

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, AUGUST 12, 2010**  
**9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**COUNTY ADMINISTRATOR REPORTS**  
- Next Quarter Priorities

**COUNTY COMMISSION REPORTS**

**PRESENTATIONS:**

1. 10:00 a.m. Angie Banks, Assessor - Exonerations
2. 10:15 a.m. Barbara Miller, Director of Homeland Security and Emergency Management - Request for Approval of Proclamation for National Preparedness Month - Discussion/Action
3. 10:30 a.m. Mark Schiavone, Director of Capital Planning and Management - Approve a Competitive Bid Announcement for School Impact Fee Study
4. 10:45 a.m. Legal Update and Report - (Stephanie Grove)
5. 11:00 a.m. Jennifer S. Maghan - County Clerk's Report
6. 11:15 a.m. Jennifer Brockman, Director of Planning and Zoning - Discussion and Possible Action on the Proposed Amendments to the 2008 Subdivision and Land Development Regulations
7. 11:30 a.m. Roger Goodwin, Chief County Engineer - Chapel View Subdivision Update

**NEW BUSINESS:**

8. Legislative Issues
9. Approval of New Appointment to the Deputy Reserves - Joseph Alan Malcolm - Discussion/Action
10. Health Insurance Decision

**CORRESPONDENCE:**

Correspondence received from Marie E. Uehling on behalf of Friends of the Blue Ridge Mountains concerning the proposed subdivision ordinance.

Correspondence received from Kathleen Mallow-Sager, Amanda Stroud, Angela Blair, and Matthew Harris concerning the Hazardous and Electronic Waste Collection Event.

Correspondence received from Matthew Harris concerning closed sessions.

Meeting minutes received from the Jefferson County Public Service District.

Harpers Ferry National Historical Park Community Bulletin received.

Weekly video lottery report received from the West Virginia Lottery.

**ELECTION ANNOUNCEMENTS:**

Time line for the August 28<sup>th</sup>, 2010 special election received:

- Canvass - August 31, 2010, at 9:00 a.m.
- Canvass must be completed by 4:00 p.m. Wednesday, September 1, 2010.
- Certification of Results (If a recount is not requested) as close as possible but after 4:00 Thursday, September 2, 2010

**ANNOUNCEMENTS:**

The County Commission meeting scheduled for August 26, 2010 has been cancelled.

Notice received of Family Emergency Preparedness Night on September 1, 2010, at 7:00 p.m. at Independent Fire Company.

**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.*

*We are in the process of upgrading the webcam system. While we do, live webcam broadcasts will be temporary unavailable; webcam broadcasts of the County Commission meeting will be available the day after County Commission meetings. We apologize for the inconvenience.*

<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: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: August 12, 2010

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

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

Subject: **Proclamation for National Preparedness Month**

Please provide the County Commission with a description of your request or presentation, including any background information: For the past 7 years, Jefferson County and the nation has participated during National Preparedness Month to strengthen our preparedness within our community. I have attached a proclamation that I recommend you pass encouraging all citizens, businesses, and organizations to participate in activities to make us a better prepared community.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move to approve the proclamation designating September, 2010 as National Preparedness Month in Jefferson County and encourage all citizens to participate in readiness activities throughout the month.**

Attachments: **Proclamation**

## PROCLAMATION

### National Preparedness Month, September 2010

WHEREAS, “National Preparedness Month” creates an important opportunity for every resident of **Jefferson County, WV** to prepare their homes, businesses, and communities for any type of emergency from natural disasters to potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency’s *Ready* Campaign, Jefferson County Homeland Security and Emergency Management, and other federal, state, local, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of **Jefferson County** and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of **Jefferson County** are encouraged to participate in citizen preparedness activities and asked to review the *Ready* campaign’s Web sites at [ready.gov](http://ready.gov) or [listo.gov](http://listo.gov) (in Spanish) and become more prepared.

THEREFORE, BE IT RESOLVED that the **Jefferson County Commission** hereby proclaims September, 2010 as National Preparedness Month, and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

DATED this \_\_\_\_ Day of August 2010 by the **Jefferson County Commission**

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Lyn Widmyer, President



<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:** F. Mark Schiavone

**Department or Entity:** DCPM

**Estimation of amount of time needed for appointment:** 10 min

**Date Requested – 1<sup>st</sup> Choice:** 12 August 2010

**Date Requested – 2<sup>nd</sup> Choice:** 19 August 2010

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

**Subject:** Competitive bid announcement for School Impact Fee Study

**Please provide the County Commission with a description of your request or presentation, including any background information:** The current cost proposal to conduct the school impact fee recalculation/pupil generation study is 2 years old. I'm requesting permission to re-advertise this project. A bid process is required as the anticipated project cost exceeds \$16,000. The Board of Education has funded \$15000 for this study. Matching funding as not yet been requested of the County Commission. That request will come on 19August 2010.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** Move to approve moving this project to the competitive bid stage.

**Attachments:**

<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: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1<sup>st</sup> Choice: August 12, 2010

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

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

Subject: **Discussion and Possible Action on the Proposed Amendments to the 2008 Subdivision and Land Development Regulations**

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

The County Commission is hosting two Public Hearings on the Proposed Amendments to the 2008 Subdivision and Land Development Regulations on Wednesday, August 4, 2010 and Monday, August 9, 2010. All public comment received at these Hearings needs to be reviewed and considered by the County Commission prior to enacting the amendments. Staff is hopeful that these amendments will be approved and adopted in quickly as they affect the day to day operation of the office and timely processing of development applications. For this reason, staff is requesting this time to discuss comments received and either schedule an follow up work session or recommend a motion to approve the Sub Regs be placed on the next available agenda.

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

- Either:**
- I move to schedule a work session to discuss the comments received at the Public Hearing on the Proposed Amendments to the 2008 Subdivision and Land Development Regulations for possible inclusion in the final version on \_\_\_\_\_(date) agenda.**
- OR**
- I move to place the approval of the Amendments to the 2008 Subdivision and Land Development Regulations (dated November 1, 2008) on the \_\_\_\_\_(date) agenda.**
- OR**
- I move to approve the Proposed Amendments to the Subdivision and Land Development Regulations (dated November 1, 2008).**

Attachments: n/a

**MEMORANDUM**

Jefferson County, West Virginia  
Engineering Department

**TO:** File  
**FROM:** Roger Goodwin  
Chief County Engineer  
**DATE:** August 6, 2010  
**SUBJECT:** Chapel View Subdivision, Section 2 (JCPC File No. 03-11)  
Lots 1 through 64 (64 lots)  
Completion of Site Improvements

**Developer:** Orchard Knolls, LLC  
Brian Burke, Sr.  
50 Catoclin Circle  
Leesburg, VA 20175; or  
525-K East Market Street 335  
Leesburg, VA 20176

**Surety:** Summit Community Bank – Irrevocable Letter of Credit #355098  
Remaining Bond/Surety Amount: \$225,638.05  
Expiration Date: January 15, 2011

**Contact:** Summit Community Bank  
204 Catoclin Circle, SE  
Leesburg, VA 20175

Attn: Pat Frye, Chief Credit Officer  
304-530-0634, ext. 1234

Original Bond/Surety Amount: \$1,086,409.20

Chapel View Subdivision HOA: Jennifer Syron, Contact Person  
279 Summer Grove Drive  
Kearneysville, WV 25430

304-724-1201  
[jennifersyron@frontier.net](mailto:jennifersyron@frontier.net)

Barbara Fuller  
393 Rustling Leaf Place  
Kearneysville, WV 25430

304-724-8744 (Home)  
719-314-8497 (Cell)  
[dbfuller@frontier.net](mailto:dbfuller@frontier.net)

Engineering Firm:

W.H. Gordon & Associates, Inc.  
301 North Mildred Street, Suite 1  
Charles Town, WV 25414

304-725-8456  
Engineer of Record: Robert Woodruff, P.E.  
Surveyor of Record: Kevin Nelson, P.S.

The Chapel View Subdivision is divided into two sections by the Berkeley/Jefferson county line, with Section 1 located in Berkeley County and Section 2 located in Jefferson County. Section 2 consists of 64 lots.

The Jefferson County Land Development inspector contacted the developer (Orchard Knolls, LLC) numerous times during the past two years to inform him of what needs to be done to complete the site improvements. Despite assurances by the developer, there is no evidence that the developer has completed any more site improvements in the past year, or intends to do so. In addition, a letter dated July 1, 2010 from the Chapel View Homeowners to the Jefferson County Planning Commission, states that they "do not believe that the developer is acting in good faith;" and that they have made repeated attempts to communicate with the developer, Orchard Knolls, to no avail. They also request that the bond proceeds be used to complete the remaining items and any other required work and repairs.

Based on information in the project file and observations made during recent site visits, the following is the status of completion of site improvements and work that remains to be completed:

1. Storm Sewer System:

As-built plans (dated October 14, 2005) and certification letter (dated December 15, 2005) by W.H. Gordon & Associates (signed and sealed by Kevin Nelson, P.S. on 12/23/05), both received by our office on 12/23/05. Storm sewer system was also field located and compared to the construction plans by county engineer's staff on July 23, 2010. Storm sewer system appears to be complete.

2. Road Culverts & Drainage Swales:

As-built plans (dated October 14, 2005) and certification letter (dated December 15, 2005) by W.H. Gordon & Associates (signed and sealed by Kevin Nelson, P.S. on 12/23/05), both received by our office on 12/23/05. Road culverts were also field located and compared to the construction plans by county engineer's staff on July 23, 2010. Road culverts & drainage swales appear to be complete.

3. Water System:

Certificates of Substantial Completion received from Berkeley County PSD, (dated August 5 and September 2, 2005) stating that the BCPSD "has inspected the work performed by the Developer . . . and finds that the water system installed by the Developer is substantially complete and ready for use by the District." Water system appears to be complete.

4. Sanitary Sewer System:

Letter from Berkeley County PSSD received (dated November 16, 2005) stating "The Berkeley County Public Service Sewer District has inspected and tested the sanitary sewer lines for the above referenced subdivision and has found them acceptable." Sanitary sewer system appears to be complete.

5. Traffic Signs:

"Stop" signs (2) remain to be installed where shown on plan sheets 9 & 11, at:

Intersection of Amber Ridge and Glory Ridge; and

Intersection of Inspiration Way and Summer Grove Drive.

6. Hiking Trail:

Hiking trail (approximately 3,750 l.f.) remains to be completed. Approximately 750 l.f. of hiking path is split by the Berkeley County/Jefferson County line. The location is shown on plan sheets 5 & 6 of the Preliminary Plat and the pavement section detail is shown on sheet 2. The plans show a 6' wide path with a pavement section of 1-1/2" asphalt wearing course over a 4" stone base. The walking trail runs mostly in the common area except for 10' wide easements across the front of lots 38 & 39 and the back of lots 24 and 25. Some grading of the hiking trail appears to have been performed but placement of the stone base and asphalt surface course remains to be completed.

Drainage culverts may also need to be installed under the hiking path where shown on the plans, as follows:

- 15' of 15" cmp at Parcel D (SWM area)
- 15' of 15" cmp at Parcel C
- 55' of 15" cmp from Parcel C to Lot 38
- 15' of 15" cmp at Parcel A (play area near proposed pavilion)
- 15' of 15" cmp at Parcel

One hiking path culvert located in a roadway drainage swale is crushed and needs replaced.

Pedestrian cross-walks need to be painted at the following locations:

Summer Grove Drive	Sta	14+00
Inspiration Way	Sta	21+00
Inspiration Way	Sta	14+40
Rustling Leaf Place	Sta	21+15

7. Storm Water Management Basin:

The storm water management basin is currently constructed as a temporary sediment basin and the control structure installed (metal riser pipe with trash rack) is for temporary sediment and erosion control. The temporary sediment and erosion control basin needs to be converted to a permanent storm water management basin. As-built plans (dated October 14, 2005) and a certification letter (dated December 15, 2005) by W.H. Gordon & Associates (signed and sealed by Kevin Nelson, P.S.), both received by our office on 12/23/05, indicate that the temporary sediment and erosion control basin is currently constructed at 92% of design volume for the permanent storm water management basin. Kevin Nelson states that "the volume should increase once the temporary berm is removed and the weir wall is in place." The concrete weir wall control structure is shown on sheets 7, 17, 18 and 21 of the Preliminary Plans.

Jefferson County Engineering Department staff visited the site on August 4<sup>th</sup> to verify the status of the storm water management facility. It might be possible to convert the existing sediment basin control structure into a permanent storm water control structure instead of installing the concrete weir wall.

The storm sewer pipe (segment #1 to #2; see sheet 7) discharging into the upper end of the storm water management basin needs the sediment cleaned out of the discharge end and the disturbed rip-rap apron reconstructed in accordance with the construction plans.

May need as-built certification on storm water management basin demonstrating that it is properly constructed once work is complete.

All disturbed area then needs to be stabilized.

#### 8. Streets:

The roadway plan and profiles are shown in the Preliminary Plans and the pavement section detail is shown on sheet 2 of the Preliminary Plans. A letter of certification is on file (dated December 15, 2005) by ECS Mid-Atlantic, LLC, (signed and sealed by Stewart B. Mayberry, P.E.), certifying that the roadway "construction was in conformance with the plans and specifications approved by Jefferson County for the preliminary plat." ECS Mid-Atlantic indicates in their letter that they proof-rolled the roadway subgrade, checked base stone depth, and proof-rolled the stone base prior to placing the asphalt pavement. The letter also states that "where discrepancies were observed, corrections or modifications were made and/or redesign accomplished and reviewed by the Civil Engineer, as necessary."

The county engineer's staff observed the following during the July 23<sup>rd</sup> site visit:

- a) There are numerous dips in the roadway pavement. The dips appear to be the result of settlement around the sanitary manholes and along water service laterals. The settlement appears to have occurred after placement of the asphalt pavement.
- b) There are also several locations where the roadway pavement was open cut approximately 6" wide for what appears to be a crossing for phone or cable t.v. wires. This work was done after placement of the asphalt pavement.

Under the bonding policy, the developer is responsible for making good on any work that fails prior to the final bond release. The method for repair of roadway issues remains to be determined.

9. Site Stabilization

All eroded areas need to be re-graded and stabilized with permanent seed and mulch in accordance with the construction plans.

10. Common Areas

Common areas need to be mowed prior to turning over to HOA.

Common areas (e.g., road right-of-way, swm area, hiking trail areas, etc.) may need to be deeded over to the HOA.

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**County Commission Action:**

Recommend Motion:

Move to formally "call-in" the bond due to the developer being non-responsive in completing the site improvements required by the Preliminary Plat (construction plans); and that:

1. The Engineering Department Staff notify the surety provider in writing that the developer has been non-responsive and has forfeited the bond; and
2. The Engineering Department staff shall work with the surety provider and give the surety provider reasonable opportunity to complete site improvements in accordance with the Preliminary Plat; and
3. The Bonding Administrator shall pull the Letter-of-Credit (surety) before the January 15, 2011 expiration date if the surety provider fails to complete the site improvements within a reasonable amount of time or declines the opportunity to complete the improvements; and the Bonding Administrator shall place the funds in an escrow account at a local bank for use in completing the site improvements; and
4. The County Administrator and the County's civil attorney shall provide guidance to staff on this matter.

RECEIVED

JUL 16 2010

Jefferson County  
PLANNING, ZONING AND ENGINEERING

## II. STORM WATER MANAGEMENT

Our Civil Engineer expressed great concern over the Storm Water Management system. It is our understanding that the storm water management system is functioning, but because it is functioning, it will fail in the future since it's not being maintained. We understand that the responsibility to maintain the storm water management system falls on Orchard Knolls, the developer, and when the community is complete, the HOA. However, we have concerns that some of the elements of the storm water management system, as required by the County, may never have been put in place or are possibly inadequate in construction.

We need the Engineering Department to come out to perform a thorough inspection of:

1. the as-builts
2. the stone check dams
3. the rip rap
4. concrete control structures, a core trench
5. embankment site material
6. the storm drain pipes and 9 storm drain end sections
7. earth dikes

We need an inspection of erosion issues and sediment build-up in the community, specifically:

1. Parcel A
2. Parcel C
3. Parcel D, where there is the overflow into the creek
4. Both sides of the road on Inspiration from Jefferson County border to Summer Grove
5. Both sides of the street on Rustling Leaf Place
6. Sewer easement between lot 8 and 9 on Rustling Leaf
7. Walking Trail (part of parcels A and C, and along the border of the two counties)

## RECOMMENDATIONS FOR FIXING THESE PROBLEMS

1. Power cleaning road surface eliminating all debris. All depressions fixed -- a layer of tack coat filled with a hot mix asphalt.
2. Roads properly graded with 1 ½ inch top coat applied
3. Driveway lips will then need to be matched to grade of asphalt to ensure proper drainage and that no water is able to seep under road surface and cause future damage.

### Storm Water Management Fixes

1. We need hydraulic jumps (stone check dams, rip rap) placed in drainage easements to slow water run-off
2. Parcel C/ Walking Trail needs to be completely cleaned out, reggraded, and filled with rip rap and hydraulic jumps, and then later inspected to ensure proper water flow.
3. Parcel A. The section that is the walking trail needs to be completely cleaned out, reggraded, and filled with rip rap and hydraulic jumps, and then later inspected to ensure proper water flow. The rest of Parcel A, which was dedicated to the tot lot and all-purpose court areas, needs to be cleaned out, graded, and developed.

We desire our community to be fully inspected and deficiencies stated regarding roads, storm water management system, and the as-builts, all in writing. All issues must be addressed and corrected, tested and approved to Jefferson County standards and provisions set forth in the County's subdivision ordinances.

## I. ROADS

Breakdown of the construction problems:

1. Raised manholes due to over compaction.
2. Depressions around the manholes due to under compaction of surrounding material. Water collects in these depressions. Over time, this standing water will begin to deteriorate base.
2. Pop-outs -- due to an improper ratio of aggregate and asphalt. Over time, these pop-outs will tear up car and bicycle tires.
3. Depressions in the roads due to poor compaction. Wherever there is a water crotch, and each home has a water crotch, there is a depression. Depressions in the road lead to pooling of water. Standing water leads to further degradation of the road surface and eventually the base.
4. Poor road patches, many of which due to failure to lay telephone land lines prior to finishing the road. Patches were poorly constructed. The cuts and the deterioration of the patches allow water to seep into the base.
5. Problems with feathering -- Numerous spots where there is poor overlay of shoulder.
6. Road sloped for drainage directly into homeowner's driveway (#69 Amber Ridge).
7. Lack of lateral supports on side of road which will result in failed pavement.
8. No crown on Summer Grove to aid in proper drainage

#9

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



# SHERIFF and TREASURER of Jefferson County

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

August 2, 2010

## MEMORANDUM

TO: Jefferson County Commission  
FROM: Lt. T. H. Hansen  
SUBJECT: Approval of new appointment

The Jefferson County Deputy Sheriff Reserve is a wholly volunteer organization and has become invaluable to the Jefferson County Sheriff's Office. Joseph Alan Malcolm has applied for appointment to the Deputy Sheriff Reserve. A background investigation has been completed on Mr. Drish, and he has been deemed suitable for appointment. I am requesting permission to appoint Joseph Alan Malcolm to this exceptional organization.

Pending you're approval, we anticipate Mr. Malcolm will be appointment soon thereafter.

Thank you for your consideration and attention to this matter.

Respectfully submitted,

Thomas H. Hansen  
Administrative Lieutenant  
JC80

County Commission President Lyn Widmyer

Jefferson County Commission

Post Office Box 250

Charles Town, WV 25414

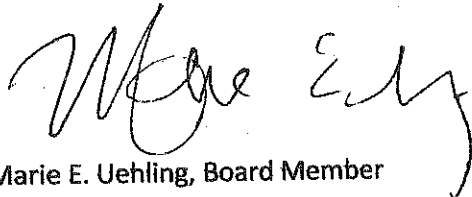
Dear Commissioner Widmyer,

Please accept this letter as a part of the public record of the  
Commission public hearing on the Jefferson County Subdivision Ordinance.

We are not able to attend the hearings but wish to have our comments  
included for the record. Friends of the Blue Ridge Mountains is a 501 ©3 created to preserve,  
enhance and celebrate the mountains.

We strongly encourage the Jefferson County Commission to retain section  
22.504, "Protection of Resources" as it is currently included in the  
draft recommended by the Planning Commission. It is our understanding  
that these are the same environmental regulations that have been a part  
of the County subdivision ordinance since 1979. Surrounding jurisdictions  
have been strengthening environmental protection of the Blue Ridge, and  
the proposed elimination of protections in Jefferson County would be  
counter to this regional effort.

We believe that if any change is warranted now it would be to strengthen  
rather than weaken protection for the Blue Ridge Mountains



Marie E. Uehling, Board Member

On behalf of Friends of the Blue Ridge Mountains

P.O. Box 49, Harpers Ferry, WV 25425, tel: 304-535-2586

**RECEIVED**

AUG 04 2010

Jefferson County Commission

## A NEW INITIATIVE

*Friends of the Blue Ridge Mountains*, founded in 2007 by Loudoun and Fauquier area residents, is dedicated to the cause of safeguarding and celebrating the unique heritage and many resources — historic, cultural, educational, aesthetic, recreational and ecological — of the Blue Ridge Mountains.

## OUR MISSION

*To preserve, enhance and celebrate the Blue Ridge Mountains as a valuable resource and treasured space for present and future generations*

## OUR VISION

*The Blue Ridge Mountains stand secure as a national treasure for all time ... ancient and sacred space that is maintained as a model of natural and cultural preservation — a free and accessible destination for recreation, discovery and renewal that inspires others to join and sustain our effort.*

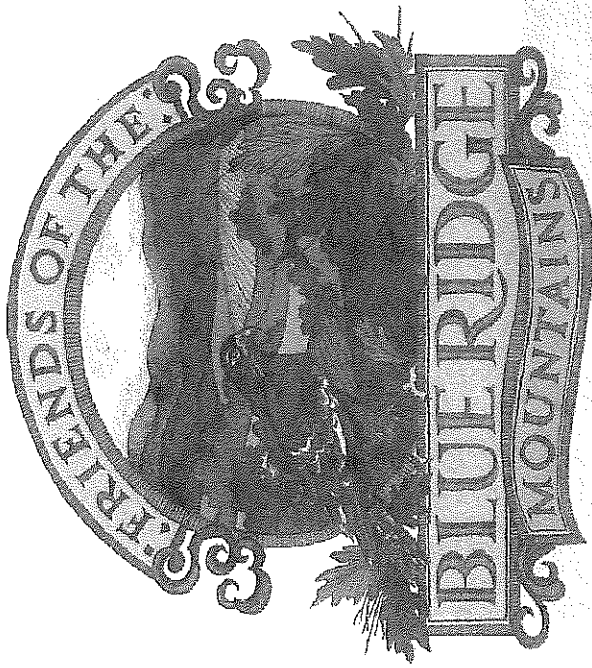
To learn more about the *Friends of the Blue Ridge Mountains* and upcoming events, please visit our website at [www.blueridgemountains-friends.org](http://www.blueridgemountains-friends.org)

*Friends of the Blue Ridge Mountains*

P.O. Box 1002

Purcellville, VA 20134

[blueridgemountain@earthlink.net](mailto:blueridgemountain@earthlink.net)



Preserving, enhancing and celebrating  
the  
Blue Ridge Mountains

*"... Washington set out on horseback on this surveying expedition in company with George William Fairfax. Their route lay by Ashby's Gap, a pass through the Blue Ridge, that beautiful line of mountains which, as yet, almost formed the western frontier of inhabited Virginia. They entered the great valley of Virginia, where it is twenty-five miles wide, a temperate region admirably adapted to cultivation. The Blue Ridge bounds it on one side, the North Mountain, a ridge of the Alleghenies, on the other, while through it flows that river named by the Indians the Shenandoah—daughter of the stars"*

Excerpt from *The Life of George Washington* by  
Washington Irving, 1859

## FRIENDS OF THE BLUE RIDGE MOUNTAINS

Committed to preserving, enhancing and celebrating the Blue Ridge Mountains

### Membership Form

YES! I (we) support the mission and vision of the Friends of the Blue Ridge Mountains

\_\_\_\_\_ \$ 35 (individual) \_\_\_\_\_ \$ 50 (family) \_\_\_\_\_ \$350 (Life Member – no annual dues)

NAME (please print) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE#: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

Mail to: *Friends of the Blue Ridge Mountains*, P.O. Box 1002 Purcellville, VA 20134

## CHALLENGES . . .

Half of the world's fresh water supply comes from mountains, so mountains are a critical resource for all people. In addition, for those of us who live in the vicinity of the Blue Ridge, mountains enhance the natural beauty of our area; provide a resource for research, education and recreation; and stand as a living monument to the history and heritage of our region.

Yet, in spite of all they offer and all they represent, the Blue Ridge Mountains and the Short Hills are increasingly at risk. More so than ever before, they are highly exposed by weak county regulations, and as a result, they are threatened with the kind of invasive development that will irrevocably compromise the Blue Ridge as a resource and forever change its character.

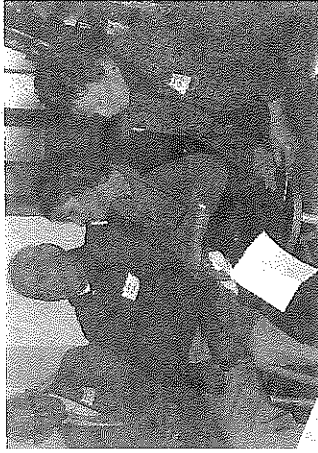
## AND OPPORTUNITIES

Given the significance of the Blue Ridge and the considerable risk of what we stand to lose, the *Friends of the Blue Ridge Mountains* believes that urgent action is called for to prevent the degradation of this fragile—and precious — ecosystem.

To that end, we work collaboratively with other preservation groups to sustain the Blue Ridge through public education, research, and policy proposals that promote conservation and encourage sustainable development. We also celebrate the Blue Ridge as a precious feature of our landscape and our cultural heritage.

## ACTIVITIES

*Friends of the Blue Ridge Mountains* has had an exciting start with solid membership growth and a variety of events, including an old-timers' round table at Bear's Den in the late fall, a spring trillium walk, an early summer member picnic and plans for the annual meeting in the fall.



— Photograph by Autumn Sindard

2007 Old timers' story-telling at Bear's Den

In addition, *Friends of the Blue Ridge Mountains* has hosted a welcoming reception/café conversation for new and prospective members and has begun to extend its reach through participation with other preservation groups and attendance at public events.



— Photograph by Leodion Grosavick  
www.facebook.com/friam

A patch of *Trillium grandiflora*

## ORGANIZATION

*Friends of the Blue Ridge Mountains* is currently developing a program of activities and outreach through the work of two standing committees:

**The Land Use Committee** monitors development on the mountains; prepares maps; conducts research on land use, historic structures, and cultural sites; and makes proposals for the preservation of the mountains.

**The Celebrations Committee** organizes events, educational programs, field trips and lectures; develops membership and outreach opportunities; manages publications; handles public relations; establishes and maintains a web presence; and schedules membership activities including the annual meeting.

## A CALL TO MEMBERSHIP

We welcome new members and invite those who share our vision to join us in the important endeavor of safeguarding the Blue Ridge—a defining feature of the regional experience.



**Sandy McDonald**

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**From:** "Kathleen Mallow-Sager" <kmallow@frontiernet.net>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Monday, August 02, 2010 9:56 AM  
**Subject:** hazardous wastes

**Your submission:**

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**Your Name:** Kathleen Mallow-Sager

**Your Email Address:** kmallow@frontiernet.net

**Subject:** hazardous wastes

**Message:** Thank you for providing an opportunity for Jefferson County residents to properly dispose of hazardous wastes. The event was well organized.

**Sandy McDonald**

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**From:** "Amanda Stroud" <amanda.stroud@montgomerycollege.edu>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Monday, August 02, 2010 10:52 AM  
**Subject:** Jefferson County Water Advisory Committe

**Your submission:**

---

**Your Name:** Amanda Stroud

**Your Email Address:** amanda.stroud@montgomerycollege.edu

**Subject:** Jefferson County Water Advisory Committe

**Message:** I would like to commend the Jefferson County Water Advisory Committe on their first Hazardous & Electronic Waste Collection Event! Keep up the good work.

**Sandy McDonald**

---

**From:** "Angela Blair" <mark-angie@comcast.net>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Monday, August 02, 2010 4:58 PM  
**Subject:** Thank You to the Water Advisory Committee

## Your submission:

---

**Your Name:** Angela Blair

**Your Email Address:** mark-angie@comcast.net

**Subject:** Thank You to the Water Advisory Committee

**Message:** I would just like to extend a huge thank you to those who coordinated and worked the Hazardous Waste Disposal event on July 31. We had accumulated paints and the like for the past 12 years because we weren't sure of where to dispose of them or if the product would be accepted for disposal. I was tired of looking at all of these cans and wanted to get rid of this clutter when I saw the flyer for this event! I cannot tell you how great it feels to be rid of these things and to know that they were disposed of properly. We care about the environment very much and want to do the right thing and this event made it so easy. Everything ran like a well-oiled machine with manned stations and friendly explanations of where to go, etc. I feared having to provide elaborate descriptions of what I had and/or would be stuck taking a lot of it back home- that was not the case at all. It was smooth, stress free and felt like a great use of our tax dollars! It would be wonderful if this could be offered every year. Thanks again to everyone who made this possible. Great job!

30 July 2010

Matthew Harris  
P.O. Box 1135  
Ranson, WV 25438

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

Dear Jefferson County Commissioners;

I recently read about "Waste Collection Event set in Jefferson County" on 28 July 2010 in the Journal. I am very pleased to see that our elected officials are turning their heads to the idea of doing something great for the citizens of Jefferson County. Thank you "Patsy Noland" for your comment and hopeful expectation on the turn-out for this Collection Event.

As I have said before many times, my only intentions and interests within Jefferson County are for the citizens of Jefferson County and my hopeful ability to do whatever I can to fight for their rights and to make Jefferson County the best County in West Virginia. Please be confident, I will continue to fight for the rights of the citizens of Jefferson County. As Jim Surkamp has mentioned a few times concerning my persistence, "One thing I can say, he is persistent".

Again, thank you.

Respectfully,  
Matthew Harris  
Resident of Jefferson County

**RECEIVED**

AUG 02 2010

Jefferson County Commission

31 July 2010

Matthew Harris  
P.O. Box 1135  
Ranson, WV 25438

Jefferson County Commission  
Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, WV 25414-1072

Dear Commissioners;

During my reading of the "Citizens Question Close Government Session", I found myself question many past sessions which may have either direct and/or indirect affect on Jefferson County Residents. Although I do believe in the theory "Attorney/Client Privacy", I do not believe this has a direct affect on the situation being questioned. When a situation is questioned concerning a community/business in a community, I believe the information should be made public for understanding and support of those either directly and/or indirectly involved. We have the right to understand and question.

I do believe Ed Burns should have choosen to give more respect to the environment of the individuals involved within the situation. Ed Burns does have the right to say he wants to know and understand as we all do, we have to take a proffessional approach to the situation. Closed session to discuss the legalities is a situation that can and may involve the citizens of the area.

I agree that Jefferson County Government has a very hard and difficult job and in reality, its impossible to please everybody, but taking a respectfull approach is demanded. I have to stand behind Ed Burns beliefs in the "right to know". We all have the right to know.

If the Attorney disagrees with Ed Burns or those who have the right to know, re-think "politics and right to know". I prefer to stay neutral on this topic, but feel I should voice the publics voice.

Respectfully  
Matthew Harris

**RECEIVED**

AUG 02 2010

Jefferson County Commission

# Jefferson County Public Service District

RECEIVED

AUG 05 2010

Jefferson County Public Service District  
Regular Board Meeting  
July 6, 2010

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, July 6, 2010 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Wilt; Pentree Engineer, Zane Summerfield; District Legal Counsel; Jim Kelsh, and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Chairman Hankins called the meeting to order at 7:05PM.

### Public Comments

Susan Rissler Sheely, John Rissler Road: Commented on the June 7, 2010 PSD Board Meeting minutes and the poor quality of audio she experienced of PSD Board meetings.

### OLD BUSINESS

#### Review Minutes of June 18, 2010 Special Board Meeting

The minutes of the June 18, 2010 special Board meeting were approved as presented. The Board would like to add the discussion of the PSD Board meeting minutes and audio recording to the next work session agenda. Staff will work with the District's IT consultant to investigate and remediate any problems with the recording and taping system.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the June 18, 2010 minutes as presented. Approved 2-0-1. (Mr. Hankins abstained.)**

#### Approval of the Memorandum of Understanding with Jefferson Utilities with Additional Language from the May 26<sup>th</sup> PSC Order in PSC Case # 09-2030-PWD-W-PC

Mr. Kelsh updated the Board. The May 24<sup>th</sup> Recommended Decision from the Administrative Law Judge that approved the agreement between the District and Jefferson Utilities became the final order of the Public Service Commission as of June 15<sup>th</sup>. In that Recommended Decision from last month, additional language was added to the agreement clarifying one of the terms. Jefferson Utilities has signed the agreement and Mr. Kelsh recommended that the Board sign the agreement with the additional language.

The Board had a brief discussion on the internal memorandums that were prepared by staff and included in the Board books this month. Mr. Appignani brought up the issue and questioned the memorandums that were included in the Board books, which he did not agree with. Mr. Kelsh explained the reasoning for the new internal memorandums that staff, Mr. Summerfield, and himself have prepared. The memos had a disclosure on the bottom consistent with the WV Freedom of Information Act and may be subject to the Attorney-Client Privileged status so they have been labeled as "internal memorandums". Mr. Hankins stated that these internal memos are part of a process by staff to provide background facts, clarify information, and suggest recommendations to help the Board make better and quicker decisions. Commissioner Lyn Widmyer disagreed with the Board's interpretation of the Freedom of Information Act and thought keeping information from the public is wrong when it is a public meeting.

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to authorize the Chairman to execute the revised Memorandum of Understanding with Jefferson Utilities. A brief discussion took place.**

Mr. Kelsh clarified to the Board that the District has previously approved this agreement, but the PSC now would like the Board to approve the agreement with the additional language from the PSC's recommended decision. He stated that by not approving the agreement, it could cause confusion to government agencies and cause Jefferson Utilities to not receive certain design grant money. Mr. Cummins was concerned with some of the outdated language of the agreement and its focus on the valley water supply, but he believes it can be amended at a later

time. Mr. Hankins felt this agreement protects the District and the Districts customers. Mr. Appignani stated the agreement gives the District somewhat more power and control than to not have an agreement at all.

**Action:** The original motion was unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to allow the internal memorandum that was attached as background information for the Memorandum of Understanding agenda item be released as a public document. Approved 2-1. (Mr. Hankins opposed.)

Consider Payment of \$29,100 for Railroad Crossing Easement for Flowing Springs Wastewater Treatment Plant

Last month the District had received the contract for the Norfolk Railroad Crossing/AECOM easement that is needed for the 36 inch line for the proposed Flowing Springs plant, which will cost \$29,100. Mr. Kelsh spoke with AECOM regarding the Districts concerns of the payment of \$29,100 that was due by July 26<sup>th</sup>. AECOM suggested Mr. Kelsh indicate that the District is not opposed to the agreement, but to just defer the payment to a later time. The Board agreed with that interim strategy and suggested that Mr. Kelsh should stay in contact with AECOM. Mr. Kelsh suggested tabling the item until the District is closer to funding for the wastewater treatment plant.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to take no action and direct Mr. Kelsh to email AECOM letting them know the District will get back with them once the District is further along with the completion process. Unanimously approved.

Update on Flowing Springs Wastewater Treatment Plant NPDES Permit Application

Mr. Summerfield informed the Board that the plans and specifications for the project have been approved by WV DEP. The next step in the process will be for a notice to be advertised for the permit and a public hearing will take place, which will most likely be held locally.

**Action:** No action taken by the Board.

Update on WV Funding Stakeholder Group Workshop

Ms. Lawton had no new updates. Multiple funding source white papers developed by an impacted stakeholders group were presented to the Legislature by WV DEP on June 1<sup>st</sup>. Mr. Kelsh suggested that he could possibly ask WV DEP to reconvene the funding group or have the group meet without WV DEP to develop a lobbying strategy.

**Action:** No action taken by the Board.

Update on Berkeley County Capital Improvement Fee Case

Mr. Kelsh updated the Board. The WV Supreme Court will hear the petition for appeal in September after the summer break. Mr. Kelsh has started to prepare an amicus brief in support of the PSD's, which he will have completed by next Board meeting. Mr. Kelsh stated he will make this contact soon with the County's attorney, Stephanie Grove to hold a briefing meeting.

**Action:** No action taken by the Board.

Discuss Status of S.1816 & H.R.3852: To Amend the Federal Water Pollution Control Act to Improve and Reauthorize the Chesapeake Bay Program; and H.R. 5509: Chesapeake Bay Program Reauthorization and Improvement Act

Mr. Appignani updated the Board. He stated these issues are very complicated especially since significant amendments were recently made to S. 1816. Mr. Appignani also noted that H.R. 5509 did not include West Virginia as one of the "priority funding" States and needs time to review more thoroughly. Ms. Widmyer suggested scheduling a local joint meeting on this issue.

**Action:** No action taken by the Board.

Update on Refinancing 1998A Bonds

Mr. Kelsh informed the Board that the refinance of the 1998A bond closed on June 25<sup>th</sup> with an interest rate of 4.16%. Mr. Kelsh along with District staff felt the refinance process was not handled as smoothly as expected and would like to send a letter to Bond Council and Crews & Associates stating their concerns. The Board agreed with sending the letter.

**Action:** No action taken by the Board.

**NEW BUSINESS**

Discussion of any expenses over budget

The Board acknowledged that the Pumping, Treatment, and Administrative Dues and Fee's line items were over budget for the 2010 fiscal year.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the expenses over budget as indicated on the cash disbursement sheet. Unanimously approved.

Disbursements

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$850.33. Unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Glen Haven water expenses in the amount of \$5,093.78. Unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for the Public Service District expenses in the amount of \$134,041.72. The Board removed the amount of the transfer for the AECOM payment of \$29,100.00 that was not approved. Unanimously approved.

Approve Transfer of \$3,230.97 from Sewer Security Deposit Account to Sewer Operating for Security Deposit

Refunds

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$3,230.97 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$64.08 from Cavaland Security Deposit Account to Cavaland Operating for Security Deposit

Refunds

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$64.08 from Cavaland Security Deposit Account into Cavaland Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$5,150.00 from Renewal & Replacement into Sewer Operating for New Pump at Pump Station 2-13

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$5,150.00 from Renewal & Replacement into Sewer Operation for new pump at pump station 2-13. Unanimously approved.

Approve Transfer of \$1,732.50 from Cost of Issuance – 2010 Bond Refinance Account into Sewer Operating for Legal Fees

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$1,732.50 from Cost of Issuance (2010 Bond Refinance Account) into sewer operating account for legal fees. Unanimously approved.

Approve the Requisition Resolution for the Payment of the Costs of Issuance Out of the Costs of Issuance Account Established at MVB Bank

The Costs of Issuance account was formed to pay all those who worked on the refinance of the 1998A bond. It was established from the proceeds of the bond refinance. Ms. Lawton informed the Board that the total on the Requisition Resolution was incorrect. The resolution was missing the payment to Cox Hollida Price for their work on the bond refinance. The Board approved the Requisition Resolution, but has instructed staff on the way they would like the money to be disbursed.

**Action:** Motion made by Mr. Hankins and seconded by Mr. Appignani to approve the Requisition Resolution, but to instruct staff to do the transfer of Mr. Kelsh's legal fees first, then pay the payees in sequence as they are listed on the resolution, and lastly pay Spilman Thomas & Battle in full or with whatever money is leftover. Unanimously approved.

Consider Possible Alternate Mainline Extension Agreement with Thornhill, Phase I for 179 Approved and Recorded Lots in Thornhill Development

The Manager of the Thornhill LLC, Herb Jonkers, has requested sewer service for 179 approved single family homes for the Phase 1 of the Thornhill subdivision. He would like to enter into an Alternate Mainline Extension Agreement (AMEA) with the District for Phase 1 of the subdivision. The developer will be required to construct a new pump station and force main to pump flow to the Crosswinds subdivision (pump station 4-5). They will also be required to upgrade pump station 4-5 to handle the flows of Thornhill and upgrade the force main which leaves pump station 4-5. Mr. Jonkers was in the audience to answer any of the Board's questions. He has agreed to pay for all upgrades consistent with the agreement. Mr. Kelsh informed the Board that the AMEA is consistent with the updated Breckenridge East AMEA the District has drafted.

The Board received a public comment from Ms. Susan Rissler Sheeley. She questioned why the Board would send flows from the Thornhill subdivision to the Charles Town wastewater treatment plant, which is currently not compliant with Chesapeake Bay requirements. Mr. Hankins informed Ms. Sheeley that although the City of Charles Town's main municipal treatment plant is currently not designed or capable of meeting Chesapeake Bay nutrient technology requirements, the City has a plan to become compliant in the future. He informed Ms. Sheeley that the development in discussion had the option to go to the proposed and permitted Evitts Run wastewater treatment plant, but that is no longer an option.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the Alternate Mainline Extension Agreement between the District and Thornhill LLC as presented and have Mr. Kelsh file with the WV Public Service Commission. Unanimously approved.**

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations regarding the acceptance of the Old Standard Wastewater Treatment Plant. Unanimously approved.**

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to return to public session. Unanimously approved.**

Mr. Cummins requested that staff continue work with Mr. Jonkers to gather more definitive information on the District's possible acquisition of the Old Standard wastewater treatment plant. The Board agreed with Mr. Cummins request.

Consider Filing Comments on Bureau of US Customs & Border Protection Underground Injection Control Permit Renewal Application

Ms. Lawton updated the Board. The US Customs & Border Protection currently has an Ashco recirculating sand filter wastewater treatment plant and is renewing the UIC permit for this facility. Ms. Lawton and Mr. Kelsh suggest the Board to not file comments on this permit application.

**Action: No action taken by the Board.**

Consider Approval of Bid for Tank Work at Glen Haven Water System

The District received two (2) bids for the tank work at the Glen Haven water system. Ms. Lawton found extra costs to be involved with this project after she ran the advertisement. She would like to gather more information before she either recommends the approval of one of the 2 companies or possibly re-advertises for bids.

**Action: No action taken by the Board.**

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

- Cavaland Violation - Last month the monthly water bacteriological report for Cavaland came back positive for coliform bacteria (not e-coli). When the District received the news, they immediately started taking a series of water samples at different locations in the development, and slightly increased the Chlorine residual for the weekend to assure that any coliform that had been introduced into the system was killed. By the following week we had enough samples that were free of the bacteria to resume normal business. The District notified all customers of the test results and the Health Department was comfortable allowing the system to be declared safe.

- Water Advisory Committee (WAC) Meeting - The WAC will be meeting on July 19<sup>th</sup> and discussing the case study of a local farmer who accepts septage for fields and the County's future needs for either a septage receiving station in the County or some other way of managing it.

**Action:** No action taken by the Board.

Consider Revision to the Education and Training Assistance Program Page of the Public Service District Employee Handbook

This item will be discussed in Executive Session.

Correspondence

None discussed.

Public Comment

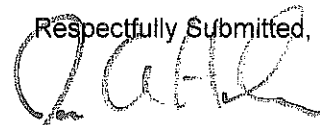
None.

- Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.
- Action:** Motion made by Mr. Appignani and seconded by Mr. Hankins to return to public session. Unanimously approved.
- Action:** Motion made by Mr. Appignani to approve the Red Barn Agreement and authorize the Chairman to execute three (3) copies. Approved 2-0-1. (Mr. Cummins abstained.)
- Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to appoint the Chairman to act on behalf of the District for the Martinsburg EQB hearing. Unanimously approved.
- Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to amend the PSD Employee handbook under the Education and Training Assistance Program section to add the following two (2) sentences; "The District will pay for relevant Professional Certification testing two (2) times per test." and "Any educational requirements not mentioned above, including professional licensing, will be addressed on an individual basis." Unanimously approved.
- Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to adjourn. Unanimously approved.

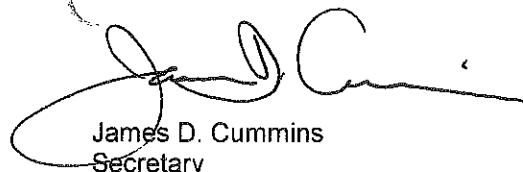
There being no further business at this time, the meeting was adjourned at 11:10PM

The next regular meeting is scheduled for August 2, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins  
Chairman



James D. Cummins  
Secretary



# Community Bulletin



## Remembering Senator Robert C. Byrd

On June 28, 2010, West Virginia lost perhaps its most dedicated public servant with the passing of U.S. Senator Robert C. Byrd. Robert C. Byrd was first elected to the United States House of Representatives in 1952. After serving three terms in the House, he was elected to the Senate in 1958 and re-elected an unprecedented eight times. On June 12, 2006, Byrd became the longest-serving Senator in the nation's history and on November 18, 2009, the two-time majority leader became the longest-serving Congressman in history. Byrd's numerous elective triumphs helped him serve West Virginia well. Because a large part of a senator's effectiveness depends on committee assignments and seniority, throughout his long political career Senator Byrd was uniquely positioned to help his "Mountain State" constituents.

At the outset of his Senate career, Senator Byrd was rewarded by the Senate leadership with a seat on the prestigious Committee on Appropriations, one of the Senate's most important committees – an almost unheard of assignment for a freshman Senator. Byrd was a member of the Appropriations Committee for many years, serving as chairman from 1989 to 1995, from 2001 to 2003, and again from 2007 to 2009 – a fact of great signifi-

cance for the people and communities of West Virginia. He brought billions of federal dollars to the state, money used to build roads, bridges, buildings and other facilities and to create jobs and fund programs. This ability to attain funds and projects for his state led West Virginia Governor Joe Manchin to aptly dub Byrd the "Architect of Appalachia."

Certainly one benefactor of Byrd's great influence was Harpers Ferry National Historical Park. The following is a list of significant projects and special events, spanning more than four decades, made possible by Senator Byrd and his hard-working staff members.

### 1960s and 1970s

1966 – Supported establishment and construction of the Harpers Ferry Center/Interpretive Design Center to promote advanced media techniques



that enhance visitor experience at all National Parks. (pictured below right)

1972 – Co-sponsored legislation to raise the Park acreage limit from 1,350 to 2,346 acres and to acquire land to create a single Park entrance and parking area outside the historic area. Approved in 1974, the legislation allotted \$1.3 million for acquisition and \$8.69 million for development.

1972 - Supported funds to HAFE Park for flood/storm cleanup.

1976 – Funded restoration of seven historic buildings in the heart of the historic district, located at the intersection of Potomac and Shenandoah Streets, including the John Brown Museum.

1977 – Provided federal funding to help construct a new wastewater treatment plant to service the towns of Harpers Ferry and Bolivar, as well as the thousands of annual visitors to the Park. Prior to its construction, most of the historic area relied upon septic fields that were susceptible to frequent floods.

1978 – Supplied grant funding creating a joint Harpers Ferry-Bolivar police department.

## 1980s

According to former Park Superintendent Donald Campbell and Park Architect Peter Dessauer, throughout the 1980s Byrd provided on average \$2 - 3 million annually for restoration and preservation of the Park's natural and cultural resources, including funds for Machine Shop, Frankel Clothing Store, Restoration Exhibit, Black History Museum, Civil War Museum, Battle of Harpers Ferry Museum, and Burton Jewelry Shop.

1982 – Special guest during the dedication of the Shenandoah Street renovations and the John Brown Museum restoration.

1983 – Steered filming of Puddin' Head Wilson to Harpers Ferry NHP

1985 Opening of Pedestrian foot-bridge across the Potomac.

1987 – Obtained funding to document historic resources on Virginus Island.

1989 Obtained funding for Special Boundary Study

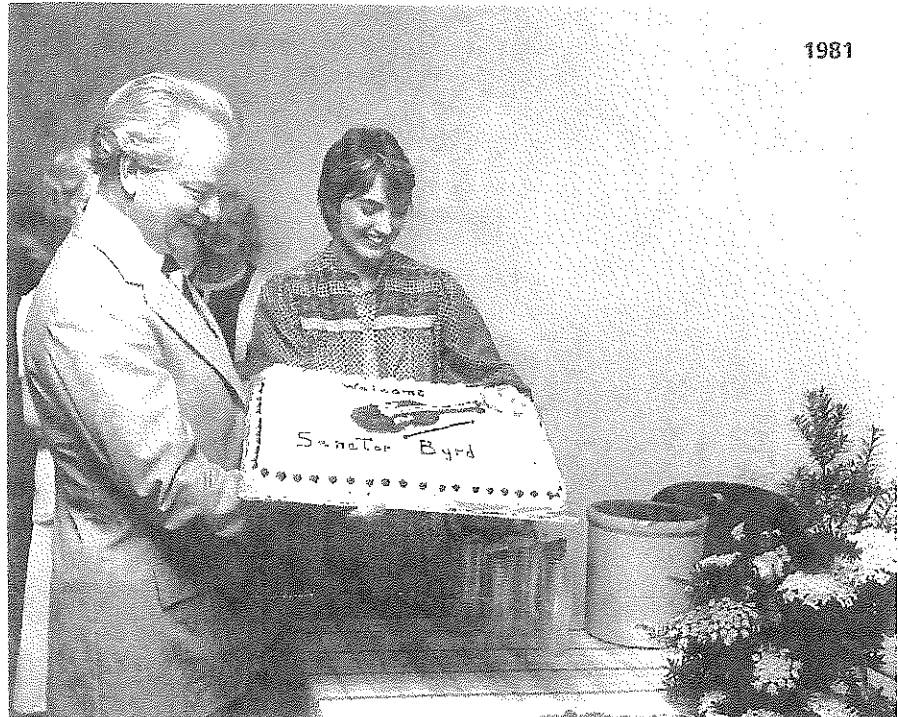
## 1990s

1990 – Dedication of the Robert C. Byrd Visitor Center at Cavalier Heights and transportation system.

1992 – Secured \$10 million to plan, design, and restore seven historic buildings on the south side of Shenandoah Street in Lower Town Harpers Ferry, including the Doran Store, the Samuel Annin House, and the Visitor Information Center in the Master Armorer's House.

1992 – Funded \$2 million restoration of four buildings on High and Potomac Streets, including the Frederick Roeder House and Annex, Frederick Roeder's Store, and the White Hall Tavern.

1992 – Secured funding for Historic American Buildings Survey documentation of the Philip Coons Building,



1981

Stagecoach Inn, Privy Annex, and Armorer Dwelling House #48.

1992 – Appropriated second phase of funding to document historic resources on Virginus Island.

1994 – Appropriated funds for Historic American Building Survey documentation for multiple buildings on Camp Hill, including the Lockwood House, Brackett House, and Morrell House.

1994 – Obtained third phase of funding to document historic resources on Virginus Island.

1994 – Senator Byrd and his wife, Erma, are honored guests at the celebration of the 50th anniversary of the founding of the Park.

1996 – Following two significant floods within nine months, directed \$5.1 million into the Flood/Storm Recovery Program, which provided relief aid over a period of five years to repair damages.

1997 – Senator Byrd presided over a ribbon cutting and was special guest speaker at the dedication of the restoration of Shenandoah Street buildings.

## 2000 - Present

2001 – Assisted in concluding negotiations with the CSX Corporation for exchange of properties for the NPS that included the historic U.S. Armory property, original site of John Brown's Fort.

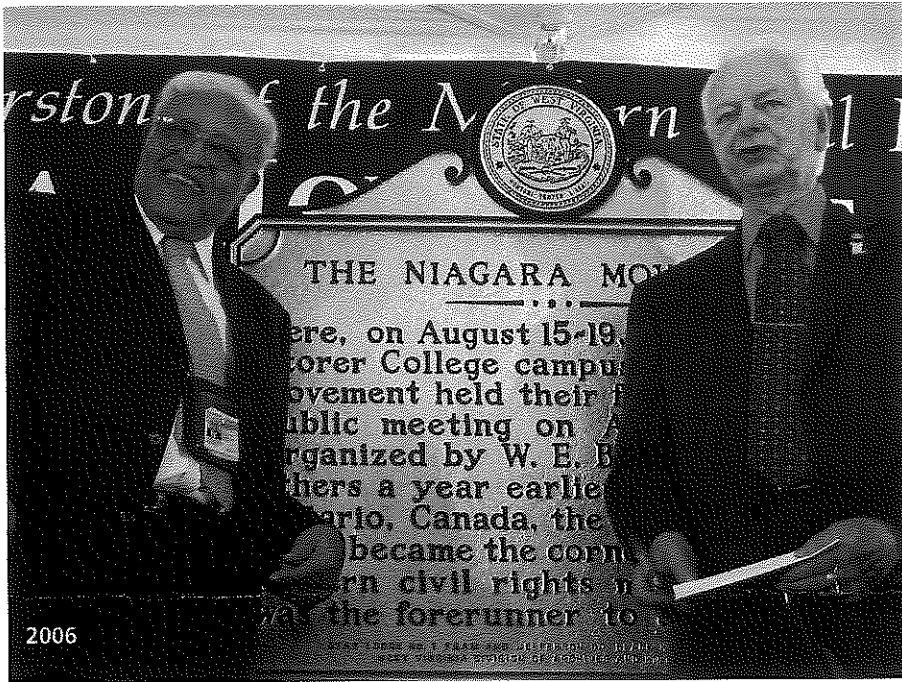
2001 – Secured \$2 million to plan, design, and construct Park maintenance yard.

2003 – Secured funding to plan, compose, and publish the Park's General Management Plan.

2003 – Funded repairs of porches on the historic Harper House and Wager House, \$306K.

2004 – Sponsored legislation entitled "The Harpers Ferry National Historical Park Boundary Revision Act of 2004", that, in part, provided the authority to acquire, preserve, restore and promote the public use and enjoyment of hundreds of acres of the 1862 Harpers Ferry Battlefield.

2004 – Obtained \$2.5 million funding for the restoration of the Harpers Ferry Train Station.



## Volunteer Program is a National Take Pride in America Award Winner

Harpers Ferry National Historical Park was recently notified it was selected as a 2010 Take Pride in America® National Award winner in the Federal Volunteer Program category. Recipients of the 2010 Take Pride in America National Awards will be honored at an awards ceremony held in Washington, D.C. on Friday, July 16, 2010.

“When a citizen agrees to share their talents, skills, and interest with their community, they are paying our nation one of the highest compliments possible by offering a most valued possession—their time,” said Lisa Young, Take Pride in America Director. “These award winners gave generously of their time in service to our public lands, and it is a privilege to be able to recognize them for their efforts.”

Each year, award winners are selected by a panel of judges from hundreds of qualified nominations representing outstanding examples of public lands stewardship from across the county. This year, there are 15 National Award winners, representing projects and events in 13 states and the District of Columbia.

Take Pride in America, is a nationwide partnership program authorized by Congress to promote the appreciation and stewardship of our nation’s public lands. The Take Pride in America program is administered by the U.S. Department of the Interior for the benefit of all public lands at all levels of government nationwide.

Harpers Ferry NHP was chosen for exceptional accomplishment in logging over 38,000 volunteer hours in 2009. Harpers Ferry NHP has a tremendous number and variety of volunteer opportunities. Program opportunities for 2009 included an Intern Program that offers college students intern positions in six different park disciplines;

Community Bulletin, August 2010

2006 – Secured \$2.5 million for restorations of the Philip Coons and John Wilson Buildings.

2006 – Provided \$300K to supplement Park’s programming for the Niagara Movement Centennial. Senator Byrd was among the distinguished guests and speakers.

2007 – Provided funding for the rehabilitation and renovation of the Jackson House for administrative archives space.

2009 – Secured \$2 million for land acquisition of Bolivar Heights and School House Ridge, enabling enhanced interpretation of these sites.

2009 – Obtained \$1.425 million for improvements to Potomac Street in downtown Harpers Ferry.

2009 – Provided \$300K to purchase reproduction cannons to better interpret the Harpers Ferry Battlefield.

2009 – Provided \$300K to supplement Park operations and programs for the John Brown Sesquicentennial Commemoration.

At Senator Byrd’s recent memorial services, his peers and government colleagues remarked on his devotion to

the U.S. Constitution, his intense passion for literature and history, and his legendary legislative and parliamentary skills. But most of all, they emphasized Byrd’s fierce commitment to his beloved West Virginia. Senator Byrd played an enormous role in the development of West Virginia in general, and Harpers Ferry National Historical Park in particular. His continued support quite literally made the Park what it is today.

On this occasion we pay tribute to the extraordinary life and career of the most important public servant in the history of West Virginia. May the many good works he helped make possible in our Park and communities long stand as a tribute to the late Senator Robert C. Byrd

### Visit the Harpers Ferry Historical Association Bookshop on Shenandoah Street

You’ll find books, art, maps, posters, music tapes and CDs, historic photos, DVDs, games, puzzles, notecards, postcards and a terrific selection of children’s books!

<http://www.harpersferryhistory.org/>

extensive Living History Volunteer Program, just to name a few.

Retired folks and senior citizens, individuals and couples, are a very valuable part of the park's volunteer team. They work with various areas of park operations from hike leaders to visitor services. Local school students are involved in placed-based service learning projects where they can explore and discover history at their own pace on their own terms. Graduate students have a chance to study, research and preserve national resources. There is truly something for everyone. Harpers Ferry NHP has an existing list of volunteer opportunities and is discovering new ones all the time; which is exciting for the volunteers, park staff and visitors.

Anyone interested in volunteer opportunities at Harpers Ferry NHP should contact Volunteer Coordinator Jessica Liptak at 304-535-5017.



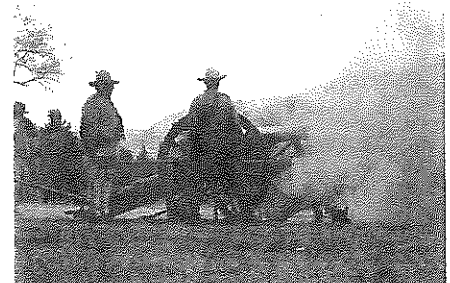
Harpers Ferry staff members accept Take Pride In America Federal Volunteer Award. Front row: (L to R) Steve Lowe, Dale Nisbet; Scott Fritz; Dennis Frye; Mark Walker (VIP) Back row: (L to R) Michelle Hammer; Amber Kraft; Bob Stanton, Senior Advisor to the Secretary, U.S. Department of the Interior; Jess Liptak; Catherine Bragaw; Autumn Cook; Graham Humphrey; Lisa Young, Director, Take Pride in America.

## July's Volunteer of the Month: Baltimore Light Artillery

The Baltimore Light Artillery (BLA) is in its 25th season of brining to life the daily workload of an artillery unit. The group debuted at Antietam National Battlefield in 1985 presenting regular programs three to four weekends a season. After a year of success, the Baltimore Light Artillery (BLA) was able to recruit a dozen more men into the unit. Ross Kimmel, former State Historian for the Maryland State Park System was very instrumental in forming this Confederate artillery detachment. Their uniforms were modeled after late war Richmond Depot uniforms as Kimmel was enamored with a surviving jacket worn by a member of the original unit.

In 1986, the BLA came to Harpers Ferry National Historical Park to participate in the first School House Ridge event, a program where 5th graders from Jefferson County come to learn about the history of the area.


Among their peers, the BLA is seen as one of the most authentic and safest units in the reenactor community. Their commitment to public history is



evident during their demonstrations. Their ranks are filled with modern day professionals of history - from the Smithsonian, to state museums as well as private. The BLA continues to set the standard bar high from their period clothing to their educational messages.

From Spring 1862 to October 1864, the BLA served in the Army of Northern Virginia. In 1864, the group lost its two last guns in Woodstock, VA when overrun by Custer's Cavalry covering Jubal Early's retreat up the valley. The remaining men were put into Confederate artillery or infantry units and served until the war ended.

Community Bulletin, August 2010



National Park Service  
U.S. Department of the Interior

The history of Harpers Ferry has few parallels in the American drama. It is more than one event, one date, or one individual. It is multi-layered, involving a diverse number of people and events, decisions and actions that influenced the course of our nation's history. Visit Harpers Ferry and step into history.

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

Visitor Center  
304-535-6029

Harpers Ferry Historical Association Bookshop  
304-535-6881

Harpers Ferry NHP Home Page  
[www.nps.gov/hafe/](http://www.nps.gov/hafe/)

The National Park Service cares for the special places saved by the American people so that all may experience our heritage.

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2011

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.06%	SHEPHERDS TOWN 14.28%
3 days ending: 7/1/10- 7/3/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/10/10	\$ 205,731.64	\$ 205,731.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,366.76	\$ 161,366.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,366.28	\$ 160,366.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,602.08	\$ 157,602.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 800,691.34	\$ 800,691.34	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ 111,372.14

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

Week Ending Date	Week Ending July 31, 2010
<b>To be Deposited on:</b>	August 6, 2010
Amount Played	84,805,657.48
Amount Won	76,383,415.71
Amount Promo	258,750.00
MWAP Contribution	<u>44,634.17</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>9,218,657.60</u></b>
Administrative Costs @ 4%	328,754.30
Excess Lottery Fund @ 4%	<u>0.00</u>
<b>Net Terminal Revenue</b>	<b><u>7,890,103.30</u></b>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 98%	\$ -
Track Share of Capital Reinvestment @ 42% - 4%	\$ -
<b>Adjusted Net Terminal Revenue</b>	<b><u>7,890,103.30</u></b>
Racetrack @ 45.50% / 42%	3,668,898.03
Lottery Fund @ 30% / 0%	2,367,030.87
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	552,307.23
Workers' Compensation Debt Reduction @ 7%	552,307.23
Employee Pension Fund @ 1% / .5%	78,901.04
Greyhound Development @ .75%	59,175.77
Thoroughbred Development @ .75%	59,175.77
Racing Commission @ 1%	78,901.04
County/Municipality @ 2%	157,802.08
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	108,488.92
Development Office Promotion Fund @ .375%	29,587.88
Research Challenge Fund @ .5%	39,450.52
Capitol Renovation and Improvement Fund @ .6875%	54,244.46
2004 Capitol Complex Parking Garage Fund @ .0625%	4,931.31
<b>1% Funds:</b>	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	39,450.52
Capitol Dome and Capitol Improvements @ .5% / 1%	39,450.52
	<b><u>7,890,103.30</u></b>

P.O. Box 2067  
Charleston, WV 25327



Phone: (304) 558-0500  
Fax: (304) 558-3321  
www.wvlottery.com

John C. Musgrave  
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

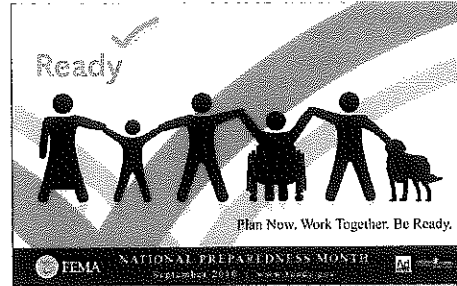
From: Stacy Acree ext. 352

Comments:

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

**NOTICE  
JEFFERSON COUNTY COMMISSION  
MEETING CANCELLATION**

The regular meeting scheduled on Thursday, August 26<sup>th</sup>, 2010, has been cancelled. The Commission will resume its regular session on Thursday, September 2<sup>nd</sup>, 2010, at 9:30 a.m.



In Support of  
**National Preparedness Month 2010**

Please Join Jefferson County Homeland Security & Emergency  
Management for  
*Family Emergency Preparedness Night*

*September 1, 2010 at 7:00 p.m.*

**Independent Fire Company**  
*200 West 2<sup>nd</sup> Avenue*  
*Ranson, WV 25438*

Activities will include:

Building an Emergency Supply Kit  
Making a Family Emergency Plan  
A Team Approach to Preparedness  
Community Emergency Response Team (CERT) Training

Please bring your family and emergency contact information, and we'll walk you through making a Family Emergency Plan.

For more information on Family Emergency Preparedness Night, please contact Jennifer D. Maggio at 304-724-8914.

For more information on emergency preparedness, visit [ready.gov](http://ready.gov).