

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, MARCH 31, 2011**  
**9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- March 21, 2011 - Budget Work Session
- March 23, 2011 - Special Session
- March 24, 2011 - Regular Meeting

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action
2. 9:50 a.m. Discussion regarding Case No. 10-1329 - JUI v. PSC
3. 10:00 a.m. Interviews and Appointments to the Jefferson County Planning Commission  
- 3 three year terms ending March 31, 2014 - Discussion/Action
4. 10:20 a.m. Interviews and Appointments to the Jefferson County Development Authority  
- 4 three year terms ending April 5, 2014 - Discussion/Action  
- 1 three year term ending April 5, 2014 - Shepherdstown Municipal Representative - Discussion/Action  
- 1 unexpired term ending April 5, 2012 - Discussion/Action
5. 10:40 a.m. Break
6. 10:50 a.m. Stephanie Grove, Assistant Prosecuting Attorney  
- Legal Update

7. 11:00 a.m. Barbara Miller, Director of Homeland Security and Emergency Management  
- Request to approve contract with J. H. Harvey, LLC to work with the Emergency Managers in WV Region 3 to develop an Animals in Disaster Annex for their Emergency Operations Plans - Discussion/Action
8. 11:15 a.m. Mark Schiavone, Director of Capital Planning and Management  
- Revision 009 to the General Fund - Discussion/Action
9. 11:30 a.m. Kirk Davis, Capital Projects Manager  
- Approval of Cost Proposal for purchase of signage as specified in the Water Advisory Grant - Discussion/Action

**NEW BUSINESS:**

10. Legislative Issues
11. Appointment of new Deputy Reserve Officer to the Jefferson County Deputy Reserves - Discussion/Action
12. Request approval to hire Jeremiah Sanders as temporary GIS intern for Summer 2011 - Discussion/Action
13. Discuss meeting schedule - Discussion/Action
14. Set time to Lay Levy on Tuesday, April 19, 2011 - Discussion/Action

**COUNTY ADMINISTRATOR REPORTS**

**COUNTY COMMISSION REPORTS**

15. 12:00 p.m. ADJOURN

**CORRESPONDENCE:**

Notice of Public Hearing - Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as amended 2010) on Thursday, April 14, 2011 at 10:00 a.m.

Copy of letter to Angie Banks, Assessor from the WV State Tax Dept. regarding IASWORLD application.

Letter received from Senator Manchin regarding response from the U.S. Postal Regulatory Commission concerning Millville Post Office.

Copies of three (3) checks received from AT&T and one (1) check received from Vonage for Jefferson County E-911 surcharges.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery.

Memorandum received from Roger Goodwin, Chief County Engineer, regarding construction bond for Brookstone Ridge Subdivision.

Article from the Charleston Daily Mail received from WVACo regarding counties' loss of tax revenue.

West Virginia Election Calendar Overview for the 2011 Special Gubernatorial Election on May 14, 2011.

*At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.*

**Sandy McDonald**

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**From:** "Tim Boyde" <tboyde@jeffersoncountywv.org>  
**To:** <sandy@jeffersoncountywv.org>  
**Sent:** Monday, March 28, 2011 10:27 AM  
**Subject:** FW: JUI Appeal to Supreme Court  
This will now be an agenda item for Thursday.

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**From:** James Casimiro III [mailto:jcaz6@yahoo.com]  
**Sent:** Friday, March 25, 2011 4:33 PM  
**To:** tboyde@jeffersoncountywv.org  
**Subject:** JUI Appeal to Supreme Court

Tim,

Jefferson Utilities has appealed the decision of the Public Service Commission in the rate case, Case No. 10-1329. This was the case where the PSC recently rendered its decision granting a 4% rate increase and initiating a general investigation of JUI.

Clearly, JUI was not happy with this decision, so they are appealing it to the West Virginia Supreme Court of Appeals. PSC appeals are automatic, which means the Supreme Court has to take them. It is styled JUI v. PSC. Normally, interveners in the lower PSC cases don't bother to take any interest in Supreme Court appeals - the aggrieved party (JUI in this case) just fights it out with the PSC and the Supreme Court makes a ruling. However, because there was such a great amount of interest from the citizens of Jeff. Co. in the rate case, the Supreme Court anticipates that the lower interveners may want to intervene in this appeal.

The PSC has its own attorney that will represent its interests and defend its position, so there is no need for us to take part in it.

But please find out what the consensus of the County Commission is on whether they want to participate in this appeal. I don't need a specific agenda item, or an official County Commission action or vote since this is just a continuation on a case that they previously voted to intervene in.

So if the consensus is that they want me to intervene in the appeal and watch JUI and the PSC fight it out, and possibly jump in on the side of the PSC, I can do so.

If the consensus is not to worry about the appeal, I will just let JUI and the PSC fight it out on their own.

Sam Hanna, who represents the Citizens For Fair Water has filed to intervene, so even if we don't, there is already another party intervening on behalf of the PSC's decision.

I anticipate the consensus will be not to intervene in the appeal based on the County Commission's recent vote to not intervene in the new case, but I still need an official word from them on this.

Please let me know as soon as possible, and feel free to contact me if you have any questions or concerns. Thanks.

James Casimiro

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>3/31/11</u></p> <p>Appt Time or New Business: _____</p>
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**AGENDA REQUEST FORM**

Name: Nichelle Hosby

Department or Entity: Co. Commission

Estimation of amount of time needed for appointment: 15-20 minutes

Date Requested – 1<sup>st</sup> Choice: 3/31/2011

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

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

Subject: Interviews and appointments to the Jefferson County Planning Commission – (3) –Three year terms

Please provide the County Commission with a description of your request or presentation, including any background information: **Currently there are 3 positions on the Planning Commission that expire March 31, 2011.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve \_\_\_\_\_ to the Jefferson County Planning Commission to three year terms expiring March 31, 2014.**

Attachments:



## JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-7916

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Falt Pellish*

COMMISSIONER

*Lyn Widmyer*

March 9, 2011

Daniel Hayes  
96 Canal Way  
Shepherdstown, WV 25443

Dear Mr. Hayes:

Please be advised that your term on the Jefferson County Planning Commission will expire on March 31, 2011. Until the County Commission has acted to appoint someone for another Three year term term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 31, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams  
Executive Assistant



## JEFFERSON COUNTY COMMISSION

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PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

John Maxey

COMMISSIONER

*Walt Pellish*

335 Old Shenandoah Trail

Harpers Ferry, WV 25425

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Maxey:

Please be advised that your term on the Planning Commission will expire on March 31, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby

Executive Assistant

COUNTY ADMINISTRATOR

*Tim Boyde*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Slusher McDonald*



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PRESIDENT

*Patsy Noland*

January 19, 2011

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

Thomas Trumble  
2576 Warm Springs Road  
Shenandoah Junction, WV 25442

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Trumble:

Please be advised that your term on the Jefferson County Planning Commission will expire on March 31, 2011. Until the County Commission has acted to appoint someone for another Three years term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby  
County Administrator

LDS/  
termexp

February 15, 2011

John Maxey  
335 Old Shenandoah Trail  
Harpers Ferry, WV 25425

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

**RE: Planning Commission Appointment**

Dear Commissioner Noland,

My three year term as a member of the Jefferson County Planning Commission will expire at the end of next month. I will not be applying for reappointment.

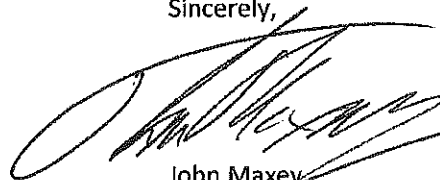
I have enjoyed my time on the board and would like to take this opportunity to thank the County Commission for allowing me the opportunity to serve our community. I would like to also thank members of the Planning Department staff and members of the public, all of whom have had the patience to work with me as I learned some fraction of the complex issues that the Planning Commission has been tasked with.

I encourage interested citizens to apply and serve on the Planning Commission, or any of the many volunteer boards that play such a crucial role in our county. The opportunity to bring your ideas forward and effect change on public policy is very real – but equally important is the change that goes in the other direction. Service on a volunteer board provides citizens an opportunity to influence government – but it also creates better citizens by making us more aware of the many different sides of these complex issues. I have learned more about the process of planning and development, and about how local government works at the ground level, than I could possibly have learned in any other way.

The more citizen participation in county boards that we have, the better off we will be as a community. No single individual has a monopoly on good ideas - and yet many people may be afraid to step forward if others with longer tenure appear to have greater knowledge of the issues. What we are in constant need of is a fresh and new perspective.

The Commission's past preference for reappointment of board members whose terms have expired should be discontinued. County residents have a vast array of different experiences – both here in Jefferson County and in jurisdictions across the country. We need to find ways of encouraging more of them to step forward and offer their own unique ideas for addressing the problems that we face.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Maxey', written over a horizontal line that extends across the page.

John Maxey

Ed Burns  
307 wildlife Way  
Harpers Ferry, WV 25425

T 304 728 1160  
F 304 728 4590  
C 301 741 5237  
elburns@gmail.com

February 23, 2011

Jefferson County Commission  
Po Box 250  
124 East Washington St.  
Charles Town, WV 25414

RECEIVED

FEB 25 2011

JEFFERSON COUNTY COMMISSION


Dear Commissioners,

The purpose of this letter is to again volunteer to become a member of the Jefferson County Planning Commission. As all of you know I am an active member of the Jefferson County Community and as such aware of many of the issues facing the county and the needs of our county. This request will be my third since 2007.

In order to dispel any preconceived notion that I oppose zoning, let me state for the record this county needs good logical zoning that will secure the quality of life we all strive for and to ensure we make decisions based on their merits not political concerns. We need to stream line our process as much as possible and focus on having a business friendly attitude that will foster the type of employers that bring good stable employment to our county.

Being retired I have the necessary time available to devote to the Planning Commission's needs.

Sincerely yours,



Ed Burns

Stephen D. Stolipher  
P.O. Box 37  
Rippon, West Virginia 25441  
(304) 283-0614  
stevestolipher@hotmail.com

March 7, 2011

Jefferson County Commission  
124 East Washington Street  
Charles Town, West Virginia 25414

Re: Jefferson County Planning Commission Vacancy

Dear Commissioners,

Please accept this as my formal request for appointment to the Jefferson County Planning Commission. I have been a life-long resident in Jefferson County and have served the community through various volunteer organizations. With over 15 years of experience in the banking industry, management, marketing and an extensive background in agriculture I feel that I could prove to be a tremendous asset to the Jefferson County Planning Commission. I feel it is important for a body such as the Jefferson County Planning Commission to have a broad range of members with varying backgrounds to serve the residents of Jefferson County. I believe my background and solid knowledge of Jefferson County would best serve this community if I were appointed to the Planning Commission.

Thank you for your consideration of my interest in serving on the Jefferson County Planning Commission.

Regards,

Stephen D. Stolipher

# Law Offices of Paul G. Taylor, PLLC

134 West Burke Street  
Martinsburg, West Virginia 25401  
Phone: (304) 263-7900  
Fax: (304) 263-5545

Paul G. Taylor  
Licensed in DC, VA, WV  
e-mail: taylorpaulg@aol.com

Matthew L. Harvey  
Licensed in WV  
e-mail: matt\_harv@yahoo.com

January 26, 2011

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

Tim:

Please share my enclosed resume with the County Commission in connection with their considerations for positions on the Jefferson County Planning Commission.

Please do not hesitate to contact me with any questions or comments.

Truly Yours,



Paul G. Taylor

Enclosure (as stated)

**RECEIVED**

JAN 28 2011

Jefferson County Commission

## PAUL G. TAYLOR

### Office:

134 West Burke Street  
Martinsburg, WV 25401  
Telephone: (304) 263-7900  
Facsimile: (304) 263-5545

### Home:

789 Willowdale Drive  
Shepherdstown, WV 25443  
Cell: (304) 279-4781  
email: taylorpaulg@aol.com

### EDUCATION

University of Richmond, The T.C. Williams School of Law. J.D., May 1991.  
George Mason University. B.A., May 1987. Major: Sociology.

### PROFESSIONAL EXPERIENCE

**Law Offices of Paul G. Taylor, PLLC**, Martinsburg, West Virginia.

Principal. General practice with an emphasis on civil litigation, criminal defense and domestic relations. Responsibilities also include office management and client development.

January 1999 - present.

**Henry, Taylor & Janelle**, Martinsburg, West Virginia.

Partner. Engaged in civil litigation. Substantial participation in criminal defense. Responsibilities also included management of a significant number of criminal and civil case files; active participation in all phases of litigation; office management; and client development.

May 1994 - December 1998.

**Wallace, Harris, Sims & Henry**, Martinsburg, West Virginia.

Partner. Engaged in civil defense litigation with emphasis on insurance defense. Substantial participation in criminal defense.

September 1991 - May 1994.

### BAR ADMISSIONS

District of Columbia, 2002.

Virginia, 1993.

West Virginia, 1991.

### PUBLISHED CASES

State v. Lopez, 476 S.E.2d 227 (WV 1996)

Bowers, et al. v. Wurzburg, et al., 501 S.E.2d 479 (WV 1998)

Bowers, et al. v. Wurzburg, et al., 519 S.E.2d 148 (WV 1999)

Bowers, et al. v. Wurzburg, et al., 528 S.E.2d 475 (WV 1999)

Feliciano v. 7-Eleven, Inc., 559 S.E.2d 713 (WV 2001)

Duke v. Richards, 600 S.E.2d 182 (WV 2004)

State v. Fiske, 607 S.E.2d 471 (WV 2004)

State v. Spade, 695 S.E.2d 879 (WV 2010)

## **PROFESSIONAL AFFILIATIONS**

Million Dollar Advocates Forum  
National Association of Criminal Defense Lawyers  
American Bar Association  
American Trial Lawyers Association  
WV Trial Lawyers Association;  
Approved Attorney, First American Title Insurance Company  
Title Insurance Agent, Stewart Title Guaranty Company  
Special Fiduciary Commissioner, Berkeley County, WV  
Counsel, Berkeley County Deputy Sheriffs' Civil Service Commission

## **SPECIAL ACCOMPLISHMENTS**

Henry, et al. v. Maytag, et al. Lead plaintiffs' counsel in landmark plant closing litigation resulting in a \$16.5 million dollar settlement in August 1995.

Daniel Hayes  
96 Canal Way  
Shepherdstown, WV 25443  
March 9, 2011

Commissioner Patsy Noland  
Jefferson County Commission  
124 E Washington St  
Charles Town, WV 25414

Dear Commissioner Noland:

I am writing to reapply to a position on the Jefferson County Planning Commission. My term expires at the end of March, 2011, and I am willing and able to serve a complete three year term going forward.

I was appointed to the Planning Commission in 2010 to a position with a term ending in 2011. The one year I have served on the Planning Commission has been a learning experience for me. I believe I will be able to contribute at a greater level by having acquired this experience.

Because I am experienced in civil engineering, site design and stormwater management, I have brought a needed perspective and technical voice to the current Planning Commission. Additionally, I was elected as Planning Commission Vice President in January 2011.

I thank you for the opportunity to serve in the past year, and I appreciate your consideration of my request to be reappointment. With warmest regards and best wishes, I remain;

Sincerely,

Daniel Hayes, PE



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PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

March 9, 2011

John Maxey  
335 Old Shenandoah Trail  
Harpers Ferry, WV 25425

Dear Mr. Maxey:

The County Commission of Jefferson County has received your letter declining reappointment to the Jefferson County Planning Commission.

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

For the Commission,

Nichelle Adams Hosby  
Executive Assistant

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>3/31/11</u></p> <p>Appt Time or New Business: _____</p>
-----------------------------------------------------------------------------------------------------------------

**AGENDA REQUEST FORM**

Name: Nichelle Hosby

Department or Entity: Co. Commission

Estimation of amount of time needed for appointment: 15-20 minutes

Date Requested – 1<sup>st</sup> Choice: 3/31/2011

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

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

**Subject: Interviews and appointments to the Jefferson County Development Authority Board – (4) – Three year terms ending April 5, 2011 and One unexpired term ending April 5, 2012 and One appointment from the Town of Shepherdstown ending April 5, 2011.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Currently there are Four positions on the Development Authority Board that expire April 5, 2011 , One unexpired term ending April 5, 2012 and One seat representing the Town of Shepherdstown.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve \_\_\_\_\_ to the Jefferson County Development Authority Board to three year terms expiring April 5, 2014.**

Attachments:



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PRESIDENT

*Patsy Noland*

VICE PRESIDENT January 14, 2011

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

Mark Dyck

COMMISSIONER

*Walt Pellish*

301 N. Mildred Street, Suite 1  
Charles Town, WV 25414

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Dyck:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby  
Executive Assistant

COUNTY ADMINISTRATOR

*Tim Boyde*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Slusher McDonald*



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PRESIDENT

*Patsy Noland*

VICE PRESIDENT January 14, 2011

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

C.C. Hammond

COMMISSIONER

*Walt Pellish*

984 Morgan Grove Road  
Shepherdstown, WV 25443

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Hammond:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby  
Executive Assistant

COUNTY ADMINISTRATOR  
*Tim Boyde*

DEPUTY COUNTY ADMINISTRATOR  
*Sandy Shusher McDonald*



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PRESIDENT

*Patsy Noland*

VICE PRESIDENT January 14, 2011

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

William H. Chesley

151 Packett Drive

Charles Town, WV 25414

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Chesley:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby

Executive Assistant

COUNTY ADMINISTRATOR

*Tim Boyde*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Shusher McDonald*



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PRESIDENT  
*Patsy Noland*

VICE PRESIDENT     January 14, 2011  
*Dale Manuel*

COMMISSIONER  
*Frances Morgan*

James Tolbert

COMMISSIONER  
*Walt Pellish*

P.O. Box 651  
Charles Town, WV 25414

COMMISSIONER  
*Lyn Widmyer*

Dear Mr. Tolbert:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby  
Executive Assistant



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PRESIDENT

*Patsy Noland*

VICE PRESIDENT January 14, 2011

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

Howard Mills

COMMISSIONER

*Walt Pellish*

P.O. Box T  
Shepherdstown, WV 25443

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Mills:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby  
Executive Assistant



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VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

March 9, 2011

George Holland  
33 Bufflehead Drive  
Harpers Ferry, WV 25425

Dear Mr. Holland:

The County Commission of Jefferson County has received your letter declining reappointment to the Jefferson County Development Authority.

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

For the Commission,

Nichelle Adams Hosby  
Executive Assistant

COUNTY ADMINISTRATOR

*Tim Boyde*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Slusher McDonald*



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PRESIDENT

*Patsy Noland*

VICE PRESIDENT January 14, 2011

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

William H. Chesley

COMMISSIONER

*Walt Pellish*

151 Packett Drive  
Charles Town, WV 25414

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Chesley:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby  
Executive Assistant

*To: Nichelle.*

*Bill Chesley at age 71 and 20 years  
on the Jefferson County DEV. AUTH. will  
not continue of the DEV. AUTH. BOARD. HAS  
been a great 20 years.*

*REGARDS,*

COUNTY ADMINISTRATOR

*Tim Boyde*

DEPUTY COUNTY ADMINISTRATOR **Jefferson County Commission**

*Sandy Slusher McDonald*

**RECEIVED**

JAN 18 2011



## JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-7916

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

March 9, 2011

William Chesley  
151 Packett Drive  
Charles Town, WV 25414

Dear Mr. Chesley:

The County Commission of Jefferson County has received your letter declining reappointment to the Jefferson County Development Authority.

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

For the Commission,

Nichelle Adams Hosby  
Executive Assistant

## Nichelle Hosby

---

**From:** Lane Donley [Lane@jcda.net]  
**Sent:** Thursday, March 03, 2011 10:36 AM  
**To:** nhosby@jeffersoncountywv.org  
**Subject:** FW: Resignation

George Holland's resignation from JCDA.

---

**From:** Thomas Bayuzik  
**Sent:** Friday, January 21, 2011 1:08 PM  
**To:** Lane Donley  
**Subject:** FW: Resignation

fyi

---

**From:** [tvmbgeorge@comcast.net](mailto:tvmbgeorge@comcast.net) [<mailto:tvmbgeorge@comcast.net>]  
**Sent:** Friday, January 21, 2011 1:01 PM  
**To:** jim surkamp; Charlotte Velez; Thomas Bayuzik  
**Cc:** Whitney Burch; Anna Holland  
**Subject:** Resignation

Tom/Jim/Charlotte, I have enjoyed my time on the JCDA and believe in its mission even more than when I was selected for the opportunity. However, due to significant changes in my personal and professional situation I will not have the time to fully fulfill my commitment to the JCDA Board.

I would like to thank Tom and Whitney for their leadership and assistance during my time on the Board.

Tom, I can provide some observations and feedback if you think it would be useful,

Best Regards, George

HOWARD MILLS  
P.O. BOX T  
SHEPHERDSTOWN  
WEST VIRGINIA 25443  
hgmills@citlink.net  
304-876-6860

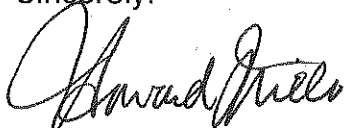
Jan. 18, 2011

Nichelle Adams Hosby  
Executive Assistant  
Jefferson County Commission

Dear Nichelle Hosby:

Having just been named Interim Vice President of the Jefferson County Development Authority, I would be interested in being considered for another term.

Sincerely:

  
Howard Mills

**RECEIVED**

JAN 21 2011

Jefferson County Commission



February 4, 2011

Jefferson County Commission  
Tim Boyde, County Administrator  
PO Box 250  
Charles Town, WV 25414

Dear Mr Boyde:

Please allow this letter to serve as my formal request for appointment to the Board of Directors of the Jefferson County Development Authority. I served a two three year terms on the JCDA Board several years ago. I enjoyed my service on the Board and appreciate the hard work put forth by the other members of that Board and Tom Bayuzik and his staff. The JCDA has accomplished much in the past few years and I would like to participate in additional expansion of employment in Jefferson County for years to come. It was also a great pleasure during that time to work with the late Terry Marcus. Terry became a personal friend over the past ten years and was truly a giant of local business and person who very much cared about our County. I would consider it a great honor to assume his term and would make every attempt to carry on his legacy on the Board.

I believe that I can offer a wide range of experience to the JCDA Board. I have attached my resume, which lays out in detail the professional activities I have undertaken since I graduated from Shepherd College in 1995. I have worked in high tech and venture capital and I have been involved in State-wide economic development initiatives. Currently as a CPA in public practice in Jefferson County, I have a multitude of business clients who operate in the County. In September 2010, Governor Joe Manchin III appointed me to the eleven member WV School Building Authority. In that capacity I interact with Board members and legislators from throughout the State. I believe that can bring an additional State-wide perspective to the JCDA Board.

I am available for interview or discussion with the County Commission at their convenience. Please contact me via telephone at 304-728-6877 or 304-279-6574 or via email at [ejlewis@oll-cpas.com](mailto:ejlewis@oll-cpas.com) if you would like me to come in for an appointment.

Sincerely,



Eric Lewis, CPA

CHAD R. LAWYER, CPA • THOMAS C. OURS, CPA • ERIC J. LEWIS, CPA

MARTINSBURG • 1107 Winchester Avenue • Martinsburg, WV 25401  
Phone: 304-263-9447 • Phone: 304-263-8150 • Fax: 304-263-8204

CHARLES TOWN • 205 West Liberty Street • Charles Town, WV 25414  
Phone: 304-728-6877 • Fax: 304-728-6807

[www.oll-cpas.com](http://www.oll-cpas.com)

# Eric J. Lewis, CPA

---

161 McMurrin Farm Lane  
PO Box J  
Shepherdstown, WV 25443

304-876-2124 (home)  
304-728-6877 (office)  
304-279-6574 (wireless)  
ejlewis@oll-cpas.com

## Experience

Ours, Lawyer, Lewis & Co, PLLC  
Member (October 2006-Present) Martinsburg/Charles Town, WV

- Member-In-Charge – Charles Town office of two office Certified Public Accountant and Consultant firm that is the product of a merger of Thomas Ours, CPA, Chad Lawyer, CPA and the acquisition of Smith & Associates CPA's & Consultants
- Performs income tax, assurance and business consulting for a wide range of clients in West Virginia, Virginia and Maryland
- [www.oll-cpas.com](http://www.oll-cpas.com)

The Ranger Group, LLC  
Managing Member (May 2005 – Present) Shepherdstown, WV

- Real estate development company with projects including single family lots, townhomes and mixed use residential/commercial

Walker Ventures  
Executive Director (October 2002 – January 2006) Glenwood, MD/Shepherdstown, WV

- Responsible for launching West Virginia operation in conjunction with the West Virginia Economic Development Authority's \$4 million investment in Walker Investment Fund II, SBIC.
- Responsible for sourcing, investigating, investing in and managing venture capital investments in companies located in the DC/Baltimore Metropolitan area and West Virginia for Walker Ventures
- Responsible for assisting portfolio companies with finance, accounting, legal and human resources issues and advising them on strategic business management decisions
- Responsible for portfolio management tracking, SBA transaction reporting
- Managed finance, HR and legal functions of three portfolio companies as interim CFO, streamlining existing processes and implementing proper controls before handing off to new full time CFOs.
- Participated in sale of portfolio company to large publicly traded security software firm for \$35,000,000.

West Virginia Venture Connection, Inc.  
West Virginia Entrepreneurs Forum, Inc.  
**Chairman of the Board (June 2001 – 2008)**

West Virginia

- Appointed by Senator John D. Rockefeller IV (D – WV) to Chair a committee tasked with exploring venture capital activity in West Virginia. The Committee was comprised of leading bankers, attorneys and financiers in the State.
- As a result of Committee work, co-founded the West Virginia Venture Connection, Inc. in 2002. WVVC is focused on networking VC's and Service Providers and increasing access to capital. Lead process to obtain 501c6 approval and secured \$75,000 grant from the Claude Worthington Benedum Foundation. Currently oversees Executive Director activities
- At the request of the Benedum Foundation, led acquisition of West Virginia Entrepreneurs Forum, Inc., a 501c3 focused on entrepreneur networking and education that had been dormant for two years. Currently Chairman of WVEF Board, which is identical to but separate from WVVC Board. Executive Director shared between organizations. Raised an additional \$50,000 grant from Benedum Foundation for WVEF.

Butterfly.net, Inc.  
**Co-founder & Chief Financial Officer (November 2000-January 2002)**  
**Finance and Administration Consultant (January 2002-July 2003)**

Shepherdstown, WV

- Responsible for all aspects of finance, accounting, legal, human resources, purchasing and administration functions within 12 person startup technology company
- Handled all legal aspects of startup, IP protection, etc.
- Responsible, with CEO, for sourcing venture capital.
- Secured \$500,000 seed capital in November 2000, \$300,000 additional capital in August 2001 and \$1.5 million in second round funding in June 2002.
- Worked with CEO and Board of Directors to carry out BOD initiatives
- Walker Ventures portfolio company

Ultrarise Corporation  
**Finance Manager (August 1997-December 1997)**  
**Chief Financial Officer (December 1997-May 2000)**  
**VP – Finance (May 2000 – November 2000)**

Shepherdstown, WV/Frederick, MD

- Responsible for all aspects of the finance, accounting and purchasing function.
- Assisted CEO on strategic initiatives and decision-making.
- Managing equity fundraising efforts of \$1.125 mil, \$9 mil and \$20 mil private placements of Preferred Stock to such investors as Walker Investment Fund I & II, FBR Technology Venture Partners, FBR Financial Fund, GE Equity, First Union Capital Partners and Citigroup.
- Managed IPO preparation with Chase H&Q (lead), First Union Securities, US Bancorp Piper Jaffrey & FBR as managers. S-1 drafted but never filed due to market downturn.
- Worked with Board of Directors to carry out BOD initiatives
- Walker Ventures portfolio company

Arnett & Foster, P.L.L.C.  
Senior Accountant (1996-1997)

Charleston/Martinsburg, WV

- Performed audits of non-profits and corporations.
- Performed tax consulting to corporations, non-profits and individuals

Yount, Hyde & Barber, P.C.  
Staff Accountant (1995-1996)

Winchester, VA

- Performed audits of non-profits and corporations
- Performed tax consulting to corporations, non-profits and individuals
- Co-founded small business accounting software and consulting practice

Education

• **Shepherd University**

Shepherdstown, WV

- 1991-1995
- B.S. Accounting with minor in Economics
- Cum Laude

Other

- Licensed Certified Public Accountant, State of West Virginia & Commonwealth of Virginia.
- Board of Directors – Jefferson Security Bank, a \$240 million independent community bank headquartered in Shepherdstown, WV. Audit Committee Chairman
- Appointed by Governor Joe Manchin III to the West Virginia School Building Authority in August 2010 for term to end June 30 2013. WV School Building Authority manages over \$500,000,000 in school construction projects in West Virginia, allocating bond proceeds to individual counties who apply for school construction funding.
- Board of Directors – Current - Jefferson County Farm Bureau and Shepherd University Alumni Association
- Board of Directors – Past - - Jefferson County Chamber of Commerce, Jefferson County Schools Education Foundation, West Virginia Venture Connection, West Virginia Entrepreneurs Forum, Jefferson County Economic Development Authority (two 3 year terms)
- Member – Investment Advisory Council – West Virginia High Technology Consortium Foundation’s INNOVA Commercialization Group Seed Capital Fund

Personal

Married the former Joy Osbourn (Shepherd College – '91). Parents of a son, Chandler, age 14, and a daughter, Maclaine, age 13. Resides on a small historic farm outside Shepherdstown, WV and raises a small herd of beef cattle.

**Additional Notes:**

Since graduating Cum Laude from Shepherd University in 1995, Eric Lewis, CPA has had a wide ranging career in accounting, high tech finance and real estate development. Some highlights include:

- Executive Director of the WV operation for Walker Ventures, a \$100 million venture capital fund that was the recipient of \$4 million in West Virginia Development Office funds pursuant to the revised WV Capital Companies Act. Oversaw investment portfolio in West Virginia and assisted in management of entire Walker Ventures portfolio, including acting as CFO for several portfolio companies and managing the finance component of the \$30 million acquisition of Platform Logic, Inc by Symantec Corporation.
- Member of the Board of Directors of Jefferson Security Bank, a \$240 million community bank headquartered in Jefferson County, WV since 2004. Chairman of the Audit Committee and Sarbanes-Oxley Steering Committee and member of the Executive Committee. Thoroughly understands lending procedures and federal and state regulations for lenders as well as best practices within loan departments for documentation, etc.
- Appointed by Governor Joe Manchin III to the West Virginia School Building Authority in August 2010 for term to end June 30 2013. WV School Building Authority manages over \$500,000,000 in school construction projects in West Virginia, allocating bond proceeds to individual counties who apply for school construction funding.
- Managing Member of The Ranger Group, LLC, a real estate development company that has participated in the development of Deerfield Village, McMurrin Farm, Baker's Field and Seneca Crossing residential subdivisions and ongoing commercial development projects. Deerfield Village was perhaps the State's first true "Cluster" subdivision and utilizes a state-of-the-art recirculating sand filter wastewater treatment system developed by Ash-Co in Morgantown, WV and a central water distribution system. Subscriber to Small Flows Clearinghouse publications and familiar with Public Service Commission procedures and regulations.
- Chief Financial Officer for two high tech companies that raised a total \$35,000,000 in venture capital and employed up to 140 high tech workers in Shepherdstown, WV.
- Appointed by Sen. John D Rockefeller IV (D-WV) to develop and Chair the West Virginia Venture Connection, Inc., a nonprofit focused on venture capital activity in West Virginia. Other Board Members include: Tom Heywood, Rudy Henley, Elizabeth Lord, John Gianola, Phyllis Arnold, Mark Prince and Ed Spiva. WVVC took over management of West Virginia Entrepreneurs Forum, Inc in 2006 and assumed operations for entrepreneur advocacy.
- Member of WV High Technology Consortium Foundation's INNOVA Commercialization Group Investment Advisory Council. Participates in funding discussions and approvals for investments made by INNOVA, West Virginia's only true Seed funding organization for entrepreneurial companies.
- Chairman of "Vote Yes Table Games" – an ad hoc committee of local citizens that assisted in passing the Table Games Referendum in Jefferson County in December 2009. Participated in various forums to advocate passage of the referendum (which was approved by a wide margin).



# JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-9716

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

# RECEIVED

PRESIDENT  
Patsy Noland

VICE PRESIDENT  
Dale Manuel

COMMISSIONER  
Frances Morgan

COMMISSIONER  
Walt Pellish

COMMISSIONER  
Lyn Widmyer

January 14, 2011

JAN 21 2011

**HAMMANN**  
C.C. Hammond  
984 Morgan Grove Road  
Shepherdstown, WV 25443

Jefferson County Commission

Dear Mr. **HAMMANN**  
~~Hammond~~:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 24, 2011 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

19 JAN 2011

*Nichelle Adams Hosby*

Nichelle Adams Hosby  
Executive Assistant

Dear Ms. Hosby,

*I am interested in continuing to serve on the Jefferson County Devel. Authority. I was on the original <sup>Econ</sup> Development Comm of the Jefferson County Chamber of Commerce until the 1980 act of the WV Legislature permitted the establishment of County Econ. Devel. Authorities. I have had extensive experience in Manufacturing, am still on the WV Manufacturers Assoc. BOD by virtue of being an Ex Chairman of WVMA. I continue to be a member of the W.V. Business Roundtable and remain active in efforts to promote balanced & appropriate job creating businesses. If it be the will of the County Commission I will continue to actively serve. Yours,*  
*Conrad C. Hammann*

COUNTY ADMINISTRATOR

DEPUTY COUNTY ADMINISTRATOR

*P.S. I had hoped that after 58 <sup>years</sup> of being active in Jeff Co. ~~the~~ no longer would my last name be mis-spelled. Thanks.*

March 4, 2011

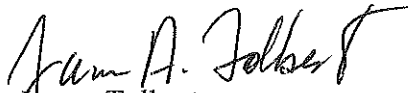
Jefferson County Commission  
250 Washington Street  
Charles Town, WV 25414

Dear Commissioners:

I wish to apply for at-large position on the Jefferson County Development Authority Board for the 3-year term expiring April 2014.

Thank you for your consideration.

Sincerely,

  
James Tolbert  
Post Office Box 651  
Charles Town, WV 25414

**RECEIVED**

MAR 16 2011

Jefferson County Commission

## Annette Gavin

113 Barrel Horse Dr. Charles Town WV 25414  
[Annette.gavin@pngaming.com](mailto:Annette.gavin@pngaming.com) 304-279-3637

March 15, 2011

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

Re: Appointment to serve on the Board of the Jefferson County Development Authority

Dear Commissioners:

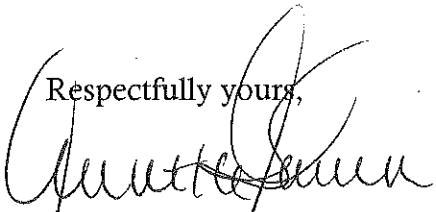
Please accept this letter as my formal request to be considered for appointment to the Board of the Jefferson County Development Authority. I have also attached my resume for review.

As I envision the objectives and responsibilities of the JCDA, I believe that my position as Hotel Sales Manager for Hollywood Casino at Charles Town Races can benefit the organization. I am proud to say that my role within the company has played a vital part in providing Jefferson County with an exceptionally strong revenue stream, in addition to contributing to the company's status as the County's largest employer. As an ambassador for HCCTR, one of my roles is to act as liaison between the company and the County businesses. That experience has been instrumental to my understanding of the importance of thoughtful and conscientious development of the area.

Furthermore, I have embraced our company's responsibility as a community leader, and I apply that same commitment to all aspects of both my professional and my personal life. I am passionate about the area I call home, and aspire to continue to build a stronger, more prosperous community.

As you contemplate your candidates, I hope you give strong consideration to choosing individuals who exemplify enthusiasm, knowledge, and collaboration, and who are deeply invested in the economic welfare of the County. As a lifelong resident of Jefferson County, my loyalty to the community is unfailing, and my commitment to its future success is unsurpassed.

Respectfully yours,



Annette Gavin

## **Annette Gavin**

113 Barrel Horse Dr. Charles Town WV 25414

[Annette.gavin@pngaming.com](mailto:Annette.gavin@pngaming.com) 304-279-3637

### **Hotel Sales Manager**

*Hollywood Casino at Charles Town Races, Charles Town WV* March 2008 – present

- Directly responsible for total materialized revenue of \$750,000.00 in group sales with a budgeted forecast of \$330,000.00 annually
- Committee and Board members of various organizations including United Way and Jefferson County Convention and Visitor's Bureau. Also very active in many HCCTR events in the community
- Assistant to the Director of the Inn at Charles Town in all aspects of hotel operations boasting an 86% annual occupancy
- Create, coordinate, and distribute sales collateral including Banquet and Conference material

### **Marketing & Sales Director/Hotel Manager**

*Historic Hilltop House Hotel, Harpers Ferry, WV* Feb. 2003 – Feb. 2008

- Implemented sales lead program with emphasis on retaining repeat and former clients
- Increased hotel occupancy by 15% Sun. – Thurs. with a continual campaign of discounts and packages with minimal cost
- Responsible for the coordination and implementation of all special events including the most attended event - Murder Mystery Parties
- Collaborated with Chef and F & B Director to create banquet, dining, and wine menus that were cost effective

### **General Manager**

*Cliffside Inn, Harpers Ferry, WV* Sept. 1999 – Oct. 2002

- Supervised up to 95 hotel and restaurant employees producing an annual revenue of over 2 million in conferences, local clients, and tourists
- Oversaw all sales and marketing with emphasis on group packages
- Designed and implemented annual budget and directly involved in all financial statements

### **Hotel Manager**

*Cliffside Inn, Harpers Ferry, WV* June 1991 – Sept. 1999

- Initiated a reservation and cancellation system producing a 70% occupancy for a 100 room hotel
- Training and managing a hotel staff on policies and procedures with emphasis on the highest level of customer service
- Accounts receivables and payables, payroll, disbursements, operating expenses, and accounting duties



Ian Gingold  
1034 S. George St  
Charles Town, WV  
(304)725-9787  
March, 14, 2010

RECEIVED

MAR 18 2011

JEFFERSON COUNTY COMMISSION

Re: Letter of Intent for JCDA Board

Attention: Jefferson County Commissioners

Dear Commissioners,

This letter serves as notice of my intention to express interest in joining the Jefferson County Development Authority's board of advisors. While still relatively young in my career, I believe my knowledge and experience would be a valuable asset to the Development Authority. My technical skills and youth would provide diversity within the board. For nearly two years I have worked closely with businesses and individuals in Jefferson County. On a daily basis, I see the challenges and opportunities presented to our local business community.

As a banker, the well-being and economic growth of this county are in the best interest of both me and my employer. City Holding Company is a \$2.6 billion West Virginia bank headquartered in Charleston. We deal with businesses both large and small, from sole proprietor handymen to industrial mining behemoths. My capacity as a branch manager exposes me to all.

I feel I have a healthy combination of both verbal communication skills and an ever curious analytical ability. I have studied business at both undergraduate and graduate levels in higher learning institutions here in West Virginia. I feel that my background and education in business would make me a strong addition to the board.

Your consideration is appreciated and if you have any questions or would like me to expand on anything contained in my resume or this letter, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ian Gingold".

Ian Gingold

# IAN GINGOLD

1034 S. George St, Charles town, WV 25414

E-mail: [ian.gingold@cityholding.com](mailto:ian.gingold@cityholding.com) / Phone: 304-725-9787

## EXECUTIVE SUMMARY

Management experience in banking and financial services. Exceptional expertise and success in business development, leadership, and finance. Talent for interpersonal communication, writing, and business strategy. Extensive knowledge in all aspects of life insurance, securities, lending, retail banking and cash management.

## EXPERIENCE

### City National Bank

*Branch Manager*

Charles Town, WV

June 2009 – Present

- Manage all operational and strategic objectives of the \$25 million branch by supervising a team of 8 individuals
- Develop and grow loan and deposit balance by acquiring new customers through personal and direct marketing efforts
- Assist and facilitate cash management business for the entire Eastern Panhandle region of City National Bank
  - Including credit card merchant terminals, ACH origination, account concentration and lockbox operations
  - Technical “go to” guy for the region in all aspects of electronic banking
- Demonstrate sales leadership by increasing volume of loan and deposit account activity
  - Was named STAR branch in the region for being the top producing branch in 2010
  - Achieved three out of three strategic goals by the largest percentage margin in the company
  - Number one branch out of 68 offices for City National Bank 2010
- Take an active role in local community to spread awareness of the company and its products
- Serve as “business banker” for commercial depositors which provides knowledge on small business needs

### GoldMay Group Insurance and Investments

Morgantown, WV

*Owner / Broker*

December 2004 – June 2009

- Independently broker life insurance, health insurance, and securities in 13 states
- Cultivate and travel to meet with clientele throughout the eastern United States
- Personalize and match financial products including variable annuities, mutual funds and other securities for clientele

## LICENSURE & PROGRAM CERTIFICATIONS

- Series 6 and 63 Securities License
- Life and Health Insurance License
- Leadership Jefferson Class of 2010

## BOARDS & COMMITTEES

- Vice President – WVU Eastern Panhandle Alumni Board
- Leadership Jefferson Directory Committee
- YPEP – Young Professionals of the Eastern Panhandle Member

## EDUCATION

### Shepherd University

Shepherdstown, WV

*Master of Business Administration*

*anticipated*

May 2012

### West Virginia University

Morgantown, WV

*Bachelor of Science, Business Administration*

Major: Management and Leadership Development

Minor: Sociology

December 2004



**William H. Gordon Associates, Inc.**

301 North Mildred Street, Suite 1

Charles Town, WV 25414

304-725-8456 Phone

304-728-0117 Fax

March 15, 2011

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

RECEIVED

MAR 18 2011

JEFFERSON COUNTY COMMISSION

Members of Jefferson County Commission:

I request that the County Commission reappoint me to the Jefferson County Development Authority. I am the current President of the Development Authority and am finishing up my second term on the Board.

The Development Authority plays a critical role in the economic growth of Jefferson County and I am fortunate to have been part of this Board in the past. As we come out of the economic recession, that has impacted our County so greatly; the Development Authority has an opportunity to draw on the talents of our residents for the betterment of the County.

A brief background on myself is as follows:

1. My wife and I live in Charles Town, we have two boys in the Jefferson County School system and have lived here since 1994.
2. I am a registered landscape architect in the State of West Virginia.
3. I am a principal with William H. Gordon Associates, a consulting firm that provides professional services to public and private Clients. We specialize in the programming, design and construction of projects, providing engineering, landscape architecture, planning, security and survey services.
4. I have been a member of the following boards and groups: Jefferson County Development Authority (2 terms), City of Charles Town Parks and Recreation Board, City of Charles Town Comprehensive Plan Committee, Berkeley County Subdivision Ordinance Committee, Eastern Panhandle Home Builders Association Legislative Committee and the City of Charles Town Utility Board.

I hope to continue my work with the Development Authority and appreciate your support in my re-appointment to this board.

Sincerely,

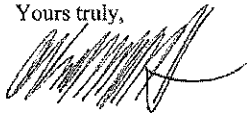
Mark Dyck

**Elliot Simon**  
21 Chestnut Place  
Harpers Ferry, WV 25425  
(304) 725-9446  
[ems779@aol.com](mailto:ems779@aol.com)  
March 22, 2011

To Whom it May Concern:

It has come to my attention that the Jefferson County Development Authority is looking for candidates to fill vacant or expired positions on its Board. I would like to be considered for service on the Board of the Jefferson County Development Authority. I have attached a brief résumé for your consideration.

Yours truly,

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

Elliot Simon

**Résumé**  
**Elliot Simon**  
21 Chestnut Place  
Harpers Ferry, WV 25425  
(304) 725-9446  
[ems779@aol.com](mailto:ems779@aol.com)

**March 22, 2011**

**Introduction**

I am 56 years old and have been married to my wife Isabel for 14 years. We moved to Jefferson County from Gaithersburg, Maryland in January of 2002. My background includes 25 years as an executive and business consultant in the transportation, travel and information technology industries. I have served in senior management and have consulted for Fortune 500 companies, retiring in 2008. In 2010 I was the Republican candidate for the West Virginia House of Delegates in the 57<sup>th</sup> District.

I serve on the Board of the following organizations:

- **Treasurer**, Blue Ridge Acres Civic Association (BRACA), 2003 - Present
- **Treasurer**, Jefferson County Organization of Homeowners Associations (JCOHOA)

I am a member of the following organizations:

- Jefferson County Chamber of Commerce
- Jefferson County Farm Bureau
- Jefferson County Historical Society
- Eastern Panhandle Business Association

**Summary of Experience**

- President Vital Transportation, a transportation cooperative
- General Manager Executive Transportation Group, a transportation company
- Chief Operating Officer Cabcharge North America, a financial services company
- Senior Project Manager for Aleph Computer Systems, an IT company
- Executive Vice President SummitQwest, a business and technology consulting firm
- Managing Director Extra USA, a global corporate travel and event planning company

**Education**

University of Chicago, BA Liberal Arts 1976

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

**AGENDA REQUEST FORM**

Name: County Commission

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

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

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

Subject: **Break**

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:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Stephanie Grove

Department or Entity: Prosecuting Attorney's Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 3/24/2011

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

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

Subject: **Legal Update**

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:

Commission Office Use Only	
Date on Agenda:	3/31/11
Appt Time or New Business:	11:00 am

**AGENDA REQUEST FORM**

Name: Barbara J. Miller, CEM, CFM

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: March 31, 2011

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

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

Subject: **WV Region 3 Animals in Disaster Emergency Operations Plan Annex**

Please provide the County Commission with a description of your request or presentation, including any background information: **WV Region 3 (Counties of Jefferson, Berkeley, Morgan, Mineral, Hardy, Grant, and Hampshire) have received a grant from WV State Administrative Agency (Homeland Security Grant) for the purpose of developing one annex for their Emergency Operations Plans that will be used by all 7 counties concerning animals during disasters and/or evacuations. The amount of our grant is \$15,200. This request is to approve a contract with J.H.Harvey, LLC to work with the Emergency Managers in Region 3 to develop the annex. All of the 7 counties Emergency Managers approved the RFP that led to this bid. Jefferson County will manage the grant, which is simply a pass through of funds. We will pay \$15,200, and we will be reimbursed \$15,200.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move to approve the contract with J.H.Harvey, LLC. to work with the Emergency Managers in WV Region 3 to develop an Animals in Disaster Annex for their Emergency Operations Plans.**

Attachments: **Copy of the Contract. This contract was sent to our legal department for review.**

**AGREEMENT**  
**Jefferson County Commission**  
and  
**JH Consulting, LLC**

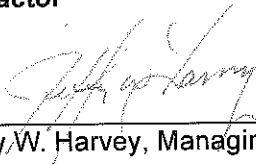
This Contract, effective **March 21, 2011**, is between the Jefferson County Commission, hereinafter referred to as "Commission", and JH Consulting, LLC, hereinafter referred to as "Contractor", who shall be used to complete the scope of work detailed in Attachment A.

The Jefferson County Commission, Jefferson County Office of Homeland Security and Emergency Management (JCOHSEM) and JH Consulting, LLC agree to the following:

1. **Provision of Services.** See attached scope of work below (i.e., response to Request for Proposals [RFP] distributed by the JCOHSEM, dated March 9, 2011).
2. **Agreement Amount.** The Contractor shall be paid by the Commission in an amount not to exceed \$15,200.00 for the completion of the duties, completed to the satisfaction of the Commission, for the scope of work detailed in the attached RFP.
3. **Agreement Term.** The Agreement shall begin March 21, 2011, and continue until September 30, 2011, unless either party serves written notice thirty (30) days in advance of its intent to cancel the Agreement.
4. **Invoices.** The Contractor will provide the Commission with an invoice for services rendered by September 30, 2011.
5. **Data Ownership and Security.** The Commission retain ownership of the data and all work produced by the Contractor and will be transferred upon completion of the contractual obligations.
6. **Confidentiality.** The Contractor and all support staff agree to comply with all federal and state laws concerning the confidentiality of information concerning individuals rendering services by the Commission. Such information shall only be used for the purpose of carrying out this Agreement. Disclosure of information for any other purpose is prohibited except upon the written consent of the eligible individual or appropriate order or a court.

7. **Amendment of Agreement.** This Agreement is the entire Agreement between the parties and may not be amended at any time except by a written Agreement signed by both parties.
8. **Signatures.** Each person executing this Agreement represents and warrants that he has the authority to act for and bind the entity on whose behalf he purports to act.
9. **Severability.** Should any portion of this Agreement be found unenforceable to operation of statute or by administrative or judicial decision, the operation of the balance of this Agreement is not affected thereby, provided, however, the absence of the illegal provision does not render the performance of the remainder of the Agreement impossible.

**Contractor**



\_\_\_\_\_  
Jeffery W. Harvey, Managing Member  
JH Consulting, LLC

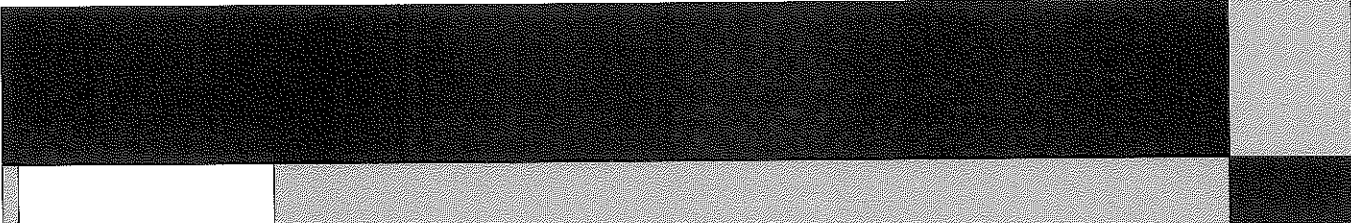
03-21-2011

\_\_\_\_\_  
Date

**Commission**

\_\_\_\_\_  
Patsy Noland, President  
Jefferson County Commission

\_\_\_\_\_  
Date



**REQUEST FOR PROPOSALS  
— REGIONAL ANIMALS IN  
DISASTER ANNEX FOR  
EOPs**

Presented to:  
Jefferson County Homeland Security  
& Emergency Management  
28 Industrial Boulevard, Suite 101  
Kearneysville, WV 25430



March 8, 2011

Ms. Barbara Miller, Director  
Jefferson County Homeland Security and Emergency Management  
28 Industrial Boulevard, Suite 101  
Kearneysville, WV 25430

**Re: RFP Submission: REGIONAL Animals in Disaster EOP Annex**

Dear Ms. Miller:

Please accept this document as JH Consulting, LLC's response to your Request for Proposals dated February 25, 2011. Thank you for this opportunity.

As you will see in our proposal, JH Consulting, LLC (JHC) has been providing emergency preparedness consulting services throughout West Virginia and surrounding states since 2006. Our staff has extensive experience in operations planning and risk assessment as well as specific experience with animals in disaster planning that will be a benefit to this project.

An exhaustive list of our company's animals in disaster planning experience is included in the proposal document itself. Our relevant disaster planning experience is extensive (in excess of 225 projects since 2006) and includes the following types of projects:

- Emergency operations plans,
- Hazard mitigation plans,
- Resource inventories,
- Hazardous material response plans,
- Hazardous material risk analyses,
- Continuity of operations plans,
- Tier II assessments,
- School emergency preparedness planning,
- Evacuation plans,
- Communications studies,
- Exercise design and evaluation,
- Water system vulnerability studies, and
- Commodity flow studies.

These projects have been completed for a variety of clients, including emergency managers, Local Emergency Planning Committees (LEPCs), private industries, county and municipal governments, etc.

Resumes for your project management team have been included in the proposal document. JHC's Owner, Jeffery Harvey, will serve as the principle and the project manager on this project.

*29 East Main Street, Suite 1, Buckhannon, WV 26201*

*(304) 473-1000 Fax: (304) 473-1099*

*www.jhcemergencypreparedness.com*

He has not only managed all of JHC's animals in disaster projects, he has managed and worked on a number of the projects JHC has completed in your region. Jeff is trained through the ICS 400 level of the National Incident Management System (NIMS) and has researched the Pet Evacuation and Transportation Standards (PETS) Act for a number of projects. Jeff's training also includes IS-800 on the *National Response Framework*.

Doug Britvec and Ben Tacy will also be extensively involved with your project. Both are experienced in operations planning and Doug has completed a number of animals in disaster projects in addition to his experience at JHC. Both are trained in the NIMS and ICS. Like Jeff, Doug is familiar with the PETS Act. Ben, on the other hand, has had extra training on the US Department of Homeland Security's Target Capabilities List (TCL).

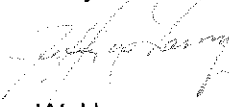
Generally, our strategy for developing the regional annex is described in the enclosed proposal document. More specifically, though, our strategy is based on collaboration and partnership. The crucial first step to successfully completing the document is gaining an understanding of the individual local situations (and how those local situations collectively form the regional situation), i.e., a sort of risk assessment. Only with a firm grasp on these situations can we attempt to describe the types of resources that would be needed during large-scale emergencies. Following the assessment, we will work to identify resources available throughout and/or near the region, and then begin to outline the steps necessary for local authorities to access those resources as well as integrate those resources into an incident's management structure.

Our fee for this project would be **\$15,200.00**. This fee includes all hourly and direct costs necessary to complete the project. The fee also includes the following:

- Submission of monthly progress reports outlining project activities, including calls, meetings, communications, and any issues discovered during research,
- Nine (9) paper copies of annex and resource lists, and
- Nine (9) CD copies of the annex and resource lists.

Once again, thank you for the opportunity to submit a proposal for this project. Should you have any questions or comments, or if you would like to schedule a meeting with us to further discuss how we can be of assistance, do not hesitate to contact me at (304) 473-1009 or by email at [jharvey@ihcemergencypreparedness.com](mailto:jharvey@ihcemergencypreparedness.com).

Respectfully submitted,



Jeffery W. Harvey  
Owner

**JH CONSULTING, LLC**  
**REQUEST FOR PROPOSALS**  
**REGIONAL ANIMALS IN DISASTER ANNEX FOR EOPs**  
*prepared for Jefferson County Homeland Security and Emergency Management*

Company Profile..... 1

Services Summary..... 2

Comments Regarding RFP-Identified Requirements..... 7

Personnel Profiles..... 11

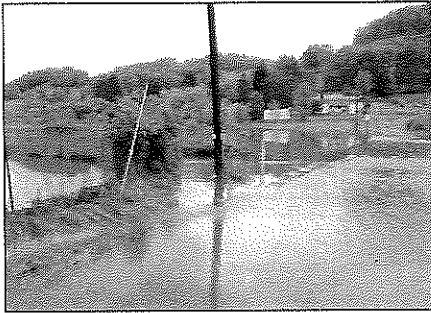
Project Experience – Animals in Disaster Planning..... 16

Project Experience – Region 3 Counties..... 20

References..... 21

## COMPANY PROFILE

Imagine you are a small business owner. The telephone rings at 3 a.m. and you learn that your office has burned to the ground. When was your last data back up? Where are your critical files? How will your business survive?



Imagine you are an emergency manager for the county or city in which you live. A major flood has occurred; more than half of your jurisdiction is without power, including the local hospital; and you receive information concerning a truck accident that is leaking toluene diisocyanate near a densely-populated residential area.

As evidenced by the above situations, emergencies come in all shapes and sizes. They occur irrespective of the time of day. Many occur as compounding effects of other emergencies. How can you protect yourself, your business, or your home town from these emergencies?

### ***JH Consulting, LLC can help!***

Founded in 2006, JH Consulting combines extensive experience in all facets of emergency planning to prepare you for the next big emergency. Our approach is simple: we are your partner in emergency preparedness. We diligently monitor changing regulations and cutting-edge research and we aggressively train so that we fully understand the advice we give you and your community. We promote extensive communication and information sharing to ensure that your needs are met, and that we identify and fill any necessary gaps. We want your plan to be a statement of your community's skills and capabilities, not just a boilerplate that works somewhere else.

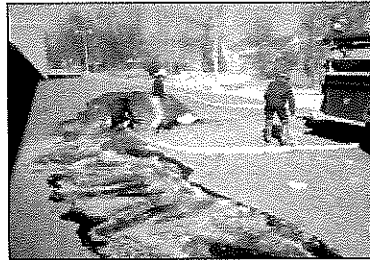
## SERVICES SUMMARY

JH Consulting, LLC maintains three (3) primary service areas: risk assessment, operations planning, and training and exercising. Each of these areas receives equal focus from our staff, both in daily tasks and on-going professional development. The following pages outline the broad scope of JH Consulting's capabilities.

### Operations Planning

#### Operations Planning

Developing a comprehensive, all-hazard Emergency Operations Plan (EOP) is one of the best ways to prepare your agency or community to resolve and recover from any emergencies that may occur. JHC will assess your capabilities and outline the most effective ways to deploy your resources.



- All-Hazard Emergency Operations Planning: Determine gaps in your ability to respond to emergencies, and ensure your compliance with such initiatives as the National Incident Management System (NIMS).
- Continuity of Operations Planning: Prioritize your personnel, services, and resources to ensure that your organization remains operational for as long as possible during major emergencies.
- Evacuation Planning: Coordinate the major elements of an evacuation, including traffic flow, public information, staging, and sheltering.
- Resource Categorization: Per federal mandate, identify, locate, define, and categorize the equipment, personnel, and services that are available to you during a response.
- Hazard-Specific Operations Planning: Clarify responsibilities and properly allocate resources to respond to such emergencies as a hazardous material or terrorist incident, major flood, or industrial accident.

#### Facilities Planning

Planning for your facility is different from planning for an entire community. JHC knows how to zero in on the hazards you face, and how to best organize your

assets to ensure that you recover from any emergency that arises.

- Airports: Utilize current FAA guidance to develop a comprehensive response plan for emergencies at or involving your airport.
- Educational Facilities: Create notification guidelines, security measures, public information protocols, and suggested actions for interacting with your local emergency responders to protect your faculty, staff, and students during emergencies.
- Hospitals: Integrate the Hospital Emergency Incident Command System to ensure that your personnel can manage large-scale emergencies.
- Industrial and Manufacturing Facilities: Maintain your processes and identify the best ways to interact with community response assets.
- Water/Wastewater Utilities: Maintain your internal operations and service capability as well as increase security by determining vulnerabilities and outlining appropriate responses.

#### Operating Guidelines

Operating guidelines serve as the link between planning and implementation, providing step-by-step instructions on how to enact your operations plans. JHC will partner with your leaders to assign responsibilities to the appropriate departments and/or personnel to ensure that your plans are as effective as possible.

- Emergency Operations Centers: Determine activation thresholds, notification measures, necessary staff positions, and deactivation guidelines to ensure the efficient operation of your Emergency Operations Center (EOC).
- Point of Distribution (POD) Planning: Develop site schematics, resource inventories, security plans, and instructions for ensuring that the resources you receive are distributed to your community and/or responders as efficiently as possible.
- Response Agencies (such as 911 centers, fire departments, police departments, etc.): Develop instructions for using your department's equipment, personnel conduct, initial notifications and calling for backup, interagency cooperation, reporting, etc.

## Risk Assessment

### Hazard Analysis

A hazard analysis by JHC is a comprehensive, objective determination of the hazards that most threaten your operation. Our planners determine not only the master list of hazards you face, but also define the types of problems they may cause you.

- Commodity Flow Studies: Determine the hazardous materials passing through your jurisdiction by road, rail, water, or air.
- Hazard Identification: List the natural, man-made, and technological risks you are most likely to experience.

### Risk Assessment

Once you know what hazards you are most likely to face, how will they affect you? JHC risk assessments present not only probable hazards, but also their effects from cultural, economic, and social perspectives.

- Hazard Vulnerability Assessment: Determine your critical facilities, the hazards to which they are susceptible, and the losses they could experience.
- Asset Inventory: List your community's or company's assets and determine the methods most suitable for protecting them.



### Mitigation Planning

Once identified, your risks can often be mitigated and your potential losses reduced. JHC will partner with you to determine cost effective projects for reducing your vulnerabilities.

- Hazard Mitigation Planning: Develop mitigation projects to reduce your losses from the hazards you identify.
- Participation in Mitigation Programs: Meet the criteria to participate in such federal programs as the Community Rating System (CRS), Flood Mitigation Assistance (FMA) program, Hazard Mitigation Grant Program (HMGP), and Pre-Disaster Mitigation (PDM) program.

## Training and Exercises

### Training Programs

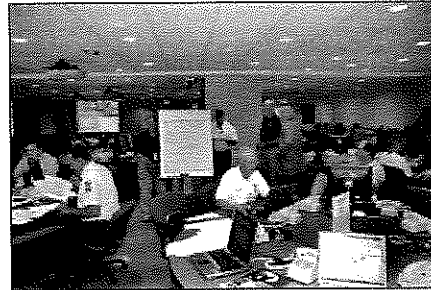
Training your personnel on your plans and procedures is one of the most effective ways to ensure that they can implement them. JHC will review your plans and develop a training program to practice their major elements.

- Drills: Short, meaningful practices to ensure that your plans are conceptually sound.
- Seminars: Longer, multiple-session training meetings designed to delve deep into the various elements of your plans.
- Workshops: Meetings designed to target specific elements of your plans and procedures to build an operational expertise in a single area.

### Exercise Design

By utilizing the Homeland Security Exercise & Evaluation Program (HSEEP), JHC will create exercises that test what your partner agencies want and need to test.

- Tabletop Exercises (TTXs): Short, discussion-based scenarios to identify needs and potential gaps in your response capabilities.
- Functional Exercises (FEs): Live-action exercises designed to test the capabilities of an Incident Command Post (ICP) or Emergency Operations Center (EOC).
- Full-Scale Exercises (FSEs): Complete, operations-based scenarios that test your community's or agency's capabilities in real-time, simulated-hazard settings.



### Exercise Facilitation and Evaluation

Evaluating exercises effectively takes teams of Subject-Matter Experts (SMEs) and experienced personnel. JHC can participate as members of your evaluation team or compile a team of experts to ensure that all elements of your exercise are evaluated objectively and thoroughly.

## COMMENTS REGARDING RFP – IDENTIFIED REQUIREMENTS

This section examines the activities on page two (2) of the Request for Proposal (RFP).

Activities must include:

- Assessment of current plans that involve animals in each of the counties. This should include but is not limited to current Emergency Operations Plans (EOPs), risk assessments/mitigation plans, and other plans applicable to the objective.

JH Consulting, LLC (JHC) staff members are quite familiar with many of the response-oriented plans in place throughout the region. As part of this project, JHC personnel will collect and review plans, risk assessments, mitigation plans, etc. to determine strengths and areas for improvement in each. The strengths can be integrated into the regional document and the areas for improvement can serve as a starting point for planning as part of this project. Data gleaned from existing plans would serve as baseline data for the regional document *and would be extensively supplemented based on project-specific research conducted by JHC*. The primary goal with regard to existing plans would be to maximally utilize any successful planning efforts, relationships, etc. that have been completed/built to date.

- Assessment of all animal resources in each county. This should include (but is not limited to) food and water resources; sheltering resources; retail resources including pet stores, commercial feed stores, etc.; transportation of animals; evacuation resources; veterinarians and other medical resources for animals; and groups and committees that work with animal issues. These lists should also include 24-hour contacts with phone numbers.

JHC will review current resource lists to determine what has already been identified that could be useful for animals in disaster (and make any revisions necessary to better show the benefit to animal emergencies). JHC realizes that some counties may be further along the planning spectrum than others in the region; lists of identified resources in one county can identify the types of resources that should be identified in another county. Further, JHC personnel make extensive use of the Lessons Learned Information System (LLIS) that is sponsored by the US Department of Homeland Security; as such, JHC will

search the database for best practices regarding animal concerns during emergencies and the types of resources that could assist in such responses. Alternate resources types as identified by this type of research would also be included (to the extent possible). Resource data could be either appended to the regional document or integrated into local-level resource databases (per the request of the regional planning committee).

- “Animal” annexes from other West Virginia sources, such as the *Animal Care Annex Template* that was designed by the WV Department of Agriculture, any counties within the region that may have already developed such plans, and the West Virginia EOP animal annexes.

JHC routinely reviews a number of resources that could improve the projects on which it is working. Resources compiled by other agencies within the state would certainly fit into that category. JHC would review these documents – as they are identified – and include pertinent portions in the regional EOP annex. Inclusion would not necessarily assign tasks to agencies outside of the region; however, it would identify the types of resources and assistance that could be available, what expectations agencies throughout the region should have for external agencies, and the steps necessary to tap into the assistance offered by such agencies.

- Address special considerations for the region, including a significant poultry industry, a horse racing facility, and a “no-kill” pig sanctuary. (It is important to note that requirements associated with the PETS Act do not apply to reptiles [except turtles], amphibians, fish, insects/arachnids, farm animals [including horses], and animals kept for racing purposes. Counties can decide to provide care for these animals, but will be unable to obtain reimbursement under the PETS Act.)

JHC would propose to coordinate with representatives from poultry processing plants, the racing facility, and the sanctuary to obtain information necessary to best characterize the needs and concerns of these facilities during emergencies. A significant component of this (and any) operations planning project is a risk/vulnerability assessment. Involving representatives from these unique regional assets would allow the plan to include threats specific to their facilities, detail how these facilities interact

with the remainder of the local community (e.g., the poultry industry and racing facility are significant economic factors in their respective communities, etc.), and so on. It is highly possible that the only information gleaned from this component of the project is a statement of expectations from both the community and these resources; as such, a list of future planning considerations could be compiled.

- The planning committee shall be the seven (7) emergency managers, the WV Region 3 Homeland Security Coordinator, and the successful consulting firm. Other groups within the jurisdiction of the seven (7) counties may participate through their respective emergency manager.

JHC would interface significantly with the emergency managers and regional coordinator throughout this project. Further, JHC would work with the emergency managers to identify local “sub-committees” for their counties.

- Consult with emergency managers as appropriate.

JHC would work with the emergency managers to identify the most convenient means of obtaining necessary coordination. JHC has in-house teleconferencing and web conferencing capabilities. JHC would schedule a minimum of four (4) meetings with the primary regional planning committee (which could be combined with meetings for other projects in the area in an effort to save on travel). JHC would also utilize technology to the maximum extent possible to coordinate individually with each participating county (and the resources in those counties).

- Make sure that all requirements are met within the Homeland Security Grant.

JHC would submit periodic status reports as part of the regular grant reporting. If awarded the contract, JHC would propose scheduling a kick-off meeting to allow for a schedule of these types of activities to be developed.

The following table, per the RFP document, offers proposed dates for task completion.

ACTIVITY	PROPOSED DATE
Initial kick-off meeting	April, 2011
Kick-off meetings with individual emergency managers.	April, 2011
Draft of resources	May, 2011
Draft of annex	June, 2011
Revision of drafts	August, 2011
Final annex and resource data	August, 2011

## PERSONNEL PROFILES

Our focus on the planning process makes our ability to connect with your community partners of paramount importance. We encourage significant professional development to compliment our extensive planning experience. While there are core competencies to which we train, our staff is also free to seek out a variety of specialized training. This section lists the primary personnel that will be involved with this project as well as a snapshot of the company-wide training that can be put to work for your community.

### Jeffery Wayne Harvey – Owner, Project Manager

Phone: (304) 473-1009, (304) 613-5292

Email: [jharvey@jhcemergencypreparedness.com](mailto:jharvey@jhcemergencypreparedness.com)

Jeff has a broad experience in emergency planning, having worked on projects for local governments, industrial facilities, school systems, and private sector businesses. His advanced education includes a Bachelor's degree in writing, a Master's degree in strategic leadership as well as a multitude of advanced training on hazard mitigation planning, the incident command system, public information in emergencies, and exercise design. Jeff has responded to a number of emergencies, including hazardous material incidents, floods, high-wind events, search and rescue operations, etc. In addition to his roles with JH Consulting, Jeff currently serves as the Resource and Planning Officer for the Upshur County (WV) Office of Emergency Management. He is also a member of the Lewis-Upshur LEPC and the International Association of Emergency Managers (IAEM).

### Steven Douglas Britvec – Project Manager

Phone: (304) 473-1009, (304) 612-5332

Email: [dbritvec@jhcemergencypreparedness.com](mailto:dbritvec@jhcemergencypreparedness.com)

Doug joined the JHC team in January of 2010 and brings significant experience in emergency preparedness as well as safety engineering. He holds a Bachelor's of Science degree in safety and environmental engineering. Doug's advanced training includes hazard mitigation, incident command, effective communication, vulnerability assessment for water utilities, and continuity of operations. He is also trained to the

hazardous materials operations level. He is a member of the American Society of Safety Engineers (ASSE) and the IAEM. Doug's work experience includes risk assessment, mitigation planning, operations planning, hazmat response planning, environmental assessment, pandemic planning, and exercise design/facilitation.

Benjamin Boyd Tacy – Emergency Planner

Phone: (304) 473-1009, (304) 439-6373

Email: [btacy@jhcemergencypreparedness.com](mailto:btacy@jhcemergencypreparedness.com)

Ben joined JHC in September of 2009. He holds a bachelor's degree in occupational safety and health with a concentration in fire science. Ben is trained in basic firefighter operations, including the incident command system, and is certified to the hazmat technician level. Ben's training and experience add a tactical expertise to the cadre of experience at JH Consulting. He is also a member of the Buckhannon Fire Department and the IAEM. Ben's work experience includes emergency operations planning, continuity of operations planning, hazardous material vulnerability assessments, and commodity data analysis.

Company-Wide Advanced Training and Experience

- Core Competencies
  - NIMS – Incident Command System (ICS)
  - ICS/Emergency Operations Center (EOC) interface
  - Exercise design (per HSEEP guidance)
  - Hazard mitigation planning (including risk assessment)
  
- Specializations
  - Public information – JIC-JIS operations
  - Emergency planning for schools
  - Vulnerability assessments for water/wastewater utilities
  - Debris management
  - Emergency planning for special needs populations (including evacuation)
  - Point of Distribution (POD) planning
  - Emergency response to criminal terrorist incidents
  - Evacuation of jail facilities

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## RESUME – JEFFERY W. HARVEY, OWNER

### EDUCATION

- B.A. English (Creative and Technical Writing) – *West Virginia University*, 2000
- M.S. Strategic Leadership – *Mountain State University*, 2010

### PROFESSIONAL ASSOCIATIONS

- International Association of Emergency Managers (IAEM)

### ADVANCED TRAINING

- IS-100 – Introduction to the ICS
- IS-200 – Basic ICS
- IS-300 – Intermediate ICS
- IS-400 – Advanced ICS
- IS-700 – NIMS
- IS-800 – The NRF, An Introduction
- IS-26 – Point of Distribution Planning
- IS-120 – Intro to Exercises
- G191 – ICS/EOC Interface
- G202 – Debris Management
- G357 – Emergency Response To a Criminal/Terrorist Incident
- G908 – Joint Information System/Center Crisis Leadership
- Multi-Hazard Emergency Planning for Schools
- HSEEP
- Protecting Community Water and Wastewater Systems – *TEEX*

### RELEVANT PROJECT EXPERIENCE

- Animals in Disaster Planning
- Emergency Operations Planning
- Hazard Mitigation Planning
- Continuity of Operations Planning
- Hazardous Material Response Planning
- Terrorist Incident Response Planning
- Public Information/Warning Planning
- Commodity Flow Studies
- Response Planning for Schools
- Safety Audits for Public Facilities
- Exercise Designer & Director
- Vulnerability Assessments
- Evacuation Planning
- Resource Manuals
- Response Planning for Airports
- EMPG Grant Administration

Mr. Harvey serves as one of JH Consulting, LLC's Managing Members. He actively markets clients in all facets of the firm's service areas and manages all projects.

Throughout his career, Mr. Harvey has been involved in technical writing. For the past eight (8) years, he has worked primarily in the field of emergency preparedness. He has actively researched and maintained an understanding of rapidly-changing federal regulations in an effort to better assist localities in their emergency preparedness efforts.

Mr. Harvey was also instrumental in the design of the marketing program for a branch office of a large, multi-jurisdictional engineering firm. His responsibilities included client contacts, proposal preparation and interviewing.

Mr. Harvey is also extensively experienced in community development, having served as a project administrator for a regional community development agency. He worked on such projects as waterline extensions, dam rehabilitations, community and youth center upgrades, and small business development projects.

Several items have been present in all stages of Mr. Harvey's career, including public meeting facilitation, technical writing, client management, and project troubleshooting. All of this experience has given him a realistic understanding of successful project management and completion.

### ADDITIONAL EXPERIENCE

- Emergency Management Performance Grants
- Hazardous Material Emergency Planning Grants
- Community Development Block Grants
- Section 504/ADA Compliance Assessments
- Environmental Review Records
- Community Needs Analyses
- Marketing Studies
- Housing Needs Analyses
- Business Plans
- Grant Applications – USED, WVEDA, SBA, FEMA, USEPA, GCPG, Foundations, Corporate Charities
- Media Features

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## RESUME – S. DOUGLAS BRITVEC, PROJECT MANAGER

### EDUCATION

- B.S. Safety/Environmental Engineering Technology – *Fairmont State College*, 2001

### PROFESSIONAL ASSOCIATIONS

- American Society of Safety Engineers (ASSE)
- International Association of Emergency Managers (IAEM)

### ADVANCED TRAINING

- IS-100 – Introduction to the ICS
- IS-139 – Exercise Design
- IS-547 – Continuity of Operations
- IS-700 – NIMS
- IS-800 – The NRF, An Introduction
- HSEEP
- Hazardous Materials, Operations Level
- General Industry Safety & Health, 10-hr. Course, OSHA

### RELEVANT PROJECT EXPERIENCE

- Animals in Disaster Planning
- Emergency Operations Planning
- Hazard Mitigation Planning
- Continuity of Operations Planning
- Hazardous Material Response Planning
- Terrorist Incident Response Planning
- Commodity Flow Studies
- Safety Audits for Public Facilities
- Vulnerability Assessments
- Evacuation Planning
- Resource Manuals
- Pandemic Flu Planning
- NIMS Compliance Consulting
- Exercise Designer, Controller, and Evaluator
- Communications Planning
- Communications/Warning System Assessment
- Source Water Assessment & Protection
- Water System Vulnerability Assessment

Mr. Britvec joined JH Consulting, LLC in 2010 as a project manager. He brings extensive emergency planning experience to JHC team.

This extensive planning experience takes the form of multi-jurisdictional hazard mitigation planning, emergency response and recovery planning, continuity of operations planning, anti-terrorism planning, hazardous materials emergency response planning, vulnerability and risk analysis, and damage assessment. Mr. Britvec is certified by the American Red Cross (ARC) for disaster assessment.

Mr. Britvec also brings a complement of databasing and mapping experience as well as field reconnaissance knowledge in surveying and data collection. His has become an expert in plan composition and compilation. One of Mr. Britvec's core competencies is synthesizing large quantities of information into a usable, effective framework.

Mr. Britvec's experience as a safety engineer includes recognizing, evaluating, and controlling hazards. He has used his experience to identify hazards in various communities and to suggest mitigative actions to lessen the effects of those hazards. In addition, his responsibilities have included fault tree analysis, hazard communications plan preparation, safety shield design, industrial noise audits, and air sampling. He has also conducted and facilitated safety refresher courses.

At JH Consulting, Mr. Britvec interfaces with clients and monitors internal project implementation. He is responsible for the development of and adherence to budgets for his projects. He schedules all data collection, other research, focus groups, and field reconnaissance. Mr. Britvec also troubleshoots and resolves issues with all projects under his watch before they threaten to derail the success of the project.

## RESUME – BENJAMIN B. TACY, EMERGENCY PLANNER

### EDUCATION

- B.S. Occupational Safety and Health Fire Science – *Columbia Southern University*, 2010

### PROFESSIONAL ASSOCIATIONS

- Buckhannon Fire Department
- International Association of Emergency Managers (IAEM)

### ADVANCED TRAINING

- Firefighter I
- Firefighter II
- EMT-B
- Hazardous Materials, Technician Level
- IS-100 – Introduction to the ICS
- IS-200 – ICS for Single Resource Incidents
- IS-700 – NIMS
- IS-800 – The NRF, An Introduction
- HSEEP
- G191 – ICS/EOC Interface

### RELEVANT PROJECT EXPERIENCE

- Emergency Operations Planning
- Commodity Flow Studies
- Hazardous Material Vulnerability Assessments
- Site-Specific Hazardous Material Planning
- Continuity of Operations Planning
- Evacuation Planning
- Resource Manuals
- Exercise Controller and Evaluator

Mr. Tacy joined JH Consulting, LLC in 2009 as an emergency planner. He provides a much-needed operations perspective to the company's planning efforts.

Mr. Tacy is intimately involved in the day-to-day tasks of completing a number of the firm's projects. He is the primary planner for continuity of operations projects as well as emergency operations plans, hazardous material vulnerability assessments, site-specific response plans for a jurisdiction's covered facilities, etc. Mr. Tacy is also the principle writer of After-Action Reports for the exercises that JH Consulting designs.

Since 2009, Mr. Tacy has been significantly involved in data collection efforts on a number of commodity flow studies. In this capacity, his responsibilities have included not only field observations, but management of a team of monitors, interface with client points of contact, interface with local law enforcement to ensure they were aware of the monitoring schedule, etc.

Mr. Tacy's operations background allows JH Consulting to add a level of authenticity to its plans and studies. Mr. Tacy reviews a number of the firm's projects to ensure that tasked agencies can understand their responsibilities. He also provides insight as to whether an agency or jurisdiction has the capability to implement their responsibilities as noted in a plan.

In addition to volunteering with the Buckhannon Fire Department, Mr. Tacy serves as a driver with Upshur County Emergency Medical Services. He is currently completing coursework to become an Emergency Medical Technician.

## PROJECT EXPERIENCE – ANIMALS IN DISASTER PLANNING

This section examines JH Consulting, LLC (JHC) experience with animals in disaster planning. It depicts, in detail, one (1) of the animals in disaster planning projects managed by JHC and lists all “animal” projects with which the firm has been involved.

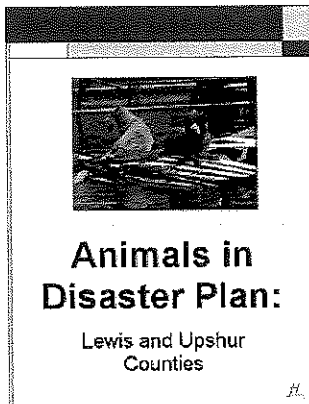
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## PROJECT EXPERIENCE – ANIMALS IN DISASTER PLANNING

### LEWIS-UPSHUR ANIMALS IN DISASTER PLAN

#### PROJECT INFORMATION

*Client:* Lewis-Upshur Local  
Emergency Planning Committee  
*Location:* Buckhannon, WV



Lewis and Upshur Counties in central West Virginia share a Local Emergency Planning Committee (LEPC). Following such large-scale disasters as Hurricane Katrina, members began to discuss how to address pets and other small animals during emergencies. Initially, a subcommittee was formed to identify potential resources and analyze the feasibility of forming a local response team. It was later determined, however, that a suitable first step would be to develop a plan based on existing capabilities and identify how those capabilities could be strengthened in the future.

The LEPC sponsored a planning project concurrently with individual county efforts to procure a pet shelter trailer for each county. A number of interested parties were engaged, including the WVU Extension Service, Community Emergency Response Teams (CERTs) in both counties, etc. Planning was directed at mobilizing resources to establish pet shelters near human shelters as well as to strengthen the types of outreach materials available to stockyards and others with large animals.

#### KEY ELEMENTS

- Coordinated the needs of multiple counties
- Involved the West Virginia State 4-H Camp at Jackson's Mill
- Formed a bi-county planning committee; facilitated numerous planning meetings
- Included guidance for volunteer-run pet shelters to be established near human shelters
- Identified resources available locally and regionally

This project was completed via a series of planning meetings with the LEPC's subcommittee. JHC hosted and facilitated each meeting, discussing such topics as potential resources, field command structure, pet shelter operations, resource/outreach considerations for large animals, and coordinating operations with the American Red Cross' efforts within human shelters.

Additionally, JHC was responsible for the compilation of all project documents, contacting resources to gauge their initial interest in participating as future stakeholders, etc. The project was funded with a Hazardous Materials Emergency Planning (HMEP) grant; consequently, JHC ensured grant compliance by designing response guidelines that could be employed during hazmat incidents, submission of quarterly status updates, and attendance at monthly LEPC meetings to update members as to the project's progress.

## PROJECT EXPERIENCE – ANIMALS IN DISASTER PLANNING

### ALL ANIMALS IN DISASTER PLANNING INVOLVEMENT

#### Company Experience

- *Monongalia County Animals in Disaster Plan*, Monongalia County Office of Emergency Management, under development. This project is a full “animals in disaster” plan for Monongalia County (to include the many resources offered by West Virginia University).
- *Lake County Companion Pet Assessment*, Lake County (Ohio) Citizen Corps Council and Lake County Emergency Management Agency, under development. This project is an effort to both identify the types and number of animals – large and small – throughout the county, as well as the local resources available to assist during emergencies. The project also contains materials that can be used to disseminate a consistent message to the public during emergencies.
- *Roane County Animals in Disaster Plan*, Roane County Office of Emergency Services, 2008. This project was a full “animals in disaster” plan for Roane County.
- Examples of Animals in Disaster EOP Annexes (completed as parts of overall EOP projects)
  - Jefferson County
  - Marshall County
  - McDowell County
  - Mineral County
  - Monroe County
  - Pendleton County

#### Personal Employee Experience with Animal Disaster Planning

- Jeffery Wayne Harvey

Jeff was a member of the original animal emergency planning committee in Upshur County as a member of both the Lewis-Upshur Local Emergency Planning Committee (LEPC) and the Upshur County Office of Emergency Management (UCOEM). In this capacity, he led committee meetings, coordinated the completion of a local pets/animals resource directory, and identified gaps to be developed during future planning projects.

- Steven Douglas Britvec

During previous employment, Doug completed an animals in disaster plan for Preston County and worked with stakeholders throughout Jefferson County to incorporate its animals in disaster plan into its emergency operations plan.

## PROJECT EXPERIENCE – REGION 3 COUNTIES

Additionally, JH Consulting, LLC (JHC) has been involved with a number of projects throughout West Virginia Homeland Security Region 3. These projects will help JHC's staff better understand the unique capabilities and constraints in the participating counties.

- Berkeley County
  - Continuity of Operations Plan
  - Site-Specific Hazardous Materials Response Plans (in progress)
  
- Grant County
  - Resource manual (in progress)
  
- Hampshire County
  - Continuity of Operations Plan
  - Hazard Mitigation Plan (2009 Update)
  
- Hardy County
  - Debris Management Plan
  - Resource Manual (in progress)
  
- Jefferson County
  - Emergency Operations Plan Updates (2010)
  - Resource Manual Updates (2010)
  - Tier II Assessment
  - Tabletop and Functional Hazmat/Flood Exercises (in progress)
  
- Mineral County
  - Commodity Flow Study
  - Continuity of Operations Plan
  - Emergency Operations Plan
  - Hazard Mitigation Plan (in progress)

## REFERENCES

We believe that one of the most effective ways to gauge our capabilities and performance is to speak directly with our clients. To this end, please accept this brief list of references (in addition to the contacts provided above).

- Mr. Jim Farry, Chair  
Lewis-Upshur Local Emergency Planning Committee  
(304) 472-4983  
upshurcooem@hotmail.com
- Mr. Ryan Thorne, Director  
Monongalia County Office of Emergency Management  
(304) 598-0301  
rthorne@mecca911.org
- Ms. Melissa Gilbert, Director  
Roane County Office of Emergency Services  
(304) 927-0918  
roaneco911@frontier.com

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

**Name:** F. Mark Schiavone

**Department or Entity:** DCPM

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

**Date Requested – 1<sup>st</sup> Choice:** 31 March 2011

**Date Requested – 2<sup>nd</sup> Choice:** 7 April 2011

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

**Subject:** Revision 009 to the General Fund

**Please provide the County Commission with a description of your request or presentation, including any background information:** This revision includes several minor internal adjustments and a request by the Circuit Court Clerk to transfer funds remaining from Dept 976 (Circuit Clerk Capital Outlay) to materials/supplies line within Dept 403.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** Move to approve the resolution to modify the General Fund budget

**Attachments:** (1) SAO request to modify approved budget, (2) draft resolution, (3) DCPM detail sheet.

**REQUEST FOR REVISION TO APPROVED BUDGET**

CONTROL NUMBER

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

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

**2011**  
 FY  
**001**  
 FUND  
**009**  
 REV. NO.  
**1 of 1**  
 PG. OF NO.

JEFFERSON COUNTY COMMISSION  
 GOVERNMENT ENTITY

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

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

County  
 Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
366	Miscellaneous Revenue		250		250
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 250

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

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
403	Circuit Clerk	543,894	9,059		552,953
711	Emergency Services	232,577	250		232,827
976	Circuit Clerk	25,000		9,059	15,941
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Expenditures** 250

APPROVED BY THE STATE AUDITOR  
 BY: \_\_\_\_\_ Date \_\_\_\_\_  
 Director, Local Government Services Division

AUTHORIZED SIGNATURE OF ENTITY \_\_\_\_\_ APPROVAL DATE \_\_\_\_\_

RESOLUTION

At a regular session of the Jefferson County Commission, held 31st March, 2011, the following order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 009, a copy of which is entered as part of this record.

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

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

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

Budget Revision Detail Sheet

REVENUES						
Account	Description	Curr Approp	Debit	Credit	Final Approp	Comments
001-366-MM-000	MISC Revenue	-		250	250	/1
<b>NET REVENUE GAIN/LOSS</b>					<b>250.00</b>	

EXPENDITURES						
Line	Description	Current Approved	Credit	Debit	Final Revised	Notes
001-403-03-341-000-GG-000	CIR CLK MATERIALS/SUPPLY	11,000	9,059		20,059	/2
001-711-03-341-000-PS-000	EMERG SVC MAT/SUPPLY	6,000	250		6,250	/1
001-976-04-459-000-CP-000	CIR CLK CAP/OUTLAY EQUIP	25,000		9,059	15,941	/2

SAO Tally	Department	Begin Balance	Total Credit	Total Debit	End Balance
	MISC REV	0	250		250
	403 CIR CLK	543,894	9,059		552,953
	711 EMERG SVR	232,577	250		232,827
	976 CIR CLK CAP/OUT	25,000		9,059	15,941
	<b>CHECKSUM</b>	<b>801,471</b>	<b>9,309</b>	<b>9,059</b>	<b>801,721</b>

NOTES

/1 Account for a gift to Homeland Security - materials/supplies for CERT training  
 /2 Request of Circuit Court Clerk

**F. Mark Schiavone**

---

**From:** Barbara Miller [bmiller@jeffersoncountywv.org]  
**Sent:** Monday, March 07, 2011 10:06 AM  
**To:** F. Mark Schiavone  
**Subject:** Angus' check

Mark:

Angus McDonald wrote his check #8601 on December 6, 2010 in the amount of \$250. If you need a copy, let me know.

Barb



Barbara J. Miller, CEM, CFM  
Director,  
Jefferson County Homeland Security and Emergency Management  
28 Industrial Blvd., Suite 101  
Kearneysville, WV 25430  
(304) 728-3290 Phone  
(304)728-3320 Fax  
(304) 283-4227 Blackberry  
bmiller@jeffersoncountywv.org

**F. Mark Schiavone**

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**From:** Rattenni, Laura [Laura.Rattenni@courtsww.gov]  
**Sent:** Monday, March 21, 2011 11:46 AM  
**To:** Tim Boyde; F. Mark Schiavone  
**Subject:** Capitol Outlay account

BR009

Tim & Mark,

I am requesting a budget revision to move the remainder of my Capitol Outlay account money (\$9,059.54) into my Materials and Supply account so I may utilize it within my office.

Laura

*Laura E. Rattenni*  
Jefferson County Circuit Clerk  
119 N. George Street  
Suite 100  
P.O. Box 1234  
Charles Town, WV 25414  
ph: 304-728-3232  
fax: 304-728-3398

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

Name: KIRK DAVIS - ROGER EITHER /WAC

Department or Entity: GRANTS MANAGEMENT

Estimation of amount of time needed for appointment: 15 MINUTES

Date Requested - 1<sup>st</sup> Choice: 31 MARCH 2011

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

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

TIME LEFT IN THE GRANT IS NOW 37 DAYS LEFT UNTIL COMPLETION

Subject: PURCHASE OF SIGNAGE AS SPECIFIED IN THE GRANT.

THE SIGNS, TOTAL OF (5) FIVE IS TO BE LOCATED IN THE STREAM AND WATER SHED AREAS OF THE PARKS.

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

CONTRACT ATTACHED

COST OF SIGNS ARE PART OF THE GRANT FUNDS PROVIDED

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

WAC ASK PERMISSION TO ORDER THESE SIGNS AS PART OF THE OVERALL GRANT

Attachments:

1- CONTRACT OF SIGNS

# HOPEWELL MANUFACTURING COST PROPOSAL

02/22/2011

\*This quote is good for 60 Days

Jefferson County Water Advisory Committee  
301-827-6173, 301-827-2857 fax  
Attn: Mark Shields

Prepared by Jackie Woodcock

We propose to furnish labor and/or material for the following:

**Five (5) interpretive exhibits, 36" w x 24" h, full color digital image for high pressure laminate.**

The customer will supply complete production-ready digital files (suitable to Hopewell) and a reduced scale print of each file.

One (1) full size 600 dpi ink jet proof will be produced for each exhibit. One (1) full size, full color high pressure laminate panel, .090" thick, will then be produced for each exhibit. **Five (5) 36" w x 24" h Low Profile Double In-Board Leg, in-ground aluminum exhibit display structures will also be produced. Color: NPS Brown**  
*(Additional charges will incur for all non-standard Hopewell Paints)*

The high pressure laminate panels and aluminum exhibit structures will be picked-up by the customer here at our shop.

We propose to furnish the above for the sum of:

Four Thousand, Two Hundred Thirty-Five -----00/100                      \$4,235.00

Payment to be made as follows: Net 30 Days from Delivery

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

Date of Acceptance \_\_\_\_\_ Authorized Signature \_\_\_\_\_

**Hopewell Manufacturing Inc. and Hopewell Graphics**

• Design  
• Panel Fabrication  
• Frames & Bases

HopewellMfg.com



11311 Hopewell Road • Hagerstown, MD 21740 301-582-2343 • Fax 301-582-4736 • 877-521-2787

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

Name: County Commission

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: 3/24/2011

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

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

Subject: **Legislative Update**

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:

Commission Office Use Only  
 Date on Agenda: 3/31/11  
 Appt Time or New Business:

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: JCSO

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:

Appointment of new Deputy Reserve officer

\* This is the volunteer organization.

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

Kevin Morgan applied to become a member of the Jefferson County Sheriff's Department's Deputy Reserves. A background found nothing that would preclude him.

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

I move to approve Kevin Morgan as a member of the Jefferson County Deputy Reserves.

Attachments:



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

## SHERIFF and TREASURER of Jefferson County

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

March 18, 2011

### MEMORANDUM

To: Jefferson County Commission

From: Sheriff Robert E. Shirley *RED/da*

Re: Approval of new appointments

The Jefferson County Deputy Sheriff Reserves is a volunteer organization and invaluable part of the Jefferson County Sheriff's Office. The members assist the Sheriff's Office in ways too numerous to list, but a few of the ways they bring additional support to the office is thru traffic control, serving process and aiding in security at events like the Jefferson County Fair and Arts and Crafts Festival.

It always pleases me to present you with a name for someone who wants to join this group. I am seeking favorable consideration in the appointment of **Kevin Morgan** to the Jefferson County Deputy Reserve Program.

Mr. Morgan has undergone a background investigation and has been deemed suitable for appointment.

If you have any questions or are in need of additional information, please feel free to contact me.

Commission Office Use Only
Date on Agenda: <u>3/31/11</u>
Appt Time of <u>New Business</u> :

**AGENDA REQUEST FORM**

Name: Todd Fagan

Department or Entity: GIS

Estimation of amount of time needed for appointment: **10 minutes – Appointment requested only if Commission or Administrator feels it is necessary. GIS suggests it can alternatively be handled as New Business**

Date Requested – 1<sup>st</sup> Choice: March 31<sup>st</sup>, 2011

Date Requested – 2<sup>nd</sup> Choice: April 7<sup>th</sup>, 2011

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

Subject: **Summer Internship Approval**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to approve hire of Jeremiah Sanders as temporary GIS intern for Summer 2011.**

Attachments: **Departmental Memo follows**

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Todd Fagan

Department or Entity: GIS

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: March 31<sup>st</sup>, 2011

Date Requested – 2<sup>nd</sup> Choice: April 7<sup>th</sup>, 2011

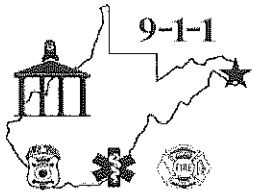
If a specific date is needed, please provide reason for specific date:

Subject: **Summer Internship Approval**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to approve hire of Jeremiah Sanders as temporary GIS intern for Summer 2011.**

Attachments: **Departmental Memo follows**



## Jefferson County Emergency Communications DEPARTMENTAL MEMORANDUM



**TO:** Jefferson County Commission  
Tim Boyde, County Administrator

**FROM:** Todd Fagan, GIS Specialist  
Jeff Polczynski, Director of Communications

**DATE:** March 31<sup>st</sup>, 2011

**SUBJECT:** Authorization and Motion to Hire GIS Intern for Summer 2011

---

This memo serves as a request for the Commission to authorize the temporary hire of Jeremiah Sanders as an intern to be managed and budgeted under GIS. We are filling a vacant, temporary (3 months) position that has been authorized in the FY2012 GIS budget under our Part Time/Extra Help line item and requires no benefits. His pay rate is \$10.00/hr. His period of employment will start around May 9<sup>th</sup>, 2011 and likely run until July 29<sup>th</sup>, 2011. I will need this recorded authorization to have him entered into payroll.

Recommended motion: Move to approve hire of Jeremiah Sanders as temporary GIS intern for Summer 2011

Our GIS internship program has proven successful in each of the last three years, filling in data gaps on sewer infrastructure networks, subdivision development patterns, mountain slope analysis, zip code reviews and trails collection. The benefit is felt by each partner invested in the program; the County completes projects at minimal cost, the University enhances its reputation which attracts students, and the student meets academic requirements while gaining valuable paid work experience. An internship with Jefferson County GIS gives the young graduate a competitive career advantage.

We have selected a student candidate from the Shepherd University Environmental Studies Program. Jeremiah Sanders wishes to hone his skills working with us on a number of potential projects. We have targeted the following projects: hydrological data review and reconciliation, accuracy assessment of public health well/septic location records v. GIS locations, and update of storm water ponds. We look forward to working with him and continued success in the program.

Commission Office Use Only
Date on Agenda: <u>3/31/11</u>
Appt Time or New Business: _____

**AGENDA REQUEST FORM**

Name: \_\_\_\_\_

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: March 24, 2011

Date Requested – 2<sup>nd</sup> Choice: March 31, 2011

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

Subject: **Discuss meeting schedule**

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:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>April 2011</h1>						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

# May 2011

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

*Euphonia*

# June 2011

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20 <i>Holiday</i>	21	22	23	24	25
26	27	28	29	30		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>July 2011</h1>						
3	4 <i>Monday</i>	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

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



Phone: 304-728-3284

www.jeffersoncountywv.org

Fax: 304-725-7916

## JEFFERSON COUNTY COMMISSION HOLIDAY SCHEDULE 2011

MARTIN LUTHER KING'S BIRTHDAY	MONDAY, JANUARY 17, 2011
PRESIDENT'S DAY	MONDAY, FEBRUARY 21, 2011
MEMORIAL DAY	MONDAY, MAY 30, 2011
WEST VIRGINIA DAY	MONDAY, JUNE 20, 2011
INDEPENDENCE DAY	MONDAY, JULY 4, 2011
LABOR DAY	MONDAY, SEPTEMBER 5, 2011
COLUMBUS DAY	MONDAY, OCTOBER 10, 2011
VETERAN'S DAY	FRIDAY, NOVEMBER 11, 2011
THANKSGIVING	THURSDAY, NOVEMBER 24, 2011 FRIDAY, NOVEMBER 25, 2011
CHRISTMAS	MONDAY, DECEMBER 26, 2011

IN ADDITION TO THE DAYS LISTED ABOVE, THE COMMISSION WILL OBSERVE AS HOLIDAYS, ANY NATIONAL, STATE OR OTHER ELECTION DAY THROUGHOUT THE COUNTY, AND ALL DAYS WHICH MAY BE APPOINTED OR RECOMMENDED BY THE GOVERNOR, OF THIS STATE, OR THE PRESIDENT OF THE UNITED STATES, AS DAYS OF THANKSGIVING, OR FOR THE GENERAL CESSATION OF BUSINESS, ANY DAY OR PART THEREOF DESIGNATED BY THE GOVERNOR AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE, FOR STATE EMPLOYEES STATEWIDE MAY ALSO BE TIME OFF FOR COUNTY EMPLOYEES IF THE COUNTY COMMISSION ELECTS TO DESIGNATE THE DAY OR PART THEREOF AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE FOR COUNTY EMPLOYEES. ANY ENTIRE OR PART STATE WIDE DAY OFF DESIGNATED BY THE GOVERNOR MAY, FOR ALL COURTS, BE TREATED AS IF IT WERE A LEGAL HOLIDAY, AS PROVIDE FOR IN 2-2-1 OF THE WEST VIRGINIA CODE, AS AMENDED.

DATE: 12/2/10

/s/  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**AGENDA REQUEST FORM**

Name: \_\_\_\_\_

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: March 31, 2011

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

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

Subject: **Set Time to Lay Levy on Tuesday, April 19, 2011**

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): **I move to Lay Levy on Tuesday, April 19, 2011 at \_\_\_\_\_ o'clock**

Attachments:

**NOTICE OF PUBLIC HEARING**

**COUNTY COMMISSION OF JEFFERSON COUNTY**

**PROPOSED AMENDMENT TO THE 2008 SUBDIVISION AND LAND  
DEVELOPMENT REGULATIONS (AS AMENDED 2010)**

**The County Commission of Jefferson County will hold a Public Hearing on Thursday, April 14, 2011, at 10:00 a.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 for public input for the proposed text amendment for Section 20.203 and Definition of Major Site Plan and Minor Site Plan of the Jefferson County Subdivision Regulations.**

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

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228  
Fax: (304) 728-8126

MEMORANDUM

TO: Jefferson County Planning Commission  
FROM: Seth Rivard, County Planner  
DATE: March 8, 2011  
SUBJECT: Proposed Subdivision Amendment for the Minor Site Plan Process in Business or Industrial Parks

As staff have used the recently amended Subdivision Regulations, it became apparent that there are components of the regulations that could use further review and potential amendments. One pressing concern is the process procedures for a site plan in an existing business or industrial park.

Currently, any site plan greater than 5,000 square feet is processed as a major site plan, which requires multiple additional steps in the process and two public hearings as compared to the minor process.

Staff is proposing, in instances where a business and/or industrial park has previously processed as a major subdivision with master planned roads and stormwater, site plans proposed within that subdivision shall be processed as a minor regardless of the size of the structure. The reasons for this proposal are:

1. Master planned roads and stormwater provisions have already been established.
2. In circumstances where a business or industrial park has processed as a major subdivision, the community is aware that such a development will occur in that location. Requiring each site plan to follow the major process is redundant to the original notice that occurred during the creation of the business and/or industrial park.
3. The redundant public hearing is counter to the economic development goals intended when the parks were created.

Shown below are the sections from the Subdivision and Land Development Regulations with the proposed text amendments shown in red.

**Sec. 20.203 Minor Site Development**

*Minor Site Developments* are those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure and where there is no subdivision into separate lots. If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Minor site development proposes one or more of the following: (1) Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site; (2) Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater; ~~(2)~~ (3) Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or ~~(3)~~ (4) apartment or multi-family development of eight or less dwelling units.

**Minor Site Plan.** A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet Gross Floor Area (GFA) on any site.
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;
- C. ~~B.~~ Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less.
- D. ~~C.~~ Apartment or multi-family development of eight or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

**Site Plan, Minor.** A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet Gross Floor Area (GFA) on any site.
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;
- C. ~~B.~~ Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less.
- D. ~~C.~~ Apartment or multi-family development of eight or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

**Major Site Plan.** A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel total 5,000 square feet or more of GFA on any site;
- C. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;
- D. ~~C.~~ Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;
- E. ~~D.~~ Apartment or multi-family development of ten or more dwelling units; or

F. ~~E~~. A heavy industrial use.

**Site Plan, Major.** A plan that follows the major site development process and proposes one or more of the following:

A. A new public or private street or dedication to public use of an existing street;

B. Building(s), both new and additions to existing, where all structures located on the parcel total 5,000 square feet or more of GFA on any site;

C. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;

D. ~~C~~. Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;

E. ~~D~~. Apartment or multi-family development of ten or more dwelling units; or

F. ~~E~~. A heavy industrial use.

Additionally, this proposed amendment would apply to existing and future business and/or industrial parks. The parks currently established within Jefferson County known to be affected by this amendment are: Burr/Bardane Industrial Park, SPARC Training Center, Sunnyside Park and Jefferson Crossing.



STATE OF WEST VIRGINIA

Department of Revenue  
State Tax Department

Earl Ray Tomblin  
Governor

Craig A. Griffith  
State Tax Commissioner

March 15, 2011

Ms. Angie Banks  
Assessor of Jefferson County  
Jefferson County Courthouse  
104 E. Washington Street  
Charles Town, West Virginia 25414

Dear Ms. Banks:

As you are well aware, the State Tax Department has surveyed the 55 county assessors as to whether or not they would be interested in going to the IASWORLD application. The majority of the counties have voted to proceed with IASWORLD; however, not all assessors replied.

The latest survey included the estimated cost increases. The State Tax Department is now planning to pay some of the initial start-up costs associated with the project. Accordingly, your budget will increase less than was originally planned. Below is what we now anticipate your budget will increase each year for three years beginning July 1, 2012. After that time it is anticipated that your annual billing will be less than it is currently, but naturally that could change.

Estimated Annual Increase

\$3,186

Please indicate if you are interested in upgrading to IASWORLD at this cost.

Yes, I would like to upgrade. \_\_\_\_\_

No, I do not want to upgrade. \_\_\_\_\_

Signature

Title

Your immediate attention in this matter is greatly appreciated. Please fax this back to me by April 15, 2011. Thank you for your cooperation in this matter.

Sincerely,  
Kris Pinkerman  
Tax and Revenue Manager  
Assessment Standards/User Services  
Property Tax Division

RECEIVED

MAR 21 2011

KP/aj  
cc: Jefferson County Commission

Jefferson County Commission

# United States Senate

WASHINGTON, DC 20510-4804

ENERGY AND NATURAL  
RESOURCES COMMITTEE  
ARMED SERVICES COMMITTEE  
SPECIAL COMMITTEE ON AGING

March 14, 2011

The Honorable Patricia Noland  
Vice President  
The County Commission of Jefferson County  
PO Box 250  
Charles Town, West Virginia 25414-0250

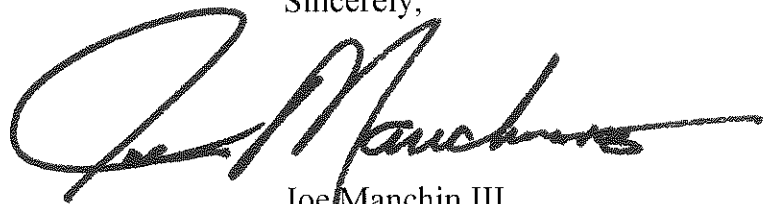
Dear Commissioner Noland,

Enclosed you will find correspondence from the U.S. Postal Regulatory Commission (PRC) in response to my expression of interest in your behalf, regarding the Millville Post Office.

I was pleased to contact responsible officials about his matter, and I am happy to share the enclosed report with you. I hope that you find the information provided by PRC officials informative.

Again, please continue to keep me apprised about any further steps taken by the Jefferson County Commission regarding this matter.

Sincerely,



Joe Manchin III  
United States Senator

JM/km  
Enclosure

**RECEIVED**

MAR 21 2011

Jefferson County Commission

cc: all commissioners



U.S. POSTAL REGULATORY COMMISSION  
Washington, DC 20268-0001

Ann C. Fisher  
Director, Office of Public Affairs  
and Government Relations

February 23, 2011

The Honorable Joe Manchin, III  
United States Senate  
311 Hart Senate Building  
Washington, DC 20510

Dear Senator Manchin:

This responds to your February 1 letter, in which you express concerns on behalf of your constituent, Ms. Patricia Noland, about the Postal Service's decision to suspend operations at the Millville post office in West Virginia. Specifically, you request that the Postal Regulatory Commission (Commission) review this decision by the Postal Service and provide comments about this matter.

Regarding the emergency suspension of this office, the Commission's jurisdiction in this area is limited. Only the appeal of the closing of a post office falls within the jurisdiction of the Commission.

As this office was placed on emergency suspension by the Postal Service, and since the Postal Service advises that has been no determination made at this time to permanently close the office, an appeal would be premature at this time.

It may be helpful for you to know that according to the Postal Service's internal guidelines the Service has 90 days from the effective date of the suspension to develop an Action Plan reflecting their intent to either reopen this post office or to pursue a discontinuance study for closing the post office. In an effort to be of assistance, I am copying the Office of the Consumer Advocate for the Postal Service with this letter and asking that they keep you informed of their Action Plan.

In the event that the Postal Service makes a formal decision to close, the following procedures must be followed. The Postal Service, before reaching a "Final Determination" to close or consolidate an office, must give all parties 60 days notice during which comments may be filed with the Postal Service. If the Postal Service subsequently makes a "Final Determination" to take the proposed action, a posted notice of such action must be provided, and then all patrons have 30 days to appeal to the Postal Regulatory Commission.

For your convenience I am enclosing a copy of the regulations regarding the discontinuance of a Post Office. These regulations outline, in more detail, the steps the Postal Service must take to notify residents, the procedures it must follow and the appropriate time should an appeal of the closure to the Postal Regulatory Commission become necessary.

In closing, please be assured the Commission takes very seriously its oversight role to ensure the accountability and transparency of the Postal Service. I hope this is informative for you.

Sincerely,

Ann Fisher  
Director, Public Affairs and Government Relations

Enclosure

CC: Consumer Advocate  
U. S. Postal Service

RECEIVED

MAR 21 2011

e-CFR Data is current as of December 9, 2009

**Title 39: Postal Service**  
**PART 3001—RULES OF PRACTICE AND PROCEDURE**

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**Subpart H—Rules Applicable to Appeals of Postal Service Determinations To Close or Consolidate Post Offices**

**Source:** 42 FR 10993, Feb. 25, 1977, unless otherwise noted.

**§ 3001.110 Applicability.**

Rules in this subpart govern the procedure regarding the appeal of a determination of the Postal Service to close or consolidate a post office by patrons of the post office in question. Pursuant to section 404(b) of the Act any decision to close or consolidate a post office must be preceded by 60 days notice to persons served by such post office, the opportunity for such persons to present their views, and a written determination based upon consideration of each of the factors listed in section 404(b)(2) of the Act. This notice must include a provision stating that, pursuant to Pub. L. 94-421, a final Postal Service determination to close or consolidate a post office may be appealed to the Postal Regulatory Commission at 901 New York Avenue NW., Suite 200, Washington, DC 20268-0001, within 30 days after the issuance of a written determination by the Postal Service. The rules of general applicability in subpart A of this part, which do not relate solely to evidentiary proceedings on the record, are also applicable to proceedings subject to this subpart.

[36 FR 396, Jan. 12, 1971, as amended at 58 FR 38977, July 21, 1993]

**§ 3001.111 Initiation of review proceedings.**

(a) *Petition for review.* Review of a determination of the Postal Service to close or consolidate a post office shall be obtained by filing a petition for review with the Secretary of this Commission. Such petition must be received by the Commission within 30 days after the Service has made available to persons served by that post office the written determination to close or consolidate required by 39 U.S.C. 404(b) (3) through (4). The petition shall specify the parties seeking review, all of whom must be persons served by the post office proposed to be closed or consolidated and shall identify the Postal Service as respondent. The Commission encourages parties seeking review to attach a copy of the Postal Service written determination, as the appeal process is thereby expedited. If two or more persons are entitled to petition for review of the same determination and their interests are such as to make joinder practicable, they may file a joint petition for review and may thereafter proceed as a single petitioner.

(b) *Intervention.* A person served by the post office to be closed or consolidated pursuant to the Postal Service written determination under review who desires to intervene in the proceeding, or any other interested person, or any counsel, agent or other person authorized or recognized by the Postal Service as such interested person's representative or the representative of such interested person's recognized group, such as Postmasters, shall file with the Secretary of the Commission and serve upon all parties a notice of intervention in a form prescribed by §3001.20. The notice shall contain a concise statement of the interest of the moving party and the grounds upon which intervention is sought. A notice of intervention shall be filed within 25 days of the date on which the notice for review is filed. The provisions of §3001.20 (c) through (f) of Subpart A of this part shall apply to notices of intervention in review proceedings.

[48 FR 33707, July 25, 1983, as amended at 58 FR 38977, July 21, 1993]

**§ 3001.112 The record on review.**

The written determination sought to be reviewed or enforced, the conclusions and findings upon which it must be based under section 404(b)(3) of the Act, the notices to local patrons and the evidence contained in the entire

administrative record before the Postal Service shall constitute the record on review. The record shall contain all evidence considered by the Postal Service in making its determination and shall contain no evidence not previously considered by the Postal Service.

#### **§ 3001.113 Filing of the record.**

(a) *Time for filing of the record by the Postal Service.* The Postal Service shall file the record with the Secretary of the Commission within 15 days after the date on which the petition for review is filed with the Commission. The Commission may shorten or extend the time prescribed above. The Secretary shall give notice to all parties of the date on which the record is filed.

(b) *Composition of the filing.* The Postal Service may file the entire record or such parts thereof as the parties may designate by stipulation filed with the Postal Service. The original papers in the Postal Service proceeding or certified copies thereof may be filed. All parts of the record retained by the Postal Service shall be a part of the record on review for all purposes.

#### **§ 3001.114 Suspension pending review.**

(a) *Application.* Application for suspension of a determination of the Postal Service to close or consolidate any post office pending the outcome of an appeal to the Postal Regulatory Commission shall be made at the time of the filing of a petition for review or of the filing of a notice of intervention in an extant appellate proceeding. The application shall show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by affidavits or other sworn statements or copies thereof. The applicant must be a person served by the affected post office. Immediate notice of the application shall be given to all parties to the proceeding. The application shall be filed with the Secretary of the Commission.

(b) *Answer and filing of the relevant record by the U.S. Postal Service.* Within 10 days after the application for suspension is filed, the Postal Service shall file with the Secretary of the Commission and serve on the petitioners an answer to the application supported by affidavits or other sworn statements or copies thereof. The Postal Service, within 10 days from the date of filing of the application, shall file with the Secretary such parts of the record as are relevant to the relief sought.

[36 FR 396, Jan. 12, 1971, as amended at 58 FR 38977, July 21, 1993]

#### **§ 3001.115 Participant statement or brief.**

(a) *Participant statement.* Upon the filing of the petition for review of a decision to close or consolidate a post office, the Secretary shall furnish the petitioner with a copy of PRC Form 61, a form designed to permit the appellant to make a concise statement of his/her arguments in support of the petition and the instructions regarding its use. In addition to eliciting this information, the instructions for Form 61 shall provide: (1) Notification that, if the appellant prefers, he or she may file a brief as described in paragraph (b) of this section presenting the arguments, in lieu of completing PRC Form 61; (2) a concise explanation of the purpose of the form; and (3) notification that the completed form, or a brief as described in paragraph (b) of this section, in lieu thereof, must be filed with the Commission not more than 35 days following the date of filing of the petition (which date shall be set forth, as it appears in the Commission's records).

(b) *Appellant's initial brief.* The initial brief of the appellant shall be filed with the Secretary of the Commission and served on all parties 35 days after the filing of the petition for review of a decision to close or consolidate a post office. The brief will be limited in length to 30 pages, typewritten and double spaced, and shall include the following in the order indicated:

(1) A subject index with page references, and a list of all cases and authorities relied upon, arranged alphabetically, with references to the pages where the citation appears (which need not be included in the page count);

(2) A concise statement of the case from the viewpoint of the filing participant;

(3) A clear, concise and definitive statement of the position of the author as to the merits of the determination under review;

(4) A discussion of the evidence, reasons, and authorities relied upon with exact references to the record and the authorities; and

(5) Proposed holding with appropriate references to the record or the prior discussion of the evidence and authorities relied upon, and to the appellate criteria of section 404(b)(5) of the Act.

Briefs before the Commission shall be completely self-contained and shall not incorporate by reference any portion of any other brief, pleading or document. Testimony and exhibits shall not be quoted or included in briefs except for short excerpts pertinent to the argument presented.

(c) *Answering brief of the Postal Service.* The answering brief of the Postal Service shall be filed 20 days after the date designated for filing of the appellant's brief and shall follow the format detailed in paragraph (b) of this section.

(d) *Reply by appellant.* The appellant may file a written response to the brief of the Postal Service 15 days after the date designated for filing of that brief, which shall be strictly limited in content to reply to arguments made by the Postal Service. If presented as a brief, such reply brief shall conform to the format detailed in paragraph (b) of this section.

(e) *Intervenor statements or briefs.* An intervenor shall file its brief within the time allowed for initial and reply, or answering, briefs, as appropriate. The Secretary shall furnish to each intervenor a copy of PRC Form 61 as soon as intervenor status is granted. If the intervenor chooses to file a brief, the brief shall follow the format detailed in paragraph (b) of this section.

[42 FR 10993, Feb. 25, 1977, as amended at 48 FR 33707, July 25, 1983; 58 FR 38976, 38977, July 21, 1993]

#### **§ 3001.116 Oral argument.**

Oral argument will be held in these appeal cases only when a party has made a showing that, owing to unusual circumstances, oral argument is a necessary addition to the written filings. Any request for oral argument shall be filed within 7 days of the date on which reply briefs are due. If a request for oral argument is granted, it will be held at the Postal Regulatory Commission's offices at 901 New York Avenue NW., Suite 200, Washington, DC 20268-0001.

[48 FR 33708, July 25, 1983, as amended at 58 FR 38977, July 21, 1993]

#### **§ 3001.117 Posting of documents by Postal Service for inspection by affected postal patrons.**

In all proceedings conducted pursuant to this subpart H, the Postal Service shall cause to be displayed prominently, in the post office or offices serving the patrons affected by the determination to close or consolidate a post office which is under review, a copy of the service list and all pleadings, notices, orders, briefs and opinions filed in such proceedings. Failure by the Postal Service to display prominently any such document shall be deemed sufficient reason to suspend the effectiveness of the Postal Service determination under review until final disposition of the appeal.

[42 FR 10993, Feb. 25, 1977. Redesignated at 48 FR 33708, July 25, 1983]

## e-CFR Data is current as of July 7, 2009

### **Title 39: Postal Service**

#### **PART 241—ESTABLISHMENT CLASSIFICATION, AND DISCONTINUANCE**

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#### **§ 241.3 Discontinuance of post offices.**

(a) *Introduction* —(1) *Coverage*. This section establishes the rules governing the Postal Service's consideration of whether an existing post office should be discontinued. The rules cover any proposal to replace a post office with a community post office, station or branch, consolidation with another post office, and any proposal to discontinue a post office without providing a replacement facility.

(2) *Legal requirements*. Under 39 U.S.C. 404(b), any decision to close or consolidate a post office must be based on certain criteria. These include the effect on the community served; the effect on employees of the post office; compliance with government policy established by law that the Postal Service must provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining; the economic savings to the Postal Service; and any other factors the Postal Service determines necessary. In addition, certain mandatory procedures apply as follows:

(i) The public must be given 60 days' notice of a proposed action to enable the persons served by a post office to evaluate the proposal and provide comments.

(ii) After public comments are received and taken into account, any final determination to close or consolidate a post office must be made in writing and must include findings covering all the required considerations.

(iii) The written determination must be made available to persons served by the post office at least 60 days before the discontinuance takes effect.

(iv) Within the first 30 days after the written determination is made available, any person regularly served by the affected post office may appeal the decision to the Postal Rate Commission.

(v) The Commission may only affirm the Postal Service determination or return the matter for further consideration but may not modify the determination.

(vi) The Commission is required by 39 U.S.C. 404(b)(5) to make a determination on the appeal no later than 120 days after receiving the appeal.

(vii) The following is a summary table of the notice and appeal periods under the statute for these regulations.

**Public Notice of Proposal**

60-day  
comment period

As long as needed  
for consideration of  
comments and internal  
review

**Public Notice of Final Decision**

90 days  
for filing any  
appeal

At least  
60-day wait  
before closing  
post office

120 days  
for appeal  
consideration  
and decision

[View or download PDF](#)

(3) *Additional requirements.* This section also includes:

(i) Rules to ensure that the community's identity as a postal address is preserved.

(ii) Rules for consideration of a proposed discontinuance and for its implementation, if approved. These rules are designed to ensure that the reasons leading a district manager, Customer Service and Sales, to propose the discontinuance of a particular post office are fully articulated and disclosed at a stage that enables customer participation to make a helpful contribution toward the final decision.

(b) *Preservation of community address* —(1) *Policy.* The Postal Service permits the use of a community's separate address to the extent practicable.

(2) *ZIP Code assignment.* The ZIP Code for each address formerly served from the discontinued post office should be kept, wherever practical. In some cases, the ZIP Code originally assigned to the discontinued post office may be changed if the responsible district manager, Customer Service and Sales, submits a request with justification to his or her vice president, Area Operations, before the proposal to discontinue the post office is posted.

(i) In a consolidation, the ZIP Code for the replacement community post office, station, or branch is the ZIP Code originally assigned to the discontinued post office.

(ii) If the ZIP Code is changed and the parent post office covers several ZIP Codes, the ZIP Code must be that of the delivery area within which the facility is located.

(3) *Post office name in address.* If all the delivery addresses using the name of the post office to be discontinued are assigned the same ZIP Code, customers may continue to use the discontinued post office name in their addresses, instead of the new delivering post office name.

(4) *Name of facility established by consolidation.* If a post office to be discontinued is consolidated with one or more other post offices by establishing in its place a community post office, classified or contract station, or branch affiliated with another post office involved in the consolidation, the replacement unit is given the same name of the discontinued post office.

(5) *List of discontinued post offices.* Publication 65, National Five-Digit ZIP Code and Post Office Directory, lists all post offices discontinued after March 14, 1977, for mailing address purposes only if they are used in addresses. The ZIP Codes listed for discontinued offices are those assigned under this subsection.

(c) *Initial proposal* —(1) *In general.* If a district manager, Customer Service and Sales, believes that the discontinuance of a post office within his or her responsibility may be warranted, the manager:

(i) Must use the standards and procedures in §241.3 (c) and (d).

(ii) Must investigate the situation.

(iii) May propose the post office be discontinued.

(2) *Consolidation.* The proposed action may include a consolidation of post offices to substitute a community post office or a classified or contract station or branch for the discontinued post office if:

(i) The communities served by two or more post offices are being merged into a single incorporated village, town, or city; or

(ii) A replacement facility is necessary for regular and effective service to the area served by the post office considered for discontinuance.

(3) *Views of postmasters.* Whether the discontinuance under consideration involves a consolidation or not, the district manager, Customer Service and Sales, must discuss the matter with the postmaster (or the officer in charge) of the post office considered for discontinuance, and with the postmaster of any other post office affected by the change. The manager should make sure that these officials submit written comments and suggestions as part of the record when the proposal is reviewed.

(4) *Preparation of written proposal.* The district manager, Customer Service and Sales, must gather and preserve for the record all documentation used to assess the proposed change. If the manager thinks the proposed action is warranted, he or she must prepare a document titled "Proposal to (Close) (Consolidate) the (Name) Post Office." This document must describe, analyze, and justify in sufficient detail to Postal Service management and affected customers the proposed service change. The written proposal must address each of the following matters in separate sections:

(i) *Responsiveness to community postal needs.* It is the policy of the Government, as established by law, that the Postal Service will provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. The proposal should (A) contrast the services available before and after the proposed change; (B) describe how the changes respond to the postal needs of the affected customers; and (C) highlight particular aspects of customer service that might be less advantageous as well as more advantageous.

(ii) *Effect on community.* The proposal must include an analysis of the effect the proposed discontinuance might have on the community served, and discuss the application of the requirements in §241.3(b).

(iii) *Effect on employees.* The written proposal must summarize the possible effects of the change on the postmaster, supervisors, and other employees of the post office considered for discontinuance. (The district manager, Customer Service and Sales, must suggest measures to comply with personnel regulations related to post office discontinuance and consolidation.)

(iv) *Savings.* The proposal must include an analysis of the economic savings to the Postal Service from the proposed action, including the cost or savings expected from each major factor contributing to the overall estimate.

(v) *Other factors.* The proposal should include an analysis of other factors that the district manager, Customer Service and Sales, determines are necessary for a complete evaluation of the proposed change, whether favorable or unfavorable.

(vi) *Summary.* The proposal must include a summary that explains why the proposed action is necessary, and assesses how the factors supporting the proposed change outweigh any negative factors. In taking competing considerations into account, the need to provide regular and effective service is paramount.

(vii) *Notice.* The proposal must include the following notice: "This Is A Proposal. It Is Not A Final Determination To (Close) (Consolidate) This Post Office."

(A) If a final determination is made to close or consolidate this post office, after public comments on this proposal are received and taken into account, a notice of that final determination must be posted in this post office.

(B) The final determination must contain instructions on how affected customers may appeal that decision to the Postal Rate Commission. Any such appeal must be received by the Commission within 30 days of the posting of the final determination.

(d) *Notice, public comment, and record* —(1) *Posting proposal and comment notice.* A copy of the written proposal and a signed invitation for comments must be posted prominently in each affected post office. The invitation for comments must:

(i) Ask interested persons to provide written comments within 60 days, to a stated address, offering specific opinions and information, favorable or unfavorable, on the potential effect of the proposed change on postal services and the community.

(ii) State that copies of the proposal with attached optional comment forms are available in the affected post offices.

(iii) Provide a name and telephone number to call for information.

(2) *Proposal and comment notice.* The following is a sample format that may be used for the proposal and comment notice.

**UNITED STATES POSTAL SERVICE**  
**Proposal to (Close)(Consolidate) the (Name) Post Office and Optional Comment Form**

Attached is a proposal that we are considering to attempt to provide your community's postal service more economically and efficiently, while also providing regular and effective service. Please read the proposal carefully and then let us have your comments and suggestions. If you choose, you may use the form provided below. Your comments will be carefully considered and will be made part of a public record. If you use the form provided below and need additional room, please attach additional sheets of paper. Return the completed form to \_\_\_\_\_ by \_\_\_\_\_.

In considering this proposal, if you have any questions you want to ask a postal official, you may call \_\_\_\_\_ whose telephone number is \_\_\_\_\_.

**I. Effect on Your Postal Services**

Please describe any favorable or unfavorable effects that you believe the proposal would have on the regularity or effectiveness of your postal service.

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**II. Effect on Your Community**

Please describe any favorable or unfavorable effects that you believe the proposal would have on your community.

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**III. Other Comments**

Please provide any other view or information that you believe the USPS should consider in deciding whether to adopt the proposal.

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(Signature of Postal Customer)

(Date)

(Mailing Address)

(City)

(State)

(ZIP Code)

[View or download PDF](#)

(3) *Other steps.* In addition to providing notice and inviting comment, the district manager, Customer Service and Sales, must take any other steps necessary to ensure that the persons served by the affected post office understand the nature and implications of the proposed action (e.g., meeting with community groups and following up on comments received that seem to be based on incorrect assumptions or information).

(i) If oral contacts develop views or information not previously documented, whether favorable or unfavorable to the proposal, the district manager, Customer Service and Sales, should encourage persons offering the views or information to provide written comments to preserve them for the record.

(ii) As a factor in making his or her decision, the district manager, Customer Service and Sales, may not rely on communications received from anyone unless submitted in writing for the record.

(4) *Record.* The district manager, Customer Service and Sales, must keep as part of the record for his or her consideration and for review by the vice president, Delivery and Retail, all the documentation gathered about the proposed change.

(i) The record must include all information that the district manager, Customer Service and Sales, considered, and the decision must stand on the record. No information or views submitted by customers may be excluded.

(ii) The docket number assigned to the proposal must be the ZIP Code of the office proposed for closing or consolidation.

(iii) The record must include a chronological index in which each document contained is identified and numbered as filed.

(iv) As written communications are received in response to the public notice and invitation for comments, they are included in the record.

(v) A complete copy of the record must be available for public inspection during normal office hours at the post office proposed for discontinuance or at the post office providing alternative service. If the office to be discontinued was temporarily suspended, beginning no later than the date on which notice is posted and extending through the comment period.

(vi) Copies of documents in the record (except the proposal and comment form) are provided on request and on payment of fees as noted in the Administrative Support Manual (ASM) §352.6.

(e) *Consideration of public comments and final local recommendation* —(1) *Analysis of comments.* After waiting not less than 60 days after notice is posted under §241.3(d)(1) the district manager, Customer Service and Sales, must prepare an analysis of the public comments received for consideration and inclusion in the record. If possible, comments subsequently received should also be included in the analysis. The analysis should list and briefly describe each point favorable to the proposal and each point unfavorable to the proposal. The analysis should identify to the extent possible how many comments support each point listed.

(2) *Re-evaluation of proposal.* After completing the analysis, the district manager, Customer Service and Sales, must review the proposal and re-evaluate all the tentative conclusions previously made in light of additional customer information and views in the record.

(i) *Discontinuance not warranted.* If the district manager, Customer Service and Sales, decides against the proposed discontinuance, he or she must post, in the post office considered for discontinuance, a notice stating that the proposed closing or consolidation is not warranted.

(ii) *Discontinuance warranted.* If the district manager, Customer Service and Sales, decides that the proposed discontinuance is justified, the appropriate sections of the proposal must be revised, taking into account the comments received from the public. After making necessary revisions, the manager must:

(A) Forward the revised proposal and the entire record to the vice president, Delivery and Retail.

(B) Attach a certificate that all documents in the record are originals or true and correct copies.

(f) *Postal Service decision* —(1) *In general.* The vice president, Delivery and Retail, or a designee must review the proposal of the district manager, Customer Service and Sales. This review and the decision on the proposal must be based on and supported by the record developed by the district manager, Customer Service and Sales. The vice president, Delivery and Retail, can instruct the district manager to provide more information to supplement the record. Each instruction and the response must be added to the record. The decision on the proposal of the district manager, which must also be added to the record, may approve or disapprove the proposal, or return it for further action as set forth in this paragraph (f).

(2) *Approval.* The vice president, Delivery and Retail or a designee may approve the proposal of the district manager, Customer Service and Sales, with or without further revisions. If approved, the term "Final Determination" is

substituted for "Proposal" in the title. A copy of the Final Determination must be provided to the district manager. The Final Determination constitutes the Postal Service determination for the purposes of 39 U.S.C. 404(b). The Final Determination must include the following notices:

(i) *Supporting materials.* "Copies of all materials on which this Final Determination is based are available for public inspection at the (Name) Post Office during normal office hours."

(ii) *Appeal rights.* "This Final Determination to (close) (consolidate) the (name) Post Office may be appealed by any person served by that office to the Postal Rate Commission. Any appeal must be received by the Commission within 30 days of the date this Final Determination was posted. If an appeal is filed, copies of appeal documents prepared by the Postal Rate Commission, or the parties to the appeal, must be made available for public inspection at the (name) Post Office during normal office hours."

(3) *Disapproval.* The vice president, Delivery and Retail, or a designee may disapprove the proposal of the district manager, Customer Service and Sales, and return it and the record to the manager with written reasons for disapproval. The manager must post a notice in each affected post office that the proposed closing or consolidation has been determined to be unwarranted.

(4) *Return for further action.* The vice president, Delivery and Retail, or a designee may return the proposal of the district manager, Customer Service and Sales, with written instructions to give additional consideration to matters in the record, or to obtain additional information. Such instructions must be placed in the record.

(5) *Public file.* Copies of each Final Determination and each disapproval of a proposal by the vice president, Delivery and Retail, must be placed on file in the Postal Service Headquarters library.

(g) *Implementation of final determination* —(1) *Notice of final determination to discontinue post office.* The district manager, Customer Service and Sales, must:

(i) Provide notice of the Final Determination by posting a copy prominently in the affected post office or offices. The date of posting must be noted on the first page of the posted copy as follows: "Date of posting:" The district manager, Customer Service and Sales, must notify the vice president, Delivery and Retail, of the date of posting.

(ii) Ensure that a copy of the completed record is available for public inspection during normal business hours at each post office where the Final Determination is posted for 30 days from the posting date.

(iii) Provide copies of documents in the record on request and payment of fees as noted in the ASM 352.6.

(2) *Implementation of determinations not appealed.* If no appeal is filed pursuant to 39 U.S.C. 404(b)(5), the official closing date of the office must be published in the *Postal Bulletin*, effective the first Saturday 90 days after the Final Determination was posted. A district manager, Customer Service and Sales, may request a different date for official discontinuance in the Post Office Change Announcement document submitted to the vice president, Delivery and Retail. However, the post office may not be discontinued sooner than 60 days after the posting of the notice required by paragraph (g)(1) of this section.

(3) *Actions during appeal* —(i) *Implementation of discontinuance.* If an appeal is filed, only the vice president, Delivery and Retail, may direct a discontinuance before disposition of the appeal. However, the post office may not be discontinued sooner than 60 days after the posting of notice required by paragraph (g)(1) of this section.

(ii) *Display of appeal documents.* Legal Policy and Ratemaking Law, Postal Service General Counsel, must provide the district manager, Customer Service and Sales, with copies of all pleadings, notices, orders, briefs, and opinions filed in the appeal proceeding.

(A) The district manager must ensure that copies of all these documents are prominently displayed and available for public inspection in the post office to be discontinued. If the operation of that post office has been suspended, the manager must display copies in the affected post offices.

(B) All documents except the Postal Rate Commission's final order and opinion must be displayed until the final order and opinion are issued. The final order and opinion must be displayed for 30 days.

(4) *Actions following appeal decision* —(i) *Determination affirmed.* If the Commission dismisses the appeal or affirms the Postal Service's determination, the official closing date of the office must be published in the Postal Bulletin, effective the first Saturday 90 days after the Commission renders its opinion, if not previously implemented under §241.3(g)(3)(i). However, the post office may not be discontinued sooner than 60 days after the posting of the notice required under §241.3(g)(1).

(ii) *Determination returned for further consideration.* If the Commission returns the matter for further consideration, the vice president, Delivery and Retail, must direct that either:

(A) Notice be provided under paragraph (f)(3) of this section that the proposed discontinuance is determined not to be warranted or

(B) The matter be returned to an appropriate stage under this section for further consideration following such instructions as the vice president, Delivery and Retail, may provide.

[59 FR 29725, June 9, 1994, as amended at 60 FR 32273, June 21, 1995; 69 FR 11536, Mar. 11, 2004]



0000065PKJ

FEIN: 222473234

Reporting Period: 02/1/2011 to 02/28/2011

Amount: 14.50

AT&T IXC's & Alascom, M.E.

c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339



0000000000

Drawer: Returns  
Company: AT&T IXC's & Alascom, M.E.  
Entity ID: 001402  
Entity Name: AT&T Communications of West Virginia  
Return Code: WJ\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2011  
Month: 02  
Sequence Number: 1  
Indexed Time: 3/1/2011 10:56:00 AM  
Printed By: LANSEL  
Printed Time: 3/16/2011 7:28:00 AM

RECEIVED

MAR 22 2011

Jefferson County Commission

0000616556

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

AT&T Communications of West Virginia  
C/O THOMSON REUTERS (TAX & ACCOUNTING), INC.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

WACHOVIA BANK  
64-022/610

0000616556

VOID AFTER 120 DAYS FROM DATE 03/16/2011

PAY Fourteen Dollars and 50/100\*\*\*\*\*

14.50

TO JEFFERSON COUNTY COMMISSION  
P.O. Box 250  
Charlestown, WV 25414

*Sandra Muthersbourg*

TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

0000616556 061000227 2000016945814

WV

West Virginia, Jefferson County E911

Reporting Period: February 1, 2011 to February 28, 2011

AT&T Communications of West Virginia  
AT&T Communications of West Virginia  
c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Tax Identification Number  
222473234

Return Due: 03/20/2011

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County					
E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	5	0	5	\$2.90	14.50
<b>Return Totals:</b>	5	0	5		14.50

Total Gross Tax Due: 14.50

Less: Uncollectables: (0.00)

Less: Vendor's Compensation: (0.00)

Change in Prepayments:

Less: Tax Credits: (0.00)

Net Tax Amount to be Remitted: 14.50

REMIT TO:  
Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414

*Keisha Robinson*

Keisha Robinson, Attorney-in-Fact

3/11/2011

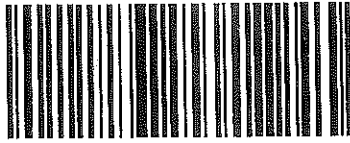
I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

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WV\_JEFF\_E9 03/11/2011 12:59:02 KROBINSON

MAR 22 2011

Jefferson County Commission



0000065W1P

FEIN:

470807040

Reporting Period:

02/1/2011 to 02/28/2011

Amount:

469.80

Level 3 Communications LLC

c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339



0000000000

Drawer: Returns  
Company: Level 3 Communications LLC  
Entity ID: 001219  
Entity Name: Level 3 Communications LLC  
Return Code: WV\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2011  
Month: 02  
Sequence Number: 1  
Indexed Time: 3/2/2011 9:50:00 AM  
Printed By: LANSEL  
Printed Time: 3/16/2011 1:21:00 PM

RECEIVED

MAR 2 2011

Jefferson County Commission

0002417274

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Level 3 Communications LLC  
C/O THOMSON REUTERS (TAX & ACCOUNTING), INC.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

WACHOVIA BANK  
64-022/610

0002417274

VOID AFTER 120 DAYS FROM DATE 03/16/2011

PAY Four Hundred Sixty Nine Dollars and 80/100\*\*\*\*\*

469.80

TO JEFFERSON COUNTY COMMISSION  
P.O. Box 250  
Charlestown, WV 25414

*Sandra Mutherslovez*

TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈000 24 1 7 2 7 4⑈ ⑆06 1000 2 2 7⑆ 20000 169458 2 7⑈

WV

West Virginia, Jefferson County E911

Reporting Period: February 1, 2011 to February 28, 2011

Level 3 Communications LLC  
Level 3 Communications LLC  
c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Tax Identification Number  
47-0807040

Return Due: 03/20/2011

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	162	0	162	\$2.90	469.80
<b>Return Totals:</b>	162	0	162		469.80

Total Gross Tax Due: **469.80**

Less: Uncollectables: **(0.00)**

Less: Vendor's Compensation: **(0.00)**

Change in Prepayments:

Less: Tax Credits: **(0.00)**

Net Tax Amount to be Remitted: **469.80**

REMIT TO:

Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414



Matt Tolan, Attorney-in-Fact

3/11/2011

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV\_JEFF\_E9 03/11/2011 08:51:57 MTOLAN

RECEIVED

MAR 22 2011

Jefferson County Commission

WV

West Virginia, Jefferson County E911

Reporting Period: February 1, 2011 to February 28, 2011

Granite Telecommunications LLC  
Granite Telecommunications LLC  
c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Tax Identification Number  
04-3643290

Return Due: 03/20/2011

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County					
E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	26	0	26	\$2.90	75.40
<b>Return Totals:</b>	26	0	26		75.40

Total Gross Tax Due: 75.40

Less: Uncollectables: (0.00)

Less: Vendor's Compensation: (0.00)

Change in Prepayments:

Less: Tax Credits: (0.00)

Net Tax Amount to be Remitted: 75.40

REMIT TO:

Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414

Todd Davis, Attorney-in-Fact

3/14/2011

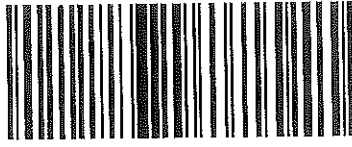
I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV\_JEFF\_E9 03/14/2011 10:36:36 TDAVIS

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MAR 22 2011

Jefferson County Commission



0000066AAQ

FEIN: 043643290

Reporting Period: 02/1/2011 to 02/28/2011

Amount: 75.40

Granite Telecommunications LLC

c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339



0000000000

Drawer: Returns  
Company: Granite Telecommunications LLC  
Entity ID: 002690  
Entity Name: Granite Telecommunications LLC  
Return Code: WV\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2011  
Month: 02  
Sequence Number: 1  
Indexed Time: 3/3/2011 12:03:00 PM  
Printed By: LANSEL  
Printed Time: 3/17/2011 8:34:00 AM

RECEIVED

MAR 22 2011

Jefferson County Commission

0002421608

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Granite Telecommunications LLC  
C/O THOMSON REUTERS (TAX & ACCOUNTING), INC.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

WACHOVIA BANK  
64-022/610

0002421608

VOID AFTER 120 DAYS FROM DATE 03/17/2011

PAY Seventy Five Dollars and 40/100\*\*\*\*\*

75.40

TO JEFFERSON COUNTY COMMISSION  
P.O. Box 250  
Charlestown, WV 25414

*Sandra Muthersbough*

TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈000 24 21608⑈ ⑆06 1000 2 27⑆ 20000 169458 27⑈

**VONAGE TAX ACCOUNT**  
23 MAIN STREET  
HOLMDEL, NJ 07733

**CHASE**  
JPMorgan Chase Bank, N.A.  
Syracuse, New York  
50-937-213

**ESQUIRE** Check Fraud  
Prevention in Business

601278

3/11/2011

PAY  
TO THE  
ORDER OF

Jefferson County Commission

\$ 3,120.40

DOLLARS

Three Thousand One Hundred Twenty And 40/100-----

Jefferson County Commission - E911

*Maria Thornton*

AUTHORIZED SIGNATURE

124 E. Washington St.  
Charles Town, WV 25414

MEMO 2/1/2011 - 2/28/2011: FEIN202758841: Jefferson County WV Generic E911 Dual Remittance Form

⑆ 601278 ⑆ ⑆ 021309379⑆

957087071⑆

**Company Name:**

Vonage America c/o BillSoft Services, Inc.  
8675 W. 96th Street  
Suite 220  
Overland Park, KS 66212

**FEIN:** 202758841

**Phone #:** (913) 859-9674

**Fax #:** (913) 438-9260

**E911 Tax Remittance Form**

**Jefferson County Commission - E911**

124 E. Washington St.

Charles Town, WV 25414

**Reporting Period:** 02/01/2011 - 02/28/2011

**Return Due:** 03/20/11

	Residential	Centrex
Number of Lines	1076	0
Exempt Lines	0.00	0.00
Taxable Lines	1076.00	0.00
Rate or Charge Per Line	2.90	0.00
Gross Surcharge Amount	3120.40	0.00
Administrative Fee Allowed 0.00 %	0.00	0.00
Credits	0.00	0.00
Penalty	0.00	0.00
Interest	0.00	0.00
Net Amount to be Remitted	3120.40	0.00
Remittance		3120.40

**Signed:** 

**Name & Title:** Tiffany Barnes, Preparer

**Date:** 03/09/11

I hereby declare that all information provided herein is true, complete, and accurate to the best of my knowledge.

**RECEIVED**

MAR 22 2011

Jefferson County Commission

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

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
3 days ending: 7/1/10- 7/3/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/10/10	\$ 205,731.64	\$ 205,731.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,386.76	\$ 161,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,368.28	\$ 160,368.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 136,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.68	\$ 78,376.68	\$ 9,734.38	\$ 27,086.98	\$ 2,860.75	\$ 27,494.54	\$ 11,200.03
08/21/10	\$ 152,398.04	\$ 76,199.02	\$ 76,199.02	\$ 9,463.92	\$ 26,334.38	\$ 2,781.26	\$ 26,730.62	\$ 10,888.84
08/28/10	\$ 144,920.06	\$ 72,460.03	\$ 72,460.03	\$ 8,999.54	\$ 25,042.19	\$ 2,644.79	\$ 25,418.97	\$ 10,354.54
09/04/10	\$ 152,725.68	\$ 76,362.84	\$ 76,362.84	\$ 9,484.26	\$ 26,391.00	\$ 2,787.24	\$ 26,788.09	\$ 10,912.25
09/11/10	\$ 165,938.72	\$ 82,969.36	\$ 82,969.36	\$ 10,304.79	\$ 28,674.21	\$ 3,028.39	\$ 29,105.65	\$ 11,858.32
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	\$ 6,809.31	\$ 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	\$ 108,602.60	\$ 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
01/29/11	\$ 96,073.88	\$ 48,036.94	\$ 48,036.94	\$ 5,966.19	\$ 16,601.57	\$ 1,753.35	\$ 16,851.35	\$ 6,864.48
02/05/11	\$ 121,554.88	\$ 60,777.44	\$ 60,777.44	\$ 7,548.56	\$ 21,004.68	\$ 2,218.38	\$ 21,320.72	\$ 8,685.09
02/12/11	\$ 134,943.68	\$ 67,471.84	\$ 67,471.84	\$ 8,380.00	\$ 23,318.27	\$ 2,462.72	\$ 23,669.12	\$ 9,641.73
02/19/11	\$ 144,037.08	\$ 72,018.54	\$ 72,018.54	\$ 8,944.70	\$ 24,889.61	\$ 2,628.68	\$ 25,264.10	\$ 10,291.45
02/26/11	\$ 151,088.04	\$ 75,544.02	\$ 75,544.02	\$ 9,382.57	\$ 26,108.01	\$ 2,757.36	\$ 26,500.84	\$ 10,795.24
03/05/11	\$ 149,070.68	\$ 74,535.34	\$ 74,535.34	\$ 9,257.29	\$ 25,759.41	\$ 2,720.54	\$ 26,147.00	\$ 10,651.10
03/12/11	\$ 133,958.96	\$ 66,979.48	\$ 66,979.48	\$ 8,318.85	\$ 23,148.11	\$ 2,444.75	\$ 23,496.40	\$ 9,571.37
03/19/11	\$ 146,226.52	\$ 73,113.26	\$ 73,113.26	\$ 9,080.67	\$ 25,267.94	\$ 2,668.64	\$ 25,648.13	\$ 10,447.88
Subtotal	\$ 5,191,446.18	\$ 3,051,754.83	\$ 2,139,691.35	\$ 265,749.65	\$ 739,477.33	\$ 78,098.77	\$ 750,603.68	\$ 305,761.92

Benchmark Goal @ 2%           \$   912,063.48

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

Week Ending Date	Week Ending March 19, 2011
<b>To be Deposited on:</b>	March 25, 2011
Amount Played	83,987,914.18
Amount Won	75,259,095.34
Amount Promo	224,218.00
MWAP Contribution	<u>42,417.04</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>8,462,183.80</u></b>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>338,487.36</u>
<b>Net Terminal Revenue</b>	<b><u>8,123,696.44</u></b>
Surcharge @ 10%	812,369.65
State Share Excess @ 58%	471,174.40
Track Share of Capital Reinvestment @ 42%	341,195.25
Track Share of Capital Reinvestment @ 42% - 96%	\$ 327,547.44
Track Share of Capital Reinvestment @ 42% - 4%	\$ 13,647.81
<b>Adjusted Net Terminal Revenue</b>	<b><u>7,311,326.79</u></b>
Racetrack @ 46.50% / 42%	3,070,757.25
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,997,644.03
Race Track Purses @ 7% / 14% / 8%	584,906.14
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	36,556.63
Greyhound Development @ .75%	54,834.95
Thoroughbred Development @ .75%	54,834.95
Racing Commission @ 1%	73,113.26
County/Municipality @ 2%	146,226.52
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	100,530.74
Development Office Promotion Fund @ .375%	27,417.48
Research Challenge Fund @ .5%	36,556.63
Capitol Renovation and Improvement Fund @ .6875%	50,265.37
2004 Capitol Complex Parking Garage Fund @ .0625%	4,569.58
<b>1% Funds:</b>	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>73,113.26</u>
	<b><u>7,311,326.79</u></b>

VIDEO LOTTERY REPORT  
FY 2009

Date	Amount
7/5/2008 *	169,912.56
7/12/2008	176,592.38
7/19/2008	160,344.08
7/26/2008	162,982.74
8/2/2008	178,171.04
8/9/2008	123,538.04
8/16/2008	82,482.89
8/23/2008	76,426.18
8/30/2008	89,459.86
9/6/2008	91,644.46
9/13/2008	79,729.93
9/20/2008	71,269.36
9/27/2008	79,735.73
10/4/2008	75,186.22
10/11/2008	77,139.04
10/18/2008	80,668.26
10/25/2008	64,379.44
11/1/2008	68,352.42
11/8/2008	70,823.02
11/15/2008	65,565.50
11/22/2008	63,883.80
11/29/2008	69,850.12
12/6/2008	55,696.68
12/13/2008	60,178.04
12/20/2008	52,189.19
12/27/2008	72,205.91
1/3/2009	96,504.65
1/10/2009	53,286.62

FY 2010

Date	Amount
7/4/2009 *	128,262.42
7/11/2009	168,815.08
7/18/2009	160,652.98
7/25/2009	158,869.08
8/1/2009	174,493.08
8/8/2009	138,408.80
8/15/2009	81,222.14
8/22/2009	76,260.31
8/29/2009	80,472.92
9/5/2009	80,798.15
9/12/2009	86,286.92
9/19/2009	70,010.15
9/26/2009	69,316.87
10/3/2009	72,286.04
10/10/2009	69,650.63
10/17/2009	73,560.21
10/24/2009	67,581.66
10/31/2009	64,528.30
11/7/2009	63,741.59
11/14/2009	65,959.64
11/21/2009	59,547.05
11/28/2009	72,399.98
12/5/2009	51,006.51
12/12/2009	52,460.58
12/19/2009	32,834.39
12/26/2009	53,406.34
1/2/2010	92,980.40
1/9/2010	55,020.46

FY 2011

Date	Amount
7/3/2010	115,402.58
7/10/2010	205,731.64
7/17/2010	161,386.76
7/24/2010	160,368.28
7/31/2010	157,802.08
8/7/2010	136,494.98
8/14/2010	78,376.68
8/21/2010	76,199.02
8/28/2010	72,460.03
9/4/2010	76,362.84
9/11/2010	82,969.36
9/18/2010	67,638.78
9/25/2010	70,435.06
10/2/2010	71,013.86
10/9/2010	69,311.50
10/16/2010	75,234.62
10/23/2010	70,290.80
10/30/2010	65,615.04
11/6/2010	61,337.62
11/13/2010	64,595.28
11/20/2010	56,010.08
11/27/2010	71,170.90
12/4/2010	53,215.08
12/11/2010	46,944.00
12/18/2010	42,076.76
12/25/2010	50,450.28
1/1/2011	85,152.12
1/8/2011	54,301.30

Table Game Revenues  
FY 2011

Date	Amount
July/Aug 10	154,185.68
Sept. 2010	94,247.84
Oct-10	105,903.60
Nov-10	108,717.67
Dec-10	118,721.11

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	1/29/2011	48,036.94	Jan-11 106,189.21
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44	
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	67,471.84	
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54	
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02	Feb-11 105,776.45
3/7/2009	48,837.13	3/6/2010	76,936.85	3/5/2011	74,535.34	
3/14/2009	96,025.39	3/13/2010	71,007.37	3/12/2011	66,979.48	
3/21/2009	79,002.82	3/20/2010	74,335.38	3/19/2011	73,113.26	
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			
<b>TOTALS 4403564.04</b>			<b>4041141.56</b>	<b>3051754.83</b>	<b>793741.56</b>	

**JEFFERSON COUNTY, WEST VIRGINIA**

**Engineering Department**

116 East Washington Street  
P.O. Box 716  
Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

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MEMORANDUM

TO: SANDY SLUSHER McDONALD, DEPUTY COUNTY ADMINISTRATOR  
JEFFERSON COUNTY COMMISSION

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER  
ENGINEERING DEPARTMENT

RLG

DATE: MARCH 24, 2011

SUBJECT: BROOKSTONE RIDGE SUBDIVISION, LOTS 1-6 & 7-RESIDUE  
FILE #06-37

Please find enclosed the construction bond(s) and security for the following project:

Brookstone Ridge Subdivision, Lots 1-6 & 7-Residue (File #06-37), which is secured by Letter of Credit #5203902 with Jefferson Security Bank, located in Shepherdstown, West Virginia in the amount of \$266,235.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

RECEIVED

MAR 24 2011

JEFFERSON COUNTY COMMISSION

NEWS

0 Recommend

Wednesday March 23, 2011

## State sees decrease in property tax valuations

by Paul Fallon  
Daily Mail Staff

0 Recommend

CHARLESTON, W.Va. -- For the first time in more than 12 years, the state is seeing a decrease in property tax valuations, and the resulting loss of revenue will hit county coffers hard, officials said.

The state will see a 0.1 percent decrease in property tax valuations, said Mark Muchow, deputy cabinet secretary for the state Department of Revenue.

Property tax valuations are the basis for property taxes levied in each county.

The 55 counties overall will see about \$51 million less in valuations, Muchow's figures show.

"We haven't seen anything like this in recent memory," he said. "It's probably not happened since the mid-1980s."

In fact, the state had seen increases in valuations every year since 1999, with the percentage varying from 2.3 percent in 2003 to 11.9 percent in 2006.

The decline means some counties will collect less in property taxes. For example, Clay County is seeing an 8.5 percent, or \$25.5 million, decline in valuations.

This will result in a loss of about \$132,000 in property tax revenue, Clay County Commission President Jerry Linkinoggor said.

He doesn't think the decline will have a drastic effect on the county budget this year. But he said the county might not be able to sustain a second straight year of decline.

"This doesn't mean we're going to have any cutbacks, and no one is going to lose their job," Linkinoggor said.

None of the budgets of Clay County's elected officials will be cut this coming fiscal year, which starts July 1, he said.

However, for the second straight year, county workers will not get raises.

"If this happens next year, we're going to be in trouble," Linkinoggor said.

Although there were no pay cuts or cutbacks in services provided to Clay residents, the commissioners had to cut its contributions to outside agencies.

He couldn't provide dollar amounts for those cuts.

"We didn't send people away with nothing at all, but we gave a whole lot less this year than we've given in the past," he said.

The decrease in Clay County is primarily due to the reduction in coal production. A property is assessed at a higher value if coal is being produced from the site, he said.

Clay County is not the only one that will see a reduction in property tax valuations in the upcoming fiscal year. A total of 25 counties are seeing valuation drops, according to figures from the Department of Revenue.

Kanawha County actually is seeing a slight increase, but that won't translate to extra money for the county, Commission President Kent Carper said.

The county is seeing a 1.9 percent, or \$165 million, increase in property valuations.

This means the county will see about \$346,061 more in property taxes, according to the fiscal year 2011-2012 budget. However, this increase is being eaten by increases in expenses, Carper said.

The county must absorb about \$1.4 million in increased expenses including hikes in utility bills, regional jail costs and retirement benefits.

The commissioners demanded that other county officials cut their budgets to deal with the rising costs and flat revenue, Carper said.

"We started making cuts to our budget a few years ago," he said. "We would be in a lot of trouble if it wasn't for that."

Carper said the county typically sees about a 5 percent increase in property valuations every year.

Putnam County also is seeing an increase.

Its valuations increased by about 1.1 percent, or \$28.5 million.

Though slight, that growth is not being wiped out by rising costs, said Putnam County Commission President Steve Andes.

"Expenses are eating up some of the increase, but we've still been able to honor all of our funding requests from outside agencies," Andes said.

The county also may be able to give 2.5 percent pay increases to employees if there is enough money in the budget carryover after the end of this fiscal year in June, he said.

Although the county did see an increase in property valuations, it was not as large as in the past, Andes said.

"We normally have 5, 7 or 9 percent increases in our property tax valuations," he said.

Ritchie County is seeing an 11 percent, \$55 million, decline, and Wyoming County's property values dropped by 10.5 percent, or \$100.3 million.

Both of these counties rely heavily on natural gas production, which is experiencing a drop in price. This causes a decline in the property values of the areas where the resources are produced, Muchow said.

Berkeley County in the state's Eastern Panhandle also saw a decline in valuations - by 4.5 percent, or \$226.3 million.

"The Eastern Panhandle saw a big rise in housing prices over the past decade," Muchow said. "That has since changed and housing prices have decreased as have assessed values of property."

Patti Hamilton, executive director of the West Virginia Association of Counties, said many elected officials around the state should be concerned about the decreases.

She said many counties have set their property levies at the maximum rate and have no other way to raise additional funds.

"They have nowhere else to go for revenue," she said. "So it's a huge concern, and we're really just starting to analyze the impact this is going to have."

"If counties start cutting things they would normally fund, people are really going to notice," Hamilton said.

She said counties not charging the maximum levy rate might opt to increase their rates. This would hit county residents in their pocketbooks, she said.

Traditionally, property values increase year to year and many counties have come to depend on that growth to fund projects and programs, she said.

"This caught everyone by surprise," she said.

Hamilton believes the statewide decline is due mostly to a drop in natural gas prices.

"We really haven't had the boom and bust other states have had in the housing market," she said.

Property tax values determine a county's classification with the state. There are 10 classifications with Class I being the highest. The classifications determine elected officials' salaries.

If a county drops from one classification to another, the elected officials' salaries would also decline, she said.

"So we could have some county officials taking pay cuts," she said.

For example, Lincoln County will drop from a Class VI county to a Class VII county. This will equal a reduction of a couple hundred dollars in pay for each elected official.

Lincoln County saw a 10.4 percent decrease in property tax valuations. Jackson County saw a 0.9 percent increase in property tax values while Roane County saw a 1.3 percent decrease.

Fayette and Raleigh counties saw a 4.4 percent increase and a 2.3 percent increase, respectively. Boone County experienced a 2.9 percent decrease.

Contact writer Paul Fallon at paul.fal...@dailymail.com or 304-348-4817.

COMMENTS

0 Comments

[Post a Comment](#)

To: ALL ASSESSORS & COMMISSIONERS  
 ARTICLE OF INTEREST - Charleston Daily Mail  
 From: WVACO

## Counties lose tax revenue

■ Drop in property tax valuations means less money for budgets

By PAUL FALLON  
 DAILY MAIL STAFF

For the first time in more than 12 years, the state is seeing a decrease in property tax valuations, and the resulting loss of revenue will hit county coffers hard, officials said.

The state will see a 0.1 percent decrease in property tax valuations, said Mark Muchow, deputy cabinet secretary for the state Department of Revenue.

Property tax valuations are the basis for property taxes levied in each county.

The 50 counties overall will see about \$51 million less in valuations, Muchow's figures show.

"We haven't seen anything like this in recent memory," he said. "It's probably not happened since the mid-1980s."

In fact, the state had seen increases in valuations every year since 1999, with the percentage varying from 2.3 percent in 2003 to 11.9 percent in 2006.

The decline means some counties will collect less in property taxes. For example, Clay County is seeing an 8.5 percent, or \$25.5 million, decline in valuations.

This will result in a loss of about \$132,000 in property tax revenue, Clay County Commission President Jerry Linkinogor said.

He doesn't think the decline will have a drastic effect on the county budget this year. But he said the county might not be able to sustain a second straight year of decline.

"This doesn't mean we're going to have any cutbacks, and no one is going to lose their job," Linkinogor said.

None of the budgets of Clay County's elected officials will be cut this coming fiscal year, which starts July 1, he said.

However, for the second straight year, county workers will not get raises.

If this happens next year, we're going to be in trouble," Linkinogor said.

Although there were no pay cuts or cutbacks in services provided to Clay residents, the commissioners had to cut their contributions to outside agencies.

He couldn't provide dollar amounts for those cuts.

"We didn't send people away with nothing at all, but we gave a whole lot less this year than we've given in the past," he said.

The decrease in Clay County is primarily due to the reduction in coal production. A property is assessed at a higher value if coal is being produced from the site, he said.

Clay County is not the only one that will see a reduction in property tax valuations in the upcoming fiscal year. A total of 25 counties are seeing valuation drops, according to figures from the Department of Revenue.

Kanawha County actually is seeing a slight increase, but that won't translate to extra money for the county, Commission President Kent Carper said.

The county is seeing a 1.9 percent, or \$165 million, increase in property valuations.

This means the county will see about \$346,061 more in property taxes, according to the fiscal year 2011-2012 budget. However, this increase is being

■ Turn to REVENUE/11A

# Revenue

Continued from 1A

## Property tax classifications affect elected officials' salaries

ation by increases in expenses. Carper said.

The county must absorb about \$1.4 million in increased expenses including hikes in utility bills, regional jail costs and retirement benefits.

The commissioners demanded that other county officials cut their budgets to deal with the rising costs and flat revenue. Carper said.

"We started making cuts to our budget a few years ago, and we would be in a lot of trouble if it wasn't for that," Carper said.

The county typically sees about a 5 percent increase in property valuations every year.

Putnam County also is seeing an increase.

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Though slight, that growth is not being wiped out by rising costs, said Putnam County Commission President Steve Andes.

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The county also may be able to give a 2.5 percent pay increase to employees if there is enough money in the budget.

Carper said that the end of this fiscal year in June, he said.

Although the county did see an increase in property valuations, it was not as large as in the past, Andes said.

"We normally have a 5.7 or 5.9 percent increase, but our property tax value is flat," he said.

Fitchie County is seeing an 11 percent, \$30 million, decline and Wyoming County's property values dropped by 10.5 percent, or \$100.5 million.

Both of these counties rely heavily on natural gas production, which is experiencing a drop in price. This causes a decline in the property values of the areas where the resources are, said.

Berkeley County in the state's Eastern Panhandle also saw a decline in valuations by 4.5 percent, or \$26.3 million.

The Eastern Panhandle saw

a big rise in housing prices over the past decade, Muchow said.

That has since changed and housing prices have decreased as have assessed values of property.

Pat Hamilton, executive director of the West Virginia Association of Counties, said many elected officials around the state should be concerned about the decrease.

She said many counties have set their property levies at the maximum and have no other way to raise additional funds.

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Contact writer Paul Falloff at paul.falloff@tallymail.com or 304-346-4817

**West Virginia Election Calendar Overview**  
**2011 Special gubernatorial Election - Jefferson County**

<b>PRIMARY ELECTION</b>	Feb '11	Mar '11	Apr '11	May '11	Jun '11
Candidate filing period begins	7				
Candidate filing period ends - by 5pm	12				
Drawing of ballot positions - at 5pm	13				
Last day to extend emergency absentee procedures	13				
First day to receive absentee applications from all voters	19				
Commission notifies executive committees: # of poll workers needed	19				
Secretary of State certifies and posts candidate names	19				
Last day for candidates to withdrawal		1			
County clerk estimates number of absentee ballots needed		5			
Executive committees submit names of poll workers & alternates		5			
Clerk notifies commission: # of emergency absentee commissioners		19			
Commission appoints poll workers and alternates		26			
Primary-First campaign report due		26	1		
Delivery of absentee ballots to clerk		28			
Sending of absentee ballots to overseas/military voters		29			
Poll worker training eligible dates			14	7	
Delivery of supplies to clerk			16		
Poll clerk training - 9am			20		
Poll commissioner training - 6pm			20		
Contractor to clear supplies from courthouse commission meeting room			21		
Maintenance to clear out Early Voting (EV) room & remove hall benches			25		
Voter registration deadline for Primary Election			25		
Publish the sample ballots			25	1	
Maintenance to bring EV equipment to courthouse - by 12pm			26		
EV staff to set up room for EV - after 12pm			26		
Supply clerk training - 9am			26		
Courthouse public restroom renovation complete/functional before EV			28		
Pre-Primary campaign finance report due			29	3	
<b>EARLY VOTING PERIOD</b>			29	11	
Saturday EV			30		
Supply clerk training - 6pm				4	
Poll commissioner training - 9am				5	
Poll clerk training - 6pm				5	
Saturday EV				7	
Publish the sample ballots or official list of candidates				7-13	
Receive emergency absentee ballot applications - by 12pm on last day				7-14	
Deadline to submit absentee ballot application				9	
Makeup/alternate training - 6pm				9	
Maintenance to pick up trucks in Halltown/equipment delivery to precincts				13	
Supply clerks pick up supplies at Bardane storage facility				13	
Last day to receive hand-delivered absentee ballots				13	
<b>PRIMARY ELECTION DAY</b>				14	
Equipment pick up from precincts/return trucks to Halltown				16	
Canvass begins - results declared at end of canvass				20	
Deadline for petition nominees to file certificate and filing fees				21	
Post-Primary campaign financial reports due				27	28
Maintenance to return EV equipment to Bardane; set up mtg room/hall				31	
Deadline to transmit results to the Secretary of State					13