

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**WEDNESDAY, JULY 20, 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**

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 10:00 a.m. Jeffrey A. Polczynski, Director of Communications  
- Memorandum of Understanding between Jefferson County Health Department and Jefferson County Emergency Communications and the Jefferson County Commission - Approval of MOU for operating a Closed Point of Dispensing (POD) Site - Discussion/Action
  
2. 10:30 a.m. Break
  
3. 10:45 a.m. Roger Goodwin, Chief County Engineer  
A. - Partial release of the Construction Bond security for Beallair Homes, LLC - Beallair Subdivision, Phase 1, Lots 1-49 & Residue A-E (File #02-36) - Letter of Credit #7500942081 from Susquehanna Bank, Martinsburg, West Virginia - Discussion/Action  
B. - Michael Wiley on behalf of Beallair Homes, LLC owner/developer, has requested tolling of the construction bond for the Beallair Subdivision, Phase 2, Lots 50-133 and Residue Parcel A - File #05-41 - Discussion/Action

4. 11:00 a.m. Lynn Fields, Probate Office -
  - A. - Quarterly hearing to approve Accountings/Waivers and close estates and approve estates opened since last quarterly hearing, and
  - B. - Estate of Mildred Olga Valentine - request that the Commission approve and authorize its President to execute an order appointing David S. Smith, Vice President of the Bank of Charles Town as Administrator of the Estate and discharging Sheriff Robert Shirley from his position as Curator of the Estate.

**UNFINISHED BUSINESS:**

5. Appointment to the Eastern Panhandle Regional Planning and Development Council term ending June 30, 2012 - Discussion/Action
6. Approval of Minutes - Regular Meeting - June 30, 2011

**NEW BUSINESS:**

7. Review of Draft Travel Expense Policy - Discussion/Action

**COUNTY ADMINISTRATOR REPORTS**

**COUNTY COMMISSION REPORTS**

**ADJOURN**

**CORRESPONDENCE:**

Letter from Susan Pierce, Deputy State Historic Preservation Officer, notifying the Commission that Bullskin Run Historic District in Jefferson County will be forwarded to the National Register and will be listed as a historic property worthy of preservation.

Fax received from WVACO regarding changes for retirees in connection with PEIA coverage.

Letter received from Jack Snyder, President of Duffields Station, Inc., describing Duffields Days fundraiser on June 19, 2011 and thanking the participants.

Newsletter received from the CCAWV, Volume 14, Number 1, July, 2011.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery, week ending July 9, 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.*

## Minutes

### Jefferson County Commission

Thursday, July 14, 2011

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A meeting of the Jefferson County Commission was held on Thursday, July 14, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this July 14, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

#### PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**Regarding the June 30, 2011 Minutes and draft Order setting forth the Commission's approval of Shenandoah Professional Center, LLC's rezoning request, Ms. Widmyer clarified her objections to the rezoning process** and requested that the Order be amended to include her clarification. She suggested that the vote on the June 30, 2011 Minutes be held until the Wednesday, July 20, 2011 meeting.

**Motion by Mr. Manuel to place the Minutes of the June 30, 2011 meeting** on the agenda for next week, Wednesday, July 20, 2011, to allow Ms. Grove time to amend the Order. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the July 7, 2011 meeting as amended. Motion seconded by Ms. Morgan and unanimously approved.

#### APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$19,460.67, being purchase order numbers: 52973, 49361, 52908, 53048, 53050, 53053, 49551, 49556, 48390, 53045, 53044, 53046, 53047, 53049, 53052, 53029, 53054, 52936, 52965, 52964, 52961, 49526 and 52934. Motion seconded by Mr. Manuel and unanimously approved.

#### PUBLIC COMMENT

**Jennifer Brockman, Director of the Planning & Zoning Department**, introduced the new Office Manager of the Planning and Zoning Department, Dawn Childs, to the Commissioners.

#### UNFINISHED BUSINESS:

6. **Tim Boyde, County Administrator**, request for approval of job description for the Director of Financial Management and permission to place the employment ad in the appropriate places.

Motion by Mr. Manuel to approve the job description for the Director of Financial Management and to authorize placement of the ad for employment in the appropriate media. Motion seconded by Mr. Pellish.

Ms. Widmyer amended the motion to add under Essential Functions of the position the requirement that “the Director of Financial Management prepare for public review an annual summary of the budget which explains in layman’s terms what the Commission has done in terms of the General Fund, County funds and other financial information.” Mr. Manuel seconded the amendment and it was unanimously approved.

**Jennifer Maghan, County Clerk, requested permission to speak to the Commission.** Ms. Maghan requested that she be allowed to review a copy of the Job Description for the proposed Director of Financial Management and asked that the County Commission share with the County Clerk’s Office any information regarding a possible hire of a Director of Financial Management for the County. Ms. Maghan further advised that County finances, pursuant to West Virginia Code, are the responsibility of the County Clerk’s Office, that the Clerk’s Office has competent and knowledgeable staff who are capable of carrying out the required financial functions and this should be considered before hiring a Director of Financial Management.

The Commission voted on Mr. Manuel’s original motion to approve the job description for the Director of Financial Management and to authorize placement of the ad for employment in the appropriate media. Motion was unanimously approved.

**PRESENTATIONS:**

**2. Interviews and Appointments to the following:**

**A. Summit Point Library Committee – One 5-year term ending June 30, 2016**

Motion by Ms. Morgan to reappoint Curt Mason for a 5-year term on the Summit Point Library Committee ending June 30, 2016. Motion seconded by Mr. Manuel and unanimously approved.

**B. Jefferson County Parks and Recreation Commission – three 3-year terms ending June 30, 2014 and one unexpired term ending June 30, 2012.**

Applicants interviewed: Daniel McVicar  
Adam Shively  
Joan O’Dell  
Todd McKinney

Ms. Morgan and Mr. Pellish nominated Mr. McVicar. Mr. Manuel nominated Mr. Shively. Ms. Widmyer nominated Mr. McKinney.

Motion by Mr. Manuel and seconded by Ms. Morgan that the nominations be closed and that the three nominees be appointed to the three 3-year terms ending June 30, 2014. Motion was unanimously approved.

By unanimous consent the Commission will hold open for two weeks and advertise the one unexpired term. Ms. O’Dell’s resume will be retained to be considered in two weeks.

1. **Darlene Truman and Adam Shively of RAI Alliance Incorporated** presented the Jefferson County

Parks and Recreation Commission with a check in the amount of \$2,925.00 to be used as scholarships for children in need of financial assistance.

**2. Interviews and Appointments Continued:**

**C. Jefferson County Board of Health – one 5-year term ending June 30, 2016**

Applicants interviewed: Dr. Joe Osterman  
Thomas Trumble

Motion by Mr. Pellish to appointment Thomas Trumble to the 5-year term on the Jefferson County Board of Health ending June 30, 2016. Motion seconded by Mr. Manuel. Motion closed by Mr. Manuel, seconded by Ms. Morgan and unanimously approved.

**The Commission took a 5-minute break at 11:00 a.m.**

**The Commission reconvened at 11:05 a.m.**

**Interviews and Appointments Continued:**

**D. Eastern Panhandle Regional Planning and Development Council – 1-year term ending June 30, 2012**

By unanimous consent this agenda item was continued until next week's meeting on Wednesday, July 20, 2011 to allow staff time to contact Tom Bayuzik regarding any interest he might have in re-applying for the appointment.

**E. Jefferson County Property Safety Enforcement Agency – one 1-1/2 year term ending December 31, 2012 (must be a Fire Chief)**

Motion by Ms. Morgan to re-appoint Ben Money to the 1-1/2 year term on the Jefferson County Property Safety Enforcement Agency ending December 31, 2012. Motion seconded by Mr. Manuel and unanimously approved.

**F. Jefferson County Emergency Services Agency – one unexpired term ending November 2, 2013 (Citizen Representative)**

Applicant interviewed: Jason Carlson

The Commission requested that Mr. Carlson provide background information on himself and suggested that Sandy McDonald, Deputy County Administrator, obtain this information from him. Because Mr. Carlson had previously been a fireman, the Commission opted to have its attorney, Steve Groh, research the issue and advise them if he would legally qualify as a "citizen representative" if appointed.

**Ms. Widmyer suggested that a letter, certificate or resolution be prepared for Michael Alvarez, who is retiring from his position with the Jefferson County Emergency Services Agency after**

**many years of dedicated service to the County and his outstanding achievements. All Commissioners were in agreement and requested that Mr. Boyde have a Resolution prepared and schedule a date for the presentation.**

- 3. Mark Schiavone, Director of Capital Planning and Management – request to approve the revision to the Coal Severance Fund (Fund 002) as required by the Sate Auditor’s Office.**

Ms. Morgan made a motion to approve the revision to the Coal Severance Fund (Fund 002) as presented by Staff. Mr. Manuel seconded the motion and it was unanimously approved.

- 5. Bill Polk, Maintenance Director requests:**

- A. Approval to start negotiations with Minghini’s General Contractors for repair of Courthouse columns.**

Motion by Mr. Manuel to authorize Mr. Polk to enter into negotiations with Minghini’s General Contractors to obtain a price to evaluate the cost of repairing the columns on the front of the Courthouse. Motion seconded by Ms. Widmyer and unanimously approved.

- B. Approval to award the HVAC bid to Craigo Service Company so that HVAC maintenance and/or repair as stipulated in the Energy Grant can begin.**

Motion by Mr. Manuel to approve the award of the HVAC bid to Craigo Service Company for HVAC maintenance and/or repair as stipulated in the Energy Grant. Motion seconded by Mr. Pellish and unanimously approved.

#### **APPROVAL OF ACCOUNTS PAYABLE**

Motion by Ms. Morgan to approve the accounts payable in the amount of \$504,323.18. Motion seconded by Mr. Manuel and unanimously approved.

#### **PRESENTATIONS continued:**

- 7. One unexpired term ending November 2, 2013 (Citizen Representative) – Jefferson County Emergency Services Agency revisited.**

Attorney Steve Groh informs the Commission that there is no legal problem with Jason Carlson, who has a fire fighting background, being appointed to serve in the Jefferson County Emergency Services Agency for the unexpired term ending November 2, 2012 as a “citizen representative.”

Motion by Ms. Widmyer to re-open the appointment process and place Jason Carlson into the applicant pool. Ms. Morgan seconded the motion and it was unanimously approved.

#### **NEW BUSINESS:**

- 7. Mr. Boyde advised the Commission that he had researched the properties available for sale within a 4 to 5 mile radius of the Courthouse through the multi-list service. The Stephenson Building was the only property on the market in the search area that would be large enough to serve the County’s**

**space needs.**

Motion by Ms. Widmyer to authorize the placement of an ad in the appropriate media stating as follows: "The Jefferson County Commission is in the process of exploring options for providing additional office space for County operations. As part of that process, the Commission is seeking expressions of interest from property owners within three (3) blocks of the Courthouse who might have property available either for sale or lease. Please contact Tim Boyde, County Administrator, at (304)728-3284. All inquiries will be confidential and must be submitted by August 5, 2011." Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Noland to authorize Tim Boyde, County Administrator, to begin negotiations for the purchase and/or lease of the office building located at the intersection of George and Liberty Streets that will address the space needs of the Prosecuting Attorney, the Jefferson County Magistrates and the County Commission and possibly other offices, and that the County Commission shall schedule a public hearing at the earliest possible date taking into consideration the time necessary for public notice. Motion seconded by Mr. Pellish.

Mr. Manuel made a motion to call the question. Ms. Noland repeated the motion. A vote was taken on whether or not to call the question. Motion carried 3 to 2, with Ms. Widmyer and Ms. Morgan voting "against."

Ms. Widmyer asked if the motion was divisible and stated that the public hearing portion should be a separate motion. Ms. Noland advised that the motion was divisible and deleted the portion of her motion that stated "that the County Commission schedule a public hearing at the earliest possible date taking into consideration the time necessary for public notice." Ms. Noland's motion then read "to authorize Tim Boyde, County Administrator, to begin negotiations for the purchase and/or lease of the office building located at the intersection of George and Liberty Streets that will address the space needs of the Prosecuting Attorney, the Jefferson County Magistrates and the County Commission and possibly other offices." A vote was taken on the motion and carried 3 to 2, with Ms. Widmyer and Ms. Morgan voting "against."

A vote was taken on the portion of the original motion which states "the County Commission shall schedule a public hearing at the earliest possible date taking into consideration the time necessary for public notice." The motion was unanimously approved.

**COUNTY ADMINISTRATOR REPORTS:**

- Mr. Boyde reported that he has prepared a travel policy which has been reviewed by the Department Heads and Electeds and it will be submitted to the Commission for review and approval within the next two weeks.
- Reported that he has been in negotiations with the vendor for the County health insurance. Mr. Boyde expects to bring two options before the County Commission on July 28, 2011. Ed Sloanaker will be present at the meeting next week.
- Reminder that the July 21, 2011 meeting has been rescheduled to Wednesday, July 20, 2011. Notices have been posted and sent.

**COUNTY COMMISSION REPORTS:**

**Commissioner Morgan:**

- Reported that the Farmland Protection Board meeting was rescheduled for Friday, July 15, 2011.
- Reported that she will be attending a Quarterly Farmland Protection Board meeting in Pocohantas County, West Virginia next week.

**Commissioner Pellish:**

- Attended an Economic Development Committee meeting.
- Attended a Planning Commission meeting.

**Commissioner Widmyer:**

- Attended a Phase II, Water Implementation Study Plan for Elected Officials.
- Attended a Space Needs Subcommittee meeting.

**Commissioner Manuel:**

- Attended a Town Meeting with Senator Joe Manchin – “Common Sense Solutions.”
- Attended a Space Needs Subcommittee meeting.

**Commissioner Noland:**

- No meetings this week.

Motion by Mr. Manuel to adjourn the meeting. Motion seconded by Ms. Noland and unanimously approved. The meeting was adjourned at 12:40 p.m.

Upon rising the meeting was adjourned until Wednesday next, July 20, 2011 at 9:30 a.m.

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PATRICIA A. NOLAND, PRESIDENT

Commission Office Use Only  
 Date on Agenda: 7-20-11  
 Appt Time or New Business:

**JEFFERSON COUNTY COMMISSION  
 AGENDA REQUEST FORM**

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

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: July 20, 2011

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

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

Subject:  
**Memorandum of Understanding between Jefferson County Health Department and Jefferson County  
 Emergency Communications / Jefferson County Commission – Closed Dispensing Site**

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

**Sign an MOU for operating a Closed Point of Dispensing (POD) site**

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

**Move to place commission President signature on the MOU between the Jefferson County Health Department and the Jefferson County Commission in regards to a closed POD for Jefferson County Emergency Communications Center**

Attachments:

**MOU**

**MEMORANDUM OF UNDERSTANDING (MOU)**

**Between**  
**Jefferson County Health Department**  
**And**  
**Jefferson County Commission/Jefferson County Emergency Communications Center**

**FOR OPERATING A CLOSED DISPENSING SITE**

1. **Participants.** This MOU is made and entered into between the Jefferson County Health Department (JCHD) and Jefferson County Commission/Jefferson County Emergency Communications Center.
2. **Purpose.** Distribution of Federal Strategic National Stockpile (SNS) assets (medical supplies, vaccine, etc.) through Closed Dispensing Sites can provide the fastest most convenient and least disruptive for dispensing among employees, employee family members and clients/patients/members of participating organizations. Closed Dispensing Sites are activated only in a mass dispensing situation (disaster, bioterrorism, pandemic event, etc.) as necessary. The undersigned parties have developed an understanding that will allow Jefferson County Emergency Communications Center to manage and operate a Closed Dispensing Site to distribute SNS assets.
3. **Conditions.** The components of the Closed Dispensing Site Program are as follows:
  - Employing or contracting necessary credentialed medical staff such as an Emergency Medical Technician or above
  - Joining (by signing the MOU)
  - Education and Training (JCHD will assist)
  - Planning (by creating a specific organization dispensing plan)
  - Activating (when determined necessary)
  - Exercising (participants are encouraged to participate in local exercises)
4. **Witness.** The undersigned representatives of their respective organizations have activated this MOU to become effective on the date of the latest signature and to remain in effect unless terminated in writing by either party with a 30 day notice of termination.

**Signing on behalf of:**

**Jefferson County Commission**  
Organization

\_\_\_\_\_  
Organization Signature

\_\_\_\_\_  
Date

Patricia Noland, President  
Printed Name and Title of Organization Representative

\_\_\_\_\_  
JCHD Signature

\_\_\_\_\_  
Printed Name and Title of Organization Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
JCHD Signature

\_\_\_\_\_  
Printed Name and Title of Organization Representative

\_\_\_\_\_  
Date

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>7-20-11</u></p> <p>Appt Time or New Business:</p>
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**AGENDA REQUEST FORM**

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: July 21, 2011

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

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Partial release of the Construction Bond security for Beallair Homes, LLC – Beallair Subdivision, Phase I, Lots 1-49 & Residue A-E (File #02-36) – Letter of Credit #7500942081 from Susquehanna Bank, Martinsburg, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$113,741.00 from the construction bond amount for Beallair Homes, LLC – Beallair Subdivision, Phase I, Lots 1-49 & Residue A-# (File #02-36).

Attachments: Construction Bond Release Letter



## 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)

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lou Widmer*

July 21, 2011

Mr. Kevin Justice, Vice President  
Susquehanna Bank  
301 West Burke Street  
Martinsburg, West Virginia 25402-1627

RE: Irrevocable Letter of Credit #7500942081 dated November 23, 2004, for  
Beallair Homes, LLC - Beallair Subdivision, Phase I, Lots 1-49 & Residue  
A-E (PC File #02-36).

Dear Mr. Justice:

The Jefferson County Commission authorizes a partial release of \$113,741.00 from the construction bond for Beallair Homes, LLC - Beallair Subdivision, Phase I, Lots 1-49 & Residue A-E (PC File #02-36), for a new construction bond amount of \$368,109.00. This project is located on the east side of Old Country Club Road (Route 24) adjacent to the CSX Railroad and the Sleepy Hollow Golf Course. The work remaining includes but is not limited to the following:

1. Top coat of asphalt paving
2. Storm water management as-built certifications
3. Signs
4. Seeding & mulching
5. Signs
6. Bond contingency amount

In summary you are hereby authorized to reduce the amount of the above-reference Irrevocable Letter of Credit, originally issued in the amount of \$1,075,000.00 to \$368,109.00. Please contact the Engineering Department at (304)-728-3257 if you have any questions.

Sincerely,

Patricia N. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Mr. Michael T. Wiley, PE, PS, Vice President  
The Wormald Companies  
5283 Corporate Drive  
Suite 300  
Frederick, MD 21703  
Department of Engineering

COUNTY ADMINISTRATOR  
*Tom Bond*

DEPUTY COUNTY ADMINISTRATOR  
*Scotty Stubbins McDonald*

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
104 East Washington Street, P.O. Box 338  
Charles Town, West Virginia 25414

Phone: 304-728-3228  
Fax: 304-728-8216

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

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 5/25/2011 JCPC File No 02-36  
Consultant/Engineer/Firm Name: Wormald  
Mailing Address: 5283 Corporate Drive, Suite 300  
City: Friderick State: MD Zip: 21703-  
Contact Person: Mike Wiley, PE, PS Phone: (301) 695-6645  
Project/Subdivision Name Beallair SD  
Section/Phase: Phase 1

Review Comments:

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

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

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

Bonding Policy & Unit Cost Figures attached for your use

Comments:

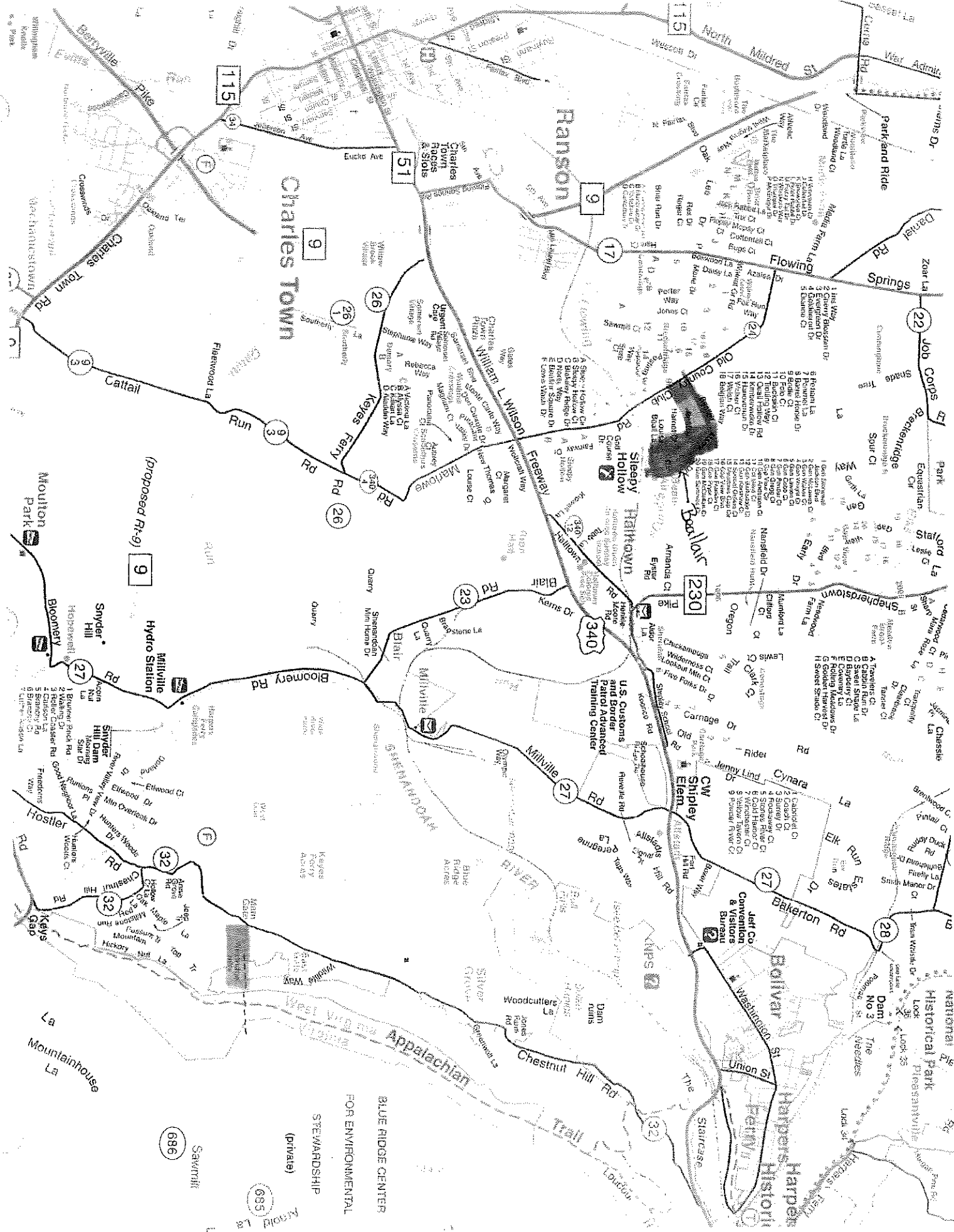
**LAND DEVELOPMENT INSPECTION  
APPROVED FOR:**

Bond Reduction  
BY: Jonathan Saunders  
INSPECTOR

07/13/2011  
DATE

Original Bond Amount: <u>\$1,075,000.00</u>	Current Bond Amount: <u>\$481,850.00</u>
Cost of Work Remaining: <u>\$318,109.00</u>	+ Contingency Amount: <u>\$50,000.00</u>
Approved for Revised Bond Amount: <u>\$368,109.00</u>	

Reviewed By: Jonathan Saunders Title: County Engineer  
Signature: [Signature] Date: 7/13/2011



BLUE RIDGE CENTER  
FOR ENVIRONMENTAL  
STEWARDSHIP

(private)

6851

686

Savannah

Mountainhouse  
La

NATIONAL PARK  
Harpers  
Historical Park  
PREPARED BY  
WEST VIRGINIA  
UNIVERSITY

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>7-20-11</u></p> <p>Appt Time or New Business:</p>
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**AGENDA REQUEST FORM**

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: July 21, 2011

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

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

Subject: Tolling of Construction Bond for Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A – File #05-41.

Please provide the County Commission with a description of your request or presentation, including any background information: Michael Wiley on behalf of Beallair Homes, LLC, owner/developer, has requested tolling of the construction bond for the Beallair Subdivision, Phase 2, Lots 50 – 133 and Residue Parcel A – File #05-41.


Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize the Commission and Staff to accept and execute the Tolling of Bonding Agreement with the owner/developer of the Beallair Subdivision, Phase 2, Single Family Lots 50-133 and Residue Parcel A - File #05-41.

Attachments: Tolling of Bonding Agreement  
Roger Goodwin's Memo dated July 14, 2011

## MEMORANDUM

Jefferson County, West Virginia  
Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin   
Chief County Engineer

DATE: July 14, 2011

SUBJECT: Beallair Subdivision, Phase 2, Lots 50-133 & Residue A  
(JCPC File no. 05-41) – Tolling of Bonding Request

This memorandum is in response to the attached letter from Michael Wiley – Beallair Homes, LLC, dated May 24, 2011, requesting to be allowed to toll the bond on the Beallair Subdivision, Phase 2, Lots 50-133 & Residue A. My comments are as follows:

1. The project is a residential subdivision consisting of 66 single family lots and 18 single family townhouse lots in the Beallair Subdivision located on the east side of Old Country Club Road (Route 24) and Beallair Manor Drive, in the Harpers Ferry Tax District, Tax Map 10A, Parcel 6 and 6.1
2. The Developer is the:  
  
Beallair Homes, LLC  
5283 Corporate Drive  
Suite 300  
Frederick, MD 21703
3. The initial/current bond amount is \$1,325,241.91
4. No work has started and no lots have been sold.
5. The developer is requesting to be allowed to toll the bond for the following reason:

“...given the current economic conditions creating a severe downturn economy and its effect that has resulted in a significant

reduction in our sales pace.....”

6. The bonding policy states that:

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

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

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

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

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

amount of the construction bond at the current construction costs at that time. Once the construction bond is reposted, the merger deed and the \$10,000 surety are returned to the developer.

- E. The developer may toll the bond on any subdivision, or phase of a subdivision, only one time. Once the developer stops tolling of the bond and re-posts the new construction bond the developer shall complete the required site improvements in accordance with the bonding policy.

**Recommendation:** The project meets the requirements to be allowed to toll the bond. Recommend authorizing the Commission President and staff to execute the Tolling of Bonding Agreement with the developer, provided the County Commission finds that it is justified due to current economic conditions.



05-41

W O R M A L D

RECEIVED

May 24, 2011

MAY 25 2011

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Mr. Roger Goodwin, PE, County Engineer  
Jefferson County Engineering Department  
116 East Washington Street  
Charles Town, West Virginia 25414

RE: Beallair Phase 2 Tolling Request and Replacement of Letter of Credit with Cash

Dear Mr. Goodwin:

Beallair Homes, LLC is pleased to submit the following for your review:


1. One (1) original "Agreement Regarding Bonding Obligations and Declaration of Covenant, Conditions and Restrictions";
2. One (1) original "Deed of Merger"; and
3. One (1) \$10,000 check #2463.

In accordance with the "Jefferson County Land Development Site Improvements Bonding & Bond Surety Policy" effective September 2, 2010, Beallair Homes, LLC respectfully requests the project following the "tolling of Bonding" process. That is, we request that the current letter of credit of \$1,325,241.91 be replaced with \$10,000 cash surety per the enclosed, and that the project be tolled subject to the enclosed Agreement. We are requesting the tolling of this phase of our Beallair project, given the current economic conditions creating a severe downturn in the economy and its effect that has resulted in a significant reduction in our sales pace. For example, Phase 1, which included 49 lots, was recorded on December 8, 2004. To-date we have sold only 28 units in Phase 1. Phase 2, which included 84 lots, was recorded on January 16, 2007. Given the slow sales pace in Phase 1, we have yet to market and offer for sale any of the lots in Phase 2. We have also elected to forgo installation of any additional infrastructure serving Phase 2 for similar reasons. Given the preceding, it is a fiscally responsible decision for us to request this tolling and reduce our debt by substitution of the letter of credit with the cash.

If you have any questions regarding any of the enclosed, please do not hesitate to contact me at your earliest convenience by telephone at (301) 695-6614 x204 or by email at [mike.wiley@wormald.com](mailto:mike.wiley@wormald.com).

Sincerely,

**BEALLAIR HOMES, LLC**



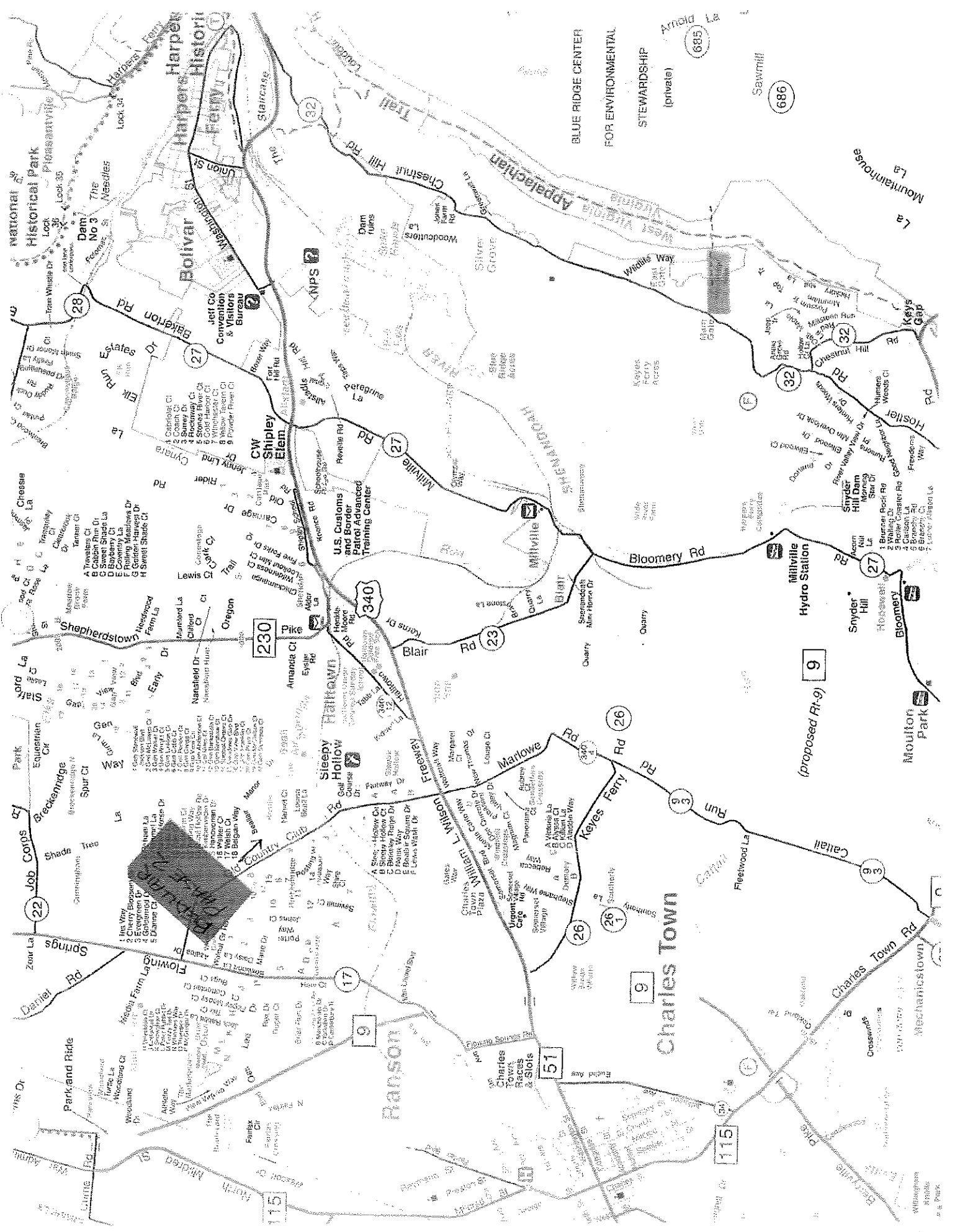
Michael T. Wiley, PE, PS  
Vice President

MTW/mtw  
Encl.

cc: Edward E. Wormald, Robert K. Wormald, Jr., Tom Kozeny, Merv Yoder

File: BA-2.1.1/6.2.9.1

MTW/mtw\W\BEALLAIR (BA)\Beallair Land Development\Construction Bond Forms\Phase 2 - take off draft\LOC - Phase 2\LTR, Goodwin LoC replacement request 12-14-10.doc



# Charles Town

BLUE RIDGE CENTER  
FOR ENVIRONMENTAL  
STEWARDSHIP  
(private)

Arnold La  
685

Sawmill  
686

(proposed Rt-9) 9

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**AGREEMENT REGARDING BONDING OBLIGATIONS AND  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**Beallair Phase 2 Subdivision**

**THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** (this "Declaration") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2011, by **BEALLAIR HOMES, LLC** ("Declarant"), and the **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (the "County Commission").

**WHEREAS**, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in the deed found recorded in the Jefferson County Clerk's Office in Deed Book 975 Page 635 (the "Land"); and

**WHEREAS**, the Land has been legally subdivided (the "Subdivision") into Beallair Phase 2 Subdivision consisting of eighty-four (84) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on July 18, 1979 (the "Subdivision Ordinance"), and as shown on that certain plat entitled "Final Plat Showing Lots 50-133 and Residue Parcel A Beallair - Phase 2" recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 23 Page 91 (the "Final Plat"); and

**WHEREAS**, Declarant posted a bond with the County Commission, in the form of Letter of Credit, in the amount of \$1,325,241.91 (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond – Estimate, dated December 20, 2006 (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on January 3, 2007; and

**WHEREAS**, due to economic conditions in the homebuilding industry, the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

**WHEREAS**, the County Commission has determined that it is in the best interests of Jefferson County to modify the Original Bonding Obligations until such time as the Declarant commences construction of the Infrastructure Improvements subject to the condition that Declarant execute and record this Declaration which shall run with the Land and be enforceable by the County Commission.

**NOW, THEREFORE**, in consideration of the premises and the covenants and agreements hereinafter set forth, Declarant declares as follows:

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.

2. **Modification of Original Bonding Obligations**

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

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

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

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

(ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than the continuance of an agricultural use

existing on the land prior to this agreement, and/or mowing and other routine maintenance required to preserve the appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the surety for the Site Stability Bond to the Declarant.

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

3. **Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.
  
4. **Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, (a) Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.

5. **Covenant to Maintain "Good Standing" with the State of West Virginia.**

In consideration of the County Commissioner's agreement to modify the Original Bonding Obligations, Declarant Covenants and agrees that prior to satisfying the conditions set forth in Section

2(b)(ii) above, Declarant shall continually maintain "good standing" with the State of West Virginia with regard to this parcel/property. This shall include:

- (a) Maintaining a current and valid organization/business certificate, license, or any other document required by the West Virginia Secretary of State to conduct business in the State of West Virginia. The Declarant shall be in default of this agreement if at any time during the term of this agreement the organization/business is dissolved or revoked by the West Virginia Secretary of State and its good standing is allowed to lapse; and
- (b) Not be delinquent on the real estate property taxes by more than 30 calendar days from the first payment due date set by the Jefferson County Assessor. The Declarant shall be in default of this agreement if at any time during the term of this agreement, the real estate property taxes on this property are delinquent more than 30 calendar days.

The Declarant shall provide to the County Commission, on a periodic basis as determined by the County Commission and/or staff, documentation evidencing that the Declarant is continually maintaining good standing with the State of West Virginia, to the satisfaction of the County Commission.

**6. Default.**

- (a) The failure of Declarant to observe or perform any of the covenants, conditions, or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the County Commission may exercise any rights and remedies it may have hereunder or applicable law. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration.
- (b) The County Commission shall have the right to bring any proceedings at law or in equity against the Declarant for violating or attempting to violate or defaulting upon any of the provisions contained in this Declaration, and to recover actual damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by the Declarant or any other person of any of the terms, covenants, or conditions of this Declaration, or to obtain a decree to compel performance of any such terms, covenants, or conditions. All of the remedies permitted or available to the County

Commission under this Declaration or at law or in equity shall be cumulative and not alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy. In any action brought by the County Commission pursuant to these provisions, the County Commission will be entitled to costs (including but not limited to its reasonable attorneys' fees). In addition, the County Commission shall have the right to draw on the Site Stability Bond and apply the proceeds thereof in accordance with the Bonding Policy.

- (c) The maximum length of time for tolling the bond shall be four (4) years. At the time of executing this agreement, the Declarant shall execute a merger deed that merges the lots back into the parent tract. The merger deed shall be held by the Bonding Administrator for the Jefferson County Commission. If the Declarant fails to repost the New Infrastructure Bond and the Bond Surety within four (4) years of the date of this agreement, the County Commission shall have the right to record the merger deed and revoke all project approvals; and the \$10,000 surety for the Site Stability Bond shall be forfeited to the County Commission. The merger deed may not be recorded by the County Commission if the Declarant reposts the Construction Bond and Bond Surety prior to expiration of the four (4) year tolling period; in such case, the merger deed shall be returned by the County Commission to the Declarant. In the event of recordation of the merger deed, the parent tract and residue parcel shall retain all future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

7. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.
8. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend, or otherwise change the provisions of any prior instrument affecting the land burdened hereby.

9. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the County Clerk of Jefferson County, West Virginia.
  
10. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration.
  
11. **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant satisfies the conditions set forth in Section 2(b)(ii) above. Upon the termination of this Declaration, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of this Declaration, except for the provisions of Section 2(b)(iii) above, shall terminate and have no further force or effect.
  
12. **Recordation.** This agreement shall be recorded in the Office of the Clerk of the Jefferson County Commission in both the name of the developer and the project name. It shall be the Declarant's responsibility to record the agreement and provide the Bonding Administrator with confirmation of such recordation in the form of the deed book and page number reference.

Beallair Phase 2

(Subdivision Name)

Jefferson County Planning Commission File No. 05-41

Robert K. Wormald, Jr., General Manager, Beallair Homes, LLC

(Applicant/Developer Name)

By:  Date: 4/28/11

Print Name: Robert K. Wormald, Jr. Title: General Manager

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

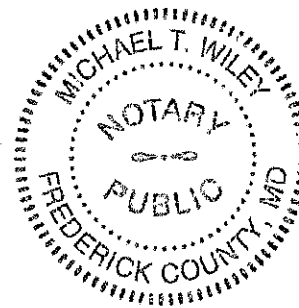
STATE OF MARYLAND, COUNTY OF FREDERICK, to wit:

I Michael T. Wiley, a Notary Public in and for the State and County aforesaid, do hereby certify that Robert K. Wormald, Jr., as General Manager of Beallair Homes, LLC whose name is signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this 28<sup>th</sup> day of Apr. 1, 2011.



My Commission Expires: 10/28/2013



COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Print Name: Patricia A. Noland, President, Jefferson County Commission

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

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:

I \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_

and \_\_\_\_\_, as \_\_\_\_\_

and \_\_\_\_\_, respectively of the \_\_\_\_\_,

whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_

Jennifer S. Maghan

Clerk, County Commission of Jefferson County, WV

4A

<p>Commission Office Use Only ✓</p> <p>Date on Agenda: 7/20/11</p> <p>Appt Time or New Business: 11:00</p>
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AGENDA REQUEST FORM

Name: Lynn Fields

Department or Entity: Probate Office

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1<sup>st</sup> Choice: ~~July 21<sup>st</sup>, 2011~~ July 20, 2011 (Debs called Lynn)

Date Requested – 2<sup>nd</sup> Choice: July 28<sup>th</sup>, 2011

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

Subject: **Quarterly Hearing to review Accountings/Waivers and close estates, and review estates opened since last quarterly hearing.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Quarterly hearing to review Accountings/Waivers and close estates and to review estates opened since last quarterly hearing.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **To approve Accountings/Waivers and close estates and approve estates opened since last quarterly hearing.**

Attachments: **None**

<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: Lynn Fields  
 Department or Entity: Probate Office  
 Estimation of amount of time needed for appointment: 10 - 15 minutes

Date Requested – 1<sup>st</sup> Choice: 07-20-11  
 Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Estate of Margaret Olga Valentine, deceased**

Please provide the County Commission with a description of your request or presentation, including any background information: Estate of Mildred Olga Valentine - request that the Commission approve and authorize its President to execute an order appointing David S. Smith, Vice President of the Bank of Charles Town as Administrator of the Estate and discharging Sheriff Robert Shirley from his position as Curator of the Estate.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to** approve and authorize the President of the County Commission to execute an order appointing David S. Smith, Vice President of the Bank of Charles Town as Administrator of the Estate of Margaret Olga Valentine, deceased, and discharging Sheriff Robert Shirley from his position as Curator of the Estate.

Attachments: Order dated March 23, 2011  
 Proposed Order

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: ESTATE OF MILDRED OLGA VALENTINE

Case No. \_\_\_\_\_

ORDER

On the 23rd day of March, 2011, came Charles B. Howard, the Petitioner in this matter, in person and by his attorney, John K. Dorsey, Esquire; Frances Harrell, in person, and Mary Strickland and Ann Sheffield, by their attorney, Robert Barrat, Esquire; Missionary Oblates of Mary Immaculate, by its counsel, Peter A. Pentony, Esquire; Claudia Clatterbuck, in person; Robert Shirley, Sheriff of Jefferson County, West Virginia, as Curator for the Estate of Mildred O. Valentine, by Deborah A. Lowe, his deputy; Henry W. Morrow, Jr., Esquire, guardian ad litem in this matter; and Norwood Bentley, III, Esquire, Special Counsel to the Jefferson County Commission; to be heard upon the duly verified petition filed with the Clerk of this Commission on November 16, 2010, for the admission and probate in solemn form of the Last Will and Testament of Mildred Olga Valentine dated August 18, 2004, pursuant to the provisions of West Virginia Code Chapter 41, Article 5, Section 5; upon service of process, duly made according to law, upon the heirs at law of the said Mildred Olga Valentine, the named beneficiaries under the purported Last Will and Testament of the said Mildred Olga Valentine

dated August 18, 2004, and the named beneficiaries under the purported Last Will and Testament of the said Mildred Olga Valentine dated June 18, 2002, of a notice of hearing this day; upon service of process and notice of hearing upon all persons entitled thereto according to the statutes herein applicable, and upon the testimony of witnesses who appeared this day and testified under oath upon the matter set forth in said petition; and upon the other papers and proceedings heretofore filed herein; and the Commission thereupon proceeded to hear the matters arising upon said petition.

It appearing that the matter has matured for hearing, and that the procedures required by the statutes herein applicable have been followed and satisfied, the Commission finds from the evidence in the testimony of witnesses and the affidavit of the said applicant as follows:

1. That Charles B. Howard, of P. O. Box 59, Charles Town, Jefferson County, West Virginia, is designated as Executor in a writing which is the subject of this Petition and which is alleged to be the Last Will and Testament of Mildred Olga Valentine, deceased executed on August 18, 2004.
2. That Mildred Olga Valentine died January 17, 2010, at Charles Town, Jefferson County, West Virginia.
3. That the last place of residence and the domicile of Mildred Olga Valentine at her death was Charles Town District,

Jefferson County, West Virginia, and the mailing address thereof was 222 Beauregard Boulevard, Charles Town, West Virginia 25414, but she was a patient at Shenandoah Health Village Center, Charles Town, West Virginia, on the date of her death.

4. That at the date of her death the nature of the estate of Mildred Olga Valentine consisted of real estate situate in Charles Town District, Jefferson County, West Virginia, and tangible and intangible personal property.

5. That at the date of her death, the said Mildred Olga Valentine was a widow and had not remarried; that she had no surviving issue; that her parents had predeceased her; and that all of her siblings had predeceased her, namely Irene Zazworsky Ryan, Catherine Zazworsky Mace and Emil William Zazworsky.

6. That the known heirs at law and distributees of Mildred Olga Valentine as defined under West Virginia Code Chapter 42, and their relationship to the Decedent are as follows:

a. Arthur Ryan, II (son of Irene Zazworsky Ryan who purportedly died in 1997, and was the sister of Mildred O. Valentine), nephew.

b. Susan Mace Smith (daughter of Catherine Zazworsky Mace who purportedly died in December, 1994, and was the sister of Mildred O. Valentine), niece.

c. Peggy Dwyer (daughter of Catherine Zazworsky Mace who purportedly died in December, 1994, and was the sister of Mildred O. Valentine), niece.

d. Mary Z. Strickland (daughter of Emil W. Zazworsky who purportedly died in May, 1984, and was the brother of Mildred O. Valentine), niece.

e. Emily T. Pritchett (daughter of Emil W. Zazworsky who purportedly died in May, 1984, and was the brother of Mildred O. Valentine), niece.

f. Ann Z. Sheffield (daughter of Emil W. Zazworsky who purportedly died in May, 1984, and was the brother of Mildred O. Valentine), niece.

g. Frances Z. Harrell (daughter of Emil W. Zazworsky who purportedly died in May, 1984, and was the brother of Mildred O. Valentine), niece.

h. Georgia Z. Anderson (sole child and daughter of William Zazworsky who purportedly died April 20, 2005, and who was the son of Emil W. Zazworsky who purportedly died in May, 1984, and was the brother of Mildred O. Valentine), grandniece.

7. That after a thorough and diligent search, the Petitioner delivered to the Clerk of this Commission an original document entitled, "Last Will and Testament of Mildred Olga Valentine" executed by the Decedent on June 18, 2002, and a photocopy of a document entitled, "Last Will and Testament of Mildred Olga Valentine" executed by the Decedent on August 18, 2004.

8. That the beneficiaries named under the Last Will and Testament of Mildred Olga Valentine dated June 18, 2002, and their relationship to her are as follows:

<u>Name</u>	<u>Relationship</u>
Claudia Clatterbuck	No Relation
Susan Smith	Niece
Amanda Nay	Godchild-No Relation
Janeen Smith	Grandniece
Andrew Clark	No Relation
Marcy Nesbeth	Niece
Louise Flarety	No Relation
Peggy Dwyer	Niece
Mary Strickland	Niece
Annie Sheffield	Niece
Frances Harrell	Niece
Emily (Bryant) Pritchett	Niece
Georgia Z. Anderson, (daughter of	

William Zazworsky, deceased)	Grandniece
The Holy Rosary Catholic Church	No Relation
St. James Catholic Church	No Relation
St. Francis of Assisi Catholic Church	No Relation
City of St. Jude	No Relation
St. Jude's Children's Hospital	No Relation
Myrna Ryan	No Relation
Omaha Home for Boys	No Relation

9. That the beneficiaries named under the Last Will and Testament of Mildred Olga Valentine dated August 18, 2004, and their relationship to her are as follows:

<u>Name</u>	<u>Relationship</u>
Claudia Clatterbuck	No Relation
Susan Smith	Niece
Amanda Nay	Godchild-No Relation
Janeen Smith	Grandniece
Andrew Clark	No Relation
Marcy Nesbeth	Niece
Louise Flarety	No Relation
The Holy Rosary Catholic Church	No Relation
City of St. Jude	No Relation
Missionary Oblates of Mary Immaculate	No Relation
Salesian Missions	No Relation

10. That prior to the death of Mildred Olga Valentine on January 17, 2010, the Petitioner acted as her attorney in fact under a durable general power of attorney dated December 16, 2002, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1047, at Page 636.

11. That prior to the death of Mildred Olga Valentine on January 17, 2010, the Petitioner, acting as her attorney, prepared and supervised the execution on August 18, 2004, by Mildred Olga Valentine of her Last Will and Testament, and retained a photocopy of the executed document in the file he had established in his office for Mildred Olga Valentine.

12. That the Petitioner followed a regular routine in supervising the Will signing ceremony in determining that the decedent, Mildred O. Valentine, acknowledged her understanding of the contents of the Will; that the Will was duly executed by the testatrix, when the Petitioner believed her to be of sound mind and disposing memory; that the Petitioner and Heather M. Beauchamp witnessed the signing of the Will on August 18, 2004; that the Testatrix and the witnesses were all present at the time of the signing of the Will by the Testatrix; that the Testatrix and the witnesses acknowledged all of this to Diana L. Penrod, Notary Public, who was also present at the time of the signing; and that the photocopy

tendered by the Petitioner is a true and accurate copy of the Will signed by Mildred O. Valentine on August 18, 2004.

13. That during the course of his activities as attorney in fact, and following the death of Mildred Olga Valentine on January 17, 2010, Petitioner made a diligent and thorough search for the original Last Will and Testament of Mildred Olga Valentine dated August 18, 2004, but was unable to find the whereabouts thereof; and that such search included a search of the decedent's safe deposit box at Bank of Charles Town, which such search produced the original of the decedent's Last Will and Testament dated June 18, 2002.

14. That during the course of his activities as attorney in fact, and preceding the death of Mildred Olga Valentine on January 17, 2010, Petitioner had no reason to conclude that Mildred Olga Valentine revoked her Last Will and Testament dated August 18, 2004, and received no communications from her indicating her intent to revoke, or any actions taken to revoke her Last Will and Testament dated August 18, 2004.

15. That Claudia Clatterbuck was a close friend of the decedent, Mildred O. Valentine, for a period in excess of 40 years, who had regular and ongoing contact with the decedent up to the date of her death.

16. That at no time after August 18, 2004, did the decedent voice any intent to revoke, alter or amend her Last Will and

Testament dated August 18, 2004, or that she had revoked her Will to Claudia Clatterbuck.

17. That Deborah A. Lowe, deputy to Robert Shirley, Sheriff, Curator for the Estate of Mildred O. Valentine, did on March 22, 2011, in the company of John K. Dorsey and his staff, make a diligent and thorough search of that portion of the Decedent's residence where her belongings and personal effects were stored, but was unable to locate the originally executed Last Will and Testament of the said Mildred O. Valentine dated August 18, 2004.

From the above findings of fact, the Commission makes the following conclusions of law:

1. All parties who have an interest in the estate of Mildred Olga Valentine whether as her heirs at law or as a named beneficiary under the writings purporting to be her Last Will and Testament which is the subject of this proceeding are properly before this Commission and this Commission has jurisdiction over the subject matter of this suit pursuant to West Virginia Code Chapter 41, Article 5, Section 1, et seq.

2. That the photocopy of the Last Will and Testament of Mildred Olga Valentine dated August 18, 2004, accurately sets forth its contents; that such Will was duly executed by the Testatrix when she was of sound mind and disposing memory; that such Will was duly witnessed by Charles B. Howard and Heather M. Beauchamp; that it was attested in the manner

required by the law; and that it was lost or destroyed without evidence of its revocation by the Testatrix.

3. The photocopy of the typewritten document entitled Last Will and Testament of Mildred Olga Valentine dated August 18, 2004, is a testamentary document eligible for probate, and as such the copy thereof should be admitted to probate as the Last Will and Testament of Mildred Olga Valentine. Dower et al. v. Seeds, et al., 28 W. Va. 113, (1886).

Based upon the foregoing findings of fact and conclusions of the law, it is hereby ADJUDGED AND ORDERED as follows:

1. That the photocopy of the typewritten document entitled Last Will and Testament of Mildred Olga Valentine dated August 18, 2004, late of Jefferson County, West Virginia, having been fully proven on August 18, 2004, before Diana L. Penrod, a Notary Public, by Charles B. Howard and Heather M. Beauchamp, the subscribing witnesses, who made oath in due form of law that the aforesaid testatrix, in their presence, signed, published and declared said writing as and for her Last Will and Testament; that they subscribed their names as witnesses thereto, at the request of the testatrix, in her presence, and in the presence of each other, all signing at the same time; that they believe said testatrix was of sound sense and memory at the time of so doing, and over the age of eighteen years, shall be admitted to probate as the

Last Will and Testament of Mildred Olga Valentine, deceased, and that said writing be recorded as and for the Last Will and Testament of Mildred Olga Valentine, deceased.

2. The Commission certifies that Henry W. Morrow, Jr., guardian ad litem, was present during the entire proceedings and finds that a reasonable fee for services rendered by the guardian ad litem during this proceeding may be submitted to the personal representative of the estate of Mildred O. Valentine as a cost of administration.

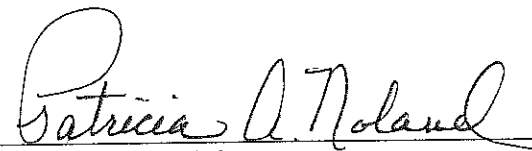
The Commission further notes the exceptions of the Respondents to the findings and rulings of the Commission.

The Clerk will enter the foregoing as of the day and year first above written and will transmit an attested copy thereof to John K. Dorsey, Esq., P.O. Box 42, Charles Town, WV 25414; Robert Barrat, Esq., 308 S. Queen Street, Martinsburg, WV 25401-3232; Peter A. Pentony, Esquire, P.O. Box 597, Charles Town, WV 25414; Henry W. Morrow, Jr., Esq., P.O. Box 459, Charles Town, WV 25414; and the following parties of record: Susan Smith, 3617 Hurst Drive NE, Milledgeville, GA 31061-7997; Peggy Dwyer, 711 Ramon Drive, Pittsburgh, PA 15238; Georgia Z. Anderson, 7262 Cold Harbor Road, Apt. 101, Mechanicsville, VA 23111; Mary Z. Strickland, 8810 N.W. 4th Street, Pembroke Pines, FL 33024; Emily T. Pritchett, 1130 N. Grady Avenue, Lakeland, FL 33805; Ann Z. Sheffield, 256 S.

Beaver Dam Road, Waverly, VA 23890; Frances A. Harrell, 210 E. Main Street, Waverly, VA 23890; Claudia Clatterbuck, 12711 Harpers Ferry Road, Purcellville, VA 20132; Amanda Nay Hubert, 5785 Bencrest Way, Haymarket, VA 20169; Janeen Smith Garpow, 241 Eagles Rest, Milledgeville, GA 31061; Andrew Clark, 200 Stevenson Square, Alexandria, VA 22304; The Holy Rosary Catholic Church, 35 Franklin Street, Buckhannon, WV 26201-2253; St. James Catholic Church, 49 Crosswinds Drive, Charles Town, WV 25414; St. Francis of Assisi Catholic Church, 115 1st Avenue, Brunswick, MD 21716; St. Jude Children's Research Hospital, 501 St. Jude Place, Memphis, TN 38105; Myrna Ryan, P. O. Box 682, Charles Town, WV 25414; Omaha Home for Boys, 4343 N. 52nd Street, Omaha, NE 68104; The City of St. Jude, 2048 W. Fairview Avenue, Montgomery, AL 36108; Missionary Oblates of Mary Immaculate, 9480 N. De Mazonod Drive, Belleville, IL 62223; Salesian Missions, 2 Lefevre Lane, New Rochelle, NY 10801-5710; and Arthur L. Ryan, 208 Cheeskogili Lane, Loudon, TN 37774.

COUNTY COMMISSION OF JEFFERSON COUNTY  
WEST VIRGINIA

BY:



Its President

COPY

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: ESTATE OF MILDRED OLGA VALENTINE

Case No. \_\_\_\_\_

ORDER

On the \_\_\_\_\_ day of \_\_\_\_\_, 2011, came Bank of Charles Town, a West Virginia banking corporation with its principal offices located at 111 East Washington Street, Charles Town, Jefferson County, West Virginia, by and through David S. Smith, Vice President and Trust Officer, and by its attorney, John K. Dorsey, Esquire, who is making a limited appearance for the sole purpose of tendering the motion for appointment of an administrator for the Estate of Mildred Olga Valentine, deceased; upon the prior order of this Commission dated March 23, 2011, admitting to probate the Last Will and Testament of Mildred Olga Valentine, deceased, dated August 18, 2004.

On the motion of the Bank of Charles Town, who this day appeared before the Clerk of this Commission by the said David S. Smith, its Vice President and Trust Officer, and made oath as the law directs, and entered into and acknowledged a bond as Administrator, c.t.a, in the penalty of Four Hundred Fifty Thousand Dollars (\$450,000.00), payable and conditioned according to law, but without security, the Commission being first satisfied, however, from an examination of said David S. Smith, Vice President and Trust Officer, on oath, that the paid in capital stock of said Bank as of December 31, 2010 was Twenty

Six Million Seven Hundred Seventy Six Thousand Dollars (\$26,776,000), which is unimpaired, and pursuant to West Virginia Code §31A-4-18, the said Bank of Charles Town is authorized to execute such bond without security.

Whereupon, the said bond is ordered to be recorded and a certificate is granted the said Bank of Charles Town for obtaining letters of administration, cum testamento annexo, upon the estate of Mildred Olga Valentine, deceased, in due form as the law provides.

Further, that Robert Shirley, Sheriff of Jefferson County, having been previously appointed as Curator for the Estate of Mildred O. Valentine, shall deliver any and all documents related to this Estate in his possession to Bank of Charles Town, Administrator, c.t.a. of the Estate of Mildred Olga Valentine, whereupon he shall be discharged as such Curator and his duties then ended.

The Clerk will enter the foregoing as of the day and year first above written and will transmit an attested copy thereof to John K. Dorsey, Esq., P.O. Box 42, Charles Town, WV 25414; Robert Barrat, Esq., 308 S. Queen Street, Martinsburg, WV 25401-3232; Peter A. Pentony, Esquire, P.O. Box 597, Charles Town, WV 25414; Henry W. Morrow, Jr., Esq., P.O. Box 459, Charles Town, WV 25414; and the following parties of record:

Susan Smith, 3617 Hurst Drive NE, Milledgeville, GA 31061-7997; Peggy Dwyer, 711 Ramon Drive, Pittsburgh, PA 15238; Georgia Z.

Anderson, 7262 Cold Harbor Road, Apt. 101, Mechanicsville, VA 23111; Mary Z. Strickland, 8810 N.W. 4th Street, Pembroke Pines, FL 33024; Emily T. Pritchett, 1130 N. Grady Avenue, Lakeland, FL 33805; Ann Z. Sheffield, 256 S. Beaver Dam Road, Waverly, VA 23890; Frances A. Harrell, 210 E. Main Street, Waverly, VA 23890; Claudia Clatterbuck, 12711 Harpers Ferry Road, Purcellville, VA 20132; Amanda Nay Hubert, 5785 Bencrest Way, Haymarket, VA 20169; Janeen Smith Garpow, 241 Eagles Rest, Milledgeville, GA 31061; Andrew Clark, 200 Stevenson Square, Alexandria, VA 22304; The Holy Rosary Catholic Church, 35 Franklin Street, Buckhannon, WV 26201-2253; St. James Catholic Church, 49 Crosswinds Drive, Charles Town, WV 25414; St. Francis of Assisi Catholic Church, 115 1st Avenue, Brunswick, MD 21716; St. Jude Children's Research Hospital, 501 St. Jude Place, Memphis, TN 38105; Myrna Ryan, P. O. Box 682, Charles Town, WV 25414; Omaha Home for Boys, 4343 N. 52nd Street, Omaha, NE 68104; The City of St. Jude, 2048 W. Fairview Avenue, Montgomery, AL 36108; Missionary Oblates of Mary Immaculate, 9480 N. De Mazonod Drive, Belleville, IL 62223; Salesian Missions, 2 Lefevre Lane, New Rochelle, NY 10801-5710; and Arthur L. Ryan, 208 Cheeskogili Lane, Loudon, TN 37774.

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

COUNTY COMMISSION OF JEFFERSON COUNTY  
WEST VIRGINIA

BY: \_\_\_\_\_  
Its President

5

HOLD  
OVER  
TO 7-20-11

Commission Office Use Only

Date on Agenda: ~~6/27~~ 7/14/11

Appt Time or New Business: 10:00 am

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 -10 minutes

Date Requested – 1<sup>st</sup> Choice: 6/30/2011

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 Eastern Panhandle Regional Planning and Development Council term ending June 30, 2012**

Please provide the County Commission with a description of your request or presentation, including any background information: **There is a term expiring on the Eastern Panhandle Regional Planning and Development Council that will need to filled. The Current position is being held by the Director of the Development Authority. This is a (1) One year term that will end on June 30, 2012.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve \_\_\_\_\_, to the Eastern Panhandle Regional Planning and Development Council for a One year term ending June 30, 2012.**

Attachments:

EASTERN PANHANDLE REGIONAL PLANNING AND DEVELOPMENT COUNCIL  
Region 9

Thomas Bayuzik, Development Authority Director  
P.O. Box 237  
Charles Town, WV 25414  
728-3255  
1 year term 6/30/2011



## 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*

April 13, 2011

Thomas Bayuzik, Jr.

P.O. Box 237

Charles Town, WV 25414

Dear Mr. Bayuzik, Jr.:

Please be advised that your term on the Eastern Panhandle Regional Planning and Development Council will expire on June 30, 2011. Until the County Commission has acted to appoint someone for another One 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, June 30, 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*



**Minutes**  
**Jefferson County Commission**  
**Thursday, June 30, 2011**

---

A meeting of the Jefferson County Commission was held on Thursday, June 30, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Sandra McDonald, Deputy County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. County Administrator Tim Boyde was absent with notification. (An audio tape of this June 30, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

**PLEDGE OF ALLEGIANCE**

Commissioner Pellish led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Motion by Ms. Morgan to approve the Minutes of the June 23, 2011 regular meeting as amended. Motion seconded by Mr. Manuel and unanimously approved.

**APPROVAL OF PURCHASE ORDERS**

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$13,137.47, being purchase order numbers 53152, 52898, 53028, 53022, 49559, 48389, 53027, 53026, 53025, 53024, 52957, 52956, 52959, 52958, 53019 and 49525. Motion seconded by Ms. Morgan and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE**

Motion by Ms. Morgan to approve the accounts payable in the amount of \$161,192.21. Motion seconded by Mr. Pellish and unanimously approved.

**PUBLIC COMMENT**

Comments were made by Eleanor Finn, Paul Rosa and Laura Rattenni.

**PRESENTATIONS:**

1. **Ralph Lorenzetti** - request approval to hire Cynthia Danner as Legal Assistant/Paralegal effective July 1, 2011.

Motion by Ms. Morgan to approve the hiring by the Prosecutor's Office of Cynthia Danner as a Legal Assistant/Paralegal, effective July 1, 2011. Motion seconded by Mr. Manuel and unanimously approved.

**Ralph Lorenzetti** advised of the working space needs of the Prosecutor's Office. Magistrate Boober commented on the working space needed by the Magistrates, including the need for more courtrooms.

2. **Roger Goodwin, Chief County Engineer** - request to allow staff to call on any Letters of Credit that have not been renewed by Monday, July 11, 2011.

Motion by Ms. Morgan to authorize staff to call on any Letters of Credit that have not been renewed by Monday, July 11, 2011. Motion seconded by Mr. Manuel and unanimously approved.

Mr. Goodwin also reported on the Westridge Hills Test Wells Project, the Water Budget Studies Report and the Windmill Crossing Subdivision.

3. **Mike Mood, Chief, Middleway Volunteer Fire Department** – request for endorsement for the Middleway Volunteer Fire Department to start an EMS Ambulance Transport Service.

Motion by Mr. Manuel to endorse the Middleway Volunteer Fire Department in its endeavor to start an EMS Ambulance Transport Service, which project was previously endorsed by the Fire and Rescue Association, Jefferson County Emergency Services Agency and the fire companies. Motion seconded by Ms. Morgan and unanimously approved.

4. **Jennifer Maghan, County Clerk** – presented Federal Reserve Bank Joint Custody form to be updated since the President and Vice President of the Commission have changed. Ms. Noland, President of the Commission and Mr. Manuel, Vice President, executed the document.



**Federal Reserve Bank  
Joint Custody Service via FedMail®  
Request Form**

**Internal FR**  
(Upon receipt by the Federal Reserve Bank)

<b>Federal Reserve Bank Use Only</b>	
Due Diligence Verified:	_____
Initials:	_____
Date:	_____

PLEASE TYPE FORM, PRINT, & SUBMIT (handwritten forms may delay processing)

Use of the FedMail® access solution is governed by Federal Reserve Bank Operating Circular 5, Electronic Access ("OC 5"). Depending on the services you choose to access using FedMail, additional Operating Circulars (available at FRBservices.org) may govern. Submission of this form constitutes acceptance of the terms and conditions of OC 5 and other applicable Operating Circulars and agreements. The Federal Reserve Banks have no obligation to verify the accuracy of the information you provide below and have the right to rely on such information in connection with the provision of FedMail access to the services you are requesting. Except to the extent prohibited by law or regulation, you agree to indemnify, hold harmless and defend the Federal Reserve Banks against any claim, loss, liability, or expense made against or incurred by the Federal Reserve Banks in connection with their reliance on the information provided below.

**Section 1 – General**

\* Required Fields

State or Local Government Institution Name *	Jefferson County Commission		
Telephone *	Phone	304-728-3284	Extension 0
Joint Custody Account Number(s) *	Provide the 4-digit alpha-numeric account number(s) below that are listed as "Institution ID" on your statement. This form may be used for multiple account numbers being delivered to the same addresses, with a maximum of four account numbers.		
Account #1	Patricia De Toledo		
Account #2	Dale Manuel		
Account #3			
Account #4	ATTESTED: <i>[Signature]</i> S. Magham, Clerk of the County Commission of Jefferson		

**Section 2 – Service Profile**

**Instructions**

1. Use this section to "Add" or "Delete" services or delivery addresses.
2. For email delivery, please provide more than one email address.
3. Complete an additional form to sign up more than three delivery addresses for a service.
4. To change a delivery address, "Delete" the current delivery address and "Add" the new delivery address.
5. Delete all recipients by marking "All" in the delete column.
6. If updates are required to your current Joint Custody pledgee agreement, please call 800-327-0147 and select option 4.

**Joint Custody Service (JCCR)**

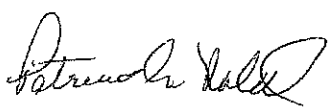
Add	Delete	Email	Fax	Email Address or Fax Number
	<input type="checkbox"/> All			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## Federal Reserve Bank Joint Custody Service via FedMail® Request Form

### Section 3 – Service Description

Service	Description
Joint Custody Service (JCCR)	Provides the ability to receive Joint Custody Daily Activity Statements and monthly Securities Holdings Reports electronically. The email is sent in text format; the statements and reports are sent as attachments, which may be viewed with a text editor, spreadsheet or word processing software.

### Section 4 – Authorized Approval

Name *	First PATRICIA	Middle Initial	Last NOLAND
Signature * <small>The person signing this form must be listed on your current pledge agreement on file with the Federal Reserve Bank as authorized to act for your account.</small>			
Date *	30 JUNE President, County Commission		
Telephone *	Phone 304-728-3284	Extension	

Please submit this form to the Customer Contact Center at:

Email: [ccc coordinators@kc.frb.org](mailto:ccc coordinators@kc.frb.org)

Fax: 800-660-7856

Mail:  
Customer Contact Center  
Federal Reserve Bank of Kansas City  
P.O. Box 219416  
Kansas City, MO 64121-9416

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Last Updated: 09/10

Page 2 of 2

**Pledgee Agreement Form**

To: Federal Reserve Bank of Boston  
PO Box 55882  
Boston, MA 02205  
Attn: Joint Custody

Tel: 800-327-0147, #1  
Fax: 877-973-8972

Date: 30 June 2011

We, the Jefferson County Commission agree to the terms of **Appendix C** of your *Operating Circular 7*, dated August 19, 2005, as it may be amended from time to time with respect to the account on your books designated NEW (4 digit alpha-numeric account number)

We further agree that you may accept par for par substitutions: securities from the Pledgor as a replacement of, or in substitution for, those securities presently held (please check one):

NO (Instructions required for each withdrawal)       YES (Standing approval)

provided that the replacement or substitution does not reduce the aggregate par amount of securities held in custody for us. (See *Operating Circular 7, Appendix C, Section 4.3.*)

We authorize you to use the following call-back procedure for securities transactions pertaining to this account (please check one):

Three-party call-back       Four-party call-back

We certify that the individuals listed below may take authoritative action on our behalf with respect to the account, including a direction to release collateral from the account. You may rely on the authority of these individuals with respect to the account until we otherwise notify you.

Telephone: 304-728-3284  
Fax: 304-725-7916

Print Name: Colvin Dale Manuel Title: Vice - President  
Signature: Dale Manuel Date: 30 June 2011

Telephone: 304-728-3284  
Fax: 304-725-7916

Print Name: PATRICIA NOLAND Title: President  
Signature: Patricia Le Noland Date: 30 June 2011

Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Pledgee Agreement  
(page 2 of 2)

Telephone: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The Undersigned hereby certifies that he/she is the present lawful incumbent of the designated public office.

Pledgee

Jefferson County Commission

Name of governmental unit

PO Box 250

Street Address or P.O. Box Number

Charles Town WV 25414

City, State, Zip Code

Jennifer Maghan  
Official Signature/ Date

JENNIFER MAGHAN, COUNTY CLERK

Printed Name and Title

Notary

State of West Virginia

County of Jefferson

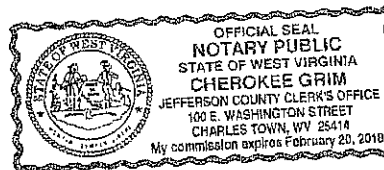
On this 30<sup>th</sup> day of June, 2011 before me personally appeared

Jennise S Maghan, to me personally known or satisfactorily proven, who by me duly sworn, did depose and say that he/she resides at 100 East Washington St, in the City of Charles Town, in the State of West Virginia, that he/she is the County Clerk [Title] of Jefferson County and that he/she executed this document on behalf of Jefferson County Commission before me.

Cherokee Grim  
(Signature of Notary)

Cherokee Grim  
(Print name of Notary)

My commission expires on 2/20/2018 [Date]



The Commission took a 10-minute break at 10:20 a.m.

The Commission reconvened the meeting at 10:30 a.m.

**5. Request to approve renewal of Mutual Aid Agreement between City of Martinsburg and Jefferson County.**

Motion by Mr. Manuel to approve renewal of Mutual Aid Agreement between City of Martinsburg and Jefferson County. Motion seconded by Ms. Morgan and unanimously approved.

**6. Approval of acquisition of property to address the needs of the Prosecuting Attorney, the Courts and the County Commission. (PN)**

Discussion among the Commissioners. No action taken.

**7. Review and discussion of draft of Commission policy to require public improvement projects in excess of \$100,000.00 to be consistent with an adopted Capital Improvements Plan (LW).**

*Delays would be*

**8. Motion by Ms. Widmyer that all expenditures in excess of \$100,000.00 be consistent with an adopted capital improvement plan. Ms. Morgan seconded the motion but would prefer that the motion be amended to say that the County Commission intends to develop and adopt a capital improvement plan and this would be consistent with the Capital Improvement Plan, except for emergencies.**

Mr. Manuel requested the motion in writing and Ms. Noland suggested drafting the motion over lunch and revisiting the issue in the afternoon. There was unanimous agreement among the Commissioners.

**9. Barbara Miller, Director of Homeland Security and Emergency Management:**

- **Community Rating System of the National Flood Insurance Program**
- **Contract with CERVIS**
- **Memorandum of Understanding (MOU) between Jefferson County Dept. of Health and Jefferson County Homeland Security and Emergency Management/Jefferson County Commission**

Motion by Mr. Manuel to approve the CERVIS contract and authorize the Commission President to execute same on behalf of the Commission. Motion seconded by Ms. Noland and unanimously approved.

Motion by Ms. Widmyer to approve the Memorandum of Understanding (MOU) between the Jefferson County Dept. of Health and Jefferson County Homeland Security and Emergency Management/Jefferson County Commission. and authorize the Commission President to execute same on behalf of the Commission Motion seconded by Mr. Manuel and unanimously approved.

**10. Patricia Sanderson, Shenandoah Professional Center, LLC request to allow the zoning map amendment request for Shenandoah Professional Center, LLC to Residential-Light Industrial-Commercial (RLC) with no further public hearings.**

Motion by Ms. Morgan to postpone any ruling until a public hearing is held by the Commission. Motion seconded by Ms. Widmyer but failed. Mr. Manuel, Ms. Noland and Mr. Pellish voted "against" the motion.

Motion by Mr. Pellish to approve the zoning map amendment for Shenandoah Professional Ctr., LLC, TM 9, Par 37 & 37.2 from the current zoning of Residential Growth (RG) to Residential-Light Industrial-Commercial (RLC), with no further public hearings as it is not a requirement of the West Virginia Code. Motion seconded by Ms. Noland and carried 3 to 2. Ms. Widmyer and Ms. Morgan voted "against" the motion.

- **ENTER ORDER HERE** – (prepared by counsel)

**Item No. 7 on the agenda Interviews and Appointments to certain Agencies, Boards, Commissions or Committees.** By unanimous consent of the Commissioners, this item was removed from this agenda and will be rescheduled for June 14, 2011. Applications will be accepted until July 8, 2011.

**The Commission took a 5-minute break at 12:34 p.m.**

**The Commission reconvened the meeting at 12:38 p.m.**

**Ms. Morgan absent with notice.**

- 11. Joe Sacchet, Director, Berkeley Jefferson Day Report Center presented his request for \$36,940.00 in matching funds from the Commission for fiscal year 2011/2012 in connection with the WV Community Corrections Grant Program.**

Motion by Ms. Morgan to release the matching funds in the amount of \$36,940.00 to the Berkeley Jefferson Day Report Center for fiscal year 2011/2012 in connection with the WV Community Corrections Grant Program. Motion seconded by Mr. Manuel and unanimously approved.

**The Commission broke for lunch at 12:45 p.m.**

**The Commission reconvened the meeting at 1:30 p.m.**

- 12. Request for approval of Resolution Changing the Scope of Work for the Governor's Community Participation Grant Program for Camp Frame.**

Motion by Ms. Widmyer to approve the Resolution Changing the Scope of Work for the Governor's Community Participation Grant Program for Camp Frame. Motion seconded by Mr. Manuel and carried

~~4 to 1.~~ **UNANIMOUSLY**

## **JEFFERSON COUNTY COMMISSION**

### **CHARLES TOWN, WV**

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#### ***RESOLUTION***

The County Commission of Jefferson County met on June 30, 2011 with a quorum present and passed the following Resolution:

**WHEREAS**, The Jefferson County Commission has agreed to assist the Camp Frame 4-H Association to purchase plastic mattresses, supplies, improvements to the swimming pool, upgrade of the dining hall and installation of new metal doors in the living quarters/cabins as funds permit with funds made available through the Governor's Community Participation Grant program in the amount of \$5,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Jefferson County Commission hereby authorizes Patricia Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

---

Patricia Noland, President  
Jefferson County Commission

08LEDA0665NH

**Ms. Morgan absent with notice.**

**13. Request to approve the Memorandum of Understanding between the Department of Homeland Security, Mount Weather Emergency Operations Center and Jefferson County Fire and Rescue Association regarding Mutual Aid Assistance.**

Motion by Mr. Pellish to approve the Memorandum of Understanding between the Department of Homeland Security, Mount Weather Emergency Operations Center and Jefferson County Fire and Rescue Association regarding Mutual Aid Assistance. Motion seconded by Mr. Manuel and unanimously approved.

**14. Request to approve the Contract for Lease between the Jefferson County Commission and the State of West Virginia on behalf of the Bardane Public Health Center at Bardane.**

Motion by Mr. Manuel to approve the Contract for Lease between the Jefferson County Commission and the State of West Virginia on behalf of the Bardane Public Health Center at Bardane. Motion seconded by Mr. Pellish and unanimously approved.

**15. Mark Schiavone, Director, Capital Planning and Management** submitted an accounting by the Parks and Recreation Department.

By unanimous consent the Commissioners decided to postpone any discussion or action of Mr. Schiavone's FY 2012 Impact Fee Fundable Projects List. This item will be placed on the July 7, 2012 agenda.

**Ms. Morgan returned at 1:45 p.m.**

**16. Motion by Mr. Manuel to move the unencumbered balance remaining at the end of the current budget year (ending June 30, 2011) and allocate same in the following manner: the first 1.6 million dollars be allocated to meet encumbrances existing in the next year's budget, 75 percent of the**

remaining balance by placed in the Capital Fund and the final 25 percent be placed in the County Commission Fund. Mr. Pellish seconded the motion and it was carried 4 to 1 with Ms. Morgan voting "against" the motion.

17. Review and discussion of draft Commission policy to require public improvement projects in excess of \$100,000.00 to be consistent with an adopted Capital Improvement Plan. (LW) This item was taken off the table until sometime in July, 2011.

Ms. Widmyer left at 2:00 p.m.

18. Senator John Unger addressed the Commission and presented an overview of the discussions that took place in the morning with the Jefferson County Board of Health and the WV Board of Health regarding rules of preparation and selling of food by non-profit organizations.

### **COUNTY ADMINISTRATOR REPORTS:**

#### **Sandra McDonald, Deputy County Administrator:**

- Reminder that Monday, July 4, 2011 is a holiday.
- Reported on the many different ways in which Facebook is being used and inquired if the Commission wanted a facebook account.
- Submitted a draft job description for the proposed Chief Financial Officer and requested that she receive the Commissioners' responses within two (2) weeks.
- Reported that Bob Tabb, Deputy Commissioner with the West Virginia Agriculture Office, will not be able to address the Commission in July, 2011 due to a busy schedule. He will contact us when he is able to attend a meeting.
- Reported that steps will be taken to correct the problems with the webcast of the weekly Commission meetings.

#### **Commissioner Morgan:**

- Attended a Farmland Protection Board Meeting.
- Attended a Jefferson County Emergency Services Agency meeting.
- Attended a meeting at the Sheriff's Office with the Governor regarding Drug Abuse Prevention Initiatives.

#### **Commissioner Pellish:**

- Attended the Jefferson County Development Authority Retreat.
- Attended a Planning Commission meeting.

#### **Commissioner Manuel:**

- Attended a meeting with the Jefferson County Emergency Services Agency, County Commissioners and Fire Departments.
- Attended the Drug Summit with the Governor.

#### **Commissioner Noland:**

- Attended a meeting with the Governor regarding Drug Abuse Prevention Initiatives.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Noland and the meeting was adjourned at 2:50 p.m.

Upon rising the meeting was adjourned until Thursday, July 7, 2011.

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PATRICIA A. NOLAND, PRESIDENT

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

**AGENDA REQUEST FORM**

Name: Tim Boyde

Department or Entity: Co. Commission

Estimation of amount of time needed for appointment: 10-15 min

Date Requested – 1<sup>st</sup> Choice: 7/20/11

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

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

Subject: **Review of Draft Travel Expense Policy**

Please provide the County Commission with a description of your request or presentation, including any background information: **Review and approval of the proposed Travel Expense Policy to be placed in the Jefferson County Policy and Procedure Handbook.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the Travel Expense Policy.**

Attachments:

## **TRAVEL EXPENSES**

### **Policy**

The Jefferson County Commission will provide a uniform reimbursement for reasonable travel expenses under certain guidelines for employees and elected officials who are required to travel in the performance of their County duties.

### **Provisions**

- The reimbursement policy and the procedure policy will apply to employees in the County and the Elected Officials.
- Travel expense reimbursement will be provided according to approved accounting procedures for travel, lodging, and meals.
- All reimbursements will be processed according to approved procedures.
- All travel advances must be approved by the County Commission (or designee) and process according to approved procedures.

### **Procedures**

#### **Reporting Expenses**

The employee is responsible for maintaining a record of travel expenses on a weekly Travel Voucher based on the following guidelines:

#### **Transportation**

##### **Personal Vehicle:**

- Employees using personal vehicles will be paid mileage and reimbursed for costs of parking and tolls.
- When travel is by personal vehicle for the purpose of conducting official County business, the mileage reimbursement rate shall be equivalent to a rate approved by the County Commission.
- Mileage traveled by employees between their residence and their primary worksite is considered commuting mileage, and commuting mileage is NOT reimbursable. (Primary worksite is defined as the County facility to which the employee is assigned on a permanent basis, or the significant portion of their work time.)
- Employees who are required to travel from their residence to a temporary worksite, other than their primary worksite, will be reimbursed for mileage either from their residence to the temporary site or from their primary worksite to the temporary site, whichever is less.
- Employees who are required to travel to an event (meeting, training, conference, etc.) for official County business will be reimbursed for mileage, either from their residence to the location of the event or the primary work site to the event, whichever is less.

**County Vehicle:**

Employees using County vehicles will be reimbursed for costs of gas/oil, parking, and tolls.

**Rental Vehicles:**

Employees required to use rental vehicles will be reimbursed for costs of rental, gas/oil, parking, and tolls.

**Public Transportation:**

Travel by air, bus, or train should be approved in advance to permit the use of the Purchasing Card. Costs of cabs will be reimbursed.

**Lodging:**

- Costs incurred in the use of hotel/motel accommodations may be paid in full by the County in accordance with the County's reimbursement guidelines.
- A check request may be submitted in advance for the expected length of stay and mailed as a reservation.
- Upon return, the employee will be reimbursed for necessary and reasonable incidentals such as business phone calls identified on the itemized room bill which must be attached to the report.

**Meals:**

- Reasonable expenses incurred by employees for meals, including tips, while traveling on County business will be reimbursed to the employee in full accordance with the County's reimbursement guidelines.
- Expenses incurred for the purchase of alcoholic beverages are not reimbursable.

**Meetings:**

- If an employee pays the bill for a meeting, all attendees must be listed on the travel voucher as well as the location and purpose of the meeting.
- No reimbursement will be made by the County for lunch meetings without the approval, in advance, of the County Administrator or designee.
- Reimbursement for reasonable expenses may be made for breakfast, lunch, and evening meetings.

**Advances:****Advances may be made by check or cash**

- Cash advances are limited to emergency situations only.
- Advances for travel to conferences or schools will be made by check only and must be requested allowing enough time to permit payment within the regular payment schedule.

- A copy of each advance will be retained by \_\_\_\_\_ for follow-up settlement.

### **Settlement of Advances**

Settlement must be made within 5 working days following the return to the County unless absent due to vacation or illness. Further payment (retirement or expense reimbursement) may be withheld from any employee with an overdue advance. Repeated failure to respond to requests for settlement will result in withholding of the entire advance from the employee's paycheck.

### **Reimbursement:**

- Where no advances are involved, a completed Travel Voucher form together with a check/cash advance request form should be submitted using normal reimbursement procedures.
- Allowable limits for reimbursement on meals and lodging should be followed where possible.
- Pre-approval by the County Administrator, or designee, is required where expenses will exceed allowable limits for reimbursement.
- Every travel voucher must be signed by both the employee and the Department Head/Elected Official. The Commission reserves the right to approve or disapprove all Travel Vouchers.

### **Advance Exceeds Expenses:**

A completed Travel Voucher must be filed with the \_\_\_\_\_ within 5 working days of return to the county. Payment must be made to the County at that time.

### **Expenses Exceed Advances:**

A completed Travel Voucher must be attached to a Non-Purchase Order Check/Cash Request.

### **Elected Officials**

- Reimbursement to elected officials attending state association conventions is limited by Code for each day in attendance plus two (2) additional days to travel to and from such meetings.
- The County Commission will set the limits for reimbursement to elected officials where expenses exceed Code.
- All other travel by elected officials is covered by the procedures as they apply to County employees.
- Mileage and registration fees are reimbursable.

### **Time spent in Travel:**

In accordance with Fair Labor Standards Act regulations, the County will NOT consider as work time spent in travel away from home outside of regular working hours while on an airplane, train, boat, bus, or in an automobile.



**The Culture Center**  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • [www.wvculture.org](http://www.wvculture.org)  
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

July 6, 2011

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

Dear Ms. Noland:

We hereby notify you that the Bullskin Run Historic District (Jefferson County) will be forwarded to the Keeper of the National Register in accordance with 36 CFR 60.6(w). The National Register is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our Nation's heritage.

Listing of the Bullskin Run Historic District provides recognition of the community's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic district. A state income tax credit is also available to owners of contributing buildings that are rehabilitated. If the district is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

Attached please find a notice that explains, in greater detail, the results of listing in the National Register and that describes the rights and procedures by which an owner may comment on or object to listing in the National Register.

Should you have any questions about this nomination or the criteria used for evaluation, or would like copy of the map depicting the proposed boundary, please contact Ms. Erin Riebe, National Register Coordinator, at 304.558.0240.

Sincerely,

Susan M. Pierce  
Deputy State Historic Preservation Officer

**RECEIVED**

JUL 11 2011

enclosure

Jefferson County Commission

## **RIGHTS OF OWNERS TO COMMENT AND/OR OBJECT TO LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing may submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility of the property for listing in the National Register. If the property is then determined to be eligible for listing, although not formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarized objection must be submitted to Ms. Susan M. Pierce, Deputy State Historic Preservation Officer, West Virginia Division of Culture and History, 1900 Kanawha Boulevard East, Charleston, West Virginia, 25305-0300 by August 15, 2011.

If you wish to comment on the nomination of the property to the National Register, please send your comments to the State Historic Preservation Office by August 15, 2011. A copy of the nomination and information on the National Register and the Federal tax provisions are available from the above address upon request.

## **FEDERAL RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

**Eligibility for Federal tax provisions:** If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 percent and 20 percent Investment Tax Credits (ITCs) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

**Consideration in planning for Federal, federally licensed, and federally assisted projects:** Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effect of an undertaking on any building, structure, site, or district that is listed in or eligible for inclusion in the National Register of Historic Places. Agencies must also afford the Advisory Council on Historic Preservation the opportunity to comment on all projects affecting historic properties listed in or eligible for inclusion in the National Register. For further information, please refer to 36 CFR 800.

**Consideration in issuing a surface coal mining permit:** In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit where coal is located. For further information, please refer to 30 CFR 700 et. seq.

**Qualification for Federal grants for historic preservation where funds are available:** Presently, funding is unavailable.

## STATE RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

**Eligibility for state tax provisions:** If a property is listed in the National Register, certain state tax provisions may also apply. The 1999 West Virginia legislature approved a state income tax credit for homeowners. The Rehabilitation Investment Tax Credit Program provides a West Virginia state income tax credit for the rehabilitation of historic private residences. This is a 20% state income tax credit which is based on qualified expenditures undertaken as part of the rehabilitation of a historic private residence. The state credit is applied directly against state taxes owed by the owner. This credit is available to private homeowners for approved rehabilitation work on their own residence. This benefit is available to the owner of a private residence that is rehabilitated according to the Secretary of the Interior's Standards for Rehabilitation. The building must be listed in the National Register of Historic Places either individually or as a contributing building in an historic district that is listed in the National Register of Historic Places. It must be listed in the National Register prior to submission of the Historic Preservation Certification Application Request for Certification of Completed Work.

**Consideration in planning for state, state licensed, and state assisted projects:** The Division of Culture and History will review all undertakings permitted, funded, licensed or otherwise assisted, in whole or in part, by the state for the purposes of furthering the duties outlined in W. Va. Code §29-1-8. The review process will be conducted on lands owned or leased by the state, or on private lands where investigation and development rights have been acquired by the state by lease or contract as outlined in W. Va. Code §29-1-8b. Permit approval of activities affecting historic properties listed in the National Register or determined eligible for listing in the National Register will be demonstrated by written letter from the Division of Culture and History upon completion of the review process.

**Qualification for state grants for historic preservation where funds are available:** The West Virginia State Historic Preservation Office administers two grant programs. The Certified Local Government program receives 10% of the state's annual allotment of the Federal Historic Preservation Fund. This program supports survey and planning activities. The second grant fund, the State Historic Preservation Development Grant program, assists with the rehabilitation of properties listed in the National Register of Historic Places. Both programs are matching grants.



RECEIVED JUN 27 2011

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

FAX

JEFFERSON COUNTY Family  
CIRCUIT CLERK  
Clerk's Office

To: ALL COUNTY OFFICIALS  
5 pages

Hello County Officials,  
There has been recent press regarding changes for retirees with regard to PEIA coverage. These changes affect both those who participate in PEIA and those who do not. There are two major changes:

(1) In 2008, the law was changed that ties PEIA and PERS (or any retirement plan under the state's Consolidated Public Retirement Board - CPRB). Currently, the language says an employee is eligible to elect for PEIA coverage upon retirement if their employer is a participant in PEIA and CPRB. The language used to say PEIA or CPRB. Following that code change, a 10-year lookback was put into place. For counties that do not participate in PEIA, if employees have been in a CPRB plan for 10 years or more, they are eligible for PEIA coverage upon retirement. Important: Note that the 10 year lookback refers to 10 or more years in a state retirement system, not PEIA.

The attachment with this email is PEIA's various scenarios regarding retirement options for the non-state entities. I would advise your county's benefits coordinator to become familiar with these and to advise employees who are considering retirement to check their health care coverage status prior to making any decision.

It is important to note that the non-PEIA counties can create and implement their own retirement coverage for their employees if they wish.

(2) The PEIA Finance Board adopted the following policy in 2010: "Anyone hired from July 1, 2010 is not eligible for subsidized PEIA benefits upon retirement. This decision was made to curtail the OPEB liability. Those new employees in PEIA counties are eligible to participate in PEIA at its true cost. PEIA for those hired before that date is subsidized to the tune of about 60%.

All of this was covered in my "OPEB 101" series last year but the awareness of the changes seems to be just now surfacing as employees in non-PEIA counties are getting ready to retire and learning that they are not eligible for coverage or people are considering running for a different county office and wondering if they will be a "new hire."

Also, please make sure your employee manuals or interviews do not mislead new hires (since July 1, 2010) by referring to subsidized or low-cost PEIA coverage upon retirement. Non-PEIA counties in particular need to inform employees hired after July 1, 1998 (less than 10 years in CPRB) about the eligibility issue and refer them to the attached scenarios or advise them to contact PEIA.

All of this applies to elected officials as well. If you or your employees have questions, I recommend calling Joe Estep or Jason Haught at PEIA.

Thank you and Happy Summer!  
Patti

6/24/2011

**West Virginia Retiree Health Benefit Trust Participation (Retiree Trust).** The Retiree Trust is intended to address the Other Post Employment Benefit (OPEB) liability of employers with current or future retirees participating in the PEIA health plans. State law mandates that all employers with employees who are eligible or who will become eligible to participate in PEIA as retirees, are MANDATORY participants in the Retiree Trust. (W.Va. Code §§5-16d-1 et seq.)

Non-State employers may opt out of the Retiree Trust ONLY upon a written Certification, under oath, to PEIA that the employer has no employees who are eligible or who will become eligible to participate in the PEIA health plan as retirees. The employer must also agree to defend and hold PEIA harmless from any and all claims by employees of the employer requesting PEIA coverage. PEIA will provide forms for non-State employers wishing to opt out of the Retiree Trust. PEIA will use the following policies in determining whether to accept an employer's opt out request.

**WV OPEB Plan Participation Scenario and Policy Document**

Table 1 is a list of various scenarios concerning participation the WV Other Post Employment Benefit (OPEB) Plan. All scenarios assume participation with PEIA.

Any employer that opts out of the WV OPEB plan, but remains on PEIA, must still contribute to the Trust at the minimum annual required payment (MARP) level. When opting out of the WV OPEB plan the employer is opting out of retiree eligibility and the billing of the remaining Annual Required Contribution (ARC).

If the employer opts out of PEIA, they may still be required to pay the non-participating premiums for their retirees still participating in PEIA but they will no longer be considered a participating employer in the WV OPEB plan if they sign the Opt Out Hold Harmless Agreement. It will be the responsibility of the employer to determine their OPEB expense and liability, if any.

**Retired Employees.** Active employees who retire are eligible for PEIA health and life benefits, provided they meet the minimum eligibility requirements of the applicable state retirement system and if their last employer immediately prior to retirement is a participating employer under the Consolidated Public Retirement Board and, as of July 1, 2008 forward, is a participating employer with PEIA. Active Employees who as of July 1, 2008 have ten years or more of credited service in the CPRB and whose employer at the time of their retirement does participate with CPRB, but does not participate with PEIA will be eligible for PEIA retiree coverage, provided: they otherwise meet all criteria under this heading and their employer agrees, in writing, upon a form prescribed by PEIA, that the employer will pay to PEIA the non-participating retiree premium on behalf of the retiree or retirees. Active employees who are members of the Teacher's Defined Contribution Retirement plan must be either: fifty-five years of age and have twelve or more years of credited service; or be at least sixty years of age with five years of service; and their last employer immediately prior to retirement must be a participating employer under that, or the CPRB system to qualify to continue PEIA insurance benefits upon retirement. Employees who participate in non-State retirement systems but which are CPRB system affiliated, contracted, or approved (such as TIAA-CREF and similar plans), or are approved, in writing, by the PEIA Director must, in the case of education employees, meet the minimum eligibility requirements of the State Teacher's Retirement System, and in all other cases meet the minimum eligibility requirements of the Public Employees Retirement System to be eligible for PEIA as a retiree. Eligible retirees not participating with PEIA immediately before their retirement or retirees who enroll with PEIA after the expiration of the calendar month of their retirement and the following two (2) calendar months may be subject to pre-existing condition limitations when they enroll.

Wishes to Opt Out	CPRB Participating Employer	Retirees in PEIA Currently	Retirees in PEIA in past
Scenario 1	Yes	Yes	Yes
Scenario 2	No	Yes	Yes
Scenario 3	No	No	Yes
Scenario 4	No	No	No
Scenario 5	Yes	No	No
<b>Wishes to Participate in WV OPEB Plan</b>			
Scenario 6	No	No	No
Scenario 7	No	No	Yes
Scenario 8	No	Yes	Yes
Scenario 9	No	Yes	No
<b>No Action from Employer</b>			
Scenario 10	No	No	No
Scenario 11	No	No	Yes
Scenario 12	No	Yes	Yes
Scenario 13	No	Yes	No
<b>Suggested Policies for Scenarios</b>			
<b>Wishes to Opt Out</b>			
Scenario 1	Reject opt out request. Employer is both PEIA and CPRB.		
Scenario 2	-Reject current opt out request based on current retirees. -Employer will be grandfathered in as an OPEB employer due to past/present participation. -Employer may be able to re-apply for opt-out upon 5 years of no retiree participation in PEIA.		
Scenario 3	-Reject opt out request, employer will be grandfathered in as an OPEB employer due to past participation. - <b>Exception: Approve opt out request if employer signs hold harmless agreement and the past participation is now past 5 years from last retiree's enrollment in PEIA.</b> -If opt out approved, employer will not be permitted to re-enter WV OPEB.		
Scenario 4	-Approve opt out request and cease billing remaining ARC with signed hold harmless agreement. -Employer will not be permitted to re-enter WV OPEB.		
Scenario 5	Reject opt out request. Employer is both PEIA and CPRB.		

④

<b>Wishes to Participate in WV OPEB Plan</b>	
<b>Scenario 6</b>	<b>Approve, if Director approves retirement plan.</b>
<b>Scenario 7</b>	<b>Approved</b>
<b>Scenario 8</b>	<b>Approved</b>
<b>Scenario 9</b>	<b>Approved</b>
<b>No Action from Employer</b>	
<b>Scenario 10</b>	<b>Advise of new law effective July 1, 2008, and request decision to apply for approval of retirement plan. Failure to respond will result in notification of removal from WV OPEB Plan eligibility.</b>
<b>Scenario 11</b>	<b>Advise they have been grandfathered due to past participation and may request to opt out if they are beyond the 5 year period.</b>
<b>Scenario 12</b>	<b>Advise they have been grandfathered due to past and present participation and may request to opt out if they are beyond the 5 year period.</b>
<b>Scenario 13</b>	<b>Advise they have been grandfathered due to present participation and may request to opt out if they are beyond the 5 year period.</b>

(All terms are as defined in W.Va. Code §5-16d-1 et seq)

5

# DUFFIELDS STATION INC.

---

PO Box 1806, Shepherdstown, WV 25443 --(304) 876-3208

## DUFFIELDS DAY A SUCCESS!

Duffields Day was held on June 19, 2011 from noon to five PM, with headquarters at the MARC parking lot at Duffields. Presenters were stationed at Elk Branch Presbyterian Church, the former general store, and at Duffields Station.

About 150 people attended, and to date \$1492 in donations toward restoration of the Station have been received, along with a few notes of appreciation. There was good press coverage before and after the event, and it is clear that there is considerable public support for the restoration project. Two county commissioners, Frances Morgan and Dale Manuel, and Delegate John Doyle visited, along with Curt Mason from the Jefferson County Historical Society.

Betty Lowe provided the idea for the day, and was the presenter stationed at the Elk Branch Presbyterian Church; church ladies prepared and sold food and drink. Anne Hunter was the presenter at the old general store, while directors Anthony Gentry and David Lubic (also secretary-treasurer) were stationed at the Duffields Station. Director John Restaino built a sandwich board for the event. Director (and vice-president) Joe Coakley brought an O-scale model of the 1839 station, prints and a track diagram for display; the model and prints were made locally by Mr. McWhorter. Boy Scouts and a Scoutmaster from Charles Town assisted in the event. Rick Garland performed civil war songs. The State Railroad Administration graciously allowed use of the MARC station without charge.

We are now halfway to our goal of \$5200 to pay for the architectural restoration plan by the Mills Group in Morgantown, WV. This plan will enable us to seek public funding for the restoration. Several offers of donated memorabilia were received.

We thank all the participants for their help, and we encourage further donations and participation. With your help, we will see the historic station restored in coming years, and able to serve as a local museum and meeting place.

Jack Snyder  
President



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**State Rail Authority**

120 Water Plant Drive, Moorefield, West Virginia 26836  
(304) 538-2305 • TDD (800) 742-6991 • Fax (304) 538-7474

April 11, 2011

The Honorable Joe Manchin, III  
United States Senate  
311 Hart Senate Building  
Suite 303  
Washington, DC 20510

Dear Senator Manchin:

Thank you for your letter, on behalf of Joseph Snyder, regarding the proposal to implement improved and expanded passenger rail service in the Eastern Panhandle of West Virginia.

I had been in contact with Mr. Snyder on January 10, 2011 to discuss his group's proposal and to inform them of the upcoming WV State Rail Plan. The State Rail Authority will be completing the plan utilizing a recently awarded one million dollar 50/50 federal grant. The Grant/Cooperative Agreement was finalized on March 30, 2011 with the Federal Railroad Administration. This will be a very comprehensive plan containing eighteen separate tasks. Commuter rail feasibility assessment and Amtrak service assessment are each a separate task. Also, the development of this plan will involve a public involvement process that should take into account all of the items in Mr. Snyder's proposal as well as other concerns of our commuters. We plan to utilize a consulting firm to work with us in the development of this plan. Advertising begins April 12, 2011 and the selection process should be complete and a contract awarded sometime in August.

Again, thank you for writing and sharing your constituent's suggestions. I appreciate your continued support and interest in railroad matters. Should you have any additional questions, please feel free to contact my office.

Sincerely,

A handwritten signature in cursive script that reads "Lucinda K. Butler".

Lucinda K. Butler, Director  
State Rail Authority



COUNTY COMMISSIONERS' ASSOCIATION  
OF WEST VIRGINIA

*County Government Works*

# Commissioners' Corner

County Commissioner' Assoc. of WV-Ron Watson, President - Vivian Parsons, Exec. Dir.

VOLUME 14, NUMBER 1

JULY, 2011

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**Don't Forget!**  
**CCAWV Annual Meeting**  
**August 7-9, 2011**  
**Waterfront Place Hotel**  
**Morgantown, WV**

Commissioners' Corner  
County Commissioners'  
Association of  
West Virginia

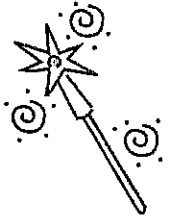
Ron Watson, President  
Harrison County  
Commissioner  
(304) 624-8500

Vivian Parsons  
Executive Director  
2309 Washington St., E  
Charleston, WV 25311  
(304) 345-4639  
Fax (304) 346-3512  
E-Mail:  
info@ccawv.org  
www.ccawv.org

This is a monthly publication for county commissioners and their staff, Associate members and other interested

## CCA Preparing for 2011 Annual Meeting in Monongalia County...

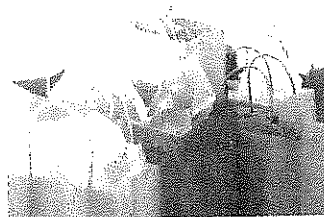
Plans are coming together for the 2011 Annual Meeting of the County Commissioners' Association of WV. This year's theme will be **"Master the Magic!"** The dates for the meeting are August 7-9, 2011, Waterfront Place Resort, Morgantown, WV. The CCA Board will meet on Saturday, August 6, 2011 at 4:00 p.m. The Educational Training Series will be held on Sunday, August 7, 2011 at 1:00 p.m. Registration will begin at 11:00 a.m. The Sunday Training will have presentations on the following topics. GIS, OPEB, Design-Build Projects, Lease Purchasing, WV Risk Pool, NACO, and District Director's Discussions. It is sure to be very informative for everyone.



Sunday evening there will be a **"Magic of the Mountain State"** Welcome Reception at Mountain State Brewing Company. The Mountain State Brewing Company is in walking distance of the Waterfront Place Hotel. The reception starts at 6:30 p.m. There will be food and drinks provided.

The Auditor's In-Service Training Seminar will start on Monday at 8:30 a.m. through Tuesday at 12:00 noon. There will be a variety of topics covered and the meetings are sure to be informative. Our CCAWV Annual Business Meeting will be held Monday at 10:00 a.m.

On Monday night we will be having a **"Walk the Red Carpet"** Door Prize Dinner/Dance. We will be providing the men with top hats and the ladies with tiaras, you dream up the rest. Let the magic of the night carry you away!!!



Don't forget to **"Show Case Your County!"** We will again this year, be giving out Door Prizes at the **"Walk the Red Carpet!" Dinner/Dance**. We are asking each county and vendor to donate at least one door prize, the more the merrier. Please don't forget! Be sure to attach your commission's name or business card to your gift so that the receiver will know where it came from. Commissioners will have the chance to share

something positive about their county and we'll have a great time!!!

## 2010-2011 CCA Board of Directors

### President

Ron Watson, Harrison (624-8500)

### Vice-President

Cindy Pyles, Mineral (788-5921)

### Ex Officio Members

Joe Coburn, Mercer (487-8306)

### District 1-- Western Division

**Chair:** Tim McCormick, Ohio  
(234-3628)

Don Mason, Marshall (845-0482)  
Bernie Kazienko, Brooke (737-4024)

### District 1 -- Eastern Division

Janice LaRue, Mineral (355-2613)  
Bernie Fazzini, Harrison (624-8500)

### District 2 -- Western Division

Terri Frame, Braxton (765-2835)

### District 2 -- Eastern Division

**Chair:** Pat Boyle, Lewis (269-8200)  
Mike Taylor, Randolph (636-2057)  
J.R. Keplinger, Hardy (530-0284)  
Donnie Tenney, Upshur (472-0535)

### District 3 -- Western Division

Mickey Brown, Boone (369-1561)  
Nancy Cartmill, Cabell (526-8634)

### District 3 -- Eastern Division

**Chair:** Chuck Armentrout, Webster  
(847-5780)  
Jerry Berry, Summers (466-7100)  
Denise Scalph, Fayette (574-4290)

### County Commissioners' Association of WV

2309 Washington Street East  
Charleston, WV 25311  
(304) 345-4639  
info@ccawv.org

Vivian Parsons, Executive Director  
Jennifer Webb, Admin. Assistant

## President's Perspective

by Ron Watson, CCAWV President

Hello my fellow Commissioners, I would like to personally invite each of you to attend the CCAWV Annual Meeting in Morgantown. The agenda was planned in cooperation with the Auditor's staff and should provide discussion on several topics that have or will have an impact on your county.



This meeting provides you with many opportunities to discuss common issues with other counties, ask questions and share ideas. We hope you take the opportunity to come out and "Master the Magic" with your fellow commissioners!

I would like to thank everyone who attended the Spring Board Meeting at Glade Springs. We had a great turn out and I appreciate all the time that our members give to the association. We couldn't succeed without you.

I hope to see everyone in Morgantown!!!

## Director's Discussion...

By Vivian Parsons, Executive Director

There has been a lot of chatter recently on the CCAWV list serve regarding the discussions and recommendations of the Telecommunications Tax Study Commission, so I thought this might be a good venue to share the comments and concerns I have shared with the other committee members on your behalf.

First let me say that CCAWV has NOT TAKEN ANY FORMAL POSITION on a state-wide consumption tax on telecommunications! I have listened, shared concerns, reported back to the board and membership, and made it very clear to the committee that CCAWV has not formally discussed any proposals.



For those who are unaware of the proposals, let me try to give a very brief summary.

1). The committee proposes to repeal the current (state) Telecommunications Tax...there is little revenue collected by the state because of multiple exemptions and according to both the Tax Department and the WV Public Service Commission, it costs as much or more to administer the tax than is collected in revenues. The State recommends repeal and the rest of us have no reason to care.

2). The second part of the suggested concept is to enact a state-wide consumption tax on Telecommunication services, to be no greater than the current sales tax of six percent, and possibly a small state-wide 911 fee, in place of the current \$3.00/mo state-wide wireless 911 fees, cable franchising fees, local county-by-county 911 fees, and some municipal excise taxes.

(Continued on Page 4)

**"Tentative Agenda"**  
**County Commissioners' Annual Training & In-Service Seminar**

**"Master the Magic"**  
**Waterfront Place Hotel, Morgantown, WV**



**Saturday, August 6, 2011**

4:00 PM County Commissioners' Board of Director's Meeting  
**(Board will need to include Saturday night  
Aug. 6, 2011, in their room reservations)**

**Sunday, August 7, 2011**

10:00-11:00 AM Vendor Set-up time

11:00-5:30 PM Registration for Series Training Session And  
State Auditor's In-Service Training

1:00 - 5:30 PM **"Master the Magic"**



**Commissioners' Educational Training Series**

**"Presto-Chango"...** you own the assets! - WV Risk Pool

**"Ala-ka-zam" ...** Extend your buying power with lease purchasing -  
Country Roads Leasing

**"Bibbity-bobbity-boo"...**Simplify the Process - Design, Build, Finance,  
and Maintain - Sustainable Education Facilities

Prescription Drug Cards **"Free"**... Now that's magic! - NACo

**"Abra-cadab-ra" ...**Slash OPEB Liabilities with the CCAWV Hybrid  
Medical Plan - Upshur County Commission

It's not **"Hocus-Pocus,"** It's GIS....Geographic Information Systems -  
Melissa Scott, CCAWV State GIS Steering Committee Representative

The **"Magic"** of Communication...District Directors' Discussions

6:30 PM **Welcome Reception "Magic of the Mountain State"**  
**Mountain State Brewing Company**  
**On the Waterfront walking distance from Hotel**

**(See other Side)**

## Tentative Agenda” (Continued)

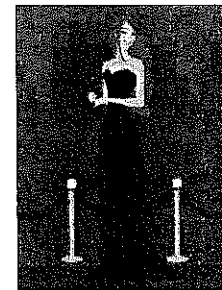


### Monday, August 8, 2011

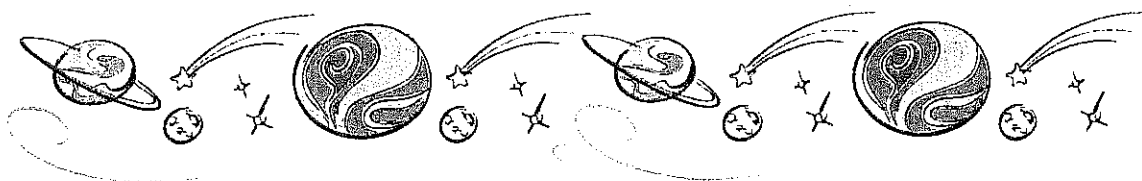
- 8:00 AM - 12:00 NOON Registration for County Commissioners' Annual State Auditor's Training Seminar
- 8:00 AM - 8:45 AM Continental Breakfast
- 8:45 AM - 10:30 AM State Auditor's Training (Topics to include: Marcellus Shale, Comparison of Levy Rates, Oct. Board of Review Process, IRS-Fringe Benefits, County Budgeting Issues, Understanding Audit Reports, Regional Jails, etc.)
- 10:30 AM - 12:30 PM **County Commissioners' Association Business Meeting**
- 10:30 AM - 12:30 PM County Administrators/Coordinators/Managers Roundtable Discussion - an opportunity for administrators to discuss common goals & problems
- 12:30 PM - 1:30 PM Thelma J. Stone Memorial Achievement Award Luncheon
- 1:30 PM - 5:15 PM State Auditor's Training (continued)
- 7:00 PM County Commissioners' *"Walk the Red Carpet"* Door Prize Dinner/Dance  
*Master the Magic You are the Star of the Night!*

### Tuesday, August 9, 2011

- 8:00 AM - 9:00 AM Continental Breakfast
- 9:00 AM - 12:00 NOON State Auditor's Office Training wraps up!
- 12:00 NOON Adjournment for general membership
- 12:00 NOON 2011-2012 CCAWV Board of Directors' Luncheon/Meeting



**Please make room reservations as soon as possible --  
Remember July 10th is the cut-off date!**



## Director's Discussion (Continued from Page 2)

According to numbers provided by the industry and the State Tax Department, a 6% consumption tax across the board for ALL telecommunication services (wireless, land lines, VoIP, video streaming, cable, etc.) even with anticipated exemptions, would produce more revenue than combined current methods.

While the concept did not get heavily into the methods of distribution, there was stated a hold harmless provision (dollar for dollar) for local governments for the first year, with future distributions based on the first year percentages guaranteed.

The push behind this concept is the industry, which feels it would be a fairer, more evenly applied method with all paying their fair share and some national organizations pushing for tax reform. Virginia and North Carolina have both adopted a version of this concept. Georgia's Legislature considered a proposal this year, but took no final action.



I have shared our concerns regarding the elimination of local authority to set 911 fees based on local needs, the concern of state collection of local revenues that could then be siphoned away for other purposes, and concern for the lack of protection for funds dedicated specifically for the purpose of providing emergency services. The 911 Council and the WV Municipal League has expressed the same or similar concerns. Concerns with "trusting" the state to "hold local governments harmless" and "trusting" that state-wide collected funds will not be siphoned off for other purposes, prior to county/city distribution, were expressed multiple times.

In rebuttal, members of the committee pointed out, that while county commissions have the authority to set and adjust the local 911 landline fee as needed, the number of landlines are diminishing and local fees can only be raised so much. It is also expected that the number of landlines will continue to drop in the future, thereby continuing to limit the amount of local revenues that can be raised to offset shortfalls in the state-wide wireless fee revenues.

With respect to "holding harmless" it was stated by other committee members that local governments have no guarantee at present as to how much revenue will be collected each year and that we're at the mercy of the market.

With respect to "siphoning funds for other purposes" it was noted that a percentage comes off the top of the state-wide wireless fee now for wireless towers, state police, and interoperable radio equipment. Again they argued that nothing protects us from that happening now if the legislature decides to do so. We made our arguments, shared our concerns, and heard their rebuttals.

At any rate, the final report due to be in the hands of Legislative leadership by July 1, 2011, was delivered. In the end, it contained only two recommendations, to repeal the state tax as requested by the state and the recommendation to continue to study the consumption tax concept. The comments and concerns of local governments were included in the body of the final report.

What now??? According to the discussion at the final meeting, the committee will not draft or offer any legislation on the consumption tax in the upcoming 2012 Legislative Session. There was discussion of seeking some type of formal directive to continue to study the issue.

I hope this information is helpful as you discuss the issue with your 911 staff and your legislators. If I can provide further info, please give me a call.

### CCAWV Calendar of Events



**July 11-13, 2011**

Interims  
Charleston, WV

**August 7-9, 2011**

CCAWV Annual Meeting  
Waterfront Place, Morgantown, WV

**August 1-3, 2011**

Interims  
Charleston, WV

**September 18-19, 2011**

Fall Board Meeting  
Wheeling Island Hotel

**September 26-27, 2011**

WVCoRP Annual Meeting  
Bridgeport, WV

# Spotlight on a County Commission



## Cabell County Commission



Nancy Cartmill



Bob Bailey



Anne Yon

**Commission Staff:** Chris Tatum, County Administrator.

### Nancy Cartmill

**Place where I grew up:** Barboursville, WV

**Real Life Occupation:** Executive Director WV Assisted Living Assoc.

**Years Experience as a County Commissioner:** 8 1/2 years

**You would be surprised to know that I:** Was a lobbyist in Washington for 16 years.

**My personal philosophy:** Don't cry because it is over.. Smile because it happened.

**What I like most about being a County Commissioner:** Meeting and getting to know so many people from all over the county.

**What I like least about being a County Commissioner:** So many people to serve and not enough

### Bob Bailey

**Place where I grew up:** Huntington, WV

**Real Life Occupation:** Teacher and Coach

**Years Experience as a County Commissioner:** 18 years

**You would be surprised to know that I:** Am a veteran of the U.S.M.C.

**My personal philosophy:** Try and help the public each day.

**What I like most about being a County Commissioner:** We are able to build senior centers and ambulance stations.

**What I like least about being a County Commissioner:** Working with people who don't come to work.

### Anne Yon

**Place where I grew up:** Huntington, WV

**Real Life Occupation:** Realtor

**Years Experience as a County Commissioner:** 6 months

**You would be surprised to know that I:** Like to SCUBA dive.

**My personal philosophy:** I can do all things through Christ who strengthens me. Phil 4:13

**What I like most about being a County Commissioner:** Having the ability to make the right decisions to benefit the community.

**What I like least about being a County Commissioner:** The "Politics".

**Don't Forget to Register for the CCAWV Annual Meeting! For more information call us at 345-4639.**

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

Week Ending Date	Week Ending July 9, 2011
<b>To be Deposited on:</b>	July 15, 2011
Amount Played	89,868,652.91
Amount Won	80,647,863.77
Amount Promo	<u>277,180.00</u>
<b>Adjusted Gross Terminal Revenue</b>	<u>8943609.14</u>
Administrative Costs @ 4%	357,744.39
Excess Lottery Fund @ 4%	<u>0.00</u>
<b>Net Terminal Revenue</b>	<u>8,585,864.75</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	0.00
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	0.00
<b>Adjusted Net Terminal Revenue</b>	<u>8,585,864.75</u>
Racetrack @ 46.50% / 42%	3,992,427.11
Lottery Fund @ 30% / 0%	2,575,759.46
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	601,010.53
Workers' Compensation Debt Reduction @ 7% / 0%	601,010.53
Employee Pension Fund @ 1% / .5%	85,858.64
Greyhound Development @ .75%	64,393.99
Thoroughbred Development @ .75%	64,393.99
Racing Commission @ 1%	85,858.64
County/Municipality @ 2%	171,717.28
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	118,055.64
Development Office Promotion Fund @ .375%	32,196.99
Research Challenge Fund @ .5%	42,929.32
Capitol Renovation and Improvement Fund @ .6875%	59,027.82
2004 Capitol Complex Parking Garage Fund @ .0625%	5,366.17
<b>1% Funds:</b>	
State Capitol Complex Parking Garage @ 1%	85,858.64
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>0.00</u>
	<u>8,585,864.75</u>

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2012

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%
2 days ending: 7/1/2011 - 7/2/2011	\$    69,824.12	\$    69,824.12	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
W/E 7/9/2011	\$    171,717.28	\$    171,717.28	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
Subtotal	\$    241,541.40	\$    241,541.40	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -

Benchmark Goal @ 2%             \$    912,063.48

Remainder until 1% / 1% Split   \$    670,522.08

VIDEO LOTTERY REPORT  
FY 2009

FY 2009		FY 2010		FY 2011		FY 2012	
Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58	7/1-2/2011	69,824.12
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64	7/9/2011	171,717.28
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76		
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28		
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08		
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98		
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68		
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02		
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03		
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84		
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36		
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78		
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06		
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86		
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50		
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62		
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80		
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04		
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62		
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28		
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08		
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90		
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08		
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00		
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76		
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28		
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12		
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30		

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94
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
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	3/26/2011	68,490.80
4/4/2009	75,968.30	4/3/2010	70,636.28	4/2/2011	70,846.58
4/11/2009	75,964.94	4/10/2010	69,692.79	4/9/2011	67,076.78
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56
4/25/2009	75,571.46	4/24/2010	68,714.11	4/23/2011	67,674.14
5/2/2009	73,957.05	5/1/2010	68,799.06	4/30/2011	66,807.50
5/9/2009	76,697.22	5/8/2010	67,403.54	5/7/2011	66,379.74
5/16/2009	71,925.70	5/15/2010	70,186.32	5/14/2011	66,699.76
5/23/2009	81,395.43	5/22/2010	64,695.71	5/21/2011	63,210.44
5/30/2009	82,161.55	5/29/2010	67,157.40	5/28/2011	64,724.06
6/6/2009	74,895.74	6/5/2010	77,371.80	6/4/2011	74,952.34
6/13/2009	67,327.23	6/12/2010	66,106.29	6/11/2011	62,203.12
6/20/2009	75,500.53	6/19/2010	64,888.48	6/18/2011	61,200.76
6/27/2009	67,354.10	6/26/2010	63,950.29	6/25/2011	65,470.44
6/30/2009 ***	32,059.58	6/30/2010	29,667.19	6/30/2011	34,351.16
<b>TOTALS 4403564.04</b>					<b>4016541.01</b>
					<b>241541.4</b>

Table Game Revenue  
FY 2011

<u>Date</u>	<u>Amount</u>
July/August, 2010	154,185.68
September, 2010	94,247.84
October, 2010	105,903.60
November, 2010	108,717.67
December, 2010	118,721.11
January, 2011	106,189.21
February, 2011	105,776.45
March, 2011	120,927.10
April, 2011	130,654.61
May, 2011	130,492.02

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1175815.29