



MEMORANDUM

**TO:** Public Works Committee  
**FROM:** Harvey E. Straswnyder, Jr., P.E., Director of Public Works  
**SUBJECT:** Meeting of January 31, 2017  
**DATE:** January 25, 2017

HES  
kco

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There will be a meeting of the Public Works Committee on Tuesday, January 31, 2017 at 8:00 a.m. **in the conference room located on the second floor of the north end of the County Administration Building at 107 North Kent Street, Suite 200.** The agenda thus far is as follows:

1. Discuss Disposition of Shawneeland Council House  
**(Attachment 1)**
2. Citizen Convenience Sites Usage Summary  
**(Attachment 2)**
3. Miscellaneous Reports:
  - a. Tonnage Report: Landfill  
**(Attachment 3)**
  - b. Recycling Report  
**(Attachment 4)**
  - c. Animal Shelter Dog Report:  
**(Attachment 5)**
  - d. Animal Shelter Cat Report  
**(Attachment 6)**

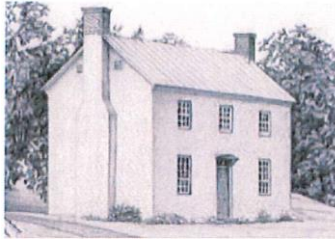
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Attachments: as stated

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**FINAL REPORT AND PROPOSAL**  
REGARDING THE CLOWSER HOUSE SITE

**From the Citizens Committee for the Preservation of the Clowser House**



**To the Frederick County Board of Supervisors**  
**January 23, 2017**

The Citizens Committee has been working and meeting bi-weekly since May, 2016, to respond to the Frederick County Board of Supervisors' request for a specific plan which would preserve the Clowser House in lieu of its proposed demolition.

The principal conditions stipulated by the BOS for such a plan included:

1. that any liability related to the structure be removed from the County
2. that any planned uses of the property not adversely impact the Hazard Rating of Cherokee dam
3. that any costs related to the structure's preservation not be borne by the County
4. that there be some assurance of the organizational and financial sustainability of such a plan
5. that the Shawneeland Sanitary District Advisory Committee be consulted.

The studies completed by the Committee have led to three conclusions influencing its Proposal:

**1st Conclusion:**

The House is within the Cherokee Dam Inundation Zone (DIZ). Specific surveys commissioned by the Committee place the first floor of the house at 878.50 feet, and a cross-section obtained from Ruckman Engineering of a state-defined worst case dam break scenario places peak flow at 880.33 feet at the house site, putting 1.83 feet of water in the first floor. Therefore, to avoid adversely impacting the Dam's Hazard Rating (Low/Significant/High; currently at Significant because of its threat to Rt. 600), only non-habitable uses could be considered. The Department of Conservation and Recreation has issued a letter of determination that the Committee's proposed uses will not affect the Dam rating.

**2nd Conclusion:**

Regardless of its inclusion in the DIZ and availability only for non-habitable uses, the Clowser House is worth saving and preserving as a key element in a valuable historic site related not only to Frederick County's earliest European settlement and history of national frontier conflict, but also to the site's 10,000 year pre-history as a Paleolithic camp and stone workshop site, as well as to its Civil War history with relics of both sides. This history is documented in the Virginia Department of Historic Resources' archaeological records (Clowser Farm, DHR ID 44FK0595; Clowser Camp/Workshop site, DHR ID 44FK0596, and DHR Architectural Record 034-1531), and with significant artifacts. The area immediately surrounding the House also includes the Clowser cemetery (a re-burial ground, containing the remains of some of the earliest settlers in Frederick County), the archaeological ruins of the earliest Clowser home and mill, and a spring which served the houses as well as earlier peoples.

**3<sup>rd</sup> Conclusion:**

The five principal conditions set by the BOS are met by the Proposal which follows.

## The Proposed Plan

The Citizens Committee asks the Public Works Committee and the Board of Supervisors to consider, in lieu of demolition of the Clowser House, a positive preservation proposal with seven elements:

**1. That the County transfer ownership of a lot of approximately 5.6 acres out of the 149 acres it owns in Shawneeland, including the Clowser House, the Clowser cemetery, the archaeological remains of the original Clowser homestead and well, and the 10,000 year-old Paleolithic camp and stone workshop sites.** *Transfer of ownership addresses **BOS Condition 1**, all liability passes to new owner. The “Old Mail House” and “Wheel House” buildings were left out of final proposed lot given concerns expressed in meeting with Shawneeland Sanitary District Advisory Committee, addressing **BOS Condition 5**.*

See: Vicinity Map, Archaeological Map, Proposed Lot Plan, Minutes of Meeting with SSDAC on January 9, 2017 (Attachment 1)

**2. That the lot be transferred to a currently existing non-profit Virginia corporation, The Clowser Foundation, with a board of nine community and family members.** *The Foundation was set up and designed to provide long-term support and oversight for the Clowser site. This addresses **BOS Conditions 1** (legal entity to assume liability), and **BOS Conditions 3 and 4** (entity entitled to tax-deductible gifts, gifts from other non-profits, and to do public fund solicitation). The Foundation structure includes a Professional Advisory Committee to assure permanent continuing input from local/regional preservation organizations and County Historic Resources Advisory Board. The Foundation will also name single points of contact and develop communication plans with the Frederick County Dept. of Public Works in Shawneeland, and with the Shawneeland Sanitary District Advisory Committee.*

See: Articles, Certificate of Incorporation effective 9-28-16, and Board List (Attachment 2)

**3. That the lot be transferred for a consideration of \$1.** *The Committee is asking for this in return for assuming all legal and financial responsibility for an important historic site in Frederick County, for permanently preserving the site privately, for relieving the County of demolition costs, for permanently insuring the site, and for adding a permanent tax-paying entity to the Shawneeland Sanitary District.*

**4. That the lot be transferred for uses described in the Articles of Incorporation of the Foundation, including non-habitable uses for the House (storage, original exterior viewed from outside).** *These uses A) emphasize preservation of the built and archaeological elements of site as an historical landmark, with exterior recreational and educational use, B) safeguard the current Hazard Rating of Cherokee Dam, **meeting BOS Condition 2.**, and C) maintain the historic entry road view of Shawneeland (Clowser House) at private expense.*

See: VDCR Letter of Determination that proposed uses do not threaten Dam rating, and DHR Letter Confirming Eligibility of Site for Nomination to State and National Historic Registers (Attachment 3)

**5. That the lot include the the future possibility of constructing a small office-meeting room-bathroom, including space for drainfield and reserve.** *This future building would substitute for the non-habitable House, plus providing additional potential community meeting space at Shawneeland.*

See Attachment 1 with proposed lot, good drainfield soils on north and east sides outside archaeological sites.

**6. That the House be first completely stabilized (within twelve months of transfer), and then regularly maintained to historic and current standards.** *This deadline is to provide assurance that the property will be fully stabilized within a measurable period, and regularly maintained.*

**7. That all responsibility for liability, preservation costs, costs of transfer, of maintenance of the buildings, etc., be moved to the new “improved lot” owner, The Clowser Foundation, an organization with an annual budget and fundraising plan, based on submitted pending applications to the IRS for**

**tax-exempt status and to the Virginia Office of Charitable and Regulatory Services for approval to solicit from the public (and \$6,000 already raised from within the Committee).**

See Attachment 4: 3-Year Budget, Fundraising Plan, 1<sup>st</sup> pages of Federal and State submissions

### **Summary**

The Citizens Committee believes that its proposal for a transfer of ownership of the Clowser House site to the Clowser Foundation, rather than demolition, will allow all six of the following goals to be accomplished, rather than just the first:

1. Will meet the desire of the Frederick County BOS and Shawneeland Sanitary District to **eliminate responsibility (and tax-payer funding) for any liability related to, or costs associated with, the preservation of the Clowser House and site**, and avoid changes to the rating of the Cherokee Dam. Note that demolition of the historic house above ground would not remove continuing reasonable responsibility by the County for the protection of the state registered archaeological site beneath and around the house.
2. Will **preserve an unreplaceable historic/archaeological site** critical not only to the settlement and Civil War history of Frederick County but to its Paleolithic history 10,000 years ago, at private expense.
3. Will provide the basis for a **permanent non-profit organization (The Clowser Foundation) to be responsible for the liability and all future costs** associated with the site, as well as supporting family, educational, and research activities which add to knowledge of the County's founding historic period and people.
4. Will **eliminate the tax-payer funded cost of asbestos abatement and of demolition** of the House (\$5,000 plus), costs increased by the facts that the House is a state-registered architectural site (DHR Architectural Record 034-1531) and will need to be documented (measurements and photographs, \$1,500), and that it stands on a state-registered archaeological site (DHR Archaeological Record 44FK0595) which will need a preliminary archaeological survey before earth is disturbed (\$1,500), followed by a protective dirt/grass covering of the demolished site (\$900), for an estimated total of **\$8,900+**. If demolished, given the importance of the site, the County should also consider placing an historic easement on it to protect its archaeological and cemetery resources, in cooperation with the County's Historic Resources Advisory Board (The Clowser Foundation would do this at its expense).
5. Will create an **additional permanent tax-payer to the Shawneeland Sanitary District** (the Clowser Foundation, as an improved lot owner).
6. Will **preserve the use of the grounds around the Clowser House for residents of Shawneeland**, as well as providing interpretive signs and maintaining the historic view along the entrance route including the House, as planned by the original developer over 50 years ago, on a permanent, private basis.

*In conclusion, the Citizens Committee and Foundation Board have done an enormous amount of work to study the possibilities of preserving the Clowser site, and to prepare organizationally and financially, in advance of a decision, to immediately take on the responsibilities if the Public Works Committee and Board of Supervisors make positive decisions, to be finalized by a public hearing and preparation and execution of final documents. This breadth and depth of preparation should be taken as evidence of the commitment, and ability, to carry out the proposal successfully. The Committee asks for your positive consideration.*

**List of Committee Members, bringing this proposal to the Frederick County Board of Supervisors:**

*Ruth Perrine, Co-Chair, Shawneeland Resident*

*Robert Stieg, Co-Chair, The Clermont Foundation*

*Karen Burke, Recorder, Shawneeland Resident, family genealogist*

*Betsy Arnett, President, Preservation Northern Shenandoah Valley*

*Sandra Bosley, Director, Preservation Historic Winchester*

*Anna Campbell, Shawneeland Resident*

*Jeff Chamberlain, Clowser descendant*

*Dorothy and Marion Clowser, Clowser descendant, Shawneeland property owners*

*Jessica and Jamie Clowser, Clowser descendant*

*Judy Clowser-Yancey, Clowser descendant*

*Gary Crawford, President, Kernstown Battlefield Association*

*Patsy Gochenour, Local historian, teacher*

*Roger Lamborne, Shawneeland property owner, historian*

*Tim Machado, AIA, Preservation of Historic Winchester*

*Becky Morrison, Shawneeland property owner, French and Indian War Foundation*

*Jim Moyer, French and Indian War Foundation*

*George Schember, President, Winchester-Frederick Historical Society*

*Joe Stepongzi, Cultural anthropologist*

*Larry Webb, USPS, Clowser descendant*

*Blaine Dunn, FCBOS, Liaison*

*Bruce Downing, Harrison & Johnston, Registered Agent, The Clowser Foundation*

**ATTACHMENTS:**

**Attachment 1.**

- Vicinity Map of Clowser House area
- Archaeological and Architectural Site Map of Clowser House area
- Proposed Clowser Site Lot
- Minutes of meeting of Citizens Committee with SSD Advisory Committee 1-9-17

**Attachment 2.**

- Articles of Incorporation
- Certificate of Incorporation of The Clowser Foundation
- Board Member List

**Attachment 3.**

- DCR Letter of Determination of Uses Acceptability (will not raise Hazard Rating of Cherokee Dam)
- DHR Letter Confirming Eligibility of Site for Nomination to State and National Historic Registers

**Attachment 4.**

- Three Year Budget
- Fundraising Plan, including legal prerequisites for approval under federal and state regulations

**Attachment 5.**

- Draft Deed of Transfer (placeholder for document to be developed contingent on positive vote)
- Draft Memorandum of Understanding (placeholder for document, contingent on positive vote)

ATTACHMENT 1.

Vicinity Map of Clowser House Area in Shawneeland

Archaeological and Architectural Site Map of Clowser House Area

Proposed Clowser Site Lot Plan

Minutes of Meeting of Clowser Citizens Committee with  
Shawneeland Sanitary District Advisory Committee, January 9, 2017

## Vicinity Map

(Lake and Cherokee Dam at far left, entrance to Shawneeland at far right intersection)



## Archaeological and Architectural Site Map of Clowser House Area

(with Virginia Department of Historic Resources Record Sites identified)



- DHR 034-1531: Architectural Site Record for Clowser Farm site (18<sup>th</sup>-19<sup>th</sup> centuries)  
DHR 44FK0595: Archaeological Site Record for Clowser Farm site, including cemetery, well, dwelling, potential original homestead (clump of dark trees just west of two red circles), mill, trash scatter
- DHR 44FK0596 Archaeological Site Record for Baseball Diamond, including Paleolithic Camp, Base, Lithic Workshop (8500-1201 BCE)
- DHR 44FK0597 Archaeological Site Record for Area SE of Baseball Field, including Paleolithic Camp, Base, Lithic Workshop (8500-1201 BCE)



### Proposed Clowser Site Lot Plan

(Approximately 5.6 acres, it does not include either the “Old Mail House” at the Shawneeland entrance in the crescent-shaped area, or the “Water Wheel House” to the east of the House, given concerns by the SSDAC. The proposed lot takes in the cemetery above the parking lot on the southern side, the potential original homestead archaeological site west of the house and the baseball diamond, the field west and north of the baseball diamond – potential sites for office/drainfield, and terminates to the east at the red line crossing the creek and taking in the eastern Paleolithic record site)



The Clowser House is identified by a red dot and the number “152”. The Water Wheel Building, outside the lot, is identified by a red dot and the number “150”.

## **CITIZENS COMMITTEE TO PRESERVE THE CLOWSER HOUSE**

### **Minutes Taken of Meeting of Committee Members with The Shawneeland Sanitary District Advisory Committee**

9 January 2017 (five pages)

At a meeting of the Citizens Committee to Preserve the Clowser House and the Shawneeland Sanitary District Advisory Committee (SSDAC), held in the Shawneeland Maintenance Building on Monday evening 9 Jan 2017, the following members of the Citizens Committee were present: Ruth Perrine (Chair), Robert Stieg, Karen Burke, Jessica Clowser, Larry Webb (President, Clowser Foundation), and the following members of the Shawneeland Sanitary District Advisory Committee: Lynn Schmitt (Chair), Michelle Landon, Jeff Stevens, Barry Van Meter, with Kevin Alderman, Frederick County Dept. of Public Works Shawneeland Manager.

#### **Call to Order**

The meeting was called to order by Ruth Perrine at 6:00 p.m. The Initial Report and Proposal that was presented to the Public Works Committee and the Board of Supervisors in Sep 2016 was previously provided to the SSDAC at their 7 Nov 2016 quarterly meeting.

#### **Purpose of the Meeting**

As part of the process of writing a final proposal to the Public Works Committee and Board of Supervisors, The Citizens Committee to Preserve the Clowser House was meeting with the SSDAC for the purpose of sharing background, to provide a progress report, to answer any questions, to listen to any concerns as well as to seek input on those concerns and the support of the SSDAC.

#### **Presentation by Bob Stieg**

Bob Stieg reviewed the Initial Report and Proposal that was presented to the Public Works Committee and the Board of Supervisors in Sep 2016, including an update on committee progress as well as County, State and Federal process, in detail. Bob outlined the differences between the Citizens Committee, a preservation advocacy group and The Foundation, an organized group from diverse backgrounds representing a large network of Clowser family descendants, professional historical and preservation interests and community interests. He placed emphasis on formation of a long-standing relationship with the SSDAC and spoke of a liaison with the Board of the Foundation. Bob asked for SSDAC feedback and support and offered to meet again referencing the plat and shape of the lot before the 31 Jan 2017 meeting with the Public Works Committee.

#### **Concepts of the Proposal**

The house was determined to be within the dam inundation zone (DIZ). Confirmation from the Department of Conservation & Recreation (DCR) was received in writing and DCR agreed that the location and proposed use of the house, including storage, would not constitute a risk to the current dam permit or classification.

Responsibility for all cost, legal liability and maintenance shall transfer, to a new owner, The Clowser Foundation, a non-profit Virginia corporation, in perpetuity.

Permanent support from representatives of local professional preservation organizations as well as a detailed fundraising plan assures permanent stability and support to The Clowser Foundation.

The Clowser Foundation proposes to preserve an unreplaceable historic/archaeological site, preserve use of the grounds around the Clowser House for residents of Shawneeland and maintain the historic view along the Tomahawk Trail entrance route to Shawneeland.

### **Concerns and Questions Raised and Answered**

#### **1. Governance (Elections, By-Laws and Documents)**

- Purpose of the project: *preservation of building and site, recreation, study, education*
- Long term goal: *preserve building, use exterior for recreation, education, continue to stand as landmark, be a study site for scholars, local historians, to add to local/regional history.*
- Entity to receive the property: *The Clowser Foundation, with a board of community and family members, including residents and property owners in Shawneeland.*
- Continuity of the Board: *Foundation is a perpetual Virginia non-profit corporation.*
- Disposition of the property should the Board cease to exist: *in the Foundation's By-Laws, as required by IRS, is the requirement that the assets must be given to another non-profit with similar purposes (preservation), such as the Winchester-Frederick Historical Society*
- Purpose of the Foundation should a portion of the house fail or if the house ceased to exist: *the Clowser House is just one part of an amazing historical site (standing house, cemetery, well, archaeological remains of original homestead and mill, Civil War archaeological site with relics of both sides, and pre-history site with Paleolithic camp and stone workshop 10,000 years old. The Foundation would repair the house, or document its existence with public markers, and would maintain, study, and educate about the many other aspects of the site.*
- Clarification on features of deed of transfer (permanent) and MOU (renewable) documents: *Two documents are needed to effect the transfer, a deed describing a one-time transfer, and a Memorandum of Understanding, or Agreement, signed by both parties to take care of describing aspects of an on-going relationship with issues that will change over time.*
- Timeline on draft deed of transfer preparation: *the Final Proposal with attachments must be submitted Jan. 23 to the Public Works Committee for their meeting on Jan. 31. First drafts of the deed and MOU will be included; these documents would not be finalized until after a positive vote of the BOS, if there is one, by the County Attorney and the Foundation's attorney, for approval by the BOS.*
- Opportunity to review deed of transfer, MOU documents: *we would be happy to share the drafts when they are done; may be just before PW Committee meeting, and they will only be initial draft placeholders for final documents to be put together by the County and Foundation attorneys after an initial positive BOS vote, if that happens.*
- Long-term period of performance stated in a MOU: *the MOU will mostly provide a framework for a working relationship, given that on-going communication with PW Dept. and SSDAC are very important. It would be a renewable agreement, subject to approval of both parties, such as every three years, with possibilities for mutually agreed changes in between.*

#### **2. Finance**

Operating budget: *A budget for the Foundation will be presented to the BOS.*

#### **3. Fundraising**

Source of funding/donations: *A fundraising plan which supports the budget will be submitted with the Proposal, applications for approval under federal and state laws have already been submitted. \$6,000 has already been just from within the Committee, but public fundraising has to wait for the federal and state approvals. A special advantage the Foundation has in fundraising is that it is raising money for a family historical site. There are many Clowsers in the*

*region, many hundreds in Virginia, and thousands throughout the US, and most stem from the immigrant Johann Heinrich Klauser at this site, and his family. There are also many Valley German-descended families who are closely intermarried with the Clowers, including a number in the Clowser Gap area of western Frederick County. This is an excellent long-term, continuing basis for a portion of the fundraising, which will also include community organizations and individuals interested in Valley history, archaeology, genealogy, and historic preservation, as well as businesses with philanthropic programs who have economic interests in the Valley.*

4. Property/Plot

- Cost to stabilize/repair the brickwork in the entire back wall: *about \$7,500, plus other costs to prevent future damage such as has occurred now (guttering, \$1,000, etc.)*
- Clarification on engineering reports: *using existing reports, including Ruckman*
- Timeline for repair: *stabilization of house within twelve months after transfer*
- Proposed plot fixed or flexible; proposed plot requirements/minimum on acreage: *the Committee is flexible about the plot (it's a major reason we wanted to talk with SSDAC); we want to know (before we submit the final proposal) whether the SSDAC would support including the old mail house and wheel house in the plot as shown tonight, or would prefer the County retained them and maintained them through the Sanitary District? SSDAC members said they were unsure, would talk about pros and cons.*
- Purpose of attachment to lot of old mail house (if included), traffic a concern: *talked about once a year Clowser and related family reunion, use by Shawneeland residents for similar purposes, possible fundraising picnic.*
- "Consideration of \$1" price, vis-à-vis taxpayer funded water-wheel renovation (if included in lot): *SSDA members pointed out that considerable SSD funds had renovated the wheel house – this might be a concern to residents.*
- Timeline, uses and size of potential office space: *construction of a small office-meeting room building would be at an indefinite time in the future when the existing building was in good shape and enough money had been raised do the office.*
- Location of potential drain field in relation to the DIZ: *the DIZ extends irregularly 40-50 feet behind the house. The size of the plat we are requesting allows for the potential of a drainfield outside of the DIZ and the archaeological sites.*
- Clarification on apartment for grounds keeper: *the Committee has no plans in any foreseeable future to have a resident grounds keeper.*

5. Preservation/Maintenance

- Entity responsible for maintenance, trash, vandalism, point of contact: *the Foundation would be the owner and responsible entity, with defined points of contact for these functions (dealt with in MOU). On the one hand, it would be like any resident property owner, on the other hand, since Shawneeland residents would be allowed similar usage to the past (walking, games, ball, picnics, etc.) there would need to be coordination with the PW Dept. and SSDAC.*
- Mowing of Foundation property by County employees/equipment: *if part of a mutual agreement in return for property use, storage, insuring public use, etc., this would be included in the MOU, as approved by the County as part of a mutual agreement. This would ensure the continued unified appearance of the grounds.*

6. Concerns

- Clarification on storage space, including storage in water-wheel (if included): *the MOU would cover such an exchange, if the building was included in the lot.*

- Effect on dam seepage monitoring: *while the monitoring sites would likely be in the lot, there would not be any effect on them; these would continue as they are, and be reflected in the MOU*
- Use of the water-wheel, parking lot, golf course, ball field: *the proposal includes the continuation of these activities as currently (the one hole of the golf course that is near the proposed lot, has never been considered for inclusion and is not now). There is no proposal to erect fences around the proposed Clowser lot.*
- Clarification on limited public access: *there is no proposal to change Shawneeland resident access from what it is now. "Public" meaning non-Shawneeland residents access would also not change from whatever "public" drives into Shawneeland now. Based on the DCR approval of the uses of the house, the House will not be a house museum – it will only be viewable from the exterior, exactly as now. Some Clowers who would attend a family reunion, along with Rosenbergs, etc., own property in Shawneeland, and like other residents are welcome to invite family and friends to visit. No program of coach tours to what is essentially an underground archaeological site, with one building viewable from the outside only, is envisaged at all.*
- Dates of previous archeological surveys: *2001*
- Foundation interest in further archeological surveys vis-a-vis the ball field: *the Foundation will be interested in further archaeological survey work when stabilization of the building is complete, and when money can be raised for this purpose in the future. However, how this works is that in any long-term systematic archaeological campaign plan, the main early stages, taking years, are non-invasive (metal-detecting, ground penetrating radar, overhead photography in true-color and infrared from drones, field-walking observation by professionals), and only the end stages involve disturbing the earth, and only where indicated by all the non-intrusive studies. If test pits are dug, they are immediately refilled and the ground restored.*
- Clarification on surface use of registered archeological sites: *There is no restriction on any recreational uses (walking, ball-playing, picnics, mowing, etc.) that do not involve deliberate digging or damaging the ground. Presumably such activities are forbidden now, and would continue to be. No metal detecting or digging up of archaeological resources would be allowed, with the exception of official entities.*

#### **Items slated for inclusion in MOU between The Clowser Foundation and Frederick County**

Development of Communication plan with SSDAC and Public Works Shawneeland Office given importance of these on-going relationships: entity responsible for maintenance of the ball field, level cut lawn mowing, storage in Clowser House, storage in water-wheel (if included), liaison/point of contact, etc.

#### **Dates and Deadlines Reviewed**

Public Works Committee Meeting - 31 Jan

Board of Supervisors Meeting - 8 Feb (receive proposal from Public Works Committee)

Board of Supervisors Meeting - 22 Feb (vote for/against proposal, if for, vote for Public Hearing on Land)

Public Hearing – to be determined

Preparation of final documents

Final deed of transfer – approximately March-May

Timeline for repair – within twelve months of transfer

#### **Action Items**

Bob Stieg said the Foundation had to come up with a final proposal, including a lot layout, to be sent to the Public Works Committee on Jan. 23. He asked SSDAC members for their preference as to whether they would prefer the "Old Mail House" picnic area at the entrance and the "Wheel House" building to

go into the Foundation lot, as shown on the lot map previously supplied and discussed at this meeting, or to have the County retain them in its lot. The members said they were not sure: on the one hand, there would be future maintenance issues/costs with both, but that on the other they had concerns about a transfer. Regarding the "Old Mail House" at the entry, parking egress for functions was a concern, and regarding the Wheel House, a lot of SSD funds from residents had been spent on fixing it up and it is used by the Public Works Dept. Shawneeland Office for storage (which the Foundation had offered to continue). The SSDAC members planned to have a meeting after this one, and Stieg asked that they respond with their preferences, which would be considered.

Ruth Perrine is to e-mail Architectural and Archaeological Site Record Forms from the Department of Historic Resources' VCRIS (Virginia Cultural Resources Information System) for the Clowser Farm to the SSDAC

Bob Stieg to forward initial draft of deed of transfer and MOU to the SSDAC, via Ruth Perrine, when drafts are completed by lawyer (final drafts would come after a positive vote and a public hearing).

SSDAC shall provide feedback to a single point of contact, who will be Ruth Perrine, Co-Chair of the Citizens Committee

#### **Adjourn**

On motion of Lynn Schmitt, adjournment at 7:46 p.m. followed by a closed session of the SSDAC.

Minutes submitted by Karen Burke, Secretary of Citizens Committee  
12 Jan 2017

ATTACHMENT 2.

Articles of Incorporation of The Clowser Foundation

Certificate of Incorporation of The Clowser Foundation

Board Member List of The Clowser Foundation

**ARTICLES OF INCORPORATION  
OF  
THE CLOWSER FOUNDATION**

The undersigned sets forth the following for the purpose of forming a non-stock corporation under the provisions of Chapter 10 of Title 13.1 of the Code of Virginia:

1. **NAME.** The name of the corporation is:

**The Clowser Foundation**

2. **PURPOSES.** The corporation is organized for the following purposes:

A. The corporation is organized exclusively for charitable and educational purposes as defined in Section 501(c)(3) of the Internal Revenue Code. Within the scope of the foregoing, the corporation is specifically organized:

B. To support research, education, and the promotion of public knowledge related a.) to the history of Frederick County, Virginia; b.) to the history of the Clowser and associated families and those they interacted with, and c.) to the history of the communities, sites, and activities with which these families were engaged; including limited public access (school tours, lectures, commemorations, etc.), and virtual access;

C. To support the preservation and conservation of historic and archaeological sites, specifically including the Clowser homestead site, as well as documents, research materials, and material culture items relating to a.) Frederick County, Virginia; b.) to the Clowser and related families; and c.) to their communities and activities, and, to maintain at the Clowser homestead site offices for the Foundation and related organizations, and exhibit, storage and archival facilities;

D. To support contemporary activities of the Clowser and related families connecting them to their history, through family reunions, public activities, electronic media, etc.;

E. To support and cooperate with other community institutions in the Clowser's Gap area of western Frederick County, Virginia, traditionally associated with the history of the Clowser and related families.

3. **TAX LAW RESTRICTIONS.** The corporation shall operate under the following tax law restrictions:

A. No part of the net earnings of the corporation shall inure to the benefit of any trustee of the corporation, officer of the corporation, or any private



individual. However, reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes. No trustee, officer or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office, including the publication or distribution of statements.

B. The corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may be amended, or by an organization, contributions to which are deductible under 170(c)(2) of the Internal Revenue Code and regulations as they now exist or as they may be amended.

C. The corporation shall have perpetual existence unless terminated sooner in accordance with the laws of the Commonwealth of Virginia. Upon dissolution of the corporation or the winding up of its affairs, the assets of the corporation shall be distributed exclusively to charitable organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986 and its regulations as they now exist or as they may be amended.

D. The corporation is organized pursuant to the Virginia Nonstock Corporation Act and does not contemplate pecuniary gain or profits and is organized for nonprofit purposes.

4. **MEMBERS.** The corporation shall have no members.

5. **DIRECTORS.** The governing body of the corporation shall be designated as the Board of Directors and shall have full, exclusive, and continuing authority to make management decisions for the corporation. The members of the Board of Directors shall be designated as Directors. The initial number of directors shall be six (6). The number may be increased to up to twelve (12) directors by annual action of a simple majority of the board in acting upon the annual Nominating Report which will state the total number of board members as well as the names of those to voted upon. The election of the directors and terms of directors shall be as follows:

A. The directors shall be elected by the Board of Directors.

B. The initial directors shall serve terms as follows: Two (2) directors shall serve an initial term of one (1) year. Two (2) directors shall serve an initial term of two (2) years. Two (2) directors shall serve an initial term of three (3) years.

C. Thereafter, each director shall serve a term of three (3) years.

6. **REGISTERED AGENT AND OFFICE.** The address of the initial registered office is 21 S. Loudoun Street, Winchester, Virginia, 22611. The name of the initial registered agent is Bruce Downing, who is a resident of Virginia and who is a member of the Virginia State Bar and whose business address is the same as the initial registered office of the corporation.

7. **POWERS.** The corporation shall have all the powers available under Virginia law. Notwithstanding any other provision, no power or authority shall be exercised by the directors in any manner or for any purpose which may jeopardize the status of the corporation as an exempt organization under Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may be amended.

8. **INDEMNIFICATION OF DIRECTORS AND OFFICERS.** Each director and each officer or former director or officer of the corporation shall be indemnified and be advanced reasonable expenses by the corporation against liabilities imposed upon him and expenses reasonably incurred by him in connection with any claim against him, or any action, suit or proceeding to which he may be a party by reason of being, or having been, a director or officer and against such as an independent counsel selected by the directors shall deem reasonable payment made in settlement of any such claim, action, suit or proceeding primarily with the view of avoiding expenses of litigation.

The indemnification shall be made only if the corporation shall be advised, in case none of the persons involved shall be or have been a director, by the directors of the corporation, and otherwise by independent counsel to be appointed by the directors, that in its or his opinion such director or officer was not guilty of gross negligence or willful misconduct in the performance of his duty, and in the event of a settlement, that such settlement was or is in the best interest of the corporation. If the determination is to be made by the directors, they may rely as to all questions of law on the advice of independent counsel.

Indemnification will be made only if the director conducted himself in good faith and that he believed, in the case of conduct in his official capacity with the corporation, that his conduct was in the best interests of the corporation, and that in all other cases, he believed that his conduct was at least not opposed to the best interests of the corporation. In the case of any criminal proceeding, indemnification will be made only if the director had no reasonable cause to believe that his conduct was unlawful. However, no director or officer shall be indemnified:

A. With respect to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in performance of duty.

B. With respect to any matters which shall be settled by the payment of sums which independent counsel selected by the directors shall not deem reasonable payment made primarily with a view to avoiding expense of litigation.

C. With respect to matters for which such indemnification would be against public policy.

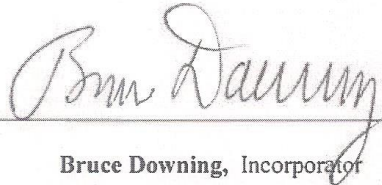
D. With respect to a proceeding by or on behalf of the corporation in which the director was adjudged liable to the corporation.

E. With respect to any other proceeding charging improper personal benefit to him, whether or not involving action in his official capacity, in which he was adjudged liable on the basis that personal benefit was improperly received by him.

These rights of indemnification shall be in addition to any other rights to which directors or officers may be entitled under any by-law, agreement, corporate resolution, vote of directors, or otherwise. The corporation shall have the power to purchase or maintain at its cost and expense insurance on behalf of the such persons to the fullest extent permitted by applicable Virginia law. In no event shall any provision be construed as providing indemnification not otherwise permitted by law for a director or officer of a Virginia nonstock corporation.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal

this 23<sup>rd</sup> day of September, 2016.

 (SEAL)  
Bruce Downing, Incorporator

# Commonwealth of Virginia



## STATE CORPORATION COMMISSION

*Richmond, September 28, 2016*

*This is to certify that the certificate of incorporation of*

**The Clowser Foundation**

*was this day issued and admitted to record in this office and that the said corporation is authorized to transact its business subject to all Virginia laws applicable to the corporation and its business. Effective date: September 28, 2016*



*State Corporation Commission*

*Attest:*

*Joel H. Beck*  
Clerk of the Commission

**The Clowser Foundation Board Members**  
(2017)

**Larry Webb – Board Member – President** (No Compensation)

1520 Bennys Beach Road  
Front Royal, VA 22630

**James Clowser Jr. – Board Member - Vice President** (No Compensation)

240 Shenandoah Avenue  
Winchester, VA 22601

**Karen Burke – Board Member-Secretary** (No Compensation)

120 Cherokee Trail (Shawneeland)  
Winchester, VA 22602

**Jessica Clowser – Board Member - Treasurer** (No Compensation)

240 Shenandoah Avenue  
Winchester, VA 22601

Ruth Perrine – Board Member (No Compensation)

137 Red Fox Trail (Shawneeland)  
Winchester, VA 22602

Robert Stieg – Board Member (No Compensation)

P.O. Box 32  
Millwood, VA 22646

Patsy Gochenour – Board Member (No Compensation)

134 Country Club Circle  
Winchester, VA 22602

Roger Lamborne – Board Member (No Compensation)

302 S Braddock Street  
Winchester, VA 22601

George Schember – Board Member (No Compensation)

226 Amherst Street  
Winchester, VA 22601

ATTACHMENT 3.

DCR Letter of Determination of Uses Acceptability (will not raise Hazard Rating of Cherokee Dam)

DHR Letter Confirming Eligibility of Site for Nomination to State and National Registers of Historic Places

Molly Joseph Ward  
*Secretary of Natural Resources*

Clyde E. Cristman  
*Director*



**COMMONWEALTH of VIRGINIA**  
DEPARTMENT OF CONSERVATION AND RECREATION

Rochelle Altholz  
*Deputy Director of  
Administration and Finance*

David C. Dowling  
*Deputy Director of  
Soil and Water Conservation  
and Dam Safety*

Thomas L. Smith  
*Deputy Director of Operations*

October 24, 2016

Mr. Daniel R. Hamric, PE  
Senior Engineer  
RE Ruckman Engineering, PLC  
22-B Ricketts Drive  
Winchester, VA 22601

Re: Historic Clowser House Usage below Cherokee Dam, Virginia Inventory #06904

Dear Mr. Hamric:

This office has received your letter dated October 13, 2016, delivered to me through email only. After I finished my review of your letter, I concur with your profession opinion regarding the proposed specific non-habitable uses of that historic structure will not change the hazard classification of Cherokee Dam. Your proposed specific uses of the non-habitable structure are copied as follows:

- 1) As a historical landmark that will only be allowed by the public to view it from its outside.
- 2) For storage of materials needed at the site and accessed at a very low frequency.
- 3) Allow access by appointment only to the interior for maintenance and inspection.

Should you have any questions or comments, please do not hesitate to contact me by telephone at (540) 351-1587 or by email at [zhengang.wang@dcr.virginia.gov](mailto:zhengang.wang@dcr.virginia.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Zheng Wang".

Zhengang Wang, *Ph.D., P.E., CFM*  
Regional Dam Safety Engineer (Region 1)  
Division of Dam Safety and Floodplain Management  
98 Alexandria Pike, Suite 33  
Warrenton, VA 20186  
Phone: (540) 351-1587

cc David C. Dowling, Deputy Director of Dam Safety and Floodplain Management and Soil and Water Conservation, Virginia Department of Conservation and Recreation  
Joe C. Wilder, Frederick County, Department of Public Works

600 East Main Street, 24<sup>th</sup> Floor | Richmond, Virginia 23219 | 804-786-6124

*State Parks • Soil and Water Conservation • Outdoor Recreation Planning  
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation*



March 24, 2014

John Riley, Jr., County Administrator  
Frederick County Virginia  
107 Kent Street  
Winchester, VA 22601

**Re: Clowser House/ Council House, Frederick County**

Dear Mr. Riley:

We are pleased to inform you that at its March 20, 2014, meeting, the State Review Board concurred with the Department of Historic Resources (DHR) that the **Clowser House/ Council House** is recommended eligible for nomination to the national and state registers, assuming that a more substantially documented nomination fully supports the arguments presented in the PIF and/or raised in the staff and board discussions. Approval at the Preliminary Information Form level is not the formal listing stage and not a guarantee that the nomination will succeed if the documentation and argument made in the final formal nomination do not fully support the property's eligibility.

We caution you that if the staff or boards do not feel that a sufficient argument has been made for a resource, we may ask for more information or make the recommendation that the resource no longer appears to meet the criteria for eligibility. We strongly encourage you to work closely with the DHR staff as you work through the nomination process. Please feel free to contact the **Northern Region Preservation Office** at 540-868-7029 for any assistance.

The recommendation of eligibility is also subject to re-evaluation if the architectural and/or archaeological resource is significantly altered, remodeled, or partially demolished, or if further research reveals that the resource is less significant than originally proposed.

Before making a final recommendation on the resource, the DHR staff, the State Review Board, and the Historic Resources Board will need to see a fully developed nomination. The National Register of Historic Places form is used for nominating resources both to the Virginia Landmarks Register and the National Register. You may prepare the nomination yourself or hire a consultant.

Should the preparation of a nomination go forward, you will be notified prior to any formal action by the Department. Thank you for your interest in the register program.

Sincerely,

Julie Langan  
Director

Administrative Services  
10 Courthouse Ave.  
Petersburg, VA 23803  
Tel: (804) 862-6408  
Fax: (804) 862-6196

Capital Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

Tidewater Region Office  
14415 Old Courthouse Way  
2nd Floor  
Newport News, VA 23608  
Tel: (757) 886-2818  
Fax: (757) 886-2808

Western Region Office  
962 Kime Lane  
Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

Northern Region Office  
5357 Main Street  
P.O. Box 319  
Stephens City, VA 22655  
Tel: (540) 868-7029  
Fax: (540) 868-7033



ATTACHMENT 4.

Three Year Budget 2017-2019

Fundraising Plan for The Clowser Foundation

THE CLOWSER FOUNDATION

**Operating Budgets for 2017, 2018, 2019**

1-16-17

	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Income</b>			
Contributions	15,000	3,000	3,000
Sales	500	500	500
<i>Total Income</i>	<i>15,500</i>	<i>3,500</i>	<i>3,500</i>
<b>Expenses</b>			
Repairs (brickwork, gutters)	10,200*		
Maintenance	1,200	1,200	1,200
Insurance	850	850	875
Supplies and Mailing	350	250	250
Printing	200	200	200
Taxes	560	560	560
<u>Other</u>	<u>1,000</u>	<u>300</u>	<u>300</u>
<i>Total Expenses</i>	<i>14,360</i>	<i>3,360</i>	<i>3,385</i>

*Costs obtained from contractors, plus 20% contingency*

THE CLOWSER FOUNDATION  
FUND RAISING PLAN FOR THE STABILIZATION AND MAINTENANCE OF THE CLOWSER SITE  
1-16-17

**1. Fundraising Goals of The Clowser Foundation**

**A. Initial and stabilization Costs:** The Foundation has raised over \$6,000 in the last six months, for:

- a) planning and professional costs of meeting the Board of Supervisors' transfer requirements
- b) stabilization of the Clowser House, if and when it is transferred to the Foundation. These funds were raised solely from Clowser Citizen Committee members and their families, with no public solicitation (which would have been illegal, see 2. below).

**B. Stabilization Costs:** The Clowser Foundation plans to raise a total of \$15,500 before Dec. 31, 2017, \$10,200 for stabilization of the House, based on contractor estimates. This campaign will be conducted after:

- a) legal requirements have been met for public fundraising (see below)
- b) the Board of Supervisors has transferred the property (it is neither ethical nor practical to attempt to raise money from the public for a project that has not received legal approval or may not happen).

**C. Annual Operating Costs:** The Clowser Foundation plans to raise an annual operating budget of \$3,500 to pay for its operations and maintenance of the buildings, in addition to volunteer labor and goods.

**2. Legal Prerequisites for Fundraising**

**A. Federal Requirements:** The Clowser Foundation is seeking federal status as a 501 (c) (3) organization, so that contributions to it will be tax-deductible, and so that other tax-exempt organizations can make gifts to it. An organization seeking Federal tax exemption must file an application, Form 1023 with supporting documentation, about 60 pages, with prior incorporation in Virginia documented in the package.

**B. State Requirements:** The Clowser Foundation plans to raise funds from the general public in the region of Frederick County to stabilize and maintain the Clowser House and site. Under the Virginia Solicitation of Contributions law, raising funds from the public requires approval from the Virginia Department of Agriculture and Consumer Services,, a package of about 25 pages, plus all the Federal documentation in the Form 1023.

**C. Applications Submitted:** Following certification of incorporation of the Clowser Foundation on Sep. 28, 2016, work began on the Virginia and Federal application documents. They have been completed and filed, opening the way for public campaigns once the criteria in 1.B above are met. Upon acceptance by the IRS, Federal tax deductibility of gifts will be retroactive to the date of incorporation. *Completing incorporation and all state and federal requirements for non-profit/public solicitation status prior to a decision on the property transfer is 1) an indicator of the seriousness of the Foundation's commitment to the Frederick BOS, and 2) of the Foundation's fundraising knowledge and its commitment to starting as soon as legally possible.*

**3. Fundraising Methods**

**A. House Stabilization Campaign:** The Foundation will appeal via its website, Facebook, electronic and postal mail to individuals. Local foundations and corporations will be solicited, plus in-kind donations. Letters will be sent from Clowser family members in the Shenandoah Valley and to their relatives throughout the nation.

**B. Annual Operating Campaign:** An annual campaign will be conducted both electronically and via postal mail. The basis of the campaign will be renewable five-year pledges (predictable long-term support), with new ones sought every year. Volunteer services and in-kind donations will be sought and used to support operations.

**4. Why is this Plan likely to be successful?**

**A. Local and Professional Interest:** The Foundation's Board and Advisory Committee are committed to non-profit fundraising and include members with professional knowledge and experience of it.

**B. Family Interest:** The board includes not only members of the community and representatives from preservation organizations, but at its core are direct descendants of the family which built the house and occupied the site for over 200 years. These Clowser family members (including millennials), and their collateral families from the Clowser Gap area (Rosenbergers, et al.), are very committed to this project, and have many relatives throughout the Shenandoah Valley and the nation who share their interest in the family's origins and life in early western Frederick County. This is a powerful motivation for financial support, and a long-term basis for it.

**C. Historic Preservation Interest:** This is a state-recognized, 10,000 year-old archaeological site.

ATTACHMENT 5.

Draft Deed of Transfer

*To describe one-time permanent transfer of property*

(placeholder for document to be developed contingent on a positive decision)

Draft Memorandum of Understanding Between County of Frederick and The Clowser Foundation

*To provide a renewable term agreement for managing communication and changing issues*

(placeholder for document to be developed contingent on a positive decision)

**THIS DEED IS EXEMPT FROM RECORDATION TAXES  
PURSUANT TO VIRGINIA CODE § 58.1-811 C.4**

**THIS DEED**, made and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by and between the **COUNTY OF FREDERICK, VIRGINIA**, party of the first part, hereinafter Grantor, and **THE CLOUSER FOUNDATION**, a Virginia limited liability company, parties of the second part, hereinafter Grantee.

**WITNESSETH:** That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor herein hereby grants, bargains, sells and conveys with general warranty and English Covenants of title, unto the Grantee, the following described property and appurtenances thereunto belonging:

All of that parcel of land, together with all improvements thereon and appurtenances thereunto belong, located ....

To be filled in.

**Tax Map #**

**Street Address  
City, State, Zip Code**

Reference is here made to the aforesaid instruments and the attachments and the references therein contained for a further and more particular description of the property hereby conveyed.

This conveyance is made subject to all easements, restrictions and conditions of record and contained in the deeds forming the chain of title to the above-described property provided, however, that

Grantee's Address: \_\_\_\_\_ ?  
Consideration: \$ 1.00 Assessed Value: \$ \_\_\_\_\_

the foregoing shall not be deemed in any way to reinstitute or republish any restrictions of record that may have expired or lapsed.

**WITNESS** the following signature and seal:

COUNTY OF FREDERICK

By: \_\_\_\_\_ (SEAL)  
Chairman, Board of Supervisors of Frederick County, Virginia

COMMONWEALTH OF VIRGINIA  
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, in his capacity as Chairman of the Board of Supervisors of Frederick County, Virginia.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
Notary Registration No.: \_\_\_\_\_

**This Deed Prepared by:**

**Bruce E. Downing, Esq.  
Harrison & Johnston, PLC  
21 South Loudoun Street  
Winchester, VA 22601  
Tel: (540) 667-1266**

CONCEPT DRAFT 1-22-17  
(in event of positive decision by Frederick BOS on Clowser Foundation Proposal)

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CLOWSER FOUNDATION AND THE COUNTY OF FREDERICK, VIRGINIA**

Whereas, the County of Frederick, VA, upon decision by the Board of Supervisors (BOS) is transferring to the non-profit Clowser Foundation an historic site of approximately 5.6 acres containing the Clowser House, the Clowser Cemetery, the Clowser Homestead and Well archaeological site and two Paleolithic archaeological sites in Shawneeland, and

Whereas, this transfer is intended to remove any public liability for this historic site, and to place that responsibility on a private, non-profit owner, and

Whereas, this transfer is out of 149 acres owned by the County in Shawneeland, a part of the Shawneeland Sanitary District, and is in the common area, and

Whereas, the County Department of Public Works maintains this property on behalf of the Sanitary District and has an office and staff there, and

Whereas, there is a Shawneeland Sanitary District Advisory Committee appointed by the Frederick BOS which advises on property maintenance, safety, use, and other issues, and

Whereas, The Clowser Foundation proposal includes continued recreational use (walking across, pick-up ball, family picnics, etc.) by Shawneeland residents of the property transferred by Frederick County, and includes offered use in a building (Clowser House) included in the transfer for storage by the Department of Public Works staff, and

Whereas, this arrangement is therefore somewhat different than that of private homeowners in the subdivision, and

Whereas, on-going and changing functional arrangements will be needed about these uses of the land, provisions for maintenance, and for communication between the representatives of the Clowser Foundation, the Frederick County Department of Public Works, and the Shawneeland Sanitary District Advisory Committee that are mutually agreeable, and

Whereas, it would not be appropriate to address these changing arrangements and concerns in the deed of transfer,

Therefore, this Memorandum of Understanding (MOU) is created to provide a framework to address such day-to-day and year-to-year issues and arrangements as follows:

**PROVISIONS:**

**A. Communication**

1. A single point of contact shall be appointed for the Foundation (CF), Shawneeland Staff of the Department of Public Works (DOPW), and the Shawneeland Sanitary District Advisory Committee



SSDAC) (President, CF; Manager, Shawneeland DOPW; Chairman, SSDAC) to avoid confused communication.

2. These individuals shall work out how they intend to communicate on a periodic basis, and for dealing with emergencies.

**B. Storage in Foundation Buildings by DOPW**

1. The Foundation agrees to the use of the Clowser House for storage by the DOPW of appropriate non-hazardous materials (such as road signs, etc.) to expand the space available in the Water Wheel building.

**C. Use of Grounds by Residents**

1. The Foundation agrees to the continued recreational use as currently seen (walking, pick-up ball games, Frisbee, picnics, etc.) by residents of Shawneeland

2. As the entire transferred area is a state-registered archaeological site, no metal-detecting or digging will be allowed.

**D. Liability Insurance**

1. The Foundation agrees to provide liability insurance coverage for itself for the transferred area, given the uses listed in B and C above.

**D. Mowing**

1. In exchange for use of Foundation buildings for storage by the DOPW, for continuing recreational use of grounds by Shawneeland residents, and for liability insurance coverage of the transferred area by the Foundation, that mowing of the transferred area continue by DOPW. This will help maintain a uniform appearance to the large commons area between the Dam and the Entrance currently, as currently mowed by the DOPW. The Foundation is willing to negotiate a reduction in mowed areas in favor of wildflower/pollinator meadows

**OTHER PROVISIONS:**

This Memorandum of Understanding between the County of Frederick and The Clowser Foundation shall be renewable every three years from the date of initial signing, with a review period of 90 days prior to each expiration date. The MOU may be amended by mutual agreement of the parties.

\_\_\_\_\_

For County of Frederick

\_\_\_\_\_

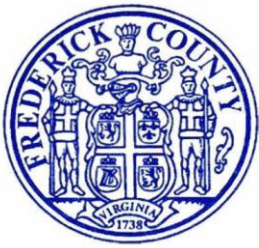
Date

\_\_\_\_\_

For The Clowser Foundation

\_\_\_\_\_

Date

**COUNTY of FREDERICK****Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee

**FROM:** Gloria M. Puffinburger <sup>-gmp</sup>  
Solid Waste Manager

**RE:** FY 16/17 Site Usage Survey Results;  
2016 Holiday Usage Summary

**DATE:** January 5, 2017

---

All but two of the county's ten convenience sites saw an increase in usage based on an August 2016 survey. Overall, usage climbed to an average of just over 900,000 vehicle trips per year at the various neighborhood sites. The more urban locations of Albin, Greenwood and Clear Brook continued to experience the heaviest usage. On its busiest day, 807 vehicles visited the Albin/Bryarly site; 583 traveled to Greenwood; and 508 utilized the Clear Brook location. A complete summary follows.

During the holiday season, 8,901 vehicles visited nine of the county's ten convenience sites on Dec. 26 and Dec. 27 to dispose of seasonal waste and recycling. This represented 223 tons of refuse collected over the two-day period. As shown in the chart following, traffic spiked during the period and nearly doubled at the Albin/Bryarly facility.

/gmp

cc: file

## 2016 USAGE SURVEY; CITIZENS' CONVENIENCE SITES

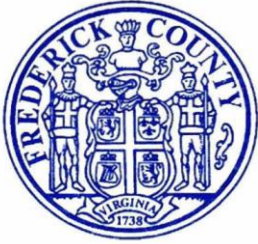
<i>Location</i>	<i>2016</i>	<i>Daily Avg</i>	<i>Peak Day</i>	<i>Sun Avg (5 hr)</i>		<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>Change from 2015</i>
Greenwood	13,586	543	583	487		12,584	13,128	14,186	12,817	14,772	12,183	12,944	5%
Bryarly	16,270	651	807	524		10,170	10,752	13,343	14,364	15,736	15,325	16,096	1%
Middletown	8954	358	430	309		9419	9492	10,266	8997	8753	8818	9419	-5%
Clear Brook	10,246	410	508	373		8288	9302	9260	8952	9611	9820	10,637	-4%
DTG	7685	307	400	345		6181	6283	5770	6440	7518	7001	7578	1%
Shawneeland	6042	236	270	220		5068	5104	4638	5100	5207	4616	5595	8%
Back Creek	4899	194	227	164		4805	5317	4916	4937	5032	4674	4923	<1%
Round Hill	4074	163	182	153		3359	3332	3622	3700	4131	3807	3988	2%
Gore	3140	126	144	105		2603	2849	2736	2932	3310	3118	3212	2%
Star Tannery*	584	23	42	38		651	644	589	562	630	619	632	8%
<b>AUG TOTAL:</b>	<b>75,480</b>					<b>63,128</b>	<b>66,203</b>	<b>69,326</b>	<b>68,801</b>	<b>74,700</b>	<b>69,981</b>	<b>75,024</b>	<b>&lt;1%</b>
<b>YR AVG:</b>	<b>905,760</b>					<b>757,536</b>	<b>794,436</b>	<b>831,912</b>	<b>825,612</b>	<b>896,400</b>	<b>839,772</b>	<b>900,288</b>	

survey conducted 8/2016

\*closed two days/wk; open 31 hrs/wk

**2016 HOLIDAY WASTE SURVEY; CITIZENS' CONVENIENCE SITES**

<i>Location</i>	<i>2016 Mon. Dec 26</i>	<i>2016 Tues. Dec 27</i>	<i>% Above Daily Avg</i>	<i>Total Tons</i>
Greenwood	700	756	+28%	32T
Bryarly	1,121	1,206	+46%	34T
Middletown	454	593	+39%	24T
Clear Brook	521	595	+31%	29T
DTG	427	456	+32%	34T
Shawneeland	311	361	+34%	23T
Back Creek	236	345	+43%	16T
Round Hill	227	265	+38%	16T
Gore	156	171	+26%	13T
Star Tannery*	---	---	---	2T
<b>HOLIDAY TOTAL:</b>	<b>4,153</b>	<b>4,748</b>		<b>223T</b>


**COUNTY of FREDERICK**
**Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee  
**FROM:** Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *HES*  
**SUBJECT:** Monthly Tonnage Report - Fiscal Year 15/16  
**DATE:** January 24, 2017

The following is the tonnage for the months of July 2015, through June 2016, and the average monthly tonnage for fiscal years 03/04 through 16/17.

<b>FY 03-04:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,348 TONS (UP 1,164 TONS)</b>
<b>FY 04-05:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,029 TONS (UP 681 TONS)</b>
<b>FY 05-06:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,785 TONS (UP 756 TONS)</b>
<b>FY 06-07:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,705 TONS (DOWN 1,080 TONS)</b>
<b>FY 07-08:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,904 TONS (DOWN 2,801 TONS)</b>
<b>FY 08-09:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,316 TONS (DOWN 588 TONS)</b>
<b>FY 09-10:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,219 TONS (DOWN 1,097 TONS)</b>
<b>FY 10-11:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,184 TONS (DOWN 35 TONS)</b>
<b>FY 11-12:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,013 TONS (DOWN 171 TONS)</b>
<b>FY 12-13:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,065 TONS (UP 52 TONS)</b>
<b>FY 13-14:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,468 TONS (UP 403 TONS)</b>
<b>FY 14-15:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,133 TONS (UP 665 TONS)</b>
<b>FY 15-16:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,984 TONS (UP 851 TONS)</b>
<b>FY 16-17:</b>	<b>AVERAGE PER MONTH:</b>	<b>14,764 TONS (UP 780 TONS)</b>

<b>MONTH</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>JULY</b>	15,019	13,391
<b>AUGUST</b>	13,853	15,724
<b>SEPTEMBER</b>	14,103	14,649
<b>OCTOBER</b>	14,095	14,160
<b>NOVEMBER</b>	13,053	13,840
<b>DECEMBER</b>	13,589	16,821
<b>JANUARY</b>	11,191	
<b>FEBRUARY</b>	12,240	
<b>MARCH</b>	15,058	
<b>APRIL</b>	14,563	
<b>MAY</b>	15,198	
<b>JUNE</b>	15,845	

HES/gmp

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL</u> <u>CANS</u>	<u>STEEL</u> <u>CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES/TEX</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL	75,280	37,691	3,685	6,490	72,900	84,815	2,740	37,140	243,960	564,701
AUG	78,080	40,680	3,715	7,505	96,280	85,400		71,580	263,440	646,680
SEP	80,240	35,252	4,030	7,310	90,277	83,420	5,600	37,860	232,940	576,929
OCT	72,460	34,700	3,545	8,535	97,160	83,800	6,420	19,480	223,265	549,365
NOV	66,540	36,192	3,450	7,370	98,420	75,740		54,620	212,131	554,463
DEC		36,460	3,285	8,375	94,400	99,520	7,560	33,360	178,980	461,940
JAN										0
FEB										0
MAR										0
APR										0
MAY										0
JUN										0
<b>TOTAL</b>	372,600	220,975	21,710	45,585	549,437	512,695	22,320	254,040	1,354,716	3,354,078
<b>FY 15-16</b>	919,540	428,300	52,077	97,252	1,275,060	974,493	48,820	480,400	2,376,344	6,652,286
<b>FY 14-15</b>	895,600	407,703	40,060	97,515	1,272,660	893,380	49,440	532,283	1,890,729	6,079,370
<b>FY 13-14</b>	904,780	417,090	39,399	99,177	1,281,105	902,701	37,800	611,580	1,639,225	5,932,937
<b>FY 12-13</b>	913,530	410,338	45,086	102,875	1,508,029	878,450	39,700	502,680	1,321,938	5,722,626
<b>FY 11-12</b>	865,380	398,320	43,884	99,846	1,492,826	840,717	37,920	484,600	1,432,678	5,696,171
<b>FY 10-11</b>	949,185	378,452	42,120	98,474	1,404,806	824,873	41,700	467,920	1,220,107	5,427,637
<b>FY 09-10</b>	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160	435,680	1,348,398	5,346,098
<b>FY 08-09</b>	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780	404,760	1,097,151	4,968,407
<b>FY 07-08</b>	794,932	284,220	15,783	40,544	1,971,883	545,692	0	498,110	1,172,880	5,324,044
<b>FY 06-07</b>	600,464	200,720	11,834	29,285	1,684,711	441,321	0	382,574	550,070	3,900,979
<b>FY 05-06</b>	558,367	190,611	12,478	28,526	1,523,162			381,469	204,220	2,898,833
<b>FY 04-05</b>	549,527	193,224	11,415	27,525	1,552,111			273,707	25,080	2,632,589
<b>FY 03-04</b>	541,896	174,256	11,437	31,112	1,443,461			156,870	336,230	2,695,262
<b>FY 02-03</b>	413,627	146,770	9,840	23,148	1,381,195			62,840	171,680	2,209,100
<b>FY 01-02</b>	450,280	181,040	10,565	25,553	1,401,206			54,061	58,140	2,180,845
<b>FY 00-01</b>	436,615	198,519	10,367	24,988	1,759,731				9,620	2,439,840
<b>FY 99-00</b>	422,447	177,260	10,177	22,847	1,686,587				44,180	2,363,498
<b>FY 98-99</b>	402,192	184,405	9,564	22,905	1,411,950				48,810	2,079,826
<b>FY 97-98</b>	485,294	136,110	13,307	29,775	1,830,000					2,494,486
<b>FY 96-97</b>	373,106	211,105	23,584	46,625	1,690,000					2,344,420
<b>FY 95-96</b>	511,978	167,486	28,441	44,995	1,553,060					2,305,960
<b>TO DATE</b>	14,247,821	5,800,218	529,445	1,190,464	32,616,906	8,050,948	327,640	5,983,574	16,302,196	85,049,292

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	42	30	50	2	0	39	34	7	1	0	43
AUG	43	49	26	1	0	27	35	5	0	0	52
SEP	52	28	49	1	0	42	40	6	0	0	42
OCT	42	33	43	1	0	31	39	6	1	0	42
NOV	42	27	28	2	2	24	28	1	0	0	48
DEC	48	25	28	1	0	50	21	1	0	0	30
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	269	192	224	8	2	213	197	26	2	0	257

In the month of December - 102 dogs in and out of kennel.

## FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

## CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	80	161	11	3	10	35	7	144	2	0	77
AUG	77	130	26	4	6	20	3	123	6	0	91
SEP	91	175	32	1	2	13	4	168	7	0	109
OCT	109	182	14	4	0	31	4	150	6	0	118
NOV	118	99	21	1	0	16	2	125	2	0	94
DEC	94	90	1	2	0	33	2	66	0	0	86
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	569	837	105	15	18	148	22	776	23	0	575

In the month of December - 187 cats in and out of shelter.