

Land Owner, Army Corps Continue Scrap over Highlands Land

By LINDA HARRIS

Ohio Valley Correspondent

A property owner contesting development of a theme park at The Highlands has served notice he will sue if the U.S. Army Corps of Engineers issues a permit for Phase 5 of the project before mitigation required for previous stages has been done.

Moorefield attorney J. David Judy filed notice of intent to sue on behalf of property owner David O'Brien, a New Jersey resident who owns a 22-acre parcel between The Highlands and Interstate 70.

The notice cites alleged violations of federal water regulations stemming from fill activities associated with earlier stages of The Highlands development. It also suggests previously required mitigation has yet to be done.

Judy considers the notice of intent a preemptive strike of sorts.

"We filed the notice as a prerequisite to filing suit," Judy said. "We are not certain of the decisions that are going to be made, if any, by the Corps of Engineers right now. We were concerned by some of what we were hearing in comments that were public record and wanted to make sure the rights of Mr. O'Brien were protected and that statutory law is being followed."

Scott Hans, chief of the regulatory branch for the Corps' Pittsburgh district, said his staff met with Ohio County Development Authority and county commissioners recently in a continuing exchange of comments stemming from their Phase 5 permit application. The Corps provided them

with input from state and federal agencies, to which they now must respond. The developers must satisfy the questions and concerns posed by those parties before a permitting decision can be made.

"Clearly there are concerns that need to be addressed in order to allow us to proceed with permit issuance for (Phase 5)," Hans told Ohio County Administrator Greg Stewart in a Feb. 19 letter. "We have received additional mitigation information and will be reviewing it, which may address some of the points outlined in the attachment."

Judy said O'Brien is concerned that, if the Phase 5 permit is issued, his rights as a property owner will be violated. Despite assurances that OCDA will sidestep the O'Brien property in developing the theme park, he said the

parcel is still showing up in maps of the project area.

"We see it as a real threat, that's why we filed the notice of intent," he added.

Commissioners had offered O'Brien \$15,000 for the property, which they've previously characterized as hilly. Judy, however, said an independent appraisal pegged actual value at just over \$1 million.

Stewart could be reached for comment.

Commissioner David Sims, however, said the O'Brien property isn't part of their Highlands planning.

"If we don't own his property, we're not going to go on it," he said. "Our intent right now is to just work around him, he can keep the property and do whatever he thinks he can do with it. (We) don't know what his intentions are."

Marion County Teachers Face Uncertainty About Jobs

By KATIE WILSON

Times West Virginian

FAIRMONT — Dozens of teachers are facing job uncertainty this week.

Last week, the Marion County Board of Education sent out Reduction In Force notices to 27 professional and 12 service positions. Those may be eliminated entirely.

Also, 51 professional positions — teachers employed on one-year contracts — won't be renewed.

At the MCBOE's regular meeting March 3, Superintendent of Schools James Phares released a list of important dates for those affected.

For those 39 total positions that have been RIFed, the MCBOE will hold hear-

ings on March 10, 11 and 17. Hearings are held at the request of those affected. The board will affirm or deny Phares' RIF recommendations at the next regular meeting on March 17.

Transfer notices must be given by April 7, although those notices were also released last week. According to information released by Phares, there were 38 professional and 14 service personnel placed on the transfer list. Hearings for transfers will be held during the evenings of April 22, 25 and 28.

Phares' recommendations for the transfer list will be considered by the board at the regular meeting May 5. Also that night, the board will receive a list of probationary teachers and service per-

sonnel whom Phares recommends to get renewed contracts. At this time, Phares believes 51 of those professional positions will be eliminated.

All this is happening because of reduced funding, he said. According to the written information, the actions are deemed necessary because of "projected loss of revenue due to declining enrollment, a drop in Medicaid reimbursement and cost shifts of PEIA liability to local boards of education."

Another issue is the projected loss of funding because of the state school-aid formula.

According to this year's enrollment figures, the county has less than 20 percent of students designated as special ed-

ucation. When that figure dropped, the county schools were reclassified from net enrollment to adjusted enrollment under the state school-aid formula.

Districts classified as having net enrollment are entitled to more teachers per 1,000 students under the state-aid formula. For a high-density county like Marion, that's about 74 teachers per 1,000 students. Next school year, when Marion County is fully considered an "adjusted enrollment" county, the state will only pay for 53.5 teachers per 1,000 students.

In January, Phares said Marion County is now 179 total positions over the number paid for by the state. Any positions above that number must be paid for by local funds.