

**REVISED AGENDA  
JEFFERSON COUNTY COMMISSION  
THURSDAY, SEPTEMBER 1, 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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Revised 8/29/11 2:20 p.m.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**PRESENTATIONS:**

1.      9:45 a.m.    Angie Banks, Assessor  
                         - Exonerations - Discussion/Action
  
2.      10:00 a.m.    Roger Goodwin, Chief County Engineer  
                         - Request complete release of construction bond security for Washington  
                         Homes of West Virginia, Inc. - Sheridan Sales Trailer (File #00-33) - Cash in  
                         escrow with United Bank in Charles Town, West Virginia - Discussion/Action
  
3.      10:15 a.m.    Ashley Young of Hospice of the Panhandle - request for waiver of building  
                         permit fee in connection with a Day of Caring project. Discussion/Action
  
4.      10:25 a.m.    Ward Zigler - Discuss Bullskin run Historic District and request that the  
                         County Commission schedule a public hearing - Discussion/Action
  
5.      10:40 a.m.    BREAK

6. 10:45 a.m. Barbara Miller, Director of Homeland Security and Emergency Management
  - (a) Emergency Management Planning Grant Application - Discussion/Action
  - (b) Multiple Memoranda of Understanding (MOU's) with Jefferson County Schools - Discussion/Action
  - (c) Explanation of the Mass Care Grant application available currently through the WV Dept. Of Military Affairs And Public Safety and Volunteer, WV - Discussion/Action
7. 11:00 a.m. Lynn Fields, Probate Office
  - Petition of Leland C. Bradley to Resign as a Co-Executor of the Estate of Edwin Lee Demory - Discussion/Action
8. 11:15 a.m. Peter Fricke, Farmland Protection Board and Elizabeth Wheeler, Director, Farmland Protection Board
  - (a) Present annual report
  - (b) Discussion regarding \$502,000 in Federal Matching Funds

**NEW BUSINESS:**

9. City of Charles Town Heritage Festival Planning Commission - request for approval to use part of the County Courthouse lawn for water bowls, dog treats and shade during the Charles Town Heritage Festival on September 17, 2011 from 7:00 a.m. to 5:00 p.m. - Discussion/Action
10. Request for approval of re-appointment of Sergeant Kevin E. Plumer to the Jefferson County Enhanced 9-1-1 Advisory Board (State Police Representative) - Discussion/Action
11. Request for approval of amendments to the Agenda Policy - Discussion/Action
12. Request for approval of amendments to the Meeting Session Policies - Discussion/Action
13. Request that the Planning Commission develop an overlay or floating zone for neighborhood commercial that allows approval of zoning requests with conditions that protect the character of the adjoining neighborhood; address travel issues, stormwater management, lighting and landscaping and size of development (LW) - Discussion/Action
14. 12:15 p.m. BREAK FOR LUNCH

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

15. 1:30 p.m. Bill Polk, Maintenance Director
- (a) Request approval to award the Elevator Services bid to KONE Incorporated with consideration to it being the most cost effective of all bid packets presented by various vendors - Discussion/Action
  - (b) Request approval to award the Heating Fuel bid to Smith Oil Company with consideration to it being the most cost effective of all bid packets presented by various vendors - Discussion/Action
  - (c) Request to award the Propane bid to Thompson Gas with consideration to it being the most cost effective of all bid packets presented by various vendors - Discussion/Action
  - (d) Request to give the Jefferson County Board of Education the 2002 Ford F-250 pickup previously utilized by the Jefferson County Maintenance Department in exchange for a heating system to be installed in the Maintenance shop building located in Bardane - Discussion/Action

**COUNTY ADMINISTRATOR REPORTS**

**COUNTY COMMISSION REPORTS**

**ADJOURN**

**CORRESPONDENCE:**

Reminder - Jefferson County offices will be closed on Monday, September 5, 2011 in observance of Labor Day.

Notice of Meeting -Jefferson County Commission Council of Governments Roundtable Meeting on Wednesday, September 7, 2011 at 5:00 p.m. in the County Commission Meeting Room. Note from Joe Anderson, Mayor of Harpers Ferry, WV that he will attend.

Correspondence received from Ward Zigler regarding that a majority of the landowners opted out of the proposed Bullskin Run Historic District.

Copy of correspondence sent to Representative Shelly Moore Capito regarding U.S. Customs and Border Protection road alterations at the intersection of Route 340 and Koonce Road.

West Virginia Ethics Reporter, July 2011 Edition.

Copy of letter from Martin Burk, resident of Summit Point, West Virginia regarding excessive sound emissions from Summit Point Motorsports Park.

Letter from Hospice of the Panhandle, Inc. thanking the Commission for the \$10,000.00 gift to the "Building the Dream" capital campaign.

**Announcement of 1<sup>st</sup> Annual Red Carpet Charity Gala Dinner and Fashion Show hosted by the Charles Town Lion's Club on Saturday, October 8, 2011.**

**Letter from Mayor Peggy Smith, City of Charles Town, informing residents of the Green Corridor Revitalization Project.**

**Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery, week ending August 13, 2011 and August 26, 2011.**

**Two (2) letters received from the West Virginia Department of Transportation regarding an update of the Statewide Transportation Improvement Program (STIP) and the Federal Highway Administration (FTA) planned expenditures over the next four years.**

**Copy of Certificate of Membership for Jefferson County received by the County Commissioners' Association of West Virginia.**

**Letter received from Joe Sacchet of the Berkeley/Jefferson Day Report Center regarding the status of the Jefferson County office and its new telephone number.**

**July 2011 Newsletter received from the West Virginia Association of Counties (WVACO).**

**Copy of letter to Barbara Scott of Summit Point Motorsports Park received from Martin Burk regarding noise at the Park.**

**Copy of letter from Barbara Scott of the Summit Point Automotive Research Center to Martin Burk regarding sound and vibration testing on the Burk property.**

**Letter received from Arthur Zimmer regarding new entrance to U.S. Customs and Border Patrol.**

**Invitation received from Friends of Happy Retreat to purchase tickets and participate in the Washington Homes Tour on Saturday, September 17, 2011.**

**Newsletter "Valley Views," September 2011, received from the Potomac Valley Audubon Society.**

***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, August 18, 2011**

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A meeting of the Jefferson County Commission was held on Thursday, August 18, 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 August 18, 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 Morgan led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Motion by Ms. Morgan to approve the Minutes of the August 18, 2011 meeting as presented. Motion seconded by Mr. Manuel and unanimously approved.

**APPROVAL OF PURCHASE ORDERS**

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$164,717.76, being purchase order numbers: 53975, 48820, 52923, 52924, 52925, 53224, 53245, 53209, 53249, 53108, 53111, 53254, 53258, 53112, 53102, 53103, 53104, 53105, 53106, 53107, 53109, 52942, 52940, 50418, 5311049532, and 48116. 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 \$383,234.14. Motion seconded by Mr. Pellish and unanimously approved.

**PUBLIC COMMENT**

**Joe Hankins** of the Jefferson County Public Service District commented on the recent order regarding the Flowing Springs Wastewater Plant.

**Patience Wait** introduced the Commission to a newly-formed citizens group called "The Coalition for Reliable Power."

**Keryn Newman** spoke about the goals of "The Coalition for Reliable Power" and its plans to advocate for electric customers and landowners on energy issues throughout West Virginia.

**NEW BUSINESS:**

**1. Tim Boyde – Request for approval of Purchase Order Policy.**

Motion by Mr. Manuel to approve the Purchase Order Policy as presented by Mr. Boyde. Motion seconded by

Mr. Pellish and unanimously approved.

2. **Tim Boyde – Request for approval of Eastern Panhandle Transportation Authority Resolution to receive funding of \$15,000 from the 2004 Governor’s Community Participation Grant Program toward the upcoming transportation plan for the entire U.S. 340 corridor.**

Motion by Mr. Manuel to approve and authorize the President to execute the Resolution for the Eastern Panhandle Transportation Authority to receive funding of \$15,000 from the 2004 Governor’s Community Participation Grant Program toward the upcoming transportation plan for the entire U.S. 340 corridor. Motion seconded by Mr. Pellish and unanimously approved.

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**County Commission of Jefferson County  
Charles Town, West Virginia**

**RESOLUTION**

Whereas, the Eastern Panhandle Transportation Authority has been awarded funding from the Fiscal Year 2004 Governor’s Community Participation Grant Program for \$50,000 to develop a comprehensive plan to improve transportation in Berkeley, Jefferson and Morgan Counties; and

Whereas, the Jefferson County Commission would be pleased to accept the designation of \$15,000 from the Eastern Panhandle Transportation Authority toward the upcoming transportation plan for the entire US 340; and

Whereas, the funds we receive from the organization will help provide the local match for a \$100,000 transportation study plan for the entire US 340 Corridor; and

Whereas, one of the critical elements of this plan will be to look at intersections along US 340 and explore ways to make them safer;

Whereas, according to regional traffic projections, the US 340 Corridor will become increasingly congested and movement on the highways will be reduced to stop and go traffic by 2035; and

Therefore be it resolved, the Jefferson County Commission is in support of this grant program and recognizes the importance of the entire US 340 Corridor to the future of Jefferson County and helping us make sure it remains safe.

August 18<sup>th</sup>, 2011

County Commission of Jefferson County

Patricia A. Noland, President

**PRESENTATIONS continued:**

3. **Charlene Gilliam, Manager of West Virginia External Affairs for FirstEnergy** introduced the Commissioners to First Energy and offered background regarding the relationship between Potomac Edison, Allegheny Power and FirstEnergy. Charlie Friddle, Director of West Virginia External Affairs for FirstEnergy was not able to attend this meeting as previously scheduled.

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

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

4. **Jennifer Brockman, Director of Planning and Zoning and Steve Barney, Zoning Administrator** explained the proposed amendments to:

- Article 12 of the Jefferson County Zoning and Land Development Ordinance (March 2011)
- (2 proposed amendments) 2008 Subdivision and Land Development Regulations (as amended 2010)
- Article 4A of the Jefferson County Zoning and Land Development Ordinance (March 2011)

Ms. Brockman inquired as to whether the Commission wanted to hold a public hearing on the proposed amendments and, if so, whether all four amendments should be discussed at one public hearing. The Commission expressed its desire to schedule a public hearing on all four proposed amendments on Thursday, September 15, 2011 beginning at 7:00 p.m.

Motion by Ms. Morgan to approve the scheduling of a Public Hearing on Thursday, September 15, 2011 beginning at 7:00 p.m. to receive citizens' comments on the four proposed amendments presented by Ms. Brockman and Mr. Barney. Motion seconded by Mr. Pellish and unanimously approved.

At Ms. Widmyer's request, Ms. Brockman gave a brief overview of the Final/Fourth Quarterly Report of the FY11 Work Plan for the Department of Planning and Zoning.

**COUNTY ADMINISTRATOR REPORTS:**

**County Administrator Tim Boyde:**

- Mr. Boyde reported that a CAD (Computer Assisted Dispatch) demonstration has been scheduled for Tuesday, August 23, 2011 from 10 a.m. to 12:00 p.m. and requested the Commissioners to advise him as soon as possible if they would attend. A second demonstration is scheduled for Thursday, September 1, 2011 in the afternoon, but that it will be mostly a work session.
- By invitation, Mr. Boyde visited the Free Clinic. The Clinic thanked the Jefferson County Commission for the recent funding.
- Reported that Todd Fagan, Director, GIS/Addressing, held a press conference to inform the public of the criteria for residence addresses and the need for compliance.
- Mr. Boyde inquired if the Commission would meet on Thursday, September 8, 2011 after Labor Day weekend. The unanimous consensus of the Commission was that a meeting would be held on September 8, 2011.
- Reported that the Jefferson County Emergency Services Agency had requested a \$25,000 lump sum payment from the Commission. Mr. Boyde recommended that the Commission reimburse the JCESA for costs and not issue the lump sum payment. The Commissioners agreed and asked Mr. Boyde to send a letter to the JCESA to that effect.

**COUNTY COMMISSIONER REPORTS:**

**Commissioner Widmyer:**

- Nothing to report this week.

**Commissioner Morgan:**

- Attended an Historic Landmarks Commission meeting.

**Commissioner Manuel:**

- Attended the GIS/Addressing Department Press Conference.
- Attended a joint meeting of the Jefferson County Emergency Services Agency, volunteer fire companies, Emergency Medical Services and the County Commission.
- Attended a Home Consortium quarterly meeting.
- Attended a meeting at the Jefferson Center for the Disabled.
- Reminder that the African American Heritage Festival Parade is Saturday, August 20, 2011 and that the Jefferson County Fair will be starting next week.

**Commissioner Pellish:**

- Clarified his position on Jeff Polczynski's requested purchase of CAD equipment for the E-911 Center.

**Commissioner Noland:**

- Attended a meeting at the Jefferson Center for the Disabled.
- Attended a Council on Aging meeting.

There being no further business, Mr. Manuel made a motion to adjourn the meeting. Mr. Pellish seconded the motion and it was unanimously approved. The meeting was adjourned at 11:55 a.m.

Upon rising the meeting was adjourned until Thursday, September 1, 2011 at 9:30 a.m. The Commission will not meet on August 25, 2011.

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PATRICIA A. NOLAND, PRESIDENT

**PURCHASE ORDERS TO BE APPROVED**  
**September 1, 2011**

| DEPARTMENT       | PURCHASE ORDER NUMBER | AMOUNT      | VENDOR                        | DESCRIPTION                         |
|------------------|-----------------------|-------------|-------------------------------|-------------------------------------|
| ASSESSOR         | 50414                 | \$ 239.07   | Pifer Office Supply           | Automatic Pencils/Ink               |
| ANIMAL CONTROL   | 53155                 | \$ 525.00   | National Animal Control Assoc | NACA I Training                     |
|                  | 53156                 | \$ 237.96   | Gall's                        | Uniform equipment                   |
| CAPITAL PLANNING | 48821                 | \$ 848.00   | Barracuda Networks            | Barracuda Spam/firewall             |
| CIRCUIT CLERK    | 52926                 | \$ 105.00   | Jefferson Center              | Collate & Stuff Envelopes           |
| COMMUNICATION    | 49545                 | \$ 599.00   | Biddle Consulting Group       | Elite maint. Renewal                |
| COUNTY CLERK     | 53211                 | \$ 139.65   | Pifer Office Supply           | Electronic hole punch & mail tape   |
| COURTHOUSE       | 53117                 | \$ 250.00   | Boland                        | Prof. Serv repairs to units (attic) |
|                  | 53115                 | \$ 1,198.84 | Alliance Electric             | Install flagpole lights             |
|                  | 53114                 | \$ 2,362.83 | Shannon Business Systems      | Yearly maint. Agreement             |
|                  | 53113                 | \$ 254.32   | The Journal                   | Bid ads/ Heating Fuel               |
|                  | 53122                 | \$ 218.50   | Audit Head                    | Aug. Bill                           |
|                  | 53121                 | \$ 474.50   | Fisher Auto Parts             | Auto supplies                       |
|                  | 53120                 | \$ 159.00   | The RV Doctor                 | A/C install Sheriff Comm. Unit      |
|                  | 53119                 | \$ 755.46   | Landmarks Elevator            | Elevator maint/service              |
| ENGINEERING      | 53259                 | \$ 7,220.00 | Analytical Services           | County wide groundwater study       |
|                  | 53255                 | \$ 621.38   | WV Newspaper Publishing Co.   | Land Development Inspector          |

|                      |       |                     |                         |                               |
|----------------------|-------|---------------------|-------------------------|-------------------------------|
| OTHER BUILDINGS      | 53116 | \$ 1,040.23         | Daycon                  | Cleaning supplies             |
|                      | 53118 | \$ 966.00           | RCS Security            | Prof. service @maint. Shop    |
|                      | 53123 | \$ 103.35           | Alliance Electric LLC   | Prof. services                |
|                      | 53124 | \$ 705.00           | BK Office Supply        | Materials/supplies            |
|                      | 53125 | \$ 6,318.00         | Winchester Security     | Install Fire alarm maint bldg |
| PROSECUTING ATTORNEY |       |                     |                         |                               |
|                      |       |                     |                         |                               |
| SHERIFF              | 52991 | \$ 1,259.32         | Gall's                  | maint/repair auto             |
|                      | 52997 | \$ 825.29           | WV Correctional Ind     | Citations                     |
|                      | 5296  | \$ 102.65           | Sun Badge Company       | Uniform assessoris            |
|                      | 52995 | \$ 2,200.00         | Telfronic               | Materials/supplies            |
|                      | 52994 | \$ 549.00           | Town Gun Shop, Inc      | Uniforms/ assessoris          |
|                      | 52992 | \$ 800.00           | WV Sheriff's Assoc      | Membership dues               |
|                      | 53154 | \$ 157.00           | Valley Equine Assoc.    | Vet (Horse Cruelty)           |
| Zoning               | 52939 | \$ 186.04           | Jefferson Publishing Co | Notices for Public Hearings   |
| <b>GRAND TOTAL</b>   |       | <b>\$ 31,420.39</b> |                         |                               |

Printed at 11:13 a.m. on 8/29/11

|                            |        |
|----------------------------|--------|
| Commission Office Use Only |        |
| Date on Agenda:            | 9/1/11 |
| Appt Time or New Business: | 9:45am |

**AGENDA REQUEST FORM**

Name: Angie Banks, Assessor

Department or Entity: Assessor's Office

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

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

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

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

Subject: **Exonerations**

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

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

Attachments:

|                                                                                                            |
|------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: 9/1/11</p> <p>Appt Time or New Business: 10:00 am</p> |
|------------------------------------------------------------------------------------------------------------|

**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: September 1, 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: Complete release of the Construction Bond security for Washington Homes of West Virginia, Inc. – Sheridan Sales Trailer (File #00-33) – Cash in Escrow with United Bank in Charles Town, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$4,538.00 construction bond amount for Washington Homes of West Virginia, Inc. – Sheridan Sales Trailer (File #00-33).

Attachments: Bond Release Letter  
Bond Reduction or Release Request Report  
Site Map



## 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*

September 1, 2011

VICE PRESIDENT

*Dale Manuel*

Mr. Devin McCreery, Market President

United Bank

COMMISSIONER

*Francis Morgan*

P. O. Box 1006

Charles Town, West Virginia 25414

COMMISSIONER

*Walt Pellish*

RE: Escrow Agreement dated February 23, 2004 Construction Bond for Washington Homes of West Virginia, Inc. – Sheridan Sales Trailer (PC File #00-33).

COMMISSIONER

*Lyn Waldmeyer*

Dear Mr. McCreery:

The Jefferson County Commission authorizes a complete release of the remaining \$4,538.00 construction bond amount for Washington Homes of West Virginia, Inc. – Sheridan Sales Trailer (File #00-33). This project is located on the north side of Shipley School Road (Route 340/13) Lot 63, Powder River Court within the Sheridan Estates Subdivision. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Escrow Agreement, originally issued in the amount of \$4,538.00.

Please contact the Engineering Department at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Mr. Joseph Murray  
Vice President of Production  
K Hovnanian Homes  
4090A LaFayette Center Drive  
Chantilly, Virginia 20151  
Department of Engineering

COUNTY ADMINISTRATOR  
*Fiji Boyle*

DEPUTY COUNTY ADMINISTRATOR  
*Sandy Shuster McDonald*

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

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

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

### BOND ESTIMATE REVIEW - REPORT

Date Received: 7 / 12 / 2011 J.C.P.C. File No. 00 - 33A

Consultant/Engineer/Firm Name: K Hovnanian Homes

Mailing Address: 4090A Lafayette Center Drive

City: Chantilly State: VA Zip: 20151

Contact Person: Joseph Murray Phone: 703 885-7100

Project/Subdivision Name: Sheridian sales Trailers

Section/Phase: \_\_\_\_\_

Review Comments:

- Approved as Submitted.
- Approved as Corrected/Revised by County Engineer
- Add items/revise as shown per our comments on your attached bond estimate & resubmit bond estimate to our office for review and approval.
- Bonding Policy & Unit Cost Figures attached for your use.

Comments: Spoke with Chris Heeter, owner of lot 63, and he has no issue with the vegetation. He said, the pipe & gravel to the utility box is not on his property.

Approved for:  
Bond Release 0.00  
By John Heber 8/25/11  
Date

Approved for Bond Amount \$ 0.00

Reviewed By: Jonathan Saunders, P.E. Title: County Engineer

Signature: [Signature] Date: 8/25/11

00-334



# Sheridan Estates



This plan is for presentation purposes only. Actual lot sizes, dimensions, and layout are subject to change without notice.

**Washington Homes**  
 a K. Hovnanian Company  
*Making the American Dream Affordable*



Commission Office Use Only

Date on Agenda: 9-1-11

Appt Time or New Business: 10:15

AGENDA REQUEST FORM

Name: Ashley Young

Department or Entity: Hospice of the Panhandle

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

Date Requested - 1st Choice: Sept. 1

Date Requested - 2nd Choice: Sept. 8

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

Subject:

Waiver of building permit fee for a Day of Caring project.

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

Hospice of the Panhandle is working with volunteers to build a wheelchair ramp for a patient on Day of Caring.

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

Attachments:

JEFFERSON COUNTY  
ENGINEERING DEPARTMENT  
OFFICE OF PERMITS & INSPECTIONS  
116 EAST WASHINGTON STREET, Suite 100  
P.O. Box 716  
CHARLES TOWN, WEST VIRGINIA 25414  
(304) 725-2998

Permit Fee: \$59.28

Please make checks payable to:  
Jefferson County Commission

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

Rec'd by: \_\_\_\_\_

Permit no. \_\_\_\_\_

**Deck, Garage, Storage-Bldg., Sign & Chimney  
BUILDING PERMIT APPLICATION**

**1. TYPE OF PERMIT**

Deck     Attached Garage     Detached Garage     Sign     Storage Building     Chimney

Other (Describe) Wheel chair ramp

Size of Structure: \_\_\_\_\_

**2. PROPERTY OWNER(S) INFORMATION:**

(Note: All individuals on the deed shall be listed on application)

First Name Thelma MI M Last Name Bayles

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last Name \_\_\_\_\_

Company Name (if applicable) \_\_\_\_\_

Mailing Address 66 Old Taylor Ln.

Apt/Ste # \_\_\_\_\_ City Harpers Ferry State NV Zip 25425

Phone Number: (304) 535-2247

**3. PROPERTY INFORMATION:**

Street Address 66 Old Taylor Ln. Zip 25425

Subdivision N/A Lot No. \_\_\_\_\_ Section: \_\_\_\_\_

Tax District \_\_\_\_\_ Map \_\_\_\_\_ Parcel \_\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_ Parcel/Lot Size \_\_\_\_\_

List all existing structures & land uses on property: 2 mobile homes,

chicken coop, garage, 2 misc. building

Commission Office Use Only

Date on Agenda:

9/1/11

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Ward Zigler

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1<sup>st</sup> Choice: 9/1/11

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

If a specific date is needed, please provide reason for specific date: Time is of the essence: Due to mandated response deadline by WV Culture and History.

Subject: Bullskin Run Historic District

Please provide the County Commission with a description of your request or presentation, including any background information: I have briefed the County Commissioners in person on the issues.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I request the County Commission I request the County Commission ask The State [Culture and Historic Director] to keep the record open for the designation of the Bullskin Run Historic District open until the County Commission holds a public hearing.

Attachments:

|                                                                                                  |
|--------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business: 10:30</p> |
|--------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: County Commission

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

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

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

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

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

Subject: **Break**

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

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

Attachments:

5

|                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9/1/11</u></p> <p>Appt Time or New Business: <u>11:45 am</u></p> |
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**AGENDA REQUEST FORM**

Name: Barbara J. Miller, CEM, CFM

Department or Entity: Homeland Security

Estimation of amount of time needed for appointment: 15 minutes

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

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

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

- Subject:
1. **EMPG (Emergency Management Planning Grant) Application**
  2. **Multiple MOUs (Memorandum of Understanding) with Jefferson County Schools**
  3. **Information about other grants**

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

1. The Emergency Management Planning Grant application is the one we do each year which reimburses the County Commission for a portion of JCHSEM staff salaries and some planning. This is a matching funds grant, however, the salaries and planning are already in the budget, so any money reimbursed is found money.
2. Each year we renew our MOUs with Jefferson County Schools. These agreements allow me to utilize the schools for a variety of reasons (including shelters or points of distribution), if needed, during a disaster.
3. There is a Mass Care Grant application available currently through the WV Department of Military Affairs and Public Safety and Volunteer, WV. Any group that meets the criteria of the grant may apply, but they must apply through their County Commissions. You will probably begin to see these on your agendas.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **1. I move to approve the EMPG Application as presented and authorize the President to affix her signature.**

**2. I move to approve the MOUs with Jefferson County Schools and authorize the President to affix her signature.**

**3. No action anticipated.**

Attachments: **1. EMPG Application**

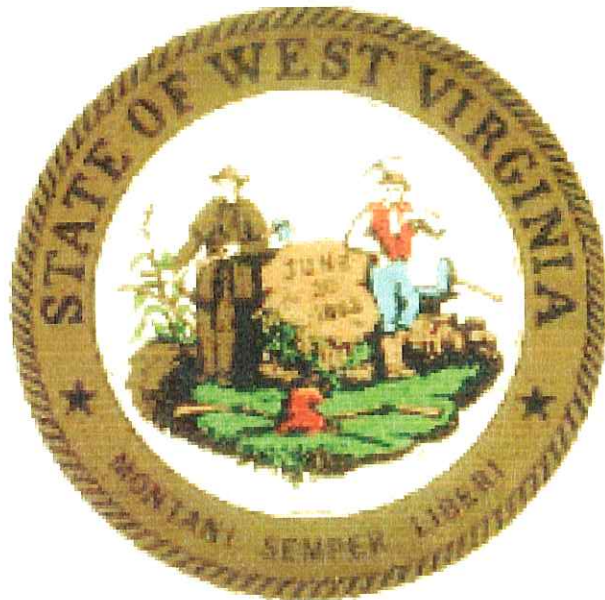
**2. Multiple MOUs (There is one for each school in Jefferson County, as the various principals had to sign off for their respective school.**

# **WEST VIRGINIA**

## **EMPG PROGRAM**

**Sub-grant Application  
2011 Funds**

**Effective August 1, 2011  
Supersedes Previous Editions**



**Earl Ray Tomblin, Jr.  
Acting Governor**

**Joseph C. Thornton, Cabinet Secretary  
West Virginia Department of Military Affairs and Public Safety**

**Jimmy Gianato, Director,  
Division of Homeland Security and Emergency Management (DHSEM)**

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**REQUEST FOR PROPOSALS**  
**2011 FUNDS**

The West Virginia Division of Homeland Security and Emergency Management is announcing the availability of 2011 Emergency Management Performance Grant (EMPG) funds. Program funds are available to units of state or local governments to be utilized in a manner which is consistent with and supportive of the overall implementation of the State's Homeland Security Strategy.

- Local jurisdictions (counties and the City of Charleston) are eligible and invited to apply for EMPG funds in amounts to be determined for the purpose of establishing, continuing and improving local emergency management functions.

The EMPG is administered by DHSEM with funding provided by the U.S. Department of Homeland Security, Office of State and Local Government Coordination and Preparedness, Office for Domestic Preparedness.

DHSEM must receive applications for this program **no later than 4:00pm on September 30, 2011**. Applications received after this date, or incomplete applications will not be considered for funding. Faxed applications will not be accepted. Enclosed is a EMPG Application and General Information and Requirements Guide, which identifies the program purpose areas and provides program and application guidelines.

Should you have any questions or need further assistance regarding this matter, please contact Tommy Dingess, Director of Administration, with the West Virginia Division of Homeland Security and Emergency Management at (304) 558-5380, or via email at: [tommy.l.dingess@wv.gov](mailto:tommy.l.dingess@wv.gov).

**Program Guidelines**

To assist with completing the application, the complete 2011 program guidelines can be obtained on the internet at the following link: [http://www.fema.gov/pdf/government/grant/2011/fy11\\_empg\\_kit.pdf](http://www.fema.gov/pdf/government/grant/2011/fy11_empg_kit.pdf).

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**GRANT APPLICATION**  
**INSTRUCTIONS**

**COMPLETED APPLICATION MUST INCLUDE:**

- Applicant:** Name, address, phone and fax number of the agency applying for funds.
- Project Director:** Name, address, phone, fax and email of the individual charged with the implementation and day-to-day operations of the project. **This person cannot also be listed as the Authorized Official or the Fiscal Officer. This person is normally the local director of emergency services.**
- Fiscal Officer:** Name, address, phone, fax and email of the person responsible for the fiscal records/reports of the project. **This person cannot also be listed as the Authorized Official or the Project Director. This person is normally the local clerk or treasurer.**
- Authorized Official:** The President of the County Commission or the Mayor/City Manager, as appropriate. **This person cannot also be listed as the Project Director or Fiscal Officer.**
- Funds Requested:** Funds requested (DHSEM) by the applicant agency.
- Project Matching/  
Funds:** EMPG is a 50% matching grant. Local jurisdictions must commit the 50% match to be eligible.
- Project Period:** Project Period January 1, 2011 through December 31, 2011.
- Certification:** Entered by Authorized Official: Typed or printed name, title and original signature of the County Commission President or Mayor/City Manager. This is the individual who would be authorized to enter into a contractual agreement with the DHSEM.

If you should have any questions or need further assistance in the preparation of this application, please contact DHSEM at (304) 558-5380

The Authorized Official must sign where indicated on page 1 of the grant application before submission.

**Program Guidelines**

To assist with completing the application, the complete 2011 program guidelines can be obtained on the internet at the following link: [http://www.fema.gov/pdf/government/grant/2011/fy11\\_empg\\_kit.pdf](http://www.fema.gov/pdf/government/grant/2011/fy11_empg_kit.pdf) .

**RETURN COMPLETED ORIGINAL APPLICATION WITH ORIGINAL SIGNATURES IN BLUE INK TO:**

**Division of Homeland Security and Emergency Management**  
**2011 EMPG Grant Application**  
**1900 Kanawha Blvd., East**  
**Building 1, Room EB-80**  
**Charleston, WV 25305**

**WEST VIRGINIA**  
Division of Homeland Security and  
Emergency Management (DHSEM)

2011 EMPG  
PROGRAM

GRANT APPLICATION  
SUBMISSION CHECKLIST

Prior to submitting the application, indicate that the following tasks have been completed by checking the boxes below:

- The application has been completely filled out.
- Format of the project description (page 7) ***MUST*** follow the same outline shown on page 6 of the application and is as detailed as possible.
- Math has been double-checked, is accurate and rounded to the nearest whole dollar amount.
- Authorized Official has signed page 1 of the grant application. That page, with the ORIGINAL SIGNATURE IN BLUE INK, must be returned with the COMPLETE application, UNSTAPLED/UNBOUND, to this office. ORIGINAL ONLY – NO COPIES
- Applicant has been listed as the State Agency, County Commission, Municipality or Not-For-Profit Agency.
- Completed and signed in blue ink USDOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.
- Completed and signed in blue ink Standard Form LLL.
- A copy of the jurisdiction's most recent Single Audit Report is attached to the application.

*Note: DHSEM reserves the right not to consider an application for funding if it is not complete.*

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**GRANT APPLICATION**  
**PAGE 1**

1. **Applicant:** Jefferson County Commission  
  
**Address:** P.O. Box 250  
Charles Town, WV 25414  
  
**Phone/Fax:** 304-728-3284

5. **Funds Requested:** \$ 105,523  
  
**Project Matching Funds**  
**(50%):** \$ 105,523

2. **Project Director:** Barbara J. Miller, Director  
  
**Address:** 28 Industrial Blvd. Suite 101  
Kearneysville, WV 25430  
  
**Phone/Fax:** 304-728-3290/304-728-3320  
**Email:** \_\_\_\_\_

6. **Type of Agency:**  
  
 **County**     **Municipality**

3. **Fiscal Officer:** Jennifer Maghan, Clerk  
  
**Address:** P.O. Box 208  
Charles Town, WV 25414  
  
**Phone/Fax:** 304-728-3347  
**Email:** \_\_\_\_\_

7. **Project Period:**  
  
**Beginning Date:** January 1, 2011  
  
**Ending Date:** December 31, 2011

4. **Geographic Area Served:** Jefferson County  
\_\_\_\_\_  
  
**Pop. (2010 Census):** 53,498

8. **Type of Application:**  
  
 **Initial**     **Continuation**     **Revision**

9. **Project Title and Brief Description:**  
**Jefferson County EMPG. To provide for**  
**and enhance EM in Jefferson County.**

**10. Certification:**

To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by any governing body, and the applicant will comply with all of the attached Special Conditions and Assurances if the sub-grant is awarded.

**Authorized Official:** Patricia Noland  
TYPED OR PRINTED NAME OF AGENCY HEAD

**Title:** County Commission  
President

**Signature:** \_\_\_\_\_

**Date:** 09/01/2011

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**BUDGET INSTRUCTIONS**

**PAGE 2**

Allowable costs are divided into the categories of (1) Planning; (2) Organization; (3) Equipment; (4) Training; (5) Exercises; and, (6) Management and Administrative.

**NOTE: CONSULT THE GENERAL INFORMATION AND REQUIREMENTS GUIDE REGARDING DETAILS OF ALLOWABLE COSTS WITHIN EACH CATEGORY LISTED BELOW.**

**Planning – Page 3-1 of Application**

FY 2011 EMPG Program funds may be used for a range of emergency management planning activities. Planning provides a methodical way to engage the **whole community** in thinking through the life cycle of potential crises, determining required capabilities, and establishing a framework for roles and responsibilities. Planning must include participation from all stakeholders in the community who are able to contribute critical perspectives and may have a role in executing the plan. Planning should be flexible enough to address incidents of varying types and magnitudes. Planning activities for the 2011 EMPG **MUST** include, as a minimum, the following work products: **(1)** Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year; and, **(2)** Review and make recommendations for updates to local emergency operations plans based on the *Evaluation Matrix for Compliance with CPG 101 v.2*, released in May 2011. **See Page 3-1 of the Budget and Page 6, Project Description Instructions, for details of specific requirements for the 2011 program.**

**Organizational – Page 3-2 of Application**

EMPG funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management. Proposed staffing activities should still be linked to achieving goals outlined in the EMPG work plan. In accordance with W. Va. Code Chapter 15-5-15, all emergency services staff must have undergone criminal background checks.

**Equipment – Page 3-3 of Application**

EMPG funds may be used for equipment acquisitions. Approved equipment is on the Authorized Equipment Listing (AEL) which is located on the internet at: <https://www.rkb.us/>. NOTE: You must register to utilize the web-site. Only equipment noted as EMPG eligible on the AEL will be considered for funding. (Be sure to check the EMPG column of the AEL for eligibility.) With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHz frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. **In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant.** In addition, any State level guidelines and initiatives that were developed by the WV Interoperable Radio Executive Committee and its successor the WV Interoperable Radio Working Group regarding communications will be followed by the sub-grantee.

**Training – Page 3-4 of Application**

FY 2011 EMPG Program funds may be used for a range of emergency management-related training activities to enhance the capabilities of State and local emergency management personnel through the establishment, support, conduct, and attendance of training. Training activities should align to a current, Multi-Year TEP developed through an annual TEPW. Further guidance concerning the Training and Exercise Plan and the Training and Exercise Plan Workshop can be found at <https://hseep.dhs.gov>. Training should foster the development of a community oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience. All EMPG Program funded personnel shall participate in no less than three exercises in a 12 month period and shall complete the following training requirements and record proof of completion.

**NIMS Training:**

IS 100  
IS 200  
IS 700  
IS 800

**FEMA Professional Development Series:**

IS 139  
IS 230.a  
IS 235.a  
IS 240.a  
IS 241.a  
IS 242.a  
IS 244.a

- Conducting all-hazards emergency management training, including FY 2011 NIMS training requirements.
- Attending Emergency Management Institute (EMI) training or delivering EMI train-the-trainer courses as allowed previously under EMPG and not limited to terrorism-related courses.
- Other EMPG-related training activities.

**Budget Instructions  
Page 2 (Continued)**

**Exercises – Page 3-5 of Application**

Exercises implemented with grant funds should evaluate performance of the capabilities required to respond to the exercise scenario. Exercise activities should align to a current, Multi-Year TEP developed through an annual TEPW. Further guidance concerning the Training and Exercise Plan and the Training and Exercise Plan Workshop can be found at <https://hseep.dhs.gov>. Activities include the following:

- Conducting all-hazards exercises, based on the likely hazards/scenarios a jurisdiction may encounter.
- Conducting emergency management exercises, while incorporating FY 2011 NIMS exercise requirements.
- Other EMPG-related exercise activities.
- Actual events do not fulfill part of the "Exercise Requirement"

**Management and Administration – Page 3-6 of Application**

EMPG sub-grantees may utilize up to 5% of their "total" award from the State of West Virginia for Management and Administrative (M&A) purposes. **95% of the total EMPG award for allowable planning, equipment, training and/or exercise costs + 5% of the total EMPG award for allowable M&A = 100% TOTAL PROJECT COST.**

**Match – Pages 3-6 and 4 of Application**

The EMPG Grant is a 50% Federal/50% Local 'hard' match (ie, direct cash funding). Federal funds obtained through EMPG **CANNOT** be matched with other Federal funds.

**FUNDING STRATEGY – (Page 4 of Application)**

**Funding Source (bottom of Page 4, first column):**

Separately list each source of funds that will be used in the program (i.e., county commission, municipality, etc.). These are shown on the application.

**Amount (bottom of Page 4, second column):**

Enter the amount received or anticipated for each source.

**Status (bottom of Page 4, last column):**

Indicate the status of each funding source as follows:

**A** = Application submitted and under review – typically, this refers to your request for federal budget.

**C** = Funds committed – typically, this category is appropriate for local match.

**R** = Funds received, appropriated or on hand – use this code if local matching funds have been included in local budget resolutions, etc...

**Federal Employer Identification Number (F.E.I.N.):**

F.E.I.N. of the agency. This number must be entered into the appropriate space. The number should be obtainable from the state or local agency's administrative office.

**WEST VIRGINIA**  
**Division of Homeland Security and**  
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**2011 EMPG**  
**PROGRAM**

**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-1**  
**(PLANNING ONLY)**

| Budget Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Matching Funds | Federal EMPG Funds | Approved (DHSEM Use Only) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|---------------------------|
| <p><b>Planning:</b></p> <hr/> <p>Briefly describe how your jurisdiction will meet the following mandatory planning requirements.</p> <p>a. Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year.</p> <p>b. Review and make recommendations for updates to local emergency operations plans based on the <i>Evaluation Matrix for Compliance with CPG 101 v.2</i>, released in May 2011. See link below:<br/> <a href="http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf">http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf</a></p> <p>A. THIRA- Our Jurisdiction's current All-Hazards Mitigation Plan already has information about terrorism hazards and man-made hazards in it. Once the guidance becomes available, it will be reviewed to see what additional work we may need to do on our plan. Additionally, our Risk Assessment and Mitigation Planning Committee reviews this document each June with a committee that is representative of the Whole of Community. The committee reviews projects and activities to determine completion or continuation and to discuss if any changes are warranted due to lessons learned during either community exercises or actual events.</p> <p>B. A review of our current EOP will be conducted and recommendations for updates will be completed by December 31, 2011.</p> <p>The following annexes in our EOP will be developed during 2011:<br/> A REGIONAL Animals Annex that will be used by Jefferson, Berkeley, Morgan, Hampshire, Hardy, Mineral and Grant Counties in our respective EOPs.<br/> A new Drought Annex<br/> A new Training and Exercise Annex<br/> A new Transportation Annex<br/> And our current Damage Assessment Annexes and our Engineering and Public Works Annexes will be reviewed and updated, as necessary.<br/> The EOP annexes will be based upon CPG101V.2, as required by this grant guidance.</p> | <p>5,000</p>   | <p>5,000</p>       |                           |
| <p>PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>↓</p>       | <p>↓</p>           | <p>↓</p>                  |

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-2**  
**(ORGANIZATIONAL ONLY)**

| Budget Category                                                                 | Matching Funds | Federal EMPG Funds | Approved<br>(DHSEM Use Only) |
|---------------------------------------------------------------------------------|----------------|--------------------|------------------------------|
| <u>Organizational:</u>                                                          |                |                    |                              |
| <u>Director's Salary and Benefits</u>                                           | <u>45,449</u>  | <u>45,440</u>      |                              |
| <u>Deputy Director/Planner/Program Manager's Salary and Benefits</u>            | <u>29,314</u>  | <u>29,314</u>      |                              |
| <u>Administrative Assistant/PIO/Volunteer Coordinator's Salary and Benefits</u> | <u>25,760</u>  | <u>25,760</u>      |                              |
| PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6                                   | ↓              | ↓                  | ↓                            |

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-3**  
**(EQUIPMENT ONLY)**

| Budget Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Matching Funds | Federal EMPG Funds | Approved (DHSEM Use Only) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|---------------------------|
| <p><b>Equipment:</b><br/>           (Please see Authorized Equipment List (AEL) at <a href="http://www.rkb.us/">http://www.rkb.us/</a> while preparing budget. With respect to communications initiatives and equipment, the sub-grantee agrees to the following:</p> <p><i>In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHZ frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. <b>In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant.</b> In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperability (SIEC) Executive Committee and the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)</i></p> |                |                    |                           |
| PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ↓              | ↓                  | ↓                         |

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-4**  
**(TRAINING ONLY)**

| Budget Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Matching Funds | Federal EMPG Funds | Approved (DHSEM Use Only) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|---------------------------|
| <p><b>Training:</b></p> <p>EMPG funds may be used to enhance the capabilities of state and local emergency preparedness and response personnel through development of state and local homeland security training programs which are consistent with and supportive of the overall implementation of the State Homeland Security Strategy Goals and Objectives.</p> <p><b>ALL</b> personnel in positions funded in whole or in part by 2011 EMPG funds must complete, not later than the end of the performance period, the following training courses, available through the Emergency Management Institute's Independent Study Program:</p> <p>National Incident Management System (NIMS) Training:<br/>           IS 100<br/>           IS 200<br/>           IS 700<br/>           IS 800</p> <p>AND</p> <p>FEMA Professional Development Series:<br/>           IS 139<br/>           IS 230.a<br/>           IS 235.a<br/>           IS 240.a<br/>           IS 241.a<br/>           IS 242.a<br/>           IS 244.a</p> <p>Further, all full-time or part-time directors must complete a total of 48 hours of emergency management training during the grant performance period. This training requirement includes 16 hours of classroom instruction at EMI or through State-approved courses, 8 hours for Directors' Meetings, and 24 hours of approved non-classroom courses. All online FEMA, NFA, or DHS courses that are emergency management related can be used to fulfill the non-classroom requirement. All other courses must be prior approved. Such approval will be based on written submission to WVDHSEM. These submissions must be presented at least 60 days prior to the start date before credit is granted. The request must include the course description, objectives, and list of instructors' names and, for conferences, the agenda and list of speakers. <u>Copies of Completion Certificates must be included with the appropriate Quarterly Report for approved courses.</u></p> |                |                    |                           |
| PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ↓              | ↓                  | ↓                         |

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-5**  
**(EXERCISES ONLY)**

| Budget Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Matching Funds | Federal EMPG Funds | Approved (DHSEM Use Only) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|---------------------------|
| <p><b>Exercises:</b></p> <p>_____</p> <p>EMPG funds may be used to design, develop, conduct, and evaluate emergency management related exercises. Exercises must be consistent with the principles outlined in the Homeland Security Exercise and Evaluation Program (HSEEP), as well as applicable existing emergency management standards. WVDHSEM will develop and administer four exercises at levels less than Functional and Full Scale and one exercise at the Full Scale level. All exercises will be developed, administered and documented using HSEEP standard documentation procedures. All local jurisdictions must participate in the same number of exercises mentioned above. However, these exercises can be, and are recommended to be, developed and administered at a multi-jurisdictional level. As required in the 2011 EMPG Guidance, all employees in positions partially or fully funded by EMPG funds <b>MUST</b> participate in a minimum of three (3) exercises in a 12-month period.</p> <p>NOTE: Actual Events do not fulfill part of the exercise requirement.</p> |                |                    |                           |
| PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ↓              | ↓                  | ↓                         |

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

**WEST VIRGINIA**  
 Division of Homeland Security and  
 Emergency Management (DHSEM)

**2011 EMPG  
 PROGRAM**

**ITEMIZATION OF FUNDS BY CATEGORY**  
 PAGE 3-6  
 (MANAGEMENT AND ADMINISTRATIVE)

| Budget Category | Matching Funds | Federal EMPG Funds | Approved (DHSEM Use Only) |
|-----------------|----------------|--------------------|---------------------------|
|-----------------|----------------|--------------------|---------------------------|

Management and Administrative:  
 (Maximum of 5% of request/award)

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|                              |         |  |  |
|------------------------------|---------|--|--|
| <b>TOTAL MATCHING FUNDS:</b> | 100,523 |  |  |
|------------------------------|---------|--|--|

|                                  |  |         |  |
|----------------------------------|--|---------|--|
| <b>TOTAL FEDERAL EMPG FUNDS:</b> |  | 100,523 |  |
|----------------------------------|--|---------|--|

|                                |  |  |         |
|--------------------------------|--|--|---------|
| <b>TOTAL APPROVED PROJECT:</b> |  |  | 201,046 |
|--------------------------------|--|--|---------|

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

**WEST VIRGINIA**  
 Division of Homeland Security and  
 Emergency Management (DHSEM)

2011 EMPG  
 PROGRAM

**BUDGET SUMMARY**

PAGE 4

|                   |                                                       |
|-------------------|-------------------------------------------------------|
| <b>Applicant:</b> | <b>Federal Employer Identification Number (FEIN):</b> |
|                   |                                                       |

| Category                      | EMPG Funds (A) * | Matching Funds (B) ** | Total Funds (A + B) |
|-------------------------------|------------------|-----------------------|---------------------|
| Planning                      | 5,000            | 5,000                 | 10,000              |
| Organization                  | 100,523          | 100,523               | 201,046             |
| Equipment                     | 0                | 0                     | 0                   |
| Training                      | 0                | 0                     | 0                   |
| Exercises                     | 0                | 0                     | 0                   |
| Management and Admin (max 5%) | 0                | 0                     | 0                   |
| <b>Total Budget</b>           | <b>105,523</b>   | <b>105,523</b>        | <b>211,046</b>      |

**FUNDING STRATEGY**

| Funding Source(s)               | Amount           | Status |
|---------------------------------|------------------|--------|
| EMPG Funds:                     | \$105,523        |        |
| Matching Funds (If Applicable): | \$105,523        |        |
| <b>Total:</b>                   | <b>\$211,046</b> |        |

\* Total of column A shall be placed in the space on page 1 – item number 5, for Funds Requested.

\*\* Total of column B shall be placed in the space on page 1 – item number 5, for Project Matching Funds.

*All funds must be rounded to the nearest whole dollar amount.*

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**BUDGET NARRATIVE**

**PAGE 5**

Provide here a justification and explanation of the budget items shown on pages 3 and 4 of this application. This should contain specific criteria and data used to arrive at estimates and/or costs for all items listed. In completing the project budget narrative, please identify data by the major budget category involved (i.e. Planning, Organizational, Equipment, Training, Exercises and Management and Administrative).

**Applications submitted which do not provide a sufficient narrative may be subject to exclusion. Use additional blank pages as necessary.**

**PLANNING:** (This category **MUST** include a brief statement about how the jurisdiction's planning efforts will assist the jurisdiction in becoming fully NIMS-compliant and to meet the mandatory planning requirements.)

**ORGANIZATIONAL:** (This category **MUST** describe the status of the local emergency services director (full- or part-time paid) and other staffing necessary to maintain a functional structure for local emergency management.)

**EQUIPMENT:** (This category **MUST** include a brief statement regarding how each piece of equipment will be used to enhance the capabilities for emergency response and also include the AEL item number. This statement and AEL item number for each piece of equipment will be used to assist in determining whether the items are allowable under existing guidelines. With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHZ frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. **In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant.** In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperable Executive Committee (SIEC) and its successor the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)

**TRAINING:** (This category **MUST** include a brief statement regarding how proposed training will help in terms of emergency management purposes and initiatives. This statement will be used to assist in determining whether the training(s) is allowable under existing guidelines. Also, include the official names of each training course with brief descriptions.)

**EXERCISES:** (This category **MUST** include a brief statement regarding how proposed exercises will help in terms of emergency management purposes and initiatives, to include NIMS implementation. Reminder: Exercise must be compliant with HSEEP, be conducted at either Functional or Full Scale level of involvement; and, be approved in advance by WVDHSEM.)

**MANAGEMENT AND ADMINISTRATIVE:**

\*Use additional blank pages as necessary\*

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On page 7 of this Application, please explain the project utilizing the following outline. State clearly and in concise detail the goals, objectives and intentions of the project; precisely what will be done; who will be involved; and the anticipated result. Add pages as necessary.

**PURPOSE:** The purpose of the EMPG is to enhance the local jurisdiction by assisting in the development and maintenance of an emergency management program.

**REQUIREMENTS:** Describe in some detail how your jurisdiction will implement the following requirements during the performance period of this grant. Include a prioritized list of all substantial and concrete goals in each performance area of this project that the jurisdiction will attempt to achieve and the reasons why each of these goals can be met. These goals may be both short and long range. Carefully communicate and relate the goal(s) back to the goals on the WV State Homeland Security Strategy Goals and Objectives. In other words, which Statewide Strategy goals are being addressed during this performance period. In order to continue to receive funds under this grant, all jurisdictions must meet the following criteria:

1. **Planning (minimum grant requirements must be met)** – You **must** develop/update/revise a minimum of two (2) planning products during the year. The mandatory plan component developments/revisions for this year are:
  - a. Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) Mitigation Plan to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year.
  - b. Review and make recommendations for updates to local emergency operations plans based on the *Evaluation Matrix for Compliance with CPG 101 v.2*, released in May 2011.

**Project Description Instructions**  
**Page 6 (Continued)**

Revisions can be submitted in paper copy or by electronic means (i.e. floppy diskette or email to: [Bill.D.Kershner@wv.gov](mailto:Bill.D.Kershner@wv.gov)). **NOTE: Pen-and-ink corrections are no longer accepted.**

2. **Organizational** – The jurisdiction **must** employ either a full-time or part-time paid emergency services director. Substantial organizational costs relating to emergency management functions may be reimbursed under this portion of the grant. Each participating jurisdiction **must** have internet access and email support and **must** actively participate in the State's electronic emergency management system. Each participating jurisdiction **must** have a designated and equipped emergency operations center and **must** ensure that emergency management contact information is regularly updated and provided to WVDHSEM. At a minimum, weekly Situation Reports, or other designated reports, **must** be entered into E-Team and include a brief situation summary for the jurisdiction as of the report time. In addition, all emergency management incidents **must** be entered in a timely manner. Familiarity with E-Team is essential as it will be the primary means of making Requests for Assistance to the State.

3. **Equipment** – The jurisdiction **must** submit an itemized list of equipment to be purchased under this grant. All equipment purchase listings **must** include brief justification for the individual items or systems and describe how the equipment will assist the jurisdiction to meet specific goals and objectives contained in the West Virginia State Homeland Security Strategy Goals and Objectives. ALL equipment included **must** be on the AEL and purchases **must** be prior-approved by the DHSEM.

**4. Training** – All full-time or part-time directors **must** complete a total of 48 hours of emergency management training during the grant performance period. This training requirement includes 16 hours of classroom instruction at EMI or through State-approved courses, 8 hours for Directors' Meetings, and 24 hours of approved non-classroom courses. All online FEMA, NFA, or DHS courses that are emergency management related can be used to fulfill the non-classroom requirement. All other courses must be prior approved. Such approval will be based on written submission to WVDHSEM. These submissions must be presented at least 60 days prior to the start date before credit is granted. The request must include the course description, objectives, and list of instructors' names and, for conferences, the agenda and list of speakers. Copies of Completion Certificates must be included with the appropriate Quarterly Report for approved courses. In addition, **ALL** personnel in positions funded in whole or in part by 2011 EMPG funds must complete, not later than the end of the performance period, the following training courses, available through the Emergency Management Institute's Independent Study Program:

National Incident Management System (NIMS) Training:

IS 100  
IS 200  
IS 700  
IS 800

**AND**

FEMA Professional Development Series:

IS 139  
IS 230.a  
IS 235.a  
IS 240.a  
IS 241.a  
IS 242.a  
IS 244.a

**5. Exercises** – WVDHSEM will develop and administer four exercises at levels less than Functional and Full Scale and one exercise at the Full Scale level. All exercises will be developed, administered and documented using HSEEP standard documentation procedures. All local jurisdictions must participate in the same number of exercises mentioned above. However, these exercises can be, and are recommended to be, developed and administered at a multi-jurisdictional level. All exercises **must** be NIMS compliant and **must** be designed, developed, conducted and evaluated in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP). Further detailed information on HSEEP can be found at: <http://hseep.dhs.gov>. All exercises must have prior approval from WVDHSEM. As required in the 2011 EMPG Guidance, all employees in positions partially or fully funded by EMPG funds **MUST** participate in a minimum of three (3) exercises in a 12-month period. Exercises must be designed to test some portion of the local emergency operations plan.

### **OBJECTIVE(S)**

Specific statements of desired achievement, which reflect project emphasis. Objectives should be clearly qualified, time-framed and measurable terms of planned levels of project performance to be achieved. The results of objectives must be specific, not general, and must be recognizable and understandable. **It is extremely important to realize that objectives must be achievable and feasible within the specific performance period of this grant. Carefully communicate and relate the objective(s) back to the objectives in the West Virginia State Homeland Security Strategy Goals and Objectives. In other words, which State Homeland Security Strategy objectives are being addressed.**

### **IMPLEMENTATION (Key Activities/Milestones)**

Describe the major activities necessary to implement the project including an operational schedule for the project. This should incorporate specific activities, services, and procedures to be followed, and how achievement will be documented. For extremely comprehensive projects, a milestone chart is recommended which provides a clear time-line estimating the time necessary for each phase of this project. This is a very important tool used to organize data into categories for follow-up purposes measuring the "What", "Where", "Who", "When" and "How" for each objective. The information placed in this chart can be used as a management tool to monitor progress.

### **PROJECT ASSESSMENT / EVALUATION**

Specify the indicators and measures to be used to assess the results of this project.

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**Planning**-Jefferson County currently has an All-Hazards Risk Assessment and Mitigation Plan that already contains information about threats other than natural hazards. It has terrorism and man-made hazards, such as Hazardous Materials. Once the guidance for this requirement is received, we will review it to determine what further updates need to be done and will complete by the end of the project period. Jefferson County's Emergency Operations Plan is adding the following annexes this year, to include: A new Drought Annex, new Training and Exercise Annex, new Transportation annex. We will review and update the Damage Assessment Annex, and the Engineering and Public Works Annex. Additionally, we will develop a new Regional Animals Annex that will be utilized by Jefferson, Berkeley, Morgan, Hampshire, Hardy, Mineral and Grant Counties. All of our planning efforts will be done using the new CPG 101 V2 matrix.

**Organizational**-Jefferson County employs a full-time Emergency Manager, a full-time Deputy Director/Planner/Program Manager, and a full time Administrative Assistant/Public Information Officer/Volunteer Coordinator. All staff has taken the required NIMS training, has completed the Advanced Professional Series training that is a requirement for this grant; and has successfully passed a criminal background check in accordance with W. Va. Code Chapter 15-5-15. Additionally, volunteers in our Emergency Operations Center must successfully pass a background check. Our staff is involved as a part of our Comprehensive Emergency Management Program. The Director and Deputy Director are Level 3 WV Emergency Managers, the Director is a Certified Emergency Manager under IAEM. Our PIO has completed all PIO training offered through the state and the Emergency Management Institute. All situation reports will be entered into ETEAM at least weekly. All staff has been trained in using ETEAM. Our jurisdiction DOES have email service and internet service, as required. Our county does have a designated and equipment Emergency Operations Center and we do regularly check our equipment and update all contact lists, as required.

**Equipment**-No equipment is being requested as a part of this grant.

**Training**-No training is being requested as a part of this grant. All Staff has met the training requirements of this grant to include: NIMS 700, 800, 100, and 200; the FEMA Professional Development Series (IS-139, IS230a; IS235a; IS240a; IS241a; IS242a; IS244a. Further the Director has surpassed the required 48 hours of yearly training. All completion certificates will be submitted.

**Exercises**-No exercise funding is being requested as a part of this grant. Jefferson County will complete the required exercises through: Operation Troubled Waters Table Top Exercise in April; Operation Troubled Waters Functional Exercise in April, selected Federal Partner Exercises throughout the year; and involvement in the Region 4 Mountain Host Exercise in August and a Health Department Drill in September. All of our staff will participate in the required number of exercises.

**Project Assessment/Evaluation**-We will evaluate the progress of this grant throughout the year and at the end of the grant period to assess results of the project.

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This program is conditioned upon and subject to compliance with the following Special Conditions and Assurances. By attaching a signature to page one (1), item ten (10), of this grant application, the applicant certifies and assures that it will comply with the following Special Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the WVDHSEM, as further clarified in the Administrative Manual for this program; U.S. Department of Homeland Security; and all other relevant Federal/State Regulations, Policies and Guidelines. These Special Conditions and Assurances apply to all EMPG federal and matching funds expended for purposes associated with this project.

All correspondence to the WVDHSEM, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any WVDHSEM grant program, should be addressed to:

WV Division of Homeland Security and Emergency Management  
ATTN: 2011 EMPG  
1900 Kanawha Blvd., East Capitol Complex  
Building 1, Room EB-80  
Charleston, WV 25305

**1. LAWS OF WEST VIRGINIA:**

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the WVDHSEM.

**2. LEGAL AUTHORITY:**

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

**3. RELATIONSHIP:**

The relationship of the sub-grantee to the WVDHSEM shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the WVDHSEM for any obligation or expense without the express prior written approval from the WVDHSEM.

**4. OPERATIONAL WITHIN 90 DAYS:**

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to WVDHSEM explaining the delay in implementation. Upon receipt of the 90-day letter, WVDHSEM may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

**5. WRITTEN APPROVAL OF CHANGES:**

The sub-grantee must obtain prior written approval from WVDHSEM for all project changes (programmatic, fiscal or otherwise).

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**6. CIVIL RIGHTS COMPLIANCE:**

Sub-Grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, grantees will take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

Sub-Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities.

**7. PRESS RELEASE:**

Release of information pertaining to this sub-grant must include the following information:

1. grant amount;
2. State involvement (WV Division of Homeland Security and Emergency Management, WVDHSEM); and,
3. Federal involvement (U.S. Dept. of Homeland Security).

**8. Compliance With Office of Mgt. and Budget Circulars:**

Sub-Grantee will comply with all applicable Federal OMB Circulars including: A-21, A-87, A-102, A-110, A-122, A-133

**9. ACCESS TO RECORDS and EQUIPMENT:**

WVDHSEM, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, and equipment related to the sub-grant and to relevant books and records of contractors.

**10. CONFLICT OF INTEREST:**

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any benefit to that individual or that individual's immediate family.

**11. POLITICAL ACTIVITY:**

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office.

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**12. RELEASE OF INFORMATION:**

All records, papers and other documents kept by recipients of grant funds are required to be made available to the WVDHSEM. These records and other documents submitted to the WVDHSEM and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act, 5. U.S.C. §552.

The WVDHSEM recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to requests made pursuant to the Freedom of Information Act, 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office, and may likely fall within one or more of the available exemptions under the Act.

Sub-Grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the WVDHSEM regarding concerns or questions about the release of potentially sensitive information under state and local laws.

**13. NATIONAL AND STATE EVALUATION EFFORTS:**

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

**14. OBLIGATION OF PROJECT FUNDS:**

Funds may not, without prior written approval from the WVDHSEM, be obligated prior to the effective start date or subsequent to the termination date of the project period.

**15. USE OF FUNDS:**

Funds awarded through the WVDHSEM may be expended **ONLY** for the purposes and activities specifically covered by the sub-grantee approved project description and budget.

**16. COMPLIANCE WITH FEDERAL PROCEDURES:**

The applicant assures that it will comply with the provisions of 28 Code of Federal Regulation (CFR) applicable to grants and cooperative agreements, including but not limited to: [www.whitehouse.gov/OMB/grants/index.html](http://www.whitehouse.gov/OMB/grants/index.html)

- Part 11, Applicability of Office of Management and Budget Circulars;
- Part 18, Administrative Review Procedures;
- Part 20, Criminal Justice Information Systems;
- Part 22, Confidentiality of Identifiable Research and Statistical Information;
- Part 23, Criminal Intelligence Systems Operating Policies;
- Part 30, Intergovernmental Review of Department of Justice Programs and Activities; and,
- Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures
- Parts 66, 67, 69, 83

**17. ALLOWABLE AND UNALLOWABLE COSTS:**

Allowable and unallowable costs incurred under this grant shall be determined in accordance with the general principles and standards for selected cost items set forth in the pertinent Program Guidance or the Office of Grant Operations Financial Guide and OMB Circular A-87.

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**18. NON-SUPLANTING:**

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds. Approved full-time positions must hire an additional individual to "backfill" the position.

**19. MATCHING CONTRIBUTION:**

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the WVDHSEM and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

**20. PROJECT INCOME:**

All income earned by the sub-grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the WVDHSEM and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

**21. CONSULTANT FEES:**

Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the WVDHSEM.

**22. SUSPENSION OF FUNDING:**

WVDHSEM may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other just cause.

**23. SANCTIONS FOR NONCOMPLIANCE:**

In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the WVDHSEM shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the sub-grantee until the sub-grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.

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**24. SUBMISSION/RELEASE OF PROPOSED PUBLICATIONS:**

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the WVDHSEM twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security, and the WV State Homeland Security State Administrative Agency. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the WV State Homeland Security State Administrative Agency."

**25. PROPERTY ACCOUNTABILITY:**

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a sub-grant by the WVDHSEM. This obligation continues as long as the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the WVDHSEM. Sub-Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the WVDHSEM. The WVDHSEM reserves the right to inspect and review any equipment purchased with this sub-grant.

**26. REPORTS:**

Each subgrantee shall submit such reports as the WVDHSEM shall deem reasonably necessary to the execution of monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

**Programmatic Reporting:** Sub-Grantees must complete and remit for PLANNING to WVDHSEM a minimum of four (4) different annexes to your County EOP during the year with at least one (1) being submitted each fiscal quarter. See PAGE 6. Sub-Grantees must complete and remit for TRAINING to WVDHSEM 48 hours of training as identified PAGE 6 CONTINUED. Sub-Grantees must complete and remit for Exercise to WVDHSEM, EXERCISE OBJECTIVES AS OUTLINED ON PAGE 6 CONTINUED.

**Financial Reporting:** Sub-Grantees MUST submit to WVDHSEM complete requests for reimbursements with all backup documentation. Sub-Grantees must include signed AEL equipment list, financial recap sheets, form 85-20, and all relevant documentation for your requests. Instructions will be provided separately.

**27. PURCHASING:**

When making purchases relevant to the sub-grant, the sub-grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government.

**28. PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:**

Sub-Grantee acknowledges that the WVDHSEM, and subsequently the U.S. Department of Homeland Security, reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Sub-Grantee agrees to consult with the WVDHSEM regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

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**29. Environmental & Historic preservation (EHP)**

Subgrantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.

**30. INFORMATION SYSTEMS & COMMUNICATIONS EQUIPMENT**

With respect to programs related to criminal justice information systems, the sub-grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software produced under this grant) will be made available to the WVDHSEM for transfer to authorized users in the criminal justice/homeland security community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to the WVDHSEM. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages (i.e. Cobol, Fortran, C, C++, XML, etc.) or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
- d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916/392-2550) should be contacted to determine availability of software prior to any development effort.

With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

Communications equipment is required to be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Interoperable Radio Project. Per Executive Order 13-07 all communications equipment requests must be reviewed and approved by the State Interoperability Coordinator.

**31. TIME EXTENSIONS:**

In general, time extensions for this program are unallowable. Unexpended sub-grant funds remaining at the close of the sub-grant period shall be deobligated.

**32. USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:**

Sub-Grantee understands and agrees that it cannot use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

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**33. PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:**

- I.) Federal Office of Management and Budget (OMB) Circular A-133 sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-133 at the time of award.

As of 10/1/04, the requirements set forth by OMB Circular A-133 are as follows: Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office.

- II.) OMB Circular A-110 sets forth standards for obtaining consistency and uniformity for the audit of institutions of higher education, hospitals, and other non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-110.

As if 10/1/04, the requirements set forth by OMB Circular A-110 are as follows: Recipients and sub recipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and revised OMB Circular A-133.

- III.) If an audit must be conducted pursuant to OMB Circular A-133 and A-110, a copy of the audit shall be submitted to the WVDHSEM as well as to the Federal clearinghouse.

As of 10/1/04, the Federal clearing house is as follows:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 E. 10<sup>th</sup> Street  
Jeffersonville, IN 47132

**34. PROGRAM ACCOUNTABILITY – STATE AUDIT REQUIREMENTS:**

- I.) Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. All funds disbursed by SAA are appropriated by the WV Legislature; therefore all funds disbursed by the WVDHSEM are considered state funds. The WVDHSEM will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

As of 9/13/05, the requirements set forth by §12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the WVDHSEM a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or subgrant closes. The Report shall be made by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or subgrant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or subgrant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code then the grantee or sub-grantee shall file with SAA a sworn statement of expenditures made under the grant or sub-grant.

The Sub-Grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with this section of the West Virginia Code, as amended.

**WEST VIRGINIA**  
**Division of Homeland Security and**  
**Emergency Management (DHSEM)**

**2011 EMPG**  
**PROGRAM**

**SPECIAL CONDITIONS AND ASSURANCES**

**PAGE 15**

**35. EQUAL EMPLOYMENT OPPORTUNITY PLAN:**

Each sub-grantee certifies that it has executed and has on file, an Equal Employment Opportunity Plan which conforms to the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required.

**36. VETERANS PREFERENCE:**

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. WVDHSEM defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

**37. IMMIGRATION AND NATURALIZATION VERIFICATION:**

The sub-grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.

**38. PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:**

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act that, as well as the desire of WVDHSEM, to the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American-made.

**39. PERSONNEL TRAINING:**

For projects involving payment of personnel or overtime pay, the WVDHSEM reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant funded equipment must be provided, if applicable.

**40. ACCOUNTING REQUIREMENTS:**

Sub-Grantee agrees to record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording must separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, must be retained and be available for audit purposes.

**41. OFFICE OF GRANT OPERATIONS FINANCIAL GUIDE:**

Sub-Grantee agrees to comply with all requirements as set forth in the current edition of the OGO Financial Guide.

**42. EQUIPMENT:**

Sub-Grantees purchasing equipment with grant funds are required to adhere to the established bidding procedures for their respective units of government and or agencies. All equipment must have a primary function of being used in support the EMPG program.

**43. MARKING OF EQUIPMENT AND PUBLICATIONS:**

Sub-Grantee will ensure that, when practicable, any equipment purchased and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WVDHSEM."



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67 for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLLA Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (M).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLLA Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

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**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&**

**Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Wright Denny Intermediate School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

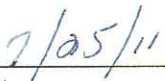
1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.


- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.


This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

  
\_\_\_\_\_  
Superintendent, Jefferson County Schools

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Administrator, Wright Denny Intermediate School

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide T. A. Lowery Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

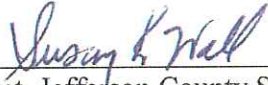
Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

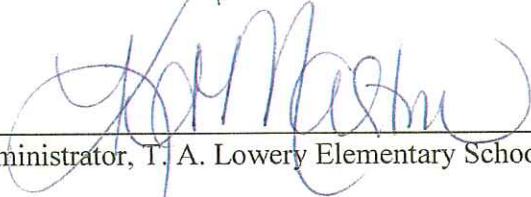
4. Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

  
\_\_\_\_\_  
Superintendent, Jefferson County Schools

7/25/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Administrator, T. A. Lowery Elementary School

8/11/11  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&**

**Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Driswood Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

Susan K. Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Kelly K. Olson  
Administrator, Driswood Elementary School

8/11/11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Charles Town Middle School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

*Susan K. Hall*  
Superintendent, Jefferson County Schools

7/25/11  
Date

*Charles Hampton*  
Administrator, Charles Town Middle School

08-11-11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Harpers Ferry Middle School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

Susany K. Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Joseph R Spungar  
Administrator, Harpers Ferry Middle School

8/11/11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Shepherdstown Middle School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

Susany K. Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Elizabeth H. Best  
Administrator, Shepherdstown Middle School

8/11/11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&**

**Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Wildwood Middle School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

4. Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

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Agreed to and accepted by:

Susany K Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Paul E Bran  
Administrator, Wildwood Middle School

8-11-11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Jefferson High School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

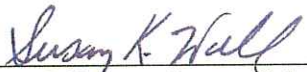
Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

4. Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

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Agreed to and accepted by:

  
\_\_\_\_\_  
Superintendent, Jefferson County Schools

7/25/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Administrator, Jefferson High School

8-11-11  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Washington High School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

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Agreed to and accepted by:

Susmy K. Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Quayle Ann Marcus  
Administrator, Washington High School

8/11/11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Opportunity Learning Center for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

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Agreed to and accepted by:

Susan K. Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Shari R. Hoff EdD  
Administrator, Opportunity/Learning Center

7-26-11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Blue Ridge Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

*Susan K. Wall*  
Superintendent, Jefferson County Schools

*7/25/11*  
Date

*Susan Bygler*  
Administrator, Blue Ridge Elementary School

*8/11/11*  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

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**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide North Jefferson Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

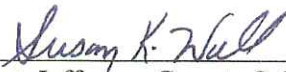
Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

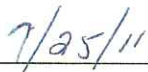
1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.


- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

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Agreed to and accepted by:

  
\_\_\_\_\_  
Superintendent, Jefferson County Schools

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Administrator, North Jefferson Elementary School

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&**

**Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Page Jackson Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

Susan K. Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Lana Ouyock  
Administrator, Page Jackson Elementary School

8/11/11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Ranson Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

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Agreed to and accepted by:

Susan K. Hall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Debra R. Cabett  
Administrator, Ranson Elementary School

8/11/11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Shepherdstown Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

*Susan K Wall*  
Superintendent, Jefferson County Schools

9/25/11  
Date

*Suzanne Spitt*  
Administrator, Shepherdstown Elementary School

8-11-11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide C. W. Shipley Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

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2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

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Agreed to and accepted by:

Suzanne K. Wall  
Superintendent, Jefferson County Schools

7/25/11  
Date

Mark E. Osborn  
Administrator, C. W. Shipley Elementary School

8/11/11  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

**Memorandum of Understanding  
Between  
Jefferson County Board of Education  
&  
Jefferson County Office of Homeland Security and Emergency Management**

**General Purpose:** To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide South Jefferson Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
  - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
  - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
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3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.


4. Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

  
\_\_\_\_\_  
Superintendent, Jefferson County Schools

7/25/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Administrator, South Jefferson Elementary School

8/11/11  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Jefferson County Office of Homeland Security  
& Emergency Management

\_\_\_\_\_  
Date

|                            |          |
|----------------------------|----------|
| Commission Office Use Only |          |
| Date on Agenda:            | 9/1/11   |
| Appt Time or New Business: | 11:00 am |

**AGENDA REQUEST FORM**

Name: Lynn Fields

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

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: August 25th

Date Requested – 2<sup>nd</sup> Choice: September 1<sup>st</sup>

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

Subject: **Petition to Resign as a Co-Executor**

Please provide the County Commission with a description of your request or presentation, including any background information: **As per attached petition, Mr. Leland C. Bradley is Co-Executor of the estate of Edwin Lee Demory and in poor health. Mr. Bradley wishes to resign as Co-Executor of the estate.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The probate office defers to the advice of the County Commission regarding this issue. We see no reason as to why Mr. Bradley should not be excused from his position due to his failing health.**

Attachments: **Petition to Resign as Co-Executor, Order to Resign as Co-Executor**

STATE OF WEST VIRGINIA  
COUNTY OF JEFFERSON

IN THE CLERK'S OFFICE OF THE COUNTY:

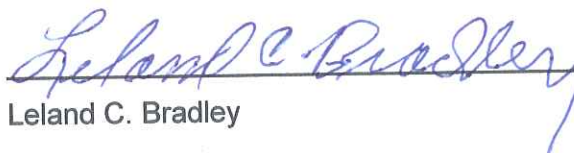
IN RE ESTATE OF EDWIN LEE DEMORY

**PETITION TO RESIGN AS A CO-EXECUTOR**

KNOW ALL MEN BY THESE PRESENTS, that Edwin Lee Demory died a resident of Jefferson County, West Virginia on the 5<sup>th</sup> day of July, A.D. 2005. Said Edwin Lee Demory died testate with a Will dated the 7<sup>th</sup> day of May, A.D. 2002. Said Will having been fully probated and admitted to record. Pursuant to ARTICLE III of said Will, Leland C. Bradley and John A. Karns qualified as Co-Executors on the 6<sup>th</sup> day of July, A.D. 2005.

THE CONDITION IS SUCH THAT, the above referenced Leland C. Bradley is now seventy-six years of age and is in ill health. Mr. Bradley has also been unable to ascertain the status of the estate from John A. Karns, his co-Executor, who has been unresponsive to his queries.

ORDERED, that Leland C. Bradley, by this Petition requests that he be relieved of his duties and allowed to resign his office as Co-Executor of the Estate of Edwin L. Demory and that John A. Karns continue to serve as sole Executor pursuant to ARTICLE III of the Will.

  
Leland C. Bradley

Dated this 3<sup>rd</sup> day of August, A.D. 2011

COPY

STATE OF WEST VIRGINIA  
COUNTY OF JEFFERSON

IN THE CLERK'S OFFICE OF THE COUNTY:

IN RE ESTATE OF EDWIN LEE DEMORY

**ORDER TO RESIGN AS A CO-EXECUTOR**

Pursuant to the Petition to resign as a Co-Executor filed in the above entitled estate by Leland C. Bradley on the \_\_\_\_ day of August, A.D. 2011, it is hereby

ORDERED that Leland C. Bradley is hereby relieved of his duties as a Co-Executor of the estate of Edwin Lee Demory and it is also

ORDERED that Pursuant to ARTICLE III of the Will of Edwin Lee Demory that John A. Karns continue to serve as sole Executor pursuant to ARTICLE III of the Will.

---

Dated this \_\_\_\_ day of \_\_\_\_\_, A.D. 2011



Jennifer S. Maghan  
County Clerk

# Jefferson County Clerk's Office Probate

August 11<sup>th</sup>, 2011

Leland Carson Bradley  
Rt. 3 Box 287  
Kearneysville, WV 25430

John A. Karns  
38 Karns Court  
Martinsburg, WV 25401

**re: Estate of Edwin Lee Demory**

Dear Mr. Bradley and Mr. Karns,

On Thursday, September 1<sup>st</sup> at 11:00 am, the Jefferson County Commission will hold a hearing on the **Petition To Resign as Co-Executor of the estate of Edwin Lee Demory**. If you are unable to attend, please contact our office as soon as possible.

Enclosed is a copy of the **NOTICE OF HEARING** that will be published in the **SPIRIT OF JEFFERSON ADVOCATE** on Wednesday, August 17<sup>th</sup>, 2011.

Sincerely,

S. Lynn Fields  
Deputy Probate Clerk

cc: Larry W. Osbourne  
Edward O. Bradley  
Mitchell W. Bradley  
Gregory S. Bradley  
Leland C. Bradley  
John B. Karns  
John W. Karns  
Ronald Huffer  
John Demory  
George Miller  
Jeffrey Moler  
Shepherdstown Fire Department

NOTICE OF HEARING

Please take notice that a hearing will be held on Thursday, September 1<sup>st</sup>, 2011 at 11:00 AM, in the Charles Town Library meeting room located at 200 East Washington Street at the side entrance on Samuel Street in the city of Charles Town, by the Jefferson County Commission to hear the **PETITION TO RESIGN AS CO-EXECUTOR OF THE ESTATE OF EDWIN LEE DEMORY.**

All persons having an interest in said hearing or estate are invited to attend this meeting. For further information, please contact the Jefferson County Clerk's Office, Probate Office at 100 East Washington Street, Charles Town, WV 25414, or you may call at (304) 728-3210.

Spirit of Jefferson Advocate  
August 17<sup>th</sup>, 2011

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

**AGENDA REQUEST FORM**

Name: **Elizabeth Wheeler, Peter Fricke**

Department or Entity: **Jefferson County Farmland Protection Board**

Estimation of amount of time needed for appointment: **10 minutes**

Date Requested – 1<sup>st</sup> Choice: **September 1, 2011**

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

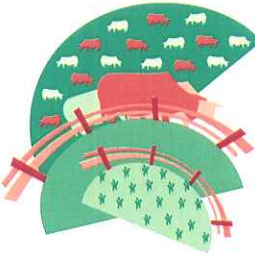
If a specific date is needed, please provide reason for specific date:

Subject: **Presentation of Annual Report of the Jefferson County Farmland Protection Board FY 2010-2011**

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

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

Attachments: **Jefferson County Farmland Protection Board Annual Report FY 2010 - 2011**



# Jefferson County Farmland Protection Board

P. O. Box 731  
Charles Town, WV 25414-0731

## 2010-2011 Annual Report

### Board Members

#### County Commissioner

Frances Morgan (Secretary)  
P.O. Box 750  
Charles Town, WV 25414  
Phone: 725-8289  
[fmorgan@jeffersoncountywv.org](mailto:fmorgan@jeffersoncountywv.org)

#### County Development Authority

Thomas Bayuzik (Treasurer)  
1948 Wiltshire Road  
Kearneysville, WV 25443  
Phone: 728-3255  
Fax: 725-3133

#### County Farm Bureau

Bob Henshaw  
5885 Middleway Pike  
Kearneysville, WV 25430  
Phone: 725-4810  
[Henshaw@citlink.net](mailto:Henshaw@citlink.net)

#### Soil Conservation District

Chris Lotze  
2231 Old Leetown Pike  
Kearneysville, WV 25430  
Phone: 728-7928  
[roxleyfarms@citlink.net](mailto:roxleyfarms@citlink.net)

#### County Farmer

Joe Funkhouser  
(Vice President)  
P.O. Box 670  
Charles Town, WV 25425  
Phone: 725-3158  
[joefunkhouser@hotmail.com](mailto:joefunkhouser@hotmail.com)

#### Non-Farmer County Residents

Peter Fricke  
(Board Chair)  
154 East Street  
Middleway, WV 25430-5600  
Phone: 728-6400  
[peter.fricke@frontiernet.net](mailto:peter.fricke@frontiernet.net)

Liz Uible  
P.O. Box 599  
Charles Town, WV 25430-0599  
[liz@uible.com](mailto:liz@uible.com)

The Jefferson County Farmland Protection Board affirms that agriculture is an integral and viable part of the county's economy, landscape, natural resources, sense of community and quality of life. The mission of the Jefferson County Farmland Protection Board is to implement identified goals, objectives and policies for the protection and preservation of Jefferson County land best suited for farming in accordance with *West Virginia Code 8A-12-1:21*.

This report is for the period of July 1, 2010 to June 30, 2011.

Established by the Jefferson County Commission on July 13, 2000, the Jefferson County Farmland Protection Board protects important farmland throughout the County by accepting donations of conservation easements and through purchases of conservation easements from willing sellers to ensure that prime farmland remains available for agricultural use. In late 2002, the WV State Legislature and the Jefferson County Commission authorized local funding for the program.

A strategy for protecting farmland in our rural areas is vital to the future of the agricultural industry, because the loss of land resources will have an adverse effect on all farm-related businesses. For agriculture to remain viable there must be a critical mass of farms to sustain the infrastructure (equipment, suppliers, veterinarians, machinery, etc.). Each time a ranch or farm is sold for non-agricultural uses, the viability of every other agricultural operation in Jefferson County is threatened.

Agricultural land is a non-renewable resource. The simplest way to secure productive farmland for future use in Jefferson County is to protect it with a Deed of Conservation Easement.

A conservation easement is a flexible legal tool that enables landowners to permanently protect the natural, scenic and historic values of their property from development and subdivision. Property owners retain full use and ownership of the land. Because an easement is perpetual, it is transferred with the property when it is sold, thereby protecting it forever. Across the nation, easements are a key tool for protecting land threatened by development and inappropriate uses.

The Jefferson County Farmland Protection Board negotiates with eligible property owners to ensure the protection of farmland within the county. The Jefferson County Farmland Protection Board places a conservation easement on properties that qualify for consideration under the terms established by the Jefferson County Commission-approved farmland protection program.

## **Funding Sources**

### **Local Funding**

Funding for the Jefferson County Farmland Protection Board was established under a state law passed in 2002 that allows West Virginia counties to levy a transfer tax on real estate to purchase development rights from landowners who want their land protected so that it may remain agriculturally viable. The local share of easement funding is generated through the real estate transfer tax and through public and private donations.

Local funds totaling \$7,286,547 have been either expended or obligated for the purchase of a Deed of Conservation Easement on 37 properties for a total of 3,610 acres.

In FY 2010-2011, the Jefferson County Farmland Protection Board spent \$799,050.00 in local funds matched by \$799,050.00 from USDA NRCS to add 335 acres, for a total of purchased easements of 2,606 acres on 28 farms.

The Jefferson County Farmland Protection Board has been careful with its operating costs and maintains them in ratio to income. Transfer tax income for FY2010-2011 totaled \$539,944.00. Operating costs, including office expenses and staff salary and benefits totaled \$42,254.52 or 7.8 percent of the total. Easement costs, including appraisals, surveys, legal fees and other professional fees totaled \$82,786 or 15.3 percent of the annual income.

### **2002 and 2008 Farm Bills**

The 2002 and 2008 Farm Bills provide funding for conservation programs on working farmland. The United States Department of Agriculture, through the Natural Resources Conservation Service, awards matching funds from the 2002 and 2008 Farm Bills for Conservation Easement purchases. Since 2002, the Jefferson County Farmland Protection Board has expended \$2,740,747 of the Farm Bill funds toward the purchase of 1,571 acres in Jefferson County.

The Jefferson County Farmland Protection Board has obligated an additional \$1,972,720 from the Farm Bill funds toward the purchase of 737 additional acres in Jefferson County.

### **National Park Service**

Since August 2003, in conjunction with the Civil War Preservation Trust and The Land Trust of the Eastern Panhandle, the Jefferson County Farmland Protection Board has secured \$1,118,495 to protect farmland in the Antietam Advance and Retreat Study area along Englemolers and Trough Roads outside of Shepherdstown and the Smithfield Crossing Battlefield near Middleway.

Funding for these farmland conservation easement purchases will come from the National Park Service, the Natural Resources Conservation Service and the Jefferson County Farmland Protection Board. There are approximately 3,600 acres eligible for protection in our area under the American Battlefield Protection Program in the Antietam Advance and Retreat Study Area, and the Middleway and Summit Point Battlefield Areas.

Currently, the Jefferson County Farmland Protection Board has expended \$1,023,495 of the NPS-CWPT funds to protect 524 acres.

The Jefferson County Farmland Protection Board is in the process of protecting additional properties in Jefferson County in the Middleway and Summit Point Study areas

### **Properties Closed or in Progress**

The Jefferson County Farmland Protection Board currently holds easements on 28 properties in Jefferson County, totaling 2,606 acres for a total cost of \$9,018,889 and a local cost of \$5,254,647.

The Jefferson County Farmland Protection Board is in the process of negotiating a Deed of Conservation Easement on nine additional properties, totaling 1,004 acres for a total cost of \$4,193,800 and a local cost of \$2,031,900.

The Jefferson County Farmland Protection Board has received applications from five additional landowners interested in negotiating a Deed of Conservation Easement. The total acreage in application is 529, at a total cost of \$2,565,158 and a local cost of \$1,282,579.

### **Organizational Review and Planning**

The Jefferson County Farmland Protection Board has determined that, given ten years of operating experience, it is time to review and assess the Board's program, policies, and practices to ensure that they are appropriate, in the best interests of stakeholders and the public, and follow the best management principles for a land conservation organization. Following this review and assessment, the Board will develop a strategic plan with stakeholder and public input and then revise the Board's program, policies and operating practices accordingly. The Board has selected the model assessment program of the Land Trust Alliance (LTA) as best meeting the Board's goals for the assessment phase.

The LTA assessment program uses 12 standard goals and 88 best management practices for conservation programs as the metrics for the review and assessment. The output of this first phase will be an assessment report and an evaluation of the strengths, weakness, opportunities and threats (SWOT report) of the existing program, policies and practices by the Board.

The development of a strategic plan will include stakeholders, the public and the County Commission through facilitated focus groups and Board listening sessions. The Board and staff will prepare the strategic plan which will then be subject to stakeholder and County Commission review. The Board will craft a revised program and present it to the County Commission for approval and adoption. It is anticipated the program will be completed in June 2012.

### **Farmland Protection Board Members**

The composition of every farmland protection board is dictated by the Voluntary Farmland Protection Act. The Jefferson County Farmland Protection Board is composed of seven members, each serving without compensation but eligible for reimbursement of actual expenses while engaged in the discharge of official duties. All members are required to be

county residents. Each member is a voting member, except for the Jefferson County Commissioner, who shall serve in a non-voting, advisory capacity. All members are appointed by the Jefferson County Commission and serve at the will and pleasure of the Commission.

The specific composition of the Board is as follows:

- One County Commissioner (non-voting)-Mrs. Frances Morgan, Board Secretary
- The Executive Director of the County Development Authority-Mr. Thomas Bayuzik, Board Treasurer
- One farmer who is a county resident and a member of the county farm bureau-Mr. Bob Henshaw
- One farmer who is a county resident and a member of a soil conservation district-Mr. Chris Lotze
- One farmer who is a county resident-Mr. Joe Funkhouser, Board Vice-Chair
- Two county residents who are not members of any of the above organizations-Mr. Peter Fricke, Board Chair, and Ms. Liz Uible

The Jefferson County Farmland Protection Board is assisted in the process of purchasing and accepting donated conservation easements by the Board Administrator, Elizabeth Wheeler, 304/724-1414, FarmlandProtection@jcda.net.

# Summary Funding Facts

FY 2010-2011: July 1, 2010 – June 30, 2011

## Local Funding

Total local funds expended or obligated since 2002: \$7,286,547 for 3,610 acres on 37 properties.

FY 2010-2011 local funds for easement purchases: \$799,050 for 335 acres on four properties.

As of June 30, 2011, the Jefferson County Farmland Protection Board holds easements on 28 properties in Jefferson County, totaling 2,606 acres for a total cost of \$9,018,889 and a local cost of \$5,254,647.

The Jefferson County Farmland Protection Board is in the process of negotiating easements on nine additional properties, totaling 1,004 acres for a total cost of \$4,193,800 and a local cost of \$2,031,900.

The Jefferson County Farmland Protection Board has received applications from five additional landowners interested in negotiating an easement. The total acreage in application is 529, at a total cost of \$2,565,158 and a local cost of \$1,282,579.

## USDA-NRCS Funding

Since 2002, the Jefferson County Farmland Protection Board has expended \$2,740,747 of the 2002 and 2008 Farm Bill funds toward the purchase of 1,571 acres in Jefferson County.

The Jefferson County Farmland Protection Board has obligated an additional \$1,972,720 from the Farm Bill funds toward the purchase of 737 additional acres in Jefferson County.

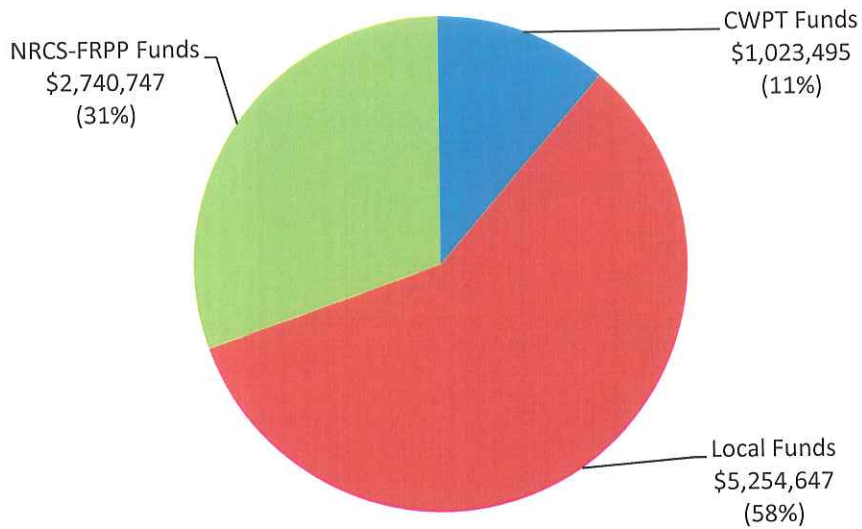
Farm Bill funds expended in FY 2010-2011 total \$799,050.

## Civil War Preservation Trust, American Battlefield Protection Program Funding

Since August 2003, \$1,118,495 of NPS-CWPT funds have been secured to protect farmland in the Antietam Advance and Retreat Study area along Engle-Molers and Trough Roads outside of Shepherdstown and the Smithfield Crossing Battlefield near Middleway.

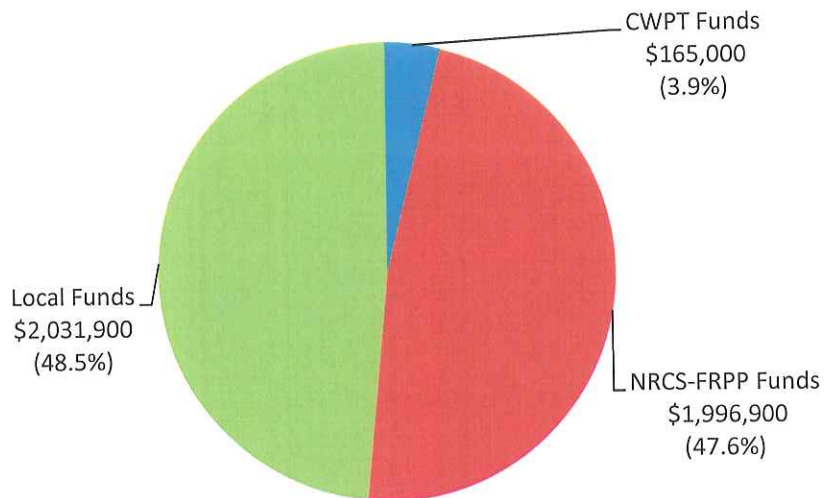
Currently, the Jefferson County Farmland Protection Board has expended \$1,023,495 of the NPS-CWPT funds to protect 524 acres.

## Closed Easements



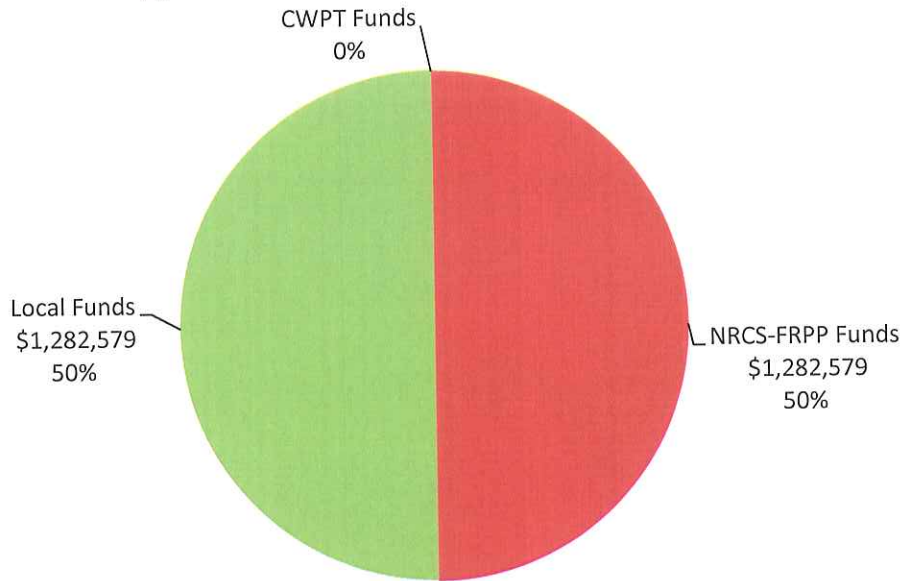
Jefferson County Farmland Protection Program FY 2010-2011

## Applications with Obligated Funds in Process



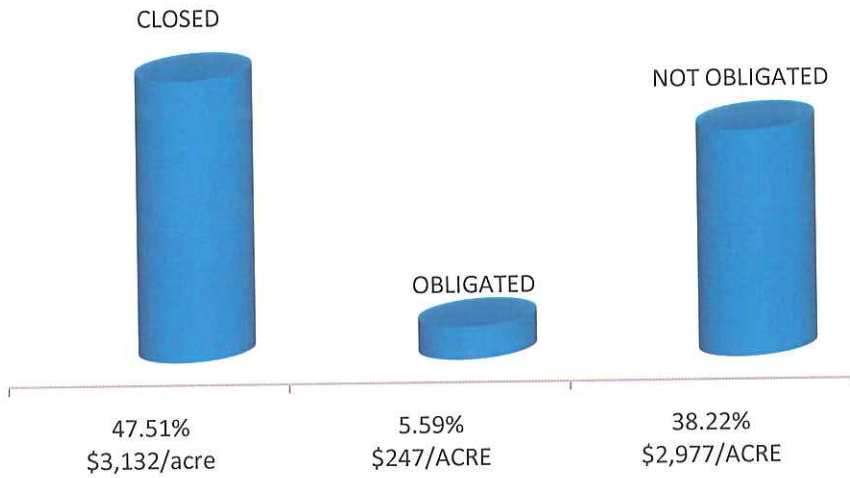
Jefferson County Farmland Protection Program FY 2010-2011

### Applications with No Obligation of Funds



Jefferson County Farmland Protection Program FY 2010-2011

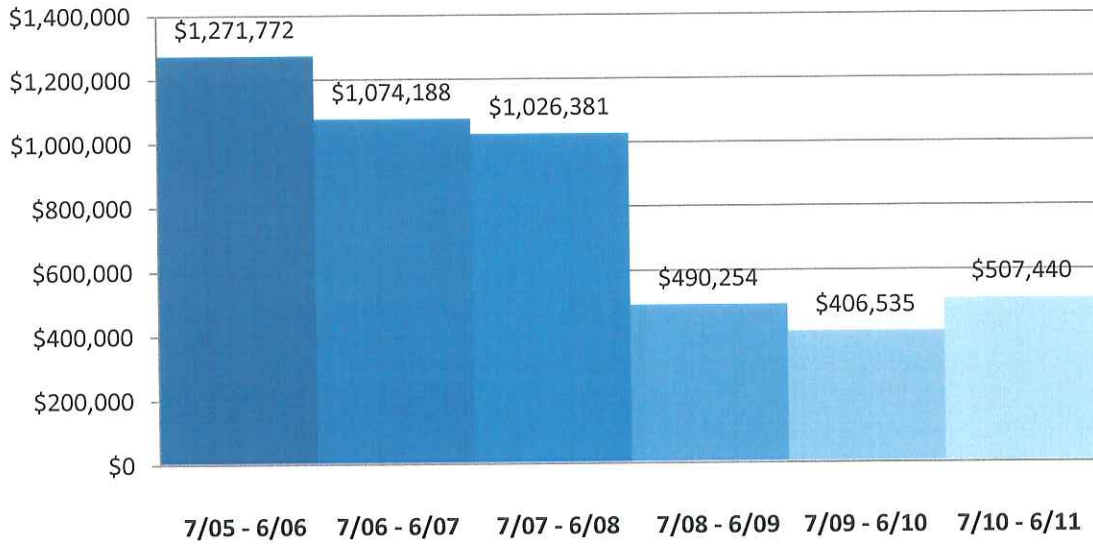
### Percentage of Non-Cash Charitable Contribution



Jefferson County Farmland Protection Program FY 2010-2011

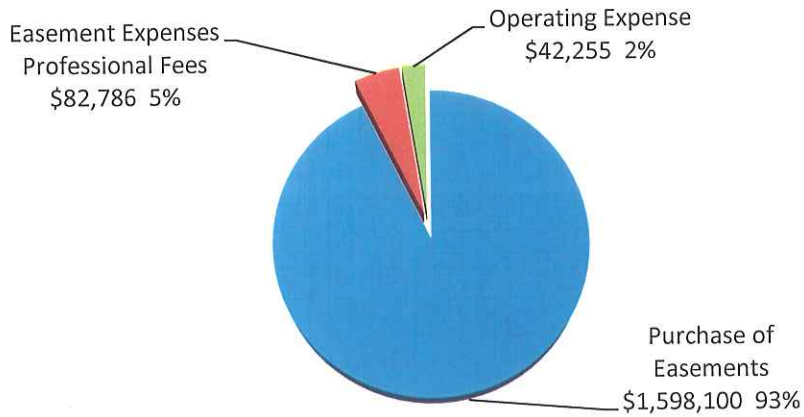
Chart shows the percent of non-cash charitable contributions based on total value of all conservation easements to 6/30/11.

## Annual Transfer Tax Revenue



Jefferson County Farmland Protection Program FY 2010-2011

## Jefferson County Farmland Protection Board FY 2010-2011 Expense Efficiency



Jefferson County Farmland Protection Program FY 2010-2011

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

AGENDA REQUEST FORM

Name: Peter Fricke, Bob Henshaw

Department or Entity: Jefferson County Farmland Protection Board

Estimation of amount of time needed for appointment: 20 minutes

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

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

If a specific date is needed, please provide reason for specific date:  
**We hope to be able to secure the availability of \$502,250 in Federal matching funds for the farmland protection program before the end of September 2011.**

Subject: **Discussion regarding \$502,000 in Federal matching funds**

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

**The Jefferson County Farmland Protection Board requests a discussion with the Jefferson County Commission regarding the opportunity to match \$502,250.00 in Federal funds granted for the FY2009 funding cycle to the Jefferson County Farmland Protection Board. These funds would be used by the Jefferson County Farmland Protection Board to purchase conservation easements for four qualified properties.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **That the Commission grant \$502,250.00 to the Jefferson County Farmland Protection Board for the purpose of matching the FY09 Federal grant of 502,250.00 to the Jefferson County Farmland Protection Board for purchasing easements on qualified properties in the FY09 funding cycle.**

Attachments: **JCFPB Budget and List of qualified 2009 applicants, easement costs and non-cash charitable contributions.**

**JCFPB Applications received for FY 2011:**

| Property ID   | Acreage    | Asking Price (\$) |                  | Donation per acre (\$) | NRCS Ranking Score |
|---------------|------------|-------------------|------------------|------------------------|--------------------|
|               |            | JCFPB             | USDA/NRCS        |                        |                    |
| II            | 56         | 225,000           | 225,000          | 0                      | 434                |
| PP            | 236        | 436,000           | 436,000          | 2,300                  | 646                |
| QQ            | 60         | 150,000           | 150,000          | 1,845                  | 412                |
| RR            | 146        | 250,000           | 250,000          | 1,961                  | 673                |
| FF            | 75         | 178,875           | 178,875          | 560                    | 390                |
| GG            | 110        | 347,820           | 347,820          | 0                      | 507                |
| <b>Totals</b> | <b>743</b> | <b>1,622,695</b>  | <b>1,752,695</b> | <b>Avg. = \$1,274</b>  |                    |

|                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9-1-11</u></p> <p>Appt Time or New Business: _____</p> |
|----------------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: City of Charles Town Heritage Festival Planning Commission

Department or Entity: City of Charles Town

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

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

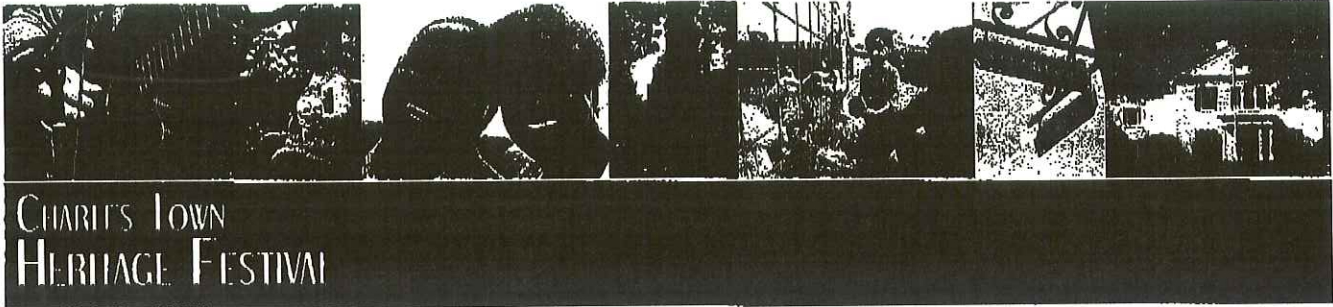
Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

**Subject: Request to use part of the courthouse lawn for to feature water bowls, dog treats and shade during the Charles Town Heritage Festival on September 17th from 7am until 5pm**

Please provide the County Commission with a description of your request or presentation, including any background information: **Greenspace is limited in downtown Charles Town, the request is to use part of the lawn for water bowls, dog treats and shade. Volunteers will be available to monitor the site and make sure the lawn is left in the condition it was found**

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



August 15, 2011

Jefferson County Commission  
 124 East Washington Street  
 Charles Town, WV 25414

Dear County Commission,

The City of Charles Town Heritage Festival will be held September 16 – 18, 2011. Washington Street will be closed from Samuel to West Streets, as well as the intersecting streets in between on Saturday, September 17<sup>th</sup> from 7:00 am to 5:00 pm for the Festival, which will run from 10:00 am to 5:00 pm. This year on Saturday we will be featuring a Dog Relaxation Area in response to the many attendants of last year's Festival who brought their dogs.

Since green space is limited in downtown Charles Town, we would like to request to use part of the Courthouse lawn for this area. The Area will feature water bowls, dog treats and shade. Volunteers will be available to monitor the site and make sure the lawn is left in the condition it was found. We appreciate your consideration.

Sincerely,

The City of Charles Town Heritage Festival Planning Committee

|                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9/1/11</u></p> <p>Appt Time or New Business: _____</p> |
|----------------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Nichelle Hosby

Department or Entity: Co. Comm

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

Date Requested – 1<sup>st</sup> Choice: 9/1/2011

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

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

Subject: **Approval of Re-Appointment to the Jefferson County Enhanced 9-1-1 Advisory Board (State Police Representative)**

Please provide the County Commission with a description of your request or presentation, including any background information: **The State Police Representative on the Enhanced 911 Board expires September 1, 2011. Captain Rob Blair is requesting that Sgt. Kevin Plumer be reappointed to the E911 Board.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the reappointment of Sgt. Plumer to the Jefferson County Enhanced E-9-1-1 Advisory Board.**

Attachments:



*Troop "2" Headquarters*

West Virginia State Police  
409 Industrial Boulevard  
Kearneysville, West Virginia 25430-9425  
Telephone: 304.724.6309 Fax: 304.728.6001  
[www.wvstatepolice.com](http://www.wvstatepolice.com)

*Earl Ray Tomblin*  
Governor

*Colonel C. R. "Jay" Smithers*  
Superintendent

August 22, 2011

Nichelle Hosby  
Executive Assistant,  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

Ref: Sergeant Kevin. E. Plumer's re-appointment to  
the Jefferson County Enhanced 911 Board.

Dear Ms. Hosby:

I am submitting this letter of request pursuant to our phone conversation last week. Please accept this letter as my request to re-appoint Sergeant Kevin E. Plumer to the Jefferson County E-911 Board. If you should require further, please do not hesitate to contact me.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Rob Blair".

Captain Rob Blair,  
Troop 2 Commander  
West Virginia State Police  
[www.rablair@wvsp.state.wv.us](mailto:www.rablair@wvsp.state.wv.us)

**RECEIVED**

AUG 25 2011

Jefferson County Commission

EQUAL OPPORTUNITY EMPLOYER

|                                  |
|----------------------------------|
| Commission Office Use Only       |
| Date on Agenda: <u>9/1/11</u>    |
| Appt Time or New Business: _____ |

**AGENDA REQUEST FORM**

Name: Nichelle Hosby

Department or Entity: County Commission

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

Date Requested – 1<sup>st</sup> Choice: 9/1/2011

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

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

Subject: **Approval of amendments to the Agenda Policy**

Please provide the County Commission with a description of your request or presentation, including any background information: **In review of the Agenda Policy, there are a couple minor word changes and a statement concerning the Agenda Request Form being submitted by the noon deadline preceding the Commission meeting and the posting of the agenda when a holiday falls on a Monday.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the revised Agenda Policy as presented.**

Attachments:

COUNTY COMMISSION OF JEFFERSON COUNTY

**POLICY TITLE:** Agenda - County Commission

**POLICY NUMBER:** 2009 - 2

**ADOPTED:** May 7, 2009

**EFFECTIVE:** June 4, 2009

**REVISED:** September 1, 2011

**PURPOSE:**

To provide a comprehensive and uniform process for formulating the agenda of the County Commission of Jefferson County.

**POLICY:**

The County Commission of Jefferson County is committed to providing open and accessible governmental proceedings and wishes to provide its citizens with information concerning the business of the County Commission and county government.

**PROCEDURE:**

- The Agenda for each County Commission meeting is prepared by the Commission staff.
- The County Commission agenda closes at 12:00 noon, one week prior to the County Commission meeting. All appointments for the County Commission agenda are made with the County Commission staff prior to the 12:00 noon deadline. Any Submissions for new business items and information items must be submitted to Commission staff by the same 12:00 noon deadline.
- An Agenda Request Form (attached) and any documentation must be submitted by the 12:00 noon deadline in order to be placed on the agenda. Ex: If the County Commission meets on Thursday, appointments must be made and new business and informational items submitted by 12:00 noon the preceding Thursday. The County Commission requires written documentation and materials for appointments and items of new

business. Requests for appointments and items submitted after this time will be carried over for the next agenda.

- Appointments shall be 15 minutes unless it is determined that less time is needed.
- The ~~last appointment~~last appointment will be 11:00 AM.
- New and old business items shall be taken up between scheduled appointments or when time permits.
- County departments shall submit all materials in both digital and hard copy format to the Commission office.
- When submitting an item for the agenda, the requesting department, organization or individual shall indicate the desired action of the County Commission i.e., Discussion, Discussion/Action, Introduction, Presentation or Information. All Action Items shall include the Action being requested of the County Commission. Items not indicating the requested action will be held over until the following week.
- ~~The agenda will be available at 12:00 noon, three days preceding the County Commission meeting. Ex: If the County Commission meets on Thursday, the agenda will be available Monday at 12:00 Noon.~~ In the event that a holiday falls on a Monday, the agenda will be available at 12:00 noon, two days preceding the County Commission meeting.
- The agenda is available in the Office of the County Commission and on the County website at jeffersoncountywv.org. A pdf of the agenda packet will be available at this site. Links to specific agenda items will be available when practical.
- If you require visual equipment for your appointment with the County Commission, please notify the Commission staff when scheduling your appointment.

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

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

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

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

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

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

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

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

Subject:

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

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

Attachments:

|                                                                                                          |
|----------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9/1/11</u></p> <p>Appt Time or New Business:</p> |
|----------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Nichelle Hosby

Department or Entity: County Commission

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

Date Requested – 1<sup>st</sup> Choice: 9/1/2011

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

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

Subject: **Approval of amendments to the Meeting Session Policies**

Please provide the County Commission with a description of your request or presentation, including any background information: **In review of the Agenda Policy, there are a couple minor word changes in the Meeting Session Policies**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the revised Meeting Session Policies as presented.**

Attachments:

## COUNTY COMMISSION OF JEFFERSON COUNTY

**POLICY TITLE:** Meeting Session Policies  
**POLICY NUMBER:** 2009 - 4  
**ADOPTED:**  
**EFFECTIVE:** January 1, 2009  
**REVISED:** September 1, 2011

---

## Regular Session Meeting Day

The regular meetings of the Jefferson County Commission are held in the County Commission Courtroommeeting room, located in the Courthouse-Old Charles Town Library lower level at 100-200 East Washington Street, Charles Town, West Virginia.

The County Commissioners receive their agenda packets approximately half an hour before the Commission meeting begins, in their office, located at 124 East Washington Street, Charles Town.

The regular County Commission meeting commences at 9:30 a.m. each Thursday. The County Commission meets in regular session until all business is complete. The Commission may recess and reconvene to complete the business of the day. At all times, the public is invited and welcomed to attend any County Commission meeting.

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## County Commission Sessions

## Special Sessions

As provided by law, the County Commission may hold special sessions, whenever the public interests may require, to be called by the president with the concurrence of the majority of the County Commissioners. In the event a special session is called, the Clerk of the County Commission shall post at the front door of the Courthouse at least (2) days before a special session is to be held a notice stating the time, place and purpose for which such special session shall be held. Jurisdiction of said special session is confined to such business as the public shall have been notified in the call of the special session. If the special session is cancelled, notice of such cancellation shall be posted at the front door of the courthouse. Media shall be notified of such special session or cancellation as soon as possible.

#### Emergency Sessions

As provided by law, regular session and special session requirements shall not apply in the event of any emergency requiring immediate official action. In the event of any emergency requiring immediate official action, the Clerk of the Commission shall post at the front door of the Courthouse notice of the meeting at any time prior to the meeting. The meeting notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency. Media shall be notified of emergency sessions as soon as possible.

#### Regular Sessions

As provided by law, the Clerk of the County Commission shall post at the front door of the Courthouse, notice of the time and place fixed and entered of record by the County Commission for the holding of regularly scheduled sessions. Should any such session fall on a holiday, the session shall be cancelled or held on an alternate day decided by the County Commission. If an alternate day is scheduled or a meeting is cancelled, notice of such alternate day or cancellation shall be posted at the front door of the Courthouse. Media shall be notified of said alternate day or cancellation of session as soon as possible.

Commission Office Use Only

Date on Agenda: 9/1/11

Appt Time or New Business: 11:15 am

AGENDA REQUEST FORM

Name: Lyn Widmyer

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

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: August 25

Date Requested – 2<sup>nd</sup> Choice: September 1

If a specific date is needed, please provide reason for specific date: **This topic needs to be addressed prior to any Public Hearings on rezoning requests**

Subject: **Direct the Jefferson County Planning Commission to develop an overlay or floating zone for neighborhood commercial that allows approval of zoning requests with conditions that protect the character of the adjoining neighborhood; address traffic issues, stormwater management, lighting and landscaping and size of development.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Property owners and developers have stated such a zone would be beneficial and allow more flexibility in terms of meeting concerns about commercial development.**

Attachments:

|                                                                                                          |
|----------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9/1/11</u></p> <p>Appt Time or New Business:</p> |
|----------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Bill Polk, Maintenance Director

Department or Entity: Department of Maintenance

Estimation of amount of time needed for appointment: 15 minutes

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

Date Requested – 2<sup>nd</sup> Choice: September 8, 2011

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

**Subject: Approval to award the Elevator Services bid to KONE Incorporated with consideration to their being the most cost effective of all bid packets presented by various vendors.**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion by XXX, second by XXX to award the Jefferson County Elevator Services bid to KONE, Incorporated as recommended by William Polk, Maintenance Director.**

Attachments:

|                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9/1/11</u></p> <p>Appt Time or New Business: _____</p> |
|----------------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Bill Polk, Maintenance Director

Department or Entity: Department of Maintenance

Estimation of amount of time needed for appointment: 15 minutes

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

Date Requested – 2<sup>nd</sup> Choice: September 8, 2011

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

**Subject: Approval to award the Heating Fuel bid to Smith Oil Company with consideration to it being the most cost effective of all bid packets presented by various vendors.**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion by XXX, second by XXX to award the Jefferson County Heating fuel bid to Smith Oil Company as recommended by William Polk, Maintenance Director.**

Attachments:

44c

|                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9/1/11</u></p> <p>Appt Time or New Business: _____</p> |
|----------------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Bill Polk, Maintenance Director

Department or Entity: Department of Maintenance

Estimation of amount of time needed for appointment: 15 minutes

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

Date Requested – 2<sup>nd</sup> Choice: September 8, 2011

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

Subject: **Approval to award the Propane bid to Thompson Gas with consideration to it being the most cost effective of all bid packets presented by various vendors.**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion by XXX, second by XXX to award the Jefferson County Propane bid to Thompson Gas recommended by William Polk, Maintenance Director.**

Attachments:

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

**AGENDA REQUEST FORM**

Name: Bill Polk, Maintenance Director

Department or Entity: Department of Maintenance

Estimation of amount of time needed for appointment: 15 minutes

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

Date Requested – 2<sup>nd</sup> Choice: September 8, 2011

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

**Subject: To give the Jefferson County Board of Education the 2002 Ford F-250 pickup previously utilized by the Jefferson County Maintenance Department in exchange for a heating system to be installed in the Maintenance Shop Building located in Bardane.**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion by XXX, second by XXX to give the Jefferson County Board of Education the 2000 Ford F-250 pickup previously utilized by the Jefferson County Maintenance Department in exchange for a heating system to be installed in the Maintenance Shop Building located in Bardane as recommended by Bill Polk, Maintenance Director.**

Attachments:



All County Commission  
Offices

will be closed  
on Monday,  
September 5, 2011  
in order to observe  
Labor Day.

**NOTICE OF MEETING**  
**Jefferson County Commission**  
**Council of Governments Roundtable Meeting**

The County Commission of Jefferson County will hold a Council of Governments Roundtable meeting on Wednesday, September 7, 2011 at 5:00 p.m. at the County Commission Meeting Room located at the Old Charles Town Library, 200 E. Washington Street (Samuel Street Entrance), Charles Town, West Virginia 25414.

The following topic will be discussed:

- Discuss the City of Ranson and Charles Town Transportation Development Fee Study
- Impact Fees
- Next meeting and agenda topics discussion

The public is invited to attend. No decisions will be made at this meeting.

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



**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 Mammel*

**COMMISSIONER**  
*Frances Morgan*

**COMMISSIONER**  
*Walt Pellish*

**COMMISSIONER**  
*Ian Widmyer*

**To: Mayors  
City Council**

**From: Jefferson County Commission**

**Date: August 11, 2011**

**Re: Council of Governments Roundtable Meeting**

The County Commission of Jefferson County will be meeting with the Council of Governments on Wednesday, September 7, 2011 at 5:00 p.m. at the County Commission Meeting Room located at the Old Charles Town Library, 200 E. Washington Street (Samuel Street Entrance), Charles Town, West Virginia 25414.

The following topics will be discussed:

- Discuss the City of Ranson and Charles Town Transportation Development Fee Study
- Impact Fees
- Next meeting and agenda topics discussion

Please R.S.V.P.

I PLAN to Attend



**Joe Anderson, Mayor**  
Harpers Ferry, West Virginia

Corporation of Harpers Ferry  
1000 Washington Street  
P.O. Box 217  
Harpers Ferry, WV 25425

Phone: (304) 535-2206  
(304) 535-2238  
Fax: (304) 535-6520  
Cell: (304) 582-2377  
[jfmayor@hul.com](mailto:jfmayor@hul.com)

COUNTY ADMINISTRATOR  
*Tim Bunde*

DEPUTY COUNTY ADMINISTRATOR  
*Sandy Stasher McQuaid*

**Debbie Stellato**

---

**From:** Ward Zigler [pleasant34@frontiernet.net]  
**Sent:** Monday, August 29, 2011 8:26 AM  
**To:** Widmyer Lynn; pellish walter; Patsy Noland; Morgan Francis; Manuel Dale  
**Cc:** Herb Snyder; County Commission  
**Subject:** Bullskin Run Historic District  
**Attachments:** Bullskin Cover letter.RTF

Jefferson County Commissioners:

I am pleased to inform you that a majority of the landowners opted out of the proposed Bullskin Run Historic District.

Attached it a copy of the cover letter that will accompany Notarized documents I will express mail to the Division of Culture and History this morning.

August 26, 2011

Ms. Susan M. Pierce  
Deputy State Historic Preservation Officer  
Division of Culture and History  
The Culture Center  
1900 Kanawaha Blvd. East  
Charleston, WV 25305-03000

Dear Ms. Pierce:

Enclosed are notarized documents from property owners that wish to opt out of the proposed Bullskin Run Historic District. This should bring the total property owners choosing to opt out to nearly sixty percent (60%).

All property owners support Historic Preservation on a voluntary basis. Our objections are; the procedure used for an area involving more than fifty properties; the scope of the project; the constant changing of the County Zoning Ordinance; the added Bureaucracies and so called Stakeholders seeking involvement in land use. We are concerned about the future of our county, as large portion of the proposed district is within the designated growth area of both Charles Town and Jefferson County.

We also believe the supporting Data is confusing and outdated. Under Geographical Data, the acreage is listed as 4,976 acres, and under Location and Settings the area consists of 4,745 acres. Over the past decade historic homes and barns have been completely destroyed by fire and/or severe storms. Several structures on numerous properties have also been removed.

The History, Geology, Commercial and Agriculture significance described in the submittal is applicable to the entire county.

Respectfully submitted,

Ward Zigler



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

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • 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.

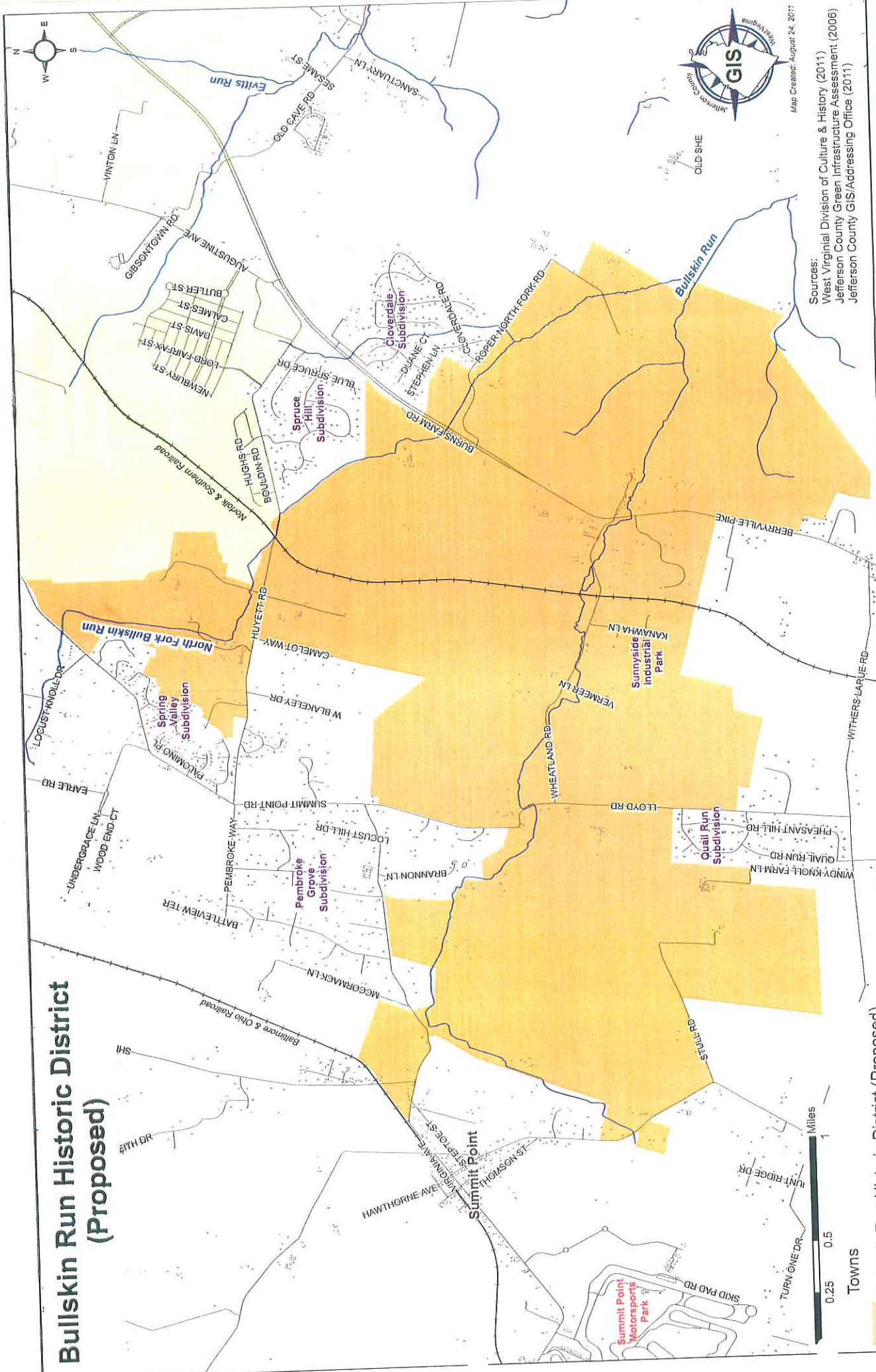
## STATE RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

**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.

# Bullskin Run Historic District (Proposed)



Map Created: August 24, 2011  
 Sources:  
 West Virginia Division of Culture & History (2011)  
 Jefferson County Green Infrastructure Assessment (2006)  
 Jefferson County GIS/Addressing Office (2011)



Towns  
 Bullskin Run Historic District (Proposed)



**U.S. Customs and  
Border Protection**

**AUG 01 2011**

Representative Shelly Moore Capito  
U. S. House of Representatives  
Washington, DC 20515

Dear Representative Capito:

Thank you for your June 30, 2011 letter on behalf of your constituent, Mr. Thomas Cardamone regarding the Harpers Ferry Training Facility at Harpers Ferry, West Virginia. We appreciate your concerns regarding the road alterations at the intersection of Route 340 and Koonce Road and would like to take this opportunity to respond to your comments.

During the development of the Advanced Training Center (ATC) Master Plan in 2006, the existing unimproved 4-way intersection of Route 340 and Koonce Road was identified as the permanent location for the ATC main campus entrance based on traffic safety, site security, cost effectiveness, and aesthetics. All land acquisition, infrastructure development, and construction over the past five years has been designed and implemented to reflect this decision.

Both CBP and the West Virginia Department of Highways (WVDOH) recognized the eventual need to add traffic signals to this intersection as development of the site progressed. We have been engaged with the WVDOH in ongoing discussions concerning this intersection for several years. In late 2009, U.S. Customs and Border Protection (CBP) requested approval from WVDOH to install a traffic signal, turning lane improvements, acceleration/deceleration lanes, and to develop the existing unimproved entrance at the south side of the intersection. CBP completed a traffic impact study to validate the need for a traffic signal and associated improvements at this intersection and submitted the findings to the WVDOH for analysis. The study began in early 2010 and confirmed the need for the requested improvements. WVDOH approved CBP's request in May 2011.

During this process, WVDOH requested that CBP inform the Jefferson County Commission of its plans in reference to this intersection, as the Route 340 corridor is a main topic of interest for many in Jefferson County. CBP forwarded the traffic impact study to the Commissioners, who in turn reviewed and submitted comments to the WVDOH. In response to these comments, the WVDOH asked CBP to provide additional information and evaluation of possible impacts to the northern side of Route 340 and to provide some options for the county to consider for future traffic planning for this area. CBP was not required by law to provide any additional data beyond the scope of its original traffic impact study but did so as a courtesy to Jefferson County.

Representative Shelly Moore Capito  
Page 2

These options were provided to WVDOH and the Jefferson County Commission for their informational and planning use only. CBP has always maintained that any future work beyond the already approved traffic signal, lane improvements, and access to the intersection via the existing unimproved entry, falls under the purview of the county and state authorities.

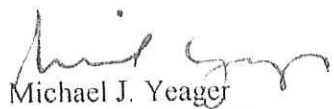
Upon learning of the concerns of some residents on the north side of the new Route 340 entrance, ATC Director Jim Cobb invited officers from the Sheridan Estates Home Owner's Association to meet with him at the ATC to discuss the issue in depth. On July 14, 2011, Mr. Tom Cardamone and Mr. Mike Hefner of Sheridan Estates met with the ATC Director and several other members of the ATC to review the facts related to this issue and to clarify the ATC's position, which is as follows:

- The ATC's sole interest in the intersection is the safety of ATC students, staff, and citizens using the Route 340 corridor.
- CBP's scope of work and funding is limited to the already approved traffic signal, turning/deceleration lanes, and connection to the existing undeveloped south entry of the intersection only.
- CBP has no preference, no influence, and no involvement with any road improvements on the north side of Route 340.
- CBP believes that this is a local issue best resolved by the citizens of Jefferson County and their elected officials.

At the conclusion of the meeting, Mr. Cardamone and Mr. Hefner thanked the ATC for the additional information and both declared themselves satisfied with CBP's position.

I appreciate your interest in U.S. Customs and Border Protection. If we may offer further assistance, please contact my office (202) 344-1760.

Sincerely,

  
Michael J. Yeager  
Assistant Commissioner  
Office of Congressional Affairs

# Ethics Reporter

## Since the Last Reporter

Since the June edition of the **REPORTER**, the West Virginia Ethics Commission published just one Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education.

At its July 14 meeting, the West Virginia Ethics Commission approved an opinion relating to the permissibility of a town's elected officials voting to appropriate funds to a non-profit organization which the officials or their family members serve with in a leadership role.

### ADVISORY OPINION REPORT

**Advisory Opinion 2011-12** concerned the permissibility of a town's elected officials voting to appropriate funds to a non-profit organization which the officials or their family members serve with in a leadership role.

In this case, multiple elected town officials or members of their family serve in positions of leadership with a non-profit that provides valuable services to the town. None of the officials of their family members receives any compensation from the non-profit group, nor do any of the individuals derive benefits from the town's appropriation to the group. The town has historically appropriated monies to the organization in question.

The Commission analyzed the provisions of 6B-1-3 which define a "business" and "immediate family,"

along with the language of 6B-2-5(1) prohibiting public officials from using their office to produce a private gain for themselves or another; of 6B-2-5(d)(1) prohibiting public officials from having interests in contracts over which they have control and authority and (3) which provides a method for disclosure and recusal from potential conflicts involving public officials and; 6B-2-5(j) outlining the restrictions governing public officials when voting on matters pending before the public body on which they serve.

In its opinion, the Commission ruled that the town's continued appropriation of public funds to the non-profit organization may continue and is not in violation of the Ethics Act.

The Commission determined that none of the elected officials or members of their family (none of whom were

**WEST VIRGINIA ETHICS COMMISSION**  
**2011 ADVISORY OPINIONS**  
**INDEXED BY TOPICAL SECTOR**  
**(Includes opinions published through July 14, 2011)**

---

**BOARDS AND COMMISSIONS**

**2011-06:**

Permissibility of a public service district board member participating in an investigation of a utility company when the member previously participated in cases before the Public Service Commission involving that utility in a private capacity (See COUNTY GOVERNMENT also)

**BOARDS OF EDUCATION**

**2010-23:**

Permissibility of a board of education using public resources to promote an excess levy

**2010-24:**

Permissibility of a board of education purchasing property from other county officials

**2011-10:**

Permissibility of an employee of a board of education continuing their employment if their spouse is selected to become the superintendent

**COUNTY GOVERNMENT**

**2011-01:**

Permissibility of a county commissioner conducting business with the county in multiple situations

**2011-02:**

Permissibility of a county commissioner's business contracting with a conservation district

**2011-03:**

Permissibility of a county hospital modifying an existing contract with another hospital employing a member of the county commission

**2011-06:**

Permissibility of a public service district board member participating in an investigation of a utility company when the member previously participated in cases before the Public Service Commission involving that utility in a private capacity (See BOARDS AND COMMISSIONS also)

**2011-08:**

Permissibility of a part-time prosecuting attorney using public resources without reimbursing the county in furtherance of his private law practice

ADVISORY OPINION NO. 2011-12

Issued On July 14, 2011 By The

WEST VIRGINIA ETHICS COMMISSION

FILED  
2011 JUL 15 AM 9:54

STATE OF WEST VIRGINIA

OPINION SOUGHT

An **Attorney for a Town** asks if the Town's elected officials may vote to appropriate funds to a non-profit organization on which they and/or their family members serve as board members and/or officers.

FACTS RELIED UPON BY THE COMMISSION

A non-profit organization located in the Town seeks appropriations from the Town. The mayor is a member of the board of directors; the Recorder's father is also on the board; one Council member is an honorary member, and two of his children are members; and one Council member, whose father and brother are members, is an unpaid officer of the board. Neither the Town elected officials, nor their relatives who serve on the board of the non-profit organization are compensated therefor.

Historically, the Town has appropriated funds to this organization which it deems to provide an invaluable service to the Town. The Town appropriates funding to other non-profit entities as well. The board members do not benefit financially from their service on the board nor from the funds the Town appropriates to the organization.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-1-3:

\*\*\*

(b) "Business" means any entity through which business **for-profit** is conducted including a corporation, partnership, proprietorship, franchise, association, organization or self-employed individual. (emphasis supplied)

\*\*\*

(f) "Immediate family", with respect to an individual, means a spouse with whom the individual is living as husband and wife and any dependent child or children, dependent grandchild or grandchildren and dependent parent or parents.

## **ADVISORY OPINION**

In establishing the Ethics Act, the Legislature sought to maintain the public's confidence in the impartiality and independence of decisions and actions by public officials and employees, and to ensure that all such decisions be made free of undue influence, favoritism or threat at all levels of government. W. Va. Code § 6B-1-2(a).

In creating these ethical standards for public officials, the Legislature additionally recognized that "many part-time public officials ... serv[e] in elected and appointed capacities; and that certain conflicts of interest are inherent in part-time service...." W. Va. Code § 6B-1-2(c).

The Ethics Commission must answer three questions: (1) whether the Town's appropriation of funds to a non-profit organization on whose board certain officials and/or their relatives serve constitutes the prohibited use of public office for private gain; (2) whether any of the Town's elected officials have a financial interest in a public contract (i.e. the appropriation of funds to a non-profit organization on whose board they and/or their relatives serve); and (3) whether any of the Town's elected officials may vote on the appropriation of funds to a non-profit organization on whose board they and/or their relatives serve.

Before addressing the three questions, the Commission will dispose of the issues related to the relatives of the Town's elected officials, all of whom are adults. According to the Requester, none of the relatives are financially dependent upon any of the Town's officials, neither are any of the officials financially dependent upon their relatives who serve on the board of the non-profit organization. Finally, none of the relatives reside in the same household as the Town's elected officials. As a result, the presence of relatives on the board of the non-profit organization does not affect the Commission's analysis below.

### **#1 – Private Gain**

The Ethics Act generally prohibits public employees from using their public office for their own private financial gain or that of another. W. Va. Code § 6B-2-5(b). The Ethics Act further provides, however, that the performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain. W. Va. Code § 6B-2-5(b)(1)

Thus, the Town's elected officials, despite their own and/or their relatives' board membership, may generally advocate on behalf of, and otherwise support, the non-profit organization. This activity is consistent with the performance of usual and customary duties associated with the office or position or the advancement of public policy, which the Ethics Act explicitly authorizes. See Advisory Opinion 2010-23 (County School Superintendent's advocacy for passage of an excess levy constitutes the performance of usual and customary duties associated with the position permitted by the Ethics Act).

The Commission made this conclusion in reliance on the definition of "director", but neglected to consider the definition of "business" which expressly excludes non-profit organizations. W. Va. Code § 6B-1-3(b). As a result of this oversight, the Commission hereby overrules that portion of Advisory Opinion 2010-04, and now holds that public officials who are uncompensated board members of a non-profit organization are not required to recuse themselves on any matters related to any contract or other transaction between the governing body and the non-profit organization.

### **CONCLUSION**

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

  
Drema Radford, Acting Chairperson



August 15, 2011

Jefferson County Commission  
Attn: Patsy Noland, Pres.  
P.O. Box 250  
Charles Town, WV 25414

Dear Patsy and Commissioners,

On behalf of the staff, patients, families and volunteers of Hospice of the Panhandle, allow me to thank you for the gift of \$10,000.00 made to our 'Building the Dream' capital campaign. As you know, the campaign is designed to build a new 14-bed short-term inpatient facility as well as to consolidate our office spaces in Berkeley and Jefferson counties. We are very excited about the prospect of what the inpatient facility will mean to our patients and families. We have made tremendous progress this year. Your gift will bring us one step closer to our monetary goal of at least \$3 million, and more importantly, our patient care goal of offering the next steps in Hospice care.

Hospice of the Panhandle is always extremely grateful for the support it receives in the community. Without such support, the organization simply would cease to exist. Now more than ever, however, gifts to this campaign are very important. We could not build these facilities without the help of the community and are therefore very appreciative of your support.

Please tell your friends and family members about our campaign and your commitment to it. If we at any time can provide you or family members or friends with more information about our campaign, please feel free to contact us.

**RECEIVED**

AUG 17 2011

Sincerely yours,

  
Margaret Cogswell, RN, CHPCA  
Chief Executive Officer

**Jefferson County Commission**

P.S. We recognize your gift is given without any goods or services being provided to you in consideration of this contribution. We ask that you keep this letter as receipt of the required substantiation for your charitable contribution.

*1st*  
**Annual**

**RED CARPET**  
**Charity Gala**

**Dinner and Fashion Show hosted by CTLC**  
**Saturday Oct 8th, 2011**

**Social Hour:**  
**4pm - 4:45pm**

**Dinner: 5pm**

**Music By:**  
**Dj Vince**

**Special Guest Speaker**  
**Dr. Yvette L. Porter**  
**Ticket Price: \$20**  
**Door Price: \$25**

**Featuring Recording Artist**  
**Dawn Rix**

**For more Info: 304.279.0732**

**"You are ROYALTY and it's time to take your  
position as Kings and Queens in the Kingdom on Earth"**

**Lion's Center**

**310 SOUTH GEORGE STREET RANSON, WV**



# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414  
Phone: (304) 725-2311 ♦ Fax: (304) 725-1014 ♦ Web: [www.charlestownwv.us](http://www.charlestownwv.us)

August 15, 2011

MAYOR

*Peggy A. Smith*

**NOTICE: Survey Work for Green Corridor Revitalization Initiative on Fairfax Boulevard and George Street**

Greetings:

CITY COUNCIL

*Rich Bringwall*

*Wayne Clark*

*Donald Clendening*

*Chet Hines*

*Sandra Slusher McDonald*

*Ann Paonessa*

*Mark Reinhart*

*Michael Slover*

CITY MANAGER

*Joe Cosentini*

The cities of Charles Town and Ranson are beginning an exciting initiative called the Green Corridor Revitalization along Fairfax Boulevard and George Street. The limits are between 12th Ave. to the north and Washington St. to the south. Survey crews from the company of William H. Gordon Associates, Inc. will be in this area to perform topographic mapping, locate existing property lines and other features. In addition, one of Jefferson County's utility locating companies will also be working in your neighborhood.

These crews will be operating from mid August to late September, 2011. Please help by allowing access to your property so the crews can perform their work. If you live in rental property, please inform your landlord of this work. If someone rents from you, please inform them also.

If you see surveyors at your property, it doesn't mean your property will be affected by the project. At this time they are only gathering important data. When the planning process is further along, we will conduct public awareness strategies or you may be contacted directly to review how you are affected by the proposed improvements.

The Green Corridor Revitalization Project is sponsored by the US Department of Transportation along with the cities of Ranson and Charles Town. The goal is to redesign Fairfax Boulevard/George Street and to incorporate a regional commuter center at Charles Washington Hall focusing on walking, biking and public transit as essential modes for this century, to augment motor vehicle transportation. Our vision of the green corridor will advance our community as a national model of sustainable, walkable and livable communities in rural areas.

You can contact me with any questions regarding the project at (304)725-2311, or follow study progress on the website at [www.ransonrenewed.com](http://www.ransonrenewed.com).

Sincerely,

Peggy A. Smith  
Mayor of City of Charles Town

cc: Andy Blake, City of Ranson

**RECEIVED**

**AUG 17 2011**

**Jefferson County Commission**

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

| Week Ending Date                                  | Week Ending<br>August 13, 2011 |
|---------------------------------------------------|--------------------------------|
| <b>To be Deposited on:</b>                        | <b>August 19, 2011</b>         |
| Amount Played                                     | 78,100,095.15                  |
| Amount Won                                        | 70,094,951.87                  |
| Amount Promo                                      | <u>202,270.00</u>              |
| MWAP Contribution                                 | <u>5,384.73</u>                |
| <b>Adjusted Gross Terminal Revenue</b>            | <b><u>7,797,488.55</u></b>     |
| Administrative Costs @ 4%                         | 311,899.54                     |
| Excess Lottery Fund @ 4%                          | <u>0.00</u>                    |
| <b>Net Terminal Revenue</b>                       | <b><u>7,485,589.01</u></b>     |
| Surcharge @ 10%                                   | 0.00                           |
| State Share Excess @ 58%                          | 0.00                           |
| Track Share of Capital Reinvestment @ 42%         | 0.00                           |
| Track Share of Capital Reinvestment @ 42% - 96%   | 0.00                           |
| Track Share of Capital Reinvestment @ 42% - 4%    | \$ -                           |
| <b>Adjusted Net Terminal Revenue</b>              | <b><u>7,485,589.01</u></b>     |
| Racetrack @ 46.50% / 42%                          | 3,480,798.89                   |
| Lottery Fund @ 30% / 0%                           | 2,245,676.65                   |
| Excess Lottery Fund @ 0% / 41%                    | 0.00                           |
| Race Track Purses @ 7% / 14% / 8%                 | 523,991.23                     |
| Workers' Compensation Debt Reduction @ 7% / 0%    | 523,991.23                     |
| Employee Pension Fund @ 1% / .5%                  | 74,855.90                      |
| Greyhound Development @ .75%                      | 56,141.92                      |
| Thoroughbred Development @ .75%                   | 56,141.92                      |
| Racing Commission @ 1%                            | 74,855.90                      |
| County/Municipality @ 2%                          | 149,711.80                     |
| <b>3% Funds:</b>                                  |                                |
| Tourism Promotion Fund @ 1.375%                   | 102,926.85                     |
| Development Office Promotion Fund @ .375%         | 28,070.96                      |
| Research Challenge Fund @ .5%                     | 37,427.95                      |
| Capitol Renovation and Improvement Fund @ .6875%  | 51,463.42                      |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 4,678.49                       |
| <b>1% Funds:</b>                                  |                                |
| State Capitol Complex Parking Garage @ 1%         | -                              |
| Cultural Facilities and Capitol Resources @ .5%   | 37,427.95                      |
| Capitol Dome and Capitol Improvements @ .5% / 1%  | 37,427.95                      |
|                                                   | <b><u>7,485,589.01</u></b>     |

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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19% | CHARLES<br>TOWN<br>41.20% | HARPERS<br>FERRY<br>2.24% | RANSON<br>34.78% | SHEPHERDS<br>TOWN<br>13.59% |
|---------------------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>7/1/2011 - 7/2/2011 | \$ 69,824.12                 | \$ 69,824.12              | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week Ending:                          |                              |                           |                      |                  |                           |                           |                  |                             |
| 07/09/11                              | \$ 171,717.28                | \$ 171,717.28             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/16/11                              | \$ 143,019.52                | \$ 143,019.52             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/23/11                              | \$ 146,508.00                | \$ 146,508.00             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/30/11                              | \$ 144,510.28                | \$ 144,510.28             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/06/11                              | \$ 151,495.28                | \$ 151,495.28             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/13/11                              | \$ 149,711.80                | \$ 117,350.38             | \$ 32,361.42         | \$ 2,650.40      | \$ 13,332.90              | \$ 724.90                 | \$ 11,255.30     | \$ 4,397.92                 |
| Subtotal                              | \$ 976,786.28                | \$ 944,424.86             | \$ 32,361.42         | \$ 2,650.40      | \$ 13,332.90              | \$ 724.90                 | \$ 11,255.30     | \$ 4,397.92                 |

Benchmark Goal @ 2% \$ 912,063.48  
 Remainder until 1% / 1% Split \$ (64,722.80)

Table Game Revenue  
FY 2011

| Date              | Amount     |
|-------------------|------------|
| 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 |
| June, 2011        | 121,576.41 |
| July, 2011        | 141,718.01 |

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1439109.71

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VIDEO LOTTERY REPORT

| 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 | 7/16/2011  | 143,019.52 |
| 7/26/2008  | 162,982.74 | 7/25/2009  | 158,869.08 | 7/24/2010  | 160,368.28 | 7/23/2011  | 146,508.00 |
| 8/2/2008   | 178,171.04 | 8/1/2009   | 174,493.08 | 7/31/2010  | 157,802.08 | 7/30/2011  | 144,510.28 |
| 8/9/2008   | 123,538.04 | 8/8/2009   | 138,408.80 | 8/7/2010   | 136,494.98 | 8/6/2011   | 151,495.28 |
| 8/16/2008  | 82,482.89  | 8/15/2009  | 81,222.14  | 8/14/2010  | 78,376.68  | 8/13/2011  | 149,711.80 |
| 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 |

TOTALS 4403564.04

4041141.56

4016541.01

976786.28

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

| Week Ending Date                                  | Week Ending<br>August 20, 2011 |
|---------------------------------------------------|--------------------------------|
| <b>To be Deposited on:</b>                        | <b>August 26, 2011</b>         |
| Amount Played                                     | 75,643,177.71                  |
| Amount Won                                        | 67,946,699.96                  |
| Amount Promo                                      | <u>231,451.00</u>              |
| MWAP Contribution                                 | <u>5,222.19</u>                |
| <b>Adjusted Gross Terminal Revenue</b>            | <b><u>7,459,804.56</u></b>     |
| Administrative Costs @ 4%                         | 298,392.17                     |
| Excess Lottery Fund @ 4%                          | <u>0.00</u>                    |
| <b>Net Terminal Revenue</b>                       | <b><u>7,161,412.39</u></b>     |
| Surcharge @ 10%                                   | 0.00                           |
| State Share Excess @ 58%                          | 0.00                           |
| Track Share of Capital Reinvestment @ 42%         | 0.00                           |
| Track Share of Capital Reinvestment @ 42% - 96%   | 0.00                           |
| Track Share of Capital Reinvestment @ 42% - 4%    | \$ -                           |
| <b>Adjusted Net Terminal Revenue</b>              | <b><u>7,161,412.39</u></b>     |
| Racetrack @ 46.50% / 42%                          | 3,330,056.76                   |
| Lottery Fund @ 30% / 0%                           | 2,148,423.74                   |
| Excess Lottery Fund @ 0% / 41%                    | 0.00                           |
| Race Track Purses @ 7% / 14% / 8%                 | 501,298.87                     |
| Workers' Compensation Debt Reduction @ 7% / 0%    | 501,298.87                     |
| Employee Pension Fund @ 1% / .5%                  | 71,614.12                      |
| Greyhound Development @ .75%                      | 53,710.59                      |
| Thoroughbred Development @ .75%                   | 53,710.59                      |
| Racing Commission @ 1%                            | 71,614.12                      |
| County/Municipality @ 2%                          | 143,228.24                     |
| <b>3% Funds:</b>                                  |                                |
| Tourism Promotion Fund @ 1.375%                   | 98,469.42                      |
| Development Office Promotion Fund @ .375%         | 26,855.30                      |
| Research Challenge Fund @ .5%                     | 35,807.06                      |
| Capitol Renovation and Improvement Fund @ .6875%  | 49,234.71                      |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 4,475.88                       |
| <b>1% Funds:</b>                                  |                                |
| State Capitol Complex Parking Garage @ 1%         | -                              |
| Cultural Facilities and Capitol Resources @ .5%   | 35,807.06                      |
| Capitol Dome and Capitol Improvements @ .5% / 1%  | 35,807.06                      |
|                                                   | <b><u>7,161,412.39</u></b>     |

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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19% | CHARLES<br>TOWN<br>41.20% | HARPERS<br>FERRY<br>2.24% | RANSON<br>34.78% | SHEPHERDS<br>TOWN<br>13.59% |
|---------------------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>7/1/2011 - 7/2/2011 | \$ 69,824.12                 | \$ 69,824.12              | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week Ending:                          |                              |                           |                      |                  |                           |                           |                  |                             |
| 07/09/11                              | \$ 171,717.28                | \$ 171,717.28             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/16/11                              | \$ 143,019.52                | \$ 143,019.52             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/23/11                              | \$ 146,508.00                | \$ 146,508.00             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/30/11                              | \$ 144,510.28                | \$ 144,510.28             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/06/11                              | \$ 151,495.28                | \$ 151,495.28             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/13/11                              | \$ 149,711.80                | \$ 117,350.38             | \$ 32,361.42         | \$ 2,650.40      | \$ 13,332.90              | \$ 724.90                 | \$ 11,255.30     | \$ 4,397.92                 |
| 08/20/11                              | \$ 143,228.24                | \$ 71,614.12              | \$ 71,614.12         | \$ 5,865.20      | \$ 29,505.01              | \$ 1,604.16               | \$ 24,907.39     | \$ 9,732.36                 |
| Subtotal                              | \$ 1,120,014.52              | \$ 1,016,038.98           | \$ 103,975.54        | \$ 8,515.60      | \$ 42,837.91              | \$ 2,329.06               | \$ 36,162.69     | \$ 14,130.28                |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ (207,951.04)

VIDEO LOTTERY REPORT

| 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 | 7/16/2011  | 143,019.52 |
| 7/26/2008  | 162,982.74 | 7/25/2009  | 158,869.08 | 7/24/2010  | 160,368.28 | 7/23/2011  | 146,508.00 |
| 8/2/2008   | 178,171.04 | 8/1/2009   | 174,493.08 | 7/31/2010  | 157,802.08 | 7/30/2011  | 144,510.28 |
| 8/9/2008   | 123,538.04 | 8/8/2009   | 138,408.80 | 8/7/2010   | 136,494.98 | 8/6/2011   | 151,495.28 |
| 8/16/2008  | 82,482.89  | 8/15/2009  | 81,222.14  | 8/14/2010  | 78,376.68  | 8/13/2011  | 117,350.38 |
| 8/23/2008  | 76,426.18  | 8/22/2009  | 76,260.31  | 8/21/2010  | 76,199.02  | 8/20/2011  | 71,614.12  |
| 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 |

TOTALS 4403564.04 4041141.56 4016541.01 1016038.98



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

August 18, 2011

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures over the next four years. This letter has been sent to inform you that a draft copy of the 2012-2017 STIP has been made available for public comment. A copy of the document may be viewed and/or downloaded on the web at [www.transportation.wv.gov](http://www.transportation.wv.gov), or may be viewed at Division of Highways (DOH) headquarters in Charleston or District offices in Charleston, Huntington, Parkersburg, Clarksburg, Burlington, Moundsville, Weston, Elkins, Lewisburg or Princeton and at the offices of Metropolitan Planning Organizations and Regional Planning and Development Councils throughout the State. If you cannot access the web and would like to receive a digital copy of the document, you may send a request to the address below.

All written comments are to be received no later than September 19, 2011, and should be addressed to:

Mr. Robert L. Pennington, Director  
Program Planning and Administration Division  
West Virginia Division of Highways  
Building 5, Room A-816  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

Should you need additional information, please call (304) 558-3113. Thank you for your assistance in this matter; your efforts are indeed appreciated.

Very truly yours,

Robert L. Pennington, P. E., Director  
Program Planning and Administration Division

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RLP:Cb

cc: Mr. Tony Tarone, Federal Transit Administration – w/ attachment  
Mr. Kevin Burgess, Federal Highway Administration – w/ attachment  
Ms. Susan O'Connell, Division of Public Transit – w/ attachment

AUG 22 2011

Jefferson County Commission



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

August 19, 2011

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2011-2016. One of the requirements to funding any projects with FHWA or FTA funds is that each proposed project undergo a public "review and comment period". Therefore, additions or deletions to the STIP and certain changes to projects currently in the STIP must meet this requirement before federal funds can be obtained. Accordingly, I am again requesting your assistance in making available (to anyone who wishes to review them) the attached listing of proposed amendment to the approved 2011-2016 STIP.

All written comments are to be received no later than September 1, 2011, and should be addressed to:

Mr. Robert L. Pennington, Director  
Program Planning and Administration Division  
West Virginia Division of Highways  
Building 5, Room A-816  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

Should you need additional information, please call (304) 558-3113. Thank you for your assistance in this matter; your efforts are indeed appreciated.

Very truly yours,

Robert L. Pennington, Director  
Program Planning and Administration Division

RLP:Cb

Attachment

cc: Mr. Tony Tarone, Federal Transit Administration – w/ attachment  
Mr. Kevin Burgess, Federal Highway Administration – w/ attachment  
Ms. Susan O'Connell, Division of Public Transit – w/ attachment

**RECEIVED**

AUG 24 2011

Jefferson County Commission

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2011-2016  
PROGRAM AMENDMENT FOR 2011

| COUNTY                                  | FFY  | DISTRICT | GROUP | FUNDING OBLIGATION DATE | FUND TYPE | PHASE | ROUTE  | PROJECT NAME                           | TYPE OF WORK                              | STATE PROJ. NUMBER | FEDERAL PROJECT NUMBER | TOTAL PHASE COST | FEDERAL DOLLAR COST | FEDERAL COST CHANGE |
|-----------------------------------------|------|----------|-------|-------------------------|-----------|-------|--------|----------------------------------------|-------------------------------------------|--------------------|------------------------|------------------|---------------------|---------------------|
| PROJECT COMMENTS                        |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| BARBOUR                                 | 2011 | 7        |       | 9/28/2011               | BR        | ENG   | US250  | PHILIPPI COVERED BRIDGE                | REPL TIMBERS & SIDING, REP SPRINKLERS,    | S301 250 ?????     | BR02507???             | \$25,000         | \$20,000            | \$0                 |
| ADD NEW PROJECT (GRANT RECIPIENT)       |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| BARBOUR                                 | 2012 | 7        |       | 12/28/2011              | BR        | CON   | US250  | PHILIPPI COVERED BRIDGE (SPLIT FUNDED) | REPL TIMBERS & SIDING, REP SPRINKLERS,    | S301 250 ?????     | BR02507???             | \$46,250         | \$37,000            | \$0                 |
| ADD NEW PROJECT (GRANT RECIPIENT)       |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| BARBOUR                                 | 2012 | 7        |       | 12/28/2011              | ONC       | CON   | US250  | PHILIPPI COVERED BRIDGE (SPLIT)        | REPL TIMBERS & SIDING, REP SPRINKLERS,    | S301 250 ?????     | BR02507???             | \$118,750        | \$95,000            | \$0                 |
| ADD NEW PROJECT (GRANT RECIPIENT)       |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| BRAXTON                                 | 2012 | 7        |       | 12/28/2011              | IM        | CON   | 1079   | SERVIA-FRAMETOWN RD                    | RESURF(1.5'SUPER),SCRATCH, RPM,DELIN,GDRL | S304 79 04622 00   | IM0792144D             | \$2,764,780      | \$2,488,302         | \$0                 |
| SCOPE CHANGE: ADJ 6 - MOVED TO FFY 2012 |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| BRAXTON                                 | 2012 | 7        |       | 1/28/2012               | STP       | ENG   | 1079   | 1-79 HELICOPTER PAD                    | CONSTRUCT HELICOPTER PAD                  | S304 79 ?????      | STP0792???             | \$20,000         | \$16,000            | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| BRAXTON                                 | 2012 | 7        |       | 6/28/2012               | STP       | CON   | 1079   | 1-79 HELICOPTER PAD                    | CONSTRUCT HELICOPTER PAD                  | S304 79 ?????      | STP0792???             | \$450,000        | \$360,000           | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| FAYETTE                                 | 2012 | 9        |       | 11/28/2011              | RR        | CON   | CO027  | PACKS BRCH RD #1                       | INST FLASHERS                             | S310 27 00168 00   | RHPD0027039D           | \$150,000        | \$150,000           | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| FAYETTE                                 | 2012 | 9        |       | 11/28/2011              | RR        | CON   | CO027  | PACKS BRCH RD #2                       | INST FLASHERS                             | S310 27 00259 00   | RHPD0027038D           | \$150,000        | \$150,000           | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| LOGAN                                   | 2012 | 2        | 6     | 11/28/2011              | BR        | ENG   | CO12/4 | HENLAWSON THRU TRUSS                   | REPL                                      | S323 12/4 ?????    | BR0124???              | \$300,000        | \$240,000           | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| LOGAN                                   | 2012 | 2        | 6     | 8/28/2012               | BR        | ROW   | CO12/4 | HENLAWSON THRU TRUSS                   | REPL                                      | S323 12/4 ?????    | BR0124???              | \$300,000        | \$240,000           | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| LOGAN                                   | 2013 | 2        | 6     | 6/28/2013               | BR        | CON   | CO12/4 | HENLAWSON THRU TRUSS                   | REPL                                      | S323 12/4 ?????    | BR0124???              | \$4,500,000      | \$3,600,000         | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| MASON                                   | 2012 | 1        |       | 10/28/2011              | RR        | CON   | WV002  | ASHTON RR XING                         | REPL FLASHERS                             | S327 2 00409 00    | RHC-H0002513D          | \$150,000        | \$150,000           | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |
| MASON                                   | 2012 | 1        |       | 10/28/2011              | RR        | CON   | WV062  | VIA/ND ST RR XING                      | REPL FLASHERS                             | S327 62 02008 00   | RHC-H0062844           | \$150,000        | \$150,000           | \$0                 |
| ADD NEW PROJECT                         |      |          |       |                         |           |       |        |                                        |                                           |                    |                        |                  |                     |                     |

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2011-2016  
PROGRAM AMENDMENT FOR 2011

| COUNTY                           | FFY  | DISTRICT | GROUP | FUNDING OBLIGATION DATE | FUND TYPE | PHASE | ROUTE    | PROJECT NAME                        | TYPE OF WORK               | STATE PROJ. NUMBER  | FEDERAL PROJECT NUMBER | TOTAL PHASE COST | FEDERAL DOLLAR COST | FEDERAL COST CHANGE |
|----------------------------------|------|----------|-------|-------------------------|-----------|-------|----------|-------------------------------------|----------------------------|---------------------|------------------------|------------------|---------------------|---------------------|
| PROJECT COMMENTS                 |      |          |       |                         |           |       |          |                                     |                            |                     |                        |                  |                     |                     |
| MASON                            | 2012 | 1        |       | 10/28/2011              | RR        | CON   | WV002    | GALLIPOLIS FERRY RR XING            | REPL FLASHERS              | S327 2 01548 00     | RHCH0002512D           | \$150,000        | \$150,000           | \$0                 |
| ADD NEW PROJECT                  |      |          |       |                         |           |       |          |                                     |                            |                     |                        |                  |                     |                     |
| MCDOWELL                         | 2012 | 10       |       | 10/28/2011              | RR        | CON   | CO052/19 | CENTRAL AVE RR XING                 | REPL FLASHERS              | S324 52/19 00003 00 | RHCH5219004D           | \$125,000        | \$125,000           | \$0                 |
| ADD NEW PROJECT                  |      |          |       |                         |           |       |          |                                     |                            |                     |                        |                  |                     |                     |
| RALEIGH                          | 2013 | 10       |       | 11/28/2012              | ONC       | CON   | US019    | STANAFORD RD - INDUSTRIAL DRIVE     | RELOCATE TO 4 LANE HIGHWAY | U341 19 01447 05    | EOAP0019369            | \$13,250,000     | \$10,600,000        | (\$1,400,000)       |
| 13.2% COST DECREASE, NAME CHANGE |      |          |       |                         |           |       |          |                                     |                            |                     |                        |                  |                     |                     |
| RALEIGH                          | 2014 | 10       |       | 11/28/2013              | ONC       | CON   | US019    | STANAFORD RD - INDUSTRIAL DRIVE (AC | RELOCATE TO 4 LANE HIGHWAY | U341 19 01447 05    | EOAP0019369            | \$13,250,000     | \$10,600,000        | (\$1,400,000)       |
| 13.2% COST DECREASE, NAME CHANGE |      |          |       |                         |           |       |          |                                     |                            |                     |                        |                  |                     |                     |

# *Certificate of Membership*

*County Commissioners' Association  
Of West Virginia*

*This certificate hereby certifies that Jefferson County is a  
member in good standing in the County Commissioners' Association  
of West Virginia and as such entitles those County Commissioners  
elected from said county to all rights and privileges of membership in  
the County Commissioners' Association.*

**CCAWW** COUNTY COMMISSIONERS' ASSOCIATION  
OF WEST VIRGINIA  
*County Government Works*

*July 1, 2011*  
Date

*Ren Watson*  
\_\_\_\_\_  
President, CCAWV

*Yvonne Fausch*  
\_\_\_\_\_  
Executive Director, CCAWV



406 South Raleigh Street  
Martinsburg WV 25401

Phone: 304-267-5000 ext  
3961  
Fax: 304-596-2047

## Berkeley/Jefferson Day Report Center

August 17, 2011

Jefferson County Commission  
President, Patsy Noland  
PO BOX 250  
124 East Washington Street  
Charles Town WV 25414

Dear Commissioner Noland,

I would like to take this opportunity to announce the opening of the Day Report Center in Charles Town at 104 East Washington Street effective this date. Much planning and work has gone into this effort and accomplishing this goal is a source of pride to all who have contributed to this realization. Due to budgetary limitations for this fiscal year, that site will be opened on Tuesdays and Thursdays only until proper staffing is achieved to administer the second site full time and taking into consideration the growth of our client base when determining full operational expansion.

The main phone number for the Center is 304-728-3516 and once the phone company has installed a line for the fax that number will be made available. These growing pains are normal and can be expected when opening a Day Report Center. My staff and I look forward to providing these services to the legal professionals in Jefferson County and to its citizens.

Please assist me by notifying those individuals within your authority of this opening. Thank you for your assistance and I look forward to working with you.

Sincerely,

Joseph P. Sacchet  
Executive Director  
BJDRC

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AUG 22 2011

Jefferson County Commission

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## NACo Holds Annual Conference in Multnomah County, Oregon

A full schedule of workshops and speakers greeted county officials who attended the NACo 2011 Conference in Portland, Oregon. At the business meeting on the last day of the conference, Commissioner Lenny Eliason from Athens County, Ohio was elected President.

A variety of topics of interest were offered during the 5-day event. Workshop offerings included NACo's Prescription Drug Card program, Enhancing Collaboration among County Officials, Raising Awareness of County Government, Diverting the Mentally Ill from the Criminal Justice System, and many others on topics ranging from technology to transportation.

ABC News Correspondent Bob Woodruff was the featured speaker for the opening general session. His death-defying comeback from brain injuries sustained from an IED explosion while on assignment in Iraq led him to found the Bob Woodruff Family Foundation for Traumatic Brain Injury.

Further motivation was provided by Aron Ralson, author of "Between a Rock and a Hard Place" and the inspiration for the movie, 127 Hours. An accomplished mountain climber, Ralston chronicled his adventure in the canyons of Utah that caused him to have to cut off his own hand in order to free himself from a boulder.

The West Virginia delegation was treated to dinner at "Jake's Famous Crawfish" in downtown Portland by the WV Association of Counties, County Commissioners' Association, and Nationwide Retirement Solutions.

### THE President's View

*I would like to thank the counties that have paid dues to the WV Association of Counties very promptly. It is much appreciated that as of this writing, we have received dues from almost every county. As I said in my remarks to the WVACO Board when I first took over the office of President, it is important to look at the "big picture" and make plans accordingly. We are at a time of opportunity for change within the association, to offer more services, more education, and other benefits to county officials. It is your dues, along with the important non-dues revenue, that makes this possible. Our board will be holding a planning retreat in September to work on the vision we have for the association.*

### INTERIM HIGHLIGHTS

It was a very hot and busy round of July interim sessions and the hottest topic was Marcellus Shale. Several topics of interest to counties were covered:

► Several interim sessions were devoted to various aspects of the **Marcellus Shale industry**, its challenges, and its opportunities. The Joint Committee on Economic Development heard a presentation on the economic opportunities and the odds of West Virginia **landing a cracker facility**. A cracker cracks the ethane molecule in two and forms ethylene, the base for many products. Marcellus Shale gas is very high in ethane at about 15% to 20% compared to 5% from a traditional well. Ethane has to be extracted for downstream manufacturing to occur. As the presenter said, "Friends don't let friends burn ethane." In other words, it has too many valuable uses to simply be used as fuel. A cracker facility is a very large investment (about \$1 billion) because it operates with high temperature and pressure, must remove impurities, and must be very large in size. West Virginia's main competition for a cracker comes from the Gulf Coast, Canada, Chicago, and bordering states such as Ohio and Pennsylvania which are also rich in Marcellus Shale. In order to attract a cracker facility, there must be adequate ethane supply, transportation, and storage. Bayer has offered both their New Martinsville site and their Institute sites as suitable locations for a cracker. Keith Burdette, Cabinet Secretary of Commerce, said that the key

WEST VIRGINIA ASSOCIATION OF COUNTIES  
2211 WASHINGTON STREET, EAST  
CHARLESTON, WV 25311

TELEPHONE (304) 346-0591 | FAX (304) 346-0592  
EMAIL: [WVACO@WVACO.ORG](mailto:WVACO@WVACO.ORG) | WEBSITE: [WWW.WVCOUNTIES.ORG](http://WWW.WVCOUNTIES.ORG)

WVACO's County Line is published monthly by the WV Association of Counties. It is mailed to county officials, legislators, Affiliated members, & other interested parties.

Patti Hamilton EXECUTIVE DIRECTOR  
Kathy Yates ADMINISTRATIVE ASSISTANT  
Jack C McClung LEGAL COUNSEL

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## OPPORTUNITY FOR COUNTY IDENTIFICATION CARDS!

The West Virginia Association of Counties in collaboration with the WV Department of Motor Vehicles (DMV) has created a program for county officials and employees to obtain official identification cards. In this day and time, ID cards are becoming more important and they are more authoritative when they are created with the state seal and an ID number. It is especially important for any county employees who work outside the courthouse and must identify themselves to members of the public. It's also valuable for county employees to obtain government discounts which often require a photo ID!

**Here are the simple steps to follow if your county would like to provide ID cards:**

(1) Your county will provide the list of county officials and employees who will be authorized to get ID cards to:

Lois Holstein

5707 MacCorkle Avenue, S.E.

PO Box 17110

Charleston, West Virginia 25317-0010

*The list of county employees must be on county letterhead and signed by the President of the County Commission. The names of all county employees from every office who have been authorized to obtain ID cards should be submitted on the same list. Also include the name, phone number and e-mail of a contact person in your county.*

(1) Information submitted for ID must include full legal name, date of birth, social security number, title (as you wish it to appear, keeping in mind that the title line has only 20 characters available).

(2) Everyone who is authorized to get an ID card made will go to their nearest DMV regional office. They will need to have other ID with them, such as a valid driver's license or ID card, in order to get the county ID, and their name will have to be on the authorized list from the county.

(3) Each person authorized to obtain a County ID must pay the \$5 fee at the office where they have the ID produced.

### IMPORTANT POINTS:

It is incumbent upon employers to require the ID card to be returned in the event of termination, resignation or retirement of an employee.

*The information submitted by each employee for an ID card will be restricted and confidential due to privacy concerns. Lists of names and other personal information will not be available to the WV Association of Counties or any business or organization.*

## CORRECTIONS—

Several people contacted us to let us know that the trivia answers were not matching the questions. THANK YOU! It excited us to know that this is a section of interest. Here you go, the correct answers to last months questions.

- (d) WV was the 35th state to enter the union.
- (a) Spruce Knob is the highest point of WV (4863 ft.)
- (a) Charleston, Kanawha County was the location of the world's largest axe factory around 1910. The Kelly Axe company (later known as True Temper) closed it's doors in 1982.

Thank you for paying attention and bringing it to our attention.

# Saving tastes good.

These days, finding money to pack away for your future isn't easy. But it's not as hard when you know where to look. That's where Nationwide Retirement Solutions comes in. We've been helping public sector employees save smarter and better for over 30 years.

## Food for thought

Simply pack your lunch a couple of times a week, and invest that savings toward retirement.

|                                         |              |
|-----------------------------------------|--------------|
| Lunch money saved per pay period        | \$20         |
| Pay periods per year                    | x 26         |
| <b>Total lunch money saved per year</b> | <b>\$520</b> |

Savings over 30 years with inflation **\$29,164<sup>1</sup>**

Invested over 30 years **\$92,015<sup>2</sup>**

Call 1-877-677-3678 to put a Retirement Specialist from Nationwide on your side or visit [NRSFORU.com](http://NRSFORU.com) to learn more about how to invest for your future with deferred compensation.



## JENNIFER DISRUD

877-677-3678 x48256

Our  
West Virginia  
Representative



## How's Your WV-IQ?

Answers on Page 7

- The very first pottery plan in WV was in what county?
  - Kanawha
  - Preston
  - Monongalia
  - Wirt
- The first Post Office in West Virginia was established June 1792 in what county?
  - Berkeley
  - Ohio
  - Jefferson
  - Monroe
- What is West Virginia's state beverage?
  - Mountain Dew
  - Milk
  - Apple Juice
  - Coffee
- In what year was William R. Laird III a US Senator?
  - 1956
  - 1960
  - 1942
  - Fayetteville, WV
- West Virginia is the second largest coal producer in the country?
  - True
  - False
- Nearly 80% of West Virginia is covered with forest?
  - True
  - False
- The longest block in the world is located in Kanawha County, WV?
  - True
  - False

# WVACO

WEST VIRGINIA ASSOCIATION OF COUNTIES

## FLASHBACK PHOTOS

### 2006 Spring Board, Cabell County



Jean Friend, Monongalia County Circuit Clerk, and husband, Abe.



Phyllis Gatson, Kanawha Assessor, Helen Phillips, Upshur Assessor, Bill Blankenship, Mercer Assessor, Kim Wolfe, Cabell Sheriff, Ron Barniak, Ritchie Sheriff, Mary Rader, WVACO, Terry Beer, Upshur Circuit Clerk, Patsy Noland, Jefferson Circuit Clerk, Betsy Castle, Preston Circuit Clerk, Adell Chandler, Cabell Circuit Clerk

"Make no judgements where you have no compassion." OPRAH



# Calendar of Events

- AUGUST 7-9, 2011** County Commissioners Association of WV Annual In-service Training Waterfront, Morgantown, Monongalia County
- AUGUST 7-10, 2011** Circuit Clerks of West Virginia Annual In-Service Training Glade Springs Resort, Beckley, Raleigh County
- SEPTEMBER 11-13, 2011** WV Sheriffs' Association Annual In-Service Training Waterfront, Morgantown, Monongalia County
- FEBRUARY 12-14, 2012** WVACO 2012 Annual Conference Charleston Embassy Suites, Kanawha County

## Legislative Interim Meeting Dates 2011

|           |            |
|-----------|------------|
| AUGUST    | 1-3        |
| SEPTEMBER | 12-14      |
| OCTOBER   | 11-13      |
| NOVEMBER  | 14-16      |
| DECEMBER  | 12-14      |
| JANUARY   | 8-10, 2012 |

Mark your calendar



# 2012 ANNUAL MEETING

**FEBRUARY 12-14, 2012**  
**Charleston Embassy Suites**

"Energizing the Future of Counties"



## MEMBER PROFILE: MARY LOU MYERS Lewis County Clerk



**Years in office:** 39 years 6 months

**Education:** Weston High School '56

**My favorite sport is:** WV Football / Nascar—go Kyle Bush

**The hardest thing I have done:** Say good-bye to my father & mother.

**I'm most proud of:** My family, my husband, Jim and my daughters, Sherri and Jamie

**My favorite meal is:** Baked Steak, Mashed Potatoes, Gravy and a the trimmings

**The last book I read was:** A Table in the Presence, Lt. Carey H Cash

**Three people (living or dead) I'd invite to dinner:** My grandparents and my mother and father (both deceased).

**My favorite movie is:** Gone with the Wind

**My favorite music is:** Gospel/Country

**My pet peeve is:** Decisions made for political gain/correctness instead of doing the right thing

**My motto is:** "The only people who never fail are those who never try."



## RECIPE OF THE MONTH

### Browning's Baked Beans

Senator  
Richard Browning



In an 8 X 8 or 9 X 9 (whichever) baking dish, mix the following ingredients:

- 2 regular sized cans pork and beans ( I like Kroger brand)
- 1 medium onion chopped
- 1/2 cup brown sugar
- 1/2 cup catsup or a little more if you like catsup
- Salt for taste

Mix all ingredients and then add 4 or 5 slices bacon on top. Bake at 350 for 90 minutes or a little less if the bacon starts getting too done. Can add more beans for larger amount. Just increase other ingredients proportionately. Can use bacon grease in lieu of actual bacon.

"Do not let what you cannot do interfere with what you can do." JOHN WOODEN

competitive element is adequate storage and a trained workforce is also important. It was noted that while tax incentives are helpful, they are not the tipping point. Ohio has offered \$1.4 billion in incentives in order to compete for a cracker but Burdette explained that competing in the long term is more important than short-term incentives.

► Finance Subcommittee B continued the discussion of **Marcellus Shale and its taxation**. Deputy Revenue Secretary Mark Muchow told the committee that the state's natural gas tax collections could more than double in the next five years as the industry grows. Last year the state collected about \$50 million in natural gas severance taxes but by 2016, the revenue should rise to about \$118 million. West Virginia's economic growth rate was 4% compared to a national average of 2.6%, primarily attributable to the extraction industries of coal and natural gas, according to Muchow. He emphasized that it's been a boon for county and city governments as well. Marcellus shale gas wells still represent only a small percentage of total gas wells in the state but have increased from 242 in 2008 to 622 today. Even though coal prices are rising, production will continue to decline but with the increase in growth in the natural gas industry, combined severance tax revenue is expected to increase by 2.1%.

► **Marcellus Shale** was discussed at length again by the Select Committee appointed especially for the subject, with **regulation and education of the committee members** being the primary focus. The first presenter was the former Mayor of Morgantown who presided over the decision to pass a moratorium on horizontal drilling with fracking within city limits and one mile beyond. "What were they thinking?" he asked the committee about DEP's decision to approve a permit in March, 2011 without any notice to the city or the city's water utility. The site is 1500 feet from the Morgantown Utility Board water intake that serves 90,000 people. He stressed that state regulations are needed and Morgantown acted only in the absence of state regulations.

► The next presenters were petroleum engineering professors from West Virginia University who provided an **overview of Marcellus Shale drilling techniques**. They fielded many questions from the committee including chemical make-up of the fracking water and need for inspectors. The professors emphasized that while the chemical make-up ratio is treated as a "trade secret," the chemicals themselves have been used for fracking for many years. The committee was told, "if you have a heart problem, don't go to a foot doctor." The point was being made that they need competent petroleum engineers to help make good law and regulations. They agreed that more inspectors are needed and that they need to be well-trained and well-compensated. One of the professors added levity to the long hearing when he said, "I promised myself I'd hold back, but I'm loose now." He made the comment while making the point that reasonable regulations can be reached without killing the industry.

► The second meeting of the Select Committee on Marcellus Shale heard presentations from the **Environmental Council and Surface Rights Owners Association**. Don Garvin from the Environmental Council asked the committee to take water issues seriously, saying about the chemicals, "It's not what's under your sink." He pointed out that 1% of the millions of gallons of water used could amount to 15,000 to 30,000 gallons of chemicals. The environmental community's major areas of concern are: public notice and comment period for each Marcellus well so DEP can hear special circumstances and put those conditions in the permit; increase in permit fees such as \$10,000 or \$1 a month to completion; many more inspectors; eliminate blanket bonds and require individual bonds for each Marcellus well; eliminate Oil & Gas Examination Board which is dominated by industry and let DEP set up a

a training program for inspectors in the same manner as all other DEP inspectors.

Surface Rights Owners Association representative Dave McMahon asked for a requirement that pre-permit contacts to the owners must be made and drillers must provide copies of applicable law that protects surface owners. He also told the committee that surface owners should know when the bulldozer and equipment are actually showing up on their property. He recommended that the requirement for the well to be 200 feet from a house be increased to 1,000 feet and exemplified that request with the sounds that surface owners hear when drilling is in close proximity to their homes.

The committee is following an aggressive schedule and will be reviewing amendments to Senate Bill 424 during each day of the August interim session.

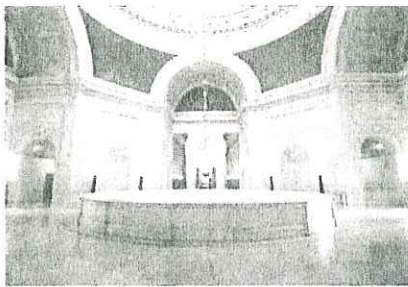
► **The Regional Jail Oversight Committee** continues to hear about **jail overcrowding**. RJA Director Larry Parsons told the committee that there are currently 1,492 additional bunks and the jails have tapped out their ability to double bunk. As of July 7<sup>th</sup>, there were 223 inmates sleeping on 3-inch mattresses on the floor. He stressed that inmate assaults on staff have increased 87% from the previous year while inmate-on-inmate assault has increased by 40%. Asked by Chairman Laird if this increase in assaults was an indication of a stressful impact stemming from overcrowding, Parsons unequivocally answered yes. This theme was further discussed in the regular meeting of the Regional Jail Authority Board later in the day. The jail overcrowding actually stems from overcrowding in the state's prison system, with inmates sentenced to prison having to stay in jails until a prison bed opens up. Were it not for the prison overcrowding, the jails would actually be operating a little under capacity.

► **Policies that could help relieve jail overcrowding** was a topic of discussion for Judiciary Subcommittee A. The Division of Justice and Community Services projects that, while our prison population continues to grow rapidly, it has slowed down to 4.6% over the next ten years, amounting to about 300 additional inmates per year. A large percentage of the growth are non-violent offenders and 50% of new commitments each year are parole violators. Judge Ghan of Hancock County told the committee, "Drug courts work," and more are needed. He also asked the legislature to revamp sentencing decisions, stating that after 20 consecutive years in prison, any inmate could be *eligible* for parole, although not necessarily actually paroled. He said this is extremely important for the significant older prison population who are no longer a danger to society due to age and infirmity. As a proponent of Community Corrections, Judge Ghan emphasized its success in reducing jail and prison incarcerations. Judge Rowe of Greenbrier County said, "We must think in the long term," adding that most of his cases have an alcohol or drug component. Since there is often a deep-seated problem within a dysfunctional family, he stressed the need to intervene earlier with these families. As an example, he said that a truancy program implemented in Greenbrier County has helped reduce drop-out rates.

► And last but not least, the **House Redistricting Committee** had a civics lesson from a representative of the National Conference of State Legislatures. To exemplify traditional principles, he showed slides of two districts, one in Chicago and one in Arizona, which are oddly shaped and not compact but were drawn that way to preserve communities of interest. The committee then got a history lesson about gerrymandering which was named after the Governor of Massachusetts in 1812 when newspaper reporters added a head and tail to a very oddly shaped district. Prior to 1962, states could do pretty much what they

**Continued from Page 5—INTERIM**

Prior to 1962, states could do pretty much what they wanted to do but this was changed with the U.S. Supreme Court case of Baker v. Carr. With that background, he continued to explain that the U.S. Constitution mandates population equality among Congressional districts with zero deviation. In West Virginia, this means 617,665 people per district. The final deadline is the 2012 elections but most states, including West Virginia, are not done. Texas gained the most Congressional seats after this year's census, with an increase in population of 4.5 million. There are traditional redistricting principles to follow which include contiguity, compactness, communities of interest, and respect for political boundaries. Legislative Manager Aaron Allred told the members that the WV Constitution requires contiguous counties and compactness for Congressional districts and observed that the two panhandles make compactness very difficult. Chairman Brent Boggs announced that the special session for redistricting will probably be held in conjunction with August interim session, beginning August 1st.



# 2011 WEST VIRGINIA TRANSPORTATION

## 2011 W.Va. Transportation Conference Set For September 12 At Tamarack Congressman Rahall To Be Featured Speaker

West Virginians for Better Transportation will be hosting its third statewide transportation conference -- the 2011 West Virginia Transportation Conference— on Monday, September 12 at the Tamarack Conference Center in Beckley, W.Va. WVBT's day-long conference will provide updates on the state's transportation plans as well as information regarding the outlook for state and federal funding. A number of state and federal leaders are being lined up for the conference. More information about the agenda and registration details will be provided in the coming weeks.

This year's featured speaker will be Congressman Nick Rahall, who is the ranking member of the U.S. House Transportation and Infrastructure Committee.

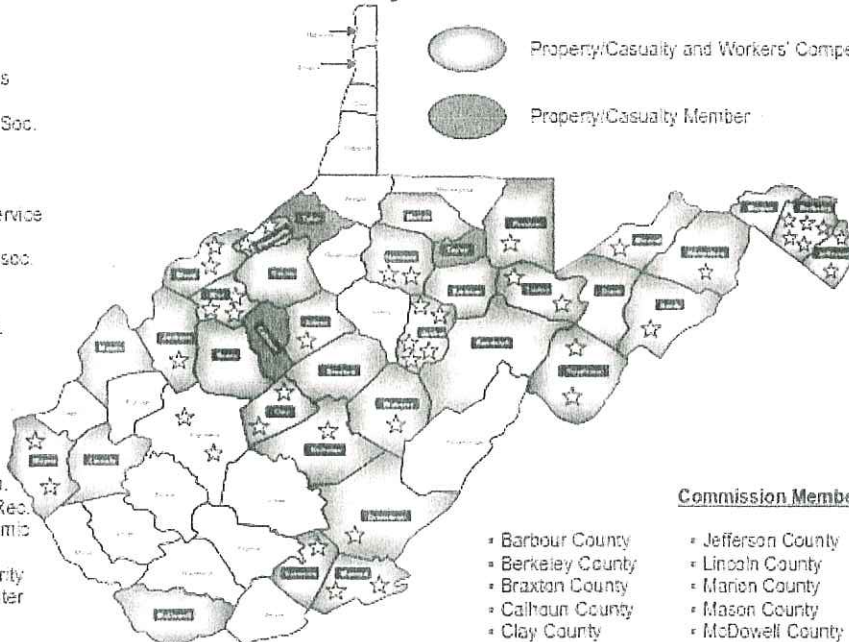
Mark your calendars to attend this statewide transportation conference.

### WEST VIRGINIA COUNTIES RISK POOL PARTICIPANTS

**Authority Members**

- Adrian PSD
- Berkeley County Landmarks Commission
- Berkeley County Historical Soc.
- Berkeley County PSSD
- Berkeley County SWA
- Canaan Valley PSD
- Clay County Ambulance Service
- Clay County SWA
- County Commissioners' Assoc.
- Cowen PSD
- Elkins Road PSD
- Gilmer County Health Dept.
- Greater Harrison PSD
- Greenbrier Valley EDC
- Hampshire Dev. Authority
- Hardy County RDA
- Harrison County SWA
- Jackson County SWA
- Jefferson County Dev. Auth.
- Jefferson County Parks & Rec.
- Little Kanawha Area Economic Development
- Mineral County Dev. Authority
- Monroe County Health Center
- Monroe County SWA
- Mountwood Park
- Nicholas Co. Hist. Landmarks
- Pendleton County EDA
- Pendleton County PSD
- Pleasants County PSD
- Pleasants County SWA
- Preston County SWA
- Region 9
- Summers County SWA
- Tucker County SWA

As of July 2011

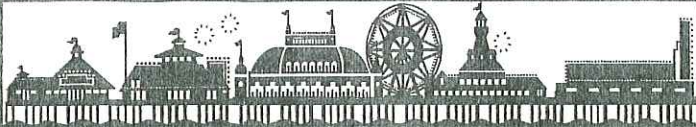


**Commission Members**

- Barbour County
- Berkeley County
- Braxton County
- Calhoun County
- Clay County
- Gilmer County
- Grant County
- Greenbrier County
- Hampshire County
- Hardy County
- Harrison County
- Jackson County
- Jefferson County
- Lincoln County
- Marion County
- Mason County
- McDowell County
- Mineral County
- Morgan County
- Nicholas County
- Pendleton County
- Pleasants County
- Preston County
- Randolph County
- Ritchie County
- Roane County
- Summers County
- Tucker County
- Taylor County
- Tyler County
- Upshur County
- Wayne County
- Webster County
- Wirt County
- Wood County

*"Compassionate action involves working with ourselves as much as working others."* — FRANK HUBERT

## WV FAIRS AND FESTIVALS



### AUGUST

Magnolia Fair  
(August 1-6) Mingo

Mineral County Fair  
(August 1-6) Mineral

Tri-County (August 1-6) Grant

Battelle District Fair  
(August 2-6) Monongalia

Wirt County Fair  
(August 3-6) Wirt

Ritchie County Fair & Exposition  
(August 4-6) Ritchie

Mercer County Fair  
(August 5-6) Mercer

Mason County Fair  
(August 8-13) Mason

Tyler County Fair  
(August 8-13) Tyler

Monongalia County Fair  
(August 9-14) Monongalia

Hampshire County Fair  
(August 11) Hampshire

The State Fair of West Virginia  
(August 12-20) Greenbrier

Doddridge County Fair  
(August 23-27) Doddridge

Tucker County Fair  
(August 23-27) Tucker

Lincoln County Heat n' Hills Festival  
(August 27) Lincoln

WV State Honey Festival  
(August 27-28) Wood

Barbour County Fair  
(August 27-September 3) Barbour

## COUNTY WELLNESS.....

### Food and Cooking Tips for Healthier Cuisine



A nutritious meal does not have to be tasteless. Learning the cooking tricks of the experts can turn anyone into a healthy cook. The secret is understanding which foods to choose, and knowing a variety of ways to prepare them.

The secret to cooking healthier meals is figuring out where to skim fat and calories, so you can lighten up a recipe without skimping on flavor. And cooking healthy doesn't have to mean cooking from scratch. You can start with convenience foods and add a few healthy ingredients for healthful "halfway homemade" meals.

To make sure your meals are chock-full of healthy vitamins, minerals, and disease-fighting antioxidants, choose the most nutrient-rich foods (such as deeply colored fruits and vegetables) as the basis for your recipes. Try using a lightened recipes, or make over your own favorite family recipes with substitutions that add nutrients while subtracting fat and calories.

The right gadgets and cookware can also help improve the flavor and taste of your meals. For example, with a simple grill pan, you can grill everything from fruits and vegetables to meats -- and the fat just drips away. With the latest tricks of the trade, you can have fun while you prepare wonderfully healthy and nutritious meals -- for one person or a crowd.

Try some of these websites to find healthy cooking recipes:

- ▶ [www.eatingwell.com](http://www.eatingwell.com)
- ▶ [www.cookinglight.com](http://www.cookinglight.com)
- ▶ [www.whfoods.com](http://www.whfoods.com)
- ▶ [www.sparkrecipes.com](http://www.sparkrecipes.com)

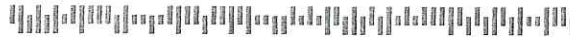


### Test your WV-IQ: Answers for the quiz on page 3

1. (c) Monongalia, Morgantown
2. (a) Berkeley, Martinsburg
3. (c) Milk
4. (a) 1956
5. (a) True
6. (a) True
7. (a) True, 1500 block of Virginia Street



2211 Washington Street East  
Charleston, WV 25311



15\*\*\*\*\*MIXED AADC 270  
TIM BOYDE  
JEFFERSON COUNTY ADMINISTRATOR  
PO BOX 250  
CHARLES TOWN, WV 25414-0250

53



## Direct to You

I am a big believer in looking at demographics in order to develop good public policy. The baby boom generation (those born between 1946 and 1964) has been a driver of public policy ever since we were born. Unfortunately, there has always been a delayed reaction, as if it's a surprise to the powers-that-be who are formulating policies that this is one big group! Even though we all liked to think of ourselves as the generation that would never grow old, unfortunately, that didn't pan out. We are growing old and, again, the policymakers are caught unprepared. There are currently 78 million of us born in the baby boom years, or approximately 28% of the population. The first baby boomer turned 65 in January, 2011 so the time when the baby boomers reach retirement age has arrived! This is the day of reckoning about which there has been much talk but very little action. We have a much longer life expectancy than previous generations and health care costs are rising dramatically. Put those two together and, yet again, this generation will have a significant impact on the economic policy in the next couple of decades.

Beginning January 1, 2011, more than 10,000 baby boomers reach the age of 65 every single day; this will continue for the next 19 years! According to a recent AARP survey, 40% of this generation say they will "work until they drop." Why? One reason is that many have little to no

pension plans have been replaced with 401k plans (which may have taken a hit), or not replaced at all, over the past 30 years. Another dramatic policy impact is that as baby boomers stay in jobs longer, the opportunities for the younger generations don't open up., adding to unemployment and underemployment.

At our recent June board meeting, we had about 50 in attendance. I asked everyone there who was born after 1964 to stand... five stood up! As someone pointed out, "You all work hard. Look at all of us you have to support." As the federal government continues to be mired in divisiveness, county government is in the enviable position to set aside politics and exhibit leadership in creating policies that respond to the demographic realities facing us.

Patti



[www.wvrisk.org](http://www.wvrisk.org)

Phone: 888-822-6772

Fax: 877-212-8599

To: Barbara Scott  
Summit Point Motorsports Park  
Summit Point, West Virginia 25446

15 August, 2011

From: Martin Burk  
342 Turn One Drive  
Summit Point, West Virginia 25446

CC: County Commission of Jefferson County

Dear Barbara,

You asked that I advise you of concerns about the excessive sound emissions from your Summit Point property. I am doing so.

The loud explosion and subsequent repetitious gun firing that occurred at 8:05am Saturday, 13 August, 2011, startled me. It was disturbing and disrupted our morning activities.

The now nearly daily explosions that rattle our windows and shake our walls are also disruptive, disturbing, and of great concern. This is summer, with every tree, vine, and weed in full foliage in the remaining buffer areas between us and the source areas on your property. Will this continue into the winter months without this natural foliage buffer?

You solicited our help two years ago to allow the GSA to review properties adjoining yours, properties that they deemed necessary as 'buffer' for planned future use of your property. The County Commission of Jefferson County was involved with the presentation of your and another Jefferson County site for their consideration. The GSA selected a site in Maryland, one that the local community later rejected after reviewing the sound issues that the proposed use generated.

One of our neighbors made an unsolicited comment last week on how her house shook from one of the large explosions on your property. She said she thought of us, and how badly we must have heard and felt it, as our home was closer to the source.

These explosions are disruptive and damaging. They are in contradiction to Bill Scott's publicly stated use of the expansion of your property as an office park.

These explosions are incompatible with an existing and established residential community.

**RECEIVED**

AUG 16 2011

Jefferson County Commission

Sincerely,



Martin.

22 August, 2011

To: Barbara Scott  
Summit Point Motorsports Park  
Summit Point, West Virginia 25446

From: Martin Burk  
342 Turn One Drive  
Summit Point, West Virginia 25446

CC: County Commission of Jefferson County

Dear Barbara,

I would like to thank you and Ms. Maria Orsini for Ms. Orsini's phone call Friday evening advising us of a "flash-bang" to be used during Saturday morning's training on your property. Maria was right. Connie and I heard a bang, a very different sound than the previous explosions that originate from your property.

Last Wednesday morning, I watched as the more than twenty explosions that rattled our property, shook loose another four-foot by eight-foot by six-inch insulation panel from the ceiling of our shop building and it fall the sixteen feet to the ground. Re-installing these panels is a greater task than I can accomplish by myself. Their displacement is delaying the pouring of the concrete floor.

Can we expect the type of explosions heard last Wednesday, and the other large explosions that originate from your property, to all be replaced by these smaller bangs?

Sincerely,



Martin.

# SPARC

Summit Point Automotive Research Center



August 23, 2011

Martin Burk  
342 Turn One Drive  
Summit Point, WV 25446

Dear Martin,

Thank you for your letters dated the 15<sup>th</sup> and 22<sup>nd</sup> of August, expressing your concerns about the noise from the United States Department of State's training facility located on SPARC property.

We have spoken with the manager of the training facility and he has suggested that we send a government team on to your property to perform sound and vibration testing during one of their training exercises. Since the pyrotechnics used by the State Department do not shake the windows in the training facility, they are very interested to see if the peak particle velocity (PPV) and frequency is bouncing off of 'something' to cause problems on your property.

I'll contact you when we have some dates from the testing team to ascertain what is convenient with you.

Best regards to you and Connie.

Sincerely,

A handwritten signature in blue ink that reads 'Barbara Scott'.

Barbara

cc: Jefferson County Commission

RECEIVED

AUG 24 2011

Jefferson County Commission

Aug 20, 2011

Jefferson County Commissioners  
P.O. Box 250  
Charleston, WV 25414

To: County  
Commissioners

I am a resident along Shipley  
School Rd and, I want to voice  
my approval of option 1 only for  
the new entrance into CBS complex.


I am not in favor of any other  
option, 2, 3, or 4.

Also we want some more definition  
on changing the zoning of the land by  
us along Shipley School Rd.

Jefferson County Commission

304-728-6263

Thank You  
Arthur Zimmer  
982 Chickawago Dr  
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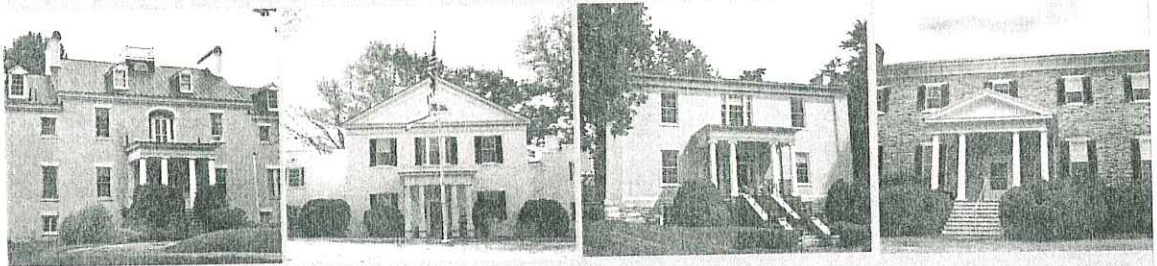
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# VALLEY VIEWS

Potomac Valley Audubon Society

Volume 30, Issue 1

September 2011

## Eidolon Cottage Restoration Finally Underway

The effort to restore the old stone cottage at the Eidolon Nature Preserve is now finally underway.

Originally envisioned as a relatively simple project, the restoration effort became much more complicated in late 2009 when an engineering assessment indicated the existing cottage walls might not safely support the weight of a new roof.



This meant the roof would have to be supported by a post and beam framework erected inside the cottage walls. This in turn meant lots (14 in all) of 2x2-foot holes would have to be cut through the cottage's concrete floor to provide proper footings for the posts.

Cutting the holes and constructing the footings promised to be a tricky, painstaking job and finding a contractor willing to do it has not been easy.

Jackhammers can't be used because vibrations from them would destabilize the cottage's stone walls. Masonry saws and drills can be used to start the holes, but much of the work has to be done the old-fashioned way, with hand-held chisels and sledgehammers.

Fortunately, Duane Householder, a Hedgesville contractor who is a Morgan County native, has agreed to tackle the job, and he and his son Josh started work in August. They hope to finish in September.

Once the footings are in, PVAS hopes to move forward next summer with construction of the post and beam framework and roof.

The goal is to get the cottage in shape to be used as a shelter and educational pavilion.

Eidolon's former owners, Louis and Marguerite Zapoleon, built the cottage in 1950-51.

They used the structure as a weekend retreat for more than a decade, and they intended to use it as their summer home when they retired.

However, the cottage was gutted by fire on July 6, 1962. Since Louis sadly had suffered a debilitating stroke shortly before, the Zapoleons never rebuilt it.

## New Grants Received!

We are glad to report that we've received several grants over the summer to help offset the costs of some new programs.

First, we received \$1,500 from AHA (Arts and Humanities Alliance of Jefferson County) to support the new cultural history camp at Peter Burr Farm. The grant helped us purchase materials and supplies for many hands-on activities for the two weeks of camp held there including butter making, bread baking, candle making, weaving, and even making children's toys from the time period. The camp was a huge success, and we were grateful to have the support from AHA to help cover some of the expenses of this new program. Most of the supplies can be used in future years.

We also received \$5,156 from the WV DNR to develop some new school curricula and to pilot programs about WV wildlife and natural resources. These programs will be pilot tested through the 2011-12 school year at the schools themselves. We continue to hear from teachers that it is difficult for them to transport their students

See *New Grants*, Page 2

## Harewood Event a Success

Thanks to the generosity of host Walter Washington and some wonderful volunteers, the fundraising event at Harewood raised over \$5,000 for PVAS' educational programs. Mr. Washington provided personal tours of the historic Washington family home just east of Charles Town. Volunteers Alice Barkus, Gretchen Meadows, Diana Mullis, Deb Patthoff, and Jane Vanderhook once again delighted and impressed all guests with their preparation of a variety of delicious foods. Christian Thomas and Wil Howard served hors d'oeuvres on trays like professionals while Daryl Bryarly graced guests by playing the hammered dulcimer. Bob Dean led a walk down to the marsh on the property to show the wetlands and farmland that Mr. Washington has preserved through farmland protection. Peter Fricke of the Farmland Protection Board and Grant Smith of the Land Trust of the Eastern Panhandle set up displays at the event to show the boundaries of the preserved area as well as all of the other preserved farmland in the region.

We can't thank our host, Mr. Washington, and all of the volunteers enough for all of their efforts to make the event such a success. We also are very grateful to the 70 guests and additional donors who generously contributed to the event.



Potomac Valley Audubon Society is people dedicated to preserving, restoring, and enjoying the natural world through education and action.

# President's Perch

Hello everyone:

One of the best things about being involved with PVAS is the good people you get to know.

Kelly Smith (no relation), the longtime naturalist at Cacapon State Park, is a case in point.

When PVAS joined with The Nature Conservancy to co-manage the new Eidolon Nature Preserve in 2006, Kelly was one of the first local people we went to see.

We'd never met her but we'd heard of her work at the Park, and we hoped she could give us useful advice about the practicalities and politics of operating a nature preserve in Morgan County.

She did that and much, much more.

A lesser person in her position might have seen PVAS as a competitor and refused to help or even tried to undercut us.

But Kelly isn't that kind of person.

From Day One, she's gone out of her way to assist us in any way she could, and over the years she's done everything from arranging meeting space for us to assisting us with field trips and workshops to helping us develop the trails at Eidolon.

Now, sadly for us but in a positive move for her, she's left Cacapon State Park to become a superintendent at West Virginia's largest state park, Watoga State Park, in Pocahontas County. She started there on August 16.

We'll miss her but we wish her all the best in her new position. If you'd like to do the same (her new job happened very quickly and many of you may not have had a chance to see her before she left) her new mailing address is as follows: Watoga State Park, HC 82, Box 252, Marlinton, WV 24954.

—Peter Smith

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## New Grants (continued from page 1)

to the Yankauer Preserve, so these new programs will help us bring our educational programs to them.

Also for our school programs, The Eastern WV Community Foundation Frada Fine Fund provided a \$2,000 grant, and the Eastern WV Community Foundation Youth Grants Program has provided \$500. These two grants will provide funds for schools that will cover the costs of participating in PVAS programs—bus transportation or the program fees. Classrooms from Title I schools, schools that serve a high percentage of disadvantaged youth, are eligible to apply for these funds through PVAS. Our goal is to have our programs accessible to all students, and these grant funds will help us accomplish this goal.

Berkeley Heights Elementary School also received a grant of \$1,920 from the Eastern WV Community Foundation. This grant will allow PVAS to train their teachers in Environmental Education methods and strategies, and to be a resource for teachers and students throughout the year.

## Annual Meeting and Elections

PVAS' annual meeting was held on June 11 at the Yankauer Nature Preserve. The end of the year was celebrated with a potluck, elections of new or returning board members, and recognition of volunteers who went above and beyond during the year.

After a delicious potluck supper, Peter Smith called the meeting to order to elect board members. Lex Miller was elected to serve his second term as Treasurer, and two new board members, Bob Reynolds and Heather McSharry, were elected to Vice President and Board-Member-at-Large respectively. Carolyn Thomas and Clark Dixon were recognized for their service on the board as they step down due to term limits.

Volunteers were also recognized for outstanding contributions over the last year for PVAS. The following volunteers were recognized: Alice Barkus, Kathy Bilton, Sandra Bloom, Molly Northrop Bloom, Dan Cogswell, Mark Cucuzella, Bob Dean, Clark Dixon, Joe Gentile, Bill Gregg, Kelly Heldreth, Wil Hershberger, Nan Johnson, Krystal Kennedy, Elliott Kirschbaum, Nancy Kirschbaum, Nancy Little, Gretchen Meadows, Wanda Miller, Diana Mullis, James Munnis, Suzi Munnis, Ellen Murphy, Tim Murphy, Matt Orsie, Deb Pathhoff, Sandy Sagalkin, Michael Schwartz, Tom Shantz, Gary Sylvester, Diane Sylvester, Carolyn Thomas, Jane Vanderhook, Marie VanValkenburgh, Eldon Winston, Virginia Winston.

Skylar Benedict was also recognized for his outstanding contributions over the years from a camper to a camp counselor to an Eagle Scout. Skylar built three accessible benches for the Preserve's new accessible Cedar Loop as part of his Eagle Scout project. Skylar has grown up through PVAS programs and has spent countless hours at the Preserve. Skylar is going to Florida Atlantic's Harriet L. Wilkes Honors College.

Kitty and Ed Kelly were also recognized for their long-standing contributions over the years to PVAS before leaving the area. Both have contributed many hours of volunteer work for PVAS programs and events.

Finally, the PVAS Board surprised Executive Director Kristin Alexander with a cake and garden gift basket in recognition of her 10 years of working for PVAS. Kristin started working for PVAS in January of 2001 as PVAS' first employee. Her first task was to assess the community's interest in educational programs being offered at the Yankauer Preserve.

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## View from the Eagles Nest

By Sandy Sagalkin

During the summer birding doldrums, what better way to spend a weekend than at the beach? Not to swim, but to find shorebirds during the height of their migration south to their wintering grounds, some traveling as far as South America. At least that was the thought as 14 of us were led by Matt Orsie, local birding expert, on a shore expedition. We left on a Friday afternoon in 100+ degree weather to head for the Delaware shore. Our general goal was to check out the various birding "hotspots" for shorebirds, including Bombay Hook NWR.

Like most of the PVAS trips, our group had a mix of birding experience and expertise. Some were birding for the first time. Others included some of the PVAS birding stalwarts: Dave Myles,

## VALLEY VIEWS

Barry Martz and Birdmom. Needless to say, we had enough spotting scopes along so that everyone had good looks at the birds.

The State of Delaware, in conjunction with the Delaware Audubon Society and the Delmarva Ornithological Society has published

Delaware Birding Trail map depicting the birding hotspots in the state. After checking into our hotel for the weekend in Dover, Delaware and having a quick dinner at the local Olive Garden across the street, we headed out to Bombay Hook for the last hour of daylight on Friday. That hour was enough to tell us we would have a good weekend viewing thousands upon thousands of shorebirds in various stages of plumage and molt.

The next morning, we met at our hotel at 6:30 a.m. for an early start. The plan was to start in the southern part of the state at Cape Henlopen State Park, and stop at various points along the way as we headed north back to Bombay Hook. Intermediate stops were to include Prime Hook National Wildlife Refuge, and the Dupont Nature Center at the Mispillion Harbor Reserve. The latter is famous as a stopover for the Red Knot migration, a threatened population of shorebirds that feeds on Horseshoe Crab eggs. Our final venture out was a Sunday morning stop at Taylor's Gut located near Woodland Beach.

All in all, we had 22 species of shorebirds and over 90 species total. We saw several Wilson's Storm Petrels, a pelagic bird, off Fowler's Beach. We also saw several Piping Plover, thousands of Semi-Palmated Sandpipers, and the last day, two Marbled Godwits. This remarkable bird is one of the largest shorebirds in North American, has a long, slightly upturned bill, and walked regally among the much smaller "Semis".

All PVAS trips are open to Society members and members of the public. We furnish binoculars for those who don't have their own. Our trip leaders and the more experienced birders that come on our trips are always friendly and more than willing to share their knowledge. So keep an eye open for PVAS birding trips. As we leave the fall, we will be focusing on the hawk migration with both local hawk watching trips (Washington Monument State Park) as well as out of area trips planned (Waggoner's Gap near Carlisle, Pennsylvania, and Cape May, New Jersey). In the winter, we will move back to the Shenandoah River and local ponds and lakes to watch for waterfowl. Then Spring migrants and back to shorebirds in the Summer. Please join us.

## Camp Report 2011

Once again, Audubon Discovery Camp had another successful summer of day camp in two different places! A full six weeks was held at Yankauer Nature Preserve and two weeks were at the Peter Burr Farm near Kearneysville, West Virginia. Session at Yankauer included the ever popular *Camp Survivor* as well as *4 Legs, 6 Legs, More Legs, No Legs!* Camp activities there included butterfly chasing, hiking, building forts in the woods, crafts, games, and group challenges like scavenger hunts and blind hikes. Two hundred eighteen campers attended one or more sessions this summer.

This year, for the first time, we tried an evening camp at Yankauer



Sada, Christian Gottlieb, Jack Kastens, Justin Gottlieb collect specimens

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called *The Deep, Dark Woods*. This session was held for 3 days from 5-10 p.m. and gave campers the chance to experience Yankauer from twilight into night. Stargazing was popular as was hiking the trails and building forts in the cooler evening hours. Families were invited to join in the Owl Prowl led by Bob Dean on the last night.

Our satellite site this summer was at the Peter Burr Farm where two sessions of *The Simple Life* gave campers and staff a taste of "old time living." Activities included spinning, natural dyeing, candle dipping, weaving on lap looms, learning to make fire with a flint and steel, making butter, baking bread, archeology with a created dig-site, games, and exploring the farm's garden. These sessions gave campers the chance to explore the environment in an historical setting and proved to be extremely popular.

Special thanks go to the Jefferson County Landmarks Commission and Martin Burke for making this site available to our campers, as well as AHA (Arts and Humanities Alliance of Jefferson County) for helping to offset some of the costs for the camp.



Dr. Deborah Rochefort shows campers around a colonial garden

See *Camp Report*, Page 10

## Youth Programs Begin Again in September

If school is beginning, PVAS is ready with programs for all class levels! Our watershed program continues in its tenth year and classes are scheduling visits to Yankauer Preserve, some with funding help from an Eastern West Virginia Community Foundation or Ecolab grant. Other schools are investigating on-going service project ideas for their students at Yankauer Preserve.

New programs are being introduced this year as well. West Virginia Division of Natural Resources is funding development of new, limited programs for Kindergarten, first, fourth, and fifth grades that will each last only an hour. Participating classes will use their schoolyard as an outdoor classroom rather than coming to Yankauer Preserve. (Rising transportation costs have forced some schools to limit field trips to any location.) The Kindergarten program, "Home is Where Your Habitat Is" focuses on wildlife conservation. The 1<sup>st</sup> grade program, called "Is It Living?," helps students learn the differences between living and non-living things. The 4<sup>th</sup> grade program addresses food chains and webs with "What's For Lunch?" and the 5<sup>th</sup> grade program tackles photosynthesis with "My Life as a Tree."

Other new programs this fall include a year-long, second grade program at St. Joseph's Parish School in Martinsburg called "Plants vs. Animals." The classes will spend part of the year learning about the differences between plants and animals, take a field trip to apply their new environmental knowledge, and complete a service project at the school.

A new collaboration at Berkeley-Heights Elementary School in Berkeley County involves providing teacher training and support to all the third grade classes. These classes are experimenting with new teaching resources through an "Innovation in Education" grant. They will use their outdoor classroom to learn about and compare West Virginia plants, animals, and habitats with those found in

supplemental texts like *Sarah, Plain and Tall*, and books about explorers such as Lewis and Clark. PVAS's part of this program, which is funded by the Eastern West Virginia Community Foundation, also includes monthly video chats between PVAS staff, other natural resource folks, and the students.

All this and our existing programs will make this a busy fall for Ellen Murphy and volunteers! If you are interested in helping with any of the programs, would like further information, or want to schedule a program at Yankauer Preserve, contact her at [pvasprograms@comcast.net](mailto:pvasprograms@comcast.net) or 304-676-8739.

## Sign Up Now for Fall "Wee Naturalists" Sessions

The fall schedule for our "Wee Naturalists" program is now set.

The program is aimed at pre-school children ages 3-5. It is designed to provide regular opportunities for small children and loving adults to explore nature together safely under the guidance of an experienced PVAS instructor. Children must be accompanied by a parent, grandparent, other adult relative, or guardian.



All sessions are held at the Yankauer Nature Preserve. Each session will last from 9:30 a.m. to 11:00 a.m., and each will explore a different nature theme.

The first session will be held Wednesday, August 31. Entitled "Bugs, Bugs, Bugs!" it will focus on insects of the forest.

Thereafter, two sessions will be held each month through December. That schedule will be as follows: September 21 and 22, "Footsteps in the Forest"; October 19 and 20, "Red Leaf, Yellow Leaf"; November 16 and 17, "Nature's Art"; December 7 and 8, "Snowflakes and Snowbirds."

To ensure that everyone receives close, personal attention, enrollment will be limited and pre-registration is required.

Families may register for one, several, or all of the monthly sessions. The fee will be \$5 per child/adult team per session.

The program is led by Suzi Taylor, of Sharpsburg, Maryland, a veteran PVAS camp director who has a degree in environmental education.

Information and registration forms are available on the PVAS website. For more information, contact Ms. Taylor at 301-432-1908 or [tomandsuzi506@cs.com](mailto:tomandsuzi506@cs.com).

The program was established in 2009 with support from the Eastern West Virginia Community Foundation's Two Rivers Giving Circle.

### Birdseed Sale Reminder

Please remember that PVAS's annual fall birdseed sale will get underway in October.

If you plan to buy seed from us this year, be sure to watch your October Valley Views for your Birdseed Order Form. Also keep an eye out for changes in the format of this year's sale.

If you have any questions in the meantime, please contact Diana Mullis at [DianaMullis@aol.com](mailto:DianaMullis@aol.com) or 304-267-3482.

## Nursery Open House Will Benefit PVAS

The Winston Gardens Native Plant Nursery has generously decided to do it again!

As it did with its Open House Plant Sale last spring, it will donate 15 percent of the proceeds from its upcoming fall Open House Plant Sale to PVAS.



*Bottlebrush Buckeye*

The donation will be used to support PVAS's land conservation efforts.

The nursery is located in northeastern Berkeley County, at 1121 Hollida Lane, one mile off Swan Pond Road.

Operated by noted area landscape designer Virginia Winston and her husband Eldon, it specializes in trees and shrubs that are native to this region.

This fall it is offering more 40 different species for sale. These range from popular favorites like Sugar Maples and Canadian Hemlock to hard-to-find species like Hornbeam, Spicebush, and Red and Bottlebrush Buckeye.

Prices range from \$25 to \$35. Plants are 1 to 5 feet high.

The Open House will be held the weekend of October 1 and 2, from 10:00 a.m. to 3:00 p.m. each day.

Light refreshments will be served and a door prize will be offered.

For directions and a full list of the plants available, go to the Nursery's website at [www.winstongardens.com](http://www.winstongardens.com). Or call the Winstons at 304-267-6924.

## Yankauer Concerts Continue Through September

PVAS is again offering a series of free outdoor concerts this summer at the Yankauer Nature Preserve.

Our Eighth Annual "Music in the Cedars" concert series began August 2 and will continue through September. The concerts are being held Tuesday evenings, with each one running from 6:30 to 7:30 p.m.

The concerts are held rain or shine in the Preserve's covered pavilion. There is no fee and anyone is welcome to attend.

The schedule of the remaining concerts is as follows:

- August 30: The always-popular Rolling Coyotes will perform a blend of country-tinged folk with diverse instrumentation and vocals describing unique places, characters and themes.
- September 6: The Dilletantes, Jeff and Trudy Roth, will perform well-known acoustic folk songs with voice and guitar.
- September 13: Performers to be announced.
- September 20: Betty Jo, Scott, and T-Roy will perform favorite folksongs and new originals with stirring rhythmic depth, as Betty Jo's singing is accompanied by guitars and various hand drums.

- September 27: Steve Cifala. Close out the summer season with this dynamic performer who is influenced by Rhythm & Blues, Little Feat, and Eric Clapton.

Those who attend the concerts are welcome to bring their own picnic suppers, but the preserve does not have trash pickup so everyone is asked to carry out everything they bring in.

Picnic tables will be available in the pavilion on a first-come, first-served basis. Attendees may also bring their own chairs or picnic blankets for their comfort. Please leave pets at home.

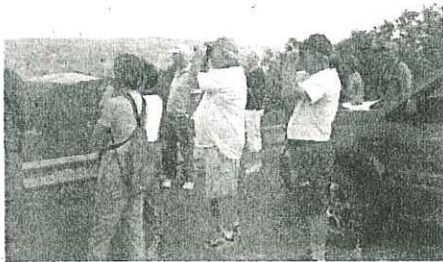
For more information, contact Kristin Alexander at [pvasmail@aol.com](mailto:pvasmail@aol.com) or 304-676-3397.

## Berkeley Springs Birding Festival Set for September 16-18

The Fourth Annual Berkeley Springs Fall Birding Festival will be held in Berkeley Springs the weekend of September 16-18.

The festival is timed to coincide with the annual fall bird migration. It is aimed primarily at beginning birders and families with children but anyone is welcome to attend.

The festival will include Friday and Saturday evening programs at the Country Inn in Berkeley Springs, bird walks and workshops during the day Saturday, and a bird walk Sunday morning.



Most of these events will be free.

This year's featured presenter will be Sharon Stiteler, a Minnesota naturalist who authors the popular "Birdchick.com" blog.

Her blog has been recognized in the *Wall Street Journal*, the *New York Times*, and on NBC Nightly News. Her writing has appeared in *WildBird*, *Outdoor News*, and *Birding Business*.

Also participating will be Marcy Heacker, a forensic ornithologist at the Smithsonian Institution, and raptor biologist Liam McGranaghan.

PVAS is once again the festival's lead sponsor.

For more details watch the PVAS website.

## Go Pond-hopping for Shorebirds!

PVAS is sponsoring two birding trips to local ponds in search of shorebirds on two successive upcoming Wednesdays: August 31 and September 7.

The trips will visit several ponds in Jefferson and/or Berkeley counties based on recent sightings posted on the West Virginia Birding Listserve, including a possible visit to Stauffer's Marsh in Back Creek Valley.

Both trips will be free and anyone with an interest is welcome to come along.

For both trips participants will meet at 8:00 a.m. in the parking lot of the Martins Supermarket at the Jefferson Crossroads shopping

center off Route 340 just east of Charles Town.

Both trips will be approximately 3 hours long depending on the number of stops made.

They should provide opportunities to view a number of different species of shorebirds as well as other water-dependent species. We will also identify songbirds as we encounter them, or seek them out at other venues if any unusual species have been posted on the Birding Listserve.

This trip will mostly involve driving and viewing through binoculars and spotting scopes.

Participants should plan to wear comfortable clothing suitable for the weather at the time, and bring a hat for protection from the sun, rain gear, and water and sunscreen. Binoculars will be available for those who do not have any. Participants that have their own spotting scopes should bring them.

For further information, contact trip leader Sandy Sagalkin at [monsansagalkin@mvaactv.net](mailto:monsansagalkin@mvaactv.net) or 240-291-6465. In case of inclement weather, contact him to see if the trip is still on.

Various details of the trip could change depending on weather and recent bird sightings.

## Dolly Sods Trip September 10

PVAS will sponsor a birding trip to the Dolly Sods Wilderness Area of Monongahela National Forest on September 10.

The trip is free and open to the public at all skill levels. But participants will be expected to furnish their own transportation and arrange for their own accommodations.

Local birding expert Matt Orsie will lead the group. The trip will include looking for Fall Warblers (Matt says they are not "confusing") on Saturday morning. We will work up to the Allegheny Front Migration Observatory (AFMO) where we will observe bird banding in progress. The banding station has operated annually since 1958 with a total capture of over 230,000 birds. The bulk of the captures are members of the wood warbler family, so there will be an opportunity to see many species up close.

After AFMO closes at noon we will have lunch together and then do some hawk watching from either the banding station or the Bear Rocks area at the north end of Dolly Sods.

Matt will probably be staying the night before at the Hermitage Inn in Petersburg, West Virginia (telephone 304-257-1711). Trip participants who also choose to stay in Petersburg should plan to meet up with Matt in the lobby of the Hermitage Inn at 6:00 a.m. For those wishing to stay elsewhere or drive to Dolly Sods that morning, we will meet at 7:00 a.m. at the parking lot for the South Prong Trail in Dolly Sods, along Fire Road 19.

Loaner binoculars will be available. Participants should bring along water and a lunch.

If you are interested or for further information, contact Matt at [wv-birder@comcast.net](mailto:wv-birder@comcast.net) or 304-261-5602.

Information about other accommodations in the area can be found at the following websites: [www.canaanresort.com](http://www.canaanresort.com) (Canaan Valley State Park Lodge); [www.wvlogcabins.com](http://www.wvlogcabins.com) (Log cabins at Cabins, WV); [www.bbonline.com/wv/petersburg.html](http://www.bbonline.com/wv/petersburg.html) (B&Bs near Petersburg, WV).

## Don't Miss September 10 Insect Walk

PVAS will offer an evening "insect walk" along the C&O Canal across from Shepherdstown on Saturday, September 10.

The walk will be led by local insect expert Wil Hershberger, who is coauthor of *The Songs of Insects*, a book and audio CD published by Houghton-Mifflin Company.

These walks are family-oriented events that are especially popular with young children. But anyone with an interest is welcome to participate. There is no fee.

However, space will be limited so those who would like to participate should make a reservation as soon as possible by contacting Kelly Wolf at [kheldreth@hotmail.com](mailto:kheldreth@hotmail.com) or 304-229-6229.

The walking group will assemble at 6:30 p.m. in the large C&O Canal parking lot on Canal Road, three-tenths of a mile south of the Shepherdstown bridge.



From there, Hershberger will lead an exploration of fields and roadsides near the Canal. Insects likely to be encountered include tree crickets, several species of meadow katydids, one or two species of round-winged katydids, northern true katydids, oblong-wing katydids, and perhaps some bush katydids.

Those who wish to participate should bring a flashlight and be prepared to walk through high grass and weeds. Tucking pants legs into socks and spraying them with a DEET-based insect repellent is recommended.

The walk will not take place if it is raining.

Hershberger, who is well known to PVAS members, has been a naturalist all his life.

He has been photographing and recording the natural world for more than a decade and his work has been published in magazines, calendars, and books.

His recordings of birds, frogs and insects are archived at the Macaulay Library of Natural Sounds at the Cornell Laboratory of Ornithology.

His website can be found at [www.natureimagesandsounds.com](http://www.natureimagesandsounds.com).

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## Hedgesville Area Hawk Watch

PVAS will sponsor a hawk-watching trip with Bob Dean near Hedgesville on Saturday, September 24.

In early October 2010, Bob was sitting on his in-law's back deck when he noticed a raptor over North Mountain just to the west. Further inspection revealed a pair of redtails over the ridgeline. In the following two hours there were over 30 raptors of seven species observed including golden eagle and peregrine falcon.

Most birds will be seen at fairly long distances, so spotting scopes might be desirable along with binoculars. Loaner binoculars will be available for those who don't have their own.

There will be some seats available, but if you have a favorite folding chair include that along with your own snacks and drinks.

We'll meet at 11:00 a.m. at the Eagle Plaza parking lot just west of Hedgesville High School on Route 9. We will be done by 3:00 p.m., but may opt to stay longer if there is a large flight.

For more information or to reserve loaner binoculars, contact Bob at [bobdean52@gmail.com](mailto:bobdean52@gmail.com) or 304-671-4995.

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## South Mountain Hawk Watch

PVAS will sponsor a hawk-watching trip to Maryland's Washington Monument State Park on Wednesday, September 21.

Anyone with an interest is invited to participate.

The annual Broad-winged Hawk migration should be at or near its peak that week, and the Washington Monument State Park is one of the best sites in the mid-Atlantic for viewing hawks.

The Park's monument offers an excellent vantage point to watch these magnificent birds as they ride the thermals that sweep along the mountain's ridgeline.

Other species that may be seen include the Sharp-shinned Hawk, the Red-shouldered Hawk, the Red-tailed Hawk, the American Kestrel, and the Northern Harrier.

Local naturalist Dave Weesner will lead the trip and help identify the birds seen.

The Park is located four miles east of Boonsboro and 1.5 miles north of Alternate Route 40 on Monument Road.

Participants will gather at 9:00 a.m. in the Park's uppermost parking lot, just below the monument. From there, the group will walk the up to the monument at the summit. The trail is not long but it is rather rough and not suitable for anyone who needs assistance.

The length of the stay at the monument will depend on how the hawk flight is going. If conditions are good, the trip leaders may stay until early afternoon. Other participants can leave whenever they wish.

Participants should bring binoculars if they have them and dress appropriately for the weather.

No pre-registration is needed for this trip, and there is no trip fee. However, a fee is requested to enter the park grounds. The fee is \$2 for Maryland residents and \$3 for others.

Please note that the trip will be cancelled if it is raining because hawks do not fly in such conditions.

For more information about the trip contact Dave Weesner at 301-302-6376.

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## Sign Up Now for October Cape May Trip

PVAS is sponsoring a hawk-watching trip to Cape May, New Jersey, during the October 14-16 weekend.

This will be a great opportunity to see Peregrine Falcons, Merlins, American Kestrels, Sharp-shinned Hawks, Coopers Hawks, Bald Eagles, Northern Harriers and other species of hawks.

We will hit several hawk watching sites in the Cape May area, including the two hawk platforms at Cape May Point State Park, the "Meadows," Rea Farm and other areas.

Those who participate will also be able to take advantage of a rich menu of free educational opportunities offered by the Cape May Bird Observatory and the New Jersey Audubon Society. Their offerings include such events as a Mini-Hawk ID workshop for beginners, a Hawk-banding demonstration, a Monarch tagging demonstration, and bird walks that are open to the public.



Anyone with an interest is welcome to come along and there will be no fee. But participants will be expected furnish their own transportation and make their own hotel or motel reservations.

Hotel and motel reservations should be made now because Cape May is a very popular destination in October.

Sandy Sagalkin will be the trip leader, and he will be staying at Leith Hall, a B&B at Cape May (telephone 609-884-1934). The Cape May Bird Observatory website ([www.birdcapemay.org](http://www.birdcapemay.org)) contains a list of hotels and motels which offer discounts to birders who are members of the Cape May Bird Observatory. If you are planning to come on the trip, it might pay to become a member, which you easily can do online. Cape May can be pricey and cheaper accommodations may be available at Wildwood, New Jersey.

Pre-registration by phone is required: contact Sandy Sagalkin at 240-291-6465. For more information, you can contact him by email at [monsansagalkin@myactv.net](mailto:monsansagalkin@myactv.net).

## Winners of 2011 Ruth Ann Dean Memorial Birdathon

PVAS is proud to announce the winners of the 2011 Ruth Ann Dean Memorial Birdathon. First Place goes to the Barn Swifts, led by Matt Orsie, with 118 species of birds. Team members included Carol Del-Colle and Deb Hale.

Second Place goes to the Tufted Turkeys led by Bob Dean. His team member was Stan Corwin-Roach. They identified 112 species.

Third Place goes to the Maryland Yellowthroats led by Dave Weesner. Team members included Pol Heiney and Melissa Wertz. They found 110 species. Dave's team also participated in the Maryland Ornithological Society's May count and all species were found in Washington County, Maryland.

Honorable Mention goes to the Bird Brains, led by Dave Myles. His teammate was Kim Myles. They found 100 species.

The Big Sit winner was Three 'Ol Coots led by Jean Neely. Her teammates were Susan Brookreson and Jane Vanderhook.

PVAS wants to congratulate the winners and all Birdathon participants for a great weekend.

## Day of Caring Set for September 13

This year's Day of Caring will be held Tuesday, September 13.

As usual, the day's events will kick off with a 7:30 a.m. breakfast at War Memorial Park in Martinsburg.

This year PVAS is spearheading projects at TWO SITES from 8:30 a.m.-4:00 p.m.. You may join PVAS at the Yankauer Preserve to work on invasive removal (like ailanthus, autumn olive and stilt grass), clean up the butterfly garden, trim the trails and parking lot, and work on the accessible trail project. Lots of work AND fun to be had by all. We'll provide a delicious hot lunch (around 12) if you provide the labor!

You may also help PVAS this year at the new (future) Flowing Springs Park in Ranson, downstream from the Home Depot. We'll be installing an electric deer fence, planting some trees, removing invasives, and picking up some trash. We'll provide lunch for volunteers at this site as well!

After a hard day's work, enjoy dinner at the Clarion in Shepherdstown from 4:30-6:00 p.m. where you can celebrate a day of work for a good cause with fellow community members. To pre-register to help at Yankauer, contact Tim Murphy at 304-876-8133 or [timurf@comcast.net](mailto:timurf@comcast.net). To pre-register to help at Flowing Springs Park, contact Kristin Alexander at 304-676-3397 or [PVASmail@aol.com](mailto:PVASmail@aol.com). Please pre-register to ensure enough food and a t-shirt.

## United Way/CFC Fund Drives Coming Up

The annual fundraising campaigns of the United Way of the Eastern Panhandle and the Combined Federal Campaign (CFC) get underway this month.

Both campaigns will last into the winter.

PVAS receives funds from both agencies and encourages its members to give to their campaigns.

Because PVAS is an IRS-qualified non-profit agency, individuals who contribute to either United Way or CFC can designate all or part of those contributions to PVAS, if they wish.

To designate United Way contributions to PVAS, look for the section of the United Way contribution form that asks how you want your donation invested and indicate that you want to make a "Restricted Contribution" to "Potomac Valley Audubon Society, PO Box 578, Shepherdstown, WV."

To designate CFC contributions to PVAS, enter PVAS's CFC number (29061) on the CFC form that you file with your employing agency.

Please note that United Way and CFC deduct a percentage from all designated contributions to cover their administrative costs.

If you have any questions, please contact Kristin Alexander at [pvasmail@aol.com](mailto:pvasmail@aol.com) or 304-676-3397.

## September PVAS Program Will Focus on Wild Bees

The Potomac Valley Audubon Society's September program at the National Conservation Training Center will focus on wild bees.

The program will be held at 7:00 p.m. Wednesday, September 14, in Room 151 of the Instructional West Building.

Admission is free and anyone is welcome to attend.



The speaker will be University of Virginia bee expert Tai Roulston, who is a Research Associate Professor at the University's Blandy Experimental Farm in Boyce, Virginia, and curator of the State Arboretum of Virginia.

His presentation will include information about the current status of domesticated honey bees but his emphasis will be on native bee populations, particularly those of this region.

Dr. Roulston holds a Ph.D. from Auburn University. His primary research area is plant-pollinator interactions. His other areas of interest include endangered species conservation, habitat fragmentation, and the impact of exotic species on native organisms.

## Major Photographer Will Lead September 18 Photo Workshop

One of America's foremost photographers, Seth Resnick, will lead a daylong photography workshop at the National Conservation Training Center in Shepherdstown on Sunday, September 18.

The workshop is being organized by the Potomac Valley Nature Photographers, which is a PVAS group, and is sponsored by Canon USA.

It will be held in the Center's main auditorium from 9:00 a.m. to 4:00 p.m.

Admission will be free and no pre-registration is required.

The workshop will be aimed at photographers of all skill levels. Its title will be "Seeing Color: Creating Dynamic and Saleable Images."

Participants will get expert advice on refining their creative vision and creating more effective and compelling images. They will also learn tips and tricks of the trade for processing and managing digital files.

One of the nation's most prolific corporate, editorial and stock photographers, Resnick was chosen as one of the 30 most influential photographers of the decade by Photo District News Magazine. His credits include over 2,500 publications worldwide and his clients constitute a virtual "Who's Who" of corporate America.

Resnick also is co-founder of D-65, a Miami-based firm that provides digital workflow workshops, webinars, one-on-one training, tech support, and consulting for photographers, studios, agencies, and corporate art departments.

He operates at the forefront of digital innovation, working with

Adobe, NEC, Canon, Xrite, Epson and others to help them formulate more useful products for photographers.

He is one of 78 photographers worldwide named as a Canon "Explorer of Light." He is a member of the prestigious "X-rite Colorati" program as well as an Alpha/Beta and feature consultant for Adobe Photoshop and Lightroom.

He has won numerous awards and speaks frequently to professional photography organizations and other groups.

For more information about Resnick and his firm, go to the D-65 website at [www.d-65.com](http://www.d-65.com).

For information about the September 18 workshop email [pvn-pexec@gmail.com](mailto:pvn-pexec@gmail.com).

## Final 2011 Master Naturalist Workshop September 24

PVAS is offering its final Master Naturalist Workshop of the year on Saturday, September 24.

The workshop is currently full but names for a waiting list are being taken.

The topic will be "Fall Wildflowers." The workshop will include a short classroom session and then focus on exploring and identifying common wildflowers and plants around the NCTC campus.

The workshop will be held from 9:00 a.m. to noon at the National Conservation Training Center outside Shepherdstown.

The workshops, which provide expert instruction on specific natural history topics, count as elective courses for individuals enrolled in the Potomac Valley Master Naturalist Program.

However, the workshops are also open on a space-available basis to anyone who is interested. Enrollment for each workshop is limited to 20 persons.

See the PVAS webpage for details or contact Wanda Miller at 304-263-7320 or [PVMN54@gmail.com](mailto:PVMN54@gmail.com) or Ellen Murphy at 304-676-8739 or [pvasprograms@comcast.net](mailto:pvasprograms@comcast.net).

The workshop carries a small fee of \$10 for Master Naturalist Program members and \$15 for nonmembers.

## Morgan's Grove Market Helps PVAS

PVAS earned \$420 from selling strawberries at Shepherdstown's Morgan's Grove market the Saturday morning, June 11!

The Market donated the strawberries to PVAS, and PVAS got to keep all the proceeds.

Our thanks to Market organizer Peter Corum for his generosity.

The Market is located just south of Shepherdstown on Route 480 next to Morgan's Grove Park. It's open 9:00 a.m. to noon every Saturday from May through September.

Described as a "farmers market with a twist," it features not only local produce and foodstuffs from local growers and producers, but also works by local artists and crafters. Musical entertainment is pro-

vided and there are fun activities for children. Dogs are welcome.

For more information about the Market, go to its website ([www.morgansgrovemarket.com](http://www.morgansgrovemarket.com)) or Facebook page ([www.facebook.com/organsgrovemarket](http://www.facebook.com/organsgrovemarket)).

## Scholarship Campers Return from Adventures

The PVAS camp scholarship winners will have lots to tell us about their adventures when we see them at upcoming PVAS meetings. Ellie Coggins, 14, of Shepherdstown, went to the Mountain Adventures Summer Camp near Spruce Knob, eagerly looking forward to white-water rafting and star-gazing. Two campers attended the Oglebay Institute Junior Nature Camp near Wheeling. Ten-year-old Katerina Rushizky of Shepherdstown, who loves biking and canoeing, hoped to “handle snakes and bugs” as part of her camping experience. Madison Hinkle, 13, of Shenandoah Junction, planned to identify birds and stream organisms, and to enjoy making new friends. In addition, nearly 20 youngsters attended our own Audubon Discovery Camp on PVAS scholarships.

During negotiations with the PVAS scholarship committee the Mountain Institute offered us two-for-one tuition for two additional PVAS campers. Both candidates were previous PVAS scholarship winners: Hannah Davis (Burgundy Center for Wildlife Studies, 2007) and Ellie Didden (Hog Island, Maine, 2008). PVAS thanks Mountain Institute for this very generous offer, enabling two young people with an obvious passion for the outdoors to attend the Mountain Adventures Camp for half tuition.

Our camp scholarship program is funded by the net proceeds from our annual bird seed sale. PVAS is deeply grateful to our loyal bird seed customers! We thank Berkeley Community Pride for donating funds to help several Berkeley County youngsters. And finally we say sincere ‘thanks’ to individual camp scholarship donors.

## What’s Happening To All the Songbirds?

by Jean Neely

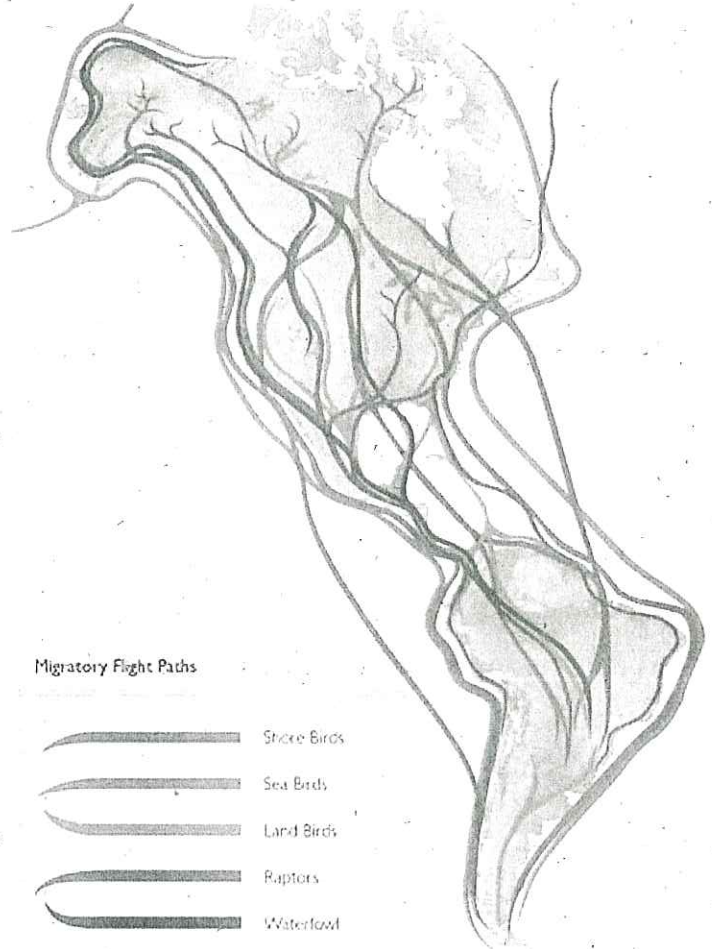
Back when I first moved to this area, there was an Eastern Meadowlark that showed up every spring just about a mile from my house. Every year he’d sit and sing that liquid song from the nearby telephone wire above the field. Unfortunately, he had chosen an active hayfield and every year the farmer had to cut it right in the middle of the nesting season. Now that bird is gone and his whole species is in decline. I just read that the Eastern Meadowlark’s numbers are down 73% since 1967.

And he’s not the only familiar bird that’s so affected. These creatures are migratory and spend half their time in the tropics—hence the term: Neotropical Migratory Birds. Each spring, millions of birds travel thousands of miles from Latin America and the Caribbean to their breeding grounds as far north as the Arctic. Months later, as the temperature drops and winter sets in, these migrants make the long trip back to warmer southern climates. These Neotropical migrants face increasing threats—habitat loss, human population pressures, invasive species, disease, and a changing climate.

Since its inception in 2002, the Neotropical Migratory Bird Con-

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 servation Act has provided millions of dollars for vital conservation efforts, including monitoring efforts, habitat restoration, education, and other projects in the United States, Canada, Latin America, and the Caribbean. But many essential conservation projects remain unfunded.

## International Alliances Program: Linking the Hemisphere’s People through Birds



Right now, the Act is up for reauthorization in the Congress. With the drastic fiscal situation we are facing right now, it’s going to be tough to convince the Congress to do so.

If you’d like to help the Eastern Meadowlark—and the other birds you enjoy in your yard every summer, you can tell your Congressional delegation.

The National Audubon Society makes it easy for you: just go to their website ([www.audubon.org](http://www.audubon.org)) and click on “Help Save Our Migratory Birds” and below that “take action”. The rest is simple.

## U.S. Duck Stamp Contest Coming to NCTC This Fall

The U.S. Fish and Wildlife Service National Conservation Training Center has announced that it will be hosting the prestigious Federal Duck Stamp art contest on October 28 and 29.

This will be the first time in the 61-year history of the contest that it will be held in West Virginia, and NCTC is quite excited to be able to host the event. Further details will be announced later.

You and your families are invited to attend. You'll be able to view incredible artwork from artists around the country, meet a renowned decoy carver, and enjoy watching history being made as the winning art for next year's duck stamp is selected.

The Migratory Bird Hunting and Conservation Stamp, or Duck Stamp, was established by an act of Congress in 1934, and the annual contest to select the next year's design was initiated in 1949.

Proceeds from sales of the stamps are used to purchase wetlands and associated upland habitats for inclusion in the National Wildlife Refuge System. Over the years this program has raised more than half-billion dollars to conserve over 5 million acres of crucial habitat.

For more information about the Duck Stamp program and the annual contest, go to [www.fws.gov/duckstamps](http://www.fws.gov/duckstamps).

## Gray Is Green

*This is an update on a resource for the mature conservation minded among us. The National Senior Conservation Corps has formed a partnership with the Natural Resources Defense Council to offer a "green" clearinghouse for older adults to learn about and become involved in green living.*



### Our Work

Gray Is Green is the leading environmental education, advocacy, and action organization for older adults. America's greenest generations are calling for a cleaner, healthier future for everyone.

Gray Is Green (the National Senior Conservation Corps) is the "go to" organization for members of America's older generations who are interested in environmental sustainability. It serves as a clearinghouse for older adults interested in greening their lives, learning about sustainability, advocating for sound climate change policy, and serving as resources for younger people involved in sustainability.

### The Gray Is Green Story:

In 2007, a group of retired professors from Yale University interested in environmental conservation decided to "green" their retirement home. As Dr. Robert Lane, Prof. Art Galston and others began to organize conservation resources, they were shocked to find there were none aimed at engaging older adults. Reasoning that their generation is in large part responsible for environmental degradation, and that seniors have significant political and financial leverage, the group decided to change that. They produced a set of tools to help other seniors address sustainability, including educational information, guides and suggested actions. They discovered that senior citizens are interested in effecting positive environmental change but often don't know how to do it.

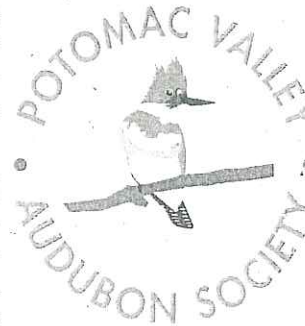
The group launched a 501(c)(3) in 2008 to expand their work and perpetuate their gains, and The National Senior Conservation Corps was born. The group launched a website ([www.grayisgreen.org](http://www.grayisgreen.org)) and began to create a network of members around the coun-

try. Members were encouraged to form local Green Teams, equip themselves with the NSCC's materials and enable change in their own communities.

Now, Gray Is Green is involved with older adults and communities across the country. In February 2011, it formed a partnership with the [Natural Resources Defense Council](#), one of the nation's largest and most experienced environmental advocacy organizations, to demonstrate the true potential of older Americans in creating a cleaner, healthier future for everyone.

## PVAS Adopts an Updated Logo

Committee members working on updating the PVAS Web site became very aware to freshen up our original logo ad-



had been color-modernized. The original at a time that digi- tions and the In- even imagined. times and tastes and while our mission is still as relevant now as it was then, our logo needed a little facelift.

that we needed logo image. The opted in 1982 ized but never

logo was adopted tal communica- ternet were not Needless to say have changed;

Approved by the board in August, we will begin phasing in the updated logo over the coming months.

### Camp Report (continued from page 10)

Middle school-aged campers had more challenging sessions as well. Not only did a group journey to Echo Hill Outdoor School on the Eastern Shore of Maryland for *Ways of the Bay* to explore the Chesapeake Bay firsthand, but another group traveled to the For Love of Children (FLOC) Outdoor Education Center near Harpers Ferry for an overnight *Adventure Challenge*. This session included a day of Initiative Activities (low ropes) and the High Ropes Course, an overnight onsite, and a day of Rock Climbing.

Our summer camps would never be possible without volunteer supporters who donate a few hours or even a week or two (!) to make our programs successful. Many thanks to Susan Fluharty, Scott Fluharty, Sherri Cooper, Merilee Cunningham, Jen Janus, Bland Campbell, Wanda Miller, Clark Dixon, Woody Nackley, Bob Dean, Angie Cummings, Deborah Rocheford, Kristin Marino, Wayne Braunstein, and David Wilson for their time and commitment this summer. Some middle and high school students volunteered for one or more weeks as Junior Counselors where they assisted the senior staff and enjoyed the fun of camp. Thanks to Rebecca Phillips, Lydia McGilton, Lily Braithwaite, Miles Waldman, Emma Waldman, Hunter Bodwell, Jake Kemman, and Holly McKinney. Our staff this summer included Suzi Taylor, Christian Thomas, Robby Glenn, and Skylar Benedict (who "grew up" at camp and then returned in a leadership role.)

We'd also like to recognize and sincerely thank our generous intern sponsors, Henry and Faye Davenport and all donors to the Liz Neely Memorial Education Fund. Their generosity allows PVAS to attract excellent staff thanks to our ability to offer a competitive wage.

## Potomac Valley Nature Writing Group 2011-2012 Season

The Potomac Valley Nature Writing Group was formed in early 2009 to promote the art and appreciation of nature writing. This genre of literature explores and celebrates the natural world and our relationships within it. PVNWG members meet monthly to honor a different author's work. We kick off its 2011-2012 season on September 25 with a discussion of Scott Wiedensaul's *Mountains of the Heart: A Natural History of the Appalachians*. Upcoming reads include Jane Goodall's *A Reason for Hope* (October), Barbara Hurd's *Entering the Stone* (November), and Barry Lopez's *Arctic Dreams* (December).

PVNWG welcomes new members who love reading, writing, and nature! Find out the meeting times and places, and read reviews and member blogs at <http://potomacvalleynaturewritinggroup.blogspot.com/> or email [pvnaturewriters@gmail.com](mailto:pvnaturewriters@gmail.com) to request information.

## Look for PVAS Display at Sharpsburg and Charles Town Heritage Days

PVAS will have displays at this year's Heritage Days celebrations in both Sharpsburg and Charles Town, which are both being held on Saturday 17.

If you attend either or both events, please stop by and say hello.

### Calendar

- Sep 6: "Music in the Cedars" Concert, 6:30-7:30 p.m.
- Sep 7: Birding trip to local ponds, @8a.m.
- Sep 10: Birding trip to the Dolly Sods Wilderness Area
- Sep 10: Insect walk, @6:30 p.m.
- Sep 13: "Music in the Cedars" Concert, 6:30-7:30 p.m.
- Sep 14: PVAS General Meeting and Program, @ 7 p.m.
- Sep 16-18: Berkeley Springs Fall Birding Festival
- Sep 17: Sharpsburg Heritage Festival
- Sep 17: Charles Town Heritage Festival
- Sep 20: "Music in the Cedars" Concert, 6:30-7:30 p.m.
- Sep 21: Hawk-watching at Washington Monument State Park, @9 a.m.
- Sep 24: Hawk-watching along North Mountain in Hedgesville, @11 a.m.
- Sep 24: Naturalist Workshop—"Fall Wildflowers," 9 a.m.-noon
- Sep 27: "Music in the Cedars" Concert, 6:30-7:30 p.m.
- Oct 1 & 2: Winston Gardens Native Plant Nursery fall Open House
- Oct 8: "Growing Native" seed-collection event at Yankauer, 10 a.m.-noon
- Oct 8-9: Berkeley Springs Apple Butter Festival
- Oct 14-16: Hawk-watching trip to Cape May, NJ
- Oct 29: Field trip to the Patuxent Research Refuge, 9 a.m. - 3:30 p.m.

### JOIN PVAS TODAY!

ALL of your dues will stay here to support local PVAS efforts and help us grow! And here's what you'll get:

- Access to a wide variety of PVAS programs and events for adults and children, including field trips, special events, workshops and courses, and environmental projects.
- A subscription to Valley Views, the PVAS newsletter
- E-mail alerts about events and programs of special interest
- Satisfaction of supporting conservation efforts, youth and adult nature education, individual and family recreation, and a wide array of programs in your community.

To become a local member, send in the form below and enclose a check for \$20 (\$15 for seniors and students). Make the check out to "PVAS." This fee covers membership for everyone in your household for one year.

#### Membership Form

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Phone (optional): \_\_\_\_\_  
 E-mail: \_\_\_\_\_

*To save postage costs, PVAS regularly sends its newsletter by e-mail. You can be assured that we do not share email addresses with anyone. If you would prefer to receive the newsletter by U.S. mail check here: \_\_\_\_\_*

Clip and mail this form to:

**Membership Chair, PVAS**  
**PO Box 578**  
**Shepherdstown, WV 25443**

**Thank you for your support!**



### If you'd rather join the National Audubon Society:

Some people prefer National Audubon Society membership, which includes a subscription to the Society's Audubon magazine. To become a National member, go to the Society's website at [www.audubon.org](http://www.audubon.org) and click on "join." If you join National Audubon and reside in Berkeley, Jefferson or Morgan counties in West Virginia, or in Washington County Maryland, you will automatically become a member of PVAS and have access to our events, an e-mail copy of newsletter and e-mail alerts. However almost all of your dues payments will go to the National Audubon Society; only a small percentage will go to PVAS.

#### RED TEXT - DOT ALERT

If red text or a red dot appears on your mailing label, your membership may have expired and this could be your last issue of Valley Views. Take action to renew your Local membership. If you are a National Audubon Society member, the National Society will notify you directly when your membership is up for renewal.



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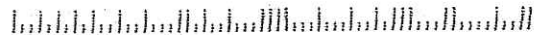
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 bined Federal Campaign.



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 Charles Town, WV 25414

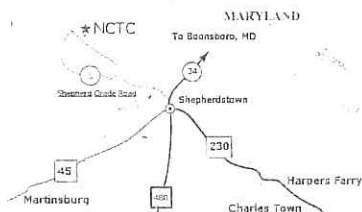
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The Potomac Valley Audubon Society meets at 7:00 p.m. on the second Wednesday of each month, September through April, at the US Fish and Wildlife Service National Conservation Training Center (NCTC), Shepherdstown, WV, in the Instructional West Building. Programs are free and open to the public. For additional information about PVAS or its programs and activities, please call any of the board members listed her or see <http://www.potomacaudubon.org>. PVAS serves the Eastern Panhandle of West Virginia and neighboring Washington County, Maryland.

**PVAS BOARD**  
 The PVAS Board meets every other month on the first Thursday of the month (Sept.-June). Meeting location will be announced prior to meetings. These meetings are open to all PVAS members.

**PVAS Officers and Board Members**

- President: Peter Smith 304 876-1139 ..... pvsmitth@frontiernet.net
- Vice President: Bob Reynolds ..... robert.reynolds40@gmail.com
- Secretary: Mina Goodrich ..... larrymina@peoplepc.com
- Treasurer: Lex Miller ..... pamandlex@frontiernet.net
- Board Development: Wayne Braunstein 304 728-7181 ..... wbraun@frontiernet.net
- Board Members-at-Large: Don Briggs ..... ldonaldbriggs@gmail.com
- Rob Hoxton ..... rhoxton@hoxtonfinancial.com
- Leigh Jenkins ..... jenkinsleigh@hotmail.com
- Georgia Jeppesen ..... georgia\_jeppesen@comcast.net
- Heather McSharry ..... heather\_mcsharry@yahoo.com
- Jesse Morgan ..... jmorgan@a-zoneenvironmental.com
- Kathy Stolzenburg ..... kstolzenburg@gmail.com
- Jane Vanderhook ..... janehook@frontiernet.net

**Ex Officio Board Members**

- Diana Mullis 304 267-3482 ..... dianamullis@aol.com

**Emeritus Board Members**

- Jean Neely ..... jeaneely@comcast.net

**Special Contacts**

- Executive Director: Kristin Alexander 304 676-3397 ..... kaemail730@aol.com
- Web Master: Kathy Bilton ..... kathy@fred.net
- PVAS Wildlife Rescue Coord: Diana Mullis ..... 304-267-3482