

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, DECEMBER 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

RESOLUTION

- Resolution to Honor Delegate Terry Walker
- Recognition of Matt Conley and Derrick Shinault

PUBLIC COMMENT

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

PRESENTATIONS:

1. 9:55 a.m. Interview and Appointment - IT Blue Ribbon Committee
- Richard Doty
2. 10:00 a.m. Chris White, Chief of Construction Customs Boarder Protection Advance
Training Center
- Update on Site Development of US Customs and Border Patrol Property
Campus
3. 10:30 a.m. Stephanie Grove, Assistant Prosecuting Attorney
- Legal Update
4. 10:45 a.m. Tom Moslener, Panhandle Peddlers Cycling Club of Charles Town WV
- Request resolution by the Commission pledging its support for the
placement of "Share the Road" signs on specific roads within Jefferson
County

5. 11:00 a.m. Public Hearing and Resolution - County Commission of Jefferson County, West Virginia Authorizing Participation in the Eastern Panhandle Home Consortium of West Virginia for the Period of July 1, 2011 to June 30, 2012
6. 11:15 a.m. David Camilletti, Esquire
- Order to Set Hearing Date - Petition for Closing Unused Road, Streets & Travel Ways - Martin and Brenda Lookingbill - Discussion/Action
7. 11:30 a.m. Barbara Miller, Director of Homeland Security and Emergency Management
- Presentation and request for approval of 2010 Jefferson County Emergency Operations Plan and 2010 Jefferson County Government Continuity of Operations Plan
8. 11:45 a.m. Roger Goodwin, Chief County Engineer
- Bond Reduction and/or Release - The Woods At Wheatland Subdivision, Lots 1-7 & Residue
- Bond Reduction and/or Release - Apple Valley Waste Services, Inc.
- Bond Reduction and/or Release - Shepherdstown Estates Subdivision, Lots 1-9 & Residue
9. 12:00 p.m. Recognition of Service - Commissioner James Surkamp

NEW BUSINESS:

10. Jeffrey A. Polczynski, ENP, Director of Communications
- Request for Approval of Employment - Mark Pangle as full-time Public Safety Dispatcher II
11. Set Hearing Date and Time for Urban Growth Boundary Discussion - Discussion/Action
12. Establish Date in February for First Annual Economic Outlook for Jefferson County (LW) - Discussion/Action
13. Discussion Letter Regarding Historical Cement Mill Property - Update on Negotiations with Property Owner
14. Potential closing of the Millville Post Office - Discussion/Action (DM)

OLD BUSINESS:

15. Tim Boyde, County Administrator
- Review of Procurement Card Procedures Draft Policy - Discussion/Action

— AFTERNOON SESSION —

16. 1:30 p.m. Mike Mood, President/Chief Middleway Fire Company
- Approval of Waiver of Fees for the Minor Subdivision, Site Plan and Building Permit - Discussion/Action
17. 1:45 p.m. Mark Schiavone, Director of Capital Planning and Management
- Approval of Budget Revision 005 to the General Fund (Special Election Reimbursement) - Discussion/Action
- Approval of Budget Revision 006 to the General Fund (2nd Round Salary Adjustments) - Discussion/Action

CORRESPONDENCE:

Jefferson County Public Service District Minutes of Board Meeting for October 4, and November 1, 2010 received.

Weekly Lottery Settlement received.

Correspondence received from the West Virginia Association of Counties regarding the "Draft" Minutes Proposal.

ANNOUNCEMENTS:

Citizens Fire Company invitation to Annual Banquet - January 15, 2011 received.

Independent Fire Company invitation to Annual Membership Recognition - January 8, 2011 received.

This will be the last County Commission Regular Meeting for the year. The next scheduled meeting will be held on Thursday, January 6, 2011 at 9:30 a.m.

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.

Special Session Minutes
Jefferson County Commission
Monday, November 8, 2010

A special meeting of the Jefferson County Commission was held on Monday, November 8, 2010 at the County Commission Meeting Room at the Jefferson County Circuit Courthouse, 100 E. Washington Street, Charles Town, West Virginia. Present were Lyn Widmyer, President, Commissioners Patsy Noland, Dale Manuel, Jim Surkamp and Frances Morgan; Tim Boyde, County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of this November 8, 2010 meeting is available through the Jefferson County Commission Office.)

Following the recess at 3:30 p.m. of the County Commission, sitting as a Board of Canvassers, a special meeting of the Jefferson County Commission was convened at 3:35 p.m. to address pending issues not previously heard due to no meeting being held on Thursday, November 11, 2010.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$24,280.62 being purchase order numbers: 49059, 49067, 49089, 48884, 49057, 49058, 49060, 49062, 49063, 49064, 48636, 48637, 48638, 48639, 49065, 49066, 48600, 47400. Motion seconded by Ms. Noland and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve \$137,032.51 in accounts payable. Motion seconded by Ms. Noland and unanimously approved.

The Commission suggested that Mr. Boyde prepare a policy for review and approval by the Commission whereby any listed accounts payable over a certain amount would be accompanied by a short description of the expense.

OLD BUSINESS

The Commission discussed a reconsideration of the action it took on Thursday, November 4, 2010 at which time the Commission cancelled the public hearing regarding rezoning public lands along the Rt. 340 corridor which hearing was scheduled for November 18, 2010.

Motion by Mr. Manuel that reconsideration of the Commission's previous action be revisited by the Commission at this particular time and be subject to amendment. Motion was seconded by Ms. Widmyer and unanimously approved.

Discussion followed.

Motion by Ms. Noland to cancel the hearing scheduled for November 18, 2010 due to technical error in that the Petition filed by the Jefferson County Planning Commission was not proper. Motion seconded by Mr. Manuel and carried 3 – 2. Mr. Surkamp and Ms. Morgan voted “no.”

Motion by Ms. Noland to cancel the hearing scheduled for November 18, 2010 due to technical error in that the Petition filed by the Jefferson County Planning Commission was not proper. Motion seconded by Mr. Manuel and carried 3 – 2. Mr. Surkamp and Ms. Morgan voted “no.”

Ms. Widmyer suggested preparing a policy indicating the procedure for handling rezoning requests so that in the future the action to be taken will be clear.

Motion by Mr. Manuel to adjourn the meeting and reconvene at 9:30 a.m. Thursday, November 18, 2010.
Meeting was adjourned.

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: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 12-16-10

Date Requested – 2nd Choice: _____

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

Subject: **Interview and appointment to IT Blue Ribbon Committee**

Please provide the County Commission with a description of your request or presentation, including any background information: **Interview Richard Doty to fill a vacancy on the IT Blue Ribbon Committee**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve Richard Doty to serve a 2 year term expiring on November 30, 2012 on the IT Blue Ribbon Committee**

Attachments:

16 Horseshoe Lane
Shenandoah Junction, WV 25442
November 13, 2010

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

County Commissioners:

Today I write to you to offer my candidacy to the Jefferson County IT Advisory Committee.

My background in the Information Technology (IT) arena is reasonably broad. I have worked in different technology fields for 30 years, almost 20 of which have been specifically oriented toward IT. During that 20 years, I have worked primarily in the security, policy, and information management side of the business, giving me an excellent perspective of how organizations can utilize information, and what controls and processes should be put in place to best realize their operational requirements.

I am a Certified Information Systems Security Professionals (CISSP) through (ISC)², and a Certified Information Security Manager (CISM) through ISACA. I am also a doctoral student in Information Systems, with specific interests in privacy and security, and the president of a small, independent consulting business that focuses on information management. I am generally interested in how this county can best leverage its geographical proximity to the Washington, DC area. I am specifically interested in how we can entice high-technology/low environmental impact government entities and businesses to come to our county.

My resume is available upon request. I hope to be of service to the county.

Sincerely,

Richard L. Doty

<p>Commission Office Use Only</p> <p>Date on Agenda: 12/16/10</p> <p>Appt Time or New Business: 10:45</p>

AGENDA REQUEST FORM

3 December 2010

Name: Share the Road cycling signs for Jefferson County

Department or Entity:

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 9 Dec 2010

Date Requested – 2nd Choice: 16 Dec 2010

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

Subject: Concurrence by the Jefferson County Commission on a Resolution for Share the Road cycling signs in Jefferson County

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

The purpose of this resolution request is to receive Jefferson County Commission support and approval of a resolution for the placement of 'Share The Road' bicycle signs on selected Jefferson County roads in the Eastern Panhandle of West Virginia. In coordination with the WV Dept of Highways, a resolution, approved by the Jefferson County Commission, is required to install Share the Road signs on specific roads within Jefferson County.

The Panhandle Pedalers Cycling Club (PPCC) of Charles Town represents a group of cycling enthusiasts (80 and growing) in the panhandle who have been frequently riding our roads. The panhandle region is an excellent environment for bicycle riding not only for club members but tourists as well.

Over the years, there have been road incidents where automotive vehicles have failed to show common courtesy to bicycle riders. As one of our clubs goals, it is our desire to create a safer and friendlier riding environment for club and non-club members by erecting 'Share the Road' signs. PPCC believes firmly these signs will raise the awareness level and ultimately, provide for a safer use of area roads for cyclists and motorists.

We are requesting the County Commission's assistance in approving this resolution to have 'Share the Road' signs installed on selected roads within the Eastern Panhandle by the WV Department of Highways. In coordination with the bicycling businesses located in Shepherdstown, WV (Shepherdstown Pedal and Paddle), and Harpers Ferry, WV (3 Point Cycle Bike Shop), we have identified the busiest selected roads within the Eastern Panhandle (see below) that bicyclists ride on a consistent basis. We view these roads as high priority roads in which 'Share the Road' signs should have the greatest impact.

An assistant member of the PPCC executive board, Tom Moslener, has been in contact with the WV Department of Highways and Randy Sigley requested the Jefferson County Commission concur on this matter and pass a resolution to install these signs. Additionally, Tom Moslener has coordinated our request through both the Charles Town City Council, Joe Cosentini and the Jefferson County Engineering Department, and Roger Goodwin to discuss our request. Roger Goodwin concurs with the signs being installed. WV DoH requires a county approved resolution before proceeding with installation of these signs. All costs associated with the purchase, installation and maintenance of the signs will fall to the WV DoH. There will be no costs to the county for this effort. Your consideration is appreciated and we look forward to the Jefferson County Commission's approval. PPCC stands ready to assist the WV DoH on any matter in fulfilling this resolution.

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

Attachments:

Frequently traveled Jefferson county roads where Share the Roads signs should be installed:

Summit Point Road from Charles Town to the Virginia state line
Kabletown Rd from Route 9 to Wickliffe Rd/Smith Rd
Old Leetown Road from Rt 115/N. Mildred St to Leetown Rd
Leetown Road from Rt 9 to WV/VA state line
Ridge Road from RT 480 to Shenandoah Junction
Bakerton Road from RT 340 to Knott Rd
Earle Road
Darke Lane
Lloyds Rd
Withers and LaRue Rd

Jefferson County Resolution

Whereas, Jefferson County is a bicycling Mecca for residence and tourists alike;

Whereas, the safety and well being of all bicyclists are of high importance to our citizens;

Whereas, recent traffic incidents within the county have created a urgent need to have Share the Road cycling signs installed within the county;

Whereas, the Panhandlers Pedalers Cycling Club of Charles Town WV (PPCC) have traveled and identified essential and frequently traveled bicycling roads where the volume of vehicle traffic is a high concern for the safety of cyclists;

Now therefore, be it resolved that the Jefferson County Commission commits its support and approves this resolution for the installation of Share the roads signs within the county by the WV Department of Highways in as timely manner as possible; that all costs are to be borne by the WV Department of Highways for the purchase, installation and maintenance of signs; that the roads listed above be used as the beginning of roads where Share the Road signs are to be installed; that the Panhandle Pedalers Cycling Club will be the focal point of any cycling matter for further information and or assistance.

Be it finally resolved that the Jefferson County Commission request the West Virginia Department of Highways to purchase, install and maintain Share the Road signs within Jefferson County.

12/14/10
10:46

Debbie Stellato

From: Tom Moslener [tommoslener@frontiernet.net]
Sent: Friday, December 03, 2010 1:17 PM
To: dstellato@jeffersoncountywv.org
Cc: Tom Moslener
Subject: Jefferson County Commission Agenda Request item
Attachments: 3 Dec share the road signs.pdf

Debbie,

Attached is an item for the Jefferson county commission for review at the next possible time available.

The Panhandle Pedalers Cycling Club of Charles Town WV is proposing Share the Road bicycling signs be installed within the county to promote bicycling safety for all its citizens and tourists. PPCC is requesting approval of the Share the Road signs for Jefferson county as requested and required by the WV Department of Highways.

I can be reached at 304 724 1974 for further information Thank you

Make it a great day!
Tom Moslener

<p>Commission Office Use Only</p> <p>Date on Agenda: 12-16-10</p> <p>Appt Time or New Business: 11:00 AM.</p>

AGENDA REQUEST FORM

Name: Patricia McMillan

Department or Entity: City of Martinsburg HOME Administrator

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: Dec 16, 2010

Date Requested – 2nd Choice: _____

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

Subject: **(1) Conduct a public Hearing on FY 2011 HOME Program**
(2) Request the Commission approve a resolution renewing its participation in the Eastern Panhandle HOME Consortium of West Virginia for FY 2011-2012.

Please provide the County Commission with a description of your request or presentation, including any background information: **Provide an overview of the HOME Program and program outcomes for the Eastern Panhandle HOME Consortium over the past 4 years. Request that members of the public offer comments and suggestions on use of FY 2011 HOME funds in Jefferson County. A draft plan will go on display in April 2011 with proposed use of HOME funds.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **See attached draft resolution**

Attachments:

RESOLUTION

A RESOLUTION OF THE County Commission of Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012

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

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

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

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

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

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

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

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

1. Jefferson County will cooperate with the City of Martinsburg, Town of Hedgesville, County of Berkeley, City of Charles Town, City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2011 to June 30, 2012 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2011 HOME Investment Partnership Program.

Adopted this _____ day of _____, 2010.

BY:

Name and Title

ATTEST:

Name and Title

**JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA
FY 2011 HOME INVESTMENT PARTNERSHIP PROGRAM**

Notice is hereby given by the Jefferson County Commission that it will hold a public hearing on Thursday, December 16th, 2010 at 11:00 a.m., prevailing time, in the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, West Virginia. The Jefferson County Commission Chambers are accessible to persons with physical disabilities. ~~If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call~~ **Sandy Slusher McDonald, Deputy County Administrator, at 304-728-3284** to make those arrangements.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Jefferson County and part of Morgan County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2011. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2011. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2011 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

The following general types of activities are eligible for funding under the HOME program: Homeowner Rehabilitation, including repair, rehabilitation or reconstruction of owner occupied houses; Homebuyer Activities, including funds for purchase and/or rehabilitation of existing houses or new construction of houses for homebuyers; Rental Housing, including acquisition and/or rehabilitation of existing rental housing or new construction of rental housing; and Tenant Based Rental Assistance, including financial assistance for rent, security deposits and under certain conditions, utility deposits for tenants. All HOME funds must be used for persons and households that meet the HUD income guidelines and definition of low- and moderate-income.

Notice is also hereby given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2011 beginning December 13, 2010. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. **Please contact Sandy Slusher McDonald at 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284.**

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to **Sandy Slusher McDonald, Deputy County Administrator, 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284**

Lyn Widmyer, President
Jefferson County Commission

#6

<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: Dave Camilletti, Esquire

Department or Entity: _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: December 16, 2010

Date Requested – 2nd Choice: _____

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

Subject: **Petition for Closing unused roads, streets and travel ways**

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

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

Attachments: Petition and Order

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO: _____

PETITION FOR CLOSING UNUSED ROADS, STREETS AND TRAVEL WAYS

NOW COMES the Petitioners, Martin Wayne Lookingbill and Brenda Diane Lookingbill, by counsel, David A. Camilletti and for their Petition for Closing Unused Roads, Streets and Travel Ways does say as follows:

1. Pursuant to the provisions of West Virginia Code 7-1-3(h) your Petitioners request that their verified application to close or annul the unused road, street, travel way or alley located between his various properties be filed and scheduled for hearing;

2. The Petitioners are the owners of four (4) parcels of real estate in Charles Town District, Jefferson County, West Virginia, being Parcel 76, Tax Map 10A;

3. The attached plat, dated April 11, 2007, prepared by George E. Nagel and Associates, sets forth the four parcels and the unused road, street, travel way or alley to be closed or annulled;

4. The Petitioners state that the portion of the unused road, street, travel way or alley to be closed begins at Washington Street and extends in a southerly direction to a point 255.83 feet from Washington Street.

5. The Petitioners request the closure of the unused road, street, travel way or alley because it has never been opened or traveled;

6. The addition of this closure, to the Petitioner's real estate, would allow the Petitioner to make improvements to the real estate;

7. The Petitioner avers that the closure would not be prejudicial to the County or State;

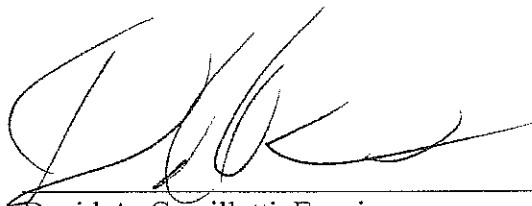
8. The closure would assist a local ongoing business in its effort to renovate the property and promote additional rental spaces for businesses;

9. The above mentioned statute allows for the County Court of any county to close and vacate any part or all of any such unused road, street or other designated travel way;

10. Petitioners request that the County Court set this matter for a hearing on the Court's next available date and time.

Respectfully submitted,

Martin Wayne Lookingbill and
Brenda Diane Lookingbill, Petitioners
By Counsel



David A. Camilletti, Esquire
WV State Bar ID No. 599
103 W. Liberty Street
Charles Town, WV 25414
304-725-0937
304-725-1039 facsimile

VERIFICATION

STATE OF MARYLAND,

COUNTY OF CARROLL, to-wit:

I, Martin Wayne Lookingbill, swear and affirm that the information in the above Petition,

which has been supplied by me, is the truth to the best of knowledge and belief.

Martin Wayne Lookingbill
Martin Wayne Lookingbill

I, CATHY G. MESZAROS a Notary in and for the aforesaid County and

State do hereby certify that Martin Wayne Lookingbill, has this day signed his seal to the Petition

and Verification on this the 25th day of October, 2010.

Cathy G. Meszaros
NOTARY PUBLIC

My Commission expires: 4-21-2013

VERIFICATION

STATE OF MARYLAND,

COUNTY OF CARROLL, to-wit:

I, Brenda Diane Lookingbill, swear and affirm that the information in the above Petition, which has been supplied by me, is the truth to the best of knowledge and belief.


Brenda Diane Lookingbill

I, CATHY C. MESZAROS a Notary in and for the aforesaid County and

State do hereby certify that Brenda Diane Lookingbill, has this day signed her seal to the Petition and

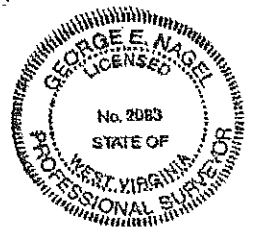
Verification on this the 25th day of October, 2010.


NOTARY PUBLIC

My Commission expires: 4-21-2013

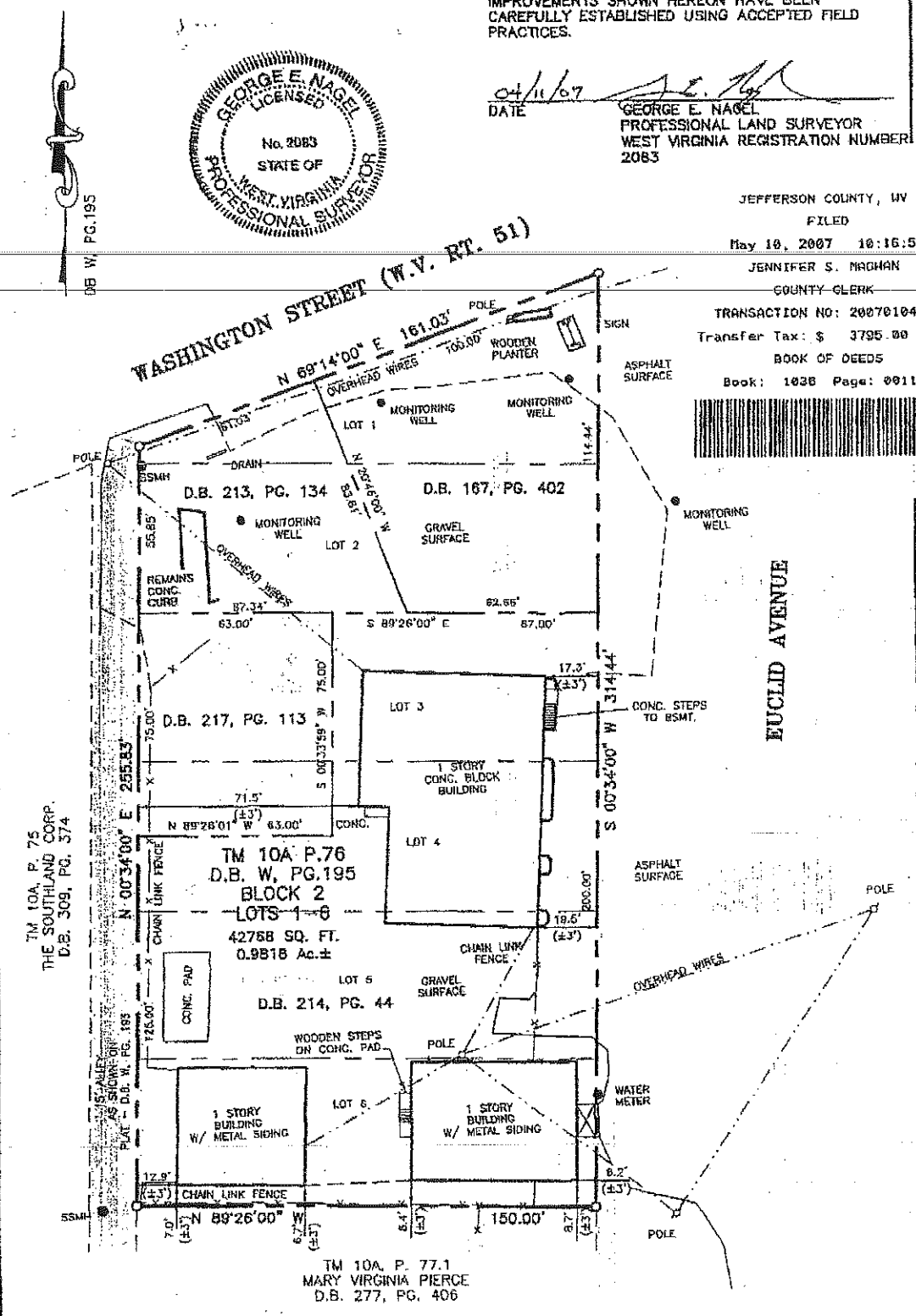
NOTES: NO TITLE REPORT FURNISHED FOR THIS SURVEY.

I HEREBY CERTIFY THAT THE POSITION OF EXISTING IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED USING ACCEPTED FIELD PRACTICES.



04/11/07
DATE
GEORGE E. NAGEL
PROFESSIONAL LAND SURVEYOR
WEST VIRGINIA REGISTRATION NUMBER
2083

JEFFERSON COUNTY, WV
FILED
May 10, 2007 10:16:53
JENNIFER S. MADHAN
COUNTY CLERK
TRANSACTION NO: 2007010403
Transfer Tax: \$ 3795.00
BOOK OF DEEDS
Book: 1038 Page: 09111



TM 10A, P. 75
THE SOUTHLAND CORP.
D.B. 309, PG. 374

PLAT - D.B. W, PG. 195
AS SHOWN ON

TM 10A P.76
D.B. W, PG.195
BLOCK 2
LOTS 1-6
42768 SQ. FT.
0.9818 Ac.±

TM 10A, P. 77.1
MARY VIRGINIA PIERCE
D.B. 277, PG. 406



George E. Nagel
& ASSOCIATES, INC.

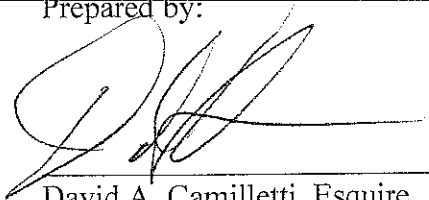
LAND SURVEYORS
21822 Ringgold Pike | Hagerstown, Maryland 21742
(301) 416-2225 | Fax (301) 416-2738

LOCATION SURVEY
FOR
LOTS 1 - 6, BLOCK 2
(PLAT - D.B. W, PG. 195)
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE 1"=40' APRIL, 2007

ENTERED this _____ day of _____, 2010.

President of the County Commission

Prepared by:



David A. Camilletti, Esquire
WV State Bar Id No. 599
Counsel for Petitioners

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>12-16-10</u></p> <p>Appt Time or New Business: <u>11:30am</u></p>

AGENDA REQUEST FORM

Name: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: December 16, 2010

Date Requested – 2nd Choice: _____

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

Subject: 2010 Jefferson County Emergency Operations Plan and 2010 Jefferson County Government Continuity of Operations Plan.

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

- 1) Each year we update at least 4 annexes within our Emergency Operations Plan. This year, a Flood Warning Plan Annex was developed, the Public Safety Annex was reviewed and updated, the Mass Care Annex was reviewed and updated, the Public Health and Medical Services annex was reviewed and updated, the contractor made small changes throughout to ensure that new laws/regulations pertaining to Transportation were appropriately integrated, per the National Response Framework and added additional resources to our Resource Directory.
- 2) The County Government’s Continuity of Operations Plan has been updated and reviewed by all Department Heads and Elected Officials.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move that we adopt the 2010 Jefferson County Emergency Operations Plan and the 2010 Jefferson County Government Continuity of Operations Plan and authorize the signatures to the promulgation resolutions.**

- Attachments:
- Promulgation resolution for Emergency Operations Plan
 - Promulgation resolution for Continuity of Operations Plan

**JEFFERSON COUNTY EMERGENCY OPERATIONS PLAN
PROMULGATION STATEMENT – RESOLUTION**

WHEREAS preparedness to cope with the effects of a disaster includes many diverse but interrelated elements which must be woven into an integrated emergency management system involving all departments of local government and private support agencies, as well as the individual citizen.

AND WHEREAS planning for population protection must be a cooperative effort to avert or minimize the effects of natural, technological, and/or man-made disasters, protect lives and property, and restore the stricken area to its pre-disaster status with a minimum of social and economic disruption.

AND WHEREAS many agencies from local, state and federal sources may be involved in emergency response and management, thus requiring a consistent nationwide approach to ensure these agencies work together in their full capacity regardless of the cause, size or complexity of disasters. The National Incident Management System (NIMS) provides for this approach, and the *Jefferson County Emergency Operations Plan* was developed to be responsive to federal requirements contained in the NIMS and is subject to approval by the State of West Virginia and the Federal Emergency Management Agency (FEMA).

SO AS A RESULT, pursuant to the State Emergency Services Act (West Virginia Code, Chapter 15, Article 5, as amended), Jefferson County has established the Jefferson County Homeland Security and Emergency Management, and that the Homeland Security and Emergency Management is, to the limits of its capabilities, responsible for the disaster preparedness activities within Jefferson County.

NOW THEREFORE IT IS RESOLVED, ORDERED AND DETERMINED that the Jefferson County Commission does hereby approve and adopt the *Jefferson County Emergency Operations Plan*, which is filed in the Office of the Jefferson County Commission at the Courthouse in Charles Town, West Virginia, and which is incorporated herein by this reference.

PASSED AND ADOPTED by the County Commission of Jefferson County, State of West Virginia, this _____ day of _____, 20____.

SIGNATURES

County Commission President

County Commissioner

County Commissioner

County Commissioner

County Commissioner

JCHSEM Director

BACK TO TOP

**JEFFERSON COUNTY EMERGENCY OPERATIONS PLAN
PROMULGATION STATEMENT – RESOLUTION**

WHEREAS preparedness to cope with the effects of a disaster includes many diverse but interrelated elements which must be woven into an integrated emergency management system involving all departments of local government and private support agencies, as well as the individual citizen.

AND WHEREAS planning for population protection must be a cooperative effort to avert or minimize the effects of natural, technological, and/or man-made disasters, protect lives and property, and restore the stricken area to its pre-disaster status with a minimum of social and economic disruption.

AND WHEREAS many agencies from local, state and federal sources may be involved in emergency response and management, thus requiring a consistent nationwide approach to ensure these agencies work together in their full capacity regardless of the cause, size or complexity of disasters. The National Incident Management System (NIMS) provides for this approach, and the *Jefferson County Emergency Operations Plan* was developed to be responsive to federal requirements contained in the NIMS and is subject to approval by the State of West Virginia and the Federal Emergency Management Agency (FEMA).

SO AS A RESULT, pursuant to the State Emergency Services Act (West Virginia Code, Chapter 15, Article 5, as amended), Jefferson County has established the Jefferson County Homeland Security and Emergency Management, and that the Homeland Security and Emergency Management is, to the limits of its capabilities, responsible for the disaster preparedness activities within Jefferson County.

NOW THEREFORE IT IS RESOLVED, ORDERED AND DETERMINED that the Jefferson County Commission does hereby approve and adopt the *Jefferson County Emergency Operations Plan*, which is filed in the Office of the Jefferson County Commission at the Courthouse in Charles Town, West Virginia, and which is incorporated herein by this reference.

PASSED AND ADOPTED by the County Commission of Jefferson County, State of West Virginia, this _____ day of _____, 20____.

SIGNATURES

County Commission President

County Commissioner

County Commissioner

County Commissioner

County Commissioner

JCHSEM Director

BACK TO TOP

H8 A

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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: December 16, 2010

Date Requested – 2nd Choices: _____

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

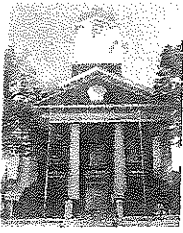
Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Partial release of the Construction Bond security for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22) – Letter of Credit #9570254380 00004 with Branch Banking & Trust, Martinsburg, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$28,361.00 from the construction bond amount for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22).

Attachments: Bond Release Letter
Bond Reduction or Release Request Report

THE COUNTY COMMISSION OF JEFFERSON COUNTY



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

Phone: 304-728-3284

www.jeffersoncountywv.org

Fax: 304-725-7916



December 9, 2010

Mr. Brett L. Butler
Branch Banking & Trust
148 South Queen Street
Martinsburg, West Virginia 25401-3316

RE: Irrevocable Letter of Credit #9570254380 00004 dated October 20, 2008 Construction Bond Surety for County Green LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22).

Dear Mr. Butler:

The Jefferson County Commission authorizes a partial release of \$28,361.00 from the construction bond for County Green LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue (File #07-22), for a new construction bond amount of \$40,050.00. This project is located on the west side of Berryville Pike (Route 340) just south of its intersection with Wheatland Road (Route 340/2). Work remaining includes but is not limited to the following:

1. Final Stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$257,986.00 to \$40,050.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Lyn Widmyer, President
Jefferson County Commission

LW:rfb

cc: Mr. Louis B. Athey
County Green, LLC
925 East Washington Street
Suite 105
Charles Town, WV 25414
Department of Engineering

Email: engineering@jeffersoncountywv.org

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 12/7/2010

JCPC File No 07-22

Consultant/Engineer/Firm Name: William H. Gordon Associates, Inc.

Mailing Address: 301 North Mildred Street Suite 1

City: Charles Town State: WV Zip: 25414-

Contact Person: Louise Zwicker Phone: (304) 725-8456

Project/Subdivision Name The Woods at Wheatland

Section/Phase: Lots 1-7 & Residue

Review Comments:

The Bond **Reduction** request is **Approved**

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

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

Bonding Policy & Unit Cost Figures attached for your use.

Comments:

Recommends reducing the bond of \$68,411.00 by \$28,361.00 with a retained new amount of \$40,050.00

LAND DEVELOPMENT INSPECTION
APPROVED FOR:

BOND REDUCTION \$ 40,050.00

BY: Norma J. Kuroski 12-8-10
INSPECTOR DATE

Original Bond Amount: \$224,335.00 Current Bond Amount: \$68,411.00

Cost of Work Remaining: \$6,400.00 + Contingency Amount: \$33,650.00

Approved for Revised Bond Amount: \$40,050.00

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

Signature: Norma J. Kuroski Date: 12/8/2010

#88

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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: December 16, 2010

Date Requested – 2nd Choice: _____

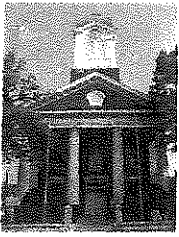
If a specific date is needed, please provide reason for specific date:

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for James P. Phillips – Apple Valley Waste Services, Inc. (File #S08-02) – Letter of Credit with City National Bank of Martinsburg, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$216,477.00 construction bond amount for James P. Phillips – Apple Valley Waste Services, Inc. (File #S08-02)

Attachments: Bond Release Letter
Bond Reduction or Release Request Report



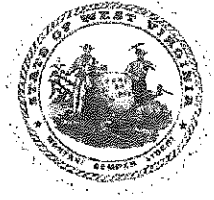
THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304-728-3284

www.jeffersoncountywv.org

Fax: 304-725-7916



December 16, 2010

Mr. Todd M. Beckwith
Senior Vice President
City National Bank
P. O. Box 2569
Martinsburg, West Virginia 25402

RE: Irrevocable Letter of Credit #5183178 dated December 8, 2008 Construction Bond Surety for James P. Phillips, General Manager – Apple Valley Waste Services, Inc. (File #S08-02).

Dear Mr. Beckwith:

The Jefferson County Commission authorizes a complete release of the remaining \$216,477.00 from the construction bond for James P. Phillips, General Manager – Apple Valley Waste Services, Inc. (File #S08-02). This project is located at 362 West Burr Boulevard, Lot 26 of the Burr Business Park. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Letter of Credit #5183178, originally issued in the amount of \$216,477.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Lyn Widmyer, President
Jefferson County Commission

LW:rfb

cc: Mr. James P. Phillips
Apple Valley Waste
P. O. Box 309
Kearneysville, West Virginia 25430
Department of Engineering

JEFFERSON COUNTY, WEST VIRGINIA

Department of Engineering
104 East Washington Street, P.O. Box 338
Charles Town, West Virginia 25414

Phone: (304) 728-3228
Fax: (304) 728-3953

Email: engineering@jeffersoncountywv.org

BOND REDUCTION OR RELEASE REQUEST - REPORT

Date Received: 6 December 2010

J.C.P.C. File No.: S08-02

Consultant/Engineer/Firm Name: William H. Gordon Associates, Inc

Mailing Address: 301 North Mildred Street, Suite 1

City: Charles Town State: WV Zip: 25414

Contact Person: Jason Gerhart Phone: 304-725-8456

Project/Subdivision Name: Apple Valley Waste

Section/Phase: _____

Review Comments:

- The bond release/reduction is Approved as Submitted
- The bond release/reduction request is Denied.
- Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.
- Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time with a copy of this report and the checklist.
- Bonding Policy & Unit Cost Figures attached for your use.

Comments:

- Recommends bond release in the amount of \$216,477.00.

**LAND DEVELOPMENT INSPECTION
APPROVED FOR:**

BOND RELEASE \$ 0.00

BY: Norma J. Kuroski 12-8-10

INSPECTOR

DATE

Original Bond Amt. \$ 188,241.00 + 15% Cont. \$ 28,236.00 = Total Original Bond Amt. \$ 216,477.00

Total Current Bond Amount \$ 216,477.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

(Note: Upon Approval, the LDI shall attach the itemized bond release/reduction request form and all certifications required at this time.)

Reviewed By: Norma J. Kuroski *NJK*

Date: 8 December 2010

Signature: Norma J. Kuroski

Title: Land Development Inspector

#8C

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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: December 16, 2010

Date Requested – 2nd Choice: _____

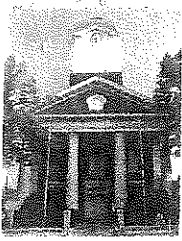
If a specific date is needed, please provide reason for specific date:

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Partial release of the Construction Bond security for Michael R. Shveda – Shepherdstowne Estates Subdivision, Lots 1-9 & Residue (File #07-24) – Letter of Credit with Jefferson Security Bank, Shepherdstown, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$337,030.00 from the construction bond amount for Michael R. Shveda – Shepherdstowne Estates Subdivision, Lots 1-9 & Residue (File #07-24).

Attachments: Bond Release Letter
Bond Reduction or Release Request Report



THE COUNTY COMMISSION OF JEFFERSON COUNTY

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



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www.jeffersoncountywv.org

Fax: 304-725-7916

December 16, 2010

Mr. Karl J. Keller, S.V.P. &
Commercial Loan Officer
Jefferson Security Bank
P. O. Box 35
Shepherdstown, West Virginia 25443

RE: Irrevocable Letter of Credit #517486 dated October 16, 2009 Construction Bond Surety for Michael R. Shveda - Shepherdstowne Estates Subdivision, Lots 1-9 & Residue (PCFile #07-24).

Dear Mr. Keller:

The Jefferson County Commission authorizes a partial release of \$141,069.00 from the construction bond for Michael R. Shveda - Shepherdstowne Estates Subdivision, Lots 1-9 & Residue (PCFile #07-24). This project is located on the west side of Kearneysville Pike (Route 480) approximately - 0.36 miles north of Ridge Road (Route 16). Work remaining includes but is not limited to the following:

1. Seeding & mulching
2. Final Stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$532,099.00 to \$54,000.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Lyn Widmyer, President
Jefferson County Commission

LW:rfb

cc: Mr. Michael R. Shveda
3759 Kearneysville Pike
Shepherdstown, West Virginia 25443
Department of Engineering

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
116 East Washington Street, P.O. Box 716
Charles Town, West Virginia 25414

Phone: 304-728-3257
Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 12/2/2010 JPC File No 07-24

Consultant/Engineer/Firm Name: Dewberry

Mailing Address: 1503 Edwards Ferry Road Suite 200

City: Leesburg State: VA Zip: 20176

Contact Person: Lisa McCauley Phone: (703) 771-8004

Project/Subdivision Name Shepherdstowne Estates Subdivision

Section/Phase: fka Shveda Cluster Subdivision Lots 1-9 and Residue

Review Comments:

The Bond **Reduction** request is **Approved as Revised**

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

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

Bonding Policy & Unit Cost Figures attached for your use.

Comments:

Recommends reducing the bond of \$391,030.00 by 385,630.00 with a retained new amount of \$54,000.00.

LAND DEVELOPMENT INSPECTION
APPROVED FOR:

BOND REDUCTION \$54,000.00

BY: Norma J. Kuroski 12.8.10

INSPECTOR

DATE

Original Bond Amount: \$532,099.00 Current Bond Amount: \$391,030.00

Cost of Work Remaining: \$4,000.00 + Contingency Amount: \$50,000.00

Approved for Revised Bond Amount: \$54,000.00

Reviewed By: Norma J. Kuroski *NJK*

Title: Land Development Inspector

Signature: Norma J. Kuroski

Date: 12/8/2010

December 9, 2010

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

RE: Shepherdstowne Estates – Lots 1-9 and Residue – File #07-24
Request to Release the Contingency

County Commissioners:

I, Mike Shveda, developer of Shepherdstowne Estates have installed all items on the bond estimate with exception of two areas where the area was reworked for proper drainage. The bond estimate amount for all items to be installed was \$462,695.00 with the 15% contingency of \$69,404.00 making the original total bond \$532,099.00.

I am requesting in writing that the \$50,000.00 for the contingency be released leaving a balance of \$4,000.00 for the remaining grass. The area has been installed with matting along with mixed fescue and rye grass to enhance the growth for the winter months (see attached photographs). However, if the grass does not grow the \$4,000.00 is more than adequate to complete the work. Also, the Land Development Inspector will not release the bond until the areas meets the county requirements.

I fully understand that if prior to the release of the \$4,000.00 any component of the subdivision fails, we will be fully responsible for its repair.

Upon your approval to release the \$50,000.00 contingency, I also request that the Letter of Credit be released. Upon favorable approval of my requests I will immediately set up an escrow account in the amount of \$4,000.00 with Jefferson Security Bank.

Thank you for your time and consideration in this matter.

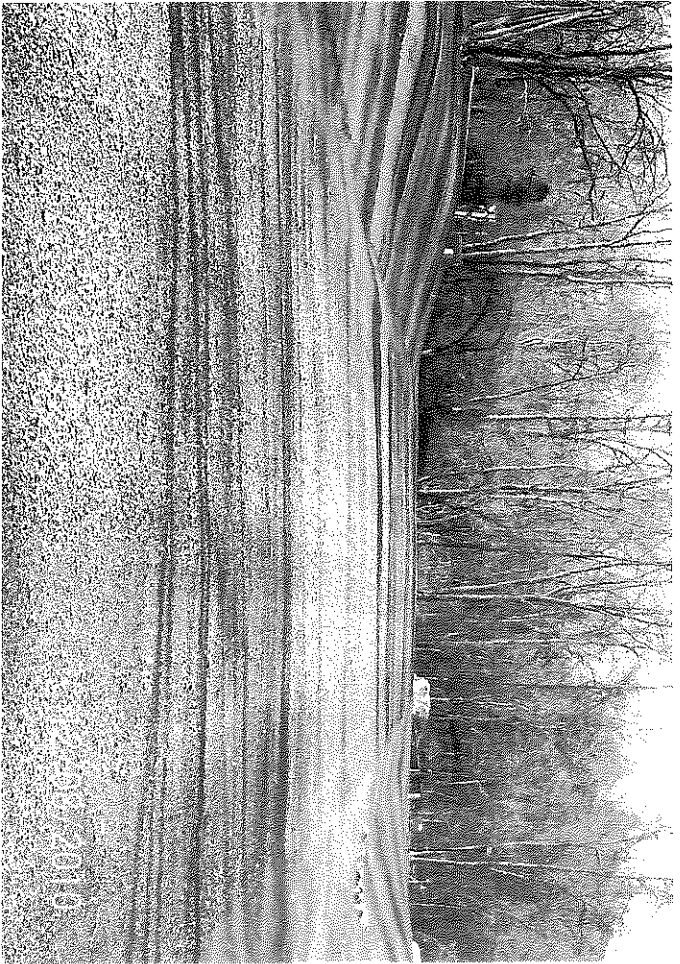
Sincerely,



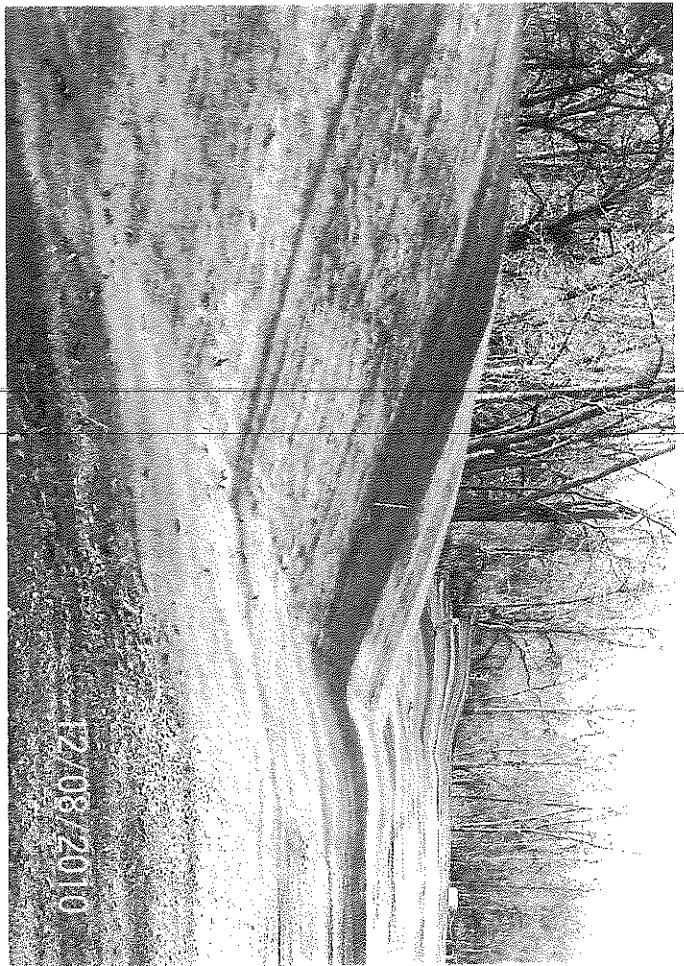
Michael R. Shveda,

President, Shepherdstowne Estates

Enclosures: As Stated



#07-24





<p>Commission Office Use Only</p> <p>Date on Agenda: <u>12-16-10</u></p> <p>Appt Time or <u>New Business</u>:</p>

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Jeffrey A. Polczynski, ENP – Director of Communications

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: N/A

Date Requested – 1st Choice: December 9, 2010

Date Requested – 2nd Choice: December 16, 2010

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

Subject:
Appointment of Full-Time Public Safety Dispatcher to fill vacant position in the 9-1-1 Center

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

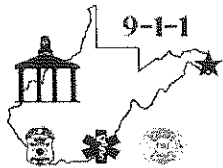
The emergency communications center currently has one public safety dispatcher position vacant and a second position becoming vacant on December 12th with the recent resignation of Amy Martin (moving to Part-Time Public Safety Dispatcher). This appointment request will fill one of the two vacant positions.

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

Motion to approve the employment of Mark Pangle as a full-time Public Safety Dispatcher II at Grade III, Step A, in the Emergency Communications Center with exact date of employment to be determined by the Director of Communications

Attachments:

Letter of Appointment Request



Jefferson County Emergency Communications
DEPARTMENTAL MEMORANDUM

TO: The County Commission of Jefferson County

FROM: Jeffrey Polczynski, ENP - Director

DATE: December 6, 2010

SUBJECT: Request Appointment – Mr. Mark Pangle – Public Safety Dispatcher

The purpose of this memorandum is to request the approval to employ Mr. Mark Pangle as a Public Safety Dispatcher.

The position that Mr. Pangle will fill is an already funded vacancy created by the previous resignation of a public safety dispatcher.

Mr. Pangle comes to Jefferson County Emergency Communications as an experienced dispatcher currently working for the West Virginia State Police at the Charles Town Detachment. He has been working there for over one year. He comes to us with one of the four necessary certifications already fulfilled.

Upon approval, Mr. Pangle will be scheduled for Dispatch Academy Class #2 with a starting date to be determined, likely in the first part of January 2011.

Please do not hesitate to contact me for further questions.

Respectfully Submitted,

Jeffrey Polczynski, ENP
Director of Communications

Digitally signed by Jeffrey A. Polczynski, ENP
DN: cn=Jeffrey A. Polczynski, ENP, o=Jefferson
County Emergency Communications, ou,
email=jpolczynski@jeffersoncountywv.org,
c=US
Date: 2010.12.06 13:02:31 -05'00'

<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: Department of Planning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 12/16/10

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:
Need an answer for Harper's Ferry re: UGB

Subject: **Urban Growth Boundary Discussion**

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

Harpers Ferry and Bolivar have both taken action to recommend an Urban Growth Boundary that is different than what the County sent to them from the failed zoning map. Planning staff will present that information to the CC and is requesting that a public hearing be scheduled to consider the proposed these boundaries and determine whether to amend the County Zoning Map to include them.

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

I move to schedule a public hearing on _____ (date certain) to consider Urban Growth Boundaries proposed by the Towns of Harpers Ferry and Bolivar for inclusion on the County Zoning Map.

Attachments:

- 1) Bolivar's Municipal Ordinance with Annexation Areas defined
- 2) Harpers Ferry's Proposed Urban Growth Boundary
- 3) HB 2845 (Feb. 2009) with relevant language regarding Urban Growth Boundaries



Town of Bolivar

est. 1825

March 5, 2010

Jefferson County Planning & Zoning
104 E. Washington Street
Charles Town, WV 25414

Dear Members,

This letter is to advise that the Mayor along with the Bolivar Town Council recently held a discussion during a town council meeting regarding a boundary plat from the Department of Planning & Zoning of Jefferson County. At this time, the council has voted not to accept the proposed boundary plat which shows the possible areas of annexation. The Town of Bolivar has an ordinance that gives further boundaries in the case of annexation. The Mayor and the Bolivar Town Council would like to have proper amendments made to the zoning map before this can be adopted by the Town of Bolivar.

If you should have any further questions, pls. contact our office at 304-535-2476. We look forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert J. Hardy".

Robert J. Hardy
Mayor of Bolivar

RECEIVED
MAR 15 2010
TOWN OF BOLIVAR
304-535-2476

CODIFIED ORDINANCES OF BOLIVAR
PART THIRTEEN - PLANNING AND ZONING CODE

Article 1324

Annexation Policy and Procedures

The Town of Bolivar, West Virginia adopts this annexation policy to guide annexation decisions in a manner that preserves the character of the community, the quality of life of its citizens and the fiscal health of the locality. Bolivar's vision is to preserve and enhance a livable community with a logical growth boundary that defines a designated growth zone for the gateway to Jefferson County and the eastern panhandle, with a greenbelt of protected land at the boundary. Bolivar seeks well-designed neighborhoods and business areas within the boundary that enhance the established character of the community. This policy provides guidance to citizens, landowners, developers and other local government officials in Jefferson County on the considerations that will guide and govern Bolivar's annexation decisions.

STATEMENT OF GOALS

1. Purpose of Annexation - The purpose of annexation is to ensure orderly growth and development that is beneficial to the established Bolivar community and its citizens, in the context of growth in the wider Jefferson County area.
2. Maintaining Bolivar's Established Character - Bolivar seeks to maintain the established character of the community, and will disfavor annexation requests unless an annexation proposal will provide clear benefit to Bolivar to prevent incompatible development outside of the town's corporate boundary.
3. Cooperation with Other Entities - Bolivar seeks to exercise its annexation authority cooperatively with Jefferson County, the National Park Service and the Town of Harpers Ferry, in order to direct growth and development to designated areas, and to preserve

the designated areas valued for their rural, agricultural, historic, natural, recreation or scenic value.

4. *Municipal Services* - Bolivar will not promote the provision of municipal infrastructure and services to areas outside the corporate limits of Bolivar or outside the Bolivar Urban Growth Boundary. Where the provision of municipal infrastructure and services is not cost-effective, negatively impacts Bolivar citizens with the growth management policies of the town of Bolivar, it will be declined, unless required by law.

5. *Adequate Public Facilities* - Bolivar will disfavor annexation or provision of municipal services when existing or planned public facilities and service are not currently adequate to serve the proposed development projected build-out, and as governed by the West Virginia Public Service Commission.

ANNEXATION AREAS WITHIN THE BOLIVAR GROWTH BOUNDARY

1. *Bolivar Growth Boundary* - The Town has established a "Bolivar Growth Boundary" for future growth and development. This outer boundary reflects a logical, long term area for future growth around the established community, taking into account topographical and natural features; existing and approved infrastructure, existing and approved development projects, if any, and features of the landscape with special agricultural, environmental, historic, or scenic value. Annexation will be favored within the boundary, all other things being considered, and disfavored outside of the boundary. The Bolivar Growth Boundary at the Western edge shall be considered to be the East side of Route 27 (Bakerton/Bloomery Road) to the Potomac River on the North, the Shenandoah River on the East (including, but not limited to, Cavalier Heights, Harpers Ferry National Park visitor center, Murphy's Landing, KOA) and to the Millville unincorporated boundary on the South. The Town of Bolivar will also seek to work cooperatively with Jefferson County, Harpers Ferry and the National Park Service to discourage uncontrolled growth in the area outside of the Bolivar Growth Boundary.

2. Annexation within Boundary - The Town shall give priority consideration to annexation for areas within the Bolivar Growth Boundary, if the annexation meets other considerations outlined in this policy. Bolivar may choose to delay annexation within the Growth Boundary if such annexations would be inconsistent with the Annexation Policy or the clear sentiments of Bolivar citizens. Citizen input should weigh in these decisions.

3. Contiguous Areas - Annexation areas should be contiguous to the town Corporate limits, where possible, and must contribute to the logical growth pattern of the Town.

4. Greenbelt Growth Boundary - Bolivar seeks to create a greenbelt of preserved land at the Bolivar Growth Boundary, in order to keep the distinction between "town and country" for the long term. The greenbelt areas can be established through development dedications, private donations, public purchase of lands or conservation easements, farm preservation, cooperative efforts with the National Park Service, Jefferson County or private landowners, or other appropriate means.

ANNEXATION CONSIDERATIONS

For annexation requests within the Bolivar Growth Boundary, the following items shall be considered in determining whether the annexation provides clear benefits to Bolivar. The Bolivar Planning Commission shall consider these factors and any other factors which, in the discretion of the Planning Commission, should be considered, and, then, assist the Town Council to determine if, on balance, annexation is beneficial to the community and its citizens.

1. Maintain the Growth Boundary - Annexation may be favored within the Bolivar Growth Boundary if consistent with the other guidelines herein, and disfavored outside the Growth Boundary.
2. Economic Development - Annexation may be favored if it increases the Town's ability to create quality jobs, and if it creates desirable retail and commercial development.
3. Positive Fiscal Impact - Annexation may be favored if the fiscal impact of new urban areas is desirable. The residents and commercial



Introduced Version - [Download \(.wpd\)](#)

H. B. 2845

(By Delegate Doyle)

[Introduced February 26, 2009; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §8-6-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-6-7; to amend and reenact §8A-1-2 of said code; and to amend and reenact §8A-7-2 of said code, all relating to the annexation of land by a municipality in counties that have adopted a county wide zoning ordinance which includes urban growth boundaries; requiring the land to be contiguous to the municipality outside the urban growth boundaries; requiring that annexation take place in the county's designated urban growth boundaries; providing for annexation outside the urban growth boundary; providing for annexation of property in another municipality's urban growth boundary by intergovernmental agreement between the municipalities; defining contiguous; requiring a public hearing and signage for property annexation outside the urban growth boundary; and providing the authority to identify and establish urban growth boundaries within county zoning ordinances.

Be it enacted by the Legislature of West Virginia:

That §8-6-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §8-6-7; that §8A-1-2 of said code be amended and reenacted; and that §8A-7-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 6. ANNEXATION.

PART I. GENERAL.

§8-6-1. Annexation of unincorporated territory.

- (a) Unincorporated territory may be annexed to and become part of a municipality contiguous thereto only in accordance with the provisions of this article.
- (b) Any farmlands or operations as described in article nineteen, chapter nineteen of this code which may be annexed into a municipality shall be protected in the continuation of agricultural use after being annexed.
- (c) Any new imposition of a tax or any increase in the rate of tax upon any business, occupation or privilege following annexation shall be applied in accordance with the provisions of section five, article thirteen, chapter eight of this code.

(d) Unincorporated territory outside an urban growth boundary may not be annexed without an election, or by minor boundary adjustment, in any county that has adopted a county-wide zoning ordinance pursuant to the provisions of article seven, chapter eight-a of this code, and the zoning ordinance includes an "urban growth boundary", as that term is defined under the provisions of section two, article one, chapter eight-a of this code, on its recorded zoning map for the municipality, unless the requirements of section seven, of this article are met.

§8-6-7. Annexation in any county that has adopted a county-wide zoning ordinance that includes urban growth boundaries.

A petition for annexation, without an election or by minor boundary adjustment, may not be recorded or become effective in any county where a county-wide zoning ordinance has been adopted pursuant to the provisions of article seven, chapter eight-a of this code and the zoning ordinance includes and incorporates an "urban growth boundary" as defined in section two, article one, chapter eight-a, of this code without first meeting the requirements of this article and meeting the following additional requirements and conditions:

- (1) Property that is proposed for annexation outside the urban growth boundary shall be contiguous to the municipality and the main territory where the municipal seat of government is located. For the purposes of this section "contiguous" means lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, river or other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous. Provided, That the width of a street, highway, road or other traffic or utility easement, stream, river or other natural topography, but not the length thereof, may be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous. The common practice known as "pipe stem annexation" may not be used to make a property contiguous in determining that the territory containing the municipal seat is contiguous outside the urban growth boundary. Property proposed for annexation entirely within the municipality's urban growth boundary does not have to be contiguous. In absence of such an urban growth boundary shown on the county zoning map, this section of the code may not apply.
- (2) County commission approval is not required for annexation without an election or by minor boundary adjustment within a municipality's own urban growth boundary. Any territory proposed to be annexed without county commission approval shall be completely within the municipality's urban growth boundary and established and shown on the county's recorded zoning map. If the municipality is satisfied that the petition is sufficient in every respect, including the finding that the property is located within its urban growth boundary, the governing body of the municipality shall enter that fact upon its journal and forward a certificate to that effect to the county commission of the county wherein the municipality or the major portion of that territory, including the additional territory, is located. The county commission shall thereupon enter an order as described in section three of this article. After the date of the order, the corporate limits of the municipality shall be as set forth therein. Annexation of property by a municipality in another municipality's designated urban growth boundary is only permitted if the two municipalities have executed an intergovernmental agreement regarding the annexation of the subject property. In the absence of such an urban growth boundary shown on a county zoning map, this section may not apply.
- (3) Prior to the recordation of any annexation without election pursuant to this section, the petition or municipality seeking the annexation shall provide to the county commission both metes and bounds description of the property to be annexed and a survey map of the property drawn by a professional licensed to perform this work.
- (4) The county commission shall hold an appropriately noticed public hearing and place appropriate public notice signage on the subject property, which signage shall be the same that would be required for property that is to be rezoned, before considering any petition for annexation of property outside the urban growth boundary of any municipality. At least fifteen days prior to the date set for the public hearing, the county commission shall publish a notice of the date, time and place of the public hearing as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.
- (5) The county commission shall verify that the conditions of this article and section have been met before entering an order pursuant to section three of this article for any petition for annexation without an election or by minor boundary adjustment for property located outside the urban growth boundary. A finding of fact stating any deficiencies must be placed in the county commission's record along with the petition for annexation. The county commission may not deny or refuse the recordation of an order described in section three of this article for which the total property to be annexed is inside the municipality's designated urban growth boundary shown on the county's recorded zoning map for that municipality or an intergovernmental agreement has been executed between two municipalities concerning the annexation of property in another municipality's urban growth boundary.

(6) The county commission may approve and order to be recorded any petition, without an election or annexation by minor boundary adjustment, that does not meet the requirements and conditions of this section, if the county commission finds after a public hearing and on-site signage notice that the proposed annexation is for the good of the county as a whole.

CHAPTER 8A. LAND USE PLANNING.

ARTICLE 1. GENERAL PROVISIONS.

§8A-1-2. Definitions.

As used in this chapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

- (a) "Abandonment" means the relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
- (b) "Aggrieved" or "aggrieved person" means a person who:
- (1) Is denied by the planning commission, board of subdivision and land development appeals, or the board of zoning appeals, in whole or in part, the relief sought in any application or appeal; or
 - (2) Has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.
- (c) "Comprehensive plan" means a plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction.
- (d) "Conditional use" means a use which because of special requirements or characteristics may be permitted in a particular zoning district only after review by the board of zoning appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the zoning ordinance.
- (e) "Contiguous" means lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.
- (f) "Essential utilities and equipment" means underground or overhead electrical, gas, communications not regulated by the Federal Communications Commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories:
- (1) Local serving;
 - (2) Nonlocal or transmission through the county or municipality; and
 - (3) Water and sewer systems, the activities of which are regulated, in whole or in part, by one or more of the following state agencies:
 - (A) Public Service Commission;
 - (B) Department of Environmental Protection; or
 - (C) The Department of Health and Human Resources.
- (g) "Existing use" means use of land, buildings or activity permitted or in existence prior to the adoption of a zoning map or ordinances by the county or municipality. If the use is nonconforming to local ordinance and lawfully existed prior to the adoption of the ordinance, the use may continue to exist as a nonconforming use until abandoned for a period of one year: *Provided*, That in the case of natural resources, the absence of natural resources extraction or harvesting is not abandonment of the use.
- (h) "Exterior architectural features" means the architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color and texture of the building material, and the type, design and character of all windows, doors, massing and rhythm, light fixtures, signs, other appurtenant elements and natural features when they are integral to the significance of the site, all of which are subject to public view from a public street, way or place.
- (i) "Factory-built homes" means modular and manufactured homes.
- (j) "Flood-prone area" means any land area susceptible to repeated inundation by water from any source.
- (k) "Governing body" means the body that governs a municipality or county.
- (l) "Historic district" means a geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.
- (m) "Historic landmark" means a site, building, structure or object designated as historic on a national, state or local register.

- (n) "Historic site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register.
- (o) "Improvement location permit" means a permit issued by a municipality or county, in accordance with its subdivision and land development ordinance, for the construction, erection, installation, placement, rehabilitation or renovation of a structure or development of land, and for the purpose of regulating development within flood-prone areas.
- (p) "Infill development" means to fill in vacant or underused land in existing communities with new development that blends in with its surroundings.
- (q) "Land development" means the development of one or more lots, tracts or parcels of land by any means and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.
- (r) "Manufactured home" means housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976.
- (s) "Modular home" means housing built in a factory that meets state or local building codes where the homes will be sited.
- (t) "Nontraditional zoning ordinance" means an ordinance that sets forth development standards and approval processes for land uses within the jurisdiction, but does not necessarily divide the jurisdiction into distinct zoning classifications or districts requiring strict separation of different uses, and does not require a zoning map amendment.
- (u) "Permitted use" means any use allowed within a zoning district, subject to the restrictions applicable to that zoning district and is not a conditional use.
- (v) "Plan" means a written description for the development of land.
- (w) "Planning commission" means a municipal planning commission, a county planning commission, a multicounty planning commission, a regional planning commission or a joint planning commission.
- (x) "Plat" means a map of the land development.
- (y) "Preferred development area" means a geographically defined area where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities.
- (z) "Public place" means any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.
- (aa) "Sprawl" means poorly planned or uncontrolled growth, usually of a low-density nature, within previously rural areas, that is land consumptive, auto-dependent, designed without respect to its surroundings, and some distance from existing development and infrastructure.
- (bb) "Streets" means streets, avenues, boulevards, highways, roads, lanes, alleys and all public ways.
- (cc) "Subdivision or partition" means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels of land, or the recombination of existing lots, tracts, or parcels.
- (dd) "Unit of government" means any federal, state, regional, county or municipal government or governmental agency.
- (ee) "Urban area" means all lands or lots within the jurisdiction of a municipal planning commission.
- (ff) "Urban growth boundary" means a site-specific line, delineated on a zoning map or written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area. The urban growth boundary may be called by any name chosen by the county commission, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission in consultation with each individual municipality regarding that municipality's boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
- (ff) (gg) "Utility" means a public or private distribution service to the public that is regulated by the Public Service Commission.
- (gg) (hh) "Zoning" means the division of a municipality or county into districts or zones which specify permitted and conditional uses and development standards for real property within the districts or zones.
- (hh) (ii) "Zoning map" means a map that geographically illustrates all zoning district boundaries within a municipality or county, as described within the zoning ordinance, and which is certified as the official zoning map for the municipality or county.

ARTICLE 7. ZONING ORDINANCE.

§8A-7-2. Contents of zoning ordinance.

- (a) The following must be considered when enacting a zoning ordinance:
- (1) Promoting general public welfare, health, safety, comfort and morals;
 - (2) A plan so that adequate light, air, convenience of access, and safety from fire, flood and other danger is secured;
 - (3) Ensuring attractiveness and convenience is promoted;
 - (4) Lessening congestion;
 - (5) Preserving historic landmarks, sites, districts and buildings;
 - (6) Preserving agricultural land; and
 - (7) Promoting the orderly development of land.
- (b) A zoning ordinance may include the following:
- (1) Regulating the use of land and designating or prohibiting specific land uses;
 - (2) Authorizing flexible planning standards to create, redevelop, reuse, protect, and enhance the physical qualities of the community;
 - (3) Designating historic districts and regulating the uses of land and the design of buildings within the historic district;
 - (4) Establishing corridor overlay districts to achieve land design goals and regulating the uses of land within the corridor overlay districts;
 - (5) Establishing design standards and site plan approval procedures;
 - (6) Dividing the land of the governing body into different zone classifications regulating the use of land, establishing performance standards for various land uses when dividing is not desired, or any combination of both;
 - (7) Authorizing overlay districts and special design districts within which specific additional development standards for each permitted, accessory and conditional use shall apply;
 - (8) Regulating the height, area, bulk, use and architectural features of buildings, including reasonable exterior architectural features and reasonable aesthetic standards for factory-built homes;
 - (9) Authorizing a process and standards for factory-built homes: *Provided*, That a governing body is prohibited from establishing a process and standards for regulating factory-built homes that is more restrictive than a process and standards for site-built homes;
 - (10) Preserving green spaces and requiring new green spaces, landscaping, screening and the preservation of adequate natural light;
 - (11) Regulating traffic flow and access, pedestrian flow and access, parking and loading;
 - (12) Identifying flood-prone areas subject to periodic flooding, and regulating with specific control the permitted use, type of construction and height of floor levels above base flood elevation permitted in the area so as to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or flood waters;
 - (13) Designating an airport area and establishing land-use regulations within a specific distance from the boundaries of the airport; and
 - (14) Authorizing planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments; and
 - (15) Identifying and establishing urban growth boundaries as defined and provided in section two, article one of this chapter.
- (c) A zoning ordinance shall:
- (1) Create a board of zoning appeals;
 - (2) Specify certification requirements for zoning district maps that are consistent with the governing body's comprehensive plan;
 - (3) Adopt procedures and requirements for nonconforming land uses;
 - (4) Adopt procedures and requirements for variances; and
 - (5) Adopt procedures and requirements for conditional use permits.

NOTE: The purpose of this bill is to provide additional requirements and conditions on annexation without an election or by minor boundary adjustment in counties that have adopted a county-wide zoning ordinance and have designated urban growth boundaries around the municipalities within that county. It requires that property to be annexed outside the municipality's urban growth boundary must be contiguous. Property outside the urban growth boundary requires county commission approval for annexation. Property within the municipality's designated urban growth boundary does not require county commission approval for annexation and does not have to be contiguous. It also requires a public hearing and signage notice and review by the county commission for land being annexed outside the designated urban growth boundary. The power to establish and a definition for Urban Growth Boundary has been added to the WV Land Use Code.

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

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

AGENDA REQUEST FORM

Name: Lyn Widmyer

Department or Entity: _____

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: December 16

Date Requested – 2nd Choice: _____

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

Subject: **Establish date in February for First Annual Economic Outlook for Jefferson County.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Creating jobs and fostering more economic growth is critical to the future of our County. I have attended regional economic roundtables and meetings but I believe we need one that focuses just on Jefferson County. This is an important topic to discuss as we prepare for the FY 2011 budget.**

I suggest the Jefferson County Development Authority take the lead in arranging this meeting and that the presentations include:

- 1. Overview of county jobs/employment trends; likely sectors that will be sources of jobs in the future**
- 2. Update on job creation initiative , which has \$250,000 in funding commitments from the County Commission and JCDA**
- 3. Status of the industrial park: number of employers, number of jobs, occupancy rates at the park**
- 4. Update on WES-PEP**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **DISCUSSION in roundtable format**

Attachments:

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

AGENDA REQUEST FORM

Name: KIRK DAVIS

Department or Entity: C. COMMISSION

Estimation of amount of time needed for appointment: 10 MINUTES

Date Requested - 1st Choice: 16 DEC 2010

Date Requested - 2nd Choice:

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

N/A

Subject: LETTER TO EXPLAIN LAND VALUES...
AND RETAINING MR. BROWN AS FAMILIES ATTORNEY...

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

DISCUSSION OF PROPOSED LAND VALUES

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

NO MOTION REQUIRED

Attachments:

SEE LETTER

LAW OFFICES
BROWN AND STURM

260 EAST JEFFERSON STREET
ROCKVILLE, MARYLAND 20850-2333
TELEPHONE (301) 762-2555 - TELECOPIER (301) 762-1928

R. EDWIN BROWN
DENNIS M. ETTLIN

REX L. STURM
OF COUNSEL

November 23, 2010

The County Commission of Jefferson County
Mr. Martin Burke, Commissioner
Jefferson County Historic Landmarks Commission
PO Box 23
Charles Town, WV 25414

RECEIVED

DEC 06 2010

RE Shepardstown Battlefield Park

Jefferson County Commission

Dear Mr. Burke:

Following our meeting a few days ago, I have spoken with Mr. Blunt and advised him of the county's offer for his Historical Cement Mill property fronting along the river.

Mr. Blunt noted that the Jefferson County current fair market value (FMV) assessment and county taxes on 13+ acres had merely doubled and that the county's offer for his 18 acre parcel, as per his current survey by Mr. Gate, is substantially less than the county's assessment. 13 ¼ acres divided into \$375,000 FMV assessment equals SAY: \$28,800 per acre. This times 18 A equals SAY \$428,000, the indicated FMV, based on the current Jefferson County ad valorem FMV tax assessment value.

I note that Mr. Sinna Jr.'s current appraisal has no explanation or discussion of the sale comparables he has selected as compared with Mr. Blunt's property. His appraisal fails to discuss, compare and rate the location of the comps to Shephardstown, the river frontage, accessibility of commercial travel facilities to Baltimore and Washington, D.C., the recreational development potential, public road frontage, highest and best potential use (HBU) and on and on.

In March of 2006 the Save Historic Antietam Foundation, Inc. obtained an appraisal from Meyers & Woods for \$229,000. Mr. Gregory Didden, for the owner, determined the H.B.U. was as a 2 lot residential subdivision FMV \$375,000, as of August 15, 2006. Enhanced location along the river, the long river frontage, recreational, historical and possible mineral deposits values were not mentioned and taken into consideration.

Mr. Blunt has placed his dealing with Jefferson County and its subsidiaries in control of his brother, Mr. W.L. Lermond. Mr. Lermond has asked us to represent the


Mr. Martin Burke, Commissioner
November 23, 2010
Page 2.

family and the land. Hopefully the historical significance and uniqueness of the Cement Mill as an important and attractive asset to Shephardstown and Jefferson County can be preserved for the future enjoyment, pleasure and pride of its citizens, tourists and visitors.

Your further advice in the premises will be appreciated.

Very truly yours,

BROWN AND STURM

BY 
R. Edwin Brown

Cc: Mr. William Lermond
Mr. Harry Blunt

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

AGENDA REQUEST FORM

Name: Commissioner Manuel

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: December 16, 2010

Date Requested – 2nd Choice: _____

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Potential closing of the Millville Post Office - Discussion/Action (DM)**

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

Attachments:

15

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

AGENDA REQUEST FORM

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: December 16, 2010

Date Requested – 2nd Choice: _____

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

Subject:

Please provide the County Commission with a description of your request or presentation, including any background information: **Purchasing Card Procedures - Draft**

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

Jefferson County, West Virginia

Purchasing Card Procedures December, 2010

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Attachments:

A. Request for P-Card

B. Authorization for Purchasing Card Use

C. Card Destruction Notice

D. Procurement Log

E. Statement of Disputed Item(s)

F. Lost/Stolen Card Notification

G. Return Merchandise Form

WEST VIRGINIA LOCAL GOVERNMENT
PURCHASING CARDHOLDER AGREEMENT

This agreement outlines the responsibilities I have as a holder of the West Virginia Local Government Purchasing Card. My signature indicates I have read and understand these responsibilities. I agree to adhere to the Purchasing Card Policies and Procedures and any applicable purchasing guidelines, as set forth by the Local Government Entity issuing this purchasing card.

1. I understand that the purchasing card is solely for official business of Local Government Entity, intended to facilitate the payment of goods and services, for conducting official business within applicable activity limits and is not for my personal use.
2. I understand that the use of the purchasing card for payments not authorized within the Local Government Policies and Procedures will be considered misuse of the purchasing card and will be grounds for immediate forfeiture of the purchasing card and/or disciplinary action. I understand that I am personally liable for any payments not authorized by the spending unit and permitted within the Local Government Policies and Procedures.
3. I understand that all charges will be billed directly to and paid directly by the Local Government Entity and that United Bank cannot accept payments from me personally.
4. I understand that the purchasing card is issued in my name and I am responsible for maintaining the security of the purchasing card and for all charges made by or authorized by me against it. I understand and agree that I will not give the purchasing card bearing my name to any other person to use either on my behalf or someone else's.
5. I will keep my purchasing card safe at all times with appropriate security from the time I receive the purchasing card until such time as my purchasing card is surrendered to United Bank or my Local Government Program Coordinator. If my purchasing card is lost or stolen, I agree to immediately notify United Bank at 1.800.242.7600 or 1.800.VISA911 and my Local Government Program Coordinator.
6. I agree to follow the West Virginia State Law, purchasing guidelines of my Local Government Entity and established Policies and Procedures.
7. I understand that the purchasing card must be surrendered upon request and/or upon my termination of employment from the Local Government Entity.
8. I understand that I must receive training on purchasing card usage and policies and procedures prior to using the Local Government Purchasing Card.
9. I understand and agree that the Local Government Purchasing Card is not to be used for cash, cash credits or cash advances.
10. I understand that my Program Coordinator will activate my purchasing card on my behalf.
11. I understand that it is necessary to provide United Bank with certain personal information that will be used only to verify my identity and for security reasons.
12. I understand that it is a violation of policy to manipulate the ordering, billing, or payment process in order to circumvent established cardholder limits.

13. I understand it is my responsibility to save all receipts for transactions posting to my Local Government Purchasing Card and that United Bank does NOT have copies of those receipts.

14. I understand and agree that I will immediately notify my Program Coordinator and/or United Bank of any disputed items appearing on my monthly bill. I further understand that telephoning will not preserve my rights and that I must follow up in writing to United Bank within sixty (60) days of the date of posting or may lose my rights to dispute the item(s).

15. I agree that, should I violate the terms of the Purchasing Cardholder Agreement, I will reimburse my Local Government Entity for all charges improperly authorized by me to the purchasing card and all costs incurred by the Local Government Entity and United Bank related to the collection of such charges.

*Cardholder Signature: _____ Date: _____

Cardholder Name (please print):

Local Entity Name: Jefferson County Commission

**Program Coordinator's Signature: _____ PIN: _____

(Issued by WVSAO)

*Cardholder must sign and forward this form prior to issuance of a purchasing card.

**Program Coordinator will forward a copy of this form to the Regional Representative of the West Virginia State Auditor's Office, Local Government Purchasing Card Program.

1.0 Purpose

To establish a methodology for use and to define the limits of use of Jefferson County Purchasing Card (P-Card) provided to certain personnel in order to make payment of goods and/or services required by Jefferson County, West Virginia.

2.0 Applicability

This procedure is applicable to all personnel, who are issued the purchasing card. All personnel issued a P-Card must read and sign a Cardholder Agreement and attend a training session before a MC P-Card will be issued and/or activated.

3.0 References

All payment/purchases made with the purchasing card must be made in accordance with the current Jefferson County Purchasing Policy and within budget limits.

4.0 Attachments

All forms listed as attachments are provided following the end of the policy narrative.

4.1 Sample – “Request for P-Card”

4.2 Sample – “Authorization for P-Card Use”

4.3 Sample – “P-Card Destruction Notice”

4.4 Sample – “Procurement Log”

4.5 Sample – “Statement of Questioned Item”

4.6 Sample – “Lost or Stolen Card Notification”

4.7 Sample – “Purchasing Card Maintenance Request”

4.8 Sample – “Local Government Program Coordinator Set Up and Maintenance Form”

4.9 Sample – “Card Setup Form”

4.10 Sample – “WV Local Government Purchasing Cardholder Agreement”

4.11 Sample – “Local Government card Maintenance Form”

4.12 Sample – “Disputed Transaction Form”

4.13 Sample – “Cardholder Agreement”

5.0 General

5.1 Abbreviations

P-Card – Purchasing Card Program of Jefferson County

5.2 Definitions

5.2.1 Vendor – A company from which Jefferson County purchases goods and services or materials and/or equipment under the provisions of these procedures.

5.2.2 Cardholder – Jefferson County personnel who has been issued purchasing cards and who are authorized to make payment for goods and services or materials and/or equipment in accordance with these procedures.

5.2.3 Monthly Statement – This is the monthly listing of all transactions of Account by the cardholder, issued by the bank directly to the cardholder.

5.2.4 Single Transaction Limit – The dollar amount limitation of procurement purchasing authority delegated to a cardholder. The County's single transaction limit varies; please see Program Coordinator for your limits.

5.2.5 Monthly – This is a budgetary dollar limit established for Cardholder each 30 days billing cycle.

5.2.6 Transaction – The act of making a purchase with the purchasing card.

5.2.7 Requesting Official – The Jefferson County employee in a departmental or supervisory position who has a staff member with a need to procure goods or services that can only be supplied by a vendor. Under this P-Card Procedure, a requesting official may be a cardholder; however, a requesting official must have the Program Coordinator approve their card request. Requesting Official will approve Cardholders that are in his/her department.

5.2.8 Approver – The Jefferson County elected official or department head that reviews and approves their department's monthly invoices.

5.3 Responsibilities

5.3.1 The Program Coordinator Director – shall be responsible for the implementation and enforcement of this procedure.

5.3.2 Cardholder – All personnel issued purchasing cards under this procedure shall be responsible for the purchasing card and its use in accordance with the procedure.

6.0 Procedure

6.1 Introduction -This program is being established in order to provide a more expedient procedure and payment for low dollar value purchases, and to reduce paperwork and handling costs. By using P-Cards the traditional purchasing/payment cycle is greatly reduced. The Jefferson County personnel that have been issued purchasing cards may now initiate transactions in person, over the internet, or by telephone, within the limits of these procedures. Payments to vendors are made via the West Virginia Local Government Purchasing Card Program administrated by The West Virginia State Auditor's Office. Jefferson County will make monthly settlements with the provider bank.

6.2 Receiving a Purchasing Card

6.2.1 Department Heads may propose personnel to be cardholders by completing the request for purchasing card (Attachment 4.1). The request(s) is to be forwarded to the Program Coordinator for final approval.

6.2.2 Upon receipt and review of the request form, the Program Coordinator will complete a card application and forward the approved form to the West Virginia Local Government Purchasing Card Program for processing.

6.2.3 The proposed Cardholder shall be issued a copy of this procedure and shall be required to acknowledge (countersign) an authorization form, Attachment 4.2, indicating that the Cardholder understands the procedure and the responsibilities of a P-Card cardholder. The proposed cardholder shall attend a training session before being issued a P-Card.

6.2.4 The Program Coordinator shall maintain all records of purchasing card requests, limits, cardholder transfers and lost/stolen/ destroyed card information.

6.3 Authorized Purchasing Card Use

6.3.1 The unique purchasing card that the Cardholder receives has his/her name embossed on it and shall ONLY be used by the Cardholder. NO OTHER PERSON IS AUTHORIZED to use that card. The Cardholder may make transactions on behalf of others in their department. However, the Cardholder is responsible for all use of his/her card.

6.3.2 Use of the Purchasing card shall be limited to the following conditions: The total value of a transaction shall not exceed a Cardholder's single purchase limit. Payment for a purchase WILL NOT be split into multiple transactions to stay within the single transaction limit. Cardholders are responsible for staying within their budget. If a budget line is exceeded and funds are not available for a budget revision, the cardholder could be personally liable for the purchase.

6.3.3 The items or services that may be procured by using the purchasing card are limited. Purchasing Card cannot be used to purchase gift cards. Except where otherwise exempted by statute, rule, or waiver from the State Auditor's Office Local Government P-Card Division, the P-Card may not be used to obtain cash, cash credits, or cash advances.

6.4 Unauthorized Purchasing card use

6.4.1 The purchasing card SHALL NOT BE USED FOR THE FOLLOWING:

- a) Personal purchases or identification
- b) A single purchase that exceeds the Cardholder's single purchase limit; unless a higher limit has been agreed in writing with the Program Coordinator Director.
- c) Cash Advances
- d) Telephone calls/monthly service

6.4.2 Any exceptions to 6.4.1 will be handled on an individual basis with the Program Coordinator Director.

6.4.3 A Cardholder who makes unauthorized purchases or carelessly uses the credit card may be liable to County for the total dollar amount of such unauthorized purchases plus any administrative fees charged by the Bank in connection with the misuse. The Cardholder will also be subject to disciplinary action.

6.5 Making a Purchase

6.5.1 Whenever making a purchasing card purchase the Cardholder will check as many sources of supply as reasonable for the situation to assure best price and delivery.

6.5.2 Cardholders will utilize the following “checklist” when making a purchase:

a) Solicit a reasonable number of sources. If vendors furnish standing price quotations or catalog prices on a recurring basis check that the price listed is current.

b) Once a vendor is designated and that vendor confirms that the good or service is available, meets the specification and delivery requirements, etc.:

1. Confirm that the vendor agrees to charge the purchasing card.
2. Advise the in-state-vendor that Jefferson County is tax exempt and must not pay sales tax. Out-of state vendors may charge sale taxes.
3. Direct the vendor to include the following information on the shipping label and packing list:

- Cardholder’s name
- Complete delivery address
- The words “Purchasing card Purchase”
- The vendor’s order number

4. Give the vendor your purchasing card number.

5. It is extremely important that all purchases be sent to the cardholder ordering the merchandise as this will ensure that the documents necessary for the record keeping listed in 6.6 are readily available to the cardholder.

6. If necessary, advise the individual within your area who receives merchandise, of the vendor’s name and order number, anticipated delivery date, number of boxes expected, carrier (UPS, FedEx, etc.) and to notify the Cardholder when delivery is made.

6.6 Cardholder Record Keeping

6.6.1 Procurement Log – Whenever a transaction is made, either over the counter or by telephone, documentation shall be made on the Procurement Log (Attachment 4.4) and all sales documents (packing slip, invoice, cash register tape and purchasing card slips, etc.) can be attached to the log as proof of the purchase. Such documentation will be used to verify the purchases listed on the Cardholder’s monthly statement of account.

The information headings on the Procurement Log are self-explanatory. However, the following reminders should be noted:

- Vendor – Record the vendor’s name.
- Comments – add miscellaneous information pertaining to the purchase under this heading. Comments” may include under/over shipment of

quantity, goods were damaged, purpose of purchase, errors to be resolved.

- Receipt date/received by – is important to record

6.6.2 Over the Counter Transactions – When the purchase is made over the counter, the Cardholder shall retain the invoice and “customer copy” of the charge receipt. The Cardholder is responsible to check that the vendor lists the quantity, fully describes the item(s), excluding sales tax, and does not make arithmetic errors, prior to the Cardholder signing the slip. The transaction’s details shall also be added to the cardholder “Procurement Log”. (Attachment 4.4).

6.6.3 Telephone Transactions – When making a purchase by telephone (make sure to inform Vendor that Jefferson County is tax exempt), the cardholder shall also document the transaction on the “Purchasing Log”. When the goods are received after placing the telephone order, retain all shipping documentation.

6.7. Review and Payment of Monthly Statement

6.7.1 Department Head Approval -The Department Head shall check the Cardholder’s monthly statement and purchasing log and confirm the following items as minimum:

- Itemized receipts and shipping documents exist for each purchase.
- The goods were received or the services were performed
- The Cardholder has complied with applicable procedures, including this P-Card procedure.

The Department Head shall assign budget account numbers and sign reconciled statement indicating his review and approval. The Department Head’s signature/approval of a Cardholder’s monthly statement indicates that the Cardholder was authorized to make those purchases and those purchases were made in accordance with the applicable procedures.

6.7.2 Lack of Documentation of Transaction – If the Cardholder does not have documentation of a transaction listed on the monthly statement, he/she shall attach an explanation that includes a description of the item(s) purchase, date of purchase, Vendor’s name and reason for the lack of supporting documentation. Three “lack of supporting documentation” shall cause the cardholder’s card to be revoked.

6.7.3 P-Card Returns -If an item is not satisfactory, received wrong, damaged and/or defective, duplicate order, etc. the following steps should be followed. The cardholder makes contact with vendor to obtain a “Return Material Authorization” (RMS) number. (Every vendor is different for return policies – make sure your return meets their criteria without incurring a restocking fee). The item(s) to be returned needs to be repacked in original manufacturer’s carton. Make out “Return Form” (Attachment 4.7). Fill in all information as completely as possible.

- Enclose one copy in box being returned.
- Keep one copy for your records. (Purchasing Log)

~~A credit voucher should then be received and reflected on your next monthly statement. When an item has been returned and a credit voucher received, the cardholder shall verify that this credit is reflected on the monthly statement. If the Vendor has not replaced or corrected the item by the date the Cardholder receives his/her monthly statement, then the purchase of that item will be considered in dispute.~~

Attach "Statement of Questioned item" from 4.5 to monthly statement.

6.7.4 Disputed Charge – If the Cardholder is disputing a charge, he/she shall complete a disputed charge report and include it with the statement package.

See "Statement of Questioned Item" form (Attachment 4.5)

If the Cardholder's monthly statement lists a transaction where the goods have not been received or some other discrepancy, the Cardholder should resolve these items prior to his/her sending an approved monthly statement to the Program Coordinator. Most exceptions can be resolved between the Cardholder and the Vendor. If the dispute cannot be settled at this level, the Cardholder shall advise the Program Coordinator and provide Program Coordinator a copy of all correspondences.

6.7.5 Transactions not appearing on Statement – If purchased items or credits are not listed on the monthly statement, the appropriate transaction documentation shall be **RETAINED** by the Cardholder until the next monthly statement. If the purchase or credit does not appear on the statement within 60 days after the date of purchase, the Cardholder or Department Head shall notify the Program Coordinator to resolve and reconcile the statement.

6.8 Monthly Account Summaries

6.8.1 Monthly Account Summaries, listing all transactions, shall be issued by the Bank to the appropriate County staff and Department Heads. These listings will allow Department Heads to track their cardholder's activities.

6.9 Reports

6.9.1 The follow reports are issued by the Bank on a monthly basis:

- **Master Statement of Account** – listing or all transactions by the Cardholder for the preceding month (30days), sent directly to the Program Coordinator.
- **Individual Account Statement** – This is the Bank's listing issued to Jefferson County covering Cardholder transactions, sent directly to each Cardholder.

6.10 Accounting Transaction Recording

On a monthly basis, the Bank will provide an electronic file and/or paper copy, listing all activity for the period, to the Program Coordinator. For this purpose, when each procurement card is issued, a single account/center number will be assigned to the card. All transactions for that card will have this account as part of the data file.

Any questioned/disputed items are indicated by the cardholder on the Monthly Statements which are sent to Program Coordinator after the cardholder review them. All questioned/disputed items will be held in a file and the Program Coordinator will periodically check with the cardholder regarding the resolution of such items. If necessary, the questioned item will be referred to the Program Coordinator for resolution.

6.11 Card Security

6.11.1 It is the Cardholder's and/or Department Head's responsibility to safeguard the purchasing card and account number to the same degree that a Cardholder safeguards his/her personal credit information. The Cardholder must not allow anyone to use his/her account number. A violation of this trust will result in that Cardholder having his/her card withdrawn and disciplinary action.

6.11.2 If the card is lost or stolen the Cardholder shall immediately notify the United Bank at the following number: 1-800-242-7600. Representatives are available 24 hours a day. Advise representative that the call is regarding a Visa Procurement Card. The cardholder may also call 1-800-VISA911.

The Program Coordinator is also to be notified immediately. The Cardholder shall also notify his/her Department Head of the lost or stolen card within (1) working day after discovering the card missing. The Cardholder shall prepare and submit to his/her Department Head a written report of the loss within five (5) working days. This report shall include the following information:

- a) The card number
- b) The Cardholder's full name
- c) The date and location of the loss of the card
- d) If stolen, date reported to police
- e) Date and time the Bank was notified
- f) Any authorized purchase(s) made on the day the card was lost
- g) Any other relevant information

A copy of this report shall be forwarded to the Program Coordinator. The Program Coordinator shall also send the "Lost or Stolen Card Notification" form to the Bank (Attachment 4.6).

6.11.3 A new card shall be promptly issued to the Cardholder after the reported loss or theft. A card that is subsequently found by the Cardholder after being reported lost shall be cut in half and given to the Department Head. The Department Head and Cardholder shall sign the "Card Destruction Notice" form (Attachment 4.3) and forward to the Program Coordinator who will notify the Bank.

6.12 Cardholder Transfer/Separation

6.12.1 Prior to a transfer to another department or separation from Jefferson County, the Cardholder shall surrender the purchasing card and current purchasing card purchasing logs to his/her Department Head. Upon its receipt, the Department Head will review, approve and forward to Accounts Payable, the month end purchasing card statement. The Department Head shall cut the purchasing card in half, complete the "Card Destruction Notice" and forward the form to the Program Coordinator. The Coordinator will notify the LG P-Card Program at 1-877-982-9148 or by e-mail at wvlgpcard@wvsao.gov. Coordinator will complete a Card Maintenance Forms and send to the WV LG P-Card Program.

6.12.2 If this is a transfer, when the Cardholder reports to his/her new department, he/she may request a new card in accordance with Section 6.2 of this procedure.

JEFFERSON COUNTY PURCHASING CARD PROGRAM

REQUEST FOR P-CARD

A P-Card is requested for the following employee:

Name: _____

Title: _____

Department: _____

Telephone Number: _____

Restricted Purchases:

Monthly Credit Limit: requested \$ _____

Single Transaction Limit \$ _____

Number of Transactions per day _____ (20 or less transactions is the standard)

Number of transactions per billing cycle _____

Department Head: _____ Date: _____
(Signature)

JEFFERSON COUNTY PURCHASING CARD PROGRAM

CARD DESTRUCTION NOTICE

The attached P-Card was destroyed for the following reason (please check one):

- Card had been reported as lost and was subsequently found.
- Cardholder has left employment with the County.
- Cardholder has transferred to another department within the County.
- Other: _____

Cardholder Name (signed): _____

Cardholder Name (printed): _____

Department Head Signature: _____

Date: _____

JEFFERSON COUNTY PURCHASING CARD PROGRAM
STATEMENT OF DISPUTED ITEM(S)

Cardholder Name: _____ Phone Number: _____

Vendor Name: _____

Transaction Amount: _____ Transaction Date: _____

The above referenced transaction is being disputed for the following reason(s):

___ There is a difference in the amount I authorized and the amount I was billed. (A copy of your charge must be enclosed).

___ I only transacted one charge and I was previously billed for this sales draft. (Date of previous charge: _____)

___ The above transaction is mine but I am disputing the transaction. (Please state your reasons why in detail.)

___ I do not recognize the above transaction.

___ I have received a credit voucher for the above transaction, but it has not yet appeared on my account. (A copy of the credit voucher must be enclosed).

___ My account has been charged for the above transaction, but I have not received this merchandise. The details of my attempt to resolve the disputes with the merchant and the merchant's response are indicated below.

___ My account has been charged for the above transaction, but the merchandise has since been returned.

(Please enclose a copy of your shipping receipt).

Signature: _____ Date: _____

Attach completed form to your monthly LG P-Card statement for review and approval of your department head.

JEFFERSON COUNTY PURCHASING CARD PROGRAM
LOST/STOLEN CARD NOTIFICATION

Card Was: Lost Stolen Other (Describe) _____

Cardholder Name: _____

Account Number: _____

Date Called Into Bank: _____

Approved By: _____

For Jefferson County

Date: _____

Cardholder/Authorized Signer's Name: _____

LOST OR STOLEN LG P-CARDS MUST BE REPORTED IMMEDIATELY TO UNITED BANK AT 1.800.242.7600
OR VISA AT 1.800.VISA.911.

THE CARDHOLDER MUST COMPLETE THE FORM AND IT MUST BE SUBMITTED WITHIN 24 HOURS OF THE
CARD LOSS TO THE PROGRAM COORDINATOR. THE COORDINATOR WILL COMPLETE A CARD
MAINTENANCE FORM AND SEND IT TO THE WV LG P-CARD PROGRAM.

JEFFERSON COUNTY PURCHASING CARD PROGRAM

RETURN MERCHANDISE FORM

Return to (Vendor): _____

From (Cardholder): _____

Account Number: _____

Sales Order Number: _____

Date of Transaction: _____

Amount of Transaction: _____

Description of Merchandise: _____

Reason for return:

Wrong item received

Damaged

Duplicate Order

Defective

Did not like product

Other

Detail _____

Cardholder Signature: _____

Date: _____ Phone: _____

Sandy McDonald

From: "Debbie Stellato" <dstellato@jeffersoncountywv.org>
To: "Sandy McDonald" <sandy@jeffersoncountywv.org>
Sent: Thursday, December 09, 2010 3:41 PM
Subject: FW: County Commission Agenda

From: speed990@aol.com [mailto:speed990@aol.com]

Sent: Wednesday, December 08, 2010 9:14 PM

To: laura@jeffersoncountywv.org

Subject: County Commission Agenda

Laura

Please put the Middleway Volunteer Fire company on next weeks County Commission agenda to request a waiver of the Planning Commission fees for the minor subdivision, site plan and building permit. The total fees are \$2000.00.

Thanks

Mike Mood

MVFC President/ Chief

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: FM Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 16 December 2010

Date Requested – 2nd Choice: 23 December 2010

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

Subject: Approval of Budget Revision 005 to the General Fund (Special Election Reimbursement)

Please provide the County Commission with a description of your request or presentation, including any background information: This budget revision accounts for the reimbursement of \$86,200 by the Secretary of State to fund the Senate Special Primary Election held on 28 August 2010. The Clerk’s Finance office provided the accounting for poll workers and materials. This revision only affects a single revenue line (Reimbursements) and one department (413: elections).

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve the resolution for revision #5 to the General Fund.

Attachments: (1) draft resolution, (2) SAO request for revision to approved budget, (3) DCPM detail accounting, (4) Finance dept accounting + copy of reimbursement check from WV SOS office.

RESOLUTION

At a regular session of the Jefferson County Commission, held 16th December, 2010, the following order was made and entered:

SUBJECT: The revision of the General Fund (Fund 001) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 005, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____, the vote thereon was as follows:

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

WHEREUPON, _____, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and _____ is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

REVENUES

Account	Description	CurrAppropriation	Credit	Debit	Final
001-382-MM-000	Reimbursements	54,300.00	86,200.00		140,500.00

EXPENDITURES

001-413-01-104-000-GG-000	ELEC CO CLK FICA EXPENSE	7,494.00	616		8,110
001-413-01-104-001-GG-000	ELEC CO CLK MEDICARE EXP	1,753.00	144		1,897
001-413-01-106-000-GG-000	ELEC CO CLK RETIREMENT	5,734.00	491		6,225
001-413-01-108-001-GG-000	ELEC CO CLK OVERTIME	7,500.00	3,369		10,869
001-413-01-108-002-GG-000	ELEC COCLK P/TIME EX HEL	35,000.00	52,879		87,879
001-413-02-214-000-GG-000	ELEC CO CLK TRAVEL	1,500.00	839		2,339
001-413-02-219-000-GG-000	ELEC CO CLK BLD/EQUIP RN	15,000.00	2,690		17,690
001-413-02-220-000-GG-000	ELEC CO CLK ADS/LEGAL PU	2,500.00	813		3,313
001-413-03-341-000-GG-000	ELEC CO CLK MAT/SUPPLIES	44,942.00	24,359		69,301
					0
					0
	413 Total	180,000.00	86,200		266,200

REV/EXPENDITUES (MUST BE ZERO) 0

JE to Record Payroll Reimbursement from Special Senate Election 8/28/2010

Line Item	Total p/r expenses
001-413-01-104-000-GG-000	\$ 616.29
001-413-01-104-001-GG-000	\$ 144.14
001-413-01-106-000-GG-000	\$ 490.95
001-413-01-108-001-GG-000	\$ 3,368.73
001-413-01-108-002-GG-000	\$ 52,879.00
001-413-02-214-000-GG-000	\$ 838.50
001-413-02-219-000-GG-000	\$ 2,690.00
001-413-02-220-000-GG-000	\$ 812.95
001-413-03-341-000-GG-000	\$ 24,359.46
	\$ 86,200.02

To Revise Budget for the reimbursement from State of WV
Ck # 1009145769 date 11/29/2010 in the amount of \$86,200.02

*Document for Budget
Revised*

Mauk

WARRANT #: 1009145769
DATE: 11/29/10

AGENCY: SECRETARY OF STATE
TOTAL: \$86,200.02

TRANSACTION ID	INVOICE NUMBER &	PAYEE REFERENCE	PURCHASE ORDER	AMOUNT
I011385881	JEFFERSON082810			\$86,200.02

RECEIVED

DEC 03 2010

Jefferson County Commission

*Share
Special
Elect*

If you have questions concerning the above, please call 304-558-6000 Ext. 0212.

REMOVE DOCUMENT ALONG THIS PERFORATION

CTL# 27085102

THIS WARRANT HAS MULTIPLE SECURITY FEATURES TO DETER FRAUD AND COUNTERFEITING
VOID UNLESS PRESENTED FOR PAYMENT WITHIN SIX MONTHS

State of West Virginia

1009145769

Important remittance information on top panel
Remitter: SECRETARY OF STATE
Questions? Contact: BRIAN MESSER at 304-558-6000 Ext. 0212

STATE WARRANT #

NOVEMBER 29, 2010

PAYEE: JEFFERSON CO COMMISSION

*****\$86,200.02**

1009145769

John D. Perdue

Glen B. Haines III

WEST VIRGINIA TREASURY

STATE TREASURER

STATE AUDITOR

⑈ 1009145769 ⑈ ⑆ 051902322 ⑆ 0005270537822 ⑈

#17B

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: FM Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 16 December 2010

Date Requested – 2nd Choice: 23 December 2010

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

Subject: Approval of Budget Revision 006 to the General Fund (2nd Round Salary Adjustments)

Please provide the County Commission with a description of your request or presentation, including any background information: This budget revision accounts for the 2nd round of salary adjustments which were prior approved by the County Commission.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve the resolution for revision #6 to the General Fund.

Attachments: (1) draft resolution, (2) SAO request for revision to approved budget, (3) DCPM detail accounting, (4) Finance dept detailed accounting.

RESOLUTION

At a regular session of the Jefferson County Commission, held 16th December, 2010, the following order was made and entered:

SUBJECT. The revision of the General Fund (Fund 001) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 006, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____, the vote thereon was as follows:

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

WHEREUPON, _____, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and _____ is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

REQUEST FOR REVISION TO APPROVED BUDGET

CONTROL NUMBER

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

2011
 FY
001
 FUND
006
 REV. NO.
1 OF 2
 PG. OF NO.

JEFFERSON COUNTY COMMISSION
 GOVERNMENT ENTITY

Person To Contact Regarding
 Budget Revision: **F. Mark Schiavone**
 Phone: **(304) 728-3337**
 Fax: **(304) 724-2178**

PO BOX 250 124 E. WASHINGTON STREET
 STREET OR PO BOX
 CHARLES TOWN 25414
 CITY ZIP CODE

County
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	3,143,663	26,947	233,836	2,936,774
403	Circuit Clerk	521,999	21,895		543,894
404	Sheriff-Treasurer	501,675	6,780		508,455
405	Prosecuting Attorney	1,489,649	3,507		1,493,156
406	Assessor	888,480	30,641		919,121
412	Agricultural Agent	123,972	874		124,846
422	Infrastructure	291,319	4,459		295,778
424	Courthouse	1,576,467	43,377		1,619,844
433	Geographic Information System	257,246	5,585		262,831
439	Planning & Zoning	372,333	5,256		377,589
440	Engineering	636,767	7,290		644,057
451	Zoning Board	135,315	3,942		

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

BR 006 - Salary Increases - Detail Sheet

Budget Revision for Salary Increases

401	Account	Start	Credit	Debit	Finish
Salary	001-401-01-103-000-GG-000		22,427		
FICA	001-401-01-104-000-GG-000		1,390		
Medicare	001-401-01-104-001-GG-000		325		
Retirement	001-401-01-106-000-GG-000		2,804		
Contrib Other Entities					
Other Contribution	001-401-05-568-000-GG-000			233,836	
TOTAL DEPT CHANGE		3,143,663	26,947	233,836	2,936,774
403					
Salary	001-403-01-103-000-GG-000		18,223		
FICA	001-403-01-104-000-GG-000		1,130		
Medicare	001-403-01-104-001-GG-000		264		
Retirement	001-403-01-106-000-GG-000		2,278		
TOTAL		521,999	21,895		543,894
404					
Salary	001-404-01-103-000-GG-000		5,643		
FICA	001-404-01-104-000-GG-000		350		
Medicare	001-404-01-104-001-GG-000		82		
Retirement	001-404-01-106-000-GG-000		705		
TOTAL		501,675	6,780		508,455
405					
Salary	001-405-01-103-000-GG-000		2,919		
FICA	001-405-01-104-000-GG-000		181		
Medicare	001-405-01-104-001-GG-000		42		
Retirement	001-405-01-106-000-GG-000		365		
TOTAL		1,489,649	3,507		1,493,156
406					
Salary	001-406-01-103-000-GG-000		25,502		
FICA	001-406-01-104-000-GG-000		1,581		
Medicare	001-406-01-104-001-GG-000		370		
Retirement	001-406-01-106-000-GG-000		3,188		
TOTAL		888,480	30,641		919,121
412					
Salary	001-412-01-103-000-GG-000		727		
FICA	001-412-01-104-000-GG-000		45		
Medicare	001-412-01-104-001-GG-000		11		
Retirement	001-412-01-106-000-GG-000		91		
TOTAL		123,972	874		124,846
422					
Salary	001-422-01-103-000-GG-000		3,711		
FICA	001-422-01-104-000-GG-000		230		
Medicare	001-422-01-104-001-GG-000		54		
Retirement	001-422-01-106-000-GG-000		464		
TOTAL		291,319	4,459		295,778
424					
Salary	001-424-01-103-000-GG-000		36,103		
FICA	001-424-01-104-000-GG-000		2,238		
Medicare	001-424-01-104-001-GG-000		523		
Retirement	001-424-01-106-000-GG-000		4,513		
TOTAL		1,576,467	43,377		1,619,844

BR 006 - Salary Increases - Detail Sheet

Budget Revision for Salary Increases

401	Account	Start	Credit	Debit	Finish
433					
	Salary	001-433-01-103-000-GG-000	4,648		
	FICA	001-433-01-104-000-GG-000	288		
	Medicare	001-433-01-104-001-GG-000	67		
	Retirement	001-433-01-106-000-GG-000	581		
	TOTAL		257,246	5,585	262,831
439					
	Salary	001-439-01-103-000-GG-000	4,375		
	FICA	001-439-01-104-000-GG-000	271		
	Medicare	001-439-01-104-001-GG-000	63		
	Retirement	001-439-01-106-000-GG-000	547		
	TOTAL		372,333	5,256	377,589
440					
	Salary	001-440-01-103-000-GG-000	6,067		
	FICA	001-440-01-104-000-GG-000	376		
	Medicare	001-440-01-104-001-GG-000	88		
	Retirement	001-440-01-106-000-GG-000	758		
	TOTAL		636,767	7,290	644,057
451					
	Salary	001-451-01-103-000-GG-000	3,281		
	FICA	001-451-01-104-000-GG-000	203		
	Medicare	001-451-01-104-001-GG-000	48		
	Retirement	001-451-01-106-000-GG-000	410		
	TOTAL		135,315	3,942	139,257
700					
	Salary	001-700-01-103-000-PS-000	12,496		
	FICA	001-700-01-104-000-PS-000	775		
	Medicare	001-700-01-104-001-PS-000	181		
	Retirement	001-700-01-106-000-PS-000	1,562		
	TOTAL		2,955,859	15,014	2,970,873
711					
	Salary	001-711-01-103-000-PS-000	5,842		
	FICA	001-711-01-104-001-PS-000	1,177		
	Medicare	001-711-01-106-000-PS-000			
	Retirement				
	TOTAL		225,558	7,019	232,577
712					
	Salary	001-712-01-103-000-PS-911	36,521		
	FICA	001-712-01-104-000-PS-911	2,264		
	Medicare	001-712-01-104-001-PS-911	530		
	Retirement	001-712-01-106-000-PS-911	4,565		
	TOTAL		1,822,525	43,880	1,866,405
716					
	Salary	001-716-01-103-000-PS-000	6,134		
	FICA	001-716-01-104-000-PS-000	380		
	Medicare	001-716-01-104-001-PS-000	89		
	Retirement	001-716-01-106-000-PS-000	767		
	TOTAL		239,698	7,370	247,068
Check Sum (MUST EQUAL ZERO)		15,182,525	0	15,182,526	

See notes

Pro-Rated 12.5% Retirement

Pro-Rated 1.45% Medicare

Pro-Rated 6.2% Fica

Pro-Rated 61.54% Annual Increase

FY2011 Salary:	FY 2011 Increase effective 10/28/2010	Net Annual	Balance of 16 p/r/s	Pro-Rated 61.54% Annual Increase	Pro-Rated 6.2% Fica	Pro-Rated 1.45% Medicare	Pro-Rated 12.5% Retirement	Grand Total ProRated Salary/Benefits
\$ 44,880.00								
\$ 96,600.00								
\$ 55,440.00								
\$ 36,960.00								
\$ 36,960.00								
\$ 55,440.00								
\$ 44,880.00								
\$ 36,960.00								
\$ 36,960.00								
\$ 482,040.00								
401	401	401	401	401	401	401	401	401
\$ 92,250.00	\$ 97,375.00	\$ 5,125.00	\$ 3,153.85					
\$ 30,750.00	\$ 32,781.00	\$ 2,031.00	\$ 1,249.85					
\$ 56,375.00	\$ 60,037.12	\$ 3,662.12	\$ 2,253.61					
\$ -	\$ 25,625.00	\$ 25,625.00	\$ 15,769.23					
\$ 179,375.00	\$ 215,818.12	\$ 36,443.12	\$ 22,426.54	\$ 22,427.10	\$ 1,390.48	\$ 325.19	\$ 2,803.39	\$ 26,946.16
402	402							
\$ 37,925.00	\$ 37,925.00							
\$ 33,005.00	\$ 33,005.00							
\$ 30,237.50	\$ 30,237.50							
\$ 35,875.00	\$ 35,875.00							
\$ 33,005.00	\$ 33,005.00							
\$ 39,975.00	\$ 39,975.00							
\$ 41,000.00	\$ 41,000.00							
\$ 32,441.25	\$ 32,441.25							
\$ 30,237.50	\$ 30,237.50							
\$ 28,675.00	\$ 28,675.00							
\$ 43,050.00	\$ 43,050.00							
\$ 35,670.00	\$ 35,670.00							
\$ 35,465.00	\$ 35,465.00							
\$ 456,561.25	\$ 456,561.25							
403	403	403	403	403	403	403	403	403
\$ 26,650.00	\$ 31,958.95	\$ 5,308.95	\$ 3,267.05					
\$ 25,625.00	\$ 26,585.94	\$ 960.94	\$ 591.35					
\$ 25,625.00	\$ 30,803.81	\$ 5,178.81	\$ 3,186.96					
\$ 25,625.00	\$ 30,803.81	\$ 5,178.81	\$ 3,186.96					
\$ 38,437.50	\$ 38,465.87	\$ 28.37	\$ 17.46					
\$ 33,927.50	\$ 38,417.85	\$ 4,490.35	\$ 2,763.29					
\$ 26,650.00	\$ 33,157.41	\$ 6,507.41	\$ 4,004.56					
\$ 39,383.58	\$ 39,383.58							
\$ 25,625.00	\$ 27,582.91	\$ 1,957.91	\$ 1,204.87					
\$ 267,548.58	\$ 297,160.13	\$ 29,611.55	\$ 18,222.49	\$ 18,222.95	\$ 1,129.82	\$ 264.23	\$ 2,277.87	\$ 21,894.87
404	404	404	404	404	404	404	404	404
\$ 31,816.00	\$ 33,157.41	\$ 1,341.41	\$ 825.48					
\$ 51,250.00	\$ 55,190.64	\$ 3,940.64	\$ 2,425.01					
\$ 30,750.00	\$ 31,958.95	\$ 1,208.95	\$ 743.97					
\$ 30,750.00	\$ 30,803.81	\$ 53.81	\$ 33.11					
\$ 30,750.00	\$ 31,958.95	\$ 1,208.95	\$ 743.97					
\$ 30,750.00	\$ 31,958.95	\$ 1,208.95	\$ 743.97					
\$ 35,875.00	\$ 36,082.40	\$ 207.40	\$ 127.63					
\$ 241,941.00	\$ 251,111.11	\$ 9,170.11	\$ 5,643.14	\$ 5,643.29	\$ 349.88	\$ 81.83	\$ 705.41	\$ 6,780.41
405	405	405	405	405	405	405	405	405
\$ 38,722.45	\$ 38,722.45							
\$ 76,875.00	\$ 76,875.00							

FY2011 Salary	FY 2011 Increase effective 10/28/2010	Net Annual	Balance of 16 p/ys	Pro-Rated 61.54% Annual Increase	Pro-Rated 6.2% FICA	Pro-Rated 1.45% Medicare	Pro-Rated 12.5% Retirement	Grand Total ProRated Salary/Benefits
\$ 94,569.58	\$ 94,569.58							
\$ 35,875.00	\$ 35,875.00							
\$ 30,750.00	\$ 30,750.00							
\$ 85,416.33	\$ 85,416.33							
\$ 76,875.00	\$ 76,875.00							
\$ 94,569.58	\$ 94,569.58							
\$ 20,500.00	\$ 25,242.61	\$ 4,742.61	\$ 2,918.53	\$ 2,918.60	\$ 180.95	\$ 42.32	\$ 364.83	\$ 3,506.70
\$ 40,472.40	\$ 40,472.40							
\$ 29,896.18	\$ 29,896.18							
\$ 76,875.00	\$ 76,875.00							
\$ 47,263.78	\$ 47,263.78							
\$ 85,416.33	\$ 85,416.33							
\$ 35,875.00	\$ 35,875.00							
\$ 60,847.28	\$ 60,847.28							
\$ 930,798.91	\$ 935,541.52	\$ 4,742.61	\$ 2,918.53	\$ 2,918.60	\$ 180.95	\$ 42.32	\$ 364.83	\$ 3,506.70
406	406	406	406	406	406	406	406	406
\$ 29,848.00	\$ 30,500.00	\$ 652.00	\$ 401.23					
\$ 37,403.28	\$ 40,500.00	\$ 3,096.72	\$ 1,905.67					
\$ 46,453.00	\$ 48,600.00	\$ 2,147.00	\$ 1,321.23					
\$ 51,250.00	\$ 54,000.00	\$ 2,750.00	\$ 1,692.31					
\$ 49,469.58	\$ 49,970.00	\$ 500.42	\$ 307.95					
\$ 37,403.28	\$ 40,500.00	\$ 3,096.72	\$ 1,905.67					
\$ 25,625.00	\$ 29,286.00	\$ 3,661.00	\$ 2,252.92					
\$ 27,675.00	\$ 31,500.00	\$ 3,825.00	\$ 2,353.85					
\$ 26,650.00	\$ 31,500.00	\$ 4,850.00	\$ 2,984.62					
\$ 52,787.50	\$ 53,787.50	\$ 1,000.00	\$ 615.38					
\$ 25,625.00	\$ 29,286.00	\$ 3,661.00	\$ 2,252.92					
\$ 32,800.00	\$ 38,000.00	\$ 5,200.00	\$ 3,200.00					
\$ 33,825.00	\$ 40,825.00	\$ 7,000.00	\$ 4,307.69					
\$ -	\$ -	\$ -	\$ -					
\$ -	\$ -	\$ -	\$ -					
\$ -	\$ -	\$ -	\$ -					
\$ -	\$ -	\$ -	\$ -					
\$ 476,814.64	\$ 518,254.50	\$ 41,439.86	\$ 25,501.45	\$ 25,502.09	\$ 1,581.13	\$ 369.78	\$ 3,187.75	\$ 30,640.76
412	412	412	412	412	412	412	412	412
\$ 25,625.00	\$ 26,585.94	\$ 960.94	\$ 591.35					
\$ 26,365.05	\$ 26,585.94	\$ 220.89	\$ 135.93					
\$ 51,990.05	\$ 53,171.88	\$ 1,181.83	\$ 727.28	\$ 727.30	\$ 45.09	\$ 10.55	\$ 90.91	\$ 873.85
\$ 37,925.00	\$ 37,925.00	\$ -	\$ -	\$ -	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
\$ 37,925.00	\$ 37,925.00	\$ -	\$ -	\$ -	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
ck								
422	422	422	422	422	422	422	422	422
\$ 68,162.50	\$ 68,162.50							
\$ 41,000.00	\$ 45,000.00	\$ 4,000.00	\$ 2,461.54					
\$ 31,262.50	\$ 33,293.50	\$ 2,031.00	\$ 1,249.85					
\$ 71,750.00	\$ 71,750.00							
\$ 212,175.00	\$ 218,206.00	\$ 6,031.00	\$ 3,711.38	\$ 3,711.48	\$ 230.11	\$ 53.82	\$ 463.93	\$ 4,459.34
424	424	424	424	424	424	424	424	424
\$ 25,625.00	\$ 31,524.00	\$ 5,899.00	\$ 3,630.15					
\$ 27,609.40	\$ 33,932.00	\$ 6,322.60	\$ 3,890.83					

raises were ind on the 11/1/10 retro to 10/28/10 paycheck

FY2011 Salary:	FY 2011 Increase effective 10/28/2010	Net Annual	Balance of 16 p/rs	Pro-Rated 61.54% Annual Increase	Pro-Rated 6.2% Fica	Pro-Rated 1.45% Medicare	Pro-Rated 12.5% Retirement	Grand Total Pro-Rated Salary/Benefits
\$ 27,140.98	\$ 33,932.00	\$ 6,791.02	\$ 4,179.09					
\$ 25,625.00	\$ 29,286.00	\$ 3,661.00	\$ 2,252.92					
\$ 38,950.00	\$ 42,185.00	\$ 3,235.00	\$ 1,990.77					
\$ 25,625.00	\$ 30,384.00	\$ 4,759.00	\$ 2,928.62					
\$ 30,750.00	\$ 37,474.00	\$ 6,724.00	\$ 4,137.85					
\$ 30,750.00	\$ 37,474.00	\$ 6,724.00	\$ 4,137.85					
\$ 28,953.18	\$ 35,205.00	\$ 6,251.82	\$ 3,847.27					
\$ 66,625.00	\$ 69,656.85	\$ 3,031.85	\$ 1,865.75					
\$ 30,750.00	\$ 32,781.00	\$ 2,031.00	\$ 1,249.85					
\$ 38,950.00	\$ 42,185.00	\$ 3,235.00	\$ 1,990.77					
\$ 397,353.56	\$ 456,018.85	\$ 58,665.29	\$ 36,101.72	\$ 36,102.62	\$ 2,238.36	\$ 5523.49	\$ 4,512.83	\$ 43,377.30
431	431	431	431	431	431	431	431	431
\$ 61,500.00	\$ 61,500.00	\$ -	\$ -	0				
\$ 39,284.15	\$ 39,284.15	\$ -	\$ -					
\$ 30,750.00	\$ 30,750.00	\$ -	\$ -		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
\$ 76,875.00	\$ 76,875.00	\$ -	\$ -					
\$ 208,409.15	\$ 208,409.15							
433	433	433	433	433	433	433	433	433
\$ -	\$ -	\$ -	\$ -	0				0
\$ 53,556.25	\$ 58,572.80	\$ 5,016.55	\$ 3,087.11					
\$ 37,412.50	\$ 39,949.40	\$ 2,536.90	\$ 1,561.17					
\$ 90,968.75	\$ 98,522.20	\$ 7,553.45	\$ 4,648.28	\$ 4,648.39	\$ 288.20	\$ 67.40	\$ 581.05	\$ 5,585.04
439	439	439	439	439	439	439	439	439
\$ 87,125.00	\$ 87,854.71	\$ 729.71	\$ 449.05					
\$ 27,849.25	\$ 28,617.00	\$ 767.75	\$ 472.46					
\$ 26,137.50	\$ 31,749.00	\$ 5,611.50	\$ 3,453.23					
\$ 35,875.00	\$ 35,875.00	\$ -	\$ -					
\$ 51,250.00	\$ 51,250.00	\$ -	\$ -					
\$ 228,236.75	\$ 235,345.71	\$ 7,108.96	\$ 4,374.74	\$ 4,374.85	\$ 271.24	\$ 63.44	\$ 546.86	\$ 5,256.39
440	440	440	440	440	440	440	440	440
\$ 57,446.13	\$ 58,324.80	\$ 878.67	\$ 540.72					
\$ 32,790.78	\$ 33,846.62	\$ 1,055.84	\$ 649.75					
\$ 87,067.60	\$ 89,831.44	\$ 2,763.84	\$ 1,700.82					
\$ 38,468.25	\$ 40,221.05	\$ 1,752.80	\$ 1,078.65					
\$ 51,250.00	\$ 52,531.25	\$ 1,281.25	\$ 788.46					
\$ 44,762.78	\$ 45,093.60	\$ 330.82	\$ 203.58					
\$ 69,700.00	\$ 69,700.00	\$ -	\$ -					
\$ 30,985.75	\$ 32,781.23	\$ 1,795.48	\$ 1,104.91					
\$ 412,471.29	\$ 422,329.99	\$ 9,858.70	\$ 6,066.89	\$ 6,067.04	\$ 376.16	\$ 87.97	\$ 758.38	\$ 7,289.55
451	451	451	451	451	451	451	451	451
\$ 30,750.00	\$ 36,082.00	\$ 5,332.00	\$ 3,281.23					
\$ 47,150.00	\$ 47,150.00	\$ -	\$ -					
\$ 77,900.00	\$ 83,232.00	\$ 5,332.00	\$ 3,281.23	\$ 3,281.31	\$ 203.44	\$ 47.58	\$ 410.16	\$ 3,942.50
700	700	700	700	700	700	700	700	700
\$ 51,250.00	\$ 51,250.00	\$ -	\$ -					
\$ 46,125.00	\$ 46,125.00	\$ -	\$ -					
\$ 61,500.00	\$ 61,500.00	\$ -	\$ -					
\$ 46,125.00	\$ 46,125.00	\$ -	\$ -					
\$ 46,125.00	\$ 46,125.00	\$ -	\$ -					
\$ 43,332.50	\$ 43,332.50	\$ -	\$ -					
\$ 56,375.00	\$ 56,375.00	\$ -	\$ -					
\$ 46,125.00	\$ 46,125.00	\$ -	\$ -					

Jefferson County Public Service District

RECEIVED INFO

DEC 08 2010

Jefferson County Public Service District Regular Board Meeting October 4, 2010

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, October 4, 2010 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Treasurer Peter Appignani was absent from the meeting.

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

Public Comments

None.

OLD BUSINESS

Review Minutes of September 7 Regular Board Meeting

The minutes of the September 7, 2010 regular Board meeting were approved as presented.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to accept the September 7, 2010 minutes as presented. Approved 2-0.

Consider BAN Refinancing

Mr. Kelsh updated the Board. The District currently has a Bond Anticipation Note (BAN) for \$750,000 with MVB Bank from which the funds were used to pay Pentree for engineering services relating to the Flowing Springs wastewater treatment plant. Mr. Kelsh explained that the District has already refinanced the BAN twice for 6 months each time and it will now expire in January 2011. The District is expecting \$1 million from the Jefferson County Development Authority (Development Authority) pursuant to the Capacity Assurance Agreement (CAA) between the District and Development Authority which possibly could be used to pay the BAN, but the District would need approval from the Public Service Commission (PSC). Mr. Kelsh suggested the District petition the PSC to refinance the BAN a third time, since there is a possibility that the Flowing Springs wastewater treatment plant certificate case will not be approved by the PSC by the time the BAN expires. The approval of the Certificate to build the Flowing Springs Wastewater Treatment Plant would give the District the authority to use the money from the Development Authority to pay the BAN. He also suggested the District authorize him to file a petition with the PSC to use the CAA proceeds from the Development Authority to repay the BAN. Ms. Lawton is waiting to hear back from Tim Procita at MVB Bank regarding the refinance of the BAN. The Board agreed to Mr. Kelsh's suggestions.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to authorize Mr. Kelsh to initiate steps with the Public Service Commission to refinance the Bond Anticipation Note and also file with the Public Service Commission for the use of the proceeds from the Capacity Assurance Agreement with the Jefferson County Development Authority to repay the Bond Anticipation Note. Approved 2-0.

Update on WV Funding Stakeholder Group Workshop

Mr. Kelsh stated that West Virginia Department of Environmental Protection (DEP) has done its part regarding the pursuit to find funding for the Chesapeake Bay upgrades by presenting to the legislature, the white papers prepared by this group. It is now up to the members of the group to push for funding at the upcoming legislative session. Mr. Kelsh spoke with Tim Stranko, attorney for Steptoe and Johnson, who is representing the Chesapeake Bay Coalition Group in which the District previously considered membership. The group will be meeting in the near future to discuss the EPA's TMDL and lobbying the WV Legislature for funding and Mr. Kelsh has asked if the District can take part in the discussions.

INFO

Ms. Widmyer is going to work on arranging a roundtable meeting with the County Commission and the District and invite the State Legislature to take part in the discussions on this issue.

Action: No action taken by the Board.

Update on Flowing Springs Wastewater Treatment Plant Project

Mr. Summerfield informed the Board that the Public Service Commission's (PSC) ruling for the Flowing Springs Certificate Case has been delayed due to a death of the Administrative Law Judge's son. Mr. Kelsh had sought and obtained a 45 day extension of the recommended decision to November 20th. Mr. Summerfield also informed the Board that the NPDES permit for the treatment plant is out for public comment until October 8th. The District staff, with the help Mr. Summerfield, has submitted comments on the permit.

Ms. Lawton updated the Board on the Beallair certificate case. The developers of the subdivision had requested the PSC toll their Certificate of Need and Convenience for additional twelve months to see if the District's Flowing Springs wastewater treatment plant is approved. They would prefer to use the District's plant, but are keeping their NPDES permit alive in case the District's plant is denied. The PSC had granted their request.

Action: No action taken by the Board.

Update on Old Standard

Mr. Kelsh informed the Board that BB&T, the noteholder for the Old Standard property and the Sheridan development, had published a foreclosure sale notice for these 2 properties, but the sale was later cancelled. He stated that the property listed in the foreclosure did not include the land for the wastewater treatment plant or the plant itself, but after speaking with BB&T's attorney, BB&T has a Uniform Commercial Code lien on the non-real property of Old Standard which includes its treatment plant assets. Mr. Kelsh is going to work with BB&T's attorney to try to get the treatment plant facilities withheld from the lien, which would result in an Amendment to the Asset Purchase agreement and other agreements the District currently has with the developer of Old Standard.

Action: No action taken by the Board.

NEW BUSINESS

Consider Land Ownership Reversal for Highland Farms LLC

The Manager of Highland Farms LLC, Herb Jonkers, sent a letter to the District requesting the land he donated to the District for the location of a wastewater treatment plant be returned to him since the NPDES permit for that plant has expired and there are no immediate plans to build a plant on that site. Highland Farms LLC would like to use this land for a project they are building on the property. Mr. Kelsh explained that the amended Real Estate Purchase Agreement the District has with Highland Farms LLC deleted the reversion clause that was in the original agreement. The Board stated they are not interested in giving back the land. Mr. Hankins voiced his concerns that the development for this property, Thornhill, is not abandoned and there eventually will be a need for wastewater treatment in the area.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to direct staff to send a letter back to Herb Jonkers informing him that the District has no interest in selling back the land and they believe the reversion clause that was in the original Real Estate Purchase agreement no longer applies. Approved 2-0.

Discuss Chesapeake Bay TMDL Meeting on November 3 in Martinsburg

Mr. Hankins updated the Board. EPA will be holding public meetings on the draft Chesapeake Bay TMDL for the Jefferson County area on November 3rd from 6-8pm at the Comfort Inn in Martinsburg. The draft document will be out for public comment until November 8th.

Mr. Hankins is going to draft a 2nd letter to DEP regarding the Districts NPDES permit application with a few additional comments not mentioned in the first letter sent by Mr. Summerfield and Ms. Lawton.

Action: No action taken by the Board.

Consider Renewal of NACWA Membership and Voluntary Contributions to their "Money Matters Affordability Campaign"

Ms. Lawton led the discussion on the renewal of the NACWA (National Association of Clean Water Agencies) membership. The District joined NACWA about a year ago and it is now time to renew the membership. Ms. Lawton along with the Board believes this is a great organization to be involved with and would like to renew the

membership. As far as the voluntary contribution to the "Money Matters Affordability Campaign", the Board is hesitant until they get more information on the campaign. The Board was in favor of the membership renewal, but tabled the approval of the contribution to the campaign until next month after they receive more information.

Action: **Motion made by Mr. Cummins and seconded by Mr. Hankins to pay the annual membership of \$1,150.00 to NACWA and table the contribution of \$500.00 to the Money Matters Campaign until next month after further consideration. Approved 2-0.**

Consider Purchase of Snow Plow

Until last year, the District owned its own snow plow assembly for clearing entrance ways of pump stations and other areas, but the frame and pump were stolen from its storage area. District staff would like to purchase a new plow assembly. Ms. Lawton informed the Board that staff had received an estimate from Shade Equipment Company totaling around \$4000.

Action: **Motion made by Mr. Cummins and seconded by Mr. Hankins to authorize the purchase of a snow plow assembly from Shade Equipment Company not to exceed \$4300.00. Approved 2-0.**

Discussion of Mr. Appignani's PSD Board Training Seminar

Mr. Appignani requested this item, but will be tabled since he was absent from the meeting.

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

Discussion of any expenses over budget

There were no expenses over budget. The District currently has 175% coverage.

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

Disbursements

Action: **Motion made by Mr. Cummins and seconded by Mr. Hankins to approve disbursements for Cavaland water expenses in the amount of \$1,095.96, Glen Haven water expenses in the amount of \$2,160.97, and for the Public Service District expenses in the amount of \$152,629.65. Approved 2-0.**

Approve Transfer of \$4,723.16 from Sewer Security Deposit Account to Sewer Operating for Security Deposit

Refunds

Action: **Motion made by Mr. Cummins and seconded by Mr. Hankins to approve the transfer of \$4,723.16 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Approved 2-0.**

Approve Transfer of \$64.34 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds

Action: **Motion made by Mr. Cummins and seconded by Mr. Hankins to approve the transfer of \$64.34 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds. Approved 2-0.**

General Manager's Report

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

- Water Advisory Committee (WAC)- The Federal Drug Enforcement Agency recently held a "Drug Take Back" day that was very successful collecting over a pallet of drugs.
- Siemens Proposal- At the January Board meeting, the Board had approved a proposal from Siemens Water Technologies contingent upon starting the odor and corrosion control for a number of the District's pump stations after the District's rate increase takes place to cover expenses. The District is now at a point to begin the contract.
- Easement for Flowing Springs Wastewater Treatment Plant- The District is still working to collect easements from numerous residents and a number of developers.
- Industrial/Commercial Customer Tracking- Ms. Lawton had created a spreadsheet listing the District's Industrial and Commercial customers. She has begun visiting these customers to learn about their processes and what they are putting into the sewer system to see if any of them need to be listed on the District's NPDES permit.
- Operations Manager Report (behind GM Report)- In Mr. Castaldo's report he informs the Board about problems staff is having when they have to deliver 24 hour notices and termination notices

to delinquent customers. One customer in particular has threatened staff on multiple occasions resulting in law enforcement being contacted. The Board is very concerned about the safety of staff and would like to send a letter to the Sheriff regarding this issue. Mr. Cummins would like to draft a letter to the Jefferson County Sheriff's office.

Action: Motion made by Mr. Cummins and seconded Mr. Hankins to direct staff to prepare a letter to the Jefferson County Sheriff's Office expressing the concern over staff safety and request law enforcement to be more aggressive in actions against customers threatening District staff, and to thank them for any assistance they can offer when delivering 24 hour or termination notices to customers. Approved 2-0.

Correspondence

None discussed.

Public Comment

None.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to convene in executive session for the purpose of discussing litigation and contract negotiations. Approved 2-0.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to return to public session. Approved 2-0.

Action: Motion made by Mr. Hankins and seconded by Mr. Cummins to adjourn. Approved 2-0.

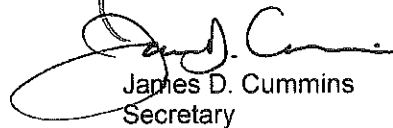
There being no further business at this time, the meeting was adjourned at 9:20PM

The next regular meeting is scheduled for November 1, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins
Chairman



James D. Cummins
Secretary

Jefferson County Public Service District

RECEIVED

DEC 08 2010

Jefferson County Public Service District Regular Board Meeting November 1, 2010

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, November 1, 2010 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Secretary Jim Cummins was absent from the meeting.

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

Public Comments

None.

OLD BUSINESS

Review Minutes of October 4 Regular Board Meeting

The minutes of the October 4, 2010 regular Board meeting were tabled until next month. Mr. Appignani was absent from that meeting so he would like to refrain from voting and Mr. Cummins was not present to make a decision.

Action: No action taken by the Board.

Update on Flowing Springs Wastewater Treatment Plant Project, Jefferson County Development Authority Contribution

Mr. Kelsh stated he had not yet received a recommended decision from the Public Service Commission's (PSC) for the Flowing Springs Certificate Case, but should receive it any day now. As far as the NPDES permit, Mr. Summerfield called DEP to get the status. He informed the Board that DEP staff has reviewed the permit and public comments that were submitted and they have made their recommendation. DEP staff had no technical questions so it is up to the Director to give the final approval. Mr. Summerfield stated that members of the public requested a hearing on this permit. The District should hear back from DEP later this month.

The District received a check from the Jefferson County Development Authority for \$1 million for guaranteed capacity of 133.33 EDU's in the Burr Industrial Park. Mr. Hankins, Ms. Lawton, and Mr. Cummins had attended the check ceremony on October 19th at the Development Authority office.

The DEP SRF staff had recently contacted Mr. Summerfield regarding the grant funding package for the Flowing Springs wastewater treatment plant. Mr. Summerfield informed the Board that there should be at least \$2 million in grants for the project.

Action: No action taken by the Board.

Discussion of Mr. Appignani's PSD Board Training Seminar

In September, Mr. Appignani attended the required PSD Board Member Training Seminar that was held in Clarksburg. He felt overall the seminar was very well organized and informative. Mr. Appignani had a couple of things he wanted to share with the Board and staff regarding a WV Supreme Court ruling on executive sessions, risk management CD for staff, bonding for employees who handle money, and charitable organizations that assist with utility bills.

Action: No action taken by the Board.

NEW BUSINESS

Discussion with Senator Herb Snyder regarding Legislation Development and the Need for Dedicated State Funding Support for Chesapeake Bay Compliance Costs

Mr. Hankins invited Senator Herb Snyder to the Board meeting to discuss the legislative bill he is drafting regarding funding for the Chesapeake Bay compliance costs. EPA has recently drafted a Watershed Implementation Plan for their Chesapeake Bay Total Maximum Daily Load with the intention of cleaning up the Chesapeake Bay by curbing the amount of pollutants in the bay's tributaries. There are 8 eastern WV counties in the Bay's watershed that will be affected by the restrictions which could cost at least \$180 million to upgrade, but this number did not include the Flowing Springs Wastewater Treatment Plant. The Senator will let DEP know that the Flowing Springs Wastewater Treatment Plant needs to be included in this figure. Mandates will affect the significant municipal facilities defined as those that have a permit with a designed daily flow of 400,000 gallons per day or greater. Senator Snyder is focusing on getting a bill passed in the 2011 legislative cycle to cover the public finding portion of this new EPA mandate. His legislative bill would use bonds financed through lottery proceeds to pay for part of the upgrades. Specifically the bill would allocate at least \$4 million a year of the state Infrastructure and Job Development Council's allotment from the state Excess Lottery Revenue to go into a pot to finance bonds. In his bill, he proposes no customer pay more than 1.5% or 1.75% of median household income for the rates to qualify to get funding from the bonds. His judicial sub-committee is drafting the bill and attempting to have it completed by mid-month. Senator Snyder will keep the District informed on the progress of the bill. The Board wishes to assure that if the bill is passed after the funding for the Flowing Springs Wastewater Treatment Plant is attained, our customers will still be eligible for reimbursement proportionately for our inclusion of Chesapeake Bay improvements.

Ms. Lawton suggested forming a unified group of members from Jefferson County and other surrounding counties to visit Charleston and lobby in favor of Senator Snyder's bill.

Action: No action taken by the Board.

Discuss Participation in EPA Chesapeake Bay TMDL Public Meeting on November 3rd in Martinsburg

EPA will be holding a public meeting on the draft Chesapeake Bay TMDL for the Jefferson County area on November 3rd from 6-8pm at the Comfort Inn in Martinsburg. The draft document will be out for public comment until November 8th.

Action: No action taken by the Board.

Consider Submission of Comments on Bay Draft TMDL by November 8th Deadline

The District would like to submit comments on the draft TMDL. Ms. Lawton and Mr. Kelsh participated in a conference call with NACWA staff who were interested in hearing from members in the Bay area to get others perspective and ensure that their comments complemented the groups comment efforts.

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve a resolution to draft comments on the TMDL. Approved 2-0.

Update and Discussion of County Utility Consolidation

The District, along with the City of Ranson and Charles Town, have met with West Virginia American Water to discuss the possibility of creating a partnership in which West Virginia American Water would operate and maintain the water and sewer systems for the District, Ranson, and possibly Charles Town. At the meeting, the entities discussed the role West Virginia American Water might play as the consolidation nucleus and the kinds of relationships that could be formed between the entities.

The County Commission had a roundtable meeting on October 27th in which one of the topics was a discussion of creating a countywide public utility. Mr. Hankins, Mr. Appignani, and Ms. Lawton were in attendance from the District as well as representatives from City of Ranson and Charles Town. The County Commission had asked the utilities to create a scope for a study to determine whether or not a consolidation of all the utilities would be a viable option. The County Commission offered to find the money to pay for such a study. The utilities agreed to meet and discuss the scope of study.

Action: No action taken by the Board.

Consider Leadership Training for General Manager at NACWA's 11 Day Training Event in March

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve the leadership training for the General Manager at NAWCA's 11 day event in March.

The Board had a brief discussion. They felt this was a terrific opportunity for Ms. Lawton to gain leadership skills as a General Manager and socialize with the best and brightest in the field. The only downside to the training is the cost of the event. The number in the class is small and admittance is very selective. The Board would like Ms. Lawton to submit the application to see if she can get accepted into the training program. The application must be submitted by December 15th.

Action: Approved 2-0.

Consider 2011 Board Meeting Dates

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to accept the 2011 holiday schedule as presented. Approved 2-0.

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. Hankins to approve disbursements for Cavaland water expenses in the amount of \$1,269.84, Glen Haven water expenses in the amount of \$1,994.63, and for the Public Service District expenses in the amount of \$167,616.29. Approved 2-0.

Approve Transfer of \$4,757.62 from Sewer Security Deposit Account to Sewer Operating for Security

Deposit Refunds

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve the transfer of \$4,757.62 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Approved 2-0.

Approve Transfer of \$63.95 from Cavaland Security Deposit Account into Cavaland Operating Account for Security Deposit Refunds

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve the transfer of \$63.95 from Cavaland Security Deposit Account into Cavaland Operating Account for Security Deposit Refunds. Approved 2-0.

General Manager's Report

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

- Pump Station 4-7 - Staff is having problems with pumps getting clogged from grease and solids at this particular pump station. Staff is continuing to try to solve this problem.

Correspondence

None discussed.

Public Comment

None.

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to convene in executive session for the purpose of discussing litigation and contract negotiations. Approved 2-0.

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to return to public session. Approved 2-0.

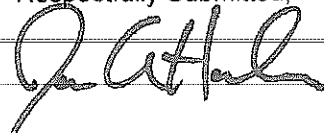
Action: Motion made by Mr. Hankins and seconded by Mr. Appignani to adjourn.

Approved 2-0.

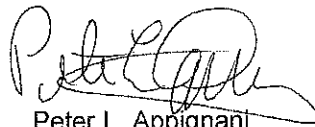
There being no further business at this time, the meeting was adjourned at 9:20PM

The next regular meeting is scheduled for December 6, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins
Chairman



Peter L. Appignani
Treasurer

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

Week Ending Date	Week Ending December 4, 2010
To be Deposited on:	December 10, 2010
Amount Played	62,331,620.49
Amount Won	55,966,805.32
Amount Promo	175,833.00
MWAP Contribution	<u>29,829.36</u>
<hr/>	
Adjusted Gross Terminal Revenue	<u>6,159,152.81</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>246,366.12</u>
Net Terminal Revenue	<u>5,912,786.69</u>
Surcharge @ 10%	591,278.68
State Share Excess @ 58%	342,941.63
Track Share of Capital Reinvestment @ 42%	248,337.05
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	\$ 238,403.57
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	\$ 9,933.48
Adjusted Net Terminal Revenue	<u>5,321,508.01</u>
Racetrack @ 46.50% / 42%	2,235,033.36
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,181,818.28
Race Track Purses @ 7% / 14% / 8%	425,720.64
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	26,607.54
Greyhound Development @ .75%	39,911.31
Thoroughbred Development @ .75%	39,911.31
Racing Commission @ 1%	53,215.08
County/Municipality @ 2%	106,430.16
3% Funds:	
Tourism Promotion Fund @ 1.375%	73,170.74
Development Office Promotion Fund @ .375%	19,955.66
Research Challenge Fund @ .5%	26,607.54
Capitol Renovation and Improvement Fund @ .6875%	36,585.37
2004 Capitol Complex Parking Garage Fund @ .0625%	3,325.94
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	26,607.54
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>26,607.54</u>
	<u>5,321,508.01</u>

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 35.08%	SHEPHERDS TOWN 14.29%
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	\$ 161,386.76	\$ 161,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,368.28	\$ 160,368.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 136,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.68	\$ 78,376.68	\$ 9,734.38	\$ 27,086.98	\$ 2,860.75	\$ 27,494.54	\$ 11,200.03
08/21/10	\$ 152,398.04	\$ 76,199.02	\$ 76,199.02	\$ 9,463.92	\$ 26,334.38	\$ 2,781.26	\$ 26,730.62	\$ 10,888.84
08/28/10	\$ 144,920.06	\$ 72,460.03	\$ 72,460.03	\$ 8,999.54	\$ 25,042.19	\$ 2,644.79	\$ 25,418.97	\$ 10,354.54
09/04/10	\$ 152,725.68	\$ 76,362.84	\$ 76,362.84	\$ 9,484.26	\$ 26,391.00	\$ 2,787.24	\$ 26,788.09	\$ 10,912.25
09/11/10	\$ 165,938.72	\$ 82,969.36	\$ 82,969.36	\$ 10,304.79	\$ 28,674.21	\$ 3,028.39	\$ 29,105.65	\$ 11,856.32
09/18/10	\$ 135,277.56	\$ 67,638.78	\$ 67,638.78	\$ 8,400.74	\$ 23,375.96	\$ 2,468.82	\$ 23,727.68	\$ 9,665.58
09/25/10	\$ 140,870.12	\$ 70,435.06	\$ 70,435.06	\$ 8,748.03	\$ 24,342.36	\$ 2,570.88	\$ 24,708.62	\$ 10,065.17
10/02/10	\$ 142,027.72	\$ 71,013.86	\$ 71,013.86	\$ 8,819.92	\$ 24,542.39	\$ 2,592.01	\$ 24,911.66	\$ 10,147.88
10/09/10	\$ 138,623.00	\$ 69,311.50	\$ 69,311.50	\$ 8,608.49	\$ 23,954.06	\$ 2,529.87	\$ 24,314.47	\$ 9,904.61
10/16/10	\$ 150,469.24	\$ 75,234.62	\$ 75,234.62	\$ 9,344.14	\$ 26,001.08	\$ 2,746.06	\$ 26,392.31	\$ 10,751.03
10/23/10	\$ 140,581.60	\$ 70,290.80	\$ 70,290.80	\$ 8,730.12	\$ 24,292.50	\$ 2,565.61	\$ 24,658.01	\$ 10,044.56
10/30/10	\$ 131,230.08	\$ 65,615.04	\$ 65,615.04	\$ 8,149.39	\$ 22,676.56	\$ 2,394.95	\$ 23,017.75	\$ 9,376.39
11/06/10	\$ 122,675.24	\$ 61,337.62	\$ 61,337.62	\$ 7,618.13	\$ 21,198.28	\$ 2,238.82	\$ 21,517.24	\$ 8,765.15
11/13/10	\$ 129,190.56	\$ 64,595.28	\$ 64,595.28	\$ 8,022.73	\$ 22,324.13	\$ 2,357.73	\$ 22,660.02	\$ 9,230.67
11/20/10	\$ 112,020.16	\$ 56,010.08	\$ 56,010.08	\$ 6,956.45	\$ 19,357.08	\$ 2,044.37	\$ 19,648.34	\$ 8,003.84
11/27/10	\$ 142,341.80	\$ 71,170.90	\$ 71,170.90	\$ 8,839.43	\$ 24,596.66	\$ 2,597.74	\$ 24,966.75	\$ 10,170.32
12/04/10	\$ 106,430.16	\$ 53,215.08	\$ 53,215.08	\$ 6,609.31	\$ 18,391.13	\$ 1,942.35	\$ 18,667.85	\$ 7,604.44
Subtotal	\$ 3,326,782.26	\$ 2,119,422.87	\$ 1,207,359.39	\$ 149,954.04	\$ 417,263.40	\$ 44,068.62	\$ 423,541.66	\$ 172,531.67

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT
FY 2009

Table Game Revenues
FY 2011

FY 2009		FY 2010		FY 2011	
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	9/11/2010	82,969.36
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08
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		
				July/Aug 10	154,185.68
				Sept. 2010	94,247.84

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

TOTALS 4403564.04

4041141.56

2119422.87

248433.52



2211 Washington Street East
Charleston, WV 25311-2118
Phone: (304) 346.0591
Fax: (304) 346.0592

FAX

Patricia L. Hamilt
Executive Direct

TO: ALL COUNTY COMMISSIONS & COUNTY CLERKS

From: West Virginia Association of Counties

Re: "Draft" Minutes Proposal

Date: Dec. 10, 2010

The Open Meetings Committee of the Ethics Commission received a request for an opinion to the following question:

What constitutes a reasonable period of time in which to have draft minutes available to the public following a meeting?

In response, they have proposed the following:

A governing body shall have draft minutes available for inspection within ten business days after a meeting.

The matter will be considered for adoption by the Open Meetings Committee at its January meeting. If you have any thoughts or comments on the issue, you may email, write or call the Ethics Commission by December 17, 2010. The email is Theresa.m.kirk@wv.gov

Included with this fax is the response from the WV Association of Counties.

December 10, 2010

Theresa M. Kirk, Executive Director
West Virginia Ethics Commission
210 Brooks Street, Suite 300
Charleston, West Virginia 25301

Re: Draft Minutes

Dear Ms. Kirk:

On behalf of the Board of Directors of the West Virginia Association of Counties, I am writing to express our concerns about the recommended rule regarding draft minutes set forth by the West Virginia Ethics Commission and relayed to us by letter on November 22nd, 2010.

Minutes are not an official record of the proceedings of a governing body until they are approved as such. Many counties have policies that allow minutes to be released to the public only after they are approved. Generally, approval of the previous meeting's minutes are on the agenda at the next subsequent meeting, therefore providing a timely approval of the minutes as official record. County Commission meetings vary in frequency but the average is probably twice a month. There are a few who meet once a month and others who meet weekly or even more often but any of these variations provide a timely approval of the minutes.

Minutes reflect what decisions are made in the meeting of a governing body. I have been to several board governance seminars that emphasize the important role of the minutes. The use of minutes as the official record of a governing body goes back to ancient Greek and Roman Senates where scribes would announce the actions by reading the minutes to the public. Minutes are considered the "mouthpiece" of the governing body, in perpetuity. Generally, if it's not reflected in the minutes, it did not happen.

Of concern in this technological age is the reliance on "spellcheck" to catch errors. Simple typographical errors are now more likely to be caught and corrected when the minutes are reviewed and approved. For example, this typographical error won't be caught by spellcheck but can change the outcome of a vote:

"The funding is now approved."

"The funding is not approved."

Errors or inaccurate wordings are one reason why minutes need to be reviewed and approved.

Another concern in this computer age is the wide distribution that an emailed "draft" version of the minutes could have. An unofficial record could be broadly disseminated without understanding or regard to the fact that it has not been approved.

Counties have the discretion to set forth their own policies with regard to minutes. If counties allow the dissemination of minutes prior to their approval, the minutes are generally very clearly marked as "draft" or "unofficial." It is of concern that there would be a rule *requiring* the dissemination of unofficial records within a rather arbitrary ten-day time frame when the official, approved record would be available within just a few more days in most counties. An additional point is that, while the Open Meetings Act states that "minutes...shall be available to the public within a reasonable time after the meeting..." it does not state that *draft* minutes shall be made available.

Staffing is another issue when it comes to the completion of minutes. For very long meetings with lots of discussion, it is not easy to get the minutes together. Often the recorder/clerk must have "blanks" filled in and must verify the proceedings. It seems unjustified to impose this ten-day requirement on counties with minimal staff and box them in to releasing what may be incomplete and possibly incorrect documents.

We respectfully request that this issue be reconsidered and that policies about the release of "drafts" be left up to the discretion of individual county commissions and their respective county clerks who are in the best position to determine the most appropriate dissemination of information for their counties.

Thank you for considering our request.

Best Regards,

Patti Hamilton, Executive Director
West Virginia Association of Counties