

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JUNE 17, 2010
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

PRESENTATIONS:

1. 9:45 a.m. Senator Herb Snyder - Presentation of a Grant to the Black Historical Preservation Society on behalf of Governor Manchin
2. 10:00 a.m. Warren Mickey - Eastern Panhandle Transportation Authority - Request for Commission Views and Direction on the Use of Grant Funds Available for the Study of Transportation Needs in Jefferson County
3. 10:15 a.m. Kellie Boles - Agriculture Development Officer - Farmland Protection Board - Conservation Easement of 112 Acres in Shenandoah Junction - Discussion/Action
4. 10:30 a.m. Steve Rawlings - Risk Pool Insurance Presentation
5. 11:00 a.m. Jennifer S. Maghan - County Clerk's Report+
6. 11:15 a.m. Interviews for Appointments to Boards
 - Solid Waste Authority
 - Board of Health
 - Bolivar-Harpers Ferry Public Library

- Parks and Recreation Commission
- Summit Point Library Committee
- Eastern Panhandle Regional Planning & Development Council (Region 9)
- Harpers Ferry Public Service District
- North Eastern Regional EMS, Inc.
- Enhanced 911 Board

7. 11:45 a.m. Legal Update and Report - (Stephanie Grove)
8. 12:00 p.m. Mark Schiavone - Director of Capital Planning and Management - Budget Revision OOE to the General Fund: Final Adjustment to the General Fund Budget for any Department that Requires Internal Line Adjustments - Discussion/Action

NEW BUSINESS:

9. Legislative Issues
10. Request from the Jefferson County Fire & Rescue Association to Appoint Dave Withers to the Jefferson County Emergency Services Board

Break for Lunch

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

11. 1:30 p.m. Roger Goodwin - Chief County Engineer
 - Approval of Complete Release of a Construction Bond - Angus View Subdivision - Discussion/Action
 - Work Session - Proposed Jefferson County Bonding Policy: Presentation of Draft of the Proposed Bonding Policy and Scheduling of a Public Hearing on the Proposed Bonding Policy - Discussion/Action

CORRESPONDENCE:

Potomac Valley Audubon Society newsletter for June 2010 received.

West Virginia Association of Counties newsletter received for May 2010.

Eastern Panhandle Free Clinic newsletter received.

ANNOUNCEMENTS:

Reminder that County offices will be closed on Monday, June 21, 2010 for West Virginia Day.

Notice of a Public Outreach Education Workshop for the proposed Subdivision Regulation Amendments on Thursday, June 24, 2010, at 6:00 p.m.

Notice and agenda for the Council of Governments Roundtable meeting to be held on Wednesday, June 30, 2010 in the Charles Town Library Meeting Room.

Notice of a Roundtable Discussion with key stakeholders to discuss the proposed Land Development Fees on Thursday, July 8, 2010, at 7:00 p.m.

Notice received of the State Auditor's in-service training program on August 1-3, 2010 at Stonewall Resort.

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

Reminder of appointments to the following Boards and Commissions on June 24, 2010:

- Solid Waste Authority
- Board of Health
- Bolivar-Harpers Ferry Public Library
- Parks and Recreation Commission
- Summit Point Library Committee
- Eastern Panhandle Regional Planning & Development Council (Region 9)
- Harpers Ferry Public Service District
- North Eastern Regional EMS, Inc.
- Enhanced 911 Board

RECESS

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.

Minutes
Jefferson County Commission
Thursday, June 10, 2010

A meeting of the Jefferson County Commission was held on Thursday, May 27, 2010 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Lyn Widmyer, President, Commissioners Patsy Noland, Frances Morgan, Jim Surkamp and Dale Manuel, Tim Boyde, County Administrator and Nichelle Hosby.

The Meeting was called to order at 10:20 a. m. by Commissioner Widmyer.

1. PLEDGE OF ALLEGIANCE
2. MOTION BY MS. MORGAN to approve the June 3, 2010 Minutes as amended. Motion seconded by Mr. Manuel and unanimously approved.
3. MOTION BY MS. MORGAN to approve Purchase Orders in the amount of \$156,400.84, for purchase order numbers: 48506, 48319, 48279, 48471, 48472, 48146, 48488, 48611, 48612, 48613, 48614, 48615, 48616, 48617, 48445, 48529, 48376, 48396, 48437, 48439, 47966, 47967, 47969, 47970, 48251, 48252, 48253, 48441, 48442, 48444, 48588, 47799, 48440. Motion seconded by Ms. Noland and unanimously approved.
4. MOTION BY MS. MORGAN to approve the accounts payable in the amount of \$250,194.34. Motion seconded by Mr. Manuel and unanimously approved.
5. NO PUBLIC COMMENT was made.
6. MR. BOYDE ADVISED the Commission that Stephanie Grove would not be present for Legal update.

Mr. Boyde informed the Commission that they would need an Executive Session with their Attorney regarding pending litigation with the County Clerk.

Mr. Boyde advised the Commission to enter into Executive Session after agenda item #1 in the interest of time.

7. BARBARA MILLER INTRODUCED her staff Jennifer Maggio and Terri Mehling from Emergency Management and Homeland Security. Also, Ms. Miller introduced Christopher Strong of the Sterling Office of National Weather Service.

Christopher Strong presented the 2010 Award of Re-certification of the StormReady Community Designation to Barbara Miller and the County Commissions.

8. MOTION BY MS. MORGAN to enter into Executive Session with Attorney Greg Bailey to discuss a proposed settlement in regards to pending litigation with County Clerk. Motion seconded by Mr. Manuel and approved unanimously.

The Commission took a five minute break at 10:55 a. m.

9. MOTION BY MS. MORGAN to approve the settlement agreement settling all issues as presented by Counsel. Motion seconded by Mr. Surkamp and approved unanimously.

10. MS. NOLAND REPORTED that she attended a Courthouse Facilities meeting in Charleston.

11. MR. MANUEL REPORTED on the Parks and Recreation subcommittee meeting he attended.

Mr. Manuel reported that he will meet with Mark Schiavone regarding impact fee use at Moulton Park.

Mr. Manuel reported that the Dog Park would cost an estimate of \$25,000 or more.

Mr. Manuel reported an Alcohol Policy for Sam Michaels Park is in question.

Mr. Manuel reported that a request was made for Kirk Davis to work with the Sam Michaels Master plan.

Mr. Manuel reported Eastern Panhandle Transportation meeting that he attended which included topics such as \$50,000 WV Department of Highways Community Partnership Grant that can be used for designing and planning only \$15,000 - \$16,000 per county.

Mr. Manuel reported on the Sheetz grand opening that he attended.

12. MS. MORGAN REPORTED on the Sheetz grand opening that she attended.

Ms. Morgan reported on the presentation at the Byrd Legislative Center on Shepherdstown proposal for a Green Library she attended.

Ms. Morgan reported on the Planning Commission meeting she attended.

Ms. Morgan reported on the Workforce Investment Board elected officials meeting she attended and that she will be serving as Vice Chair and Commissioner Petrucci in Berkeley County will be serving as Chair..

13. MR. SURKAMP REPORTED on the meeting Public Service District meeting he attended.

Mr. Surkamp reported on the HOA board that he serves on.

14. MS. WIDMYER REPORTED on the Shepherdstown Library meeting she attended.

Ms. Widmyer reported on the Public Service District Board meeting she attended.

Ms. Widmyer reported on a meeting with Mark Schiavone and Development Authority representatives she attended.

15. ROGER GOODWIN REPORTED that under the WV State Code, Title 87, Legislative Rule, State Fire Commission, Series 4, State Building Code, the State Fire Commission established new standards for the State building code on April 26, 2010. Mr. Goodwin stated that the new codes will take effect on July 1, 2010 and that the Commission must amend the current Building Code Enforcement Ordinance and adopt the new standards.

Motion by Ms. Morgan to approve the Resolution and the new Jefferson County Building Code Enforcement Ordinance and Order adopting the new State building codes that become effective on July 1, 2010. Motion seconded by Ms. Noland and approved unanimously.

Mr. Goodwin gave a brief update on the test wells study.

16. JENNIFER MAGHAN REPORTED on the annual SB232 which is the redemption of delinquent properties.

Ms. Maghan reported that last week's agenda item #8 Sally Gran – Journal entries for FY10 financial statement needs the full documentation included in the minutes that will be sent to the auditor's office.

Motion by Ms. Morgan to move to ratify the decision made last week and to include additional documentation in our records as presented. Motion seconded by Mr. Surkamp and approved unanimously.

17. MARK SCHIAVONE REPORTED that Revision 008 is expected to be the final adjustment to the general fund budget for any department that requires intra-department transfer of funds.

Motion by Ms. Morgan to approve the resolution to accept budget revision 008 to the General Fund to include the Primary Election with the \$57,300 with authorization for Mr. Schiavone to receive additional documentation and review to his satisfaction and to bring any unresolved issues to the Commission. Motion seconded by Mr. Surkamp and approved unanimously.

Mr. Schiavone gave a brief report on the Hotel/Motel Tax.

Mr. Surkamp requested the Video Lottery Tax update.

18. NO LEGISLATIVE UPDATE provided.

19. MOTION BY MS. MORGAN to approve the request for use of the meeting room by Daniel Lutz for a read through of a stage play. Motion seconded by Mr. Manuel and unanimously approved.

20. MOTION BY MS. MORGAN to adjourn the meeting. Motion seconded by Mr. Manuel and unanimously approved. Meeting was adjourned at 11:55 a.m.

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

LYN WIDMYER, COMMISSION PRESIDENT

Commission Office Use Only	
Date on Agenda:	
Appt Time or New Business:	10:00

AGENDA REQUEST FORM

Name: WARREN MICKEY
 Department or Entity: EASTERN PANHANDLE TRANSPORTATION AUTHORITY
 Estimation of amount of time needed for appointment: 5-10 MIN
 Date Requested - 1st Choice: JUNE 17
 Date Requested - 2nd Choice: JUNE 24

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

NA

Subject: THERE IS A QUOTE OF APPROX \$15,000 TO JEFF. CO TO DO SOME SORT OF STUDY OF TRANSPORTATION NEEDS FOR JEFF. CO AS A MEMBER ON THE EPTA I WOULD LIKE TO REFLECT YOUR VIEWS & DIRECTION AT OUR MEETING EARLY IN JULY

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

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

Attachments:

#3

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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AGENDA REQUEST FORM

Name: Kellie Boles

Department or Entity: JC Farmland Protection Board

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1st Choice: June 17

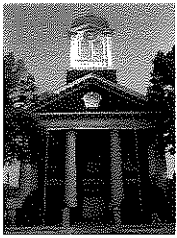
Date Requested – 2nd Choice: June 24

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

Subject: Conservation easement on 112 acres owned by Margaret Ann Saunders and Judith Ann Hockman in Shenandoah Junction, WV in the Shepherdstown District of Jefferson County, WV, Map 22, Parcels 4 & 5.

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Approve purchase of a conservation easement on 112 acres owned by Margaret Ann Saunders and Judith Ann Hockman in Shenandoah Junction, WV in the Shepherdstown District of Jefferson County, WV, Map 22, Parcels 4 & 5.**



THE COUNTY COMMISSION OF JEFFERSON COUNTY

#6

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



Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916

The Jefferson County Commission proposes to interview persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, June 17, 2010, or as soon thereafter as the Commission may decide:

- ① ✓ Solid Waste Authority - 1 - Four year term ending June 30, 2014
- ② ✓ Board of Health - 1 - Five year term ending June 30, 2015
- ③ North Eastern Regional EMS, Inc. - 1 - Unexpired term ending October 31, 2010
- ④ Harpers Ferry Public Service District -1 - Six year term ending June 30, 2016
- ⑤ Parks and Recreation Commission - 4 - Three year term ending June 30, 2013
- ⑥ Summit Point Library Committee - 1 - Five year term ending June 30, 2015
- ⑦ Eastern Panhandle Regional Planning and Development Council - 1 - One year term ending June 30, 2011
- ⑧ ✓ Bolivar-Harpers Ferry Public Library -1 - Five year term ending June 30, 2015

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

May 20 & 27, 2010, June 3 & 10, 2010

Solid WASTE
One Open Seat
Dr. Peter Vila

Board of Health
One Open Seat
Mark Shields

Bolivar/HF Public Library
One Open Seat
Lisa Kay Reed Palmer

Parks & Rec
Four Open Seats
Gene Taylor
Matt Harris
Jimmy Pierson
Paul Marshall

Summit Point Library
One Open Seat
Catherine Burke

Region 9
One Open Seat

HF PSD
One Open Seat
James Addy

NEREEMS
One Open Seat

Enhanced 911 Board
One Open Seat
Matt Harris

#6A

SOLID WASTE AUTHORITY

William Madert
406 East Liberty Street
Charles Town, WV 25414
4 years 6/30/2013
Appointed by: **DEP**

Peter Vila
144 Hinton RD
Kearneysville, WV 25430
876-1446
4 years 6/30/2010
Appointed by: **COUNTY COMMISSION**

Robert Graf
2054 Kabletown Road
Charles Town, WV 25414
725-2829
4 years 6/30/2012
Appointed by: **PUBLIC SERVICE COMMISSION**

James McGowen, Chairman
1640 Dark Lane
Kearneysville, WV 25430
725-3909
4 years 6/30/2012
Appointed by: **SOIL CONSERVATION**

William W. Weston
665 Pheasant Hill Road
Summit Point, WV 25446
h: 728-4519 fax: 728-7754
email: wweston@ix.netcom.com
4 years 6/30/2012
Appointed by: **COUNTY COMMISSION**

Lyn Widmyer, Commissioner
1434 Cattail Run Road
Charles Town, WV 25414
304-725-4326

**JEFFERSON COUNTY
SOLID WASTE AUTHORITY
KEARNEYSVILLE, WV. 25430**

May 24, 2010

**JEFFERSON COUNTY COMMISSION
PO BOX 250
CHARLES TOWN, WV. 25414**

RECEIVED

MAY 25 2010

JEFFERSON COUNTY COMMISSION

The Jefferson County Commission Representative for this Authority is currently filled by Dr. Peter Vila. This Board Position is due reappointment. This Authority would like to take this opportunity and request the continued service of Dr. Vila. Dr. Vila has been instrumental with the successful progress of this Authority. His continued service and reappointment to this position would be appreciated.


JAMES MCGOWEN
Chairman

BOARD OF HEALTH

Mark A. Shields
82 Foster Circle
Shenandoah Junction, WV 25442
w: 301-827-6173
5 years 06/30/2010

Joseph V. Osterman
98 Locust Knoll Drive
Charles Town, WV 25414
725-1874
josterman@citlink.net
5 years 06/30/2011

Robert Johnson
P.O. Box 689
Harpers Ferry, WV 25425
h: 535-2203 w: 301-791-3253
5 years 06/30/2012

Willis E. Nowell, Jr.
389 Shenandoah River Drive
Harpers Ferry, WV 25425-604
h: 304-725-2440
willis-nowell@shannondale.org
5 years 06/30/2013

Rosamond A. Rutledge-Burns
307 Wildlife Way
Harpers Ferry, WV 25425
h: 304-728-1160 w: 301-975-5819
5 years 06/30/2014

James Surkamp - Commission Liaison

§16-2-7

Mark A. Shields
82 Fosters Circle
Shenandoah Jct. WV 25442

May 11, 2010

RECEIVED

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

MAY 13 2010

Jefferson County Commission

Dear Commissioners:

I am contacting you regarding my term on the Jefferson County Board of Health. My current term will expire on June 30, 2010.

I respectfully request to be re-appointed to the Jefferson County Board of Health.

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

Should you need to reach me, please feel free to call me at (301)-827-6173. I have enjoyed serving on the Board of Health for Jefferson County, WV.

Thank you for your consideration.

Sincerely,



Mark A. Shields
Jefferson County Board of Health
Jefferson County Water Advisory Committee
Blue Ridge Communities Plan Citizen's Committee

*50

BOLIVAR-HARPERS FERRY PUBLIC LIBRARY

Lisa Kay Reed Palmer
4501 Bakerton Road
Harpers Ferry, WV 25425
h: 876-0572
5 years 6/30/2010
Appointed by: COUNTY COMMISSION

#5 C

May 24, 2010

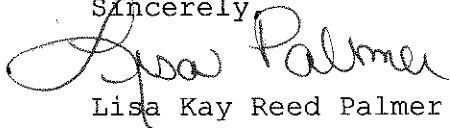
Nichelle Hosby
The County Commission of Jefferson County
P.O. Box 250
124 East Washington Street
Charles Town, WV 25414

Dear Ms. Hosby:

It has been an honor for me to serve on the Bolivar-Harpers Ferry Public Library board since December 2005. I would be interested in being considered for another term on the Bolivar-Harpers Ferry Library board.

I look forward to the future of the Bolivar-Harpers Ferry Public Library. If you should have any additional questions or require any additional information, please do not hesitate to contact me.

Sincerely



Lisa Kay Reed Palmer

PARKS AND RECREATION COMMISSION

Matthew Knott
200 River Rock Run
Harpers Ferry, WV 25425
matt@riverriders.com
304-671-7199
3 years 6/30/2010

Cheryl D. L. Roberts
P.O. Box 217
Shepherdstown, WV 25443
3 years 6/30/2010

Shawna Molina
1815 Shenandoah River Drive
Harpers Ferry, WV 25425
728-2777 (w) 703-390-6157
shawna_hughes@yahoo.com
3 years 6/30/2010

Paul Marshall
409 Oakwood Drive
Shepherdstown, WV 25443
876-0551 cell-443-871-2574
pmarshall@ecologyservices.com
3 years 6/30/2010

Mike Jacobs
1141 Steamboat Road
Shepherdstown, WV 25443
h: 876-6196
3 years 6/30/2011

William R. Hoak
761 Jefferson Orchard Road
Kearneysville, WV 25430
h: 725-3327
3 years 6/30/2011

PARKS AND RECREATION COMMISSION

Daniel W. McVicar
28 Sunlite Drive
Charles Town, WV 25414
728-0675
dwmcvicar@frontiernet.net
3 years 6/30/2011

Toni Milbourne
P.O. Box 586
Harpers Ferry, WV 25425
h: 535-6851 w: 725-2046
3 years 6/30/2012

Lou Tiano
1127 Willowdale Drive
Shepherdstown, WV 25443
h: 876-6836 cell: 268-3703
ltiano@frontiernet.net
3 years 6/30/2012

Bobby Shirley
567 Hidden Hallow Drive
Kearneysville, WV 25430
h: 724-5876
3 years 6/30/2012

George F. Nichols
187 Highland Way
Kearneysville, WV 25430
h: 725-7106
3 years 6/30/2012

Tim Barr, Director
Parks and Recreation Commission
235 Sam Michaels Lane
Shenandoah Junction, WV 25442
304-728-3207
728-9746 fax
JCPR@frontiernet.net

May 21, 2010

RE: Jefferson County Parks and Recreation Commission (JCPRC) Appointment

President Lynn Widmyer
Jefferson County Commission
PO Box 250 (124 East WA Street)
Charles Town WV 25414

Dear Jefferson County Commission:

It is with great gratitude I am sending this letter to thank you for my three year appointment with Jefferson County Parks and Recreation Commission (JCPRC), and further to thank you for your offer to continue to serve on the JCPRC.

Unfortunately at this time my responsibly to Jefferson County Council on Aging (JCCOA) is taking top priority and I will have to respectfully decline continued appointment at this time. I would like to be considered for future appointments and to offer my assistance in Parks and Recreation when needed.

I ask that the Commission consider my replacement to be Mr. Jimmy Pierson of the City of Ranson Parks and Recreation. Mr. Pierson has a great amount of experience and resources in Parks and Recreation and will be a great asset to JCPRC.

Thank you for your time, please feel free to contact me if you have any questions.

Respectfully,



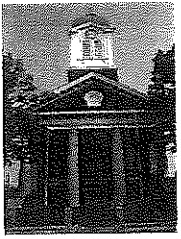
Shawna Molina
304.728.2777
1815 Shenandoah River Drive
Harpers Ferry

RECEIVED

MAY 24 2010

Cc: Paul Marshal, President JCPRC
Jimmy Pierson

Jefferson County Commission



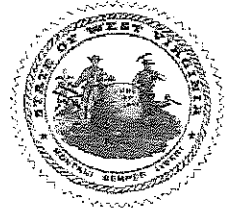
THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916



May 27, 2010

Shawwna Molina
1815 Shenandoah River Drive
Harpers Ferry, WV 25425

Dear Ms. Molina:

The County Commission of Jefferson County has received your letter declining reappointment to the Jefferson County Parks and Recreation Commission.

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

For the Commission,

Nichelle Hosby
Administrative Assistant

Cheryl D.L. Roberts
P.O. Box 217
Shepherdstown, WV 25443
304-876-2277

May 26, 2010

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

Dear Ms. Hosby, for the Commission:

In response to your letter regarding the up-coming expiration of my term on the Parks and Recreation Commission, I submit the following statement:

I am grateful for the opportunity and experience which I have gained during the past three years while serving as a Parks & Recreation Commissioner. However, I regret to inform you that I do not wish to be considered for another term.

I have informed the President of the Parks and Recreation Commission of my decision. Hopefully, someone will be appointed in a timely manner; however, in the event that it may take a little longer, I will serve until someone has been appointed, NTE August 31, 2010, if possible.

Sincerely,



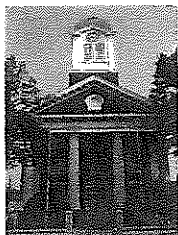
Cheryl D.L. Roberts

RECEIVED

JUN 01 2010

Jefferson County Commission

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

Fax: 304/725-7916

June 3, 2010

Cheryl D.L. Roberts
P.O. Box 217
Shepherdstown, WV 25443

Dear Ms. Roberts:

The County Commission of Jefferson County has received your letter declining reappointment to the Jefferson County Parks and Recreation.

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

For the Commission,

Nichelle Hosby
Administrative Assistant

CLIFFORD E. TAYLOR
1884 Hidden Hollow Dr
Kearneysville, WV 25430
240-432-6710 (cell) 304-724-1784 (home)
E-mail: genet_25414@yahoo.com

SUMMARY

Self-starter with a good attitude and sense of humor to calm stressful situations. Creative, hardworking and energetic problem-solver. GSA A-1 (.9 mm and .38 caliber) Certified (Contract Guard Training, GSA Firearms Training, Virginia Armed Guard Training); GSA Guard Supervisor certified; infant and adult CPR certified; DOD secret clearance.

PROFESSIONAL EXPERIENCE

Special Operations Group / Chenega LLC
retired

August 2007 until

- Issue visitor identification badges; monitor incoming personnel through metal detectors; using hand-held metal detectors as appropriate; escort visitors and vendors; maintain post and incident logs; monitor lobby area for suspicious activity or persons.

Frontier Systems Integrated LLC

June 2006 to July 2007

(Virginia Armed Security Officer contract-Pentagon-Navy Annex)

- Issue visitor identification badges; monitor incoming personnel through metal detectors; using hand-held metal detectors as appropriate; escort visitors and vendors; maintain post and incident logs; monitor lobby area for suspicious activity or persons.
- Monitor incoming vehicles from Pentagon Police to ensure safety of construction and contractor-related outside areas; maintain liaison with Pentagon for all incoming and outgoing vehicle traffic in non-parking areas.
- Promoted to Sergeant June of 2006.

USEC Security (armed)

October 2005 to May 2006

(Virginia Armed Security Officer contract-FDIC)

- Inside posts: issue visitor identification badges; monitor incoming personnel through metal detectors; using hand-held metal detectors as appropriate; escort visitors and vendors; maintain post and incident logs; monitor lobby area for suspicious activity or persons.
- Outside posts: perform thorough vehicle inspections for suspicious or dangerous substances and packages on all incoming vehicles; issue visitor badges; monitor garage entrance and surrounding areas for suspicious activity or persons.

Admiral Security (SPO)

October 1, 2001 to February 2005

(various Security Officer contracts)

- Site Manager: scheduled shifts, distribution of information, training, problem solving, and acting liaison officer between the client and Admiral.
- Roving Patrol: ensure safety and security of tenants by maintaining roving presence, following up on suspicious activity, constant roving monitor for all entrances and exits.

CLIFFORD E. TAYLOR

PAGE 2

- Security Officer: monitored main entrance for Fannie Mae building, maintained incident logs and sign in logs, issued visitor passes and monitored alarm system.

Inphonic Technologies*Sales and Customer Relations Representative*

November 12, 2001 to Nov 1, 2002

- Develops new prospects and interacts with existing customers to increase sales of an organization's products and/or services.
- Relies on limited experience and judgment to plan and accomplish goals. Performs a variety of tasks. Works under general supervision; typically reports to a supervisor or manager. A certain degree of creativity and latitude is required.
- Researches various published sources to create list of prospects to contact for marketing purposes.

Penn National Gaming*Operations Supervisor*

Temp.

Feb. 2000 to Mar. 2001

- Responsible for all aspects of gaming on the floor, including any taxable monies over \$1200; supervised 134-member staff on gaming floor; coordinated employees work schedules; acting liaison for employee relations

3M/IMATION, Middleway, West Virginia

1973 - 1998

Computer/Laser Operator

- Taught waste management techniques on how to identify and store hazardous waste material; implement and follow up on job safety requirements; quality control through laser inspection; liquidated safety hazards; saving lives and money, creating a safe work environment.

Department Team Leader

- Liaison to Management; brainstormed ideas to get solutions to various line-related problems; assigned projects to various personnel from ideas; ISO 9002 Certified

Member of Policy Team

- Identifying policies for evaluation and review; made recommendations to management for change or improvements.

Safety Leadership Team

- Investigated accidents; held monthly safety crew meetings; followed up on Safety Suggestions and Crew Reports.

MILITARY EXPERIENCE

Martinsburg Air National Guard, West Virginia 1971 - 1998

Senior Non-Commissioned Officer, E-7; Promoted in 1996

- Selected by the Adjutant General of West Virginia as Human Resource Force Management Officer; 1996 - 1998. NCO for all Air National Guards in West Virginia; Developed recruitment and retention program for diversified areas; dealt with social actions and public affairs at state headquarters level
- Shepherd AFB... Aircraft Maintenance... 1972 - 1976 (secret clearance)
- Aircraft Loadmaster... 1976 - 1978 (secret clearance)
- Aircargo/Ground Traffic Control 1978 - 1996 (secret clearance)

CLIFFORD E. TAYLOR

PAGE 3

EDUCATION

High School Graduate, Harpers Ferry High School
Leadership and Management Training, Air National Guard
Non-Commissioned Officers Academy, Air National Guard; emphasis on human relations, communication, team building, facilitation and community relations
Adult Basic Education Classes, Jefferson County
Certificates in Word Perfect, Power Point, Word and Windows 98 and above
Bokonon Computer Systems: Maintenance (IBM & compatibles). Troubleshooting, repair, upgrades and installation; making major and minor changes to PCs.
General Services Administration Contract Guard Training (CMS Training Academy, 2005)
General Services Administration Firearms for .9 MM and .38 caliber A-1 training and certification (CMS Training Academy, 2005)
Virginia Armed Guard Training (CMS Training Academy, 2005)

VOLUNTEER EXPERIENCE

- Managed Little League Team (13 years)
- Pass Program Volunteer, Ranson Elementary School (5 years)
- **City Planning Commissioner, City Beautification Committee, Ranson, West Virginia (7 yrs.)**
- **Police Commissioner, Ranson, West Virginia (6 years)**
- **Jefferson County Park and Recreation Commissioner (7 years)**
- **President of the Community Relations Committee for the Job Corps**
- **Board of Directors for the United Way in Jefferson County**
- **President of the Board of Directors for the Focus Coalition (Free Our Children of Unhealthy Substances)**

PARKS &
REC

Attention Sandi:

Here is my Resume for the planning commission and /or park and rec openings per our conversation yesterday. The 3rd page with dark high lighted, underlined areas would be more of your interest.

Gene Taylor

RECEIVED

MAY 24 2010

Resume

Jefferson County Commission

W. Matthew Harris
P.O. Box 1135
Ranson, WV 25438
304-885-0188 304-283-3276

OBJECTIVES

To seek career employment within a perspective employer and/or within my home community using my experiences of Management.

Education

NYU at Oneonta
Oneonta, NY 13820
Bachelors Business Administration
6/1995

Work experiences

Brann's Conoco & Real Estate
Clinton, Ok 73601
6/1997-12/2005
*Business Manager
*Residential Business Manager
*Market Director

- *Problem solving, creative fundamental positive constructive work environment
- *Numerous awards for Milestone, Leadership and Achievement
- Accomplishments
- *Persistant in Milestones as Scheduled. Expert in Time Management.
- *Leadership of 45+ employees including management Levels

International Brotherhood Of Boilermakers
Local 592 Claremore, Ok 74019
Apprentice Completed 6000 hours
Journeyman Boilermaker
Mechanical Engineering
11/2005-Present
*Industrial Construction
*Training: OSHA 10 and 30 (Completed 12/05/2005)
*Forman: 10-20 Employees

- *Awards in Achievement Accomplishment with Leadership Departments
- *Achievement within 350-650 magawatt power plants in numerous City and States

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Professional Handyman Services
CMI/PHS L.L.C.
147 Robelei Dr.
Ranson, WV 25438
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5/2009-Present

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*Successfully accomplished numerous five high level contracts within the United States of REO/PPO and Property Preservations.

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December 20, 2009

Harold Gray
Charles Town, WV 25414
304-886-9218 Cell

Letter of Recommendation

To Whom This May Concern;

I have known Matthew for about four years. Its my opinion that he seeks his interest in a department of Management and/or Executive Management of his choosing. I believe his determination, dedication and eagerness will succeed within the position he is currently seeking. . In the past, I have seen Mr. Harris dedicate long hours to accomplish every task he seeks to finish and/or resolve. I also feel confident Mr. Harris will be a strong asset to any employer he seeks.

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Sincerely;

Harold Gray

02 Jan 2010

William (Bill) MARRS (Bills Garage)(Retired)
782 Wide Horizons BLVD.
Kearneysville, WV 25430
(304)283-0084cell

Letter of Reference Personal & Professional

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Thank you
William MARRS



06-2009

Mike Freeman
105 Little St.
Clinton, Ok 73601

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Mike Freeman

Bill's Garage

Bill Marrs
304-724-7160

July 15, 2009

Re: W. Matthew Harris Sr.

Personal/Business Letter of Reference

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580-715-0872

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Personally, Matthew has a funny sense of humor and incredibly strong willed friend. He has always been there in the time of need. I have often expressed my intentions for a long term close friendship with Matthew. He is very dedicated to his accomplishments and can also have a good time.

Thank you
S. Brann Lewis

RE: Parks & Recreation Appointment

Dear Jefferson County Commissioners

I would like to be considered for serving on the Parks & Recreation Commission Board.

I am willing to meet with you or be interviewed whenever a spot is open on the Board.

James (Jimmy) Pierson



304-725-0552 H

304-616-8998 c

RECEIVED

MAY 24 2010

JEFFERSON COUNTY COMMISSION

Paul Marshall
409 Oakwood Drive
Shepherdstown, WV 25443
(443) 871-2574 (mobile)
(304) 876-0551 (home)
pmarshall@ecologyservices.com

June 6, 2010

Nichelle Hosby
The County Commission of Jefferson County
P. O. Box 250
124 East Washington Street
Charles Town, WV 25414

RE: Jefferson County Parks and Recreation Commission

Dear County Commissioners,

Three years ago I was happy to be appointed to the JCP&R Commission. During my first year I was appointed parliamentarian and elected to the Treasurer post and the past two years I have been elected President. Needless to say I have been fully involved in the operation of the commission; proposing, participating, and executing many improvements and initiatives. In the past three years we have made significant improvements to our by-laws to clearly define roles and responsibilities and ensure our meetings are conducted properly in reference to the WV Open Governmental Meetings requirements. We have made a great deal of progress in making our finances and our financial decision making transparent. We have implemented a mission statement with goals to guide our planning and budgeting. We have used grant funding to improve efficiency through the purchase and implementation of an on-line registration system. We worked with you and the CTRL to make significant improvements to the baseball fields at Sam Michaels Park. And we have embarked upon the development of a much needed new park (Hite Road) to accommodate growing youth sports programs and provide additional recreational green space to a growing county population.

Much of this effort has been performed by your volunteer commissioners and those familiar with the JCP&R commission will tell you my effort has been second to none. I am requesting to be reappointed with the further request that you make an effort to ensure all appointees are aware of the demands of the position. With a relatively small number of paid staff the JCPRC depends heavily on the contributions of time and talent from its members. At a minimum we require participation in regular meetings as well as one or two subcommittees. Beyond that we are often called upon to deliberate in special session, do fact finding, visit parks, help with programs, or consult with staff. With an 11 member commission we have the potential to do a great deal of work but only if those appointed fully participate.

Thank you for your consideration and the opportunity to serve my fellow citizens.

Sincerely,



Paul Marshall

RECEIVED

JUN 08 2010

Jefferson County Commission

Nichelle Hosby

From: Tim Boyde [tboyde@jeffersoncountywv.org]
Sent: Monday, June 14, 2010 10:19 AM
To: 'Sandy McDonald'; 'Nichelle Hosby'
Subject: FW: I would like to serve on Jefferson County Parks and Recreation Commission.

Please add this person to the list(s)....

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

From: frtlplns@frontiernet.net [mailto:frtlplns@frontiernet.net]
Sent: Monday, June 14, 2010 9:13 AM
To: tboyde@jeffersoncountywv.org
Subject: I would like to serve on Jefferson County Parks and Recreation Commission.

Dear Mr. Boyde:

I have an interest in the openings to serve on the Jefferson County Parks and Recreation Commission. I am a life long Jefferson County resident and farmer in the community and I feel that the farming community is not well represented on this board at this time. I have served in the past on the Jefferson Farmland Protection Board also on the Jefferson County Farm Bureau Please consider my request.

Thank you,

Shannon Donley

5E

SUMMIT POINT LIBRARY COMMITTEE

Catherine Burke
1055 Summit Point Road
Summit Point, WV 25446
h: 725-4231
5 years 6/30/2010

Curt Mason
3735 Summit Point Road
Charles Town, WV 25414
h: 724-7008
5 years 6/30/2011

Don Ranelli
895 Summit Point Road
Summit Point, WV 25446
h: 725-8344
5 years 6/30/2012

Linia Overly
712 Brucetown Road
Kearneysville, WV 25430
h: 725-3268
5 years 6/30/2013

Carol Del Colle
2045 Leetown Road
Summit Point, WV 25446
h: 725-5842
5 years 6/30/2014

June 11, 2010

Jefferson County Commission

Dear Nichelle,

I am writing to request permission from the Jefferson County Commission to continue my service as a member of the South Jefferson Public Library board of directors.

I appreciate your assistance.

I will not be able to attend the interview on Thursday, June 17 at 11:15.

Thank you most sincerely,

Cathie Burke
105 Summit Point Road
Summit Point, WV 25446

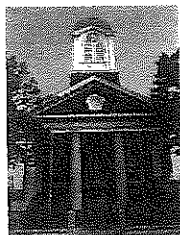
304 725.6224

#5F

EASTERN PANHANDLE REGIONAL PLANNING AND DEVELOPMENT COUNCIL
Region 9

Neil D. Carpenter
P.O. Box 40
Shenandoah Junction, WV 25442
876-2874
1 year term 6/30/2010

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

Fax: 304/725-7916



May 27, 2010

Neal D. Carpenter
P.O. Box 40
Shenandoah Junction, WV 25442

Dear Mr. Carpenter:

The County Commission of Jefferson County has received your letter declining reappointment to the Eastern Panhandle Regional and Development Council (Region 9).

On behalf of the Commission, I want to thank you for your time and effort spent in serving on the Eastern Panhandle Regional and Development Council (Region 9). Please accept this letter as a token of our appreciation for your efforts.

For the Commission,

Nichelle Hosby
Administrative Assistant

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

RECEIVED

MAY 13 2010

May 11, 2010

Jefferson County Commission

Attn: Nichelle Hosby
Administrative Assistant

In response to your recent notice regarding the expiration of my term on the Eastern Panhandle Regional Planning and Development Council, this letter is to notify the Commission that I will resign this position effective at the end of my term on June 30, 2010.

It has been a rewarding experience to have been involved in the work the Council has done over the past six years. I have greatly appreciated the opportunity to serve Jefferson County. I have seen the valuable contribution this council has made to growth and development issues in the tri-county area.

The staff at the Region 9 administrative office are professional, dedicated individuals who I have enjoyed working with as a member of the Executive Board.

I wish the Council continued success.

Respectfully submitted,



Neal D. Carpenter

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

Frank Donadio
P.O. Box 667
Harpers Ferry, WV 25425
h: 535-1778
6 years 06/30/2014

16-13A-3

#59

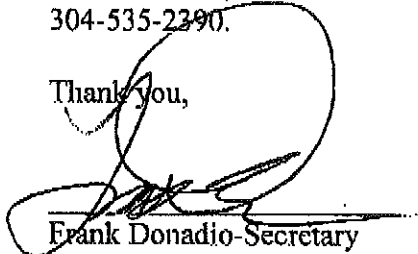
Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

Dear County Commission,

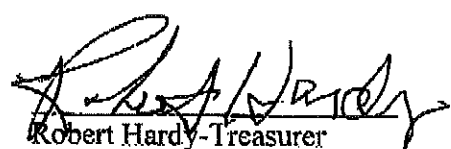
The Harpers Ferry-Bolivar Public Service District Board of Directors, Robert Hardy-Treasurer and Mr. Frank Donadio-Secretary, would like to recommend Mr. James A. Addy to be reinstated on the Board of Directors.

If there are any questions on this matter please feel free to give Mr. Hardy a call at 304-535-2450, Mr. Donadio at 703-969-4305 or Mr. Williams-Operations Manager at 304-535-2390.

Thank you,



Frank Donadio-Secretary



Robert Hardy-Treasurer



RECEIVED

Corporation of Harpers Ferry

MAY 13 2010

1000 WASHINGTON STREET

P.O. BOX 217

Jefferson County Commission

Harpers Ferry, West Virginia 25425

(304) 535-2206

FAX (304) 535-6520

James Arthur Addy

MAYOR

COUNCIL MEMBERS

CHARLOTTE THOMPSON

DAN RISS

ELAYNE EDEL

JOE ANDERSON

PAT MORSE

RECORDER
KEVIN GARDEN

TREASURER
SHERRY CAIN

TOWN CLERK
BRENDA SMITH

CLERK
NICOLE MILLER

Ms. Lynn Widmeyer, President
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25415

May 11, 2010

Dear Ms. Widmeyer

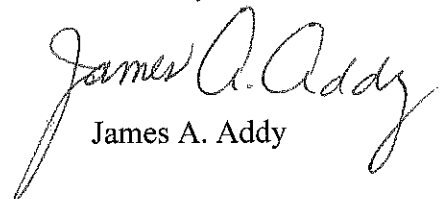
I am requesting that the Jefferson County Commission reappoint me for a second six year term on the Harpers Ferry/Bolivar Public Service District.

During my first six year term I have assisted in securing a land transfer from the National Historical Park in Harpers Ferry to the District that should have occurred over thirty years ago. Also, I have provided expertise in order to receive a grant from the United States government to upgrade the plant through the installation of a belt press.

During the illness of the late Mr. Ray Biller, I served as acting chairman and now as the chairman of the District.

On the basis of my leadership and principled service I request reappointment to the Harpers Ferry Public Service District.

Sincerely,


James A. Addy

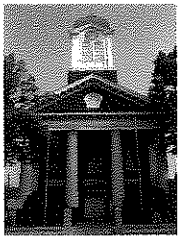
5.4

NORTH EASTERN REGIONAL EMS, INC.

Rusty Morgan
P.O. Box 130
Rippon, WV 25441
725-6670
2 years 10/31/2010

NS

Rolfe "Pete" Kelley
P.O. Box 1257
Shepherdstown, WV 25443
h: 876-3409
2 years 10/31/2011



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

Fax: 304/725-7916



May 5, 2010

Rusty Morgan
PO Box 130
Rippon, WV 25441

COPY

Dear Mr. Morgan:

The County Commission of Jefferson County has received your letter of resignation for the North Eastern Regional EMS, Inc..

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

For the Commission,

Nichelle Hosby
Administrative Assistant

Nichelle Hosby

Sent

From: JCC [info@jeffersoncountywv.org]
Sent: Monday, May 03, 2010 10:44 AM
To: nhosby@jeffersoncountywv.org
Subject: Fw: Resignation of board position

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

From: "rusty2002@frontiernet.net"
Sent: 5/3/2010 10:39:27 AM
To: Info@jeffersoncountywv.org
Cc: chorn@wvemstsn.net
Subject: Resignation of board position

Dear members of NEREMS,

I have decided to resign my position on your board.

I have not been able to follow through with my commitment to your organization since I have retired from the political world. Because of scheduling problems I have missed to many meetings and am not able to represent the Jefferson Co. Commission in an effective manor.

I have great respect for the work you do.

Please accept my best regards, and my continued support within the community.

35

JEFFERSON COUNTY ENHANCED E-9-1-1 BOARD

Chief William H. Roper
312 South Mildred Street
Ranson, WV 25438
Clinks200@yahoo.com
304-725-2411 Work
304-725-5833 Home

REPRESENTS: Municipal Police Department
TERM EXPIRES: September 01, 2010
TERM: 3 years

Sgt. E. D. Anderson
113 Industrial Blvd.
Kearneysville, WV 25430
304-725-9770 Work

REPRESENTS: West Virginia State Police
TERM EXPIRES: September 01, 2011
TERM: 3 years

Mr. Craig Simpson
106 Lemon Road
Shepherdstown, WV 25443
304-876-2110

REPRESENTS: Fire Departments
TERM EXPIRES: September 01, 2010
TERM: 3 years

Dr. Henry B. Christie, Chairman
882 Keyes Ferry Road
Charles Town, WV 25414
304-725-9622 Work
304-725-6939 Home

REPRESENTS: Emergency Medical Services
TERM EXPIRES: September 01, 2010
TERM: 3 years

VACANT

REPRESENTS: Citizens of Jefferson County
TERM EXPIRES: September 1, 2013
TERM: 3 years

Jim Surkamp
P.O. Box 250
Charles Town, WV 25414
304-725-3284

REPRESENTS: County Commission of Jefferson County
TERM EXPIRES: January 1, 2010
TERM: 1 year

Sgt. Tom Hansen
RR 1, Box 470
Kearneysville, WV 25430
304-728-3205 Work
304-728-7209 Home

REPRESENTS: Jefferson County Sheriff's Department
TERM EXPIRES: September 1, 2010
TERM: 3 years

Jeffrey Polczynski
304-728-3317

REPRESENTS: E-9-1-1 Communications/Addressing

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, May 6, 2010, or as soon thereafter as the Commission may decide:

Jefferson County Enhanced 911 Board - One unexpired term ending September 1, 2012

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.

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

April 15, 22, & 28, 2010

THANKS - JEFFERSON COUNTY COMMISSION

RECEIVED

MAY 24 2010

Resume

Jefferson County Commission

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Journeyman Boilermaker
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11/2005-Present
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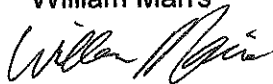
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06-2009

Mike Freeman
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Bill Marrs
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6-15-2009

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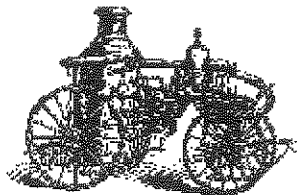
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Thank you
S. Brann Lewis

#10

JEFFERSON COUNTY FIRE & RESCUE ASSOCIATION



Organized 1959

To: Jefferson County Commission

From: Ronald L. Fletcher,
President

Reference: JCESA Board position

Date: June 9, 2010

To Whom It May Concern:

On June 8, 2010 at the Jefferson County Fire and Rescue Associations bi-monthly business meeting, an election was held to fill our vacant seat on the (JCESA) Jefferson County Emergency Services Agency Board. As you well know, Jay Watson stepped down as the representative of the Jefferson County Fire and Rescue Association on the JCESA Board, effective May 31, 2010.

It was the decision of the Jefferson County Fire and Rescue Association to elect Dave Withers as our representative to the JCESA Board. Mr. Withers is a member of the Blue Ridge Mountain Volunteer Fire Company. Mr. Withers currently serves as President of that company. This is the only region of the county that does not have any representation on the board.

Mr. Withers contact information is as follows:

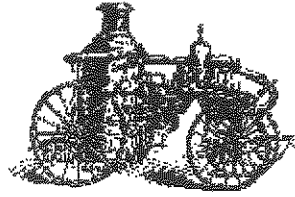
Dave Withers
68 Eagles Nest Lane
Harpers Ferry, WV 25425
(304) 261-4858

Thanks you for your attention in this matter. If there are any questions, feel free to contact me anytime at (304) 279-2029.

A handwritten signature in black ink, appearing to read "Ronald L. Fletcher". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ronald L. Fletcher,
President

JEFFERSON COUNTY FIRE & RESCUE ASSOCIATION



Organized 1959

May 26, 2010

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

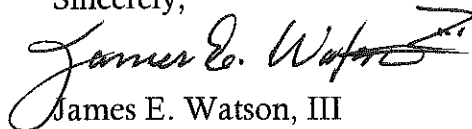
Dear Commission,

Effective May 31, 2010 I will be stepping down as a member of the Emergency Services Board. I am grateful to the Commission for the opportunity to have served on this Board for the last fifteen months. Much has been accomplished and although there are a great many things yet to do and I feel confident that this Agency will continue to be an asset to the County.

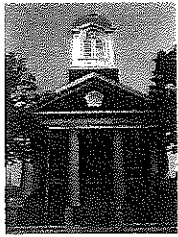
Since I am the representative to the Board for the Jefferson County Fire & Rescue Association they will be making a recommendation to you for my replacement. The Association's next meeting is scheduled for June at which time I am sure they will have a candidate to present to you.

Once again, I thank you for the opportunity to serve.

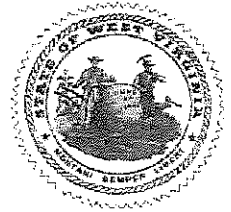
Sincerely,


James E. Watson, III

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

Fax: 304/725-7916

May 27, 2010

James E. Watson, III
PO Box 101
Charles Town, WV 25414

Dear Mr. Watson:

The County Commission of Jefferson County has received your letter stepping down from your appointment on the Jefferson County Emergency Services Agency.

On behalf of the Commission, I want to thank you for your time and effort spent in serving on the Jefferson County Emergency Services Agency. Please accept this letter as a token of our appreciation for your efforts.

For the Commission,

Nichelle Hosby
Administrative Assistant

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

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: June 10, 2010

Date Requested – 2nd Choice: _____

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for Mark L. Butcher and Donna O. Butcher – Angus View Subdivision, Lots 1-6 & Lot 7-Residue (File #07-03) – Letter of Credit with Bank of Charles Town, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$53,702.00 construction bond amount for Mark L. Butcher and Donna O. Butcher – Angus View Subdivision, Lots 1-6 & Lot 7-Residue (File #07-03).

Attachments: Bond Release Letter
Bond Reduction or Release Request Report



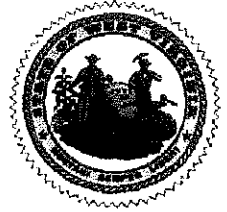
THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304-728-3284

www.jeffersoncountywv.org

Fax: 304-725-7916



June 10, 2010

Mr. David W. Irvin
Executive Vice President
Bank of Charles Town
P. O. Box 906
Charles Town, West Virginia 25414

RE: Irrevocable Letter of Credit #288 dated January 11, 2008 Construction Bond Surety for Mark L. Butcher & Donna O. Butcher- Angus View Subdivision, Lots 1-6 & Lot 7-Residue (PCFile #07-03).

Dear Mr. Irvin:

The Jefferson County Commission authorizes a complete release of \$53,702.00 construction bond amount for Mark L. Butcher & Donna O. Butcher – Angus View Subdivision, Lots 1-6 & Lot 7-Residue (PC File #07-03). This project is located on the north side of North Childs Road (Route 1/5) approximately 2,500 feet east of its intersection with Leetown Road (Route 1). The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount of the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$153,073.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Lyn Widmyer, President
Jefferson County Commission

LW:rfb

cc: Mr. Mark L. Butcher
9582 Leetown Road
Kearneysville, West Virginia 25430
Department of Engineering

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

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 4/13/2010 JPCP File No 07-03

Consultant/Engineer/Firm Name: Dewberry

Mailing Address: 1503 Edwards Ferry Road Suite 200

City: Leesburg State: VA Zip: 20176-

Contact Person: Joe Kent Phone: (703) 840-1925

Project/Subdivision Name Angus View

Section/Phase: fka Timber Ridge Lots 1-6 and Residue Lot 7

Review Comments:

The Bond **Release** request is **Approved**

Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.


Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

Bonding Policy & Unit Cost Figures attached for your use.

Comments:
Recommends bond release in the amount of \$53,702.00

**LAND DEVELOPMENT INSPECTION
APPROVED FOR:**
BOND RELEASE \$ 0.00
BY: Norma J. Kuroski **DATE** 5.26.10
INSPECTOR

Original Bond Amount: <u>\$153,073.00</u>	Current Bond Amount: <u>\$53,702.00</u>
Cost of Work Remaining: <u>\$0.00</u>	+ Contingency Amount: <u>\$0.00</u>
Approved for Revised Bond Amount: <u>\$0.00</u>	

Reviewed By: Norma J. Kuroski  Title: Land Development Inspector

Signature: Norma J. Kuroski Date: 5/26/2010

4 17 B

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Engineering

Estimation of amount of time needed for appointment: 1 hour work session

Date Requested – 1st Choice: June 17, 2010

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:
To notify the Bonding Policy Review Committee members in the event they would like to be present at the meeting with the Commission.

Subject: Jefferson County Bonding Policy

Please provide the County Commission with a description of your request or presentation, including any background information:
Present the draft of the proposed Bonding Policy for the Commission’s review and consideration and scheduling of the public hearing.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
I move the public hearing be scheduled on the proposed Jefferson County Bonding Policy for insert date of hearing.

Attachments: Draft - Jefferson County Bonding Policy

JEFFERSON COUNTY

Land Development

SITE IMPROVEMENTS BONDING & BOND SURETY POLICY

Effective Date: _____

All required bonding shall be provided by the owner/developer, approved by staff, and in place prior to the recordation of the subdivision final plat or the issuance of a permit for a land development project, in accordance with this policy.

1. Projects That Require Construction Bonds & Bond Surety:

When required, the owner/developer shall provide a construction bond as a guarantee that the site improvements will be completed and installed in accordance with the approved plans. The construction bond shall be secured with an acceptable form of surety. Projects requiring a construction bond and bond surety are as follows:

- A. Approved subdivisions of land requiring site/infrastructure improvements; and
- B. Commercial (for-profit & non-profit), industrial, institutional, religious facilities, and multi-family residential development projects, etc., that require a site plan and site improvements.

2. Bonding Arrangements:

- A. Bonding arrangements cannot be made prior to Planning Commission approval of a project.
- B. The owner/developer's engineer of record shall provide a complete and accurate bond estimate in a format acceptable to the Chief County Engineer. The bond estimate shall be based on the estimated costs of the site improvements utilizing current market rates. However, in no event shall the estimated cost be less than the unit costs provided by the Jefferson County Engineering Department. The unit costs are subject to change from time to time, as deemed necessary by the Chief County Engineer.
- C. A 15% contingency amount shall be added to the bond estimate. However, for projects with estimated construction costs under \$100,000.00, the minimum bond contingency amount shall be \$15,000.00.
- D. After the Chief County Engineer approves the construction bond amount, the developer shall submit the bond surety to the Bonding Administrator. The Bonding Administrator will then prepare the

construction bond documents (**See Appendix A**). Upon notification by the Bonding Administrator that the construction bond and bond surety documents are in order and in accordance with this Construction Bond and Bond Surety Policy, the County Commission president or County Administrator may affix their signature to the bond; this will constitute acceptance by the County Commission of Jefferson County, with no additional approvals required by them. All such action shall be reported to the County Commission as an agenda information item at their next meeting.

3. Length of Construction Bonds:

The initial bond shall be effective for a 2-1/2 year period. The developer shall have 2-1/2 years to complete the site improvements and infrastructure work unless time extensions are granted in accordance with this policy.

4. Time Extensions of Construction Bonds:

Upon written request by the developer, the staff may grant two additional 1-1/2 year time extensions for completion of all site improvements, for a total of 5-1/2 years, provided that:

- A. All occupied dwelling units are served by a road that is totally improved with the exception of the top/finish coat of asphalt; and
- B. All erosion and sediment control measures are in place in accordance with the approved sediment and erosion control plan and functioning properly; and
- C. The stormwater management facilities are in place and functioning as either temporary sediment traps per the sediment and erosion control plan, or as permanent stormwater management basins that are protected from discharging sediment from undisturbed areas on the project site. In either case, the stormwater management facility shall itself be stabilized; and
- D. Existing infrastructure that has failed is satisfactorily reconstructed; or redesigned if necessary and additional surety provided; and
- E. Elements of the preliminary plat or site plan that are not constructed, are reviewed for compliance with the current design standards; and the preliminary plat or site plan elements not meeting current standards, at the discretion of the Chief County Engineer and where practical, are redesigned or modified to meet current standards; and
- F. The bond amount is re-evaluated to determine if the amount is still adequate; and
- G. The bond amount is increased and additional surety provided if the bond amount is determined to be inadequate; and

- H. The owner/developer paid the non-refundable processing fee for the bond time extension request, in accordance with the prevailing fee schedule.

Time extensions beyond the 5-1/2 year time period may only be considered by the County Commission and may be granted for justifiable reasons on a case-by-case basis.

5. Approved Forms of Bond Surety:

- A. Acceptable forms of bond surety are limited as follows:

1. Irrevocable Letter-of-Credit (see Appendix B) from any FDIC-insured bank or lending institution within 150 miles of Charles Town, West Virginia; or
2. Cash-in-Escrow (see Appendix B) that is escrowed at any FDIC-insured bank or lending institution within 150 miles of Charles Town, West Virginia; or
3. Performance/Surety Bond (see Appendix B) from an acceptable surety bond provider; shall be allowed for projects with estimated construction cost equal to or greater than \$50,000.

- B. Surety documents shall be formatted as required by this policy unless other format is approved by the County Administrator or the County Commission in writing.

- C. Parties other than the owner/developer may provide the surety and execute the construction bond; provided, however, that the third-party adds their signature to the statement of acceptance on the associated construction plans and plat.

6. Renewal of Bond Surety:

- A. Irrevocable Letters-of-Credit:

The owner/developer or surety provider is required to renew any surety before it expires and provide evidence of renewal to the Bonding Administrator a minimum of 30 days prior to the surety's expiration date.

Approximately 90 days prior to the expiration of a letter-of-credit, the Bonding Administrator will notify the developer and the bank that an irrevocable letter-of-credit is due to expire and needs to be renewed by the bank. However, failure on the County's part to provide 90 days notice shall not preclude the County from their right to call-in sureties in

the form of a letter-of-credit prior to their expiration. The onus is on the owner/developer to renew the letter of credit before it expires.

B. Cash-in-Escrow:

Surety in the form of cash-in-escrow will not have an expiration date and shall run for the duration of the construction bond/project.

C. Surety Bonds:

Surety in the form of a surety bond shall be in effect for a minimum of one (1) year and shall automatically renew for additional minimum terms of one (1) year unless, and until, the surety provider shall give sixty (60) days prior written notice by certified mail, return receipt requested, to:

Bonding Administrator
Jefferson County Engineering Department
116 East Washington Street, Suite 100
Charles Town, WV 25414

of its intent to terminate the surety bond at the expiration of the sixty (60) day period.

7. Land Development Site Inspections:

After the initial installation of the erosion and sediment control devices have been inspected and approved, all subsequent land development milestone site inspections, re-inspections, and legitimate complaint inspections shall be performed at a cost to the owner/developer in accordance with the prevailing fee schedule. County discretionary inspections shall not be assessed the fee.

8. Bond Reductions & Bond Releases:

A. As installation of the site improvements progresses, the owner/developer may make written request for periodic bond reductions. Bond reduction requests shall be for a minimum of \$100,000 of work but not more than 3 requests may be submitted per calendar year. The developer's engineer shall submit an itemized bond reduction request in a format acceptable to the Chief County Engineer.

For projects under \$100,000, the full \$15,000 contingency amount shall remain in full force until the project's bond is fully released; and

For bond estimates equal to or less than \$333,333, the full initial bond contingency amount (\$15,000 min to \$50,000 max) shall remain in force until the project's bond is fully released; and

For bond estimates greater than \$333,333, the initial contingency amount may be reduced in a pro-rated manner along with periodic bond reductions; but, the total bond amount shall never be reduced to less than \$50,000 or 10% of the total original bond amount, whichever is greater, and shall remain in force until the work is 100% complete and the project's bond is fully released.

- B. Upon completion of all site improvements, the owner/developer may make a written request for final release of the remaining bond amount. The owner/developer's engineer shall submit an itemized bond release request in a format acceptable to the Chief County Engineer.

In the event that a previously approved and released component of the site improvements has failed before the final bond release, no further bond reductions or final bond release shall occur until the developer has corrected, repaired, or replaced the failed site improvement, or re-posted the bond surety necessary to cover the costs of the repair or replacement of the failed component, to the satisfaction of the Chief County Engineer.

- C. Upon review and approval of the bond reduction request or the bond release request by the staff, the Bonding Administrator will submit a County Commission agenda item request in accordance with the County Commission's policy. The County Commission will schedule the item on their agenda and the staff will appear before the County Commission at their regularly scheduled meeting and present the request to them for their consideration and approval.

- D. The owner/developer shall pay a non-refundable processing fee for each bond reduction request and bond release request, in accordance with the prevailing fee schedule.

9. Default by the Owner/Developer:

In the event the owner/developer defaults in their obligation to complete the required site improvements and infrastructure work, the County Commission may "call-in" the bond and use the surety to complete the project. All costs incurred by the County shall be recoverable and are considered valid charges against the surety; this includes, but is not limited to, construction costs, administrative costs, and legal fees, including costs incurred for both in-house and/or contracted services.

10. Tolling of Bonding:

During periods of economic downturn (i.e., downturn in housing market due to economic conditions, loss of source of project financing/capitol necessary to begin the project, etc.), as determined by the Jefferson County Commission, the owner/developer may defer construction and obtain temporary partial

release of construction bond and surety on projects that are recorded and bonded, but have not started construction of site improvements and/or sold any lots or portions of the subdivided parcel. This is known as "Tolling of Bonding. Tolling of Bonding shall only be allowed to occur one time on each phase of each subdivision project. A bond of \$10,000 shall remain in place during the course of any tolling of bonding agreement.

The "Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions" (**see Appendix C**) shall be executed by the developer.

The tolling of construction shall require that no construction and installation of site improvements shall be allowed to start until the developer has re-posted the full bond amount, and that the bond amount shall be in accordance with the bonding unit cost figures in effect at that time; and

The tolling of construction shall require the recording of a document in the County Clerk's office - for purposes of notifying the public through title search - that the lots are restricted from being sold, and that no building permits will be issued on these lots until the developer has restored the full bond amount and the restriction is lifted by the Jefferson County Commission via a document recorded in the County Clerk's Office; and

The tolling of bonding shall have a sunset provision whereby the lots shall be un-platted (merged) upon expiration of the sunset provision, unless the bond and surety are re-posted in its entirety prior to the sunset provision expiration date. The owner/developer shall execute a merger deed at the time of executing the agreement. The merger deed shall be held by the Bonding Administrator and only recorded in the Office of the County Clerk upon expiration of the sunset provision and upon directive of the County Commission of Jefferson County, unless the bond and surety are re-posted in its entirety prior to the sunset provision expiration date; and

The tolling of construction shall not apply to projects where construction of the site improvements has already begun.

The Owner/Developer, or their agent, acknowledges receipt of the Jefferson County Construction Bonding and Bond Surety Policy.

(Owner/Developer/Agent)

(print name)

(title)

(company/organization name)

(mailing address)

(city)

(state)

(zip code)

Signature: _____ Date: _____

Appendix A

Bond Agreement Forms

Form No.	Type	Surety Type	Project Type
A-1	Bond Agreement	Irrevocable Letter of Credit	Subdivision
A-2	Bond Agreement	Irrevocable Letter of Credit	Site Plan
A-3	Bond Agreement	Cash-in-Escrow	Subdivision
A-4	Bond Agreement	Cash-in-Escrow	Site Plan
Performance/Surety Bond – See Appendix B			

Form A-1
(Subdivisions)

BOND AGREEMENT - IRREVOCABLE LETTER-OF-CREDIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,
(Applicant/Developer Name & Subdivision Name), (Mailing/Street Address, City,
State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF
JEFFERSON COUNTY, a West Virginia public corporation with control and
supervisory functions over the Jefferson County Planning Commission, in the penal
sum of

\$ _____ *(Dollar amount in figures)*
_____ *(Dollar amount in words),*

for the completion of erosion and sediment control devices, storm water management
measures, site grading & drainage, roadways, water and sewer systems, utility lines,
paving, property corners, and all other site improvements and associated
appurtenances, for the payment of which, well and truly to be made, it binds itself, it
successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County
Planning Commission has approved and consented to the recordation in the Office of
the County Clerk of Jefferson County, the Final Plat of the
(Name of Subdivision), (Phase of Subdivision), (Lot Numbers) and residue, a
subdivision of lands of (Name of Property Owner), the property is located (Route No.,
Road Name, Mile Marker, etc.), which is to consist of (No. and type of lots), on (No.
of Acres), more or less, with roadways and appurtenances thereto, for the purpose of
selling such lots and appurtenances thereto to buyers thereof, and whereas, the site
improvements required to be made on such subdivision, as required by the Jefferson
County Subdivision Ordinance and the construction plans have not yet been made,
which improvements are detailed in Planning Commission file no. (JCPC file no.).

NOW THEREFORE, if the developer of the (Applicant/Developer Name &
Subdivision Name), shall well and truly complete the construction and installation of
such site improvements by (bond expiration date), and pay all costs attendant

thereto, in compliance with the Jefferson County Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Construction Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.
3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that required improvements have been satisfactorily completed. Furthermore, the County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

B. The Bond is secured by an Irrevocable Letter-of-Credit (LOC #), dated the

_____ day of (Month, Year), from (Bank Name), (Mailing Address, City, State, Zip), which is on file in the offices of the Jefferson County Department of Planning & Zoning and the Engineering Department. By acceptance of the above irrevocable letter-of-credit as security, the following conditions shall apply:

1. The Irrevocable Letter-of-Credit in the amount of \$_____ shall be attached to this document and made a part hereof; and
2. The irrevocable letter of credit shall be clearly written to provide the beneficiary with direct and immediate access to the loan funds upon submission by the beneficiary of a written and signed draft request; and
3. An irrevocable letter-of-credit shall remain in full force and effect as security for this Bond until such time as the bond is released.

The letter of credit shall be renewed by (Name of Applicant/Developer Name & Subdivision Name), thirty (30) days prior to the expiration of the letter-of-credit, in order to provide uninterrupted security for this bond.

EXPIRATION DATES FOR ALL LETTERS-OF-CREDIT SHALL BE EITHER JANUARY 15TH OR JULY 15TH OF A GIVEN YEAR.

4. Signed draft requests against the irrevocable letter-of-credit will be made by the Jefferson County Commission (beneficiary) for one or both of the two following reasons:
 - A. Failure on the part of (Applicant/Developer Name & Subdivision Name), to complete improvements according to the terms of this bond.
 - B. Failure on the part of (Applicant/Developer Name & Subdivision Name), to renew the irrevocable letter-of-credit thirty (30) days prior to the expiration date.

5. Drafts made against the irrevocable letter-of-credit by the Jefferson County Commission will be used exclusively for the purpose of completion of site improvements herein required.
6. Drafts made against the irrevocable letter-of-credit for reason 4A above, will be used by the Jefferson County Commission to complete or procure the completion of improvements herein above required.
7. Drafts made against the irrevocable letter-of-credit for reason 4B above, will be escrowed with a local bank or savings and loan association by the Jefferson County Commission and will be held, during the life of this bond, for the purpose of guaranteeing improvements herein above required.

Witness the following signatures and seals:

WITNESS:

(Applicant/Developer Name)
(Subdivision Name)

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

WITNESS:

COUNTY COMMISSION OF JEFFERSON
COUNTY,
WEST VIRGINIA

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

Form A-2
(Site Plans)

BOND AGREEMENT - IRREVOCABLE LETTER-OF-CREDIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, (Owner/Developer Name), (Mailing/Street Address, City, State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF JEFFERSON COUNTY, a West Virginia public corporation with control and supervisory functions over the Jefferson County Planning Commission, in the penal sum of

\$ _____ (*Dollar amount in figures*)
_____ (*Dollar amount in words*),

for the completion of erosion and sediment control devices, storm water management measures, site grading & drainage, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and associated appurtenances, for the payment of which, well and truly to be made, it binds itself, its successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County Planning Commission has approved and consented to the issuance of Improvement Location Permit(s) for property located on (describe location of property, lot no., route no., street name, etc.), which is to consist of (generally describe the project), with associated site improvements and appurtenances thereto, on (# of acres), more or less, and whereas the improvements required to be made on such project, as required by the Jefferson County Improvement Location Permit Ordinance, have not yet been made, which improvements are detailed in Planning Commission File No. (JCPC file no.)

NOW THEREFORE, if the developer of the (Owner/Developer Name), shall well and truly complete the construction and installation of such site improvements by (bond expiration date), and pay all costs attendant thereto, in compliance with the Jefferson County Improvement Location Permit Ordinance and Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Construction Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.
3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that required improvements have been satisfactorily completed. Furthermore, the County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

B. The Bond is secured by an Irrevocable Letter-of-Credit (LOC #), dated the _____ day of (Month, Year), from (Bank Name), (Mailing Address, City, State, Zip), which is on file in the offices of the Jefferson County Department of

Planning & Zoning and the Engineering Department. By acceptance of the above irrevocable letter-of-credit as security, the following conditions shall apply:

1. The Irrevocable Letter-of-Credit in the amount of \$_____ shall be attached to this document and made a part hereof; and
2. The irrevocable letter of credit shall be clearly written to provide the beneficiary with direct and immediate access to the loan funds upon submission by the beneficiary of a written and signed draft request; and
3. An irrevocable letter-of-credit shall remain in full force and effect as security for this Bond until such time as the bond is released.

The letter of credit shall be renewed by (Name of Applicant/Developer Name & Subdivision Name), thirty (30) days prior to the expiration of the letter-of-credit, in order to provide uninterrupted security for this bond.

EXPIRATION DATES FOR ALL LETTERS-OF-CREDIT SHALL BE EITHER JANUARY 15TH OR JULY 15TH OF A GIVEN YEAR.

4. Signed draft requests against the irrevocable letter-of-credit will be made by the Jefferson County Commission (beneficiary) for one or both of the two following reasons:
 - A. Failure on the part of (Applicant/Developer Name & Subdivision Name), to complete improvements according to the terms of this bond.
 - B. Failure on the part of (Applicant/Developer Name & Subdivision Name), to renew the irrevocable letter-of-credit thirty (30) days prior to the expiration date.

-
5. Drafts made against the irrevocable letter-of-credit by the Jefferson County Commission will be used exclusively for the purpose of completion of site improvements herein required.

 6. Drafts made against the irrevocable letter-of-credit for reason 4A above, will be used by the Jefferson County Commission to complete or procure the completion of improvements herein above required.

 7. Drafts made against the irrevocable letter-of-credit for reason 4B above, will be escrowed with a local bank or savings and loan association by the Jefferson County Commission and will be held, during the life of this bond, for the purpose of guaranteeing improvements herein above required.

Witness the following signatures and seals:

WITNESS:

(Applicant/Developer Name)
(Project Name)

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

WITNESS:

COUNTY COMMISSION OF JEFFERSON
COUNTY,
WEST VIRGINIA

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

**Form A-3
(Subdivisions)**

BOND AGREEMENT – CASH-IN-ESCROW

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,
(Applicant/Developer Name & Subdivision Name), (Mailing/Street Address, City,
State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF
JEFFERSON COUNTY, a West Virginia public corporation with control and
supervisory functions over the Jefferson County Planning Commission, in the penal
sum of

\$ _____ *(Dollar amount in figures)*
_____ *(Dollar amount in words)*,

for the completion of erosion and sediment control devices, storm water management
measures, site grading & drainage, roadways, water and sewer systems, utility lines,
paving, property corners, and all other site improvements and associated
appurtenances, for the payment of which, well and truly to be made, it binds itself, it
successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County
Planning Commission has approved and consented to the recordation in the Office of
the County Clerk of Jefferson County, the Final Plat of the
(Name of Subdivision), (Phase of Subdivision), (Lot Numbers) and residue, a
subdivision of lands of (Name of Property Owner), the property is located (Route No.,
Road Name, Mile Marker, etc.), which is to consist of (No. and type of lots), on (No.
of Acres), more or less, with roadways and appurtenances thereto, , for the purpose
of selling such lots and appurtenances thereto to buyers thereof, and whereas, the
site improvements required to be made on such subdivision, as required by the
Jefferson County Subdivision Ordinance and the construction plans have not yet
been made, which improvements are detailed in Planning Commission file no.
(JCPC file no.).

NOW THEREFORE, if the developer of the (Applicant/Developer Name &
Subdivision Name), shall well and truly complete the construction and installation of

such site improvements by (bond expiration date), and pay all costs attendant thereto, in compliance with the Jefferson County Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Construction Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.
3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that required improvements have been satisfactorily completed. Furthermore, the County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

B. The Bond is secured by Escrow Agreement), dated the ____ day of (Month, Year), from (Bank Name), (Mailing Address, City, State, Zip), which is on file in the offices of the Jefferson County Department of Planning & Zoning and the Engineering Department. By acceptance of the above Escrow Agreement as security, the following conditions shall apply:

1. The Escrow Agreement shall be in the amount of \$_____ shall be attached to this construction bond agreement and made a part hereof; and
2. The Escrow Agreement shall be clearly written to provide the beneficiary with direct and immediate access to the loan funds upon submission by the beneficiary of a written and signed draft request; and
3. An Escrow Agreement shall remain in full force and effect as security for this Bond until such time as the bond is released.
4. Signed draft requests against the Escrow Agreement will be made by the Jefferson County Commission (beneficiary) for failure on the part of (Applicant/Developer Name & Subdivision Name), to complete the improvements according to the terms of this construction bond.
5. Drafts made against the Escrow Agreement by the Jefferson County Commission will be used exclusively for the purpose of completion of site improvements herein required.

Witness the following signatures and seals:

WITNESS:

(Applicant/Developer Name)
(Subdivision Name)

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

WITNESS:

COUNTY COMMISSION OF JEFFERSON
COUNTY,
WEST VIRGINIA

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

**Form A-4
(Site Plans)**

BOND AGREEMENT – CASH-IN-ESCROW

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, (Owner/Developer Name), (Mailing/Street Address, City, State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF JEFFERSON COUNTY, a West Virginia public corporation with control and supervisory functions over the Jefferson County Planning Commission, in the penal sum of

\$ _____ *(Dollar amount in figures)*

_____ *(Dollar amount in words),*

for the completion of erosion and sediment control devices, storm water management measures, site grading & drainage, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and associated appurtenances, for the payment of which, well and truly to be made, it binds itself, its successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County Planning Commission has approved and consented to the issuance of Improvement Location Permit(s) for property located on (describe location of property, lot no., route no., street name, etc.), which is to consist of (generally describe the project), with associated site improvements and appurtenances thereto, on (# of acres), more or less, and whereas the improvements required to be made on such project, as required by the Jefferson County Improvement Location Permit Ordinance, have not yet been made, which improvements are detailed in Planning Commission File No. (JCPC file no.)

NOW THEREFORE, if the developer of the (Owner/Developer Name), shall well and truly complete the construction and installation of such site improvements by (bond expiration date), and pay all costs attendant thereto, in compliance with the Jefferson County Improvement Location Permit Ordinance and Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Construction Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.
3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that required improvements have been satisfactorily completed. Furthermore, the County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

B. The construction bond is secured by an Escrow Agreement, dated the _____ day of (Month, Year), from (Bank Name), (Mailing Address, City, State, Zip), which is on file in the offices of the Jefferson County Department of Planning &

Zoning and the Engineering Department. By acceptance of the above escrow agreement as security, the following conditions shall apply:

1. The Escrow Agreement shall be in the amount of \$_____ and shall be attached to this construction bond agreement and made a part hereof; and
2. The Escrow Agreement shall be clearly written to provide the beneficiary with direct and immediate access to the funds upon submission by the beneficiary of a written and signed draft request; and
3. An Escrow Agreement shall remain in full force and effect as security for this Bond until such time as the bond is released.
4. Signed draft requests against the Escrow Agreement will be made by the Jefferson County Commission (beneficiary) for failure on the part of (Applicant/Developer Name & Site Plan Name), to complete improvements according to the terms of this construction bond.
5. Drafts made against the Escrow Agreement by the Jefferson County Commission will be used exclusively for the purpose of completion of site improvements herein required.

Witness the following signatures and seals:

WITNESS:

(Applicant/Developer Name)

(Project Name)

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

WITNESS:

COUNTY COMMISSION OF JEFFERSON
COUNTY,
WEST VIRGINIA

By: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

Appendix B

Bond Surety Forms

Form No.	Surety Type	Project Type
B-1	Irrevocable Letter of Credit	Subdivision
B-2	Irrevocable Letter of Credit	Site Plan
B-3	Cash-in-Escrow	Subdivision
B-4	Cash-in-Escrow	Site Plan
B-5	Surety Bond	Subdivision & Site Plan

Form B-1
(Irrevocable Letter-of-Credit - Subdivision)

Bank Name
Address
Telephone Number

Date

County Commission of Jefferson County
110 East Washington Street
P.O. Box 250
Charles Town, WV 25414

Re: Irrevocable Letter-of-Credit # _____ Amount \$ _____

Dear Jefferson County Commission:

By this letter, (Bank Name) hereby establishes an Irrevocable Letter-of-Credit, No. _____, and authorizes you to draw on us for the account of (Project Name/Borrower) up to an aggregate amount of \$ _____, subject to the terms and conditions stated herein.

Draws under this Letter-of-Credit are available by your draft presented to our Bank at its (Bank's Location), on or before its expiration on (January 15th or July 15th of a given year), and accompanied by the following documents:

1. A certification executed and signed by a duly authorized member of the County Commission of Jefferson County, West Virginia, that (Project Name/Borrower) has failed to perform its obligation under, and according to, the terms of that certain construction bond agreement, attached hereto and made a part hereof; and
2. The original Letter-of-Credit.

We hereby agree that drafts under and in compliance with the terms of this Letter-of-Credit will be duly honored if presented as aforesaid on or before its expiration on (January 15th or July 15th of a given year).

Except as otherwise stated herein, this credit is subject to the Uniform Commercial Code and shall be construed under the laws of the State of West Virginia. Any draft upon this Letter-of-Credit shall be marked "Drawn under (Bank Name) Letter-of-Credit" for (Project Name/Borrower) dated (Date of Letter-of-Credit).

Very Truly Yours,
(Bank Name)
(Signature of Bank Officer)
(Type Bank Officer's Name & Title)
(Date)

Form B-2
(Irrevocable Letter-of-Credit – Site Plan)

Bank Name
Address
Telephone Number

Date

County Commission of Jefferson County
110 East Washington Street
P.O. Box 250
Charles Town, WV 25414

Re: Irrevocable Letter-of-Credit # _____ Amount \$ _____

Dear Jefferson County Commission:

By this letter, (Bank Name) hereby establishes an Irrevocable Letter-of-Credit, No. _____, and authorizes you to draw on us for the account of (Project Name/Borrower) up to an aggregate amount of \$ _____, subject to the terms and conditions stated herein.

Draws under this Letter-of-Credit are available by your draft presented to our Bank at its (Bank's Location), on or before its expiration on (January 15th or July 15th of a given year), and accompanied by the following documents:

1. A certification executed and signed by a duly authorized member of the County Commission of Jefferson County, West Virginia, that (Project Name/Borrower) has failed to perform its obligation under, and according to, the terms of that certain construction bond agreement, attached hereto and made a part hereof; and
2. The original Letter-of-Credit.

We hereby agree that drafts under and in compliance with the terms of this Letter-of-Credit will be duly honored if presented as aforesaid on or before its expiration on (January 15th or July 15th of a given year).

Except as otherwise stated herein, this credit is subject to the Uniform Commercial Code and shall be construed under the laws of the State of West Virginia. Any draft upon this Letter-of-Credit shall be marked "Drawn under (Bank Name) Letter-of-Credit" for (Project Name/Borrower) dated (Date of Letter-of-Credit).

Very Truly Yours,
(Bank Name)
(Signature of Bank Officer)
(Type Bank Officer's Name & Title)
(Date)

Form B-3
(Cash-in-Escrow – Subdivision)

ESCROW AGREEMENT

THIS AGREEMENT dated this _____ day of *(Month, Year)*, by and between *(Owner/Developer Name)*, having their address at *(Mailing/Street Address)*, *(City)*, *(State)*, *(Zip Code)*, party of the first part, and *(Bank Name)*, *(Mailing/Street Address)*, *(City)*, *(State)*, *(Zip Code)*, as Escrow Agent for the County Commission of Jefferson County, West Virginia, party of the second part.

WITNESSETH that the party of the first part has this day deposited with the party of the second part the sum of *(Dollar Amount in Words)*, *(Dollar Amount in Figures)*, as security for its undertaking to complete construction of the required erosion and sediment control devices, storm water management measures, site grading and drainage, paving, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and appurtenances to serve the *(Subdivision Name)*, *(Phase)*, as more particularly described in Planning Commission File *(JCPC file no)*. This construction is to be subject to the supervision and approval of the County Commission of Jefferson County acting by and through the Jefferson County Engineering Department. Construction must be completed by *(required completion date)*.

The parties hereto agree that the escrow agent shall hold the respective funds as security for the performance of said undertakings by the party of the first part, and that respective funds may not be released to the party of the first part without the approval in writing of the County Commission of Jefferson County.

In case of default, the escrow agent shall be obliged to turn over to the County Commission of Jefferson County the escrowed funds or any part thereof, for the completion of the required installations and improvements.

ATTEST: *(Owner/Developer Name)*

BY: _____

DATE: _____ PRINT NAME: _____

TITLE: _____

DATE: _____

ATTEST: *(Bank Name)*

BY: _____

DATE: _____ PRINT NAME: _____

AFFIX BANK SEAL TITLE: _____

DATE: _____

Form B-4
(Cash-in-Escrow – Site Plan)

ESCROW AGREEMENT

THIS AGREEMENT dated this _____ day of (Month, Year), by and between (Owner/Developer Name), having their address at (Mailing/Street Address), (City), (State), (Zip Code), party of the first part, and (Bank Name), (Mailing/Street Address), (City), (State), (Zip Code), as Escrow Agent for the County Commission of Jefferson County, West Virginia, party of the second part.

WITNESSETH that the party of the first part has this day deposited with the party of the second part the sum of (Dollar Amount in Words), (Dollar Amount in Figures), as security for its undertaking to complete construction of the required erosion and sediment control devices, storm water management measures, site grading & drainage, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and associated appurtenances to serve the (Site Plan Name), as more particularly described in Planning Commission File (JCPC file no). This construction is to be subject to the supervision and approval of the County Commission of Jefferson County acting by and through the Jefferson County Engineering Department. Construction must be completed by (required completion date).

The parties hereto agree that the escrow agent shall hold the respective funds as security for the performance of said undertakings by the party of the first part, and that respective funds may not be released to the party of the first part without the approval in writing of the County Commission of Jefferson County.

In case of default, the escrow agent shall be obliged to turn over to the County Commission of Jefferson County the escrowed funds or any part thereof, for the completion of the required installations and improvements.

ATTEST: _____ (Owner/Developer Name)
BY: _____

DATE: _____ PRINT NAME: _____
TITLE: _____
DATE: _____

ATTEST: _____ (Bank Name)
BY: _____

DATE: _____ PRINT NAME: _____
TITLE: _____

AFFIX BANK SEAL DATE: _____

Jefferson County, West Virginia

Subdivision & Site Plan

PERFORMANCE BOND

INSTRUCTIONS

1. The following forms shall be used when a performance/surety bond is used. There shall be no deviation from this form without written approval of Jefferson County Commission or the County Administrator.
2. The full legal name, business address, and telephone number of both the Principal(s) and Surety(ies) shall be inserted in the spaces designated "Principal" and "Surety" on the face of the form. The Bond shall be signed by the person authorized to act on behalf of the Principal and the Surety. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority shall be furnished. For a power-of-attorney from a surety company to execute bonds, a certified copy of such power-of-attorney shall be submitted.
3. Surety, Fidelity, and Insurance Companies executing the Bond must be licensed to transact business in West Virginia by the West Virginia Insurance Commissioner. The surety provider shall provide to the County Commission of Jefferson County, the Obligee, a "Certificate of Good Standing" from the West Virginia Offices of the Insurance Commissioner. If the Surety Company was not organized under the laws of West Virginia, the bond must be countersigned by a resident agent licensed in West Virginia. The Company must have an A.M. Best rating of "A", or better, with a Financial Size Category (FSC) of "VII", or higher.
4. The name of each person signing this Bond must be typed or legibly printed in the space provided.
5. The "DATE BOND EXECUTED", as shown on the face of the Bond, must be

the same as, or later than, the Bond Agreement that the Surety Bond secures.

6. The performance bond shall be submitted to:

Jefferson County Engineering Department
P.O. Box 716
116 East Washington Street
Charles Town, WV 25414

Attention: Bonding Administrator

Phone: 304-728-3257

(Remainder of Page Intentionally Left Blank)

Form B-5

Jefferson County, West Virginia

Performance Bond

(Land Development Infrastructure & Site Improvements)

<p>BOND NO.</p>	<p>DATE BOND EXECUTED:</p>									
<p>PRINCIPAL(S)/CO-PRINCIPAL(S): (Legal Name(s), Status, Business Address(es) and Phone Numbers)</p>	<p>TYPE OF ORGANIZATION: (check one)</p> <p>() Individual</p> <p>() Partnership or Joint Venture</p> <p>() Limited Liability Company</p> <p>() Corporation</p> <p>() Other (specify) _____</p> <p>_____</p> <p>STATE OF INCORPORATION OR ORGANIZATION:</p>									
<p>(Hereinafter "Principal" whether one or more than one)</p>										
<p>SURETY(IES): (Name(s), Business Address(es) and Phone Numbers)</p>	<p>SUM OF BOND:</p> <table border="1" style="width:100%; border-collapse: collapse; margin-bottom: 10px;"> <tr> <th colspan="3" style="text-align: center;">Bond Amount in Dollar Figures</th> </tr> <tr> <th style="width:33%;">Million(s)</th> <th style="width:33%;">Thousand(s)</th> <th style="width:33%;">Hundred(s)</th> </tr> <tr> <td style="text-align: center;">\$</td> <td></td> <td></td> </tr> </table> <p style="text-align: center; border: 1px solid black; padding: 2px;">Bond Amount in Words</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Project Approval Date: ____ / ____ / ____</p> <p>Project Name: _____</p> <p>_____</p> <p>_____</p>	Bond Amount in Dollar Figures			Million(s)	Thousand(s)	Hundred(s)	\$		
Bond Amount in Dollar Figures										
Million(s)	Thousand(s)	Hundred(s)								
\$										
<p>A.M. Best No. _____</p> <p>A.M. Best Rating _____</p> <p>A.M. Best F.S.C. _____</p> <p>(Herein after "Surety" whether one or more than one)</p>	<p>JCPC Project File No. _____</p>									

KNOW ALL MEN BY THESE PRESENTS, that, we, the Principal and Surety hereto recite and declare that:

1. We are held and firmly bound to the Obligee, the County Commission of Jefferson County, West Virginia (herein after called "County"), a political subdivision of the State of West Virginia, in the sum written above in lawful money of the United States of America, to be paid to the County, its successors or assigns, for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by this Bond.
2. The condition of this Bond is that if the Principal shall in every respect discharge its obligations under the project identified above and satisfactorily complete the required site improvements and appurtenances, as required by law, the approved plans (JCPC File No.) and/or permits, by (bond expiration date), then this Bond shall be void; otherwise, this Bond shall remain in full force until discharged in accordance with its terms, as determined by the County. This Bond shall only be terminated upon written release by the County Commission of Jefferson County, stating that the Principal/Developer has well and truly performed and fulfilled the obligations required under the approved subdivision or site plan and this Bond.
3. If Principal fails to complete its obligations, the County shall notify the Principal and Surety that they are in default. If such obligations are not then completed by the Principal and Surety within fifteen (15) days after notification by the County, the Surety shall pay the full penal sum amount of the Bond to the County within thirty (30) days of the initial notification referenced above. Payment by the Surety shall not be conditional on suit by the County. The County may extend the time period for completion of the Principal's and Surety's obligations; any time extension granted shall be in writing.
4. Surety expressly Waives any right to receive notice of, review, or approve any revisions to the approved project plans, and no such revision shall in any way affect the obligation of the Surety under this Bond.
5. In the event that any suit, action, or proceeding is brought by the County in order to enforce the provisions of this Bond, it is expressly agreed and understood that, regardless of when the breach of the underlying project obligations occurs, or the breach of this Bond occurs, the measure of damages recoverable shall be computed as the costs of completion or correction, or both, of the work required to be completed under the project, (1) at the time the work is actually completed and/or corrected to local and state approval and acceptance, or (2) at the time of final judgment of a court of competent jurisdiction; it is further expressly agreed and understood that the measure of damages shall include expenses attributable, but not limited to, administrative costs, litigation costs, attorney's fees, maintenance costs, deterioration, inflation, and any cost increases arising from delay occasioned by litigation, action, or proceedings necessary to enforce the provision of this

Bond.

6. Nothing in the Bond shall be construed as creating an obligation upon the County to pay for the completion or correction of the work guaranteed under the provisions of this Bond.
7. By signatures, hereto, the Principal and the Surety do hereby expressly Waive any objection that they, or either of them, might interpose in the authority of the County to require each and every provision of the foregoing Bond.

(Remainder of This Page Intentionally Left Blank. Signature Page Follows)

BOND NO. _____

IN WITNESS WHEREOF, the parties hereto have caused this BOND to be executed under the Seal as of the day and year on the date set forth above.

PRINCIPAL / CO-PRINCIPAL

SIGNATURE: _____ (SEAL)

NAME: _____
(Typed)

TITLE: _____
(Typed)

SIGNATURE: _____ (SEAL)

NAME: _____
(Typed)

TITLE: _____
(Typed)

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____ and _____, as _____ and _____, respectively of the _____, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

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

My Commission Expires: _____

BOND NO. _____

IN WITNESS WHEREOF, the parties hereto have caused this BOND to be executed under the seal as of the day and year on the date set forth above.

CORPORATE SURETY

NAME: _____
(Typed)

ADDRESS: _____
(Mailing Address)

(City) (State) (Zip Code)

TELEPHONE NO.: _____
(Typed)

STATE OF INCORPORATION OR ORGANIZATION: _____

LIABILITY LIMIT: _____

Attorney(s)-In-Fact

SIGNATURES: 1. _____(SEAL) 2. _____(SEAL)

NAME: _____
(Typed) (Typed)

TITLE: _____
(Typed) (Typed)

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____ and _____, as _____ and _____, respectively of the _____, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

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

My Commission Expires: _____

Appendix C

Tolling of Bonding Agreement

**AGREEMENT REGARDING BONDING OBLIGATIONS AND
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made and entered into as of the ___ day of _____, 20___, by [*INSERT NAME OF PROPERTY OWNER*] ("Declarant"), and the **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (the "County Commission").

WHEREAS, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in **Exhibit A** attached hereto (the "Land"); and

WHEREAS, the Land has been legally subdivided (the "Subdivision") into _____ (___) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on _____ (the "Subdivision Ordinance"), and as shown on that certain [*INSERT NAME OF SUBDIVISION PLAT*] recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in [*INSERT RECORDING INFO*] (the "Final Plat"); and

WHEREAS, Declarant posted a bond with the County Commission, in the form of [*a letter-of-credit/cash-in-escrow/surety bond*], in the amount of \$ _____ (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond – Estimate, dated _____ (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on _____; and

WHEREAS, due to [*INSERT REASONS FOR DELAY IN DEVELOPMENT*], the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

WHEREAS, the County Commission has determined that it is in the best interests of Jefferson County to modify the Original Bonding Obligations until such time as the Declarant commences construction of the Infrastructure Improvements subject to the condition that Declarant execute and record this Declaration which shall run with the Land and be enforceable by the County Commission.

NOW, THEREFORE, in consideration of the premises and the covenants and agreements hereinafter set forth, Declarant declares as follows:

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.

2. **Modification of Original Bonding Obligations.**

(a) The County Commission's agreement to modify the Original Bonding Obligations shall be subject to the satisfaction of the following condition precedent (the "Modification Conditions"):

(i) The Declarant submits to the Department a \$10,000 Site Stability Bond.

(b) Upon satisfaction of the Modification Condition, the County Commission shall return the Existing Infrastructure Bond to the Declarant and the Original Bonding Obligations shall be deemed modified as follows:

(i) Unless and until Declarant commences the construction of any Infrastructure Improvements, the Declarant's bonding obligations with respect to Subdivision shall be limited to posting a \$10,000 Site Stability Bond with the County Commission and complying with the provisions of the Bonding Policy with respect to the Site Stability Bond; provided, however, that no infrastructure improvements shall be required to be made to the Land as a condition of keeping the Site Stability Bond in place.

(ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than mowing and other routine maintenance required to preserve the appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the Site Stability Bond to the Declarant.

(iii) Once the New Infrastructure Bond has been posted with the County Commission, the County Commission shall hold the New Infrastructure Bond in accordance with the Bonding Policy and the Declarant shall thereafter comply with all provisions of the Bonding Policy. The County Commission shall be under no obligation to grant further modifications to the Declarant's bonding obligations with respect to the Subdivision. The provisions of this Section 2(b)(iii) shall survive termination of this Declaration.

3. **Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.

4. Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.

In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, (a) Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.

5. Default.

(a) The failure of Declarant to observe or perform any of the covenants, conditions or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the County Commission may exercise any rights and remedies it may have hereunder or applicable law. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration.

(b) The County Commission shall have the right to bring any proceedings at law or in equity against the Declarant for violating or attempting to violate or defaulting upon any of the provisions contained in this Declaration, and to recover actual damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by the Declarant or any other person of any of the terms, covenants or conditions of this Declaration, or to obtain a decree to compel performance of any such terms, covenants or conditions. All of the remedies permitted or available to the County Commission under this Declaration or at law or in equity shall be cumulative and not alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy. In any action brought by the County Commission pursuant to these provisions, the County Commission will be entitled to costs (including but not limited to its reasonable attorneys' fees). In addition, the County Commission shall have the right to draw on the Site Stability Bond and apply the proceeds thereof in accordance with the Bonding Policy.

(c) The maximum length of time for tolling the bond shall be four (4) years. At the time of executing this agreement, the Declarant shall execute a merger deed that merges the lots back into the parent tract. The merger deed shall be held by the Bonding Administrator for the Jefferson County Commission. If the Declarant fails to repost the New Infrastructure Bond and the Bond Surety within four (4) years of the date of this agreement, the County Commission shall have the right to record the merger deed and revoke all project approvals; and the \$10,000 Site Stability Bond shall be forfeited to the County Commission. The merger deed may not be recorded by the County Commission if the Declarant reposts the Construction Bond and Bond Surety prior to expiration of the four (4) year tolling period; in such case, the merger deed shall be returned by the County Commission to the Declarant. In the event of recordation of the merger deed, the parent tract and residue parcel shall retain all

future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

6. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.

7. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend or otherwise change the provisions of any prior instrument affecting the land burdened hereby.

8. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the County Clerk of Jefferson County, West Virginia.

9. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration

10. **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant satisfies the conditions set forth in Section 2(b)(ii) above. Upon the termination of this Declaration, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of this Declaration, except for the provisions of Section 2(b)(iii) above, shall terminate and have no further force or effect.

11. **Recordation.** This agreement shall be recorded in the Office of the Clerk of the Jefferson County Commission in both the name of the developer and the project name. It shall be the Declarant's responsibility to record the agreement and provide the Bonding Administrator with confirmation of such recordation in the form of the deed book and page number reference.

(Subdivision Name)

Jefferson County Planning Commission File No. _____

(Applicant/Developer Name)

By: _____ Date: ____/____/____

Print Name: _____ Title: _____

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____ and _____, as _____ and _____, respectively of the _____, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

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

My Commission Expires: _____

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: _____ Date: ____/____/____

Print Name: _____, President

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____ and _____, as _____ and _____, respectively of the _____, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

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

My Commission Expires: _____

ATTEST:

Jennifer S. Maghan
Clerk, County Commission of Jefferson County, WV

VALLEY VIEWS

Potomac
Valley
Audubon
Society

Volume 28, Issue 9

June 2010

Annual Meeting and Potluck Supper

Following the format of recent years, the annual meeting will be a covered dish social combined with the business of officially electing the board for the coming year. Don't miss this chance to mix, mingle, and conduct some of the most important member business of the year.

The meeting will be held the evening of Friday, June 11, at the Yankauer Nature Preserve.

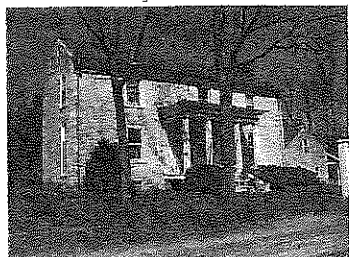
The evening will begin at 6:30 p.m. with a potluck supper.

The brief business program will include recognition of con-

See Annual Meeting, Page 2

Don't Miss June Reception!

Here's a reminder that Rusty and Cricket Morgan have very graciously agreed to host a fundraising reception for PVAS at their beautiful home, the historic Ripon Lodge in southern Jefferson County, the evening of Saturday, June 5.



The event is open to PVAS members and friends, and all proceeds will be used to support our education programs for local children.

The Morgans are one of Jefferson County's oldest families and Ripon Lodge is a significant architectural landmark.

Built in the 1830s, it was designated a Jefferson County Historic Landmark in 1975 and is listed on the National Register of Historic Places.

The reception will be held rain or shine from 4 p.m.-7 p.m. If weather permits it will be held mostly outside, on the lawn that offers sweeping views of the Blue Ridge.

Food and beverages will be served, and musical entertainment will provide background.

Dress will be casual.

Tickets to the event will be required, and space will be limited.

Basic tickets are \$45 per person. Those who pay \$150 for two

people will be recognized as Donors, those who pay \$200 for two will be recognized as Patrons, and those who pay \$250 or more for two will be recognized as Supporters.

Ticket costs will be tax deductible.

If you have not yet received an invitation and would like one, please call 304-676-3397 or e-mail PVASmail@aol.com and provide your name, address, and phone number.

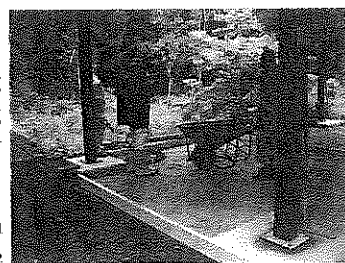
Pavilion Floor Replacement at Yankauer

The pavilion floor at Yankauer was replaced in May after significant storm damage caused from the existing earthen floor being saturated and then broken up in the freeze/thaw activity in the late winter. Kristin Alexander and volunteer Tim Murphy have coordinated volunteer efforts to break up the floor with jackhammers and scoop and haul the rubble away.

Special notes of thanks go to Ted Wachter for breaking up the floor and for hauling the rubble to the edge of the parking lot. An enormous thank you also goes to a small group of Young Life volunteers out of Martinsburg that came out on May 8 to shovel and wheelbarrow the rubble away. They worked incredibly hard for a full 8 hours raising money to go to Young Life Camp this summer (they got sponsors for their volunteer hours—great idea). Gary Sylvester also contributed by bringing his tractor to the preserve and scooping out the smaller remaining chunks that were hard to gather by hand and shovel. He also did some reconditioning on the parking lot. The team effort was inspiring, as always.

As of the writing of this article, the Harpers Ferry Job Corps concrete team is scheduled to come on Monday, May 17, to form the pavilion floor for the new concrete to be poured later in the week. The Job Corps is volunteering their time as part of their training program, for which we are very grateful.

With a little luck, the pavilion floor will be dry and ready for little camper feet by the time camp starts May 26. Thanks to all who have contributed to this project!



Potomac Valley Audubon Society is people dedicated to preserving, restoring, and enjoying the natural world through education and action.

President's Perch



Hello everyone:

For the last four summers PVAS has collaborated with the National Conservation Training Center on an innovative digital nature photography camp for local high school students.

Led by NCTC training specialist Matt Poole, the camp has been very successful and attracted a lot of attention. The Nikon corporation has donated digital SLR cameras for it and the U.S. Fish and Wildlife Service has promoted the camp nationally as a model activity for getting teenagers more involved in the natural world.

This year, NCTC needs to concentrate its resources elsewhere so PVAS is assuming full responsibility for the camp.

Fortunately, we've recruited a new volunteer photography instructor, Bruce Field, and Asbury United Methodist Church is partnering with us by allowing us to rent their Shepherdstown computer lab at a bargain rate.

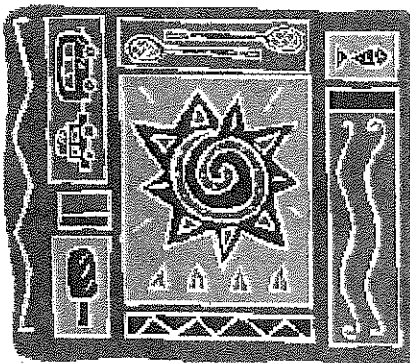
So things change but that's OK. We appreciate the time and effort NCTC has devoted to getting this camp off to a good start, and we look forward to keeping the camp going in the future.

Very special thanks are due to Matt Poole for his vision for and dedication to this camp project. The camp wouldn't have been possible without him, nor would it have been of such high quality. We hope we'll be able to continue to meet the high standards he's set for it.

—Peter Smith

Summer Camp Registration Has Begun!

If you are thinking that you won't be able to register for Audubon Discovery Camp this late in the year, you might be wrong! We still have a few spots available in Earth Artists (both at Yankauer and Cool Spring Farm) and Dirt! at Yankauer. Older campers may find a spot in the Dirty Jobs session, but enrollment in this session is very limited, so don't wait!



There are also a few spots available in our preschool sessions (Out of the Nest or Just For Fledglings) at Yankauer in late May and very early June. Both of these sessions are a half-day experience for a camper and parent or special adult.

When sessions fill, PVAS maintains waiting lists and campers are encouraged to put their name on the list so that we will know who to contact first when openings occur. It really is worth the time to register for waiting lists although no guarantees about attending camp can be offered. The registration process for open sessions and waiting lists is available through the link at www.potomacaudubon.org.

Annual Meeting (continued from page 1)

contributions from many of our volunteers and election of board members.

The slate of board candidates is:

Mina Goodrich, Secretary (re-election)
Leigh Jenkins, At-large (re-election)
Jesse Morgan, At-Large
Kathy Stolzenburg, At-Large
Jane Vanderhook, At-large

All PVAS members are invited to attend, and children are welcome.

For the potluck supper, please bring a dish to share. Those whose last names begin with the letters A-H are asked to bring vegetables or fruit; I-L, a dessert; M-R, a protein dish; and S-Z, a starch dish. All are asked to bring their own dishes, flatware, and the like, so we can be environmentally conscientious. PVAS will provide water and lemonade.

For more information, contact Kristin Alexander at 304-676-3397 or pvasmail@aol.com

Sign Up Now for Teen Photo Camp!

Applications are now being accepted for an innovative nature photography day camp for area high school students.

Now in its fifth year, the camp is sponsored by the Potomac Valley Audubon Society.

This year the camp, traditionally held at the National Conservation Training Center (NCTC), is centrally-located in Shepherdstown at the Youth Camp owned by Asbury United Methodist Church, near the Shepherd University baseball field.

The week-long camp will be held August 2-6. It will include four days of field and lab training at the Youth Center and a one-day field trip to a nearby natural area.

Participating students not only learn about the fundamentals of digital nature photography and image editing from expert instructors, they also gain a greater understanding of nature and a greater appreciation for conservation.

Enrollment is very limited, so those who participate receive very intensive, hands-on instruction. They also have full access to computers and photo editing software at the Youth Center and Nikon Digital SLR cameras are provided for the week. The cost for the entire week is only \$150.

Participating students must be entering grades 9, 10, 11 or 12 in the fall of 2010 (or be of equivalent age) and they must reside in the Eastern Panhandle of West Virginia or Washington County, Maryland.

The camp is led by volunteer Dr. Bruce F. Field, of Hagerstown, who is himself an excellent nature photographer, and Krystal Kennedy, an avid photographer who recently graduated from Shepherd University with an emphasis in Secondary Science Education. The camp will also host guest photographers from the Potomac Valley Nature Photographers who will help throughout the week with photo coaching and will teach specialty topics.

For more information and an application, please go to www.potomacaudubon.org or contact Kristin Alexander at 304-676-3397 or PVASmail@aol.com.

2010 Race an Overwhelming Success!

The vision for an expanded 2010 "This Race is for the Birds" was fully realized on April 24, 2010. It exceeded our expectations significantly with more participants (350+!) and more money raised (\$8000+!) than we ever anticipated.

Over 350 adult runners/walkers participated (compared to 150 last year) in one of the three adult events: the 7+ mile run, 4+ mile run, and 2-mile community walk/jog. Another 25 children participated in the kids 1-mile "fun run" which was free this year to get as many kids out enjoying NCTC's trails as possible.

Between the participants' contribution of race fees and our generous sponsors, the event raised an unprecedented \$8,000.

As always, we appreciate the community's support. We want to give special thanks to our lead sponsors, Hoxton Financial and Friends of Mark Benedict for their generosity; to NCTC for generously continuing to host and support the event; to James and Suzy Munnis for directing and coordinating the event; to the race committee for helping to pull all the details together (Mark Cucuzella, Tom Shantz, and Carolyn Thomas); and to the many volunteers for helping out the day of the event. Many of the local businesses sponsored the event and we thank them for their support. (See separate list.)

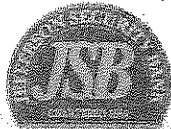
The entire event went off without a hitch, and we are grateful to everyone who supported the event and made it such a success.

We sincerely thank the following generous sponsors for their support of the race:

Platinum:



Gold:



Silver:

Caribbean Islands Travel Service
 Chick-fil-A, Martinsburg
 Go Green Gals
 Potomac Portable Restrooms
 Progressive Printing

Hypnocoffee.com
 Jefferson Chiropractic Center, Inc.
 Lynne.Wiseman@ERA.Com
 Martins
 McAteer & Associates, PLLC
 Ryan-T. McCarthy, MD
 Nesquik
 Drs. Donald and Erica Patthoff
 Pedal and Paddle, 876-3000
 Potomac-Mecklenburg Garden Club
 The Press Room
 Professional SportsCare & Rehab
 Shepherdstown Coffee and Candlerly
 Shepherdstown Opera House
 Shepherdstown Sweet Shop
 Stone Soup Bistro
 Ray P. Vanderhook, D.D.S., M.S.
 Windflower Garden Club

Bronze:

Bavarian Inn
 Bonnymed Farm Nursery
 Briarwood Dental Center
 Joseph Brookreson, D.D.S.
 CraftWorks
 Dr. Paul Davis, D.D.S.
 Dickinson & Wait Craft Gallery
 Edward Jones Investments Shepherdstown
 John T. Gibson, D.D.S.
 Grapes and Grains Gourmet
 Greentree Realty

Special thanks to our race volunteers...

Chris Amores	Vicki Blazer	Diana Gaviria	Kristin Knitter	Alison Munnis	Jessica Schmitt	Jame Super
Skyler Benedict	Don Briggs	Heather Gayle	Ashley Leslie	Rosemary Nickerson	Karen Shantz	Katy Super
Amanda Biebel	Margaret Cogswell	Linda Grubb	Emily Leslie	Suzanne Offutt	Shim Jae Won	Carl Thomas
Jennifer Biebel	John Craig	Don Henry	Sherry Leslie	Jan Offutt	Bonnie Sitman	Sally Thomas
Teri Biebel	Cindy Evarts	Libby Howard	Tedd Leslie	Daniel Pike	Erin Super	Wayne Thomas

PVAS Receives Grant for Yankauer

PVAS is pleased to announce \$2,000 of grant funding from Potomac Headwaters RC&D to finish the land management plan for the preserve and to complete a professional assessment of invasive plants at the preserve. Thanks to RC&D's support, we can do both projects this summer with full foliage so the assessment can be completed at the ideal time of year. Once complete, the invasive plant map will help PVAS manage the preserve, prioritizing certain areas that are in most need of attention. We sincerely thank RC&D for their support in our land management efforts at Yankauer.

Together Green Grant Submitted

PVAS has submitted a grant application to National Audubon's "Together Green" grant program that is funded by Toyota. The project will provide resources for PVAS and the City of Ranson to continue the development of the new Flowing Springs Park next to the Home Depot in Ranson.

The purpose of the grant is to provide opportunities for communities not normally involved with conservation projects engaged with water or habitat conservation. If funded, the grant will provide: deer fencing to promote a riparian buffer to protect the headwaters of Flowing Springs; several volunteer days to help clean up the park from tires, trash, invasive species, and other problems; and funding for native trees, shrubs and grasses that will improve the habitat for grassland birds. (The site already provides excellent habitat for several bird species on Audubon's Watchlist such as the Willow Flycatcher, Eastern Meadowlark, Grasshopper Sparrow, and Field Sparrow.)

The grant will also provide assistance with a land management plan that will provide the City of Ranson with guidance in managing the park for best practices for habitat and water conservation for years to come, while still providing passive recreation activities at the park for community members. Finally, the grant proposal will help PVAS offer programs to the local schools using the park as the outdoor classroom, and offer teacher trainings to utilize the park for their classroom use. We should hear by August if the grant was accepted.

Congrats to Camp Scholarship Recipients!

Summer is going to be an especially exciting time for the young people who have won camp scholarships from PVAS. Each of the scholarship recipients wrote a letter to the scholarship committee outlining why they wanted to attend their chosen camp and included a reference from a non-family member such as a teacher.

Alison Munnis of Shepherdstown will attend the Mountain Adventures Summer Camp near Spruce Knob, WV. At the age of 14 Alison is active in school athletics and captain of the girls' track team at Shepherdstown Middle School. She wants to learn about animal habitats and wilderness survival.

Tyler Steffey of Shepherdstown will attend the Junior Nature Camp of the Oglebay Institute near Wheeling, WV. Tyler, age 14 and a student at Shepherdstown Middle School, likes to draw animals and to read about them. He also enjoys volunteering at a nearby wildlife refuge.

Also attending Oglebay's Junior Nature Camp will be Isabella Steffey of Shepherdstown, a fourth-grader at Shepherdstown Elementary School. She likes birds, especially owls. Recently she designed a science experiment to determine ants' preference for brown or white sugar!

Campers receiving scholarships to attend camp at Yankauer chose a variety of sessions including Dirt!, Dirty Jobs, Camp Survivor, First Explorers, and Wildlife CSI. These scholarship recipients go through the same application process, and we are proud to announce the following winners: Dylan Brown, Zane, Sada, and Lily Braithwaite, Devon and Jackson Crouse, Jake Kemman, James and Jon Lamp. Congratulations!

Every year throughout its 28-year history PVAS has sent youngsters to camp on scholarships, supported by our fall birdseed sale. Thank you for purchasing birdseed through PVAS to support the scholarship program! The youth will have a fantastic time at the various camps, and will more than likely have so much fun they won't even realize how much they're learning along the way!

Watershed Program Ends another Successful Year

All fourth-grade watershed students in Berkeley, Jefferson, and Morgan Counties ended their watershed program with a service project involving planting native grass grown in their classroom. Potential erosion problems at each school were identified earlier this year and sites were prepared in March. Additional native plants were nurtured in the Shepherd University greenhouse this spring so that each school site would have better coverage. The Freshwater Institute created custom planting plans for each school involved in the program and the students implemented them.



At South Jefferson Elementary School, the plants will prevent run-off problems near rooftop downspouts. At Tomahawk Intermediate School in Berkeley County, the plants will stabilize an area where a new portable classroom was installed. At Pleasant View Elementary School in Morgan County, the chosen site will help



correct erosion concerns on the hillside adjacent to the school. Morgan Academy will be helping to stabilize the Rocky Marsh Run stream bank in Scrabble where the bridge was replaced this spring. The other schools in the program had identified similar

problems that are now in the process of being corrected thanks to the efforts of the students.

Many thanks are due our Watershed Instructors this year: Krystal Kennedy, Debbie Crouse, Marybeth Grove, Brooke Parker, Melanie Snyder, and Kate Lehman. Special thanks go to the volunteers who helped the students plant grass including Joe Gentile and Mary Youngblood! Loudest kudos go to the 800 students and their teachers who participated in the program this spring!

Wee Naturalist Update

The Wee Naturalist program, our preschool program for adult/child teams, is taking a short summer break while Audubon Discovery Camp is being held at the Yankauer Preserve. However, registration is open now for summer/fall/winter programs. These popular programs will resume the 3rd Wednesday and Thursday in August and will run through December. From 9:30-10:00 the adult/child team explore on their own to orient the child to the preserve and the other children, and then the PVAS-directed program takes place from 10:00-11:00. Children ages 3-5 are invited to attend. Sessions are \$8 each or \$7 each if you register for three or more sessions at a time. Pre-registration is required, and the forms are available on our website at www.potomacaudubon.org.

June Birding Trips

In addition to the field trips we're sponsoring during June, we're also offering three birding trips.

As usual, these birding trips will be free and anyone with an interest is welcome to participate.

The first trip will be a Wednesday, June 2, birding walk on the C&O Canal towpath between Antietam Creek and Shepherdstown.

It will provide an opportunity to look for birds along the towpath and on the Potomac River. With trees and bushes fully leafed out by this time, birding will be by both eye and ear.

Participants will meet at 8 a.m. in the large C&O Canal parking lot on Canal Road three-tenths of a mile south of the Rumsey Bridge. Cars will be left at both ends of the walk to avoid a return hike.

The second trip will be a Saturday, June 19, birding trip to either the National Conservation Training Center near Shepherdstown or Greenbriar State Park in Washington County, Maryland. Details will be announced later.

The third trip will be a Wednesday, June 30, trip to Flowing Springs Park and Altona Marsh in Jefferson County. These two sites provide a great variety of habitats for summer birdlife.

Participants will meet at 8 a.m. in the parking lot in front of the Martin's Supermarket in the Jefferson Crossroads shopping Center off Route 340 just east of Charles Town.

For more information about any of these trips, contact Sandy Sagalkin at monsansagalkin@myactv.net or 301-432-6847.

Thirty Nine Participate in Ruth Ann Dean Memorial Birdathon

Thirty five birders on eleven teams and four individuals spent the May 8-9 weekend searching for as many bird species as possible during the Ruth Ann Dean Memorial Birdathon.

The event was named in honor of Ruth Ann Dean, who recently passed away, an ardent birder, founding member and lifelong supporter of PVAS.

The total number of species identified during the birdathon was 156.

Several teams of expert birders were out to score 100 or more species within the 24 consecutive hours allowed under the rules.

Besides the team event, participants could opt to enter the "Big Sit" competition, choosing a single location marked by a 50 foot circle from which the birder or birders tried to identify as many species as possible. Four entrants signed up for the Big Sit.

Birding conditions were less than ideal, with morning rain on Saturday and wind gusts of up to 40 knots on both days. But weather couldn't dampen the enthusiasm of the birders. And the event provided some special moments for many participants.

Carol del Colle recalls getting out of the car on a dark road in the early morning in Berkeley county trying to call owls, when several Whip-Poor-Wills responded calling their names very loudly and quickly, a life bird for Carol.

For Bruni Haydl and Lynn Wiseman, it was going the day without a pileated woodpecker, until driving into a subdivision that had an old snag with a hole in it and seeing a pileated woodpecker fly in and then out, followed by the female poking her head out to see what all the fuss was.

We all bird for our own reasons: some for the challenge of finding a new previously unseen bird, a "lifer," others as a way to commune with the untamed side of nature, still others out of admiration for the little creatures that migrate a thousand miles or more every year to continue their line. The allure of their songs is enchanting.

The winner of the Birdathon was The Barn Swifts with Matt Orsie, Carol Del-Colle and Carol Winckler identifying 110 species.

Three other teams also identified over 100 species and deserve Honorable Mention. They are Team Myles with Dave and Kim Myles; The Tufted Turkeys with Bob Dean, Stan Corwin-Roach, Shelly Blanchard and Rodney Bartgis; and The Maryland Yellowthroats with Dave Weesner, Pol Heiney and Larry Balinski.

The Big Sit winner was Linda Carl with 35 species. Judge, Peter Smith, President of PVAS, declared a tie in the Team Name competition between the "Odd Ducks," consisting of Rose Mary Evans and Donna Graham, and the "Lame Ducks, consisting of Jane Vanderhook and Jean Neely." Our judges for the Most Uncommon Species identified during the Birdathon, local birding experts Elliot and Nancy Kirshbaum, declared Linda Carl the winner with her sighting of the Common Redpoll.

The complete list of species identified during the Birdathon was posted on the West Virginia Birding Listserve on May 15. The list will also be posted on PVAS's website. If you are not a subscriber to the Birding Listserve, you can access the posting at: <http://list.audubon.org/archives/wy-bird.html>

Don't Forget Cacapon State Park Program on Dolly Sods Munitions

Don't forget that PVAS is sponsoring a special program at Cacapon State Park the evening of Friday, June 4.

The topic will be "Staying safe in the Dolly Sods Wilderness Area—What the public needs to know about unexploded World War II munitions there."

The speaker will be Nick McHenry, an Environmental Engineer with the Environmental and Remediation Section of the U.S. Army Corps of Engineers in Huntington, West Virginia.

The program will be held in the Daniel Morgan Room of the park's Lodge starting at 7:00 p.m.

Admission will be free and anyone with an interest is welcome to attend.

Following is an article Nick has prepared for *Valley Views*

Following the 3Rs to Stay Safe in the Dolly Sods Wilderness Area

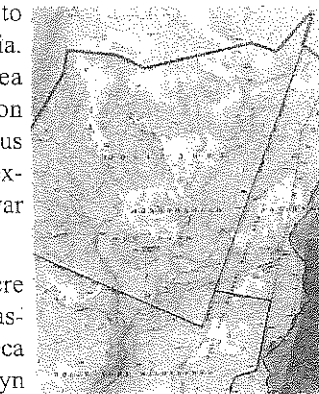
Nick McHenry

U.S. Army Corps of Engineers, Huntington District

In 1943-44, Dolly Sods visitors would have been welcomed with the boom of artillery cannons or the crack of mortars being fired as Army regiments were coming to train in the highlands of West Virginia. The West Virginia Maneuver Area (WVMA) was an Army installation that exposed troops to a mountainous area which replicated conditions expected to be encountered during war in Europe.

The WVMA, a 2.18-million acre site, trained soldiers, for various aspects of mountain warfare. The Seneca Rocks rock climbing school, Gladwyn mule school, mountaineering school, and firing ranges for artillery and mortars battalions were all parts of the overarching WVMA. The firing ranges are where Dolly Sods' role in the WVMA comes into focus. The ranges generally resulted in the firing of artillery shells or mortars into what is now the Dolly Sods Wilderness Area or at surrounding mountaintops.

Remnants of the ranges can still be encountered today in the form of unexploded ordnance (UXO). UXO is military munitions that were fired, but failed to detonate as intended. The exact amount of ordnance remaining in the Dolly Sods region is unknown, but the risk is illustrated by continuous discovery of UXO by recreational visitors to this day.



Topo Map: U.S. Geologic Survey
'Blackbird Knob Quadrangle'
Monongahela Nat'l Forest

To address Dolly Sods UXO concerns, an ordnance removal project was authorized under

the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS). Such projects are established for sites that were contaminated while under the control of the Department of Defense (DoD) prior to 1986. The U.S. Army Corps of Engineers (USACE), Huntington, WV District, is responsible for overseeing this project.

In an effort to reduce risk to Dolly Sods visitors, an ordnance removal action was initiated, and removal activities began in 1997-98. USACE Contractors cleared trails (+20' on each side of the trail) and campsites within this area. The removal action was the most

feasible alternative based on cost, environmental impact, and reduction of public risk. The disposal of 41 mortars and 1151.5 pounds of OE-related scrap, significantly reduced the items posing a hazard to the public in the most widely used areas of Dolly Sods.

Following completion of the removal action, the WVMA/Dolly Sods FUDS Project went into "Long Term Management (LTM)" phase. The USACE's main efforts have been placed on making the public aware of Dolly Sods UXO issue and teaching what to do if UXO is encountered while visiting the area.

If you are at Dolly Sods and believe you found a UXO, you should consider it extremely dangerous and follow the 3R's of Explosives Safety:

- 1) Recognize – Recognize the UXO and the potential danger inherent to that encounter.
- 2) Retreat – Do not touch, move or disturb the UXO. Walk back the way you came.
- 3) Report – A special Forest Service phone number has been created to report ordnance encounters within Dolly Sods: 1-888-283-0303. If UXO is found off Forest Service property, please report it to the nearest law enforcement authority immediately.

It is not the intention of this project to dissuade the use of the Dolly Sods Wilderness, but to educate the public on how to enjoy the Dolly Sods safely, with respects to UXO.

For more information, please contact Nick McHenry, USACE at 304-399-5909 or via email at Nickolas.L.McHenry@usace.army.mil.

Or visit the project's website at www.lrh.usace.army.mil/projects/current/derp-fuds/wvma.

Ice Mountain Trip Set for June 26

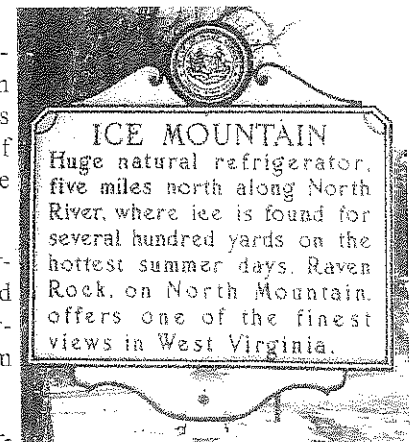
PVAS has scheduled a field trip to the Ice Mountain Preserve in Hampshire County, West Virginia, on Saturday, June 26.

Always a popular field trip destination, the Ice Mountain Preserve is a 149-acre property that contains an unusual geologic site: a high rocky slope that traps winter ice and retains it year round, like a kind of natural refrigerator.

The ice itself is mostly hidden from view deep within the rocks but cold air flows continually from a series of vents at the bottom of the slope.

Historically, Native Americans and early settlers used the vents for storing perishable food in the warm months.

Now the vents are of interest primarily because they create a unique ecosystem that supports Canadian, Alpine, and even Arctic species of plants in addition to native Appalachian species.



The mountain also has high sandstone cliffs offering impressive views and rock chimneys that are home to large ravens. One may also see eagles there.

The preserve is owned by the Nature Conservancy, and it can only be accessed through organized trips of this kind. All trips through it are led by trained Nature Conservancy volunteers. PVAS Board member Clark Dixon has recently undergone this training, and he will lead our trip.

Because parking at the preserve is limited, participant should plan to meet at the Food Lion parking lot on Route 51 off I-81 in Inwood at 8:30 a.m. and carpool from there to the preserve.

The hike into the preserve will begin about 10:00 a.m. and last about two hours.

Anyone with an interest is welcome to participate but space will be very limited so they should sign up as early as possible by contacting Clark at dixonconsultants@aol.com.

The hike through the preserve is relatively challenging, with steep elevation changes. Participants should wear sturdy shoes. Bug spray is recommended.

Join Us for a Special Visit to the Smithsonian's Leesburg Center

PVAS will sponsor a field trip to the Smithsonian Institution Naturalist Center in Leesburg, Virginia, on Saturday, June 12.

The trip is intended for adults and families with children age 10 and over. It is designed to provide an introduction to the learning and research resources available at the facility.

Participants will meet at the Center entrance at 11 a.m. Admission and parking will be free.

Registration is recommended but not required. To register or get more information contact Kelly Heldreth at kheldreth@hotmail.com or 304-229-6229.

The Center's resources are considerable. It was established over 30 years ago to give the public an opportunity for "hands-on" exploration of natural history subjects, and it moved to its Leesburg location in 1995.

Its collections include 36,000 natural history objects, 6,500 books, and a wide range of scientific equipment.

The Center is open five days a week to the general public on a walk-in basis. Its Family Learning Center (for all ages) and Main Study Gallery (only for adults and children 10 or older) offer a variety of natural history learning opportunities.

The Center also maintains programs for school groups from Grade 5 through university. Students work in structured programs appropriate to their grade levels.

For more information, see the Center website at www.mnh.si.edu/education/fieldtrip/planned_programs/naturalist_center/index.html.

The center is located at 741 Miller Drive SE, next to the Leesburg airport, south of the Route 7/15 Leesburg bypass. From the bypass, turn south on Sycolin Road (state route 643) and follow it about a mile to Miller Drive on the right.

Apply Now - Student Conservation Summit at NCTC

PVAS is pleased to announce that we are partnering with Friends of NCTC to offer five partial scholarships for an amazing summer experience for high school students at the US Fish and Wildlife Service's National Conservation Training Center.

For the second year, approximately 120 student fellows from schools across the country will gather at NCTC for the Student Climate and Conservation Congress (SC3). The program is sponsored by the Green Schools Alliance and NCTC, and aims to get high school students actively engaged in "greening" their schools and community. Speakers this year include writers, scientists, architects, and activists. Students arrive Saturday, June 26, and will depart midday on July 1.

PVAS and Friends of NCTC are pooling their resources to provide five \$400 scholarships for high school students who live in the PVAS service area (Berkeley, Jefferson, Morgan, and Washington Counties.) The remaining cost to the family will be \$100. The price includes overnight accommodations and meals at NCTC, all programs/activities, and a whitewater rafting trip on our local rivers.

For additional information and to apply for the scholarships, please contact Kristin Alexander at PVASmail@aol.com or 304-676-3397.

Join PVAS at July 17 "Fresh Feast on the Farm" Dinner

PVAS is partnering with Jane Tabb, of Kearneysville, for her next "Fresh Feast on the Farm" dinner, which will be held the evening of July 17.

The dinner will be held at Bill White Grantham's Meadow Green/Aqua Green Farm on Route 51 near Middleway in southern Jefferson County.

Fresh Feast on the Farm



Jane launched the Fresh Feast on the Farm program in 2008, with the help of funds from the West Virginia Department of Agriculture and the U.S. Department of Agriculture's Specialty Crop Block Grant Program.

The program is intended to help promote the local food movement and agritourism in Jefferson County. It provides unique dining experiences that highlight delicious, locally produced foods served in beautiful farm settings.

Each dinner features a multi-course meal that varies with the seasons. The dinners are country elegant—held in a tent, barn or other farm building with white tablecloths and linen napkins.

Meals are served plated and are accompanied by West Virginia wines.

Ten percent of each event's gross revenues are donated to a local non-profit organization that provides volunteer wait staff (in this case, PVAS). The host farm also receives ten percent. The remaining proceeds cover event and program costs.

The July 17 event will start at 6 p.m. with appetizers and a walking tour of the farm. Dinner will follow at 7 p.m.

A new hay barn will be the dinner venue.

The Meadow Green/Aqua Green Farm is a diverse, conservation-minded operation on 186 acres. Bill White Grantham, a seventh-generation farmer, owns and operates it with his wife Kerry and nephew Andrew Upright. They raise free-range cattle and hay, and have converted a hog-farrowing barn into a facility to raise rainbow trout.

The conservation practices on the farm include stream bank fencing and limited access areas to protect Turkey Run, which flows through the property.

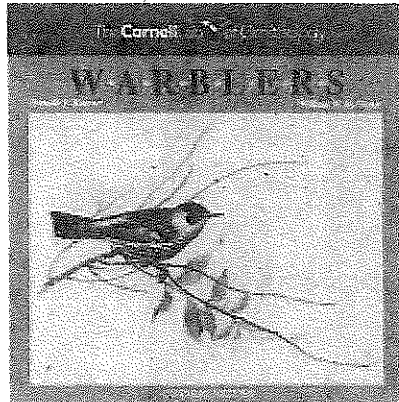
The cost to attend the dinner will be \$75 per person. Space is limited and reservations are required.

For more information, go to the program's website at www.feshfeastonthefarm.com. To make reservations, contact Jane at 304-725-4325 or Vinemont@frontiernet.net.

Carry a Tune with Digital Warbler Songs...

Sounds from Cornell Lab of Ornithology play on any MP3 device

Ithaca, NY—A compilation of 310 songs and calls for 57 species of warblers is now available from the Cornell Lab of Ornithology's Macaulay Library—the largest archive of wildlife sounds in the world. Originally released in 1985 as an LP record, *Songs of the Warblers of North America* is the most comprehensive audio guide to warblers available anywhere. The newly digitized version can be used on any device that plays MP3 files and is \$14.99 at www.macaulaylibrary.org.



"We received numerous requests for this digital release," said Macaulay Library audio curator Greg Budney. "Knowing the songs of warblers really enhances people's ability to find and identify dozens of stunning warbler species."

Multiple sounds for each species showcase the variability in warbler vocalizations, enabling listeners to recognize the essential qualities of each species' song while also appreciating the variability within and among species. Selected examples are available for listening at www.macaulaylibrary.org.

The MP3 files are accompanied by photos of each warbler for those who download the material to a device that can show images.

A PDF copy of the booklet that accompanied the original album provides information on the location and date for each recording and is included in the download. This guide to warbler songs and calls is a collaboration of the Cornell Lab of Ornithology, the Borror Laboratory of Bioacoustics, and Ontario Nature.

Contact: Pat Leonard, Cornell Lab of Ornithology, (607) 254-2137, pe127@cornell.edu

The Cornell Lab of Ornithology is a membership institution dedicated to interpreting and conserving the earth's biological diversity through research, education, and citizen science focused on birds. Visit the Cornell Lab's web site at <http://www.birds.cornell.edu>.

Cornell Lab of Ornithology

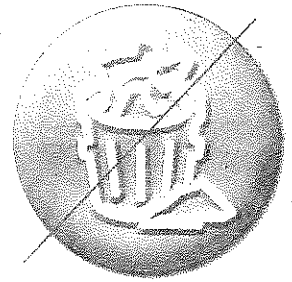
159 Sapsucker Woods Rd, Ithaca NY 14850

Call toll-free (800) 843-BIRD (2473)

Governor Manchin Signs New Litter Law

Announcement courtesy the Berkeley County Solid Waste Authority

On March 31, 2010, Governor Manchin signed Senate Bill 627 into law. SB 627 amended WV Code §22-15A-3 and §22-15A-4 relating to the crime of littering. SB 627 was introduced by Senator(s) Ron Stollings (Boone), Richard Browning (Wyoming) and John Unger (Berkeley) and enjoyed broad support in both the House of Delegates and the State Senate.



This law requires the Secretary of the Department of Environmental Protection to encourage, organize, coordinate and increase public awareness, and participation in, a volunteer litter reporting program state-wide. In addition, this law increases the fines for any person who is convicted of littering or open dumping.

The breakdown of the new litter fines are:

- Any person convicted of littering is guilty of a misdemeanor.
- Any person who dumps less than one hundred pounds is subject to a fine of not less than \$100.00 but not more than \$1,000.00.
- Any person who dumps more than one hundred pounds but less than five hundred pounds is subject to a fine of not less than \$1,000.00 but not more than \$2,000.00.
- Any person who dumps more than five hundred pounds is subject to a fine not less than \$2,500.00 but not more than \$25,000 or confinement in jail for not more than one year.
- Any person who is convicted of littering shall pay a civil penalty not less than \$200.00 nor more than \$1,000.00.

The new law is effective June 11, 2010.

To learn more about SB 627, visit the WV Legislative Services website at <http://www.legis.state.wv.us/>

Look for PVAS Display at Morgan County Fair

If you're attending this summer's Morgan County Fair, stop by PVAS' display and say hello.

The Fair will be held from 10 a.m. to 6 p.m., Saturday, July 31, and noon to 5 p.m., Sunday, August 1, at the Berkeley Springs High School. PVAS will be there both days.

Taking a break for the summer...

For those of you who are new to PVAS (and those who need a reminder), PVAS does not hold monthly meetings or publish the Valley Views newsletter during July and August.

Our next monthly meeting and newsletter will be in September.

In the meantime, if you're not currently receiving email notices about our programs and activities you can join our e-mail list by writing to pvasmail@aol.com. Just say that you want to be on the PVAS e-mail list and provide your name and email address.

Or, you can keep up with our schedule simply by checking on our website, www.potomacaudubon.org.

Calendar of Upcoming Events

(see www.potomacaudubon.org for updates!)

- Jun 2: Birding walk - *C&O Canal*
- Jun 4: PVAS program at Cacapon State Park - *Safety at Dolly Sods*
- Jun 5: Master Naturalist Workshop—*Project Wild*
- Jun 5: Master Naturalist Workshop—*Ferns*
- Jun 5: PVAS event hosted by Rusty and Cricket Morgan at Ripon Lodge
- Jun 11: PVAS annual potluck - *Yankauer*
- Jun 12: Field trip - *Smithsonian Institution Naturalist Center*
- Jun 19: Birding trip - *either NCTC or Greenbrier State Park*
- Jun 25: Potomac Valley Nature Photographers meeting - *NCTC*
- Jun 26: Field trip - *Ice Mountain*
- Jun 29: Birding trip - *Flowing Springs Park and Altona Marsh*
- Jul 17: "Fresh Feast on the Farm" Dinner
- Jul 23: Potomac Valley Nature Photographers meeting - *NCTC*
- Jul 30-Aug 1: Field Trip - *Delaware's Bombay Hook National Wildlife Refuge*
- Jul 31-Aug 1: Morgan County Fair
- Aug 27: Potomac Valley Nature Photographers meeting - *NCTC*
- Sep 11 (may extend to 12): Banding and Birding trip - *Dolly Sods*
- Sep 24: Potomac Valley Nature Photographers meeting - *NCTC*
- Sep 24-26: Third Annual Berkeley Springs Fall Birding Festival
- Oct 7-10: Hawk-watching trip - *Cape May, NJ*

JOIN PVAS TODAY!

We now offer two kinds of memberships:

1. PVAS Local Membership

Here's what you get:

- Access to a wide variety of PVAS programs and events for adults and children.
- Discounts for selected chapter activities, like children's summer camps.
- A subscription to PVAS's newsletter and e-mail alerts about events and programs of special interest.
- ALL your dues stay here to support local PVAS efforts!

To become a local member: Enclose a check for \$20 (\$15 for seniors and students). Please make check out to "PVAS." This fee covers membership for everyone in your household for one year.

2. Dual Membership with National Audubon

You get all the benefits of PVAS membership plus membership in the National Audubon Society, which includes a subscription to *Audubon* magazine. If you select this option, almost all of your dues will go to National Audubon. To obtain a dual membership, enclose a check for \$20 if you are joining NAS for the first time or \$35 to renew an existing NAS membership (\$15 in either case for seniors and students). Make check out to "National Audubon Society."

Membership Form

Name: _____
 Address: _____
 City: _____ State: _____ Zip code: _____
 Phone (optional): _____
 E-mail (optional): _____

Membership Type (check one):

PVAS Local Membership
 (For PVAS local membership, check the box following if you do NOT want PVAS to share your contact information with National Audubon: _____)

Dual Membership with National Audubon

I'd like to get *Valley Views* by e-mail _____ US mail _____ (check one)

..... (Audubon chapter code C9ZY540Z)

Clip and mail this form to:

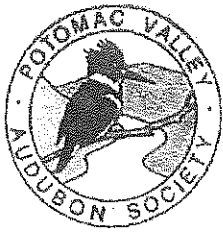
Membership Chair, PVAS
 PO Box 578
 Shepherdstown, WV 25443

Thank you for your support!



Ⓡ RED TEXT - DOT ALERT

If red text or a red dot appears on your mailing label, your membership may have expired and this could be your last issue of Valley Views. Take action to renew your Dual membership or Local membership.



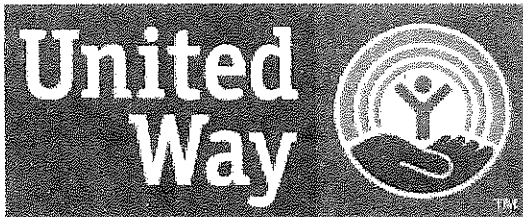
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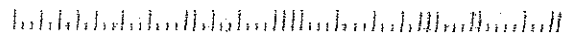
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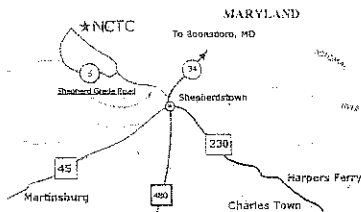
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June 2010

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Volume 28, Issue 9



The Potomac Valley Audubon Society meets at 7:00 p.m. on the second Wednesday of each month, September through April, at the US Fish and Wildlife Service National Conservation Training Center (NCTC), Shepherdstown, WV, in the Instructional West Building. Programs are free and open to the public. For additional information about PVAS or its programs and activities, please call any of the board members listed her or see <http://www.potomacaudubon.org>. PVAS serves the Eastern Panhandle of West Virginia and neighboring Washington County, Maryland.

PVAS BOARD
 The PVAS Board meets every other month on the first Wednesday of the month (Sept.-June). Meeting location will be announced prior to meetings. These meetings are open to all PVAS members.

PVAS Officers and Board Members

- President: Peter Smith 304 876-1139 pvsmitth@frontiernet.net
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- Web Master: Kathy Bilton kathy@fred.net
- PVAS Wildlife Rescue Coord: Diana Mullis 304-267-3482

PRIMARY ELECTION SEES LOW VOTER TURNOUT

Tuesday, May 12th was a rainy day over much of the State which may account at least in part for the extremely low voter turnout statewide. The turnout was approximately 15%, down from the 2006 mid-term primary when it was 26%.

Approximately 166,000 voters cast their ballots and, of those, 40,000 did so during the early voting period which seems to grow more popular with each election. West Virginia currently has about 1.2 million registered voters.

Two counties, Monroe and Jackson, took advantage of a new law which allows counties to set up satellite precincts for early voting. The counties of Jackson, Kanawha, Marshall, Monongalia and Wood offered military and overseas voters a secure internet connection for voting absentee ballots, also taking advantage of new legislation.

According to Jackson County Clerk Jeff Waybright, everything went very smoothly at their satellite precinct. "We only had a little over 19% total turnout for the primary, with a total of vote of 4090. Of that total, 279 voted at the satellite precinct, and we think that is a

good number considering the light turnout and the first time we have had early voting over there (in Ravenswood). We had a total of 953 early voters," reported Waybright. Jackson County also conducted the secure internet voting and had 11 applications and, of those, 9 ballots were cast. According to Clerk Waybright, "We received positive comments from those who voted and we had no technical problems in downloading the results."

According to County Clerk Donnie Evans, Monroe County's satellite early voting location worked out very well. Evans elaborated, stating, "I was extremely pleased with how things went and we've had tons of calls thanking us for establishing this location. The Peterstown location was convenient for voters on their way to the store, post office or just out running errands. The Courthouse is 25 miles from Peterstown and voters who live in or around Peterstown were unable to get to the Courthouse before Early Voting closed due to their work schedules. This was really a convenience for the voters. I have no regrets whatsoever about establishing the satellite location."

INTERIM HIGHLIGHTS

Once the abruptly ended special session devoted to education issues was over, it was time for May interims. The May special session did not result in any legislation with regard to education but a task force was created to come back with recommendations in June. May's interim sessions were primarily organizational and included:

> **The Regional Jail Oversight Committee** heard that as of that day (May 24th), the head count in the jails is 4,126. Bunks are being added to accommodate population increases so currently there are approximately 160 more inmates than bunks available. Without the addition of bunk beds in the last two years, there would have been an excess of 1,262 inmates per bunks available. Questions were raised by Senator Laird about the accelerated parole program that was passed during the 2010 legislative session. Division of Corrections Commissioner Rubenstein projected that the result could be a reduction of 200 - 250 DOC inmates in the first year of implementation. He also said that DOC is looking at the old Holiday Inn in Parkersburg, which is now closed, as a work release facility.

> Finance Subcommittee C is once again tackling the subject of the **Other Post Employment Benefit (OPEB) liability**. Jason Haight, Chief Finance Officer for PEIA, told the committee

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THE President's View

In June the presidency of WVACO will pass to the very able hands of my good friend Gerald Hough, Prosecuting Attorney of Gilmer County. (Go Pioneers!) It seems hardly more than a few months have gone by since my good friend John Gruzinskas, Sheriff of Marshall County, was handing things over to me, the Circuit Clerk of Wyoming County! (I must thank Betsy Castle, Circuit Clerk from Preston County for filling in as President during our annual meeting.) My how time flies! Before I go on about how proud I am to have served I need to speak to a fact made clear by my first few sentences. In just over a year three different folks from the northern, the central, and the southern parts of West Virginia and representing three different groups of elected county officials will have had the honor and the task of being the president of an organization that is half a century old and includes every county in West Virginia!

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The County Line

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2211 WASHINGTON STREET, EAST
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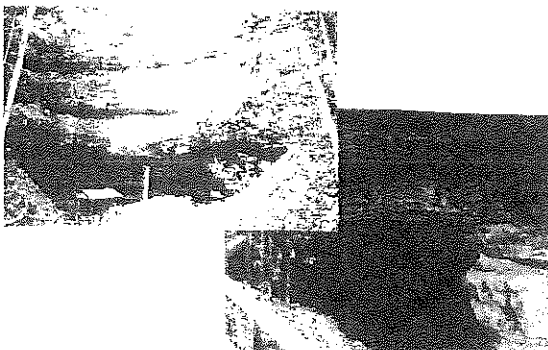
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Jack C McClung LEGAL COUNSEL
Mary Rader SECRETARY

JUNE 2010 West Virginia Consolidated Public Retirement Board PERS Retirement Planning Seminars			
Date	Location	Venue	Time
Monday, June 14th	Beckley, WV (Raleigh County)	Tamarack Conference Center	11:00 AM - 1:00 PM
Tuesday, June 15th	Lewisburg, WV (Greenbrier County)	WV School of Osteopathic Medicine The Roland P. Sharp Alumni Conference Center	5:00 PM - 7:00 PM
Wednesday, June 16th	Martinsburg, WV (Berkeley County)	Holiday Inn Martinsburg	5:00 PM - 7:00 PM
Thursday, June 17th	Morgantown, WV (Monongalia County)	Lakeview Golf Resort & Spa	1:00 PM - 3:00 PM
Friday, June 18th	Wheeling, WV (Ohio County)	Oglebay Resort & Conference Center	8:30 PM - 2:30 PM
Saturday, June 19th	Bridgport, WV (Harrison County)	Bridgport Conference Center	1:00 PM - 3:00 PM
Sunday, June 20th	Elkins, WV (Randolph County)	Graceland Inn & Conference Center (Davis & Elkins College)	8:00 PM - 8:00 PM
Monday, June 21st	Logan, WV (Logan County)	Chief Logan Lodge, Hotel & Conference Center	1:00 PM - 3:00 PM
Tuesday, June 22nd	Charleston, WV (Kanawha County)	WV Consolidated Public Retirement Board	8:00 PM - 8:00 PM
Wednesday, June 23rd	Huntington, WV (Cabell County)	Big Sandy Superstore Arena Riverfront Ballroom & Conference Center	1:00 PM - 3:00 PM
Thursday, June 24th	Vienna, WV (Wood County)	Grand Pointe Conference & Reception Center	1:00 PM - 3:00 PM

RONCEVERTE, GREENBRIER COUNTY

Located six miles from Ronceverte, Organ Cave is the largest commercial cave in West Virginia. First discovered by Europeans in 1704, Organ Cave measures 45 miles length, with 200 passages yet to be explored. One of the primary attractions of Organ Cave is the massive formation from which the cave and community receive their names—the Rock Organ. A stalactite and stalagmite column, the Rock Organ remains an undeniably impressive feature in the subterranean landscape. Published accounts date back to 1822, identifying the cave as a stagecoach stop in 1835. Organ Cave played a role in the American Revolutionary War, War of 1812 and the Civil War. The remarkable acoustic quality of the Chapel Room, combined with a smooth flat, open floor, make Organ Cave a unique addition to the National Register of Historic Places.

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that the low discount rate (interest rate), inflating medical costs, and lack of assets in the trust to fund the liability were hurting the State by driving up the liability. One change made by the PEIA Finance Board will work to reduce the OPEB liability over time and that is the policy for future hires as of July 1, 2010 and thereafter. Those new hires will not be eligible for *subsidized* retiree benefits from the plan but they will have access to PEIA at its true cost. When discussing a funding stream for the liability, Haught said, "Anything is better than nothing," when it comes to reducing the liability. He further explained to the committee how the interest rate of 3.56% is derived and who establishes it. Ernst & Young review PEIA's methodology for compliance with GASB and the cash rate earned by general revenue investments (short-term) is the discount rate allowable for the unfunded portion of the liability.. Any dedicated funding stream would allow a higher discount rate to be used. For example, if a 7% discount rate could be used, the liability is cut in half. The committee asked for specific reports for June, including a breakdown of the portion of the liability borne by the State, school boards, county commissions, municipalities, and all the other non-state agencies. They also requested information about what other states have done to reduce their liability.

The **Joint Committee on Economic Development** will be taking up several study resolutions, including: (1) A study of public policy initiatives that promote the development and implementation of green building standards, green energy workforce and energy demand-side management in the public and private sectors, as well as potential tax credits; and, (2) A study of issues related to creating a matching grant program to foster the implementation of innovative planning strategies to develop and expand communities that can maximize emerging economic opportunities and environmental challenges and thrive in the 21st century.

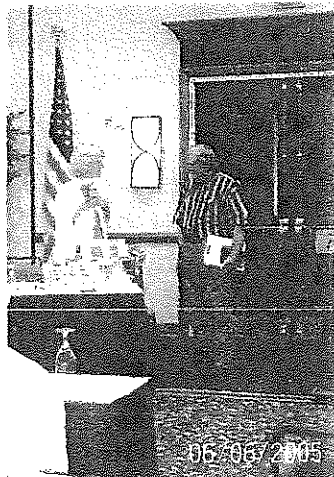
Finance Subcommittee B will be studying the **Homestead Exemption** and whether changes need to be made. Every year, several bills are introduced that seek to increase the homestead exemption. The committee will be looking at what the exemption currently costs in terms of lost revenue and what any changes to it may do to the property tax base. In addition, the committee will study other **senior citizens tax credits** and will gather information from other states. Co-Chairman Helmick stated that significant time will be spent on this issue. Additionally, the committee will be studying the **tax burden on the coal industry** and will be comparing other coal-producing states such as Kentucky, Ohio, and Pennsylvania. Research from WVU and Marshall will be presented and in discussion about the cost of that research and the many previous studies that have been done, Co-Chairman White said, "What else can they tell us that they haven't already charged us for!"

> Using bills that did not pass the session, HB 4360 and HB 4381, as a basis, Judiciary Subcommittee C will study **annexation** during the interim session. HB 4360 would create a special committee to study the annexation process, compare ours to other states, and make recommendations that would provide flexibility as well as meaningful input from affected parties such as county governments. HB 4381 would give county commissions the first level of review on annexations and would grant de novo review of commission decisions to circuit court. This committee is also undertaking a complete review of the **magistrate court system**.

> **Pensions** Committee was introduced to the new Consolidated Public Retirement Board Erica Mani who started her position on May 1st. Ms. Mani was counsel to former Governor Wise and most recently served as general counsel to the Secretary of Tax and Revenue.

> Judiciary Subcommittee B will be busy studying several areas of **criminal sentencing and law enforcement issues**. They will be reviewing the criminal statute revisions pursuant to recommendations from the WV Law Institute as well as reviewing other recommendations from the Governor's Commission on Prison Overcrowding. They will concentrate on developing alternative and community-based programs and identifying a sustainable source of funding for those programs. Additionally law enforcement training and the creation of a database to be used for hiring, forfeiture statutes, and technology crimes including cyber-bullying, cyber-fraud, and cyber-stalking will be studied. Rounding out their workload for the interim session will be identifying means of cracking down on child pornography, particularly from the internet source point.

WVACO FLASHBACK SNAPSHOTS
WEST VIRGINIA ASSOCIATION OF COUNTIES



Boone County Prosecutor, Sam Hall, passes the gavel at the 2005 Spring Board meeting.



Former Fayette County Prosecutor, Paul Blake, his wife, Ruth, and son, Dr. Blake, watch as Governor Manchin begins the ceremony of swearing in Mr. Paul Blake as Fayette County WV Judge.

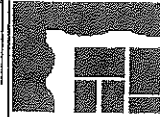


"The problem with doing nothing is not knowing when you are finished." - BENJAMIN FRANKLIN



Calendar of Events

- JUNE 6-9, 2010** WV County Clerks Association
Glade Springs, Raleigh County
- JUNE 14-15, 2010** WVACo Spring Board Meeting
Twin Falls Resort, Wyoming County
- AUGUST 1-3, 2010** CCAWV Annual Meeting
Stonewall Resort, Lewis County
- AUGUST 10-13, 2010** WV Circuit Clerks Association Annual Meeting
Canaan Valley, Tucker County
- SEPTEMBER 12-14, 2010** WV Sheriffs' Association Meeting
Oglebay Resort, Ohio County
- FEBRUARY 6-8, 2011** WVACo Annual Conference
Charleston Embassy Suites, Kanawha County



MEMBER PROFILE: Mark Plants Kanawha County Prosecutor



Years in office: 1 1/2 years

Education: B.S. in Finance, minor in Economics
J.D., WVU College of Law

My favorite sport is: Football (& baseball)

A dream I have had is to: Be the best at my job that I can possibly be.

The hardest thing I have done: Trying to be a good husband to my wife and good father my kids—everyday.

You would be surprised to know: I have a twin brother (I'm the youngest of 4 boys)

I'm most proud of: the thought of my children growing up to be strong Christian leaders.

My favorite meal is: pizza or cheeseburgers

The last book I read was: Courtroom Survival—Guide for Law Enforcement Testimony

Three people (living or dead) I'd invite to dinner: Jesus (& disciples), General Patton, Theodore Roosevelt

My favorite movie is: Outlaw Josey Wales

My favorite music is: Peace & Quiet (but rarely get any)

My pet peeve is: continuances without good cause.

My motto is: Bring glory to God by impacting those within the sphere of my influence by displaying character, quality and compassion.



2010 LEGISLATIVE INTERIM CALENDAR

- June 7-9 — Monday, Tuesday, Wednesday
- July 19-21 — Monday, Tuesday, Wednesday
- August 9-11 — Monday, Tuesday, Wednesday
- September 13-15 — Monday, Tuesday, Wednesday
- October 11-13 — Monday, Tuesday, Wednesday
- November 15-17 — Monday, Tuesday, Wednesday
- December 13-15 — Monday, Tuesday, Wednesday
- January 9-11 — Sunday, Monday, Tuesday

IN 1960.. The WVACo was created

and
First Run TV Shows :
 My Three Sons
 The Flintstones
 The Andy Griffith Show

Top Movies:
 Ocean's Eleven
 Spartacus
 The Big Risk

Cost:
 First Class Stamp .04 cents
 One Gallon of Gas .31 cents
 One Dozen Eggs .57 cents



RECIPE OF THE MONTH

WV Dirt Cake

PENDLETON
COUNTY

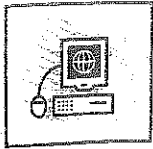
Ingredients:

- 1 lg. bag Oreo cookies (crush these)
- STEP 2:**
- 1 (8 oz.) cream cheese
 - 1/2 stick butter
 - 1 c. confectioners' sugar
 - 12 oz. Cool Whip
- Mix.**

STEP 3:

- Vanilla pudding (instant)
(You can use 2 sm. ones or 1 lg. one)
- 3 c. cold milk
- 1 tsp. vanilla
- 1 tsp. vanilla

Mix. Step 2 and 3 together. Alternate Step 2 and 3 with the crushed Oreo cookies. Put pecans on top.



COMMONLY USED COMPUTER TERMS

By Kathy Yates, WVACo Administrative Assistant

Throughout the world of computing you will hear computer jargon galore, which, unless you are trained or curious about pc's, you may need a few explanations. Below are few more common terms that people "in the computer business" use frequently.

Active-X

This Microsoft-based technology was built to link desktop applications to the World Wide Web. Using ActiveX development tools, software developers can create interactive Web content for their applications. For example, Word and Excel documents can be viewed directly in Web browsers that supports ActiveX. While ActiveX is a useful technology, the downside is that you need to have a up-to-date version ActiveX installed on your machine in order to use ActiveX-enabled content.

Bookmark

Similar to a real-life bookmark, an Internet bookmark acts as a marker for a Web site. (In Internet Explorer, they're called "Favorites".) When using a Web browser, you can simply select a bookmark from the browser's Bookmarks menu to go to a certain site. In most browsers, to create a bookmark, you simply choose "Add Bookmark" from the Bookmarks menu when you're at a page that you'd like to bookmark.

Crop

When you crop an image or photo, you remove part of the image. This may involve cutting some of the image from the left, right, top, bottom, or any combination thereof. It may also mean just cutting out a small rectangular of the image. Most image editing programs include a crop function.

Domain

This is the name that identifies an Web site. For example, "microsoft.com" is the domain name of Microsoft's Web site. A single Web server can serve Web sites for multiple domain names, but a single domain name can point to only one machine. For example, Apple Computer has Web sites at www.apple.com, www.info.apple.com, and store.apple.com. Each of these sites could be served on different machines.

Ethernet

Just to be clear, the first syllable is pronounced "eath" as in "Heath Bar," not like "eth" as in Bethany. Ethernet is the most common type of connection computers use in a local area network (LAN). An Ethernet port looks much like a regular phone jack, but it is slightly wider. This port can be used to connect your computer to another computer, a local network, or an external DSL or cable modem.

Stay tuned for more.....

COUNTY WELLNESS.....

TIPS FOR A HEALTHY HEART

Eat plenty of fiber and good fat. New research suggests that inflammation of the arteries may be as big a risk factor for heart disease as clogging with cholesterol deposits. Good sources of fiber include fruits, legumes, nuts, whole grains, and vegetables. Best of all: the soluble fiber from barley, beans, and oats. As for fat, choose high-omega-3 but low-mercury fish such as salmon, sardines, and trout, and vegetable oils such as canola, olive, safflower, and soybean

Lay off cholesterol and salt. Anyone diagnosed with an elevated level of LDL (bad) cholesterol should consume less than 200 milligrams of cholesterol a day. That's the amount in one egg yolk, 8 ounces of skinless chicken breast, or 10 ounces of lean sirloin. As for salt, if you have high blood pressure or are at risk of developing it, cutting back on salt could reduce your risk of a heart attack by 25 percent or more. Your goal should be less than 2,300 mg of sodium a day, which is about a teaspoon of salt.

Lose the gut. Even if you are not significantly overweight, carrying extra fat around your middle is bad, bad, bad. It raises blood pressure, adversely affects blood lipids, causes insulin resistance, and produces substances that inflame the arteries. The critical point is a waist measurement of 40 inches or more for men, or 35 inches for women, regardless of height.

Calm down. Negative emotions, such as stress or panic attacks, trigger the release of hormones that can threaten your heart; studies show that people who experience those troubles have more heart attacks and strokes than calmer, more cheerful types. Curbing negative emotions is almost as good for your heart as proper diet and exercising. For stress, try yoga, tai chi, meditation, and measured breathing. Regular aerobic exercise helps ease depression. If you can't shake negative emotions and they are interfering with your functioning, seek professional counseling.

Know your CRP number. Elevated levels of C-reactive protein, or CRP, serve as a marker for artery inflammation, even if you have no other symptoms. Ask your doctor to include the inexpensive blood test for CRP the next time your cholesterol is checked.



"If you don't know where you are going, you will probably end up somewhere else." Lawrence J Peter

Please Don't Share RX Drugs

Everyone knows drugs are dangerous. But did you know that sharing prescription drugs can be just as dangerous and deadly too? Sharing prescription drugs is also illegal.

Data indicate social access (sharing) is a major contributor to the misuse of prescription drugs. According to the *National Survey on Drug Use and Health*, most prescription drug abusers obtain their drugs from family and friends. In WV, 64% of non-medical users of pain relievers reported getting the most recently used drug from a friend or relative for free, and another 7.6% reported buying them from a friend or relative.

This issue demands an approach aimed at changing cultural/social norms about RX drugs. In response, the WV Partnership to Promote Community Well-Being and WV Prevention Resource Center have developed -

Take Care West Virginia: A RX Drug Abuse Prevention Campaign

The campaign includes:

PUBLIC SERVICE-ANNOUCEMENTS (PSAs):

TV, Radio, Newspaper & Billboard Ads

COMMUNITY FORUMS: 36 of WV's counties applied for and received federally funded mini-grants to facilitate Community Forums/ Discussions about RX drug abuse.

RX BAGS FOR PHARMACIES: Counties that wish to participate will receive large quantities of RX bags (the white paper ones you get your prescriptions in) that include the campaign logo/message/website. County partners will distribute these to their local pharmacies to use this September.

Take Care WV is funded by 2009 Drug Free WV Grants, WV's federal Strategic Prevention Framework State Incentive Grant (both grants administered by the WV Div. of Criminal Justice Services), and WV's federal Projects of National and Regional Significance Grant.

If you have any questions or need anything else, call the WV Prevention Resource Center at 304-766-6301.



THE STATE CREDIT UNION

If you're looking for RATE, *We Have It!* Take advantage of one of the following great rates and plans with the State Credit Union. Rates like this will not last long.

4% for 5 years for a Home Equity Loan

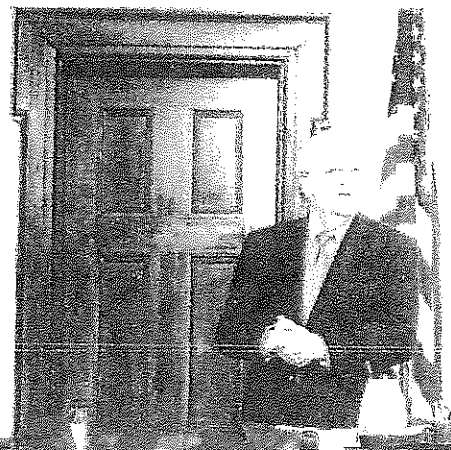
4% for 5 years for an Automobile Loan (New or Used)

Rate as low as 4% APR for up to 5 years and includes purchase money vehicles model years 2007 to present.

4% for a 5 year home equity balloon loan (10 year term)

4% for a Share Secured Loan

Please contact the credit union about other disclosures, terms and conditions. Visit our website www.wvpecu.org or call the loan department at 304-558-0566.



CONGRATULATIONS to Boone County Prosecuting Attorney and former WVCo President, Clarence "Sam" Hall. Sam is retiring after 26 years of public service, including 18 years as Prosecutor.

"The man who smiles when things go wrong has thought of someone to blame it on." ROBERT BLOCH

WV Convention and Visitors' Bureau Members

President's View CONTINUED FROM PAGE 1

Great Bridgeport CVB
164 W. Main Street
Bridgeport, WV 26330

Cabell-Huntington CVB
210 11th Street
Huntington, WV 25708

Charleston CVB
200 Civic Center Drive
Charleston, WV 25301

Hatfield McCoy CVB
214 Stratton Street
Logan, WV 25601

Fayetteville CVB
P. O. Box 35
Fayetteville, WV 25840

Grant County CVB
126 South Main Street
Petersburg, WV 26847

Greenbrier County CVB
540 N Jefferson Street
Suite N, Box 17
Lewisburg, WV 24901

Hurricane CVB
3255 Teays Valley Road
P.O. Box 1086
Hurricane, WV 25526

Jefferson County CVB
37 Washington Court
Harpers Ferry, WV 25425

Lewis County CVB
499 US Route 33 E
Weston, WV 26452-0379

Marion County CVB
2 Mountain Park Drive
White Hall, WV 26554

Martinsburg-Berkeley County CVB
115 N. Queen Street
Martinsburg, WV 25401

Mercer County CVB
704 Blank Street
Bluefield, WV 24701

Morgantown CVB
68 Donley St.
Morgantown, WV 26501

Mountain Highlands CVB
PO Box 1456
Elkins, WV 26241

Mountain Lakes CVB
2906 US Route 33 E
Weston, WV 26452

New River CVB
310 Oyler Avenue
Oak Hill, WV 25901

Greater Parkersburg CVB
350 Seventh Street
Parkersburg, WV 26101

Pocahontas County CVB
PO Box 275
Marlinton, WV 24954

Putnam County CVB
1 Valley Park Drive
Hurricane, WV 25526

Randolph County CVB
1302 N. Randolph Ave.
Elkins, WV 26241

Southern WV CVB
1406 Harper Road
Beckley, WV 25801

Summersville CVB
3 Armory Way
Summersville, WV 26651

Top of WV CVB
PO Box 98
Weirton, WV 26062

Tucker County CVB
PO Box 565
Davis, WV 26260

Wheeling CVB
1401 Main Street
Heritage Square
Wheeling, WV 26003

Those elected to positions in county government know that we are the place and the people that most of our citizens turn to when they have need of their government. WVACO is the way for counties to get the other larger types of government such as the state and national bodies to interact with us in a fair and balanced way. Patti and her staff represent us in such a fine manner that every time I meet with officials from Charleston they mention what a fine job they do. When I speak with folks who actually seem to be informed about county matters they mention they have talked to Patti! Thanks Patti.

During the last year I have met many dedicated county officials whom I now consider friends and have learned that we all face many of the same difficulties and have learned several valuable ways of meeting those challenges. WVACO makes this possible and we all no doubt know how important it is to us and the citizens we represent, for us to maintain a strong and unified WVACO representing all counties and all elected officials. The state of counties is strong and our organization has 100% participation. Let my last official statement in our newsletter be this (taken from Ben Franklin) "We must hang together or we shall surely hang separately." We must understand this as we march together into the next fifty years.

David "BUGS" Stover

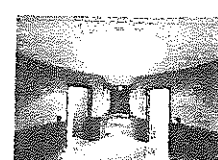
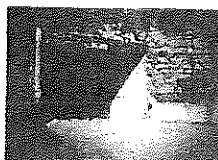


www.wvrisk.org

Phone: 888-822-6772

Fax: 877-212-8599

**When it's a matter of public record,
it matters how you store it.**



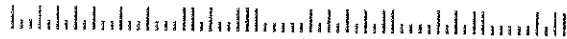
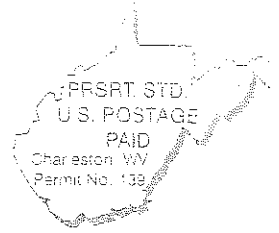
Underground Archives is the secure, affordable, climate-controlled storage solution for all of your vital county documents.

For more information contact us at: info@uarchives.com or call 724-528-0555.

uarchives.com

years
WV

2211 Washington Street East
Charleston, WV 25311



5*****MIXED AADC 250
JEFFERSON COUNTY
PO BOX 250
CHARLES TOWN, WV 25414-0250

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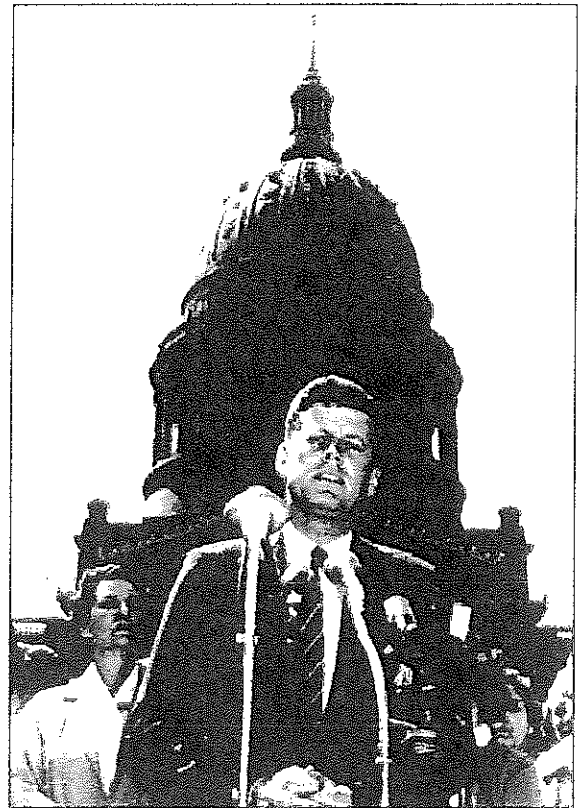
Direct to You

"The sun does not always shine in West Virginia but the people always do." President John F. Kennedy on June 20, 1963

May 10, 2010 marked the 50th anniversary of John F. Kennedy's primary win in West Virginia. This win is credited with paving the way for his Presidency. I had the opportunity to attend an event at the WV Culture Center commemorating the anniversary and the display included pictures of President Kennedy's visit to West Virginia on June 20, 1963, our centennial West Virginia Day. This took me back to a day I remember vividly because my dad took

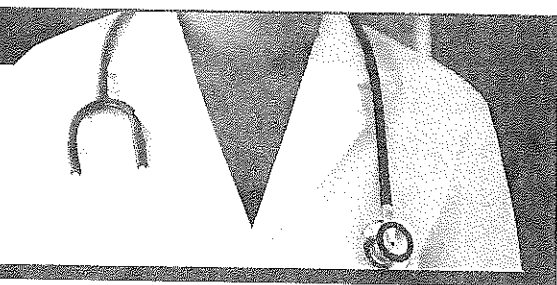
one of my sisters and me to the speech, held outside with Kennedy speaking from the top of the capitol steps. As the quote above indicates, it was pouring rain that day and the crowd was a sea of umbrellas. It is one of those childhood memories that has stayed with me, much like those of us of a certain age can recall exactly where we were when we heard the news of Kennedy's assassination. My dad probably made us go and I usually got car-sick on the road to Charleston from Oak Hill, but I'm glad that he did because I got to see an important moment in West Virginia's history.

Patti



John F. Kennedy campaigning in 1960 in front of the State Capitol in Charleston, West Virginia.

Eastern Panhandle Free Clinic



SERVING THE EASTERN PANHANDLE OF WEST VIRGINIA

SPRING 2010

HEALTHCARE CHANGES COMING BUT UNTIL THEN... OUR NUMBER OF PATIENTS CONTINUES TO GROW



Michele Goldman,
Clinic Director

Times are tough and they have been getting worse for the most vulnerable among us. In every Newsletter we share the stories of patients who receive care at the Eastern Panhandle Free Clinic. Visitors touring the clinic are often surprised

by our patients. They presume that we care for only the homeless and the down and out. They are surprised that our patients are "people just like us" EXCEPT they have fallen on hard times.

The number of patients needing services continues to grow. According to the Department of Labor, the unemployment rate in February 2010 in Jefferson County was 8.6%, in Berkeley County 11.3%, and in Morgan County 12.5%. We have become the health care "safety-net" for many newly unemployed people who never thought they would be seeking services at a free clinic. Some of them may be your neighbor down the street or maybe one of your family members.

It is important to remember that the new health care legislation will not begin its largest implementation until 2014. Even after that it is estimated that some 23 million Americans will still lack health insurance. We are committed to continue to serve the low-income, uninsured of our community now and in the future. As more federal information becomes available, we will be studying how we can best serve those folks who will still be without access to primary medical care.

In the meantime, the financial support from our community, our fund organizations and our volunteers is still desperately needed in order to meet the increased demand for our services. The newsletter offers ways that you can help us. Your financial support helps to save the lives and improves the health of our neighbors and friends.

MISSION STATEMENT

To provide quality health care to low-income, uninsured persons.

SERVICE GOALS

The clinic has four service goals:

To provide **free** medical care. To provide **free** prescription assistance. To provide **free** referrals to medical specialists. To provide referrals to community organizations.

Requests for information can be directed to:

Eastern Panhandle Free Clinic
1212 N. Mildred Street • Ranson, WV 25438
Phone: 304-724-6091 • Fax: 304-725-7204
Email: epfc@frontiernet.net
Website: www.wvepfc.com

HOW YOUR SUPPORT MAKES A DIFFERENCE

SERVICES PROVIDED BY EPFC TO JEFFERSON, BERKELEY AND SURROUNDING COUNTIES

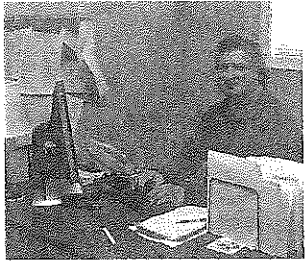
	YEAR 2008	YEAR 2009
Number of Patients Using Free Clinic	1,737	3,010
Number of Patient Visits	6,130	10,625
Medications Provided	30,146 (worth \$2,567,915)	45,745 (worth \$4,102,854)
Referrals to Specialists	1,217	1,270

The Number of Patients using the Free Clinic in 2010 is estimated at over 3,500

CHECK OUT OUR NEW WEBSITE

In order to provide more information to our patients, partners and general public, we have launched a new website. You can now donate online! Please check us out at www.wvepfc.com.

COMMUNITY SUPPORT HELPS US OFFER NEW PROGRAMS AND CLASSES



Massage Therapist, Peter Shor enters notes into a patient's chart after a treatment.

In an effort to meet the needs of the patients, we have expanded our services to include group classes and support services. These include group classes for diabetics and their families, group counseling for patients with depression, group classes and support sessions for patients wanting to lose weight and a support group for people who have lost their jobs. In addition, massage

therapy is offered for patients who suffer from chronic pain or who have health conditions where massage could be of benefit.

Thanks to the following volunteers who give of their time so that we can offer these services: Jill Speelman, Peter Shor, BJ Appelgren, Leah Graham, and Sue McCollum.

A MEANINGFUL LASTING GIFT— ROOM SPONSORSHIP

Meaningful gifts are the theme of the day in the new clinic. Businesses and individuals have named clinic rooms in honor of loved ones or as a pledge of professional support. The clinic directors and staff have worked tirelessly to provide thoughtful oversight of the renovation project. Financial support provided through sponsorships has made this happen. We are grateful to the following sponsors for their gifts: The Rotary Club of Charles Town – JB Smith Memorial, Charles Town Horsemen's Assoc., American Public University, Frank & Bee Coleman, Steve & Tina Roach, Elizabeth Niemeier, Charles Town HBPA, Charles Town Races & Slots, 2008-10 EPFC Board of Directors, Cities of Charles Town & Ranson, First Charles Town Group and Michele Goldman, Tim, Mark, Paul & Glen Niemeier, Michael Rakoff, MD and Susan Sullivan-Rakoff

There is still time to make a meaningful lasting gift or you may consider sponsoring a room in honor or memory of a loved one. Businesses and organizations have the opportunity to advertise their support to patients and clinic guests. Each room's sponsorship includes a custom-made zinc plaque placed outside the room that is sponsored. We would be happy to forward a sponsorship packet which details the remaining rooms that are available. In addition, Neighborhood Investment Program tax credits may be available for donations over \$500.

ADDITIONAL SPONSORSHIP OPPORTUNITIES

- Bronze Sponsor—\$25-\$99
- Silver Sponsor—\$100-\$499
- Gold Sponsor—\$500-\$2,999
- Platinum Sponsor—\$3,000-\$9,999
- Triple Diamond Sponsor—\$10,000 and up



Dr. Ophas receives the volunteer of the year award from EPFC Executive Director, Michele Goldman

DR. OPHAS HONORED VOLUNTEER PHYSICIAN OF THE YEAR

It was with great appreciation that Dr. Ophas Vongxaiburana was honored as the EPFC Volunteer Physician of the Year at the Volunteer Dinner in November. Since 2001, Dr. Ophas has provided charity care to every patient the clinic has referred to him. Last year alone Dr. Ophas provided over 100 free patient visits and surgical procedures to EPFC patients. We are grateful to Dr. Ophas for his generosity and his on-going commitment to providing his medical expertise to our patients.

WE NEED YOUR HELP!!!

Help the Clinic serve more patients by financially supporting our efforts.

We need to hire a part-time physician and a care coordinator. The estimated cost is \$100,000. These positions will provide additional services needed by our patients.

• Have you thought about becoming a monthly supporter? (through payroll deductions, send a monthly donation or donate online)

The Following Volunteers are Needed:

Respiratory Therapists, Dietitians, Social Workers, Primary Care Physicians, Specialty Care Physicians, Pharmacists, Dentists, Chiropractors, Acupuncturists, Massage Therapists, Nurses and Nurse Practitioners. Volunteers are also needed to provide clerical support and to help with fund-raising administrative tasks.

Please call Stacie Rohn (304)724-6091 ext 228 if you would like to volunteer or to discuss financial support options.

HONOR FAMILY AND FRIENDS – “THE GIFT OF CARE”

The “Gift of Care” is a way to honor family, friends and business associates for birthdays, holidays, as a memorial or for other occasions. A donation to EPFC in the name of a loved one honors them and gives care to those who need it most.

In Memory of:

- Hank McQueeney — by Jack & Kathleen Albert
- Anne Dost — by Michele Goldman
- Marjorie Harding — by Cassandra Hammond
- Anne Rawlison — by Leona Cook, Geri Sawyer, Michele Goldman, Louise Frame & Mary Alice Fritts
- Cathy Cilinski — by Rev. Robert Cilinski
- Christopher Pointer — by Susan Sullivan-Rakoff & Michael Rakoff, MD
- Paul Musgrave — by Mary Alice Fritts

In Memory of:

- Lyn & Ron Widmyer — by FJ. Coleman, JR.
- Cindi & Billy Dunn — by Lisa Dunn, & Laura & John Rutherford
- Dan & Jannette VanBelleghem — by Margot Bowers

Every dollar donated to the Clinic provides \$15 worth of healthcare, a great return on your donation. Please consider a donation today.



NURSE PRACTITIONER AND WONDERFUL FRIEND JOINS STAFF



By Stacie Rohn

"A teacher affects eternity; she can never tell where her influence stops,"
—Henry Brooks Adams

Genie Johnson, FNP-BC is the newest staff member at the Eastern Panhandle Free Clinic and although she is new to our team, she provided the inspiration behind the founding nurses of the clinic through her teaching.

Johnson taught our Executive Director, Michele Goldman and Nurse Practitioner Leona Cook at Shepherd University when they were nursing students. In the Fall, 2009, Genie was a clinical instructor in Psychology, Mental Health and Community Health at Shepherd University. She brought her students to the clinic to perform their clinical work. In addition she did her clinical rotation as a nurse practitioner student at the clinic under the supervision of Leona Cook.

Genie started her career as a Probation Officer in Washington County. She married in 1971 and has 4 children, twin boys and two girls. Genie continued her education obtaining her Masters Degree in Counseling, working in the Berkeley County School System as a guidance counselor while her children were young.

A self proclaimed life-long learner, Genie could not escape the need to learn and went back to nursing school once her children were in school. She served as a critical care nurse at Winchester Medical Center for 23 years, and went on to further her academic studies to become a Doctor of Arts in the field of nursing. Genie began teaching college level nursing at Shepherd University through a joint appointment between Winchester Medical and Shepherd in the mid 1980's. Continuing her passion for learning, Genie recently completed her training and received her Family Nurse Practitioner license this past March.

Genie and her husband have retired to Delaware but she makes the trek to the Eastern Panhandle every other week to care for our patients. Genie's nursing experience, compassion, wit and humor make her a wonderful asset to the patients and the clinic.



WEST VIRGINIA CONSUMER DRUG RETURN PARTNERSHIP

Pharmaceuticals, both the medicines your doctor prescribes to you and the over-the-counter treatments

you purchase at your local pharmacy, contain powerful chemicals that can have adverse effects on the environment when introduced through our water systems or landfills.

Recent studies have shown that nearly every major drinking water source in the United States has tested positive for these substances. In addition, pharmaceuticals present a number of human health issues. Scientists theorize that pharmaceuticals ingested through our drinking water can cause negative effects on the human body including reproductive health issues, cancer and infections. Further investigation and research needs to be conducted to fully understand the extent of this issue.

Unused and unwanted medicines can also have catastrophic effects on communities. Unintentional deaths through poisoning and abuse, diversion (illegal use of prescriptions) and crime all stem from excess medications in our homes.

In response to these issues, the West Virginia Consumer Drug Return Partnership was formed in 2008. By developing an easy, effective and environmentally responsible way to dispose of unwanted and expired consumer medications the negative environmental and societal impacts caused by pharmaceuticals is diminished.

Why is it important to return your medicines rather than flush them down the toilet or throw them in the trash?

The West Virginia Consumer Drug Return Partnership gives you the option to dispose of your unused and unwanted pharmaceuticals without introducing these powerful chemicals into our waters. Wastewater treatment plants are unable to filter pharmaceuticals from water, so when you flush your medicines down the toilet they are directly introduced into the environment. Even disposing of these chemicals through your trash poses dangers. In a recent study by the Maine DEP scientists found that leachate, or the water that collects and percolates out of landfills, was found to contain pharmaceuticals causing environmental contamination. The only way to prevent unwanted consumer pharmaceuticals from reaching the environment is through pharmaceutical take-back programs.

The West Virginia Consumer Drug Return Partnership provides citizens of West Virginia a safe, easy and environmentally friendly way to clean out their medicine cabinets and remove unwanted drugs from their homes.

How the program works

The Free Clinic has agreed to collect unwanted and expired consumer medications. Members of the public may bring any medication, except controlled substances (i.e. narcotics, illegal drugs), to the clinic. These medications are collected in a secure, tamper-resistant receptacle behind the pharmacy counter. Once the container is full, a licensed medical waste facility transports and incinerates the entire container. No medications are thrown into the trash, and no medications are flushed into our water systems.

To dispose of medications, bring non-controlled medications in their original containers to the clinic during our normal working hours. All medications have to be examined by our pharmacy staff before they can be accepted. Please call the clinic if you have any questions.

EASY WAYS TO SUPPORT THE CLINIC & IT WON'T EVEN COST YOU A DIME!

GOODSHOP & GOODSEARCH

Are you an online shopper? GoodShop.com is an online shopping mall that donates up to 37% of each purchase to your favorite cause (the Clinic). Hundreds of great stores including Amazon, Target, Gap, Best Buy, ebay, Staples, Macy's and Barnes & Nobles have teamed up with GoodShop. Every time you place an order, you'll be supporting the Clinic.

Just go to www.goodsearch.com and be sure to enter Charles Town Health Right, Inc. (our legal name) as the charity you want to support. This site supports both GoodSearch.com (an online search engine) and GoodShop.com. Be sure to spread the word!

(CONTINUED ON PAGE 4)

The Eastern Panhandle Free Clinic
1212 N. Mildred Street
Ranson, WV 25438

Return Service Requested

Presorted STD
U.S. Postage
PAID
Martinsburg, WV
Permit 123



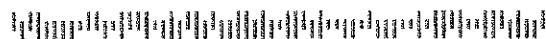
United Way
of the Eastern Panhandle, Inc.

CFC #87159



*****AUTO**5-DIGIT 25414

Jefferson County Commissioners
PO Box 250
Charles Town WV 25414-0250



INSIDE

EPFC Partners with the WV Rivers Coalition

Your Support at Work

Volunteer Physician of the Year

2541480250 5004



(CONTINUED FROM PAGE 3)

RAI—REALTY ALLIANCE INCORPORATED

RAI is an organization dedicated to the funding of 501(c)(3) charitable entities. Our program is designed to allow individual donors to donate to the charitable organization of their choice without spending any of their own money.

The concept is simple: register with RAI to buy or sell real estate and RAI will receive a 30% referral fee from either the Realtor of your choice or a Realtor RAI has hand selected to be a source for your referral. (If you are a Seller, you still negotiate the commission you agree to pay with the Realtor.)

Upon the completion of your transaction, the Settlement Attorney or title company will forward 30% of the commission earned by your Realtor to RAI. Upon receipt of the funds, RAI will send 65% of the funds received to the 501(c)(3) charity or charities designated by you. The donation will be made in your name and you will receive confirmation of your donation immediately.



RAI is committed to providing a seamless transaction which will prove to be no different than any other real estate transaction with one big difference: the support of the charitable organization of your choice.

RAI... laying a foundation for a better tomorrow.

For more information contact Tiffany Hine at 304-724-8222 or email her at THine@brielpc.com

A GIFT IN MEMORY OF SCOTT



Picture from left to right: Back Row - Carolyn English, Kimberly Kane, Richard English, Bradley Dinges, Jessie English & Dusty Lowe. Front Row - Tina B.)

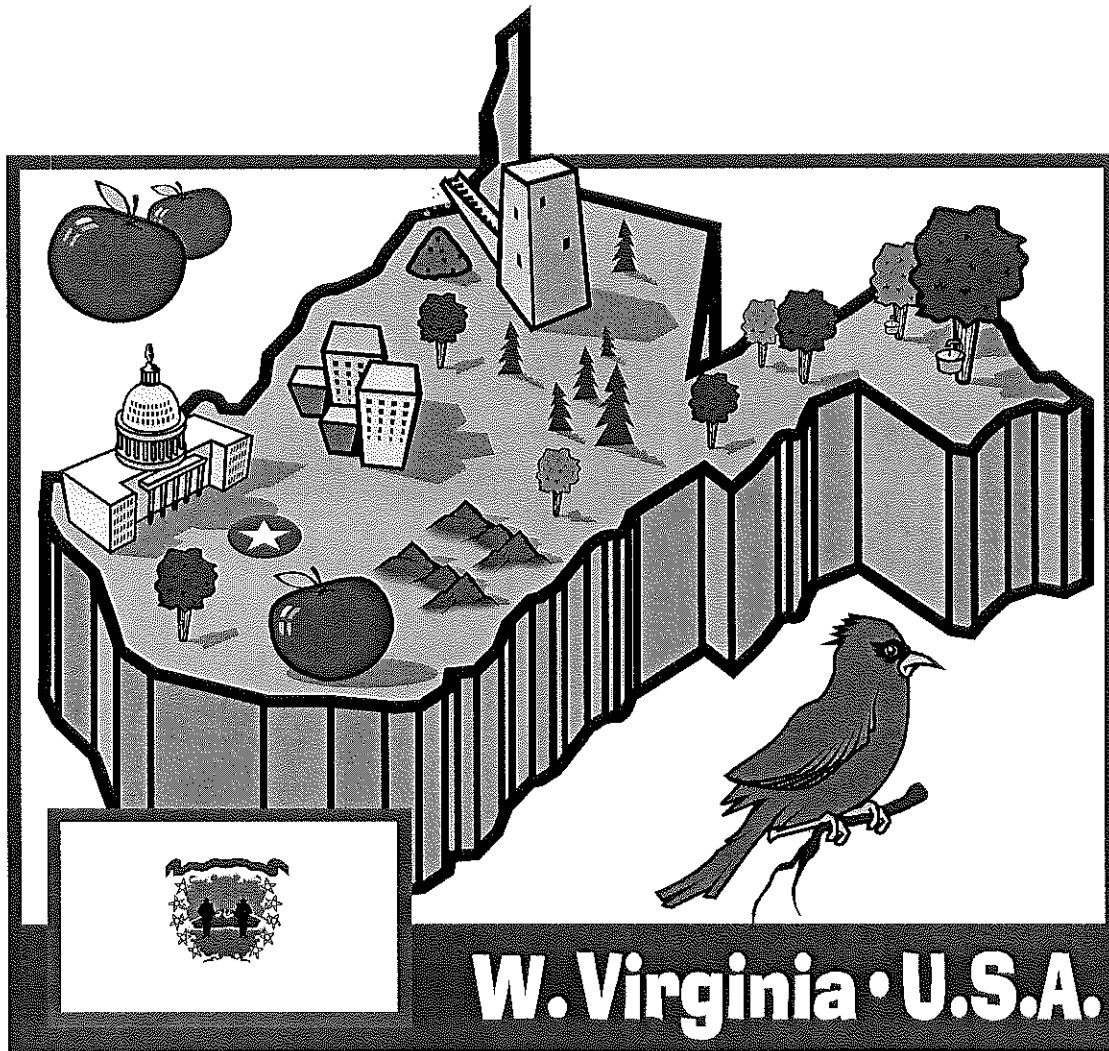
Community angels are watching over our Free Clinic family and our patients receive so many blessings. In early April, we received a call from Teresa McCabe, from WVU Hospitals East that Jessie English, a former nurse from Jefferson Memorial had an electric wheelchair that she wanted to donate to a free clinic patient who needed one. Her husband Scott had recently passed away as a result of Muscular Dystrophy and she wanted someone in the community who

was truly in need to be the recipient of this gift.

For patient Tina B., the timing of this gift was amazing. Tina has a degenerative bone disease in her foot and was awaiting further evaluation by orthopedist, Dr. Dane Wukich from Pittsburgh. "The wheelchair has helped me out a lot because it is easier for me to get around and I can get out more," said Tina. "I can go to the mall and other public places with my husband and not have to sit down every few steps due to the pain," she added.

Joined by her family, on April 3rd, Mrs. English gave Tina back her mobility. Now, both of these women can know that a part of Scott lives on through this wonderful gift.

THE JEFFERSON COUNTY COMMISSION
OFFICE WILL BE CLOSED ON
MONDAY, JUNE 21, 2010 IN
OBSERVANCE OF WEST VIRGINIADAY.



**NOTICE OF PUBLIC OUTREACH EDUCATION WORKSHOP
COUNTY COMMISSION OF JEFFERSON COUNTY
SUBDIVISION REGULATION AMENDMENTS**

The County Commission of Jefferson County will hold a Public Outreach Education Workshop to give staff an opportunity to brief the County Commission and the public regarding the proposed text amendments to the Subdivision Regulations. The workshop will be held on Thursday, June 24, 2010, at 6:00 p.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

No public input will be received at this workshop. A follow up public hearing for the purpose of receiving public comment will be scheduled at a later date.

**By Order of The County
Commission of Jefferson County
Lyn Widmyer, President**

Agenda
Impact Fees: Evaluation of current program and
Discussion of possible changes for the future

Wednesday, June 30, 2010
5:00 pm
Charles Town Library Meeting Room

Background: County Commission policy is to review and update the Jefferson County Impact Fee Program every 3 years. The 3 year cycle occurs this year (2010). This is an opportunity to review the impact fee structure and make changes if needed. The downturn in the economy is another reason to revisit impact fees. The focus of the Council of Governments roundtable will be to discuss different aspects of impact fees over several meetings.

The agenda for the first meeting includes an overview of the program and a more detailed discussion of impact fees for parks and recreation. The next meeting will look more closely at impact fees as they relate to law enforcement, emergency services and schools.

- I. Overview of the current impact fee program and how impact fees are calculated

- II. Concerns about current impact fees
 - A. Detriment to economic development?
 - B. Discourages affordable housing
 1. Potential solution: calculate impact fees on square footage rather than housing type
 2. Potential solution: special consideration of manufactured housing

- III. Impact fees for parks and recreation
 - A. Clarification that municipalities may retain share for local parks
 - B. Consideration of forming municipal/county park and recreation agency to distribute all impact fees related to parks

**NOTICE OF ROUNDTABLE DISCUSSION
COUNTY COMMISSION OF JEFFERSON COUNTY
LAND DEVELOPMENT FEES**

The County Commission of Jefferson County will hold a Roundtable Discussion with key stakeholders to discuss the proposed Land Development Fees. The meeting will be held on Thursday, July 8, 2010, at 7:00 p.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

This meeting is open to the public but no public input will be received. A follow up public hearing for the purpose of receiving public comment will be scheduled at a later date.

**By Order of The County
Commission of Jefferson County
Lyn Widmyer, President**



RECEIVED

JUN 04 2010

State of West Virginia

Jefferson County Commission

Office of the State Auditor

Glen B. Gainer III

State Auditor

www.wvsao.gov

Building 1, Room W-100
Charleston, West Virginia 25305
Telephone: (304) 558-2251
FAX: (304) 558-5200

200 West Main Street
Clarksburg, West Virginia 26301
Telephone: (304) 627-2415
FAX: (304) 627-2417

June 1, 2010

Dear County Commissioners:

The State Auditor's in-service training program for all County Commissioners will be held on August 1-3, 2010 at Stonewall Resort in Roanoke, West Virginia. *WV Code §7-7-2* requires that each County Commissioner and, at his or her option, one or more of his or her employees must participate in the program established by the State Auditor. If you have any suggestions for the agenda, please let us know as soon as possible.

Each year, the State Auditor presents the Thelma J. Stone Memorial Achievement Award to a County Commission that has demonstrated excellence and professionalism in county government during the previous year. Enclosed is a copy of the charter for the Thelma J. Stone Memorial Achievement Award. **Nominations must be received by Monday, July 12, 2010.** If you would like to make a nomination for this award, please submit your letter of recommendation to:

Ora L. Ash, Director
Local Government Services
200 West Main Street
Clarksburg, WV 26301

Again, I encourage you to attend the State Auditor's in-service training program for County Commissioners this year and take advantage of the training being offered and the opportunity to exchange ideas with other commissioners with similar interests and problems. If you have any suggestions or questions concerning this training program, please feel free to contact Ora at 304-627-2415, Ext. 5114 or email: ora.ash@wvsao.gov.

Sincerely,

Glen B. Gainer III
State Auditor

GBGIII:kbd

CHARTER

STATE AUDITOR'S ANNUAL SPECIAL ACHIEVEMENT AWARD FOR COUNTY COMMISSIONS

I. TITLE

In 1981 the "State Tax Commissioner's annual Achievement Award for County Commissions" was established. The State Tax Commissioner renamed the Award in 1985 "The Thelma J. Stone Memorial Achievement Award", herein called "The Award", in honor of a tenured employee of the Department who had won the admiration and respect of all county officials. As of July 1, 1999, this procedure was transferred with the Chief Inspector Division to the office of State Auditor.

II. GENERAL

The Award shall be presented annually by the State Auditor to a County Commission of the State of West Virginia. Nominees shall be judged and the recipient chosen by a Selection Board appointed by the State Auditor.

III. SELECTION BOARD

The State Auditor shall appoint five (5) persons, who, when appointed, shall constitute the Selection Board for the Purpose of selecting a recipient for the Award. Those appointed shall include the State Auditor, the President of the West Virginia County Commissioners' Association and his/her designee, the Director of the Chief Inspector Division of the State Auditor's Office or his/her designee, the Director of the Property Tax Division of the State Tax Department or his/her designee, and one (1) other person appointed by the State Auditor.

IV. TERMS OF BOARD

The Selection Board will be appointed on or before June 1 of each year. The members of the Selection Board shall serve until such time as the recipient of the Award for the year designated is chosen and announced.

IV. BOARD MEETINGS

The Selection Board will meet at the call of the State Auditor for the purpose of selecting a recipient at or before the Annual In-Service Training Meeting for the County Commissioners sponsored by the State Auditor each year.

The deliberations of these meetings will be kept confidential by the Selection Board.

VI. AWARD CONSIDERATIONS

In choosing a recipient for the Achievement Award, the Selection Board shall consider the following criteria:

1. Compliance with laws governing actions and conduct of county commission.
2. Effective collective leadership exhibited by harmonious relations by members of the county commissions.
3. Innovation in office procedures.
4. Administration
5. Responsible fiscal conduct.
6. Cooperation with the various departments of county government.
7. Effective communications with taxpayers in the county.
8. Effective communications with state, federal and city governments.
9. Progressive personnel management policies.
10. Demonstrated achievement in county government through effective means.

VII. NOMINATIONS

Each county commission shall be considered nominated for the Award as of July 1 of each fiscal year. The time period for which the commissions shall be judged will be specified by the State Auditor.

VIII. LETTERS OF RECOMMENDATION

The Selection Board shall accept letters of recommendation for a particular county commission from any county commission, commissioner or individual member of the public. The letters may be from a commission recommending themselves or other commissions.

Letters of special recommendation should address the criteria upon which the Award is based and may include attachments such as newspaper clippings and pictures.

Letters of recommendation should be sent to the State Auditor, c/o Chief Inspector Division, 1900 Kanawha Blvd. E., Bldg. 1, W-420, Charleston, WV 25305.

IX. SELECTION BY BOARD

The Selection Board shall select one recipient for the Award. Two additional Honorable Mention Awards may be awarded for particular special projects by a county commission worthy of praise by the Selection Board.

X. PRESENTATION OF AWARD

The State Auditor or his/her designee will present the Achievement Award at the annual In-service Training Meeting, if feasible.

XI. PUBLIC ACKNOWLEDGEMENT

The State Auditor shall remind the public of this Achievement Award by letters to the county commissions, general press releases, and other appropriate means.

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 35.08%	SHEPHERDS TOWN 14.29%
4 days ending: 7/1/09 - 7/4/09	\$ 128,262.42	\$ 128,262.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/11/09	\$ 168,815.08	\$ 168,815.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/18/09	\$ 160,652.98	\$ 160,652.98	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/25/09	\$ 158,869.08	\$ 158,869.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/01/09	\$ 174,493.06	\$ 174,493.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/09	\$ 155,846.74	\$ 138,408.80	\$ 17,437.94	\$ 2,165.79	\$ 6,028.55	\$ 636.48	\$ 6,117.24	\$ 2,491.86
08/15/09	\$ 162,444.28	\$ 81,222.14	\$ 81,222.14	\$ 10,087.79	\$ 28,070.37	\$ 2,964.61	\$ 28,492.73	\$ 11,606.64
08/22/09	\$ 152,520.62	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,752.12	\$ 10,897.80
08/29/09	\$ 180,945.84	\$ 60,472.92	\$ 60,472.92	\$ 8,994.74	\$ 27,811.44	\$ 2,937.26	\$ 28,229.90	\$ 11,499.58
09/05/09	\$ 161,596.30	\$ 80,798.15	\$ 80,798.15	\$ 10,035.19	\$ 27,923.64	\$ 2,949.13	\$ 28,343.99	\$ 11,546.06
09/12/09	\$ 140,020.30	\$ 86,286.92	\$ 86,286.92	\$ 10,718.64	\$ 29,820.76	\$ 3,149.47	\$ 30,269.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,696.26	\$ 24,195.51	\$ 2,555.37	\$ 24,559.56	\$ 10,004.45
09/26/09	\$ 138,633.74	\$ 69,316.87	\$ 69,316.87	\$ 8,609.16	\$ 23,955.81	\$ 2,530.07	\$ 24,316.35	\$ 8,905.38
10/03/09	\$ 144,572.08	\$ 72,286.04	\$ 72,286.04	\$ 8,977.93	\$ 24,982.08	\$ 2,638.44	\$ 25,357.93	\$ 10,329.68
10/10/09	\$ 139,301.26	\$ 69,650.63	\$ 69,650.63	\$ 8,650.61	\$ 24,071.25	\$ 2,642.25	\$ 24,433.44	\$ 9,953.08
10/17/09	\$ 147,120.42	\$ 73,560.21	\$ 73,560.21	\$ 9,136.18	\$ 25,422.41	\$ 2,684.85	\$ 25,804.82	\$ 10,511.75
10/24/09	\$ 135,183.32	\$ 67,581.66	\$ 67,581.66	\$ 8,393.84	\$ 23,356.22	\$ 2,468.73	\$ 23,707.85	\$ 9,657.42
10/31/09	\$ 129,056.60	\$ 84,528.30	\$ 84,528.30	\$ 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	\$ 22,028.09	\$ 2,326.57	\$ 22,360.55	\$ 9,108.67
11/14/09	\$ 131,919.28	\$ 85,959.84	\$ 85,959.84	\$ 8,192.19	\$ 22,795.65	\$ 2,407.53	\$ 23,138.64	\$ 9,425.63
11/21/09	\$ 118,094.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.46	\$ 2,173.47	\$ 20,889.11	\$ 8,509.27
11/28/09	\$ 144,799.96	\$ 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	\$ 65,866.78	\$ 32,834.39	\$ 32,834.39	\$ 4,078.03	\$ 11,347.57	\$ 1,198.46	\$ 11,518.30	\$ 4,692.03
12/26/09	\$ 106,812.88	\$ 63,406.34	\$ 63,406.34	\$ 6,633.07	\$ 18,457.23	\$ 1,949.33	\$ 18,734.94	\$ 7,631.77
01/02/10	\$ 185,960.80	\$ 92,880.40	\$ 92,880.40	\$ 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	\$ 2,006.25	\$ 19,301.18	\$ 7,882.42
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	\$ 2,562.94	\$ 24,536.19	\$ 9,894.93
01/30/10	\$ 97,055.50	\$ 48,527.75	\$ 48,527.75	\$ 6,027.15	\$ 16,771.19	\$ 1,771.26	\$ 17,023.63	\$ 6,934.62
02/06/10	\$ 74,310.28	\$ 37,155.14	\$ 37,155.14	\$ 4,614.67	\$ 12,840.82	\$ 1,356.16	\$ 13,034.02	\$ 5,309.47
02/13/10	\$ 88,868.00	\$ 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	\$ 9,558.71	\$ 26,592.58	\$ 2,808.53	\$ 26,992.70	\$ 10,995.60
02/27/10	\$ 144,048.80	\$ 72,024.40	\$ 72,024.40	\$ 8,945.43	\$ 24,891.83	\$ 2,628.89	\$ 25,268.16	\$ 10,292.29
03/06/10	\$ 153,873.70	\$ 76,938.85	\$ 76,938.85	\$ 9,555.56	\$ 26,589.37	\$ 2,808.20	\$ 26,989.44	\$ 10,994.28
03/13/10	\$ 142,014.74	\$ 71,007.37	\$ 71,007.37	\$ 8,819.12	\$ 24,540.15	\$ 2,591.77	\$ 24,809.38	\$ 10,146.95
03/20/10	\$ 148,870.76	\$ 74,335.38	\$ 74,335.38	\$ 9,232.45	\$ 25,690.31	\$ 2,713.24	\$ 26,076.85	\$ 10,622.53
03/27/10	\$ 139,883.76	\$ 69,941.88	\$ 69,941.88	\$ 8,688.78	\$ 24,171.91	\$ 2,552.88	\$ 24,536.82	\$ 9,984.89
04/03/10	\$ 141,272.56	\$ 70,636.28	\$ 70,636.28	\$ 8,773.03	\$ 24,411.90	\$ 2,578.22	\$ 24,779.21	\$ 10,093.92
04/10/10	\$ 139,385.58	\$ 69,692.79	\$ 69,692.79	\$ 8,655.64	\$ 24,085.83	\$ 2,543.79	\$ 24,448.23	\$ 9,959.10
04/17/10	\$ 138,671.84	\$ 69,335.92	\$ 69,335.92	\$ 8,811.52	\$ 23,882.50	\$ 2,530.76	\$ 24,323.04	\$ 9,908.10
04/24/10	\$ 137,428.22	\$ 68,714.11	\$ 68,714.11	\$ 8,534.28	\$ 23,747.60	\$ 2,508.06	\$ 24,104.91	\$ 9,819.25
05/01/10	\$ 137,598.12	\$ 68,799.06	\$ 68,799.06	\$ 8,544.84	\$ 23,776.85	\$ 2,511.17	\$ 24,134.71	\$ 9,831.97
05/08/10	\$ 134,807.08	\$ 67,403.54	\$ 67,403.54	\$ 8,371.52	\$ 23,294.66	\$ 2,460.23	\$ 23,645.16	\$ 9,831.97
05/15/10	\$ 140,372.64	\$ 70,166.32	\$ 70,166.32	\$ 8,717.14	\$ 24,258.38	\$ 2,561.80	\$ 24,621.36	\$ 10,029.63
05/22/10	\$ 129,391.42	\$ 64,695.71	\$ 64,695.71	\$ 6,035.21	\$ 22,358.84	\$ 2,361.39	\$ 22,695.25	\$ 9,245.02
05/29/10	\$ 134,314.80	\$ 67,157.40	\$ 67,157.40	\$ 8,340.85	\$ 23,209.60	\$ 2,451.24	\$ 23,558.82	\$ 9,596.79
Subtotal	\$ 6,566,251.52	\$ 3,739,157.51	\$ 2,827,094.01	\$ 351,125.10	\$ 977,043.88	\$ 103,186.82	\$ 991,744.58	\$ 403,991.75

Benchmark Goal @ 2% \$ 912,063.48
 Remainder until 1% / 1% Split \$ -

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending
	May 29, 2010
	FY10
	June 7, 2010
To be Deposited on:	
Amount Played	61,034,299.14
Amount Won	72,859,899.63
Amount Promo	360,722.00
MWAP Contribution	<u>40,771.07</u>
Adjusted Gross Terminal Revenue	<u>7,772,846.44</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>310,913.86</u>
Net Terminal Revenue	<u>7,461,932.58</u>
Surcharge @ 10%	746,193.26
State Share Excess @ 58%	432,792.09
Track Share of Capital Reinvestment @ 42%	313,401.17
Track Share of Capital Reinvestment @ 42% - 96%	\$ 300,665.12
Track Share of Capital Reinvestment @ 42% - 4%	\$ 12,596.08
Adjusted Net Terminal Revenue	<u>6,715,739.32</u>
Racetrack @ 46.50% / 42%	2,820,610.51
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,753,453.09
Race Track Purses @ 7% / 14% / 8%	537,259.15
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	33,578.70
Greyhound Development @ .75%	50,368.04
Thoroughbred Development @ .75%	50,368.04
Racing Commission @ 1%	67,157.40
County/Municipality @ 2%	134,314.80
3% Funds:	
Tourism Promotion Fund @ 1.375%	92,341.42
Development Office Promotion Fund @ .375%	25,184.02
Research Challenge Fund @ .5%	33,578.70
Capitol Renovation and Improvement Fund @ .6875%	46,170.71
2004 Capitol Complex Parking Garage Fund @ .0625%	4,197.34
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>67,157.40</u>
	<u>6,715,739.32</u>

P.O. Box 2067
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John C. Musgrave
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

From: Stacy Acree ext. 352

Comments:

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

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% \$ 912,063.46

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RAANSON 35.08%	SHEPHERDS TOWN 14.29%
4 days ending: 7/1/09- 7/4/09	\$ 126,262.42	\$ 126,262.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/11/09	\$ 168,815.08	\$ 168,815.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/18/09	\$ 160,652.98	\$ 160,652.98	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/25/09	\$ 158,869.08	\$ 158,869.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/01/09	\$ 174,493.08	\$ 174,493.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/09	\$ 155,846.74	\$ 138,408.80	\$ 17,437.94	\$ 2,165.79	\$ 6,026.55	\$ 636.48	\$ 6,117.24	\$ 2,491.88
08/15/09	\$ 162,444.28	\$ 81,222.14	\$ 81,222.14	\$ 10,087.79	\$ 26,070.37	\$ 2,964.81	\$ 28,482.73	\$ 11,806.64
08/22/09	\$ 152,520.82	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,752.12	\$ 10,897.60
08/29/09	\$ 160,845.84	\$ 80,472.92	\$ 80,472.92	\$ 9,994.74	\$ 27,811.44	\$ 2,937.26	\$ 28,229.90	\$ 11,499.58
09/05/09	\$ 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	\$ 86,288.92	\$ 86,288.92	\$ 10,716.84	\$ 29,020.76	\$ 3,149.47	\$ 30,269.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,695.26	\$ 24,195.51	\$ 2,555.37	\$ 24,559.56	\$ 10,004.45
09/26/09	\$ 136,633.74	\$ 68,316.87	\$ 68,316.87	\$ 8,609.16	\$ 23,955.91	\$ 2,530.07	\$ 24,316.35	\$ 8,805.38
10/03/09	\$ 144,572.08	\$ 72,286.04	\$ 72,286.04	\$ 8,977.93	\$ 24,982.08	\$ 2,638.44	\$ 25,357.93	\$ 10,329.88
10/10/09	\$ 139,301.26	\$ 69,650.63	\$ 69,650.63	\$ 8,650.81	\$ 24,071.25	\$ 2,542.25	\$ 24,433.44	\$ 9,953.08
10/17/09	\$ 147,120.42	\$ 73,560.21	\$ 73,560.21	\$ 8,138.18	\$ 25,422.41	\$ 2,684.95	\$ 25,804.92	\$ 10,511.75
10/24/09	\$ 135,163.32	\$ 67,581.66	\$ 67,581.66	\$ 8,393.64	\$ 23,356.22	\$ 2,486.73	\$ 23,707.65	\$ 9,657.42
10/31/09	\$ 128,056.60	\$ 64,528.30	\$ 64,528.30	\$ 8,014.41	\$ 22,300.98	\$ 2,355.28	\$ 22,636.54	\$ 9,221.09
11/07/09	\$ 127,443.18	\$ 63,741.59	\$ 63,741.59	\$ 7,916.71	\$ 22,029.09	\$ 2,326.57	\$ 22,360.55	\$ 9,108.67
11/14/09	\$ 131,919.26	\$ 65,959.64	\$ 65,959.64	\$ 8,182.19	\$ 22,795.65	\$ 2,407.53	\$ 23,138.64	\$ 9,425.63
11/21/09	\$ 118,094.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.46	\$ 2,173.47	\$ 20,899.11	\$ 8,509.27
11/28/09	\$ 144,799.96	\$ 72,399.98	\$ 72,399.98	\$ 8,882.08	\$ 25,021.43	\$ 2,842.60	\$ 25,397.91	\$ 10,345.96
12/05/09	\$ 102,013.02	\$ 51,006.51	\$ 51,006.51	\$ 6,335.01	\$ 17,827.85	\$ 1,861.74	\$ 17,893.08	\$ 7,288.83
12/12/09	\$ 104,921.16	\$ 52,460.58	\$ 52,460.58	\$ 6,515.80	\$ 18,130.36	\$ 1,914.81	\$ 18,403.17	\$ 7,498.62
12/19/09	\$ 65,668.78	\$ 32,834.39	\$ 32,834.39	\$ 4,078.03	\$ 11,347.57	\$ 1,198.46	\$ 11,518.30	\$ 4,692.03
12/26/09	\$ 106,812.68	\$ 53,406.34	\$ 53,406.34	\$ 6,633.07	\$ 16,457.23	\$ 1,749.33	\$ 16,734.94	\$ 7,631.77
01/02/10	\$ 185,980.80	\$ 92,880.40	\$ 92,880.40	\$ 11,548.17	\$ 32,134.03	\$ 3,393.79	\$ 32,617.52	\$ 13,286.90
01/09/10	\$ 110,040.82	\$ 55,020.48	\$ 55,020.48	\$ 6,833.54	\$ 19,015.07	\$ 2,008.25	\$ 19,301.18	\$ 7,662.42
01/16/10	\$ 121,102.58	\$ 60,551.28	\$ 60,551.28	\$ 7,520.47	\$ 20,826.52	\$ 2,210.12	\$ 21,241.39	\$ 8,652.78
01/23/10	\$ 139,887.06	\$ 69,943.53	\$ 69,943.53	\$ 8,686.99	\$ 24,172.48	\$ 2,552.84	\$ 24,536.19	\$ 9,994.93
01/30/10	\$ 97,055.50	\$ 48,527.75	\$ 48,527.75	\$ 6,027.15	\$ 16,771.19	\$ 1,771.26	\$ 17,023.53	\$ 6,934.62
02/06/10	\$ 74,310.28	\$ 37,155.14	\$ 37,155.14	\$ 4,614.67	\$ 12,840.82	\$ 1,356.16	\$ 13,034.02	\$ 5,309.47
02/13/10	\$ 88,668.00	\$ 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	\$ 9,558.71	\$ 26,592.58	\$ 2,808.53	\$ 26,992.70	\$ 10,995.80
02/27/10	\$ 144,048.80	\$ 72,024.40	\$ 72,024.40	\$ 8,945.43	\$ 24,891.63	\$ 2,626.89	\$ 25,266.16	\$ 10,292.29
03/06/10	\$ 153,873.70	\$ 76,938.85	\$ 76,938.85	\$ 9,555.66	\$ 28,589.37	\$ 2,806.20	\$ 28,989.44	\$ 10,994.28
03/13/10	\$ 142,014.74	\$ 71,007.37	\$ 71,007.37	\$ 8,819.12	\$ 24,540.15	\$ 2,591.77	\$ 24,909.38	\$ 10,146.95
03/20/10	\$ 148,670.76	\$ 74,335.38	\$ 74,335.38	\$ 9,232.45	\$ 25,690.31	\$ 2,713.24	\$ 26,076.85	\$ 10,822.53
03/27/10	\$ 139,883.76	\$ 69,941.88	\$ 69,941.88	\$ 6,886.78	\$ 24,171.91	\$ 2,552.88	\$ 24,535.82	\$ 9,994.89
04/03/10	\$ 141,272.56	\$ 70,636.28	\$ 70,636.28	\$ 8,773.03	\$ 24,411.90	\$ 2,576.22	\$ 24,779.21	\$ 10,093.92
04/10/10	\$ 139,385.58	\$ 69,692.79	\$ 69,692.79	\$ 8,655.84	\$ 24,085.83	\$ 2,543.79	\$ 24,448.23	\$ 9,959.10
04/17/10	\$ 136,671.84	\$ 68,335.92	\$ 68,335.92	\$ 8,611.52	\$ 23,962.50	\$ 2,530.76	\$ 24,323.04	\$ 9,808.10
04/24/10	\$ 137,428.22	\$ 68,714.11	\$ 68,714.11	\$ 8,534.29	\$ 23,747.60	\$ 2,508.06	\$ 24,104.91	\$ 9,819.25
05/01/10	\$ 137,598.12	\$ 68,799.06	\$ 68,799.06	\$ 8,544.84	\$ 23,776.85	\$ 2,511.17	\$ 24,134.71	\$ 9,831.39
05/08/10	\$ 134,807.00	\$ 67,403.54	\$ 67,403.54	\$ 8,371.52	\$ 23,294.68	\$ 2,460.23	\$ 23,645.16	\$ 9,631.97
05/15/10	\$ 140,372.64	\$ 70,186.32	\$ 70,186.32	\$ 8,717.14	\$ 24,258.39	\$ 2,561.80	\$ 24,621.36	\$ 10,029.63
05/22/10	\$ 129,391.42	\$ 64,695.71	\$ 64,695.71	\$ 8,035.21	\$ 22,358.84	\$ 2,361.39	\$ 22,895.25	\$ 9,245.02
05/29/10	\$ 134,314.80	\$ 67,157.40	\$ 67,157.40	\$ 8,340.95	\$ 23,209.60	\$ 2,451.24	\$ 23,556.82	\$ 9,596.79
06/05/10	\$ 154,743.80	\$ 77,371.80	\$ 77,371.80	\$ 9,809.68	\$ 26,739.69	\$ 2,824.07	\$ 27,142.03	\$ 11,056.43
Subtotal	\$ 6,720,995.12	\$ 3,816,529.31	\$ 2,904,466.81	\$ 360,734.68	\$ 1,003,783.37	\$ 106,012.89	\$ 1,018,886.59	\$ 415,048.18

Benchmark Goal @ 2% \$ 912,063.46

Remainder until 1% / 1% Split \$ -

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending June 5, 2010 FY10 June 11, 2010
To be Deposited on:	
Amount Played	93,064,964.10
Amount Won	83,744,003.89
Amount Promo	315,642.00
MWAP Contribution	<u>50,248.25</u>
Adjusted Gross Terminal Revenue	<u>8,955,069.96</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>358,202.80</u>
Net Terminal Revenue	<u>8,596,867.16</u>
Surcharge @ 10%	859,686.72
State Share Excess @ 58%	408,618.30
Track Share of Capital Reinvestment @ 42%	361,068.42
Track Share of Capital Reinvestment @ 42% - 95%	\$ 346,628.68
Track Share of Capital Reinvestment @ 42% - 4%	\$ 14,442.74
Adjusted Net Terminal Revenue	<u>7,737,180.44</u>
Racetrack @ 46.50% / 42%	3,249,615.78
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	3,172,244.00
Race Track Purses @ 7% / 14% / 8%	618,974.44
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	38,685.90
Greyhound Development @ .75%	58,028.85
Thoroughbred Development @ .75%	58,028.85
Racing Commission @ 1%	77,371.80
County/Municipality @ 2%	154,743.60
3% Funds:	
Tourism Promotion Fund @ 1.375%	106,388.23
Development Office Promotion Fund @ .375%	29,014.43
Research Challenge Fund @ .5%	38,885.90
Capitol Renovation and Improvement Fund @ .6875%	53,183.12
2004 Capitol Complex Parking Garage Fund @ .0625%	4,835.74
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>77,371.80</u>
	<u>7,737,180.44</u>

