

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2018**  
**THURSDAY, OCTOBER 4, 2018**  
**9:30 A.M.**  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- September 13, 2018 - Special Session
- September 18, 2018 - Special Session
- September 20, 2018 - Regular Session

**APPROVAL OF PURCHASE ORDERS**

- October 4, 2018

**APPROVAL OF ACCOUNTS PAYABLE**

- September 27, 2018
- October 4, 2018

**APPROVAL OF MANUAL CHECKS**

- September 28, 2018
- October 5, 2018

**ANNOUNCEMENTS**

- Report if there are changes in the agenda if applicable

**PUBLIC COMMENT**

**PRESENTATIONS**

1. 10:00 a.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action

2. 10:15 a.m. Pete Dougherty, Sheriff
  - Approval of Trip Guards/Bailiff - Discussion/Action
  - Approval of Home Confinement Officers - Discussion/Action
  - Approval of Salvage Vehicle at Sheriff's Sale - Discussion/Action
  - Approve the sale of listed County property and proceeds be added to the Sheriff's Auto Supply line item - Discussion/Action
  - Sheriff's Annual Report
3. 10:30 a.m. Matthew Harvey, Prosecuting Attorney
  - Discussion of staffing needs and potential new hires - Discussion/Action
4. 10:45 a.m. BREAK
5. 11:00 a.m. Lynn Fields, Probate Office
  - Quarterly Review - Close estates that have met all deadlines and approve estates that have been opened since last quarterly review - Discussion/Action
6. 11:15 a.m. Nancy Strine, HOME/CDBG Administrator
  - Approve Resolution authorizing Jefferson County Commission in the Eastern Panhandle Home Consortium of WV - Discussion/Action
  - Approve 3 year Housing Consortium Cooperative Agreement between City of Martinsburg and the Counties of Berkeley, Jefferson, and Morgan, WV - Discussion/Action
7. 11:30 a.m. Appointments and Interviews:
  - Jefferson County Parks and Recreations Commission - One 3-year term ending June 30, 2021 - Discussion/Action
  - Jefferson County Historic Landmarks Commission - One unexpired term ending March 2, 2020 - Discussion/Action
  - Jefferson County Farmland Protection Board - One 4-year term for non-farmer/public representative ending September 7, 2022 and one 4-year term for soil conservation representative ending September 7, 2022 - Discussion/Action
8. 11:45 a.m. Todd Cotgreave, Town Run Brewing Company
  - Request for floor plan extension - Discussion/Action
9. 12:00 p.m. Chris Kinnan, Jefferson County Vision
  - Presentation of Jefferson County Vision's legal action against the JCDA and legal issues surrounding the Rockwool project - Discussion/Action
10. 12:15 p.m. Break for Lunch

**NEW BUSINESS**

- 11. Appeal of Ruling for Petition for formation of Keyes Ferry Acres Maintenance Association - Discussion/Action
- 12. Discussion of County Commission support of the Jefferson County Economic Development Authority - Discussion/Action (PN)
- 13. Increase Jefferson County Development Authority membership to provide a member of labor - Discussion/Action
- 14. Discuss correspondence received from Arnold and Bailey - Discussion/Action
- 15. Discuss Land Use Amendment to account for potential impact on roads - Discussion/Action (JC)

**COUNTY ADMINISTRATOR REPORTS**

- Discuss Fire Marshall Survey - SB 625 - Discussion/Action
- WVDEP response regarding attending a meeting - Discussion/Action

**COUNTY COMMISSION REPORTS**

**~~~~~ AFTERNOON SESSION ~~~~~**

- 16. 1:30 p.m. Public Hearing  
- Proposed Zoning Ordinance Text Amendments (ZTA 18-01) re: Pet and Livestock Crematoria
- 17. 1:45 p.m. Jeffrey Polczynski, ENP - Director of Communications  
- Request approval of Promotion to Supervising Public Safety Dispatcher - Discussion/Action
- 18. 2:00 p.m. Roger Goodwin, Chief County Engineer  
- Smith Mountain View Estates Subdivision (JCPC File No. 02-06) - Approval of Change order #1 - Discussion/Action
- 19. 2:15 p.m. Nathan Cochran, Assistant Prosecuting Attorney  
- Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, and related issues - Discussion/Action  
- Discussion of Jefferson County Civil Action #17-C-282 - Discussion/Action  
- Discussion of renewal of County cable franchise agreement, related issues, and phone conference with counsel - Discussion/Action  
- Discussion and update regarding EEOC Charge #533-2018-01557 - Discussion/Action

**20. ADJOURN**

**CORRESPONDENCE/INFORMATION**

**Notice of Intent to Appoint to the Jefferson County Development Authority.**

**Correspondence received from the following regarding Rockwool:**

- **Candice Wilson**
- **Teresa Lafratte**
- **Carrie McGuinness**
- **Stephanie Dooner**
- **Marlene Heath**
- **Donald Silva**
- **Elizabeth Shockley**
- **JoAnne Grove**
- **Joy Gutzman**
- **Joy Bridy**
- **Edy Cummings**
- **Chris Palank RN, MS, ANP-C**
- **Jennifer Jones**
- **Judy Do**
- **Paul Holzberger**
- **Leslie Narramore**
- **Andy Ferguson**
- **Elliot Robertazza**
- **Laura Levesque**
- **Iveta Weiand**
- **Leanne Cobb**
- **Larry Waugh**
- **Michael Vowell**
- **Gail Kohlhorst**

**2018 General Election Calendar.**

**Announcement of Planned Action, WARN Notice received.**

**Special Board Meeting on July 31, 2018 and Regular Board Meeting on August 7, 2018 received from the Jefferson County Public Service District.**

**Impact Fee Status Report for September 2018 received.**

***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.***

SPECIAL SESSION:

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

At a Special Session of the Jefferson County Commission, continued and held at the Jefferson County Commission Meeting Room, located at 200 E. Washington Street located in Charles Town, WV, 25414 on Thursday, September 13, 2018 beginning at 7:00 pm.

PRESENT: Josh Compton, President  
Caleb Hudson, Vice President  
Patsy Noland, Commissioner  
Peter Onoszko, Commissioner  
Jane Tabb, Commissioner

STAFF: Stephanie Grove, County Administrator  
Nathan Cochran, Assistant Prosecuting Attorney

**In re: Discussion of Rockwool Project and Related Issues**

President Compton called the meeting to order at 7:01 pm and led the Pledge of Allegiance. President Compton stated the purpose of the meeting was to discuss the Rockwool Project and related issues.

- **Motion by Ms. Noland to enter into Executive Session to receive legal advice on the Rockwool Project and related issues. Motion seconded and unanimously approved.**
- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**

The Commission then interviewed Greg Kennedy of Franklin & Prokopik, P.C., to discuss securing independent legal counsel to review the PILOT agreement with Rockwool and related issues.

- **Motion by Mr. Compton to hire Franklin & Prokopik, P.C. to serve as independent legal counsel for the Commission in the matter of the Rockwool Project and related issues.**
- **Motion by Ms. Noland to enter into Executive Session to receive legal advice on the Rockwool Project and related issues. Motion seconded and unanimously approved.**
- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
  - It was the consensus of the Commission to call a special session on Tuesday, September 18, 2018 at 9:30 am to further discuss the Rockwool issue and PILOT agreement.
- **Motion by Mr. Compton to adjourn. Motion seconded and unanimously approved.**

There being no further business, the meeting was adjourned at 9:32 pm.

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Josh Compton, COMMISSION PRESIDENT

SPECIAL SESSION:

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

At a Special Session of the Jefferson County Commission, continued and held at the Jefferson County Commission Meeting Room, located at 200 E. Washington Street located in Charles Town, WV, 25414 on Tuesday, September 18, 2018 beginning at 9:30 a.m.

PRESENT: Josh Compton, President (via phone)  
Caleb Hudson, Vice President  
Patsy Noland, Commissioner  
Peter Onoszko, Commissioner  
Jane Tabb, Commissioner

STAFF: Stephanie Grove, County Administrator  
Nathan Cochran, Assistant Prosecuting Attorney  
Jessica Carroll, Executive Assistant

**In re: Discussion of Rockwool Project and related issues and a Change Order/DEP Permit Revision for the Bardane Lagoon/Sinkhole Project**

Vice President Hudson called the meeting to order at 9:31 am and led the Pledge of Allegiance.

Mr. Hudson then called on Roger Goodwin, Chief County Engineer, to discuss the change order/DEP permit revision for the Bardane/Lagoon Sinkhole Project.

- **Motion by Ms. Tabb to accept and approve the Change Order with the Contractor for the Sinkhole Remediation in the amount of \$16,575.00 and approve the amended DEP permit and authorize the president of the Commission to sign the associated documents. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to enter into Executive Session to receive legal advice from counsel regarding the Rockwool Project and related issues. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to adjourn. Motion seconded and unanimously approved.**

There being no further business, the meeting was adjourned at 11:46 am.

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Josh Compton, COMMISSION PRESIDENT

## Minutes

### Jefferson County Commission

Thursday, September 20, 2018

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A meeting of the Jefferson County Commission was held on Thursday, September 20, 2018 during the second quarterly session in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Josh Compton, Caleb Hudson, Patricia Noland, Peter Onoszko and Jane Tabb. Also present were Stephanie Grove, County Administrator; Jessica Carroll, Executive Administrative Assistant; and Jim Eddy, Bailiff. (An audio tape of the Thursday, September 20, 2018 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**Motion by Ms. Noland to approve the September 6, 2018 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.**

#### APPROVAL OF PURCHASE ORDERS

**Motion by Ms. Tabb to approve the Purchase Orders in the amount of \$23,267.75 to include Purchase Order No. 52833 and 52672 as presented. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
080624	406	ASSESSOR OF JEFFERSON CO		\$ -	\$ 139.12	\$ 139.12

080625	425	BONDED APPLICATORS OF MD		\$ -	\$ 950.00	\$ 950.00
080626	425	BOLAND TRANE SERVICES IN		\$ -	\$ 1,656.44	\$ 1,656.44
080627	402	COMPILED TECHNOLOGIES LL	52496	\$ 19,806.83	\$ -	\$ 19,806.83
080628	402	CLERK OF CO. COMMISSION		\$ -	\$ 98.91	\$ 98.91
080629	P/R DED	CONSOLIDATED PUBLIC		\$ -	\$ 461.96	\$ 461.96
080630	P/R DED	CONSOLIDATED PUBLIC		\$ -	\$ 728.97	\$ 728.97
080631	P/R DED	CONSOLIDATED PUBLIC		\$ -	\$ 2,004.59	\$ 2,004.59
080632	P/R DED	CONSOLIDATED PUBLIC		\$ -	\$ 696.96	\$ 696.96
080633	P/R DED	CONSOLIDATED PUBLIC		\$ -	\$ 971.69	\$ 971.69
080634	424	J.C.EHRLICH		\$ -	\$ 33.00	\$ 33.00
080634	425	J.C.EHRLICH		\$ -	\$ 658.00	\$ 658.00
080635	425	84 LUMBER		\$ -	\$ 264.74	\$ 264.74
080635	425	84 LUMBER		\$ -	\$ 9.24	\$ 9.24
080636	P/R DED	CRYSTAL GUMBEL-SHADE		\$ -	\$ 1,624.28	\$ 1,624.28
080637	404	TERESA HENDRICKS		\$ -	\$ 210.31	\$ 210.31
080638	P/R DED	CHARLES HESS		\$ -	\$ 61.08	\$ 61.08
080639	425	JEFFERSON RENTAL		\$ -	\$ 89.99	\$ 89.99
080640	GRANT	JEFFERSON DAY REPORT CNT		\$ -	\$ 457.70	\$ 457.70
080641	406	MILLER'S SUPPLIES AT WOR		\$ -	\$ 29.75	\$ 29.75
080642	404	KAREN NICK		\$ -	\$ 26.88	\$ 26.88
080643	GRANT	JEFF CO PARKS &		\$ -	\$ 68,762.00	\$ 68,762.00
080644	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 330.00	\$ 330.00
080645	717	RICE TIRES CO		\$ -	\$ 118.05	\$ 118.05
080646	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
080646	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 772.00	\$ 772.00
080646	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 71.00	\$ 71.00
080646	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 217.00	\$ 217.00
080647	404	SPECIALTY BUS SUPPLIES		\$ -	\$ 779.00	\$ 779.00
080648	425	SHERWIN-WILLIAMS		\$ -	\$ 22.56	\$ 22.56
080649	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 175.00	\$ 175.00
080649	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 114.00	\$ 114.00
080650	425	TRENARY SERVICE CO		\$ -	\$ 300.00	\$ 300.00
080651	424	CHARLES WISE		\$ -	\$ 125.17	\$ 125.17
080652	402	XEROX CORPORATION		\$ -	\$ 406.29	\$ 406.29
080652	402	XEROX CORPORATION		\$ -	\$ 354.64	\$ 354.64
080652	402	XEROX CORPORATION		\$ -	\$ 280.52	\$ 280.52
<b>TOTAL</b>						<b>\$ 103,834.67</b>

TOTAL				\$ 19,806.83	\$ 84,027.84	\$ 103,834.67
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**Motion by Ms. Noland to approve the Accounts Payable for September 13, 2018 in the amount of \$103,834.67. Motion seconded and unanimously approved.**

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
080655	P/R DED	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,610.66	\$ 3,610.66
080656	P/R DED	STEPHEN S ALLEN		\$ -	\$ 173.09	\$ 173.09
080657	406	ANGELA L BANKS		\$ -	\$ 91.80	\$ 91.80
080658	406	ANGELA L BANKS		\$ -	\$ 71.00	\$ 71.00
080659	424	BOLAND TRANE SERVICES IN		\$ -	\$ 270.00	\$ 270.00
080659	425	BOLAND TRANE SERVICES IN		\$ -	\$ 125.00	\$ 125.00
080659	425	BOLAND TRANE SERVICES IN		\$ -	\$ 1,034.00	\$ 1,034.00
080659	425	BOLAND TRANE SERVICES IN		\$ -	\$ 136.00	\$ 136.00
080659	425	BOLAND TRANE SERVICES IN		\$ -	\$ 166.00	\$ 166.00
080660	P/R DED	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
080661	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
080662	404	CASTO & HARRIS INC		\$ -	\$ 782.65	\$ 782.65
080663	P/R DED	COLONIAL LIFE		\$ -	\$ 163.20	\$ 163.20
080664	425	COVENANT BUILDING MAINT		\$ -	\$ 1,603.12	\$ 1,603.12
080665	700	EXECUTIVE EMERGENCY		\$ -	\$ 619.00	\$ 619.00
080666	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 27,899.75	\$ 27,899.75
080667	P/R DED	JEFFERSON SECURITY BANK		\$ -	\$ 4,925.00	\$ 4,925.00
080668	P/R DED	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 543.86	\$ 543.86
080669	P/R DED	NATIONWIDE RETIREMENT		\$ -	\$ 849.00	\$ 849.00
080670	402	RECORD MANAGEMENT SOLUTN		\$ -	\$ 35.00	\$ 35.00
080671	405	SPECIALTY BUS SUPPLIES		\$ -	\$ 69.98	\$ 69.98

080672	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 47,696.82	\$ 47,696.82
080672	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 11,155.02	\$ 11,155.02
080672	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 86.68	\$ 86.68
080672	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 20.28	\$ 20.28
080672	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 36,831.29	\$ 36,831.29
080672	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 55.63	\$ 55.63
080673	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 34,652.97	\$ 34,652.97
080673	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,169.85	\$ 1,169.85
080673	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 937.63	\$ 937.63
080673	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 34.65	\$ 34.65
080674	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 6,966.49	\$ 6,966.49
080674	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 9,835.05	\$ 9,835.05
080675	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,375.00	\$ 2,375.00
080675	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 415.00	\$ 415.00
080679	401	ADOBE		\$ -	\$ 16.04	\$ 16.04
080679	401	FLATWOODS HOTEL & CONFER		\$ -	\$ 89.00	\$ 89.00
080679	401	NEOPOST		\$ -	\$ 420.00	\$ 420.00
080679	401	NEOPOST		\$ -	\$ 331.30	\$ 331.30
080679	401	SPIRIT OF JEFFERSON		\$ -	\$ 61.62	\$ 61.62
080679	401	SPRINT		\$ -	\$ 55.88	\$ 55.88
080679	401	STAPLES		\$ -	\$ 75.62	\$ 75.62
080679	402	AMAZON		\$ -	\$ 55.00	\$ 55.00
080679	402	SHOPLET		\$ -	\$ 121.87	\$ 121.87
080679	402	SPIRIT OF JEFFERSON		\$ -	\$ 290.82	\$ 290.82
080679	403	PENGAD, INC		\$ -	\$ 49.40	\$ 49.40
080679	403	SHOPLET		\$ -	\$ 108.88	\$ 108.88

080679	404	WV STATE AUDITOR		\$ -	\$ 200.00	\$ 200.00
080679	404	WV STATE AUDITOR		\$ -	\$ 200.00	\$ 200.00
080679	405	GALLS		\$ -	\$ 262.50	\$ 262.50
080679	405	MD EFILE		\$ -	\$ 196.65	\$ 196.65
080679	405	MILLERS OFFICE PRODUCTS		\$ -	\$ 232.59	\$ 232.59
080679	405	SPRINT		\$ -	\$ 111.76	\$ 111.76
080679	405	USPS US POSTAL SERVICE		\$ -	\$ 120.00	\$ 120.00
080679	406	SPIRIT OF JEFFERSON		\$ -	\$ 222.40	\$ 222.40
080679	412	COMCAST		\$ -	\$ 105.75	\$ 105.75
080679	412	OFFICE MAX		\$ -	\$ 247.98	\$ 247.98
080679	413	PANHANDLE PRINTING AND D		\$ -	\$ 195.38	\$ 195.38
080679	415	FRONTIER		\$ -	\$ 85.77	\$ 85.77
080679	415	SPRINT		\$ -	\$ 111.63	\$ 111.63
080679	424	CHARLES TOWN UTILITIES		\$ -	\$ 441.38	\$ 441.38
080679	424	D L MORGAN JR INC		\$ -	\$ 274.00	\$ 274.00
080679	424	FRONTIER		\$ -	\$ 10,070.70	\$ 10,070.70
080679	424	POTOMAC EDISON		\$ -	\$ 2,605.94	\$ 2,605.94
080679	424	SPIRIT OF JEFFERSON		\$ -	\$ 37.02	\$ 37.02
080679	424	SPRINT		\$ -	\$ 55.88	\$ 55.88
080679	424	THE HOME DEPOT		\$ -	\$ 35.82	\$ 35.82
080679	425	AMAZON		\$ -	\$ 176.38	\$ 176.38
080679	425	AMAZON		\$ -	\$ 176.97	\$ 176.97
080679	425	CHARLES TOWN UTILITIES		\$ -	\$ 1,141.43	\$ 1,141.43
080679	425	COMCAST		\$ -	\$ 1,090.19	\$ 1,090.19
080679	425	CRYSTAL SPRINGS		\$ -	\$ 786.21	\$ 786.21
080679	425	GRAINGER		\$ -	\$ 866.88	\$ 866.88

080679	425	JEFFERSON COUNTY P.S.D		\$ -	\$ 348.38	\$ 348.38
080679	425	JEFFERSON RENTALS		\$ -	\$ 15.26	\$ 15.26
080679	425	JEFFERSON UTILITIES, INC		\$ -	\$ 860.77	\$ 860.77
080679	425	MILLERS OFFICE PRODUCTS		\$ -	\$ 2,875.08	\$ 2,875.08
080679	425	POTOMAC EDISON		\$ -	\$ 23,453.68	\$ 23,453.68
080679	425	RCS/ALARM FUNDING ASSOC		\$ -	\$ 7,807.80	\$ 7,807.80
080679	425	RYBB FIRE ALARM PARTS,IN		\$ -	\$ 70.00	\$ 70.00
080679	425	SHERWIN WILLIAMS		\$ -	\$ 114.23	\$ 114.23
080679	425	SSC-SOUTHERN STATES		\$ -	\$ 646.24	\$ 646.24
080679	425	THE HOME DEPOT		\$ -	\$ 6.23	\$ 6.23
080679	425	THE HOME DEPOT		\$ -	\$ 116.91	\$ 116.91
080679	425	THE HOME DEPOT		\$ -	\$ 378.57	\$ 378.57
080679	425	THE HOME DEPOT		\$ -	\$ 107.38	\$ 107.38
080679	425	THOS SOMERVILLE		\$ -	\$ 890.41	\$ 890.41
080679	425	WAL-MART		\$ -	\$ 76.06	\$ 76.06
080679	425	WEISS BROS OF HAGERSTOWN		\$ -	\$ 2,852.76	\$ 2,852.76
080679	425	WM WASTE MGNT		\$ -	\$ 745.61	\$ 745.61
080679	428	ADOBE		\$ -	\$ 471.63	\$ 471.63
080679	428	ADVANTAGE TECH		\$ -	\$ 4,200.00	\$ 4,200.00
080679	428	ADVANTAGE TECH		\$ -	\$ 4,200.00	\$ 4,200.00
080679	428	ADVANTAGE TECH		\$ -	\$ 4,200.00	\$ 4,200.00
080679	428	AMAZON		\$ -	\$ 105.98	\$ 105.98
080679	428	AMAZON		\$ -	\$ 39.99	\$ 39.99
080679	428	AMAZON		\$ -	\$ 34.60	\$ 34.60
080679	428	AMAZON		\$ -	\$ 195.32	\$ 195.32
080679	428	AMAZON		\$ -	\$ 124.68	\$ 124.68

080679	428	AMAZON		\$ -	\$ 187.36	\$ 187.36
080679	428	AMAZON		\$ -	\$ 55.37	\$ 55.37
080679	428	NAME CHEAP.COM		\$ -	\$ 145.76	\$ 145.76
080679	428	OFFICE DEPOT		\$ -	\$ 165.46	\$ 165.46
080679	428	OFFICE DEPOT		\$ -	\$ 71.67	\$ 71.67
080679	428	OFFICE DEPOT		\$ -	\$ 63.55	\$ 63.55
080679	428	OFFICE DEPOT		\$ -	\$ 11.87	\$ 11.87
080679	428	OFFICE DEPOT		\$ -	\$ 1,109.08	\$ 1,109.08
080679	428	OFFICE DEPOT		\$ -	\$ 426.49	\$ 426.49
080679	428	PITT OHIO		\$ -	\$ 100.00	\$ 100.00
080679	428	SPRINT		\$ -	\$ 157.56	\$ 157.56
080679	428	TEXTEDLY COM		\$ -	\$ 20.00	\$ 20.00
080679	428	WAL-MART		\$ -	\$ 280.26	\$ 280.26
080679	440	INTL CODE COUNCIL INC		\$ -	\$ 295.00	\$ 295.00
080679	440	LYLE SIGNS		\$ -	\$ 505.91	\$ 505.91
080679	440	SPRINT		\$ -	\$ 167.64	\$ 167.64
080679	440	US SOLAR INSTITUTE		\$ -	\$ 99.00	\$ 99.00
080679	440	USPS US POSTAL SERVICE		\$ -	\$ 6.70	\$ 6.70
080679	440	USPS US POSTAL SERVICE		\$ -	\$ 6.70	\$ 6.70
080679	440	XEROX		\$ -	\$ 89.00	\$ 89.00
080679	700	AMAZON		\$ -	\$ 210.64	\$ 210.64
080679	700	AMAZON		\$ -	\$ 17.89	\$ 17.89
080679	700	AMAZON		\$ -	\$ 97.63	\$ 97.63
080679	700	AMAZON		\$ -	\$ 286.43	\$ 286.43
080679	700	ARBYS		\$ -	\$ 9.62	\$ 9.62
080679	700	BLUE 360 MEDIA		\$ -	\$ 134.00	\$ 134.00

080679	700	BURGER KING		\$ -	\$ 28.68	\$ 28.68
080679	700	BWI PARKING		\$ -	\$ 50.00	\$ 50.00
080679	700	DENNYS		\$ -	\$ 15.88	\$ 15.88
080679	700	DIGITAL ALLY INC		\$ -	\$ 20,275.00	\$ 20,275.00
080679	700	ELITE K-9 INC		\$ -	\$ 174.10	\$ 174.10
080679	700	GAYLORD OPRYLAND RESORT		\$ -	\$ 567.63	\$ 567.63
080679	700	GOWERS FEED INC		\$ -	\$ 86.38	\$ 86.38
080679	700	GOWERS FEED INC		\$ -	\$ 110.97	\$ 110.97
080679	700	JEFF.CO CHAMBER OF COMME		\$ -	\$ 975.00	\$ 975.00
080679	700	JEFF.CO CHAMBER OF COMME		\$ -	\$ 975.00	\$ 975.00
080679	700	JEFFERSON MEDICAL CENTER		\$ -	\$ 140.00	\$ 140.00
080679	700	LONGHORN STEAK		\$ -	\$ 23.31	\$ 23.31
080679	700	MARRIOTT		\$ -	\$ 268.00	\$ 268.00
080679	700	MPH INDUSTRIES, INC		\$ -	\$ 7,653.72	\$ 7,653.72
080679	700	PETCO		\$ -	\$ 78.43	\$ 78.43
080679	700	POLICE ONE/SAFARILAND TR		\$ -	\$ 895.00	\$ 895.00
080679	700	SAFELITE AUTO GLASS		\$ -	\$ 298.89	\$ 298.89
080679	700	SPRINT		\$ -	\$ 1,569.64	\$ 1,569.64
080679	700	SUMMIT POINT RACEWAY		\$ -	\$ 30.00	\$ 30.00
080679	700	SUPERIOR AUTOBODY		\$ -	\$ 8,193.91	\$ 8,193.91
080679	700	TELTRONIC		\$ -	\$ 650.00	\$ 650.00
080679	700	THAI FLAVOR RESTAURANT		\$ -	\$ 12.40	\$ 12.40
080679	700	TOTAL ID SOLUTIONS INC.		\$ -	\$ 690.00	\$ 690.00
080679	700	USPS US POSTAL SERVICE		\$ -	\$ 18.70	\$ 18.70
080679	700	WV CORRECTIONAL INDUSTRS		\$ -	\$ 91.06	\$ 91.06
080679	700	WV PARKWAYS AU		\$ -	\$ 100.00	\$ 100.00

080679	700	WV STATE AUDITOR		\$ -	\$ 200.00	\$ 200.00
080679	700	WV STATE AUDITOR		\$ -	\$ 200.00	\$ 200.00
080679	701	GALLS		\$ -	\$ 655.00	\$ 655.00
080679	701	TRAPUZZANOS UNIFORMS		\$ -	\$ 37.36	\$ 37.36
080679	711	BATTERY MART		\$ -	\$ 44.90	\$ 44.90
080679	711	BJ'S CUSTOM CREATIONS		\$ -	\$ 119.97	\$ 119.97
080679	711	CAMP DAWSON MWR		\$ -	\$ 57.00	\$ 57.00
080679	711	MICHAELS STORES		\$ -	\$ 44.00	\$ 44.00
080679	711	SMK SURVEY MONKEY		\$ -	\$ 408.00	\$ 408.00
080679	711	SPRINT		\$ -	\$ 190.54	\$ 190.54
080679	711	WAL-MART		\$ -	\$ 28.49	\$ 28.49
080679	711	WV CHAPTER OF THE FBI NA		\$ -	\$ 80.00	\$ 80.00
080679	712	FRONTIER		\$ -	\$ 4,917.85	\$ 4,917.85
080679	712	MEAD DIRECT RESPONSE INC		\$ -	\$ 133.50	\$ 133.50
080679	712	MEDICAL PRIORITY CONSULT		\$ -	\$ 650.00	\$ 650.00
080679	712	NATIONAL ACADEMY OF EMD		\$ -	\$ 100.00	\$ 100.00
080679	712	OFFICE MAX		\$ -	\$ 8.55	\$ 8.55
080679	712	PSTC 911 CARES		\$ -	\$ 57.91	\$ 57.91
080679	712	SPRINT		\$ -	\$ 889.49	\$ 889.49
080679	712	WAL-MART		\$ -	\$ 25.80	\$ 25.80
080679	712	WVIPAY.COM-SIRN CONF.		\$ -	\$ 300.00	\$ 300.00
080679	716	GALLS		\$ -	\$ 53.00	\$ 53.00
080679	716	SPECIALTY BUSINESS SUPPL		\$ -	\$ 29.75	\$ 29.75
080679	716	SPRINT		\$ -	\$ 55.88	\$ 55.88
080679	716	THE BUSINESS CENTER		\$ -	\$ 4.25	\$ 4.25
080679	716	THE HOME DEPOT		\$ -	\$ 5.97	\$ 5.97

080679	716	USPS US POSTAL SERVICE		\$ -	\$ 24.70	\$ 24.70
080679	717	CHRISTY ENTERPRISE		\$ -	\$ 63.20	\$ 63.20
080679	717	FISHER AUTO PARTS		\$ -	\$ 798.67	\$ 798.67
080679	717	HAGERSTOWN FORD		\$ -	\$ 372.05	\$ 372.05
080679	717	NAPA AUTO PARTS		\$ -	\$ 999.38	\$ 999.38
080679	717	SNAP ON TOOLS		\$ -	\$ 549.01	\$ 549.01
080680	712	WV ENHANCED 911 COUNCIL		\$ -	\$ 265.68	\$ 265.68
080681	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 10,566.67	\$ 10,566.67
080681	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 23,481.48	\$ 23,481.48
080681	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 3,675.38	\$ 3,675.38
080681	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 6,125.70	\$ 6,125.70
080681	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 33.51	\$ 33.51
080681	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 74.46	\$ 74.46
080682	P/R DED	LISA WALTERS		\$ -	\$ 866.88	\$ 866.88
080683	413	REVA MICKEY		\$ -	\$ 100.00	\$ 100.00
080684	413	TOM NEWCOMER		\$ -	\$ 100.00	\$ 100.00
<b>TOTAL</b>					<b>\$ 378,320.34</b>	<b>\$ 378,320.34</b>

**Motion by Mr. Onoszko to approve the Accounts Payable for September 20, 2018 in the amount of \$378,320.34. Motion seconded and unanimously approved.**

**MANUAL CHECKS**

615	8/HD	CDA			\$ 744.00
616	8/HD	ATTENTI			\$ 1,942.40
699	56/ASR	DLT SOLUTIONS			\$ 602.36
700	56/ASR	PRINT O STAT			\$ 343.23
701	56/ASR	THE JOURNAL			\$ 682.50

1689	246/CO	UNITED BANK CARD				\$	151.14
<b>TOTAL</b>						\$	<b>4,465.63</b>

**Motion by Ms. Tabb to approve the Manual Checks for September 14, 2018 in the amount of \$4,465.63. Motion seconded and unanimously approved.**

<b>COAL SEVERANCE</b>			
<b>OO2</b>			
Date	Check #	VENDOR	Amount
9/21/2018	468	<b>ASHPAUGH &amp; SCULCO CPA</b>	\$ 7,950.00
<b>ASSESSOR VALUATION</b>			
<b>O56</b>			
Date	Check #	VENDOR	Amount
9/21/2018	702	<b>CARLSON SOFTWARE</b>	\$ 175.00
<b>FARMLAND PROTECTION BOARD</b>			
<b>O57</b>			
Date	Check #	VENDOR	Amount
9/21/2018	305	<b>JEFFERSON CO FARMLAND PROT.</b>	\$ 73,832.55
<b>TOTAL</b>			<b>\$ 81,957.55</b>

**Motion by Mss. Noland to approve the Manual Checks for September 21, 2018 in the amount of \$81,957.55. Motion seconded and unanimously approved.**

## PUBLIC COMMENT

Eleanor Finn, resident – spoke regarding concerns about Rockwool Ranson.

Ed Hannon, resident – spoke regarding the Fire and EMS applicants for the JCESA Board.

David Tabb, resident – spoke regarding concerns about Rockwool Ranson.

Ruth Hatcher, resident – spoke regarding concerns about Rockwool Ranson.

## PRESENTATIONS

1. Angie Banks, Assessor

a. Requested approval of the following Exoneration:

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Claison and Patricia Henkes	PP	Shepherdstown	316214	\$434.68

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 316214 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Jessica Andryshak	PP	CTC	305195	\$50.95

- **Motion by Ms. Tabb to approve the Exoneration for Ticket No. 305195 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Patricia Robertson	PP	CTD	303991	\$18.80

- **Motion by Mr. Onoszko to approve the Exoneration for Ticket No. 303991 as presented. Motion seconded and unanimously approved.**
2. Interview and Appointment to the Jefferson County Emergency Services Agency – one three year term ending June 30, 2021.
    - **Motion by Mr. Compton to appoint Anthony Troxel to the Jefferson County Emergency Services Agency for one three year term ending June 30, 2021. Motion seconded and unanimously approved.**
  3. Bill Polk, Director, Maintenance Department
    - a. Approval of Employment – Randall Doane, Maintenance Mechanic
      - **Motion by Ms. Tabb to approve the employment of Randall Doane as a Maintenance Mechanic with the Jefferson County Department of Maintenance at a Grade 4, Step D at a salary of \$47,127.94. Motion seconded and unanimously approved.**
    - b. Approval of Bid Proposal – Jefferson County Courthouse Paint/Brick Project
    - c. Approval of the 2018 16<sup>th</sup> Grant Cycle Application – West Virginia Courthouse Facilities Improvement Authority – Courthouse Paint and Brick Project.
      - **Motion by Ms. Tabb to approve the 2018 16<sup>th</sup> Grant Cycle Application of the West Virginia Courthouse Facilities Improvement Authority for the Courthouse paint and brick project. Motion seconded and unanimously approved.**
  4. Jennifer Brockman, County Planner – provide an overview of the Planning Commission Proposed Zoning Ordinance Text Amendments (ZTA 18-01) re: Pet and Livestock Crematoria and to request the County Commission to schedule a Public Hearing per WV Code §8A-7-8.

- It was the consensus of the Commission to schedule a public hearing on ZTA 18-01 on Thursday, October 4, 2018 at 1:30 pm.
5. Nathan Cochran, Assistant Prosecuting Attorney
- Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD Assets
  - Discussion of Jefferson County Civil Action #17-C-282
  - Discussion of EEOC Charge #533-2018-01557
    - **Motion by Mr. Compton to enter into Executive Session to receive legal advice and discuss personnel matters pertaining to EEOC Charge #533-2018-01557 and also receive legal advice regarding a FOIA request received by the County Administrator. Motion seconded and unanimously approved.**
    - **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
    - **Motion by Ms. Noland to engage Franklin and Prokopik, P.C., for the EEOC Charge #533-2018-01557. Motion seconded and unanimously approved.**

### UNFINISHED BUSINESS

6. Make a formal request to The Journal Newspaper to ask WV Secretary of State to become a paper of record in Jefferson County, WV
- **Motion by Mr. Compton to request the County Administrator send a letter to The Journal requesting them to become a Paper of Record in Jefferson County. Motion seconded and passes on a vote of 3-2 with Commissioners Noland and Tabb opposing.**

### NEW BUSINESS

7. Approval of Resolution, Grant Application, and documents for the Jefferson County Broadband Planning Grant

- **Motion by Ms. Noland to approve the Resolution, Grant Application, and documents for the Jefferson County Broadband Planning Grant. Motion seconded and unanimously approved.**

8. Appointments to the Jefferson County Emergency Services Agency

- Ms. Tabb provided her nomination to Bob Fass to serve as the Fire Representative on the Jefferson County Emergency Services Agency Board.
  - **Motion by Mr. Compton to appoint Bob Fass to serve as the Fire Representative on the Jefferson County Emergency Services Agency Board for an unexpired term ending June 30, 2019. Motion seconded and unanimously approved.**
- Ms. Noland provided her nomination to Craig Simpson to serve as the EMS Representative on the Jefferson County Emergency Services Agency.
  - **Motion by Mr. Compton to appoint Craig Simpson to serve as the EMS Representative on the Jefferson County Emergency Services Agency. Motion seconded and unanimously approved.**

**COUNTY ADMINISTRATOR REPORTS**

- Discussion of FOIA requests received from Judicial Watch

The Commission adjourned at 7:30 pm on a motion by Mr. Compton. Motion was seconded and unanimously approved.

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JOSHUA COMPTON, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant



**PURCHASE ORDERS TO BE APPROVED**

**October 4, 2018**

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
SHERIFF'S OFFICE	52806	\$ 5,922.12	Executive Emergency Lighting, LLC	lighting for new and existing vehicles
	52807	\$ 123,956.00	Stephen's Auto Center	new vehicles (4)
<b>GRAND TOTAL</b>		<b>\$ 129,878.12</b>		



STATE VENDOR - 2 - INVOICES - Separate Line Item Here



**THE COUNTY COMMISSION OF JEFFERSON COUNTY**

Charles Town, West Virginia 25414

**REQUISITION**

**No. 52806**

VENDOR:

DELIVER TO:

Executive Emergency  
Lighting LLC  
Ray Muth  
21 South Main Lane  
Suite B  
Shepherdstown, WV 25443

JCSO  
102 Industrial Blvd  
Keamsville, WV  
25430

QUANTITY	DESCRIPTION - BUDGET LINE - ITEM NUMBER	PRICE	UNIT	AMOUNT
Invoice 1	Component Invoice New Vehicles (See Attached) * Capital Outlay 246 980 004	459		2665 27
Invoice 2	Existing Vehicles (See Attached) Component Invoice * Auto Supplies 700 03 343			6922 12

1. ENTER NAME AND MAILING ADDRESS OF VENDOR IN SPACE PROVIDED
2. PROVIDE MAILING AND/OR SHIPPING ADDRESS. ITEMS THAT ARE SHIPPED MUST HAVE STREET ADDRESS.
3. PROVIDE A DESCRIPTION OF ITEMS(S) BEING REQUESTED.
4. INCLUDE BUDGET LINE-ITEM NUMBER TO BE CHARGED FOR EACH ITEM.
5. SIGN AND FORWARD TO COUNTY COMMISSION. UPON APPROVAL, A COUNTER-SIGNED COPY WILL BE RETURNED FOR YOUR RECORDS.

THE ITEMS REQUESTED ABOVE ARE NECESSARY AND FOR THE EXCLUSIVE USE OF THIS DEPARTMENT.

*Peter Duguid*  
Signature

Date

PURCHASE OF THE ABOVE REQUESTED ITEMS APPROVED. FUNDS HAVE BEEN ENCUMBERED.

Signature

Date

4	TP-E-SM1-US-SS	Ford Interceptor SUV Partition	\$713.22	\$2,852.88
4	2-SAB-FDUV-SM	Bent-Frame Space Maker Partition Mount		
4	KP-SMUV-SS-BF	Ford Interceptor SUV Kick Panel	\$132.28	\$529.12
4	TP-FDUV-LA-RL	Ford Interceptor SUV Rear Partition	\$429.00	\$1,716.00
4	CP-UV-CARGO-MNT	Cargo Mount Ford Interceptor SUV	\$312.46	\$1,249.84
4	AC-UV-TRAY-H	28" X 22" Electronics tray (Bolts under cargo mount)	\$178.75	\$715.00
4	WG-FDUV-SET	Police Interceptor Window Guard Driver/Passenger	\$207.35	\$829.40
4	GM-SGRF-MNT	Troy Products Dual Weapon Mount	\$406.78	\$1,627.12
4	36-2055	Westin Push Bumper Elite (Ford Int SUV 2016)	\$258.60	\$1,034.40
4	36-2055PB	Westin Pitbar Elite (Ford Int SUV 2016)	\$270.26	\$1,081.04
4	36-2055W	Westin Wing Wrap Elite (Ford Int SUV 2016)	\$108.00	\$432.00
4	36-6005C2CH	2 Light Channel Code 3	\$24.02	\$96.08
8	FSM-40-RB	Fusion 40 degree Red/Blue LED Tag Lights	\$79.00	\$632.00
8	CD3766BW	Chase Directional Light, 12 LED (6)Red/(6)Blue	\$135.19	\$1,081.52
4	FN-4918D	Fenix Fusion 49" Dual Color Light Bar	\$1,750.00	\$7,000.00
4	C-MC	Havis Mic Clip	\$17.80	\$71.20
4	MMBP	Magnetic Mic Clip	\$51.00	\$204.00
8	C-MCB	Havis Mic Bracket	\$22.64	\$181.12
3	G-VS-2400-INUT-1	2013-2016 Ford Police Int SUV specific 24" console	\$345.44	\$1,036.35
4	G-LP-4	Accessory Plate, 4 Lighter Plate Outlets	\$40.43	\$161.72
4	G-CUP2-1	Console, Accessory, Cup Holder, 4" Mounting Space	\$33.96	\$135.84
4	G-ARM-102	Side Mount Arm Rest	\$55.79	\$223.16
4	G-AP-0325	3" Accessory Plate, 2.5" Deep	\$37.19	\$148.76
1	DS-PAN-702-2	Toughbook Docking Station with Pwr Supply and Dual Gain Antenna	\$715.10	\$715.10
1	G-HDM-204	8.5" Heavy Duty Telescoping Pole, side mount, short handl	\$136.64	\$136.64
	C-MD-302	PKG,ACTADP,HDM,SLIDE,TS,S	\$344.38	\$344.38
1	PKG-KB-102	Rugged In-Vehicle Keyboard & Mounting Plate	\$403.00	\$403.00
4		Streamlight Stinger LED HPL Rechargeable Flashlight and Charger	\$169.40	\$677.60
		Shipping/Handling Fees	\$750.00	\$750.00
		Total		\$26,065.27

*Capital Outlay*







# THE COUNTY COMMISSION OF JEFFERSON COUNTY

Charles Town, West Virginia 25414

## REQUISITION

No. 52807

VENDOR:

DELIVER TO:

Stephens Auto Center  
PO Box 278  
Danville, WV 25053

JCSO  
102 Industrial Blvd  
Keamsville, WV  
25430

QUANTITY	DESCRIPTION - BUDGET LINE - ITEM NUMBER	PRICE	UNIT	AMOUNT
	New Vehicles (4) Capital outlay 246 980 04 459			
1	VIN 1FM5K8ARXJ6C76248			30989
1	1FM5K8AR8J6C76247			30989
1	11 76246			30989
1	11 76245			30989
				\$ 123956

- ENTER NAME AND MAILING ADDRESS OF VENDOR IN SPACE PROVIDED
- PROVIDE MAILING AND/OR SHIPPING ADDRESS. ITEMS THAT ARE SHIPPED MUST HAVE STREET ADDRESS.
- PROVIDE A DESCRIPTION OF ITEMS(S) BEING REQUESTED.
- INCLUDE BUDGET LINE-ITEM NUMBER TO BE CHARGED FOR EACH ITEM.
- SIGN AND FORWARD TO COUNTY COMMISSION. UPON APPROVAL, A COUNTER-SIGNED COPY WILL BE RETURNED FOR YOUR RECORDS.

THE ITEMS REQUESTED ABOVE ARE NECESSARY AND FOR THE EXCLUSIVE USE OF THIS DEPARTMENT.

*Peter Dunham*  
Signature \_\_\_\_\_ Date \_\_\_\_\_

PURCHASE OF THE ABOVE REQUESTED ITEMS APPROVED. FUNDS HAVE BEEN ENCUMBERED.

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

**MOTOR VEHICLE PURCHASE AGREEMENT**

PURCHASER'S NAME JEFFERSON COUNTY COMMISSION DATE 9 / 27 / 2018  
 ADDRESS 124 EAST WASHINGTON STREET CHARLES TOWN, WV 25414

RESIDENCE PHONE (304) 728-3355 BUSINESS PHONE (304) 728-3205 SALES REPRESENTATIVE MIKE BALLARD

Please enter my order for one		NEW XX	USED	YEAR 2018	MAKE FORD	MODEL POLICE INTERCEP
COLOR SHADOW BLACK	TOP	TRIM	STOCK NO FT79556			
VIN 1FM5K8ARXJGC76248	MILEAGE 7	TO BE DELIVERED ON OR ABOUT		9 / 27 / 2018		

REMARKS: LIEN INFO:	CASH PRICE OF VEHICLE	\$ 30,989.00	1
N/A		N/A	2
KEY# 1063X	PLEASE PAY FROM THIS	N/A	3
	<b>Invoice</b>	N/A	4
	NO OTHER WILL FOLLOW.	N/A	5
	THIS IS AN ORIGINAL COPY.	N/A	6
	SIGNED: STEPHENS AUTO CENTER		7
	BY: <i>M.W. Ballard</i>		8
		0.00	9
			10
NEGATIVE EQUITY: I am aware the balance owed on my trade-in vehicle exceeds the trade-in allowance from Dealer and, as a result, I have requested that \$ <u>N/A</u> of negative equity from my trade-in be included in the cash price of the vehicle.			11
			12

Description of trade-in: Year <u>N/A</u> Make <u>N/A</u>	Total cash price (1 thru 12)	30,989.00	13
Model <u>N/A</u> VIN <u>N/A</u>	Less trade-in	\$ N/A	14
Title No. Mileage <u>N/A</u>	Difference (13 minus 14)	30,989.00	15
Balance owed to: <u>N/A</u>	Total taxable amount	30,989.00	16
Address <u>N/A</u>	Plus balance owed	\$ N/A	17
Account No. <u>N/A</u> Good till <u>N/A</u> <u>N/A</u> <u>N/A</u>		30,989.00	18

<b>ODOMETER MILEAGE STATEMENT</b>		Sales tax	\$ N/A	19
THE ODOMETER OF THE ABOVE DESCRIBED VEHICLE NOW READS <u>7</u> MILES/KILOMETERS AND IS ACCURATE UNLESS CHECKED BELOW.		Title fee	N/A	20
<input type="checkbox"/> ODOMETER MILEAGE IS NOT ACCURATE. REFER TO THE FEDERAL MILEAGE STATEMENT FOR FULL DISCLOSURE.		Lien fee	N/A	21
Dealer hereby warrants this vehicle for <u>N/A</u> months or <u>N/A</u> miles, whichever comes first. If this vehicle fails in normal service within that period, dealer will perform repairs in accordance with the attached limited warranty. All warranties, if any, by a manufacturer or supplier other than dealer are theirs, NOT dealers, and only such manufacturer or other supplier shall be liable for performance under such warranties, express or implied.		Transfer fee	N/A	22
The front and back of this Order and the attached limited warranty comprise the entire agreement affecting this purchase and no other agreement or understanding of any nature concerning same has been made or entered into, or will be recognized. If this agreement is for a used vehicle see contractual disclosure statement below. I hereby certify that no credit has been extended to me for the purchase of this motor vehicle except as it appears in writing on the face of this agreement. I have read the matter printed on the back hereof and agree to it as a part of this order the same as if it were printed above my signature. I certify that I am at least 18 years old, and hereby acknowledge receipt of a copy of this order.		Additional weight fee		23
<b>CONTRACTUAL DISCLOSURE STATEMENT</b>		License fee	N/A	24
(USED VEHICLES ONLY) THE INFORMATION YOU SEE ON THE BUYER'S GUIDE FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE BUYER'S GUIDE OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.		Insurance fee		25
THIS ORDER IS NOT VALID UNLESS SIGNED AND ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE.		Temporary plate fee	N/A	26
<i>Peter A. Dunfee</i>		Litter fee		27
Purchaser's Signature	Date <u>9 / 27 / 2018</u>	Other		28
<i>M.W. Ballard</i>		Total taxes & fees (19 thru 28)	N/A	29
Dealer or Its Authorized Representative		Documentary Fee	N/A	30
		Documentary Fee Tax	N/A	31
			N/A	32
		Mechanical service contract	N/A	33
		Other	N/A	34
		Total (17 plus 29 thru 34)	30,989.00	35
		Deposit (cash down payment)		36
		Balance due on delivery (35 minus 36)	\$ 30,989.00	37

PURCHASER'S NAME JEFFERSON COUNTY COMMISSION DATE 9 / 27 / 2018  
 ADDRESS 124 EAST WASHINGTON STREET CHARLES TOWN, WV 25414

RESIDENCE PHONE (304) 728-3355 BUSINESS PHONE (304) 728-3205 SALES REPRESENTATIVE MIKE BALLARD

NEW XX	USED	YEAR	2018	MAKE	FORD	MODEL	POLICE INTERCEP
Please enter my order for one							
COLOR	SHADOW BLACK		TOP	TRIM	STOCK NO.	FT76909	
VIN	1FM5K8AR8JGC76247		MILEAGE	7	TO BE DELIVERED ON OR ABOUT	9 / 27 / 2018	

REMARKS: LIEN INFO:  
N/A  
KEY# 0228X

CASH PRICE OF VEHICLE	\$ 30,989.00	1
	N/A	2
<b>PLEASE PAY FROM THIS</b>	N/A	3
<b>Invoice</b>	N/A	4
	N/A	5
<b>NO OTHER WILL FOLLOW.</b>	N/A	6
<b>THIS IS AN ORIGINAL COPY.</b>	N/A	7
<b>SIGNED: STEPHENS AUTO CENTER</b>		8
<b>BY: <u>M.W. Ballard</u></b>		9
	0.00	10
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**NEGATIVE EQUITY:** I am aware the balance owed on my trade-in vehicle exceeds the trade-in allowance from Dealer and, as a result, I have requested that \$ N/A of negative equity from my trade-in be included in the cash price of the vehicle.

Description of trade-in: Year N/A Make N/A  
 Model N/A VIN N/A  
 Title No. Mileage N/A  
 Balance owed to: N/A  
 Address N/A  
 Account No. N/A Good till N/A N/A N/A

**ODOMETER MILEAGE STATEMENT**  
 THE ODOMETER OF THE ABOVE DESCRIBED VEHICLE NOW READS 7 MILES/KILOMETERS AND IS ACCURATE UNLESS CHECKED BELOW.  
 ODOMETER MILEAGE IS NOT ACCURATE. REFER TO THE FEDERAL MILEAGE STATEMENT FOR FULL DISCLOSURE.

Dealer hereby warrants this vehicle for N/A months or N/A miles, whichever comes first. If this vehicle fails in normal service within that period, dealer will perform repairs in accordance with the attached limited warranty. All warranties, if any, by a manufacturer or supplier other than dealer are theirs, NOT dealers, and only such manufacturer or other supplier shall be liable for performance under such warranties, express or implied.

The front and back of this Order and the attached limited warranty comprise the entire agreement affecting this purchase and no other agreement or understanding of any nature concerning same has been made or entered into, or will be recognized. If this agreement is for a used vehicle see contractual disclosure statement below. I hereby certify that no credit has been extended to me for the purchase of this motor vehicle except as it appears in writing on the face of this agreement. I have read the matter printed on the back hereof and agree to it as a part of this order the same as if it were printed above my signature. I certify that I am at least 18 years old, and hereby acknowledge receipt of a copy of this order.

**CONTRACTUAL DISCLOSURE STATEMENT**  
 (USED VEHICLES ONLY) THE INFORMATION YOU SEE ON THE BUYER'S GUIDE FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE BUYER'S GUIDE OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.  
 THIS ORDER IS NOT VALID UNLESS SIGNED AND ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE.

*John A. Stephens* Date 9 / 27 / 2018  
 Purchaser's Signature  
*M.W. Ballard*  
 Dealer or Its Authorized Representative

PURCHASER'S NAME JEFFERSON COUNTY COMMISSION DATE 9 / 27 / 2018  
 ADDRESS 124 EAST WASHINGTON STREET CHARLES TOWN, WV 25414  
 RESIDENCE PHONE (304) 728-3355 BUSINESS PHONE (304) 728-3205 SALES REPRESENTATIVE MIKE BALLARD

Please enter my order for one  NEW  USED YEAR 2018 MAKE FORD MODEL POLICE INTERCEP  
 COLOR SHADOW BLACK TOP                      TRIM                      STOCK NO FT79656  
 VIN 1FM5K8AR6JGC76246 MILEAGE 7 TO BE DELIVERED ON OR ABOUT 9 / 27 / 2018

REMARKS: <u>LIEN INFO:</u>	CASH PRICE OF VEHICLE	\$ 30,989.00	1
<u>N/A</u>		<u>N/A</u>	2
<u>KEY# 0447X</u>	<b>PLEASE PAY FROM THIS</b>	<u>N/A</u>	3
	<b>Invoice</b>	<u>N/A</u>	4
	<b>NO OTHER WILL FOLLOW.</b>	<u>N/A</u>	5
	<b>THIS IS AN ORIGINAL COPY.</b>	<u>N/A</u>	6
	<b>SIGNED: STEPHENS AUTO CENTER</b>		7
	<b>BY: <u>M.W. Ballard</u></b>		8
		<u>0.00</u>	9
<b>NEGATIVE EQUITY:</b> I am aware the balance owed on my trade-in vehicle exceeds the trade-in allowance from Dealer and, as a result, I have requested that \$ <u>N/A</u> of negative equity from my trade-in be included in the cash price of the vehicle.			10
			11
			12

Description of trade-in: Year <u>N/A</u> Make <u>N/A</u>	Total cash price (1 thru 12)	<u>30,989.00</u>	13
Model <u>N/A</u> VIN <u>N/A</u>	Less trade-in	\$ <u>N/A</u>	14
Title No. <u>                    </u> Mileage <u>N/A</u>	Difference (13 minus 14)	<u>30,989.00</u>	15
Balance owed to: <u>N/A</u>	Total taxable amount	<u>30,989.00</u>	16
Address <u>N/A</u>	Plus balance owed	\$ <u>N/A</u>	17
Account No. <u>N/A</u> Good till <u>N/A N/A N/A</u>		<u>30,989.00</u>	18

<b>ODOMETER MILEAGE STATEMENT</b>	Sales tax	\$ <u>N/A</u>	19
THE ODOMETER OF THE ABOVE DESCRIBED VEHICLE NOW READS <u>7</u> MILES/KILOMETERS AND IS ACCURATE UNLESS CHECKED BELOW.	Title fee	<u>N/A</u>	20
<input type="checkbox"/> ODOMETER MILEAGE IS NOT ACCURATE. REFER TO THE FEDERAL MILEAGE STATEMENT FOR FULL DISCLOSURE.	Lien fee	<u>N/A</u>	21
Dealer hereby warrants this vehicle for <u>N/A</u> months or <u>N/A</u> miles, whichever comes first. If this vehicle fails in normal service within that period, dealer will perform repairs in accordance with the attached limited warranty. All warranties, if any, by a manufacturer or supplier other than dealer are theirs, NOT dealers, and only such manufacturer or other supplier shall be liable for performance under such warranties, express or implied.	Transfer fee	<u>N/A</u>	22
The front and back of this Order and the attached limited warranty comprise the entire agreement affecting this purchase and no other agreement or understanding of any nature concerning same has been made or entered into, or will be recognized. If this agreement is for a used vehicle see contractual disclosure statement below. I hereby certify that no credit has been extended to me for the purchase of this motor vehicle except as it appears in writing on the face of this agreement. I have read the matter printed on the back hereof and agree to it as a part of this order the same as if it were printed above my signature. I certify that I am at least 18 years old, and hereby acknowledge receipt of a copy of this order.	Additional weight fee	<u>N/A</u>	23
<b>CONTRACTUAL DISCLOSURE STATEMENT</b>	License fee	<u>N/A</u>	24
(USED VEHICLES ONLY) THE INFORMATION YOU SEE ON THE BUYER'S GUIDE FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE BUYER'S GUIDE OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.	Insurance fee	<u>N/A</u>	25
THIS ORDER IS NOT VALID UNLESS SIGNED AND ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE.	Temporary plate fee	<u>N/A</u>	26
	Litter fee		27
	Other		28
	Total taxes & fees (19 thru 28)	<u>N/A</u>	29

	Documentary Fee	<u>N/A</u>	30
	Documentary Fee Tax	<u>N/A</u>	31
		<u>N/A</u>	32
	Mechanical service contract	<u>N/A</u>	33
	Other	<u>N/A</u>	34
	Total (17 plus 29 thru 34)	<u>30,989.00</u>	35
	Deposit (cash down payment)	<u>N/A</u>	36
	Balance due on delivery (35 minus 36)	\$ <u>30,989.00</u>	37

Peter H. Duffner Date 9 / 27 / 2018  
 Purchaser's Signature  
M.W. Ballard  
 Dealer or Its Authorized Representative

**MOTOR VEHICLE PURCHASE AGREEMENT**

PURCHASER'S NAME JEFFERSON COUNTY COMMISSION DATE 9 / 27 / 2018  
 ADDRESS 124 EAST WASHINGTON STREET CHARLES TOWN, WV 25414

RESIDENCE PHONE (304) 728-3355 BUSINESS PHONE (304) 728-3205 SALES REPRESENTATIVE MIKE BALLARD

Please enter my order for one  NEW  USED YEAR 2018 MAKE FORD MODEL POLICE INTERCEP  
 COLOR SHADOW BLACK TOP                      TRIM                      STOCK NO FT79637  
 VIN 1FM5K8AR4JGC76245 MILEAGE 7 TO BE DELIVERED ON OR ABOUT 9 / 27 / 2018

REMARKS: LIEN INFO:

CASH PRICE OF VEHICLE \$ 30,989.00 1

N/A 2

N/A 2

KEY# 0963X 3

**PLEASE PAY FROM THIS** N/A 3

**Invoice**

N/A 4

N/A 5

**NO OTHER WILL FOLLOW.** 6

**THIS IS AN ORIGINAL COPY.** N/A 7

N/A 8

**SIGNED: STEPHENS AUTO CENTER** 8

BY: M.W. Ballard 9

0.00 10

**NEGATIVE EQUITY:** I am aware the balance owed on my trade-in vehicle exceeds the trade-in allowance from Dealer and, as a result, I have requested that \$ N/A of negative equity from my trade-in be included in the cash price of the vehicle 11

Description of trade-in: Year N/A Make N/A 12

Total cash price (1 thru 12) 30,989.00 13

Model N/A VIN N/A 14

Less trade-in \$ N/A 14

Title No. N/A Mileage N/A 15

Difference (13.minus 14) 30,989.00 15

Balance owed to: N/A 16

Total taxable amount 30,989.00 16

Address N/A 17

Plus balance owed \$ N/A 17

Account No. N/A Good will N/A N/A N/A 18

N/A 18

**ODOMETER MILEAGE STATEMENT**

THE ODOMETER OF THE ABOVE DESCRIBED VEHICLE NOW READS 7 MILES/KILOMETERS AND IS ACCURATE UNLESS CHECKED BELOW.

ODOMETER MILEAGE IS NOT ACCURATE. REFER TO THE FEDERAL MILEAGE STATEMENT FOR FULL DISCLOSURE.

Sales tax \$ N/A 19

Title fee N/A 20

Lien fee N/A 21

Transfer fee N/A 22

Additional weight fee N/A 23

License fee N/A 24

Insurance fee N/A 25

Temporary plate fee N/A 26

Litter fee N/A 27

Other N/A 28

N/A 28

Total taxes & fees (19 thru 28) N/A 29

Documentary Fee N/A 30

Documentary Fee Tax N/A 31

N/A 32

N/A 32

Mechanical service contract N/A 33

Other N/A 34

N/A 34

Total (17 plus 29 thru 34) 30,989.00 35

Deposit (cash down payment) N/A 36

Balance due on delivery (35 minus 36) \$ 30,989.00 37

                      
 Purchasers Signature  
                      
 Dealer or Its Authorized Representative

Date 9 / 27 / 2018



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Angie Banks, Assessor

Department or Organization: **Assessor's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*):

**Exonerations – Discussion/Action**

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

Is this a funding request?  Y/N [Click here to enter text.](#)

If so, how much? \$ [Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed?  Projector  Y/N [Click here to enter text.](#)  Internet/Wi Fi  Y/N [Click here to enter text.](#)

Telephone for conference call  Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Pete Dougherty

Department or Organization: **Sheriff's Office**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

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

Subject (*Wording to be placed on agenda*): Trip Guards/Bailiff  
Home Confinement  
Auction  
Salvage Vehicle  
Sheriff's Annual Report

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

I am seeking to hire a Trip guard and a Bailiff/trip guard to expand those available to function in these capacities due to added needs.

Judge Hammer has recognized Deputy Thomas and Special Deputy Gill as the employees designated by me to work the Home Confinement program. Per WV Code, I am asking the Commission to also recognize Special Deputy Gill as a Part-time Home Confinement Officer.

On Friday, October 19, 2018 at 5:00 pm, I am holding an auction of Seized/Forfeited/County property, as well as other items I have a legal duty to sell for WRIT and Conservatorship purposes. I am asking approval to sell the following County items (list attached).

I am also seeking approval to sell for salvage a 2004 Ford Crown Victoria VIN 2FAFP71W46X102742.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

I move to approve the hire of Charles VanGilder as a Bailiff/trip guard and George Booth as a Trip Guard.

I move to recognize Special Deputy Earl Gill as a Part-time Home Confinement Officer.

I move to approve the sale of the listed County property and proceeds be added to the Sheriff's Auto Supply line item 700-03-343 for Sheriff's Office property.

I move to approve that the 2004 Ford Crown Victoria be sold for salvage and the proceeds be added to the Sheriff's Auto Supply line item 700-03-343.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

**List of County Property to be sold at auction for Sheriff's Office:**

2007 Ford Crown Victoria      Tag R-2303      VIN 2FAFP71W87X105288

1998 Chevrolet Motor Home      Tag SO2001      VIN 1GBLP37N9V3301937

**List of County Property to be sold at auction for Maintenance:**

T2080 Kubota Tractor – Riding Lawn Mower (This may be removed, but wanted to gain permission)

Portable vehicle scissor lift – Up to 8000 lbs

2001 Jeep Cherokee

4 used oil drums

3 pallets of used paver

In the Circuit Court of Jefferson County, West Virginia

Re: Administrative Order Concerning Home Confinement Program

RECEIVED

SEP 26 2018

Order No.: 18-AD-27

JEFFERSON COUNTY  
CIRCUIT CLERK

Whereas, the Court is aware that the Sheriff of Jefferson County, West Virginia, acts in a supervisory role over the Jefferson County home confinement program and home confinement officers, with approval of the Jefferson County Commission, pursuant to the Home Incarceration Act, West Virginia Code §§ 62-11B-1 — 62-11B-13, including W. Va. Code § 62-11B-7a, and;

Whereas, the Court finds that it comports with the aforementioned statute, including W. Va. Code § 62-11B-7a, for the Sheriff's aforementioned role to be approved by the Circuit Court;

The Court therefore FINDS and ORDERS as follows

1. The Sheriff of Jefferson County, West Virginia, shall act in a supervisory role over the Jefferson County home confinement program and home confinement officers, with approval of the Jefferson County Commission, pursuant to the Home Incarceration Act, West Virginia Code §§ 62-11B-1 — 62-11B-13, including W. Va. Code § 62-11B-7a, and,
2. The Sheriff is authorized to appoint Deputy Allan Thomas as a full-time home confinement officer and Earl Gill as a part-time home confinement officer, who serve at the will and pleasure of the Sheriff; and,
3. The Sheriff is authorized to seek approval from the Jefferson County Commission to appoint additional and/or replacement officers to serve in the aforementioned role as the Sheriff, in his sole discretion, may desire.

The Clerk shall place this Order with the Administrative Orders and send copies to the Sheriff of Jefferson County and the Jefferson County Commission.

IT IS SO ORDERED

*[Signature]*

JUDGE OF THE CIRCUIT COURT

A TRUE COPY  
ATTEST:

LAURIE STORM  
CLERK, CIRCUIT COURT  
JEFFERSON COUNTY, W.VA.

BY *[Signature]*  
DEPUTY CLERK

DATE: SEPT. 26, 2018

4 cc  
- clerk  
- Magistrate Court  
- JEFF. CO. COMMISSION  
- JCSD  
9/27/18  
ATL

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Matthew Harvey, Prosecuting Attorney**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

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

Subject (*Wording to be placed on agenda*):

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

**1. Discussion of staffing needs and potential new hires.**

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



AGENDA REQUEST FORM

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

**NAME:** Lynn Fields

**DEPARTMENT OR ORGANIZATION:** Probate Office

**ESTIMATION OF TIME NEEDED FOR APPT.:** 10 minutes

**DATE REQUESTED: 1<sup>ST</sup> CHOICE** October 4<sup>th</sup>, 2018

**IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:**

**SUBJECT: QUARTERLY REVIEW TO CLOSE ESTATES THAT HAVE MET ALL DEADLINES AND APPROVE ESTATES THAT HAVE BEEN OPENED SINCE LAST QUARTERLY REVIEW**

**PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION, INCLUDING ANY BACKGROUND INFORMATION:**

**ARE DOCUMENTS ATTACHED:** PENDING

**IS A PROJECTOR NEEDED?:** NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Nancy Strine, HOME/CDBG Administrator

Department or Organization: Eastern Panhandle HOME Consortium of West Virginia Community Development, City of Martinsburg

Estimation of amount of time needed for appointment: 15 minutes

2 items

1. Approve Resolution Authorizing Jefferson County Participation in the Eastern Panhandle Home Consortium of WV for the Period of July 1, 2019 to June 30, 2021;
2. Approve 3 year Housing Consortium Cooperative Agreement between City of Martinsburg and the Counties of Berkeley, Jefferson, and Morgan, WV for the period July 1, 2019 through June 30, 2021.

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

Subject (*Wording to be placed on agenda*):

1. Approve Resolution Authorizing Jefferson County Participation in the Eastern Panhandle Home Consortium of WV for the Period of July 1, 2019 to June 30, 2021;
2. Approve 3 year Housing Consortium Cooperative Agreement between City of Martinsburg and the Counties of Berkeley, Jefferson, and Morgan, WV for the period July 1, 2019 through June 30, 2021.

Please provide the County Commission with a description of your request or presentation, including any background information:  
Every 3 year years we need to renew the 3year Cooperative Agreement with the City of Martinsburg and Berkeley County as well as the resolution

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

1. Approve Resolution Authorizing Jefferson County Participation in the Eastern Panhandle Home Consortium of WV for the Period of July 1, 2019 to June 30, 2021;
2. Approve 3 year Housing Consortium Cooperative Agreement between City of Martinsburg and the Counties of Berkeley, Jefferson, and Morgan, WV for the period July 1, 2019 through June 30, 2021.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address: [nstrine@cityofmartinsburg.org](mailto:nstrine@cityofmartinsburg.org)

Phone Number: 204-264-2131 ext. 278

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**



**HOUSING CONSORTIUM COOPERATION AGREEMENT  
BY AND BETWEEN  
THE CITY OF MARTINSBURG  
AND  
THE COUNTIES OF BERKELEY, JEFFERSON AND MORGAN  
WEST VIRGINIA**

This **three-year AGREEMENT** is entered into between the City of Martinsburg (hereinafter referred to as "City"); and the Berkeley County Commission for and on behalf of Berkeley County, a political subdivision of the State of West Virginia; the Jefferson County Commission for and on behalf of Jefferson County, a political subdivision of the State of West Virginia; and the Morgan County Commission for and on behalf of Morgan County, a political subdivision of the State of West Virginia (hereinafter referred to as "Counties"), and the incorporated communities contained in each of the above said Counties.

**WHEREAS**, Title II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnerships Program (hereinafter referred to as "HOME"); and

**WHEREAS**, the HOME regulations established by the U.S. Department of Housing and Urban Development (HUD) at 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements for three year periods and allows for annual recertification of Consortiums; and

**WHEREAS**, the City and Counties have determined that obtaining funding under the HOME Program as part of a Consortium Participating Jurisdiction will increase their ability to provide affordable housing for their low income constituencies.

**NOW THEREFORE**, the parties to this **AGREEMENT** do hereby agree as follows:

**SECTION I – DEFINITIONS:**

The definitions contained in 24 CFR Part 92, Subpart A., paragraph 92.2 are incorporated herein by reference and made a part hereof, and the terms defined in this section have the meanings given them:

- A. "Act" means Title II, of the Cranston-Gonzalez National Affordable Housing Act of 1990 (Pub. Law 101-625), (42 U.S.C. 12721)
- B. "Consolidated Plan" means the comprehensive planning and application document as set forth in 24 CFR Part 91 and encompasses a local government's housing needs, with a focus on affordable housing for low income families.

- C. "HOME Program" means a procedure established for the use of funds made available from HUD through the Act to carry out multi-year housing strategies through acquisition, rehabilitation and new construction of housing, tenant-based rental assistance, and homebuyer assistance.
- D. "HUD" means the United States Department of Housing and Urban Development.
- E. "Regulations" means 24 CFR Part 92 HOME Investment in Affordable Housing implementing regulations as issued by HUD.
- F. "Member" means a unit of local government which is a signatory to this Agreement and therefore a member of the Consortium for the purpose of carrying out eligible activities under 24 CFR Part 92, (which is the City of Martinsburg, Berkeley County, Jefferson County, and Morgan County).
- G. "Representative Member" means the unit of local government designated hereafter as the one member to act in a representative capacity for all members for the purposes of this agreement. The Representative Member, which is the City of Martinsburg, will be delegated the overall responsibility for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of 24 CFR Part 92 and will be responsible for the requirements concerning the Consolidated Plan (CP).
- H. "IDIS" means the Integrated Disbursement and Information System (IDIS), HUD's on-line system for draws and reporting for the HOME Program, or any other system that HUD may implement in its place.

## **SECTION II – PURPOSE:**

This Agreement is to form a **CONSORTIUM** of four (4) units of general local government geographically located for designation as a **PARTICIPATING JURISDICTION** under the **ACT**, said **PARTICIPATING JURISDICTION** to be known and hereinafter may be referred to as the Eastern Panhandle HOME Consortium of West Virginia.

The signatory parties agree to cooperate in undertaking, or assisting in undertaking housing assistance activities under the HOME Investment Partnerships Program in compliance with HUD regulations and the local Consolidated Plan of the member jurisdictions.

## **SECTION III- GENERAL PROVISIONS**

- A. The members agree to cooperate in undertaking or to assist in undertaking housing assistance activities in compliance with the applicable Consolidated Plan and the HOME Program.

- B. The members agree to undertake the development of a Consolidated Plan for each year covered by this Agreement.
- C. The members agree to take affirmative action to further fair housing in their jurisdictions. Such actions may include planning, education and outreach, and enforcement.

**SECTION IV – ADMINISTRATION:**

- A. The City and the Counties, including the incorporated communities in each County, mutually agree that the City of Martinsburg shall act as the Representative Member for all participants in the Eastern Panhandle HOME Consortium for the purposes of the Act.
- B. The City and the Counties, including the incorporated communities in each County, mutually agree that the City of Martinsburg, in its role as Representative Member, is granted the overall responsibility for ensuring that the Eastern Panhandle HOME Consortium’s Program is carried out in compliance with the requirements of the HOME Program.
- C. The City and the Counties, including the incorporated communities in each County, shall participate jointly in the development of the Eastern Panhandle HOME Consortium’s HOME Program. The Consortium will form a council known as the Eastern Panhandle HOME Consortium Council. Each Member of the Consortium will appoint three (3) representatives to the Council. The City and the Counties will mutually agree and appoint a Chairperson of the Council, who will be in addition to the number of representatives appointed by the Member Jurisdictions.
- E. The HOME Consortium Council will define a strategy and programs in sufficient detail to accommodate the collective and individual needs and priorities of any and all of the Members constituting the Eastern Panhandle HOME Consortium. The Members shall review and approve the strategy and programs for the annual use of HOME funds, as well as, have the opportunity to review and approve any program changes or amendments prior to action being taken by the Representative Member’s governing body.
- F. The City and Counties, including the incorporated communities in each County, shall be entitled to the amount of HOME Program funding based on its percentage of the low/moderate income population of the entire Consortium Area, as established by U.S. Census data of the total allocation to the Eastern Panhandle HOME Consortium. Members of the Consortium may elect to combine their allocations to carry out collaborative HOME activities. Any funds allocated to Members but remaining unobligated fifteen (15) months after the initial allocation date will be recaptured and redistributed by the HOME Consortium Council. Any funds recaptured will be offered to the other Members

for reprogramming for eligible activities in accordance with the HOME Program Regulations. The final decision for distribution of these funds will be made by the HOME Consortium Council. If any party terminates this agreement in whole or in part, all work completed and uncompleted on this project will become the property of the remaining parties to this agreement, and the disposition or completion of uncompleted work on the project will become the responsibility of the remaining parties, pursuant to the conditions of this paragraph. Ownership of all personal property acquired by virtue of the execution of or performance under this agreement is vested in the parties, pursuant to the pro-rata share of funds allocated to them, but the parties shall not take legal title to any real property, including, but not limited to, easements.

- G. Nothing in this Agreement will preclude the ability of the City or Counties, including the incorporated communities in each County, either individually or jointly in applying for financial assistance under the State of West Virginia HOME Program. Furthermore, it is expressly agreed and understood that any specific projects eligible for HOME funding may be submitted to the HOME Consortium Council by any Consortium Member, any participating municipality located in Member Counties, any authority, and/or nonprofit housing agency for funding under the Consortium's annual HOME entitlement funds.
- I. Each Member is responsible for submitting in a timely manner to the Representative Member all information necessary for participation in the Eastern Panhandle HOME Consortium as defined in the Regulations. This includes all information necessary for the Consolidated Plan, the Program Description, Certifications, written agreements with sub-recipients and performance reports. The Counties of Berkeley, Jefferson and Morgan will submit this documentation to the City of Martinsburg in order to insure a coordinated effort.
- J. Each Member shall be responsible for any required matching funds for specific eligible projects as determined by HUD submitted by that particular member. However, this does not limit the use of excessive local match from one HOME Member to another, if agreed to by the HOME Consortium Council and the Member which has the excess local match.
- K. Each Member shall be responsible for the following:
  - 1. Appoint three (3) representatives to the Eastern Panhandle HOME Consortium Council.
  - 2. Fill vacancies on the Consortium Council in a timely manner and ensure the attendance of their appointments at meetings.
  - 3. Provide information required for the preparation of revisions to the existing Five Year Consolidated Plan.
  - 4. Conduct an annual housing needs public hearing for the use of HOME funds.

5. Adopt by resolution and renew annually the participation in the Eastern Panhandle HOME Consortium.
  6. Be responsible for determining local housing needs and the use of HOME funds to address those needs.
  7. Provide an annual description of proposed project activities in accordance with the annual budget and distribution of funds.
  8. Provide documentation for matching funds or donations to the HOME Program.
  9. Maintain files and documentation for compliance with Federal regulations and make these files available for review and monitoring by HUD and/or the Representative Member.
  10. Prepare, process and forward requisitions of funds to the Representative Member.
  11. Review and approve any amendment to the Cooperation Agreement.
- L. The Representative Member shall be responsible for the overall administration of the HOME Program and meeting the Federal guidelines. In particular the following are the duties and responsibilities:
1. Provide staff to manage the program.
  2. Revise the existing Five Year Consolidated Plan to include the HOME Program and statistical information on the other consortium members.
  3. Prepare and submit all required notices, plans, performance reports, and documentation as required by HUD.
  4. Ensure that the program and activities are in compliance with the Federal regulations.
  5. Provide the other members with guidelines and policies of the program.
  6. Hold a public hearing on the annual HOME Program and adopt the budgets and activities outlines by the HOME Consortium Council.
  7. Assist the other Consortium members in meeting the Citizen Participation requirements of HUD.
  8. Review and approve all project funding agreements for each activity.
  9. Monitor the other members for compliance with the Federal regulations.
  10. Prepare an environmental review record for the HOME Program and secure the release of funds from HUD for program activities.
  11. Provide guidance and assistance to the other members to ensure compliance with the Federal labor standards.
  12. Prepare and execute all written agreement with sub-recipients and contractors to receive HOME funds.
  13. Maintain files on each project activity for monitoring by HUD.
  14. Prepare and maintain the HOME match log as required by HUD.
  15. Prepare the annual Consolidated Annual Performance Evaluation Report (CAPER) for annual submission to HUD.
  16. Establish and maintain a local HOME fund account including Federal drawdowns and program income.

17. Process Federal drawdowns of funds from the U.S. Treasury for project activities through the IDIS system.
18. Process payment requisitions and requests for funds from the other consortium members for project activities.
19. Prepare an annual budget showing the distribution of HOME funds to each Consortium member.
20. Prepare quarterly reports on expenditures, commitment of funds, and remaining balances for each consortium member and their project activities.
21. Contract for an annual audit of the HOME Program by an outside independent auditing firm.
22. Supervise the closeout of annual grants with HUD.

M. The HOME Consortium Council shall be formed to oversee the program and provide guidance on the use of funds. The specific duties and responsibilities of the Consortium Council is as follows:

1. Each member of the HOME Consortium shall have three (3) representatives to the Consortium Council.
2. Provide guidance and direction in promoting and affirmatively further fair housing in the Eastern Panhandle.
3. Define an overall strategy and programs based on the needs of the Consortium members.
4. Establish priorities for the use of HOME funds.
5. Approve the allocation and distribution of funds among the Consortium members based on the low- and moderate-income population of each member as a percentage of the Eastern Panhandle's total low- and moderate-income population.
6. Reallocate funds that are uncommitted or unobligated after fifteen (15) months after the approval by HUD of the annual HOME grants.
7. Ensure that any required matching funds are provided by the Members or from the non-federal funds portion of HOME assisted projects.
8. Review and approve any amendments to the Cooperation Agreement.
9. Review and approve documentation submitted by non-profit organizations for designation as a local Community Housing Development Organization (CHDO).
10. Monitor and recertify annually any CHDO's.
11. Adopt and assure compliance with affirmative marketing policies and procedures.
12. Approve the annual consolidated Action Plan in regard to the use of HOME funds.

N. In accordance with Section 91.402 of the Consolidated Plan Final Rule, the City of Martinsburg has a Program year that begins on July 1<sup>st</sup> and ends on June 30<sup>th</sup> each year, the HOME funds will also have the same program year start date.

## SECTION IV- AFFIRMATIVE MARKETING POLICIES AND PROCEDURES:

### A. Statement of Policy -

In accordance with the Eastern Panhandle HOME Consortium's, commitment of non-discrimination and equal opportunity in housing, the Consortium hereby establishes procedures to affirmatively market units assisted under the HOME Investment Partnerships Program. These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1988 and Executive Order 11063. In addition, the Consortium will abide by and establish a minority outreach program in accordance with 24 CFR 92.350 (a)(5).

The Consortium believes that individuals of similar economic levels in the same housing market area should have available to them a like range of housing choices regardless of their race, color, religion, sex, familial status, disability or national origin. Individuals eligible for public housing assistance or who have minor children should have available to them, a like range of housing choices.

The Consortium will carry out this policy through affirmative marketing procedures designed for the HOME Investment Partnerships Program.

- B. The Consortium will inform the public, potential tenants and owners about its Fair Housing and Affirmative Marketing Policies.

## SECTION V – TERMS OF THE AGREEMENT:

- A. This agreement shall be in effect for a period of one fiscal year, subject to annual renewal for any additional period of time needed to complete all phases of the project, each of which annual renewal periods shall be limited to one fiscal year; provided that, in addition to the right of non-renewal, all parties hereto shall have the right to terminate this agreement on any 12-month anniversary of the date of this agreement by giving to the other parties 30 days' written notice of such termination. It is the City's the Counties' intentions to remain members of the Consortium for the period necessary to carry out all activities that will be funded from the three **Federal Fiscal Years 2016, 2017 and 2018** provided that the Consortium qualifies as a participating jurisdiction under the Home Investment Partnerships Program, by approval of annual renewals of this agreement, and subject to said renewals will take necessary steps to provide budget allocations for funding purposes.
- B. Prior to the adoption of any amendment to this agreement, partial or complete termination of this agreement including the incorporation of changes necessary to meet the requirements for a subsequent three (3) year consortium designation period, the members agree to submit to the U.S. Dept. of HUD any revisions for its approval.

- C. This agreement covers the designation period of the **Federal Fiscal Years of 2016, 2017 and 2018** which the Consortium is to qualify to receive HOME funds. This agreement may automatically be renewed for participation in successive three (3) year designation periods for HOME Entitlement funds by the U.S. Dept. of HUD. In order to qualify for automatic renewal by HUD, the Representative Member must notify each participating unit of general local government of its right not to participate for the successive three (3) year designation periods. This notification must be submitted to each participating unit of general local government by the date specified in the U.S. Dept. of HUD Consortia designation notices.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF MARTINSBURG, West Virginia

\_\_\_\_\_  
George Karos  
Mayor

Attest: \_\_\_\_\_  
Gena Long, City Recorder

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this  
\_\_\_\_\_ day of \_\_\_\_\_, 2015

BERKELEY COUNTY COUNCIL  
For and on behalf of Berkeley County, a political  
Subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Including the incorporated area of the Town of Hedgesville, Berkeley County, West Virginia.

Including the incorporated area of the Town of Hedgesville, Berkeley County, West Virginia.

BERKELEY COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015

TOWN OF HEDGESVILLE  
For and on behalf of the municipality of Hedgesville,  
a political subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this

\_\_\_\_\_ day of \_\_\_\_\_, 2015

JEFFERSON COUNTY COMMISSION  
For and on behalf of Jefferson County, a political  
Subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Including the incorporated areas of the Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson, and Corporation of Shepherdstown, Jefferson County, West Virginia.

Including the incorporated areas of the Town of Bolivar, City of Charles Town, Town of Harpers Ferry, Corporation of Ranson, and Town of Shepherdstown, Jefferson County, West Virginia.

JEFFERSON COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015

TOWN OF BOLIVAR

For and on behalf of the municipality of Bolivar, a political subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Including the incorporated areas of the Town of Bolivar, City of Charles Town, Town of Harpers Ferry, Corporation of Ranson, and Town of Shepherdstown, Jefferson County, West Virginia.

JEFFERSON COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015

CITY OF CHARLES TOWN  
For and on behalf of the municipality of Charles Town,  
a political subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Including the incorporated areas of the Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson, and Corporation of Shepherdstown, Jefferson County, West Virginia.

JEFFERSON COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015

TOWN OF HARPERS FERRY  
For and on behalf of the municipality of Harpers Ferry  
a political subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Including the incorporated areas of the Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson, and Corporation of Shepherdstown, Jefferson County, West Virginia

JEFFERSON COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this

\_\_\_\_\_ day of \_\_\_\_\_, 2015

Corporation of Ranson  
For and on behalf of the municipality of Ranson, a  
political subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Including the incorporated areas of the Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson, and Corporation of Shepherdstown, Jefferson County, West Virginia

JEFFERSON COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this

\_\_\_\_\_ day of \_\_\_\_\_, 2015

Town of Shepherdstown  
For and on behalf of the municipality of  
Shepherdstown, a political subdivision of the State of  
West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this  
\_\_\_\_\_ day of \_\_\_\_\_, 2015

MORGAN COUNTY COMMISSION  
for and on behalf of Morgan County, a political  
subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Including the incorporated areas of the Town of Bath and the Town of Paw Paw,  
Morgan County, West Virginia.

Including the incorporated areas of the Town of Bath and the Town of Paw Paw, Morgan County, West Virginia.

MORGAN COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015

TOWN OF BATH  
For and on behalf of the municipality of Bath, a political subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Including the incorporated areas of the Town of Bath and the Town of Paw Paw, Morgan County, West Virginia.

MORGAN COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2015

TOWN OF PAW PAW  
For and on behalf of the municipality of Paw Paw,  
a political subdivision of the State of West Virginia

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

## RESOLUTION

**A RESOLUTION OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2019 TO JUNE 30, 2021.**

**WHEREAS**, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

**WHEREAS**, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

**WHEREAS**, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate-income residents; and

**WHEREAS**, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson, Corporation of Shepherdstown, County of Morgan, Town of Bath, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

**WHEREAS**, the Eastern Panhandle HOME Consortium is required to seek designation as a HOME Consortium Agreement for the period FY 2019, FY 2020, and FY 2021 in order to seek annual funding; and

**WHEREAS**, the County Commission of Jefferson County entered into a three (3) year Housing Consortium Cooperation Agreement; and

**WHEREAS**, the County Commission of Jefferson County recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION of JEFFERSON, WEST VIRGINIA THAT:**

1. The County Commission of Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson,

Corporation of Shepherdstown, County of Morgan, Town of Bath, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and

2. The **President** of the **County Commission of Jefferson County** is hereby authorized to enter into a Cooperation Agreement for the period of July 1, 2019 to June 30, 2021 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and
3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2019 HOME Investment Partnership Program.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BY:**

\_\_\_\_\_  
Joshua Compton, Commission President

**ATTEST:**

\_\_\_\_\_  
Jacqueline C. Shadle, County Clerk



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

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

Subject (*Wording to be placed on agenda*): **Interviews/Appointments to the Jefferson County Parks and Recreations Commission—  
one 3-year term ending June 30, 2021 – Discussion/Action**

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

Is this a funding request? Y/N  NO

If so, how much? \$

Provide exact financial impact/request:

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

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector  Y/N Internet/Wi Fi  Y/N Telephone for conference call  Y/N

Contact information:

Email address: Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

Name: Kathleen Osantowski

Home Telephone Number: 304-433-5973

Work Address: NA

Work Phone Number: NA

Mobile Phone Number: 304-433-5973

E-mail Address: katie.osantowski@gmail.com

Party Affiliation: *(Building Commission and Health Department applicants)*

Occupation: Stay At Home Parent

Education: High School Seaholm High School, Birmingham MI

College Michigan State University, East Lansing MI

Trade/Business School \_\_\_\_\_

Are you a United States citizen? Yes X No   

Are you a West Virginia resident? Yes X No   

Are you a resident of Jefferson County? Yes X No   

Are you able to produce verification of residency? Yes X No   

(Proof of paying personal property tax, voter registration, etc.)

Address:  
12 Appomattox Lane / Shepherdstown / WV / 25443  
\_\_\_\_\_  
\_\_\_\_\_

Magisterial District: Shepherdstown

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

As a mother of 4 children ages 8-1 I have a vested interested in the Parks and Rec programs.  
I currently volunteer at SES regularly and am a Girl Scout Troop Leader for SES, I would love to be more involved in the activities that greater impact on our county.

Organization Memberships and Positions Held : Girl Scout Troop Leader 2016-Present,  
Society of Women Engineers NJ Section Secretary 2007-2008,  
Society of Women Eningeers MSU Chapter VP 2003-2004

Have you even been convicted of any felonies? If yes, please list. **NO**

Date:	Offense:

Statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature:  Date: 9/17/18

*This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.*

## **Kathleen Briggs Osantowske**

12 Appomattox Lane/Shepherdstown / WV / 25443

[katie.osantowske@gmail.com](mailto:katie.osantowske@gmail.com)

Cell: (304) 433-5973

### **WORK EXPERIENCE**

#### **Lumi Inc.**

7/1/14-5/25/17

##### **Comptroller, *Lumi Inc*, Vernon, CA**

7/1/15 -5/25/17

- Created tracking metrics in Xero to accept historical financial data from legacy systems.
- Onboarded new financial bookkeeper and accountant for end of year close-out and taxes.
- Acting HR manager responsible for new employee hiring, discipline and termination actions, employment forms and benefit enrollment, and employee workload management.
- Sourced and contracted updated health insurance, payroll, and staffing contracts to support rapid growth.
- Executed and published all Series Seed extension funding documents via eshares.
- Managed entire company budget and worked with department heads on their budgets.
- Assisted CEO with new business plan proposals for presentation to the Board of Directors.

##### **Head of Supply Chain, *Lumi Inc*, Vernon, CA**

7/1/14 -7/1/15

- Deployed Y-Combinator business track and new business strategy including required vendor and equipment sourcing.
- Sourced all vendors and managed all orders not design specific.
- Handled all invoices / payments to vendors.
- Interviewed new employee candidates.
- Initiated quarterly training to employees for operations and EOHS regulations.

#### **Inkodye LLC.**

4/31/12-6/30/14

##### **Head of Operations, *Lumi Co. LLC* Inkodye, Los Angeles, CA**

4/31/12 -6/30/14

- Developed, implemented, and upgraded multiple data systems as finance processes and operations adapted to a changing business model, including migration from ERPNext to XERO.
- Trained, audited, and provided oversight of staff involved with dye production operations data entry from raw material acceptance through final product shipping logistics.
- Managed all operational production as production grew from a Kickstarter campaign through achieving \$2.5M in sales.
- Designed and oversaw installation of a bottling and capping machine for dye production.
- Handled all procurement, import and regulatory requirements associated with products and ingredients.
- Managed ever-increasing production demands from large scale retailers and consumer demand created by Shark Tank feature, February, 2014.
- Evaluated health impacts of inkodye and raw materials based upon MSDS evaluations and vendor audits.

#### **Colgate-Palmolive Corporation**

6/14/04-4/31/12

##### **Cross Border Sourcing Coordinator/Planner, *Colgate-Palmolive* Colgate Oral Pharmaceuticals, Dallas, TX**

4/1/08-4/31/12

- Manage all communication between Colgate Oral Pharmaceuticals and Latin America, Europe, Asia, Africa, Middle East and South Pacific regions through monthly meetings and/or daily requests for product information.
- Manage project data associated with products that will be exported outside of the US/Canada to assure regulatory and shipping requirements were met before production can occur in the US. Including NAFTA forms, customs data and port communications.
- Process all regional requests through the Plant Production Planner, Operations, Quality and Logistics to ensure timely production, quality release, and shipment of requested products or other work with an execution rate over 98.5% case fill while managing CBS.
- Managed over 500 packaging materials and 100 raw materials for the facility in addition to products produced at two subcontractors. This includes packaging and raws procured internationally and domestically.
- Negotiate vendor contracts for price and volume, including a label vendor which saved an annualized 500K USD.

##### **SAP Merge Secondary Project Lead, *Colgate-Palmolive* Colgate Oral Pharmaceuticals, Dallas, TX**

01/01/11-03/01/12

- Participated in a short-term assignment that brought COP online to a new instance of SAP R3 to align with Colgate-Palmolive.
- Worked with all departments at the facility throughout the project as well as technical support to document needed changes to existing system, wrote and assisted in test script execution, data validations, and managed creation of all training documentation for the plant as well as disaster recovery / shut down procedures for operations and call center locations.
- Personally responsible for Procurement and Cross Border Department SAP functionality during the merge.
- Managed staffing requirements for training and training development for existing and incoming employees to each department.

- o Developed directives and handbooks for functional departments and supported departments via documents and training videos.
- o Ran metrics meetings with departments and management for data validation progress and training.

**Vendor Audit Team, Colgate-Palmolive All Divisions, Onsite Locations**

1/1/07-04/31/12

- o Led Vendor Audits for Subcontractors, raw materials as well as packaging materials for Colgate Products.
- o Reviewed vendor data to ensure compliance with Colgate-Palmolive requirements for documentation across the departments of EOHS, Quality, Engineering and Procurement.

**Production Planner, Colgate-Palmolive Mennen Division, Morristown, NJ**

1/1/07-03/31/08

- o Obtained all necessary packaging materials for production, creating a schedule for operations to produce daily output, worked with the materials expeditor to ensure all raw materials entered the plant in time for production as well as working with marketing, project managers, engineers and operations on product launches and system improvements.
- o Utilized SAP as an expert user, including R3 and PPDS, for managing over 300 Mennen products produced globally, and created MRP views, cost collectors, rate routers along with various other reports.
- o Navigated complex issues with suppliers as well as challenges within the plant which affected Asset Utilization and was able to improve Schedule Adherence for production lines under my responsibility.

**Team Leader, Colgate-Palmolive Hill's Pet Nutrition Division, Bowling Green, KY**

6/14/04-12/31/07

- o Entered a rotational program at the Bowling Green Plant that included Engineering, Continuous Improvement and Operations departments before entering a shift Team Leader role.
- o Managed engineering projects including Dryer Fire Protection, Dry Optimizer system improvements and Scrap System updates including budget responsibility and creating AutoCAD drawings for each of these projects.
- o Assigned role as Continuous Improvement Team Leader on a Batching Improvement Proposal which was included in the 2007 budget.
- o Discovered production inconsistencies and led a particulate and preservative investigation into Choice White Grease which yielded differences between production facilities requiring additional filtering at all levels of the supply chain.
- o Primary focus in Operations was obtain to the experience needed to be an effective leader, which led to opportunities to work on several improvement teams, for example;
  - I led 2nd shift production which had approximately 40 employees and ran from 3PM to 11:30PM Central Time. Leading a shift, I gained valuable interpersonal skills as well as production decision-making experience.
  - I also had the opportunity to work on the implementation of Down Time Analyst as well as a Performance Enhancement Team (PET) that focused on employee complaints.
  - Managed staffing each day to maximize plant throughput during the shift as well as ensure appropriate employee workloads.

**EDUCATION**

**Texas A&M, College Station, TX**

Masters of Science, Industrial and Systems Engineering

1/09 - 5/10

Overall GPA: 3.5 / 12 Credit Hours Obtained

**Michigan State University, Lansing, Michigan**

Bachelor of Science Degree, Mechanical Engineering

5/04

Overall GPA: 3.674

**Universidad de Alcalá, Alcalá de Henares, Spain**

5/30/02 – 7/27/02

Studied abroad in Spain for two months, completed three Spanish courses, traveled and experienced Spanish culture firsthand.

**PROFESSIONAL MEMBERSHIPS/ACHIEVEMENTS**

- o Girl Scouts of America Troop Leader (2015-Present)
- o Society of Women Engineers (2001-2015)
  - Secretary NJ G05 Section (2007 – 2008)
  - Vice President of MSU Chapter (2003-2004)
  - Executive board position: Shadow Plant Chair (2002 –2003)
- o American Society for Quality Member 2005 - 2009(CQT and CQIA Certified)
- o Dale Carnegie Leadership Training 2006
- o Tau Beta Pi: Engineering Honors Society (2002-Present)
- o Pi Tau Sigma: Mechanical Engineering Honorary Society (2002-Present)

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

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

Subject (*Wording to be placed on agenda*): **Interview/Appointment to the Jefferson County Historic Landmarks Commission – one unexpired term ending March 2, 2020 – Discussion/Action**

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

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

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

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



Anthony T. Troxel  
94 Edaw Drive  
Charles Town, WV 25414  
WVTroxels@icloud.com  
(304) 725-6578

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

Dear Jefferson County Commission,

I am writing to put my name forward for consideration as a member of the Emergency Services Agency Board and the Jefferson County Historic Landmarks Commission. A couple years ago I was fortunate to go through the Leadership Jefferson program, and now I feel it is my turn to give back to my county and to the residents of Jefferson County.

I think my professional career; 15 years as a Law Enforcement Officer with the National Park Service, until recently a 20 year National Registry EMT, and experience in structural and wildland fire, gives me a good insight into the needs and jobs of our First Responders and an asset to the ESA Board.

I also would like to be considered for the Historic Landmarks Commission. I have a B.S. in History and a lifelong interest in our countries history. I have worked at many historically significant places throughout our country: Gen. Washington's Mount Vernon, Manassas Nat'l Battlefield, Vicksburg Nat'l Military Park, El Malpais Nat'l Monument, Homestead Nat'l Monument, and now Harpers Ferry Nat'l Hist. Park.

I hope to hear from the Commission.

Thank you,  
Anthony T. Troxel (Tony)

**Anthony T. Troxel**  
94 Edaw Drive  
Charles Town, WV 25414  
(304) 725-6578  
WVTroxels@icloud.com

### **Education**

Bachelors of Science – History, Radford University, Radford, VA

### **Employment**

#### **Harpers Ferry National Historical Park**

PO Box 65, 485 Fillmore Street

Harpers Ferry, WV 25425

03/2010 - Present

US Park Ranger-Protection

#### **Duties, Accomplishments and Related Skills:**

I am responsible for enforcing all Federal, State and local laws and regulations; tasked with protecting the natural and cultural resources within the Historical Park and providing a safe and enjoyable visit for 500,000+ annual visitors. Through proactive high visibility foot and vehicle patrols; deter, stop or minimize illegal activities within and around the historical park. I provided accurate, detailed and factual incident reports and Federal Violation Notices and presented testimony to the Assistant US Attorney or Federal Magistrate in court proceedings. I routinely contact park neighbors, local governmental agencies and community organizations to maintain a working relationship with the community.

#### **Other Roles and Responsibilities:**

- Physical Security Coordinator
- Structural Fire Coordinator
- Collateral Duty Safety Officer

#### **Homestead National Monument of America**

8523 West State Highway 4

Beatrice, NE 68310

09/2008 - 03/2010

US Park Ranger-Protection

#### **Duties, Accomplishments and Related Skills:**

I was responsible for enforcing all Federal, State and local laws and regulations; tasked with protecting the natural and cultural resources within the Monument and providing a safe and enjoyable visit for 70,000+ annual visitors. Through proactive high visibility foot and vehicle patrols; deter, stop or minimize illegal activities within and around monument. I provided accurate, detailed and factual incident reports and Federal Violation Notices and presented testimony to the Assistant US Attorney or Federal Magistrate in court proceedings. I was a member of the monuments Interpretation Division with responsibilities of staffing the Education Center and Heritage Center information desks and contacting

the visiting public regarding the monument's mission, history, natural and cultural resources. I routinely contacted park neighbors, local governmental agencies and community organizations to maintain a working relationship with the community.

#### Other Roles and Responsibilities

- NPS Critical Incident Stress Management Team
- NPS representative - Tri-County LEPC (Local Emergency Planning Commission)
- NPS representative - Beatrice Rural Fire Department
- Collateral Duty Safety Officer

### **El Malpais and El Morro National Monuments**

123 E. Roosevelt Avenue  
Grants, NM 87020 United States  
06/2004 - 09/2008  
US Park Ranger-Protection

#### **Duties, Accomplishments and Related Skills:**

I was responsible for enforcing all Federal, State and local laws and regulations, to protect all natural, historical and cultural resources within the Monuments and to ensure a safe and enjoyable visit for the 50,000+ annual visitors. Through proactive high visibility foot and vehicle patrols, I attempted to deter, stop or minimize illegal activities within the monument. I provided accurate, detailed and factual incident reports and Federal Violation Notices and present that information to the Assistant US Attorney (AUSA) or Federal Magistrate if the case was contested in court. I was the LE Division liaison with AUSA's Office and Clerk of Court Office to represent NPS at all court proceedings and to coordinate any and all information between the citing officer and the court. I provided assistance to the Assistant US Attorney in all pretrial hearings, testimony before Federal Magistrates and possibly Federal Grand Juries. I routinely worked with and provide back-up and pertinent case information with Bureau of Land Management, US Forest Service, Cibola Co. Deputies, New Mexico Game and Fish Officers, New Mexico State Patrol and Acoma Pueblo Tribal Officers for the enforcement of all Federal, State, Tribal and local laws and regulations and for better relations and safety.

#### **Other Roles and Responsibilities**

- LE Fleet manager
- EEO Counselor
- NPS Critical Incident Stress Management Team
- Wildland Firefighting Crew, Search and Rescue Team, EMS and Incident Operations Team.
- NPS representative on the Cibola and McKinley Counties Illegal Dumping Task Force.



**From:** Gavin Perry  
2367 Warm Springs Road  
Shenandoah Junction  
WV. 25442-4531

304 876 3960  
[gavarch@gmail.com](mailto:gavarch@gmail.com)

**To:** Jefferson County Commission

Historic Landmarks

**Subject:** Application for position on the ~~Jefferson County Farm Land Protection Board~~ as a county resident member.

**Date:** September 13, 2018.

Please accept my application for the above position. I have lived in Jefferson County since 1975. I am a home owner in the County and am a retired architect. The attached resume provides details on my education, qualifications and professional experience.

My qualifications for the above position are:

I have volunteered with the Land Trust of the Eastern Panhandle of Jefferson County (LTEP) since 2008. I was a board member of the LTEP since 2011 and I recently ended my association with the LTEP.

My responsibilities with the LTEP included the annual monitoring and report writing for all the properties it holds in conservation easements in Jefferson County, which currently total 39 properties covering 3,900 acres of farmland, cattle and horse farms, orchards and historic and Civil War properties and I wrote and issued over 200 monitoring reports.

The site visits, monitoring and reports were done in conjunction with and on behalf of the easement co-holders, the Jefferson County Farmland Protection Board (JCFPB) and the Jefferson County Historic Landmarks Commission.

I know all the properties in easement and know and have a good working relationship with the property owners.

I had an extremely productive and cordial working relationship with the JCFPB Administrator and with the Jefferson County Commissioners who attended the monitoring site visits.

I am a strong advocate for the protection of farmland in Jefferson County and for the maintenance of its strong agricultural and historic heritage.

Thank you, Gavin Perry.



Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

Name: GAVIN PERRY  
Home Telephone Number: 304 876 3960  
Work Address: RETIRED  
Work Phone Number: NA  
Mobile Phone Number: 304 268 7416  
E-mail Address: GAVARCH@GMAIL.COM

Party Affiliation: (Building Commission and Health Department applicants)  
NA

Occupation: RETIRED

Education: High School \_\_\_\_\_

College BACHELOR OF ARCHITECTURE

PROFESSIONAL / Trade/Business School REGISTERED ARCHITECT (INACTIVE)  
LEED CERTIFIED PROFESSIONAL

- Are you a United States citizen? Yes  No   
Are you a West Virginia resident? Yes  No   
Are you a resident of Jefferson County? Yes  No   
Are you able to produce verification of residency? Yes  No

(Proof of paying personal property tax, voter registration, etc.)

Address: 2367 WARM SPRINGS ROAD  
SHENANDOAH JUNCTION WV . 25442

Magisterial District: MIDDLEWAY

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

SEE COVER LETTER & RESUME

Organization Memberships and Positions Held: EX BOARD MEMBER OF THE LAND TRUST OF THE EASTERN PANHANDLE OF WV

Have you even been convicted of any felonies? If yes, please list. NO

Date:	Offense:

Statement: I AM A VERY STRONG SUPPORTER OF FARMLAND PROTECTION IN JEFFERSON COUNTY

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature: Gailey Date: 9/13/2018

*This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.*

## **RESUME OF GAVIN A. PERRY; R.A, LEED AP**

304-876-3960

[gavarch@gmail.com](mailto:gavarch@gmail.com)

Over thirty years experience in the management, supervision and execution of design and engineering services for a broad array of projects and facilities. Extensive experience with federal government policies and procedures for the procurement and management of design and engineering contracts. Project assignments have covered technical, military support facilities, commercial and industrial facilities, NASA and air traffic and control facilities. Project locations include sites through the US and overseas. Many of the sites were in remote locations, requiring special attention to local codes, standards, materials and construction practices.

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The Department of Homeland Security (DHS) consolidated 22 separate Federal agencies into one department. The United States (U.S.) Customs and Border Protection (CBP) was created within DHS as the single agency responsible for securing the Nation's borders.

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The yearly construction budget for the rehabilitation and modernization program is \$10,000,000 involving 375 individual design packages. The services include programming, engineering, cost estimating, contract negotiations, construction supervision and as built drawings.

Construction support for two major new facilities, the \$38 Million Earth Observing System Building (EOS) and the \$40 Million Earth Systems Science Building (ESSB). The services include shop drawing review, request for information response, tenant fit out design packages, cost estimating and construction supervision. The EOS Building is a 150,000 sq. ft. three storied structure designed to house 750 employees and includes offices and computer rooms. The ESSB Building is a 150,000 sq. ft three storied structure designed to house 750 employees and includes offices and laboratories.

Projects involving historic properties included the Spacecraft Magnetic Test Facility (SMTF), a unique NASA capability of strategic national importance classified as a National Historic Landmark, (No. 85002811). Work on the facility is coordinated with Federal and State entities, the Maryland Historic Trust and the Advisory Council on Historic Preservation. Parsons completed a Study and provided Concept Plans to restore the facility to its original technical capability.

#### **FAA ARTCC Modernization Program (1990 – 1995)**

Parsons Architectural Manager for the Federal Aviation Administration's (FAA) Air Route Traffic Control Center (ARTCC) Modernization Program involving the modernization of 23 ARTCC's nationwide.

The standard ARTCC is located on a 12-acre site and includes the Main Building, Power Service Building, Cooling Towers, storage, office facilities, parking and Guard House. The Main Building is a 125,000 sq. ft. facility with an Administrative Wing, Automation Wing and Control Wing. Each Wing is two stores with a basement and attic. Parsons provided comprehensive facilities planning, A/E design and construction services for the replacement, modernization and upgrade of existing electronic and mechanical systems as well as providing new interior finishes throughout the facilities. An important element of the program is that construction activities cannot interfere with air traffic control operations. All modifications are performed incrementally, and the new equipment is installed and tested before the obsolete equipment is taken out of service.

Responsible for managing the planning and architectural design services performed in the support of ARTCC Program. The Program required the management of 150 design packages produced in the Washington and Pasadena offices and the supervision of design teams for site surveys and review meetings for ARTCC's located throughout the US. The work included the development and implementation of standard designs for each wing of the ARTCC as well as over 18 site-specific designs for each individual ARTCC.

**Sewage Treatment Plant Replacement, Virginia**

Project Manager for the Sewage Treatment Plant Replacement Project at Quantico Marine Corps Combat Development Center, Virginia.

**Classified Military Bases, Saudi Arabia**

Project Manager for the design of military bases for the Ministry of Defense and Aviation, Saudi Arabia. Responsible for the Concept Definitive Facility Plans for the Master Planning Phase of the project.

The project consisted of three separate military bases with 320 individual facility types, 4.5 million sq. ft. of floor area, 65,700 acres of land and a population of 87,000, including a military population of 30,000 and a dependent population of 57,000.

The Main Base covered 54,600 acres and included the following facilities: housing, community support, public utilities, air defense, facility and military operations and maintenance, army aviation, airfield services, medical services, mechanized infantry bridge, range facilities, command, company and battalion headquarters.

The Naval Base covered 4,200 acres and included the following facilities: command headquarters, operations, logistics, docks and dockside facilities, facility and military operations and maintenance, naval aviation, heliport, Special Forces, military police and marine brigade.

The Military Port covered 6,900 acres and included the following facilities: housing, community support, public utilities, air defense, operations, logistics, docks and dockside facilities, facility and military operations and maintenance, naval aviation, airfield services, Special Forces, military police and marine infantry battalion.

**Frank E. Basil / Chief Architect and Project Manager; 1981 - 1990**

Chief Architect with a staff of 30 Architects responsible for the management of the architectural department performing planning, design and construction services on a variety of projects, many involving electronic and technical systems. Project Manager responsible for the following projects:

**Comiso Air Base, Sicily, Italy**

Designed for the US Air Force through OICC MED, the A/E services included master planning, A/E design, construction documents, interior design services, post construction and inspection services. The base consists of 511 acres, 65 facilities, 1,100,000 sq. ft. of area, programmed cost of \$150 Million and Operations, Administration, Housing, Community Support and Recreation Facilities for 5,500 US Air Force, NATO and Italian Air Force personnel. Fast track design and construction schedules were used to meet the US Air Force's deployment schedule for the cruise missiles. The Base was designed and constructed in three annual increments, each phased to meet user need dates within the available funding.

The facilities included water, sewage and electrical facilities and distribution systems, headquarters and administration offices, child care, chapel, theater, medical/dental clinic, physical training center, UOPH's, UEPH's, cafeteria, clubs, radio and television studio, commissary, fire station, hardened command center, warehouses, exchange facilities, athletic fields, youth center, HF facility and an elementary/high school for 800 children.

The Base was awarded the US Air Force's Project of the Year for Urban Planning in 1986, First Honor Design Award for the Chapel in 1987 and the Temporary Lodging Facility in 1988.

**Aeromedical Center, Cairo, Egypt**

Designed for the Egyptian Air Force through the Corps of Engineers, Middle East African Project Office (COE MEAPO) for the US Foreign Military Sales Program (FMS). The \$22,000,000 facility contained 130,000 sq. ft. designed to US Air Force standards to train and evaluate pilots to fly the F-16 fighter planes and included centrifuge and ejection seat simulators, pressure chambers, administrative offices, computer rooms, medical/dental examination facilities, Lecture Theater, classrooms, 90-man dormitory, kitchen, laundry, dining rooms and medical laboratories.

**Hawk Missile Facility, Cairo, Egypt**

Designed for the Egyptian Air Force through the COE MEAPO for the FMS program. The 58,000 sq. ft. facility was designed to US Air Force standards and included RF shielded rooms, assembly and disassembly rooms, electronic test and repair, optical alignment, calibration, repair, paint and training rooms.

**Chaparral Missile Facility, Cairo, Egypt**

Designed for the Egyptian Air Force through the COE MEAPO for the FMS program. The 6,500 sq. ft. facility was designed to US Air Force standards and included tool, engine test and repair and maintenance rooms.

**Ground Electrical Optical Deep Space Surveillance (GEODSS) Facility, Portugal**

Designed for the US Air Force Space Command, through OICC-MED, part of a worldwide system of telescopes used to identify and track objects in deep space. The GEODSS Facility is self-contained on a site of 20 acres and consisted of a dormitory facility, observation building, emergency power building, water and sewage facilities, guard house, helicopter pad, oil storage tanks and high security fences and detection systems. The Observation Building is 16,000 sq. ft. and includes computer rooms, three electrical/optical telescopes, ready room, offices, vault, intrusion detection and access control systems. The Dormitory Facility is 15,000 sq. ft. and includes 24 bedrooms, arms room, offices, and kitchen, dining and laundry rooms.

**Operations Building, Patch Barracks, W. Germany**

A 12,400 sq. ft. building for the Joint Operational Planning and Execution System for the Headquarters US European Command. The Building was designed for the US Air Force, through OICC-MED, to Air Force standards under secret security restrictions. The Building includes tempest shielding (three stories), UPS system, vault construction, intrusion detection, protective, and distribution and access control systems.

**AWACS Intern Operating Base, Riyadh International Airport, Saudi Arabia**

Designed for the Ministry of Defense and Aviation (MODA) through the US Air Force to US Air Force standards, the project included the conversion of existing buildings into AWACS maintenance facility, training facility, flying wing/flying squadron headquarters and alert crew facilities. The Training Facility is 48,000 sq. ft. and includes two flight simulators, simulator computer control room, mission simulator, data display simulator, vault, classrooms, briefing rooms and electronic maintenance rooms.

**AWACS Main Operating Base, Royal Saudi Air Force Complex, Al Kharj, Saudi Arabia**

Designed for the Royal Saudi Air Force through MODA, the facility includes operational and maintenance shops fuel storage and ammunition storage and hardened aircraft shelters.

**International Consortium of Architects, Washington, D.C; 1978 - 1981**

Project Architect for the multi-story award winning Georgetown Flour Mill Project. Produced the apartment working drawings and the tenant layout drawings for the office building.

**Claymont Society for Continuous Education, West Virginia; 1975 - 1978**

Project Architect for the development of a 400-acre property into a residential College. Produced the Master Development Plans, the Community Impact Statement and coordinated the housing program. Obtained grants from the National Trust and National Park Services to restore the Claymont Court mansion, registered on the National Register of Historic Places. The work included a survey and assessment of the building, recommendations for restoration and budget estimates for initial and long-term restoration.



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

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

Subject (*Wording to be placed on agenda*): **Interviews/Appointments to the Jefferson County Farmland Protection Board – one four-year term for non-farmer/public representative ending September 7, 2022 and one four-year term for soil conservation representative ending September 7, 2022 - Discussion/Action**

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

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

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

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



## Jessica Carroll

---

**From:** Elizabeth Wheeler <farmlandprotection@jcda.net>  
**Sent:** Friday, September 7, 2018 12:57 PM  
**To:** Jessica Carroll  
**Subject:** FW: JCFLPB service

Jessica, for your records, I have asked my board members who pledged verbally in August to continue to fill expired terms to send an email confirmation. Mr. Kercheval will continue his term with the Farmland Protection Board. I will forward another email stating the same from Liz McDonald when she sends it this afternoon.

**From:** NICHOLAS KERCHEVAL <truxnscoots@msn.com>  
**Sent:** Friday, September 07, 2018 12:45 PM  
**To:** Elizabeth Wheeler <farmlandprotection@jcda.net>  
**Subject:** JCFLPB service

Dear Liz,

\* Soil Conservation rep.

I wish to continue being a member of the Jefferson County Farmland Protection Board until my services are no longer needed.

J. Nicholas Kercheval



**Recipient Information**  
**To: Jefferson County Commission**  
**Fax #: 13047257916**

**Sender Information**  
**From: Matthew Jividen**  
**Email address: matthew.jividen@gmail.com (from 73.191.125.70)**  
**Phone #: 3042807006**  
**Sent on: Sunday, September 30 2018 at 10:14 PM EDT**



Please find my cover letter and resume for the vacant seat on the Jefferson County Farmland Protection Board

This fax was sent using the FaxZero.com fax service. Please send your response directly to the sender, not to FaxZero.

FaxZero.com has a zero tolerance policy for abuse and junk faxes. If this fax is spam or abusive, please e-mail support@faxzero.com or send a fax to 855-330-1238, or phone 707-400-6380. Specify fax #22964181. We will add your fax number to the block list.

Matthew Jividen  
PO Box 1614  
Shepherdstown, West Virginia  
(304) 280-7006  
[matthew.jividen@gmail.com](mailto:matthew.jividen@gmail.com)

To: The Jefferson County Commission  
Via Fax at 304-725-7916  
Re: Jefferson County Farmland Protection Board Vacancy,  
Non-Farmer Public Representative

September 28th, 2018

Commissioners,

I am writing with the hope that you will consider me for the soon-to-be vacant Farmland Protection Board position. I am a non-farmer resident of Jefferson County, West Virginia.

I was born on a small farm in Valley Grove, West Virginia where my family raised Hereford cattle for the market and our table. I have long understood the determination, ingenuity and faith it takes to make a living as a farmer. I've also grown to love the unique and strong communities the grow around farms and farmers.

I'm a 2008 graduate of the University of Wisconsin where I earned a BA in history. With the exception of my time in Wisconsin, I have spent the rest of my life in West Virginia. I graduated from the WVU College of Law in 2012. I've worked at Legal Aid in the Eastern Panhandle for the last six years, representing low-income residents in all manner of civil cases.

I have long had an interest in local government and conservation easements. In college, I served on the student newspaper's editorial board which often covered municipal politics. My work as a law student included capstone projects in classes like *Land Use Planning* and *Local Government* which profiled land use regulations of Jefferson County, in particular, and Conservation Easements, in general.

I believe deeply in both the mission and methodology of The Jefferson County Farmland Protection Board. First, in preserving farmland which grows more scarce each year. In protecting farmland we protect both the food and the culture that grows from it. Second, and perhaps more importantly, to do so on a voluntary, mutually beneficial way with the landowner. And in a way that also ensures the land remains viable for farming from both a preservation and economic standpoint.

Thank you for your consideration, and please don't hesitate to contact me should you require anything else.

Highest regard,

Matt Jividen

Enclosure:  
Résumé

Matthew Jividen  
PO Box 1514  
Shepherdstown, West Virginia  
(304) 280-7006  
[matthew.jividen@gmail.com](mailto:matthew.jividen@gmail.com)

## **Education**

### **West Virginia University College of Law, J.D., 2012**

- Studied Land Use Planning and Local Government; Completed Capstone projects on Jefferson County Land Use Regulation and Conservation Easements.
- CALI Excellence for the Future Award (awarded to the single highest scorer in a law school course) in *Jurisprudence and Legal Theory*.
- CALI Excellence for the Future Award in *Civil Disobedience*.

**University of Wisconsin-Madison, College of Letters & Science, B.A. History, 2008**

## **Experience**

### **Member in Good Standing: 2012-present**

- West Virginia State Bar; United States District Court for the Northern District of West Virginia; United States District Court for the Southern District of West Virginia.

### **Legal Aid of West Virginia, Staff Attorney 2012-present**

- Provide civil services to clients with issues ranging from relatively simple administrative hearings to complex areas of federal law.
- Work has included representing clients in nearly every Court in the six most-eastern counties in the Eastern Panhandle.
- Work has included oral argument before The West Virginia Supreme Court of Appeals and considerable appellate work before The West Virginia Supreme Court of Appeals and the Kanawha County Circuit Court.

### **Federal Public Defender, Southern District of West Virginia, Legal Intern 2011**

- Created a searchable database of sentencing departures by judge and mitigating factor.
- Researched, prepared and argued motions, briefs and memos.

### **The Daily Cardinal, Madison, Wisconsin, Editor, Writer 2005-2008**

- Worked as an editor and writer for a daily student newspaper at the University of Wisconsin.

## **Volunteer Experience**

### **Pro Bono Volunteer with the West Virginia State Bar 2013-present**

- Tuesday Night Legal Connect where members of the Bar take unscreened calls from persons with legal questions.



**From:** Gavin Perry  
2367 Warm Springs Road  
Shenandoah Junction  
WV. 25442-4531

304 876 3960  
[gavarch@gmail.com](mailto:gavarch@gmail.com)



Architect  
LEED AP®

2367 Warm Springs Road  
Shenandoah Junction,  
WV 25442

304-876-3960 (Home)  
304-268-7416 (Mobile)

[gavarch@gmail.com](mailto:gavarch@gmail.com)

**To:** Jefferson County Commission

**Subject:** Application for position on the Jefferson County Farm Land Protection Board as a county resident member.

**Date:** September 13, 2018.

Please accept my application for the above position. I have lived in Jefferson County since 1975. I am a home owner in the County and am a retired architect. The attached resume provides details on my education, qualifications and professional experience.

My qualifications for the above position are:

I have volunteered with the Land Trust of the Eastern Panhandle of Jefferson County (LTEP) since 2008. I was a board member of the LTEP since 2011 and I recently ended my association with the LTEP.

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I am a strong advocate for the protection of farmland in Jefferson County and for the maintenance of its strong agricultural and historic heritage.

Thank you, Gavin Perry.

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

Name: GAVIN PERRY

Home Telephone Number: 304 876 3960

Work Address: RETIRED

Work Phone Number: NA

Mobile Phone Number: 304 268 7416

E-mail Address: GAVARCH@GMAIL.COM

Party Affiliation: (Building Commission and Health Department applicants)

NA

Occupation: RETIRED

Education: High School \_\_\_\_\_

College BACHELOR OF ARCHITECTURE

PROFESSIONAL / Trade/Business School REGISTERED ARCHITECT (INACTIVE)  
LEED CERTIFIED PROFESSIONAL

Are you a United States citizen? Yes  No

Are you a West Virginia resident? Yes  No

Are you a resident of Jefferson County? Yes  No

Are you able to produce verification of residency? Yes  No

(Proof of paying personal property tax, voter registration, etc.)

Address: 2367 WARM SPRINGS ROAD

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Signature:

Gautney

Date:

9/13/2018

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Parsons Lead Architect and Engineering / CADD Manager on Parsons Facilities Engineering and Technical Services Contract. Parsons has a five-year, \$30 Million contract with NASA to provide engineering and construction services at the Goddard Space Flight Center (GSFC). GSFC encompasses 1,120 acres of land with 32 major buildings on a campus type environment housing 3,500 employees. Parsons has 75 on-site personnel, including 20 Architects and Engineers, providing design, engineering services and construction support for the rehabilitation of existing facilities and construction support for the design of new facilities.

The yearly construction budget for the rehabilitation and modernization program is \$10,000,000 involving 375 individual design packages. The services include programming, engineering, cost estimating, contract negotiations, construction supervision and as built drawings.

Construction support for two major new facilities, the \$38 Million Earth Observing System Building (EOS) and the \$40 Million Earth Systems Science Building (ESSB). The services include shop drawing review, request for information response, tenant fit out design packages, cost estimating and construction supervision. The EOS Building is a 150,000 sq. ft. three storied structure designed to house 750 employees and includes offices and computer rooms. The ESSB Building is a 150,000 sq. ft three storied structure designed to house 750 employees and includes offices and laboratories.

Projects involving historic properties included the Spacecraft Magnetic Test Facility (SMTF), a unique NASA capability of strategic national importance classified as a National Historic Landmark, (No. 85002811). Work on the facility is coordinated with Federal and State entities, the Maryland Historic Trust and the Advisory Council on Historic Preservation. Parsons completed a Study and provided Concept Plans to restore the facility to its original technical capability.

**FAA ARTCC Modernization Program (1990 – 1995)**

Parsons Architectural Manager for the Federal Aviation Administration's (FAA) Air Route Traffic Control Center (ARTCC) Modernization Program involving the modernization of 23 ARTCC's nationwide.

The standard ARTCC is located on a 12-acre site and includes the Main Building, Power Service Building, Cooling Towers, storage, office facilities, parking and Guard House. The Main Building is a 125,000 sq. ft. facility with an Administrative Wing, Automation Wing and Control Wing. Each Wing is two stores with a basement and attic. Parsons provided comprehensive facilities planning, A/E design and construction services for the replacement, modernization and upgrade of existing electronic and mechanical systems as well as providing new interior finishes throughout the facilities. An important element of the program is that construction activities cannot interfere with air traffic control operations. All modifications are performed incrementally, and the new equipment is installed and tested before the obsolete equipment is taken out of service.

Responsible for managing the planning and architectural design services performed in the support of ARTCC Program. The Program required the management of 150 design packages produced in the Washington and Pasadena offices and the supervision of design teams for site surveys and review meetings for ARTCC's located throughout the US. The work included the development and implementation of standard designs for each wing of the ARTCC as well as over 18 site-specific designs for each individual ARTCC.

**Sewage Treatment Plant Replacement, Virginia**

Project Manager for the Sewage Treatment Plant Replacement Project at Quantico Marine Corps Combat Development Center, Virginia.

**Classified Military Bases, Saudi Arabia**

Project Manager for the design of military bases for the Ministry of Defense and Aviation, Saudi Arabia. Responsible for the Concept Definitive Facility Plans for the Master Planning Phase of the project.

The project consisted of three separate military bases with 320 individual facility types, 4.5 million sq. ft. of floor area, 65,700 acres of land and a population of 87,000, including a military population of 30,000 and a dependent population of 57,000.

The Main Base covered 54,600 acres and included the following facilities: housing, community support, public utilities, air defense, facility and military operations and maintenance, army aviation, airfield services, medical services, mechanized infantry bridge, range facilities, command, company and battalion headquarters.

The Naval Base covered 4,200 acres and included the following facilities: command headquarters, operations, logistics, docks and dockside facilities, facility and military operations and maintenance, naval aviation, heliport, Special Forces, military police and marine brigade.

The Military Port covered 6,900 acres and included the following facilities: housing, community support, public utilities, air defense, operations, logistics, docks and dockside facilities, facility and military operations and maintenance, naval aviation, airfield services, Special Forces, military police and marine infantry battalion.

**Frank E. Basil / Chief Architect and Project Manager; 1981 - 1990**

Chief Architect with a staff of 30 Architects responsible for the management of the architectural department performing planning, design and construction services on a variety of projects, many involving electronic and technical systems. Project Manager responsible for the following projects:

**Comiso Air Base, Sicily, Italy**

Designed for the US Air Force through OICC MED, the A/E services included master planning, A/E design, construction documents, interior design services, post construction and inspection services. The base consists of 511 acres, 65 facilities, 1,100,000 sq. ft. of area, programmed cost of \$150 Million and Operations, Administration, Housing, Community Support and Recreation Facilities for 5,500 US Air Force, NATO and Italian Air Force personnel. Fast track design and construction schedules were used to meet the US Air Force's deployment schedule for the cruise missiles. The Base was designed and constructed in three annual increments, each phased to meet user need dates within the available funding.

The facilities included water, sewage and electrical facilities and distribution systems, headquarters and administration offices, child care, chapel, theater, medical/dental clinic, physical training center, UOPH's, UEPH's, cafeteria, clubs, radio and television studio, commissary, fire station, hardened command center, warehouses, exchange facilities, athletic fields, youth center, HF facility and an elementary/high school for 800 children.

The Base was awarded the US Air Force's Project of the Year for Urban Planning in 1986, First Honor Design Award for the Chapel in 1987 and the Temporary Lodging Facility in 1988.

**Aeromedical Center, Cairo, Egypt**

Designed for the Egyptian Air Force through the Corps of Engineers, Middle East African Project Office (COE MEAPO) for the US Foreign Military Sales Program (FMS). The \$22,000,000 facility contained 130,000 sq. ft. designed to US Air Force standards to train and evaluate pilots to fly the F-16 fighter planes and included centrifuge and ejection seat simulators, pressure chambers, administrative offices, computer rooms, medical/dental examination facilities, Lecture Theater, classrooms, 90-man dormitory, kitchen, laundry, dining rooms and medical laboratories.

**Hawk Missile Facility, Cairo, Egypt**

Designed for the Egyptian Air Force through the COE MEAPO for the FMS program. The 58,000 sq. ft. facility was designed to US Air Force standards and included RF shielded rooms, assembly and disassembly rooms, electronic test and repair, optical alignment, calibration, repair, paint and training rooms.

**Chaparral Missile Facility, Cairo, Egypt**

Designed for the Egyptian Air Force through the COE MEAPO for the FMS program. The 6,500 sq. ft. facility was designed to US Air Force standards and included tool, engine test and repair and maintenance rooms.

**Ground Electrical Optical Deep Space Surveillance (GEODSS) Facility, Portugal**

Designed for the US Air Force Space Command, through OICC-MED, part of a worldwide system of telescopes used to identify and track objects in deep space. The GEODSS Facility is self-contained on a site of 20 acres and consisted of a dormitory facility, observation building, emergency power building, water and sewage facilities, guard house, helicopter pad, oil storage tanks and high security fences and detection systems. The Observation Building is 16,000 sq. ft. and includes computer rooms, three electrical/optical telescopes, ready room, offices, vault, intrusion detection and access control systems. The Dormitory Facility is 15,000 sq. ft. and includes 24 bedrooms, arms room, offices, and kitchen, dining and laundry rooms.

**Operations Building, Patch Barracks, W. Germany**

A 12,400 sq. ft. building for the Joint Operational Planning and Execution System for the Headquarters US European Command. The Building was designed for the US Air Force, through OICC-MED, to Air Force standards under secret security restrictions. The Building includes tempest shielding (three stories), UPS system, vault construction, intrusion detection, protective, and distribution and access control systems.

**AWACS Intern Operating Base, Riyadh International Airport, Saudi Arabia**

Designed for the Ministry of Defense and Aviation (MODA) through the US Air Force to US Air Force standards, the project included the conversion of existing buildings into AWACS maintenance facility, training facility, flying wing/flying squadron headquarters and alert crew facilities. The Training Facility is 48,000 sq. ft. and includes two flight simulators, simulator computer control room, mission simulator, data display simulator, vault, classrooms, briefing rooms and electronic maintenance rooms.

**AWACS Main Operating Base, Royal Saudi Air Force Complex, Al Kharj, Saudi Arabia**

Designed for the Royal Saudi Air Force through MODA, the facility includes operational and maintenance shops fuel storage and ammunition storage and hardened aircraft shelters.

**International Consortium of Architects, Washington, D.C; 1978 - 1981**

Project Architect for the multi-story award winning Georgetown Flour Mill Project. Produced the apartment working drawings and the tenant layout drawings for the office building.

**Claymont Society for Continuous Education, West Virginia; 1975 - 1978**

Project Architect for the development of a 400-acre property into a residential College. Produced the Master Development Plans, the Community Impact Statement and coordinated the housing program. Obtained grants from the National Trust and National Park Services to restore the Claymont Court mansion, registered on the National Register of Historic Places. The work included a survey and assessment of the building, recommendations for restoration and budget estimates for initial and long-term restoration.

**Ferguson and Associates, Western Australia; 1975 - 1975**

Project Architect for the Rural and Industries Bank at Curtin University, Western Australia. A full-service bank with vault, offices, teller and counter facilities.

**International Academy for Continuous Education, England; 1973 - 1975**

Project Architect for the Academy's Gymnasium and Sports Center. Obtained approval from the National Trust to build the Center next to the registered Sherbourne House.

**Public Works Department of Western Australia; 1971 - 1973**

Project Architect for High School Libraries, Mathematics and Science Facilities. Developed standard designs that were site adapted in multiple school locations throughout Western Australia.

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Todd Cotgreave**

Department or Organization: **Town Run Brewing Company**

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

Date Requested – 1<sup>st</sup> Choice: **Oct 4th**

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

Date Requested – 2<sup>nd</sup> Choice: **Oct 18th**

Subject (*Wording to be placed on agenda*): **Floor plan Extension**

Please provide the County Commission with a description of your request or presentation, including any background information: Town Run would like to obtain a floor plan extension to occasionally hold outdoor activities such as corn hole tournaments, table area for fundraisers and small bluegrass performances.

Is this a funding request? **Y/N NO**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **Approve a floor plan extension for Town Run**

Attach supporting documents for request, or request may be denied. Form  
If not attached, explain:

Is equipment needed?      Projector **Y/N**      Internet/Wi Fi **Y/N**      Telephone for conference call **Y/N**

Contact information:

Email address: [townrunbrewing@gmail.com](mailto:townrunbrewing@gmail.com)

Phone Number: 304-841-1194

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicabile



**WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION**

**INSTRUCTIONS FOR COMPLETING NONINTOXICATING BEER FLOOR PLAN EXTENSION**

Please read all instructions carefully.

**INSTRUCTIONS**

**NonIntoxicating Beer Floor Plan Extension Requirements:**

- (1) All requests for a "Nonintoxicating Beer Floor Plan Extension" must be made on the ABCA form (ABCA-192FP.EXT).
- (2) Licensees must fill out a detailed floor plan on the "Nonintoxicating Beer Floor Plan Extension" form (ABCA-192FP.EXT) including: descriptions, measurements, promotional area and any other pertinent information.
- (3) Licensees must provide a detailed description of additional staff/security that will be responsible for the patrons in the "Nonintoxicating Beer Floor Plan Extension" area.
- (4) Licensees shall obtain a letter of endorsement on official letterhead for the "Nonintoxicating Beer Floor Plan Extension" from one of the following:
  - (a) if held outside of a municipality, the letter must be signed by at least one County Commissioner.
  - (b) if held within a municipality, the letter must be signed by the Mayor or City Manager.

**NOTE: If the Municipality has an "open container ordinance" it must indicate in the endorsement letter that the ordinance has been waived in the "Nonintoxicating Beer Floor Plan Extension" area.**
- (5) Nonintoxicating beer and nonintoxicating craft beer are the only beverages containing alcohol that may be served in the "Nonintoxicating Beer Floor Plan Extension" area. No liquor or wine may be sold, served or consumed in the area.
- (6) Patrons may not carry nonintoxicating beer, nonintoxicating craft beer or non-alcoholic drinks off the licensed premises or the "Nonintoxicating Beer Floor Plan Extension" area.
- (7) The "Nonintoxicating Beer Floor Plan Extension" area must be cordoned off by some type of temporary fencing or barrier. The fencing must be approved by the ABCA. The fencing must impede ingress and egress of the patrons and any persons outside of the "Nonintoxicating Beer Floor Plan Extension" area.
- (8) The "Nonintoxicating Beer Floor Plan Extension" may not in any way detrimentally affect the peace or quietude of the surrounding community or residents.

(See reverse side)

- (9) Beer Distributors may provide beer delivery trucks for additional stock of nonintoxicating beer. Nonintoxicating beer may not be sold out of the truck which is to be used for cold storage. All sales must be made within the licensed establishment or "Nonintoxicating Beer Floor Plan Extension" area. Beer Distributors' delivery trucks must be parked in an area where deliveries normally would be made and may not be used as an advertisement or promotional piece.
- (10) Any violations of State Statutes or Legislative Rules may result in sanctions, including but not limited to: monetary penalties, suspension, the revocation of the "Nonintoxicating Beer Floor Plan Extension" and/or may result in the denial of any future requests.
- (11) All activities held within the "Nonintoxicating Beer Floor Plan Extension" must cease at 11:00 p.m. Any municipal ordinance requiring the cessation of noise or activities prior to 11:00 p.m. must be observed.

**NOTE:** The ABCA will conduct an independent investigation of the licensee submitting a "Nonintoxicating Beer Floor Plan Extension". The prior history of operations and/or any violations will be considered in addition to this request. Further, the "Nonintoxicating Beer Floor Plan Extension" is a privilege and as such the ABCA will determine if licensees warrant this privilege.

**WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION**

**REQUEST FOR NONINTOXICATING BEER FLOOR PLAN EXTENSION**

**CONSUMPTION "ON PREMISE"**

Name of Establishment (DBA): \_\_\_\_\_

County: \_\_\_\_\_ Phone No.: \_\_\_\_\_

License Number: \_\_\_\_\_

**1. Name of Event:**

\_\_\_\_\_

**2. Dates of Event (month/day/year) Start:** \_\_\_\_\_ **End:** \_\_\_\_\_

**3. Distance to nearest residence** \_\_\_\_\_ **Distance to nearest church** \_\_\_\_\_

**Operation days and times must be listed below. Please provide details and information regarding the event.**

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

**4. Licensed Area To Be Extended**

List complete information in the form of a diagram (on the second page), giving measured dimensions of the proposed area for extension and a description of how the area is to be designated as a containment area (fenced area) for patrons of the establishment. Please provide details and information regarding the event.

**5. County and/or Municipal Consent:**

Licensees must obtain a letter of endorsement on official letterhead for the "Nonintoxicating Beer Floor Plan Extension" from one of the following:

- a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
- b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

**6. Special Rules: (See attached "Nonintoxicating Beer Floor Plan Extension" Requirements)**

I, \_\_\_\_\_, have received a copy of Rules & Requirements for the "Nonintoxicating Beer Floor Plan Extension"

**\* Must submit plan detailing the addition of staff/security for each event.**

# NONINTOXICATING BEER FLOOR PLAN EXTENSION

Floor plan extension must show the exact area and measurements of the "Nonintoxicating Beer Floor Plan Extension" area in relationship to the licensed establishment.

Keep one (1) copy at the licensed premises.

(Provide Dimensions)



I, \_\_\_\_\_ (please print), have received and read the requirements and attest to the fact that all preceding information is true and accurate and that all individuals and/or controlling members listed on the license are aware of the Request for Nonintoxicating Beer Floor Plan.

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

Title: \_\_\_\_\_

MAIL COMPLETED FORM TO:

West Virginia Alcohol Beverage Control Administration  
ATTN: Licensing Department  
900 Pennsylvania Ave., 4th Floor  
Charleston, West Virginia 25302

ABCA-192FP.EXT

## WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

### Nonintoxicating Beer Floor Plan Extension

- I. **Purpose:** To establish uniform guidelines for the review of "Nonintoxicating Beer Floor Plan Extension" requests and to ensure that ABCA Licensees are operating within these guidelines.
- II. **Definitions:** Floor Plan Extension: A temporary extension of the licensed area of an ABCA licensed establishment that may encompass a deck, parking lot, or other adjoining exterior area.
- III. **Policy:**
  - A. Administration:
    1. The Commissioner or designee will review each request for a "Nonintoxicating Beer Floor Plan Extension".
    2. The Commissioner or designee will require that a letter of endorsement for the event be provided with the "Nonintoxicating Beer Floor Plan Extension" request. A letter of endorsement must be obtained on official letterhead by the licensee and must come from one of the following:
      - a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
      - b. If held within a municipality, the letter must be signed by the Mayor or City Manager.
    3. The Commissioner or designee will retain the right to cancel any "Nonintoxicating Beer Floor Plan Extension" if the licensed establishment fails to provide oversight, security and safety at the event or based upon any complaints and/or violations.
    4. The Commissioner or designee will retain the right to deny any future "Nonintoxicating Beer Floor Plan Extension" requests if any violations of State Statutes or Legislative Rules have occurred at previously granted events.
    5. The Enforcement Director and Regional Supervisors will schedule enforcement staff to conduct routine inspections or compliance checks at locations granted a "Nonintoxicating Beer Floor Plan Extension."

## WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

### Nonintoxicating Beer Floor Plan Extension

#### B. Licensing:

1. The Licensing Department will as soon as possible provide the Commissioner or designee with all complete requests for a "Nonintoxicating Beer Floor Plan Extension".
2. The Licensing Department will ensure that the license of any licensee requesting a "Nonintoxicating Beer Floor Plan Extension" is in good standing with other State agencies.
3. It shall be the responsibility of the Licensing Department to issue or deny the "Nonintoxicating Beer Floor Plan Extension" request by mail upon the determination and directive of the Commissioner or designee.
4. The Licensing Department will provide an electronic copy of the "approved or denied" "Nonintoxicating Beer Floor Plan Extension" to the Enforcement Supervisor and Enforcement staff via email or fax.

#### C. Employees

1. Agents and/or Inspectors will ensure that licensees are holding a "Nonintoxicating Beer Floor Plan Extension" only in areas on their submitted floor plan.
2. Agents and/or Inspectors will ensure that licensees have the "Nonintoxicating Beer Floor Plan Extension" area adequately cordoned off and secured.
3. Agents and/or Inspectors will ensure that licensees have adequate staff at the location to provide oversight, security and safety at the event.

#### D. "Nonintoxicating Beer Floor Plan Extension" Requirements:

1. All requests for a "Nonintoxicating Beer Floor Plan Extension" must be made on form (ABCA-192FP.EXT).
2. Licensees must fill out a detailed floor plan on the "Nonintoxicating Beer Floor Plan Extension" form (ABCA-192FP.EXT).
3. Licensees must provide a detailed description of additional staff/security that will be responsible for the crowds in the "Nonintoxicating Beer Floor Plan Extension"

## WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

### Nonintoxicating Beer Floor Plan Extension

4. Licensees must obtain a letter of endorsement on official letterhead for the "Nonintoxicating Beer Floor Plan Extension" from one of the following:
  - a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
  - b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

**NOTE:** If the Municipality has an "open container ordinance" it must indicate in the endorsement letter that the ordinance has been waived for the "Nonintoxicating Beer Floor Plan Extension" area.

5. Nonintoxicating beer and nonintoxicating craft beer are the only beverages containing alcohol that may be served in the "Nonintoxicating Beer Floor Plan Extension" area. No liquor or wine may be sold, served or consumed in the area.
6. Patrons may not carry nonintoxicating beer, nonintoxicating craft beer or non-alcoholic drinks off the licensed premises or the "Nonintoxicating Beer Floor Plan Extension" area.
7. The "Nonintoxicating Beer Floor Plan Extension" area must be cordoned off by some type of temporary fencing or barrier. The fencing must be approved by the ABCA. The fencing must impede ingress and egress of the crowd and any patrons outside the "Nonintoxicating Beer Floor Plan Extension" area.
8. The "Nonintoxicating Beer Floor Plan Extension" may not in any way detrimentally affect the peace or quietude of the surrounding community or residents.
9. Beer Distributors may provide beer delivery trucks for additional stock of nonintoxicating beer. Nonintoxicating beer may not be sold out of the truck which is only to be used for cold storage. All sales must be made within the licensed establishment or "Nonintoxicating Beer Floor Plan Extension" area. Beer Distributors' delivery trucks may not be used as an advertisement or promotional piece.
10. All activities held within the "Nonintoxicating Beer Floor Plan Extension" must cease at 11:00 p.m. Any municipal ordinance requiring the cessation of noise or activities prior to 11:00 p.m. must be observed.

**WEST VIRGINIA ALCOHOL BEVERAGE CONTROL  
ADMINISTRATION**

**Nonintoxicating Beer Floor Plan Extension**

11. Any violations of State Statutes or Legislative Rules may result in sanctions, including but not limited to: monetary penalties, suspension, revocation of the "Nonintoxicating Beer Floor Plan Extension" and/or may result in the denial of any future requests.
12. The ABCA will conduct an independent investigation of the licensee submitting a "Nonintoxicating Beer Floor Plan Extension". When reviewing a request, the prior history of operations and/or any violations will be considered.

**IV. Effective Date: June 13, 2011**

**V. Policy Number: E-134**

AGENDA REQUEST FORM  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Chris Kinnan

Department or Organization: Jefferson County Vision

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: Oct 4, 2018

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

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

Subject (Wording to be placed on agenda): Presentation on Jefferson County Vision's legal action against the JCDA and legal issues surrounding the Rockwool project - Discussion

Please provide the County Commission with a description of your request or presentation, including any background information: Jefferson County Vision, the new non-profit group working to protect the quality of life in our community, would like to discuss the organization's legal action against the JCDA and legal issues surrounding the Rockwool project.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address: [kinnan@gmail.com](mailto:kinnan@gmail.com)

Phone Number: 202-236-5615

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*):

**John Uricolo – Appeal of Ruling and Order regarding Petition for Formation of Keys Ferry Acres Maintenance Association - Discussion/Action**

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

Is this a funding request? Y/N [Click here to enter text.](#)

If so, how much? \$ [Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Y/N [Click here to enter text.](#) Internet/Wi Fi Y/N [Click here to enter text.](#)

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)



Received  
AUG 30 2018  
Jefferson County Commission

**IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

***IN THE MATTER OF***

***PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE***

***ASSOCIATION PURSUANT TO WV CODE 7-12A, et. seq.***

**APPEAL OF RULING AND ORDER ENTERED AUGUST 21, 2018**

Comes now John Urciolo on this 31st day of August 2018 who hereby petitions the Commission to reverse it's ruling and rescind it's Order entered on August 21, 2018.

In support of my request is the following:

- 1). Appellant is an owner of real property in Keyes Ferry Acres.
- 2). Oak Meadow, through Counsel, had filed it's Petition on July 9, 2018. Pursuant to West Virginia code a public hearing before the Commission was to be conducted not less than ten days nor more than thirty days after the filing. This requirement is cited within Chapter 7 of the West Virginia Code, Article 12A-3 (b) "The hearing shall be held not less than ten nor more than thirty days after the filing of such Petition" . A hearing was conducted on August 16, 2018. This hearing was conducted 8 days beyond the 30 day limit pursuant to West Virginia code.
- 3). Oak Meadow, through Counsel, cited within it's Petition

several sections within West Virginia Code 7-12A.

4). Within Chapter 7, Article 12A-1 (Definitions) of the West Virginia code within subpart (3) is "Maintenance Association Member" means any person owning residential property that fronts on either side of a road which is designated by a maintenance association document."

5). Within Chapter 7, Subsection 12A-3 (Petition to establish maintenance association) is (a) "A petition in writing may be made to the county Commission that duly verifies that 60% of the persons owning property of both sides of any orphan road, sub division road, state road or public road in any unincorporated area request the approval of the formation of a maintenance association."

6). Under Chapter 7, Article 12 and within any s Section is nowhere a lot count stated within the Code. Instead, twice cited is person count.

7). The petitioner, Oak Meadow L.L.C., owns 367 undeveloped lots within Keys Ferry Acres. Oak Meadow is owned by B. Lee Snyder who in the capacity of being a manager signed the document on July 9, 2018.

8). Keys Crossing, L.L.C., is owner of three undeveloped lots in Keyes Ferry Acres.

9). B. Lee Snyder, the singer of the Petition on behalf of Oak Meadow L.L.C., is also the owner of Keyes Crossing, L.L.C..

10). Within the Petition filed on behalf of Oak Meadow through counsel... section (1) is... "Petitioners are the owners identified in Exhibit F of more than sixty (60%) of the lots in Keyes Ferry Acres subdivision which is situate east of the Shenandoah river in the Harpers Ferry Magisterial District of Jefferson County, West Virginia, as depicted in Exhibit A ("Lots").

11). Within West Virginia code 7-12A and all subparts it is "persons" and not lot count tht is to be tallied toward the required sixty percent (60%) count of real property.

### **ARGUMENT**

It is pursuant to the Legislature within Chapter 7 of the West Virginia Code, Article 12A-3 (b) referenced above that a hearing before the Commission must be conducted not less than ten days nor more than 30 days after the filing of the Petition. The Petition was filed on August 9, 2018. The hearing was conducted 38 days later on August 16, 2018 which is eight (8) days beyond that pursuant to the WV code.

It is clear within West Virginia Code 7-12A that the Legislature intended and thus opted that "persons" and not "lots" be counted toward the required 60% in order to Petition the Commission for formation of a Maintenance Association.

Within the Petition are included forty nine petitions signed by forty nine "persons" in support of the formation of the Keyes Ferry Acres maintenance association. Some of these Petitions are

duplicates signed by the same "person" (below)

A). On June 8, 2017 Virginia Kerstetter signed two petitions in support of the formation of the Keyes Ferry Acres Maintenance Association. These were signed on the same day by the same person... Virginia Kerstetter (copy attached). These two petitions reference the same three (3) lots.

B). On May 17, 2018 Linda Hackney signed a petition in support of the formation of the Keyes Ferry Acres Maintenance Association. On May 31, 2017 Linda Hackney signed a duplicate Petition in support of the formation of the Keyes Ferry Acres Maintenance Association. These two signed petitions reference the same two (2) lots.

C). On November 6, 2017 Donald Orser signed a petition in support of the formation of the Keyes Ferry Acres Maintenance Association in which is listed seventeen (17) lots when in fact at the time of his signing (and to date) he owns but three (3) lots in Keys Ferry Acres. If the Commission tallied Mr. Orser's lot count as 17 rather than 3, this changes the percentage to less than that cited in the Petition (60.317%) filed on July 9, 2018.

D). On April 18, 2018 Keys Crossing, L.L.C. signed a Petition in support of the formation of the Keyes Ferry Acres Maintenance Association that counted 3 lots. This petition was signed by B. Lee Snyder.

E). On June 27, 2018 Oak Meadow, L.L.C. signed a petition in support of the formation of the Keyes Ferry Acres Maintenance Association. In this petition are listed 367 lots. The petition was signed by B. Lee Snyder.

To be submitted and filed with the Commission before the pending Hearing will be several "Rescind Petitions" signed by specific persons within Keyes Ferry Acres who now seek to have their initial petition in support of the formation of the Keyes Ferry Acres Maintenance Association rescinded.

When considering duplicate petitions in support of the formation of the Keyes Ferry Acres Maintenance Association combined with those new petitions signed by persons seeking to rescind their initial petition in support of the formation of the Keyes Ferry Acres Maintenance Association such brings to below the 60% (based on lot count) mandated by WV code in order to petition the Commission in order to form the Keyes Ferry Acres Maintenance Association.

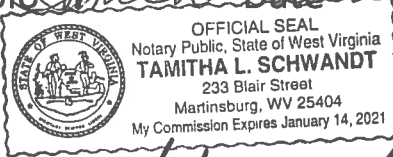
In light of that above I respectfully request that the Jefferson County Commission reverse it's ruling dated August 21, 2018 and also rescind it's Order signed that same day.

### **REQUEST FOR HEARING**

I hereby request that the Commission conduct a Hearing on my Appeal and that said Hearing be conducted not less than 10 nor more than 30 days from this date... pursuant to WC code.

Respectfully Submitted to the Jefferson County Commission this  
31st day of August 2018

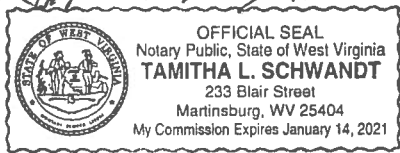
John Urciolo 8/31/18  
TAMITHA L. SCHWANDT



8/31/18  
Exp. 1/14/2021

I hereby certify that a copy of my appeal of  
w/ATTACHMENTS  
Ruling and Order, was mailed this date 8/31/18 postage  
prepaid, 1<sup>st</sup> class mail, to B. Lee Snyder, Oak Meadows, L.L.C.  
at 270 Industrial Blvd., Kearneysville, WV 25430

John Urciolo 8/31/18  
TAMITHA L. SCHWANDT



8/31/18  
Exp. 1/14/2021

JOHN URCIOLO  
BOX 35  
CHARLES TOWN, WV 25414  
304-728-6920  
JSU • FRONTIERNET.NET



# WEST VIRGINIA CODE

≡ MENU

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

Article 12

All Articles

Article 13

ARTICLE 12A. MAINTENANCE ASSOCIATIONS.

## §7-12A-1. Definitions.

In this article the following terms shall have the meanings ascribed to them:

(1) "Expressway" means a road that serves major intrastate and interstate travel, including federal interstate routes.

(2) "Feeder" means a road that serves community to community travel or collects and feeds traffic to the higher systems or both.

(3) "Maintenance association" means an association established pursuant to the requirements of this article.

(4) "Maintenance association member" means any **person owning residential property** that fronts on either side of a road which is designated by a maintenance association document.

(5) "Maintenance association documents" means documents approved by the county commission as meeting the requirements of this article and filed with the clerk of the county commission.

(6) "Park and forest road" means a road that serves travel within state parks, state forests and public hunting and fishing areas.

(7) "Public roads" means all roads and bridges under the control of the county commission or the governing body of a municipality.

(8) "State local service road" means localized arterial and spur roads which provide land access and socioeconomic benefits to abutting properties.

(9) "State road" means and includes all roads classified and prescribed as either expressway, trunkline, feeder, park and forest or state local service" roads.

(10) "State road system" means roads that are functionally classified into five categories as follows:

(1) Expressway; (2) trunkline; (3) feeder; (4) state local service; and (5) park and forest.

(11) "Trunkline" means a road that serves major city to city travel.

Previous [§7-12-16. Provisions severable.](#)

§7-12A-1. Definitions.

Next [§7-12A-2. Purpose of the maintenance association.](#)



### Chapter, Article or Section

Chapter...	Article...	Section...
------------	------------	------------



### Search

Search in all Chapters



### Search Help

- Searches are case insensitive.
- Search for phrases with double quotes around the phrase like this: "claims commission"
- Use a + symbol in front of a word to include it and use a - in front of a word to exclude it from searches like this: +railroad -sign
- If you type multiple words without quotes or +/- symbols, the search will look for all results containing any of

the words

Email



These sections have been updated with legislation passed through the 2017 Third Extraordinary Session of the West Virginia Legislature.



# WEST VIRGINIA CODE

≡ MENU

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## CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

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### CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

Article 12

All Articles

Article 13

### ARTICLE 12A. MAINTENANCE ASSOCIATIONS.

#### §7-12A-3. Petition to establish maintenance association.

(a) A petition in writing may be made to the county commission that duly verifies that sixty percent of the persons owning property on both sides of any orphan road, subdivision road, state road or public road in any unincorporated area request the approval of the formation of a maintenance association. The petition shall be accompanied by the proposed maintenance association's recordable documents that establish the association.

(b) Upon the filing of such petition and the proposed maintenance association documents, the county commission shall fix a time and place for hearing protests and shall require the petitioners to post notice of such hearing in at least two conspicuous places on the state road, public road, orphan road or subdivision road of the area affected, and to give notice thereof by publication of such notice as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. The publication area for such publication shall be the county in which the maintenance association shall be located. The hearing shall be held not less than ten nor more than thirty days after the filing of such petition.

(c) At the time and place set for hearing protests, the county commission may examine witnesses and consider other evidence to show that:

(1) Said petition was filed in good faith;

(2) The signatures on the petition are genuine;

(3) The maintenance association document addresses the maintenance association purpose; and

(4) The proposed maintenance association will result in special benefits to all owners of residential property abutting on said orphan road, subdivision road, state road or public road.

The commission shall within ten days thereafter enter a formal order stating its decision.

(d) Any owner of residential property abutting upon said orphan road, subdivision road, state road or public road aggrieved by such order shall have the right to review the order on the record made before the county commission by filing a petition with the clerk of the circuit court within ten days after the entry of such order. The owner shall give bond in an amount to be fixed by the circuit court sufficient to pay costs or expenses incurred by the court and the maintenance association upon appeal if the order of the county commission is affirmed. The circuit court shall proceed to review the matter as in other appeals from the county commission.

Previous [§7-12A-2. Purpose of the maintenance association.](#)

[§7-12A-3. Petition to establish maintenance association.](#)

Next [§7-12A-4. Contents of maintenance association document; approval of recording of maintenance association documents.](#)



### Chapter, Article or Section

Chapter...	Article...	Section...
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### Search

Search in all Chapters



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- Use a + symbol in front of a word to include it and use a – in front of a word to exclude it from searches like this: +railroad -sign
- If you type multiple words without quotes or +/- symbols, the search will look for all results containing any of the words

## Email



These sections have been updated with legislation passed through the 2017 Third Extraordinary Session of the West Virginia Legislature.

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

We, the undersigned Owners of Lots in Keyes Ferry Acres, have reviewed the Petition for Formation of Keyes Ferry Acres Maintenance Association, and also the Recordable Documents referenced therein, and we hereby desire formation of the Maintenance Association by and subject to the Recordable Documents for the purposes of protecting the health, safety and welfare of persons and the general public located within the Maintenance Association Area by establishing and maintaining non-Lot improvements within the Maintenance Association Area including constructing and maintaining shared streets, drainage facilities, sidewalks, water and sewer systems, signs, street lights and other improvements necessary for the protection of health, safety and welfare of the general public.

Owner KERSTETTER, VIRGINIA

Address 22 TIPTAPOE PL. LOVETTSVILLE, VA 20180

Address Corrections 68 WHITE DOGWOOD Rd HARBERS FERRY WV 25425

Section & Lot Number (s) SEC 10 # 20, 23, 24

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) [Signature]

Phone Number 703 728 7431

Cell Phone (for Text Messages) SAME

Email Ferry1un @ Gmail .com

Comments \_\_\_\_\_

#2

DATE 8 JUN 17

NUMBER \_\_\_\_\_



**IN THE MATTER OF  
 PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
 PURSUANT TO WV CODE 7-12A, et. seq.**

Residents of Jefferson County Owning Real Property  
 In Keyes Ferry Acres Subdivision,

Petitioners.

**PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
 PURSUANT TO WV CODE 7-12A, et. seq.**

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Owner KERSTETTER, VIRGINIA

Address 22 TIPTAPOE PL. LOVETTSVILLE, VA 20180

Address Corrections 68 WHITE DOGWOOD Rd HARPOUS FERRY WV 25425

Section & Lot Number (s) SEC 10 # 20, 23, 24

Section & Lot Number (s) corrections \_\_\_\_\_

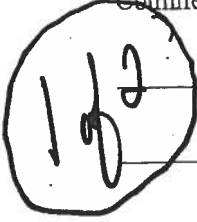
Signature (s) [Signature]

Phone Number 703 728 7431

Cell Phone (for Text Messages) SAMB

Email ferrylyn@gmail.com ✓✓

Comments \_\_\_\_\_



DATE 8 JUN 17

NUMBER \_\_\_\_\_

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

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Owner ORSER, DONALD J.

Address 250 BLUE RIDGE ACRES LOOP HARPERS FERRY, WV 25425

Address Corrections \_\_\_\_\_

Section & Lot Number (s) SEC 27 #1, SEC 12 #1,2  
SEC 30 #11, LOT 8, SEC 13 #16, SEC 4 #3, SEC 26 #1  
SEC 3 #34,35, LOTS 3&4 #17,18 SEC 10 #9,10 SEC 18 #14,15 SEC 33 #44  
Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) Don J Orser

Phone Number 304-725-8948

Cell Phone (for Text Messages) \_\_\_\_\_

Email djors@comcast.net WV

Comments Prefer tiered system whereby improved,  
unimproved buildable, & unbuildable are assessed  
at decreasing a decreasing amount/fee.

DATE 11/6/2017

NUMBER \_\_\_\_\_

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

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Owner Hackney, Linda L & Ronald Ronald

Address PO Box 86, Paeonian Springs VA 22129

Address Corrections \_\_\_\_\_

Section & Lot Number (s) Section 13, lots 13 & 14

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) [Signature] Linda Hackney

Phone Number 540-338-3765

Cell Phone (for Text Messages) \_\_\_\_\_

Email godskids@hotmail.com ✓

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE 5-31-17

NUMBER \_\_\_\_\_

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,  
Petitioners.

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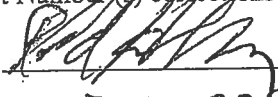
Owner Hackney, Linda L. & Ronald

Address PO Box 86, Paeonian Springs VA 22129

Address Corrections \_\_\_\_\_

Section & Lot Number (s) Section 13, Lots 13 & 14

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s)  Linda L. Hackney

Phone Number 540-338-3765

Cell Phone (for Text Messages) \_\_\_\_\_

Email gods kids@hotmail.com ✓✓

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE May 17, 2017

NUMBER \_\_\_\_\_

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
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Owner Keyes Crossing LLC

Address 270 Industrial Blvd., Kearneysville, WV 25420

Address Corrections \_\_\_\_\_

Section & Lot Number (s) Sec. 15, Lots 26, 27 & 28

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) B. Snyder

Phone Number \_\_\_\_\_

Cell Phone (for Text Messages) \_\_\_\_\_

Email 1snyder@snyderenv.com

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE 4-18-18

NUMBER \_\_\_\_\_

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
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Owner Oak meadow LLC

Address 270 Industrial Blvd, Kearneysville, WV 25430

Address Corrections \_\_\_\_\_

Section & Lot Number (s) See attached list

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) B. Kee Apple

Phone Number (304) 725-9140 ← → Snyder Environmental Services

Cell Phone (for Text Messages) \_\_\_\_\_

Email \_\_\_\_\_

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE 6-27-18

NUMBER \_\_\_\_\_

KEYES FERRY ACRES LOTS OWNED BY OAK MEADOW

2018								
final								
No. Count		<u>SECTION NO.:</u>	<u>LOT NO.:</u>	<u>DEED BOOK/PAGE NO.</u>				
1	1	5	1001/357					
1	1	36	1159/214					
1	1	37	1157/151					
1	1	48	938/626					
1	1	49	938/626					
1	1	50	1160/644					
1	1	52	951/436					
1	1	55	1063/418					
1	1	56	938/626					
1	3	3	1205/575					
1	3	4	1205/575					
1	3	5	948/270					
1	3	6	938/626					
1	3	8	938/626					
1	3	9	938/626					
1	3	10	938/626					
1	3	17	1205/575					
1	3	18	1205/575					
1	3	23	938/626					

(19) ✓

Signature *Solely* Initial *SA*

1	3	24	938/626		
1	3	27	948/272		
1	3	28	938/626		
1	3	34	1205/575		
1	3	35	1205/575		
1	3	36	942/367		
1	3	37	943/406		
1	5	4	1069/602		
1	5	8	938/626		
1	5	9	938/626		
1	5	10	938/626		
1	5	11	938/626		
1	5	12	1077/484		
1	5	13	938/626		
1	5	14	985/539		
1	4	3	1205/575		
1	6	1	938/626		
1	6	2	938/626		
1	6	3	938/626		
1	6	4	938/626		
1	6	7	938/626		
1	6	8	1109/597		
1	6	12	938/626		
1	6	13	938/626		
1	7	1	938/626		
2	7	3,4	1202/499		
1	7	2	938/626		

27 ✓

Signature

*B. Lee. Snyder*

Initial *BSA*

	SECTION NO:	LOT NO:	DEED BOOK/PAGE NO.
1	7	13	938/626
1	8	1	938/626
1	8	2	940/626
1	8	5	940/626
1	8	6	940/626
1	8	10	958/297
1	8	11	958/297
1	8	12	949/80
1	8	13	949/80
1	8	14	949/80
1	8	17	1162/717
1	8	18	985/539
1	8	19	938/626
1	8	21	938/626
1	8	23	938/626
1	8	24	938/626
1	8	25	949/80
1	9	1	1007/224
1	9	14	1205/575
1	9	15	1205/575
1	9	16	1205/575
1	9	24	938/626
1	9	25	1007/224

23 ✓

Signature *[Handwritten Signature]*  
 Initial *[Handwritten Initials]*

1	10	5	938/626		
1	10	8	938/626		
1	10	9	1205/575		
1	10	10	1205/575		
1	10	15	938/626		
1	10	16	938/626		
1	10	19	938/626		
1	10	13	1161/556		
1	10	14	1161/556		
1	10	25	1173-295		
1	10	26	1161/556		
1	10	27	1161/556		
1	10	28	1161/556		
1	10	29	1161/556		
1	10	30	1161/556		
1	11	1	1163/716		
1	11	2	938/626		
1	12	6	938/626		
1	12	1	1205/575		
1	12	2	1205/575		
1	12	.40 ACRE	1208/706		
1	13	6	1205/575		
1	13	18	938/626		
1	13	19	958/297		
1	13	21	938/626		
1	13	25	938/626		
1	13	27	938/626		

27 ✓

Signature *B. Lee Smith* Initial *BS*









1	20B	49	1173-295		
1	20B	50	1173-295		
1	20B	51	1204-423		
1	20B	52	985/539		
1	20B	53	938/626		
1	20B	54	938/626		
1	20B	55	938/626		
1	20B	56	958/297		
1	20B	57	958/297		
1	20B	58	938/626		
1	20B	59	938/626		
1	20B	60	938/626		
1	20B	61	938/626		
1	20B	62	938/626		
1	20B	63	938/626		
1	20B	64	938/626		
1	20B	67	938/626		
1	20B	68	938/626		
1	20B	69	938/626		
1	20B	70	938/626		
1	20B	71	958/297		
1	20B	72	958/297		
1	21	1	1089/579		
1	21	6	938/626		
1	22	1	938/626		
1	22	2	938/626		
1	22	3	938/626		
1	22	4	938/626		
1	22	5	938/626		

29 ✓

Initial *BA*  
 Signature *[Handwritten Signature]*

	<u>SECTION NO:</u>	<u>LOT NO:</u>	<u>DEED BOOK/PAGE NO.</u>
1	22	9	938/626
1	22	10	938/626
1	22	11	938/626
1	22	12	938/626
1	22	13	938/626
1	22	14	938/626
1	22	15	938/626
1	22	16	938/626
1	22	17	938/626
	<u>SECTION NO:</u>	<u>LOT NO:</u>	<u>DEED BOOK/PAGE NO.</u>
1	23	2	938/626
1	23	3	938/626
1	23	4	938/626
1	23	5	938/626
1	23	6	938/626
1	23	7	938/626
1	23	8	938/626
1	23	11	997/133
1	23	12	938/626
1	23	13	938/626
1	23	14	938/626
1	23	15	938/626
1	23	16	938/626
1	23	17	938/626
1	23	18	938/626
1	23	19	938/626
1	23	20	938/626

26 ✓

Initial *SCA*  
 Signature *B. de S. S.*

1	24	1	1183/741	
1	24	3	938/626	
1	24	4	938/626	
1	24	5	938/626	
1	24	7	938/626	
1	24	10	938/626	
1	24	11	938/626	
1	24	15	1164/5	
1	24	16	938/626	
1	24	17	938/626	
1	24	19	1183/741	
1	25	3	938/626	
1	25	6	1005/28	
1	25	7	1074/714	
1	25	8	932/418	
1	25	10	938/626	
1	25	11	938/626	
0	25	REC. AREA (.71 AC)	part of commons G	
1	27	2	938/626	
1	27	3	938/626	
1	27	6	938/626	
1	27	7	938/626	
1	27	8	938/626	
1	27	9	938/626	
1	27	10	938/626	

25 ✓

Initial: SA  
Signature: SA

	<u>SECTION NO.:</u>	<u>LOT NO.:</u>	<u>DEED BOOK/PAGE NO.:</u>		
1	27	11	938/626		
1	27	12	938/626		
1	27	13	938/626		
1	27	14	938/626		
1	28A	3	938/626		
1	28A	4	938/626		
1	28A	5	938/626		
1	28A	2	1199/195		
1	28B	6	938/626		
1	28B	7	938/626		
1	28B	8	938/626		
1	28B	9	938/626		
1	28B	10	938/626		
1	28B	11	938/626		
1	29	4	938/626		
1	29	5	1118/465, corrected 1159/220		
1	29	6	938/626		
1	29	7	938/626		
1	29	8	938/626		
1	29	9	938/626		
1	30	8	1205/575		
1	30	10	938/626		
1	30	11	1205/575		
1	30	12	938/626		

24 ✓

Initial *SBH*  
 Signature *Bob [unclear]*



1	33	3	938/626		
1	33	4	938/626		
1	33	5	938/626		
1	33	6	938/626		
1	33	7	938/626		
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1	33	9	938/626		
1	33	10	938/626		
1	33	11	938/626		
1	33	12	938/626		
1	33	13	938/626		
1	33	14	938/626		
1	33	20	938/626		
1	33	21	938/626		
1	33	22	938/626		
1	33	23	938/626		
1	33	24	938/626		
1	33	25	938/626		
1	33	26	938/626		
1	33	27	938/626		
1	33	28	938/626		
1	33	29	938/626		
1	33	30	938/626		
1	33	31	938/626		
1	33	32	938/626		
1	33	35	938/626		
1	33	37	938/626		
1	33	39	938/626		
1	33	40	938/626		

29 ✓

Signature: *[Handwritten Signature]*  
Initial: *[Handwritten Initials]*





IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

We, the undersigned Owners of Lots in Keyes Ferry Acres, have reviewed the Petition for Formation of Keyes Ferry Acres Maintenance Association, and also the Recordable Documents referenced therein, and we hereby desire formation of the Maintenance Association by and subject to the Recordable Documents for the purposes of protecting the health, safety and welfare of persons and the general public located within the Maintenance Association Area by establishing and maintaining non-Lot improvements within the Maintenance Association Area including constructing and maintaining shared streets, drainage facilities, sidewalks, water and sewer systems, signs, street lights and other improvements necessary for the protection of health, safety and welfare of the general public.

Owner KERSTETTER, VIRGINIA

Address 22 TIPTAOE PL. LOVETTSVILLE, VA 20180

Address Corrections 68 WHITE DOGWOOD Rd HARBERS FERRY WV 25425

Section & Lot Number (s) SEC 10 # 20, 23, 24

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) [Signature]

Phone Number 703 728 7431

Cell Phone (for Text Messages) SAME

Email Ferry1un @ Gmail .com

Comments \_\_\_\_\_

#2

DATE 8 JUN 17

NUMBER \_\_\_\_\_

0

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

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PURSUANT TO WV CODE 7-12A, et. seq.

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Owner KERSTETTER, VIRGINIA

Address 22 TIPTAPOE PL. LOVETTSVILLE, VA 20180

Address Corrections 68 WHITE DOGWOOD Rd HARPOUS FERRY WV 25425

Section & Lot Number (s) SEC 10 # 20, 23, 24

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) [Signature]

Phone Number 703 728 7431

Cell Phone (for Text Messages) SAMS

Email ferryln@gmail.com ✓✓

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

192

DATE 8 JUN 17

NUMBER \_\_\_\_\_

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

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Owner ORSER, DONALD J.

Address 250 BLUE RIDGE ACRES LOOP HARPERS FERRY, WV 25425

Address Corrections \_\_\_\_\_

Section & Lot Number (s) SEC 27 #1, SEC 12 #1,2  
SEC 30 #11, LOT 8, SEC 13 #6, SEC 4 #3, SEC 26 #1  
SEC 3 #34,35, LOTS 3&4, #7,18 SEC 10 #9,10 SEC 18 #14,15 SEC 33 #44  
Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) Don Orser

Phone Number 304-725-8948

Cell Phone (for Text Messages) \_\_\_\_\_

Email djorser@comcast.net WV

Comments Prefer tiered system whereby improved,  
unimproved buildable, & unbuildable are assessed  
at decreasing a decreasing amount/fee.

DATE 11/6/2017

NUMBER \_\_\_\_\_

IN THE MATTER OF  
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

Residents of Jefferson County Owning Real Property  
In Keyes Ferry Acres Subdivision,

Petitioners.

PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.

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Owner Hackney, Linda L & Roland Ronald

Address PO Box 86, Paeonian Springs VA 22129

Address Corrections \_\_\_\_\_

Section & Lot Number (s) Section 13, Lots 13 & 14

Section & Lot Number (s) corrections \_\_\_\_\_

Signature (s) [Signature] Linda Hackney

Phone Number 540-338-3765

Cell Phone (for Text Messages) \_\_\_\_\_

Email godskids@hotmail.com ✓

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE 5-31-17

NUMBER \_\_\_\_\_

Received  
SEP 06 2018  
Jefferson County Commission

**IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

**IN THE MATTER OF**

**PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION  
PURSUANT TO WV CODE 7-12A, et. seq.**

**AMENDED APPEAL OF RULING AND ORDER ENTERED AUGUST 21, 2018**

Comes now John Urciolo on this 31st day of August 2018 who hereby petitions the Commission to reverse its ruling and rescind its Order entered on August 21, 2018.

In support of this Petition I hereby assert the following:

- 1). Appellant is an owner of real property in Keyes Ferry Acres.
- 2). Oak Meadow, through Counsel, had filed their Petition with the Jefferson County Commission on July 9, 2018. Pursuant to West Virginia Code as mandated within Chapter 7 of the West Virginia Code, Article 12A-3 (b) "The hearing shall be held not less than ten nor more than thirty days after the filing of such Petition". The hearing before the Commission was conducted on August 16, 2018... 8 days after the 30 day mandated time period... and thus was not in compliance with West Virginia code, Article 12A-3 (b).
- 3). Oak Meadow, through Counsel, cited in its Petition several sections within West Virginia Code Chapter 7, Article 12A.
- 4). Within Chapter 7, Article 12A-1 (Definitions) of the West Virginia code, subpart (3) cites that "Maintenance Association Member means

any person owning residential property that fronts on either side of a road which is designated by a maintenance association document."

5). Within WV Code, Chapter 7, Article 12A-3 (Petition to establish maintenance association) in subsection (a) "A petition in writing may be made to the county Commission that duly verifies that 60% of the persons owning property on both sides of any orphan road, sub division road, state road or public road in any unincorporated area request the approval of the formation of a maintenance association."

6). Under WV Code, Chapter 7, Article 12 and also nowhere within any Section is a lot count cited within the Code. Instead, however, is twice cited a person count.

7). Oak Meadow, L.L.C., notes within its petition 367 undeveloped lots that it owns within Keys Ferry Acres. Oak Meadow, L.L.C. is owned by B. Lee Snyder who in his capacity as manager signed the lot count document on July 9, 2018.

8). Keys Crossing, L.L.C., is owner of three undeveloped lots in Keyes Ferry Acres.

9). B. Lee Snyder is the signer of the lot count Petition on behalf of Oak Meadow L.L.C. He is also the owner of Keyes Crossing, L.L.C.

10). Within the Petition filed on behalf of Oak Meadow through counsel section (1) states "Petitioners are the owners identified in Exhibit F of more than sixty (60%) of the lots in Keyes Ferry Acres subdivision which is situate east of the Shenandoah river in the Harpers Ferry Magisterial District of Jefferson County, West Virginia, as depicted in Exhibit A ("Lots")."

11). Within WV Code, Article 12, Chapter 7-12A it is "persons" and not lot count that the legislature mandated to be tallied toward the sixty percent (60%) count.

### DISCUSSION

Pursuant to the West Virginia Legislature within Chapter 7 of WV Code, Article 12A-3 (b) that a hearing before the Commission must be conducted not less than ten days nor more than 30 days after the filing of the Petition. The Petition was filed on July 9, 2018. The hearing was conducted on August 16, 2018. The Hearing was conducted eight (8) days beyond statute mandated by WV Code.

Within West Virginia Code 7-12A is mandated that "persons" and not "lots" be tallied toward the 60% required in order to Petition the Commission for formation of a Maintenance Association.

Within the Petition, through counsel, are submitted forty nine petitions signed by forty nine "persons" in support of the formation of the Keyes Ferry Acres Maintenance Association. Some of the Petitions comprise duplicates signed by the same "person" (below).

- A) Virginia Kerstetter, a multi-lot owner in Keyes Ferry Acres, signed two petitions in support of the formation of the Keyes Ferry Acres Maintenance Association. These petitions were submitted on the same day by the same person... Virginia Kerstetter (copies attached). These two petitions reference the same (3) lots.
- B) Linda Hackney, a multi-lot owner in Keyes Ferry Acres, signed a petition in support of the formation of the Keyes Ferry Acres Maintenance Association on May 17, 2018. On May 31, 2017 Linda Hackney signed a duplicate Petition. These two petitions reference the same two (2) lots.

- C) On November 6, 2017 Donald Orser, a resident of Blue Ridge Acres, signed a petition in support of the formation of the Keyes Ferry Acres Maintenance Association. In his petition he listed seventeen (17) lots when in fact at the time of signing (and to date) he owns but three (3) lots in Keys Ferry Acres. If the Commission calculated Mr. Orser's count as 17 rather than 3 lots, this changes the percentage to less than that cited in the Petition (60.317%) filed on July 9, 2018.
- D) On April 18, 2018 Keys Crossing, L.L.C. signed a Petition in support of the formation of the Keyes Ferry Acres Maintenance Association that tallied 3 lots. This petition was signed by B. Lee Snyder.
- E) On June 27, 2018 Oak Meadow, L.L.C. signed a petition in support of the formation of the Keyes Ferry Acres Maintenance Association. In this petition are listed 367 lots. The petition was signed by B. Lee Snyder in his capacity as manager of Oak Meadow.

To be filed with the Commission before the pending Hearing date are "Rescind Petitions" signed by specific persons within Keyes Ferry Acres. Each seeks to rescind their initial petition in support of the formation of the Keyes Ferry Acres Maintenance Association.

When considering duplicate petitions in support of the formation of the Keyes Ferry Acres Maintenance Association combined with the recent signed petitions by persons seeking to rescind their initial petition in support of the formation of the Keyes Ferry Acres Maintenance Association such brings to below the 60% "persons" tally mandated within WV code in order to petition the Commission to form the Keyes Ferry Acres Maintenance Association.

**IN LIGHT OF THE ABOVE** I respectfully ask that the Jefferson County

Commission reverse its ruling dated August 21, 2018 and rescind its Order entered that same day.

**REQUEST FOR HEARING**

I **HEREBY REQUEST** that the Commission conduct a Hearing on my Appeal and that said Hearing be not less than 10 nor more than 30 days from this date.

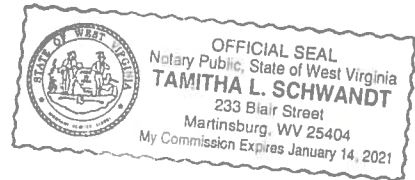
Respectfully Submitted on this 6<sup>th</sup> day of September 2018.

John Urciolo      9/6/18  
Date  
John Urciolo  
Box 35  
Charles Town, WV 25414

304-728-6920

[jsu@frontiernet.net](mailto:jsu@frontiernet.net)

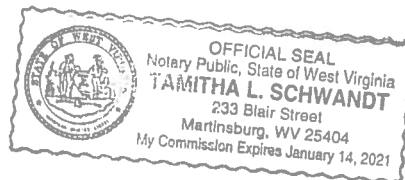
Tamitha L. Schwandt  
Notary  
9/6/18



I **HEREBY CERTIFY** that a copy of this Amended Appeal of Ruling and Order with attachments was mailed this date, September 6<sup>th</sup>, 2018 postage prepaid, 1<sup>st</sup> class mail, to B. Lee Snyder, Oak Meadow, L.L.C. at 270 Industrial Boulevard, Kearneysville, WV 25430.

John Urciolo      9/6/18  
Date  
John Urciolo

Tamitha L. Schwandt  
Notary  
9/6/18



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **County Commissioner Patsy Noland**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

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

Subject (*Wording to be placed on agenda*): **Discussion of County Commission support of the Jefferson County Economic Development Authority.**

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

**In response to emails received from citizens requesting that the County Commission remove members of the JCDA for bringing Rockwool to Ranson, commissioners should discuss the request and take a position to support the members of the Board of Directors of the JCDA and the board as a whole, including adopting a resolution.**

Is this a funding request? Y/N **NO**

If so, how much? \$ **n/a**

Provide exact financial impact/request: **n/a**

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

**I recommend that the County Commission adopt a Resolution to express appreciation to the Development Authority for the work they do in bringing business to Jefferson County.**

Attach supporting documents for request, or request may be denied. **Suggested Resolution is attached**

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call  
**Y/N**

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable

## **RESOLUTION**

### **RECOGNIZING THE WORK OF THE JEFFERSON COUNTY DEVELOPMENT AUTHORITY FOR THEIR WORK IN BRINGING BUSINESS TO JEFFERSON COUNTY, WV.**

IN AS MUCH AS, The Jefferson County Development Authority was established by order of the Jefferson County West Virginia Commission, as permitted by Chapter Seven of the West Virginia Code; AND,

WHEREAS, since 1979, the Jefferson County Development Authority (JCDA) has worked to increase and diversify the tax base for Jefferson County; AND,

WHEREAS, the mission of the Jefferson County Development Authority is to improve the quality of life for all Jefferson County residents by developing and promoting exclusive commercial opportunities for new and expanding businesses; AND,

WHEREAS, The Jefferson County Development Authority positions Jefferson County for these opportunities, works to improve the business climate in Jefferson County, and manages the Bardane and Burr business parks; AND,

WHEREAS, The Jefferson County Development Authority also works to attract and support Eastern Panhandle entrepreneurs to create new businesses, job opportunities, and investments in the county, and works with existing businesses to solve problems and expand operations, helping prove the fact that West Virginia is one of the top states for business in the country; AND,

WHEREAS, The Jefferson County Development Authority is comprised of dedicated team of citizens and professionals from various backgrounds, as required by West Virginia State Code; AND

WHEREAS, The Jefferson County Commission appoints Board Members to serve as volunteers on the Jefferson County Development Authority, AND,

WHEREAS, in recent weeks, the members of the Board of Directors of the Jefferson County Development Authority have come under scrutiny by members of the public for fulfilling the mission of the Jefferson County Development Authority in accordance with West Virginia State Code.

THEREFORE, Be It Resolved, that the Jefferson County Commission  
HEREBY, recognizes the work of the volunteers that make up the members of  
the Board of the Jefferson County Development Authority in appreciation for  
their work in fulfilling the mission of the Jefferson County Development  
Authority, and for bringing job creating businesses to Jefferson County that  
allow our citizens to live and work locally, and enhancing the quality of life for  
Jefferson County residents.

(All Commissioners Sign)



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*):

· **Increase JCDA membership to provide a member of labor - Discussion/Action**

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

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$**[Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#)

Telephone for conference call **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)





**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*):

· **Discuss correspondence received from Arnold and Bailey - Discussion/Action**

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

Is this a funding request? Y/N [Click here to enter text.](#)

If so, how much? \$ [Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Y/N [Click here to enter text.](#) Internet/Wi Fi Y/N [Click here to enter text.](#)

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)





**A. Governmental Tort Claims and Insurance Reform Act (the “Act”)**

As a threshold matter, political subdivisions are generally immune from liability for claims resulting from their legislative or quasi-legislative functions, including a political subdivision’s adoption of an ordinance, resolution, rule or written policy. *See* W.Va. Code § 29-12A-5(a)(1) and (4). Moreover, political subdivisions are specifically immune from liability from the issuance or refusal to issue revenue bonds. *Id* at (a)(17). These immunities were enacted by the West Virginia Legislature to shield political subdivisions from liability arising from discretionary policy-making acts. Similarly, the Act provides that individual employees or members of the political subdivisions are immune from liability unless: he/she acted manifestly outside the scope of his/her official responsibilities; acted with malicious purpose; or acted in bad faith or in a wanton or reckless manner. *See* W.Va. Code § 29-12A-5(b).

Contrary to these unambiguous provisions of the Act, attorney Rorhbaugh asserted that elected officials or volunteer members of these political subdivisions owed a “fiduciary” duty or otherwise to vote a particular way on an ordinance resolution. Such a suggestion is dangerous to our political process, is absurd and must be corrected. Indeed, if the members of JCDA are without discretion on how to vote on the water bond issue, then why is there a vote scheduled at all? JCDA members are under no fiduciary obligation to vote yes on the water bond issue and any suggestion otherwise is a strong-arm tactic to intimidate members to vote affirmatively.<sup>1</sup>

**B. Claims of Contractual Liability**

In support of his lawsuit threat for millions of dollars in damages against our County, Rockwool’s counsel asserted that the parties made certain binding promises to each other, citing the October 3, 2017 Payment in Lieu of Taxes Agreement (hereinafter “PILOT”) and the JCDA’s Memorandum of Understanding (hereinafter JCDA MOU), dated October 17, 2017.

With respect to the PILOT and its enforceability, one need only look to Section 4.10 which makes clear the entire agreement (and the obligations contained therein) are contingent on the parties following through with the completion of the Project. Section 4.10 Conditions to Agreement Becoming Effective, provides as follows:

---

<sup>1</sup> It is notable that Rockwool’s counsel did not raise the issue of individual liability against JCDA members. Rather, this concept was raised by attorney Rohrbaugh, who was purportedly writing at the behest of the JCDA Board. It certainly appears as though the purpose of requesting such a letter was to influence the voting members on the pending water bond vote.

Notwithstanding any other provision herein, this Agreement shall not become effective unless and until Company acquires the Land and title, constructs the Project and transfers ownership in and to the Project to the JCDA. In the event that the Company does not acquire the Land, or construct the Project, or transfer ownership of the Project to the JCDA, it is expressly agreed that this Payment in Lieu of Taxes Agreement shall terminate and be null and void.

Thus, Rockwool is disingenuously claiming that it justifiably relied on an agreement that was clearly contingent upon the completion of the Project and other contingencies that had not and have not occurred to date. Clearly, Rockwool contemplated that if the Project failed (for any reason) then the PILOT was null and void. Rockwool's claims of contractual obligations and promises on a contingent agreement, therefore, ring hollow.

It should also be noted that Rockwool has recognized the contingent nature of this Project in some of its other agreements with other government entities. For example, the MOU between Rockwool and the City of Ranson from July 18, 2017, included multiple provisions establishing that commitments in the MOU were non-binding. Paragraph 6 of the MOU expressly provides: "The Parties understand that Company is not bound to proceed with the Project... the Parties understand that the Project may change as it proceeds through the public process, and based on these changes, or for any other reason, Company may decline to proceed with the Project. The MOU further provides "In no case, shall this MOU be the basis for either Party to suffer any penalty as a consequence for any decision to decline to proceed with this Project or to alter the Project[.]" Further the MOU delineated six (6) specific contingencies, including that Rockwool will obtain all necessary permits, some of which have not yet been obtained.<sup>2</sup>

Similar to the PILOT and Ranson MOU, the MOU between Rockwool and the JCDA contained numerous "Conditions Precedent," any one of which would independently cause the MOU to expire and have no force and effect. See JCDA MOU Para. 4. Conditions such as: should the Company fail or refuse to execute the User Agreement or begin construction on the Water Line Extension; if the JCDA does not close on the WVWDA Loan; or JUI or JCDA fail to obtain required permits, right of ways and easements; all of which must occur to give force and effect to JCDA MOU. Some of these Conditions Precedent have not occurred. If they do not, the MOU by its own terms is of no force and effect.

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<sup>2</sup> The Ranson MOU also contained an express provision that stated any claims arising out of the MOU were to be governed by the West Virginia Governmental Tort Claims and Insurance Reform Act, which limits the liability claimed by Rockwool. See MOU, para. 11.

These contingencies and protections reserved by Rockwool in its agreements illustrate that the company understood the ultimate viability of this Project was conditioned upon (among other things) the “public process,” which is outside the control of all of the parties involved. Rockwool is well aware that plans that involve the political process and government approval through the deliberative process are subject to contingencies. Rockwool recognized the contingent nature of this Project and reserved the right in its agreements to pull out for any reason. Rockwool simply seeks to deny Jefferson County and its political subdivisions the same option.

With all of these contemplated contingencies still unaccomplished, assertions by Rockwool that it will be entitled to recover \$25 - \$100 million dollars in damages against the government entities involved, should the Project fail, seems an attempt to snuff out any political challenge to the Project. **Moreover, Rockwool has been on notice that any further work on this project under the circumstances is being done at its own peril given its duty to mitigate any damages it claims to have incurred.** If Rockwool ultimately followed through with its threat of lawsuit, the citizens of Jefferson County would sit as jurors to consider breaches, reasonable reliance and damages claimed by Rockwool.

In conclusion, it is imperative that our municipalities, Jefferson County and its political subdivisions and all of our County-wide elected officials and volunteers be armed with sound legal advice regarding their rights and obligations when threatened with legal process. Each of these entities should seek independent legal counsel, and individual members may do so as well. As it stands, there remains a misperception amongst many of our elected leaders and in the general public, that there exists no political or legal solution to the Rockwool Project and that any act, statement or vote in opposition to the Rockwool Project is unlawful and/or will result in personal financial exposure to our volunteer representatives and our elected officials. This must be corrected to protect the political process in our community.

Very truly yours,

  
Christopher P. Stroeck, Esq.  
Arnold & Bailey, PLLC

cc: Jefferson County Vision, Inc.  
City of Ranson  
City of Charles Town  
Jefferson County Board of Education  
James A. Walls, Esq. for Roxul USA, Inc.  
William F. Rohrbaugh, Esq. for Jefferson County Development Authority

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Josh Compton, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): **Discuss Land Use Amendment to account for potential impact on roads - Discussion/Action**

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

Is this a funding request? Y/N [Click here to enter text.](#)

If so, how much? \$[Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Y/N [Click here to enter text.](#) Internet/Wi Fi Y/N [Click here to enter text.](#) Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)





**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*):

**Discuss Fire Marshall Survey - SB 625 - Discussion/Action**  
**WVDEP response regarding attending a meeting - Discussion/Action**

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

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$** [Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#)

Telephone for conference call **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)



Please Advertise One (1) Time

September 26, 2018

**NOTICE OF PUBLIC HEARING**  
**Thursday, October 4, 2018 at 1:30 PM**

The Jefferson County Commission has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA18-01. The text amendment, in accordance with WV Code §8A-7-8 proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations; and Appendix C to develop provisions for the approval of Livestock Crematoriums and Pet Crematoriums in the Rural and Commercial Zoning Districts.

Oral or written comments can be provided at the hearing, **1:30 PM Thursday, October 4, 2018** in the Charles Town Library meeting room at 200 E. Washington St., at the side entrance on Samuel St. You may also submit written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or to PO Box 250, Charles Town, WV 25414.

A copy of the proposed text amendment is available at the Office of Planning & Zoning and on the County's website at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). If you have any questions, please call the Office of Planning & Zoning at 304-728-3228.

By Order of the Jefferson County Commission  
Josh Compton, President



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



**Name:** Jennifer Brockman, County Planner

**Department or Organization:** Department of Engineering, Planning and Zoning

**Estimation of amount of time needed for appointment:** 15 Minutes

**Date Requested – 1<sup>st</sup> Choice:** September 20, 2018

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

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

**Subject (Wording to be placed on agenda):**

To provide an overview of the Planning Commission Proposed Zoning Ordinance Text Amendment (ZTA 18-01) re: Pet and Livestock Crematoria and to request the County Commission to schedule a Public Hearing per WV Code §8A-7-8

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

On August 14, 2018, Todd and Susan Hough presented a petition to the Jefferson County Planning Commission to amend the relevant sections of the 1988 Zoning and Land Development Ordinance (as amended, May 17, 2018) to allow for Pet Crematoriums not associated with a Veterinary Clinic in the Rural Zoning District. Submitted under the provisions of Section 12.4 "Procedure for Initiating a Zoning Ordinance Text Amendment", the Planning Commission accepted the petition, requested that staff draft the language of the amendment in the appropriate context, and scheduled a Public Hearing on the proposed amendment for their regular September 11, 2018 Planning Commission meeting. A staff memo to the Planning Commission providing some background is attached to this request.

The Planning Commission held a Public Hearing on September 11, 2018 and made revisions to the staff's proposed text amendment based on the discussion at that meeting. The attached proposed draft amendment, in context with the adopted Zoning Ordinance, reflects the Planning Commission recommended amendments highlighted in red. The recommended draft ordinance defines both livestock and pet crematoriums; recommends that the livestock crematorium be a Principal Permitted Use in the Rural Zone and a Conditional Use in all other zones unless the Zoning Administrator determines it to be accessory to an active agricultural use; and recommends that the Pet Crematorium be a Principal Permitted Use in the Rural, General Commercial, Light Industrial, Residential-Light Industrial- Commercial, and Industrial Commercial zones and as a Conditional Use in the Village zones.

The attached version of the proposed draft amendment was recommended by the Planning Commission on September 11, 2018, by a vote of 8-0, with a finding that it is consistent with adopted *Envision Jefferson 2015 Comprehensive Plan*.

**Is this a funding request?** Y/N If so, how much? \$ Provide exact financial impact/request:

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

I move to schedule a public hearing on \_\_\_\_\_, 2018 at \_\_ a.m./p.m. to receive input on the proposed amendment to the Jefferson County Zoning Ordinance (ZTA18-01).

**Attach supporting documents for request, or request may be denied.**

- The Planning Commission recommended draft amendment regarding Pet and Livestock Crematoria (ZTA18-01) including Appendix C
- Staff Memo to Planning Commission date 9-11-18 for background information

**If not attached, explain:**

**Is equipment needed?** Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

**Contact information:** Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3228

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**



## ARTICLE 2: DEFINITIONS

### Section 2.2 Terms Defined

Crematorium, Livestock      An establishment where deceased livestock and/or wildlife are consumed by incineration and the ashes of the deceased may be collected for disposal. The use shall comply with all local, state and federal requirements, including, but not limited to, Health Department requirements and Department of Environmental Protection standards for air quality emissions.

Crematorium, Pet              An establishment where deceased household pets are consumed by incineration and the ashes of the deceased may be collected for storage in urns or burial. The use shall comply with all local, state and federal requirements, including, but not limited to, Health Department requirements and Department of Environmental Protection standards for air quality emissions.

### Section 8.19 Crematorium

#### A. Crematorium, Livestock

A Livestock Crematorium shall process as a Conditional Use Permit in all zoning districts other than Rural, unless such use is determined by the Zoning Administrator to be accessory to an active agricultural use.

#### B. Crematorium, Pet

A Pet Crematorium shall process as a Principal Permitted or Conditional Use in zones designated in Appendix C. In the Rural Zoning District, a Pet Crematorium may process utilizing the Site Plan Exemption for the Rural District.

## Zoning and Land Development Review Ordinance, amendment May 17, 2018

### APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church	P	P	P	P	CU	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

## Zoning and Land Development Review Ordinance, amendment May 17, 2018

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

## Zoning and Land Development Review Ordinance, amendment May 17, 2018

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
<b>Crematorium, Pet</b>	<b>NP</b>	<b>P</b>	<b>NP</b>	<b>P</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>P</b>	<b>NP</b>	<b>P</b>	<b>P</b>	<b>CU</b>	<b>Sec. 8.19</b>
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	

## Zoning and Land Development Review Ordinance, amendment May 17, 2018

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Crematorium, Livestock</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>P</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>Sec. 8.19</b>
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial  
 GC General Commercial  
 HC Highway Commercial  
 LI Light Industrial  
 MI Major Industrial  
 PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use  
 R Rural  
 RG Residential Growth District  
 RLIC Residential-Light Industrial-Commercial District  
 IC Industrial-Commercial District  
 V Village District

P Permitted Uses  
 NP Not Permitted Uses  
 CU Conditional Uses (subject to requirements of district and or other requirements of this Ordinance)  
 \*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU  
<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.  
<sup>2</sup> Approval process is per the Salvage Yard Ordinance.



# Jefferson County, West Virginia

Office of Planning and Zoning  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

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

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## MEMO

**TO:** Planning Commission  
**FROM:** Jennifer M. Brockman, AICP, County Planner/Acting Zoning Administrator  
**DATE:** September 11, 2018  
**RE:** ZTA18-01 Zoning Ordinance Text Amendment Staff Memo

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### Request

On August 14, 2018, Todd and Susan Hough presented a petition to the Jefferson County Planning Commission to amend the relevant sections of the 1988 Zoning and Land Development Ordinance (as amended, May 17, 2018) to allow for Pet Crematoriums not associated with a Veterinary Clinic in the Rural Zoning District. Submitted under the provisions of Section 12.4 "Procedure for Initiating a Zoning Ordinance Text Amendment", the Planning Commission accepted the petition, requested that staff draft the language of the amendment in the appropriate context, and scheduled a Public Hearing on the proposed amendment for their regular September 11, 2018 Planning Commission meeting.

### Background

In the Fall 2017, the Zoning Administrator received an inquiry from the Houghs who were interested in operating a livestock crematorium on their rural property accessory to the farm operation and to be permitted to allow pet cremations as well. A determination was made that the livestock crematorium could be permitted as accessory to the agricultural operation. A determination was also made that because Veterinary Services are a Principal Permitted Use in the Rural Zone, a pet crematorium could be operated that offers services to established veterinary clinics/hospitals but not to individual customers. A Zoning Certificate was issued to this effect (ZC18-03). The Houghs would like to expand their permitted uses to include pet crematorium services to individual customers.

Staff research has determined that in other jurisdictions a pet crematorium might be permitted as an accessory use to some uses in various commercial or industrial districts such as funeral homes or incinerators, or as a business dedicated to pet-only cremations in a business district, but generally they are not permitted in a rural or residential district unless specifically noted as a Conditional Use. The requirement that such a use process as a Conditional Use in the Rural zone would allow for a public hearing on each specific location

and allow the BZA to consider issues such as anticipated customer numbers, parking requirements, and related impact on neighboring properties.

It is understood that generally pet crematorium units are available as "turn-key" packages, which range in size from those that may accommodate a single dog or cat, to units capable of accommodating horse or cattle. Units are available whose only by-products are heat, dissipated through a stack, and ashes, which are collected internally. Units are generally located on a concrete slab and may be contained within a large shed or small garage to screen their appearance and protect them from weather. Such units are required to comply with Health Department and DEP's standards for pet crematorium units which are said to emit essentially no pollution, smoke or particulate matter. The Houghs are installing both a livestock crematorium incinerator and a pet crematorium unit and would like to open the pet crematorium to the general public. This text amendment, if approved, would apply throughout the County and not just apply to the Houghs' property.

Staff Recommendation:

Attached is the proposed draft amendment in context with the adopted Zoning Ordinance with the amendments highlighted in red. The attached draft ordinance defines both livestock and pet crematoriums; recommends that the livestock crematorium be a Principal Permitted Use in the Rural Zone and a Conditional Use in all other zones unless the Zoning Administrator determines it to be accessory to an active agricultural use; and recommends that the Pet Crematorium be a Principal Permitted Use in the General Commercial, Light Industrial, Residential-Light Industrial- Commercial, and Industrial Commercial zones and as a Conditional Use in the Rural and Village zones, to allow the use to be considered on a case-by-case basis and specific conditions to be placed on the use.

Next Steps

After receiving input from the public at the public hearing, the Planning Commission will finalize the draft text and make a recommendation regarding the potential text amendment to the County Commission, who are also required to hold a Public Hearing. The Planning Commission is also required to determine whether the proposed amendment is consistent with the adopted *Envision Jefferson 2015 Comprehensive Plan* as a part of their recommendation. [See Agricultural and Rural Economy Recommendations (Goal 8) #5b "Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations."]

Attachment:

ZTA18-01 Draft Ordinance



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

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

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: 2 minutes

Date Requested – 1<sup>st</sup> Choice: 4 October 2018

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

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

Subject: **Request Approval of Promotion to Supervising Public Safety Dispatcher**

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

1. **Kimberly Burke retired in August 2018. Three qualified internal candidates tested and interviewed in a comprehensive assessment center and oral board interview process.**
2. **Brooke Hess successfully passed the assessment center as the top candidate. Ms. Hess accepted the appointment offer on 9/21/2018.**
3. **Ms. Hess has been a Public Safety Dispatcher with Jefferson County Emergency Communications for ten+ years. She is a Communications Training Officer, sits on Policies & Procedures Committee, is a certified radio programmer on WV SIRN and leads the radio programming efforts of the County.**
4. **Ms. Hess will be assigned to fill the supervisor vacancy on a dayshift managing a team of five dispatchers.**
5. **Ms. Hess is afforded with a wage increase commensurate to the Grade and Step of a Supervising Public Safety Dispatcher. This wage increase is an actual savings in the 712 budget due to the difference in wage of the former Supervising Public Safety Dispatcher.**

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

**“Motion to approve the promotional appointment of Ms. Brooke Hess from Public Safety Dispatcher to Supervising Public Safety Dispatcher within the Emergency Communications Center.”**

Attachments:



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Engineering Department**

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

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

Subject (*Wording to be placed on agenda*): **Smith Mountain View Estates Subdivision (JCPC File No. 02-06)  
Approval of Change Order #1**

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

**The Smith Mountain View Estates Subdivision is a ten lot subdivision located on Smith Road, off Route 340 near Rippon, in Jefferson County.**

**The County Commission signed an agreement with C. Allen Lane Construction, LLC. In the amount of \$33,995.00 to complete the site improvements at the Smith Mountain View Estates Subdivision. The work is paid for from escrowed bond funds. The contract time of completion is 21 calendar days. The contractor began the work and is approximately 35% complete with the work. Due to inclement weather, the contractor is requesting an additional 21 calendar days to complete the work. The new contract completion date will be Tuesday, October 9, 2018. The County Engineer recommends granting the time extension request.**

Is this a funding request? **No** If so, how much?

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

Motion Requested:

**Move to grant the 21 calendar day contract time extension request to C. Allen Lane Construction, LLC as outlined in Change Order #1, for JCPC File No. 02-06, Smith Mountain View Estates Subdivision.**

Attach supporting documents for request, or request may be denied. **Change Order #1**

If not attached, explain:

Is equipment needed? Projector **Y/N No** Internet/Wi Fi **Y/N No** Telephone for conference call **Y/N No**

Contact information:

Email address: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org) Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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# CHANGE ORDER

Change Order No. 1  
Date: September 13, 2018  
Agreement Date: August 3, 2018

NAME OF PROJECT: **Smith Mountain View Estates Subdivision – Site Work Project**  
(JCPC File No. 02-06)

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

CONTRACTOR: C. Allen Lane Construction, LLC

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification: Contract time extension request due to inclement weather preventing performance of work.

Change to CONTRACT PRICE:

Original Contract Price	\$33,995.00
Current Contract Price adjusted by previous CHANGE ORDERS	\$33,995.00
The CONTRACT PRICE due to this change order will be (increased)-(decreased) by: Remain the Same.	\$ _____0.00
The new CONTACT PRICE including this CHANGE ORDER will be	\$33,995.00

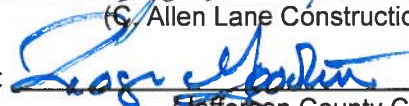
Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) ~~(decreased)~~ by 21 calendar days.

The date for completion of all work will be Tuesday, October 9, 2018.

Approvals:

Requested by:  Date 9/13/2018  
(C. Allen Lane Construction, LLC, Contractor)

Recommended by:  Date 9/13/2018  
(Jefferson County Chief Engineer)

Accepted by: \_\_\_\_\_ Date \_\_\_\_\_  
(County Commission of Jefferson County)



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Nathan Cochran, Assistant Prosecuting Attorney**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 4, 2018**

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

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

Subject (*Wording to be placed on agenda*):

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

1. Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, and related issues. Discussion/Action.
2. Discussion of Jefferson County Civil Action #17-C-282. Discussion/Action.
3. Discussion of renewal of County cable franchise agreement, related issues, and phone conference with counsel. Discussion/Action.
4. Discussion and update regarding EEOC Charge # 533-2017-00706. Discussion/Action.

Is this a funding request?    Y/N **NO**

If so, how much?                \$

Provide exact financial impact/request:

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

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?            Projector    **Y/N**                    Internet/Wi Fi    **Y/N**                    Telephone for conference call    **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, October 18, 2018, or as soon thereafter as the Commission may decide:

**Jefferson County Development Authority Board - One 3-year term ending April 5, 2021 - Labor Representative**

*The labor representative must be an active member of a labor union. An individual who is employed on an hourly basis is preferred but not required.*

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 p.m. the Monday before the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**September 26<sup>th</sup>, October 3<sup>rd</sup>, and October 10<sup>th</sup>**

**THANKS - JEFFERSON COUNTY COMMISSION**

## Sandra McDonald

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Tuesday, September 25, 2018 11:52 AM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

**Form Name:** County Commission Contact  
**Date & Time:** 09/25/2018 11:52 AM  
**Response #:** 703  
**Submitter ID:** 3527  
**IP address:** 50.204.77.165  
**Time to complete:** 25 min. , 11 sec.

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### Survey Details

#### Page 1

**1. Name**

Candice Wilson

**2. Email**

wilsonboyds@hotmail.com

**3. Questions or Concerns**

You know I have not been too proud to live in West Virginia - I've been anxious to move out of state for various reasons. Mainly due to the state's antiquated and outdated practices.

However, when I heard about Rockwool, I was disgusted. I sure hope it was worth agreeing to allow Rockwool into West Virginia. Was no consideration taken in when it came to the emissions that this plant was going to put out? Or the fact that there are 6 potential cancer causing agents that are used to create the insulation/tiles? That it would affect the air, ground and water? Are you aware that Loudoun County has a petition going to stop this project because the affects concern their area as well?

Not only do you take land away from a beautiful state, but you are allowing a plant to come in and disrupt the lives of the people around them. People who had NO chance at fighting this. Really are you going to use the excuse that Rockwool is allowed because it creates jobs? Well if employees are exposed to the cancer causing agents and they develop cancer, how is that creating new jobs? Or does that not matter? If their families develop cancer, does that not matter? Is there he potential of the employees developing abestos? Or was that not considered?

What about the decline in property value for those who live in Ranson and the surrounding areas? Was that not thought of? No one had a chance to stop this from happening. The only thought the state and its government had was how much money could be brought in by this business venture. Keeping residents and business in the dark until the was bought in 2017 and then announce again that ground will be broken in October 2018 - its disgusting. What about taking a survey before everything was decided to see what the residents and businesses thought?

Another piece of history will be wiped out and in its place a building will be constructed that will be open 24/7 and not disrupt the lives of those around the plant. How will that be possible?

What about emissions regulation? Having a true boundary line, in the surrounding area, to prevent building taking place - commercial or residential. Not using an excuse that there is a mix up where the building/property restriction is concerned. Falls along the lines of "yeah, I was there but what could I do anything about it."

In the future, when people become sick and are dying from cancer causing agents - will the state and counties (who voted for this plant) be there to pay for the medicine, chemo/radiation and burial costs?

Think about it....like you should have then.

Please don't bother to respond.

Sincerely,

Candice Wilson

**4. Would you like to receive email notifications from Jefferson County?**

No

Thank you,  
Jefferson County Commission, WV

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## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Saturday, September 15, 2018 11:32 AM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

**Form Name:** County Commission Contact  
**Date & Time:** 09/15/2018 11:32 AM  
**Response #:** 701  
**Submitter ID:** 3511  
**IP address:** 99.203.17.32  
**Time to complete:** 11 min. , 33 sec.

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### Survey Details

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#### Page 1

**1. Name**

Teresa LaFratte

**2. Email**

Tlafratte1@aol.com

**3. Questions or Concerns**

I'd like to know what you will be doing to get us out of the mess you and others have gotten us into with Rockwool. What was wrong with the original plan for the Metro expansion? That would have had the potential for 1000s of jobs in rail, construction, commerce, housing not to mention the tourism boost. Rockwool in not right for Jefferson County. It is a beautiful, historic and family oriented town. Your plan in inviting Rockwool here threatens to destroy that. We have had to vote on such non imposing items such as gaming but no not an industry that threatens the air and health of me grandson. A student at Wildwood M.S. Shame on you, Teresa LaFratte

**4. Would you like to receive email notifications from Jefferson County?**

Yes

Thank you,  
Jefferson County Commission, WV

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## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Wednesday, September 12, 2018 11:36 AM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

**Form Name:** County Commission Contact  
**Date & Time:** 09/12/2018 11:36 AM  
**Response #:** 697  
**Submitter ID:** 3505  
**IP address:** 99.203.17.172  
**Time to complete:** 10 min. , 37 sec.

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### Survey Details

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#### Page 1

**1. Name**

Carrie McGuinness

**2. Email**

carrie.m.0281@gmail.com

**3. Questions or Concerns**

I ask, beg, and demand, as a tax paying citizen of Jefferson county that Dan Casto be removed from his appointed position in the JCC IMMEDIATELY. His comments towards fellow community members on PUBLIC FORUMS are inexcusable. He has made horrible remarks about the Charles town mayor annexing areas....yet he was ALL FOR Ranson annexing Kearneysville for Rockwool.

Dan Casto and his childish comments and remarks SHOULD NOT represent Jefferson county, or its constituents in any way shape or form. No public official should be disrespecting their fellow county citizens in ANY WAY!! Yet Dan Casto has CONTINUALLY DONE SO!!

Rockwool has no place in Jefferson County.  
Heavy industry and light industry have NO PLACE IN JEFFERSON COUNTY.  
DAN CASTO HAS NO PLACE IN JEFFERSON COUNTY.  
REMOVE HIM IMMEDIATELY.  
VOTE NO ON THE WATER BOND.

A concerned citizen of Jefferson county,  
Carrie McGuinness

**4. Would you like to receive email notifications from Jefferson County?**

(o) No

## Jessica Carroll

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**From:** pania.steph@gmail.com  
**Sent:** Wednesday, September 12, 2018 10:21 AM  
**To:** JCCInfo  
**Subject:** Tell the JCDA to delay the water bond

Dear JCC,

I appreciate the commission taking this meeting tomorrow to discuss the Rockwool situation.

As a resident of Jefferson County, I wanted to take a quick moment to express my disapproval of this factory and the negative impact it will have on our community. I hope you stand with the residents and make the choice that best represents us.

I stand with my community and believe the JCC at **minimum** should call on the JCDA to delay consideration of the water bond, slated for vote on Sept. 18th. The BoE has asked for a study and a pause and the JCC & JCDA should honor that request.

Thank you for your time. I hope you and the rest of the commission stand with your community.

The cost of getting rid of Rockwool is a drop in the bucket compared the costs we will face for letting them in. I moved here because companies like Rockwool weren't here!

Sincerely,

Stephanie Dooner  
Concerned Jefferson County Resident

No reply needed, I'm sure you have many messages to get through.

## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Wednesday, September 12, 2018 9:14 AM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

**Form Name:** County Commission Contact  
**Date & Time:** 09/12/2018 9:14 AM  
**Response #:** 696  
**Submitter ID:** 3503  
**IP address:** 69.250.50.46  
**Time to complete:** 42 min. , 51 sec.

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### Survey Details

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#### Page 1

**1. Name**

Marlene Heath

**2. Email**

marlenedheath@icloud.com

**3. Questions or Concerns**

Hi my son name is Tyler J. Pantoja Diaz, and he is a Boy Scout with troop 42 in Charles Town WV. He is working on his Citizenship in the community badge. One of his requirements is to interview a government branch involved with Rockwood. we will like to have an appointment with one of the commissioners this office. please contact us and let us know how can you help us to accomplish this requirements.

**4. Would you like to receive email notifications from Jefferson County?**

Yes

Thank you,  
Jefferson County Commission, WV

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## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Tuesday, September 11, 2018 10:25 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

**Form Name:** County Commission Contact  
**Date & Time:** 09/11/2018 10:25 PM  
**Response #:** 694  
**Submitter ID:** 3501  
**IP address:** 170.215.143.226  
**Time to complete:** 43 min. , 38 sec.

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### Survey Details

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#### Page 1

**1. Name**

Donald Silva

**2. Email**

donald.silva@gmail.com

**3. Questions or Concerns**

I have a couple of concerns. Here they are. I have been reviewing West Virginia Code, Chapter 7 County Commissions and Officers Article 12 County and Municipal Authorities. This code is for the development of the JCDA. These concerns are in reference to the issue with Rockwool. 1. My wife has been to all of the recent commission meeting and she keeps hearing that there is nothing they can do the pilot program has been approved and there could be legal issue. Well the legal issues can only be applied to the JCDA refer to section 7-12-7 Authority to be public corporation. 2. In section 7-12-3a Management and control of municipal authority vested in board, appointment and terms of members; vacancies; removal of members states that 1 year, 2 year and 3 year terms will be devided equally or as early equal as possible between these terms. So why are there people on JCDA who have been there for more than 3 years and one at almost twenty. 3. In the pre-approval WV DEP for an air permit it states that they are waiting for 30 days for approval so the JCC and the JCDA can notify the communities and have public meetings concerning Rockwool. In the WV DEP approval it states Rockwool posted a notice in the Shepherdstown Spirit news paper on 22 Novenber 2017. This is a weekly paper and is not widely distributed. So why was the public not informed. Therefore was that why project had an assumed name and the JCC and the JCDA felt compelled not to provide a public notice to the county 4. So at one of the JCC and JCDA meeting it was asked that the developement authority be terminated. Under section 7-12-1 Establishment authorized; name; exceptions the Jefferson County Commissions and vote and cease its operation. So why hasn't this been brought up to a public hearing and vote. 5. On a second note why does Rockwool only advise that they meet the EPA air standards. There smoke stacks will be releasing Formaldehyde and benzene both have been proven to cause leukemia in humans. These are just a few concerns. Thank you.  
Don Silva

**4. Would you like to receive email notifications from Jefferson County?**

Yes

**Sandra McDonald**

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**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:54 AM  
**To:** Sandra McDonald  
**Subject:** FW: SAY NO TO HEAVY INDUSTRY

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** Liz Shockley [mailto:[lj4shock@frontiernet.net](mailto:lj4shock@frontiernet.net)]  
**Sent:** Saturday, September 29, 2018 4:14 PM  
**To:** [vinemont.farm@gmail.com](mailto:vinemont.farm@gmail.com); [commissionerpnoland@gmail.com](mailto:commissionerpnoland@gmail.com); [jjcompton05@gmail.com](mailto:jjcompton05@gmail.com); [calehudsonforjeffersonwv@gmail.com](mailto:calehudsonforjeffersonwv@gmail.com); [ponoszek@aol.com](mailto:ponoszek@aol.com); [Stephanie Grove <sgrrove@jeffersoncountywv.org>](mailto:Stephanie.Grove@sgrrove@jeffersoncountywv.org)  
**Subject:** SAY NO TO HEAVY INDUSTRY

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/.../toxic-rockwool-three-truths-and-a-.../>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Elizabeth Shockley

1285 Bloomery Road

Charles Town, WV 25414

## Sandra McDonald

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**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:56 AM  
**To:** Sandra McDonald  
**Subject:** FW: I am a Concerned Citizen Against Rockwool

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** JoAnne Grove [mailto:gjoanne8@aol.com]  
**Sent:** Wednesday, September 26, 2018 8:27 PM  
**To:** vinemont.farm@gmail.com; commissionerpnoland@gmail.com; calebHUDSONforjeffersonwv@gmail.com; ponoszko@aol.com; jjcompton05@gmail.com  
**Cc:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** I am a Concerned Citizen Against Rockwool

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/.../toxic-rockwool-three-truths-and-a.../>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

JoAnne Grove

## Sandra McDonald

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**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:57 AM  
**To:** Sandra McDonald  
**Subject:** FW: Recall the JCDA & Stop Rockwool

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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---

**From:** Joy Gutzman [mailto:joygutzman@gmail.com]  
**Sent:** Wednesday, September 26, 2018 1:23 PM  
**Subject:** Recall the JCDA & Stop Rockwool

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process, and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine

- <https://www.forbes.com/sites/davidlevine/2018/09/17/toxic-rockwool-three-truths-and-a-lie-about-the-economic-development-game/>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Joy Gutzman

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:57 AM  
**To:** Sandra McDonald  
**Subject:** FW: Rockwool and MOU

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
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---

**From:** Joy Bridy [mailto:joybridy@yahoo.com]  
**Sent:** Wednesday, September 26, 2018 9:35 AM  
**To:** vinemont.farm@gmail.com; commissionerpnoland@gmail.com; calebHUDSONforjeffersonwv@gmail.com; jjcompton@gmail.com; ponoszko@aol.com  
**Cc:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** Rockwool and MOU

Dear Jefferson County Commission,

I'm writing you today to ask you to do everything you can to get out of the Rockwool agreement, and to reinstate action on the previous NorthPort Station development plan. If you have spoken out against the plan, I thank you, but words are only words. We need to see action from you, the leaders in our community.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/sites/davidlevine/2018/09/17/toxic-rockwool-three-truths-and-a-lie-about-the-economic-development-game/>

Really, if you have not read this article, it is imperative that you do so. I would appreciate hearing your responses, and seeing you take immediate action to halt this continually-worsening plan.

Sincerely,

Joy Bridy

Joy Bridy Pottery

[www.joybridy.com](http://www.joybridy.com)

[www.overthemountainstudiotour.com](http://www.overthemountainstudiotour.com)

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:58 AM  
**To:** Sandra McDonald  
**Subject:** FW: Rockwool

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
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**From:** Edy Cummings [mailto:cummingsemc@aol.com]  
**Sent:** Tuesday, September 25, 2018 10:51 PM  
**To:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** Rockwool

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards -the NorthPort station development Plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input and knowledge of plans for this plant. It has become VERY clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the health of the citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine

<https://www.forbes.com/.../>

Many members of the JCDA are no longer upholding the interests of the people of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area.

We ask that you do this now.

Sincerely,

Edy Cummings  
Resident of Jefferson County and ACTIVE registered voter,,,,,

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:58 AM  
**To:** Sandra McDonald  
**Subject:** FW: JCDA

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
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---

**From:** Chris Palank [mailto:chrispalank@hotmail.com]  
**Sent:** Tuesday, September 25, 2018 10:27 PM  
**To:** Vinemont.farm@gmail.com  
**Cc:** commissionerpnoiland@gmail.com; jjcompton05@gmail.com; calebHUDSONforjeffersonwv@gmail.com; ponoszko@aol.com; Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** JCDA

Dear Jefferson County Commissioners,

The 11,000 + members of the Concerned Citizens Against Rockwool ask you to recall all members of the Jefferson County Development Authority (JCDA) and appoint new members that represent the desires of their constituents and favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool have not been transparent, withheld information from the JCC, and rushed the approval process to purposefully limit public input. It has become very clear after many meeting that the JCDA advised your approval for a PILOT agreement without disclosing the negative effects this company will do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The

West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry.

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Chris Palank RN, MS, ANP-C  
Shepherdstown  
304-283-3979

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:58 AM  
**To:** Sandra McDonald  
**Subject:** FW: Stop Rockwool and the JCDA future that we do not want!

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
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---

**From:** jenajones44 [mailto:jenajones44@gmail.com]  
**Sent:** Tuesday, September 25, 2018 10:22 PM  
**To:** Vinemont.farm@gmail.com; commissionerpnoland@gmail.com; jjcompton05@gmail.com; calebhudsonforjeffersonwv@gmail.com; ponoszko@aol.com; Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** Stop Rockwool and the JCDA future that we do not want!

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a

responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/.../toxic-rockwool-three-truths-and-a.../>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Thank you,

Jennifer Jones, WV native, Shepherd Alum, and landowner 4 miles northwest of proposed Rockwool.

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:58 AM  
**To:** Sandra McDonald  
**Subject:** FW: Stop Rockwool Construction to save Beautiful West Virginia

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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---

**From:** Judy Do [mailto:judydco@yahoo.com]  
**Sent:** Tuesday, September 25, 2018 10:00 PM  
**To:** Vinemont.farm@gmail.com; commissionerpnoland@gmail.com; jjcompton05@gmail.com; calebhudsonforjeffersonwv@gmail.com; ponoszko@aol.com  
**Cc:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** Stop Rockwool Construction to save Beautiful West Virginia

Commissioners: Jane Tabb, Patsy Noland, Josh Compton, Caleb Wayne Hudson, Peter Onoszko  
Administrator: Stephanie Grove

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

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Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Judy Do

Hamilton, VA

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:59 AM  
**To:** Sandra McDonald  
**Subject:** FW: Stop Rockwool Now Please!

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
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---

**From:** Paul Holzberger [mailto:paul@holzberger.com]  
**Sent:** Tuesday, September 25, 2018 9:51 PM  
**To:** Vinemont.farm@gmail.com; commissionerpnoland@gmail.com; jjcompton05@gmail.com  
**Cc:** calebhudsonforjeffersonwv@gmail.com; ponoszko@aol.com; Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** Stop Rockwool Now Please!

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

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Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine  
- <https://www.forbes.com/.../toxic-rockwool-three-truths-and-a.../>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Paul Holzberger

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:59 AM  
**To:** Sandra McDonald  
**Subject:** FW:

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
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**From:** Leslie Narramore [mailto:l.narramore@gmail.com]  
**Sent:** Tuesday, September 25, 2018 9:33 PM  
**To:** Vinemont.farm@gmail.com; commissionerpnoland@gmail.com; jjcompton05@gmail.com; calebhudsonforjeffersonwv@gmail.com; ponoszko@aol.com; Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:**

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

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Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Leslie Narramore

337 Stratus Dr.

Kearneysville, WV 25430

304-724-7749

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:59 AM  
**To:** Sandra McDonald  
**Subject:** FW: Call for jcda members resignation

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** Mac Ferguson [mailto:[andy.ferguson@gmail.com](mailto:andy.ferguson@gmail.com)]  
**Sent:** Tuesday, September 25, 2018 8:36 PM  
**To:** [ponoszko@aol.com](mailto:ponoszko@aol.com); Stephanie Grove <[sgrove@jeffersoncountywv.org](mailto:sgrove@jeffersoncountywv.org)>; [calebHUDSONforjeffersonwv@gmail.com](mailto:calebHUDSONforjeffersonwv@gmail.com); [commissionerpnoland@gmail.com](mailto:commissionerpnoland@gmail.com); [jjcompton05@gmail.com](mailto:jjcompton05@gmail.com); [Vinemont.farm@gmail.com](mailto:Vinemont.farm@gmail.com)  
**Subject:** Call for jcda members resignation

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The

West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/sites/davidlevine/2018/09/17/toxic-rockwool-three-truths-and-a-lie-about-the-economic-development-game/>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,  
Andy Ferguson

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:59 AM  
**To:** Sandra McDonald  
**Subject:** FW: JCDA

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
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**From:** Elliot Robertazza [mailto:therobertazzas@gmail.com]  
**Sent:** Tuesday, September 25, 2018 8:07 PM  
**To:** ponoszko@aol.com  
**Cc:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** JCDA

Dear Commissioner Onoszko,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

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Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Elliot Robertazza

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:59 AM  
**To:** Sandra McDonald  
**Subject:** FW: Jefferson County and Responsible Development

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** Laura Levesque [mailto:[unextinguished@gmail.com](mailto:unextinguished@gmail.com)]  
**Sent:** Tuesday, September 25, 2018 5:55 PM  
**To:** Laura L. M. <[unextinguished@gmail.com](mailto:unextinguished@gmail.com)>  
**Subject:** Jefferson County and Responsible Development

Dear Jefferson County Commission,

I am writing to express my views to the Commission in regards to the JDCA Board, and how they have not been responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan. It is your responsibility to hold them accountable.

There are over 11,0000 citizens who have signed the petition against Rockwool and joined CCAR. According to your fellow commissioner Nolan's public statement in the Spirit, we are just a noisy minority with inconsequential, inconvenient opinions. When there is a public outcry of this magnitude in a community of 56,000, it is insulting and beyond demeaning to be referred to in this way by our elected representatives. You are there to represent your constituents- all of us. We are making our voices heard, because this issue is vitally important to our community, families, and future. We deserve better, and I believe you all know that.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county. That is shameful and despicable.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/sites/davidlevine/2018/09/17/toxic-rockwool-three-truths-and-a-lie-about-the-economic-development-game/> <[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.forbes.com\\_sites\\_davidlevine\\_2018\\_09\\_17\\_toxic-2Drockwool-2Dthree-2Dtruths-2Dand-2Da-2Dlie-2Dabout-2Dthe-2Deconomic-2Ddevelopment-2Dgame\\_&d=DwMFaQ&c=S4vs0LCp2JGKvqxyKfsbIA&r=hLe5wHIA8AVgMCIJ\\_UOrfVNnWwsVDf0Kd30e6mFYhZs&m=nxShZZ-bzhZ607Mtn0UDdOXSmldpyY4TPRORdMydbOc&s=3KV0PcMXPTx8Or-n0hRBejrSdXeMTDLu\\_AS-SOH7JWA&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.forbes.com_sites_davidlevine_2018_09_17_toxic-2Drockwool-2Dthree-2Dtruths-2Dand-2Da-2Dlie-2Dabout-2Dthe-2Deconomic-2Ddevelopment-2Dgame_&d=DwMFaQ&c=S4vs0LCp2JGKvqxyKfsbIA&r=hLe5wHIA8AVgMCIJ_UOrfVNnWwsVDf0Kd30e6mFYhZs&m=nxShZZ-bzhZ607Mtn0UDdOXSmldpyY4TPRORdMydbOc&s=3KV0PcMXPTx8Or-n0hRBejrSdXeMTDLu_AS-SOH7JWA&e=>)>

I believe that there is a settlement to be had, and that this plant can and should be re-sited. We deserve intelligent, smart growth. I, for one, don't want to live in a heavy industrial town that is being stripped of its natural resources while its residents are slowly poisoned. I have the means to leave if need be; others don't. I'm willing to stay and fight because this is wrong, and this is my home.

Hold the JDCA Board accountable, or remove them.

Sincerely,

Laura Levesque

Resident of Jefferson County, WV  
VOTER

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 11:59 AM  
**To:** Sandra McDonald  
**Subject:** FW: RECALL ALL MEMBERS OF JCDA! STOP ROCKWOOL!

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** Iveta Weiand [mailto:ivuks81@yahoo.com]  
**Sent:** Tuesday, September 25, 2018 5:08 PM  
**To:** Vinemont.farm@gmail.com; commissionerpnoland@gmail.com; jjcompton05@gmail.com; calebHUDSONforjeffersonwv@gmail.com; ponoszko@aol.com  
**Cc:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** RECALL ALL MEMBERS OF JCDA! STOP ROCKWOOL!

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall all the members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

JCDA and Rockwool withheld information from the JCC, rushed the approval process and took actions to purposefully limit public input. It has become very clear that the JCDA advised you to approve a PILOT agreement without disclosing the full extent of the damage it would do to the environment and to the health of citizens of our county.

Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or

obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/sites/davidlevine/2018/09/17/toxic-rockwool-three-truths-and-a-lie-about-the-economic-development-game/>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now!

Sincerely,  
Iveta Weiand, member of  
Concerned Citizens Against Rockwool.

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 12:00 PM  
**To:** Sandra McDonald  
**Subject:** FW: Stop Rockwool Now!

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** Leanne Cobb [mailto:cobb.leanne@gmail.com]  
**Sent:** Tuesday, September 25, 2018 5:05 PM  
**To:** calebHUDSONforjeffersonwv@gmail.com; Patricia Noland <commissionerpnoland@gmail.com>; jjcompton05@gmail.com; ponoszko@aol.com; Stephanie Grove <sgrove@jeffersoncountywv.org>; Vinemont.farm@gmail.com  
**Subject:** Stop Rockwool Now!

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

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Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Leanne Cobb

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 12:00 PM  
**To:** Sandra McDonald  
**Subject:** FW: Please Stop Rockwool

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** Larry Waugh [mailto:wwpyro@gmail.com]  
**Sent:** Tuesday, September 25, 2018 4:57 PM  
**To:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** Please Stop Rockwool

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

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Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur. Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine - <https://www.forbes.com/.../toxic-rockwool-three-truths-and-a.../>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Larry Waugh

26 year Jefferson County Resident

133 Omni Way

Shenandoah Junction, WV 25442

304.886.1177

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 12:00 PM  
**To:** Sandra McDonald  
**Subject:** FW: Rockwool Ideas

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**From:** Michael Vowell [mailto:mbvowell@gmail.com]  
**Sent:** Tuesday, September 25, 2018 3:38 PM  
**To:** jjcompton05@gmail.com; Vinemont.farm@gmail.com; commissionerpnoland@gmail.com;  
calebHUDSONforjeffersonwv@gmail.com; ponoszko@aol.com; Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** Rockwool Ideas

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

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**Contrary to what Rockwool would have you believe, the Memorandum of Understanding involved contains exit clauses contingent on specific outcomes that lets both parties out of the deal should they not occur.** Rockwool's threat of a strategic lawsuit against public participation (a SLAPP suit) does not rest on firm legal ground. The West Virginia Code states that county public officials are exempt from personal liability on any contract or obligation which protects them from these kinds of law suits. JCDA, like all public officials, have a responsibility to the citizens they serve, not to corporations or industry. We highly recommend you read the Forbes article, "Rockwool: Three Truths and a Lie About The Economic Development Game" by David Levine  
- <https://www.forbes.com/.../toxic-rockwool-three-truths-and-a.../>

Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Thank you,

Michael (Ranson)

## Sandra McDonald

---

**From:** Stephanie Grove  
**Sent:** Monday, October 01, 2018 12:00 PM  
**To:** Sandra McDonald  
**Subject:** FW: JCC and Rockwool

**Stephanie F. Grove**  
**County Administrator**  
County Commission of Jefferson County, WV  
Post Office Box 250  
124 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3284  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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---

**From:** Gail Kohlhorst [mailto:kohlhorst@comcast.net]  
**Sent:** Tuesday, September 25, 2018 2:02 PM  
**To:** Vinemont.farm@gmail.com; commissionerpnoland@gmail.com; jjcompton05@gmail.com; ponoszko@aol.com  
**Cc:** Stephanie Grove <sgrove@jeffersoncountywv.org>  
**Subject:** JCC and Rockwool

Dear Jefferson County Commission,

The over 11,000 members of the Concerned Citizens Against Rockwool ask you to recall the all members of the Jefferson County Development Authority (JCDA) and appoint new members responsive to the desires of their constituents and in favor of smart growth and restoration of the original plan for Jefferson Orchards - the NorthPort Station development plan.

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Many members of JCDA are no longer upholding the interests of Jefferson County. It is in the best interest of the JCC to recall them and put in place new members who act in accordance with the citizens of Jefferson County's vision for this area. We ask that you do this now.

Sincerely,

Gail Kohlhorst

Harpers Ferry

# 2018 WEST VIRGINIA ELECTION CALENDAR

Being an unofficial, modified version of the official election calendar issued by the West Virginia Secretary of State.

Numbers at the end of each entry indicate West Virginia Code and the Cumulative Supplement thereto, displaying Chapter, Article, and Section (as Code § \_\_\_-\_\_-\_\_)

## GENERAL ELECTION NOVEMBER 6

<input type="checkbox"/> Jul 9 (D)	Notice of Precinct Change § 3-1-7(b), 59-3-1 et seq.	<input type="checkbox"/> Oct 16 (D)	Voter Registration Deadline § 3-2-6, 3-2-7
<input type="checkbox"/> Aug 1 (D)	Deadline for No Party Organization/Unaffiliated Candidates to File Nominating Petitions, Certificate of Announcements and Pay Filing Fee § 3-5-23, 3-5-24	<input type="checkbox"/> Oct 16 (D)	Publish Notice of Public Inspection of Ballots, Vote Recording Devices, ePoll Books, & Tabulating Equipment for Early Voting § 3-4A-13
<input type="checkbox"/> Aug 1 – 21	Special Filing Period for Board of Education Vacancy Occurring after Close of Filing for Primary Election § 3-5-19(c)	<input type="checkbox"/> Oct 17 (D)	Notify commissioners of Ballots, Voting Devices, ePoll Books, & Tabulating Equipment Readiness for Early Voting § 3-4A-13(a)
<input type="checkbox"/> Aug 8 (D)	Notice of Emergency Precinct Change & Deadline for Ordering Precinct Change § 3-1-7(g), § 3-1-7(b), 59-3-1 et seq.	<input type="checkbox"/> Oct 19 (D)	Public Inspection of Ballots, Voting Devices, ePoll Books, & Tabulating Equipment for Early Voting § 3-4A-13 <i>(1 inspection can be held for both EV and ED together OR they can be held separately if ED materials are not ready in time)</i>
<input type="checkbox"/> Aug 8 (D)	Adopt Policy Extending Medical Emergency Absentee Voting § 3-3-5c(a)	<input type="checkbox"/> Oct 19	Accept Voter Registration Card by Mail without Postmark § 3-2-6(b)(2)(A)
<input type="checkbox"/> Aug 8	Petition for Suspension of Election Official § 3-1-28(c)	<input type="checkbox"/> Oct 22	Correct Incomplete Applications for Voter Registrations § 3-2-6(b)(1)
<input type="checkbox"/> Aug 9 (S)	Submit List of Candidates & final Levies/Bonds via SVRS & Email to elections@casto-harris.com	<input type="checkbox"/> Oct 22 – 26	Pre-General Election Financial Reports Due § 3-8-5, 3-8-5a, CSR 146-3-8
<input type="checkbox"/> Aug 14 (D)	Last Day for Candidate to Withdrawal § 3-5-11	<input type="checkbox"/> Oct 22 – Nov 5	Last Minute Independ. Expenditures Reported § 3-8-2
<input type="checkbox"/> Aug 14 (D)	Notice of Number of Election Officials & Emergency Absentee Voting Commissioners § 3-1-29, 3-3-5c	<input checked="" type="checkbox"/> Oct 24 – Nov 3	<b>Early Voting in Person § 3-3-3</b> <i>(including the last two Saturdays before Election Day)</i>
<input type="checkbox"/> Aug 14 – Oct 31	Application for Absentee Ballot by Mail Accepted from All Voters § 3-3-1(b)(3), 3-3-5(b)(1)	<input type="checkbox"/> Oct 28 (D)	Publish Notice of Public Test of Ballots, Vote Recording Devices, ePoll Books, & Tabulating Equipment for Election Day § 3-4A-20(a)
<input type="checkbox"/> Aug 20 (D)	Executive Committee Fills Vacancies § 3-5-19(a)(4)	<input type="checkbox"/> Oct 29 (D)	Publish Notice of Inspection of Ballots, Vote Recording Devices, ePoll Books, & Tabulating Equipment for Election Day § 3-4A-13(b)
<input type="checkbox"/> Aug 22 (D)	Executive Committee Chair Fills Vacancies § 3-5-19	<input type="checkbox"/> Oct 30 (D)	Notify commissioners of Ballots, Voting Devices, ePoll Books, & Tabulating Equipment Readiness for Election Day § 3-4A-13(a)
<input type="checkbox"/> Aug 22 – 27	Secretary of State Certifies Candidate Names to County Clerks § 3-5-18, 3-6-2	<input type="checkbox"/> Oct 30 – Nov 1	Public Test and Inspection of Ballots, Voting Devices, ePoll Books, & Tabulating Equipment for Election Day § 3-4A-13a, 3-4A-20a, 59-3-1 et seq.
<input type="checkbox"/> Aug 28 (D)	Drawing for Ballot Order @ 9:00 a.m. § 3-6-2(d)(2)	<input type="checkbox"/> Oct 30 – Nov 5	Publish Official List of Candidates or Sample Ballot for ED in Local Newspaper(s) § 3-6-3, 59-3-1 et seq.
<input type="checkbox"/> Aug 28 (D)	Estimate Number of Absentee Ballots § 3-3-11	<input type="checkbox"/> Oct 30 – Nov 5	Instructional Program make-up Session § 3-1-46(c), 3-4A-14
<input type="checkbox"/> Aug 28	Election Official Nominations Filed § 3-1-30(a)(4)	<input type="checkbox"/> Oct 31 – Nov 6	Receive Requests for Emergency Absentee Ballot (until Noon on Election Day) § 3-3-1(c)(2), 3-3-5(c)(d)
<input type="checkbox"/> Aug 28 (S)	Submit FINAL & APPROVED List of Candidates in Draw Order to C&H via Email & fax	<input type="checkbox"/> Oct 31 (D)	Deadline for Absentee by Mail Application § 3-3-5(b)(1)
<input type="checkbox"/> Sep 7 (D)	Emergency Order to Change Precincts § 3-1-7(g), 59-3-1 et seq.	<input type="checkbox"/> Nov 1 (D)	Write-In Candidate Filing Deadline in Case of Death or Disqualification of Candidate § 3-6-4a(c)(3)
<input type="checkbox"/> Sep 7 (S)	Death of Candidate; Name may be Removed from Ballot by Ballot Commissioners at Request of Family if Ballots are not yet Printed § 3-5-11(c)	<input type="checkbox"/> Nov 5 (D)	Deadline for Hand-Delivered Absentees § 3-3-5(k)
<input type="checkbox"/> Sep 7 (S)	Absentee Ballots APPROVED for Printing	<input type="checkbox"/> Nov 5 (D)	Election Commissioners Receive/Pick up Supplies § 3-1-24, 3-4A-13(f), 3-5-14
<input type="checkbox"/> Sep 11 (D)	Notice of Number of Sets of Emergency Absentee Voting Commissioners Needed § 3-3-5c(b)	<input type="checkbox"/> Nov 5	Special Delivery of Election Supplies (if needed) § 3-1-25
<input type="checkbox"/> Sep 18 (D)	Election Officials and Alternates Appointed § 3-1-30, 3-3-5c, 3-4A-14	<input checked="" type="checkbox"/> Nov 6	<b>GENERAL ELECTION DAY</b> <b>Polls Open 6:30 am – 7:30 pm § 3-1-31</b>
<input type="checkbox"/> Sep 18 (D)	Write-In Candidate Filing Deadline § 3-6-4(a)	<input type="checkbox"/> Nov 6	Post Summary Results (not precinct detail) § 3-4A-27(e)
<input type="checkbox"/> Sep 21 (D)	Delivery of Absentee Ballots to County Clerk § 3-3-11	<input type="checkbox"/> Nov 7	Absentee Ballots without Postmark Accepted § 3-3-5
<input type="checkbox"/> Sep 21 – Oct 31	Mail Absentee Ballots § 3-3-5 (November 1 for applications received October 31)	<input type="checkbox"/> Nov 12	Absentee Ballots Postmarked by Election Day Accepted (before Canvass Convenes) § 3-3-5
<input type="checkbox"/> Sep 24 – 28	First General Campaign Finance Report Due § 3-8-5, 3-8-5a, CSR 146-3-8	<input checked="" type="checkbox"/> Nov 12	<b>Canvass Returns &amp; declare results § 3-5-17, 3-6-9</b>
<input type="checkbox"/> Sep 25 (D)*	Notice of Appointment Mailed to Election Officials (*within seven days of appointment) § 3-1-30	<input type="checkbox"/> Nov 14*	Certify results § 3-5-17, 3-6-9(a)(B)(A) <i>(*48 hours after Declaring if no Recount is Requested)</i>
<input type="checkbox"/> Oct 2* (D)	Election Officials Notify Clerk of Acceptance & Vacancies Filled § 3-1-30 <i>(*depends on date of appointment &amp; notice)</i>	<input type="checkbox"/> Nov 19 – Dec 17	Post-General Election Financial Statement Filing Period § 3-8-5, 3-8-5a, CSR 146-3-8
<input type="checkbox"/> Oct 7 (D)	Poll Worker Training § 3-1-46(c), 3-4A-14	<input type="checkbox"/> Dec 6 (D)	Transmit Certificates of Results to SOS § 3-6-11
<input type="checkbox"/> Oct 11 – 17	Publish Sample Ballot for Early Voting in Local Newspaper § 3-6-3, 59-3-1 et seq.	<input type="checkbox"/> Jan 1 (S)	Enjoy the "off election year" ... <i>hopefully</i> ☺
<input type="checkbox"/> Oct 15 (D)	Last Day Vacancy Caused by Death of Candidate Can Be Filled by Appointment § 3-5-19(a)(7)	<input type="checkbox"/> Mar 6 (D)	Voter History Records Entered into SVRS § 3-2-18(e)
<input type="checkbox"/> ASAP ☺	Delivery of Early Voting & Election Day Ballots (including media) to County Clerk	<input type="checkbox"/> Mar 30 – Apr 5	Annual Financial Statement Filing Period § 3-8-5, CSR 146-3-8

### (S) SUGGESTED BALLOT APPROVAL GUIDELINES FOR TIMELY DELIVERY

**BALLOTS SHOULD BE APPROVED** Within 5 Days of Initial Receipt  
**CORRECTIONS SHOULD BE APPROVED** Within 3 Days of Receipt

### \* COMPUTATION OF TIME

"If any applicable provision of this code or any legislative rule or other administrative rule or regulation ... designates a particular date on, before or after which an act, event, default or omission is required or allowed to occur, and if the particular date designated falls on a Saturday, Sunday, legal holiday or designated day off, then the date on which the act, event, default or omission is required or allowed to occur is the next day that is not a Saturday, Sunday, legal holiday or designated day off." (§ 2-2-1(e))

"When a proceeding is directed to take place or any act to be done on any particular day of the month or within any period of time prescribed or allowed ... if that day or the last day falls on a Saturday, Sunday, legal holiday ... the next day that is not a Saturday, Sunday, legal holiday ... shall be deemed to be the one intended ..." (§ 2-2-2(a))

Please Email all ballot correspondence to [elections@casto-harris.com](mailto:elections@casto-harris.com)

(D) DEADLINE (S) SUGGESTED

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September 18, 2018

**Via Overnight Mail**

West Virginia Dislocated Worker Unit  
Attn: Martha Craig-Hinchman  
1900 Kanawha Boulevard East  
Building 3, Suite 300  
Charleston, WV 25305

Re: Announcement of Planned Action, WARN Notice

Dear Ms. Craig-Hinchman:

I am writing on behalf of Digital Management, LLC to provide notice under the WARN Act that there may be a mass layoff at the U.S. Coast Guard Operations Systems Center, Annex 2, located at 941 James Burr Blvd. in Kearneysville, West Virginia beginning as early as November 17, 2018. The layoff would be due to DMI losing a federal government contract with the U.S. Coast Guard. The decision to award the contract to another company, Synergy, is being protested to the U.S. General Accounting Office (the "GAO"). A decision is due from the GAO on or before October 17, 2018. Even if the APLES work eventually were awarded to the bid protester, InterOps, DMI would then act as a subcontractor to InterOps, retaining approximately 120 out of 230 FTEs. The remaining FTEs most likely would be hired by InterOps or its other subcontractors. In any event, this potential mass layoff (the "Potential APLES Layoff") is expected to be permanent, although Synergy may hire some or all of the DMI employees affected.

All affected employees have been notified of their pending separation dates and that their employment loss will be permanent, unless they are hired by Synergy or another company that might succeed DMI as the prime contractor for APLES. Those employees potentially could be separated from employment with DMI beginning on November 17, 2018, with all separations to be accomplished as early as the end of November.

The following is a list of the job positions and number of individuals who will be affected by the Potential APLES Layoff, along with the anticipated schedule for job losses.

<b>Job Title</b>	<b>Number of Affected Individuals</b>
Application Developer	36
Application Developer Entry	1
Application Developer Journeyman	2
Application Developer Senior	4



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Application Developer, Entry Level	1
Application System Analyst	10
Application Systems Analyst Entry	2
Application Systems Analyst Master	1
Application Systems Analyst Senior	3
Applications Developer	11
Applications Developer Master	1
Applications Systems Analyst	6
Applications Systems Analyst Entry	5
Applications Systems Analyst Senior	2
Applications Systems Analyst-Senior	1
Business Manager	2
Business Systems Analyst	1
Business Systems Analyst Journeyman	1
Configuration Management Specialist	3
Cyber Security Engineer Master	1
Database Management Specialist	1
Database Specialist	17
Database Specialist Entry	1
Database Specialist Journeyman	3
Database Specialist Senior	2
Database Specialist-Journeyman	2
Financial Analyst	1
Functional Analyst	14
Functional Analyst Entry	6
Functional Analyst Journeyman	2
Functional Analyst Tier 4 Journeyman	1
Functional Analyst/Auditor	1
HR/Facility Security Specialist	1
Linux Application Administrator	2
Linux Application Administrator part time	1
Operations Security Analyst	2
Oracle Database Management Specialist Journeyman/Senior	1
Oracle Database Specialist - 10512	1
Project Manager	13
Project Manager Entry	6
Project Manager Journeyman	1
Project Manager Scrum Master	1
Project Manager Senior	1

Security Analyst	1
SQL Database Management Specialist	1
Subject Matter Expert	1
Subject Matter Expert Senior	2
System Administrator Senior	1
Systems Administrator	11
Systems Administrator Entry	1
Systems Administrator Journeyman	3
Systems Administrator Senior	3
Technical Writer	5
Test Engineer	16
Test Engineer - Journeyman	1
Test Engineer Journeyman	2
Test Engineer Senior	1
VP	1
VP, C4IS OPERATIONS	1
Windows System Application Administrator -Senior	1

There will not be any bumping rights for the affected employees, that is, employees will not be able to displace more junior employees out of their job positions as a result of this Potential APLES Layoff.

By copy of this letter, we are notifying the Chief Elected Official of Jefferson County, West Virginia, of the Potential APLES Layoff.

If you have any questions or want additional information concerning this matter, please contact me, at (240) 471-4426, [mmays@dminc.com](mailto:mmays@dminc.com).



Molly Mays  
 Vice President, Global Employee Resources & Talent Acquisition

Cc: Josh Compton, President, Jefferson County Commission

# *Jefferson County*

## *Public Service District*

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### Jefferson County Public Service District Special Board Meeting July 31, 2018

The special meeting of the Jefferson County Public Service District was held from 7:00PM on Tuesday, July 31, 2018 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Roger Forshee; Secretary, Tara Ashley (speakerphone); Treasurer, Todd Milliron; General Manager, April Shultz; and new legal counsel, Susan Riggs, from Spilman Thomas & Battle (speakerphone).

#### **CALL TO ORDER**

Chairman Roger Forshee called the meeting to order at 7:00PM.

#### **Approval of agenda**

The agenda was approved unanimously.

**Action: Motion made by Mr. Forshee and seconded by Mr. Milliron to approve the agenda as presented.**

Prior to taking action, Ms. Ashley stated she felt the meeting was frivolous and could have waited until the regular meeting next week.

**Unanimously approved.**

#### **Discuss Jefferson County Commission PSC Case No. 17-0915-PSWD-PC consolidated with Complaint Case PSC Case No. 18-0006-PSD-C**

The District had trouble with the conference call system during this discussion which caused Mrs. Riggs and Mrs. Ashley getting disconnected multiple times.

During the opening statement Mr. Forshee recognized that members of the audience could provide value during this discussion and encouraged their participation.

The District's new legal counsel, Mrs. Susan Riggs, explained that the intervenors in the case filed an appeal with the West Virginia Supreme Court of Appeals. Since the District was named as a respondent in that case, the District is able to file a respondent's brief or summary response due by September 10<sup>th</sup>. The courts have scheduled a hearing for the case on October 23<sup>rd</sup> in Charleston. Mrs. Riggs stated she would like to get with the other respondents listed on the scheduling order, the Jefferson County Commission and City of Charles Town, to formulate a response and submit it jointly.

Mr. Forshee questioned whether a change in the County Commissioners and their opinions could affect the consolidation and all the work that has been done to get to this point. Mrs. Riggs replied that after much research she hasn't found any documentation to support the change to ratify a previous County Commission's decisions. Mrs. Riggs felt it was unlikely that a court would uphold a new County Commission trying to resend a previous County Commission's action.

The Board encouraged Mrs. Riggs to work with the attorneys from both the Jefferson County Commission and the City of Charles Town to develop a reply for the appeal.

Mr. Pete Kubic, Charles Town Utility Board member, was in the audience along with other members from Charles Town and commented that Mr. Hoy Shingleton, Charles Town's attorney, has already been in contact with Mrs. Riggs.

Mr. Forshee also questioned if Mrs. Riggs could reiterate in her response how the District has been completing repairs to the District's system that were detailed in the Sewer Transmission Project without encountering any catastrophic failures that were stressed as the need for the project in the project's court hearings. He reminded the audience that the District has never used its Emergency Response Plan and

Mr. Forshee brought up recent emails of discussions regarding existing easements and easements needed for the project. Mr. Milliron stated that he is preparing a white paper on the sewer project and in that discussed the requirement to acquire the remaining 20% of the easements to begin the sewer project, one of which is one of the intervenors in the case. He commented that the Board will provide Mrs. Riggs with some interesting points to ponder while working on the response.

Mr. Forshee also questioned whether the rate equalization over a ten year period was something the Board should be worried about since it was such a long time. He stated he was questioned by a reporter and informed that individual the Board supported consolidation. Mrs. Riggs replied that it would be a Charles Town issue on how they could consolidate the rates, but the Board should stay involved in hopes it could happen more quickly.

Mrs. Riggs stated that she will move forward with formulation on a response for the appeal. The Board agreed.

**Action: No action taken by the Board.**

Discuss PSD building lease extension and other building lease options

Mr. Forshee began the discussion by stating he discovered the lease extension had been executed by the District's Secretary, Ms. Ashley and wanted to understand the authority for signing of the lease. He stated that he reviewed the District's Rules of Procedures and it clearly outlines the duties of the board members. Mr. Forshee requested Mrs. Riggs provide an overview of her thoughts regarding that and if Ms. Ashley was authorized to sign on behalf of the Board and if so, his concern would be moot.

For background, Mr. Forshee explained that the Board made a unanimous decision at the July meeting to send the lease extension and current lease, which he stated was often referred to as a "bad" lease, to Mr. Crawford for review and if he had no issues the Board agreed to sign. He stated that prior to that motion there was a lengthy discussion in executive session on that lease. Mr. Forshee then elaborated that in that discussion it was mentioned that the District currently pays property taxes of the landlord as a requirement of the lease and continued in the lease extension. He stated he had concerns with this since the District is a tax exempt entity and wondered if it was appropriate to pay the taxes of a private individual moving forward.

Mr. Forshee stated that it was also discussed at that meeting his concern for the 90 day notice provision for either party to terminate the lease. He explained that his concern was the possible eviction and added stress that would be involved if the landlord utilized the 90 day notice given the recent appeal of the intervenors which could delay the consolidation.

Ms. Riggs explained that she doesn't read the District's Rules of Procedures as being restrictive or prohibitive for allowing only one particular person to sign documents since the actual signing is more of an administrative function after the Board takes an official action. She stated she does not feel there was a problem with Ms. Ashley signing the lease and believed that any of the Board members could have signed the lease.

Ms. Ashley then asked Mrs. Riggs what the potential result or consequences of having a motion or action not fulfilled by the Board members after it has been made. Mrs. Riggs explained that an entity makes a decision and is relied on by others to move forward. Ms. Ashley asked if it could open up litigation if the actions aren't carried out and Mrs. Riggs stated that it could and would not be the best practice to follow.

Mrs. Riggs explained to the Board that the lease extension becomes active at the end of the current lease expiration date of October 31, 2018.

Mr. Forshee commented that he will agree to disagree with Mrs. Riggs' understanding of the duties of Board members and interprets them to authorize the Chairman to sign documents and does not see that similar language for the other members. He explained his frustrations that given his concerns that were made known, Ms. Ashley took it upon herself to sign the lease. He additionally found disturbing that when reached out to staff after the July meeting to contact the landlord about the 90 day provision, he was told

# *Jefferson County*

## *Public Service District*

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### Jefferson County Public Service District Regular Board Meeting August 7, 2018

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, August 7, 2018 in the meeting room at the District's office in Kearneysville. Those in attendance included: Chairman, Roger Forshee; Treasurer, Todd Milliron; General Manager, April Shultz; Office Administrator, Ashley Stottlemeyer; Operations Manager, Joseph Freeze; new legal counsel from Spilman Thomas & Battle, Susan Riggs; and County Commission liaison, Commissioner Josh Compton. Secretary, Tara Ashley was absent from the meeting.

#### **CALL TO ORDER**

Mr. Forshee called the meeting to order at 7:05PM.

The Board welcomed Mrs. Susan Riggs from Spilman Thomas & Battle as the District's new legal counsel.

#### **Approval of agenda**

Mr. Forshee suggested the Board postpone the General Manager's evaluation until the next regular monthly meeting.

**Action: Motion made by Mr. Forshee and seconded by Mr. Milliron to approve the agenda as presented with the exception of moving the General Manager's evaluation to the September meeting. Approved 2-0.**

#### **Public Comments**

None.

#### **Employee Comments**

Joseph Freeze, Operations Manager, questioned again if the Board would consider offering severance packages to employees who do not wish to go to Charles Town when the consolidation is complete. Mr. Forshee stated that this was an item for discussion on tonight's agenda.

#### **OLD BUSINESS**

##### **Review minutes of July 9 regular board meeting**

Mr. Forshee requested the minutes reflect there was an issue with the District's conference call line and not his cell phone reception.

**Action: Motion made by Mr. Milliron and seconded by Mr. Forshee to accept the July 9, 2018 regular board meeting minutes with the noted change regarding the phone line. Approved 2-0.**

##### **Discuss the District's financial status (status of paying bills)**

Mrs. Shultz stated the District will have enough to pay the August disbursements for sewer, but will need to collect \$2515.88 to cover the previous disbursements for water.

**Action: No action required by the Board.**

##### **Discuss pump station repairs, upgrades and related costs/funding options**

- **Update on repairs/upgrades to pump station 4-2**
- **Update on repairs to pump station 3-9**
- **Update on relocation of office generator**

Mr. Freeze informed the Board he received two quotes to repair/upgrade pump station 4-2 and one quote to reline the wetwell. He also spoke with Tom Vance from Godwin for a pump around to stop flows to the pump station when the repair work is taking place. Mr. Freeze also stated that the pumps will not be replaced at this time, but will be evaluated by Marcum once they are pulled.

he inform the customer that consolidation is moving forward and Charles Town's billing software will be utilized at that time. As an interim solution, he suggested possibly using screenshots of the online billing screens to walk the customer through the steps to pay online and include on the website.

Mrs. Stolipher stated that Charles Town uses a company called Tyler for their billing and accounting software.

Mr. Forshee stated he would like to see billing options improved rather than just hearing staff say they have tried to fix the billing issues. He would like to "kick the rudder" and have it going in that direction incase consolidation is delayed or doesn't occur. Mrs. Shultz stated that staff put a lot of time and effort into finding another software company which was presented to the Board last year, but no decisions were made to move forward with consolidation on the table. Mr. Forshee suggested Mrs. Shultz listen to the customers and Board to look for ways to improve known issues. She mentioned both staff and customers are not satisfied with webpay. Mrs. Shultz also stated that they have been working on the problem for years and Mr. Forshee expressed a concern with that and asked Mrs. Shultz to present solutions. She requested direction from the Board at this point in time.

Mr. Forshee commented that a GAP analysis sounds reasonable at this point in time. Mr. Compton stated that the District should wait to see what happens with consolidation. Mr. Forshee replied that his frustration is that staff has known about the issue for a long time and he doesn't want this issue to continue.

Mr. Milliron commented that the District has been dealing with aged equipment, vehicles, pump stations, and software. He stated that everything is currently operating, but requires upgrading when at the end of its useful life. Mr. Milliron realized that the software needs to be updated, but with the consolidation moving forward he wasn't sure how much money and effort the District should put into this. He questioned if there was any type of MOU or agreement with Charles Town that would expedite the use of their software.

Mrs. Shultz stated that the District's software system is terrible and she would welcome a new software system, as would staff, but it may not be the best option at this time. She is in the process of setting up a meeting with Charles Town to discuss transferring the billing and accounting to their system. The Board requested she update the Board at the next regular meeting.

**Action: Motion made by Mr. Forshee and seconded by Mr. Milliron to have an update from the General Manager on this issue next month. This will be a standing agenda item. Approved 2-0.**

#### Review and execute the general legal services representation letter dated July 23, 2018

Mrs. Shultz stated that last month the Board approved Mrs. Susan Riggs of Spilman Thomas & Battle, PLLC to represent the District for general legal services. Mrs. Riggs sent the Board a General Legal Services Representation Agreement to review and sign.

**Action: Motion made by Mr. Forshee and seconded by Mr. Milliron to sign the general services representation agreement dated July 1, 2018. Approved 2-0.**

#### Discuss employee/management training opportunities

Mr. Forshee requested this agenda item to initiate an employee training discussion. He asked if there was mandatory training for office staff. Mr. Freeze replied that all field staff have mandatory training/classes they take to keep their licenses current. Mrs. Shultz stated that the office staff does not have mandatory training they are required to take, but the yearly training budget allows for staff to pursue classes if they would like. Mr. Forshee then asked Mrs. Shultz if she had completed any training on the following topics;

- Utility Cases
- Financial Management & Funding Options
- Quality Based Selection of Engineers
- Open Government Meetings & Ethics Commission
- Parliamentary Procedures
- DEP
- Managing Risk
- Bureau for Public Health

**Action:** Motion made by Mr. Milliron and seconded by Mr. Forshee to approve disbursements for the Public Service District water expenses in the amount of \$8,248.63. Approved 2-0.

Approve transfer of \$6,896.36 from the New Sewer Security Deposit account to the Sewer Operating account for 72 security deposit refunds

**Action:** Motion made by Mr. Milliron and seconded by Mr. Forshee to approve transfer of \$6,896.36 from the New Sewer Security Deposit account to the Sewer Operating account for 72 security deposit refunds. Approved 2-0.

Approve transfer of \$91.97 from the Water Security Deposit account to the Water Operating account for 1 security deposit refund

**Action:** Motion made by Mr. Milliron and seconded by Mr. Forshee to approve transfer of \$91.97 from the Water Security Deposit account to the Water Operating account for 1 security deposit refund. Approved 2-0.

Approve transfer of \$1,563.42 from Renewal & Replacement account to the Sewer Operating account for new PLC at pump station 4-4

**Action:** Motion made by Mr. Milliron and seconded by Mr. Forshee to approve transfer of \$1,563.42 from the Renewal & Replacement account to the Sewer Operating account for new PLC at pump station 4-4. Approved 2-0.

#### Update on Sewer Transmission Project 16-0616

Mr. Milliron requested this agenda item. He explained that given the recent appeal by the intervenors and new legal counsel, he thought it was a good idea to give a refresher on the approved sewer project and events that occurred. Mr. Milliron gave a chronology of events that occurred after the March, 2017 Public Service Commission approval of the project. Three key measures of the Project that may prove a hindrance if built: sufficient capacity after connecting Shenandoah Junction; rates associated with the project where not calculated since there were to be no new customers; and any significant changes in scope would require PSC approval. He also touched on the history of events and violations for Shenandoah Junction and history of the requests of Harvest Hills, both of which are intervenors in the appeal at the Supreme Court.

He noted that the reimbursement to developers in the past for building onsite system should no longer be considered, and in its place the use of main line extension agreements similar to that of Aspen Greens and Driswood Elementary School for both on and offsite sewer lines.

During his presentation, Mr. Milliron referenced a map of the District's system and discussed the current approved project along with multiple future projects that were listed in the Districts Strategic Plan. He questioned how the District address the developers concerns if the project is not completed and if they request service how the District will commit to that.

Mr. Milliron also mentioned that possibly there could be an alternative to the current sewer project the Board could consider so they aren't deemed negligent of not serving those developers. He explained that alternatives could include amending the current project, utilizing Baker Place, or working with Charles Town on alternative paths. He stated that developers could bring their requests/plans to the Board and actions can be taken, similar to the ones taken with Aspen Greens and Driswood Elementary for on/offsite infrastructure and Capacity Improvement Fees.

Mrs. Stolipher mentioned that Mr. Snyder requested service for Shenandoah Junction, but they passed that request to the District since the consolidation was not complete yet.

Mr. Forshee stated that since the District has no current customers in Shenandoah Junction, Mr. Snyder, an intervenor in the PSC project case, cannot argue that the Board is not supporting its current customers. He mentioned the same goes for Harvest Hills as well. Mr. Forshee stated he would like to focus on consolidation and making current customers a priority and not make any decisions to disrupt that.

severance package. Mr. Milliron commented that he appreciated staff and realized it has been a tough situation, but thanked them for their patience and working with Charles Town.

**Action: No action required by the Board.**

#### Update on Status of Current Public Service Commission Cases

• Jefferson County Commission PSC Case No. 17-0915-PSWD-PC consolidated with Complaint Case PSC no. 18-0006-PSD-C– Mrs. Riggs explained that the intervenors in that case filed a petition with the WV Supreme Court to appeal the final order. She requested to discuss the case further and a possible strategy with the Board in executive session.

Mr. Forshee questioned whether the recent issues with the West Virginia Supreme Court judges will have an impact on a decision from the courts. Mrs. Riggs replied they will have judges seated prior to the fall term and should not delay a decision. Mr. Forshee asked if a hearing would be warranted since one was not given in the initial PSC case rather than a memo by the courts. Mrs. Riggs explained that it is hard to say how the courts will react.

Mr. Freeze asked if Charles Town could do some sort of O&M agreement with the District as it did with Ranson if the appeal would hold up the consolidation. Mr. Forshee thought that was a good idea, but if consolidation doesn't happen then he wouldn't want to risk losing the good employees currently at the District. Mr. Compton mentioned that this item was not on the agenda for discussion.

**Action: No action required by the Board.**

#### General Manager's Report

In the General Manager's report this month, Mrs. Shultz informed the Board that staff received a quote from Snyder Environmental to replace piping at the Deerfield plant since they originally installed it. They will begin the work in a couple of weeks.

Mrs. Shultz also explained that she has been working with the new accounting firm, Yount Hyde and Barbour on the audit.

As far as the suspected inflow and infiltration at pump station 4-4, Mrs. Stolipher stated she would work with staff to address this concern.

Mr. Forshee questioned information he found on the EPA site regarding the District and its noncompliance on its permit over the years. Mr. Freeze explained that the noncompliance referred to the Royal Vendors Silver issue that was addressed and corrected. There was also a noncompliance report for Apple Valley Waste for their Total Suspended Solids that has also been corrected. Mr. Freeze stated that the four industrial users on the District's NPDES permit collect their own samples, complete the permit, and send to staff for review before they are submitted to the State.

Mr. Forshee requested that noncompliance issues be discussed in the General Manager's report in the future. Mr. Freeze stated that all permit reports are sent to Charles Town as well as the monthly grease trap inspections.

**Action: No action required by the Board.**

#### Other staff reports

Mr. Freeze informed the Board of a sewer backup concern called in by a District customer. He stated that staff checked the clean out on the property and saw no backup so suggested the customer contact a plumber to check inside the home.

Mr. Milliron thanked staff for noting on the agenda which Capacity Assurance Fee's from Beallair have applied for building permits and transferred to Capacity Improvement Fee's.

**Action: No action required by the Board.**

#### Correspondence

None discussed.

**Action: No action required by the Board.**

# Impact Fee Status Report September 2018

## Office of Impact Fees

### Summary

Date Range: Saturday 1 through Sunday 30 September 2018

Report Date: 1 October 2018

Process Number Range: 1800217-1800235

Total Applications: 19

Total Non-Exempt: 19

*Of which:*

Commercial: 0

Residential: 19

*Of which:*

County: 10

Municipal: 9

Total Exempt: 0

*Of which:*

Commercial: 0

Residential: 0

*Of which:*

County: 0

Municipal: 0

Tables 1 through 7 summarize impact fee processing for September 2018. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

	Exempt	Commercial	Residential	Total
1 – 30 September 2018	0	0	19	<b>19</b>
Fees collected		\$0.00	\$117,969.00	<b>\$117,969.00</b>
<i>Of which</i>				
School Impact Fee			\$107,212.00	<b>\$107,212.00</b>
Law Enforcement Fee		\$0.00	\$1,537.00	<b>\$1,537.00</b>
Parks & Recreation Fee			\$8,313.00	<b>\$8,313.00</b>
EMS Fee		\$0.00	\$907.00	<b>\$907.00</b>

**Table 2. Financial Data – Office of Impact Fees General Account (3111776)**

Description	Amount
Opening Statement Balance (1 September 2018)	\$111,623.11
September Deposits (1 – 30 September 2018)	\$117,969.00
School August Transactions (withdraws via transfer on 10 Sept. 2018)	(\$102,557.50)
Law August Transactions (withdraws via transfer on 10 September 2018)	(\$1,176.45)
Parks & Rec Aug. Transactions (withdraws via transfer on 10 Sept. 2018)	(\$7,108.71)
EMS August Transactions (withdraws via transfer on 10 September 2018)	(\$780.45)
Interest Earned (30 September 2018)	\$39.23
<b>Ending Statement Balance (30 September 2018)</b>	<b>\$118,008.23</b>
<i>Outstanding Credits (deposits through 1 October 2018)</i>	<i>\$0.00</i>

**Table 3. Financial Data – School Impact Fee Account (3107582)**

Description	Amount
Opening Balance (1 September 2018)	\$2,356,319.44
August Transactions (deposits via transfer on 10 September 2018)	\$102,557.50
Interest Earned (30 September 2018)	\$997.85
<b>Ending Balance (30 September 2018)</b>	<b>\$2,459,874.79</b>

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

Description	Amount
Opening Balance (1 September 2018)	\$127,882.20
August Transactions (deposits via transfer on 10 September 2018)	\$1,176.45
Interest Earned (30 September 2018)	\$52.89
<b>Ending Balance (30 September 2018)</b>	<b>\$129,111.54</b>

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

Description	Amount
Opening Balance (1 September 2018)	\$249,615.61
August Transactions (deposits via transfer on 10 September 2018)	\$7,108.71
Interest Earned (30 September 2018)	\$104.62
<b>Ending Balance (30 September 2018)</b>	<b>\$256,828.94</b>

**Table 6. Financial Data –EMS Impact Fee Account (3122816)**

Description	Amount
Opening Balance (1 September 2018)	\$14,039.37
August Transactions (deposits via transfer on 10 September 2018)	\$780.45
Interest Earned (30 September 2018)	\$5.99
<b>Ending Balance (30 September 2018)</b>	<b>\$14,825.81</b>

**Table 7. Total Impact Fees as of 1 October 2018/1**

Description	Amount
Office of Impact Fees General Account	\$118,008.23
School Impact Fee Account	\$2,459,874.79
Law Enforcement Fee Account	\$129,111.54
Parks & Recreation Impact Fee Account	\$256,828.94
EMS Impact Fee Account	\$14,825.81
<b>Total Impact Fees</b>	<b>\$2,978,649.31</b>

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

**Table 8. Pending September 2018 Fee Transfers /1**

Account	30 September 2018 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$2,459,874.79	\$107,247.70	\$2,567,122.49
Law Enforcement Fee Account	\$129,111.54	\$1,537.39	\$130,648.93
Parks & Recreation Impact Fee Account	\$256,828.94	\$8,315.75	\$265,144.69
EMS Impact Fee Account	\$14,825.81	\$907.39	\$15,733.20
<b>Total Impact Fees</b>	<b>\$2,860,641.08</b>	<b>\$118,008.23</b>	<b>\$2,978,649.31</b>

/1 This table represents each of the impact fee category account totals as of 30 September 2018 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in September 2018 are listed in table 1 of the General Account (3111776); these transactions will be processed in October 2018. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.

