

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, FEBRUARY 3, 2011
9:30 A.M.

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Laura Rattenni, Circuit Clerk
- Presentation of the new Circuit Clerk's website
2. 10:00 a.m. Tim Boyde, County Administrator
- Extra Hour/Overtime Policy - Discussion/Action
- Worker's Compensation Policy - Discussion/Action
3. 10:15 a.m. Toni Milbourne and Jimmy Pierson
- Request for Financial Support for the Jefferson County Fireworks Event
4. 10:30 a.m. Break
5. 10:45 a.m. Legal Update - Stephanie Grove, Assistant Prosecuting Attorney
6. 11:00 a.m. Lynn Fields and Karen Olden, Probate Office
- Determine proper venue to probate Will of John Rockenbaugh, deceased
- Order Setting Hearing for the Estate of Sallie Spaulding, Deceased
7. 11:45 a.m. Tom Bayuzik, Development Authority Director
- Forgiveness of \$200,000 - Loan to the Economic Development
Authority - Update - Discussion/Action

NEW BUSINESS:

8. Approval of Water Treatment Renewal Agreements - Boland
 - Mason Building
 - Assessor's Office
 - Hunter House

UNFINISHED BUSINESS:

9. Request to accept and execute the Tolling of Bonding Agreement with the developer of the Thorn Hill Subdivision, Lots 1-179, File #02-17
10. Appointments to the Water Advisory Committee
 - Four 3-year terms ending January 31, 2014 - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

————AFTERNOON SESSION————

11. 1:30 p.m. Board of Review and Equalization

CORRESPONDENCE:

Reminder - Notice of upcoming Public Hearings:

- February 17, 2011 7 :00 p.m. - Amend the County Zoning Map to Consider Urban Growth Boundaries for Harpers Ferry and Bolivar
- February 24, 2011 7:00 p.m. - Proposed amendments to Article 4B, Wireless Telecommunication Facilities, and Related Sections of the Jefferson County Zoning and Land Development Ordinance

Notice received regarding the West Virginia University Local Government Leadership Academy Spring 2011 Conference April 9 - 10, 2011.

Newsletter received from WV Association of Counties "The County Legislative Line".

Count Commissioners' Association of West Virginia "Legislative Lineup" received.

Invitation received from the Middleway Volunteer Fire Company to its Annual Membership Recognition Banquet on Saturday, February 5, 2011.

Correspondence received from the Western Panhandle Trailblazers, Inc. thanking the County Commission for recognizing the Eastern Panhandle Trailblazers.

West Virginia Lottery Weekly Settlement received.

RECESS

Minutes
Jefferson County Commission
Thursday, January 27, 2011

A meeting of the Jefferson County Commission was held on Thursday, January 27, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patsy Noland, Lyn Widmyer, Dale Manuel, Frances Morgan and Walter Pellish; Tim Boyde, County Administrator, Nichelle Hosby, Executive Assistant, and Richard Barron, Bailiff. (An audio tape of this January 27, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 11:20 a.m. by Commissioner Noland.

PLEDGE OF ALLEGIANCE

Commissioner Manuel led the Pledge of Allegiance.

No public comment was given.

PRESENTATIONS:

1. Interviews and Appointments to the Jefferson County Development Authority

Commissioner Noland reported that Lee Snyder has withdrawn his interest in the Development Authority.

Joshua Householder was present and gave comment.

Motion by Ms. Morgan to approve the appointment of Joshua Householder to the Jefferson County Development Authority for an unexpired term ending April 5, 2012. Motion seconded by Mr. Manuel and unanimously approved.

2. Presentation of Strategic Plan by Troy Truax of Delta Development

Michael Alvarez thanked the Commission for granting the resources to complete the Strategic Plan.

Troy Truax, of Delta Development gave a brief overview of the Strategic Plan.

Doug Pittinger and Pete Kelly were both present. Comment was made by Mr. Pittinger.

The Commission commended the Emergency Services Agency and Mr. Truax on a speedy and well written Plan.

The Commission tasked Mr. Boyde in assisting the Emergency Service Agency on what are the next steps.

3. **Mark Schiavonne, Director of Capital Planning & Management –Annual Impact Fee Report**

Mark Schiavonne, Director of Capital Planning & Management gave a brief overview of the Annual Impact Fee Report.

By unanimous consent the Commission agreed schedule a work session to discuss the Impact Fees.

4. **Public Hearing – Amend the County Zoning Map to Consider Urban Growth Boundaries for Harpers Ferry and Bolivar**

Motion by Ms. Widmyer to postpone and reschedule the Public Hearing to amend the County Zoning Map to consider Urban Growth Boundaries for Harpers and Ferry and Bolivar to a later date due to inclement weather. Motion seconded by Mr. Pellish and unanimously approved.

The Commission agreed to hold the hearing on February 17, 2011 at 7:00 p.m.

5. **Legal Update – Stephanie Grove, Assistant Prosecuting Attorney**

Ms. Grove distributed her to do list.

Ms. Grove reported on her discussions with Sheriff Shirley regarding Human Rights case.

Ms. Grove reported that an Executive Session was needed to discuss pending litigation (Peter's verses Wood County Commission).

Motion by Mr. Manuel to enter into Executive Session. Motion seconded by Ms. Morgan and unanimously approved.

The Commission recessed for break at 12:50 p.m.

Motion by Ms. Morgan to come out of Executive Session. Motion seconded by Mr. Manuel and unanimously approved.

6. **Global Data**

Ian Jarvis of Global Data gave a presentation on Network Assessment and Vulnerability Analysis.

7. **Mike Thompson, Esquire – Board of Review and Equalization Tutorial**

Mike Thompson, Esquire gave a tutorial on the Board of Review and Equalization forms used during the hearing process.

Assessor Angie Banks and Assistant Prosecuting Attorney Stephanie Grove were present and gave comment.

8. **Approval of Employment – Charles R. Field, Sr. as a Part-time Bailiff**

Motion by Mr. Manuel to approve the hiring of Charles R. Field, Sr. as a part-time bailiff. Motion seconded by Mr. Pellish and unanimously approved.

9. Set Date and Time to hold a Public Hearing regarding the Proposed Wireless Telecommunications Facilities Ordinance Draft

Tim Boyde, County Administrator presented the Commission with the date of February 24, 2011 as the date to hold the public hearing for the Proposed Wireless Telecommunication Facility Ordinance Draft.

Unanimous consent to hold the public hearing on February 24, 2011 at 7:00 p.m.

10. Appointments to the Water Advisory Committee

Unanimous consent to hold the appointments over until February 3, 2011 at the next Commission meeting.

11. Water Advisory Committee report from Commissioner Widmyer

Commissioner Widmyer gave a report on the Water Advisory Committee.

Ms. Widmyer stated that she extended an invitation to the Committee to have a roundtable discussion to review their work plan, mission statement and web program.

COUNTY ADMINISTRATOR REPORTS:

- The County Administrator's Report will be postponed and placed on next week's Agenda.

COUNTY COMMISSION REPORTS:

Commissioner Morgan:

- Reported that her meetings were cancelled due to inclement weather

Commissioner Pellish:

- Reported on the Planning Commission meeting he attended.
- Reported on the meeting he attended concerning possible purchasing Happy Retreat with the Cities of Ranson and Charles Town.

Commissioner Widmyer:

- Reported that she attended the Water Advisory Committee meeting she attended.
- Reported that she also attended the meeting concerning Happy Retreat.

Commissioner Manuel:

- Reported that he participated in a Legislative Conference Call with Association of Counties.
- Reported that he attended a Judicial Space meeting with Judge Yoder, Magistrates and the Prosecutor on space needs.

- Reported that he attended the Homeland Security and Emergency Management meeting about Animals in Disaster.
- Reported that he attended a Parks and Recreation Commission meeting concerning preparing for the Budget.

Commissioner Noland:

- Reported that she will be attending the County Commissioner's Association of Counties meeting.

APPROVAL OF MINUTES:

Motion by Ms. Morgan to approve the revised Minutes of the January 20, 2011 meeting as amended. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS:

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$37,527.79, being purchase order numbers: 48951, 48952, 492250, 48793, 48794, 48662, 48669, 48672, 48678, 49245, 49364, 49252, 49249, 49244, 49248 and 49246. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$261,944.67. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to adjourn the meeting. Motion seconded by Mr. Manuel and the meeting was adjourned at 4:45 p.m.

Upon rising the Commission recessed until Tuesday afternoon next beginning at 1:30 o'clock p.m. sitting as a Board of Review and Equalization.

PATRICIA NOLAND, PRESIDENT

Commission Office Use Only

Date on Agenda: 2-3-11

Appt Time or New Business: 9:45 a.m.

AGENDA REQUEST FORM

Name: Laura Rattenni

Department or Entity: Circuit Clerk

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: February 3, 2011

Date Requested – 2nd Choice: February 10, 2011

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

Subject: Website and Online Access for Circuit Clerks Office

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

I would like to debut the new Circuit Clerks website which will provide information to attorneys as well as the public. This website puts the Jefferson County Circuit Clerks office in the forefront for online services being offered within Circuit Clerks offices throughout the state. We are the first to put our statistics online as well as having juror access when called to serve.

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

No motion needed at this time.

#2

| | |
|----------------------------|---------------------------|
| Commission Office Use Only | |
| Date on Agenda: | 1-20-11 2-3-11 |
| Appt Time or New Business: | 10:00 AM |
| W. Adm * Repats | |

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: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Extra Hour/Overtime and Worker's Compensation Policies**

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

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

Attachments:

EXTRA HOURS/OVERTIME

PROVISIONS:

Extra hours/overtime is time worked in addition to an employee's regularly scheduled hours during a work cycle.

In accordance with the Fair Labor Standards Act (FLSA), non-exempt employees are eligible to receive overtime pay at a rate of one and one-half times their regular pay for time worked in excess of 40 hours per workweek. Exempt employees **are not** eligible for overtime; they are expected to work as many hours as required to perform the duties of the position. Except for Elected Officials, all employees are covered by the FLSA.

Before extra hours/overtime is worked, the employee must have approval from his/her supervisor. Extra hours/overtime is considered a condition of employment; refusal to accept it when reasonable notice has been given or abuse of overtime is cause for discipline, up to and including termination. At the supervisor's discretion, an employee's work schedule may be adjusted during the workweek to avoid extra hours/overtime.

Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, FMLA, military leave, jury and witness duty, or funeral/bereavement leave **are not** counted as time worked for the purposes of computing overtime.

Elected Officials and Department Heads may authorize and schedule extra hours beyond the normal work schedule for eligible employees only to the extent that:

- They give employees prior approval, in writing if possible, before working extra hours;
- Extra hours are limited to absolute necessity;
- Funds to pay for extra hours are approved in the annual budget ;
- Expenditures throughout the year for extra hours remain within the department's approved personnel allocation;
- When the approved allocation is spent, additional funds must be requested through the County Administrator and then approved by the Jefferson County Commission;
- Jefferson County does not allow accrual of compensatory time by exempt or non-exempt employees.

PROCEDURES

Extra Hours Resulting in Overtime

The Commission *may* authorize exceptions when exempt employees are assigned to Commission mandated or approved emergency duty, (e.g. some maintenance personnel and some emergency service personnel).

Employees assigned to modified, alternative or experimental work schedules will be paid in excess of forty (40) hours in any one week, but not in excess of eight (8) hours in any one day. Modified, alternative, or experimental work schedules are not to be confused with flexible work hours as described in Hours of Work.

General Instructions

On-Call hours (hours scheduled in excess of the standard work week), including payment for emergency service hours as per policy *Emergency Service Payment*, employees do not qualify for emergency service hours in 24 hour operations.

Recording

Extra hours must be shown on the employee's time card during the pay period in which the hours were accrued. Any abuse of this procedure or false entries on a time card will result in disciplinary action, up to and including termination, against any employee and/or supervisor authorizing submission of the time card.

Authored by: TTB

Date Prepared: 12/14/10

Approved: _____

WORKER'S COMPENSATION

POLICY

The Board of Commissioners of Jefferson County Government will provide Workers' Compensation insurance for all employees within the requirements of the law.

PROVISIONS

The insurance will pay 2/3 of salary (based on the past 12 month's earnings) for each day's work lost due related injury or illness.

- Under current tax laws, such payments are exempt from income and social security taxation.
- Coverage begins on the eighth (8th) calendar day after the injury and continues until return to work with a physician's release.
- If the employee is absent more than 14 calendar days, Worker's Compensation will retroactively reimburse the employee for each day missed in the first week.

The employee may elect to use accrued time to cover the first seven (7) days of injury or take the time as unpaid.

Modified Duty is provided to assist employees who sustained a work related injury to return to gainful, productive employment with Jefferson County Government.

When an employee sustains a work-related injury which is compensable under current worker's compensation legislation, the treating physician may release the employee to return to work with temporary physical restriction(s), which are intended to aid the employee in recovery from that injury. In such circumstances, Jefferson County Government will make all reasonable efforts to enable the injured employee to return to work within the temporary, physical-imposed restrictions.

The temporary assignment may or may not be in the same classification or location as the employee's regular job. Additionally, the temporary assignment may or may not be equivalent (in terms of weekly hour's worked and/or monetary compensation received) to the employee's regular job.

The injured employee must provide an updated physical assessment and associated duty restrictions any time they visit the medical provider. The injured employee must also provide such statement in the event a change of condition that was not previously expected or indicated occurs.

Modified Duty applies to all Jefferson County employees. All employees are eligible to return to work on a "modified duty" status, considering the following criteria exist:

- The injury sustained by the employee has been determined to be work-related and compensable under current workers' compensation legislation.
- The physical restrictions imposed by the treating physician are specific (i.e. not lifting over 50 pounds).

- The physical restrictions imposed by the treating physician are for a specified, temporary period of time (e.g. 10 days).
- Work-related tasks which fall within the physical limitations of the treating physician are available and are within the physical and skill capacities of the injured employee, with reasonable accommodations made by the employer, employee, or both.

PROCEDURES

Worker's Compensation payments do not begin until the eighth (8th) calendar day.

Payment of benefits will be:

- Calendar day 1 through 7: injured employee may use accrued sick or vacation leave or take the time off as unpaid.
- On the eighth (8th) day of Worker's Compensation Lost Time, the injured worker will begin receiving either 2/3 or (90% depending on the average wage) of income through Worker's Compensation Insurance.
- Starting on the 8th day of Worker's Compensation Lost Time, the injured worker will be granted a medical leave of absence without pay until they return to work with a physician's release. The employee will receive their pay through Worker's Compensation only.

Authored by: TTB

Date Prepared: 12-15-2010

Approved: _____

Commission Office Use Only
 Date on Agenda: 2/3/11
 Appt Time or New Business: 10:15 am

AGENDA REQUEST FORM

Name: Toni Milbourne / Jimmy Pierson

Department or Entity: JC Fireworks Fund

Estimation of amount of time needed for appointment: 5 min slot

Date Requested - 1st Choice: 1/27

Date Requested - 2nd Choice: 2/3

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

Subject: Request for financial support for JC Fireworks event.

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

Requesting \$8,000 toward cost of city-wide Independence Day event.

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

Move the approval of \$8,000 to be allocated to the J.C. Fireworks Fund.

Attachments:

#6

| | |
|----------------------------|---------------------|
| Commission Office Use Only | |
| Date on Agenda: | 2/3/11 |
| Appt Time or New Business: | 11:00 - 11:45 AM |

Nichelle Hosby

AGENDA REQUEST FORM

Name: Lynn Fields or Karen Olden 1/18/2011

Department or Entity: Probate Office-County Clerk's Office

Estimation of amount of time needed for appointment: 30 - 60 minutes

Date Requested - 1st Choice: February 3rd, 2011

Date Requested - 2nd Choice: February 10th, 2011

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

Subject: **Ivan Rockenbaugh, grandson of John Rockenbaugh, deceased, and beneficiary of the same estate, wishes to lodge his objection to the probating of the will and the estate of John Rockenbaugh in Jefferson County, West Virginia. Mr. Rockenbaugh believes that his grandfather should have been probated in Berkeley County, West Virginia. Dennis Barron, executor of the estate, is also filing a motion to dismiss objection to venue, by counsel Henry W. Morrow, Jr.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Mr. Rockenbaugh died on 4/2/2010 in Berkeley County in an assisted living medical facility. Dennis Barron, executor of the estate, presented a will for probate in Jefferson County on 04/15/2010. Shortly thereafter, we began receiving correspondence from Ivan Rockenbaugh, expressing his objection to the will being probated in Jefferson County. He is of the opinion that the will should have been probated in Berkeley County. Dennis Barron, wishes to also present his motion to dismiss objection to venue through his legal counsel, Henry W. Morrow, Jr. at the same hearing.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Based on information found in the code section 44-5-4 (c), John Rockenbaugh retained personal property in Jefferson County, West Virginia and none in Berkeley County. Therefore, we find it proper that he was probated in Jefferson County.**

Attachments: **Attachments hand delivered to county commission office.**

COPY

Ivan J. Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404
304-702-4310

June 11, 2010

Dennis Barron
Jefferson Security Bank
PO Box 35
7994 Martinsburg Pike
Shepherdstown, WV 25443-3679

Dear Mr. Barron,

This letter is to make known to you, as Executer of our Grandfather's/Great Grandfather's estate, the questions which we have regarding the legal basis pursuant to W.Va. code 41-5-4 and cases 201 S.E. 2d 315, 157 W.Va. 366; Lotz v. Atamaniuk, 304 S.E.2d 20, 172 W.Va. 366; Whitt v. Tennant, 31 W.Va. 790, 8 S.E. 2d 596; Shaw v. Shaw, 155 W.Va. 712, 187 S.E. 2d 124 of your decision to seek Probate of the will in Jefferson County, WV and not his place of known residence i.e. domicile, Berkeley County.

It wouldn't be of any great concern to each of us if the recent actions of yourself and Mr. Henry Morrow, Jr. did not call into question the circumstances surrounding the contents of the recent will, in addition to where you have elected to probate the same. Each of us was aware of the previous wills prepared before and after James C. Rockenbaugh passed on July 4th 2000 that distributed his estate in a manner much different than that of the most recent will. If there were additional wills prepared between the will of which we are aware (and which we spoke with our grandfather/great grandfather in the months prior to his demise) and the will subject to probate and we are permitted to examine same, this may alleviate any and all concerns. However, the disingenuous conversations we have had recently with you and Mr. Henry Morrow, Jr. has raised several concerns that we hope are unfounded.

Therefore if our request to examine all of the previous wills prepared since 2000 is granted the matter may be resolved without further question or contest. If we are not permitted to examine the previous wills it, when considered along with other information we are currently processing, may cause us to challenge the will in probate at Jefferson County, WV, home of Mr. Henry Morrow, Jr., Jefferson Security Bank and The Christ Reformed Church.

Sincerely,



Ivan Rockenbaugh

Cc: Henry Morrow, Jr.
Christ Reformed Church
Clerk of County Court

*4/14/2010
Came into office -
Advised needs to get
An Attorney -*

COPY

Ivan J. Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404
304-702-4310

June 25, 2010

Dennis Barron
Jefferson Security Bank
PO Box 35
7994 Martinsburg Pike
Shepherdstown, WV 25443-3679

Dear Mr. Barron,

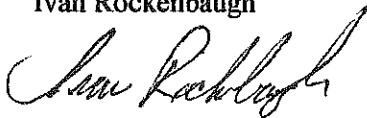
In making the request contained in this letter, I believe it is necessary to first address language contained in Mr. Morrow's letter to me. Mr. Morrow attempts to explain the reason for his advice that mine and the other beneficiaries request to review prior wills executed by our grandfather not be granted. Mr. Morrow specifically says, "The reason for my providing that advice is simply that any prior will is expressly revoked by the September 6, 2006 will and would have no further force and effect. Furthermore, any prior will would be irrelevant to administration of the estate presently. And even if a convincing argument could be made to transfer probate of this estate to Berkeley County, the final outcome would still be the same."

I and the other beneficiaries disagree and in fact, believe the contents of the prior wills may be quite relevant. As stated in my letter making the request, we believe if the prior wills reflect a longstanding change in the amounts of money I and the other beneficiaries were/are to receive compared with the amount ultimately left to Christ Reformed Church, it is a moot issue. If however only the most recent will reflects this change we believe it may be quite relevant. Especially if my next request is honored and supports our position to wit: I have enclosed a printout of wills probated in Jefferson County, WV listing you as executor. I and the other beneficiaries would like to receive from you, confirmation of the number of estates on the list wherein your church was the principal beneficiary of each will.

Only after this information is received voluntarily or through subpoena can we be sure where said will is probated is unimportant.

Sincerely,

Ivan Rockenbaugh



Cc: Henry Morrow, Jr.
Christ Reformed Church
Clerk of County Court

COPY

Ivan J. Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404
304-702-4310

June 25, 2010

John W. Small, Jr.
County Clerk of Berkeley County
100 W. King St.
Martinsburg, WV 25401

Dear Mr. Small,

Several weeks ago I spoke with Judy DeHaven, one of the clerks in your office. I was asking her if she felt my deceased Grandfather's will should be probated in Berkeley or Jefferson County based on the following facts to wit:

- 1) No mansion house or residence in Jefferson County
- 2) No real estate in Jefferson County
- 3) No personal property in Jefferson County

My grandfather began residing at Elmcroft of Martinsburg in Berkeley County in February 2008 and remained there until his death on April 2, 2010.

The clerk told me Jefferson County is the correct county of probate. If the facts above stated are correct, please advise as to which county my deceased grandfather's will should be probated in when considering WVA Code §11-11-24, WVA Code §16-5D-2 and WVA Code §27-1-8.

Sincerely,



Ivan Rockenbaugh

Cc: Henry Morrow, Jr.
Dennis Barron
Jefferson County Clerk/Lynn Fields

BERKELEY COUNTY OFFICE OF FIDUCIARY SUPERVISOR

"The Historic Berkeley County Courthouse"

100 West King Street, Second Floor, Suite 12

Martinsburg, West Virginia 25401

304-267-3001

www.berkeleycountycomm.org

Fax 304-267-7830

**Maria Childers, Supervisor
X 6101**

**Janet Holzhauser, Deputy
x 6100**

**Judy DeHaven, Coordinator
x 6102**

June 30, 2010

Ivan J. Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404

Re: Estate of John R. Rockenbaugh

Dear Mr. Rockenbaugh,

Your letter dated June 25, 2010 has been forwarded to my office by John W. Small, Jr., Berkeley County Clerk. In 1987 Berkeley County became one of several "optional procedure" counties within West Virginia that operate under *West Virginia Code 44, Article 3A*. Under this statute any power, authority or duty conferred upon the County Clerk with respect to the settlement, regulation and supervision of estates in any provision of the article or in any provision of the West Virginia Code is *transferred* to the Fiduciary Supervisor.

Your grandfather's Will was admitted to probate and record in Jefferson County West Virginia on April 15, 2010. Also on that date Dennis Barron was qualified as Executor of the estate. You may view this information on-line by accessing the Jefferson County Clerk's website at www.jeffersoncountyclerk.wv.com then click Jefferson County Document Inquiry.

Although the decedent's death certificate lists his residence as Berkeley County, Jefferson County probate staff obviously determined a basis for admitting the Will to probate in their county. In some instances a decedent's residence at death may conflict with what may be considered their actual domicile. This is often the case with nursing home residents.

It is my understanding Mr. Rockenbaugh owned no assets requiring administration in Berkeley County. If you are aggrieved by the decision to probate and administer his estate in Jefferson County based upon his "residence" at death you will need to confer with an attorney.

Thank you.

Sincerely,



Maria L. Childers, Fiduciary Supervisor
Berkeley County, West Virginia

Enclosure

CC: John W. Small, Jr., Dennis Barron
Henry Morrow, Jr. Lynn Fields, Deputy County Clerk, Jefferson County Probate

Ivan Rockenbaugh
89 Gemini Ct.
Martinsburg, WV 25404

Clerk of the County Commission of Jefferson County
Attn: Jennifer Maghan
P.O Box 250
Charles Town, WV 25414

July 23, 2010

Dear Madam Clerk;

I am the grandson of the late John Rockenbaugh who passed from this world on April 2, 2010. From documents I have received, it is my understanding, as requested in my grandfather's will, Dennis Barron has been appointed executor of his estate. It is further my understanding from documents that were received that the will was submitted for probate in Jefferson Co., WV on the 15th day of April 2010. The document that memorializes this having occurred has language at the bottom indicating as follows, "*on the 15th day of April 2010, she admitted to probate and ordered to be recorded the last will and testament of John R Rockenbaugh deceased. And no objection being made thereto and none appearing to the commission, it is ordered that the same be confirmed.*" My principle concern is whether the language quoted above is considered by your office as the type of judgment order referred to in Davey v. Haggerty case # 98-C-61 for the Circuit Court of Mineral County Supreme Court file # 32858 and referred to in WV Code 41-5-10 and 41-5-11. The reason this is my primary concern is because in numerous contacts with your office, in particular, Lynn Fields, Deputy Clerk, as well as yourself, I have tried to make clear it is mine and the other beneficiaries belief and position that the correct county for probating the will and estate of John R Rockenbaugh is Berkeley Co WV. (See copy letter of June 30th 2010 from Maria Childers fiduciary supervisor Berkeley Co WV copied to Henry Morrow Jr., Esq., Dennis Barron, and Lynn Fields of your office.)

In addition to my concern about the correct county of probate I have been gathering evidence and attempting to receive information from Mr. Barron, Mr. Morrow as well as medical and lay persons who had close contact with my grandfather immediately before and at the time the 2006 will was prepared as to his mental condition. I'm seeking this evidence and information because I believe that my grandfather did not have the mental capacity to request the terms of the will that is being submitted for probate. It is my intention either initially pro se and thereafter to be represented by an attorney, or with the assistance of an attorney, prepare and file a petition or complaint with the Jefferson Co. commission or the Circuit Court of Jefferson County pursuant to either WV code 41-5-10 or 41-5-11 challenging same.

I'm sincerely hopeful that I will receive from you that type of meaningful response that I received from Maria Childers Fiduciary Supervisor for Berkeley County in her letter of June 30th 2010 and not the stonewalling I have received from Mr. Morrow and Mr. Barron.

Sincerely,



Ivan Rockenbaugh

CC: Jefferson County Commissioners

Lyn Widmyer

Patsy Noland

Dale Manuel

Frances Morgan

Lynn Fields, Deputy Clerk of Jefferson County

Henry Morrow, Jr. Esq.

Dennis Barron

Ivan Rockenbaugh
89 Gemini Ct.
Martinsburg, WV 25404

Clerk of the County Commission of Jefferson County
Attn: Jennifer Maghan
P.O Box 250
Charles Town, WV 25414

August 4, 2010

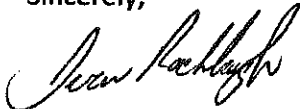
Dear Ms. Maghan;

This letter is to confirm receipt of your letter of August 2, 2010. I truly appreciate yours and the County Commissioners' willingness to afford to me and the other beneficiaries who desire to participate in a hearing to at a minimum choose to challenge Jefferson County as the correct county of probate.

I or an attorney will be contacting you in the near future. I would however, like to know to which statute are you referring to in telling me that I am within my right to request the hearing, to wit 41-5-10 or 41-5-11.

I am assuming the document styled "Will with Two Witnesses" recorded as last will and testament on April 15, 2010 is not a final order as discussed in my letter of July 23, 2010.

Sincerely,



Ivan Rockenbaugh

STEVEN A. GREENBAUM, ESQ.
123 W. BURKE ST., STE. 101
MARTINSBURG, WV 25401
TEL# (304)267-3068
FAX# (304) 267-3069
sgreenbaumesq@aol.com

September 20, 2010

Jennifer S. Maghan
Jefferson County Clerk
100 East Washington St.
Charles Town, WV 25414

RE: Ivan Rockenbaugh

Dear Ms. Maghan:

I have been retained by Mr. Ivan Rockenbaugh to contest the probate of the will left by his late grandfather, John Rockenbaugh. I have read your letter to Mr. Rockenbaugh, dated August 2, 2010, in which you told Mr. Rockenbaugh that it was "well within your right to request a Probate hearing from the County Commission." I will be contacting Mr. Henry Morrow, Jr. and Mr. Dennis Barron to obtain information and documents which may help resolve this matter without the need for a hearing. At this point I suspect that there may be certain issues with John Rockenbaugh's testamentary capacity and whether Jefferson County is the correct venue to probate the will. If I cannot secure the cooperation of Mr. Morrow and/or Mr. Barron or if they do accommodate my requests and I determine that my concerns are validated I will be contacting you to proceed to a hearing. Please feel free to contact me with any questions you may have or any information you can share, in your capacity as County Clerk. Thank you very much.

Sincerely,



Steven A. Greenbaum, Esq.

Cc: Henry W. Morrow, Jr., Esq.
Dennis L. Barron

BEFORE THE COUNTY COMMISSION FOR JEFFERSON COUNTY, WEST VIRGINIA

Re: The Will and Estate of John Rockenbaugh

**NOTICE OF OBJECTION PURSUANT TO W.VA. CODE 41-5-10 TO THE
PROBATING OF THE WILL OF THE ESTATE OF JOHN ROCKENBAUGH IN
JEFFERSON COUNTY, WEST VIRGINIA**

NOW COMES, Ivan Rockenbaugh, Adrian Rockenbaugh, Lauren Rockenbaugh, Amanda Jean Bowman, namely the HEIRS named in the will of the late John Rockenbaugh, who:

1.) PURSUANT to

- A. W.Va. Code 41-5-4(a) which states: "In the county wherein the testator, at the time of death, had a mansion house or known place of residence":
- B. W.Va. Code 27-1-8 which states: "A 'resident of the state' is any person who has had an established residency in the state' for at least one year, and a 'resident of the county' is any person who has had a residency in the county for at least 60 days".
- C. A letter sent by County Clerk, Jennifer Maghan, dated August 2, 2010. (See attachment A)
- D. A letter from the Commissioner of Accounts, Frank Hill, dated September 15, 2010. (See attachment B)

objects to and contests the probating of the will in Jefferson County, West Virginia.

2.) AND FURTHER, in support of our objection, the above-named HEIRS rely on the following decisions of the West Virginia Supreme Court and the following language therein:

12/14/2010

- A. *Lotz v. Atamniuk* 172 W.Va. 116, 304 S.E.2d 20, syl. pt. 2 "Domicile is a combination of residence (or presence) and an intention of remaining".
- B. *White v. Manchin* 173 W.Va. 526, 318 S.E.2d 407 syl. pt. 7 "In West Virginia the term residence is synonymous with the term domicile for election law purposes".
- C. *Shrewsbury v. Shrewsbury*, 527 S.E. 2d 508 206 W.Va. (1999) "In the county wherein at the time of death had a mansion or a known place of residence."
- D. *Shaw v. Shaw* 155 W.Va. 712 187 S.E. 2d 124 (1972) syl. pt. 2 "A person may live in several different places but (he or she) can have only one domicile. Domicile is a place a person intends to retain as a permanent residence and go back to ultimately after moving away."

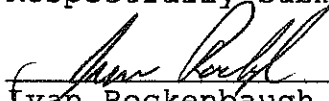
3. The facts and circumstances upon which the above-named HEIRS rely to contest and object to the probating of the will in Jefferson County, West Virginia are that:

- (a) John Rockenbaugh died in Berkeley County, West Virginia, as reflected in the death certificate. (See attachment C)
- (b) Said Berkeley County, West Virginia, being the county of residence and domicile of John Rockenbaugh at the time of his death.
- (c) At the time of his death, John Rockenbaugh lived and resided at Elmcroft of Martinsburg, West Virginia, in Berkeley County, West Virginia, continuously and without interruption for a period of one year.
- (d) And further, said John Rockenbaugh had no mansion in, nor was he a resident of Jefferson County, West Virginia, at the time of his death.


Thus, pursuant to W. Va. Code 41-5-4, the correct county to probate his will is Berkeley County, West Virginia.

WHEREFORE, said HEIRS and each of them pray that this Commission, pursuant to W.Va. Code 41-5-10, determine that Jefferson County is not the correct county to probate the will of John Rockenbaugh

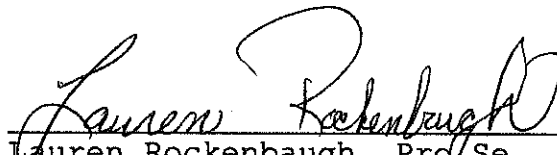
Respectfully submitted,



Ivan Rockenbaugh, Pro Se
89 Gemini Court
Martinsburg, WV 25404
(304) 702-4310 Pro Se



Adrian Rockenbaugh, Pro Se
89 Gemini Court
Martinsburg, WV 25404



Lauren Rockenbaugh, Pro Se
89 Gemini Court
Martinsburg, WV 25404

Amanda Jean Bowman, Pro Se
89 Camden Ct.
Martinsburg, WC 25404

cc: Jefferson County Commission
Jennifer Maghan
Madam President Lyn Widmyer

Vice President Patsy Noland
Commissioner Dale Manuel
Commissioner Jim urkamp
Commissioner Frances Morgan
Dennis Barron - Executor of Estate of John Rockenbaugh
Henry Morrow - Attorney for the Estate of John
Rockenbaugh
Frank Hill - Commissioner of Accounts
Ron Grubb, Pastor of the Christ Reformed Church, the
majority beneficiary



Jennifer S. Maghan
Jefferson County Clerk

August 2, 2010

Mr. Ivan Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404

Dear Mr. Rockenbaugh,

Thank you for addressing your concerns with both the Berkeley County Fiduciary Office and our Probate office here in Jefferson County. While I pray that you will find this letter to be meaningful, I do not believe my answer will satisfy your questions at hand.

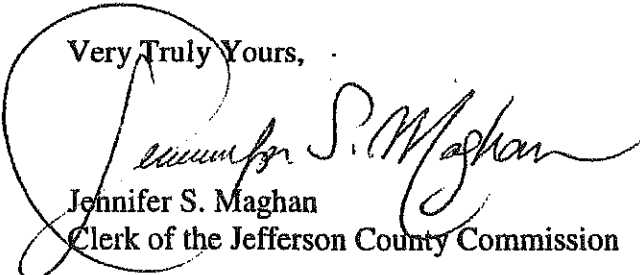
It is always disheartening when relatives feel that their loved one was not in a sound frame of mind during the time a will was written and I am truly sorry for your current position. It is also unfortunate that you feel as though you have been "stonewalled" by other parties.

Our office strives to correctly perform our duties while being warm, friendly and sincere to all members of our citizenry and hope you understand that we have done everything in our power to ensure that this case is being probated properly and at this time, we have a legal will in our possession, in the correct jurisdiction that has been probated correctly by the executor.

In the meantime, it is indeed well within your right to request a Probate hearing from the County Commission and can call 304-728-3284 should you decide to do so.

I wish you the very best should you represent pro-se, however, for your own peace of mind, might I advise that you seek the assistance of an attorney who is well versed in settling estates to avoid being the only party without legal representation. .

Very Truly Yours,


Jennifer S. Maghan
Clerk of the Jefferson County Commission

CC: Stephen Groh Jefferson County Commission

WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
 BUREAU FOR PUBLIC HEALTH - VITAL REGISTRATION
 PHYSICIANS / MEDICAL EXAMINER'S CERTIFICATE OF DEATH
 ROOM 165, 350 CAPITOL STREET, CHARLESTON, WV 25301

005297
 STATE FILE NUMBER

TYPE / PRINT
 IN
 PERMANENT
 BLACK INK

NAME OF DECEDENT
 Certified by Physician or Pathologist

| | | | | | | |
|---|---|---|---|---|---|--|
| 1 DECEDENT'S NAME (First, Middle, Last) John R. Rockenbaugh | | | | 2 SEX M | 3 DATE OF DEATH (Month, Day, Year) April 02, 2010 | |
| 4 SOCIAL SECURITY NUMBER 232-26-6229 | 5a AGE-Last Birthday (Years) 89 | 5b UNDER 1 YEAR Months: _____ Days: _____ | 5c UNDER 1 DAY Hours: _____ Minutes: _____ | 6 DATE OF BIRTH (Month, Day, Year) June 17, 1920 | 7 BIRTHPLACE (City and State or Foreign Country) Jefferson Co., WV | |
| 8 WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or no) Yes | | 9a PLACE OF DEATH (Check only one; see instructions on other side) HOSPITAL <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DCA <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify): _____ | | | | |
| 9b FACILITY NAME (If not inpatient, give street and number) Elmcroft of Martinsburg | | | 9c CITY, TOWN, OR LOCATION OF DEATH Martinsburg | | 9d COUNTY OF DEATH Berkeley | |
| 10 MARITAL STATUS—Married, Never Married, Widowed, Divorced (Specify) Widowed | 11 SURVIVING SPOUSE (If wife, give maiden name) | 12a DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.) Lab Technician | | 12b KIND OF BUSINESS/INDUSTRY Dupont | | |
| 13a RESIDENCE—STATE WV | 13b COUNTY Berkeley | 13c CITY, TOWN, OR LOCATION Martinsburg | | 13d STREET AND NUMBER 200 Gloucester Drive | | |
| 13e INSIDE CITY LIMITS? (Yes or no) yes | 13f ZIP CODE 25401 | 14 WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes—if yes, specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> No <input type="checkbox"/> Yes Specify: _____ | | 15 RACE—American Indian, Black, White, etc. (Specify) White | 16 DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary (Secondary, 4-12) <input type="checkbox"/> 16A 12 College (1-4 or 5-1) <input type="checkbox"/> 16B | |
| 17 FATHER'S NAME (First, Middle, Last) Carroll Rockenbaugh | | | 18 MOTHER'S NAME (First, Middle, Maiden Surname) Ruth Hoffman | | | |
| 19a INFORMANT'S NAME (Type/Print) Dennis Barron | | | 19b MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) PO Box 40, Shepherdstown, WV 25443 | | | |
| 20a METHOD OF DISPOSITION <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify): _____ | | 20b PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Elmwood Cemetery | | 20c LOCATION—City or Town, State Shepherdstown, WV | | |
| 21 SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>Dennis Barron</i> | | | 22 NAME AND ADDRESS OF FACILITY Melvin T. Strider Co., Inc. PO Box 388, Charles Town, WV 25414 | | | |
| 23a Complete items 23a-1 only when certifying physician is not available at time of death to certify cause of death | | 23b To the best of my knowledge, death occurred at the time, date, and place stated <i>R. J. McNeil, M.D.</i> | | 23c DATE SIGNED (Month, Day, Year) 4/5/10 | | |
| 24 TIME OF DEATH 11:00 P.M. | | 25 DATE PRONOUNCED DEAD (Month, Day, Year) 4/2/10 | | 26 WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? (Yes or no) NO | | |
| 27 PART I Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Pneumonia, terminal | | | | | | |
| IMMEDIATE CAUSE (Final disease or condition resulting in death) a. _____ DUE TO (OR AS A CONSEQUENCE OF) | | | | | | |
| Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST b. _____ DUE TO (OR AS A CONSEQUENCE OF) | | | | | | |
| c. _____ DUE TO (OR AS A CONSEQUENCE OF) | | | | | | |
| d. _____ DUE TO (OR AS A CONSEQUENCE OF) | | | | | | |
| 28 PART II Other significant conditions contributing to death but not resulting in the underlying cause (Specify) Previous Cerebral Stroke; Parkinson's Disease; Coronary Artery Disease; Hypertension; Multiple Infract. Osteoporosis | | | | 28a WAS AN AUTOPSY PERFORMED? (Yes or no) no | 28b WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or no) | |
| 29 MANNER OF DEATH <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be Determined <input type="checkbox"/> Homicide | | 30a DATE OF INJURY (Month, Day, Year) | 30b TIME OF INJURY | 30c INJURY AT WORK? (Yes or No) | 30d DESCRIBE HOW INJURY OCCURRED | |
| | | 30e PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify) | | 30f LOCATION (Street and Number or Rural Route Number, City or Town, State) | | |
| 31a CERTIFIER (Check only one) <input checked="" type="checkbox"/> CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed item 23) To the best of my knowledge, death occurred due to the cause(s) and manner as stated <input type="checkbox"/> PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death) To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated <input type="checkbox"/> MEDICAL EXAMINER/CORONER On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated | | | | | | |
| 31b SIGNATURE AND TITLE OF CERTIFIER <i>R. J. McNeil, M.D.</i> | | | | | 31c DATE SIGNED (Month, Day, Year) 4/5/10 | |
| 32 NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 27) (Type/Print) R. T. EST. COV. M.A. 65 Health Care Lane Martinsburg, WV. | | | | | | |

DECEDENT

PARENTS

INFORMANT

DISPOSITION

PRONOUNCING PHYSICIAN ONLY

ITEMS 24-26 MUST BE COMPLETED BY PERSON WHO PRONOUNCES DEATH

CAUSE OF DEATH

CERTIFIER

NOTICE OF ADMINISTRATION

**Jefferson County Clerk's Probate Office
P. O. Box 208
100 E. Washington Street
Charles Town, WV 25414**

Estate of John R. Rockenbaugh, deceased

**Personal Representative: Dennis L. Barron, Executor
1329 Shepherd Grade Road
Shepherdstown, WV 25443**

**Fiduciary Commissioner: D. Frank Hill, III
PO Box A
Shepherdstown, WV 25443**

Date of first publication: September 15th, 2010

Claims against the estate must be filed in accordance with the provisions of §44-2-1 of the West Virginia Code.

Any person seeking to impeach or establish a Will must make a complaint in accordance with the provisions of §41-5-11, 12, or 13.

Any person interested in the above referenced estate who objects to the validity of the Will, the qualifications of the Personal Representative or the venue or jurisdiction of the Court, shall file notice of an objection with the Clerk of the County Commission within NINETY (90) DAYS after the date of the first publication of this notice or within THIRTY (30) DAYS after service made by the Personal Representative, whichever is later.

If an objection is not timely filed, the objection is forever barred.

STEVEN A. GREENBAUM, ESQ.
123 W. BURKE ST., STE. 101
MARTINSBURG, WV 25401
TEL# (304)267-3068
FAX# (304) 267-3069
sgreenbaumesq@aol.com

January 4, 2011

D. Frank Hill, Esq.
Fiduciary Commissioner
P.O. Box A
Shepherdstown, WV 25443

RE: Estate of John R. Rockenbaugh, deceased

Dear Mr. Hill:

I no longer represent Mr. Ivan or Adrian Rockenbaugh in this matter. I apologize for the oversight of not notifying you and Ms. Maghan sooner. I will forward a copy of the Report of Fiduciary Commissioner to Mr. Rockenbaugh. Please forward all future communications from your office to Mr. Ivan Rockenbaugh, who, to my knowledge, is representing himself in this matter. Thank you.

Sincerely,



Steven A. Greenbaum, Esq.

Cc: Ivan Rockenbaugh
Jennifer S. Maghan, Circuit Clerk
Henry W. Morrow, Jr., Esq.
Dennis L. Barron

Ivan Rockenbaugh
89 Gemini ct
Martinsburg WV 25404

January 12, 2011

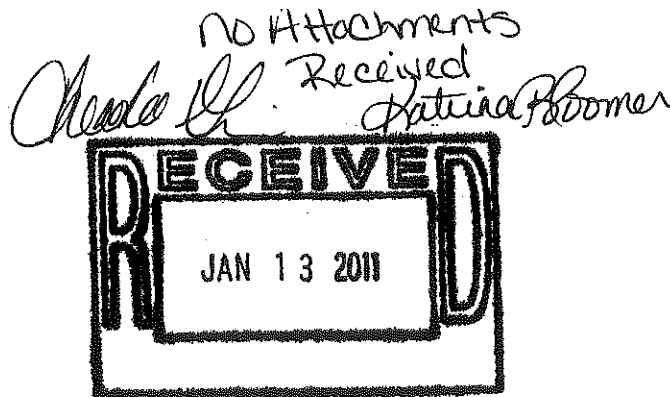
Attn: Madam President Lyn Widmyer,
Jefferson County Commission

I have attached my recently filed "Notice of Objection" to Jefferson County being the county of probate of the will of my deceased Grandfather John Rockenbaugh; as per my right as an heir to the estate of John Rockenbaugh. I will be preparing and providing to Mr. Hill as per his letter of January 3, 2011 objections to his proposed Report of Fiduciary Commissioner. I have also attached a copy of his letter.

Finally once my OBJECTION to Jurisdiction is resolved by the Commission and/or thereafter by the courts I intend to offer evidence that the will at issue was prepared as the result of Duress and Coercion as exercised against my grandfather, due to my grandfathers weakened if not incompetent mental condition.

Sincerely,
Ivan Rockenbaugh

Cc: Frank Hill, Fiduciary Commissioner
Steve Groh, Attorney for Jefferson County Commission
Mrs. Meghan, Jefferson County Clerk
Henry Morrow Jr., Attorney for the Estate of John Rockenbaugh
Dennis Barron, Appointed Executor by Jefferson County Commission



IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF THE ESTATE OF:

JOHN R. ROCKENBAUGH, DECEASED

MOTION TO DISMISS OBJECTION TO VENUE

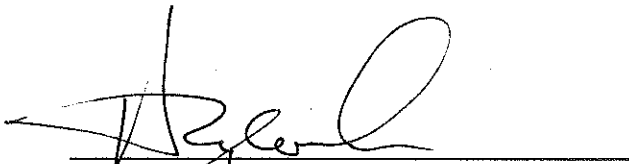
Comes now, Dennis L. Barron, in his capacity as executor of the Estate of John R. Rockenbaugh and moves that the objection to venue, hereinbefore filed by Ivan Rockenbaugh and others (it is not clear who actually joined in the signing and making of this "objection"), be dismissed for the following reasons:

1. Venue is determined under the provisions of *West Virginia Code*: § 41-5-4, which provides, in part, that venue is proper "in the county wherein the testator, at the time of his death, had a . . . known place of residence." John R. Rockenbaugh had a known place of residence, to-wit: P.O. Box 1416, Shepherdstown, Jefferson County, West Virginia, which he maintained up until his death. In addition, the following facts also evidence an intention to return to Shepherdstown:
 - a. He never changed his mailing address from Shepherdstown and maintained his post office address which he had established many years before.
 - b. Mr. Rockenbaugh was registered to vote in Jefferson County and never changed his voter registration to Berkeley County.
 - c. Mr. Rockenbaugh's temporary living quarters in Berkeley County was in an assisted living medical facility, not a private residence.
 - d. Mr. Rockenbaugh, up to the time of his death, maintained close ties with Shepherdstown by maintaining his membership in the Christ Reformed Church of Shepherdstown, by maintaining his mail address in Shepherdstown, by maintaining a safe deposit box and personal bank accounts at the Washington Street office of Jefferson Security Bank in Shepherdstown, and by appointing an individual who worked and lived in Shepherdstown as his attorney-in-fact prior to his death, to-wit: Dennis L. Barron.

2. Notwithstanding the foregoing, even if the Commission were to find that Mr. Rockenbaugh did not have a mansion house or known place of residence in Jefferson County, he did not have any ties to Berkeley County, West Virginia, such that this Commission might find he was a resident of Berkeley County, West Virginia. His only tie to Berkeley County was the fact that he temporarily stayed in an assisted living medical facility there.
3. Even if this Commission were to find that Mr. Rockenbaugh, at the time of his death, had no mansion house or known place of residence, venue would nevertheless be proper in Jefferson County under *West Virginia Code*: § 44-5-4 (c), because he had personal property in Jefferson County, West Virginia. This section permits venue to be established in "any county wherein . . . he had any property at the time of his death." Mr. Rockenbaugh's safe deposit box is physically located and situate at the main office of Jefferson Security Bank on Washington Street in Shepherdstown, Jefferson County, West Virginia, and, on the date of his death, contained financial documents and other papers, all of which constitute "property" sufficient to establish venue in Jefferson County.

WHEREFORE, Your Executor would respectfully request this honorable Commission to dismiss any and all objections to venue and confirm that venue has been properly established in Jefferson County, West Virginia.

Respectfully presented.



HENRY W. MORROW, JR.

Attorney for the Estate of John R. Rockenbaugh

Morrow & Morrow

P.O. Box 459

Charles Town, WV 25414

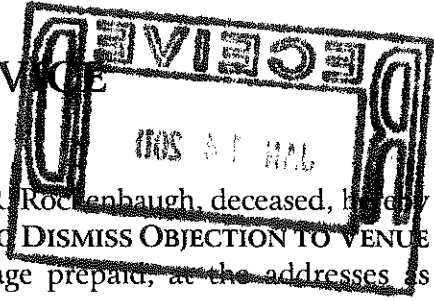
(304) 725-3441

State Bar ID No. : 2647

DENNIS L. BARRON, EXECUTOR

By Counsel

CERTIFICATE OF SERVICE



I Henry W. Morrow, Jr., attorney for the Estate of John R. Rockenbaugh, deceased, hereby certify that I have served true copies of the foregoing MOTION TO DISMISS OBJECTION TO VENUE upon the following by first class, United States Mail, postage prepaid, at the addresses as indicated below on the 14th day of January, 2011:

Ivan Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404

Adrian Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404

Lauren Rockenbaugh
89 Gemini Court
Martinsburg, WV 25404

Amanda Jean Bowman
89 Camden Court
Martinsburg, WV 25404

D. Frank Hill, Esquire
Fiduciary Commissioner for Jefferson County
P.O. Box A
Shepherdstown, WV 25443

Given under my hand this 14th day of January, 2011.

HENRY W. MORROW, JR.

Attorney for the Estate of John R. Rockenbaugh, Dec'd.
P.O. Box 459
Charles Town, WV 25414
(304) 725-3441
State Bar ID #: 2647

Jennifer S Mashan
 JEFFERSON County 11:00:49 AM
 Instrument No 2010018494
 Date Recorded 09/15/2010
 Document Type APR
 Book-Page 20-599
 Recording Fee \$5.00
 Additional \$6.00

**APPRAISEMENT OF THE ESTATE
 FOR DECEDENTS DYING ON OR AFTER JULY 13, 2001**

ET 6.01
 Rev. 03/02

PART 1: GENERAL INFORMATION QUESTIONNAIRE

TAX DEPARTMENT
 USE ONLY

| | | | |
|--|--------------------------|---|------------------------------|
| A. Decedent's Name John R. Rockenbaugh | | B. Social Security Number 232-26-6229 | C. Date of Death 4/2/2010 |
| D. Decedent's Residence at Death Elmcroft of Martinsburg 200 Gloucester Drive, Martinsburg | | E. State WV | F. County Berkeley |
| G. Marital Status at Death Single, Widow(er) or Divorced <input checked="" type="checkbox"/> | Name of Surviving Spouse | H. West Virginia Counties Where Decedent Held Real Estate | |
| I. Will this estate be required to file a Federal Estate Tax Return FORM 706 (see the instructions on page 2)? | | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | |
| J. Will this estate be required to file the Nonprobate Inventory Form ET 6.02 (see the instructions on page 3)? | | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | |
| K. Did the Decedent leave a WILL? | | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | |
| L. Fiduciary's Name and Mailing Address (Include zip code) Dennis L. Barron .1329 Shepherd Grade Rd. Shepherdstown WV 25443 | | M. Preparer's Name and Address Dennis L. Barron 1329 Shepherd Grade Rd. Shepherdstown WV 25443 | |
| Fiduciary's Phone Number 304-876-6686 | | Preparer's Phone Number 303-876-6686 | |

PART 2: QUESTIONNAIRE OF NONPROBATE REAL ESTATE

Title: (circle one) Administrator, Executor, Ancillary

Answer each of the following questions concerning the decedent's interest in NONPROBATE REAL ESTATE. If you answer "YES" to any question below, you must complete the attached Inventory of Nonprobate Real Estate provided with this form which shows:

- the type of transfer(s) with reference to the question number below;
- name(s) of the person(s) with an interest in the real estate as joint tenant or transferee;
- relationship to the decedent of ALL above named persons;
- market value at the date of death; and
- description of the real estate including assessed value.

| | MARKET VALUE |
|---|--------------|
| 1. Did the decedent own an interest in any real estate as joint tenant with right of survivorship? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | 1 None |
| 2. Did the decedent transfer an interest in any real estate without adequate consideration within three years prior to date of death? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | 2 None |
| 3. Did the decedent own an interest in any real estate in an inter vivos trust (living trust) arrangement or in which the decedent retained the right of use and enjoyment? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | 3 None |
| 4. Did the decedent own an interest in any real estate in which the decedent retained a power of appointment, whether special or general? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | 4 None |
| 5. Did the decedent own an interest in any real estate as a life estate including a dower interest? ... YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | 5 None |
| 6. TOTAL VALUE OF NONPROBATE REAL ESTATE (add lines 1 through 5 above) | 6 None |

PART 3: SUMMARY OF PROBATE ASSETS

Complete PART 4 first. Enter the total from each schedule of PART 4 on the appropriate line below.

| | MARKET VALUE |
|---|----------------|
| 1. Schedule A: Real estate or any interest therein | 1 None |
| 2. Schedule B: Tangible personal property of every kind | 2 \$ 6,240.25 |
| 3. Schedule C: Government bonds and securities of every kind | 3 None |
| 4. Schedule D: Shares of corporate stock of every kind | 4 16,149.66 |
| 5. Schedule E: Money, certificates of deposit, notes, accounts, etc | 5 406,790.02 |
| 6. Schedule F: All other assets not hereinbefore mentioned | 6 None |
| 7. TOTAL VALUE OF PROBATE ASSETS (add lines 1 through 6 above) | 7 \$429,179.93 |

PART 4: INVENTORY OF PROBATE ASSETS - TRANSFERS BY WILL OR INTESTACY

After completing PART 4, enter the total from each schedule on the appropriate line in PART 3.

| SCHEDULE A: Describe any real estate or any interest in real estate. Include description and appraised value of out of state property, but do not include this amount in the total. See page 3 of the instructions. | ASSESSED VALUE | APPRAISED VALUE |
|--|-----------------------|------------------------|
| None. | | |
| TOTAL (enter the total appraised value on line 1 of PART 3) | None | None |

| SCHEDULE B: Tangible personal property of every kind. See page 3 of the instructions. | APPRAISED VALUE |
|--|------------------------|
| Gross Auction Proceeds - Furnighings, guns, and personal property | \$4,240.25 |
| Miscellaneous personal property | 2,000.00 |
| TOTAL (enter the total appraised value on line 2 of PART 3) | \$6,240.25 |

| SCHEDULE C: Bonds and securities of every kind. See page 3 of the instructions. | APPRAISED VALUE |
|--|------------------------|
| None | None |
| TOTAL (enter the total appraised value on line 3 of PART 3) | |

PART 4 (continued)

| SCHEDULE D: Corporate stock of any kind. See page 3 of the instructions. | | | | |
|---|---------------------|-------------------------|-------------------------------|---------------------------|
| NAME OF THE COMPANY | CLOSELY HELD | NUMBER OF SHARES | MARKET VALUE PER SHARE | TOTAL MARKET VALUE |
| E.I. du Pont de Nemous & Co. | | 426 | \$37.91 | \$16,149.66 |
| TOTAL (enter the total market value on line 4 of PART 3) | | | | \$16,149.66 |

| SCHEDULE E: Money, bank accounts, certificates of deposits, notes, accounts receivable, etc. Show dates of notes. See page 3 of the instructions. | APPRAISED VALUE |
|--|------------------------|
| Jefferson Security Bank - Super NOW Account #10018992 | \$ 12,005.08 |
| Accrued Interest | 0.00 |
| Jefferson Security Bank - Certificate of Deposit #31568 | 390,000.00 |
| Accrued Interest | 85.05 |
| E.I. du Pont de Nemous & Co. - Final Retirement payment | 866.19 |
| Social Security refund | 1,090.00 |
| Senior Care Operation Holding LLC - Refund - Elmcroft of Martinsburg | 2,619.50 |
| Mid Town Auction - check replacement | 124.20 |
| TOTAL (enter the total appraised value on line 5 of PART 3) | \$406,790.02 |

| SCHEDULE F: All other assets, not hereinbefore mentioned, including insurance payable to the estate. See page 3 of the instructions. | APPRAISED VALUE |
|---|------------------------|
| None | None |
| TOTAL (enter the total appraised value on line 6 of PART 3) | None |

PART 5: BENEFICIARIES. List the names and relationships of all beneficiaries or heirs of the estate. Show the age of any life tenant after their name. See page 3 of the instructions.

| BENEFICIARY OR HEIR | RELATIONSHIP | BENEFICIARY OR HEIR | RELATIONSHIP |
|------------------------|---------------------|---------------------|--------------|
| Ivan Rockenbaugh | Grandson | | |
| Adrian Rockenbaugh | Grandson | | |
| Amanda Jean Forney | Great Step- | Granddaughter | |
| Lauren Rockenbaugh | Great Granddaughter | | |
| Christ Reformed Church | None | | |
| | | | |

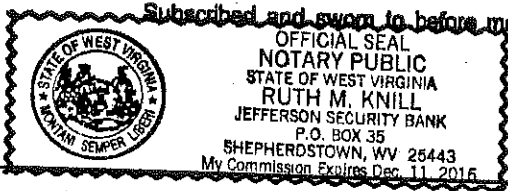
PART 6: OATH OF FIDUCIARY

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

I, Dennis L. Barron, fiduciary for the estate of John R. Rockenbaugh after diligent effort to ascertain the taxable property of this estate, have made answers to each of the questions and have completed, in detail, the schedules for each category of property and believe each item thereof to be correct. I thereby believe the foregoing to be the true and lawful appraisal of ALL real estate and probate property of the estate of the above named decedent.

Dennis L. Barron
Fiduciary

Subscribed and sworn to before me this 4th day of August, 20 10



Ruth M. Knill
Notary Public

My Commission expires Dec 11, 20 16

PART 7: APPROVAL OF FIDUCIARY COMMISSIONER/FIDUCIARY SUPERVISOR

I, D. Frank Hill, III, Fiduciary Commissioner/Probate Supervisor of Jefferson County, West Virginia, to whom the estate of the above named decedent was referred, do hereby approve the foregoing appraisal of such estate.

Given under my hand this 11th day of August, 20 10.

D. Frank Hill, III
Fiduciary Commissioner/Probate Supervisor

By _____ Deputy

PART 8: CLERK OF THE COUNTY COMMISSION

STATE OF WEST VIRGINIA

COUNTY OF Jefferson To-wit:

In the Clerk's office of Jefferson County on the 15 day of September, 20 10, the foregoing appraisal of the above named decedent was presented and upon motion admitted to record.

Attest Jennifer S. Maghan Clerk

By Karen K. Oiler Deputy

Jennifer S Mashan
JEFFERSON County 04:31:07 PM
Instrument No 2010006254
Date Recorded 04/15/2010
Document Type WILL
Book-Page 1B-633
Recording Fee \$5.00
Additional \$6.00

LAST WILL AND TESTAMENT
OF
JOHN R. ROCKENBAUGH

I, JOHN R. ROCKENBAUGH, being of sound mind and disposing memory, do hereby make, publish and declare this to be my LAST WILL AND TESTAMENT, hereby expressly revoking any and all other Wills by me heretofore made.

ARTICLE I

I direct my executor, hereinafter named, to pay all my just debts and funeral expenses, including the cost of a suitable marker for my final resting place.

ARTICLE II

I am a widower and have three children from a previous marriage: Janice Rockenbaugh, John Robert Rockenbaugh, II, and James Carroll Rockenbaugh. It is my desire and intent that Janice Rockenbaugh and John Robert Rockenbaugh, II, take nothing under this will. My other son, James Carroll Rockenbaugh is deceased with living issue.

ARTICLE III

I hereby direct my executor to take all real and personal assets of my estate and sell the same at public auction or upon a private sale, as said executor, in his discretion, deems necessary and appropriate, thereby reducing my estate to cash to accomplish the bequests provided for herein. To this end, my executor shall have the complete power of sale of any real or personal property in my estate, upon such terms and conditions as said executor deems necessary and appropriate, and no purchaser of any such property shall be required to see to the proper application of the proceeds therefrom.

DOCUMENT
PREPARED BY

HENRY W. MORROW, JR.
ATTORNEY-AT-LAW
P.O. BOX 459
CHARLES TOWN, WV
25414
(304) 725-3441

LAST WILL AND TESTAMENT
PAGE 1 OF 3 PAGES

Initials *JR*

ARTICLE IV


Following sale of all my property and upon payment of all my just debts, costs of administration and claims against my estate, the executor shall distribute my estate as follows:

- A. I ask that my sister follow my wishes with respect to my pet cat, Fred, and I direct my executor to make funds available for this purpose.
- B. I hereby make the following specific bequests:
 - 1. To my grandson, Ivan Rockenbaugh, \$ 10,000.00
 - 2. To my grandson Adrian Rockenbaugh, \$ 10,000.00
 - 3. To my great step-granddaughter, Amanda Jean Forney, \$ 5,000.00
 - 4. To my great granddaughter, Lauren Rockenbaugh, \$ 5,000.00
- C. All the rest and residue of my estate I hereby give, devise and bequeath, and the same shall be distributed to, the Christ Reformed Church in Shepherdstown, West Virginia.

ARTICLE V

I hereby nominate and appoint Dennis Barron as executor of this, my LAST WILL AND TESTAMENT, and request that no surety be required on his official bond. In the event that he is unable or unwilling to serve due to death, resignation, or for any other cause, I hereby nominate and appoint my attorney, Henry W. Morrow, Jr., as substitute executor to act in his place and stead and request that no surety be required upon his official bond. In the event Dennis Barron and Henry Morrow, Jr. are both unable or unwilling to serve due to death, resignation or for any other cause, I hereby nominate and appoint my sister, Alice Cottrell, as substitute executrix of my estate and request that no surety be required upon her official bond.

WITNESS my signature this 6th day of September, 2006.


JOHN R. ROCKENBAUGH

LAST WILL AND TESTAMENT
PAGE 2 OF 3 PAGES

DOCUMENT
PREPARED BY

HENRY W. MORROW, JR.
ATTORNEY-AT-LAW
P.O. BOX 459
CHARLES TOWN, WV
25414
(304) 725-3441

The foregoing signature of the testator, JOHN R. ROCKENBAUGH, was made and the foregoing Will was acknowledged to be his LAST WILL AND TESTAMENT by the said testator, in the presence of us, two competent witnesses, present at the same time; and we, the said witnesses, do hereunto subscribe the said Will on the date last above written, in the presence of the said testator and of each other, at the request of the said testator, who was then of sound mind and over the age of twenty-one years.

Jennette H. Morrow
 WITNESS SIGNATURE
 Jennette H. Morrow
 P.O. Box 718

 WITNESS ADDRESS
 Shepherdson, WV 25443

 WITNESS ADDRESS

Jena L. Bowers
 WITNESS SIGNATURE
 JENA L. BOWERS
 5176 W. Lincoln Avenue

 WITNESS ADDRESS
 Martinsburg, WV 25401

 WITNESS ADDRESS

STATE OF WEST VIRGINIA,
 COUNTY OF JEFFERSON, to-wit:

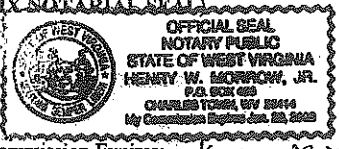
This day personally appeared before me, the undersigned notary public, Jennette H. Morrow and JENA L. BOWERS, who, being first duly sworn, say they are the subscribing witnesses to the LAST WILL AND TESTAMENT of JOHN R. ROCKENBAUGH, which Will is dated the 6th day of September, 2006; and that on said date JOHN R. ROCKENBAUGH signed, sealed, published and declared the same as and for his LAST WILL AND TESTAMENT in the presence of these affiants, the subscribing witnesses named herein; and that these affiants, at the request of the said testator, in the presence of each other and in the presence of the said testator, all present at the same time, signed their names as attesting witnesses to said LAST WILL AND TESTAMENT.

Affiants further say that this affidavit is made at the request of the said testator, JOHN R. ROCKENBAUGH, and in his presence and that the said JOHN R. ROCKENBAUGH, at the time said LAST WILL AND TESTAMENT was executed was, in the opinion of the undersigned affiants, of sound mind and disposing memory and was over the age of eighteen (18) years of age.

Jena L. Bowers
 WITNESS SIGNATURE

Jennette H. Morrow
 WITNESS SIGNATURE

Taken, sworn and subscribed to before me by the said Jennette H. Morrow and Jena L. Bowers, this 6th day of September, 2006.

(AFFIX NOTARIAL SEAL)

 My Commission Expires: January 30, 2008

[Signature]
 NOTARY PUBLIC

DOCUMENT PREPARED BY
 HENRY W. MORROW, JR.
 ATTORNEY-AT-LAW
 P.O. BOX 459
 CHARLES TOWN, WV
 25414
 (304) 725-3441

Initials J.R.

IN THE COURT OF THE COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF SALLIE SHEPHERD SPAULDING.

ORDER SETTING HEARING

This day came the Petitioner, by counsel, David A. Camilletti, Esquire, having previously filed a duly verified Petition of Peter Spaulding for Elective Share. It appears to the Court by said Petition that the Petitioner is entitled to a hearing on this matter.

It is therefore ORDERED that the Petition of Peter Spaulding for Elective Share shall be set down for hearing before the County Commission of Jefferson County, West Virginia on the _____ day of _____, 2011 at _____ o'clock a.m./p.m., or as soon thereafter as Counsel may be heard.

It is further ORDERED that the Petitioner shall cause a duly attested copy of this Order and Petition of Peter Spaulding for Elective Share be served upon Henry W. Morrow, Jr., Executor of the Estate of Sallie Shepherd Spaulding, P.O. Box 459, Charles Town, WV 25414 certified mail, return receipt requested and by regular first class mail.

The Clerk shall enter this Order as of the day and date below written and shall transmit three (3) attested copies to David A. Camilletti, Esquire, 103 W. Liberty Street, Charles Town, West Virginia.

ENTERED this _____ day of _____, 2011.

President of the County Commission

IN THE COURT OF THE COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF SALLIE SHEPHERD SPAULDING.

ORDER FILING PETITION

This day came the Petitioner, by counsel, David A. Camilletti, Esquire, tendered and asked leave to file his duly verified Petition of Peter Spaulding for Elective Share in this cause. It appears to the Court by said Petition is proper as to form and should be filed in this matter.

It is further ORDERED that the Petitioner shall cause a duly attested copy of this Order and Petition of Peter Spaulding for Elective Share be served upon Henry W. Morrow, Jr., Executor of the Estate of Sallie Shepherd Spaulding, P.O. Box 459, Charles Town, WV 25414 certified mail, return receipt requested and by regular first class mail.

The Clerk shall enter this Order as of the day and date below written and shall transmit three (3) attested copies to David A. Camilletti, Esquire, 103 W. Liberty Street, Charles Town, West Virginia.

ENTERED this 25th day of January, 2011.

COPY


Clerk of the County Commission

IN THE COURT OF THE COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF SALLIE SHEPHERD SPAULDING

COPY

PETITION OF PETER SPAULDING FOR ELECTIVE SHARE

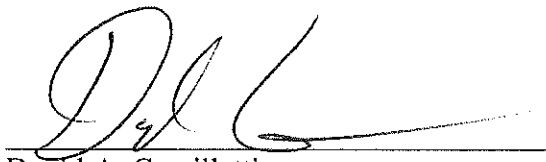
NOW COMES, Petitioner, Peter Spaulding, by counsel, David A. Camilletti pursuant to West Virginia Code Section 42-3-1 *et seq.* and files his Petition to receive his share of the decedent's estate in the alternative to the Will of Sallie Shepherd Spaulding.

1. Sallie Shepherd Spaulding died testate on February 20, 2010.
2. The Decedent's Will was presented for probate on June 22, 2010.
3. Decedent married Peter Spaulding on November 18, 1987.
4. Decedent's Will was written during her marriage to Peter Spaulding, the Petitioner.
5. Decedent's Will left her entire estate to the Sallie Shepherd Spaulding Trust and naming Henry Morrow, Jr., as trustee.
6. West Virginia Code Section 42-3-1 *et seq.* provides for a spouse to choose an alternative share of the estate of their deceased spouse.
7. Such elective share is governed by the number of years of marriage.
8. Peter Spaulding and Sallie Shepherd Spaulding were married in 1987. Their marriage was greater than fifteen years.
9. Peter Spaulding seeks his elective share.
10. Pursuant to West Virginia Code Section 42-3-1 *et seq.*, Peter Spaulding is entitled to fifty percent (50%) of the augmented estate of Sallie Shepherd Spaulding.

WHEREFORE, Peter Spaulding prays for the following relief:

- a. That this Court order this Petition filed and set this matter for a hearing;
- b. That this court grant him the elective share pursuant to West Virginia Code Section 42-3-1 *et seq.*; and
- c. For such other relief as the court deem just and proper.

Peter Spaulding, Petitioner
By counsel



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

VERIFICATION

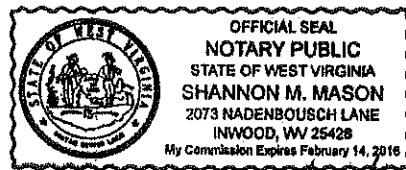
STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON, TO-WIT:

I, Peter Spaulding, the Petitioner named in the foregoing and annexed Petition for Elective Share, being first duly sworn, depose and say that the facts and allegations herein contained are true and correct, except insofar as they are herein stated to be upon information and belief, and insofar as they are herein stated to be upon information and belief, and insofar as that are stated to be upon information and belief, I believe them to be true.



PETER SPAULDING

Taken, subscribed and sworn to before the undersigned authority this day 21st of
January, 2011.





NOTARY PUBLIC

My Commission expires: 2/14/2016

IN THE COURT OF THE COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF SALLIE SHEPHERD SPAULDING

CERTIFICATE OF SERVICE

I hereby certify that service of a true copy of the foregoing has been made as follows:

Type of Service: Certified Mail, Return Receipt Requested and
United States First Class Mail, postage prepaid

Date of Service: January 24, 2010

Persons served and address: Henry Morrow, Jr.
Executor of the Estate of Sallie Shepherd Spaulding
P.O. Box 459
Charles Town, WV 2514

Item Served: *Petition of Peter Spaulding for Elective Share & Proposed
Order Filing Petition & Proposed Order Setting Hearing*



David A. Camilletti, Esquire
W.V. State Bar #599

| |
|--|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>2-3-11</u></p> <p>Appt Time or New Business: <u>11:45 AM</u></p> |
|--|

AGENDA REQUEST FORM

Name: Tom Bayuzik

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: **Update - \$200,000 loan to the Economic Development Authority**

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

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

Attachments:

NOTICE
Board of Review and Equalization

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Tuesday, February 1, 2011, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the year 2011.

The Commission will continue to sit as a Board of Review and Equalization on Thursday, February 3rd, 2011, at 1:30 p.m., Tuesday, February 8th, 2011, at 1:30 p.m., Thursday, February 10th, 2010, at 1:30 p.m., and thereafter, until all questions concerning assessments are heard.

Persons wishing to appear before the Commission must apply to the Assessor no later than Friday, February 11th, 2011, at noon, in order to complete the proper forms and to schedule a hearing date prior to the final date of Tuesday, February 15th, 2011.

Given under my hand this 6th day of January, 2011.

/s/

JENNIFER MAGHAN, COUNTY CLERK
JEFFERSON COUNTY COMMISSION

8

WATER TREATMENT SERVICE AGREEMENT RENEWAL
BETWEEN

BOLAND

We Are Not Comfortable Until You Are

30 West Watkins Mill Road, Gaithersburg, MD 20878
(240) 306-3000

January 21, 2011

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

Re: Water Treatment Renewal Agreement - Mason Bldg

Dear Mr. Polk

Enclosed you will find the signed Service Agreement renewal for the Water Treatment located at 116 East Washington Street. Once you've had a moment to review, please sign and return to my attention at the address listed above.

We sincerely appreciate the opportunity to serve you and look forward to continuing the long and mutually successful relationship between our companies. If you have any questions or concerns, do not hesitate to contact me at 240-306-3220 or fax to 240-306-3550 or via email at Lynette.Hopkins@Boland.Com.

Sincerely,

Lynette Hopkins

Lynette Hopkins
Contract Administrator
BOLAND

Enclosures

cc: Rick Hopkins, Water Technologies Division Manager - **BOLAND**

**WATER TREATMENT SERVICE AGREEMENT
BETWEEN**



**30 West Watkins Mill Road, Gaithersburg, MD 20878
240-306-3217 fax 240-306-3582**

AND

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

FOR: Mason Building
116 East Washington Street
Charles Town, WV 25414

Attn.: Bill Polk
bpolk@jeffersoncountywv.org

Telephone: 304-728-4642

- A. Effective March 1, 2011 and continuing in force thereafter for a period of three years, unless terminated as hereinafter provided, Seller agrees to provide services as per attached, for which Buyer agrees to pay \$1,992.00 per year. These amounts are payable \$284.57 per month, beginning on the effective date, above. It is understood and agreed that upon default in making any installment that the entire annual balance due on the contract is immediately due and payable.
- . B. Equipment: Closed Loop Steam Boiler System
- C. Modifications: Boland will supply one chemical pump and one solution tank.

OPEN EVAPORATIVE COOLING TOWER SYSTEM

- A. Provide necessary chemicals to aid in preventing scale and corrosion in the A/C condenser water system.
- B. Provide a microbiocide (s) for control of algae, slime-forming bacteria and fungi. Microbiocides will be effective where surface areas of the cooling tower realize saturated water conditions. It should be understood that there are areas of a cooling tower, particularly with cooling towers that experience "wetting and drying", in which algae can develop, yet cannot be controlled through an automatic microbiocide control program.
- C. Provide regular service visits, which are typically monthly or more frequently as conditions may warrant during the operating season, to make adjustments to the chemical feed and control equipment, replenish chemicals, and perform on-the-spot field test. A Field Water Test Report will be generated with test results, comments and recommendations. Should a system problem and/or a problem with our water treatment equipment occur that can compromise our water treatment program, Boland will respond in a timely matter.
- D. If during the *operating season* there is an indication of a slime or scale deposit on the heat transfer surface, Boland Services will chemically clean the heat transfer surface at no additional cost to you, provided the heat transfer surface was clean when Boland Services assumed responsibility. However, we will not accept responsibility for scale or slime due to inoperative water treatment control equipment. We will not accept responsibility for mud, trash, iron scale or rust on heat transfer surfaces, especially where there is no condenser water strainer immediately adjacent to the unit, and/or when the condenser water lines are drained down during the winter.
- E. Boland will not be responsible for "MIC's" (Microbiological Induced Corrosion) in the form of Sulfate Reducing Bacteria (SRB's) and in the form of Iron-Reducing Bacteria (IRB's) in cooling tower sumps, since we have no control over the cleanliness of the cooling tower sump, no control over stagnant tower water conditions, and no control over the presence of hydrocarbons or other airborne contaminants, that enter into the cooling tower system. Boland will be responsible for advising the client on the proper steps that can be taken to reduce the potential for "MIC's".

CLOSED WATER LOOP SYSTEMS and STEAM GENERATING BOILERS

- A. Provide necessary chemicals for control of scale, boiler sludge, general corrosion and localized corrosion in the steam generating systems and in closed water loop systems.
- B. Provide regular service calls during operating season to monitor treatment of these systems.
- C. Since Boland Services is not in control of the blow-down schedule or any boiler room problems which prevent proper treatment, we cannot guarantee clean boilers. In order, however, for us to do the best job possible, we agree to advise Management of any known boiler room deficiencies in material or operation, which affect proper water treatment. Management, in turn, agrees to advise Boland Services when the boilers will be stood down for annual inspection and to correct, within a reasonable time, problems which prevent proper water treatment.
- D. Boland's Water Treatment Service Agreement provides sufficient closed water loop treatment to chemically charge a closed water loop system one "full charge" per contract year based upon our estimates of system capacity in gallons. Low corrosion inhibitor levels will be brought to the attention of the customer with recommendations for detecting system water loss. Any chemical requirements beyond the amount estimated will be external to the Water Treatment Service Agreement. The Client will be charged for additional chemicals as conditions may warrant. If the client is unwilling to purchase additional chemicals as required, then Boland will not be responsible for the subsequent system corrosion.

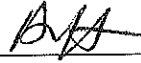
GENERAL TERMS AND CONDITIONS

- A. All portable equipment furnished by Boland Services will remain the property of Boland Services'.
- B. All equipment which has to be installed and becomes part of the existing piping, wiring, or has to be permanently affixed to the realty will be paid for by the customer and remain his property. However, the contractor agrees to maintain such equipment during the contract period.
- C. The cost to the owner of this contract is an annual cost even though as a courtesy and convenience to the owner we will bill on a pro-rated monthly basis. In the event of changes in ownership or management of the premises covered by this contract, the undersigned purchaser agrees to remain liable for the total annual cost of this contract, regardless of the fact that payments were allowed to be made monthly, unless the transferee agrees in writing with Boland Services to assume the obligations of the transfer under this contract.
- D. Fees quoted do not include sales taxes, which will be added where applicable.
- E. The fees quoted are based on the understanding that there will be no losses of water from the circulating systems other than the normal losses by wind and at pump packings, plus any bleed set by the contractor. The owner will be charged extra for chemicals and labor required when water losses are excessive.
- F. The water treatment does not include the periodic/annual cleaning normally required to prevent accumulated airborne debris or the obstructions from clogging condenser tubes or otherwise interfering with the operation of the system. Such cleaning should be carried out by your maintenance staff. Technical bulletins with recommended maintenance procedures are available upon request.
- G. It is mutually understood and agreed that Boland Services does not assume all the responsibility for an effective water treatment program under this contract. The owner/operator remains responsible for keeping dirt and debris out of the tower and the condenser water loop, regularly cleaning the condenser loop water strainers, probe, and strainer in the water treatment system to ensure its proper operation; regularly checking the tower for slime/algae growth. Boland encourages on-site testing by plant personnel at least two times per week. Boland will supply simple, yet accurate, drop tests, log sheets and training in the use of this material. Boland will also recommend the purchase of equipment such as a colorimeter and/or a hand held pH/conductivity meter for monitoring system water. Boland further encourages that the on-site engineering personnel monitor our chemical feed and control equipment with respect to the proper operation of the bleed-off line solenoid valve, chemical feed pumps, and monitor the chemical solution levels and/or drum levels.
- H. On any anniversary of the effective date, the price given above is subject to revision (downward or upward) according to Boland Services' established prices existing on the date of notice of such price change, which notice shall be mailed to management in writing by us at least forty five (45) days prior to the anniversary date. The price change shall become effective and a part of this agreement on the anniversary date next succeeding the date of the notice.

- I. This agreement may be terminated by either party on any anniversary of the effective date by either party giving not less than thirty (30) days written notice of its intention to terminate. Neither party shall be liable in any manner whatsoever to the other on account of such termination.
- J. Management acknowledges that billing will be issued according to our standard terms: Net 30 days and 1.5% per month service charge over 30 days. Any additional charges incurred in collecting past due accounts will be added to the amount due.
- K. When applicable, the terms of Executive Order 11246 and 41 C.F.R. parts 60-1.4a, 60-250.5(a), and 60-741.5(a) apply to this purchase.



Rick Hopkins
Water Technologies Division Manager



Water Technologies Account Executive

Acceptance

The above proposal is hereby accepted this _____
day of _____, 19____

Approved this day of _____, 20____

Firm Name

Boland Trane Services, Inc.

Address

Sales Manager

Signature

Title

**WATER TREATMENT SERVICE AGREEMENT RENEWAL
BETWEEN**

BOLAND

We Are Not Comfortable Until You Are

30 West Watkins Mill Road, Gaithersburg, MD 20878
(240) 306-3000

January 21, 2011

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

Re: Water Treatment Renewal Agreement – Assessors Office

Dear Mr. Polk:

Enclosed you will find the signed Service Agreement renewal for the Water Treatment located at 104 East Washington Street. Once you've had a moment to review, please sign and return to my attention at the address listed above.

We sincerely appreciate the opportunity to serve you and look forward to continuing the long and mutually successful relationship between our companies. If you have any questions or concerns, do not hesitate to contact me at 240-306-3220 or via email at Lynette.Hopkins@Boland.Com.

Sincerely,

Lynette Hopkins

Lynette Hopkins
Contract Administrator
BOLAND

Enclosures

cc: Rick Hopkins, Water Technologies Division Manager - **BOLAND**

WATER TREATMENT SERVICE AGREEMENT BETWEEN



30 West Watkins Mill Road, Gaithersburg, MD 20878
240-306-3217 fax 240-306-3582

AND

AGENT: Jefferson County Commission FOR: Assessors Office
P.O. Box 250 104 East Washington Street
Charles Town, WV 25414 Charles Town, WV 25414
Attn.: Bill Polk Telephone: 304-728-4642
bpolk@jeffersoncountywv.org

- A. Effective March 1, 2011 and continuing in force thereafter for a period of three years, unless terminated as hereinafter provided, Seller agrees to provide services as per attached, for which Buyer agrees to pay \$1,632.00 per year. These amounts are payable \$233.14 per month, beginning on the effective date, above. It is understood and agreed that upon default in making any installment that the entire annual balance due on the contract is immediately due and payable.
- .B. Equipment: Steam Boiler System.
- C. Modifications: Boland will supply one chemical pump and one solution tank.

OPEN EVAPORATIVE COOLING TOWER SYSTEM

- A. Provide necessary chemicals to aid in preventing scale and corrosion in the A/C condenser water system.
- B. Provide a microbiocide (s) for control of algae, slime-forming bacteria and fungi. Microbiocides will be effective where surface areas of the cooling tower realize saturated water conditions. It should be understood that there are areas of a cooling tower, particularly with cooling towers that experience "wetting and drying", in which algae can develop, yet cannot be controlled through an automatic microbiocide control program.
- C. Provide regular service visits, which are typically monthly or more frequently as conditions may warrant during the operating season, to make adjustments to the chemical feed and control equipment, replenish chemicals, and perform on-the-spot field test. A Field Water Test Report will be generated with test results, comments and recommendations. Should a system problem and/or a problem with our water treatment equipment occur that can compromise our water treatment program, Boland will respond in a timely matter.
- D. If during the *operating season* there is an indication of a slime or scale deposit on the heat transfer surface, Boland Services will chemically clean the heat transfer surface at no additional cost to you, provided the heat transfer surface was clean when Boland Services assumed responsibility. However, we will not accept responsibility for scale or slime due to inoperative water treatment control equipment. We will not accept responsibility for mud, trash, iron scale or rust on heat transfer surfaces, especially where there is no condenser water strainer immediately adjacent to the unit, and/or when the condenser water lines are drained down during the winter.
- E. Boland will not be responsible for "MIC's" (Microbiological Induced Corrosion) in the form of Sulfate Reducing Bacteria (SRB's) and in the form of Iron-Reducing Bacteria (IRB's) in cooling tower sumps, since we have no control over the cleanliness of the cooling tower sump, no control over stagnant tower water conditions, and no control over the presence of hydrocarbons or other airborne contaminants, that enter into the cooling tower system. Boland will be responsible for advising the client on the proper steps that can be taken to reduce the potential for "MIC's".

CLOSED WATER LOOP SYSTEMS and STEAM GENERATING BOILERS

- A. Provide necessary chemicals for control of scale, boiler sludge, general corrosion and localized corrosion in the steam generating systems and in closed water loop systems.
- B. Provide regular service calls during operating season to monitor treatment of these systems.
- C. Since Boland Services is not in control of the blow-down schedule or any boiler room problems which prevent proper treatment, we cannot guarantee clean boilers. In order, however, for us to do the best job possible, we agree to advise Management of any known boiler room deficiencies in material or operation, which affect proper water treatment. Management, in turn, agrees to advise Boland Services when the boilers will be stood down for annual inspection and to correct, within a reasonable time, problems which prevent proper water treatment.
- D. Boland's Water Treatment Service Agreement provides sufficient closed water loop treatment to chemically charge a closed water loop system one "full charge" per contract year based upon our estimates of system capacity in gallons. Low corrosion inhibitor levels will be brought to the attention of the customer with recommendations for detecting system water loss. Any chemical requirements beyond the amount estimated will be external to the Water Treatment Service Agreement. The Client will be charged for additional chemicals as conditions may warrant. If the client is unwilling to purchase additional chemicals as required, then Boland will not be responsible for the subsequent system corrosion.

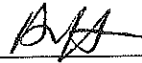
GENERAL TERMS AND CONDITIONS

- A. All portable equipment furnished by Boland Services will remain the property of Boland Services'.
- B. All equipment which has to be installed and becomes part of the existing piping, wiring, or has to be permanently affixed to the realty will be paid for by the customer and remain his property. However, the contractor agrees to maintain such equipment during the contract period.
- C. The cost to the owner of this contract is an annual cost even though as a courtesy and convenience to the owner we will bill on a pro-rated monthly basis. In the event of changes in ownership or management of the premises covered by this contract, the undersigned purchaser agrees to remain liable for the total annual cost of this contract, regardless of the fact that payments were allowed to be made monthly, unless the transferee agrees in writing with Boland Services to assume the obligations of the transfer under this contract.
- D. Fees quoted do not include sales taxes, which will be added where applicable.
- E. The fees quoted are based on the understanding that there will be no losses of water from the circulating systems other than the normal losses by wind and at pump packings, plus any bleed set by the contractor. The owner will be charged extra for chemicals and labor required when water losses are excessive.
- F. The water treatment does not include the periodic/annual cleaning normally required to prevent accumulated airborne debris or the obstructions from clogging condenser tubes or otherwise interfering with the operation of the system. Such cleaning should be carried out by your maintenance staff. Technical bulletins with recommended maintenance procedures are available upon request.
- G. It is mutually understood and agreed that Boland Services does not assume all the responsibility for an effective water treatment program under this contract. The owner/operator remains responsible for keeping dirt and debris out of the tower and the condenser water loop, regularly cleaning the condenser loop water strainers, probe, and strainer in the water treatment system to ensure its proper operation; regularly checking the tower for slime/algae growth. Boland encourages on-site testing by plant personnel at least two times per week. Boland will supply simple, yet accurate, drop tests, log sheets and training in the use of this material. Boland will also recommend the purchase of equipment such as a colorimeter and/or a hand held pH/conductivity meter for monitoring system water. Boland further encourages that the on-site engineering personnel monitor our chemical feed and control equipment with respect to the proper operation of the bleed-off line solenoid valve, chemical feed pumps, and monitor the chemical solution levels and/or drum levels.
- H. On any anniversary of the effective date, the price given above is subject to revision (downward or upward) according to Boland Services' established prices existing on the date of notice of such price change, which notice shall be mailed to management in writing by us at least forty five (45) days prior to the anniversary date. The price change shall become effective and a part of this agreement on the anniversary date next succeeding the date of the notice.

- I. This agreement may be terminated by either party on any anniversary of the effective date by either party giving not less than thirty (30) days written notice of its intention to terminate. Neither party shall be liable in any manner whatsoever to the other on account of such termination.
- J. Management acknowledges that billing will be issued according to our standard terms: Net 30 days and 1.5% per month service charge over 30 days. Any additional charges incurred in collecting past due accounts will be added to the amount due.
- K. When applicable, the terms of Executive Order 11246 and 41 C.F.R. parts 60-1.4a, 60-250.5(a), and 60-741.5(a) apply to this purchase.



Rick Hopkins
Water Technologies Division Manager



Water Technologies Account Executive

Acceptance

The above proposal is hereby accepted this _____
day of _____, 19____

Approved this day of _____, 20____

Firm Name

Bojand Trane Services, Inc.

Address

Sales Manager

Signature

Title

WATER TREATMENT SERVICE AGREEMENT RENEWAL
BETWEEN

BOLAND

We Are Not Comfortable Until You Are

30 West Watkins Mill Road, Gaithersburg, MD 20878
(240) 306-3000

January 21, 2011

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

Re: Water Treatment Renewal Agreement - Hunter House

Dear Mr. Polk

Enclosed you will find the signed Service Agreement renewal for the Water Treatment located at 124 East Washington Street. Once you've had a moment to review, please sign and return to my attention at the address listed above.

We sincerely appreciate the opportunity to serve you and look forward to continuing the long and mutually successful relationship between our companies. If you have any questions or concerns, do not hesitate to contact me at 240-306-3220 or fax to 240-306-3550 or via email at Lynette.Hopkins@Boland.Com.

Sincerely,

Lynette Hopkins

Lynette Hopkins
Contract Administrator
BOLAND

Enclosures

cc: Rick Hopkins, Water Technologies Division Manager - **BOLAND**

**WATER TREATMENT SERVICE AGREEMENT
BETWEEN**



**30 West Watkins Mill Road, Gaithersburg, MD 20878
240-306-3217 fax 240-306-3582**

AND

| | |
|---|-----------------------------------|
| AGENT: <u>Jefferson County Commission</u> | FOR: <u>Hunter House</u> |
| <u>P.O. Box 250</u> | <u>124 East Washington Street</u> |
| <u>Charles Town, WV 25414</u> | <u>Charles Town, WV 25414</u> |
| Attn.: <u>Bill Polk</u> | Telephone: <u>304-728-4642</u> |
| <u>bpolk@jeffersoncountywv.org</u> | |

- A. Effective March 1, 2011 and continuing in force thereafter for a period of three years, unless terminated as hereinafter provided, Seller agrees to provide services as per attached, for which Buyer agrees to pay \$1,500.00 per year. These amounts are payable \$125.00 per month, beginning on the effective date, above. It is understood and agreed that upon default in making any installment that the entire annual balance due on the contract is immediately due and payable.
- . B. Equipment: Closed Loop Steam Boiler System
- C. Modifications: Boland will supply one chemical pump and one solution tank.

OPEN EVAPORATIVE COOLING TOWER SYSTEM

- A. Provide necessary chemicals to aid in preventing scale and corrosion in the A/C condenser water system.
- B. Provide a microbicide (s) for control of algae, slime-forming bacteria and fungi. Microbiocides will be effective where surface areas of the cooling tower realize saturated water conditions. It should be understood that there are areas of a cooling tower, particularly with cooling towers that experience "wetting and drying", in which algae can develop, yet cannot be controlled through an automatic microbicide control program.
- C. Provide regular service visits, which are typically monthly or more frequently as conditions may warrant during the operating season, to make adjustments to the chemical feed and control equipment, replenish chemicals, and perform on-the-spot field test. A Field Water Test Report will be generated with test results, comments and recommendations. Should a system problem and/or a problem with our water treatment equipment occur that can compromise our water treatment program, Boland will respond in a timely matter.
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- E. Boland will not be responsible for "MIC's" (Microbiological Induced Corrosion) in the form of Sulfate Reducing Bacteria (SRB's) and in the form of Iron-Reducing Bacteria (IRB's) in cooling tower sumps, since we have no control over the cleanliness of the cooling tower sump, no control over stagnant tower water conditions, and no control over the presence of hydrocarbons or other airborne contaminants, that enter into the cooling tower system. Boland will be responsible for advising the client on the proper steps that can be taken to reduce the potential for "MIC's".


CLOSED WATER LOOP SYSTEMS and STEAM GENERATING BOILERS

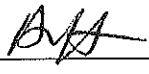
- A. Provide necessary chemicals for control of scale, boiler sludge, general corrosion and localized corrosion in the steam generating systems and in closed water loop systems.
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GENERAL TERMS AND CONDITIONS

- A. All portable equipment furnished by Boland Services will remain the property of Boland Services'.
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- C. The cost to the owner of this contract is an annual cost even though as a courtesy and convenience to the owner we will bill on a pro-rated monthly basis. In the event of changes in ownership or management of the premises covered by this contract, the undersigned purchaser agrees to remain liable for the total annual cost of this contract, regardless of the fact that payments were allowed to be made monthly, unless the transferee agrees in writing with Boland Services to assume the obligations of the transfer under this contract.
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- E. The fees quoted are based on the understanding that there will be no losses of water from the circulating systems other than the normal losses by wind and at pump packings, plus any bleed set by the contractor. The owner will be charged extra for chemicals and labor required when water losses are excessive.
- F. The water treatment does not include the periodic/annual cleaning normally required to prevent accumulated airborne debris or the obstructions from clogging condenser tubes or otherwise interfering with the operation of the system. Such cleaning should be carried out by your maintenance staff. Technical bulletins with recommended maintenance procedures are available upon request.
- G. It is mutually understood and agreed that Boland Services does not assume all the responsibility for an effective water treatment program under this contract. The owner/operator remains responsible for keeping dirt and debris out of the tower and the condenser water loop, regularly cleaning the condenser loop water strainers, probe, and strainer in the water treatment system to ensure its proper operation; regularly checking the tower for slime/algae growth. Boland encourages on-site testing by plant personnel at least two times per week. Boland will supply simple, yet accurate, drop tests, log sheets and training in the use of this material. Boland will also recommend the purchase of equipment such as a colorimeter and/or a hand held pH/conductivity meter for monitoring system water. Boland further encourages that the on-site engineering personnel monitor our chemical feed and control equipment with respect to the proper operation of the bleed-off line solenoid valve, chemical feed pumps, and monitor the chemical solution levels and/or drum levels.
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- K. When applicable, the terms of Executive Order 11246 and 41 C.F.R. parts 60-1.4a, 60-250.5(a), and 60-741.5(a) apply to this purchase.


 Rick Hopkins
 Water Technologies Division Manager


 Water Technologies Account Executive

Acceptance

The above proposal is hereby accepted this _____
 day of _____, 19____

Approved this day of _____, 20____

 Firm Name

Boland Trane Services, Inc.

 Address

 Sales Manager

 Signature

 Title

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

continued to 2/3/11
1-20-11
Old Business

#9

-CONTINUED
By ZWIES
2-3-11
AGENDA

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 2, 2010

Date Requested – 2nd Choice: _____

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

Subject: Tolling of Construction Bond.

Please provide the County Commission with a description of your request or presentation, including any background information: Herb Jonkers, Manager, Thorn Hill, LLC has requested tolling of the construction bond for the Thorn Hill Subdivision, Lots 1-179.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize the Commission and Staff to accept and execute the Tolling of Bonding Agreement with the developer of the Thorn Hill Subdivision, Lots 1-179, File #02-17.

Attachments: Tolling of Bonding Agreement
Roger Goodwin's Memo dated November 22, 2010

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

(i) The Declarant submits to the Department a surety in the amount of \$10,000 as a Site Stability Bond.

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

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

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

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

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

and residue parcel shall retain all future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

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

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

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

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

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

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

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: _____ Date: ____/____/____

Print Name: _____, President

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

STATE OF _____, COUNTY OF _____, to wit:

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

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

My Commission Expires: _____

ATTEST:

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

6. The bonding policy states that:

“During periods of economic downturn (i.e., downturn in housing market due to economic conditions, loss of source of project financing/capitol necessary to begin the project, etc.), as determined by the Jefferson County Commission, the owner/developer may defer construction and obtain temporary partial release of construction bond and surety on projects that are recorded and bonded, but have not started construction of site improvements and/or sold any lots or portions of the subdivided parcel.”

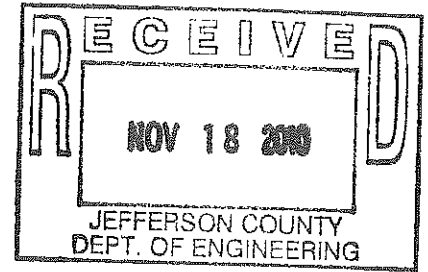
7. Tolling of the bond will result in the following:

- A. The developer is required to execute the Tolling of Bonding Agreement and provide a merger deed and a \$10,000 surety as a Site Stability Bond.

The Tolling of Bonding Agreement will be recorded at the County Clerk’s office so that the restriction placed on the lots preventing them from being sold will be found through a title search. The merger deed and the Site Stability Bond will be held by the Bonding Administrator. If the developer defaults on any of the terms of the agreement the County Commission can direct the Bonding Administrator to record the merger deed at the County Clerk’s office. The merger deed merges all the lots and returns the parcel/property to its original state prior to subdivision of the land, essentially removing the subdivision plat from record. In addition, the \$10,000 surety for the Site Stability Bond is forfeited to the County Commission.

- B. Tolling of the bond has a 4-year time limit. If the developer fails to re-post the full construction bond before expiration of the time limit, the developer will be in default of the agreement.
- C. The developer cannot begin any site improvements or sell any lots as long as the bond is being tolled.
- D. In order to begin installation of the site improvements and/or to sell lots, the developer is required to stop tolling the bond. In doing so, the developer is required to re-post the full amount of the construction bond at the current construction costs at that time. Once the construction bond is reposted,

02-17



Rebecca F. Burns
Office Mgr/Bonding Administration
Jefferson County Engineering Dept.
116 East Washington St
Charles Town, WV 25414
November 17, 2010

Dear Mrs. Burns;

As requested, attached please find the legal description (exhibit A) of the Thorn Hill property taken from its title policy.

Also as requested, the reason I am asking for the tolling of the bonding requirement for the recorded plat of the Thorn Hill subdivision, is because of the economic conditions in the home building industry. The outlook for the industry is for a slow recovery over the next 3 to 4 years.

Thank you for your aid in this matter,

Sincerely,


A handwritten signature in cursive script, appearing to read "Herb Jonkers".

Herb Jonkers
Manager
Thorn Hill, LLC

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin 
Chief County Engineer

DATE: December 9, 2010

SUBJECT: Thorn Hill Subdivision (JCPC File no. 02-17) – Tolling of Bonding Request

This memorandum is a follow up to the postponement of action by the County Commission on the request for tolling of bonding by Mr. Herb Jonkers on behalf of Thorn Hill, L.L.C. At the December 2, 2010, meeting, the County Commission directed staff to determine how the recent sale of the property to the State of West Virginia – due to taxes owed by the developer - affects the ability of both parties to enter into an agreement to toll the bonding. The following are my comments:

1. Since the last meeting, staff received a copy of the Certificate of Administrative Dissolution issued by the WV Secretary of State's Office to Thorn Hill LLC., on November 1, 2010; and
2. Staff received a copy of a letter to Thorn Hill, LLC from the WV Secretary of State's Office stating that:

"Limited liability companies.....that have been administratively dissolved or revoked may not continue to do business except those actions necessary to close the business and give notice to creditors."

3. I contacted the WV Secretary of State's Office and was advised that Jefferson County should not enter into any agreement with Thorn Hill LLC, until Thorn Hill LLC is found to be "in good standing" with the State of West Virginia.

Recommendation: Therefore, I recommend that the Jefferson County Commission not consider entering into an agreement with Thorn Hill, LLC, to toll the bond, until they can demonstrate that they are in good standing with the State of West Virginia.



West Virginia Secretary of State's Office
Business and Licensing Division
P.O. Box 40300
Charleston, WV 25364

Natalie E. Tennant
West Virginia Secretary of State
November 1, 2010

THORNHILL LLC
PO BOX 341
MILLWOOD, VA 22646

Dear Business Owner:

Our office did not receive your limited liability or professional limited liability company's 2010 annual report and/or the annual filing fee that is required by West Virginia Code that was due by close of business on October 31, 2010. Therefore, as required by West Virginia Code, we are enclosing a Certificate of Administrative Dissolution (if domestic) or a Certificate of Revocation (if foreign) for your organization.

Limited liability companies or professional limited liability companies that have been administratively dissolved or revoked may not continue to do business except those actions necessary to close the business and give notice to creditors. However, if your company would like to continue doing business in West Virginia, we can assist you. Please see the instructions listed below if you want to reinstate your organization.

Should you feel that you have received this letter in error, or if you have any questions, please contact our office toll free at 1-866-767-8683, and ask to speak with a member of our Business Division.

Penney Barker, Manager/Business and Licensing Division

Steps for reinstating a revoked or administratively dissolved Limited Liability Company or Professional Limited Liability Company

1. Complete the application for reinstating your organization which includes the annual report. This form, LLD - 10, may be obtained from our website www.wvsos.com, or can be mailed or faxed to you.
2. Obtain a certificate from the tax department confirming that all taxes owed by the company have been paid. The numbers for the tax department are: 304-558-0678, 304-558-1114, 304-558-8695, or 304-558-8618.
3. Include a payment of \$150 (\$25 for the reinstatement fee, \$100 for the delinquent fee and \$25 for the annual report fee).
4. Please make the \$150 check or money order payable to the West Virginia Secretary of State and mail the check and the above forms required for reinstatement to the following address:

West Virginia Secretary of State's Office
Business/Licensing Division
1900 Kanawha Blvd., East, Suite 157-K
Charleston, WV 25305

State of West Virginia



I, Natalie E. Tennant, Secretary of State, of the State of West Virginia, hereby certify that

THORNHILL LLC

has failed to file its annual report and/or pay the annual report fee as required by West Virginia law.

Therefore, I issue this

CERTIFICATE OF ADMINISTRATIVE DISSOLUTION



Given under my hand and the Great Seal of West Virginia
on this day

(November 1, 2010)

Natalie E. Tennant

State of West Virginia



Certificate

I, Natalie E. Tennant, Secretary of State of the State of West Virginia, hereby certify that

THORNHILL LLC

has met the requirements for reinstatement of their organization as required by the West Virginia Code.

Therefore, I hereby issue this

CERTIFICATE OF REINSTATEMENT



Given under my hand and the Great Seal of the State of West Virginia on this day of December 27, 2010

Natalie E. Tennant
Secretary of State

Natalie E. Tennant
Secretary of State
1900 Kanawha Blvd E.
Bldg 1, Suite 157-K
Charleston, WV 25305



FILED

DEC 27 2010

Penney Barker, Manager
Corporations Division
Tel: (304)558-8000
Fax: (304)558-8381

IN THE OFFICE OF
SECRETARY OF STATE

hrs: 8:30 a.m. - 5:00 p.m. ET

FILE ONE ORIGINAL
(Two if you want a filed
stamped copy returned to you)
FEE: See Statement Below

WEST VIRGINIA APPLICATION FOR
REINSTATEMENT OF A REVOKED OR
ADMINISTRATIVELY DISSOLVED
LIMITED LIABILITY COMPANY

****In accordance with the Code of West Virginia, the undersigned organization adopts the following Articles of Reinstatement of its Limited Liability Company****

1. The name of the organization is: Thornhill LLC
2. Date the organization was revoked or administratively dissolved by the WV Secretary of State's Office: 11/1/10

Read the following statements and check the boxes accordingly: (be sure you have met ALL the requirements below to reinstate before submitting your application)

- The organization states that the reason for revocation or dissolution has been eliminated and that the name satisfies the name requirements as required in the West Virginia Code.
- The organization has obtained a letter of good standing from the West Virginia Tax Department, which recites that all taxes owed by the company have been paid, and the letter of good standing or a copy of the letter is hereby attached to this application for reinstatement.
- Attached is the annual report required to be filed by the company.
- Included with the reinstatement documents is payment of \$25 for the reinstatement application, \$100 delinquent fee and \$25 for each delinquent annual report that is being submitted. Each year an annual report is due by July 1st.

Contact name and number: 157A
listing one may help to avoid a return or rejection of filing if there appears to be a problem with the document)

Name: HERBERT JONKERS Phone: 12/9/10 703 627 0935

Signature of person executing document:
Signature: Herbert Jonkers Title: Manager



State Tax Department, Admin Support
1001 Lee St. East
Charleston, WV 26301



Earl Ray Tomblin, Governor

Craig A. Griffith, Tax Commissioner

THORNHILL LLC
120 N GEORGE ST
CHARLES TOWN WV 25414-1502

Letter Id: L0445553120
Issued: 12/17/2010

**West Virginia State Tax Department
Statement of Good Standing**

EFFECTIVE DATE: December 17, 2010

A review of tax accounts indicates that the above named taxpayer is in good standing as of the effective date of this document.

The issuance of this Statement of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Darlena Lilly, Tax Unit Supervisor
Administrative Support Unit
Tax Account Administration Division

**Annual Report for 2010 (year)
Limited Liability Companies**

1. Name of Organization: Thornhill LLC

2. Organization or Qualification Year: 2007 In which state: WV

3. Tax ID: # 25 0185172 County Code: _____ Business Class Code: _____

4. Principal Office Address: PO Box 97
Rippon WV 25941

5. Principal Mailing Address: Same

6. Name and Mailing Address of person to whom notice of process may be sent: HERBERT JUNKERS
12 BURNS FARM Rd
Charles Town WV 25414

*If new agent furnish new agent's signature: *Herbert Junkers*

7. Business email address to whom correspondence may be sent: herjunkers@yahoo.com

8. Manager Information: Complete this section only, if you were set up as a manager-managed company. List the name and address of each manager having signature authority to sign filings (attach additional page if necessary):

| Name | Mailing Address |
|--------------------------------|----------------------------------|
| Manager <u>HERBERT JUNKERS</u> | <u>PO Box 97 Rippon WV 25941</u> |
| Manager _____ | _____ |

9. Member Information: Complete this section only, if you were set up as a member-managed company. List the name and address of each member having authority to sign filings (attach additional page if necessary):

| Name | Mailing Address |
|--------------|-----------------|
| Member _____ | _____ |
| Member _____ | _____ |
| Member _____ | _____ |

10. Report must be signed in the name of the company by a: (1) manager of a manager-managed company or (2) member of a member-managed company.


Signature: *Herbert Junkers* Date Signed: 12/9/10

Title/Capacity of Person Signing: Manager Telephone: 703 627 0935

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin 
Chief County Engineer

DATE: December 9, 2010

SUBJECT: Thorn Hill Subdivision (JCPC File no. 02-17) – Tolling of Bonding Request

This memorandum is a follow up to the postponement of action by the County Commission on the request for tolling of bonding by Mr. Herb Jonkers on behalf of Thorn Hill, L.L.C. At the December 2, 2010, meeting, the County Commission directed staff to determine how the recent sale of the property to the State of West Virginia – due to taxes owed by the developer - affects the ability of both parties to enter into an agreement to toll the bonding. The following are my comments:

1. Since the last meeting, staff received a copy of the Certificate of Administrative Dissolution issued by the WV Secretary of State's Office to Thorn Hill LLC., on November 1, 2010; and
2. Staff received a copy of a letter to Thorn Hill, LLC from the WV Secretary of State's Office stating that:

“Limited liability companies.....that have been administratively dissolved or revoked may not continue to do business except those actions necessary to close the business and give notice to creditors.”

3. I contacted the WV Secretary of State's Office and was advised that Jefferson County should not enter into any agreement with Thorn Hill LLC, until Thorn Hill LLC is found to be “in good standing” with the State of West Virginia.

Recommendation: Therefore, I recommend that the Jefferson County Commission not consider entering into an agreement with Thorn Hill, LLC, to toll the bond, until they can demonstrate that they are in good standing with the State of West Virginia.



West Virginia Secretary of State's Office
Business and Licensing Division
P.O. Box 40300
Charleston, WV 25364

Natalie E. Tennant
West Virginia Secretary of State
November 1, 2010

THORNHILL LLC
PO BOX 341
MILLWOOD, VA 22646

Dear Business Owner:

Our office did not receive your limited liability or professional limited liability company's 2010 annual report and/or the annual filing fee that is required by West Virginia Code that was due by close of business on October 31, 2010. Therefore, as required by West Virginia Code, we are enclosing a Certificate of Administrative Dissolution (if domestic) or a Certificate of Revocation (if foreign) for your organization.

Limited liability companies or professional limited liability companies that have been administratively dissolved or revoked may not continue to do business except those actions necessary to close the business and give notice to creditors. However, if your company would like to continue doing business in West Virginia, we can assist you. Please see the instructions listed below if you want to reinstate your organization.

Should you feel that you have received this letter in error, or if you have any questions, please contact our office toll free at 1-866-767-8683, and ask to speak with a member of our Business Division.


Penney Barker, Manager/Business and Licensing Division

Steps for reinstating a revoked or administratively dissolved Limited Liability Company or Professional Limited Liability Company

1. Complete the application for reinstating your organization which includes the annual report. This form, LLD – 10, may be obtained from our website www.wvsos.com, or can be mailed or faxed to you.
2. Obtain a certificate from the tax department confirming that all taxes owed by the company have been paid. The numbers for the tax department are: 304-558-0678, 304-558-1114, 304-558-8695, or 304-558-8618.
3. Include a payment of \$150 (\$25 for the reinstatement fee, \$100 for the delinquent fee and \$25 for the annual report fee).
4. Please make the \$150 check or money order payable to the West Virginia Secretary of State and mail the check and the above forms required for reinstatement to the following address:

West Virginia Secretary of State's Office
Business/Licensing Division
1900 Kanawha Blvd., East, Suite 157-K
Charleston, WV 25305

State of West Virginia



I, Natalie E. Tennant, Secretary of State, of the State of West Virginia, hereby certify that

THORNHILL LLC

has failed to file its annual report and/or pay the annual report fee as required by West Virginia law.

Therefore, I issue this

CERTIFICATE OF ADMINISTRATIVE DISSOLUTION

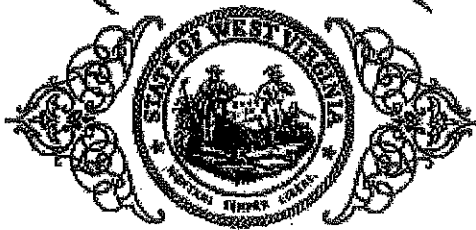


Given under my hand and the Great Seal of West Virginia
on this day

(November 1, 2010)

Natalie E. Tennant

State of West Virginia



Certificate

I, *Natalie E. Tennant*, Secretary of State of the
State of West Virginia, hereby certify that

THORNHILL LLC - *business every 2 years*

has met the requirements for reinstatement of their organization as required by the
West Virginia Code.

Therefore, I hereby issue this

CERTIFICATE OF REINSTATEMENT



Given under my hand and the
Great Seal of the State of
West Virginia on this day of
December 27, 2010


Natalie E. Tennant

Secretary of State

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin 
Chief County Engineer

DATE: January 19, 2011

SUBJECT: Thornhill Subdivision (JCPC File no. 02-17) – Tolling of Bonding Request

At the December 9, 2010, meeting, the County Commission tabled action on the request for tolling of bonding for the Thornhill Subdivision until January 20, 2011, at the earliest. At this meeting, I pointed out the following:

1. Staff received a copy of the "Certificate of Administrative Dissolution" issued by the WV Secretary of State's Office to Thornhill LLC., on November 1, 2010; and
2. Staff received a copy of a letter to Thornhill, LLC from the WV Secretary of State's Office stating that:

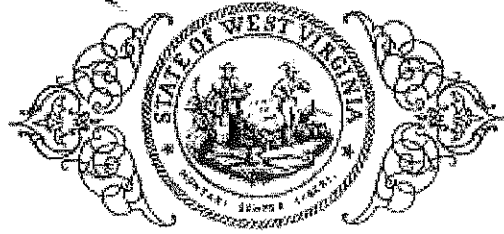
"Limited liability companies.....that have been administratively dissolved or revoked may not continue to do business except those actions necessary to close the business and give notice to creditors."
3. I contacted the WV Secretary of State's Office and was advised that Jefferson County should not enter into any agreement with Thorn Hill LLC, until Thornhill LLC is found to be "in good standing" with the State of West Virginia.

In addition, assuming that if Thornhill, LLC were a legally recognized company in good standing with the State of West Virginia, the County Commission directed staff to determine how the recent sale of the property to the State of West Virginia due to taxes owed by the developer, affects the ability of both parties to enter into an agreement to toll the bonding.

Since the December 9th meeting, the developer provided to staff a copy of a "Certificate of Reinstatement" (attached) from the Secretary of State's office indicating that Thornhill, LLC has met the requirements for reinstatement of their organization. However, the developer informed us that he has not yet paid the real estate taxes but plans to do so soon.

I defer to legal counsel for a determination as to whether or not failure to pay the real estate taxes affects the ability of Thornhill, LLC to enter into a legal agreement to toll the bond on the Thornhill Subdivision. Aside from this issue, the project is eligible for tolling of bonding.

State of West Virginia



Certificate

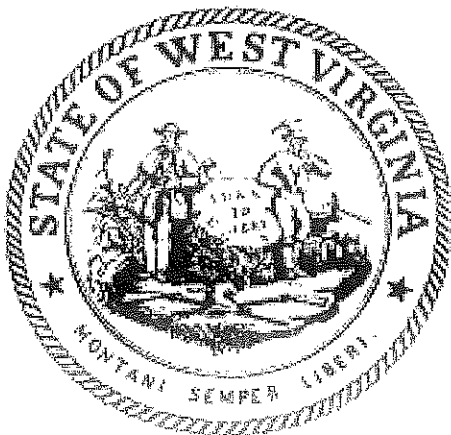
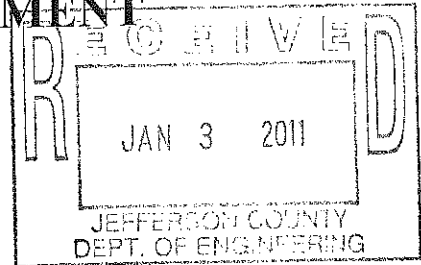
*I, Natalie E. Tennant, Secretary of State of the
State of West Virginia, hereby certify that*

THORNHILL LLC

has met the requirements for reinstatement of their organization as required by the
West Virginia Code.

Therefore, I hereby issue this

CERTIFICATE OF REINSTATEMENT



*Given under my hand and the
Great Seal of the State of
West Virginia on this day of
December 27, 2010*

Natalie E. Tennant

Secretary of State

10

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: 1-20-11

Date Requested – 2nd Choice: _____

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

Subject: **Interviews and Appointments to the Water Advisory Committee**

Please provide the County Commission with a description of your request or presentation, including any background information: **Interview and Appoint four individuals to the Water Advisory Committee for a three year term expiring January 31, 2014**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve _____ to the Water Advisory Committee for a three year term expiring January 31, 2014.**

Attachments:

Water Advisory Commission

Members Currently serving

| Name | Address | Phone | Expiration |
|----------------|--|------------------------------|------------|
| Roger Ethier | P.O. Box 1392 Shepherdstown, WV 25443 | 304-283-6196 | 1/31/2013 |
| Larry Johnson | 125 Burke St Martinsburg, WV 25401 | 304-267-9759 | 1/31/2013 |
| Dick Latterell | PO Box 3609 Shepherdstown, WV 25443 | 304-876-6072 | 1/31/2013 |
| Lee Snyder | 270 Industrial Blvd. Kearneysville, WV 25430 | 304-725-3915 | 1/31/2012 |
| Oscar Stine | 7633 Flowing Springs Rd Shepherdstown, WV 25443 | 304-876-2009 | 1/31/2012 |
| Jane Arnett | 832 S. George St Charles Town, WV 25414 | 304-725-2316 | 1/31/2012 |
| Patsy Noland | Jefferson County Commission | 304-728-3284 304-261-7911 | |

Expiring member effective January 20, 2011

| Name | Address | Phone | Expiration |
|------------------|---|--------------|------------|
| Susan Lawton | P.O. Box 430 Charles Town, WV 25414 | 304-724-7143 | 1/31/2011 |
| Dan Riss | PO Box 725 Harpers Ferry, WV 25425 | 304-535-2432 | 1/31/2011 |
| Mark Shields | | 301-827-6173 | 1/31/2011 |
| Robert K. Denton | 19955 Highland Vista Dr. Suite 170 Ashburn, VA 20147 | 703-726-8030 | 1/31/2011 |

Interested Applicants

| Name | Address | Phone | Attending |
|------------------|---|--------------|-------------------------|
| Susan Lawton | P.O. Box 430 Charles Town, WV 25414 | 304-724-7143 | NO |
| Robert K. Denton | 19955 Highland Vista Dr. Suite 170 Ashburn, VA 20147 | 703-726-8030 | NO |
| Mark Shields | | 301-827-6173 | NO |
| Mary Sell | | | Yes attended 1-20-11 |

Victoria Eckert
175 Cheney Avenue
Harpers Ferry, WV 25425
January 23, 2011

Jefferson County West Virginia Commission
Re: Vacancy on Water Advisory Commission

Dear Commissioners:

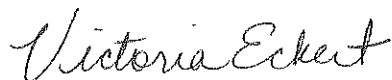
Due to the vacancy created by the resignation of Dan Riss I am applying for a position on the Jefferson County Water Advisory Commission. Dan is a member of the Harpers Ferry Town Council as well as the Elks Run Study Committee. I am a member of the Bolivar Town Council as well as the Elks Run Study Committee. These factors bode well for an easy transition.

I am well acquainted with Jefferson County in my work and my community outreach. I am employed by University Health Associates at Harpers Ferry Family Medicine where I am the Coordinator of Residency Programs. My many years of involvement with Jefferson County Youth Soccer and the Parks and Recreation Board have kept me in touch with county needs. My outreach to people of the county has been a rewarding experience and has given me a unique perspective.

My husband Ben and I have lived in Bolivar for over 20 years. We have two children who are both involved in local schools and community activities.

As a member of the Elks Run Study Committee I have acquired a good working knowledge of water problems in Jefferson County. I believe that my ERSC experience as well as my experiences working with state and county agencies can be useful to the Water Advisory Commission.

Respectfully submitted



Victoria Eckert

RECEIVED

JAN 28 2011

Jefferson County Commission

FAXED
10-14-10 12:30

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 20, 2011, or as soon thereafter as the Commission may decide:

Water Advisory Committee - 4 - 3 year terms ending January 31, 2014

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

December 22 & 29, 2010 & January 6 & 13, 2011

THANKS - JEFFERSON COUNTY COMMISSION

Mark A. Shields
82 Fosters Circle
Shenandoah Jct. WV 25442
December 20, 2010

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

Dear Commissioners:

I am contacting you regarding my term on the Jefferson County Water Advisory Committee that is scheduled to expire on January 31, 2010. I respectfully request the Commission re-appoint me to the committee for a three year term ending January 31, 2014. I am currently a member of the Jefferson County Board of Health and believe the collaboration between the two organizations is most beneficial to the county.

I am confident that I can perform the duties effectively. Furthermore, I am genuinely interested in the water issues faced by the citizens of Jefferson County.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Shields', written in a cursive style.

Mark A. Shields

Mary T. Sell
P.O. Box 895
Charles Town, WV 25414
304-725-2534 - home
202-215-0270 - cell
marytsell@aol.com

January 14, 2011

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

Dear Commissioners,

I hereby submit my letter of interest to serve on the Jefferson County Commission's Water Advisory Committee for a term ending January 31, 2014. If appointed I will endeavor in a collaborative manner, to assist the Water Advisory Committee to advise and inform the County Commissioners on the many complex water issues facing Jefferson County. I have over twelve years experience at the local, state and federal levels, primarily focused on the siting of energy infrastructure, rate recovery, environmental permitting and regulatory compliance. I live on and own, with my husband, a working thoroughbred horse farm in Jefferson County. As a Jefferson County resident, I am following a number of water issues that will require the Commission's action. I appreciate the difficulties in balancing the preservation of the historical and rural landscape of the County with the County's growth and the need for reliable water infrastructure, and for regulatory and environmental compliance. Additionally, I have a particular interest in the concerns of rate payers and appropriate rate recovery for service providers. I would like to contribute my skills and experience to help address these and other issues for Jefferson County. I have attached my resume for your review.

Thank you for your consideration of my interest in serving on the Jefferson County Commission's Water Advisory Committee.

With regards, I am

Very truly yours,



Mary T. Sell

RECEIVED

Enclosure

JAN 18 2011

Jefferson County Commission

Mary T. Sell
P.O. Box 895
Charles Town, WV 25414
304-725-2534 – home 202-215-0270 – cell
marytsell@aol.com

Qualifications

Regulatory and governmental affairs specialist with twelve years of experience in collaborative representation of clients on agricultural, energy, environmental and legislative issues

Regulatory and Governmental Affairs Coordinator **7/2007 – Present**
McLeod, Watkinson & Miller, Washington, DC

Key Accomplishments

- Research and monitor USDA, EPA, FDA, CFTC, and FTC proceedings and rulemakings affecting the interests of agricultural and agribusiness clients
- Provide high-level support to clients to ensure compliance with the United States Department of Agriculture's regulations governing the commodity check-off and research programs for beef, dairy products, soybeans and peanuts
- Aid and assist in responses to Freedom of Information Act requests directed to federal agencies with oversight of commodity check off programs
- Respond to congressional inquiries regarding the commodity check off program administration
- Participated in the successful defense and outcome for an agribusiness landowner in a condemnation proceeding brought by a utility under state statute; managed large complex electronic databases comprised of environmental exhibits

Regulatory Representative **1/2000 - 7/2007**
NiSource/Columbia Gas Transmission Pipelines, Washington, DC/Charleston, WV

Key Accomplishments

- Advanced the Company's Operating Plan and strategic objectives through the application of broad energy industry expertise to analyze complex regulatory, environmental, legal, legislative proceedings and rulemakings related to:
 - the production, transmission and distribution of natural gas
 - the generation, transmission and distribution of electricity including hydroelectric
 - the implementation of the Energy Policy Act of 2005 (EPACT 2005)
 - the implementation of integrity management programs under the Pipeline Safety Act of 2002 (PSIA 2002)
 - state public service commissions' proceedings concerning electricity deregulation and natural gas competition and choice, for a portfolio that included over 19,000 of transmission pipeline in nineteen jurisdictions and a storage network of approximately 646 bcf; 56,000 miles of distribution pipeline serving 3.3 million customers in nine states; an electric generation

affiliate with 3,392MW of capacity serving over 400,000 customers in Indiana; and a 10MW hydroelectric facility.

- Regularly reported on and attended the Federal Energy Regulatory Commission's (FERC) Open Meetings and federal agencies' technical conferences, summarizing the comments and positions of parties' in the proceedings to assist in the formulation of the Company's positions and written responses
- Monitored the rulemakings of federal agencies' (EPA, MMS, BLM, USDA) to implement the EPACT 2005
- Reported on legal decisions at the United District Court for the District of Columbia, United States Court of Appeals and the U.S. Supreme Court, that impacted the energy industry and the Company's interests
- Alerted and assisted in responding to congressional inquiries regarding Company Projects in a timely fashion, with effective information to address and resolve congressional concerns
- Expertise regarding: cost recovery mechanisms for Company's footprint in the Midwest Independent System Operator's regional transmission electric market and for compliance with mandatory electric reliability standards promulgated by the FERC and the North American Reliability Corporation (NERC).

Executive Director

1/98-12/99

The Greater Merrifield Business Association, Fairfax, VA

Key Accomplishments

- Lobbied local, state and federal government officials for increased funding for transportation and community revitalization monies for the Greater Merrifield community resulting in funding to engage an architectural design firm for preparation and presentation of proposed streetscape community master plan design standards at five community meetings
- Testified at the Virginia Commonwealth Transportation Board (CBT) Six Year Plan Meetings in Richmond, VA, arguing for approval of allocated funding for the Virginia Department of Transportation Budget, to perform an at-grade highway improvement project at a major congestion point in Merrifield, VA; successful in keeping the project on the Six Year CBT funding plan and ultimately fully funded and built
- Master of Ceremonies for two televised "Town Hall Meetings," to develop a vision for the future of mixed-use development in Merrifield, Virginia, including "smart-growth" for the areas proximate to two Washington Metropolitan Transportation Authority Metro Stations (Vienna and Dunn Loring/Merrifield - Virginia Metro stations) in Merrifield, VA
- Introduced and moderated several panels which included two Commonwealth of Virginia Delegates, the Chairman of the Fairfax County Board of Supervisors, the Providence District Supervisor, Fairfax County Planning Commission Staff, Virginia Department of Transportation Staff, members of the business community and local residents
- Participated and reported to the Business Association regarding the Fairfax County sponsored facilitated public meetings ("charettes") soliciting input on commercial and residential neighborhood design and traffic flow for the development of the new Merrifield Master Plan

- Raised the profile and importance of the organization by testifying before the Fairfax Planning Commission and Fairfax County Board of Supervisors for several business development projects that received approval
- Initiated co-sponsorships of political, charitable and networking events with other business organizations.
- Coordinated the organization's annual involvement in Volunteer Fairfax, partnered with the Fairfax County Police Department for an annual miniature golf event with at-risk youths
- Formulated the agenda for the monthly board of directors meetings; prepared the annual pro forma budget; maintained member records and correspondence; and organized luncheons and annual meetings

Affiliations

Women's Council on Energy and the Environment, Washington, DC

- Board Member and Chair of the Special Interest Committees overseeing five committees and twelve committee members programming events in the area of: Energy, Water, International, Climate Change and Sustainability

Education

American Public University System, Charles Town, WV

Pursuing MBA part-time

Major: Economics and Finance

Minor: Emergency & Disaster Management

The College of William and Mary, Williamsburg, VA

Bachelor of Arts degree in History

Nichelle Hosby

From: Robert Denton [RDenton@GeoConcepts-Eng.Com]
Sent: Friday, January 14, 2011 9:09 AM
To: nichelle hosby
Subject: RE: Water Advisory Committee Term Renewal

Dear Nichelle,

As per the Commission's request by letter dated December 14, 2010, I am interested in continuing to serve on the Water Advisory Committee. As such, I am requesting that the Commission renew me for another three-year term.

With regards,

Robert K. Denton Jr., CPG, LRS
Senior Geologist

GeoConcepts Engineering, Inc.
19955 Highland Vista Drive, Suite 170
Ashburn, Virginia 20147
Phone: (703) 726-8030
Fax: (703) 726-8032

www.geoconcepts-eng.com

 **Please consider the environment before printing this e-mail.**

The information in this email is confidential. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying any portion of this email and any attachments is prohibited. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

Lawton
P.O. Box 430
Charles Town, WV 25414

January 17, 2011

Ms. Nichelle Adams Hosby
Executive Assistant
Jefferson County Commission
P.O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Re: Water Advisory Committee

Dear Ms. Hosby:

I write in response to your letter dated December 14, 2011 about the January 31st expiration of my term on the Water Advisory Committee. Thank you for this notification.

It was my original understanding that this Committee's purpose was to investigate specific water related issues per the request of the County Commission. I don't think this group functions in this manner. In fact, I'm not aware of anything upon which the Commission has asked us to investigate and report findings. The group picks issues of interest to individual members of the group; often issues already under the purview of other highly qualified groups. The few good projects the group is working on could have been performed by other existing professional groups in the County at the request of the Commission.

It is my opinion that this group should no longer be a County Commission sanctioned committee; yet if the County Commission wishes to continue the group, I hope that you share with them my desire to be reappointed for another term.

I'm grateful to the Commission for the opportunity to serve in the past, and hope to be able to serve again.

Sincerely,



Susanne Lawton

cc: Board of Jefferson County Public Service District

**NOTICE OF PUBLIC HEARING
RESCHEDULED**

**AMEND THE COUNTY ZONING MAP TO CONSIDER URBAN GROWTH BOUNDARIES
FOR HARPERS FERRY AND BOLIVAR**

The County Commission of Jefferson County will hold a Public Hearing on **Thursday, February 17, 2011, at 7:00 p.m.** in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is to receive public input to consider proposed Urban Growth Boundaries for the Towns of Harpers Ferry and Bolivar and determine whether to amend the County Zoning Map to include the changes.

Anyone wishing to provide written or oral comment may do so at this meeting. A copy of the proposed information may be obtained at Jefferson County Planning and Zoning Department, 116 E. Washington Street, Charles Town, WV, or on the County website at: www.jeffersoncountywv.org

No decisions will be made at this meeting.

**By Order of The County
Commission of Jefferson County
Patricia A. Noland, President**

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO ARTICLE 4B, WIRELESS TELECOMMUNICATION FACILITIES, AND RELATED SECTIONS OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE

The County Commission of Jefferson County will hold a Public Hearing on Thursday, February 24, 2011, at 7:00 p.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is to receive public input on the proposed Amendments to Article 4B, Wireless Telecommunication Facilities, and related sections of the Jefferson County Zoning and Land Development Ordinance.

Anyone wishing to provide written or oral comment may do so at this meeting. A copy of the proposed ordinance may be obtained at Jefferson County Planning and Zoning Department, 116 E. Washington Street, Charles Town, WV, or on the County website at: www.jeffersoncountywv.org

No decisions will be made at this meeting.

By Order of The County
Commission of Jefferson County
Patricia A. Noland, President

Save The Date!



West Virginia University

LOCAL GOVERNMENT LEADERSHIP ACADEMY

Spring 2011 Conference

**Sessions to be held on WVU campus at *Woodburn Hall* in
downtown Morgantown, WV!**

April 9th – 10th

Registration and Workshop details will be mailed soon!

**Reserve Your Room Today at Waterfront Place Hotel
(304) 296-1700**

**Mention the "LOCAL GOVERNMENT LEADERSHIP ACADEMY" before
Friday March 11, 2011 for SPECIAL RATES!
Rooms will be *VERY LIMITED* thereafter.**

***Celebrating 10 Years of Service to State and Local
Government Officials in West Virginia***

RECEIVED
JAN 20 2011
JEFFERSON COUNTY
CIRCUIT COURT

5 cc's
JCS D.
✓ Co. Comm
Co. Clerk
Assessor
Pres. Atty
1-21-11
MB

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



THE COUNTY LEGISLATIVE LINE
Friday, January 21, 2011

Capitol Quotes:

*"Ask not what your country can do for you; ask what you can do for your country."
President John F. Kennedy in his inaugural address 50 years ago, January 20th, 1961*

"That's a not so subtle hint, I guess." Chairman Miley on Del. Barker's observation that the bill under lengthy discussion was basically a one-word change

"Del. Fleischauer asks for unanimous consent to return to the Fleischauer stage.....I mean amendment stage." Vice Chairman Hunt responding to a request from Del. Fleischauer who is known for her frequent amendments

"I watch CSI on television and they don't have a problem." Sen. Facemire, tongue-in-cheek to State Fire Marshal Lewis who had commented on the difficulty of solving arson cases

"You and everybody else, sir. I wish you all wouldn't do that." Fire Marshal Lewis's response (It is surprising how many questions get asked about crime bills based on something seen on Law & Order or CSI type shows!)

"It's going to be hard to write an article about the same argument day after day." Daily Mail Reporter on Twitter, referring to the continuing heated discussions in the Senate about rule changes, constitutionality, etc.

Our bill to get a non-state representative on the PEIA Finance Board is moving. HB 2345 came out of House Political Subdivisions Committee yesterday and will go to Government Organization Committee next.

PERS news: The Consolidated Public Retirement Board voted to increase the PERS Employer Contribution to 14.5% at the board meeting on Jan. 19th. Participating employers will be receiving official notification from CPRB.

SENATE BILLS OF INTEREST TO COUNTIES INTRODUCED IN THE SENATE FROM MONDAY, JAN. 17TH THROUGH THURSDAY, JAN. 20TH:

★
★ ★
★ ★ ★

| | | | |
|--------|-----------------|--|----------------------|
| SB 96 | Laird | WVACO "Clean-Up of compensation & classification statute, Ch. 7, Art. 7, removing old salary schedules, archaic language, etc. | Gov Org Finance |
| SB 186 | Foster | Establishes State Police as entity authorized to issue administrative subpoenas to internet service providers in cases of suspected child pornography | Judiciary |
| SB 190 | Jenkins | Relating to estates & trusts/Uniform Trust Code | Judiciary |
| SB 191 | Sypolt | Allow defendant & prosecutor each have four jury strikes in felony cases | Judiciary |
| SB 193 | Foster | Expand responsibilities of law enforcement training subcommittee; rename it law enforcement professional standards subcommittee; clarify authority to decertify officers; establish data base. | Judiciary |
| SB 194 | Foster | Establish the Marshall University Forensic Science Center as the state designated labor for DNA typing, testing & research in support of CODIS (Interim Bill) | Education Finance |
| SB 196 | Foster | Make robbery or attempt under pretense of having weapon a crime | Judiciary |
| SJR 8 | Sypolt | Increase homestead exemption to \$30,000 | Jud Fin |
| SB 202 | Governor's Bill | Create commission to develop pilot program for at-risk youth; calls for 1 local law enforcement representative from County with highest number of juvenile arrests | H & HR Finance |
| SB 209 | Unger | Create misdemeanor of driving while texting | T&I; Jud |
| SB 213 | Foster | Relating to crimes using computers & electronics | Judiciary |
| SB 216 | Prezioso | Expand definition of imminent danger to child to include alcohol & substance abuse by parent(s) | Judiciary |
| SB 219 | Gov's Bill | Maintaining solvency of unemployment comp fund | Finance |
| SB 220 | Jenkins | Uniform Real Property Electronic Recording Act | Jud Fin |
| SB 221 | Foster | Remove 10.5% cap on employer contribution to Deputy Sheriffs Retirement System; give authority to Cons. Public Retirement Bd. to set contribution | Pensions Finance |
| SB 227 | Browning | Creative Communities Development Pilot Program | E D Fin |

★ This bill is a WVACO initiative to "clean-up" this article

★★ Prosecutor Priority

★★★ Based on many problems with officers who move from small town to small town.

THE FOLLOWING BILLS OF INTEREST TO COUNTIES WERE INTRODUCED FROM TUESDAY, JAN. 18TH THROUGH THURSDAY, JAN. 20TH.

HOUSE BILLS

| | | | |
|--------|------------|---|-----------------------------|
| 2533 | Talbott | Requiring identities of signatories to a certificate for person seeking ballot access to be made public | Judiciary |
| 2534 | Iaquinta | Establish veteran friendly communities; offer encouragement & assistance to counties & others to enhance efforts to provide access to services | Vet Affairs Judiciary |
| 2538 | Frazier | Expand responsibilities of law enforcement training subcommittee; rename it the law enforcement professional standards subcommittee; clarify decertification of officers; establish database of law enforcement officers disciplined for misconduct | Judiciary (Interim Bill) |
| 2539 | Frazier | Authorize the State Police to only use the services of the state designated lab at Marshall University Forensic Science Center for certain testing | Judiciary (Interim Bill) |
| 2541 | Frazier | Make it crime to rob or attempt to rob under pretense of having deadly weapon | Judiciary Finance |
| 2546 | Frazier | Establish State Police as entity which is authorized to issue administrative subpoenas to internet service providers in cases of suspected child pornography | Judiciary Finance |
| 2551 | Doyle | Relating to estates, trusts & their administration | Jud Fin |
| HJR 21 | Overington | Homestead exemption based on average cost | Const Rev |
| 2552 | Lane | House Republicans' bill to provide for election to fill vacancy in Office of Governor | Judiciary Finance |
| 2555 | Martin | Create misdemeanor offense of driving while texting | R&T Jud |
| 2565 | Frazier | Relating to crimes using computers & electronics | Jud Fin |
| 2665 | Moye | Give county commission first level of review of annexation and give circuit court de novo review of commission's ruling | Poli Sub Judiciary |
| 2672 | Duke | Provide 10% cap on increase in assessment of real & personal property in any one year | Judiciary Finance |
| 2677 | Sobonya | Counties, State & Municipalities share in costs of incarcerating inmates based on where crime occurred | Judiciary Finance |
| 2690 | Wells | Revert 911 fee on wireless phones from \$3 to .75 | Finance |
| 2691 | Gov's Bill | Maintain solvency of unemployment comp fund | Finance |

Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 14, Issue 2

January 21, 2011

2011 Legislative Session Week 2...

Welcome to the 2011 CCAWV Legislative Lineup. This communication is our attempt to keep you informed about what's going on at the Legislature. CCAWV will send this list of introduced bills for your review each Wednesday evening. It will be faxed to each county, as well as posted to our CCAWV members only list serve.

---The annexation bill supported by the CCAWV (HB 2665) has been introduced and is referred to House Political Subdivision with a second reference to House Judiciary. The bill would give county commissions the ability to appeal annexations by petition method to the circuit court on behalf of the citizens in the unincorporated area, when they feel there are problems with the petition or other procedures. The Supreme Court has ruled that under the current code, Commissioners have no standing in the issue and the affected taxpayers must represent themselves. **Passage of this bill is needed to give County Commissions the necessary standing to intervene on behalf of their constituents in the unincorporated area.**

Additionally with regards to annexation, the WV Supreme Court of Appeals filed an opinion yesterday, reversing a ruling by the circuit court in Greenbrier County. The Court addresses an **annexation by petition method** and holds that *where a municipality seeks annexation of a tract of land and a public roadway which connects the tract to the municipality, the process in statute (WV Code 8-6-4) requires that freeholders, who own the fee in or underneath the public roadway to be annexed, are to be included in determining whether the annexation petition was filed by a "majority of the qualified voters of the additional territory" and a "majority of all free holders of the additional territory."*

In other words, when a roadway is annexed, the freeholders who own the fee in or underneath the roadway, not just the Department of Highways, must be included in the process. In this case, the municipality did not contact these interested parties and they were not counted in determining a majority petition. Therefore, in view of the invalidity of the petition, the annexation was voided. **This ruling is good news and puts to rest the notion that the only freeholder of a roadway is the Department of Highways.**

---On another topic, CCAWV's Board of Directors sent a letter to the Governor, calling for a **special primary**, prior to holding the Supreme Court required special election to fill the unexpired term for Governor, with the expectation that the state pay all costs for both.

Hope to see you all next weekend, January 30, 2011 at the CCAWV Legislative Conference, Marriott, Charleston, WV

Attached are bills of interest to County Commissions introduced January 14-20, 2011...

| Bill Number | Priority | Description | Committee | House Reference | Notes |
|-------------|----------|---|--|---|-------|
| HB 2581 | (None) | Creating the West Virginia Transportation Finance Commission | 01/19/11 - To House Government Organization In Committee | House Reference 1 - Government Organization House Reference 2 - Finance | |
| HB 2659 | (None) | Exempting the first twenty thousand dollars of state pensions and social security benefits from West Virginia personal income tax | 01/20/11 - To House Pensions and Retirement In Committee | House Reference 1 - Pensions and Retirement House Reference 2 - Finance | |
| HB 2665 | (High) | Relating to annexation generally | 01/20/11 - To House Political Subdivisions In Committee | House Reference 1 - Political Subdivisions House Reference 2 - Judiciary | |
| HB 2672 | (None) | Providing a ten percent cap on any increase in assessment of real and personal property in any one year | 01/20/11 - To House Judiciary In Committee | House Reference 1 - Judiciary House Reference 2 - Finance | |
| HB 2677 | (High) | Changing the way that the cost of incarcerating inmates in regional jails is collected | 01/20/11 - To House Judiciary In Committee | House Reference 1 - Judiciary House Reference 2 - Finance | |
| HB 2683 | (None) | Providing for aged or disabled farmers to continue to receive the benefit of having their farm land appraised as farm property after they cease farming | 01/20/11 - To House Agriculture In Committee | House Reference 1 - Agriculture House Reference 2 - Finance | |
| HB 2684 | (None) | Permitting members of volunteer fire departments to participate in the state's public employees insurance plan | 01/20/11 - To House Banking and Insurance In Committee | House Reference 1 - Banking and Insurance House Reference 2 - Finance | |
| HB 2690 | (High) | Reverting the 911 fee on wireless telephones from three dollars to seventy-five cents | 01/20/11 - To House Finance In Committee | House Reference 1 - Finance | |

| Bill Number | Description | Committee | Date | References | Notes |
|----------------|--|---|---|---|-------|
| HB 2517 (None) | Allowing Correctional Industries to directly purchase workers' compensation coverage for inmates | 01/17/11 - To House Judiciary In Committee | House Reference 1 - Judiciary House Reference 2 - Finance | | |
| HB 2519 (None) | Relating to qualifications of application for the position of deputy sheriff | 01/17/11 - To House Political Subdivisions In Committee | House Reference 1 - Political Subdivisions House Reference 2 - Judiciary | The purpose of this bill concerns the qualifications of application for the position of deputy sheriff. The bill eliminates the forty-five years of age application limit. The bill also removes two year waiting period before a deputy sheriff may be reinstated and eliminates the Civil Service Commission discretion concerning reinstatement. | |
| HB 2521 (None) | Eliminating the requirement of serving domestic violence orders by certified mail | 01/24/11 - On 2nd reading, House Calendar 2nd Reading | House Reference 1 - Judiciary | | |
| HB 2533 (None) | Requiring the identities of signatories to a certificate for a person seeking ballot access to be made public and verified | 01/18/11 - To House Judiciary In Committee | House Reference 1 - Judiciary | | |
| HB 2538 (None) | Relating to law-enforcement certification | 01/18/11 - To House Judiciary In Committee | House Reference 1 - Judiciary | | |
| HB 2551 (None) | Relating generally to estates and trusts and their administration | 01/18/11 - To House Judiciary In Committee | House Reference 1 - Judiciary House Reference 2 - Finance | | |
| HB 2552 (None) | Providing for a new election to fill a vacancy in the Office of Governor | 01/19/11 - To House Judiciary In Committee | House Reference 1 - Judiciary House Reference 2 - Finance | Primary in May 2011, General in August 2011 | |

| | | | | | |
|--|-----------------------|---|--|--|--|
| | HB 2171 (None) | Curtailling the serving of alcoholic beverages by licensed clubs as early as one A.M. | 01/12/11 - To House Political Subdivisions In Committee | House Reference 1 - Political Subdivisions House Reference 2 - Judiciary | |
| | HB 2192 (None) | Requiring the assessor of each county to prepare a new property tax ticket within three months of a deed filing | 01/12/11 - To House Political Subdivisions In Committee | House Reference 1 - Political Subdivisions House Reference 2 - Judiciary | |
| | HB 2406 (None) | Relating to the designation of a primary guardian for a minor child | 01/12/11 - To House Judiciary In Committee | House Reference 1 - Judiciary | |
| | HB 2408 (None) | Relating to treatment for drug and alcohol addiction | 01/12/11 - To House Health and Human Resources In Committee | House Reference 1 - Health and Human Resources House Reference 2 - Judiciary | |
| | HB 2448 (None) | Creative Communities Development Pilot Program | 01/13/11 - To House Energy, Industry and Labor, Economic Development and Small Business In Committee | House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance | |
| | HB 2462 (None) | Providing for the issuance of a special license plate for residents of the fifty-five counties | 01/13/11 - To House Roads and Transportation In Committee | House Reference 1 - Roads and Transportation House Reference 2 - Finance | |
| | HB 2480 (None) | Changing the definition of final average salary for calculating retirement | 01/14/11 - To House Pensions and Retirement In Committee | House Reference 1 - Pensions and Retirement House Reference 2 - Finance | The purpose of this bill is to change the definition of final average salary to thirty-six consecutive months rather than five consecutive years for calculating retirement. |
| | HB 2515 (None) | Relating to liens for assessments on common interest community real property | 01/17/11 - To House Judiciary In Committee | House Reference 1 - Judiciary House Reference 2 - Finance | |

| Bill Number | Bill Title | Committee | Reference | Notes |
|----------------|--|---|--|---|
| SB 220 (None) | Creating Uniform Real Property Electronic Recording Act | 01/20/11 - To Senate Judiciary In Committee | Senate Reference 1 - Judiciary Senate Reference 2 - Finance | |
| SB 221 (None) | Determining Deputy Sheriff Retirement System employer contribution rate | 01/20/11 - To Senate Pensions In Committee | Senate Reference 1 - Pensions Senate Reference 2 - Finance | The purpose of this bill is to clarify the authority of the West Virginia Consolidated Public Retirement Board to determine the participating employer contribution rate under the provisions of the Deputy Sheriff Retirement System and to remove the ten and one-half percent cap on total employer contributions paid by the county commissions and concurrent employers. |
| SB 227 (None) | Relating to Creative Communities Development Pilot Program | 01/20/11 - To Senate Economic Development In Committee | Senate Reference 1 - Economic Development Senate Reference 2 - Finance | The purpose of this bill is to develop a matching grant program to foster the development of creative communities in West Virginia. |
| SB 232 (None) | Authorizing Boone County Commission transfer title and interests in Boone Memorial Hospital | 01/21/11 - To Senate Government Organization In Committee | Senate Reference 1 - Government Organization Senate Reference 2 - Finance | |
| SB 235 (None) | Revising County Economic Opportunity Development District Act | 01/21/11 - To Senate Energy, Industry and Mining In Committee | Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance | |
| HB 2094 (None) | Exempting certain construction projects performed on behalf of county or municipal governments from the prevailing wage laws | 01/12/11 - To House Political Subdivisions In Committee | House Reference 1 - Political Subdivisions House Reference 2 - Judiciary | The purpose of this bill is to exempt construction performed on behalf of any county or municipal government from the prevailing wage laws for those construction projects under \$200,000. |

| | | | | | |
|------------|----------------------|--|---|--|---|
| | HJR 9 (None) | Homestead Exemption Increase Amendment | 01/12/11 - To House Constitutional Revision In Committee | House Reference 1 - Constitutional Revision House Reference 2 - Judiciary | |
| | HJR 11 (None) | Increase of the General Homestead Exemption Amendment | 01/12/11 - To House Constitutional Revision In Committee | House Reference 1 - Constitutional Revision House Reference 2 - Finance | |
| | HJR 13 (None) | Homestead Exemption Increase Amendment | 01/12/11 - To House Constitutional Revision In Committee | House Reference 1 - Constitutional Revision House Reference 2 - Finance | |
| | SB 65 (None) | Exempting certain military members' motor vehicles from personal property taxation | 01/12/11 - To Senate Transportation and Infrastructure In Committee | Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance | |
| | SB 96 (None) | Relating generally to certain county officials | 01/17/11 - To Senate Government Organization In Committee | Senate Reference 1 - Government Organization Senate Reference 2 - Finance | |
| | SB 188 (None) | Relating to WV Geographical Information System | 01/18/11 - To Senate Government Organization In Committee | Senate Reference 1 - Government Organization Senate Reference 2 - Finance | |
| SA HB 2538 | SB 193 (None) | Relating to law-enforcement certification generally | 01/18/11 - To Senate Judiciary In Committee | Senate Reference 1 - Judiciary | |
| | SB 201 (None) | Creating Energy Efficient Building Act | 01/19/11 - To Senate Economic Development In Committee | Senate Reference 1 - Economic Development Senate Reference 2 - Finance | |
| | SB 208 (None) | Creating WV Transportation Finance Commission | 01/19/11 - To Senate Transportation and Infrastructure In Committee | Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance | The purpose of the commission is to provide loans and other financial assistance to government units for transportation infrastructure. |

| SA (Same As) SI (Similar To) | Bill | Title | Last Action | Committee Reference | Notes |
|--|---------------------|---|--|--|-------|
| SI HJR 11 SI HJR 13 SI HJR 17 SI HJR 21 SI HJR 4 SI HJR 9 | <u>SJR 2 (None)</u> | Proposing constitutional amendment designated Homestead Exemption Increase Amendment | 01/12/11 - To Senate Judiciary In Committee | Senate Reference 1 - Judiciary Senate Reference 2 - Finance | |
| SI HJR 11 SI HJR 13 SI HJR 17 SI HJR 21 SI HJR 4 SI HJR 9 | <u>SJR 3 (None)</u> | Proposing constitutional amendment designated Homestead Exemption Calculation Amendment | 01/12/11 - To Senate Judiciary In Committee | Senate Reference 1 - Judiciary Senate Reference 2 - Finance | |
| | <u>SJR 4 (None)</u> | Proposing constitutional amendment designated Silenced Majority Local Levy and Bond Amendment | 01/12/11 - To Senate Judiciary In Committee | Senate Reference 1 - Judiciary Senate Reference 2 - Finance | |
| | <u>HJR 5 (None)</u> | Disabled Veterans Homestead Exemption Amendment | 01/12/11 - To House Constitutional Revision In Committee | House Reference 1 - Constitutional Revision House Reference 2 - Judiciary | |
| | <u>HJR 6 (None)</u> | Reformation of County Commission Elections Amendment | 01/12/11 - To House Constitutional Revision In Committee | House Reference 1 - Constitutional Revision House Reference 2 - Judiciary | |
| SI HJR 27 | <u>SJR 7 (None)</u> | Proposing amendment to Constitution designated Initiative, Referendum and Recall Amendment | 01/18/11 - To Senate Judiciary In Committee | Senate Reference 1 - Judiciary Senate Reference 2 - Finance | |
| SI HJR 11 SI HJR 13 SI HJR 17 SI HJR 21 SI HJR 4 SI HJR 9 | <u>SJR 8 (None)</u> | Proposing amendment to Constitution designated Homestead Exemption Increase Amendment | 01/18/11 - To Senate Judiciary In Committee | Senate Reference 1 - Judiciary Senate Reference 2 - Finance | |

**Middleway Volunteer Fire Company
Annual Membership Recognition
Banquet**

**Middleway Volunteer Fire
Company of Middleway, West
Virginia cordially invites you and a
guest to join us for our Annual
Banquet to recognize those who
have committed themselves and
served this organization
throughout the year of 2010.**

**The Banquet will be held on
Saturday, February 5, 2011 at the
Lions Center in Charles Town,
located on North George St.,
Ranson, WV.**

| | |
|--------------------|---------------|
| Social Hour | 6:00pm |
| Dinner | 7:00pm |
| Awards | 8:00pm |
| Dance | 9:00pm |

**Please RSVP to 304-725-4992
You may leave a message...
By January 29, 2011**

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 | \$ 205,731.84 | \$ 205,731.84 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 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 |
| 12/11/10 | \$ 93,888.00 | \$ 46,944.00 | \$ 46,944.00 | \$ 5,830.44 | \$ 16,223.85 | \$ 1,713.46 | \$ 16,467.95 | \$ 6,708.30 |
| 12/18/10 | \$ 84,153.52 | \$ 42,076.76 | \$ 42,076.76 | \$ 5,225.93 | \$ 14,541.73 | \$ 1,535.80 | \$ 14,760.53 | \$ 6,012.77 |
| 12/25/10 | \$ 100,900.56 | \$ 50,450.28 | \$ 50,450.28 | \$ 6,265.92 | \$ 17,435.62 | \$ 1,841.44 | \$ 17,697.96 | \$ 7,209.35 |
| 01/01/11 | \$ 170,304.24 | \$ 85,152.12 | \$ 85,152.12 | \$ 10,575.89 | \$ 29,428.57 | \$ 3,108.06 | \$ 29,871.36 | \$ 12,168.24 |
| 01/08/11 | \$ 108,602.80 | \$ 54,301.30 | \$ 54,301.30 | \$ 6,744.22 | \$ 18,766.53 | \$ 1,982.00 | \$ 19,048.89 | \$ 7,759.66 |
| 01/15/11 | \$ 108,011.80 | \$ 54,005.90 | \$ 54,005.90 | \$ 6,707.53 | \$ 18,664.44 | \$ 1,971.22 | \$ 18,945.27 | \$ 7,717.44 |
| 01/22/11 | \$ 121,849.48 | \$ 60,924.74 | \$ 60,924.74 | \$ 7,566.85 | \$ 21,055.59 | \$ 2,223.75 | \$ 21,372.40 | \$ 8,706.15 |
| Subtotal | \$ 4,114,492.46 | \$ 2,513,277.97 | \$ 1,601,214.49 | \$ 198,870.82 | \$ 553,379.73 | \$ 58,444.35 | \$ 561,706.02 | \$ 228,813.58 |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

| Week Ending Date | Week Ending January 22, 2011 |
|--|---------------------------------|
| To be Deposited on: | January 28, 2011 |
| Amount Played | 72,206,661.26 |
| Amount Won | 64,901,143.28 |
| Amount Promo | 218,927.00 |
| MWAP Contribution | <u>35,117.26</u> |
| Adjusted Gross Terminal Revenue | <u>7,051,473.72</u> |
| Administrative Costs @ 4% | 0.00 |
| Excess Lottery Fund @ 4% | <u>282,058.95</u> |
| Net Terminal Revenue | <u>6,769,414.77</u> |
| Surcharge @ 10% | 676,941.48 |
| State Share Excess @ 58% | 392,626.06 |
| Track Share of Capital Reinvestment @ 42% | 284,315.42 |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | \$ 272,942.80 |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i> | \$ 11,372.62 |
| Adjusted Net Terminal Revenue | <u>6,092,473.29</u> |
| Racetrack @ 46.50% / 42% | 2,558,838.78 |
| Lottery Fund @ 30% / 0% | 0.00 |
| Excess Lottery Fund @ 0% / 41% | 2,497,914.02 |
| Race Track Purses @ 7% / 14% / 8% | 487,397.86 |
| Workers' Compensation Debt Reduction @ 7% | 0.00 |
| Employee Pension Fund @ 1% / .5% | 30,462.37 |
| Greyhound Development @ .75% | 45,693.55 |
| Thoroughbred Development @ .75% | 45,693.55 |
| Racing Commission @ 1% | 60,924.74 |
| County/Municipality @ 2% | 121,849.48 |
| 3% Funds: | |
| Tourism Promotion Fund @ 1.375% | 83,771.51 |
| Development Office Promotion Fund @ .375% | 22,846.77 |
| Research Challenge Fund @ .5% | 30,462.37 |
| Capitol Renovation and Improvement Fund @ .6875% | 41,885.75 |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 3,807.80 |
| 1% Funds: | |
| State Capitol Complex Parking Garage @ 1% | 0.00 |
| Cultural Facilities and Capitol Resources @ .5% | 0.00 |
| Capitol Dome and Capitol Improvements @ .5% / 1% | <u>60,924.74</u> |
| | <u>6,092,473.29</u> |

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 | July/Aug 10 154,185.68 |
| 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 | Sept. 2010 94,247.84 |
| 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 | Oct-10 105,903.60 |
| 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 | Nov-10 108,717.67 |
| 12/6/2008 | 55,696.68 | | 12/5/2009 | 51,006.51 | | 12/4/2010 | 53,215.08 | Dec-10 118,721.11 |
| 12/13/2008 | 60,178.04 | | 12/12/2009 | 52,460.58 | | 12/11/2010 | 46,944.00 | |
| 12/20/2008 | 52,189.19 | | 12/19/2009 | 32,834.39 | | 12/18/2010 | 42,076.76 | |
| 12/27/2008 | 72,205.91 | | 12/26/2009 | 53,406.34 | | 12/25/2010 | 50,450.28 | |
| 1/3/2009 | 96,504.65 | | 1/2/2010 | 92,980.40 | | 1/1/2011 | 85,152.12 | |
| 1/10/2009 | 53,286.62 | | 1/9/2010 | 55,020.46 | | 1/8/2011 | 54,301.30 | |

| | | | | | |
|---------------|-------------------|-------------------|-------------------|-----------------|-----------|
| 1/17/2009 | 56,068.87 | 1/16/2010 | 60,551.28 | 1/15/2011 | 54,005.90 |
| 1/24/2009 | 71,474.63 | 1/23/2010 | 69,943.53 | 1/22/2011 | 60,924.74 |
| 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 | 2513277.97 | 581775.9 | |

Sandy McDonald

From: "Lyn Widmyer" <lynwidmyer@gmail.com>
To: "Sandy Slusher McDonald" <sandy@jeffersoncountywv.org>
Sent: Friday, January 28, 2011 9:12 AM
Subject: Fwd: THANK YOU

Sandy, could you put this thank you in the correspondence for next week? Thanks!

----- Forwarded message -----

From: Bill Yearout, Appalachian Institute <bill@ainstitute.org>
Date: Fri, Jan 21, 2011 at 8:09 PM
Subject: THANK YOU
To: Lyn Widmyer <lynwidmyer@gmail.com>, dmanuel@frontiernet.net, Francis Morgan <fmorgan@jeffersoncountywv.org>, Commission Patsy Noland <patsynol@gmail.com>, Commission Walter Pellish <walterpellish@mac.com>

Dear Commissioners of Jefferson County -

Thank you for recognizing the E.P. Trailblazers and the *Eastern Panhandle Recreational Trail* by way of yesterday's resolution. In your roll as elected officials and as private citizens, we greatly appreciate your time, interest and advocacy.

As you may know, the EPRT is primarily a *highway project* - which (at the moment) is partially built, partially planned and partially funded. With the awareness and advocacy of the Jefferson County Commission and others, I am confident that we will keep this project on track and on time.

So that you may easily monitor important activities and progress related to this project, I hope that you will bookmark our website and become a regular visitor. **EP Trailblazers > www.EPTB.Info** . Should you like to have us provide a 10 or 15 minute orientation to the *Eastern Panhandle Recreations Trail* at one of your future meetings, please let us know.

The Eastern Panhandle Trailblazers are very appreciative of the time and effort you invested in yesterday's resolution on behalf of our efforts. *We will not let you down.*

With best regards,

Bill Yearout, Chairman
EASTERN PANHANDLE TRAILBLAZERS, INC
a WV 501(c) (3) corporation

304 263-0089/O

Our Directors:
Steve Catlett
Bill Clark
Dr. Mark Cucuzzella
Matthew Grove
Lyn Widmyer
Bill Yearout