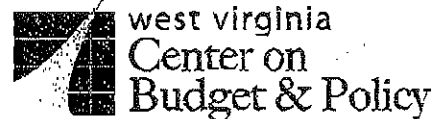
For the future, the problem will be harder to solve.

At the urging of state employee groups, lawmakers have created entitlements that taxpayers cannot fund. Local officials cannot make them.

## Fast Facts

### Exempting Business Property Taxes: HJR 101 and SJR 11

Ted Boettner  
February 23, 2010



west virginia  
Center on  
Budget & Policy  
The Union Building  
723 Kanawha Blvd E, Ste 300  
Charleston, WV 25301-2727  
Tel: 304-720-8682  
[www.wvpolicy.org](http://www.wvpolicy.org)

### Key Facts

1. HJR 101: Exempts "newly entered" tangible business personal property (Inventory and Machinery/Equipment) from "property tax rolls." Estimates from current collections from this tax are \$280 million, representing 20 percent of county tax collections. HJR 101 may result in budget and service cuts, a tax shift/increase on residential and real business property, or both, if businesses transfer property into a new business or move property to a county exempting this property.
2. According to 2006 Ernest & Young study, West Virginia's total business property (real and personal) tax burden is slightly above the national average with 20 states ranking higher. In terms of "overall cost of doing business," West Virginia ranks 13 percent below the national average – according to the Milken Institute and WV Commerce Department.
3. The inventory and machinery/equipment tax has not been a key deterrent to business location decisions and employment of wholesale trade or manufacturing in West Virginia. In fact, these industries tend to employ more people in "high tax" counties than in "low tax" counties.
4. Taxes only have a small effect on business location decisions and job growth, representing a very small cost of doing business (4-5 percent). Businesses are more concerned with the higher costs of labor, transportation, utility, and occupancy. Availability of inputs (coal, natural gas, limestone, ect), access to markets, quality public services, a highly trained workforce, and high quality of life are also big factors affecting business location decisions. The existing literature and our analysis supports the conclusion that business property taxes, in general, do not play a major role in business site locations.
5. The consensus among economists is that the average responsiveness (or tax elasticity) for a \$100 million business tax cut is \$20 million, resulting in an \$80 million reduction of revenue. If the proposed amendments did boost revenue, it would be state and city revenue, not county revenue.
6. Since 2007, the state has reduced major business tax revenues by an estimated \$165 million. Upon full impact, the major business tax cuts will cost the state an estimated \$240 million per year.

# KANAWHA COUNTY COMMISSION

Post Office Box 3627  
Charleston, West Virginia 25336



Telephone (304) 357-0101  
Fax (304) 357-0788  
www.kanawha.us

Henry C. Shores  
Commissioner

W. Kant Carper  
Commissioner

David J. "Dave" Hardy  
Commissioner

February 25, 2010

The Honorable Natalie E. Tennant  
West Virginia Secretary of State  
Bldg. 1, Suite 157-K  
1900 Kanawha Blvd. East  
Charleston, WV 25305-0770

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
Capitol Complex Bldg 5  
Charleston, WV 25305

Dear Secretary Tennant and Director Lambright:

As the President of the Kanawha County Commission, I object to the action taken by the West Virginia Consolidated Public Retirement Board during its meeting of January 13, 2010 increasing the employer contribution to the Public Employee Retirement System by nearly 65%, from 11 percent of employee wages to 17 percent. By my calculations this is will raise taxes by \$76 million for the West Virginia taxpayers with one action.

The effect of this increase on public agencies in Kanawha County will be enormous. I estimate the increase for courthouse employees alone will cost \$700,000, and Yeager Airport expects its contribution will go up by about \$120,000.

The Open Government Proceeding Act requires meetings of the West Virginia Consolidated Public Retirement Board to be open to the public, and mandates that the Board promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings be made available, in advance, to the public and news media. The Board's rules found in Title 162 do not address when or by what means "the date, time, place and agenda of all regularly scheduled meetings are made available".

The Open Government Proceeding Act further requires the Board to "file a notice of any meeting with the secretary of state for publication in the state register" and requires each notice to "state the date, time, place and purpose of the meeting"

The Honorable Natalie E. Tennant  
West Virginia Secretary of State

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
February 25, 2010  
Page 2

The Board filed a notice with the Secretary of State for publication in the January 8, 2010 State Register stating that the purpose of the meeting was "to conduct regular business". An agenda was not filed with the Secretary of State. An agenda was posted on the Board's web site at an unknown date but does not mention that the Board would consider a 65% increase in employer contributions. Rather, the agenda simply refers to "Recommended Contribution Rates-Harry Mandel".

The published notice and agenda do not satisfy the requirement of the Open Government Proceeding Act that the purpose of a meeting be publicized prior to the meeting. Without question, the notice was inadequate to achieve the purposes articulated by the Legislature when it promulgated the Open Government Proceeding Act, including "promot[ing] attendance at meetings, improve[ing] planning of meetings, and encourage[ing] more thorough preparation and complete discussion of issues by participating officials". The Board's failure to notify the employers of this dramatic increase deprived it of the benefits of the required openness because the Board was unable to "gauge public preferences accurately and thereby [to] tailor [its] actions and policies more closely to public needs". The Board would have been better advised to comply with the Open Government Proceeding Act, because as the Legislature pointed out, "[p]ublic confidence and understanding ease potential resistance to government programs".

Without question, the Board's action in this matter affects that "rights, privileges, and interests" of the public employers participating in the PERS, and as such, the Legislature has directed that the Board's action be promulgated as a legislative rule unless it meets the requirements to be filed as an emergency rule. The Administrative Procedures Act requires proposed legislative rules to be published in the State Register. To date, no such notice of a legislative rule has been filed by the Board.

W. Va. Code § 5-10-31(b) permits the Board to promulgate emergency rules relating to the amount of employer contributions "if the inability of the board to increase employer contributions will detrimentally affect the actuarial soundness of the retirement system" and requires that "a signed statement from the state actuary shall accompany the statement of facts and circumstances constituting an emergency which shall be filed in the State Register." (Emphasis added).

The minutes of the Board's January 21, 2009 meeting indicate that the Board's Actuary recommended on July 1, 2008 an increase in the employer contribution for the PERS from 10.5% to 11.0%, effective July 1, 2009, and that after discussion, a motion to accept that recommendation carried unanimously. There is no mention in the minutes of any discussion as to whether or not accepting this recommendation would "detrimentally affect the actuarial soundness of the retirement system", nor is there any indication that the facts and circumstances constituted an emergency. The

The Honorable Natalie E. Tennant  
West Virginia Secretary of State

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
February 25, 2010  
Page 3

fact that the increase recommended by the actuary on July 1, 2008, and approved by the Board in January, 2009, didn't take effect until July 1, 2009 is a clear indication that no emergency justified promulgating this change by emergency, rather than legislative rule.

On June 15, 2009, almost 5 months after the Board's vote, the Board filed with the Secretary of State an emergency rule amending the PERS Legislative Rule found at Title 110 Series 5 of the Code of State Regulations. Specifically, this emergency rule amended § 110-5-8.1 to increase the employer contribution, and also made other changes to the legislative rule "clarifying the starting date of certain disability and spousal benefits conforming with administrative interpretation of existing statutes". There was no indication in the rule that there was any emergency justifying making these additional changes (which were described as "administrative changes which do not impact plan costs" in this fashion; rather, these changes appear to be mere housekeeping details that should have been made, if at all, by legislative rule.

It appears that the Board is headed down a similar path this year. Despite having an Actuary Report in hand since July 1, 2009 recommending an increase in the PERS employer contribution from 11% to 17%, the Board waited until January 13, 2010 to act on the recommendation of its actuary. It now appears that the Board will again wait until June 2010 to propose another emergency rule to implement this increase without legislative review to be effective July 1, 2010, a full year after the Board received the recommendation.

Simply put, this one year delay demonstrates that no emergency exists or ever existed. Moreover, had the Board so desired, it could have properly proposed this increase as a legislative rule soon after receiving the recommendation from the actuary. The Legislative Session for 2010 began on January 13, 2010 and the final day to introduce bills was February 22, 2010. This would have allowed ample time for the CPRB to promulgate a legislative rule for the increase. Had it done so, the rule could have been passed by the Legislature during the current session and could have gone into effect earlier than the Board current course now contemplates.

When it enacted the Administrative Procedures Act, the Legislature made several findings, including that agency rules were "often formulated without adequate public participation and collected and preserved for public knowledge and use in an unacceptable and essentially inaccessible fashion". By ignoring the requirements of the APA, the Board has shown the wisdom of the Legislature. By acting as it did, the Board attempted to delay the public outcry that has erupted until after the vote. This is precisely the kind of shell game the Legislature was attempting to outlaw by the passage of both the Open Government Meeting Act and the Administrative Procedure Act. Because of inadequate notice, the board's action of January 13, 2010 is invalid.

The Honorable Natalie E. Tennant  
West Virginia Secretary of State

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
February 25, 2010  
Page 4

I hereby respectfully request the Board to revisit its action in a properly noticed meeting at which it can have the benefit of comment from the affected parties, and suggests that the Board reconsider whether making such enormous changes by emergency rule is legal and in the best interests of the PERS.

Sincerely,

  
W. Kent Carper  
President

WKC/js

cc: The Honorable Joe Manchin, III, Governor  
David L. Wyant, Chairman, Consolidated Public Retirement Board  
The Honorable Glen B. Gainer, III, Auditor/Vice-Chairman  
The Honorable John D. Perdue, Treasurer  
Robert W. Ferguson, Jr., Department of Administration Cabinet Secretary  
First Lt. Michael G. Corsaro, Consolidated Public Retirement Board  
B. Gene Davis, Consolidated Public Retirement Board  
Drema B. Evans, Consolidated Public Retirement Board  
David Fletcher, Consolidated Public Retirement Board  
Charles C. Lanham, Consolidated Public Retirement Board  
Joe Lynch, Consolidated Public Retirement Board  
D. Todd Murray, Consolidated Public Retirement Board  
Andrew Richardson, Consolidated Public Retirement Board  
The Honorable Dan Foster, Senator  
The Honorable Brooks McCabe, Senator  
The Honorable Corey Palumbo, Senator  
The Honorable Erik Wells, Senator  
The Honorable Tim Armstead, Delegate  
The Honorable Bonnie Brown, Delegate/Chairwoman, Legislative Rule Making Committee  
The Honorable Nancy Peoples Guthrie, Delegate  
The Honorable Bobbie Hatfield, Delegate  
The Honorable Mark Hunt, Delegate  
The Honorable Patrick Lane, Delegate  
The Honorable Joseph Minard, Senator/Chairman Legislative Rule Making Committee  
The Honorable Meshea Poore, Delegate  
The Honorable Doug Skaff, Jr., Delegate  
The Honorable Sharon Spencer, Delegate  
The Honorable Ron Walters, Delegate  
The Honorable Danny Wells, Delegate

6 cc Co. Comm.  
in Ck From: WVA CO

304 346 0592

02/25/2010 22:34 #186 P.001/002

Co Clerk  
Pres,  
Assessor  
Sheriff  
2-26-10  
J

Co Comm.

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



**THE COUNTY LEGISLATIVE LINE**  
**Friday, February 26<sup>th</sup>, 2010**



**Capitol Quotes:**

*"Is it fair to say Sen. Snyder's been beating a dead horse all session?" Sen. Kessler, when Sen. Snyder asked if a tax bill had anything to do with horse racing (which he has been working on all session for the Charles Town Racetrack!)*

*"Good. My wife's out car shopping this afternoon." Sen. Kessler to DMV representative upon learning that if a car is bought out of state it's not taxed twice*

*"We always have more in applications than we do in grant funds available." State Archivist Joe Geiger answering Senator Laird's question about SB 463 which will allow more grant funds to be allocated to counties for records management*

*"Do I need to get on before she dies?" Sen. Bowman, referring to SB 446, a PEIA bill codifying current practice for surviving spouses of deceased public employees*

*"We've got that. You've said that at least four times." Del. Manchin to a banking industry representative who was answering questions at a committee meeting*

*"Draw them a picture like you did for me." Sen. Chafin to a representative, as he handed him a piece of paper, who was trying to explain a complex water discharge bill to Senate Judiciary*

*"I was shocked & surprised at the number of licenses we suspend & revoke each year." Sen. Laird, in a discussion of SB 550 which would help restore licenses, explaining that in the last 2 years 186,000 licenses have been suspended or revoked (60% are due to unpaid citations for a variety of reasons often having nothing to do with vehicle operation)*

*"Can you call 911 if you have no service?" Sen. Kessler, asking a question of Homeland Security Director Gianato during discussion of SB 383 which would take \$1 million from 911 fees and put towards the cell tower fund*

*"So who's left but the cook and the janitor?" Del. Ellem on a bill for a pilot program to allow unlicensed personnel in a nursing home to administer medication*

*"I'm not concerned about residents of a funeral home." Del. Brown to Del. Shadler after he misspoke and said funeral home but meant nursing home*

*"Bees will occasionally sting someone. This bill will take some of the sting out of beekeeping." Dept of Agriculture representative speaking to an apiary (beekeeping) bill*

Monday, February 22<sup>nd</sup>, was the last day to introduce bills in both the House and Senate. Sunday, February 28<sup>th</sup>, is the last day for bills to be reported out of committee in both houses but in reality it probably means that today, Friday, Feb. 26<sup>th</sup>, is the last day for committees to meet. The 50<sup>th</sup> day, Wednesday, March 3<sup>rd</sup>, is "cross-over" day when bills must pass their house of origin in order to still be considered active bills.

Today is probably the last day to try to get SB 537 out of Senate Finance Committee. It is a bill for counties to keep the amount of transfer tax that is currently sent to the state. The state's portion is phased out over a 5 year period, beginning July 1, 2010. Calls to members of Senate Finance may help. Coincidentally, this bill would allow counties to keep approximately the same amount of money that the PERS employer contribution increase is going to cost counties statewide (over \$8 million).

And speaking of the PERS contribution, please keep the pressure on to rescind or reduce the amount of increase. The Consolidated Public Retirement Board is meeting:

**Meeting Details**

|                                |                                                                           |
|--------------------------------|---------------------------------------------------------------------------|
| <b>Agency:</b>                 | Consolidated Public Retirement Board                                      |
| <b>Committee/Subcommittee:</b> | Board of Trustees                                                         |
| <b>Date of Meeting:</b>        | March 3, 2010                                                             |
| <b>Time of Meeting:</b>        | 10:00 AM                                                                  |
| <b>Location:</b>               | 4101 MacCorkle Avenue, SE<br>Charleston, West Virginia 25304              |
| <b>Purpose:</b>                | To conduct regular business. Agenda available for said meeting at agency. |

**The meetings are public and we encourage county officials to attend to ask for relief on the employer contribution increase to 17%.**

HB 4615 is on the House floor and will allow political subdivisions to establish pooling for the purpose of workers compensation coverage. This would allow the WV Counties Risk Pool to potentially offer workers comp coverage to its members.

Salvage value is being used again this year in HB 4222 which would apply salvage value to antique cars, not to exceed a value of \$200, and to "21<sup>st</sup> Century" businesses in SB 493 which would allow various high-tech businesses that fall within specified parameters to value personal property used in the business at salvage value. According to the Tax Dept and the WV Development Office, none of the types of businesses named in the bill currently exist in the state.

Thanks to Wood County Sheriff Sandy, a former federal agent, for his expertise in House Judiciary on HB 4382, a forfeiture bill modeled after federal law.

Charleston  
Daily Mail  
Editorial  
2-25-10

# Legislators seek local government

## Local government officials warn of problems ahead

**T**he West Virginia Legislature's House of Delegates has passed a bill that would allow local governments to opt out of the state's general fund. The bill, which is now in the Senate, would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

The bill is a response to the state's budget crisis and the need to reduce state spending. It would allow local governments to opt out of the state's general fund and instead receive a fixed amount of state funding.

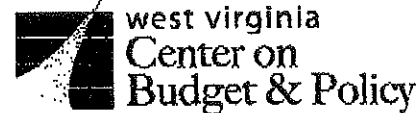
To:  
ALL  
COUNTY  
OFFICIALS

VARIOUS  
INFO  
OF  
INTEREST

## Fast Facts

### Exempting Business Property Taxes: HJR 101 and SJR 11

Ted Boettner  
February 23, 2010



west virginia  
Center on  
Budget & Policy  
The Union Building  
723 Kanawha Blvd E, Ste 300  
Charleston, WV 25301-2727  
Tel: 304-720-8682  
[www.wvpolicy.org](http://www.wvpolicy.org)

### Key Facts

1. HJR 101: Exempts "newly entered" tangible business personal property (Inventory and Machinery/Equipment) from "property tax rolls." Estimates from current collections from this tax are \$280 million, representing 20 percent of county tax collections. HJR 101 may result in budget and service cuts, a tax shift/increase on residential and real business property, or both, if businesses transfer property into a new business or move property to a county exempting this property.
2. According to 2006 Ernest & Young study, West Virginia's total business property (real and personal) tax burden is slightly above the national average with 20 states ranking higher. In terms of "overall cost of doing business," West Virginia ranks 13 percent below the national average – according to the Milken Institute and WV Commerce Department.
3. The inventory and machinery/equipment tax has not been a key deterrent to business location decisions and employment of wholesale trade or manufacturing in West Virginia. In fact, these industries tend to employ more people in "high tax" counties than in "low tax" counties.
4. Taxes only have a small effect on business location decisions and job growth, representing a very small cost of doing business (4-5 percent). Businesses are more concerned with the higher costs of labor, transportation, utility, and occupancy. Availability of inputs (coal, natural gas, limestone, ect), access to markets, quality public services, a highly trained workforce, and high quality of life are also big factors affecting business location decisions. The existing literature and our analysis supports the conclusion that business property taxes, in general, do not play a major role in business site locations.
5. The consensus among economists is that the average responsiveness (or tax elasticity) for a \$100 million business tax cut is \$20 million, resulting in an \$80 million reduction of revenue. If the proposed amendments did boost revenue, it would be state and city revenue, not county revenue.
6. Since 2007, the state has reduced major business tax revenues by an estimated \$165 million. Upon full impact, the major business tax cuts will cost the state an estimated \$240 million per year.

· Joomi Kim, Andrew Phillips, and Robert Cline, "Property Taxes on Business Capital: A Large and Growing Share of State and Local Business Taxes," *State Tax Notes*, March 27, 2006. (NOTE: This is the same study that Deputy Director of Revenue Mark Muchow has used in his presentations to the Legislature.)

# KANAWHA COUNTY COMMISSION

Post Office Box 3627  
Charleston, West Virginia 25336



Telephone (304) 357-0101  
Fax (304) 357-0788  
www.kanawha.us

Henry C. Shores  
Commissioner

W. Kant Carper  
Commissioner

David J. "Dave" Hardy  
Commissioner

February 25, 2010

The Honorable Natalie B. Tennant  
West Virginia Secretary of State  
Bldg. 1, Suite 157-K  
1900 Kanawha Blvd. East  
Charleston, WV 25305-0770

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
Capitol Complex Bldg 5  
Charleston, WV 25305

Dear Secretary Tennant and Director Lambright:

As the President of the Kanawha County Commission, I object to the action taken by the West Virginia Consolidated Public Retirement Board during its meeting of January 13, 2010 increasing the employer contribution to the Public Employee Retirement System by nearly 65%, from 11 percent of employee wages to 17 percent. By my calculations this is will raise taxes by \$76 million for the West Virginia taxpayers with one action.

The effect of this increase on public agencies in Kanawha County will be enormous. I estimate the increase for courthouse employees alone will cost \$700,000, and Yeager Airport expects its contribution will go up by about \$120,000.

The Open Government Proceeding Act requires meetings of the West Virginia Consolidated Public Retirement Board to be open to the public, and mandates that the Board promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings be made available, in advance, to the public and news media. The Board's rules found in Title 162 do not address when or by what means "the date, time, place and agenda of all regularly scheduled meetings are made available".

The Open Government Proceeding Act further requires the Board to "file a notice of any meeting with the secretary of state for publication in the state register" and requires each notice to "state the date, time, place and purpose of the meeting"

The Honorable Natalie E. Tennant  
West Virginia Secretary of State

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
February 25, 2010  
Page 2

The Board filed a notice with the Secretary of State for publication in the January 8, 2010 State Register stating that the purpose of the meeting was "to conduct regular business". An agenda was not filed with the Secretary of State. An agenda was posted on the Board's web site at an unknown date but does not mention that the Board would consider a 65% increase in employer contributions. Rather, the agenda simply refers to "Recommended Contribution Rates-Harry Mandel".

The published notice and agenda do not satisfy the requirement of the Open Government Proceeding Act that the purpose of a meeting be publicized prior to the meeting. Without question, the notice was inadequate to achieve the purposes articulated by the Legislature when it promulgated the Open Government Proceeding Act, including "promot[ing] attendance at meetings, improve[ing] planning of meetings, and encourage[ing] more thorough preparation and complete discussion of issues by participating officials". The Board's failure to notify the employers of this dramatic increase deprived it of the benefits of the required openness because the Board was unable to "gauge public preferences accurately and thereby [to] tailor [its] actions and policies more closely to public needs". The Board would have been better advised to comply with the Open Government Proceeding Act, because as the Legislature pointed out, "[p]ublic confidence and understanding ease potential resistance to government programs".

Without question, the Board's action in this matter affects that "rights, privileges, and interests" of the public employers participating in the PERS, and as such, the Legislature has directed that the Board's action be promulgated as a legislative rule unless it meets the requirements to be filed as an emergency rule. The Administrative Procedures Act requires proposed legislative rules to be published in the State Register. To date, no such notice of a legislative rule has been filed by the Board.

W. Va. Code § 5-10-31(b) permits the Board to promulgate emergency rules relating to the amount of employer contributions "if the inability of the board to increase employer contributions will detrimentally affect the actuarial soundness of the retirement system" and requires that "a signed statement from the state actuary shall accompany the statement of facts and circumstances constituting an emergency which shall be filed in the State Register." (Emphasis added).

The minutes of the Board's January 21, 2009 meeting indicate that the Board's Actuary recommended on July 1, 2008 an increase in the employer contribution for the PERS from 10.5% to 11.0%, effective July 1, 2009, and that after discussion, a motion to accept that recommendation carried unanimously. There is no mention in the minutes of any discussion as to whether or not accepting this recommendation would "detrimentally affect the actuarial soundness of the retirement system", nor is there any indication that the facts and circumstances constituted an emergency. The

The Honorable Natalie E. Tennant  
West Virginia Secretary of State

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
February 25, 2010  
Page 3

fact that the increase recommended by the actuary on July 1, 2008, and approved by the Board in January, 2009, didn't take effect until July 1, 2009 is a clear indication that no emergency justified promulgating this change by emergency, rather than legislative rule.

On June 15, 2009, almost 5 months after the Board's vote, the Board filed with the Secretary of State an emergency rule amending the PERS Legislative Rule found at Title 110 Series 5 of the Code of State Regulations. Specifically, this emergency rule amended § 110-5-8.1 to increase the employer contribution, and also made other changes to the legislative rule "clarifying the starting date of certain disability and spousal benefits conforming with administrative interpretation of existing statutes". There was no indication in the rule that there was any emergency justifying making these additional changes (which were described as "administrative changes which do not impact plan costs" in this fashion; rather, these changes appear to be mere housekeeping details that should have been made, if at all, by legislative rule.

It appears that the Board is headed down a similar path this year. Despite having an Actuary Report in hand since July 1, 2009 recommending an increase in the PERS employer contribution from 11% to 17%, the Board waited until January 13, 2010 to act on the recommendation of its actuary. It now appears that the Board will again wait until June 2010 to propose another emergency rule to implement this increase without legislative review to be effective July 1, 2010, a full year after the Board received the recommendation.

Simply put, this one year delay demonstrates that no emergency exists or ever existed. Moreover, had the Board so desired, it could have properly proposed this increase as a legislative rule soon after receiving the recommendation from the actuary. The Legislative Session for 2010 began on January 13, 2010 and the final day to introduce bills was February 22, 2010. This would have allowed ample time for the CPRB to promulgate a legislative rule for the increase. Had it done so, the rule could have been passed by the Legislature during the current session and could have gone into effect earlier than the Board current course now contemplates.

When it enacted the Administrative Procedures Act, the Legislature made several findings, including that agency rules were "often formulated without adequate public participation and collected and preserved for public knowledge and use in an unacceptable and essentially inaccessible fashion". By ignoring the requirements of the APA, the Board has shown the wisdom of the Legislature. By acting as it did, the Board attempted to delay the public outcry that has erupted until after the vote. This is precisely the kind of shell game the Legislature was attempting to outlaw by the passage of both the Open Government Meeting Act and the Administrative Procedure Act. Because of inadequate notice, the board's action of January 13, 2010 is invalid.

The Honorable Natalie E. Tennant  
West Virginia Secretary of State

Anne W. Lambright, Executive Director  
W. Va. Consolidated Public Retirement Board  
February 25, 2010  
Page 4

I hereby respectfully request the Board to revisit its action in a properly noticed meeting at which it can have the benefit of comment from the affected parties, and suggests that the Board reconsider whether making such enormous changes by emergency rule is legal and in the best interests of the PERS.

Sincerely,



W. Kent Carper  
President

WKC/js

cc: The Honorable Joe Manchin, III, Governor  
David L. Wyant, Chairman, Consolidated Public Retirement Board  
The Honorable Glen B. Gainer, III, Auditor/Vice-Chairman  
The Honorable John D. Perdue, Treasurer  
Robert W. Ferguson, Jr., Department of Administration Cabinet Secretary  
First Lt. Michael G. Corsaro, Consolidated Public Retirement Board  
E. Gene Davis, Consolidated Public Retirement Board  
Drema B. Evans, Consolidated Public Retirement Board  
David Fletcher, Consolidated Public Retirement Board  
Charles C. Lanham, Consolidated Public Retirement Board  
Joe Lynch, Consolidated Public Retirement Board  
D. Todd Murray, Consolidated Public Retirement Board  
Andrew Richardson, Consolidated Public Retirement Board  
The Honorable Dan Foster, Senator  
The Honorable Brooks McCabe, Senator  
The Honorable Corey Palumbo, Senator  
The Honorable Erik Wells, Senator  
The Honorable Tim Armstead, Delegate  
The Honorable Bonnie Brown, Delegate/Chairwoman, Legislative Rule Making Committee  
The Honorable Nancy Peoples Guthrie, Delegate  
The Honorable Bobbie Hatfield, Delegate  
The Honorable Mark Hunt, Delegate  
The Honorable Patrick Lane, Delegate  
The Honorable Joseph Minard, Senator/Chairman Legislative Rule Making Committee  
The Honorable Meshea Poore, Delegate  
The Honorable Doug Skaff, Jr., Delegate  
The Honorable Sharon Spencer, Delegate  
The Honorable Ron Walters, Delegate  
The Honorable Danny Wells, Delegate

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE  
Tuesday, March 2<sup>nd</sup>, 2010**

**Capitol Quotes:**

*"How did that happen?" Sen. Helmick commenting on Senators Unger & McCabe as sponsors on the same bill*

*"They have representatives here watching us work. Just like a football game – they're scouting us." Sen. Helmick noting that administrative staff from the Supreme Court were at the committee meeting for discussion of the creation of an Intermediate Appellate Court (which was voted down by Senate Finance committee)*

I sent a fax out this morning with a variety of information and failed to change the date from Friday, Feb. 26<sup>th</sup> to today, Tuesday, March 2<sup>nd</sup>. This is just a quick update:

We have word from the Governor's office that a "smoothing" proposal will be made to the Consolidated Public Retirement Board(CPRB) to ease the pain of the 17% PERS employer contribution. Smoothing is an accepted practice in almost all states; the best analogy for its use is a utility bill that is averaged out over the year so large winter heating bills, for example, are "smoothed out" over the year. The proposal will be stated as follows:

**Employer Contributions:**

|        |              |
|--------|--------------|
| 12.5%  | July 1, 2010 |
| 14.25% | July 1, 2011 |
| 16%    | July 1, 2012 |
| 18%    | July 1, 2013 |

The above scenario takes into account that the market for investments has recovered significantly since July 1, 2009 and also assumes that the Investment Management Board will at least hit its benchmark which is a 7.5% rate of return. There is a second actuarial scenario that assumes an even higher rate of return above the benchmark and results in lesser contribution increases over the next 4 years. All of these projections are based on actuarial calculations and are dependent on the investment returns. (Note: the Investment Management Board manages the pension funds and other state investments and is separate and autonomous from the Retirement Board).

The CPRB will vote on this proposal at their meeting on Wednesday at 10:00 a.m. It is a public meeting and county officials are encouraged to attend: 4101 MacCorkle Avenue SE, Charleston, CPRB Conference Room.

SB 463 which will provide more availability of grant funds for records preservation for counties passed out of Senate Finance today.

Wednesday is the last day for any chance to get SB 537 out of Senate Finance. Make calls!

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE  
Friday, February 26<sup>th</sup>, 2010**

**Capitol Quotes:**

*"I misheard. The ayes have it." Senator Helmick after calling the vote wrong on a tumpike authority bill*

*"I'll bet you never thought you'd hear applause from the Senate." Sen. Kessler to former House of Delegates Majority Leader Rick Staton as he was introduced at the committee meeting where a couple of prosecutors' bills were on the agenda*

On Monday, Senate Finance voted down SB 688 which had the potential to reduce property tax revenue by requiring the assessor to consider the income approach for IRS Section 42 tax credit type of multi-family affordable housing without allowing the consideration of the tax credits. There was concern about reduction in revenue to local government and comments that the tax credits make this type of housing development profitable for developers.

Two bills of interest to prosecutors, SB 533 (adding 'allow' with regard to child sexual exploitation) and SB 535 (fleeing while DUI), were reported out of Senate Judiciary committee on Monday.

There's still time to try to get SB 537 on the Senate Finance Committee agenda. A chart of transfer tax amounts collected by counties and sent to the State is included with this fax. This revenue would be significant for most counties to retain.

A reminder: When checking bill text on the internet, be sure to look at the latest version which would be the committee substitute (com sub) or com sub 2. They can be quite different from the introduced version.

Several items of information are included with this fax, including:

- (1) letter from Tax Commissioner Morris regarding the proposed constitutional amendment and accompanying numbers as prepared by the State Tax Dept
- (2) article on the Retirement Board meeting and the meeting agenda
- (3) Update from WVACO Property Tax Consultant Jerry Knight on property tax bill status as of March 1<sup>st</sup>



## STATE OF WEST VIRGINIA

Department of Revenue

State Tax Department

Joe Manchin III  
GovernorChristopher G. Morris  
State Tax Commissioner

February 26, 2010

Patti Hamilton, Executive Director  
West Virginia Association of Counties  
2211 Washington Street, East  
Charleston, WV 25311

Dear Ms. Hamilton:

Per your request, attached is a statistical chart showing projected Fiscal Year 2011 business personal property tax collections by type of property by county. The Statewide total is \$259,786,817 or slightly more than 18 percent of total statewide property tax collections.

These collections would be fully preserved under the provisions of the Governor's proposed Committee Substitute for HCR 101. The proposed resolution calls for presentation to the voters of this State a proposed November 2010 Constitutional Amendment that would provide State policymakers and County Commissions with the ability to reshape future business personal property tax policy. Policymakers already possess similar authority over most other State and local taxes including among many others the personal income tax, sales taxes, property transfer taxes and local business and occupation taxes. The proposal does **not** mandate any specific tax change or tax reduction. Therefore, the accompanying fiscal note shows a \$0 revenue impact to local governments.

Unlike most other states, nearly all West Virginia policies related to business personal property taxes are embedded in the State Constitution under the guidance of the 1932 Property Tax Limitation Amendment. The economy has changed significantly since 1932. For economic and tax policy reasons, a number of States, including Illinois, Iowa and Ohio have moved to eliminate their business personal property taxes. The State of Virginia exempts all manufacturing inventory from personal property taxes and affords local governmental units the flexibility to either fully tax other business personal property or to exempt certain types of business personal property. The Governor's proposal would provide similar flexibility to local governments in this State.

The Governor's proposal would provide policymakers with similar authority that already exists in most other states including Ohio. Ohio recently phased out its tax on business personal property over a five year period. The West Virginia proposal does not mandate any specific tax change and also provides additional discretionary authority to County Commissions if any State tax policy change actually occurs.

Slightly more than five years ago, the typical Ohio property tax assessment per \$1 million of industrial machinery and equipment would have been roughly \$16,500 in comparison with \$13,000 in West Virginia, \$3,300 in Virginia (only in jurisdictions choosing to impose such tax), \$1,500 in Kentucky and \$0 in Maryland and Pennsylvania. With the new exemption in place, the tax in Ohio is now \$0 per year and the tax in West Virginia is significantly higher than in any surrounding states. There is concern that taxes on capital investment discourage new investment in machinery and equipment over time as the investment dollars migrate to lower cost jurisdictions. The result of capital migration would be lower capital investment and an underemployed workforce with lower economic output over time. Since 1990, manufacturing employment declined by 38 percent in West Virginia in comparison to 33 percent nationally. The Governor's proposal simply gives policymakers the ability to make future tax changes in the best interests of all West Virginians, including county governments.

If you have any other questions about this information, please feel free to contact me.

Sincerely,



Chris G. Morris  
State Tax Commissioner

**Estimated FY2011 Property Taxes on Commercial & Industrial Personal Property**

Fully Preserved under Provisions of Committee Substitute for HJR 101

| County       | 2010<br>M & E      | 2010<br>Inventory | 2010<br>Salvage  | 2010<br>Other     | 2010<br>Total      |
|--------------|--------------------|-------------------|------------------|-------------------|--------------------|
| BARBOUR      | 479,370            | 63,832            | 1,860            | 69,329            | 614,391            |
| BERKELEY     | 2,558,785          | 547,654           | 22,283           | 1,592,417         | 4,721,139          |
| BOONE        | 9,499,286          | 1,421,923         | 35,792           | 4,225,520         | 15,182,521         |
| BRAXTON      | 585,467            | 96,380            | 17,720           | 162,723           | 862,290            |
| BROOKE       | 4,246,479          | 2,493,301         | 76,515           | 539,990           | 7,356,285          |
| CABELL       | 6,364,228          | 6,374,707         | 34,680           | 4,542,942         | 17,316,557         |
| CALHOUN      | 42,736             | 459               | 2,650            | 108,475           | 154,320            |
| CLAY         | 162,187            | 46,082            | 199              | 569,754           | 778,222            |
| DODDRIDGE    | 105,296            | 18,689            | 121              | 75,381            | 199,487            |
| FAYETTE      | 2,776,980          | 1,844,884         | 57,618           | 1,965,470         | 6,644,952          |
| GILMER       | 154,235            | 58,650            | 475              | 204,591           | 417,951            |
| GRANT        | 718,915            | 116,124           | 182,772          | 406,616           | 1,424,427          |
| GREENBRIER   | 1,643,932          | 1,080,894         | 2,318            | 1,383,394         | 4,110,538          |
| HAMPSHIRE    | 123,919            | 151,342           | 720              | 234,199           | 510,180            |
| HANCOCK      | 2,873,587          | 2,506,772         | 99,939           | 1,041,512         | 6,521,810          |
| HARDY        | 565,774            | 258,945           | 8,085            | 240,749           | 1,073,553          |
| HARRISON     | 4,427,955          | 4,022,142         | 20,867           | 2,980,502         | 11,451,466         |
| JACKSON      | 2,459,482          | 2,295,292         | 94,945           | 857,530           | 5,707,249          |
| JEFFERSON    | 1,390,073          | 636,877           | 28,142           | 1,263,028         | 3,318,120          |
| KANAWHA      | 15,366,071         | 9,069,639         | 357,004          | 12,602,718        | 37,395,432         |
| LEWIS        | 424,408            | 432,882           | 1,507            | 439,228           | 1,298,025          |
| LINCOLN      | 377,186            | 49,368            | 1,515            | 502,173           | 930,242            |
| LOGAN        | 6,999,070          | 1,666,884         | 19,517           | 4,239,113         | 12,924,584         |
| MARION       | 5,112,236          | 1,657,523         | 102,926          | 1,179,759         | 8,052,444          |
| MARSHALL     | 7,356,623          | 1,212,260         | 235,039          | 734,888           | 9,538,810          |
| MASON        | 4,062,312          | 1,065,353         | 39,019           | 377,710           | 5,544,394          |
| MCDOWELL     | 1,922,609          | 786,232           | 413              | 1,549,905         | 4,259,159          |
| MERCER       | 1,290,574          | 175,291           | 1,074            | 1,572,118         | 3,039,057          |
| MINERAL      | 1,501,768          | 762,309           | 4,783            | 711,568           | 2,980,428          |
| MINGO        | 3,343,288          | 1,132,154         | 2,799            | 2,424,794         | 6,903,035          |
| MONONGALIA   | 4,569,139          | 5,077,603         | 69,354           | 2,965,568         | 12,681,664         |
| MONROE       | 109,647            | 168,803           | 2,663            | 57,300            | 338,213            |
| MORGAN       | 149,246            | 119,374           | 1,556            | 151,796           | 421,972            |
| NICHOLAS     | 1,887,369          | 1,156,525         | 6,565            | 996,225           | 4,046,684          |
| OHIO         | 2,356,265          | 2,232,086         | 16,033           | 2,440,602         | 7,044,936          |
| PENDLETON    | 116,060            | 44,459            | 1,983            | 39,071            | 201,573            |
| PLEASANTS    | 1,318,259          | 296,749           | 49,629           | 151,577           | 1,816,214          |
| POCAHONTAS   | 108,975            | 86,148            | 0                | 120,038           | 315,161            |
| PRESTON      | 676,982            | 316,858           | 5,218            | 316,926           | 1,315,984          |
| PUTNAM       | 2,688,686          | 1,118,565         | 21,020           | 1,746,314         | 5,574,585          |
| RALEIGH      | 6,619,603          | 4,125,837         | 35,249           | 2,943,871         | 13,724,560         |
| RANDOLPH     | 727,304            | 266,560           | 6,093            | 468,022           | 1,467,979          |
| RITCHIE      | 316,742            | 76,975            | 2,678            | 145,371           | 541,766            |
| ROANE        | 138,420            | 248,078           | 921              | 147,444           | 534,853            |
| SUMMERS      | 126,821            | 4,069             | 1                | 79,094            | 209,985            |
| TAYLOR       | 185,527            | 256,897           | 24,871           | 220,486           | 687,791            |
| TUCKER       | 660,651            | 139,351           | 26,572           | 283,877           | 1,110,451          |
| TYLER        | 935,038            | 258,290           | 29,460           | 174,595           | 1,397,380          |
| UPSHUR       | 1,962,760          | 823,181           | 10,870           | 656,587           | 3,453,398          |
| WAYNE        | 3,479,415          | 952,499           | 45,529           | 686,786           | 5,114,229          |
| WEBSTER      | 561,532            | 194,973           | 2,398            | 355,569           | 1,114,472          |
| WETZEL       | 659,290            | 73,223            | 151              | 244,997           | 977,661            |
| WIRT         | 26,957             | 22,330            | 61               | 27,010            | 76,358             |
| WOOD         | 6,597,113          | 1,366,901         | 184,290          | 2,553,588         | 10,701,892         |
| WYOMING      | 2,017,110          | 645,565           | 1,077            | 1,022,236         | 3,685,988          |
| <b>TOTAL</b> | <b>127,929,739</b> | <b>62,116,493</b> | <b>1,937,529</b> | <b>67,743,056</b> | <b>259,786,817</b> |

**Notes:**

M&amp;E includes all machinery and equipment except some items in salvage category and other category.

The Other column may include some machinery and equipment and inventory not otherwise classified.

Other column includes computer equipment, furniture &amp; fixtures but NOT the working interest of oil and natural gas well properties

| <b>SB 537- FY 2009</b> | <b>Transfer Tax to State</b> |
|------------------------|------------------------------|
| Barbour                | \$ 43,879.00                 |
| Berkeley               | \$ 985,641.00                |
| Boone                  |                              |
| Braxton                |                              |
| Brooke                 | \$ 27,742.00                 |
| Cabell                 | \$ 394,233.00                |
| Calhoun                |                              |
| Clay                   | \$ 135,287.00                |
| Doddridge              | \$ 23,890.00                 |
| Fayette                | \$ 149,631.00                |
| Gilmer                 | \$ 25,189.00                 |
| Grant                  |                              |
| Greenbrier             | \$ 237,913.00                |
| Hampshire              | \$ 145,311.00                |
| Hancock                | \$ 59,198.00                 |
| Hardy                  | \$ 72,155.00                 |
| Harrison               | \$ 283,930.00                |
| Jackson                | \$ 78,279.00                 |
| Jefferson              | \$ 512,523.00                |
| Kanawha                | \$ 778,979.00                |
| Lewis                  | \$ 56,532.00                 |
| Lincoln                |                              |
| Logan                  | \$ 58,505.70                 |
| Marion                 | \$ 208,520.40                |
| Marshall               | \$ 149,808.00                |
| Mason                  | \$ 71,351.00                 |
| McDowell               |                              |
| Mercer                 | \$ 212,335.00                |
| Mineral                | \$ 94,640.00                 |
| Mingo                  |                              |
| Monongalia             | \$ 631,319.00                |
| Monroe                 | \$ 60,933.00                 |
| Morgan                 | \$ 90,981.00                 |
| Nicholas               |                              |
| Ohio                   | \$ 137,658.00                |
| Pendleton              | \$ 49,778.30                 |
| Pleasants              | \$ 14,688.00                 |
| Pocahontas             | \$ 95,942.00                 |
| Preston                |                              |
| Putnam                 | \$ 427,477.00                |
| Raleigh                | \$ 321,749.00                |
| Randolph               | \$ 186,273.00                |
| Ritchie                | \$ 33,559.00                 |
| Roane                  | \$ 55,627.00                 |
| Summers                | \$ 33,524.00                 |
| Taylor                 |                              |
| Tucker                 | \$ 65,665.00                 |
| Tyler                  | \$ 39,193.00                 |
| Upshur                 | \$ 76,552.00                 |
| Wayne                  | \$ 109,184.90                |
| Webster                | \$ 18,920.00                 |
| Wetzel                 |                              |
| Wirt                   | \$ 14,637.70                 |
| Wood                   | \$ 334,387.00                |
| Wyoming                | \$ 34,000.00                 |

# Retirement board to reconsider employer contribution increase

By Phil Kabler  
Staff writer

Members of the Consolidated Public Retirement Board will reconsider a controversial decision to increase next year's employer contributions into the Public Employees Retirement System by 64 percent when the board meets on Wednesday.

Anne Lambright, the retirement board's executive director, said Monday the board agreed to revisit its January decision to raise employer contributions for the 2010-11 budget year, which starts July 1.

That increase — from 11 percent to 17 percent of employee wages — was to counter state investment losses in 2008 and early 2009. It drew loud complaints from non-state agencies participating in the public employee pension plan — particularly county commissions around the state.

The rate hike would cost financially strapped counties nearly \$8 million in additional payments.

No one was prepared for this, state Association of Counties Director Pat Hamilton said.

The increase will cost Cabot County more than \$750,000 for the 2010-11 budget year.

That increase — from 11 percent to 17 percent of employee wages — was to counter state investment losses in 2008 and early 2009. It drew loud complaints from non-state agencies participating in the public employee pension plan — particularly county commissions around the state.

Commission President Kent Carper has said.

"This comes at a time when budget cuts were already being made or are anticipated," Hamilton said.

Lambright said one option the board could consider Wednesday is to spread out the one-time rate hike over four years — an actuarial process known as smoothing, something like household monthly payment plans for natural gas or other utilities.

Lambright said that while smoothing would lower em-

ployer contributions from the proposed 17 percent in the coming budget year, it ultimately could end up costing cities and counties more over the four years.

She said West Virginia is one of a handful of states that does not use smoothing to determine pension plan contribution rates. "Ultimately, it has to be paid. That debt doesn't go away with smoothing, it's just spread out over time," Lambright said.

"There is no good way to deal with this," she said. "There is no possible way everyone is going to be happy with it."

The proposed 2010-11 state budget already includes an additional \$19.96 million to pay the increased employer contributions for state employees, she noted.

However, Lambright said it is not feasible to have separate employer contribution rates for state and non-state agencies.

Hamilton hopes the board will come up with a workable option for counties.

"If we're looking at investments, we're looking at the long term," she said. "It seems like we could look at the long term for contributions as well."

Reach Phil Kabler at [philk@wvazette.com](mailto:philk@wvazette.com) or 304-346-1210.

Charleston  
Gazette

3-2-10

**CONSOLIDATED PUBLIC RETIREMENT BOARD**  
**MEETING AGENDA**  
**Wednesday, March 3, 2010**  
*West Virginia Consolidated Public Retirement Board*  
**4101 MacCorkle Avenue, SE**  
**Charleston, West Virginia 25304**

10:00 a.m.

**Roll Call**

- Tab # 1:** Approval of Minutes of the January 13, 2010 Meeting
- Tab # 2:** Reports of the Chairman and Executive Director
- Tab # 3:** Reconsideration of Employer Contribution Rate-Harry Mandel
- Tab # 4:** Plans Investment Data
- West Virginia Investment Management Board
  - TDC Investment Returns
- Tab # 5:** Consideration of Current Disability Retirement Applications
- Tab # 6:** Consideration of Appeals to Hearing Officer
- Jack DeBolt, Esquire
  - Anne Charnock, Esquire
- Tab # 7:** Work In Progress Reports from Legal Counsel
- In-House Legal Counsel: Jeaneen Legato, Esq.
  - Outside Counsel: Lenna Chambers, Esq., Bowles, Rice, McDavid, Graff & Love
- Tab # 8:** Committee Updates
- Accounting and Investment Committee  
TDC TPA/RFP
  - Internal Audit Committee
  - Outside Legal Services Committee
- Tab # 9:** Cabinet Secretary Kyle Shaffer-Office of Technology
- Tab # 10:** Other, Old Business
- Tab # 11:** Other, New Business

**ADJOURNMENT**

**NEXT BOARD MEETING: APRIL 21, 2010 AT 10:00 A.M.**  
**Consolidated Public Retirement Board Conference Room,**  
**4101 MacCorkle Avenue**  
**Charleston, WV 25304**

**West Virginia Association of Counties  
Property Tax Bill Status (2010 Session)  
As of 03/01/10**

**Bills that have passed their house of origin:**

SB 397 (residential housing index and multiplier) Passed Senate; in House Finance  
SB 401 (property tax appeals reform) Passed Senate; in House Finance  
HB 4306 (local share computation) Passed House; Communicated to Senate

**Bills that are on floor in house of origin:**

SB 493 (21<sup>st</sup> century business technology property valuation act) On 3<sup>rd</sup> reading  
HB 4222 (antique motor vehicles) On 2<sup>nd</sup> reading; Special Calendar  
HB 4314 (valuation of motor vehicles and motor cycles) Moved from Special Calendar to House Calendar  
HB 4460 (access to review documents) On third reading; Special Calendar  
HB 4486 (relating to delinquent tax ticket mailings) On 3<sup>rd</sup> reading; Special Calendar

**Bills that have moved from committee of origin only:**

HB 4129 (municipalities and counties, upon election, can increase property taxes by more than 10%)  
Amended in Political Subdivisions and sent to Finance  
HB 4246 (tax credit for plug-in electric drive motor vehicles) Amended in Raods and Transportation and  
sent to Finance  
HB 4390 (reporting farm property only every five years) Amended in Political Subdivisions and sent to  
Finance  
HB 4449 (special mine safety property valuation act) From energy, Industry, and labor to Finance

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE  
Wednesday, March 3<sup>rd</sup>, 2010**

**Capitol Quotes:**

**COMMENTS FROM TODAY'S CONSOLIDATED PUBLIC RETIREMENT BOARD MEETING:**  
*"We're undoing what we did last time." Chairman Wyant, beginning the discussion of a reconsideration*

*"I thought a smoothie was a drink before all this." Kanawha County Commissioner Carper commenting on the "smoothing" process under discussion for PERS employer contributions*

After a lengthy discussion lasting almost two hours, the Consolidated Public Retirement Board (CPRB) voted to adopt the smoothing actuarial procedure and approved the following PERS employer contributions over the next four years:

|        |              |
|--------|--------------|
| 12.5%  | July 1, 2010 |
| 14.25% | July 1, 2011 |
| 16%    | July 1, 2012 |
| 18%    | July 1, 2013 |

Thanks to all the Kanawha County officials who attended: Commissioner Kent Carper, Sheriff Mike Rutherford, Prosecutor Mark Plants, Circuit Clerk Cathy Gatson, and County Clerk Vera McCormick. Also present were Kanawha County Administrator Brent Pauley and Cabell County Administrator Stephen Zoeller.

The CPRB first heard a presentation from their actuary who explained how the original 17% calculation was determined and the three steps of the calculation:

- (1) when we value (July 1<sup>st</sup> of each year)
- (2) how we fund the liabilities
- (3) actual value of the assets

West Virginia has traditionally used the market value or actual cost approach but he explained that smoothing is an accepted practice for actuarial studies if it is done through accepted standards of actuarial practice. 92% of states use smoothing. A big difference between WV and other states is that we have 10 pension plans under the CPRB and most states have only one.

A 4-year smoothing gives maximum contribution relief in the short term. If returns from the Investment Management Board are better than expected and well exceed the 7.5% benchmark, the best case scenario for the next four years could look like this: 12.5% FY '11, 13.75% in FY '12, 15.25% in FY '13, and 16.75% in FY 14.

It was emphasized to the CPRB that smoothing is an acceptable practice in the public sector and will not hurt the state's credit rating. The Governor supported this method of easing the burden on local governments (and the state as well). It was also emphasized that if no change is made and we stayed at 11%, there would definitely be a problem because the liabilities are not being adequately funded.

The best explanation I heard of smoothing is that it puts increases on a curve instead of a jump.

Comments to the CPRB were made by Vivian Parsons on behalf of the County Commissioners' Association and by Commissioner Carper. Ms. Parsons stated that the increase alone from 11% to 17% cost counties a total of \$9 million statewide. Commissioner Carper thanked the CPRB for their reconsideration and pointed out that the increase on county government was too much and was not affordable. He called for the Legislature to take action and look at employee contributions, which are capped in statute. This was echoed by other members of the CPRB. In additional comments, Prosecutor Plants pointed out that the increase of \$200,000 to his office would require the lay-off of 2 or 3 attorneys and he would have to decide what goes – attorneys for juvenile crime? Child abuse? Sheriff Rutherford said the \$200,000 dent in his budget would mean lay-offs of deputies and have a devastating effect on law enforcement in Kanawha County.

Thanks to the many county commissions and officials who wrote letters and made calls to the Governor, Legislature, and members of the CPRB to request reconsideration of the increase to 17%. The goal was accomplished!

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE  
Wednesday, March 3<sup>rd</sup>, 2010**

**Capitol Quotes:**

**COMMENTS FROM TODAY'S CONSOLIDATED PUBLIC RETIREMENT BOARD MEETING:**  
*"We're undoing what we did last time." Chairman Wyant, beginning the discussion of a reconsideration*

*"I thought a smoothie was a drink before all this." Kanawha County Commissioner Carper commenting on the "smoothing" process under discussion for PERS employer contributions*

After a lengthy discussion lasting almost two hours, the Consolidated Public Retirement Board (CPRB) voted to adopt the smoothing actuarial procedure and approved the following PERS employer contributions over the next four years:

|        |              |
|--------|--------------|
| 12.5%  | July 1, 2010 |
| 14.25% | July 1, 2011 |
| 16%    | July 1, 2012 |
| 18%    | July 1, 2013 |

Thanks to all the Kanawha County officials who attended: Commissioner Kent Carper, Sheriff Mike Rutherford, Prosecutor Mark Plants, Circuit Clerk Cathy Gatson, and County Clerk Vera McCormick. Also present were Kanawha County Administrator Brent Pauley and Cabell County Administrator Stephen Zoeller.

The CPRB first heard a presentation from their actuary who explained how the original 17% calculation was determined and the three steps of the calculation:

- (1) when we value (July 1<sup>st</sup> of each year)
- (2) how we fund the liabilities
- (3) actual value of the assets

West Virginia has traditionally used the market value or actual cost approach but he explained that smoothing is an accepted practice for actuarial studies if it is done through accepted standards of actuarial practice. 92% of states use smoothing. A big difference between WV and other states is that we have 10 pension plans under the CPRB and most states have only one.

A 4-year smoothing gives maximum contribution relief in the short term. If returns from the Investment Management Board are better than expected and well exceed the 7.5% benchmark, the best case scenario for the next four years could look like this: 12.5% FY '11, 13.75% in FY '12, 15.25% in FY '13, and 16.75% in FY 14.

It was emphasized to the CPRB that smoothing is an acceptable practice in the public sector and will not hurt the state's credit rating. The Governor supported this method of easing the burden on local governments (and the state as well). It was also emphasized that if no change is made and we stayed at 11%, there would definitely be a problem because the liabilities are not being adequately funded.

The best explanation I heard of smoothing is that it puts increases on a curve instead of a jump.

Comments to the CPRB were made by Vivian Parsons on behalf of the County Commissioners' Association and by Commissioner Carper. Ms. Parsons stated that the increase alone from 11% to 17% cost counties a total of \$9 million statewide. Commissioner Carper thanked the CPRB for their reconsideration and pointed out that the increase on county government was too much and was not affordable. He called for the Legislature to take action and look at employee contributions, which are capped in statute. This was echoed by other members of the CPRB. In additional comments, Prosecutor Plants pointed out that the increase of \$200,000 to his office would require the lay-off of 2 or 3 attorneys and he would have to decide what goes -- attorneys for juvenile crime? Child abuse? Sheriff Rutherford said the \$200,000 dent in his budget would mean lay-offs of deputies and have a devastating effect on law enforcement in Kanawha County.

Thanks to the many county commissions and officials who wrote letters and made calls to the Governor, Legislature, and members of the CPRB to request reconsideration of the increase to 17%. The goal was accomplished!

To: All County Commissioners & Staff  
 From: CCAWV - Vivian Parsons  
 F.Y.I.

From: Vivian  
 Date: 3/3/2010 5:23:23 PM  
 To: CCAWV-L@listserv.wvu.edu  
 Subject: Legislative Lineup for Week 7 - March 3, 2010

## CCAWV Legislative Lineup for Week 7 - March 3, 2010

Hi folks,

We have completed "cross-over" day at the Legislature! Only 10 more days to go... I have created a tracking list of bills that are still alive that could have some bearing on county government. I've also included a few that we have been tracking that did not survive, just so you will know what happened to them....--Vivian

### First those bills we've been tracking that appear to be DEAD....

| Bill                                                                                                                                                                | Title                                                                                                  | SA(Same As/ SI(Similar To) | Last Action                                                                            | Committee Reference                                                          | Notes                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------|
| SB 333 (High)<br><input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br>Introduced Version                             | Determining Deputy Sheriff Retirement System employer contribution rate                                | SA HB 4180                 | 02/04/10 - To Senate Finance In Committee                                              | Senate Reference 1 - Pensions<br>Senate Reference 2 - Finance                | ADD A NOTE FOR SB 333  |
| SB 383 (High)<br><input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br>Committee Substitute (1)<br>Introduced Version | Increasing Enhanced 911 Wireless Tower Access Assistance Fund allocation                               | SI HB 2683                 | 02/26/10 - To Senate On 2nd reading to Finance In Committee                            | Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance               | ADD A NOTE FOR SB 383  |
| SB 537 (High)<br><input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br>Committee Substitute (1)<br>Introduced Version | Authorizing real property transfer tax collected by state be paid to counties                          |                            | 02/18/10 - To Senate Finance In Committee                                              | Senate Reference 1 - Government Organization<br>Senate Reference 2 - Finance | ADD A NOTE FOR SB 537  |
| SB 666 (Mid)<br><input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br>Introduced Version                              | Transferring state agency workers' compensation programs' duties to Insurance Commissioner             | SA HB 4657                 | 02/25/10 - To Senate On 2nd reading to Finance In Committee                            | Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance               | ADD A NOTE FOR SB 666  |
| HB 4222 (High)<br><input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br>Committee Substitute<br>Introduced Version    | Exempting antique motor vehicles from personal property taxes                                          |                            | 03/04/10 - From Special Calendar, 3rd reading, placed on House Calendar<br>3rd Reading | House Reference 1 - Roads and Transportation<br>House Reference 2 - Finance  | ADD A NOTE FOR HB 4222 |
| HB 4432 (Mid)<br><input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br>Introduced Version                             | Providing for actual costs to be paid for municipal audits and reducing the cap on audits for Class IV |                            | 02/18/10 - To House Finance In Committee                                               | House Reference 1 - Political Subdivisions<br>House Reference 2 - Finance    | ADD A NOTE FOR HB 4432 |

municipalities

HB (None)  
4444     
Introduced  
Version  
Authorizing lateral  
transfers for deputy  
sheriffs

03/04/10 - From  
Special  
Calendar, 3rd  
reading, placed  
on House  
Calendar  
3rd Reading  
House Reference 1 -  
Political Subdivisions  
House Reference 2 -  
Judiciary

ADD A NOTE FOR HB  
4444

HB (None)  
4563     
Committee  
Substitute  
Introduced  
Version  
Extending the  
termination date of  
the modified mental  
hygiene procedures  
pilot project

SI\_SB  
804

03/04/10 - From  
Special  
Calendar, 3rd  
reading, placed  
on House  
Calendar  
3rd Reading  
House Reference 1 -  
Government Organization

ADD A NOTE FOR HB  
4563

**Here is the List of Bills that have survived cross-over day that have some affect on County Government that we will continue to watch...**

| Bill                                                                                                                                                                                                                            | Title                                                                                                       | SA<br>(Same<br>As)/<br>SI<br>(Similar<br>To) | Last Action                                                           | Committee<br>Reference                                                                                                                                                            | Notes                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <p><b>SB (None)</b><br/><b>70</b> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br/><b>Committee<br/>Substitute<br/>(1)</b><br/><b>Introduced<br/>Version</b></p> | <p>Relating to<br/>municipalities<br/>and counties<br/>issuing bonds</p>                                    |                                              | <p><u>03/03/10 -<br/>Ordered to<br/>House<br/>Introduced</u></p>      | <p><b>Senate Reference<br/>1 - Government<br/>Organization<br/>Senate Reference<br/>2 - Finance</b></p>                                                                           | <p><u>ADD A NOTE FOR<br/>SB 70</u></p>                                                    |
| <p><b>HJR (High)</b><br/><b>101</b> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br/><b>HJR101<br/>SUB.htm<br/>hjr101<br/>intr.htm</b></p>                       | <p>Commercial and<br/>Industrial<br/>Tangible<br/>Personal<br/>Property Tax<br/>Exemption<br/>Amendment</p> | <p><b>SA SJR<br/>11</b></p>                  | <p><u>02/18/10 - To<br/>Senate<br/>Judiciary<br/>In Committee</u></p> | <p><b>House Reference<br/>1 - Constitutional<br/>Revision<br/>House Reference<br/>2 - Finance<br/>Senate Reference<br/>1 - Judiciary<br/>Senate Reference<br/>2 - Finance</b></p> | <p><u>EDIT NOTE  <br/>DELETE NOTE<br/>Governor's<br/>Constitutional<br/>Amendment</u></p> |
| <p><b>SB (None)</b><br/><b>175</b> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/><br/><b>Committee<br/>Substitute<br/>(1)</b><br/><b>Committee</b></p>             | <p>Relating to<br/>purchase,<br/>possession, sale<br/>and use of</p>                                        | <p><b>SI HB<br/>4622</b></p>                 | <p><u>03/03/10 -<br/>Ordered to<br/>House</u></p>                     | <p><b>Senate Reference<br/>1 - Judiciary<br/>Senate Reference<br/>2 - Finance</b></p>                                                                                             | <p><u>ADD A NOTE FOR<br/>SB 175</u></p>                                                   |

|                                                                                                                                                   |                                                                                                                                                                                        |                                                            |                                                                                 |                                                                                                                                                     |                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>Substitute</b><br><b>(2)</b><br><b>Introduced</b><br><b>Version</b>                                                                            | <b>fireworks</b>                                                                                                                                                                       |                                                            | <b>Introduced</b>                                                               |                                                                                                                                                     |                                                                   |
| <b>SB (None)</b><br><b>218</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                                         |                                                                                                                                                                                        |                                                            |                                                                                 | <b>House Reference</b><br>1 - Judiciary<br><b>House Reference</b><br>2 - Finance<br><b>Senate Reference</b><br>1 - Judiciary                        | <b>ADD A NOTE FOR</b><br><b>SB 218</b>                            |
| <b>Engrossed</b><br><b>Version</b><br><b>Committee</b><br><b>Substitute</b><br><b>(1)</b><br><b>Introduced</b><br><b>Version</b>                  | <b>Providing for</b><br><b>early parole</b><br><b>eligibility for</b><br><b>certain inmates</b>                                                                                        | <b>SA HB</b><br><b>4032</b>                                | <b>02/16/10 - To</b><br><b>House</b><br><b>Judiciary</b><br><b>In Committee</b> |                                                                                                                                                     |                                                                   |
| <b>SB (None)</b><br><b>225</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                                         |                                                                                                                                                                                        |                                                            |                                                                                 | <b>Senate Reference</b><br>1 - Judiciary<br><b>Senate Reference</b><br>2 - Finance                                                                  | <b>ADD A NOTE FOR</b><br><b>SB 225</b>                            |
| <b>Committee</b><br><b>Substitute</b><br><b>(1)</b><br><b>Committee</b><br><b>Substitute</b><br><b>(2)</b><br><b>Introduced</b><br><b>Version</b> | <b>Creating Spay</b><br><b>Neuter</b><br><b>Assistance Fund</b>                                                                                                                        | <b>SA HB</b><br><b>4406</b><br><b>SA HB</b><br><b>4542</b> | <b>03/03/10 -</b><br><b>Ordered to</b><br><b>House</b><br><b>Introduced</b>     |                                                                                                                                                     |                                                                   |
| <b>SB (None)</b><br><b>232</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                                         | <b>Transferring</b><br><b>certain</b><br><b>requirements for</b><br><b>redeeming</b><br><b>delinquent land</b><br><b>sales from</b><br><b>county clerks to</b><br><b>State Auditor</b> | <b>SI HB</b><br><b>2937</b><br><b>SA HB</b><br><b>4136</b> | <b>02/25/10 - To</b><br><b>House</b><br><b>Finance</b><br><b>In Committee</b>   | <b>House Reference</b><br>1 - Finance<br><b>Senate Reference</b><br>1 - Government<br><b>Organization</b><br><b>Senate Reference</b><br>2 - Finance | <b>ADD A NOTE FOR</b><br><b>SB 232</b>                            |
| <b>SB (None)</b><br><b>237</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                                         | <b>Authorizing</b><br><b>issuance of</b><br><b>revenue bonds</b><br><b>for public</b><br><b>projects</b>                                                                               | <b>SA HB</b><br><b>4458</b>                                | <b>02/25/10 - To</b><br><b>House</b><br><b>Finance</b><br><b>In Committee</b>   | <b>House Reference</b><br>1 - Finance<br><b>Senate Reference</b><br>1 - Finance                                                                     | <b>ADD A NOTE FOR</b><br><b>SB 237</b>                            |
| <b>SB (None)</b><br><b>345</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                                         | <b>Requiring</b><br><b>telecommunications</b><br><b>tax study</b>                                                                                                                      | <b>SA HB</b><br><b>4183</b>                                | <b>02/25/10 - To</b><br><b>House</b><br><b>Finance</b><br><b>In Committee</b>   | <b>House Reference</b><br>1 - Finance<br><b>Senate Reference</b><br>1 - Finance                                                                     | <b>ADD A NOTE FOR</b><br><b>SB 345</b>                            |
| <b>SB (Mid)</b>                                                                                                                                   |                                                                                                                                                                                        |                                                            |                                                                                 |                                                                                                                                                     | <b>EDIT NOTE  </b><br><b>DELETE NOTE</b><br><b>CCAWV supports</b> |

**401**     
**Committee Substitute (1) Introduced Version**

Relating to ad valorem property taxes

02/23/10 - To House Finance In Committee

**House Reference 1 - Finance Senate Reference 1 - Finance**

this bill as long as there are no changes negative to the county commissioner process

**SB (None) 427**

**Committee Substitute (1) Engrossed Version Committee Substitute (2) Introduced Version**

Renaming and reorganizing Parkways, Economic Development and Tourism Authority

SA HB 4279

03/03/10 - Ordered to House Introduced

**Senate Reference 1 - Government Organization Senate Reference 2 - Finance**

**ADD A NOTE FOR SB 427**

**SB (None) 447**

**Committee Substitute (1) Introduced Version**

Providing certain nonstate retirees responsible for PEIA costs

SA HB 4299

03/02/10 - To House Banking and Insurance In Committee

**House Reference 1 - Banking and Insurance House Reference 2 - Finance Senate Reference 1 - Government Organization Senate Reference 2 - Finance**

**ADD A NOTE FOR SB 447**

**SB (None) 449**

**Committee Substitute (1) Introduced Version**

Relating to PEIA preexisting conditions limitations

SA HB 4300

03/02/10 - To House Finance In Committee

**House Reference 1 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance**

**ADD A NOTE FOR SB 449**

**SB (None) 458**

**Committee Substitute (1) Introduced Version**

Distributing minimum share of severance tax to coalbed methane-producing counties

SA HB 4337

03/03/10 - Ordered to House Introduced

**Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance**

**ADD A NOTE FOR SB 458**

**SB (None) 463**

**Committee**

Relating to public records management

SA HB

03/03/10 - Ordered to

**Senate Reference 1 - Judiciary Senate Reference**

**ADD A NOTE FOR**

|                                                                                                               |                                                                            |            |                                                          |                                                                                                                                            |                                                                                   |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>Substitute (1) Introduced Version</b>                                                                      | and preservation                                                           | 3317       | House Introduced                                         | 2 - Finance                                                                                                                                | SB 463                                                                            |
| <b>SB (None) 471</b><br><b>Committee Substitute (1) Introduced Version</b>                                    | Increasing circuit clerks' copying charge                                  |            | 03/01/10 - To House Judiciary In Committee               | House Reference<br>1 - Judiciary<br>House Reference<br>2 - Finance<br>Senate Reference<br>1 - Judiciary<br>Senate Reference<br>2 - Finance | ADD A NOTE FOR SB 471                                                             |
| <b>SB (None) 472</b><br><b>Introduced Version</b>                                                             | Relating to regional airport authorities' reporting requirements           |            | 03/03/10 - Ordered to House Introduced                   | Senate Reference<br>1 - Government Organization<br>Senate Reference<br>2 - Finance                                                         | ADD A NOTE FOR SB 472                                                             |
| <b>SB (None) 493</b><br><b>Committee Substitute (2) Introduced Version</b><br><b>Committee Substitute (1)</b> | Creating Twenty-First Century Business Technologies Property Valuation Act |            | 03/03/10 - To House Finance In Committee                 | House Reference<br>1 - Finance<br>Senate Reference<br>1 - Economic Development<br>Senate Reference<br>2 - Finance                          | ADD A NOTE FOR SB 493                                                             |
| <b>SB (None) 494</b><br><b>Committee Substitute (1) Introduced Version</b>                                    | Providing fiduciary commissioner oversight                                 |            | 03/02/10 - To House Government Organization In Committee | House Reference<br>1 - Government Organization<br>House Reference<br>2 - Judiciary<br>Senate Reference<br>1 - Judiciary                    | ADD A NOTE FOR SB 494                                                             |
| <b>SB (None) 573</b><br><b>Introduced Version</b>                                                             | Allowing audits published electronically with notice to proper authorities | SA HB 4509 | 03/03/10 - Ordered to House Introduced                   | Senate Reference<br>1 - Government Organization<br>Senate Reference<br>2 - Finance                                                         | ADD A NOTE FOR SB 573                                                             |
| <b>SB (Mid) 576</b><br><b>Committee Substitute (1)</b>                                                        | Relating to public service districts' term appointments                    |            | 03/03/10 - Ordered to House Introduced                   | Senate Reference<br>1 - Government Organization                                                                                            | EDIT NOTE  <br>DELETE NOTE<br>This bill reduces PSD board terms from 6 years to 3 |

years

**Introduced  
Version**

**SB (None)  
594**

**Committee  
Substitute  
(1)  
Introduced  
Version**

Relating to  
powers, duties  
and  
responsibilities  
of Water  
Development  
Authority

03/03/10 -  
Ordered to  
House  
Introduced

**Senate Reference**  
1 - Economic  
Development  
**Senate Reference**  
2 - Government  
Organization

**ADD A NOTE FOR  
SB 594**

**SB (None)  
595**

**Engrossed  
Version  
Introduced  
Version  
Introduced  
Version**

Extending  
vesting period  
for subdivision  
and land  
development  
plans

03/02/10 - To  
House  
Political  
Subdivisions  
In Committee

**House Reference**  
1 - Political  
Subdivisions  
**House Reference**  
2 - Judiciary  
**Senate Reference**  
1 - Judiciary

**ADD A NOTE FOR  
SB 595**

**SB (Mid)  
616**

**Committee  
Substitute  
(1)  
Introduced  
Version**

Relating to civil  
service for  
deputy sheriffs

03/03/10 - To  
House  
**Veterans'**  
Affairs and  
Homeland  
Security  
In Committee

**House Reference**  
1 - Veterans'  
Affairs and  
Homeland  
Security  
**House Reference**  
2 - Judiciary  
**Senate Reference**  
1 - Government  
Organization  
**Senate Reference**  
2 - Finance

**EDIT NOTE |  
DELETE NOTE**  
This bill would  
eliminate county  
commission  
authority to  
approve sheriffs'  
plan for deputies  
working after  
hours.

**SB (None)  
633**

**Introduced  
Version**

Depositing  
public funds into  
certain federally  
insured  
accounts

SA HB  
4656

03/03/10 -  
Ordered to  
House  
Introduced

**Senate Reference**  
1 - Banking and  
Insurance  
**Senate Reference**  
2 - Finance

**ADD A NOTE FOR  
SB 633**

**SB (None)  
635**

**Introduced  
Version**

Requiring State  
Fire Commission  
approve certain  
county and  
municipal fire  
ordinances and  
regulations

SI HB  
4635

03/03/10 -  
Ordered to  
House  
Introduced

**Senate Reference**  
1 - Government  
Organization

**ADD A NOTE FOR  
SB 635**

**SB (None)  
657**

**Committee  
Substitute**

Creating WV

SA HB

03/03/10 -  
Ordered to

**Senate Reference**  
1 - Health and  
Human Resources

**ADD A NOTE FOR**

|                                                                                                                                                                                                                    |                                                                                                                                                                    |                                     |                                                                                 |                                                                                                                        |                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <p><b>(1)</b><br/><u>Committee Substitute</u><br/><b>(2)</b><br/><u>Introduced Version</u></p>                                                                                                                     | <p><b>Traumatic Brain Injury Act</b></p>                                                                                                                           | <p><u>4610</u></p>                  | <p><u>House</u><br/><b>Introduced</b></p>                                       | <p><u>Senate Reference</u><br/><b>2 - Finance</b></p>                                                                  | <p><u>SB 657</u></p>                                                                                |
| <p><u>SB (None)</u><br/><b>695</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><u>Introduced Version - Originating in Committee</u></p>                           | <p><b>Relating to dog and cat rabies' vaccination</b></p>                                                                                                          | <p><u>SI HB</u><br/><b>4407</b></p> | <p><u>03/03/10 -</u><br/><b>Ordered to House Introduced</b></p>                 | <p><u>Senate Reference</u><br/><b>1 - Agriculture</b><br/><u>Senate Reference</u><br/><b>2 - Judiciary</b></p>         | <p><u>ADD A NOTE FOR</u><br/><b>SB 695</b></p>                                                      |
| <p><u>HB (None)</u><br/><b>4038</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><u>Committee Substitute Introduced Version</u></p>                                | <p><b>Imposing a statutory lien on fire insurance proceeds in the event of a total loss to real property</b></p>                                                   | <p><u>SA SB</u><br/><b>224</b></p>  | <p><u>03/02/10 - To</u><br/><b>Senate Judiciary In Committee</b></p>            | <p><u>House Reference</u><br/><b>1 - Judiciary</b><br/><u>Senate Reference</u><br/><b>1 - Judiciary</b></p>            | <p><u>ADD A NOTE FOR</u><br/><b>HB 4038</b></p>                                                     |
| <p><u>HB (None)</u><br/><b>4155</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><u>Engrossed Committee Substitute Committee Substitute Introduced Version</u></p> | <p><b>Permitting revenues allocated to volunteer and part time fire departments to be used for Workers' Compensation premiums and length of service awards</b></p> | <p><u>SI SB</u><br/><b>513</b></p>  | <p><u>03/03/10 - To</u><br/><b>Senate Communicated to Senate Introduced</b></p> | <p><u>House Reference</u><br/><b>1 - Judiciary</b><br/><u>House Reference</u><br/><b>2 - Finance</b></p>               | <p><u>ADD A NOTE FOR</u><br/><b>HB 4155</b></p>                                                     |
| <p><u>HB (None)</u><br/><b>4171</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><u>Introduced Version</u></p>                                                     | <p><b>Relating to criminogenic risk and needs assessments</b></p>                                                                                                  | <p><u>SA SB</u><br/><b>342</b></p>  | <p><u>02/04/10 - To</u><br/><b>Senate Judiciary In Committee</b></p>            | <p><u>House Reference</u><br/><b>1 - Judiciary</b><br/><u>Senate Reference</u><br/><b>1 - Judiciary</b></p>            | <p><u>ADD A NOTE FOR</u><br/><b>HB 4171</b></p>                                                     |
| <p><u>HB (High)</u><br/><b>4177</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p><u>Engrossed Version Introduced Version</u></p>                                   | <p><b>Dedicating five percent of coal severance tax to the county of origin</b></p>                                                                                |                                     | <p><u>03/03/10 - To</u><br/><b>Senate Communicated to Senate Introduced</b></p> | <p><u>House Reference</u><br/><b>1 - Finance</b></p>                                                                   | <p><u>EDIT NOTE  </u><br/><u>DELETE NOTE</u><br/><b>New revenue for coal producing counties</b></p> |
| <p><u>HB (None)</u><br/><b>4185</b> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><u>Committee</u></p>                                                              | <p><b>Relating to mandatory</b></p>                                                                                                                                |                                     | <p><u>03/01/10 - To</u><br/><b>Senate</b></p>                                   | <p><u>House Reference</u><br/><b>1 - Pensions and Retirement</b><br/><u>House Reference</u><br/><b>2 - Finance</b></p> | <p><u>ADD A NOTE FOR</u></p>                                                                        |

Substitute  
Introduced  
Version

retirement age  
of deputy  
sheriffs

Pensions  
In Committee

Senate Reference HB 4185  
1 - Pensions  
Senate Reference  
2 - Finance

HB (None)  
4217

Committee  
Substitute  
Introduced  
Version

Requiring the  
West Virginia  
Enhanced 911  
Council to  
propose  
Emergency  
Medical  
Dispatch  
procedures

03/03/10 - To  
Senate  
Communicated  
to Senate  
Introduced

House Reference  
1 - Political  
Subdivisions  
House Reference  
2 - Judiciary  
ADD A NOTE FOR  
HB 4217

HB (None)  
4222

Committee  
Substitute  
Introduced  
Version

Exempting  
antique motor  
vehicles from  
personal  
property taxes

03/04/10 -  
From Special  
Calendar, 3rd  
reading,  
placed on  
House  
Calendar  
3rd Reading

House Reference  
1 - Roads and  
Transportation  
House Reference  
2 - Finance  
ADD A NOTE FOR  
HB 4222

HB (None)  
4247

Introduced  
Version

Providing  
counties the  
discretion to  
accompany an  
electronic poll  
book with a  
printed poll book

SA SB  
395

02/11/10 - To  
Senate  
Government  
Organization  
In Committee

House Reference  
1 - Judiciary  
Senate Reference  
1 - Government  
Organization  
Senate Reference  
2 - Judiciary  
ADD A NOTE FOR  
HB 4247

HB (None)  
4299

Committee  
Substitute  
Introduced  
Version

Providing that  
nonstate retired  
employees who  
have worked for  
their last  
nonstate  
employer for  
less than five  
years are  
responsible for  
their entire  
premium cost

SA SB  
447

02/24/10 - To  
Senate  
Finance  
In Committee

House Reference  
1 - Banking and  
Insurance  
House Reference  
2 - Finance  
Senate Reference  
1 - Finance  
ADD A NOTE FOR  
HB 4299

HB (None)  
4314

Committee  
Substitute  
Introduced  
Version

Regarding the  
valuation of  
motor vehicles  
and motorcycles  
for property tax  
assessment  
purposes

SA SB  
440

03/03/10 - To  
Senate  
Communicated  
to Senate  
Introduced

House Reference  
1 - Judiciary  
House Reference  
2 - Finance  
ADD A NOTE FOR  
HB 4314

**HB (None)**  
**4359**

Engrossed  
Version  
Committee  
Substitute  
Introduced  
Version

Requiring local labor for public construction projects

SI SB  
675

03/03/10 - To  
Senate  
Communicated  
to Senate  
Introduced

House Reference  
1 - Government  
Organization  
House Reference  
2 - Judiciary

ADD A NOTE FOR  
HB 4359

**HB (Mid)**  
**4382**

Committee  
Substitute  
Introduced  
Version

Providing for forfeiture of property used in various crimes and the disposition of such property

03/03/10 - To  
Senate  
Communicated  
to Senate  
Introduced

House Reference  
1 - Judiciary

EDIT NOTE |  
DELETE NOTE  
This bill would  
provide some  
funds to the  
Regional Jail  
Authority to  
offset operating  
costs

**HB (None)**  
**4407**

Committee  
Substitute  
Introduced  
Version

Updating the law regarding the rabies vaccinations of dogs and cats

SI SB  
695

03/03/10 - To  
Senate  
Communicated  
to Senate  
Introduced

House Reference  
1 - Agriculture  
House Reference  
2 - Judiciary

ADD A NOTE FOR  
HB 4407

**HB (None)**  
**4444**

Introduced  
Version

Authorizing lateral transfers for deputy sheriffs

03/04/10 -  
From Special  
Calendar, 3rd  
reading,  
placed on  
House  
Calendar  
3rd Reading

House Reference  
1 - Political  
Subdivisions  
House Reference  
2 - Judiciary

ADD A NOTE FOR  
HB 4444

**HB (None)**  
**4486**

Committee  
Substitute  
Introduced  
Version

Relating to tax tickets and other required notifications concerning property taxes

03/03/10 - To  
Senate  
Judiciary  
In Committee

House Reference  
1 - Judiciary  
Senate Reference  
1 - Judiciary

ADD A NOTE FOR  
HB 4486

**HB (None)**  
**4541**

Committee  
Substitute  
Introduced  
Version

Authorizing circuit court judges and magistrates to utilize county or municipal jails to detain persons charged with a crime up to ninety-six hours, or, to

03/03/10 - To  
Senate  
Communicated  
to Senate  
Introduced

House Reference  
1 - Judiciary  
House Reference  
2 - Finance

ADD A NOTE FOR  
HB 4541

**confine persons  
convicted of a  
crime for not  
more than  
fourteen days**

**HB (None)  
4563**

**Committee  
Substitute  
Introduced  
Version**

**Extending the  
termination date  
of the modified  
mental hygiene  
procedures pilot  
project**

**SI SB  
604**

**03/04/10 -  
From Special  
Calendar, 3rd  
reading,  
placed on  
House  
Calendar  
3rd Reading**

**House Reference  
1 - Government  
Organization**

**ADD A NOTE FOR  
HB 4563**

**HB (High)  
4615**

**Committee  
Substitute  
Introduced  
Version**

**Authorizing  
political  
subdivisions to  
establish risk  
pools to insure  
their workers'  
compensation  
risks**

**SA SB  
644**

**03/02/10 - To  
Senate  
Banking and  
Insurance  
In Committee**

**House Reference  
1 - Banking and  
Insurance  
House Reference  
2 - Judiciary  
Senate Reference  
1 - Banking and  
Insurance  
Senate Reference  
2 - Finance**

**ADD A NOTE FOR  
HB 4615**

# Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 13, Issue 7

March 3, 2010

## 2010 Legislative Update Week 7 .....

Wanted to take a minute to share more details about Wednesday's Consolidated Public Retirement Board meeting.

CCAWV is very appreciative of the efforts made by all counties to write letters, suggest solutions, make calls to the Governor and other members of the CPRB, and county lobbying efforts with the Legislature in seeking county relief on the contribution increase issue.

Today at the CPRB meeting, CCAWV President Brad Tuckwiller had planned to offer remarks on our behalf, but unfortunately last minutes issues prevented him from being there.

In his absence, I thanked the Board for their reconsideration and shared with them that *"County Commissions are stuck between a rock and a hard place. While we strive to be fiscally responsible and to full-fill our responsibility to provide an actuarially sound retirement plan for our employees, we are also faced with the grim responsibility of balancing financially strapped county budgets in a struggling economy."*

I further provided the Board with the numbers CCA had collected to show the actual dollar amount the proposed increase would cost, county by county, totaling over \$9 million dollars state-wide.

Commissioner Kent Carper also weighed in on our behalf, sharing some of the real-life effects an increase to 17% contribution would have on Kanawha County's budget, on the individual elected offices and ultimately on the county taxpayers. Commissioner Carper's help on this issue is much appreciated.

Several other county folks attended the meeting and representatives for municipalities also shared comments.

**At the end of the discussion, the CPRB board voted (with only one dissenting vote) to adopt the Governor's proposal to use a 4 year "smoothing" of assets approach for the Public Employees' Retirement System (PERS) to help local governments "smooth" the shock of a severe contribution increase all in one year.**

West Virginia is one of about 5 states nation-wide that still uses the pay as you go approach based on true market value of assets rather than actuarially accepted standards to smooth asset values.

The anticipated market return on investments is assumed at 7.5%. When using the smoothing approach, returns above or below the 7.5% are used to smooth asset values over a four year period.

This method will offer the maximum contribution relief in the short term, but rates will increase over the 4 year period.

The projected contributions rates for the next 4 years, based on an anticipated average return of 7.5% are as follows:

**July 1, 2010 – 12.5 %**  
**July 1, 2011 – 14.25%**  
**July 1, 2012 – 16%**  
**July 1, 2013 – 18%**

If the rate of return is greater than 7.5% these percentages could be lower. Likewise if the rate of return is less than 7.5%, these rates could go higher. It is a gamble based on market performance.

The adopted smoothing approach is in place for at least 4 years. Hopefully this approach will give local governments more time to deal with the increasing rates and allow more time for market recovery.

And.....

At the end of cross-over day the Senate passed 54 bills and the House passed 42 bills. Earlier CCA sent a list of those that have some county affect.

**Vivian Parsons**

March 3, 2010

## Public retirement recalculation could help avoid layoffs

By Phil Kahler

Staff writer

Advertiser

CHARLESTON, W.Va. -- Cities and counties around the state might avoid laying off some employees after members of the state Consolidated Public Retirement Board voted Wednesday to change the way the board calculates employer contributions into the Public Employees Retirement System.

Employers were supposed to increase their contributions from 11 percent to 17 percent as on July 1. But retirement board members cut the increase down to 12.5 percent.

"I would have had to let go two or three attorneys," Kanawha County Prosecutor Mark Plants said of what he calculated would have been a \$200,000 increase in employer contribution in the prosecuting attorney's office.

"I would have had to make a decision: Which ones do I let go?"

Charleston City Manager David Molgaard said the proposed increase to 17 percent would have cost the city an additional \$950,000 this year.

"This really couldn't have come at a worse possible time for municipalities," he said. "We're very restricted in the methods and abilities we have to raise revenues."

The rate increases are prompted by the 2009 stock market downturn, which dropped the value of PERS investments by 17 percent -- which actually amounted to a 24.5 percent plunge, since the state's 40-year plan to keep the pension fund solvent requires 7.5 percent growth in investments each year, board actuary Harry Mandel explained.

"What happened last year is our assets had substantial losses -- the worst we've had in 20 years," he said.

From its inception, PERS has functioned on an actual valuation method -- meaning that fund losses in one year have to be made up with higher employer contributions the next year.

On Wednesday, the board voted to change to the smoothing method, an actuarial calculation that spreads out fund losses and gains over four-year periods.

"It's basically phasing in the losses in kind of an installment plan," noted board chairman David Wyant.

Assuming the market stays steady for the next four years, the employer contributions will have to slowly increase from 12.5 percent this year, to 14.25 percent in 2011, 16 percent in 2012, and 18 percent in 2013, to pay down the 2009 downturn, Mandel said. If the market sees another downturn during the four years, those rates could go substantially higher, he warned.

"Asset smoothing is a short-term solution only," Wyant said. "It doesn't make the 17 percent rate go away. In fact, it eventually goes to 18 percent."

Vivian Parsons, executive director of the state County Commissioners Association, said the proposed 64 percent increase would have amounted to an unaffordable increase of more than \$9 million for counties statewide this year.

Kanawha County Commission President Kent Carper added that amount of increase would have been unbearable for cities and counties, particularly with only a few months' advance notice before it would take effect July 1.

"We were in the process of laying people off," he told the board. "I guarantee that was not a threat, that was the reality."

The increase to 12.5 percent of employee wages will work out to a more manageable 13 percent hike, or about \$175,000 for county offices, he said.

Carper also blamed the Legislature for allowing the burden for public employee pensions to be shifted to taxpayers, by capping employee contributions at 4.5 percent of their income.

"The Legislature has a responsibility to make sure the employees pay their fair share," he said, adding, "With all due respect, if the taxpayers have to pay this, shouldn't employees have to increase their contributions as well?"

While the vote Wednesday will ease the burden for PERS employers in the 2010-11 -- including the state, which had already set aside an additional \$19.9 million

@tag:Reach Phil Kabler at ph...@wvgazette.com or 304-348-1220.

FYI...  
Vivian

## Member's News Release

**Release Date: 03/03/2010**

**Contact: Delegate Steve Kominar: 304-340-3186, Delegate Tom Campbell: 304-340-3280**

---

**Delegate Steve Kominar & Delegate Tom Campbell**

### House Workgroup Members Praise State Retirement Board

CHARLESTON - Members of the House of Delegates workgroup examining the cost of retirement benefits to cities, counties and the state are praising the state Consolidated Retirement Board for making a significant change to its accounting standards today - a move that should provide immediate relief to both local and state government budgets.

"We are grateful to the Consolidated Public Retirement Board for re-examining how it calculates pension debt and projects assets and losses," said Delegate Steve Kominar, who chairs the House workgroup. "It's important that the board considered projected assets and losses over the course of years, rather than constantly reacting to a fluctuating market."

House Finance Vice Chairman Tom Campbell, who also serves on the workgroup, agreed. Campbell, an accountant, said the method the board is adopting, referred to as "smoothing," makes the funding of the pension system more stable and predictable.

"By making this change, the board will bring stability to our pension budget, which has a tremendous effect on the state's overall financial well being," Campbell said.

The House workgroup has been looking at many aspects of how to address the issue of Other Post Employment Benefits. In a position paper the workgroup has been developing during its public meetings, members recommended the asset smoothing valuation method.

"The lack of a smoothing strategy causes very serious budget stability issues, especially in this highly volatile market," the workgroup stated, noting that West Virginia is one of the only states in the country that doesn't employ asset smoothing.

House Speaker Rick Thompson also extended praise to the Consolidated Public Retirement Board.

"The board acted wisely to address a problem that is not only negatively affecting cities and counties, but having an adverse effect on the state's entire budget," he said. "I am very pleased that members saw fit to make this change."

## Legislative Blurb-March 3, 2010

**FYI...**

**SB 673** was a bill that proposed eliminating the County Sheriffs' tax commission and making the annual commission part of base salary.

**CCAWV's position on the bill was as long as it is revenue neutral to counties, we're ok with it.** As long as the amount of commission added to base salary was not greater than the total amount received last year. The Sheriffs agreed that was the intent of their bill - **revenue neutral to counties.**

The bill as introduced was reviewed by the Senate Gov Org committee attorney and it was her opinion that the language as written was not revenue neutral, **because eleven counties sheriffs' received less than the maximum capped amount of \$15,000 last year.**

As written, the bill added \$15,000 to all sheriff salary classes. Then there was language that would have allowed the Auditor to determine if the county could afford the entire increase.

**Based on determination by legal counsel that the bill was not revenue neutral, and could potentially require increases in eleven counties, Senate Gov Org Chairman Bowman decided not to run the bill and it died in committee.**

To share the information, in case the bill is worked on again next year, the following **eleven** county sheriffs received commissions that were less than the maximum amount of \$15,000 last year:

Barbour, Braxton, Calhoun, Gilmer, Monroe, Pendleton, Roane, Summers, Taylor, Webster, and Wirt

**Vivian Parsons**



# Community Bulletin



## Calling All Teachers

Harpers Ferry National Historical Park is committed to promoting the use of cultural and natural resources in the classroom. To help teachers incorporate these resources the park assists in hosting teacher institutes. Please see three opportunities for professional development listed below. We hope to see you this summer!

**Bridging the Watershed (BTW) Teacher Institute**  
Harpers Ferry NHP, Monocacy NB, & Catoclin Mountain Park  
June 14-June 18, 2010

The BTW summer institute will prepare teachers to incorporate one or more of the BTW stand-alone curriculum modules into science courses. During these institutes, participants will explore the Potomac watershed to learn the local history, geology, and ecology and work with student investigations in the BTW curricula. An integral part of the institutes is an opportunity for teachers to engage in a field study in their participating parks to collect and analyze authentic data. For teachers of environmental science, Earth science, chemistry, biology, integrated physics in grades 6-12. More information and applications can be found at: <http://www.bridgingthewatershed.org/btw/training.shtml>.

**The Prelude to War: 1859-1861 Online with American Public University and onsite at Harpers Ferry NHP**  
July 5-August 29, 2010

From abolitionist John Brown's execution to the outbreak of the American Civil War, national events were tumultuous and explosive during this pivotal time in American history. Brown's ill-fated strike against enslavement of African Americans sparked talk of war, constitutional and states' rights, and secession throughout the United States leading up to the events at Fort Sumter. For teachers of grades 4-12. More information and applications can be found at: <http://www.apu.apus.edu/lp/agreements/harpers-ferry/index.htm>.



American Public University students participate in the 2009 workshop at Harpers Ferry NHP

**A House Divided: 1859-1861 Harpers Ferry NHP**  
June 27- July 2, 2010

This summer institute provides teachers with the opportunity to explore and understand the 1859-1861 time period, prior to the Civil War period of history, and its lasting impact on the American story. During one week of intensive study, twenty-five participants will learn how to effectively incorporate the study of this defining period of history into their teaching. Participants will experience history firsthand and hands-on throughout the week long institute. For teachers of grades 4-12. The application for this institute is available at <http://www.nps.gov/hafe/forteachers/professionaldevelopment.htm>.

For additional information on any of the above opportunities please contact: Amber Kraft, Education Specialist, Harpers Ferry National Historical Park at 304-535-6293 or by e-mail at [Amber\\_Kraft@nps.gov](mailto:Amber_Kraft@nps.gov)

RECEIVED

MAR 01 2010

Jefferson County Commission

## Spring Schedule of Events

Please note that due to the February winter storms, some of the programs previously scheduled for March are being rescheduled for April. More information will be available in the April Community Bulletin.

**March 27-28 Women's History Month Program: Necessity the Mother of Invention**  
Time: 11:00 a.m. – 4:00 p.m.  
Location: Lower Town  
Description: See Special exhibits and demonstrations featuring the town's manufacturing and technological advances in health, hearth, and home.

**April 2010 Dates To Be Announced From Citizen to Soldiers: 1860 Camp of Instruction**  
Time: 11:00 a.m. to 4:00 p.m.  
Location: Lower Town  
Description: Harpers Ferry Park invites visitors to witness a special 150th Sesquicentennial Living History event with over 100 Virginia militia associ-

ated with the Living History Organization of the Chesapeake Volunteer Guard. They will portray diverse townspeople, men, women, as they react to the militarization of their society and support the evolution of these townspeople into soldiers.

**April 2010 Dates To Be Announced 19th Century Hot Frame Kitchen Gardening**  
Time: 11:00 a.m. – 4:00 p.m.  
Location: Lower Town  
Description: Learn how to extend your gardens' growing time from March to the first frost.

**May 8 – Under Fire**  
Time: 11:00 a.m. – 4:00 p.m.  
Location: Bolivar Heights Battlefield  
Description: Join Living History Park Rangers and Volunteers to Witness the power of the Federal Artillery that Defended Harpers Ferry. Artillery Demonstrations at 12, 2 and 3.

**May 29-30 – Defend and Protect: Arming the American Soldier**  
Time: 11:00 a.m. – 4:00 p.m.  
Location: Lower Town  
Description: Special exhibits, historic weapons firing demonstration and programs highlight the Harpers Ferry Armory, technology, invention and how soldiers used these weapons for national defense and exploration. This program investigates how a young republic grew with industrialization, technology, innovation, national expansion, while wrestling with the challenges of mass immigration, free labor versus slavery, and religious prejudice. Visitors are invited to experience the skills necessary to be a musket lock plate armory worker and munitions workers.

## Preview of Civil War Sesquicentennial

In *The Portent*, Herman Melville called John Brown the meteor of the war. Brown's blow for freedom was certainly felt locally, but more importantly it reverberated nationally and, indeed, globally. Following the 2009 commemoration of his raid, Harpers Ferry NHP announces it has begun planning 150th anniversary events to commemorate the Civil War. Harpers Ferry is unique in that it was not the sight of one battle or one event. Throughout the tumultuous years of the Civil War, this town endured destruction and occupation by Union and Confederate forces. During the Sesquicentennial Harpers Ferry NHP will share many of these stories with you.

Harpers Ferry National Historical Park and its partners have outlined events through 2015 that will examine the military and civilian experience, and the economic effects of the war. Highlights include:


**2011: Beyond John Brown: The Abolitionist Movement Goes to War; Burning of the Arsenal; Battle of Bolivar Heights**

**2012: Running to Freedom: Fighting For Freedom; Jackson and the Valley Campaign; Battle of Harpers Ferry**

**2013: Emancipation Proclamation: A New Birth of Freedom; Harpers Ferry, the Gettysburg Campaign & the Birth of West Virginia**

**2014: U.S. Colored Troops & the Spirit of Freedom; Washington Saved; Sheridan's 1864 Valley Campaign**

**2015: Freedman's Bureau, Educating the Newly Freed Slaves and the Prelude to Storer College**



National Park Service  
U.S. Department of the Interior

The history of Harpers Ferry has few parallels in the American drama. It is more than one event, one date, or one individual. It is multi-layered, involving a diverse number of people and events, decisions and actions that influenced the course of our nation's history. Visit Harpers Ferry and step into history.

Harpers Ferry National Historical Park  
P.O. Box 65  
Harpers Ferry, West Virginia 25425

Visitor Center  
304-535-6029

Harpers Ferry Historical Association Bookshop  
304-535-6881


Harpers Ferry NHP Home Page  
[www.nps.gov/hafe/](http://www.nps.gov/hafe/)

The National Park Service cares for the special places saved by the American people so that all may experience our heritage.

1900 Kanawha Boulevard East • Charleston, WV 25305-0311  
(304) 558-2234 • (800) 982-3386 • www.wvcommerce.org

## MEMORANDUM RECEIVED

**TO:** Units of Local Government  
Regional Planning and Development Councils  
Other Interested Parties

**FROM:** Jeanna Bailes, Manager   
Project Development

**DATE:** March 1, 2010

**RE:** 2010-2014 Consolidated Action Plan  
FY 2010 Draft Action Plan and Executive Summary

MAR 03 2010

Jefferson County Commission

The above-referenced documents can be located on the West Virginia Development Office website at: <http://www.wvcommerce.org/people/communityresources/applicationsanddownloads>. If for any reason you are unable to view these documents, please contact me, and a copy will be mailed to you.

The application deadline has been moved forward to March 22, 2010 (Exception: Economic Development applications and Self-Help Water applications will continue to be accepted at any time.). Each unit of local government may submit only one application, with the exception of Economic Development projects. Although we will continue to accept applications for all eligible activities, our focus will be water and sewer projects that can demonstrate a minimum of 51% benefit to low- to moderate-income citizens.

Attached is a copy of the Public Hearing Notice. Your input is needed and appreciated. As detailed in the Public Hearing Notice, written comments will be accepted until March 31, 2010. Please direct all comments and questions to:

Jeanna Bailes  
Manager of Project Development  
West Virginia Development Office  
Building 6, Room B-553  
Charleston, West Virginia 25305-0311  
Phone/TTD: (304) 558-2234  
Fax: (304) 558-3248  
E-mail: [Jeanna.G.Bailes@wv.gov](mailto:Jeanna.G.Bailes@wv.gov)

Please contact me at (304) 558-2234 if you have any questions regarding this notification.

JB:sm

Attachment

**NOTICE OF PUBLIC HEARINGS**  
**2010-2014 FIVE-YEAR CONSOLIDATED PLAN**  
**AND 2010 PROPOSED ACTION PLAN**

West Virginia's draft 2010-2014 Five-Year Consolidated Housing and Community Development Plan and the FY2010 Action Plan are available for public review. They will be submitted to the U.S. Department of Housing and Urban Development on May 14, 2010, for approval. Once approved, these plans will qualify the state to receive approximately \$28,115,107 of federal funds annually.

The 2010-2014 Five-Year Consolidated Plan sets goals, objectives, and strategies for expanding economic opportunities and providing decent, affordable housing and a suitable living environment, principally for low- and moderate-income persons. The plan affects programs including the Small Cities Community Development Block Grant Program (non-entitlement CDBG) administered by the West Virginia Development Office; the HOME Investment Partnership Program administered by the West Virginia Housing Development Fund; and the Emergency Shelter Grant Program and the Housing Opportunities for Persons with AIDS Program (HOPWA) administered by the West Virginia Governor's Office of Economic Opportunity.

The FY2010 Action Plan sets the state's method for the distribution of HUD funds to address priority needs identified in the Five-Year Plan. It is the subject of the public hearings and request for comments. The proposed FY2010 Action Plan recommends the use of \$28,115,107 HUD funds for the following grant programs:

1. HOME Investment Partnership Program: \$9,845,000 to support owner-occupied housing rehabilitation, homeownership opportunities, community housing development organization activities, and rental development.
2. Small Cities Community Development Block Grant Program: approximately \$17,000,000 for second-year funding for communities previously receiving two-year funding commitments; new water and wastewater projects; and other community economic development projects supporting job creation/retention, the revitalization of communities or targeted areas or addressing locally identified, single-purpose needs.
3. Emergency Shelter Grant Program: approximately \$960,499 to rehabilitate and operate existing or new shelters for units of local government and homeless prevention programs and other essential services for the homeless. HOPWA funds, approximately \$309,608, can only be received through a competitive grant application process.

On March 1, 2010, the Executive Summary for the 2010-2014 Consolidated Plan and the FY2010 Action Plan will be made available to all interested parties, including all local units of government and the Regional Planning and Development Council offices in each region, at <http://www.wvcommerce.org/people/communityresources/applicationsanddownloads/default.aspx> or a copy may be obtained from the following:

|                                                                                                                          |                                                                                                              |                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| WV Development Office<br>Capitol Complex<br>Building 6, Room B-553<br>Charleston, WV 25305-0311<br>Phone: (304) 558-2234 | WV Housing Development<br>Fund<br>814 Virginia Street, East<br>Charleston, WV 25301<br>Phone: (304) 345-6475 | WV Governor's Office of<br>Economic Opportunity<br>950 Kanawha Boulevard, East<br>Charleston, WV 25301-2901<br>Phone: (304) 558-8860 |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|

Written comments are encouraged and must be received or postmarked by March 31, 2010. All comments and questions should be directed to:

**Jeanna Bailes, Manager**  
West Virginia Development Office  
Building 6, Room 553  
Charleston, West Virginia 25305-0311  
Phone/TTD: (304) 558-2234  
e-mail: [Jeanna.G.Bailes@wv.gov](mailto:Jeanna.G.Bailes@wv.gov)

(Continued)

Public hearings will be held to receive written and oral comments on this plan at the following locations:

|                                                                                                                                                           |                                                                                                                                |                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| March 22, 2010 (1:30 pm)<br>BELOMAR-Region 10 Planning<br>and Development Council<br>105 Bridge Street Plaza<br>Wheeling, West Virginia                   | March 23, 2010 (1:30 pm)<br>Mountain State University<br>Martinsburg Campus<br>University Center<br>Martinsburg, West Virginia | March 24, 2010 (1:30 pm)<br>Harrison County Senior Center<br>500 West Main Street<br>Clarksburg, West Virginia |
| March 29, 2010 (1:30 pm)<br>Mountain State University<br>Carter Hall (formerly Beckley Junior High)<br>320 South Kanawha Street<br>Beckley, West Virginia | March 30, 2010 (1:30 pm)<br>South Charleston Public Library<br>312 Fourth Avenue<br>South Charleston, West Virginia            |                                                                                                                |

All meeting sites are accessible to individuals with disabilities. Other special accommodations will be available with advanced notice. Please contact the WV Development Office for directions to any of the locations.

WV

#35

West Virginia, Jefferson County E911

Reporting Period: January 1, 2010 to January 31, 2010

Level 3 Communications LLC  
Level 3 Communications LLC  
c/o Tax Partners, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Tax Identification Number

47-0807040

Return Due: 02/20/2010

|                                                                                 | Gross Units | Less: Exempt Units | Units Subject to Tax | Tax Rate | Gross Tax |
|---------------------------------------------------------------------------------|-------------|--------------------|----------------------|----------|-----------|
| Jefferson County<br>E911 SURCHARGES -<br>General-JEFFERSON CO. 911<br>SURCHARGE | 59          | 0                  | 59                   | \$2.90   | 171.10    |
| <b>Return Totals:</b>                                                           | 59          | 0                  | 59                   |          | 171.10    |

REMIT TO:

Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414

|                                       |               |
|---------------------------------------|---------------|
| Total Gross Tax Due:                  | 171.10        |
| Less: Vendor's Compensation:          | (0.00)        |
| Change in Prepayments:                | 0.00          |
| Less: Tax Credits:                    | (0.00)        |
| <b>Net Tax Amount to be Remitted:</b> | <b>171.10</b> |

*Dena Willis*

Dena Willis, Attorney-in-Fact

2/14/2010

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

WV\_JEFF\_E9 02/14/2010 14:02:31 DWILLIS

RECEIVED

MAR 01 2010

Jefferson County Commission



FEIN: 470807040  
 Reporting Period: 01/01/2010 to 01/31/2010  
 Amount: 171.10

Level 3 Communications LLC  
 Level 3 Communications LLC  
 c/o Tax Partners, L.L.C.  
 3100 Cumberland Boulevard, Suite 900  
 Atlanta, GA 30339



Drawer: Returns  
 Company: Level 3 Communications LLC  
 Entity ID: 001219  
 Entity Name: Level 3 Communications LLC  
 Return Code: WV\_JEFF\_E9  
 Return Description: West Virginia, Jefferson County E911  
 Due Date: 20  
 Year: 2010  
 Month: 01  
 Sequence Number: 1  
 Indexed Time: 2/5/2010 1:51:00 PM  
 Printed By: LANSEL  
 Printed Time: 2/15/2010 10:16:17 AM

0002201684

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Level 3 Communications LLC  
 C/O TAX PARTNERS, L.L.C.  
 3100 Cumberland Boulevard, Suite 900  
 Atlanta, GA 30339  
 (877) 829-4141

WACHOVIA, NA  
 64-022/610

0002201684

VOID AFTER 120 DAYS FROM DATE 2/15/2010

PAY One Hundred Seventy One and 10/100\*\*\*\*\*

171.10

TO JEFFERSON COUNTY COMMISSION  
 P.O. Box 250  
 Charlestown, WV 25414

*Sandra Muthersbourg*  
 TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈0002201684⑈ ⑆061000227⑆ 2000016945827⑈

WV

West Virginia, Jefferson County E911

Reporting Period: January 1, 2010 to January 31, 2010

Granite Telecommunications LLC  
Granite Telecommunications LLC  
c/o Tax Partners, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Tax Identification Number

04-3643290

Return Due: 02/20/2010

|                                                             | Gross Units | Less: Exempt Units | Units Subject to Tax | Tax Rate | Gross Tax |
|-------------------------------------------------------------|-------------|--------------------|----------------------|----------|-----------|
| Jefferson County                                            |             |                    |                      |          |           |
| E911 SURCHARGES -<br>General-JEFFERSON CO. 911<br>SURCHARGE | 19          | 0                  | 19                   | \$2.90   | 55.10     |
| <b>Return Totals:</b>                                       | 19          | 0                  | 19                   |          | 55.10     |

**REMIT TO:**

Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414

|                                       |               |
|---------------------------------------|---------------|
| Total Gross Tax Due:                  | <b>55.10</b>  |
| Less: Vendor's Compensation:          | <b>(0.00)</b> |
| Change in Prepayments:                | <b>0.00</b>   |
| Less: Tax Credits:                    | <b>(0.00)</b> |
| <b>Net Tax Amount to be Remitted:</b> | <b>55.10</b>  |

*N. Moletteri*

Novella Moletteri, Attorney-in-Fact

2/16/2010

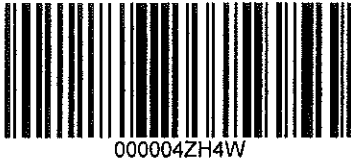
I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV\_JEFF\_E9 02/16/2010 09:49:03 NMOLETTERI

**RECEIVED**

MAR 01 2010

**Jefferson County Commission**



000004ZH4W

FEIN: 043643290  
Reporting Period: 01/01/2010 to 01/31/2010  
Amount: 55.10

Granite Telecommunications LLC  
Granite Telecommunications LLC  
c/o Tax Partners, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339



0000000000

Drawer: Returns  
Company: Granite Telecommunications LLC  
Entity ID: 002690  
Entity Name: Granite Telecommunications LLC  
Return Code: WV\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2010  
Month: 01  
Sequence Number: 1  
Indexed Time: 2/4/2010 3:16:00 PM  
Printed By: LANSEL  
Printed Time: 2/12/2010 11:22:35 AM

0002198679

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Granite Telecommunications LLC  
C/O TAX PARTNERS, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

WACHOVIA, NA  
64-022/610

0002198679

VOID AFTER 120 DAYS FROM DATE 2/12/2010

PAY Fifty Five and 10/100\*\*\*\*\*

55.10

TO JEFFERSON COUNTY COMMISSION  
P.O. Box 250  
Charlestown, WV 25414

*Sandra Muthersbaugh*  
TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈0002198679⑈ ⑈06⑈000227⑈ 20000⑈6945827⑈

WV

West Virginia, Jefferson County E911

Reporting Period: January 1, 2010 to January 31, 2010

8x8, Inc.

Tax Identification Number

77-0142404

c/o Tax Partners, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Return Due: 02/20/2010

|                                                                                 | Gross Units | Less: Exempt Units | Units Subject to Tax | Tax Rate | Gross Tax |
|---------------------------------------------------------------------------------|-------------|--------------------|----------------------|----------|-----------|
| Jefferson County<br>E911 SURCHARGES -<br>General-JEFFERSON CO. 911<br>SURCHARGE | 54          | 0                  | 54                   | \$2.90   | 156.60    |
| <b>Return Totals:</b>                                                           | 54          | 0                  | 54                   |          | 156.60    |

REMIT TO:

Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414

|                                       |               |
|---------------------------------------|---------------|
| Total Gross Tax Due:                  | 156.60        |
| Less: Vendor's Compensation:          | (0.00)        |
| Change in Prepayments:                | 0.00          |
| Less: Tax Credits:                    | (0.00)        |
| <b>Net Tax Amount to be Remitted:</b> | <b>156.60</b> |

Shannon Bryant, Attorney-in-Fact

2/12/2010

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

WV\_JEFF\_E9 02/12/2010 07:27:05 SBRYANT

RECEIVED

MAR 01 2010

Jefferson County Commission



000004ZMF1

FEIN:  
Reporting Period:  
Amount:

770142404  
01/01/2010 to 01/31/2010  
156.60

8x8, Inc.

c/o Tax Partners, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339



0000000000

Drawer: Returns  
Company: 8x8, Inc.  
Entity ID: 014006  
Entity Name: 8x8, Inc.  
Return Code: WV\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2010  
Month: 01  
Sequence Number: 1  
Indexed Time: 2/5/2010 8:51:00 AM  
Printed By: LANSEL  
Printed Time: 2/11/2010 10:15:59 AM

0000029197

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

8x8, Inc.  
C/O TAX PARTNERS, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

WACHOVIA, NA  
64-022/610

0000029197

VOID AFTER 120 DAYS FROM DATE 2/11/2010

PAY One Hundred Fifty Six and 60/100\*\*\*\*\*

156.60

TO JEFFERSON COUNTY COMMISSION  
P.O. Box 250  
Charlestown, WV 25414

*Sandra Muthersbaugh*  
TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

0000029197 061000227 2000041717583



000004YLQX

**RECEIVED**

MAR 01 2010

**Jefferson County Commission**



0000000000

Drawer: Returns  
Company: Comtel Telcom Assets LP  
Entity ID: 012438  
Entity Name: Comtel Telcom Assets LP  
Return Code: WV\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2010  
Month: 01  
Sequence Number: 1  
Indexed Time: 2/2/2010 9:13:00 AM  
Printed By: TPULLIAM  
Printed Time: 2/9/2010 10:20:15 AM

Comtel Telcom Assets LP  
**c/o Tax Partners, L.L.C.**  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

West Virginia, Jefferson County E911  
P.O. Box 250  
Charlestown, WV 25414

WV

West Virginia, Jefferson County E911

Reporting Period: January 1, 2010 to January 31, 2010

Comtel Telcom Assets LP

Tax Identification Number

203237782

c/o Tax Partners, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Return Due: 02/20/2010

|                       | Gross Units | Less: Exempt Units | Units Subject to Tax | Tax Rate | Gross Tax |
|-----------------------|-------------|--------------------|----------------------|----------|-----------|
| <b>Return Totals:</b> | 0           | 0                  | 0                    |          | 0.00      |

REMIT TO:

Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414

|                                       |             |
|---------------------------------------|-------------|
| Total Gross Tax Due:                  | 0.00        |
| Less: Vendor's Compensation:          | (0.00)      |
| Change in Prepayments:                | 0.00        |
| Less: Tax Credits:                    | (0.00)      |
| <b>Net Tax Amount to be Remitted:</b> | <b>0.00</b> |

Terrance Pulliam, Attorney-in-Fact

2/09/2010

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

#36

P.O. Box 2067  
Charleston, WV 25327



Phone: (304) 558-0500  
Fax: (304) 558-3321  
www.wvlottery.com

John C. Musgrave  
Director

To:           Controller          

Location:           Jefferson County Commission          

Fax #:           (304) 725-7916          

Phone #:           (304) 728-3284          

From:           Melissa White          ext. 290          

**Comments:**

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| Week Ending Date                                         | Week Ending<br>February 27, 2010<br>FY10<br>March 9, 2010 |
|----------------------------------------------------------|-----------------------------------------------------------|
| <b>To be Deposited on:</b>                               |                                                           |
| <b>Amount Played</b>                                     | <b>82,487,572.64</b>                                      |
| <b>Amount Won</b>                                        | <b>73,845,331.85</b>                                      |
| <b>Amount Promo</b>                                      | <b>266,677.00</b>                                         |
| <b>MWAP Contribution</b>                                 | <b><u>39,406.86</u></b>                                   |
| <b>Adjusted Gross Terminal Revenue</b>                   | <b><u>8,336,158.93</u></b>                                |
| <b>Administrative Costs @ 4%</b>                         | <b>0.00</b>                                               |
| <b>Excess Lottery Fund @ 4%</b>                          | <b><u>333,446.27</u></b>                                  |
| <b>Net Terminal Revenue</b>                              | <b><u>8,002,710.66</u></b>                                |
| <b>Surcharge @ 10%</b>                                   | <b>800,271.07</b>                                         |
| <b>State Share Excess @ 58%</b>                          | <b>464,157.22</b>                                         |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | <b>338,113.85</b>                                         |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i>   | <b>\$ 322,669.30</b>                                      |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | <b>\$ 13,444.55</b>                                       |
| <b>Adjusted Net Terminal Revenue</b>                     | <b><u>7,202,439.59</u></b>                                |
| <b>Racetrack @ 46.50% / 42%</b>                          | <b>3,025,024.63</b>                                       |
| <b>Lottery Fund @ 30% / 0%</b>                           | <b>0.00</b>                                               |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | <b>2,953,000.21</b>                                       |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | <b>576,195.17</b>                                         |
| <b>Workers' Compensation Debt Reduction @ 7%</b>         | <b>0.00</b>                                               |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | <b>36,012.20</b>                                          |
| <b>Greyhound Development @ .75%</b>                      | <b>54,018.30</b>                                          |
| <b>Thoroughbred Development @ .75%</b>                   | <b>54,018.30</b>                                          |
| <b>Racing Commission @ 1%</b>                            | <b>72,024.40</b>                                          |
| <b>County/Municipality @ 2%</b>                          | <b>144,048.80</b>                                         |
| <b>3% Funds:</b>                                         |                                                           |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | <b>99,033.54</b>                                          |
| <b>Development Office Promotion Fund @ .375%</b>         | <b>27,009.15</b>                                          |
| <b>Research Challenge Fund @ .5%</b>                     | <b>36,012.20</b>                                          |
| <b>Capitol Renovation and Improvement Fund @ .6675%</b>  | <b>49,516.77</b>                                          |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | <b>4,501.52</b>                                           |
| <b>1% Funds:</b>                                         |                                                           |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | <b>0.00</b>                                               |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | <b>0.00</b>                                               |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <b><u>72,024.40</u></b>                                   |
|                                                          | <b><u>7,202,439.59</u></b>                                |

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       | \$ -            | \$ -           | \$ -                | \$ -                | \$ -          | \$ -                  |
| 07/16/09                         | \$ 160,652.88          | \$ 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          | \$ 139,408.60       | \$ 17,437.94    | \$ 2,165.79    | \$ 6,026.55         | \$ 638.48           | \$ 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  | \$ 11,608.84          |
| 08/22/09                         | \$ 152,520.62          | \$ 76,260.31        | \$ 76,260.31    | \$ 9,471.53    | \$ 26,355.56        | \$ 2,783.50         | \$ 26,752.12  | \$ 10,897.80          |
| 08/29/09                         | \$ 160,945.84          | \$ 80,472.92        | \$ 80,472.92    | \$ 9,994.74    | \$ 27,811.44        | \$ 2,937.26         | \$ 28,228.90  | \$ 11,499.56          |
| 09/05/09                         | \$ 161,596.30          | \$ 80,798.15        | \$ 80,798.15    | \$ 10,035.13   | \$ 27,923.84        | \$ 2,949.13         | \$ 28,343.99  | \$ 11,546.06          |
| 09/12/09                         | \$ 172,573.84          | \$ 86,286.92        | \$ 86,286.92    | \$ 10,716.84   | \$ 29,820.76        | \$ 3,149.47         | \$ 30,289.45  | \$ 12,330.40          |
| 09/19/09                         | \$ 140,020.30          | \$ 70,010.15        | \$ 70,010.15    | \$ 8,695.26    | \$ 24,193.51        | \$ 2,555.37         | \$ 24,598.56  | \$ 10,004.45          |
| 09/26/09                         | \$ 136,633.74          | \$ 69,316.87        | \$ 69,316.87    | \$ 8,809.16    | \$ 23,955.91        | \$ 2,530.07         | \$ 24,316.35  | \$ 9,905.38           |
| 10/03/09                         | \$ 144,572.08          | \$ 72,286.04        | \$ 72,286.04    | \$ 8,977.83    | \$ 24,982.06        | \$ 2,638.44         | \$ 25,357.93  | \$ 10,329.88          |
| 10/10/09                         | \$ 139,301.26          | \$ 69,650.63        | \$ 69,650.63    | \$ 8,850.61    | \$ 24,071.25        | \$ 2,542.25         | \$ 24,433.44  | \$ 9,953.08           |
| 10/17/09                         | \$ 147,120.42          | \$ 73,560.21        | \$ 73,560.21    | \$ 9,138.18    | \$ 25,422.41        | \$ 2,684.95         | \$ 25,804.82  | \$ 10,511.75          |
| 10/24/09                         | \$ 135,163.32          | \$ 67,581.66        | \$ 67,581.66    | \$ 8,393.64    | \$ 23,356.22        | \$ 2,468.73         | \$ 23,707.65  | \$ 9,657.42           |
| 10/31/09                         | \$ 129,058.60          | \$ 64,528.30        | \$ 64,528.30    | \$ 8,014.41    | \$ 22,300.98        | \$ 2,355.28         | \$ 22,636.54  | \$ 9,221.09           |
| 11/07/09                         | \$ 127,483.18          | \$ 63,741.59        | \$ 63,741.59    | \$ 7,916.71    | \$ 22,029.09        | \$ 2,326.57         | \$ 22,360.55  | \$ 9,108.67           |
| 11/14/09                         | \$ 131,919.28          | \$ 65,959.64        | \$ 65,959.64    | \$ 8,192.19    | \$ 22,795.65        | \$ 2,407.53         | \$ 23,138.64  | \$ 9,425.63           |
| 11/21/09                         | \$ 119,094.10          | \$ 59,547.05        | \$ 59,547.05    | \$ 7,395.74    | \$ 20,579.46        | \$ 2,173.47         | \$ 20,889.11  | \$ 8,509.27           |
| 11/28/09                         | \$ 144,799.98          | \$ 72,399.98        | \$ 72,399.98    | \$ 8,992.08    | \$ 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  | \$ 7,288.83           |
| 12/12/09                         | \$ 104,921.16          | \$ 52,460.58        | \$ 52,460.58    | \$ 6,515.80    | \$ 18,130.38        | \$ 1,914.81         | \$ 18,403.17  | \$ 7,496.62           |
| 12/19/09                         | \$ 65,868.78           | \$ 32,834.39        | \$ 32,834.39    | \$ 4,078.03    | \$ 11,347.57        | \$ 1,198.46         | \$ 11,516.30  | \$ 4,692.03           |
| 12/26/09                         | \$ 106,812.68          | \$ 53,406.34        | \$ 53,406.34    | \$ 6,633.07    | \$ 18,457.23        | \$ 1,948.33         | \$ 18,734.94  | \$ 7,631.77           |
| 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           |
| 01/16/10                         | \$ 121,102.56          | \$ 60,551.28        | \$ 60,551.28    | \$ 7,520.47    | \$ 20,926.52        | \$ 2,210.12         | \$ 21,241.39  | \$ 8,652.78           |
| 01/23/10                         | \$ 139,887.06          | \$ 69,943.53        | \$ 69,943.53    | \$ 8,686.89    | \$ 24,172.48        | \$ 2,552.94         | \$ 24,536.19  | \$ 9,994.93           |
| 01/30/10                         | \$ 97,055.50           | \$ 48,527.75        | \$ 48,527.75    | \$ 6,027.15    | \$ 16,771.19        | \$ 1,771.28         | \$ 17,023.53  | \$ 6,934.62           |
| 02/06/10                         | \$ 74,310.28           | \$ 37,155.14        | \$ 37,155.14    | \$ 4,614.67    | \$ 12,840.82        | \$ 1,358.16         | \$ 13,034.02  | \$ 5,309.47           |
| 02/13/10                         | \$ 88,888.00           | \$ 44,334.00        | \$ 44,334.00    | \$ 5,508.28    | \$ 15,321.83        | \$ 1,618.19         | \$ 15,552.37  | \$ 6,335.33           |
| 02/20/10                         | \$ 153,892.24          | \$ 76,946.12        | \$ 76,946.12    | \$ 9,556.71    | \$ 26,592.58        | \$ 2,808.53         | \$ 26,992.70  | \$ 10,895.60          |
| 02/27/10                         | \$ 144,048.80          | \$ 72,024.40        | \$ 72,024.40    | \$ 8,945.43    | \$ 24,891.63        | \$ 2,628.89         | \$ 25,266.16  | \$ 10,292.29          |
| Subtotal                         | \$ 4,748,566.30        | \$ 2,830,314.90     | \$ 1,918,251.40 | \$ 238,246.85  | \$ 662,947.87       | \$ 70,016.17        | \$ 672,922.58 | \$ 274,116.13         |

Benchmark Goal @ 2% \$ 912,083.48

Remainder until 1% / 1% Split \$ -

# Jefferson County Public Service District

---

---

# 37

## Jefferson County Public Service District and Jefferson Utilities, Inc Public Meeting for Mountain Water Project December 17, 2010

The public meeting was presented by the public-private partnership of Jefferson County Public Service District and Jefferson Utilities. The meeting was held at 7:00PM on Thursday, December 17, 2009 at the Chestnut Hill Church in Harpers Ferry.

Mr. Hankins began the meeting with introducing the panel of staff, consultants, and public who helped in preparing for the meeting. The introductions included:

|                                             |                                                |
|---------------------------------------------|------------------------------------------------|
| Joe Hankins, Chairman JCPSD                 | Doug Horrocks, Stakeholder Outreach Committee  |
| Peter Appignani, Treasurer JCPSD            | Carl Schultz, Stakeholder Outreach Committee   |
| Susanne Lawton, General Manager JCPSD       | James Walker, Stakeholder Outreach Committee   |
| Ashley Wilt, Administrative Assistant JCPSD | John Maxey, Stakeholder Outreach Committee     |
| Joe Castaldo, Operations Manager JCPSD      | Susanne Koenig, Stakeholder Outreach Committee |
| Jim Kelsh, Legal Counsel JCPSD              | Neal Nilsen, IT Administrator                  |
| John Tuggle, Pentree Engineering            |                                                |
| Gregg Inman, Pentree Engineering            |                                                |
| Todd Kelvington, Thrasher Engineering       |                                                |
| Lee Snyder, President JUI                   |                                                |

(Mr. Hankins recognized Jim Cummins, Secretary JCPSD, and Charlotte Hernandez, IT Administrator, for their help in preparing for the meeting. They were both absent from the meeting.)

After introductions, Mr. Hankins gave an overview of the agenda and explained the format of the meeting. The meeting would consist of 2 sessions; a presentation session by consultants and a break out group session. Mr. Hankins explained that the presentation session would entail the project engineers defining the scope of the project and costs involved. During the break out group session, there would be three discussion groups answering any questions from the public regarding maps/layout of the system, environmental concerns, and financial concerns. Mr. Hankins stated the objective of the meeting was to gain public feedback and any concerns they might have. He then handed the meeting over to John Tuggle from Pentree.

Mr. Tuggle began the presentation by defining the problem regarding the current mountain water system. He stated the current system has an inadequate water source, distribution system, storage capacity, and fire protection. Mr. Tuggle discussed the water source alternatives that were investigated for the project, including a valley system connection, a river water treatment plant, a groundwater treatment plant in Keyes Ferry Acres, or a Westridge Hills well system. He went into detail with each of the four viable alternatives including the cost of each option and the pros and cons of each option. Mr. Tuggle focused on the valley system connection alternative as the water source for the project. Mr. Tuggle also reviewed the maps of the system and informed the audience that they had detailed mapping on hand if the public wanted to review.

Todd Kelvington took over the presentation to explain the environmental impacts of the valley water source option. This option showed minimal environmental impact and had fewer variables to deal with than the other options. Mr. Kelvington stated the selection of this option appeared to be reasonable from an environmental standpoint.


Jim Kelsh discussed the funding mechanisms associated with the project next. He stated the preferred alternative, which is to use water from Jefferson Utilities existing valley water system, would cost a total of \$14,450,000. Mr. Kelsh explained that the public/private partnership of the District and Jefferson Utilities was formed so lower cost financing could be obtained to help solve the problem on the mountain. The project could be funded by state and federal low interest loans and grants that the District has access to

which Jefferson Utilities does not. The possible grants included a Small Cities Block Grant up to \$1.5 million, an Infrastructure Council grant for a maximum of \$2 million, grants from the Bureau of Public Health/EPA, SAP/STAG grants for up to \$2 million, and various local government grants. He stated the District could possibly obtain loans from the Infrastructure Council, the Drinking Water Treatment Revolving Fund, and private Market Bonds. Mr. Kelsh explained that through this partnership, the District would submit applications as the lead sponsor and own the new Mountain System and lease back to Jefferson Utilities, while the customers will remain Jefferson Utilities. Mr. Kelsh also went into detail on the general process for West Virginia on how projects get approved and funded. He explained that there are a number of sources for funding, but it is a very competitive process. Mr. Kelsh informed the audience that to qualify for grants customer rates need to be at a certain level so there may be a rate increase associated with the project. The project has funds committed for a \$200,000 design grant from the Bureau for Public Health. A funding package of \$2.5 million West Virginia Infrastructure and Jobs Development Council (WVIJDC) grant and a \$7.5 million WVIJDC loan was proposed in the first infrastructure application. Grant fund sources and amounts will be revisited when the District files the new application. Mr. Kelsh stated the final funding mechanisms, which are continuing to be investigated, and interest rates will affect the final customer rates.

When the presentation part of the meeting concluded, Mr. Hankins directed everyone to the three break out group sessions. Mr. Kelsh's group would discuss customer rates, funding, and financials; Mr. Kelvington and Mr. Hankins would discuss environmental concerns; and Mr. Tuggle had detailed maps the public could view. Mr. Hankins encouraged the public to write down questions on the form enclosed in the packets that were handed out and to submit them to the District. He also informed the public of the new mountain water project website created by Charlotte Hernandez and staff. Mr. Hankins also informed the public of the physical repository at the District's office for public access. The public then actively participated in the break out sessions.

After the group session, Mr. Hankins thanked the consultants, staff and members of the audience for attending the meeting.

Respectfully Submitted,



Joseph A. Hankins  
Chairman



Peter L. Appignani  
Treasurer

# Jefferson County Public Service District

---

---

## Jefferson County Public Service District Regular Board Meeting February 1, 2010

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, February 1, 2010 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Wilt; Pentree Engineers, John Tuggle and Zane Summerfield; District Legal Counsel, Jim Kelsh, and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Chairman Hankins called the meeting to order at 7:00PM.

### Public Comments

- Jim Walker, Keyes Ferry Acres resident
- Mayor Bob Hardy, Bolivar (Gave PSD a copy of letter from Mayor Addy which he read into record. This letter stated that if the District & Jefferson Utilities moved forward with the plan to take water from the Elks Run watershed, they would institute legal action.)
- Roger Either, Chair of Water Advisory Committee
- Dr. Ren Hunter
- Pamela Underhill, National Park Service/Appalachian National Scenic Trail
- Fred Blackmer, Jefferson County resident (Gave PSD a copy of comment read into record)
- Ann Kelican, Harpers Ferry Campsites resident
- Ginger Crawford, Mountain resident
- Ricky McDaniel, Keyes Ferry Acres resident
- Jacquelyn Milliron, Breckenridge resident (Gave PSD a copy of comment read into record)
- Scott Tatina, Westridge Hills resident
- John Maxey, Harpers Ferry resident
- Susanne Koenig, Keyes Ferry Acres resident
- Scott Smiley, Keyes Ferry Acres resident
- Carlen Emanuel, Appalachian Conservancy
- Ed Swartz
- Ed Burns, Mountain resident

### OLD BUSINESS

#### Review Minutes of December 14, 2009 Special Board Meeting

The minutes of the December 14, 2009 special Board meeting were approved as presented. The Board noted a minor typo.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the December 14, 2009 minutes as presented. Unanimously approved.

#### Review Minutes of January 4, 2010 Regular Board Meeting

The minutes of the January 4, 2010 regular Board meeting were approved as presented.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the January 4, 2010 minutes as presented. Unanimously approved.

#### Consider Acceptance of the Revised Golder Report for the Mountain Water Project

At last months Board meeting, the Board and members of the public shared their concerns with the drafted Golder Report. Brent Waters from Golder Associates had revised the report and was before the Board once again for its acceptance. Mr. Appignani noted that an addition was made to conclusion item # 10 stating, "It is also recommended that a study be conducted on the feasibility of developing a new independent well in the carbonate aquifer system on the east side of the Shenandoah River near Harpers Ferry Campsites. It may be possible that a well in this location could provide adequate sustainable quantities of high quality

water for the Mountain Communities." (Golder Report, page ES 2) Mr. Hankins stated this conclusion was an interesting geological revelation and the Board could continue to look into this option if it does turn out in the long run to be a potential supplier. He informed the Board that this specific area represented by this specific aquifer is privately held by subdivisions and no public land is immediately available. Commissioner Widmyer questioned if the Board would consider combining this option with the \$30,000 being used for a study regarding water available in Westridge Hills. Mr. Hankins believed there could be a partnership on exploring this option.

Mr. Cummins stated he was also glad to see the report's addition of the potential well source. He could not support conclusions # 8 and # 9 of the report, which state that the proposed mountain communities' component of Valley groundwater withdrawals will not adversely impact the Valley water system, other groundwater users, or surface water resources. Mr. Cummins expressed concern about analytical methods used, noted that only cursory well drawdown information was provided, none for periods when the system was under stress, such as during the 2002 drought, and felt that without such information it was not appropriate to reach those conclusions. He felt that a better, more independent study was still needed. He noted that these difficult mountain water problems were a result of poor oversight during past decades when the communities were proposed and being built, that our oversight needed to be especially careful if we want to solve the problems and not shift them to another part of the county. Mr. Cummins would like to try to move forward with the application, but doesn't want to use this report as the basis for filing an application.

Public comments were received by:

- Scott Smiley, Keyes Ferry Acres resident
- Elizabeth Blake, Bolivar resident (Gave PSD a copy of comment read into record)
- Don Orser, Harpers Ferry Campsites resident
- Mayor Bob Hardy, Bolivar

Brent Waters from Golder Associates was present in the audience and reviewed the changes of the report since last month. He stated the two main changes to the report were to adjust the recommendations and analysis to be more conservative and they backed off of the assessment of potential local impacts to focus more on the impacts of local watersheds from more detailed studies in the watershed basins. Mr. Waters informed the Board that in this report they offered some recommendations for alternative well sources and the potential for future studies to evaluate local impacts. The report still concluded that the Valley has an adequate water supply and it is reasonable to take water from the Valley to the Mountain. Mr. Waters answered questions and concerns from the Board.

**Action: Motion made by Mr. Hankins to accept the Groundwater Resource Evaluation on the Jefferson Utilities valley water system dated January 20, 2010 by Golder Associates for submission to the District for the Mountain Water Project. Motion failed due to a lack of a second. Chairman Hankins opened the floor for further discussion.**

Mr. Cummins would like to see the report reevaluate the conclusions on the impact of adjacent watersheds and streams and reevaluate the methodologies. He doesn't feel Golder Associates was provided enough information or money to answer these concerns. Commissioner Widmyer stated that the conclusion of the Golder Report in her opinion is to continue to look for a viable water source on the mountain and in no way the report lessens the need to continue to pursue a source. Mr. Cummins agreed with Commissioner Widmyer's thoughts and doesn't want this decision to be a stop to any actions, but wants the report to be amended. Mr. Hankins asked the Board what way they would like to move this forward and what are the next steps. Mr. Cummins stated he cannot accept the report as written. The Board decided to move to the next agenda item with no motion.

**Action: No action taken by the Board.**

Consider Approval of the Revised Joint Applications to West Virginia Infrastructure and Jobs Development Council with Jefferson Utilities Incorporated for Mountain Water Project

Mr. Kelsh updated the Board. At last month's Board meeting, Pentree completed the draft IJDC preliminary application and sent to the Board for review. The Board instructed staff to post on the District and Mountain water project website for public comment and review. The District received numerous public comments. Pentree has revised the draft application and Preliminary Engineering Report once again for Board's

approval. In the preliminary application, Pentree has listed the total cost of the project as \$14,450,000, with \$200,000 committed funds, and will use a 50/50 split of loans and grants to cover the debt service. Mr. Kelsh reviewed the terms of the joint venture agreement with Jefferson Utilities the Board approved in May of last year. One of the terms in the agreement is that the District is the Project Sponsor and can decline to pursue the project as factors are encountered, which include the increase of post-construction rates by more than 20% over the level relied upon by the District in determining to pursue the project. The agreement is currently at the Public Service Commission for approval. Mr. Kelsh stated the deadline for submission of the application to WVIJDC is on the 10<sup>th</sup> day of the month. Mr. Hankins stated that the District is on the County Commission agenda in March for submission of an application for the Small Cities Block Grant which is due by March 22<sup>nd</sup> and the District will need to have submitted the WVIJDC application by the February 10<sup>th</sup> deadline to be considered for the Small Cities Grant. Mr. Cummins stated he would like the mention of the Golder Report to be taken out of the cover letter of the application since it was not approved by the Board. Mr. Hankins questioned the Board if they were in a position of making a motion to submit the application. Mr. Appignani responded by stating that the Board promised the public for time to review and comment on the application, but the application was only available for public review for five days. Mr. Hankins stated that the general format of the application has been known for some time and the District has received numerous public comments on the application. Mr. Cummins stated that the District has made some good progress and he doesn't want to see progress stopped so it seems ok to move forward with submitting the application.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Hankins to submit the WVIJDC application for the mountain water project, with noted changes including striking the Golder Report as a resource in the cover letter and correcting the typo by removing the comma in the financial information. Chairman Hankins opened the floor for further discussion.

Public comments were received by:

- Barbara Humes, Chair of Elks Run Committee
- John Maxey, Harpers Ferry resident (Mr. Maxey suggested adding a paragraph to the cover letter to not endorse the rate hikes as listed in the application and that the project will be funded by the \$12 surcharge. The Board will discuss this later in the meeting.)
- Scott Smiley, Keyes Ferry Acres resident
- Mayor Bob Hardy, Bolivar
- Rhonda Lehman, Mountain resident
- Elizabeth Blake, Bolivar resident
- Ann Kelican, Harpers Ferry Campsites resident
- Pamela Underhill, National Park Service/Appalachian National Scenic Trail

The Board discussed the suggestion made by Mr. Maxey. Mr. Hankins stated possibly adding language to the cover letter that it is the District's assumption that the cost of the project is affordable based on the \$12 surcharge to cover the debt service. Mr. Cummins suggested adding language to # 4 in the cover letter stating the District is committed to providing water to the mountain communities and due to resistance from the public for using the Valley water as the supply source, the District and Jefferson County Commission are further exploring alternative solutions. Mr. Kelsh stated the cover letter could be reworded, but highlighting discrepancies in the project would not be a favorable idea to send to the WVIJDC. Mr. Cummins amended the language stating the District and Jefferson County Commission are exploring water supply sources in addition to the valley source as listed in the Preliminary Engineering Report. With no further public comments or discussion, the Board amended the original motion.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to amend the original motion by adding language to # 4 in the cover letter to read, "In response to those inputs, the Jefferson County Public Service District and Jefferson County Commission are exploring water supply sources in addition to the valley source as identified in the attached Preliminary Engineering Report". Unanimously approved.

The original motion has been amended and now includes submitting the WVIJDC application for the mountain water project, with three modifications; 1) striking the Golder Report as a resource in the cover letter, 2) correcting the

**typo by removing the comma in the financial information, and 3) modifying the language to # 4 in the cover letter.**

The Board went back into discussion on the amended original motion. After a discussion about the rate indicated on the application, Mr. Hankins stated that he intended to vote positively and felt this is a good positive step for the community. He also stated that the Board has received a 10-1 ratio of positive public feedback for moving this project forward. Mr. Cummins responded to the statement by Mr. Hankins about the 10-1 ratio by referencing the letter from the Mayor Harpers Ferry representing the 1700 customers threatening legal action against the District if the project is pursued using the Valley as a water source. Mr. Cummins felt the 10-1 ratio is not accurate. Mr. Appignani questioned why the current JUI customers should pay for the proposed new customer lots that will benefit from the project. Mr. Kelsh informed Mr. Appignani that the Public Service Commission had denied a \$12,000 impact fee proposed by JUI in 2004 and that Jefferson and Berkeley Counties are the only two in the state to offer impact fees. Customers generally just have to pay a \$250 tap fee for water service. The \$12,000 impact fee requested by JUI would have contributed greatly to the project but because the PSC denied the request for the fee, the customers are the ones to pay for upgrades to the system.

**After Discussion, the Board voted on the amended original motion. Motion failed by 1-2 vote. Mr. Cummins and Mr. Appignani opposed.**

Mr. Cummins would like the Board to proceed with the application by using an alternative water supply source other than the Valley source. The Board would like staff to continue to work on the application exploring alternate water supplies.

Clarification of mandatory sewer connection (300 foot) rule

Mr. Kelsh will redraft next month.

**Action: No action taken by the Board.**

Reconsider EDU Calculation for Proposed Hampton Inn in Jefferson Crossing Center

Ms. Lawton had received a request from Uniwest for the reconsideration of the EDU calculation for a 125 room Hampton Inn at Jefferson Crossing II. The Districts current calculation for a hotel is 120 gallons per day (GPD) per room which is equal to .80 of an EDU. Uniwest provided a list of 70 Hampton Inn hotels with the average consumption equaling 62.28 GPD per room. Uniwest would like the District to use the 62.28 GPD per room when calculating the EDU total and Capacity Improvement Fee (CIF), which is \$7500 per EDU. Ms. Lawton, Mr. Kelsh, and Mr. Summerfield recommended that the Hampton Inn use the calculation of 66.6 GPD per room (0.44 EDU's per room per day), same as the Holiday Inn Express had used. For a 125 room hotel, Uniwest would pay for 55 total EDU's. Michael Collier from Uniwest was present to answer any questions by the Board. The Board and Uniwest are comfortable with the calculations of the EDU's, but will need to work out the terms of the payment of the CIF. In such a case where the number of rooms for the hotel would change, the Board would like to approve the number of EDU's per room per day rather than a total number of EDU's for the hotel as a whole.

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to accept staffs recommendation of the calculation of 0.44 EDU's per room per day for the Hampton Hotel project. Unanimously approved.**

Update on RFP for Inspection Engineering Firms

Ms. Lawton informed the Board that she sent notification to the two existing engineering firms that the District will not be renewing the current contracts. She will draft an RFP and send out next month.

**Action: No action taken by the Board.**

Discuss WV Funding Stakeholder Group February 2nd Meeting

The meeting on February 2<sup>nd</sup> will be held in Martinsburg to discuss potential funding sources for capital improvements for public facilities made necessary by the obligation of nutrient removal requirements. Mr. Kelsh, Mr. Hankins, and Ms. Lawton planned on attending the meeting.

**Action: No action taken by the Board.**

## NEW BUSINESS

### Discussion of any expenses over budget

Mr. Hankins stated that there are no items over budget.

**Action:** No action taken by the Board.

### Disbursements

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$1,062.89, Glen Haven water expenses in the amount of \$4,989.14, and for the Public Service District expenses in the amount of \$146,735.63. Unanimously approved.

### Approve Transfer of \$30,000 from Future Needs into Sewer Operating Account

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$30,000.00 from Future Needs Account into Sewer Operating Account. Unanimously approved.

### Approve Transfer of \$1,556.00 from Future Needs Account into Sewer Operating Account for AskNeal Invoices

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$1,556.00 from Future Needs Account into Sewer Operating Account for AskNeal Invoices. Unanimously approved.

### Approve Transfer of \$7,076.00 from Renewal & Replacement into Sewer Operating Account for a New Pump for PS 1-10

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$7,076.00 from Renewal & Replacement Account into Sewer Operating Account for a new pump for PS 1-10. Unanimously approved.

### Approve Transfer of \$2,657.51 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$2,657.51 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

### Approve Transfer of \$65.02 from Glen Haven Security Deposit account into Glen Haven Operating Account for Security Deposit Refunds

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$65.02 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds. Unanimously approved.

### Consider Approval of Revised Alternate Main Line Extension Agreement with School Board

Mr. Kelsh updated the Board. PSC staff recommended three changes to the agreement in its January 4<sup>th</sup> Memorandum which the District and School Board did not object. Mr. Kelsh filed the revised agreement with the PSC and an order approving the agreement was granted on January 25<sup>th</sup> by the PSC.

**Action:** Motion made by Mr. Hankins and seconded by Mr. Cummins to approve the agreement amended by PSC order. Unanimously approved.

### Discussion and Next Steps on Glen Haven Meeting on December 16<sup>th</sup>

The Board discussed the possibility of having an afternoon work session in the coming months to discuss options of which upgrades need to be done in the community. Any new work needed to be completed by Gwin, Dobson & Foreman will incur new costs.

**Action:** No action taken by the Board.

### General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting. Ms. Lawton submitted applications for Green SRF grant money for the Flowing Springs wastewater treatment plant project and the Water Reuse

project. Ms. Lawton also received a call from the owner of the Woodland and Park View trailer park, Mr. Charles Eckstine, regarding the costs of installing proper meters/pits for all residents and the possibility of turning over the metering of water and sewer over to the District. Mr. Eckstine is going to get back to Ms. Lawton once he gets some costs together. In the meantime, the Board would like to visit the site.

**Action:** No action taken by the Board.

Correspondence  
None discussed.

Public Comments  
None.

Discuss Charles Town's Certificate and Municipal Appeal Cases related to Tuscowilla

Mr. Kelsh updated the Board. The District has protested Charles Town's ordinance to increase its sewer CIF for the Tuscowilla sewer project and the second ordinance to increase its volumetric rate. The District has also filed a petition to intervene in Charles Town's Certificate application case for its Tuscowilla sewer project. There will be a PSC hearing on February 23<sup>rd</sup> for the CIF case.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to designate Mr. Hankins with settlement authorization on behalf of the Board at the February 23<sup>rd</sup> Charles Town Municipal Appeal Hearing. Unanimously approved.

Update on Kevin Wilt PSC Case

Mr. Kelsh has filed with the PSC a petition to abandon Mr. Wilt as a customer. The District is hoping for a decision in the case in July.

**Action:** No action taken by the Board.

City of Martinsburg NPDES Permit Appeal before WV EQB

Mr. Kelsh informed the Board that the EQB has not issued its written order as stated they would in August 2009. Mr. Kelsh filed a letter with the EQB asking them to issue its order in a timely manner.

**Action:** No action taken by the Board.

Discuss Uniwest Overpayment

Mr. Kelsh stated he had to talk to Michael Collier from Uniwest about the payment terms of the CIF for the new Hampton Inn so he offered to discuss this overpayment issue with him. Staff will continue to work on this issue.

**Action:** No action taken by the Board.

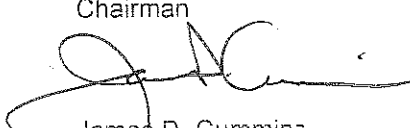
**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to adjourn. Unanimously approved.

There being no further business at this time, the meeting was adjourned at 11:56PM

The next regular meeting is scheduled for March 1, 2010 at 7:00pm at 340 Edmond Road, Suite A at the District's office in Kearneysville.

Respectfully Submitted,

Joseph A. Hankins  
Chairman



James D. Cummins  
Secretary

# Jefferson County Public Service District

---

---

## Jefferson County Public Service District Special Board Meeting February 8, 2010

The special meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, February 8, 2010 at the District's office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins (by speakerphone); Treasurer, Peter Appignani; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Wilt; District Legal Counsel, Jim Keish (by speakerphone); and Pentree Engineer, John Tuggle.

Chairman Hankins called the meeting to order at 7:10PM.

### Consider Approval of a Revised Joint Application to the W.Va. Infrastructure and Jobs Development Council with Jefferson Utilities, Inc. for Mountain Water Project using a Surface Water Treatment Plant on the Shenandoah River as the Source of Supply

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the revised joint application to the W. Va. Infrastructure and Jobs Development Council with Jefferson Utilities, Inc..

After the motion was made by the Board, a discussion was held. At the February 1<sup>st</sup> regular Board meeting, the Board voted 2-1 to not submit the WVIJDC application which focused on taking water from the valley as the preferred supply option. This negative decision at the February 1<sup>st</sup> meeting was due, in part, to an objection and the threat of litigation from Harpers Ferry and Bolivar. They stated that the removal of water from the valley aquifer will affect their water supply which currently comes from Elk Run. At tonight's Special meeting, Mr. Tuggle informed the audience that a revised application has been drafted for the Board's consideration that reflected a change in the recommended water source supply for the project. This new application includes the recommendation that the preferred option is to build a surface water treatment plant on the Shenandoah River, and indicates this as the preferred supply option in the engineering and financial analysis. The change in the source of water supply will affect both the capital cost of the project and the post-construction O&M. The cost of the project has jumped from \$14 million to \$18 million, but the debt service shown on this revised application has remained the same with any extra costs being indicated as covered by grants. The proposed customer rates, developed from a Draft Rule 42 prepared by Jefferson Utilities (JUI), went from an estimated \$81 to \$83, but Mr. Keish informed the audience that the Public Service Commission has the overall rate-making authority not the District or JUI. This rate was included as it is the responsibility of the utilities to state on the application the highest possible rate believed to be required at the time of the project's completion. JUI has submitted a notice to the PSC that they will soon be applying for a rate increase, so to not consider both non-project and project related increases in the Draft Rule 42 prepared for this application would be withholding of information known to the District as the application sponsor.

Mr. Appignani suggested two changes to the application. On page 4, part C of the application, he suggested the figure for the average monthly rate per customer be changed to reflect and include the \$12 surcharge. He also suggested on page 2, item 6 of the Preliminary Engineering Report, the word "files" be changed to "filed". This change also needs to be reflected in the Project Summary. The other Board members agreed with these changes.

Public comments were received by:

- Mayor Bob Hardy, Bolivar (also speaking on behalf of Mayor Jim Addy, Harpers Ferry) (Gave PSD a copy of the letter he read into record)
- John Maxey, Harpers Ferry Resident
- Jacquelyn Milliron, Breckenridge Resident
- Frank Gesmer, Gapview Resident

- Todd Cole, Breckenridge Resident
- Heidi Parker, Breckenridge Resident
- Patsy Noland, Jefferson County Commission
- Ed Rhodes, Gapview Resident
- Kathy Katzenberger, Harpers Ferry Resident

After the public comment period, the Board members had a chance to comment and advance the discussion. Mr. Cummins appreciated all public comments. He stated that this is only a preliminary application and he would like to see the project costs go way down. Mr. Appignani had a prepared statement he read into record. He believed that wells on the mountain as the source is much more effective and felt the District needs to start over with this project. He does not support the application as it stands now. Mr. Hankins stated that he supported this project a week ago at the last Board meeting and supports the project now. He believed the state should be a partner in this project, but we have not yet asked for assistance from them since an application has not been submitted. He felt the community deserves to have an application before the IJDC.

**After discussion, the motion to submit the revised joint application to the W. Va. Infrastructure and Jobs Development Council was approved 2-1. Mr. Appignani opposed.**

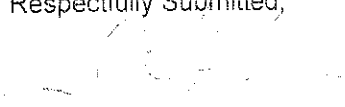
Staff and consultants will make the necessary changes to the application and forward onto the Infrastructure Council. Mr. Appignani expressed the need for the community to continue to work together on this project and have continued support of the stakeholder group and future meetings. Mr. Hankins stated he is open and committed to the idea of broadening the outreach to appropriate stakeholders and supports the continuing of the stakeholder meetings. He felt the District has made positive steps with the creation of the mountain water project website and public engagement. Mr. Hankins suggested that another public meeting on the Mountain should be scheduled once the District receives feedback from the Infrastructure Council on the application that will be submitted. Mr. Appignani appreciated Mr. Hankins commitment to public outreach.

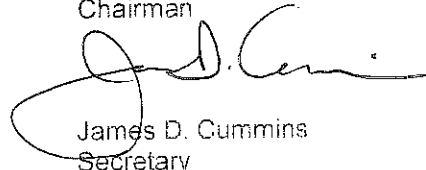
**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to adjourn. Unanimously approved.**

There being no further business at this time, the meeting was adjourned at 8:30PM

The next regular meeting is scheduled for March 1, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

  
Joseph A. Hankins  
Chairman

  
James D. Cummins  
Secretary

Dear Bill,

I would like to request that the platform be removed from the mailroom as soon as possible. Today, our visiting judge fell forward over it and nearly hit her head on the desk above. Fortunately, she sustained zero injuries. However, since this tripping up the platform seems to be a common occurrence by county employees, I ask that it be removed to avoid any future accidents.

Thank you for your prompt attention in this preventive safety measure.

(You may receive this email again from the county mail server which doesn't seem to be operational at this time)

Very Truly Yours,

Jennifer S. Maghan

Jefferson County Clerk  
100 East Washington Street  
Charles Town, West Virginia 25414  
304-728-3347

*Election Information, Real Estate, History and Photos of the OLD JAIL, County Financial Statements and More!*  
*Jefferson County Clerk On-line <http://jeffersoncountyclerkwv.com/>*

Disclaimer:

The contents of this e-mail and [j-a@yahoogroups.com](mailto:j-a@yahoogroups.com) may express the personal and political views of Jennifer Maghan who will continue to carve through through age old walls of our local government until fiscal responsibility and sheer transparency are attained. For the Official County Clerk's Website <http://jeffersoncountyclerkwv.com/> E-mail [jmaghan@jeffersoncountyclerkwv.org](mailto:jmaghan@jeffersoncountyclerkwv.org)

Visit us on-line: [jeffersoncountyclerkwv.com](http://jeffersoncountyclerkwv.com)

facebook



[Follow Me on Twitter!](#)

---

**From:** Bill Polk [mailto:[bpolk@jeffersoncountywv.org](mailto:bpolk@jeffersoncountywv.org)]  
**Sent:** Tuesday, February 23, 2010 3:35 PM  
**To:** Jennifer Maghan  
**Cc:** Sandy Smith; Janet Collier  
**Subject:** FW: Work Order Request - Removal of the platform in the mailroom.

Jennifer,

My reply is below your other acct got kicked back.  
Bill

---

**From:** Bill Polk [mailto:[bpolk@jeffersoncountywv.org](mailto:bpolk@jeffersoncountywv.org)]  
**Sent:** Tuesday, February 23, 2010 3:25 PM  
**To:** 'Jefferson County Clerk Office'  
**Cc:** 'jcollier@jeffersoncountywv.org'; Sandy Smith ([sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org))  
**Subject:** RE: Work Order Request - Removal of the platform in the mailroom.

Jennifer,

Thanks for bringing this to my attention. I will be changing the door to accommodate a mail slot for people to drop off their mail. It is the County mail room and should be treated as such. Only authorized personnel will be granted access. I understand that you have items in that room and you will need time to find them a new location.

Thanks Again,  
Bill

---

**From:** Jefferson County Clerk Office [mailto:[clerkjeff@yahoo.com](mailto:clerkjeff@yahoo.com)]  
**Sent:** Tuesday, February 23, 2010 9:51 AM  
**To:** Bill Polk  
**Cc:** jcollier@jeffersoncountywv.org  
**Subject:** Work Order Request - Removal of the platform in the mailroom.

2 of 3

**From:** Sandy McDonald [mailto:sandy@jeffersoncountywv.org]  
**Sent:** Wednesday, February 24, 2010 4:33 PM  
**To:** Jennifer Maghan  
**Subject:** Re: Work Order Request -

Jennifer,

I believe that Bill is doing this to make it secure for the mail. If you think that you and Bill can come up with an idea to secure the room and keep your space needs met, please let me know.

Sandy

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

**From:** Jennifer Maghan  
**To:** 'Sandy McDonald'  
**Sent:** Wednesday, February 24, 2010 3:29 PM  
**Subject:** Work Order Request -

Dear Sandy,

Do you know if there is a plan to make the mailroom only for authorized personnel? I sent a request to Bill Polk about a safety issue and read in the email that we will have to move things out of the mailroom. We have our supplies, refrigerator, microwave, ice machine and secure shred box in there now and there is no other space for these items. I see that you have received the e-mails from me and Bill.

I oppose any type of change that would force our office to move items out of the mail room considering that we have no other space as the space that was renovated for our office a couple of years ago was taken away in the eleventh hour. Also, the mail room is not used full-time and when there are large outgoing mailings, it would be difficult to just slip a few thousand envelopes through. I am not sure how a simple safety issue became an "authorized personnel only" space issue but I am requesting that until all offices have met with the architect and a concrete plan is in place for renovations, that the safety issue of removing the platform is addressed. Even authorized personnel could potentially trip over the platform.

Also, each year, I have requested that new phones be purchased for our office as many of the phones are crackly and have no caller ID which makes it difficult to serve our citizens. Mr. Polk's reasoning was that the phones are about \$500 each. It's been 4 years since my initial request and I am asking you to please ensure that this request is fulfilled. Here is why:

- X3248 Recording Office Crackle when you talk into the receiver and customers complain that they cannot hear.
- X8832 Recording Office Crackle when you talk into the receiver and customers complain that they cannot hear.
- X3348 Recording Office Crackle when you talk into the receiver and customers complain that they cannot hear.
- X3246 Voter Registration Needs Caller ID
- X3340 Finance – Needs Caller ID
- X3366 Main Office – Needs Caller ID
- X3362 Main Office – Needs Caller ID
- X3214 Recording Office Crackle when you talk into the receiver and customers complain that they cannot hear

It is very difficult to provide our Citizens with the very best service if we cannot hear, or are able to write their number down in case we are disconnected. Please let me know what can be done to remedy this situation. I know that we have Courthouse facility funds - could the money come out of there? Thank you so much for your help!

*3.18*

## Jennifer Maghan

---

**From:** Jerri Herbert [jherbert@jeffersoncountywv.org]  
**Sent:** Thursday, February 25, 2010 1:42 PM  
**To:** Jennifer  
**Subject:** Tasks

Jennifer:

Just a note on your note about the phones and mailroom. I am very thankful that you addressed the phone issue, and also that you called to their attention that the previous expansion/renovation could have eliminated the mailroom/storage problems.

First, I notice did not respond to the phone issue and appear to care less about our being able to hear customers (many of which get aggravated when you tell them you can hardly hear them, and vice versa) on the telephones. Maybe when people get upset about our not being able to hear someone or they hang up on us because they do not hear us, we should refer them to the proper authority to complain.

Second, apparently we have not been told what has caused concern over a security issue for the mailroom. Since we know it is not accessed by the public, is it our personnel in the courthouse that they do not trust? Personally, I have seen no problems with anyone in the mailroom (it is outgoing mail, unless they count the folders THEY put on the outside of the door). Tony is usually the one I run into in the afternoon and I deliberately stay out of his way if I am not dropping off mail, or I wait until later. The only other use I have of that room is putting outgoing mail in the proper boxes. I think, once again, that someone has decided to cover the real issue, safety, with a totally different issue.

It is unfortunate that our Commission and "higher ups" do not see that it is not very conducive to a functional work atmosphere to regularly be treated like the outcasts of the County employees. I know you keep a good spirit and that does help.

I don't know what the solution is for these issues, but to me, the phone situation is most detrimental to our doing our jobs... SERVING THE CITIZENS OF OUR COUNTY.

You fight a good fight, and I pray you will be successful in these endeavors.

Jerri

## Jennifer Maghan

---

**From:** Bonnie Dorman [BDORMAN@JeffersonCountyWV.ORG]  
**Sent:** Thursday, February 25, 2010 1:02 PM  
**To:** 'Jennifer Maghan'; cgrim@jeffersoncountywv.org; 'Cheryl Barker'; 'Gail Magaha'; 'Jerri Herbert'; 'Karen Olden'; 'Katrina Bloomer'; 'Lynn Fields'; mpagano@jeffersoncountywv.org; 'Nikki Painter'; 'Sally Gran'; 'Sheila Testerman'; 'Vivian Fields'; 'Wendy Evangelisti'  
**Subject:** RE: Task  
**Attachments:** image001.png; image002.gif

If they are so worried about security of the mailroom, why not just lock the mailroom like the glass cases in front of the courthouse and give each office access to a key. If they want a key under tighter control, we could just keep it in the clerks brown cabinet like we do for the overage bag and vault cabinet. People could still access their mail from the file holder on the door and use either a office key or a controlled key to drop off their mail. This process would be no different than using a post office box key to check and drop off mail.

Another option is moving the mail machine entirely. I check and sort the incoming mail from 208 at least 4 days a week and often the mail stack that is dropped off at the counter for 100 E. Washington address (usually containing mail for the folders on the door and the judges). In all the time I have been sorting and delivering the mail to the mailroom, I only see the maintenance people come in to run the mail machine a couple of times a day, usually in the afternoon. They mostly work at that mail machine counter and should only need a different table area to move the machine too in another office (perhaps the County Commission as suggested by others). The mail is easily picked up by them to be stamped because they can simply transfer it to a different office the same way they transfer it to the post office when they are done stamping it and weighing it. This would still allow the Clerks office to access refrigerator, microwave ect. and other offices to continue to pick up and drop off their mail to be sorted by maintenance without too much disruption to the established office mailing process.

---

**From:** Jennifer Maghan [mailto:jmaghan@JeffersonCountyWV.ORG]  
**Sent:** Thursday, February 25, 2010 9:48 AM  
**To:** Bonnie; cgrim@jeffersoncountywv.org; Cheryl Barker; Gail Magaha; Jerri Herbert; Karen Olden; Katrina Bloomer; 'Lisa Bowers'; Lynn Fields; mpagano@jeffersoncountywv.org; Nikki Painter; Sally Gran; Sheila Testerman; Vivian Fields; Wendy Evangelisti  
**Subject:** Task

Hi Ladies,

Can you come up with a solution Please? Read below.

Thanks,

J

---

**From:** Sandy McDonald [mailto:sandy@jeffersoncountywv.org]  
**Sent:** Wednesday, February 24, 2010 4:33 PM  
**To:** Jennifer Maghan  
**Subject:** Re: Work Order Request -

Jennifer,

I believe that Bill is doing this to make it secure for the mail. If you think that you and Bill can come up with an idea to secure the room and keep your space needs met, please let me know.

Sandy

5 of 8

## Jennifer Maghan

---

**From:** Maria Pagano [mpagano@jeffersoncountywv.org]  
**Sent:** Thursday, February 25, 2010 11:28 AM  
**To:** 'Jennifer Maghan'  
**Subject:** RE: Task  
**Attachments:** image001.png; image002.gif

Why Bill doesn't move the mailing machine and all the mailing staff to his department. Also, they can create a space there, receive all the mailing and packages, sort the mailing and put in the secure space, all the authorize employees will go there to pick up the mailing. Regarding packages, they can deliver all of them to the departments. That way we will have our space free for our kitchen, staff and supplies.  
Thanks,

*Maria Pagano*

Deputy Clerk  
Jefferson County Clerk's Office

P.O. Box 208  
Charles Town, WV 25414  
(304) 728-3366

Visit our Website:  
[www.jeffersoncountyclerkwv.com](http://www.jeffersoncountyclerkwv.com)



[Follow Me on Twitter!](#)

---

**From:** Jennifer Maghan [mailto:jmaghan@JeffersonCountyWV.ORG]  
**Sent:** Thursday, February 25, 2010 8:48 AM  
**To:** Bonnie; cgrim@jeffersoncountywv.org; Cheryl Barker; Gail Magaha; Jerri Herbert; Karen Olden; Katrina Bloomer; 'Lisa Bowers'; Lynn Fields; mpagano@jeffersoncountywv.org; Nikki Painter; Sally Gran; Sheila Testerman; Vivian Fields; Wendy Evangelisti  
**Subject:** Task

Hi Ladies,

Can you come up with a solution Please? Read below.

Thanks,

J

## Jennifer Maghan

---

**From:** Karen Olden [kolden@jeffersoncountywv.org]  
**Sent:** Thursday, February 25, 2010 11:10 AM  
**To:** 'Jennifer Maghan'  
**Subject:** RE: Task  
**Attachments:** image001.png; image002.gif

First of all if the kitchen appliances had to be and could be moved upstairs maintenance would have to run 3 new electrical outlets up stairs because we only have the one that trips every time more than two things are plugged in. I also was under the impression that the Clerk's office occupied the Court House not the Commission. However that being said. My observation is this the mail machine is what should be moved and would be less **costly** of an alternative . I am under the impression that the mail machine was in that room because it use to be the duty of the County switchboard operator to answer phones and do the mail which was located in that room. In my opinion once Mrs. Kaye retired and the Commission did not fill that position in that room the room defaults back to the Clerk's office.

I think the bigger picture here is still hostility towards the Clerk's office. The Hunter house has available space, The old Circuit Court office has rooms available, and I'm sure there are other spaces available with security already in place. So why would a hole in the wall space be an issue.

And that's all I have to say that could be sent in an email.

Thanks for asking us for our input.

Karen

---

**From:** Jennifer Maghan [mailto:jmaghan@JeffersonCountyWV.ORG]  
**Sent:** Thursday, February 25, 2010 9:48 AM  
**To:** Bonnie; cgrim@jeffersoncountywv.org; Cheryl Barker; Gail Magaha; Jerri Herbert; Karen Olden; Katrina Bloomer; 'Lisa Bowers'; Lynn Fields; mpagano@jeffersoncountywv.org; Nikki Painter; Sally Gran; Sheila Testerman; Vivian Fields; Wendy Evangelisti  
**Subject:** Task

Hi Ladies,

Can you come up with a solution Please? Read below.

Thanks,

J

---

**From:** Sandy McDonald [mailto:sandy@jeffersoncountywv.org]  
**Sent:** Wednesday, February 24, 2010 4:33 PM  
**To:** Jennifer Maghan  
**Subject:** Re: Work Order Request -

Jennifer,

I believe that Bill is doing this to make it secure for the mail. If you think that you and Bill can come up with an idea to secure the room and keep your space needs met, please let me know.

Sandy

## Jennifer Maghan

---

**From:** Lynn Fields [lfields@jeffersoncountywv.org]  
**Sent:** Thursday, February 25, 2010 10:07 AM  
**To:** 'Jennifer Maghan'  
**Cc:** 'Vivian Fields'; 'Sally Gran'; 'Nikki Painter'; 'Wendy Evangelisti'; 'Katrina Bloomer'; 'KAREN OLDEN'; 'CHERYL BARKER'; 'Jerri Herbert'; 'Sheila Testerman'; 'Bdorman@jeffersoncountywv.org'; 'Gail Magaha'; 'Maria Pagano'; 'CHEROKEE GRIM'  
**Subject:** RE: Task  
**Attachments:** image001.png; image002.gif

My suggestion would be to move the mailroom to the Hunter building where it would be under County Commission control. Since the courthouse houses the County Clerk's offices and the mailroom is not under your control, move it somewhere else. If the ultimate goal is to "secure the mailroom" and allow access to "authorized personnel only", then move it to a secure location. The platform needs to be removed regardless of if the mailroom is moved or not, as it is a safety issue for authorized AND unauthorized personal that venture into the room. That's my two cents.

---

**From:** Jennifer Maghan [mailto:jmaghan@JeffersonCountyWV.ORG]  
**Sent:** Thursday, February 25, 2010 9:48 AM  
**To:** Bonnie; cgrim@jeffersoncountywv.org; Cheryl Barker; Gail Magaha; Jerri Herbert; Karen Olden; Katrina Bloomer; 'Lisa Bowers'; Lynn Fields; mpagano@jeffersoncountywv.org; Nikki Painter; Sally Gran; Sheila Testerman; Vivian Fields; Wendy Evangelisti  
**Subject:** Task

Hi Ladies,

Can you come up with a solution Please? Read below.

Thanks,

J

---

**From:** Sandy McDonald [mailto:sandy@jeffersoncountywv.org]  
**Sent:** Wednesday, February 24, 2010 4:33 PM  
**To:** Jennifer Maghan  
**Subject:** Re: Work Order Request -

Jennifer,

I believe that Bill is doing this to make it secure for the mail. If you think that you and Bill can come up with an idea to secure the room and keep your space needs met, please let me know.

Sandy

----- Original Message -----  
**From:** Jennifer Maghan  
**To:** 'Sandy McDonald'  
**Sent:** Wednesday, February 24, 2010 3:29 PM  
**Subject:** Work Order Request -

Dear Sandy,

**KIMBERLY D. SMELTZER**  
**152 Palomino Place**  
**Charles Town, WV 25414**  
**304-728-2573**

March 2, 2010

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

Dear Sirs/Madames:

I am writing to state emphatically my opposition to the new \$10 million judicial center building project. I realize that the law states courtroom space must be provided, but there is nothing stating that it has to be on such a grand, elaborate scale. The County is not *that* big.

The Commission has done a great job in renovations of the buildings in town. Not only are the buildings pleasing to the eye, the County was not put in debt, by completing them. To say the County has no debt in these times is no mean feat. To say we actually have several million in capitol/savings is to be commended.

Why go in debt now...which, in today's economy, we certainly cannot afford, to build a large building, which is not necessary, when we have so many vacant buildings in the area. These buildings (some that have their own parking lots) are going to waste and they could be renovated to be just as comfortable and appealing as a new building, with far less expense.

Now let's talk about how the County would pay for this building, if approved. Taxes. My family struggles, as many do, paycheck to paycheck. I am not working fulltime, and my husband's hours were cut. Speaking for others, as well as myself, we cannot afford to pay higher taxes at this time. If we could, I'm sure that we would all much rather they go to the schools for our children's education.

And what about saving for a rainy day? None of us knows what the future holds. After all, are the employees really going to enjoy their jobs that much more because their building is new? And does anyone believe the defendants going into the courtrooms care that it is a new building? So, what is the real benefit?

I can only hope that my opinion is received as intended...the heartfelt opinion of a lifelong resident of Jefferson County, and that the Commissioners take everything into full consideration before making such an important decision that will affect everyone within the County for many years to come.

Thank you for your attention to this matter.

Sincerely,

Kimberly D. Smeltzer

#40

Re: draft PC agenda dated 2/26/10

Delete

Reply

Reply All

Forward

Move/Copy

Print Hide Envelope

Show Header

From: gil narro garcia [Add to Address Book](#)  
To: info@jeffersoncountywv.org  
CC: surkamp@frontiernet.net, lynwidmyer@gmail.com  
Date: Saturday, February 27, 2010 3:07:51 PM  
Subject: Re: draft PC agenda dated 2/26/10

As per your request that concerned citizens respond to agenda items, I would like to suggest that you do a better job of informing us of initiatives, important pending issues, and activities related to your authority. For starters, there is no reason I can think of to simply have agenda items with NO explanatory or descriptive text. A short 1-3 sentence synopsis of the nature, scope and relevance of items will keep citizens informed and perhaps even coax them to engage in civic matter.

Item # 7 and 8 are key examples. Surely you can summarize the Annual Report or the Director's Report. At a minimum, include a hot link to the documents so that citizens don't have to browse all over your unwieldy web site to locate such reports. It's easy. Ask Mark S. to show you how!

Item #12 is of particular relevance to citizens. Do the same as above.

Items #4 and 5 are of a slightly different nature. You should indicate whether you have directed the parties to conduct traffic and environmental studies to confirm (or not) that their plans will have no negative impact on people, traffic, and the environment. I suspect that you mostly depend on whatever the developers tell you and leave it at that. It's time to change your methods! Finally, post the results of siad reports on your site and inform us that you've done so. "Follow-up" is not an antiquated term!

I have copies some members of the JC Commission because their agenda is equally void of pertinent help to citizens.

Sincerely,

Gil Narro Garcia  
HF WW  
304-535-2235

**Re: draft PC agenda dated 2/26/10**

Delete

Reply

Reply All

Forward

Move/Copy

[Show Header](#)

[Print](#) [Hide Envelope](#)

From: gil narro garcia [Add to Address Book](#)  
To: info@jeffersoncountywv.org  
CC: surkamp@frontiernet.net, lynwidmyer@gmail.com  
Date: Saturday, February 27, 2010 3:07:51 PM  
Subject: Re: draft PC agenda dated 2/26/10

As per your request that concerned citizens respond to agenda items, I would like to suggest that you do a better job of informing us of initiatives, important pending issues, and activities related to your authority. For starters, there is no reason I can think of to simply have agenda items with NO explanatory or descriptive text. A short 1-3 sentence synopsis of the nature, scope and relevance of items will keep citizens informed and perhaps even coax them to engage in civic matter.

Item # 7 and 8 are key examples. Surely you can summarize the Annual Report or the Director's Report. At a minimum, include a hot link to the documents so that citizens don't have to browse all over your unwieldy web site to locate such reports. It's easy. Ask Mark S. to show you how!

Item #12 is of particular relevance to citizens. Do the same as above.

Items #4 and 5 are of a slightly different nature. You should indicate whether you have directed the parties to conduct traffic and environmental studies to confirm (or not) that their plans will have no negative impact on people, traffic, and the environment. I suspect that you mostly depend on whatever the developers tell you and leave it at that. It's time to change your methods! Finally, post the results of siad reports on your site and inform us that you've done so. "Follow-up" is not an antiquated term!

I have copies some members of the JC Commission because their agenda is equally void of pertinent help to citizens.

Sincerely,

Gil Narro Garcia  
HF WW  
304-535-2235