

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, SEPTEMBER 16, 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. 10:00 a.m. Barbara Miller, Director of Homeland Security and Emergency Management -
- Homeland Security Grant application for a hauling trailer -
Discussion/Action
- Homeland Security Grant application for Homeland Security Region 3
Coordinator - Discussion/Action
- Contract for Homeland Security Region III Coordinator, Pamela Holstein
Wallace - Discussion/Action
2. 10:15 a.m. Mark Schiavone, Director of Capital Planning and Management
- Selection of Consultant for School Impact Fee Recalculation
3. 10:30 a.m. Letter to the PSD that the PSD provide the Commission with "documents
relative to the PSD's Agenda Item on Old Standard LLC from the August 2,
2010 meeting as follows: "Discuss acceptance of Old Standard Waste Water
Treatment Plant" - AND - July 7, 2010 meeting item entitled "Discuss
Acceptance of Old Standard Wastewater Treatment Plant."
Discussion/Approval (JS)

4. 10:45 a.m. Letter to Ms. Goes regarding Old Standard Quarry. Draft to be provided. Discussion/Action (JS)
5. 11:00 a.m. Request that Ms. Charlotte. Hernandez and Mr. George Holland,, heading the EDA's IT Committee, present the Commission with By-Laws and the wording of a publicly noticed advertisement for applicants to serve on this unpaid volunteer position on the IT Advisory Committee, as approved by the County Commission. (JS)

UNFINISHED BUSINESS:

6. Revised Meeting Room Policy - Discussion/Action

NEW BUSINESS:

7. Legislative Issues
8. Recognition of Constitution Day - September 17, 2010 - Approval of Proclamation
9. 11:15 a.m. Senator Herb Snyder - Presentation of \$5,000 Community Participation Grant to the Jefferson County Animal Welfare Society
10. 11:30 a.m. Jennifer Maghan, County Clerk
 - Executive Session - Personnel Issues (§6-9A-4)
 - Approval of Poll Workers

Break for Lunch

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

11. 1:30 p.m. Budget Work Session
 - Legal Fees for PATH - Discussion/Action
 - General Fund Budget Discussion - (Capital accounts elected officials, Claymont request and non-profits)
12. 2:30 p.m. Employee Policies and Procedures Work Session - (Tim Boyde, County Administrator and Stephanie Grove, Assistant Prosecuting Attorney)
 1. Overview
 2. Issue Resolution
 3. Hours of Operation
 4. Accrued Leave

CORRESPONDENCE:

Correspondence dated 9/3/10 from Mark Shields of the Jefferson County Water Advisory Committee regarding continued funding of the JCWAC's current project of monitoring area streams for nutrient load and general water quality.

Article from the State Journal dated 9-3-10 received from the WVACO entitled "Special Senate Election Costs Ring Up Bills for Counties."

Correspondence and brochure from Elks Run Watershed Study Committee introducing the committee and its accomplishments.

Jefferson County Public Service District Minutes of the Regular Board Meeting of 8-2-10.

WV Lottery report for weeks of 7-10-10 to 9-04-10.

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.

Jefferson County Commission

Thursday, September 9, 2010

A meeting of the Jefferson County Commission was held on Thursday, September 9, 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, Sandy Slusher McDonald, Deputy County Administrator, Nichelle Hosby and Debbie Stellato. (An audio tape of the September 9, 2010 meeting is available through the Jefferson County Commission Office.)

The Meeting was called to order at 9:30 a. m. by Commissioner Widmyer.

PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES.

Jefferson County Commission Regular Meeting Minutes of September 2, 2010.

Motion by Ms. Morgan to approve the minutes of September 2, 2010 as amended. Mr. Manuel seconded the motion and was unanimously approved. (An audio tape of the September 9, 2010 meeting is available through the Jefferson County Commission Office.)

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$81,740.64, being purchase order numbers 48283, 48292, 48498, 48715, 48716, 48717, 47787, 47788, 48890, 48891, 48892, 48853. Motion seconded by Ms. Morgan and was unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Noland to approve \$53,316.38 in accounts payable. Motion seconded by Mr. Manuel was unanimously approved.

Ms. Morgan gave a brief thanks to all the citizens who helped with the special election.

PUBLIC COMMENT (General)

No public comment was given.

COUNTY ADMINISTRATOR REPORTS

Deputy County Administrator Sandy Slusher McDonald:

No new information provided.

COUNTY COMMISSION REPORTS

Commissioner Noland:

- (1) Reported on the Day Report Continental Breakfast meeting.

Commissioner Manuel:

- (1) Reported on the Day Report Continental Breakfast meeting.
- (2) Reported on the Labor Day Picnic held at Morgan's Grove Park.
- (3) Extended the invitation to the Jefferson County Council on Aging Senior Picnic held on Friday, September 10, 2010 between the hours of 11 a.m. – 2 p.m. at the Ranson Civic Center.

Commissioner Morgan:

- (1) Reported that she attended the Farmland Protection Board meeting.
- (2) Reported on the Day Report Continental Breakfast meeting.
- (3) Reported on the James Packard-Gomez hearing she attended.

Commissioner Surkamp:

- (1) Reported that he attended meetings previously mentioned.

Commissioner Widmyer:

- (1) Reported on the Public Service District meeting she attended.
- (2) Reported on the meeting invitation by Delegate John Doyle to meet with Delegate Tiffany Lawrence and WV Commerce Secretary Kelley Goes regarding the Brownfield Old Standard Quarry Development.

PRESENTATIONS

- (1) The Jefferson County Commission presented a Resolution to the Jefferson County Black History Preservation Society recognizing Friday, September 10th, 2010 as the 10th Anniversary of the group.

James Taylor, James Tolbert, George Rutherford and Don Hough were present and gave comments.

- (2) Alana C. Hartman, WV Department of Environmental Protection, reported a brief update on the WV Watershed Implementation Plan for the Chesapeake Bay Total Maximum Daily Load.

Ms. Hartman invited the Commission to future meetings pertaining to the Chesapeake Bay Initiatives and new employees.

(3) Motion by Mr. Manuel to approve exoneration's due to erroneous assessments as presented by Angela Banks, Assessor. Motion seconded by Ms. Morgan and was unanimously approved.

Name	District	Type	Ticket #	Amount
Toni Harrison	Harpers Ferry	Personal Property	307414	\$3.33 ½ yr or \$6.66 full yr

Motion by Ms. Noland to approve exoneration's due to erroneous assessments as presented by Angela Banks, Assessor. Motion seconded by Mr. Manuel and unanimously approved.

Name	District	Type	Ticket #	Amount
Roger C. Mattei, III & Susan Flannery	Ranson	Personal Property	313963	124.90

Motion by Ms. Morgan to approve exoneration's due to erroneous assessments as presented by Angela Banks, Assessor. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
Elizabeth S. Beamer	Kabletown	Real Estate	15838	661.59

Motion by Mr. Manuel to approve exoneration's due to erroneous assessments as presented by Angela Banks, Assessor. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
Frederick & Linda Tepper	Charles Town	Real Estate	6553	574.29

The commission took a 5 minute break at 10:30 a.m.

(4) Peter Appignani – Jefferson County Organization of Homeowners Association

Mr. Appignani introduced Elliott Simon, Nance Briscoe and Susanne Malesic as members.

Mr. Appignani reported on various concerns from Homeowner Associations.

Ms. Briscoe reported on law enforcement not assisting Associations concerning traffic concerns.

Sheriff Bob Shirley reported on laws governing their office on what law enforcement is prohibited from doing.

Mr. Appignani reported that no information has been received from FEMA regarding funds for snow removal.

Unanimous consent for Barb Miller, Director of Homeland Security to inquire with FEMA concerning disaster relief funds.

(5) Sheriff Shirley – Approval of Employment of Clifford Taylor:

Sheriff Shirley reported on the increase of back to back trips for transporting to various locations local /non local and the need for an additional Trip Guard or Bailiff.

Motion by Mr. Surkamp to approve the hiring of Clifford Eugene Taylor as a Trip Guard and substitute Bailiff. Motion seconded by Mr. Manuel and was unanimously approved.

(6) Jennifer Maghan – County Clerk Report:

Ms. Maghan reported that she was in Charleston at the Supreme Court.

Ms. Maghan reported that the poll workers list would be presented for approval on Thursday, September 16, 2010.

(7) Kirk Davis – Capital Projects Manager –Water Advisory Committee Clean Water Grant:

Mr. Davis reported that the recycling day held by the Water Advisory Committee was part of a grant and that funds would not be available for 6-8 weeks. However, the invoice has come in and must be paid within thirty days.

Mr. Davis reported that the Water Advisory Committee is requesting the Commission pay the invoice in the amount of \$34,592.44 and that the funds will be returned to the Commission once the grant funds are received.

Motion by Mr. Manuel to approve a cash advance to the Water Advisory Committee in the amount of \$39,592.44 prior to the State's payment of the Clean Water Grant. Motion seconded by Ms. Noland and was unanimously approved.

(8) Stephanie Grove – Assistant Prosecuting Attorney:

Ms. Grove distributed her to do list.

Ms. Grove reported that the schedule of Personnel Policies has been addressed and that the Commission will begin receiving one Policy a week.

Ralph Lorenzetti, Prosecuting Attorney reported on the possible need of an expert Attorney assisting with STOP PATH.

(9) Mark Schiavone – Director of Capital Planning

Mr. Schiavone reported on the budget revisions as a result of the August 19, 2010 Commission meeting.

Motion by Ms. Noland to approve the resolution regarding budget revision 002 to the General Fund. Motion seconded by Mr. Manuel and was unanimously approved.

Mr. Schiavone requested to add two Fire and Emergency Services projects to the FY2011 Impact Fee Fundable list.

Motion by Mr. Manuel to approve placement of two projects requested by the Emergency Services Agency on the FY2011 approved Capital Improvement Plan projects for funding using Impact Fees. Motion seconded by Ms. Morgan and was unanimously approved.

(10) Approval of Grant Resolutions for Community Participation Grant Program:

Motion by Ms. Morgan to approve the Grant Resolutions for Community Participation for Camp Frame 4-H Association, Jefferson County Memorial Park Pool and Eastern Area Health Education Center – Freedom’s Run. Motion seconded by Mr. Manuel and was unanimously approved.

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

WHEREAS, The Jefferson County Commission has agreed to assist the Camp Frame 4-H Association to purchase plastic mattresses and other equipment and supplies as funds permit with funds made available through the Governor's Community Participation Grant program in the amount of \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission does hereby accept the conditions of the contract between the West Virginia Development Office and the Jefferson County Commission and does hereby authorize the signatures of the President of the Commission.

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

DATED: _____

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson County Memorial Park Pool to purchase pool vacuum system, exterior lighting, window frames, repair of the accessible entry ladder, and deck furniture with funds made available through the Governor's Community Participation Grant program in the amount of \$6,500.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission does hereby accept the conditions of the contract between the West Virginia Development Office and the Jefferson County Commission and does hereby authorize the signatures of the President of the Commission.

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

DATED: _____

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

WHEREAS, The Jefferson County Commission has agreed to assist the Eastern Area Health Education Center to promote Freedom's Run, a community walking and running event that includes the medical community, local parks, West Virginia University, and a local heritage team. The project will include magazine and newspaper advertising, design services, promotions, and equipment purchases and rentals with funds made available through the Governor's Community Participation Grant program in the amount of \$2,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission does hereby accept the conditions of the contract between the West Virginia Development Office and the Jefferson County Commission and does hereby authorize the signatures of the President of the Commission.

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

DATED: _____

- (11) **Approval of Grant Application and Resolution for the Community Participation Grant Program – National Humane Education Society – Briggs Animal Adoption Center:**

Motion by Ms. Noland to approve the application and Resolution for the Community Participation Grant program for Briggs Animal Adoption Center and to authorize the

president to affix her signature on the required documents. Motion seconded by Ms. Widmyer and was unanimously approved.

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 9th day of September, 2010 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Lyn Widmyer, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and to act as the administrator of grant funds pursuant to provisions of the Community Participation Grant Program in the amount of \$10,000. The funds from this project will be used for the construction of a parking lot at the Briggs Animal Adoption Center.

Dated: _____

LYN WIDMYER
PRESIDENT
JEFFERSON COUNTY COMMISSION

(12) **Revised Meeting Room Policy:**

Sandy Slusher McDonald presented the revised meeting room policy.

Ms. Widmyer recommended changing the meeting room name from Old Charles Town Library meeting room to County Commission meeting room. Ms. Morgan objected.

Ms Noland raised the question of the meeting room and lower level of the Library not being secured after night meetings.

The Commission agreed to add the following policy; a \$40 deposit will be required for those agencies that use the meeting room after business hours. The \$40 would be returned

if the building has been secured and the keys have been returned, however if the building is left unsecure this could lead to loss of future usage.

Unanimous consent to hold over this matter until the amendments can be presented on September 16, 2010.

(13) Legislative Issues:

Ms. Noland reminded the Commission that Constitution Day is September 17, 2010 and that a Resolution is needed.

Ms. Noland reported that the County Commissioners' Association of West Virginia Fall Board and Legislative Committee meeting is September 19-20, 2010.

Commission reconvened at 1:30 p.m. Commissioner Morgan arrived at 1:42 p.m.

(14) Budget Work Session - Review of Allocations Requested from Non-Profits:

After review and discussion of the list of non-profit organizations that requested funding from the Commission, the Commissioners opted to allocate funds as follows:

Entity	
Eastern Panhandle Free Clinic	\$15,000.00
Animal Welfare Society	\$15,000.00
Community Ministries	\$ 4,000.00
NAACP	\$ 2,500.00
Kiwanis	\$ 1,500.00
Good Shepherd Interfaith Volunteer Caregivers	\$15,000.00
Friends in Action	\$ 2,500.00
Shepherdstown Day Care Center	\$10,000.00
Safe Haven Child Advocacy Center	\$ 5,000.00
Meals on Wheels	\$ 6,500.00
Boys & Girls Club	\$ 5,000.00 /1
Books for Babies	\$ 500.00
CASA	\$ 5,000.00 /2
RTCA (Race Track Chaplaincy of America)	\$ 3,000.00
Potomac Headwaters RC&D	\$ 1,000.00
Eastern Panhandle Conservation District	\$ 2,000.00
	\$93,500.00

Notes

/1 Requirement that funds be used for summer program scholarships only. Must receive names of Beneficiaries.

/2 No listing for CASA request for FY 2011 but previously funded.

Motion was made by Mr. Manuel and seconded by Ms. Morgan to approve the allocation of funds as cited above and was unanimously approved.

Discussion followed. Ms. Widmyer suggested that for next year's review Staff organize the non-profits' information in a format that can be more quickly and easily reviewed and analyzed.

Ms. Morgan suggested that the Commission insist on and Staff follow up on receiving financial information for all non-profit organizations seeking funding.

Mr. Manuel moved to adjourn the meeting, Ms. Widmyer seconded the motion and it was unanimously approved.

The meeting was adjourned at 2:30 p.m.

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

LYN WIDMYER, COMMISSION PRESIDENT

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:

AGENDA REQUEST FORM

Name: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: September 23, 2010

Date Requested – 2nd Choice: September 30, 2010

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

Subject:

- 1) Homeland Security Grant application for a hauling trailer (Needs Approval)
- 2) Homeland Security Grant application for Homeland Security Region 3 Coordinator (Needs Approval)
- 3) Contract for Homeland Security Region III Coordinator, Pamela Holstein Wallace (Needs Approval)

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

- 1) We submitted a project concept to WVDMAPS in February for a trailer. I have been notified that these funds are available to us if we get the application in right away. This trailer will be purchased with Homeland Security Mass Migration funding and its purpose is initially for use if we had to take our operation to an alternate location. It will enable us to transport the things we need to take with us. The cost of the trailer, and to letter it with our logo, etc. is \$4,000. There are no matching funds required for this grant.
- 2) WV Region 3 Coordinator, Pamela Holstein Wallace's current grant runs out on September 30. This application will continue her contract through June 30, 2011. This is a pass through grant for the region and no local matching funds are required for this grant. The amount is \$56,250.
- 3) WV Region 3 Coordinator, Pamela Holstein Wallace's current contract runs out on September 30. This contract will run from October 1, 2010 through June 30, 2011. This contract was written at the WV Dept. of Military Affairs and Public Safety and is the same for all of the regional coordinators throughout the state.

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

- 1) I move to approve the Homeland Security Trailer Grant in the amount of \$,4,000.

- 2) I move to approve the Homeland Security WV Region 3 Homeland Security Coordinator Grant in the amount of \$56,250
- 3) I move to approve the contract with Ms. Holstein Wallace from October 1, 2010 through June 30, 2011.

Attachments:

- 1) Copy of the Trailer Grant application
- 2) Copy of the Coordinator Grant application
- 3) Copy of the contract

<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 – 1st Choice: 16 September 2010

Date Requested – 2nd Choice: _____

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

Subject: Selection of consultant for School Impact Fee Recalculation

Please provide the County Commission with a description of your request or presentation, including any background information: Bids from 3 consultant firms were received following public advertisement for cost proposals. A copy of each proposal was submitted to Commission staff on 7 September 2010. Staff summary and recommendations were included in that submission.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve staff recommendation for consultant to conduct School Impact Fee Calculation. Move to approve allocation of funds in the amount of \$xx (depending upon consultant selected) to come from the County Commission contingency line.

Attachments:

COUNTY COMMISSION OF JEFFERSON COUNTY

POLICY TITLE: County Meeting Room Policy

POLICY NUMBER: 1996-1

ADOPTED: January 18, 1996

REVISED: September 16, 2010

PURPOSE:

All meeting rooms in Jefferson County-owned buildings are to be used only for County related meetings and/or business. All exceptions to this policy must be brought before the Jefferson County Commission for a vote during its regular meeting. Use of county-owned meeting rooms does not imply endorsement by the County Commission or staff of the viewpoints presented.

POLICY:

The Jefferson County Commission encourages the widest possible use of county meeting rooms by government agencies and nonprofit community groups.

All meetings shall be open to the public.

Rooms may be used for educational, cultural, informational or governmental/civic activities and may include public lectures, panel discussions, workshops and other similar functions.

Room bookings are subject to cancellation if the room is needed for county government business.

Rooms will not be used for personal or family purposes.

Users agree to abide by all regulations of the meeting room relating to the use of the facilities and accept responsibility for all damages caused to the building and/or equipment beyond normal wear.

PROCEDURES:

All exceptions to this policy must be brought before the Jefferson County Commission for a vote during its regular meeting. Organizations authorized to use these rooms are as follows:

- County appointed Commissions, Boards and Authorities

- Republican and Democratic Executive Committees
- Meeting rooms may be used by elected officials (county, state, etc.) for meetings when it is for a stated public purpose. Any organization or individual using meeting rooms is subject to being "bumped" if the rooms are needed for any county related business. County appointed Boards, Commissions, Authorities, etc. will take precedence over any scheduling conflict.

County Commission Meeting Room – 200 E. Washington Street, lower level of the Old Charles Town Library, Charles Town, WV 25414:

The Old Charles Town Library meeting room must be scheduled through the County Commission Office. The key to the meeting room may be picked up and returned to County Commission staff during normal business hours. The applicant is responsible for getting an alarm code from the County Commission office. The applicant is responsible for the security alarm.

Groups interested in using the County meeting rooms must first fill out an application form provided by the Jefferson County Commission.

Proof of Liability Insurance must be submitted with application by the person reserving the room. Applicants not covered by insurance must sign the provided indemnification form. Submission of application does not constitute approval.

The County Commission reserves the right to cancel any reservations of the County Meeting Rooms.

For programs occurring outside of normal business hours applicant is responsible for entry and/or closure. A \$40 deposit is required for any meeting occurring outside of normal business hours. Payment is due once approval has been granted to use the meeting room. These funds will be refunded once the key has been returned and the building was secured. Any violation of this rule could lead to privileges of meeting room usage being revoked. Process for getting and returning the meeting room key is the responsibility of the applicant.

Maximum capacity is 112 people with tables and 171 people without tables.

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Use of audio-visual equipment must be indicated at time of reservation. The applicant must supply its own audio-visual equipment.

County Commission Courtroom – 100 E. Washington Street, Charles Town, WV 25414: The County Commission Courtroom is scheduled through the County Clerk's office. Maximum capacity is 49 people.

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Circuit Court Courtroom – 100 E. Washington Street, Charles Town, WV 25414: The Circuit Court Courtroom may be scheduled through the Circuit Judge's office. Maximum capacity is 150 people.

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Bardane Public Service Center Conference Rooms – 1948 Wiltshire Road, Suite 3, Kearneysville, WV 25430: All conference rooms located at the Bardane Public Service Center must be scheduled through the Extension Office located in the Bardane Public Service Center. In the event that meetings are held after hours, a responsible employee shall be in attendance. This employee will be responsible for making sure there is no damage, the meeting room is put back in proper order and the building and meeting rooms are secured before leaving. In addition, employees working after normal business hours at the Bardane Public Service Center are responsible for securing the building.

Maximum capacity for large room is 104 people and the small room is 36 people.

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

OLD CHARLES TOWN LIBRARY MEETING ROOM

REQUEST FORM

Date Requested: _____

Meeting Time: _____ to _____

Organization Name: _____

Purpose of Meeting: _____

Please attach a brief description of your organization. (You may attach other printed materials.)

Please check the boxes on all that apply to your organization:

- Has previously used the library
- Is a not-for-profit organization
- Can provide a certificate of insurance
- Indemnification Form provided in lieu of certificate of insurance

By signing this Request, I acknowledge that I have read and fully understand the Jefferson County Commission Meeting Room Policy for the use of the Old Charles Town Library Meeting Room. I agree to assume personal responsibility for my organization's compliance with these regulations, the behavior of all those attending any meeting or program, and the care of the meeting room and all property within the room.

Person Making Request: (printed): _____

Signature of Person Making Request: _____ Date: _____

Contact Person: _____

(If other than the representative signing above)

Representative's Address: _____

Telephone: _____ Fax: _____

E-mail: _____

OLD CHARLES TOWN LIBRARY MEETING ROOM

INDEMNIFICATION FORM

As the individual or the authorized representative of the organization making the reservation, I agree to indemnify and hold harmless the Jefferson County Commission, its agents and representatives, from any and all lawsuits, action, claims or demands of any character or nature arising out of or brought on account of injuries or damages sustained by any person(s) as a consequence or result of using the meeting room, its furnishings or its equipment.

Person Making Request: (printed): _____

Signature of Person Making Request: _____ Date: _____

Contact Person: _____
(If other than the representative signing above)

Representative's Address: _____

Telephone: _____ Fax: _____

E-mail: _____

PROCLAMATION

Constitution Day

WHEREAS, the Constitution of the United States was signed on September 17, 1787, by 39 delegates from 12 States;

WHEREAS, the Constitution was subsequently ratified by each of the original 13 States;

WHEREAS, the Constitution was drafted in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for the citizens of the United States;

WHEREAS, the Constitution has provided the means and structure for this Nation and its citizens that is unparalleled by any other country;

WHEREAS, The Constitution's contributions to the welfare of the human race reach far beyond the borders of the United States;

WHEREAS, September 17, 2010, marks the two hundred twenty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional convention;

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary;

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th as Constitution Day.

NOW, THEREFORE the Jefferson County Commission hereby proclaims that September 17, 2010 be recognized as:

CONSTITUTION DAY

AND the Commission asks the citizens of Jefferson County to reaffirm the ideals that the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

DATED: September 16, 2010

JEFFERSON COUNTY COMMISSION

LYN WIDMYER, PRESIDENT

Sandy McDonald

From: "Tim Boyde" <tboyde@jeffersoncountywv.org>
To: "Lyn Widmyer" <lynwidmyer@gmail.com>; "Patsy Noland" <patsynol@gmail.com>; "Frances Morgan" <fberrymorgan@aol.com>; <jsurkamp@comcast.net>; "Dale Manuel" <dmanuel@frontiernet.net>
Cc: "Sandy McDonald" <sandy@jeffersoncountywv.org>; "Mark Schiavone" <mschiavone@jeffersoncountywv.org>
Sent: Tuesday, September 07, 2010 12:03 PM
Subject: FW: PATH

FYI, as you know I will not be at the meeting this Thursday.

From: Ralph Lorenzetti [mailto:rlorenzetti@jeffersoncountywv.org]
Sent: Tuesday, September 07, 2010 11:59 AM
To: Boyde, Tim
Cc: jcasimiro@jeffersoncountywv.org; sgrove@jeffersoncountywv.org
Subject: PATH

On Sept 2nd James Casimiro & I meet with Roger Eitelman, who is a member of the citizens group against the PATH project. Roger's group has retained Brad Stevens, Esq., who had some success in the citizen's fight against the TRAIL project. Roger proposed that Jeff Co join in retaining Mr. Stevens, who is more knowledgeable about powerline litigation. The citizen's group would pay \$5000/mo & the County \$3000/mo for nine(9) month max. This office is still willing to rep the County's interest in this matter, but James C & I know that powerline litigation is a complex area of law & would not oppose this if it aids in protecting the county citizens. The county's contribution would have to be defined and limited. I will address the Commission on this issue this thursday. RALPH L

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

September 3, 2010

RECEIVED

SEP 03 2010

Dear Commissioners,

JEFFERSON COUNTY COMMISSION

This issue is regarding continued funding of the Jefferson County Water Advisory Committee's current project of monitoring area streams for nutrient load and general water quality (the valley/mountain monthly and the mountain weekly stream sampling).

Routine monitoring of feeder streams into the Shenandoah and Potomac rivers is currently being performed to provide data for comparisons between spring runoff, storm-generated runoff, and base-flow, and for estimating suspended-sediment and nutrient transport. Comparisons made among the monitored watersheds can be made only if the data continues to be collected. It is important to have monitoring stations at the mouths of the streams to measure loads to the river and provide a basis for comparisons of the effects of the differing geology, soils, and land uses on those loads. All of the feeder streams to the two rivers need to have internal sampling stations to allow for comparisons of the effects of upstream and down-stream land uses.

Provisions need to be included in the future to include monitoring of storm-based water runoff.

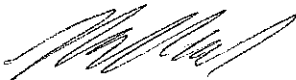
Increased development, included urbanization of wetland areas that had formerly served as zones for retention of sediments and nutrients (nitrogen, phosphorus, and iron) are of concern. This includes development on steep mountainsides with consequent sediment erosion; discharge of septic and sewage systems within the area of drainage; and increased airborne nutrients from automobile emissions and wood-burning stoves. These all need monitoring, in order to know the true cause of water (and bay) contamination. The collected information may prove that all these possible problems are non-issues, but without proper data, there is no real comparison.

Stream source (springs) monitoring is important because of potential nutrient contribution by the actual ground water (which has become recognized in the late 1980's). Suspected sources included abandoned septic systems, golf courses, organic-rich stream deposits, and contaminated surface-water infiltration into ground water. Many of these problems may be natural or 40-60 year old problems that we have little control over today.

Without stream monitoring to include the sources (springs) contribution, there is little we can "hang our hats on" when it comes to the requirements of the Maximum Daily Loads for Selected Streams in the Potomac Direct Drains Watershed, West Virginia. [The January 23, 2008 Final Approved Report, from the WV Dept. of Environmental Protection]. This report is the "standard" that we will be held accountable. However, this document lacks scientific data and seems based mostly on estimates and suggestions that have little value in relationship to the problems and situations in Jefferson County.

I strongly suggest that the commission provide funding and expansion of this vital monitoring program in order for the county to defend the allegations that we are a major polluter of the Chesapeake Bay.

Respectfully submitted,



Mark A. Shields
Jefferson County Board of Health
Jefferson County Water Advisory Committee
Jefferson County Blue Ridge Mountain Watershed Citizens Committee
301-827-6173 fax 301-827-2857
email: mark.shields@fda.hhs.gov

To: All County Clerks
All County Commissions
ARTICLE OF INTEREST

Special Senate Election Costs Ring Up Bills for Counties

By WALT WILLIAMS
wwilliams@statejournal.com

The 2010 special primary election has come and gone, and now counties are stuck with the bill.

County officials across the state opened polling places Aug. 28 to give voters a chance to pick three of 14 candidates vying for their party's nominations for U.S. Senate. And despite the fact voter turnout was exceedingly low, it still cost a lot of money to host the primary.

Just how much has not been determined yet, but county officials could ask state lawmakers to add to the \$3 million that already has been set aside to reimburse counties for costs. And depending who wins in November, the state could spend \$8 million to \$10 million more in new special elections.

But right now counties just want to make sure they get enough to fill budget holes left by the most recent election.

"If the \$3 million doesn't cover all the costs that are sent to the secretary of state, then it is really not timely to wait until the 2011 (legislative) session to appropriate more," said Patti Hamilton, executive director of the West

Virginia Association of Counties.

Gov. Joe Manchin clinched the Democratic nomination during the special election, while John Raese of Morgantown secured the Republican nomination. Jesse Johnson was the sole candidate running on the Mountain Party ticket, meaning he also will appear on Nov. 2 ballots.

Counties incurred the initial costs of having an election Aug. 28, which was a Saturday, but they expect to be reimbursed via \$3 million set aside by state lawmakers earlier this year.

However, some estimates have placed the cost of the election as high as \$5 million. Jake Glance, spokesman for West Virginia Secretary of State Natalie Tennant, said the office did not have the final tally from counties by the time The State Journal went to print.

Many of those counties were still debating what costs they should seek reimbursements for, Hamilton said.

A survey by the association of 44 counties concluded the final cost could be closer to \$4 million. State lawmakers will meet at the beginning of 2011 in regular session, but Hamilton said that is

too long for some counties to wait to fill the holes that \$1 million could create.

"There would have to be some budget revisions made to move a line item from one area to another," she said.

Reimbursable costs include newspaper notices as well as mass mailings and printings. County officials also are considering reimbursements for updating voter registration histories and cleaning up polling places.

If nothing else, those same officials could consider the 2010 special election practice because they may be facing two more in coming months.

If Manchin is elected in November, voters might twice head to the polls to choose his replacement as governor — once for a special primary election and again for a special general election.

Together, both elections could cost counties from \$8 million to \$10 million, according to Hamilton. Presumably state lawmakers would agree to reimburse at least part of it.

State law is clear there must be an election to fill the seat. The question is one of timing.

House Speaker Richard Thompson,

D-Wayne, said he saw no reason to wait. "I think we should do it as soon as we get everything in place to do it," he said.

Senate President Earl Ray Tomblin, D-Logan, would be acting governor until someone is elected to office. Tomblin has said he believes the election could wait until the 2012 general elections. He could not be reached for comment for this story.

Thompson, however, sees some sort of election coming three or four months after Manchin vacates his seat, if it comes to that. Otherwise he sees that choice being mandated through legislation or the courts.

Already one lawsuit is threatened if Manchin wins the election and the state bides its time calling a special election. Kanawha County lawyer Thornton Cooper said he would sue unless a special election is held to fill Manchin's seat.

Both Thompson and Tomblin are rumored to be considering running for governor. They will be joining a crowded field, with two other Democrats, Sens. Jeff Kessler and Brooks McCabe, saying they will run.

STATE JOURNAL
9-3-2010

ELKS RUN STUDY COMMITTEE

HARPERS FERRY

BOLIVAR

Harpers Ferry Town Hall · PO Box 217 · 1000 Washington Street · Harpers Ferry WV 25425

Dear Elks Run/Elk Branch Watershed Landowner:

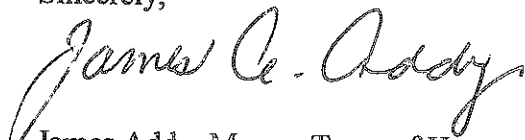
We would like to provide you with this introduction to The Elks Run Watershed Study Committee, a citizens group formed by the Harpers Ferry and Bolivar Town Councils to address water quality issues within the Elks Run Watershed.

Like you--a property owner with land bordering the stream--the members of the Committee appreciate Elks Run, one of the most important streams in Jefferson County. Elks Run and its tributary, Elk Branch, provide drinking water for thousands of people in the watershed. In addition, the stream is a beautiful one and sets the scene for a rural Jefferson County.

The Committee had several successful educational outreach projects in 2008 and 2009 including the development of a watershed map, the implementation of a water monitoring project at four different stream sites, and also presented a Stream Walk event each year. We have just installed a small rain garden at Sam Michaels Park as a demonstration project. In the works, with the participation of the Eastern Panhandle Conservation District, are volunteer projects designed to improve water quality by installing riparian buffers or fences, and to help with cleaning and inspection of some septic systems, which might affect the streams.

The Committee is pleased to send you the enclosed brochure with ideas on how you, too, can protect and enhance the water in Elks Run and Elk Branch. These suggestions help to ensure the health of Elks Run and Elk Branch and to increase the value and beauty of your property. We invite you to visit the Committee's web site at www.elksrunwatershed.org and to attend the monthly meetings for more information and to learn more about future projects.

Sincerely,

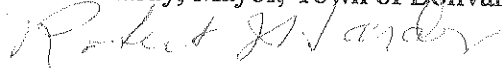


James Addy, Mayor, Town of Harpers Ferry

RECEIVED

SEP 09 2010

Robert Hardy, Mayor, Town of Bolivar



Jefferson County Commission

SEP 09 2010

Jefferson County Public Service District

Jefferson County Public Service District Jefferson County Commission Regular Board Meeting August 2, 2010

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, August 2, 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; and District Legal Counsel, Jim Kelsh.

Chairman Hankins called the meeting to order at 7:00PM.

Public Comments

- Jacqueline Milliron, Breckenridge resident: opposed submission of Flowing Springs Wastewater Treatment Plant application (Ms. Milliron read her comments into record; she had numerous questions for the Board.)
- Jim Surkamp, Jefferson County Commission: requested Old Standard documents
- Heidi Parker, Breckenridge resident: opposed submission of Flowing Springs Wastewater Treatment Plant application

OLD BUSINESS

Review Minutes of July 6, 2010 Regular Board Meeting

The minutes of the July 6, 2010 regular Board meeting were approved as presented.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the July 6, 2010 minutes as presented. Unanimously approved.

Update on WV Funding Stakeholder Group Workshop

Ms. Lawton updated the Board. The Department of Environmental Protection has received WV's allocations for Phosphorous & Nitrogen as required in the Legislation, but is still working on distribution of allocations among all West Virginia sources. They must submit a draft Chesapeake Bay Watershed Implementation Plan to EPA by September 1, 2010.

Action: No action taken by the Board.

Update on Berkeley County Capital Improvement Fee Case

Mr. Kelsh gave the Board and members of the audience a brief overview on the case. He has filed an amicus brief with the Supreme Court on behalf of the District in support of the PSD's. No hearing date has been set yet. Mr. Kelsh explained to the members of the public the importance of this case to the District and its' customers and how it will effect the District gaining revenue for debt service.

Action: No action taken by the Board.

Update on Flowing Springs Wastewater Treatment Plant Project

Mr. Kelsh updated the Board. The application for the certificate of convenience and necessity is currently pending at the Public Service Commission (PSC) for the approval of \$26,484,000 WV DEP loan. The PSC has granted intervener status to numerous District customers including Roger Forshee, Heidi Parker, Jacquelyn Milliron, and Roland Bass. Rick Pescitani filed for intervener status, but the PSC has not yet granted it. Mr. Kelsh informed the Board of the two hearings coming up at the end of the month for this case. The Public Hearing will be held on August 26th at 7:00PM and the Evidentiary Hearing will be held on August 27th at 9:30AM. Mr. Kelsh stated the judge should make a decision on the case by October 6th.

The Board addressed some of the questions raised by Ms. Milliron at the beginning of the meeting. Mr. Hankins informed Ms. Milliron the total cost of the project is \$27 million which will be paid for by customer rates and a \$1 million commitment from the Development Authority. The project will install new collection lines, extended the current collection system, eliminate numerous pump stations and service costs, and transfer about 1400 existing customers from the Charles Town wastewater treatment plant to the new Flowing Springs plant. The plant will operate with a new technology and offer a global benefit by treating the effluent to the highest standards. Mr. Hankins informed the audience that if the Flowing Springs plant does not go through, it will force Charles Town to

make upgrades to their treatment plant which will cause the District rates to increase anyway. He stated that years ago the District had developers in line waiting to pay for capacity, but with the current economic conditions and the Berkeley County capital improvement fee (CIF) case, the District's debt service must be paid entirely from existing and future rate payers revenue without the use of CIF's from developers. Mr. Cummins agreed with Mr. Hankins statements. Mr. Appignani read a memo he prepared into record. He disagrees with Mr. Hankins and Mr. Cummins. He suggested the Board allow the public and Board ample time to review the IJDC application, to hold off on submitting to after the Berkeley County CIF case, and apply for more grant funding to help pay for the debt service.

Mr. Hankins discussed the initial certificate of convenience and necessity and approved funding the District had received about a year ago. The project funding included stimulus money, the reliance of CIF's and much lower District rates than what is proposed now. The District lost the stimulus funding and the ability to use CIF's. Mr. Hankins stated the District currently has an offer from WV DEP for a loan through the Clean Water State Revolving Fund program committing the amount of \$26,484,817 to be issued at 0% interest, 0.5% annual administrative fee, for a term of 40 years. Mr. Hankins stated the District is not revising the certificate application to the WV IJDC, only the change in funding asking for \$6 million in grant funds. If the PSC approves the DEP loan and the IJDC approves the grant funds, the District can go back to the PSC for approval of whatever grants the District receives and make a downward adjustment of the Districts rates. Some of the members in the audience questioned the calculation of rates which uses the median household income of the County. The IJDC standard metric for figuring the rates is based on the County's median household income (MHI) from the 2000 consensus which will have the rates at 2.48% of the MHI.

Mr. Kelsh stated the Chesapeake Bay standards will take effect in June 2011 and without the Flowing Springs plant, the Charles Town wastewater treatment plant would have to be upgraded immediately resulting in the District's rates to increase. These rates could be more expensive to the District customers than the Flowing Springs wastewater treatment plant rates.

Mr. Appignani stated that Mr. Kelsh's monthly memo clearly explained the Flowing Springs Wastewater Treatment Plant Project and that he would like that part of the memo to be made public.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to make the section on page 4 of Mr. Kelsh's monthly report to the Board members regarding the Flowing Springs wastewater treatment plant, with the exception of the last, public.

A brief discussion took place. Mr. Appignani thought this section was very useful information that could be released to the public and give to the County Commission when Mr. Hankins updates them. Mr. Hankins felt this memo is privileged information and should remain confidential. Mr. Cummins stated that "parts" of the memo could be made public, but not the entire document. Ms. Lawton suggested that maybe Mr. Kelsh could create a separate fact sheet from the information that is in the Board memo relating to the Flowing Springs Project that could be released to the public instead of compromising the Attorney-Client privilege.

Action: A friendly amendment was made by Mr. Cummins and accepted by Mr. Appignani to have Mr. Kelsh prepare a new public memo as background information on the Flowing Springs wastewater treatment plant project for the County Commission update. Mr. Hankins proposed a friendly amendment and Mr. Appignani accepted to attach the table in Mr. Kelsh's memo to the new memo he is preparing. The original motion by Mr. Appignani, as modified above, was unanimously approved.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the re-application back to the WV IJDC for the Flowing Springs wastewater treatment plant project.

Mr. Summerfield suggested the Board amend the motion to direct the Chairman to sign after staff makes minor corrections to the application.

Action: Mr. Appignani amended the motion and Mr. Cummins seconded to direct the Chairman to sign the WV IJDC application after all corrections are made by staff. Approve 2-1. (Mr. Appignani opposed.)

NEW BUSINESS

Presentation by Chester Engineers on Water Reuse Study

Larry Johnson and Jerry Wolfe from Chester Engineers gave a PowerPoint presentation on the Water Reuse Study for the Flowing Springs wastewater treatment plant project. The water reuse study addressed alternatives for using the treated effluent discharges in the Chesapeake Bay watershed area. Mr. Johnson listed several alternatives the discharge could be used for the watering of sports fields, wetlands, golf courses, subdivision green spaces, etc. He also discussed the costs involved with this project. In the audience was Paul Marshall from Parks and Recreation and Marshall Glenn from Sleepy Hollow Golf Course who were both very interested in this project. Mr. Johnson had to tweak a couple items in the final report, but would have a copy to the Board by Wednesday. The Board would like to review the final report before making any decisions on the use of the report, but they did agree that the study met the requirements of the project specifications and that Staff was to pay Chester Engineers for the work done on the study.

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to accept the Water Reuse Report from Chester Engineer as sufficient for the purpose of final payment for the study. Unanimously approved.**

Discuss and Consider Acceptance and Next Steps of Water Reuse Study

This item was discussed in the above agenda item.

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

Consider Approval of Alternate Mainline Extension Agreement for Breckenridge East

Mr. Kelsh discussed the revised Alternate Mainline Extension Agreement (AMEA) for the Breckenridge East development. This agreement is similar to the Thornhill AMEA, but it includes the entire development instead of just the first phase as the Thornhill agreement did. The only revision to the Breckenridge East agreement is Article 5 on page 9; the phasing is more clearly outlined giving more specifics, which is beneficial to both the District and the developer.

Action: **Motion made by Mr. Appignani to approve the form of the Alternate Mainline Extension Agreement and direct staff to submit the agreement to the Public Service Commission. Unanimously approved.**

Consider Approval of WV Infrastructure and Jobs Development Council Application for Flowing Springs Wastewater Treatment Plant

This item was discussed earlier in the meeting. The Board felt the discussion was very positive with a lot of useful information for the Board and the public.

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to appoint the Chairman to represent the District Board for the Flowing Springs wastewater treatment plant certificate hearing and give the Chairman settlement authority on behalf of the Board. Unanimously approved.**

Action: **Motion made by Mr. Cummins and seconded by Mr. Appignani to appoint the Chairman to represent the District Board for the Flowing Springs wastewater treatment plant update at the Jefferson County Commission meeting. Unanimously approved.**

Discuss West Virginia American Water Presentation

Mr. Kelsh discussed the presentation given by West Virginia American Water at the Districts July 9th work session. West Virginia American Water is a water utility that partnerships with water and sewer utilities and municipalities to operate and maintain the water and sewer systems. Currently West Virginia American Water serves mostly water customers with a small portion of sewer customers, but they are looking into expanding their sewer customer base. The City of Ranson was also involved in the discussions. The Board felt it was a very positive discussion and with the emerging relationship with the City of Ranson it will be worth continuing to have discussions.

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

Discussion of any expenses over budget

There were no expenses over budget.

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

Disbursements

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$1,157.47 and Glen Haven water expenses in the amount of \$1,194.08. 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 \$171,585.61. Unanimously approved.

Approve Transfer of \$3,667.23 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 \$3,667.23 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$128.09 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 \$128.09 from Cavaland Security Deposit Account into Cavaland Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$64.14 from Glen Haven Security Deposit Account to Glen Haven Operating for Security

Deposit Refunds

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$64.14 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$14,684.00 from Renewal & Replacement into Sewer Operating for Control Panel at Pump

Station 4-3

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$14,684.00 from Renewal & Replacement into Sewer Operating for control panel at pump station 4-3. Unanimously approved.

General Manager's Report

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

Action: No action taken by the Board.

Correspondence

None discussed.

Public Comment

None.

Discuss the Flowing Springs Certificate Case #09-0347-PSD-PS-CN

This item was discussed earlier in the meeting.

Action: No action taken by the Board.

Authorize the Filing of Condemnation Actions for Unacquired Easements for the Flowing Springs Wastewater Treatment Plant Project

Mr. Kelsh informed the Board that Mr. Crawford did not have the resolutions ready for Board approval. Mr. Crawford will have them prepared for next month.

Action: No action taken by the Board.

Discuss Charles Town's Certificate and Municipal Appeal Cases Related to Tuscawilla

Mr. Kelsh informed the Board that the Public Service Commission recommended decision became the final order approving the joint stipulation which granted Charles Town a certificate of convenience and necessity for its Phase I Tuscawilla treatment plant project. This deferred the increase to Charles Town's capital improvement fee until the completion of this project.

Action: No action taken by the Board.

Update on City of Martinsburg NPDES Permit Appeal Before WV EQB

Mr. Kelsh informed the Board that the case had been appealed to the Circuit Court of Kanawha County, but a procedural order has not yet been issued.

Action: No action taken by the Board.

Consider Joint Participation with WV Rural Water Association in Filing Amicus Brief to WV Supreme Court in Berkeley County Capital Improvement Fee Matter

Mr. Kelsh informed the Board that the West Virginia Rural Water Association has asked him to file an amicus brief on their behalf for the Berkeley County CIF case. He will be filing the amicus brief on their behalf even though it will be late and may not be accepted. Mr. Hankins commended Mr. Kelsh on the amicus brief he filed on behalf of the District. He felt his amicus brief was very well written and he forwarded it onto Ms. Widmyer at the County Commission since they have become interested in this case. Mr. Kelsh is still trying to set up a meeting with the County Commission for a briefing on this case.

Action: No action taken by the Board.

Discuss Acceptance of Old Standard Wastewater Treatment Plant

Mr. Kelsh had no changes from last month. The District staff and Board has been in talks with Herb Jonkers, one of the owners of the Old Standard Plant, but no offers had been put on the table. The Board discussed the recent news of the Old Standard property becoming a rownfield re-development project which could affect the agreements the District currently has with the owners of the Old Standard Plant. The Board took comments from the audience. Kay Moore, who is against the Old Standard Plant and development of the property, questioned who would pay for the upgrades to the plant before the District would buy it if they indeed choose to do so. Mr. Hankins replied by stating the District has a series of agreements with the owners of the plant and the District currently owns the property on which the Old Standard Plant is built on. The District had certain expectations for acquiring it, which have not yet been fulfilled. Currently the operation of the plant costs more than the revenue provided by the existing customer base so the District would be operating at a loss if it took over. The plant is currently operating very well, but isn't treating many homes from the Sheridan development. With upgrades to some internal equipment and the addition of membrane cartridges the plant has the capacity to treat up to 125,000 gallons per day with the existing basins.

Action: No action taken by the Board.

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. Cummins to return to public session. Unanimously approved.

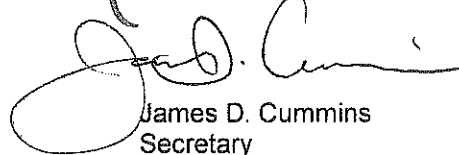
Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to adjourn. Unanimously approved.

There being no further business at this time, the meeting was adjourned at 11:20PM

The next regular meeting is scheduled for September 7, 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

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% \$ 912,083.48

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%
3 days ending: 7/11/10- 7/13/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/10/10	\$ 205,731.84	\$ 205,731.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 181,386.76	\$ 181,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 180,368.28	\$ 180,368.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 151,617.82	\$ 136,494.99	\$ 25,122.84	\$ 3,120.27	\$ 8,582.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.88	\$ 78,376.88	\$ 9,734.38	\$ 27,086.88	\$ 2,860.75	\$ 27,494.54	\$ 11,200.03
08/21/10	\$ 152,398.04	\$ 76,199.02	\$ 76,199.02	\$ 9,483.92	\$ 28,334.98	\$ 2,781.28	\$ 28,730.82	\$ 10,888.84
08/28/10	\$ 144,820.06	\$ 72,460.03	\$ 72,460.03	\$ 8,899.54	\$ 25,042.19	\$ 2,844.79	\$ 25,416.97	\$ 10,354.54
09/04/10	\$ 152,725.68	\$ 76,362.84	\$ 76,362.84	\$ 9,484.26	\$ 26,391.00	\$ 2,767.24	\$ 26,768.09	\$ 10,912.25
Subtotal	\$ 1,569,106.30	\$ 1,240,584.89	\$ 328,521.41	\$ 40,802.37	\$ 113,537.00	\$ 11,891.02	\$ 115,245.31	\$ 46,945.71

Benchmark Goal @ 2% \$ 912,083.48

Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending September 4, 2010
To be Deposited on:	September 13, 2010
Amount Played	80,554,618.12
Amount Won	72,302,455.08
Amount Promo	245,371.00
MWAP Contribution	<u>62,330.23</u>
Adjusted Gross Terminal Revenue	<u>7,954,481.81</u>
Administrative Costs @ 4%	318,178.48
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>7,536,283.33</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 95%	\$ -
Track Share of Capital Reinvestment @ 42% - 4%	\$ -
Adjusted Net Terminal Revenue	<u>7,536,283.33</u>
Racetrack @ 46.50% / 42%	3,550,871.75
Lottery Fund @ 30% / 0%	2,290,884.97
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	534,539.83
Workers' Compensation Debt Reduction @ 7%	534,539.83
Employee Pension Fund @ 1% / .5%	76,362.84
Greyhound Development @ .75%	57,272.12
Thoroughbred Development @ .75%	57,272.12
Racing Commission @ 1%	76,362.84
County/Municipality @ 2%	152,725.68
3% Funds:	
Tourism Promotion Fund @ 1.375%	104,998.90
Development Office Promotion Fund @ .375%	28,636.06
Research Challenge Fund @ .5%	38,181.42
Capitol Renovation and Improvement Fund @ .6875%	52,499.45
2004 Capitol Complex Parking Garage Fund @ .0825%	4,772.68
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	38,181.42
Capitol Dome and Capitol Improvements @ .5% / 1%	38,181.42
	<u>7,636,283.33</u>

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) 725-3254

From: Stacy Acree ext. 352

Comments:

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

VIDEO LOTTERY REPORT

FY 2009

FY 2010

FY 2011

Table Game Revenues

FY 2011

FY 2009		FY 2010		FY 2011		FY 2011	
Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58		
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64		
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76		
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28		
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08		
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98		
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68		
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02		
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03		
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84		
9/13/2008	79,729.93	9/12/2009	86,286.92				
9/20/2008	71,269.36	9/19/2009	70,010.15				
9/27/2008	79,735.73	9/26/2009	69,316.87				
10/4/2008	75,186.22	10/3/2009	72,286.04				
10/11/2008	77,139.04	10/10/2009	69,650.63				
10/18/2008	80,668.26	10/17/2009	73,560.21				
10/25/2008	64,379.44	10/24/2009	67,581.66				
11/1/2008	68,352.42	10/31/2009	64,528.30				
11/8/2008	70,823.02	11/7/2009	63,741.59				
11/15/2008	65,565.50	11/14/2009	65,959.64				
11/22/2008	63,883.80	11/21/2009	59,547.05				
11/29/2008	69,850.12	11/28/2009	72,399.98				
12/6/2008	55,696.68	12/5/2009	51,006.51				
12/13/2008	60,178.04	12/12/2009	52,460.58				
12/20/2008	52,189.19	12/19/2009	32,834.39				
12/27/2008	72,205.91	12/26/2009	53,406.34				
1/3/2009	96,504.65	1/2/2010	92,980.40				
1/10/2009	53,286.62	1/9/2010	55,020.46				

1/17/2009	56,068.87	1/16/2010	60,551.28
1/24/2009	71,474.63	1/23/2010	69,943.53
1/31/2009	61,089.80	1/30/2010	48,527.75
2/7/2009	83,539.63	2/6/2010	37,155.14
2/14/2009	76,054.44	2/13/2010	44,334.00
2/21/2009	91,838.41	2/20/2010	76,946.12
2/28/2009	80,806.88	2/27/2010	72,024.40
3/7/2009	48,837.13	3/6/2010	76,936.85
3/14/2009	96,025.39	3/13/2010	71,007.37
3/21/2009	79,002.82	3/20/2010	74,335.38
3/28/2009	79,250.83	3/27/2010	69,941.88
4/4/2009	75,968.30	4/3/2010	70,636.28
4/11/2009	75,964.94	4/10/2010	69,692.79
4/18/2009	80,598.22	4/17/2010	69,335.92
4/25/2009	75,571.46	4/24/2010	68,714.11
5/2/2009	73,957.05	5/1/2010	68,799.06
5/9/2009	76,697.22	5/8/2010	67,403.54
5/16/2009	71,925.70	5/15/2010	70,186.32
5/23/2009	81,395.43	5/22/2010	64,695.71
5/30/2009	82,161.55	5/29/2010	67,157.40
6/6/2009	74,895.74	6/5/2010	77,371.80
6/13/2009	67,327.23	6/12/2010	66,106.29
6/20/2009	75,500.53	6/19/2010	64,888.48
6/27/2009	67,354.10	6/26/2010	63,950.29
6/30/2009 ***	32,059.58	6/30/2010	29,667.19

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