

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THIRD QUARTERLY SESSION – JULY – SEPTEMBER 2024**  
**THURSDAY, JULY 11, 2024**  
**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**

**PRAYER – Pastor Rich Miller, All Church, Martinsburg**

**PLEDGE OF ALLEGIANCE**

**PLEDGE OF ALLEGIANCE to WV FLAG**

*"I pledge allegiance to the flag of West Virginia, which serves as a constant reminder that 'Mountaineers Are Always Free,' which stands as a symbol of her majestic mountains, fertile forests, rich veins of coal, and the Pride of her people."*

**APPROVAL OF MINUTES**

- June 27, 2024, Regular meeting minutes

**APPROVAL OF ACCOUNTS PAYABLE**

- July 4, 2024
- July 11, 2024

**APPROVAL OF MANUAL CHECKS**

- July 5, 2024
- July 12, 2024

**APPROVAL OF PAYROLL**

- July 5, 2024

**REQUISITIONS**

- July 11, 2024

**ANNOUNCEMENTS**

**Report if there are changes in the agenda if applicable**

**PUBLIC COMMENT**

*\*\*To participate in public comment in person, please sign the public comment sign-in sheet located on the table in the back of the room. To participate virtually, please "raise your hand" on the GotoWebinar control panel. Please submit comments via email to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org). Your name & any written comments submitted for the record will be included in the minutes.*

**PRESENTATIONS**

1. 9:45 a.m. Angie Banks-Assessor
  - Exonerations
  - Tax ticket apportionment
2. 9:55 a.m. Tom Hansen, Sheriff
  - Job Corps Cooperative Law Enforcement Agreement Renewal
3. 10:05 a.m. Jacki Shadle, County Clerk
  - Employee recognition for 20 years of service
4. 10:10 a.m. Karen Olden, Probate
  - Fiduciary Quarterly Review of Estates opened. Waivers of Final Settlement and Accountings Recorded since last Quarterly Review.
5. 10:25 a.m. Kelly Franklin-Jefferson Day Report Center, Inc.
  - F25 West Virginia Community Corrections Grant Award Contract
6. 10:35 a.m. Roger Goodwin-Chief County Engineer
  - Property Safety Enforcement Agency – Hearing on Case 23-001 (Daniel D. Duncan)
  
  - Dave Lutman, Lutman Construction, LLC, Home Builder - Discussion of issue with processing building permit applications and Office of Permits and Inspections level of staffing and resources
  
  - Complete bond release for ILA Properties, Inc. Quail Ridge Subdivision, Section II, Phase III, Lots 129-159 (file#05-55)
7. 11:00 a.m. Jennifer Myers, Director of Jefferson County Parks & Recreation Commission
  - Update and information regarding the 2024 Fireworks event that was held at Sam Michaels Park on June 30, 2024.
8. 11:10 a.m. Laura Kuhn, Fleet & Facilities Management
  - Request for Approval and President's Notarized Signature on Underground Injection Control Permit for Septic Tank and Groundwater Protection Plan for the West Virginia Department of Environmental Protection
9. 11:20 a.m. Jessica James, assistant deputy county administrator
  - Approval of hire - Executive Director, Jefferson County Farmland Protection
  - Pay adjustment (ESA)
  - Employee recognition

10. 11:30 a.m. Nathan Cochran, Prosecuting Attorney's Office

- a. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for county office and/or courthouse space
- b. Report by counsel on Magistrate Court space and related issues.

#### OLD BUSINESS

- Discussion and possible action on proposed revisions to the Bylaws of the Jefferson County Planning Commission

- Discussion and possible action on proposed revisions proposed amendment to Division 24.300 c and d of the Jefferson County Subdivision and Land Development Regulations related to holding Public Hearings for Waiver Applications (STA24-01)

- Discussion and possible action Resolution and Order authorizing the execution and delivery of a payment in lieu of Taxes Agreement and a lease agreement with Wild Hill Solar, LLC.

#### COUNTY ADMINISTRATOR REPORT

- Hill Top House TIF
- Letter of Support- Parks and Recreation
- Cox Hollida Young engagement letters

#### 11. ADJOURN

#### CORRESPONDENCE AND INFORMATION

Jefferson County Historic Landmarks Commission: Quarterly Report

Meeting agenda and public comments received for the July 1, 2024 Shepherdstown Town Hall with Commissioners Cook and Upson

E-mail correspondence received from the following: James Wolfe, Kenneth Shrieves, Danny O'Dell, Tonya Neil, Brendan Mitchell, Justin Duke, Michael Gray, Samuel Hubbard, Ronald Lewis, James Liller, Tyrone Lyles, Todd Hough, Ron Rissler, Stacey Hough, David Tabb.



## Minutes

### Jefferson County Commission

Thursday, June 27, 2024

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A meeting of the Jefferson County Commission was held on Thursday, June 27, 2024, during the second quarterly session at 6:00 p.m. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher (online), Vice President Jane Tabb, Commissioner Pasha Majdi, Commissioner Kelvin Upson, and Commissioner James Cook. Also present were Edwina Benites-LM, county administrator, Nathan Cochran, assistant prosecuting attorney, and Sorayda Pitts, administrative assistant. The archived meeting of the Thursday, June 27, 2024, meeting is available on the Jefferson County Commission website.

Prayer- Senior Adam Johnson, Bakerton Bible Church

#### PLEDGE OF ALLEGIANCE

#### PLEDGE OF ALLEGIANCE OF WEST VIRGINIA FLAG

#### APPROVAL OF MINUTES

Mrs. Tabb motioned to approve the May 30, 2024, Special Session- certification of the 2024 primary elections results and candidates interviews for the vacant Shepherdstown and Harpers Ferry District commission seats. The motion was approved unanimously.

Mrs. Tabb motioned to approve the June 6, 2024, regular meeting minutes. The motion was approved unanimously.

#### APPROVAL OF PAYROLL

Mrs. Tabb motioned to approve the payroll for June 7, 2024, in the amount of \$314,155.23. The motion was approved unanimously.

Mrs. Tabb motioned to approve the payroll for June 21, 2024, in the amount of \$315,522.11. The motion was approved unanimously.

#### APPROVAL OF REQUISITIONS

Mrs. Tabb motioned to approve the requisition for June 27, 2024, in the amount of \$24,815.58. The motion was approved unanimously.

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK NUMBER		VENDOR NAME	UNCLEARED
89824		ADAM WARD	2,093.39
89825		AMERIFLEX	126.65
89826		AT&T	112.38
89827		BOLAND TRANE SERVICES INC	713.00
89828		CHARLES TOWN PRESBYTERIAN CHURCH	88.00
89829		FRONTIER	3,225.50
89830		FRONTIER	55.00
89831		FRONTIER	2.25
89832		FRONTIER	207.90
89833		GUTTMAN OIL CO	5,807.48
89834		KAREN EDDLEMAN	378.02
89835		PATTON BUILDING SERVICES, INC	11,764.00
89836		RETIREE HEALTH BENEFIT TRUST	7,668.00
89837		DR. ROBERT E. JONES III	1,000.00
89838		SANDRA KELLEY	38.50
89839		SOFTWARE SYSTEMS INC	28,534.76
89840		SPIRIT OF JEFFERSON	89.56
89841		TEK ADVISORS LLC	4,200.00
89842		THE HARTFORD	3,908.52
89843	SG/010	JEFFERSON DAY REPORT CENTER	38,750.00
			108,762.91

Mrs. Tabb motioned to approve the accounts payable for June 13, 2024, in the amount of \$108,762.91. The motion was approved unanimously.

CHECK NUMBER		VENDOR NAME	UNCLEARED
89845		ALICE N PAINTER	66.00
89846		BOLAND TRANE SERVICES INC	642.25
89847		BRITTON FLETCHER	820.47
89848		BUREAU OF CHILD SUPPORT	373.39
89849		CAPITAL LIGHTING & SUPPLIES LLC	275.94
89850		CASTO & HARRIS INC	12,230.52
89851		CENTRAL ELEVATOR INSPECTION SERVICES LLC	850.00
89852		CHRISTY ENTERPRISE	89.68
89853		COMMUNITY MARKETS INC	2,500.00
89854		COMPTROLLER OF MARYLAND	1,062.00
89855		CONTROL SYSTEMS INC	141.59
89856		COX HOLLIDA YOUNG PLLC	2,133.38
89857		DOOR SERV PRO, LLC	9,658.00
89858		EFTPS IRS TAXES	105,529.50
89859		ELSS EXECUTIVE REPORTING, LLC	473.60
89860		EMPOWER RETIREMENT	6,767.06

89861		ESS ELECTION SYSTEMS & SOFTWARE	6,005.00
89862		FRONTIER	161.60
89863		FRONTIER	7,273.25
89864		FRONTIER	120.24
89865		FRONTIER	1,024.91
89866		GUTTMAN OIL CO	5,193.61
89867		HIRERIGHT	23.10
89868		JACQUELINE SHADLE	66.00
89869		JASON MICKEY	366.55
89870		JEFFERSON COUNTY DEVELOPMENT AUTHORITY	20,000.00
89871		JEFFERSON SECURITY BANK	3,885.00
89872		KAELYN HOFFMAN	66.00
89873		KAREN OLDEN	66.00
89874		KATRINA CLARK	3,328.85
89875		LORI BROWN	1,586.87
89876		NAPA AUTO PARTS	319.54
89877		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00
89878		PA DEPT OF REVENUE	114.80
89879		POTOMAC EDISON	3,717.24
89880		RICE TIRES CO	211.20
89881		SHERIFF OF JEFFERSON COUNTY	10,168.35
89882		SOFTWARE SYSTEMS INC	1,589.80
89883		TINA RENNER	88.50
89884		UNIFIRST	199.28
89885		US BANK	55,983.35
89886		VA DEPT OF TAXATION	3,043.75
89887		WV DEPUTY SHERIFF RETIREMENT SYSTEM	22,072.55
89888		WV DIVISION OF LABOR	270.00
89889		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	4,779.28
89890		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	47,136.55
89891		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	66,503.10
89892		WV STATE TAX DEPARTMENT	29,736.05
89893	FG/009	SHERIFF OF JEFFERSON COUNTY	5,326.83
89894	BS/011	SHERIFF OF JEFFERSON COUNTY	8,358.81
89895	AM/053	SHERIFF OF JEFFERSON COUNTY	1,786.42
TOTAL			455,250.76

Mrs. Tabb motioned to approve the accounts payable for June 20, 2024, in the amount of \$455,250.76. The motion was approved unanimously.

CHECK NUMBER	VENDOR NAME	UNCLEARED
89896	AHA-ARTS & HUMANITIES ALLIANCE	841.69
89897	AT&T MOBILITY - CC	792.49
89898	AT&T BILL PAYMENT	2.58
89899	CHARLES TOWN PRESBYTERIAN CHURCH	43.00
89900	CHERI VEST	259.92
89901	DIGITAL DOCUMENT SOLUTIONS INC	2,152.97
89902	FIRST CITIZENS BANK & TRUST CO	2,230.47
89903	G & TRIPLE T LLC	820.00
89904	GUTTMAN OIL CO	11,867.35
89905	HIGHMARK WV	209,432.80
89906	J.C. EHRLICH	859.99
89907	JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	1,246.32
89908	JEFFERSON COUNTY SOLID WASTE AUTHORITY	117.81
89909	JEFFERSON COUNTY BOARD OF EDUCATION	1,760.00
89910	JEFFERSON CO CONVENTION AND VISITORS BUREAU	21,042.09
89911	JEFF CO PARKS & RECREATION COMMISSION	18,954.08
89912	KATHRYN KING	951.37
89913	KELSEY STIPANOVIC	743.08
89914	LANGUAGE LINE SERVICES	142.20
89915	NATIONAL VISION ADMIN.	1,611.82
89916	PANSCH INVESTIGATIONS LLC	550.00
89917	PATRIOT FIRE AND SECURITY LLC	7,760.00
89918	PRIORITY DISPATCH	130.00
89919	DR. ROBERT E. JONES III	1,000.00
89920	SANDRA KELLEY	227.15
89921	SARGENT'S COURT REPORTING SERVICE INC	957.79
89922	STAPLES	1,779.60
89923	TAMMY MOBLEY	2,173.49
89924	TEK ADVISORS LLC	4,399.50
89925	VITAL SIGNS	1,432.50
89926	WILLIAM F. ROHRBAUGH	33,331.80
89927	WV SHERIFFS ASSOCIATION	2,200.00
TOTAL		331,813.86

Mrs. Tabb motioned to approve the accounts payable for June 27, 2024, in the amount of \$331,813.86. The motion was approved unanimously.

**APPROVAL OF MANUAL CHECKS**

Check #	Fund	Vendor	Amount
1167	AV/056	SHERIFF OF JEFFERSON COUNTY	\$646,928.34
1168	AV/056	STAPLES	\$1,299.80
343	AR/207	GRIFFITH & ASSOCIATES PLLC	\$6,000.00
344	AR/207	INDEPENDENT VOLUNTEER FIRE COMPANY	\$2,400.00
TOTAL			\$656,628.14

Mrs. Tabb motioned to approve the manual checks for June 14, 2024, in the amount of \$656,628.14. The motion was approved unanimously.

			21-Jun-24
			OTHER FUNDS
Check #	Fund	Vendor	Amount
604	CS/002	SPILMAN THOMAS & BATTLE	13788.85
339	DG/003	SHERIFF OF JEFFERSON COUNTY	40.59
917	HD/008	SHERIFF OF JEFFERSON COUNTY	2106.10
918	HD/008	US BANK	\$91.25
1169	AV/056	MONROE SYSTEMS FOR BUSINESS	\$165.26
1170	AV/056	US BANK	\$4,069.21
375	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD	\$187,293.50
8	TC/077	UNITED WAY-EASTERN PANHANDLE INC	\$45.00
345	AR/207	CITIZENS VOLUNTEER FIRE COMPANY	\$3,400.00
346	AR/207	SHEPHERDSTOWN VOLUNTEER FIRE COMPANY	\$1,600.00
347	AR/207	SHERIFF OF JEFFERSON COUNTY	\$8,998.67
348	AR/207	US BANK	\$898.55
441	SF/073	VICTOR LUPIS	\$2,000.00
TOTAL			\$224,496.98

Mrs. Tabb motioned to approve the manual checks for June 21, 2024, in the amount of \$224,496.98. The motion was approved unanimously.

			26-Jun-24
			OTHER FUNDS
Check #	Fund	Vendor	Amount
605	CS/002	EASTERN PANHANDLE MENTAL HEALTH CENTER	\$1,400.00
340	DG/003	SHERIFF OF JEFFERSON COUNTY	\$29,545.77
350	MG/005	SHERIFF OF JEFFERSON COUNTY	\$28,391.32
919	HD/008	D-TRAX, LLC	\$248.00
1171	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC	\$7,912.80
1172	AV/056	MILLER'S SUPPLIES AT WORK	\$55.94
1173	AV/056	PRINT-O-STAT INC	\$190.00

223	VR/063	SECRETARY OF STATE OFFICE	\$461.20
349	AR/207	AT&T MOBILITY	\$768.81
350	AR/207	FRIENDSHIP VOLUNTEER FRIE COMPANY	\$1,800.00
157	IE/249	JOHN HOBDAY	\$106.00
163	IP/249	JOHN HOBDAY	\$1,006.00
125	IL/249	JOHN HOBDAY	\$565.00
2	IA/249	JOHN HOBDAY	\$47.00
136	IS/249	JOHN HOBDAY	\$1.00
TOTAL			\$72,498.84

Mrs. Tabb motioned to approve the manual checks for June 28, 2024, in the amount of \$72,498.84. The motion was approved unanimously.

**PUBLIC COMMENT:**

Public comment was received by:

Jacquelyn Milliron (see attached)

Denise Nick

Mary Gee

Christine Marshall

Doug Rockwell

Richard Zigler

Natalie Stone

Terris Seman

Deven Carpenters

Amanda Strout

Bob Aitcheson

Heidi Parker

Chrissy Wimer

David Tabb (see attached)

Colin Stine

John Doyle

Natalie Grantham Friend

Jack Hefestay

## PRESENTATIONS

1. Tom Hansen- Sheriff

### New deputy hire

Mr. Majdi motioned to approve the hire of C. Morris as an uncertified deputy beginning July 1, 2024, with a starting salary of \$53,550.00. The motion was seconded by Mr. Cook. The motion was approved unanimously.

### Court Security Grant Award

Mr. Majdi motioned to accept the award of \$31,000.00 from the Court Security Grant and authorize Mrs. Tabb sign the associated documents. The motion was seconded by Mr. Cook. The motion was approved unanimously.

2. Bessie Nelson- on behalf of Nikki Painter-Clerk's Office

### Approval of depository bonds for fiscal year 2024-2025

Mr. Upson motioned to approve the depository bonds for the fiscal year 2024-2025 as presented. The motion was seconded by Mr. Cook. The motion was approved unanimously.

3. Rebecca Hall- Prosecuting Attorney's Office Victim Assistant Program

### VOCA grant application 2024-2025 approval and signature

Mr. Majdi motioned to approve the VOCA grant application and to have Mrs. Tabb sign the 2024-2025 grant application. The motion was seconded by Mr. Cook. The motion was approved unanimously.

4. Interview and appointment to the Jefferson County Historic Landmarks Commission for a one three-year term ending March 30, 2027.

Mr. Cook motioned to appoint David Carroll to the Jefferson County Historic Landmarks Commission for a one three-year term ending March 30, 2027. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

5. Nancy Strine- City of Martinsburg, representing the Eastern Panhandle HOME Consortium as the HOME Administrator.

### Three year HOME Consortium Renewal for FY2024-FY2027

Mr. Majdi motioned to approve the Resolution for Jefferson County, WV, authorizing participation in the Eastern Panhandle HOME Consortium of West Virginia for the period of July 1, 2024 to June 30, 2027; and approve the Cooperative Agreement, Housing Consortium Cooperative Agreement by and between the City of Martinsburg and the County of Jefferson, West Virginia, for the period of July 1, 2024 - June 30, 2027. The motion was seconded by Mr. Cook. The motion was approved unanimously.

6. \*\*\*\*\*PUBLIC HEARING\*\*\*\*\*

Proposed amendment to Division 24.300 C and D of the Jefferson County Subdivision and Land Development Regulations related to holding public hearings for waiver applications (STA24-01)

**PUBLIC COMMENT:**

Public comment was received by:

Jacquelyn Milliron  
Christine Marshall  
Amanda Strout  
Chrissy Wimer  
Colin Stine  
Jack Hefestay

It was the consensus of the Commission to table this item until the next meeting for voting.

7. Gino Sisco - Jefferson County Health Department

Jefferson County Board of Health Environmental Health Fees for Permits and Services Rule

Mr. Cook motioned to approve the Jefferson County Board of Health Environmental Health fees for permits and services rule with the proposed fee increase. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

8. Becky Burns- office manager, Engineering, Planning and Zoning

Letter of credits securing construction bonds

Mrs. Tabb motioned to authorize staff to call any letter of credits that are due that have not been renewed by the close of business on Monday July 8, 2024. The motion was seconded by Mr. Cook. The motion was approved unanimously.

9. Becky Burns, office manager, Engineering, Planning and Zoning

Memorandum of Understanding (MOU) Tiny Treasures Daycare

Mr. Cook motioned to approve and execute the Memorandum of Understanding (MOU) for Christopher Hill, Owner/Operator of Tri-State Investment Properties, LLC who owns Tiny Treasures Daycare & Learning Center located at 248 Cherry Tree Drive, Charles Town, WV. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

10. Laura Kuhn, Fleet & Facilities Management

Air Conditioning installation-Jefferson County Emergency Services Agency Approval

Mrs. Tabb motioned to approve the \$14,000 purchase and installation of a mini-split AC units for the Jefferson County Emergency Services Agency building in the vehicle storage bay area. Funds to be allocated from the ARPA48 funds designated for this purpose. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

Jefferson County Facilities Presentation

Presentation only.

11. Christopher Callas, Esq. Wild Hill Solar and Alyssa Vogt, Project Developer

Presentation only.

12. Jessica James- assistant deputy county administrator

Approval of modification of job title – “Emergency Medical Dispatching Coordinator” to “Quality Assurance Coordinator” (FT) and “Quality Assurance Evaluator” (PT) – E911

Mrs. Tabb motioned to approve the change of job title from “EMD Coordinator” to “Quality Assurance Coordinator (for FT)” and “Quality Assurance Evaluator (for PT), for the department of Jefferson County Emergency Communications, as presented. The motion was seconded by Mr. Cook. The motion was approved unanimously.

Approval of employee status change – full-time to part-time – E911

Mrs. Tabb motioned to acknowledge the retirement of Public Safety Dispatcher, Staci Hovermale, after 18 years of service to Jefferson County and assign her to the role of part-time quality assurance evaluator, at a rate of \$24.61/hr. The motion was seconded by Mr. Cook. The motion was approved unanimously.

Approval of employee salary adjustment and employee promotion – ESA

Mr. Majdi motioned to approve the three-step increase for Colin Graham for years of service in accordance with ESA Administrative Policy 1192, from \$25.00/hr to \$26.44/hr, effective June 16, 2024, with Mr. Locke to receive a promotion to FF/P II, Step 3 at a rate of \$28.46/hr upon successful completion of the probationary period, as presented. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

Mr. Majdi motioned to approve the promotion of Matthew Locke from FF/AEMT II to FF/AEMT III, at a rate of \$22.36, effective June 16, 2024, as presented. The motion was seconded by Mr. Upton. The motion was approved unanimously.

Reclassification of Position and Approval to Advertise – Finance and Administration Manager – ESA

Mrs. Tabb motioned to approve the reclassification of the ESA office manager position to ESA finance and administration manager at a FY25 grade VI and allow staff to advertise the vacancy, as presented. The motion was seconded by Mr. Cook. The motion was approved unanimously.

13. Bessie Nelson- budget director

Internal budget revisions for FY24

Mr. Majdi motioned to approve the six internal budget revisions and one state budget revision as presented for approval. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

Revisit FY25 Budget Requests:

The budget requests below will all be funded from the contingency fund per the 6/27/2024 memo from Bessie Nelson, budget director, to the Commissioners

Approval of \$0.50 / hour COLA increase for all part-time County employees - \$45,000

Mr. Cook motioned to approve \$0.50 / hour COLA increase for all part-time County employees, effective July 1, 2024. The motion was seconded by Mr. Upton. The motion was approved unanimously.

Approval of \$10,000 for Parks and Recreation FY25 Fireworks

Mr. Cook motioned to approve \$10,000 for Jefferson County Parks and Recreation FY25 fireworks. The motion was seconded by Mr. Upton. The motion was approved unanimously.

Approval of \$10,000 for Parks and Recreation Scholarship.

Mr. Cook motioned to approve \$10,000 for the Jefferson County Parks and Recreation Scholarship. The motion was seconded by Mr. Upson. The motion was approved unanimously.

Approval of \$62,768 for Jefferson County Parks and Recreation personnel expenses

Mr. Cook motioned to approve an additional \$62,768 for Jefferson County Parks and Recreation personnel expenses. The motion was seconded by Mr. Upson. The motion was approved unanimously.

Approval of \$3,600 for the County Commission for the local Leadership Jefferson for 3 employees.

Mr. Cook motioned to approve an additional \$3,600 to be allocated to 401 training budget line for FY25 to pay for up to three employees county-wide to attend Leadership Jefferson. The motion was seconded by Mr. Upson. The motion was approved unanimously.

Approve \$6,000 for the County Commission for Advertising and Legal Publications

Mr. Cook motioned to approve \$6,000 for the County Commission for the advertising and legal publications line in the FY25 budget. The motion was seconded by Mr. Upson. The motion was approved unanimously.

14. Edwina Benites- Development Authority

Bylaws revision

No action taken.

Membership update

Mrs. Tabb motioned to amend the makeup of the Jefferson County Development Authority board to: The Jefferson County Development board will consist of 15 members, to be structured as follows:

- one representative from each municipality in Jefferson County: Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown,
- one county commissioner,
- one representative from the Board of Education,
- one business representative,
- one industry representative,
- one agribusiness representative,

- one labor representative, and
- 4 citizen representatives

The motion was seconded by Mr. Cook. The motion was approved unanimously.

Solicitation for board member vacancies and expirations

Mr. Majdi motioned to solicit for the following vacant or expiring terms on the Jefferson County Development Authority board:

- Harpers Ferry Representative for an unexpired term ending on April 5, 2025;
- Citizen Representative (business) for a term ending on April 5, 2025;
- Citizen Representative (labor) for a term ending on April 5, 2027;
- Citizen Representative (agribusiness) for a term ending on April 5, 2027;
- Two (2) Citizen Representatives (general) for terms ending on April 5, 2027.

The motion was seconded by Mr. Cook. The motion was approved unanimously.

15. Nathan Cochran-Assistant Prosecuting Attorney

a. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for county office and/or courthouse space.

b. Report by counsel on Magistrate Court space and related issues.

c. Review and discussion of Intergovernmental Agreement Between the Jefferson County Commission, the Jefferson County Sheriff’s Department and the Corporation of Bolivar for Public Safety Services and Intergovernmental Agreement Between the Jefferson County Commission, the Jefferson County Sheriff’s Department, and the Corporation of Bolivar for Tax Collection Services

d. Personnel issue

e. Review and discussion of annual renewal of the cooperative law enforcement agreement with Job Corps/Forest Service

Mr. Majdi moved to enter into executive session to discuss a personnel issue and receive legal advice and status updates on items 15d and County Administrator item-Permit#WV0116025 . The motion seconded was by Mr. Cook. The Commission approved the motion unanimously.

Mrs. Tabb moved to exit executive session and reconvene in regular session. The motion was seconded by Mr. Majdi. The Commission approved the motion unanimously.

COUNTY ADMINISTRATOR REPORTS

West Virginia Department of Environmental Protection Permit #WV0116025

Fire Services Study

No action taken.

Appointment Policy

Mr. Cook motioned to direct the county administrator to coordinate with legal staff and draft an appointment policy. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

ARPA

Mr. Cook motioned to notify the public of open solicitations for the remaining ARPA funds and allow applications to be submitted up until October 1, 2024. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

**Adjourn**

Having no further business, Mr. Cook motioned to adjourn the meeting. The motion was seconded by Mr. Majdi and unanimously approved. The Commission adjourned at 11:04 p.m.

\_\_\_\_\_  
Steve Stolipher, PRESIDENT

Respectfully submitted  
Jacki Shadle  
Jefferson County Clerk's Office

## Public Comment for Jefferson County Commission meeting for June 27, 2024

I, **David Tabb**, a lifelong resident/taxpayer make the following comments:

### **PUBLIC COMMENT –**

The agenda seems to be stacked with problems, that cost a LOT of money, that the county doesn't have. The impact fee was all but eliminated to subsidize the builders that paid for Stolipher's campaign.

The public knows why Stolipher is doing what he does. The question is why Jane Tabb has sold out the county with Stolipher. Could it be an additional solar project with a pilot agreement is on the way?

Just as a reminder, Jane Tabb did the first pilot program, in secret, with Rockwool years ago, where the public had no say.

In regard to the agenda:

**Agenda #11 – Wild Hill Solar, LLC., Pilot agreement.** The agreement is incomplete. The agreement only funds the "Fire/EMS Funding" program. So, how many fire stations and equipment does the county own? "None". That means the volunteer fire companies, once again, will subsidize the county on another county emergency service requirement. Keep in mind, no one has been trained to handle a solar or field fire in an emergency event.

"Open Meeting" portion, yes there were meetings with "no" support to approve such a pilot program. The only place this type of approval should be approved is with the Jefferson County voters!

Now that the Jefferson County Commission consists of more appointed county commissioners than elected; I believe this agenda item should be delayed until we have the proper elected officials in place instead of Stolipher's sidekicks. Remember, Mr. Cook has not met the 60-day requirement to be a Mountain Party member at the time of appointment.

That's right the state doesn't have a Judicial body that protects the taxpayers and or the victims of negligence, foul play and or fraud. The Judicial system only protects the fraudulent activities of the government.

The agenda has 319 pages with the County Administrator having 48 of those pages. Some of the topics are as follows: Commissioner Appointments, Hill Top House TIF, Letters of Support (Parks & Rec and Shepherdstown TAP), WVDEP permit #WV0116025, Fire Services Study (\$40,000), Appointment Policy and ARPA public review for remaining funds (the amount was not given). I encourage everyone to review page 279, seeking volunteers. I apply for three appointments: Boliver-Harpers Ferry PSDB, JCSWA and EPRPDC. Do you think I will get picked? Lol.

The other point of review is the impact fee status report. Collected \$159,503.00. The schools received - \$102.00. Law Enforcement - \$27,348.00. Parks and Rec - \$114,274.00. EMS - \$12,026.00. Admin Facilities Fee (our County Commission slush fund) - \$5,753.00. Did you notice that the local Volunteer Fire Companies got nothing but provide most of the services. Another point of interest is a letter of concern, dated June 6, 2024, with some 30 signatures of individuals/property owners and taxpayers over the submission for commercial and residential growth areas south of Shepherdstown. Do you really think that the current county commission will take this into consideration? NOT!

If you didn't already know, I am on the November ballot for the Charles Town Dist. County Commission seat. If the voting public would give me the opportunity to be the next Charles Town Dist. County Commissioner, I could challenge the Commission and the County Officials daily and or in person and not be limited to six minutes a month within the agenda's public comment portion.

So, lets make Stolipher and Jane Tabb's day by voting David Tabb as the next Charles Town District County Commissioner.

*"The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The Governor has ordered the Government to be "open for business" and not deprived the public of notice and comments that would violate ethic provisions.*

*It is hard to be safe, with the current County Commission.*

**Have a nice day!**

Dear members of the Jefferson County Commission,

I'm writing to encourage you to support the PILOT agreement proposed by the Wild Hill Solar Project. The project would bring fruitful use of our land, generate tax revenue for the county, and represent the preservation of private property rights.

The PILOT agreement, or 'payment in lieu of taxes' is the only realistic and responsible financial solution for a solar project to operate under the West Virginia property tax structure. The agreement would primarily consist of an initial substantial lump sum payment to the county, and then yearly installments throughout the project's lifecycle.

Since 1968, our family has owned and operated our farm that has produced food and other products, providing for the people of our region. However, in recent years we have moved into the next stage of our lives. In 2003, we sold our dairy herd because the market didn't support the investment that would be required to continue that endeavor. We went to Angus cattle and row crops as the mainstay of our farming operation. Currently, economics being as they are, the livestock portion of our operation will no longer support itself. We wish to keep our family tradition alive of using our land to benefit the people of our wonderful county and region. We have come together with our neighbors, the Hough and Rissler families, to conceptualize an area for the solar project comprised of sections of land owned by each family that is set back significantly and not reasonably visible from any road while silently generating revenue for the county. Driving down Route 340, there is a five second window that our farm is visible from the highway. I do not consider that a reasonable window of time to claim ruinous to the character of the vista, or viewshed, of our end of the county.

The Wild Hill Solar Project presents our proud American family with the opportunity to use our land to provide clean and efficient energy to the surrounding region, as well as garner tens of millions of dollars in property tax revenue from the solar company that would go directly to the Jefferson County government and Jefferson County Schools over almost four decades. This is a monumental opportunity for our county to use a minuscule percentage of its privately owned land to secure funds that could be used for increased quality of education, water and sanitary infrastructure, and other essential public services integral to a quality lifestyle that could entice the next generation to stay and raise families in Jefferson County.

As a proud conservative West Virginia family, an American freedom that we stand for is private property land-use. Swift approval of the Wild Hill Solar Project would be a representation of our reserved and upheld right to do with our land as we see fit in a responsible manner. We know that no one wants to see solar panels when they look out to the Jefferson County horizon, so we have worked with the project team to implement visual barriers to shroud the solar panels from view with trees, shrubbery, and other vegetation so no equipment could be seen even from close distances.

At least one other solar facility has requested a PILOT agreement, through the Development Authority. After talking to a representative from the Flowing Springs project, I am told they

too will be asking for a Pilot. It is not just one project requesting a financial concession on taxes.

The reason a PILOT is requested was best explained by WVPSC Chairwoman, Charolette Lane in her article in the June 12 edition of "The Spirit". It explains that any business, especially a utility, including solar generating facilities, have to make a profit. Without a PILOT, Wild Hill Solar, and possibly the other facilities wishing to be a part of our community, will not generate enough return on investment to continue development and installation. This would be a horrific tragedy because of the missed opportunity for significant, unencumbered, tax revenue. Unencumbered in that Wild Hill Solar will not cause more over crowding in our schools, add to the congestion on our roads, require Emergency Services, or require new water and sanitary infrastructure.

The alternative to solar facilities for our land would be residential housing. Almost eight hundred and fifty acres of new housing would require as many as five new schools, at \$33- \$44Million each. Wild Hill Solar will not be developed for housing for thirty to forty years.


The concern of using farmland is moot. Farmers retire and expire, just like any other individual. When they do, and there isn't anyone to farm the land, it ceases to be farmland. Our lease agreement requires the land to be left in a condition to promote agriculture. But in thirty-five to forty years, new technology may deem it best to renew as electrical generation, so there will be options at that time besides residential.

So, the county should consider the good that such a facility as Wild Hill Solar can provide, in tax revenue, funding for schools and infrastructure, as well as the positive environmental issues I have discussed several times before. I therefore implore that you approve the proposed PILOT by the Wild Hill Solar Project, which stands for economic benefits and property rights. It would set a new benchmark for sensible and responsible development in our area. It's a simple economic win for us all.

Sincerely,  
Richard Zigler

**RICHARD ZIGLER**  
1083 ROPER NORTH FORK RD.  
CHARLES TOWN, WV 25414

# Jefferson County Commission Meeting June 27, 2024 6:00 PM

—Public Comment prepared by Jacquelyn Milliron 

## 1. Jefferson County Planning Commission Bylaws:

Page numbers need to added.

A Revision date and number needs to be added for proper reference to help staff.

100% Virtual meetings called arbitrarily by the Planning Commission President is unacceptable and does not satisfy the intent of open meetings and transparency. The examples of reasons for 100% virtual meetings due to inclement weather does not hold up since many may be without power anyway. Postponement is the reasonable answer. The public sees this arbitrary 100% virtual meetings as yet another measure to disenfranchise the people from their government unnecessarily, after all, we are not under pandemic restrictions anymore. By the government's own admission, there are underserved areas in the county and this policy would remove those people from the opportunity to participate in their own government. Ironically, the same proposed bylaw change does not require posting of agendas and revisions to agendas electronically. Can't have it both ways and be fair. Committee meeting notices should be noticed with the same rules as regular and special meetings.

## 2. Permit Application Process and Procedures:

I am recommending that the planning department devise a boiler plate of application requirements. Companies and individuals have experienced different treatment and expensive delays based on what appears to be arbitrary labelling and information demands. The County needs to develop an online tool to reduce delay burdens to individuals and small businesses seeking permits. Applying for a permit should not be a crap shoot.

## 3. Wild Hill Solar PILOT:

The unnecessary use of PILOTs and other tax incentives for businesses is unacceptable. The negative impact of these corporate tax tools on our community is uncharted. This government tells us that public safety is paramount, yet you literally create public health underserved areas only to turn around and give sweetheart deals to multimillion dollar corporations. When our community fights back, the WV government egregiously legislates its will upon us. The stripes on our backs are getting noticeable especially when elected and appointed government officials ignore the public's great concern about New Comp Plan Goal 1 to "ensure that future land use regulations and policies support the development rights of residential and non-residential properties."

## 4. Freedom of Information Act Request Letter:

After waiting ample time for the County to provide the public with reports and documents that were rendered by various Planning Commission Committees and after the Open Meetings Advisory Opinion 2024-02 from the Ethics Commission, today under the Freedom of Information Act, I am submitting to you a request for that information. According to West Virginia, Jefferson County Checkbook, a private contractor was paid to perform work on a Draft Ordinance Rewrite. Furthermore, Budget sessions this year revealed to me that the Planning Commission Budget relies on allocations from the general budget set by the County Commission. All information that was derived by those established committees is subject to FOIA.

Data

Records

tr_id	vendor_name	po_no	invoice_no	check_nc	reference_1	reference_2
052	P.J. RACO CONSULTING LLC	2023018	2678	1804		
052	P.J. RACO CONSULTING LLC	2023018	2625PJR	1792		
052	P.J. RACO CONSULTING LLC	2023018	2625PJR	1792		
052	P.J. RACO CONSULTING LLC	2023018	2625PJR	1792		
052	P.J. RACO CONSULTING LLC	2023018	2625PJR	1792		
052	P.J. RACO CONSULTING LLC	2023018	2625PJR	1792		

Data

Records

budget_type	journal_comment	over_budget	auto_or_manua	transact_year	transact_j
1	WORK ON ILP ORD & SUBDIV...	N	M	2023	7
1	Planning & Zoning 2022 Ord...	N	M	2023	4
1	Planning & Zoning 2022 Ord...	N	M	2023	4
1	Planning & Zoning 2022 Ord...	N	M	2023	4
1	Planning & Zoning 2022 Ord...	N	M	2023	4
1	Planning & Zoning 2022 Ord...	N	M	2023	4

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

June 27, 2024

## Re: Freedom of Information Act Request

Dear Commissioners,

This is a request under the Freedom of Information Act.

I request that a copy of the following documents or documents containing related information be provided to me:

- 1. Reports, documents, emails, and correspondences pertaining to the Jefferson County Planning Commission's Budget Committee to/from Jefferson County Planning Department staff and public officials dated from January 1, 2019 to present.*
- 2. Reports, documents, emails, and correspondences pertaining to the Jefferson County Planning Commission's Solar Facilities Committee or Solar Farm Committee to/from the Jefferson County Planning Department staff and public officials dated from January 1, 2019 to present.*
- 3. Reports, documents, emails, and correspondences pertaining to the Jefferson County Planning Commission's Ordinance Rewrite Committee to/from the Jefferson County Planning Department dated from January 1, 2019 to present.*
- 4. A copy of the current **DRAFT Zoning Ordinance** that was compiled by staff, public officials, or with the assistance of contractors hired by the Jefferson County Commission derived within a committee of the Jefferson County Planning Commission.*

In order to help to determine my status to assess fees, you should know that I am an individual resident and taxpayer of Jefferson County seeking information for personal use in the interest of public transparency and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$50. If you estimate that the fees will exceed this limit, please inform me first.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

Thank you for your consideration of this request.

Sincerely,

Jacquelyn Milliron  
191 Frisky Ct  
Harpers Ferry, WV 25425  
Email: jjmilliron77@gmail.com

## Disqualification of Stolipher from PILOT Agreement vote-Wild Hill Solar

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From: Robert Aitcheson (bob.aitch46@gmail.com)

To: ncochran@jcpawv.org; stolipherjcc@gmail.com; ebenites@jeffersoncountywv.org; jcook@jeffersoncountywv.org; jtabb@jeffersoncountywv.org; kupson@jeffersoncountywv.org; pmajdi@jeffersoncountywv.org

Bcc: waitcheson@yahoo.com

Date: Thursday, June 27, 2024 at 03:11 PM EDT

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Commissioners:

As a citizen & resident of Jefferson County, I move that Commissioner Stolipher disqualify himself or be disqualified by the majority of the County Commission from any participation, discussion, consideration or vote on the above subject at tonite's meeting & at any other time, for the following reasons:

1) Stolipher is unlawfully sitting as Commissioner from the Kabletown Magisterial District in violation of the West Virginia Constitution, Article IX, Section 10, because per his sworn Certificate of Announcement for 2020 Elections he resided at 53 Star Sign Lane, Charles Town, resided there when he was seated (pursuant to election results) & upon information & belief, he presently resides there.

53 Star Sign Lane, Charles Town, is in the Charles Town Magisterial District as established by the Jefferson County Court effective January 1, 1882 & later confirmed by the County Court based upon the John Stroud Kusner (County Surveyor) Plat dated 10 February 1970 entitled "Official Map of Jefferson County West Virginia showing the Jurisdictional subdivision in current use".

Every document in the chain of title of the property whereon is located 53 Star Sign Lane describes the property as being in the Charles Town Magisterial District except for the relatively recent annexation into Charles Town Corporation. The annexation into Charles Town Corporation does not change its location for Magisterial District purposes, which District boundaries have not changed since originally adopted.

On his Application, Stolipher falsely swore that "...I am eligible and qualified to hold this office ...." He was not eligible when he signed the Application under oath, when he was elected & when he was seated as Commissioner. Not only is he disqualified from voting, etc on this issue, he is disqualified altogether from holding the office.

2) From the beginning of the continuing attempt to takeover this County by the solar scammers, Stolipher has been an advocate for these shysters. He has solicited farmers to participate & even to pay him money to "represent (?)" them in putting their land in these projects. He has been quoted in a local paper as acknowledging that he has received compensation related to these projects. His brother, Mark & his first cousin, Mike Chapman, presently are landowners in an application pending for a solar project near Rippon.

If you 3 unelected (appointed) Commissioners take your job seriously that you actually do represent the people of Jefferson County, the vast majority of whom don't want this intrusion into the County for the sole benefit of a select few & some data center in Northern Virginia, you will vote to grant this motion.

Robert D. Aitcheson

- I am here to speak out against a PILOT agreement and lease with Wild Hill Solar aka EDF Renewables, a 1.8 billion Euro company. We have it ass backward when it comes to PILOT agreements. They should not be for companies like Rockwool and EDF but for businesses similar to Devil's Due Distillery and Shenandoah Planning who just need a bit of assistance their first couple of years. And a hard no on a 39 year long PILOT agreement.
- Am happy to see that ya'll have found the money to restore funding for the fireworks and P&R scholarships among other things so please approve Ms. Nelson's FY25 Budget Revision.
- Regarding the County Administrator's report:
  - Appointment Policy – from an applicant point of view please clarify if interested parties need to fill out an application. I believe in the last round we were asked to submit a letter and/or resume. However, I noticed the candidate for the Historic Landmark Commission filled out an application.
  - ARPA – During the last 9ish months I have been confused about county funded ARPA requests as the submission portal I believe closed in 2022. Happy but confused as didn't know if the first couple were one offs and how much was left. Ended up telling local organizations to just submit a request. And happily it worked out.
    - Regarding how much is left, the agenda packet says around \$30,000. Is this before or after the \$14,000 ARPA request for an ac system in the storage bay at ESA's headquarters?
    - For ARPA 2.0 y'all don't need to reinvent the wheel, just dust off the old website pages, update some dates and make sure you are clear on how big the pot is. And I'll be standing by telling organizations to apply.

## Comprehensive Plan 2024

Tuesday night's Planning Commission Special Meeting was intended to review part 1 of the Comprehensive Plan draft. The meeting was at 6:00pm, but the copy of the draft only became public and to commissioners at approximately 5:50 pm. The intent of the meeting was to review the document for completeness. More importantly much of the text was MISSING! Text regarding land use and development. If I recall correctly, the reason for the missing text had to do with formatting and not that it didn't exist. At the end of the meeting the planner, set the next meeting for review of part 2 of the Comprehensive Plan on July 9th at 6:00 pm. I inquired, at that time, about the missing text and asked if it would be updated on the website, to which the planner replied that it would be available at the next meeting, an hour before the regular meeting.

Can the Planning Commission review both Part 1 & 2 in one hour? Would it be reasonable to add another meeting so that the Planning Commission can fully understand the document before them and before they vote to finalize the draft Comprehensive Plan?

Would you vote for something you have not read? Would you approve and enact a legal document without reading?

Will the Jefferson County Commission please read the proposed Comprehensive Plan in advance of any meeting where you are voting on approval.

Please give the public adequate time to read and comment on the proposed Comprehensive Plan.

Please take the time, as much time as you need, to read and consider public comments before voting on such an important document. Please be careful that you are not rushed into poor planning.

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PILOT agreements

Please do not approve PILOT agreements for utility scale solar. Those tax dollars are very much needed by Jefferson County. Maybe some of those tax dollars could be used to develop better stormwater management structures throughout the county, which are apparently much needed.

Christine Marshall

June 27, 2024

Mary Gee  
Resident of Charles Town, WV

Dear Jefferson County Commissioners,

I ask that you vote "NO" on the Wild Hill Solar payment in lieu of taxes or PILOT agreement.

Our community is still upset about the Blake solar facility, whose developer, OPD Energy, is from Spain and purchased the Kabletown Rd property with its company Horus West Virginia LLC. Horus is not local, it was incorporated in Delaware and has offices in Florida. OPD Energy employs foreign subsidiaries and out-of-state companies as contractors. It sells energy to Ohio company AEP Energy Partners under a 15 year power purchase agreement contract. AEP sells that energy to Virginia data centers.

This seems to be a trend. Wild Hill LLC was also incorporated in Delaware and has offices in San Diego, California. It's owned by EDF Renewables - a subsidiary of French utility company EDF Group. None of these companies are local, let alone American.

They don't care about Jefferson County. Blake solar already has environmental violations per WV DEP. Its runoff has polluted Evitts Run trout stream and the Shenandoah River. Wild Hill solar with its 841 acres could be a bigger mess?

When it is time to decommission solar panels do they have a detailed plan? Decommissioning and soil mitigation is expensive because the soil has to be brought back to its original state. This involves removing equipment and contaminated soil, tilling, grading, reseeding, and waiting years for the land to recover. Are we prepared for that?

These solar companies affect my land rights because they encourage transmission line companies to expand their lines. Right now I am fighting PJM expanding its MARL line aka PATH 2.0, which is also for Virginia data centers. This requires a 150-200 feet new right of way easement and in that easement there will be no wells, septic, houses, barns or mobile home trailers. While landowners pay full taxes on land we can't use. I have this in my backyard. By encouraging utility scale solar you are also encouraging the energy company and the federal government to exercise eminent domain and trample my land rights. Please do not encourage more utility scale solar. Support Jefferson County, we're your constituents and your neighbors.

Thank you.



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

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

PRESIDENT  
*Steve Stolipher*

VICE PRESIDENT  
*Jane Tabb*

COMMISSIONER  
*James Cook*

COMMISSIONER  
*Pasha Majdi*

COMMISSIONER  
*Kelvin Upson*

To: Commissioner Steve Stolipher  
Commissioner Jane Tabb  
Commissioner James Cook  
Commissioner Pasha Majdi  
Commissioner Kelvin Upson

From: Bessie Nelson

Date: June 27, 2024

Re: Fiscal Note: Install Air Conditioning @ Emergency Services FY25

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Laura Kuhn, Director of Fleet & Facilities is requesting approval to purchase and install air conditioning at the JCESA building. The recommendation is to install 3 wall-mounted mini split units to maintain a temperature between 68-77 degrees per the WV Board of Pharmacy requirements.

I recommend using ARPA funding for this \$14,000 expense.



# JEFFERSON COUNTY COMMISSION

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To: Commissioner Steve Stolipher  
Commissioner Jane Tabb  
Commissioner James Cook  
Commissioner Pasha Majdi  
Commissioner Kelvin Upson

From: Bessie Nelson

Date: June 27, 2024

Re: Fiscal Note: Assistant Deputy Administrator - Personnel

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Jessica James, Assistant Deputy Administrator requests the following personnel requests:

## Emergency Services

### 1. Pay Adjustments for:

Colin Graham, FF/Paramedic I	\$26.44/hour	\$57,745.00
- Amount budgeted for this position in FY 24:		\$54,600.00
- Amount budgeted for this position in FY 25:		\$57,330.00
-		

### 2. Promotion for:

Matthew Lock to FF/Paramedic III	\$22.36/hour	\$48,834.00
- Amount budgeted for this position in FY 24:		\$47,633.00
- Amount budgeted for this position in FY 25:		\$50,015.00

### 3. Reclassification of Office Manager to Finance and Administration Manager

Change from a Grade 5 to Grade 6 with Salary Range \$57,504 to \$92,006 based on knowledge and experience (see attached job description)

-Amount budgeted for Office Manager in FY 24:	\$48,776.00
-Amount budgeted for Office Manager in FY 25:	\$51,215.00

-Funding for new position would be covered by the Ambulance Fee Fund

- Permission to advertise for Finance and Administration Manager



# Department of Fleet & Facilities Management

**County Office Building Challenges and Space Needs**

## **Challenges:**

- **Public Access**
- **Insufficient Space**
- **Inefficient Utilities**
- **Maintenance & Repair Needs**
- **Building Churn**

## **Cost Projections:**

- **Utilities**
- **Operating Expenses**
- **Major Building Repairs**
- **Ten Year Outlook**

## **COUNTY FACILITIES**

### **Charles Town Campus:**

**Hunter House**

**Mason Building**

**Smoot Buildings**

**Reininger/Moffett Buildings**

**Historic Courthouse**

**St. Margaret's Judicial Building**

**Old Maintenance Building**

**Old Jail Annex**

**Gray Building**

### **Bardane Campus & Outlying Facilities:**

**Public Services Center**

**911 Emergency Communications**

**Sheriff's Department**

**Fleet & Facilities Management**

**Animal Control**

**Emergency Services Agency**

**Community Center**

**Blue Ridge Substation**

## **COUNTY FACILITIES**

### **Charles Town Campus:**

**Hunter House**

**Mason Building**

**Smoot Buildings**

**Reininger/Moffett Buildings**

**Historic Courthouse**

**St. Margaret's Judicial  
Building**

### **Bardane Campus & Outlying Facilities:**

**Public Services Center**

# St. Margaret's Judicial Building



- 28,684 Square Feet
- Departments
  - Magistrate Court
  - Court Security
  - Home Confinement
  - Tax Office



## **Public Services Center**

- 18,961 Square Feet
- Departments
  - Health Department
  - Development Authority
  - Farmland Protection
  - WV Extension Office
  - WV Lab Office/Environmental

# Hunter House



- 5,825 Square Feet
- Departments
  - County Commission  
Administrative Offices
  - Attorneys

# Mason Building



- 13,272 Square Feet
- Departments Housed
  - Engineering, Planning & Zoning
  - GIS
  - Information Technology
  - Mailroom

# Reininger/Moffet Buildings



- 12,926 Square Feet
- Departments Housed
  - Assessor/Mapping
  - Probation



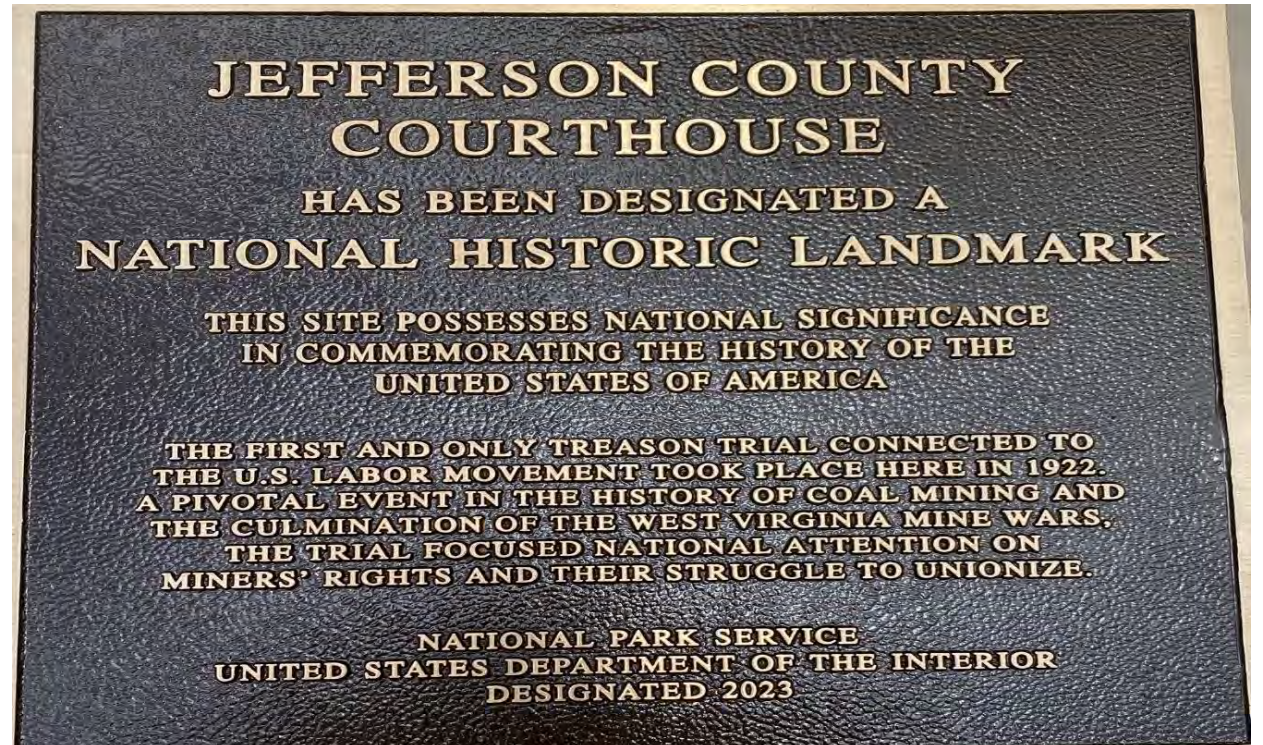
## **Smoot Building 100 East Washington Street**

- **934 Square Feet**
- **Building is currently vacant and was deemed unsafe by the WV State Fire Marshal.**



# Historic Courthouse

- 17,850 Square Feet
- Departments
  - County Clerk
  - Circuit Court and Judges Chambers



## **Public Access:**

The presence of multiple entry points into county government and court buildings creates confusion, accessibility barriers, safety concerns, and inefficiencies in service delivery. Streamlining entry points and improving accessibility are essential steps to enhance the public's experience and ensure equitable access to government services.

1. Navigational Challenges
2. Accessibility Barriers
3. Inefficient Service Delivery
4. Health Services

## Public Access – Health Services

Jefferson County Health Department

**No public transportation!**



## Insufficient Space:

- County Growth
- Court System Expansion
- Storage

# Inefficient Utilities:

- County's existing buildings are outdated and inefficient in utility usage.
- Utilities costs exceed industry benchmark standards.
- Industry benchmark: \$2.15 per square foot per year for commercial office buildings.
- County buildings cost: \$3.00 per square foot per year for 70,000 square feet.
- County spends approximately \$60,000 more per year on utilities than industry benchmarks.

## **Maintenance and Repair Needs:**

- **Windows**
- **Roofs**
- **HVAC**

## Facility Management – Building Churn:

In the context of facility management, "churn" refers to the frequent and ongoing changes in the physical arrangement or allocation of workspace, including moves, additions, and changes. This can involve relocating employees, adding new workstations, or reconfiguring office layouts to accommodate new needs. The County's facility staff are constantly rearranging offices and furniture, doing minor renovations by adding and removing walls and reconfiguring space.

## Facility Management – Building Churn:

Problems caused by churn:

- HVAC becomes unbalanced by constant renovations causing hot/cold spots
- Heating and Cooling is inefficient and adds to costly utilities
- Networking/electrical cabling has to be constantly reconfigured
- County facility staff are frequently redirected to address this churn causing delays in other tasks and projects.
- Constant churn is disruptive leading to operational downtime, unstable work environments, decreased productivity, poor space management and cost inefficiencies.

## **Cost Projections:**

### **Utilities**

The current utilities costs for the approximate 70,000 square feet of buildings specified in this report are approximately \$210,000 for one year. This includes electricity, water, sewer, and heating fuel oil.

# Cost Projections:

## Utilities

The breakdown of these cost estimates over the next 10 years, calculating in a 2% estimated inflation rate is as follows:

Current Year	\$210,000
Year 1	\$214,200
Year 2	\$218,484
Year 3	\$222,854
Year 4	\$227,311
Year 5	\$231,857
Year 6	\$236,494
Year 7	\$241,048
Year 8	\$246,048
Year 9	\$250,969
Year 10	\$255,989
<b>10 YEAR ESTIMATED UTILITY COST TOTAL</b>	<b>\$2,092,226</b>

## **Cost Projections:**

### **Other Operating Expenses**

Includes maintenance & repairs, contracted services, materials & supplies, etc.

# Cost Projections:

## Other Operating Expenses

The breakdown of these cost estimates over the next 10 years, calculating in a 2% estimated inflation rate is as follows:

<b>Current Year</b>	<b>\$290,000</b>
<b>Year 1</b>	\$296,800
<b>Year 2</b>	\$303,736
<b>Year 3</b>	\$310,810
<b>Year 4</b>	\$318,025
<b>Year 5</b>	\$325,381
<b>Year 6</b>	\$332,881
<b>Year 7</b>	\$340,526
<b>Year 8</b>	\$348,317
<b>Year 9</b>	\$356,255
<b>Year 10</b>	\$364,341
<b>10 YEAR ESTIMATED TOTAL OPERATING COST</b>	<b>\$3,587,072</b>

## **Cost Projections:**

### **Major Building Repairs**

The estimated cost for major building repairs over the next 5-10 years is \$1,000,000. This estimate covers windows, roofs, HVAC systems, and other structural elements. Additionally, ongoing building use and changes are expected to increase these repair costs.

## **Cost Projections:**

### **Ten Year Outlook**

The operating, utility and repair costs in ten years for these buildings, totaling approximately 70,000 square feet, is estimated to be approximately \$6.68 million.

According to industry benchmarks, operating costs and utilities average around \$7 per square foot for a commercial office building. This projects that the County will spend approximately \$1.5 million more in the next 10 years than industry benchmarks.

?????

QUESTIONS

?????

Wild Hill Solar

Payment in Lieu of Tax Proposal  
Jefferson County, WV

# Project: Wild Hill Solar

**System Type:** Passive, photovoltaic solar project

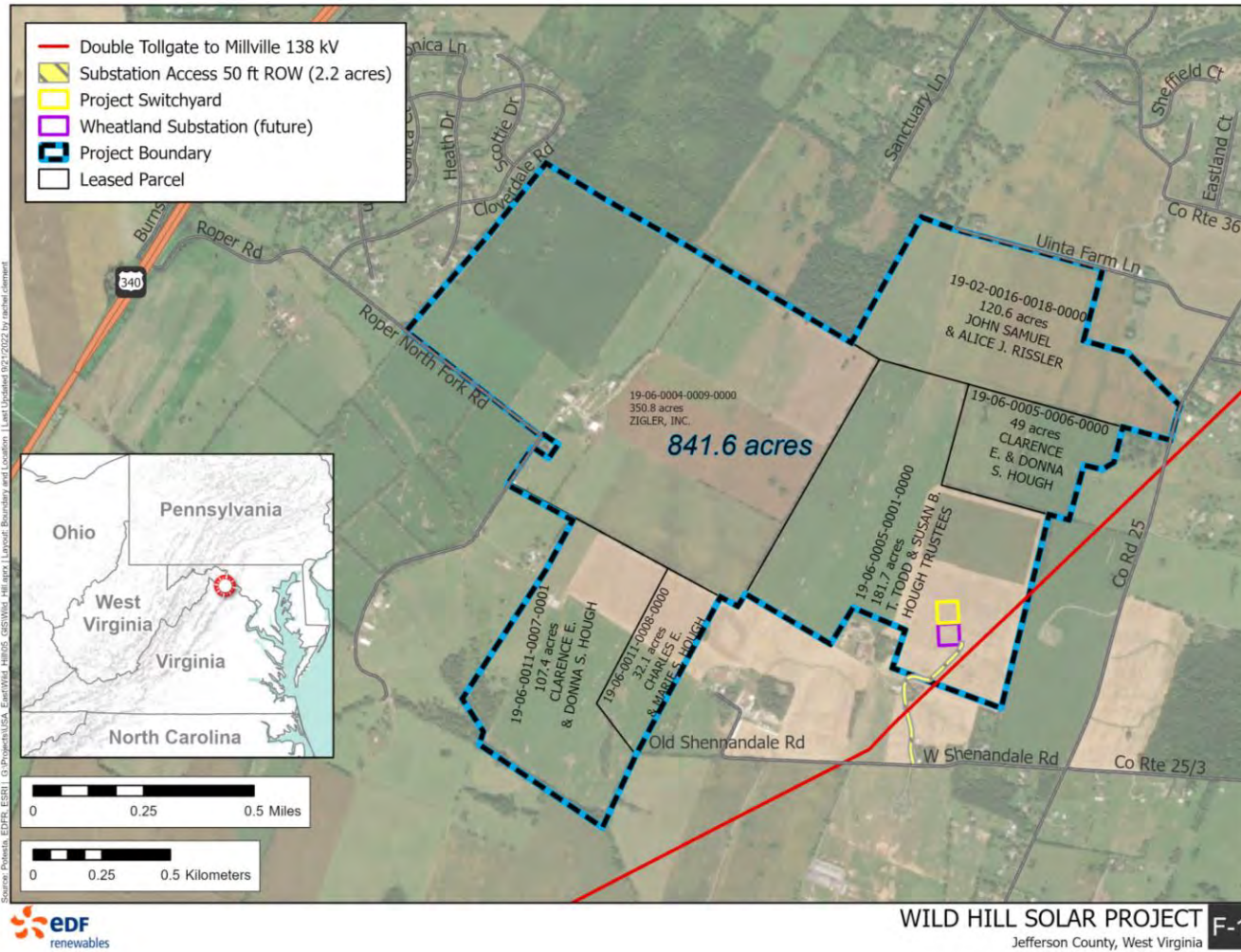
**System Capacity:** 92.5 Megawatts

**Location:** Charles Town

**Project Size:** 841 acres

**Anticipated Construction Start:** Est. 2025

**Anticipated Project Operation:** 39yrs



# What's Been Done

- **Land Acquisition**
- **Permits**
  - State: February 2021
  - Local: October 2022
- **Interconnection Agreement**
  - May 2021
- **Community Investment**
  - Wild Hill Solar has contributed over \$25,000 to numerous community organizations since 2019 including:
    - Boys & Girls Club of the Eastern Panhandle
    - Citizens Fire Company
    - Jefferson County Community Ministries
    - Jefferson County Fair Association
    - Jefferson County 4-H



# What's Next

- **PILOT Decision**
  - Anticipated July 2024
- **Construction**
  - Anticipated Fall 2025
- **Commercial Operations**
  - Anticipated Fall 2026
- **Continued Community Investment**
  - Long standing partnerships for the next 40 years



# Economic Development

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- The Project represents an investment of \$125M in construction costs in Jefferson County
- Wild Hill Solar is projected to generate \$134M in direct, indirect, and induced economic benefits in the Jefferson County area.
- Wild Hill Solar will:
  - Use local labor, creating hundreds of jobs during construction
  - Create full-time jobs once operational
  - Minimal impact on public services
  - Not require new utilities to be built or maintained.

# Alternate Tax Opportunity

- A Payment In Lieu of Taxes (“PILOT”) is a fiscal policy tool often used to replace tax revenue on otherwise tax-exempt properties and to encourage economic investment and prosperity in local communities.
- Under a PILOT arrangement, the private entity agrees to make annual payments to the tax levying bodies in lieu of the property taxes that would otherwise have to be paid on the facility.
- In the case of Wild Hill, the operational costs are competitive except for the annual tax liability. **This project is not economically feasible without a PILOT.**
- **Real Property tax revenues will not be impacted by a PILOT arrangement.** The underlying land remains zoned agricultural, assessed and taxed accordingly. Should real property tax liability increase for participating landowner(s) as a direct result of the project installation, Wild Hill reimburses landowners for the increased tax liability.

# PILOT Proposal

Wild Hill Solar is seeking a PILOT arrangement under WV Code §8-19-4 that provides both Jefferson County and Jefferson County Schools alternate revenue streams, in lieu of ad valorem property tax revenue. These revenues can be used to help fund existing or new initiatives of Jefferson County and Jefferson County Schools without raising costs for local citizens. Wild Hill Solar has prepared a PILOT agreement and adopting resolution for the County Commission to consider.

- ❖ Total: **\$28,806,596**
- ❖ PILOT Agreement: 39 years: \$12,956,596 in total payments
- ❖ Lease Agreement: 39 years: \$15,600,000.00 in total payments

Entity	Annual PILOT*	Capital Contribution	Lease
Jefferson County	\$46,000/yr esc. @2.5% per annum	-	\$400,000/yr., no esc.
Jefferson County Schools	\$154,000/yr esc. @2.5% per annum	\$250,000 (one-time)	

\*Total PILOT Agreement revenue = \$200,000/yr escalating at 2.5% annum. Per state statute, annual PILOT revenues are disbursed by the county in the same manner as real property tax revenues. Based on present school levy and bonding, Wild Hill estimates that approximately 77% of the annual PILOT will be directed to Jefferson County Schools.



# Comparative View - Year 1 Tax Revenue

## 2023 Tax Revenue

Parcel	Real Property Taxes 2023
Parcel One (350.8ac)	\$4161.46
Parcel Two (107.4ac)	\$411.12
Parcel Three (32.1ac)	\$3637.22
Parcel Four (181.7ac)	\$1672.90
Parcel Five (49ac)	\$160.29
Parcel Six (120.6)	\$3333.04
<b>TOTAL</b>	<b>\$13,367.03</b>

## Year 1 Proposed Revenue from Wild Hill Solar

Revenue	Amount
PILOT	\$200,000
Lease	\$400,000
One-Time contribution to JCBOE	\$250,000
Real Property Taxes	~\$14,395 <sup>1</sup>
<b>TOTAL</b>	<b>\$864,395</b>

1. Assumed 2.5% escalation starting in year 2023. Real property tax revenue reflects estimate for 2026, the assumed operations year of the project.

# Comparative View - Project Life Span Revenue

## 39-Year Proposed Current Use Tax Revenue

Real Property Taxes	Amount
<b>TOTAL</b>	<b>\$970,248<sup>1</sup></b>

## 39-Year Proposed Revenue from Wild Hill Solar

Revenue	Amount
PILOT	\$12,956,596 <sup>2</sup>
Lease	\$15,600,000
One-Time contribution to JCBOE	\$250,000
Real Property Taxes	~\$970,248
<b>TOTAL</b>	<b>\$29,776,844</b>

This is a difference of **\$28,806,596** in potential revenue to Jefferson County.

1. Assumed 2.5% escalation starting in year 2023. Real property tax revenue from 2026-2065. 2026 is the assumed operations year.

2. The \$200,000 PILOT payment escalates at 2.5% per year.

# Understanding WV Code §8-19-4

## Adoption

- Under the proposed arrangement Jefferson County would approve a project purchase & lease back structure that exempts the project from both ad valorem and state B&O tax liability.
- In lieu of ad valorem tax revenues, a PILOT Agreement would be adopted establishing a new revenue stream.
- Per statute, the County Commission and Board of Education must approve and adopt a PILOT Agreement for it to be effective
- Per statute, all annual payments under a PILOT Agreement must be dispersed in the same way as standard property taxes

## Conveyance

- At Project COD declaration, Jefferson County assumes leasehold ownership of the Project site and a conveyance of the equipment comprising the Project.
- Upon conveyance, the subject PILOT Agreement becomes effective.

## Leaseback

- Subsequent to leasehold transfer of the subject property, the property is leased back to the applicant to operate & maintain
- Lease revenues do not need to be dispersed in the same manner as ad valorem property tax
- Lessor (county) is indemnified against any liability related to the operation of the Project

# Thank You!

**Contact:**

**Alyssa Vogt**

Project Developer

Phone: 612.219.3295

Email: [alyssa.vogt@edf-re.com](mailto:alyssa.vogt@edf-re.com)



# REQUISITIONS TO BE APPROVED

July 11, 2024

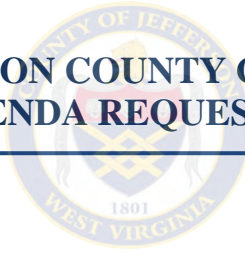
DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
IT/GIS	24080	\$ 12,834.72	Adobe	Adobe Pro and Photoshop
<b>GRAND TOTAL</b>		<b>\$ 12,834.72</b>		



DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$652,929.46		\$652,929.46
6.2% Tax Payable OASDI	\$39,086.54		\$39,086.54
1.45% Tax Payable HI	\$9,141.23		\$9,141.23
Fed Withholding	\$56,288.67		\$56,288.67
PA State Tax	\$0.00		\$0.00
WV State Withholding	\$21,889.26		\$21,889.26
VA State Tax	\$859.32		\$859.32
MD State Tax	\$1,452.75		\$1,452.75
PERS I Retirement Deduct 4.5%	\$8,691.70		\$8,691.70
PERS II Retirement Deduct 6%	\$8,552.79		\$8,552.79
DSRS Retirement Deduct 8.5%	\$9,375.43		\$9,375.43
EMS Retirement Deduct 8.5%	\$14,866.78		\$14,866.78
Hosp. Pre-Taxed	\$19,969.28		\$19,969.28
D/VF	\$2,231.37		\$2,231.37
AFLAC Pre-Taxed	\$299.37		\$299.37
AFLAC Post-Taxed	\$758.88		\$758.88
Optional Life Post-Taxed	\$1,474.30		\$1,474.30
Wage Attach #1 WV Child	\$985.39		\$985.39
Wage Attach #2 PA Child	\$320.00		\$320.00
Wage Attach #3 GARN	\$628.54		\$628.54
Wage Attach #4 TIONG	\$166.49		\$166.49
457 - Nationwide	\$1,065.00		\$1,065.00
457I - Empower	\$5,367.86		\$5,367.86
457R - Roth	\$2,335.80		\$2,335.80
Christmas Club	\$3,885.00		\$3,885.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
LF Over 50	\$402.00		
Total Deductions	\$210,141.59	\$0.00	\$209,739.59
Net Wages Total	\$442,787.87	\$0.00	\$443,189.87
Payroll Date	<b>July 5, 2024</b>		



**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**



Name:

Department or Organization:

Commission Meeting Date:

Special Meeting Date (if necessary):

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

Please provide a description of your request or presentation, including any background information:

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (*type out wording of the motion 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      Internet/Wi Fi:      Conference/Video      No

Contact Information:

Phone Number:

Email Address:



**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

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Additional Comments Page:

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

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Name: Tom Hansen

Department or Organization: Sheriff and Treasurer

Commission Meeting Date: Next Available

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Job Corps Cooperative Law Enforcement Agreement Renewal

Please provide a description of your request or presentation, including any background information:

The renewal of the agreement for the relationship the Sheriff's Office has with Harpers Ferry Job Corp regarding crimes that occur at the facility and how and when we respond is before us. It has been provided to legal for review.

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

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

I move to approve the cooperative law enforcement agreement between the Sheriff's Office, USDA, Forest Service and Harpers Ferry Job Corps and authorize the president to affix his signature.

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

If not attached, explain:

Is equipment needed?     Projector     Internet/Wi Fi:     Conference/Video     No

Contact Information:

Phone Number: 304-728-3205

Email Address:

dlowe@jeffersoncountywv.org



FS Agreement No. \_\_\_\_\_

Cooperator Agreement No. \_\_\_\_\_

**COOPERATIVE LAW ENFORCEMENT AGREEMENT**  
**Between The**  
**JEFFERSON COUNTY SHERIFF'S DEPARTMENT**  
**And The**  
**USDA, FOREST SERVICE**  
**REGION NINE LAW ENFORCEMENT AND INVESTIGATION**  
**And**  
**HARPERS FERRY JOB CORPS CIVILIAN CONSERVATION CENTER**

This COOPERATIVE LAW ENFORCEMENT AGREEMENT ('Agreement') is entered into by and between the Jefferson County Sheriff's Department, hereinafter referred to as "the County," the USDA, Forest Service, Region Nine Law Enforcement and Investigation, hereinafter referred to as the "U.S. Forest Service LEI" and the USDA, Forest Service, Harpers Ferry Job Corps Civilian Conservation Center, hereinafter referred to as the "Harpers Ferry JCCCC" or "Center" under the provisions of the Cooperative Law Enforcement Act of August 10, 1971, Pub. L. 92-82, 16 U.S.C. 551a and Subtitle C of the Workforce Investment Act of 1998 (WIA), Job Training Partnership Act, Title IV, 29 CFR 638.540 29 USC 1698 and the Policy Requirements Handbook (PRH-3:2.12).

Background: The U.S. Forest Service recognizes that criminal activity that may occur at Harpers Ferry JCCCC falls under the jurisdiction of the County under State and local laws. The U.S. Forest Service Law Enforcement Officer (LEO) will assist the County in the enforcement of these laws as needed. Cooperation between the three parties will provide and enhance the safety of the students and Center staff at the Harpers Ferry JCCCC.

Title: LAW ENFORCEMENT COOPERATION WITH JEFFERSON COUNTY SHERIFF'S OFFICE

**I. PURPOSE:**

The purpose of this agreement is to document a cooperative effort between the parties to enhance State and local law enforcement in connection with activities on Harpers Ferry JCCCC lands.

**II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

The Mission of the U.S. Forest Service Job Corps Civilian Conservation Centers is to train eligible youth in the educational, social and vocational skills; while assisting the conservation of the Nation's natural resources and contributing value to our communities.

This partnership is in line with the Agency's mission and Department of Labor – Office of Job Corps guidance. This partnership will also assist the County in its efforts to take a proactive approach to law enforcement by exposing and educating youth to positive law



enforcement activities. Now therefore, the parties hereby mutually agree that it is desirable to cooperate in better utilizing the resources of agencies, while providing for more adequate protection of persons and property.

In consideration of the above premises, the parties agree as follows:

### III. THE COUNTY SHALL:

- A. Ensure that the officers/agents of the County performing law enforcement activities under this agreement meet the same standards of training required of the officers/agents in their jurisdiction, or the State Peace Officers Standards of Training where they exist.
- B. Advise the U.S. Forest Service Principal Contacts, listed in Provision VI-D, of any suspected criminal activities in connection with activities on Harpers Ferry JCCCC lands and facilities.
- C. Refer students under the age of 18 years old (juveniles) involved in criminal activity to the State Juvenile Justice System when deemed appropriate.
- D. Apprehend and transport persons charged to a detention facility when warranted.
- E. Release students to the Harpers Ferry JCCCC principal contact or other Harpers Ferry JCCCC staff as needed.
- F. Provide the U.S. Forest Service LEI contact, listed in Provision VI-D, with case reports and timely information relating to incidents/crimes in connection with activities on Harpers Ferry JCCCC lands and facilities.
- G. Give the U.S. Forest Service or Comptroller General, through any authorized representative, access to and the right to examine all records related to this agreement. As used in this provision, "records" include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.
- H. Comply with all Federal statutes relating to nondiscrimination and all applicable requirements of all other Federal laws, Executive Orders, regulations, and policies. These include, but are not limited to Sections 119 and 504 of the Rehabilitation Act of 1973 as amended, which prohibits discrimination on the basis of race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, participation in any public assistance program, or disability.
- I. Provide assistance to U.S. Forest Service LEI personnel when requested.
- J. Provide K-9 units to periodically conduct searches at the Harpers Ferry JCCCC. If training opportunities are necessary, then the County will work with both the Harpers Ferry JCCCC and the U.S. Forest Service LEI contacts listed in Provision IV-B for



scheduling and required parameters for training sessions separate from requested contraband item searches.

- K. Routinely patrol the Harpers Ferry JCCCC or make other efforts for a visible presence at the Center.
- L. Coordinate with the U.S. Forest Service LEI, the Center Staff and other local groups to stage an active shooter drill to be practiced at the Center at least once yearly.
- M. Check licensing and registration sites to verify that weapons, which were confiscated at Harpers Ferry Job Corps Center, are registered and licensed.
- N. Take possession of illegal materials and objects (e.g. drugs, drug paraphernalia, weapons, explosives) confiscated by Center staff. Custody of said materials and objects will be formally transferred from Center staff to GCSO staff through written (and photographic when needed) documentation.

**IV. THE U.S. FOREST SERVICE LAW ENFORCEMENT INVESTIGATIONS SHALL:  
(when on scene/center)**

- A. Advise the Principal Contacts, listed in Provision VI-D, of any suspected criminal activities in connection with activities on Harpers Ferry JCCCC lands and facilities.
- B. Report sexual assaults immediately to the Sheriff's Department. Then a notification to Forest Service Law Enforcement Investigators. Report other significant criminal incidents to law enforcement authorities as required by state and local law.
- C. Secure and maintain chain of custody of any illegal drugs, drug paraphernalia, contraband, may assist in taking custody of dangerous weapons, or any other evidence of a crime until the County responds and takes custody.
- D. Cooperate with the County as requested.
- E. Investigate any damage or theft to government property.
- F. Investigate any threats or assaults against Federal Employees (Center Staff).
- G. U.S. Forest Service LEI personnel may assist Harpers Ferry JCCCC Management in maintaining the Zero Tolerance Policy, and other prohibited activities for the safety and security of students and staff by conducting general inspections according to policy (PRH: 5.4-2, R6). This may include maintaining secure custody of any dangerous weapon owned by a student that is not part of a criminal activity but has been confiscated by the Harpers Ferry JCCCC Management.



- H. Coordinate with the Principal Contacts, listed in Provision VI-D, and other local groups to stage an active shooter drill to be practiced at the Center at least once yearly.
- I. Release students who are arrested and released on an Own Recognizance Bond to the Harpers Ferry JCCCC principal contact or other Harpers Ferry JCCCC staff as needed. Students will not be physically returned to the Harpers Ferry JCCCC facility however, U.S. Forest Service LEI personnel will notify the Harpers Ferry JCCCC Principal or staff of the student's release in order to have the student transported to his/her home of record.
- J. Attempt to, within regulations and policy guidelines, transfer Center staff or students suspected of crimes to Jefferson County Sherrifs department custody; obtain and maintain evidence; and preserve potential crime scenes.

**V. THE U.S. FOREST SERVICE JOB CORPS CIVILIAN CONSERVATION CENTER SHALL:**

- A. Advise immediately the Principal Contacts, listed in Provision VI-D, of any suspected criminal activities in connection with activities on Harpers Ferry JCCCC lands and facilities.
- B. Discipline any students for fighting according to the DOL Job Corps Policy and Requirements Handbook, and notify the County if a student wishes to file charges.
- C. Discipline any minor student under the influence or in possession of alcohol or tobacco products according to the Job Corps Policy and Requirement Handbook.
- D. As the Harpers Ferry JCCCC has a zero-tolerance policy for dangerous weapons, if such weapons have not been involved in a crime, the Harpers Ferry JCCCC will secure and maintain chain of custody of any dangerous weapons until the student's designated person can take custody and remove the weapon from the facility and grounds. If the Harpers Ferry JCCCC is unable to provide a secure location, they may ask that the U.S. Forest Service LEI maintain custody until able to release to the appropriate individual.
- E. Cooperate with the County and/or the U.S. Forest Service LEI as requested.
- F. Make available any known student or staff member for interviewing as policy and the laws allow.
- G. Provide students with transportation to any Court Hearings as requested.
- H. Provide transportation to any student released on an Own Recognizance Bond back to the Harpers Ferry JCCCC facility.



- I. Provide open access to the grounds and facilities at the JCCCC for training purposes (such as K-9 units) to either the U.S. Forest Service LEI office or the County.
- J. Coordinate with the U.S. Forest Service LEI, the County Sheriff and other local groups to stage an active shooter drill to be practiced at the Center at least once yearly.
- K. Contact local law enforcement authorities if the Center Director believes a strip search of a student is necessary. Harpers Ferry JCCCC shall not conduct strip searches of students.
- L. Contact local law enforcement authorities when searches for evidence in criminal prosecution must be conducted. Request the assistance of a law enforcement officer with a search warrant, except when delay would endanger the physical well-being of students.
- M. Transfer custody of drugs, drug paraphernalia, or alcohol to County Sherrif if needed for evidence in a case; or destroy these materials after consultation with County Sherrif and the U.S. Forest Service LEI.

**VI. IT IS MUTUALLY UNDERSTOOD AND AGREED UPON BY AND BETWEEN THE PARTIES THAT:**

- A. Students can be charged under Federal law for threatening or providing false information to a U.S. Forest Service employee (Center Staff).
- B. U.S. Forest Service employees (Center Staff) are subject to internal investigations of alleged federal criminal violation by the Office of Inspector General (OIG).
- C. The parties will make themselves available, when necessary to provide for continuing consultation, exchange information, aid in training and mutual support, discuss the conditions covered by this agreement and agree to actions essential to fulfill its purposes.
- D. The principal contacts for this agreement are:

**Principal Cooperator Contacts:**

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Tom Hansen, Sheriff 102 Industrial Blvd Kearneysville, WV 25430 Telephone: 304-728-3205 Email: <a href="mailto:thansen@jcsdwv.com">thansen@jcsdwv.com</a>	Tom Hansen, Sheriff 102 Industrial Blvd Kearneysville, WV 25430 Telephone: 304-728-3205 Email: <a href="mailto:thansen@jcsdwv.com">thansen@jcsdwv.com</a>

**Principal U.S. Forest Service Contacts:**



<b>U.S. Forest Service JCCCC Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Shawn L. Miller 146 Buffalo Drive Harpers Ferry WV 25425 Telephone: 304-724-3421 FAX: 304-728-8200 Email: <a href="mailto:shawn.miller@usda.gov">shawn.miller@usda.gov</a>	Brian Boushey 146 Buffalo Drive Harpers Ferry WV 25425 Telephone: 304-724-3434 FAX: 304-724-8200 Email: <a href="mailto:brian.boushey@usdas.gov">brian.boushey@usdas.gov</a>
<b>U.S. Forest Service LEI Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Jason Haberberger 4 Farm Colony Drive Warren, PA 16365 Telephone: 814-728-6296 Email: <a href="mailto:jason.haberberger@usda.gov">jason.haberberger@usda.gov</a>	

E. This agreement has no effect upon the County’s right to exercise civil and criminal jurisdiction on NFS or Harpers Ferry JCCCC lands nor does this agreement have any effect upon the responsibility of the U.S. Forest Service for the enforcement of federal laws and regulations relative to NFS & Harpers Ferry JCCCC lands or facilities.

F. The officers/agents of the County performing law enforcement activities under this agreement are, and shall remain, under the supervision, authority, and responsibility of the County. Law enforcement provided by the County and its employees shall not be considered as coming within the scope of federal employment and none of the benefits of federal employment shall be conferred under this agreement.

G. Federal Communication Commission procedures will be followed when operating radio(s) on either party’s frequency.

H. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service, Harpers Ferry JCCCC, or the County is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Contacts, at the addresses specified in the Agreement.

To County, at the Jefferson County’s address shown in the Agreement or such other address designated within the Agreement.



Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- I. PARTICIPATION IN SIMILAR ACTIVITIES. This Agreement in no way restricts the U.S. Forest Service, Harpers Ferry JCCCC or the County from participating in similar activities with other public or private agencies, organizations, and individuals.
- J. NONBINDING AGREEMENT. This Agreement creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this Agreement. Nothing in this Agreement authorizes any of the parties to obligate or transfer anything of value beyond services.

Specific, prospective projects or activities that involve the transfer of funds, property, and/or anything of value beyond services to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This Agreement neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, property, and/or anything of value beyond services to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this Agreement is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- K. FREEDOM OF INFORMATION ACT (FOIA). Public access to agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).
- L. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately-owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce



policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

- M. PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. The County is/are encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments.

The County may call on the U.S. Forest Service's Office of Communication for advice regarding public notices. The County is/are requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to The U.S. Forest Service's Office of Communications as far in advance of release as possible.

- N. TERMINATION. Any of the parties, in writing, may terminate this Agreement in whole, or in part, at any time before the date of expiration.

- O. DEBARMENT AND SUSPENSION. The County shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should County or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

- P. MODIFICATIONS. Modifications within the scope of this Agreement must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.

- Q. COMMENCEMENT/EXPIRATION DATE. This Agreement is executed as of the date of the last signature and is effective through June 30, 2025 at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials.

- R. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU. In witness whereof, the parties hereto have executed this MOU as of the last date written below.



Thomas H. Hansen, Sheriff  
Jefferson County Sheriff's Department

Date

Shawn L. Miller, Center Director  
U.S. Forest Service, Harpers Ferry JCCC

Date

JEFFERSON COUNTY WV  
County Commissioner

Date

MICHAEL LOFTON  
Special Agent in Charge, Region 9

Date

The authority and format of this agreement have been reviewed and approved for signature.

EDDIE W. BELL  
U.S. Forest Service Grants & Agreements Specialist

Date

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).



USDA, Forest Service

OMB 0596-0217

FS-1500-008

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



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



Name: **Jacki Shadle**

Department or Organization: **County Clerk**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **July 11, 2024**

*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*): **Employee Recognition for 20 years of Service**

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

**Karen Olden has worked in the Clerk's office for 20 years as of June 14, 2024. She worked in Indexing /Recording for her first year and then moved to Probate, which is where she still is today.**

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



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



Name: Karen Olden

Department or Organization: **Jefferson County Clerk (Probate)**

Estimation of amount of time needed for appointment: 15 Minutes

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

*If a specific date is needed, please provide reason for specific date **July 11, 2024***

***Fiduciary Quarterly Review of Estates opened. Waivers of Final Settlement and Accountings Recorded since last Quarterly Review.***

Please provide the County Commission with a description of your request or presentation, including any background information:  
To be included in packet.

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



# United States of America

State of West Virginia



County of Jefferson, ss: -

## Appointment List

Notice is hereby given that the following estate(s) have been opened for probate from 3/27/2024 thru 6/28/2024 in the Jefferson County Clerk's Office at PO Box 208, Charles Town, WV 25414-0208.

---

ESTATE NUMBER: **4795**  
APPOINT DATE: 04/02/2024  
ESTATE NAME: **SUSAN FICHTER KENNEDY**  
ADMINISTRATOR ALEXANDER W KENNEDY

---

ESTATE NUMBER: **4797**  
APPOINT DATE: 04/03/2024  
ESTATE NAME: **RALPH JERRY JONES**  
ADMINISTRATOR JERRY W JONES

---

ESTATE NUMBER: **4798**  
APPOINT DATE: 04/03/2024  
ESTATE NAME: **ROSEMARY JONES**  
ADMINISTRATOR JERRY W JONES

---

ESTATE NUMBER: **4801**  
APPOINT DATE: 04/04/2024  
ESTATE NAME: **ROBERT BUTTS**  
ADMINISTRATRIX DEBORAH EVERHART

---

ESTATE NUMBER: **4802**  
APPOINT DATE: 04/05/2024  
ESTATE NAME: **DOUGLAS ALSTON EVANS**  
EXECUTRIX SHIRLEY A EVANS

---

ESTATE NUMBER: **4804**  
APPOINT DATE: 04/09/2024  
ESTATE NAME: **GERALDINE MAE HOPKINS**  
EXECUTOR BRIAN TIMOTHY DORSEY

---

ESTATE NUMBER: **3717**  
APPOINT DATE: 04/09/2024  
ESTATE NAME: **JANET M RONDO**  
EXECUTOR ERNEST MARSHALL SR

---

ESTATE NUMBER: **4805**  
APPOINT DATE: 04/09/2024  
ESTATE NAME: **SHANNON LEE TURNER AKA SHANNON L MUNLEY**  
ANCILLARY ADMINISTRATOR KAREN E EVERHART

---

ESTATE NUMBER: **4806**  
APPOINT DATE: 04/10/2024  
ESTATE NAME: **ERDEM ISMAIL ERGIN**  
EXECUTOR THOMAS WIELGOSZ  
ATTORNEY JOHN K DORSEY  
104 WEST CONGRESS  
CHARLES TOWN, WV 25414-1622

---

ESTATE NUMBER: **4814**  
APPOINT DATE: 04/11/2024  
ESTATE NAME: **JERRY L AUSERMAN**  
ADMINISTRATOR MICHAEL AUSERMAN

---

ESTATE NUMBER: **4812**  
APPOINT DATE: 04/11/2024  
ESTATE NAME: **MARIE S HOUGH**  
EXECUTOR CLARENCE E HOUGH

---

ESTATE NUMBER: **4386**  
APPOINT DATE: 04/11/2024  
ESTATE NAME: **JACK L YOUNG**  
ADMINISTRATOR CTA DBN JOHN K DORSEY  
ATTORNEY JOHN K DORSEY  
104 W CONGRESS ST  
CHARLES TOWN, WV 25414-1622

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ESTATE NUMBER: **4817**  
APPOINT DATE: 04/12/2024  
ESTATE NAME: **MARJORIE ARETTA COOK**  
EXECUTOR MICHAEL WAYNE COOK

---

ESTATE NUMBER: **4818**  
APPOINT DATE: 04/12/2024  
ESTATE NAME: **MUHAMMAD KHALID GONDAL**  
ANCILLARY ADMINISTRATOR NADIA GONDAL

---

ESTATE NUMBER: **4821**  
APPOINT DATE: 04/15/2024  
ESTATE NAME: **SHARON VICTORIA RUDACILLE**  
EXECUTRIX MADONNA CAROL COYLE

---

ESTATE NUMBER: **4824**  
APPOINT DATE: 04/17/2024  
ESTATE NAME: **EDITH M WARD**  
EXECUTRIX SUSANNE BROWN  
ATTORNEY JOHN K DORSEY  
104 W. CONGRESS STREET  
CHARLES TOWN, WV 25414-1622

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ESTATE NUMBER: **4825**  
APPOINT DATE: 04/22/2024  
ESTATE NAME: **AGNES VIRGINIA KENNEDY**  
ADMINISTRATOR JOHN V KENNEDY

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ESTATE NUMBER: **4826**  
APPOINT DATE: 04/24/2024  
ESTATE NAME: **MICHAEL JOSEPH DEVEREUX**  
ADMINISTRATOR THERESA A HOE

---

ESTATE NUMBER: **4829**  
APPOINT DATE: 04/29/2024  
ESTATE NAME: **CARMELLA MARIE BALSBAUGH**  
ADMINISTRATOR HENRY W MORROW JR  
ATTORNEY HENRY W MORROW JR  
PO BOX 459  
CHARLES TOWN, WV 25414-0459

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ESTATE NUMBER: **4832**  
APPOINT DATE: 04/30/2024  
ESTATE NAME: **ELIZABETH E MULCAHEY**  
ANCILLARY ADMINISTRATOR CHARLES R MULCAHEY

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ESTATE NUMBER: **4833**  
APPOINT DATE: 05/01/2024  
ESTATE NAME: **DONALD ANDRES MONTANO**  
EXECUTOR JEFFREY KIRK  
ATTORNEY DANIEL STAGGERS  
133 EAST JOHN STREET  
MARTINSBURG, WV 25401-4214

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ESTATE NUMBER: **4831**  
APPOINT DATE: 05/02/2024  
ESTATE NAME: **SHARON CASTO GILL**  
EXECUTRIX AMY GILL YOUNG

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ESTATE NUMBER: **4835**  
APPOINT DATE: 05/02/2024  
ESTATE NAME: **JOHN HINES JR**  
EXECUTOR THOMAS G HINES  
EXECUTOR JOHN G HINES III

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ESTATE NUMBER: **4840**  
APPOINT DATE: 05/10/2024  
ESTATE NAME: **ROBERT STEVEN CAMERON**  
ADMINISTRATRIX DEBRA CAMERON  
SURETY DEBORAH ARONHALT

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ESTATE NUMBER: **4837**  
APPOINT DATE: 05/10/2024  
ESTATE NAME: **AGNES ROSALIE TABLER**  
EXECUTOR DENNIS BARRON

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ESTATE NUMBER: **4842**  
APPOINT DATE: 05/15/2024  
ESTATE NAME: **WILLIAM ANTHONY REAMES**  
ADMINISTRATRIX BRITTANY REAMES

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ESTATE NUMBER: **4843**  
APPOINT DATE: 05/16/2024  
ESTATE NAME: **DAVID B LONG**  
ADMINISTRATRIX TRACY L LONG

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ESTATE NUMBER: **4848**  
APPOINT DATE: 05/22/2024  
ESTATE NAME: **FRANCES LUCILLE JACKSON**  
EXECUTRIX DORIS Y JACKSON

---

ESTATE NUMBER: **4847**  
APPOINT DATE: 05/22/2024  
ESTATE NAME: **PETER WALDEMAR ONOSZKO**  
ADMINISTRATRIX DANIELA P ONOSZKO

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ESTATE NUMBER: **4849**  
APPOINT DATE: 05/23/2024  
ESTATE NAME: **PAUL STEVEN CHAMBLIN**  
ADMINISTRATRIX BRENDA CHAMBLIN

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ESTATE NUMBER: **4850**  
APPOINT DATE: 05/23/2024  
ESTATE NAME: **JEFFREY ALLAN STEAD**  
EXECUTOR WILLIAM EDWARD WALTON III  
ATTORNEY DAVID A DEJARNETT  
101 SOUTH QUEEN STREET  
MARTINSBURG, WV 25401-3315

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ESTATE NUMBER: **4851**  
APPOINT DATE: 05/24/2024  
ESTATE NAME: **BRAYTON THOMAS SHIPPEE**  
ADMINISTRATOR JASON ASHLEY SHIPPEE

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ESTATE NUMBER: **4853**  
APPOINT DATE: 05/28/2024  
ESTATE NAME: **DIXIE LEE CAVALIERE**  
ADMINISTRATRIX DEBORAH HUNTOON GREGORY

---

ESTATE NUMBER: **4854**  
APPOINT DATE: 05/28/2024  
ESTATE NAME: **DONNA JOANNE OBERG**  
EXECUTRIX SHARON SHULL  
ATTORNEY CHARLES B HOWARD  
146 AUGUSTA COURT  
CHARLES TOWN, WV 25414-6013

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ESTATE NUMBER: **4855**  
APPOINT DATE: 05/29/2024  
ESTATE NAME: **TYRONE PAUL STEWART JR**  
ADMINISTRATRIX DONNA R HERRING  
FIDUCIARY COMMISSIONER RALPH A LORENZETTI  
PO BOX 728  
CHARLES TOWN, WV 25414-0728

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ESTATE NUMBER: **4858**  
APPOINT DATE: 05/30/2024  
ESTATE NAME: **JOHN BASIL SUTTON**  
EXECUTOR JOHN MARK SUTTON

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ESTATE NUMBER: **4856**  
APPOINT DATE: 05/30/2024  
ESTATE NAME: **HOWARD CHARLES ZELLER**  
ADMINISTRATOR DANIEL SANDY

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ESTATE NUMBER: **4859**  
APPOINT DATE: 05/31/2024  
ESTATE NAME: **RAMONA LOIS JOHNSON**  
ADMINISTRATRIX LASHIDA JOHNSON

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ESTATE NUMBER: **4860**  
APPOINT DATE: 05/31/2024  
ESTATE NAME: **BARRY EUGENE LAFRATTE**  
ADMINISTRATOR ADAM BRADLEY LAFRATTE

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ESTATE NUMBER: **4839**  
APPOINT DATE: 05/31/2024  
ESTATE NAME: **JACK JOHN RUSSO JR**  
ANCILLARY ADMINISTRATOR ANGELA RUSSO

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ESTATE NUMBER: **4820**  
APPOINT DATE: 06/03/2024  
ESTATE NAME: **DONALD THOMAS OTT**  
EXECUTRIX DONNA J OTT

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ESTATE NUMBER: **4857**  
APPOINT DATE: 06/04/2024  
ESTATE NAME: **DAISY ANN BALLENGER**  
EXECUTRIX LINDA JENKINS  
SURETY CHARLES SCOTT JENKINS

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ESTATE NUMBER: **4862**  
APPOINT DATE: 06/05/2024  
ESTATE NAME: **OTIS CLINT JAMES**  
ADMINISTRATRIX KAREN VANZEGO-JAMES

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ESTATE NUMBER: **4864**  
APPOINT DATE: 06/05/2024  
ESTATE NAME: **LUCY ARENA RUTHERFORD**  
EXECUTOR MARCUS JOHN RUTHERFORD JR

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ESTATE NUMBER: **4866**  
APPOINT DATE: 06/10/2024  
ESTATE NAME: **GLADYS B GARRETT**  
ANCILLARY ADMINISTRATOR ALGIN B GARRETT

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ESTATE NUMBER: **4868**  
APPOINT DATE: 06/11/2024  
ESTATE NAME: **CYNTHIA LYNN CAREY**  
EXECUTRIX MELISSA M PARSONS  
ATTORNEY HENRY W MORROW  
121 EAST LIBERTY STREET  
CHARLES TOWN, WV 25414

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ESTATE NUMBER: **2772**  
APPOINT DATE: 06/12/2024  
ESTATE NAME: **NEVILLE MAE FRYE**  
EXECUTOR KENNETH HIRAM FRYE

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ESTATE NUMBER: **4870**  
APPOINT DATE: 06/12/2024  
ESTATE NAME: **ALICE B POPE**  
EXECUTOR THOMAS E POPE

---

ESTATE NUMBER: **4873**  
APPOINT DATE: 06/13/2024  
ESTATE NAME: **ELINOR KABLE MANZUK**  
EXECUTOR PAUL R MANZUK

---

ESTATE NUMBER: **4871**  
APPOINT DATE: 06/13/2024  
ESTATE NAME: **DEBRA KAY STILLWELL**  
EXECUTRIX ROBIN HIGH

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ESTATE NUMBER: **4876**  
APPOINT DATE: 06/14/2024  
ESTATE NAME: **DONALD HOUGHTON HOOKER JR**  
ANCILLARY ADMINISTRATOR HEIDI ABBOTT  
ATTORNEY DANIEL STAGGERS

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ESTATE NUMBER: **4830**  
APPOINT DATE: 06/17/2024  
ESTATE NAME: **DEREK SEAN BAER**  
ADMINISTRATRIX LINEKA QUIJANO  
ATTORNEY DANIEL C STAGGERS  
133 EAST JOHN STREET  
MARTINSBURG, WV 25401-4214

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ESTATE NUMBER: **3887**  
APPOINT DATE: 06/17/2024  
ESTATE NAME: **ALFRED WAYNE NICHOLS**  
EXECUTRIX SANDRA K NICHOLS

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ESTATE NUMBER: **4881**  
APPOINT DATE: 06/21/2024  
ESTATE NAME: **TERESA IRENE LAFRATTE**  
ADMINISTRATOR ADAM BRADLEY LAFRATTE

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ESTATE NUMBER: **4885**  
APPOINT DATE: 06/24/2024  
ESTATE NAME: **CATHERINE H WINCHESTER**  
ANCILLARY ADMINISTRATOR HOWARD LEE DEGRANGE JR

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ESTATE NUMBER: **4887**  
APPOINT DATE: 06/26/2024  
ESTATE NAME: **ROBERT V ALTERI**  
EXECUTOR BANK OF CHARLES TOWN

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ESTATE NUMBER: **4889**  
APPOINT DATE: 06/27/2024  
ESTATE NAME: **LORRAINE ANN STANTON**  
CO EXECUTRIX DANITA LYNN FEDCHOCK  
CO EXECUTRIX VANETTE V JACKSON

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TOTAL ESTATES: **57**

Subscribed and sworn to before me on 7/8/2024

\_\_\_\_\_  
President of the County Commission

*Jacqueline C. Shadle*  
\_\_\_\_\_

Jacqueline C Shadle  
Clerk of Jefferson County

By *Karen Olden*  
\_\_\_\_\_

Karen Olden  
Deputy Clerk

Regular Term

July 2024

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

At a regular Term of the County Commission of said County and State, begun and held at the Old Charles Town Library thereof, on Thursday, July 11th, 2024 at 9:30AM.

PRESENT: County Commissioners: Steve Stolipher, Jane Tabb, James Cook, Kelvin Upson, Pasha Majdi

***The following Accountings and Waivers of Final Settlement were this day examined by the Commission and there being no exceptions thereto, and none appearing on the face thereof, same are ordered approved and recorded as follows:***

***Accountings***

Estate of Debra Lynn Buelow, deceased, Henry W Morrow Jr, Administrator

Estate of Michael Joseph Devereux, deceased, Theresa A Hoe, Administrator

Estate of Jennifer Lynn Fiscella, deceased, Erik Herman, Administrator

Estate of Barbara A Green, deceased, Kimberly A Coomler, Executrix

Estate of Jane E Groves, deceased, Harold F Reed, Executor

Estate of Joseph Michael Harrington III, deceased, Sarah H Adams, Executrix

Estate of James Warren Meade Larue, deceased, Kim Larue, Administratrix

Estate of Ellen Diane Stancliff Jones, deceased, Henry W Morrow Jr, Administrator

Estate of Diane Victoria Keller, deceased, Henry W Morrow Jr, Administrator

Estate of Lorraine Lively Rose, deceased, Laura Ritzenthaler, Executrix

## ***Waivers of Final Settlement***

Estate of Craig William Abshire, deceased, Annette M Abshire, Administratrix

Estate of Merle Edward Anderson Sr. deceased, Merle E Anderson Jr, Executor

Estate of Elizabeth Renee Ash, deceased, Matthew Ash, Administrator

Estate of Keith T Berry, deceased, Susan B Berry, Administratrix

Estate of Janet May Brotherton, deceased, Jan Marie Campbell, Executrix

Estate of Wilford Lee Burke, deceased, Kelly D Benvengi, Executrix

Estate of Roberta Jane Burke, deceased, Kelly D Benvengi, Executrix

Estate of Thelma Mason Clay, deceased, Patricia Clay and Melvin M Clay Jr Co-Executors

Estate of Bonnie Jo Dampman, deceased, Laura Burdine, Administratrix

Estate of Salena Ruth Devereux, deceased, Amy Michelle Stepp, Administratrix

Estate of Thomas James Dougherty, deceased, Catherine Dougherty, Administratrix DBN

Estate of Jeffrey Formulak, deceased, Jonathan Wayne Formulak, Executor

Estate of Thomas Dale Gilbert, deceased, Victoria Cadigan and Catriona L Dawson, Co-Executrix's

Estate of Gail Jeannie Gilly, deceased, Craig W Gilly, Administrator

Estate of Lawrence Wayne Goff, deceased, Jeri M Buckler, Administratrix

Estate of Nicholas Brett Hendricks, deceased, Teresa Harwood, Administratrix

Estate of Jerry Wayne Hibbitts, deceased, Joyce A Hibbitts, Executrix

Estate of Lynn Muriel Hildreth, deceased, Jason Hildreth, Executor

Estate of Roger Lee Hinkle, deceased, Holly Hinkle, Executrix

Estate of Wilton Lee Hockensmith, deceased, Mary Ellen Hockensmith, Executrix

Estate of Valerie M Jacobs, deceased, Tehron Jacobs, Administrator

Estate of David Michael Jarrott, deceased, Jessica Lynn Held Jarrott, Executrix

Estate of Ralph Jerry Jones, deceased, Jerry W Jones, Administrator

Estate of Rosemary Jones, deceased, Jerry W Jones, Administrator  
Estate of John Edward Kelly, deceased, Kimberly Kelly, Executrix  
Estate of Gerald F.J. O'Brien, deceased, Sylvie M. Grange aka-Sylvie M O'Brien, Executrix  
Estate of Wallace Alfred Ott, deceased, Michael L Ott, Administrator  
Estate of Claudia Jean Patterson, deceased, Christopher R Patterson, Executor  
Estate of Joyce Virginia Price, deceased, Cherokee D Moshier, Executrix  
Estate of Duane Frederick Roberson, deceased, Kirsten Roberson, Executrix  
Estate of Ronald Dewey Robinson, deceased, Denise Robinson, Executrix  
Estate of Jeffrey Steven Rosen, deceased, David A DeJarnett, Administrator  
CTA  
Estate of Susa Shobe, deceased, Holly Hinkle, Executrix  
Estate of Thomas Lee Tucker Sr, deceased, Angela Pearrell, Executrix  
Estate of Agnes Mae Twyman, deceased, Lector Denise Rideoutt, Executrix  
Estate of Thelma B Winston, deceased, Benita L Smith, Executrix  
Estate of Bryon Keller III, deceased, Henry W Morrow Jr, Administrator  
Estate of Robert Matthew Thomas, deceased, Tianna R Venable, Executrix  
Estate of Thomas Wetherell Steptoe, deceased, Sharon Menefee Steptoe, Executrix

**Accountings and Waivers of Final Settlement submitted from the  
Fiduciary Commissioners: Ralph A. Lorenzetti, Jr., June Kay Jovanelly.**

Estate of Marilyn Dorothy King, deceased, Mary E Mullens, Executrix  
Estate of Archie B Smith, deceased, Jennifer S Caling, Peggy J Whetzel, & Alice K Smoot, Co-Executrix's

Estate of Stanley E Stiles, second accounting, deceased, David H Oswald,  
Executor

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President of the County Commission

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



Name: Kelly Franklin

Department or Organization: **Jefferson Day Report Center, Inc.**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: July 11, 2024

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

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

Subject (*Wording to be placed on agenda*): F25 West Virginia Community Corrections Grant Award Contract

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

**Governor Justice announced Jefferson County Commission was awarded a \$155,000 grant for the Community Corrections program at Jefferson Day Report Center. Signatures are needed to execute the contract for the 25-CC-07 Grant Contract. The Commission must approve the grant contract and resolution that formally commits the Commission to matching funds allocation.**

Background: The Jefferson County Commission has received the grant award since 2015. The WV Community Corrections Act is intended to provide a means for communities to develop, establish communities develop, and establish community-based corrections programs to provide the judicial system with sentencing alternatives for those offenders who may require less than institutional custody. Examples include, but are not limited to, probation supervision, day fines, community service restitution, home incarceration, substance abuse treatment, sex offender containment/treatment, licensed domestic violence treatment, day reporting centers, education or counseling, and drug courts.

Is this a funding request? Y/N N

If so, how much? \$ 0

Provide exact financial impact/request:

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

N/A

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: kfranklin@jeffersondrc.com

Phone Number: (304) 728-3527 ext. 101

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

not applicable

**GRANT CONTRACT AGREEMENT**  
**BETWEEN**  
**DIVISION OF ADMINISTRATIVE SERVICES**  
**JUSTICE AND COMMUNITY SERVICES SECTION**  
**AND THE**  
**JEFFERSON COUNTY COMMISSION**  
  
**25-CC-07**

This **AGREEMENT**, entered into this **1<sup>st</sup> Day of July 2024** by the Assistant Director of the Division of Administrative Services, Justice and Community Services Section, hereinafter referred to as "JCS", and the Jefferson County Commission, hereinafter referred to as "Grantee."

**WHEREAS** JCS is the recipient of Community Corrections Grant Funds from the State of West Virginia; and

**WHEREAS** the Grantee is an eligible applicant who is desirous of receiving funds for: **These funds will be utilized for the continued operation of a community corrections program in Jefferson County.**

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. JCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application, which is attached hereto and made part hereof.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by JCS all duties, tasks, and functions necessary to implement the application which is hereto attached.
4. The Grantee will commence its duties under the Agreement on **July 1, 2024** and shall continue those services/activities until **June 30, 2025**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to **\$155,000.00** shall be obligated by JCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that JCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. JCS has determined that the program **will** receive an upfront scheduled allocation of funds.

8. If the Grantee is not receiving an upfront scheduled allocation of funds: To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Reimbursement of Funds once per month to JCS. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of the application, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
9. If the Grantee is receiving an upfront scheduled allocation of funds, the Grantee hereby agrees to adopt a schedule of payments dictated by JCS: To be eligible for any and all scheduled allocation of funds of the total grant amount, the Grantee shall submit a Request for Funds to JCS which adheres to the schedule of payments. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of the application, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
10. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a state agency, the completed application signed by the agency head is sufficient.
11. Grantee agrees to abide by the grant conditions, terms, assurances, and certifications which are attached and such other special terms and conditions that JCS has set forth is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
12. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the JCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the JCS reasons for taking said action.
13. JCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.
14. If for any reason funds received by JCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.
15. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to JCS a final report on forms provided by JCS. Said reports shall reflect actual costs incurred or expended during the terms of this Agreement.

16. The parties hereto agree that notice shall be given electronically to the appropriate agency email addresses.
17. The Grantee shall hold and save JCS and its officers, agents, and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent, or representative of the Grantee.

**IN WITNESS WHEREOF**, the parties hereto attach their signatures representing that each is acting with full authority.

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**Steve Stolipher**  
**President**  
**Jefferson County Commission**

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**Marty A. Hatfield**  
**Assistant Director**  
**Justice and Community Services Section**

# HIPAA BUSINESS ASSOCIATE AGREEMENT

THIS AGREEMENT (“Agreement”) and commitment is executed this 1<sup>st</sup> Day of July 2024, by the Jefferson Day Report Center, hereinafter referred to as “Covered Entity”, and West Virginia Department of Homeland Security, Division of Administrative Services, Justice and Community Services, hereinafter referred to as “Business Associate”. Covered Entity and Business Associate may be referred to herein individually as “Party” or collectively as “Parties”.

## RECITALS

Covered Entity has engaged Business Associate to perform services on Covered Entity’s behalf. During the course of such business relationship, Business Associate may create, receive, maintain or transmit protected health information (“PHI”) from, or on behalf of, Covered Entity. Covered Entity and Business Associate are committed to complying with the Health Insurance Portability and Accountability Act of 1996 as codified at 42 U.S.C. § 300gg, 29 U.S.C. § 1181 *et seq.*, and 42 U.S.C. §1320d *et seq.* and the Health Information Technology for Economic and Clinical Health Act of the American Recovery and Reinvestment Act of 2009 as codified at 42 U.S.C. §§ 17901 *et seq.* and 300jj *et seq.* (“HITECH”) and the regulations and other guidance promulgated under both laws by the U.S. Department of Health and Human Services (collectively, “HIPAA”).

HIPAA requires Covered Entity to obtain a commitment from Business Associate that Business Associate agrees to the same restrictions and conditions that apply to Covered Entity with respect to PHI under HIPAA. Accordingly, this Agreement sets forth the manner in which PHI, that is provided to, or received by, the Business Associate from the Covered Entity, or on behalf of the Covered Entity, will be handled. The Business Associate agrees as follows:

## SECTION 1 DEFINITIONS

- 1.1 ***Breach:*** means the term “breach” in 45 C.F.R. § 164.402.
- 1.2 ***Designated Record Set:*** means “Designated Record Set” as defined at 45 C.F.R. § 164.501.
- 1.3 ***Electronic Protected Health Information or Electronic PHI:*** means Protected Health Information that is transmitted by or maintained in electronic media as defined in the HIPAA Security Regulations, as applied to the information created, received, maintained, or transmitted by Business Associate from or on behalf of Covered Entity.
- 1.4 ***HIPAA Privacy Regulations:*** means the Standards of Privacy of Individually Identifiable Health Information as defined at 45 C.F.R. part 160 and part 164, subparts A and E.
- 1.5 ***HIPAA Security Regulations:*** means the Standards for Security of Individually Identifiable Health Information at 45.C.F.R. part 160 and part 164, subparts A and C.

- 1.6** *Individual:* means “Individual” as defined in 45 C.F.R. § 160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. § 164.502 (g).
- 1.7** *Protected Health Information or PHI:* has the same meaning as the term “Protected Health Information” in 45 C.F.R. §160.103, limited to the information created, received, maintained, or transmitted by Business Associate from, or on behalf of Covered Entity.
- 1.8** *Required by Law:* means “required by law” at 45 C.F.R. § 164.103.
- 1.9** *Secretary:* means the Secretary of the Department of Health and Human Services or his/her designee.
- 1.10** *Security Incident:* means the attempted or successful unauthorized access, use, disclosure, modification or destruction of information or interference with system operations in an information system.
- 1.11** *Unsecured Protected Health Information:* has the same meaning as the term “unsecured protected health information” at 45 C.F.R. § 164.402.
- 1.12** *Terminology.* Any other capitalized terms used but not otherwise defined in the Agreement shall have the same meaning as the meaning ascribed to those terms under HIPAA. Any inconsistency in the definition of a capitalized term shall be resolved in favor of a meaning that permits compliance with HIPAA.

## SECTION 2 OBLIGATIONS AND ACTIVITIES OF BUSINESS ASSOCIATE

### **Business Associate agrees:**

- 2.1** *Not to Use or Disclose Protected Health Information Unless Permitted.* Not to use, or further disclose, Protected Health Information other than as permitted or required by this Agreement or as Required by Law.
- 2.2** *Compliance with HIPAA.* To Comply with all Applicable obligations and requirements imposed upon Covered Entities (as that term is defined in 45 C.F.R. § 160.103) under HIPAA.
- 2.3** *Use Safeguards.* To use reasonable administrative, physical and technical safeguards, and comply, where applicable, with the HIPAA Security Regulations with respect to Electronic PHI, to prevent use or disclosure of the Protected Health Information other than as allowed by this Agreement or as otherwise Required by Law. Business Associate agrees to implement safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of any PHI that Business Associate creates, receives, maintains or transmits on behalf of Covered Entity. Safeguards shall include, but are not limited to,

requiring employees to agree to use or disclose Protected Health Information only as permitted or required by this Agreement and taking related disciplinary actions for inappropriate use or disclosure as necessary. Business Associate will maintain a comprehensive written information privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of Business Associate's operations and the nature and scope of its activities.

**2.4 Agent Reporting Requirement.** To require its employees, agents, and Business Associates to immediately report to Business Associate any use or disclosure of PHI in violation of this Agreement.

**2.5 Mitigation of Harmful Effects.** To cooperate with Covered Entity to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of Protected Health Information by Business Associate in violation of the requirements of this Agreement. In addition, Business Associate will cooperate with and implement any reasonable mitigation requests by Covered Entity relating to any actual or potential Breach or any attempted or successful Security Incident. Upon request, Business Associate will provide Covered Entity with a written report of its mitigation efforts.

**2.6 Notice of Use or Disclosure, Security Incident or Breach.** To notify the Covered Entity in writing of any use or disclosure of Protected Health Information by Business Associate, or any agent acting on Business Associate's behalf, not permitted by this Agreement or by law, and to report any Security Incident involving Electronic PHI, and any Breach of Unsecured Protected Health Information within three (3) business days.

(a) Business Associate shall provide the following information to Covered Entity within five (5) business days of discovery of a Breach except when despite all reasonable efforts by Business Associate to obtain the information required, circumstances beyond the control of the Business Associate necessitate additional time. Under such circumstances Business Associate shall provide to Covered Entity the following information as soon as possible and without unreasonable delay, but in no event later than fifteen (15) calendar days from the date of discovery of a Breach:

- (i) the date of the Breach;
- (ii) the date of discovery of the Breach;
- (iii) a description of the types of Unsecured Protected Health Information that were involved;
- (iv) identification of each individual whose Unsecured Protected Health Information has been, or is reasonably believed to have been, accessed, acquired, or disclosed; and
- (v) any other details necessary to complete an assessment of the risk of harm to the Individual.

(b) Business Associate shall also cooperate with Covered Entity in investigating such issues and assist Covered Entity in determining whether such uses, disclosures, or Security Incidents constitute a Breach of Unsecured PHI.

(c) Business Associate shall report any uses or disclosures required to be reported under this Section 2.6 even if Business Associate deems the use or disclosure to be in good faith, unintentional, or inadvertent, or to have resulted in a low probability that the PHI has been compromised.

**2.7** *Compliance of Business Associates.* To require any Business Associates (as the term is defined in 45 C.F.R. § 160.103) to agree to the same restrictions and conditions that apply to Business Associate through this Agreement by entering into a written arrangement with its Business Associate that complies with 45 C.F.R. §§ 164.504 (e) and 164.314(a). If Business Associate becomes aware of a pattern of activity or practice of one of its Business Associates that would constitute a material breach or violation of the agreement between Business Associate and its Business Associate, Business Associate will (a) take reasonable steps to cure such breach or end the violation, as applicable, or terminate such written agreement, and (b) promptly report such material breach or violation to Covered Entity in writing.

**2.8** *Access.* To the extent that responsive information is in the possession of Business Associate, to provide access to PHI in a Designated Record Set to Covered Entity in the time and manner that meets the requirements of 45 CFR Section 164.524. In applying 45 CFR Section 164.524, in the case that Business Associate uses or maintains such information in an Electronic Health Record, Business Associate shall provide Covered Entity the information contained in such Electronic Health Record in an electronic format, as required by Section 13405(e) of HITECH.

**2.9** *Amendments.* To the extent that responsive information is in the possession of Business Associate, to incorporate any amendment(s) to Protected Health Information in the original Designated Record Set that Covered Entity directs, and in a time and manner that meets the requirements of 45 C.F.R. § 164.526.

**2.10** *Disclosure of Practices, Books, and Records.* Unless otherwise protected from discovery or disclosure by law or unless otherwise prohibited from discovery or disclosure by law, to make internal practices, books, and records available to the Secretary, for purposes of the Secretary determining Covered Entity's compliance with the HIPAA Privacy Regulations but only to the extent such access is related to the use and disclosure of Protected Health Information received from the Covered Entity, or created or received by Business Associate on behalf of Covered Entity.

**2.11** *Accounting.* To provide Covered Entity an accounting of the disclosures of Individuals' Protected Health Information by Business Associate, and in the time and manner that meets the requirements of 45 CFR Section 164.528 (including, without limitation, a disclosure

permitted under 45 C.F.R. § 164.512) and, as of the applicable effective dates, Section 13405(c) of HITECH and any regulations promulgated thereunder.

- 2.12 ***Release of Documentation of Disclosures.*** To provide to Covered Entity information collected in accordance with Section 2.11 of this Agreement, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 C.F.R. § 164.528.
- 2.13 ***Retention of PHI.*** To retain all documentation required by this Agreement for a period of six (6) years from the date of creation or when it was last in effect, whichever is later.
- 2.14 ***Minimum Necessary.*** To limit its uses and disclosures of, and request for, Protected Health Information (a) when practical, to the information making up a Limited Data Set; and (b) in all other cases subject to the requirements of 45 C.F.R. § 164.502(b), to the minimum amount of Protected Health Information necessary to accomplish the intended purpose of the use, disclosure or request.
- 2.15 ***Prohibition on Sale of PHI and Marketing.*** To neither sell PHI nor use PHI in marketing unless requested to do so by Covered Entity in writing and such sale or marketing is permitted under HIPAA.
- 2.16 ***De-Identified Information.*** Not to de-identify PHI and use it, unless specifically directed to do so in writing by Covered Entity.
- 2.17 ***Other Obligations.*** To the extent that Business Associate is, pursuant to this Agreement, responsible for carrying out an obligation of Covered Entity on behalf of a Covered Entity under HIPAA, Business Associate shall comply with the requirements of HIPAA that apply to Covered Entity in the performance of such obligation.

### **SECTION 3**

#### **PERMITTED USES AND DISCLOSURES BY BUSINESS ASSOCIATES**

Except as otherwise limited in the Agreement, Business Associate may:

- 3.1 ***Use of Protected Health Information for Specified Purposes.*** Use or disclose PHI to perform functions, activities, or services for, or on behalf of, Covered Entity to the extent expressly permitted in any written services agreement between Covered Entity and Business Associate, or necessary for the Business Associate to fulfill his/her role as agreed upon between Parties, provided that such use or disclosure would not violate any applicable state or federal law or the HIPAA Privacy Regulations if done by Covered Entity (except as permitted below in Sections 3.2, 3.3 and 3.4).
- 3.2 ***Use of Protected Health Information for Covered Entity Management and Administration.*** Use Protected Health Information for its proper management and administration or to carry out its legal responsibilities.

- 3.3** *Disclosure Required by Law or with Reasonable Assurances.* Disclose Protected Health Information for the proper management and administration of the Business Associate and to carry out its legal responsibilities, provided that disclosures are Required by Law, or provided that the Business Associate obtains the following reasonable assurances from the person or entity to whom the Protected Health Information is disclosed: 1) the Protected Health Information will remain confidential; 2) the Protected Health Information will be used or further disclosed only as Required by Law or for the purposes for which it was disclosed; and 3) the person or entity will notify the Business Associate of any instances of which the person or entity is aware in which the confidentiality of the information has been breached in accordance with Section 2.6 of this Agreement..
- 3.5** *Reporting Violations.* Use Protected Health Information to report violations of law to appropriate federal and state authorities as permitted by 45 C.F.R. § 164.502 (j)(1).

## SECTION 4 TERM AND TERMINATION

- 4.1** *Term.* The Term of this Agreement shall be effective as of the 27th day of March 2018, and during the term of any applicable services agreement entered in to between Covered Entity and Business Associate. The Agreement shall terminate at the earliest occurrence of any of the following:
- (a) All applicable underlying services agreements between the Covered Entity and the Business Associate are terminated;
  - (b) This Agreement is terminated for cause as described in Section 4.2 below;
  - (c) The parties mutually agree to terminate this Agreement; or
  - (d) This Agreement is terminated under applicable federal, state, or local law.
- 4.2** *Termination for Cause.* Upon Covered Entity's knowledge of a material breach by Business Associate of this Agreement, Covered Entity shall notify Business Associate of its knowledge of such breach and shall have the right, but not the duty, to immediately terminate this Agreement and any applicable underlying services agreements. Such termination shall take effect within a reasonable period of time after written notice from Covered Entity to Business Associate that this Agreement and any applicable underlying services agreements are being terminated, absent extraordinary circumstances; provided, however, that the obligations imposed on Business Associate under this Agreement shall continue until the date when all PHI held by Business Associate is destroyed, returned to Covered Entity, or, if it is infeasible to return or destroy PHI, protections are extended to such information in accordance with Section 4.4 below. In lieu of immediate termination, Covered Entity may, but does not have the duty to, provide Business Associate with an opportunity to cure the breach or end the violation within thirty (30) days.

**4.3** *Reports to Department of Health and Human Services.* If neither cure nor termination is feasible, Covered Entity shall report the violation to the Secretary of the United States Department of Health and Human Services or the Secretary's designee.

**4.4** *Effect of Termination.* Upon termination of this Agreement for any reason, Business Associate shall return or destroy, at Covered Entity's election, all Protected Health Information received from, or created, received, maintained, or transmitted by Business Associate on behalf of Covered Entity that Business Associate still maintains in any form, as well as the documentation required by 45 C.F.R. § 164.530(j)(1) (all of which shall be collectively referred to as Protected Health Information for purposes of this Section 4.3). Business Associate shall retain no copies of such Protected Health Information.

(a) In light of the foregoing, if return or destruction is not feasible, Business Associate shall provide to Covered Entity notification of the conditions that make return or destruction unfeasible. Upon mutual agreement of the Parties that return or destruction of PHI is unfeasible, Business Associate shall:

- (i) Retain only that Protected Health Information that is necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibilities;
- (ii) Extend the protections of this Agreement to all retained Protected Health Information, continue to use appropriate safeguards, and comply with the Security Rule with respect to ePHI in order to prevent use or disclosure of the retained Protected Health Information for as long as Business Associate retains the Protected Health Information.
- (iii) Not use or disclose the Protected Health Information retained by Business Associate other than for the purposes for which such Protected Health Information was retained and subject to the same conditions set forth in Section 3 of this Agreement that applies prior to termination; and
- (iv) Destroy the Protected Health Information retained by Business Associate when it is no longer needed by Business Associate for its proper management and administration or to carry out its legal responsibilities.

In the event that it becomes feasible to do so, Business Associate will destroy any remaining protected Health Information that Business Associate maintains in any form.

(b) These provisions shall apply to Protected Health Information that is in the possession of Business Associates or agents of Business Associate.

(c) Any Protected Health Information that Business Associate destroys shall be destroyed in accordance with HIPAA.

## SECTION 5 MISCELLANEOUS PROVISIONS

- 5.1 *Regulatory References.*** A reference in this Agreement to a section in HIPAA means the Section in effect or as amended, and for which compliance is required.
- 5.2 *Amendment.*** The Business Associate agrees to take such action as is necessary to amend this agreement from time to time as is necessary, as determined by the Covered Entity, and for compliance with the requirements of HIPAA. Should the Business Associate amend its own privacy policies, it shall notify the Covered Entity to the extent that any modification may affect the Covered Entity's use or disclosure of PHI.
- 5.3 *Survival.*** The rights and obligations of Business Associate under Section 4 of this Agreement shall survive the termination of this Agreement.
- 5.4 *Interpretation.*** Any ambiguity in this Agreement shall be resolved in favor of a meaning that permits Covered Entity and Business Associate to comply with HIPAA.
- 5.5 *No Third Party Beneficiary.*** Except for the right of the Secretary or their designee to inspect under Section 2.10 of this Agreement, nothing in this Agreement shall be interpreted to give any right of any kind to any person other than the Covered Entity, and there are no third-party beneficiaries intended under this Agreement.
- 5.6 *Entire Agreement.*** This Agreement sets forth the entire understanding of the Parties with respect to its subject matter and supersedes all prior agreements, arrangements and communications, whether oral or written, pertaining to the subject matter of this agreement.
- 5.7 *Independent Contractor.*** Business Associate and Covered Entity are and shall remain independent contractors throughout the effective term of this Agreement. Nothing in this Agreement shall be construed to constitute the creation of a partnership, joint venture, agency relationship, or anything other than an independent contractor relationship between the Parties.
- 5.8 *Notices and Communications.*** All instructions, notices, consents, demands, or other communications required by this Agreement shall be in writing and shall be delivered by hand, by facsimile transmission, by overnight courier service, or by first class mail, postage prepaid, addressed to the appropriate party at the appropriate facsimile number or address as set forth below, or to such other party, facsimile number, or address as may be hereafter specified by written notice.

All instructions, notices, consents, demands, or other communications shall be considered effectively given as of the date of hand delivery; as of the date specified for overnight courier service delivery; as of three (3) business days after the date of mailing; or on the day the facsimile transmission is received mechanically by the facsimile machine at the receiving location and receipt is verbally confirmed by the sender.

- 5.9** *Strict Compliance.* No failure by any Party to insist upon strict compliance with any term of this Agreement, to exercise any option, to enforce any right, or to seek any remedy upon any default of any other Party shall affect, or constitute waiver of, any Party's rights to insist upon such strict compliance, exercise that option, enforce that right, or seek that remedy with respect to that default or any prior, contemporaneous, or subsequent default. No custom practice of the Parties at variance with any provision of this Agreement shall affect, or constitute a waiver of, any Party's right to demand strict compliance with all provisions of this Agreement.
- 5.10** *Severability.* Should any provision of this Agreement be determined to be unenforceable by a court of competent jurisdiction, such provision shall be deemed severed from this agreement, but every other provision of this Agreement shall remain in full force and effect.
- 5.11** *Indemnification.* Business Associate shall indemnify and hold the Covered Entity, its employees, officers, directors and agents harmless, from and against, any and all liabilities, claims, actions, penalties, or other monetary amounts assessed against them due to Business Associate's breach of the terms of this Agreement.
- 5.12** *Governing Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of West Virginia.

**IN WITNESS THEREOF**, the Parties hereto have duly executed this Agreement on the dates set forth below, to be effective as of the Effective Date established in Section 4.1 of this Agreement.

**Covered Entity:**

Date:

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**Kelly Franklin**  
**Director**  
**Jefferson Day Report Center**

**Business Associate:**

Date:

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**Marty A. Hatfield**  
**Assistant Director**  
**Justice and Community Services Section**



Division of Administrative Services  
Justice and Community Services (JCS)  
SCHEDULE OF PAYMENTS

The following Schedule of Payments is hereby recognized and adopted by the Jefferson County Commission.

Project Number: 25-CC-07

Total Award: \$155,000.00

<u>Payment No.</u>	<u>Date</u>	<u>Amount</u>
1	7/1/2024	\$38,750.00
2	10/1/2024	\$38,750.00
3	1/1/2025	\$38,750.00
4	4/1/2025	\$38,750.00

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The Honorable Steve Stolipher  
President  
Jefferson County Commission

Applicant:	FEIN Number:
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Budget Category	WV Community Corrections Requested Funds (A)	Local (Match) Funds (B)	Total Budget (A + B)
Personnel/Contractual			
Travel/Training			
Equipment			
Other			
<b>Totals</b>			

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

### Funding Strategy

Funding Source(s)	Amount	Status
<b>Total</b>		

Funding Source - Separately list each source of funds that will be used in the program.

Amount - Enter the amount received or anticipated for each

Status - Indicate the status of each funding source as follows:

P – Projected grant, loan or donation

A – Application submitted (**apart from this CC Grant Application**) and under review

C – Funds Committed

R – Funds received, appropriated or on hand



**Provide specific information that explains each proposed expense for the project. State clearly and in concise detail the breakdown and justification of need for each item requested for funding in the Budget Detail pages. Also, provide an identified breakdown of matching funds. Be sure to label the breakdown of matching funds as such. Attach additional pages if necessary**



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

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

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

### 1. LOBBYING

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

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

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

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

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

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

A. The applicant certifies that it and its principals:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

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

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

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# CERTIFICATION FORM

## Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Is agency a;  Direct or  Sub recipient of OJP, OVW or COPS funding? | Law Enforcement Agency?  Yes  No

DUNS Number: \_\_\_\_\_ Vendor Number (only if direct recipient) \_\_\_\_\_

Name and Title of Contact Person: \_\_\_\_\_

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

E-Mail Address: \_\_\_\_\_

### Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Less than fifty employees. | <input type="checkbox"/> Indian Tribe            | <input type="checkbox"/> Medical Institution.                            |
| <input type="checkbox"/> Nonprofit Organization     | <input type="checkbox"/> Educational Institution | <input type="checkbox"/> Receiving a single award(s) less than \$25,000. |

I, \_\_\_\_\_ [responsible official], certify that \_\_\_\_\_

[recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.

I further certify that \_\_\_\_\_ [recipient] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

*If recipient sub-grants a single award over \$500,000, in addition, please complete Section D*

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or, subaward, of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, \_\_\_\_\_ [responsible official], certify that \_\_\_\_\_

[recipient], which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

\_\_\_\_\_  
[organization],

\_\_\_\_\_  
[address].

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Section C—Declaration Stating that an EEOP Short Form Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award, or subaward, of \$500,000 or more, then the recipient agency must send an EEOP Short Form to the OCR for review.

I, \_\_\_\_\_ [responsible official], certify that \_\_\_\_\_

[recipient], which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

*If recipient sub-grants a single award over \$500,000, in addition, please complete Section D*

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## INSTRUCTIONS

### Completing the Certification Form

#### Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). *See* 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

**Recipients should complete *either* Section A *or* Section B *or* Section C, not all three.**

#### Section A

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

#### Section B

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

#### Section C

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

#### Submission Process

If a recipient receives multiple awards subject to the Safe Streets Act, the recipient should complete a Certification Form for each grant. Recipients should download the online Certification Form, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: [EEOPForms@usdoj.gov](mailto:EEOPForms@usdoj.gov). *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7<sup>th</sup> Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

## **Public Reporting Burden Statement**

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated minimum average time to complete and file this application is 20 minutes per form. If you have any comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.

**RESOLUTION**

The **Commission** of **Jefferson County** met on \_\_\_\_\_ (date) with a quorum present and passed the following resolution.

Be it resolved that the **Commission** hereby authorizes **The Honorable Steve Stolipher, President** of the **Jefferson County Commission**, to act on its behalf to enter into a contractual agreement with the Division of Administrative Services, Justice and Community Services to receive and administer grant funds pursuant to provisions of the Community Corrections Program.

Signed: \_\_\_\_\_  
County Clerk



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES  
JUSTICE & COMMUNITY SERVICES SECTION  
STANDARD CONDITIONS & ASSURANCES**

Effective: July 23, 2019  
Revision History: Method of correspondence changed to electronic on March 15, 2023.  
§12-4-14 reporting requirements added on September 11, 2023.  
§15-9B-3 requirements added on February 14, 2024.  
Condition #46 added on April 27, 2024.

The following Standard Conditions and Assurances apply to all grant programs that the Division of Administrative Services, Justice and Community Services (JCS) Section administers. The application of these Assurances is applicable regardless of the source of funding and/or whether the recipient receives an upfront allocation of funds or is operating under a request for reimbursement process.

All correspondence to JCS, which is required and/or occurs as a result or action of any of the following Assurances, or as a result of the administration of any JCS grant program, should be emailed to the designated JCS Program Specialist.

- 1. LAWS OF WEST VIRGINIA:** This grant application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by JCS, regardless of the original funding source. At the sole discretion of JCS, this grant can be based on a “reimbursement bases” mechanism, or a mechanism which awards an “upfront allocation” of funds on a quarterly or semi-annual basis. Upon timely notification to the grantee, JCS reserves the express right to commute an upfront allocation mechanism to a request for reimbursement mechanism for a recipient of funds, at any time during a grant period.
- 2. LEGAL AUTHORITY:** The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required if applicable.
- 3. RELATIONSHIP:** The relationship of the grantee to JCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind JCS for any obligation or expense without the express prior written approval from JCS.
- 4. COMMENCEMENT WITHIN 60 DAYS:** This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to JCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

5. **OPERATIONAL WITHIN 90 DAYS:** If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to JCS explaining the delay in implementation.

6. **SUSPENSION OF FUNDING:** The grantee acknowledges that acceptance of an award is not a guarantee of funds. Further, by accepting this award, the grantee acknowledges and agrees that JCS may suspend in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- 60 or more days late in submitting reports;
- Failure to submit reports;
- High Risk Grantee as determined by the JCS High Risk Assessment; or
- Any other cause shown.

7. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, JCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the grantee until the grantee complies or, if reports are more than 60 days late, the funding for that month is forfeited and may not be recouped or remedied;
- Cancellation, termination, or suspension of the contract, in whole or in part;
- Refraining from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received;
- If the grantee is receiving funds on an upfront basis, JCS can commute the transfer of funds mechanism to a reimbursement only process for the remainder of the grant period;
- If the grantee is receiving funds on an upfront basis and a determination is made by JCS that funds were intentionally or unintentionally misused, misappropriated, misspent or otherwise not consistent with the intents and purpose of the grant, the grantee automatically forfeits any remaining funds from the grant program, and any other awarded funds from any other program, until a satisfactory resolution has been achieved;
- If a grantee is indebted to JCS for any amount of funds at the close of an applicable quarter, semi-annual or end of a grant period, and the debt is not resolved within 30 days following the close of those periods, the grantee acknowledges and agrees that it is automatically ineligible to receive or apply for funds from JCS for any grant program; and
- Grantee agrees and acknowledges that under no circumstances may it commute a debt to be applied as matching funds; or, will JCS reduce a future quarterly or semi-annual allotment or future award as repayment of the debt. Repayment must be from a general account or an account unrelated to the grant award.

8. **ACCOUNTING REQUIREMENTS:** Grantee agrees to record all project funds and costs following generally accepted accounting principles. A unique account number or cost recording must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material must be retained and be available for audit purposes. Federal regulations prohibit the commingling of Federal grant funds with funds from other

sources; further, funds received on an upfront basis from JCS for one program may not be commingled with funds received on an upfront basis for another JCS program.

9. **REPORTS:** Regardless of an award being on an upfront or reimbursement basis, each grantee shall submit all reports as JCS requires necessary to the execution of monitoring, stewardship, and evaluation of programmatic and fiscal responsibilities.
10. **COMPLIANCE WITH WV CODE §12-4-14:** The grantee agrees to comply with §12-4-14 of the West Virginia Code, also known as the West Virginia Grant Transparency and Accountability Act. This Act is intended to develop a coordinated, nonredundant process for the effective oversight and monitoring of grant recipients, thereby ensuring quality programs, and limiting fraud, waste, and abuse.
11. **WRITTEN APPROVAL OF CHANGES:** The grantee must obtain prior written approval from JCS for all project changes (programmatic, fiscal, or otherwise) before those changes are executed.
12. **OBLIGATION OF PROJECT FUNDS:** Funds may not, without prior written approval from JCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.
13. **USE OF FUNDS:** Funds awarded through JCS may be expended only for the purposes and activities specifically covered by the grantee's approved project scope and budget. By attaching their signature, the grantee recognizes that any deviations from the original grant budget are unallowable.
14. **ALLOWABLE AND UNALLOWABLE COSTS:** Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards, state guidelines, and federal guidelines pursuant to the specific grant program.
15. **PURCHASING:** When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or another agency. See 148-CSR-1 of the West Virginia Code.
16. **PROJECT INCOME:** All income earned by the grantee as a result of the conduct of this project must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established for grant funds by JCS. All grantees must maintain records that clearly show the source, the amount, and the timing of all project income. There is no waiver provision for the project income requirement.
17. **MATCHING CONTRIBUTION:** The grantee will have available, and will expend as required, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by JCS. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Matching contributions are subject to the same expenditure guidelines as grant funds for this program. All grantees must maintain records that clearly show the source, the amount, and the timing of all matching contributions. In addition, Federal grant dollars from any source may not be utilized as matching funds.

18. **TIME EXTENSIONS:** In general, time extensions will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated. Funds remaining at the end of a project where an upfront allocation will, by the deadline of the final financial and progress report, be remitted back to JCS.
19. **NON-SUPLANTING:** Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.
20. **TRANSFER OF FUNDS PROHIBITION:** The grantee is expressly prohibited from transferring funds between any JCS programs. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources.
21. **TRAINING:** For projects involving payment of personnel, JCS reserves the right to require training as a condition of the grant before or at any time during the project period.
22. **PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:** To the extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.
23. **MARKING OF EQUIPMENT:** Grantee will ensure that all equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by Justice and Community Services."
24. **PROPERTY ACCOUNTABILITY:** The grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a grant by JCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from JCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to JCS. Property must be used for the intended grant purposes. If the property is not being used in accordance with terms of the grant, said property will revert to JCS.
25. **COMPUTER EQUIPMENT:** Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. Computer equipment must adhere to minimum requirements established by the West Virginia Office of Technology.
26. **LEASE AGREEMENTS:** Grantee agrees to provide JCS with a copy of the lease arrangement if funds are being requested for reimbursement or utilized as match.
27. **PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:** Grantee acknowledges that JCS, or any applicable parent federal agency, reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient

purchases ownership, in whole or in part, with State or Federal support. Grantee agrees to consult with JCS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

- 28. ACCESS TO RECORDS:** JCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.
- 29. CIVIL RIGHTS COMPLIANCE:** Grantee will comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a)); the Victims of Crime Act (34 U.S.C. §20110(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); the Violence Against Women Act (34 U.S.C. § 12291(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38. Subrecipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity. These laws collectively prohibit grantees from discriminating on the basis of race, color, national origin, sex, disability, age, religion, sexual orientation, and gender identity. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of age, disability, race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and Justice and Community Services Section.
- 30. RELIGIOUS ACTIVITIES:** Grantees must ensure that services are offered without regard to religious affiliation and that receipt of services is not contingent upon participation in a religious activity or event. Furthermore, all religious activities must be separate in time or place from the funded project. Participation in such activities by individuals receiving services must be voluntary.
- 31. LOBBYING:** Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in the Uniformed Guidelines, Department of Justice Guidelines, and as outlined in §6B-2-5 of the West Virginia State code.
- 32. CONFLICT OF INTEREST:** No public official or employee of the grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family as discussed in the W. Va. Code § 6B-1-1 through 6B-3-11).
- 33. FREEDOM OF INFORMATION ACT:** All records, papers, and other documents kept by recipients of grant funds are required to be made available to JCS. These records and other documents submitted to JCS and its grantees, including plans and application for funds, reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code. JCS recognizes that some information submitted in

the course of applying for funding under this program or provided in the course of its grant management activities, may be considered law enforcement, personnel, juvenile sensitive, or personal or otherwise important to national or state security interests. This may include threat, risk and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures.

While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, **all** determinations concerning the release of information of this nature are made on a case-by-case basis by JCS and may fall within one or more of the available exemptions under the Act.

Grantees must consult applicable federal, state, and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive or protected. Applicants may also consult JCS regarding concerns or questions about the release of potentially sensitive, protected or exempt information applicable to federal, state, and local laws and regulations.

JCS has the authority to release all information which does not meet an exemption to the public without a FOIA.

- 34. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
- 35. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES:** The grantee must submit one copy of all reports and proposed publications resulting from this agreement to JCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements: "This document [product] was prepared under a grant from the West Virginia Division of Administrative Services, Justice & Community Services Section (or simply "JCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia Division of Administrative Services, Justice & Community Services Section or any entity of the Department of Justice." In addition, the grantee agrees not to utilize the JCS logo without written permission.
- 36. JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:** Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974.
- Deinstitutionalization of status offenders (DSO).
  - Separation of juveniles from adults in institutions (separation).
  - Removal of juveniles from adult jails and lockups (jail removal).
  - Reduction of disproportionate minority contact (DMC), where it exists.

Additionally, the grantee agrees to comply with 101-CSR-1 of the West Virginia Code. This includes, but is not limited to, completing the annual WV Certification of Non-Secure Facilities, and submitting to JCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.

- 37. COLLABORATION W/OTHER FEDERAL AND STATE GRANTS:** Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment, and any other resources deemed necessary by JCS.

- 38. USE OF DATA/EXCHANGE OF INFORMATION:** With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:
- a. That all computer programs (software produced under this grant) will be made available to JCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
  - b. To provide a complete copy of the computer programs and documentation, upon request, to JCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
  - c. That whenever possible all application programs will be written in standardized programming languages or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
  - d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916-392-2550) should be contacted to determine availability of software prior to any development effort.
- 39. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
- 40. EQUAL EMPLOYMENT OPPORTUNITY PLAN:** The grantee will provide an Equal Employment Opportunity Plan (EEO) to the Office for Civil Rights, Office of Justice Programs (OCR) and JCS. Each grantee certifies that it has executed and has on file an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E; or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. The grantee further certifies that it has filed an EEO Certification form and, if required, an EEO Utilization Report, through the EEO Reporting Tool at <https://ojp.gov/about/ocr/eeop.htm>.
- 41. VETERANS PREFERENCE:** This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. JCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.
- 42. IMMIGRATION AND NATURALIZATION VERIFICATION:** The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.
- 43. POLITICAL ACTIVITY:** The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government, and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C.

employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.). Please reference West Virginia Code § 29-6-20 for state restricted activities.

**44. PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).

**45. COMPLIANCE WITH WV CODE §15-9B-3:** If applicable, the grantee agrees to comply with §15-9B-3 of the West Virginia Code. Effective July 1, 2025, any Victims of Crime Act (VOCA) Victim Assistance Program and/or STOP Violence Against Women Formula Grant Program (VAWA) applicant operating in a county without a written plan for accessing sexual assault forensic exams that is approved by the Sexual Assault Forensic Examination Commission will be ineligible to receive VOCA and/or VAWA grant funds.

**46. DETERMINATION OF SUITABILITY REQUIRED, IN ADVANCE, FOR CERTAIN INDIVIDUALS WHO MAY INTERACT WITH PARTICIPATING MINORS:** The following award condition is incorporated by reference into many Department of Justice, Office of Justice Program (OJP) awards, starting in calendar year 2019. This condition applies to this award if it is indicated -- in the application for the award (as approved by JCS), the DOJ or JCS funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the DOJ/OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

To the best of my knowledge the applicant has and will comply with all of the attached Standard Conditions and Assurances.

**Authorized Official [please print]:** \_\_\_\_\_

**Authorized Official Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: **Roger Goodwin, Chief County Engineer**

Department or Entity: **Engineering Department**

Estimation of amount of time needed for appointment: **20 Minutes**

Date Requested – 1<sup>st</sup> Choice: **July 11, 2024**

Date Requested – 2<sup>nd</sup> Choice: **August 15, 2024 (night session)**

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

Subject: **Property Safety Enforcement Agency – Hearing on Case 23-001  
(Daniel D. Duncan)  
Property located at 105 Link Drive, Middleway, WV 25430  
Middleway Tax District, Map 6, Parcel 3  
Deed Book 964, Page 35**

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

**This is a presentation of a code violation under the Property Safety Enforcement Ordinance. On behalf of the Property Safety Enforcement Agency, the Chief County Engineer will present the case/violation and request that the County Commission issue the attached Order to the property owner to bring the property into compliance.**

**The original complaint was filed by Christina Snow on January 25, 2023. The Property Safety Enforcement Agency then filed a Petition/Complaint on April 18, 2024, with the County Clerk's office petitioning the County Commission to order the property owner (Property Safety Enforcement Agency Case 23-001 (Duncan)) to bring the property into compliance with the Property Safety Ordinance.**

**The property owner was served in person with the Petition/Complaint on April 24, 2024. The property owner had until May 10, 2024, to submit to the County Clerk, a request for a hearing. The deadline has since passed with no request from the property owner. The property owner has been non-responsive to all of our requests in this matter.**

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

**Move to find the property in violation of the Property Safety Enforcement Ordinance and to issue the Order to the property owner, as presented.**

Attachments:

- **Citizen Complaint**
- **The Investigation Report containing the information required to be gathered under the Ordinance.**
- **Investigation Photos**
- **Notice of Violation Letter**
- **Service of the Petition/Complaint filed with the County Clerk's Office by the Property Safety Enforcement Agency.**
- **Proposed County Commission Order.**

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin, Chief County Engineer

Department or Entity: Engineering Department

Estimation of amount of time needed for appointment: 0 minutes

Date Requested – 1<sup>st</sup> Choice: July 11, 2024

Date Requested – 2<sup>nd</sup> Choice: August 15, 2024 (night session)

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

Subject: **Property Safety Enforcement Agency – Hearing on Case 23-001  
(Daniel D. Duncan)  
Property located at 105 Link Drive, Middleway, WV 25430  
Middleway Tax District, Map 6, Parcel 3  
Deed Book 964, Page 35**

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

**This is a presentation of a code violation under the Property Safety Enforcement Ordinance. On behalf of the Property Safety Enforcement Agency, the Chief County Engineer will present the case/violation and request that the County Commission issue the attached Order to the property owner to bring the property into compliance.**

**The original complaint was filed by Christina Snow on January 25, 2023. The Property Safety Enforcement Agency then filed a Petition/Complaint on April 18, 2024, with the County Clerk's office petitioning the County Commission to order the property owner (Property Safety Enforcement Agency Case 23-001 (Duncan)) to bring the property into compliance with the Property Safety Ordinance.**

**The property owner was served in person with the Petition/Complaint on April 24, 2024. The property owner had until May 10, 2024, to submit to the County Clerk, a request for a hearing. The deadline has since passed with no request from the property owner. The property owner has been non-responsive to all of our requests in this matter.**

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

**Move to find the property in violation of the Property Safety Enforcement Ordinance and to issue the Order to the property owner, as presented.**

Attachments:

- **Citizen Complaint**
- **The Investigation Report containing the information required to be gathered under the Ordinance.**
- **Investigation Photos**
- **Notice of Violation Letter**
- **Service of the Petition/Complaint filed with the County Clerk's Office by the Property Safety Enforcement Agency.**
- **Proposed County Commission Order.**

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department

**PROPERTY SAFETY ENFORCEMENT AGENCY**

P. O. Box 716 Charles Town, West Virginia 25414

Phone: 304-728-3257

FAX: 304-728-3953

e-mail: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

---

This Property Safety Enforcement Agency case no. **23-001 (Duncan)** comes before you because the deadline of **May 10, 2024**, for the property Owner to request a hearing on the petition/complaint has passed.

At the conclusion of my presentation you will need to decide if there is merit to the complaint and to issue the Order presented to you.

Documents attached to the agenda request:

1. Citizen Complaint
2. Investigation Report & Location Map
3. Investigation Photos
4. Notice of Violation Letter
5. Service of Recorded Petition from Property Safety Enforcement Agency
6. Proposed County Commission Order

Our records will indicate that:

1. A citizen filed a complaint under the Property Safety Ordinance.
  2. The Property Safety Enforcement Agency investigated the complaint and found merit to the complaint. A Notice of Violation letter was then issued to the property owner.
  3. The Property Owner failed to respond to the requirements in the Notice of Violation letter.
  4. As directed by the Property Safety Enforcement Agency, and in accordance with the Property Safety Ordinance, a petition was filed with the County Clerk's Office seeking an Order from the County Commission requiring the property Owner to bring the property into compliance.
-

5. The Petition/Complaint was served upon the property owner in person by the Jefferson County Sheriff's office.
6. The property Owner did not contest the Petition/Complaint and/or exercise their right to a hearing before the county commission.

THEREFORE, the Enforcement Agency requests that the County Commission find the property to be unsafe and issue the Order presented to you.

7. Review the requirements in the Order.
  8. Requested motion is in the agenda item request.
-

January 25th  
6:30pm  
bring pics  
basement of library

Jefferson County, West Virginia  
Property Safety Enforcement Agency  
P. O. Box 250  
Charles Town, West Virginia 25414

**PROPERTY SAFETY COMPLAINT**  
**Report Form**

7/24/2007

(This form is for use to report a property safety complaint to the Jefferson County Property Safety Enforcement Agency)

Property Description & Location

Location of Property Safety complaint: (Attach a simple map showing directions to property)

Directions to Property: Bowers Rd, left on Link Dr.,  
last trailer

Property Street/Road Address: 105 Link Dr., Kearneysville

Tax District: 07 Tax Map: 6 Parcel no.(s): \_\_\_\_\_

Deed Book: 964 Page: 35

Subdivision: \_\_\_\_\_ Lot no.(s): \_\_\_\_\_

Dwelling Occupants Name: unoccupied - abandoned for over  
(If there is no dwelling, or dwelling is unoccupied, please state above) 1 year

1. Object of Concern: (circle all that apply)

- Dwelling
- Other Building
- Accumulated Debris or Refuse
- Toxic Spill
- Other: \_\_\_\_\_

2. General Condition: (circle all that apply)

- Dilapidation
- Fire Hazard Defect
- Accident Hazard Defect
- Other Calamity Hazard Defect
- Unsanitary Condition (specify)
- Toxic Condition

Additional Comments: accumulated garbage. Rats.  
cockroaches. Seeping into neighbor's house  
no heat, no water. See attached

Property Owner

Property Owner Name(s): Daniel Duncan

Property Owner Street/Mailing Address: 479 Macbeth Dr.

City/Town: Charlestown State: WV Zip: 25414 Phone: \_\_\_\_\_

Complainant's Info.

Complaint's Signature: Christina Snow Date: 1/17/2023

Complainant's Name: Christina Snow  
(print/type name)

Street/Mailing Address: 89 Link Dr

City/Town: Kearneysville State: WV Zip: 25430 Phone: 304-671-3261

(Official Use/Do not write in this box)

Complaint: Accepted for investigation 2/25/2023 Complaint Dismissed \_\_\_\_\_

Assigned Case No. 23-001

Citizen complaint - report form

105 Link Drive  
Kearneysville, WV

- Trailer is dilapidated
  - No heat; no water.
  - Underskirting is torn off
  - Holes in trailer
  - Rats, cockroaches and other vermin are in the trailer because the previous tenant left the door open for several weeks
  - The smell of garbage and dog feces is so strong we cannot sit on our porch.
  - Grass has not been mown for 2 years . The grass is over 2 ft. tall and the weeds have overtaken the entire lot
-

1 features currently selected

Parcel: 07000600030000

TD: 07 / Map: 6 / Pci: 0003.0000

Dedeed Owner: DUNCAN DANIEL D

Owner Address: 479 MACBETH DR

City: CHARLES TOWN

State: WV

Zip: 25414

Deed Book/Page: 964/35

Description: 4/5 AC. OPEQUON-VANMETRE (#7397)

Lot Size: 0.8

Tax Class: 3

Living Unit: 1

Year Built: 1981

Stories: 1

First Floor Area: 0

Rooms: 0

Bedrooms: 0

Full Baths: 0

Half Baths: 0

Heat Type: Mods: : : :

Fuel Type:

Heat System:

Last Sale Date: 2002-08-01

Last Sale Amount: 38000

Tax Year: 2023

Map Card: [Map Card](#)

County Tax Information: [County Tax Info](#)

▶ Measurement

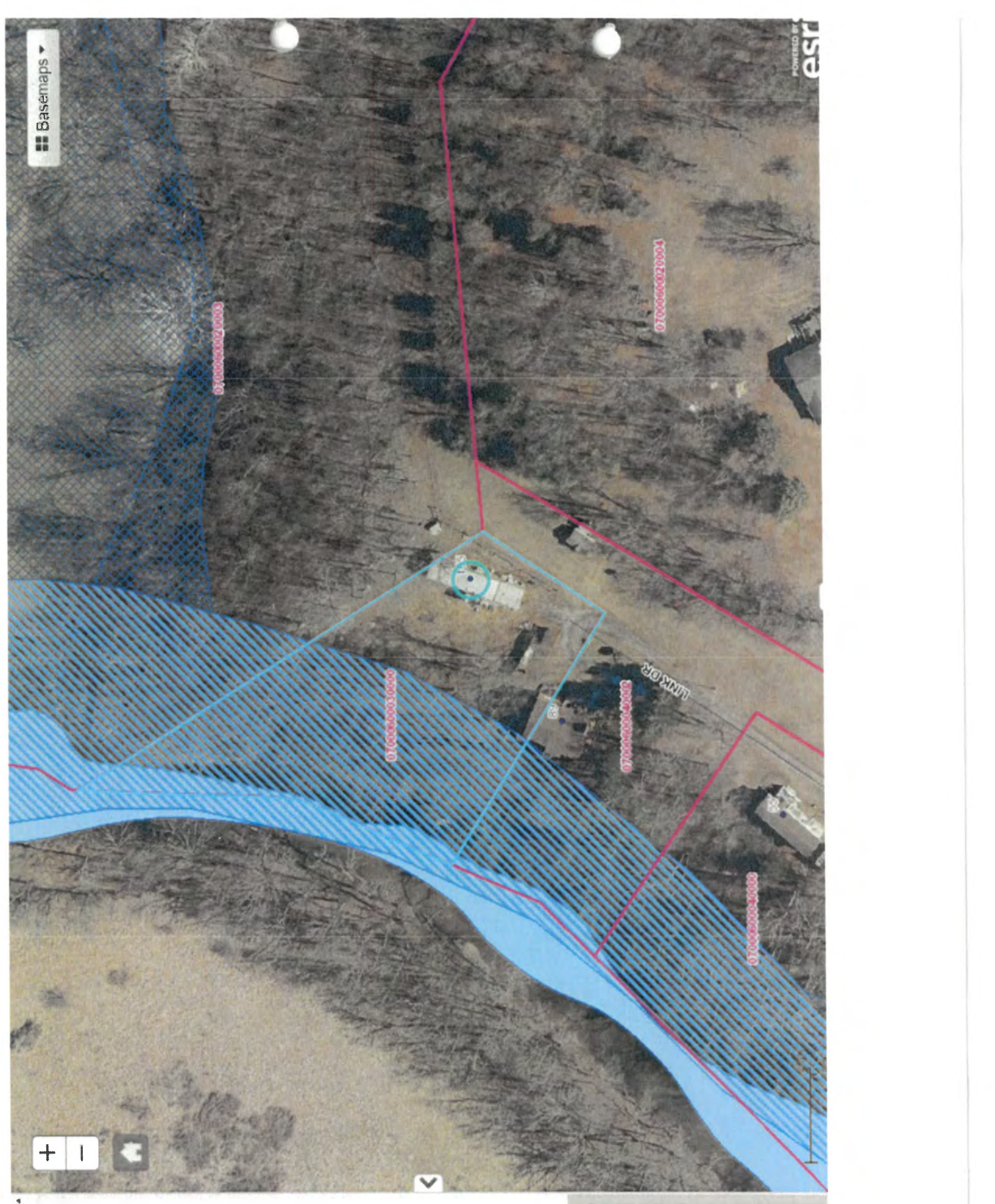
▶ Draw

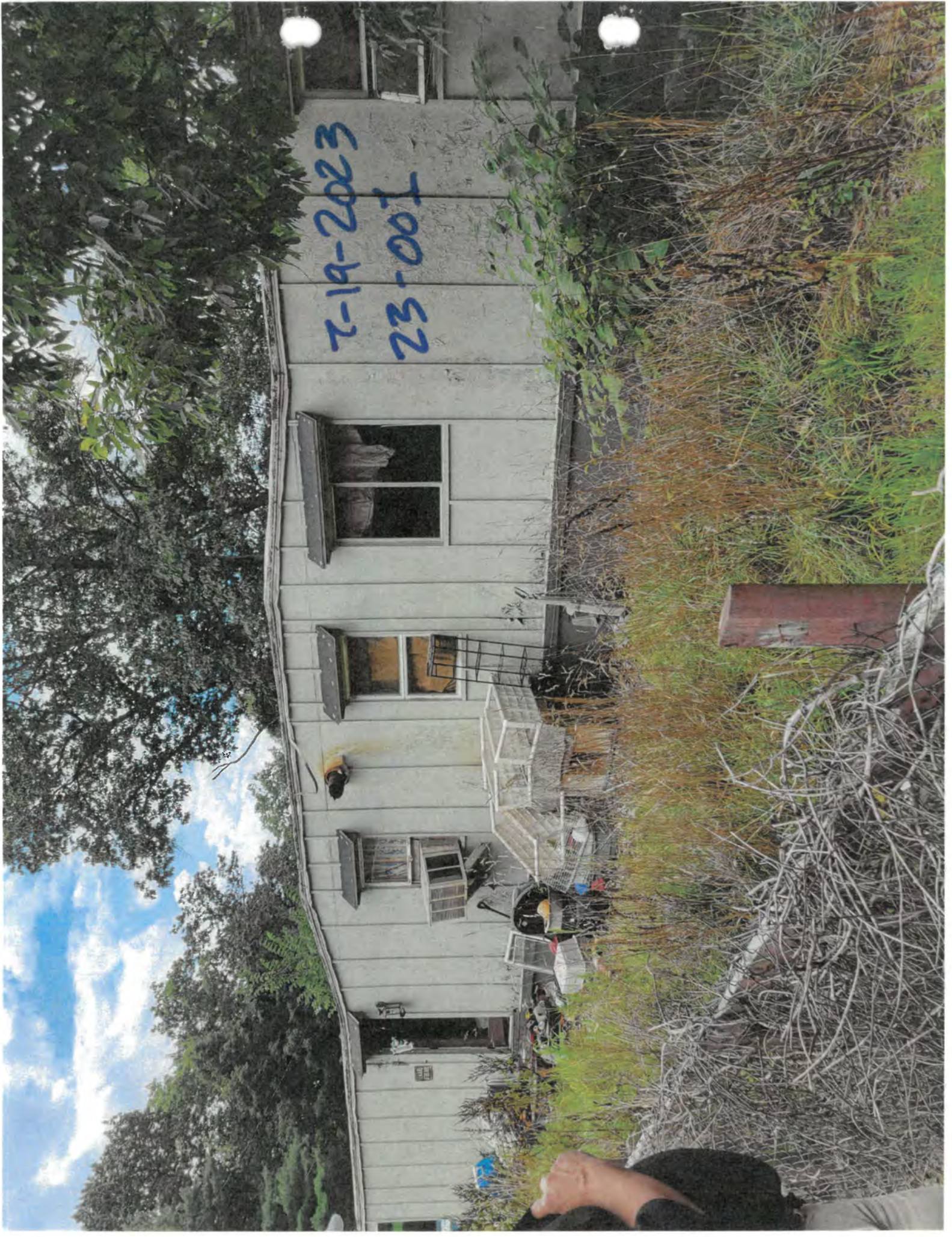
▶ Print

Basemaps ▼



POWERED BY  
esri









23-001





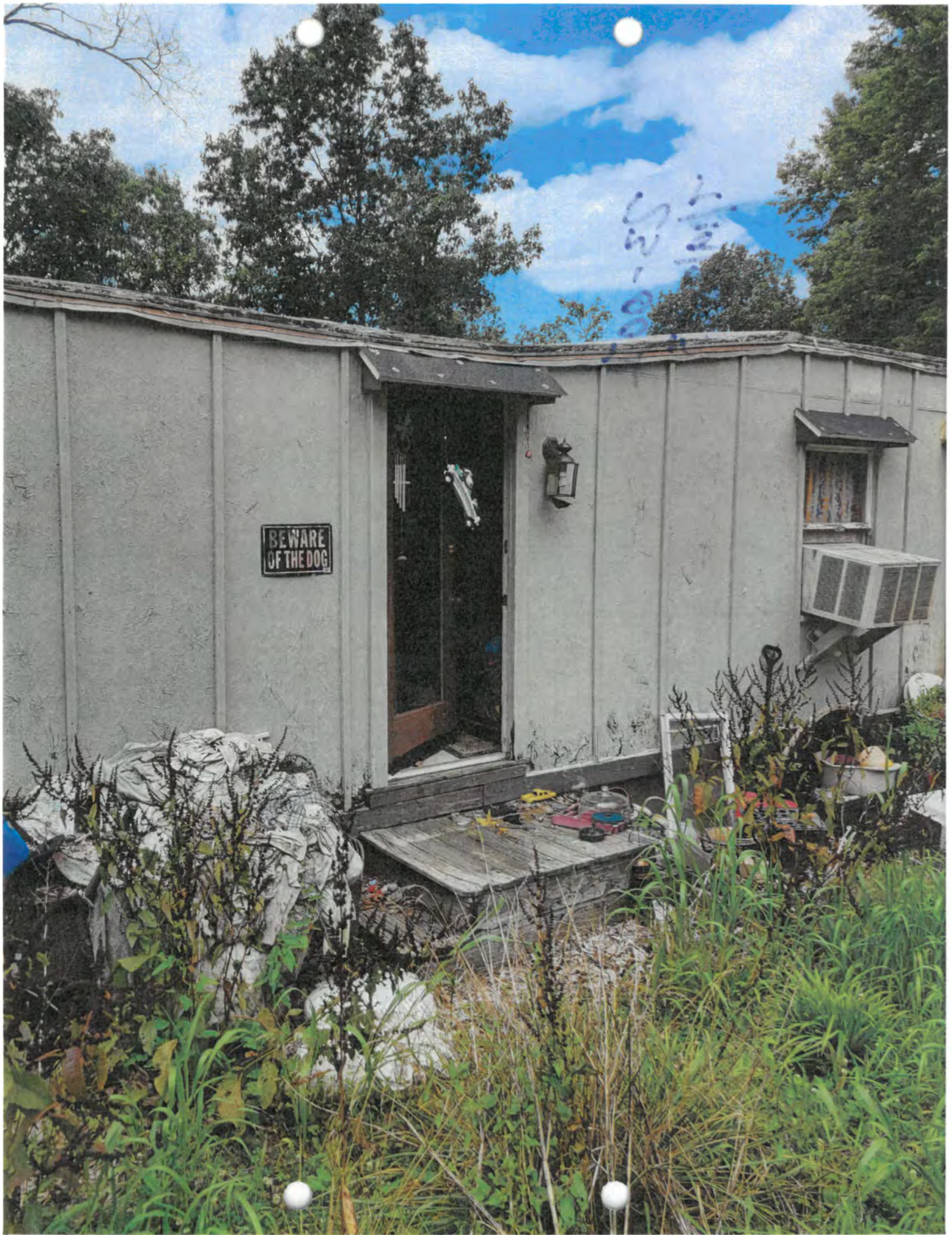
23-001  
2/19/2023

WARNING  
Security  
Cameras in Use

PRIVATE  
PROPERTY  
NO TRESPASSING

NOO S IANAD 1103  
9061624018 K116645







105

23-001  
1/12/2023







RE  
DOG



Jefferson County, West Virginia  
Property Safety Enforcement Agency

INVESTIGATION REPORT

Case no. 23-001 (Duncan)

Date: November 1, 2023

**1. Sheriff's Tax Office:**

Property Owner(s): Daniel Duncan

Mailing Address: 479 Macbeth Drive

City: Charles Town State: WV Zip: 25414

Tax District: Middleway Map: 6 Parcel No. 3

Subdivision: N/A Lot no. N/A

Street name: 105 Link Drive, Kearneysville, WV

**2. Clerk of the County Commission:**

Judgement Leins: None

Tax Leins: None

Mechanics Leins: None

Deed of Trust Leins: None

Copy of the Deed Obtained: Yes Deed Book: 964 Page: 35

**3. Assessor's Office:**

Copy of Tax Map Obtained: Yes Parcel Size: 0.8 +/- (acres)

Assessed Value: Land: \$27,500 Structure: \$12,300 (Mobile Home)

**4. County Health Officer:**

Type of water system serving property:  individual well  
 public water system  
 subdivision central water

Type of sewer system serving property:  individual septic system  
 public sewer system  
 subdivision central sewer

**5. County Fire Department: (Middleway)**

Number of fire service calls in the last five months to this property: No Response  
Number of ambulance calls in the last five months to this property: No Response

**6. Planning Commission:**

Adjacent/Nearby subdivision(s): Quarter Farm Subdivision within approx. 1 mile.

Approximate no. of improved lots: > 10

Schools within 1000 feet: None

Hospitals within 1000 feet: None

Property located within floodway or 100 year floodplain?  Yes  No  
(Property partially located in floodplain; Structure is outside the floodplain)

F.I.R.M. Map no. 54037C0105E Dated: December 18, 2009

**7. United States Dept. of Agriculture:**

Type of farming operations in the area: None adjacent to property

Soil Types: W: Water (Opequon Creek)

WkF Weikert-Berks: very channery silt loams; 25 to 70 percent slopes.

WrC Wharton-Clearbrook: channery silt loams; 8 to 15 percent slopes.

**8. West Virginia State Police:**

Approximate No. of law enforcement problems associated with this property within the last five years?

1 in 2023

**9. Jefferson County Sheriff's Department:**

Approximate No. of law enforcement problems associated with this property within the last five years?

6 between 2019 and 2020: animal control,  
4 - home confinement, welfare check.

Pictures taken:      Yes    No

**JEFFERSON COUNTY, WEST VIRGINIA**

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

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

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

August 28, 2023

Jefferson County Sheriff's Department  
102 Industrial Boulevard  
Kearneysville, WV 25430

**FILE**  
**COPY**

Attn: Sheriff Thomas Hansen

Re: Property Safety Information Request - Enforcement Agency file no. 23-001  
Property located at 105 Link Drive, Kearneysville, WV; (Mobile Home)  
Middleway Tax District, Map 6, Parcel 3; DB 964, Pg. 35

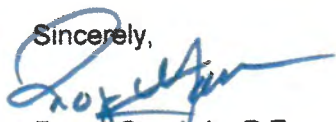
Owner: Daniel Duncan  
479 Macbeth Drive  
Charles Town, WV 25414

Dear Sheriff Hansen:

Due to a complaint received against the above noted property, and as subsequently required by the Jefferson County Property Safety Ordinance, the Property Safety Enforcement Agency is requesting the following information from the "Jefferson County Sheriff's Department":

<p><u>Sheriff's Department:</u></p> <p>Number of law enforcement problems associated with this property within the last five years: <u>6 between 2019-2020</u></p> <p><u>West Virginia State Police:</u></p> <p>Number of law enforcement problems associated with this property within the last five years: <u>1 - 2023</u></p> <p><i>(Please mark each blank "Unknown" for information that you are unable to provide.)</i></p>
---

Please return this letter to the Jefferson County Engineering Department. Please call me at 304-728-3256 if you have any questions.

Sincerely,  
  
Roger Goodwin, P.E.  
Chief County Engineer

1 JCSO related to Animal Control  
4 JCSO related to Home Confinement  
1 Welfare Check on truant child

**JEFFERSON COUNTY, WEST VIRGINIA**

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

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

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

August 28, 2023

Jefferson County Health Department  
1948 Wiltshire Road, Suite 1  
Kearneysville, WV 25430

Attn: Gillian Beach, Sanitarian

Re: Property Safety Information Request - Enforcement Agency file no. 23-001  
Property located at 105 Link Drive, Kearneysville, WV; (Mobile Home)  
Middleway Tax District, Map 6, Parcel 3; DB 964, Pg. 35

Owner: Daniel Duncan  
479 Macbeth Drive  
Charles Town, WV 25414

 **FILE**  
**COPY**

Due to a complaint received against the above noted property and as subsequently required by the Jefferson County Property Safety Ordinance, the Property Safety Enforcement Agency is requesting the following information from the "County Health Officer":

Type of water system serving property:	<input checked="" type="checkbox"/> individual well
	<input type="checkbox"/> public water system
	<input type="checkbox"/> subdivision central water
Type of sewer system serving property:	<input checked="" type="checkbox"/> individual septic system
	<input type="checkbox"/> public sewer system
	<input type="checkbox"/> subdivision central sewer
Other Comments:	_____

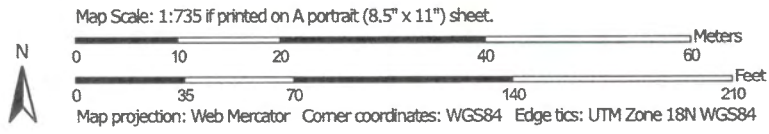
Please return this letter to the Jefferson County Engineering Department. Please call me at 304-728-3256 if you have any questions.

Sincerely,







































Roger Goodwin, P.E.  
Director & Chief County Engineer

Soil Map—Berkeley County, West Virginia, and Jefferson County, West Virginia  
(105 Link Drive, Duncan Property)



## MAP LEGEND

- Area of Interest (AOI)**
  -  Area of Interest (AOI)
- Soils**
  -  Soil Map Unit Polygons
  -  Soil Map Unit Lines
  -  Soil Map Unit Points
- Special Point Features**
  -  Blowout
  -  Borrow Pit
  -  Clay Spot
  -  Closed Depression
  -  Gravel Pit
  -  Gravelly Spot
  -  Landfill
  -  Lava Flow
  -  Marsh or swamp
  -  Mine or Quarry
  -  Miscellaneous Water
  -  Perennial Water
  -  Rock Outcrop
  -  Saline Spot
  -  Sandy Spot
  -  Severely Eroded Spot
  -  Sinkhole
  -  Slide or Slip
  -  Sodic Spot
- Water Features**
  -  Streams and Canals
- Transportation**
  -  Rails
  -  Interstate Highways
  -  US Routes
  -  Major Roads
  -  Local Roads
- Background**
  -  Aerial Photography
- Other Features**
  -  Spoil Area
  -  Stony Spot
  -  Very Stony Spot
  -  Wet Spot
  -  Other
  -  Special Line Features

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Berkeley County, West Virginia  
Survey Area Data: Version 17, Sep 8, 2022

Soil Survey Area: Jefferson County, West Virginia  
Survey Area Data: Version 16, Sep 9, 2022

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 23, 2020—Nov 3, 2020

## MAP LEGEND

## MAP INFORMATION

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
W	Water	0.4	29.2%
<b>Subtotals for Soil Survey Area</b>		<b>0.4</b>	<b>29.2%</b>
<b>Totals for Area of Interest</b>		<b>1.3</b>	<b>100.0%</b>

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Sp	Speedwell silt loam	0.0	0.1%
WkF	Weikert-Berks very channery silt loams, 25 to 70 percent slopes	0.6	46.5%
WrC	Wharton-Clearbrook channery silt loams, 8 to 15 percent slopes	0.3	24.1%
<b>Subtotals for Soil Survey Area</b>		<b>0.9</b>	<b>70.8%</b>
<b>Totals for Area of Interest</b>		<b>1.3</b>	<b>100.0%</b>

Hide

**Flood Hazard Area:** Location is **NOT WITHIN** identified flood hazard area, but within 75 feet of an identified flood hazard area

**Flood Zone:** Near Flood Zone

**Stream:**

**Watershed (HUC8):** Conococheague-Opequon (2070004)

**FEMA's Flood Map:** 54037C0106E **NFHL**

**Map Effective Date:** 12/18/2009

**Contacts:** Jefferson

**Community:** Jefferson County

**Freeboard:** 3 ft **CRS Class:** 6 **CID:** 540065

**Location (lat, long):** (39.373551, -77.942115)

**Location (UTM 17N):** (4362692, 763415)

**External Viewers:**

**Elevation:** 448.2 ft (Source FEMA 2012)

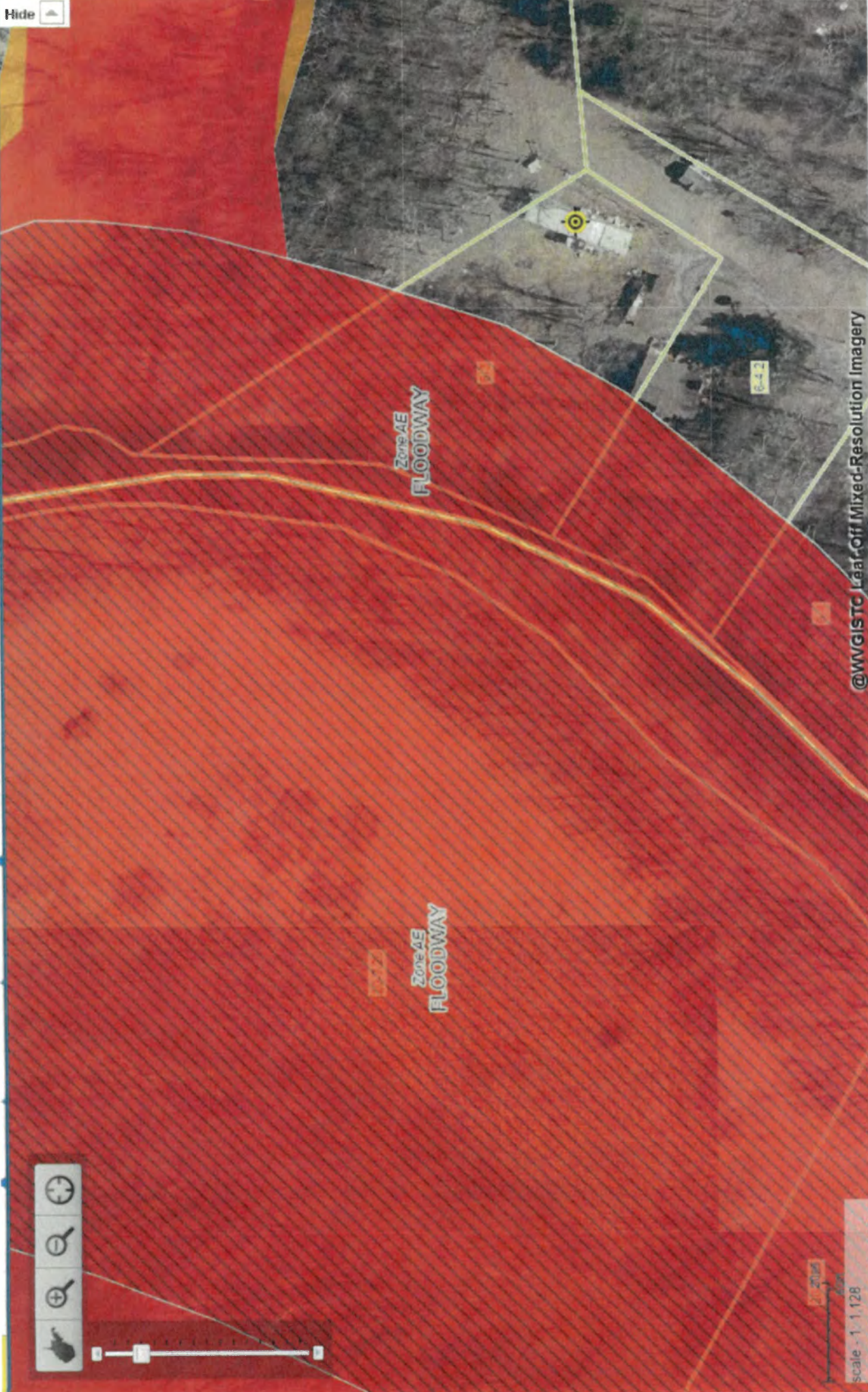
**Address:** 105 LINK DR, Kearneysville, WV, 25430

**Parcel:** 19-07-0006-0003-0000 | Assessment

**Flood Risk Information** [Related Resources](#)

Flood Risk Assessment N/A

3D Flood Visualization No Depth Grid Available



Scale - 1:1,128  
v. 77.942971, v. 39.374161

@WVGISTC Leaf-Off Mixed-Resolution Imagery



**JEFFERSON COUNTY, WEST VIRGINIA**

**Engineering Department**

116 East Washington Street  
P.O. Box 716  
Charles Town, West Virginia 25414

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

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

---

Certified Return Mail Receipt #7015 0640 0004 5288 2172

May 9, 2023

Daniel Duncan  
479 Macbeth Drive  
Charles Town, WV 25414

Re: **Violation Notice** - Property Safety Complaint – Case 23-001  
Located 105 Link Drive, Kearneysville, WV  
Middleway Tax District, Map 6, Parcel 3; DB 964, Pg. 35

Dear Mr. Duncan:

The Jefferson County, West Virginia, Property Safety Enforcement Agency is charged with the administration of the Jefferson County Property Safety Ordinance, which was adopted by the Jefferson County Commission on January 7, 1999. At the agency's January 25, 2023, meeting, the Enforcement Agency received a public complaint alleging unsafe and/or hazardous conditions on the above noted property, related to:

1. An Abandoned & Dilapidated Dwelling
2. A Dilapidated Garage/Storage Building
3. Accumulated Debris and Refuse
4. Fire Hazard
5. Unsanitary Condition (open sewer system?)

As a result of the information provided, the Enforcement Agency voted to accept the case and to investigate the complaint. On the afternoon of Thursday, April 13<sup>th</sup>, 2023, members of the Enforcement Agency visited the property to determine if a dilapidated structure, fire hazarded, unsanitary condition, and/or accumulated refuse and debris existed on the property.

The findings of the investigation were discussed at the Enforcement Agency's meeting on Wednesday, April 26, 2023, and it was determined that there is an abandoned and dilapidated dwelling on the property; which is considered to be unsafe due to dilapidation, unsanitary and fire hazard conditions, or a combination of factors, whether the result of natural or manmade force or effect, which would cause the property to be an attractive

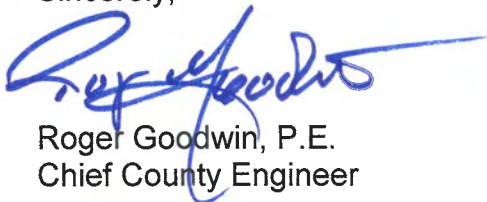
nuisance due to it being open and attracting unauthorized people to enter the property; all of which is unsafe and dangerous or detrimental to the public safety or welfare.

Under the authority granted to the Enforcement Agency by the West Virginia State Code, and the Property Safety Ordinance adopted by the Jefferson County Commission on January 7, 1999, **the Agency is hereby notifying you of the violation and ordering that that the property owner bring the property into a safe condition by Noon on Wednesday, July 19, 2023.** The Enforcement Agency will consider the subject property returned to a safe condition once:

- 1) The dwelling unit is secured by fully boarding up the doors and all the windows that cannot be secured by closing and locking them, this includes any windows with broken glass; in order to prevent access by unauthorized persons; and
- 2) All outdoor trash and debris is removed and disposed of in a legal manner; and
- 3) All performed to the satisfaction of the Property Safety Enforcement Agency.

The Jefferson County Property Safety Enforcement Agency is available to answer any questions you may have with regard to bringing the property into compliance. The Jefferson County Property Safety Enforcement Agency is scheduled to meet again on Wednesday, July 26, 2023, and will review the status of this case at that time. Be advised that failure to comply most likely will result in criminal prosecution under the Jefferson County Property Safety Ordinance; your cooperation in this matter is greatly appreciated.

Sincerely,



Roger Goodwin, P.E.  
Chief County Engineer

cc: via Regular US Mail  
file 23-001 (Duncan)

**JEFFERSON COUNTY, WEST VIRGINIA**

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

**RETURN**

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

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

April 22, 2024



**FILE**

Sheriff Thomas H. Hansen,  
102 Industrial Boulevard  
Kearneysville, WV 25430

Re: **Jefferson County Property Safety Enforcement Agency  
Case 23-001 (Duncan)**

Dear Sheriff Hansen:

Enclosed is a copy of the Petition/Complaint filed in the County Clerk's office, on behalf of the Jefferson County Property Safety Enforcement Agency, for the above noted case. I am asking that you please have the petition/complaint personally served upon the property owner.

The following is the current address that I have for the property owner:

**Daniel D. Duncan  
479 MacBeth Drive  
Charles Town, WV 25414**

Upon serving Mr. Duncan with the petition/complaint, please provide me with documentation of the date and time of service; the property owner has ten (10) days from the date of service to request a hearing. If you have any questions, please contact me at 304-728-3256.

Sincerely,

Roger L. Goodwin, P.E.  
Chief County Engineer

**IN PERSON**

**4-25-24**

**17:00**

**D. Swimer #72**

Enc.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA  
JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY  
Petitioner/Complainant

VS

DANIEL D. DUNCAN  
Respondent/Owner

**PETITION/COMPLAINT**

TO: THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

The Jefferson County Property Safety Enforcement Agency would represent unto the County Commission of Jefferson County, West Virginia, as follows:

1. That the Respondent/Owner is the owner of a parcel of property located at 105 Link Drive, Kearneysville, in Jefferson County, West Virginia; which is designated as Deed Book 964, Page 35; and Tax Map 6, Parcel 3, in the Middleway Tax District; and is designated as Property Safety Enforcement Agency case no. 23-001.
2. That on January 25, 2023, the Jefferson County Property Safety Enforcement Agency received a citizen complaint against the property described in paragraph no. 1 herein alleging the following:
  - a. An abandoned and dilapidated dwelling (manufactured home) on the property; and
  - b. Accumulated Trash, Debris & Refuse on the property; and
  - c. An Unsanitary Condition on the property.
3. That the Jefferson County Property Safety Enforcement Agency, at its January 25, 2023 meeting, agreed to accept and investigate the citizen complaints against the property described in paragraph no. 1 herein.
4. That the Jefferson County Property Safety Enforcement Agency, based on a field inspection on April 13, 2023, found that an abandoned and dilapidated dwelling that appears to be an attractive nuisance, and an unsanitary condition, fire hazard and an accumulation of trash and debris on the property described in paragraph no.1 herein; which is considered to be unsafe due to dilapidation, unsanitary and fire hazard conditions, or a combination of factors, whether the result of natural or manmade force or effect, which would cause the property to be an attractive nuisance that is unsafe and dangerous or detrimental to the public safety or welfare.
5. That Daniel D. Duncan, the Respondent/Owner, was sent a Notice of Violation Letter by certified mail and regular U. S. mail service, dated May 9, 2023, from the Jefferson County Property Safety Enforcement Agency. The letters were sent to

Daniel Duncan, 479 Macbeth Drive, Charles Town, WV, 25414. The certified mail return receipt letter was not claimed by the Respondent/Owner; however, the letter sent via regular USPS mail service was not returned to us and appears to have been received by the Respondent/Owner.

6. That the Notice of Violation Letter served upon the Respondent/Owner, required the Respondent/Owner to return the dwelling/property to a safe condition by:
  - A. Securing the dwelling unit (manufactured home) from access by unauthorized persons by boarding up all the doors and boarding up all the windows that cannot be secured by closing and locking them; this includes all windows with broken glass. All to prevent access by unauthorized persons; and
  - B. All outdoor trash and debris is removed and disposed of in a legal manner; and
  - C. All performed to the satisfaction of the Property Safety Enforcement Agency.
7. That the Respondent/Owner was given until July 19, 2023, to bring the property into compliance as noted in paragraph 6, above.
8. That the Notice of Violation Letter advised the Respondent/Owner that "the Jefferson County Property Safety Enforcement Agency is available to answer any questions with regard to bringing the property into compliance, but the Respondent/Owner has not contacted the Chief County Engineer about this matter.
9. That based on a follow-up field inspection on July 19, 2023, it was observed that Respondent/Owner had not complied with the requirements of the Property Safety Enforcement Agency and that as of the date of the filing of this petition, the unsafe condition still exists; and that the Respondent/Owner has failed to eliminate the unsafe condition on the property described in paragraph no. 1 herein.
10. That the Property Safety Enforcement Agency, at their July 26, 2023, meeting, found the property to still be in violation and agreed, in accordance with the Jefferson County Property Safety Ordinance, to petition the County Commission of Jefferson County to order the Respondent/Owner to bring the property into compliance.
11. That accordingly the Jefferson County Property Safety Enforcement Agency has caused this Petition/Complaint to be filed in the Office of the Clerk of the County Commission of Jefferson County, West Virginia at the address of P.O. Box 208,

Jefferson County Courthouse, 100 East Washington Street, Charles Town, West Virginia 25414.

12. That accordingly the Jefferson County Property Safety Enforcement Agency does seek an order of the County Commission of Jefferson County, West Virginia requiring the Respondent/Owner to return the property to a safe condition, as noted in paragraph no. 6 herein, within a reasonable time, and to impose daily civil monetary penalties – accruing from the deadline imposed by the County Commission - upon the Respondent/Owner who fails to obey the order of the County Commission of Jefferson County, West Virginia, and if necessary, to advertise for and seek a contractor to:
  - A. Secure the dwelling unit from access by unauthorized persons by boarding up the doors and windows; and
  - B. Remove all trash and debris and dispose of it in a legal manner; and
  - C. Mow all grass and weeds to allow for safe access by first responders; and
  - D. All performed to the satisfaction of the Property Safety Enforcement Agency; and to institute a civil proceeding in the Circuit Court of Jefferson County, West Virginia to subject this property mentioned and described in paragraph no. 1 to a lien to satisfy the costs of the contractor to make the ordered work of boarding up the structure, removing all trash and debris and disposing of it in a legal manner, mowing all grass and weeds; and to subject the Respondent/Owner to the daily civil monetary penalty imposed, attorney fees, and to order and decree that the contractor and the County and its agents may enter upon said property to perform the ordered work.
13. **UNLESS THE RESPONDENT/OWNER SHALL WITHIN TEN (10) DAYS OF BEING SERVED WITH THIS PETITION/COMPLAINT, FILE A WRITTEN REQUEST WITH THE CLERK OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA AT THE ADDRESS OF P.O. BOX 208, JEFFERSON COUNTY COURTHOUSE, 100 EAST WASHINGTON STREET, CHARLES TOWN, WEST VIRGINIA, 25414, AN ORDER WILL BE ISSUED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA IMPLEMENTING THE RECOMMENDATIONS OF THE JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY.**

- Spoke w/ Amanda @ County clerk - No response has been filed as of 5-15-24 1:45pm.

**PRAYER**

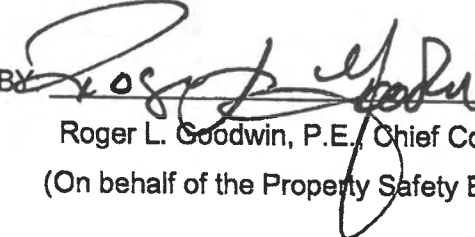
WHEREFORE the Jefferson County Property Safety Enforcement Agency would pray as follows:

1. That the Clerk of the County Commission of Jefferson County, West Virginia shall cause the Petition/Complaint to be filed and a copy thereof be served upon Daniel D. Duncan, the Respondent/Owner, in accordance with law.
2. That the Clerk of the County Commission of Jefferson County shall, if service was by personal service, note on the original Petition/Complaint, the date such personal service was accomplished and require the person making personal service to certify that personal service was performed on that date.
3. That if the Respondent/Owner shall fail to make a written request for a hearing before the County Commission of Jefferson County, West Virginia within ten (10) days of service upon said Respondent/Owner of this Petition/Complaint, that an order be entered by the County Commission of Jefferson County, West Virginia implementing the recommendations of the Jefferson County Property Safety Enforcement Agency.
4. That if such hearing be requested, that the County Commission of Jefferson County, West Virginia conduct said hearing and make findings of fact, determinations and conclusions of law that the abandoned and dilapidated dwelling on the property is unsafe, an accident hazard and an attractive nuisance due to dilapidation, and the condition of the structure along with the refuse and debris on the property is unsafe and/or unsanitary, whether the result of natural or manmade force or effect, which causes the dwelling and property to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.
5. That the County Commission of Jefferson County, West Virginia order the Respondent/Owner to:
  - A. Secure the dwelling unit (manufactured home) from access by unauthorized persons by boarding up all the doors and boarding up all the windows that cannot be secured by closing and locking them; this includes all windows with broken glass. All to prevent access by unauthorized persons; and
  - B. Remove all trash and debris and dispose of it in a legal manner; and
  - C. Mow all grass and weeds to provide safe access by first responders; and
  - D. All performed to the satisfaction of the Property Safety Enforcement Agency; and

that all work be completed within 30 calendar days of receipt of the Order; and if the Respondent/Owner fails to comply with this Order within the time so specified, to impose a \$25.00 daily monetary penalty upon the Respondent/Owner and advertise for a contractor to make the ordered work of boarding up the structure, removing all trash and debris and disposing of it in a legal manner; and that the County Commission of Jefferson County, West Virginia bring a civil action in the Circuit Court of Jefferson County against the Respondent/Owner seeking an order to subject the property in question to a lien to satisfy: the contractor's costs in performing the work, the daily civil monetary penalty, reasonable attorney fees, court costs, and to order the property in question sold to satisfy the lien; and to seek an order of the Court granting the contractor and the County and its agents the right of entry onto the property in question.

6. And for such other relief as permitted by law.

JEFFERSON COUNTY  
PROPERTY SAFETY ENFORCEMENT AGENCY

BY  Date 4/17/2024  
Roger L. Goodwin, P.E., Chief County Engineer  
(On behalf of the Property Safety Enforcement Agency)

S:\engineering\Engineering\ENGINEERING\ENFORCEMENT AGENCY\2023 CASE CORRESPONDENCE & RECORDS\23-001  
Duncan\2023-11-01 Petition & Complaint\2023-11-01 Petition-Complaint case 23-001.doc

JEFFERSON COUNTY ENGINEERING DEPT

Jefferson County  
Jacqueline C Shadle, Clerk  
Instrument 202400004373  
04/17/2024 @ 03:29:37 PM  
PETITION / COMPLAINT  
Book 1321 @ Page 73  
Pages Recorded 5

STATE OF WEST VIRGINIA  
COUNTY OF JEFFERSON

I, Jacqueline C Shadle Clerk of the Jefferson County Commission, do hereby certify that the foregoing writing is a true and accurate copy as appears of record in my office in **DEED BOOK**, *Book: 1321 at Page: 73*, of said record.

The foregoing instrument was acknowledged before me **Wednesday, April 17, 2024**.



*Jacqueline C. Shadle*

\_\_\_\_\_  
Jacqueline C Shadle  
Clerk of the Jefferson County Commission

By

*Heather Day*

\_\_\_\_\_  
Heather Day  
Deputy Clerk

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA  
JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY  
Petitioner/Complainant

VS

DANIEL D. DUNCAN  
Respondent/Owner

## **ORDER**

This matter came before the County Commission of Jefferson County on the 11<sup>th</sup> day of July, 2024, after the deadline expired for the Respondent/Owner to request a hearing on the Petition/Complaint (Property Safety Enforcement Agency Case 23-001) filed in the Jefferson County Clerk's office, Petition/Complaint Book 1321, Page 73. Therefore, upon the findings of fact, determinations and considerations of law, presented by the Property Safety Enforcement Agency, the County Commission of Jefferson County does find:

1. That this matter comes before the Jefferson County Commission by the authority under the Jefferson County Property Safety Ordinance, and by virtue of the authority granted in Chapter Seven (7), Article One (1), Section three ff (3ff) of the Code of West Virginia, as amended; and
2. That the Respondent/Owner is the owner of a parcel of property located at 105 Link Drive, Kearneysville, in Jefferson County, West Virginia; which is designated as Deed Book 964, Page 35; and Tax Map 6, Parcel 3, in the Middleway Tax District; and is designated as Property Safety Enforcement Agency case no. 23-001; and
3. The investigation report and the findings of fact submitted by the Property Safety Enforcement Agency represented the true condition of the property; and
4. There is an abandoned and dilapidated dwelling that appears to be an attractive nuisance, and an unsanitary condition, fire hazard and an accumulation of trash and debris on the property described in paragraph no.1 herein; which is considered to be unsafe due to dilapidation, unsanitary and fire hazard conditions, or a combination of factors, whether the result of natural or manmade force or effect, which would cause the property to be an attractive nuisance that is unsafe and dangerous or detrimental to the public safety or welfare; and
5. That the dwelling and property will remain unsafe, dangerous and detrimental to the public safety and welfare until:
  - A. The dwelling (manufactured home) is secured from access by unauthorized persons by boarding up all the doors and boarding up all

the windows that cannot be secured by closing and locking them; this includes all windows with broken glass. All to prevent access by unauthorized persons; and

- B. All outdoor trash, debris and refuse is removed from the site and disposed of in a legal manner; and
- C. All grass and weeds are mowed to allow for safe access by first responders; and
- D. All performed to the satisfaction of the Property Safety Enforcement Agency.

6. That the Respondent/Owner, Daniel D. Duncan, was served with the Petition/Complaint in person on April 25, 2024 by a process server for the Jefferson County Sheriff, as evidenced by the signature of Deputy D.J. Wimer, along with the date and time of service, on a letter requesting process service, dated April 22, 2024; and that the Respondent/Owner did not request a hearing on the Petition/Complaint and is not responsive to the requests of the Property Safety Enforcement Agency and has not removed the unsafe condition within the reasonable amount of time granted by the Property Safety Enforcement Agency.

THEREFORE, it is ADJUDGED and ORDERED that the Respondent/Owner, Daniel D. Duncan, Owner, be given until thirty (30) calendar days from receipt of this Order to:

- 1. Bring the property into compliance by:
  - A. Securing the dwelling (manufactured home) from access by unauthorized persons by boarding up all the doors and boarding up all the windows that cannot be secured by closing and locking them; this includes all windows with broken glass. All to prevent access by unauthorized persons; and
  - B. All outdoor trash, debris and refuse is removed from the site and disposed of in a legal manner; and
  - C. All grass and weeds are mowed to allow for safe access by first responders; and
  - D. All performed to the satisfaction of the Property Safety Enforcement Agency.

That upon satisfying the above conditions, this case shall be dismissed.

That in the event these conditions are not met on this date and time certain, that:

- A. The County Commission of Jefferson County, West Virginia shall hire a contractor to secure from access by unauthorized persons the abandoned and dilapidated structure/dwelling by boarding up the doors and windows; and
  - B. All outdoor trash, debris and refuse is removed from the site and disposed of in a legal manner; and
  - C. All grass and weeds are mowed to allow for safe access by first responders; and
  - D. All performed to the satisfaction of the Property Safety Enforcement Agency.
2. The County Commission of Jefferson County, West Virginia brings a civil action in the Circuit Court of Jefferson County against the Respondent/Owner, seeking an order to:
- a) Grant the contractor and employees of Jefferson County, and/or their agents, the right of entry onto the property to secure from access by unauthorized persons the abandoned and dilapidated structure/dwelling by boarding up the doors and windows; and all trash, debris and refuse is removed from the site and disposed of in a legal manner; and the grass lawn is mowed and brush and overgrowth of vegetation is cut back away from the dwelling/structure in order to reduce the risk of spread of a structure fire and to provide safe access for emergency responders; and
  - b) Subject the Respondent/Owner, jointly and severally, to a daily civil monetary penalty of twenty-five dollars (\$25.00) per day until the abandoned and dilapidated structure/dwelling unit is secured from access by unauthorized persons by boarding up the doors and windows; and all trash, debris and refuse is removed from the site and disposed of in a legal manner; and the grass lawn is mowed and brush and overgrowth of vegetation is cut back away from the dwelling/structure in order to reduce the risk of spread of a structure fire and to provide safe access for emergency responders; and to
  - c) Subject the property to a lien to satisfy the contractor's costs in performing the work to secure from access by unauthorized persons the abandoned and dilapidated structure/dwelling by boarding up the doors and windows; and all trash, debris and refuse is removed from the site and disposed of in a legal manner; and the grass lawn is mowed and brush and overgrowth of vegetation is cut back away from the dwelling/structure in order to reduce the risk of spread of a structure fire and to provide safe access for emergency responders; plus reasonable attorney's fees and court costs; and to

- d) Have the property in question sold to satisfy the lien on the property; and to
- e) Grant such other relief as permitted by law.

Dated this 11<sup>th</sup> Day of July, 2024.

By \_\_\_\_\_  
Steve Stolipher, President

JEFFERSON COUNTY COMMISSION  
124 East Washington Street  
Charles Town, WV 25414

Attest  
Jacqueline C. Shadle  
Clerk of the County Commission

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



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Department of Engineering, Planning & Zoning**

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

Date Requested – 1<sup>st</sup> Choice: **July 11, 2024**

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

Subject (*Wording to be placed on agenda*): **Dave Lutman, Lutman Construction, LLC, Home Builder - Discussion of issues with processing building permit applications and Office of Permits & Inspections level of staffing and resources.**

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

**Mr. Lutman expressed concerns about the length of time it is taking the Office of Permits & Inspections staff to review the building permit application, building plans, and issue a building permit. As a result, the following people met on April 11, 2024, to discuss the concerns and possible solutions:**

**Dave Lutman, Lutman Construction, LLC**

**Mr. Daniel Casto, Attorney for Mr. Lutman**

**Nathan Cochran, County Attorney**

**Roger Goodwin, Director Engineering, Planning & Zoning and Building Code Official**

**Mason Carter, Ordinance Compliance Officer and Floodplain Manager**

**As a result of the meeting, staff agreed to determine the applicability of the Improvement Location Permit Ordinance to the building permit process for new homes; especially with regard to permit review time limits, and the necessity of providing the well driller's report, and the septic system installation/inspection health department approval.**

**It was also agreed, on behalf of Mr. Lutman, to submit an agenda request for Mr. Lutman to express to the County Commission his concerns and possible solutions and resources necessary to streamline the building permit application process.**

Is this a funding request? **Not at this time; however, additional funding may be necessary in the FY 2025 budget for the Department of Engineering, Planning & Zoning, depending on the outcome of the discussion and action taken by the County Commission.**

Motion Requested: **Possibly**

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

**Staff defers to Mr. Lutman as to what action he wants the County Commission to take and any motion.**

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

If not attached, explain: **N/A**

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

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS</u>

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



Name: Roger Goodwin

Department or Organization: Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: July 11, 2024

*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*): Complete bond release for ILA Properties, Inc. - Quail Ridge Subdivision, Section II, Phase III, Lots 129-159 (File #05-55)

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of Irrevocable Letter of Credit #7962921 with Summit Community Bank, Moorefield, WV, construction bond security for ILA Properties, Inc. - Quail Ridge Subdivision, Section II, Phase III, Lots 129-159 (File #05-55).

Is this a funding request? Y/NO  
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*): I authorize a complete release of Irrevocable Letter of Credit #7962921 with Summit Community Bank in the amount \$240,133.00 for ILA Properties, Inc. - Quail Ridge Subdivision, Section II, Phase III, Lots 129-159 (File #05-55).

Attach supporting documents for request, or request may be denied:  
Bond Release Letter  
Site Location Map

Is equipment needed? Projector Y/NO Internet/Wi Fi Y/NO Telephone for conference call Y/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

Click here to enter text.



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

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

PRESIDENT

*Steve Stolipher*

VICE PRESIDENT July 11, 2024

*Jane Tabb*

COMMISSIONER

*James Cook*

Mr. Jason Hicks, Senior Vice President

Summit Community Bank

P. O. Box 179

Moorefield, West Virginia 26836

COMMISSIONER

*Pasha Majdi*

COMMISSIONER

*Kelvin Upson*

RE: Irrevocable Letter of Credit #7962921 dated October 11, 2023 for ILA Properties, Inc. - Quail Ridge Subdivision, Section II, Phase III, Lots 129-159 (File #05-55).

Dear Mr. Hicks:

The Jefferson County Commission authorizes a complete release of the remaining \$240,133.00 from the construction bond amount for ILA Properties, Inc. - Quail Ridge Subdivision, Section II, Phase III, Lots 129-159 (File #05-55). This project is located on the east side of Short Road-Route 9/19 adjacent to the Berkeley County line. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$1,901,327.78. Please contact the Jefferson County Department of Engineering, Planning & Zoning at (304)-728-3257 if you have any questions.

Sincerely,

Steve Stolipher, President  
Jefferson County Commission

SS:rfb

cc: Mr. Paul J. Raco

P.J. Raco Consulting LLC

P. O. Box 548

Charles Town, WV 25414

Department of Engineering, Planning & Zoning

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 06 / 28 / 2024 J.C.P.C. File No. 05-55

Consultant/Engineer/Firm Name: P.J. Raco Consulting, LLC

Mailing Address: 557 Wren St North,

City: Martinsburg State: WV Zip: 25405

Contact Person: Paul Raco Phone: 304-676-8256

Project/Subdivision Name: Quail Ridge Subdivision

Section/Phase: Section II Phase III Lots: 129-159

Review Comments:

The bond release/reduction is Approved as Submitted.  The bond release/reduction request is Denied.

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

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

Bonding Policy & Unit Cost Figures attached for your use.

Comments: All punchlist items

+ issues have been addressed  
in accordance with bond Policy  
+ agreement

**Approved for:**  
Bond Release  
 By [Signature] 7-1-24  
**County Engineer** **Date**

Original Bond Amt. \$ 1,653,329 + 15% Cont. \$ 247,999 = Total Original Bond Amt \$ 1,901,328

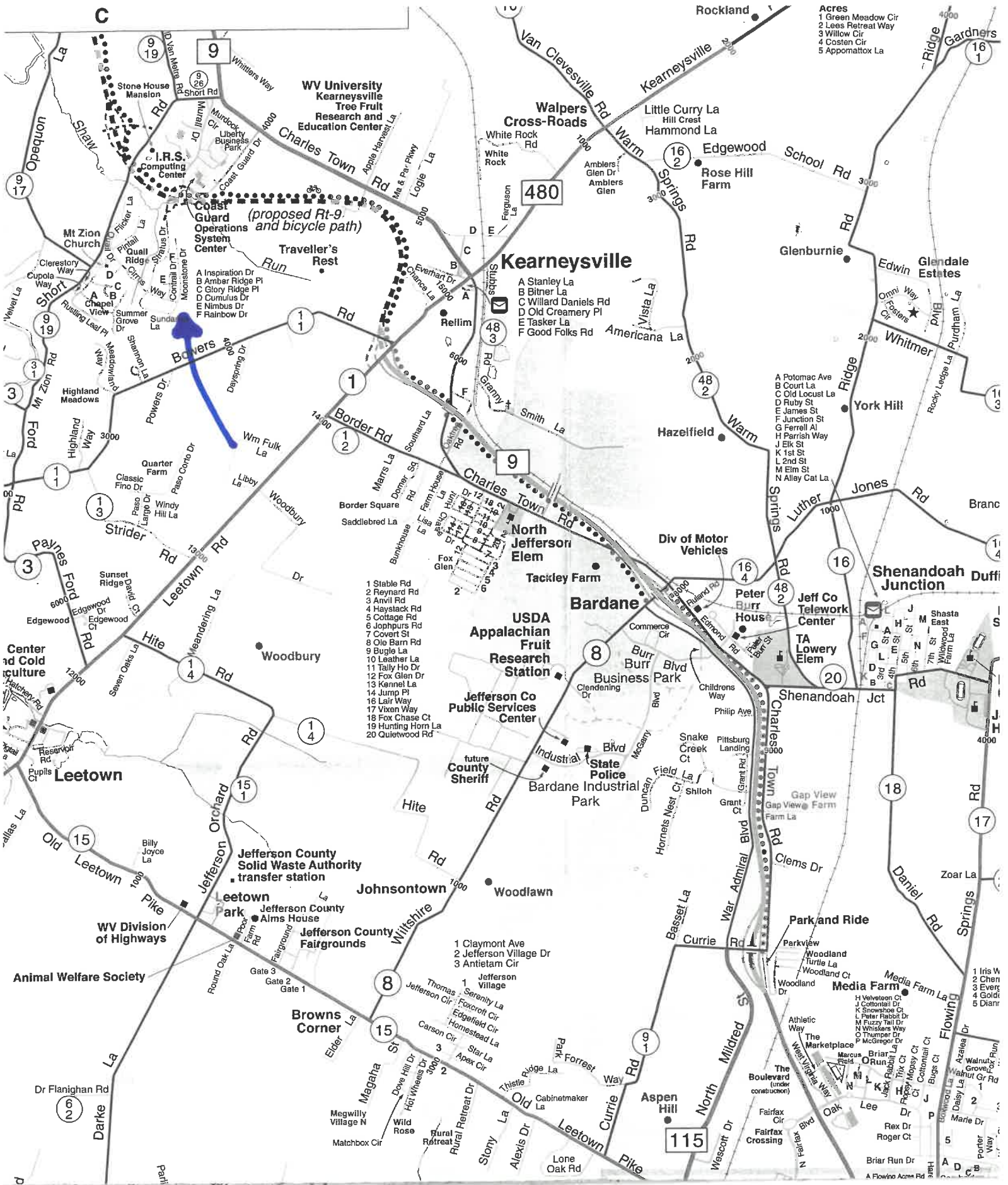
Total Current Bond Amount \$ 240,133.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Will Smith / Robert Goodwin PE Title: Land Development Inspector

Signature: [Signature] by Rebecca Burro Date: 07 / 01 / 2024

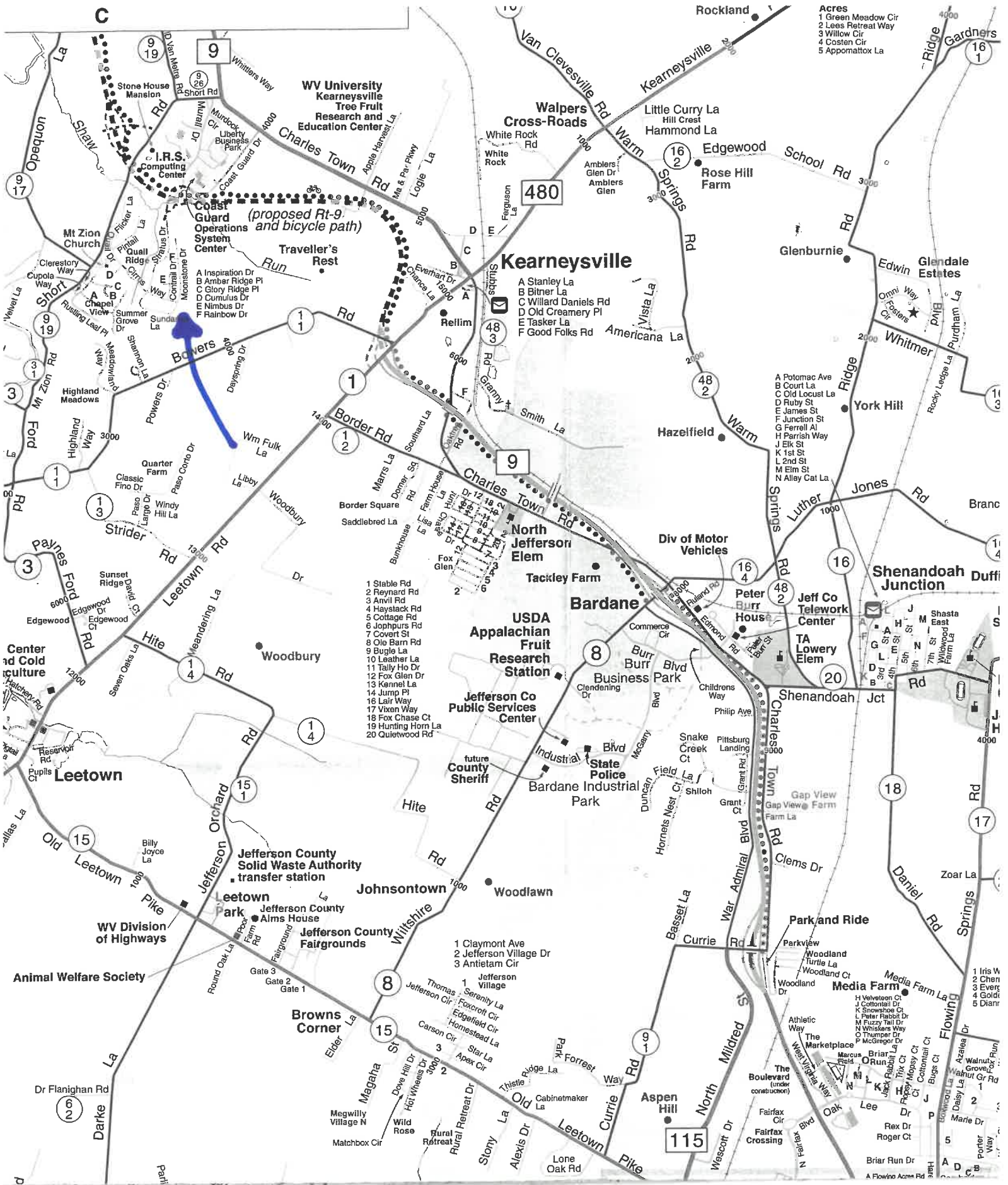


- Acres
- 1 Green Meadow Cir
  - 2 Lees Retreat Way
  - 3 Willow Cir
  - 4 Costen Cir
  - 5 Appomattox La

WV University  
Kearneysville  
Tree Fruit  
Research and  
Education Center

Kearneysville

USDA  
Appalachian  
Fruit  
Research  
Station



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Fruit  
Research  
Station

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



Name: Jennifer Myers

Department or Organization: Director of Jefferson County Parks & Recreation Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **July 11, 2024**

*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*): **JCPRC will present an update and information regarding the 2024 Fireworks event that was held at Sam Michaels Park on June 30, 2024.**

**Please provide the County Commission with a description of your request or presentation, including any background information:  
Update on 2024 Fireworks event that was held at Sam Michaels Park on June 30, 2024.**

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*): No motion

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: Jennifer Myers

Email address: [jmyers@jcprc.org](mailto:jmyers@jcprc.org)

Phone Number: 304-728-3207

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

not applicable



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



Name: **Laura Kuhn**

Department or Organization: **Fleet & Facilities Management**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **7/11/2024**

*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*):

**Request for Approval and President's Notarized Signature on Underground Injection Control Permit for Septic Tank and Groundwater Protection Plan for the West Virginia Department of Environmental Protection**

Please provide the County Commission with a description of your request or presentation, including any background information: **The West Virginia Department of Environmental Protection (DEP) inspected Jefferson County Animal Control. During the inspection, corrections were needed to be in compliance. These corrections were a secondary containment for the sumps and the installation of additional filters on the floor drains. Both of these items have been corrected to bring the kennel into compliance. Secondly, the DEP noted that the County would need to submit an application to obtain an Underground Injection Control (UIC) Septic Tank Permit and develop and implement a Groundwater Protection Plan at the kennel. I am requesting the approval of the Groundwater Protection Plan and the UIC Septic Tank Permit, which will need the Commission President's signature and will need to be notarized.**

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*):

Move to approve the Underground Injection Control Septic Tank Permit and the Groundwater Protection Plan and authorize the President's signature on the documents.

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: Laura Kuhn

Email address: [LKuhn@jeffersoncountywv.org](mailto:LKuhn@jeffersoncountywv.org)

Phone Number: 304-728-3355

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

not applicable

**CLASS V - UNDERGROUND INJECTION CONTROL**  
**INDUSTRIAL/COMMERCIAL PERMIT APPLICATION for SEPTIC TANK/LEACH FIELD**  
**SYSTEMS**  
**PERMIT APPLICATION NUMBER:**

**I. FACILITY NAME**

Jefferson County Animal Control Phone 304-728-3289

Type of business County Government

Circle your type of injection system: **Conventional System** (i.e. sewage tank with a drain field) or Alternative System (i.e. Drip System, Re-Circulating Sand Filters, Peat System, etc., complete the sections below that applies to your system.)

**SIC Code** –All on-site sewage systems will be put under the code **4952**. Please call this office if your waste stream is anything other than sanitary waste and we will assist you in obtaining the correct SIC Code.

Status (circle one): Federal, State, Private, Public, other.

**II. FACILITY ADDRESS**

Street address 161 Poor Farm Road

P.O. Box \_\_\_\_\_

City or town Kearneysville

State WV Zip Code 25430

On-site sewage system installer's name, certification number, and address:

Carter Gaskins, #54-76-160, 501 Peach Tree Dr., Ranson, WV 25438

DIRECTIONS TO YOUR FACILITY: \_\_\_\_\_

Make a right on to Poor Farm Road, just past the Jefferson County Fairgrounds

FEIN NUMBER 55-6000333

**III. OWNERSHIP INFORMATION**

Owner name Jefferson County Commission Phone 304-728-3284

Street or P.O.Box 124 East Washington Street

City or town Charles Town

State WV Zip Code 25414

E-mail address: LKuhn@jeffersoncountywv.org



K. Groundwater protection plan \_\_\_\_\_

L. Non-compliance orders \_\_\_\_\_

M. State or local Health Dept. (permit to construct)& date installed:

OTHER: Jefferson County Health Department

ST-19-8182-227RH 7/6/1982

Use additional pages if necessary.

**Sewage tanks installed after June 1, 1994, require registration**

**with the Division of Water & Waste Management. List the sewage tank seal number.**

Note: A copy of any state or county Health Department permit previously issued to this facility must be included with this application.

**VII. TYPE OF PERMIT REQUESTED**

A. Area permit (More than one disposal well per site) \_\_\_\_\_

B. Site permit (Only one disposal well)  \_\_\_\_\_

C. Total number of injection well(s) \_\_\_\_\_

**VIII. UIC LOCATION(S)**

**METHOD USED TO OBTAIN INFO.**

Datum: NAD 27 \_\_\_\_\_ NAD 83 \_\_\_\_\_ Other \_\_\_\_\_

A.1 Latitude 39.3358077106 Longitude -77.9090094566 [NGS Coordinate Conversion Tool](#)

A.2 Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

A.3 Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

A.4 Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

(Give locations in degrees, minutes, and seconds and method used to obtain this information)

**IX. INJECTION WELL TYPE** (See Section XIV Table C and Class V Injection Types insert)

A. Well type(s) - enter code(s) 5W32

B. Number of wells per type 1

C. What is the current method of disposal for the fluids?

Solely sanitary waste discharged to a sewage tank and drainfield  Yes  No

If other method is used, explain below.

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**X. COMMENTS** (Provide any additional pertinent information in the space below.)

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## XI. CERTIFICATION

All permit applications must be signed by a responsible corporate officer for a corporation, by a general partner for a partnership, by the proprietor of a sole proprietorship, and by a principal executive or ranking elected official for a public agency.

A. Name and title of person applying for permit:

Laura Kuhn, Director - Jefferson County Department of Fleet & Facilities Management

---

B.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

---

**Signature and date**

## XII. FINANCIAL RESPONSIBILITY

A. Name and title of person(s) who will:

- 1) assume financial responsibility in the event of contamination.\*
- 2) maintain resources necessary for proper closure of the well.\*

Jefferson County Commission - 55-600333

Steve Stolipher, President

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B. **Sign and date on lines below:**

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**\* If you need assistance with this application, please call this office (304) 354-0474 to schedule an appointment.**

***\*NOTE: If the financial responsibility is to be assumed by a corporation or church trustees, you must submit the Federal Employee Identification Number (FEIN) and financial statement for closure of wastewater system. A list of names of the corporate officers/trustees who have signature authority for the permit and specify the person(s) that you want to appear on the permit as the financial responsible party(ies). The list and permit can be modified as needed.***

TO: WV Dept. Of Environmental Protection  
Division of Water & Waste Management  
601 57 St. Street  
Charleston, West Virginia 25304-2345  
ATTN: Underground Injection Control Program

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

DATE: \_\_\_\_\_

SUBJECT: Underground Injection Control (UIC) Permit Application  
# \_\_\_\_\_  
Requirement for Financial Responsibility

I, \_\_\_\_\_, verify that I will maintain financial responsibility and resources to close, plug, and abandon underground injection well(s) in a manner prescribed by the Director of the Division of Water and Waste Management in accordance with 47CSR13, Section 13.7.g.

\_\_\_\_\_  
Date

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

\_\_\_\_\_  
(Commission Expires)

**XIII. AREA OF REVIEW, OPERATING DATA, CONSTRUCTION DETAILS, & MONITORING PLAN** This section is attached on separate pages.

Section XIII must be addressed in detail and submitted with the application for a Class V injection well.

A. Map of well\area of review - Submit a topographic map, extending at least one mile beyond the property boundary, showing the Class V injection well(s) (i.e. on-site sewage system, dry well, cesspool) for which a permit is being sought. The map must show location of all groundwater supply sources, including all public and private drinking water wells, springs, and surface water bodies within at least one-quarter mile of the point of injection for the facility's subsurface distribution system. The application must provide a list of all groundwater users within the ¼-mile boundary. **The applicant must provide well details, where available, or a signed affidavit from the local PSD attesting that there are no groundwater drinking water users within the one-quarter mile radius of the injection point(s). (SEE PAGE 14 FOR MORE INFORMATION)**

B. Operating data - **Submit a comprehensive narrative describing, in detail, the process(es) and/or activities that generate the waste stream disposed of in the Class V injection well (on-site sewage system\other subsurface distribution system).** Indicate average and maximum daily rate of disposal, injection pressure, and an estimate of the total volume of fluids entering the well(s) daily. Also include an analysis of the chemical and biological characteristics of the fluid being discharged and an evaluation of any effects that the system\well has on these characteristics (i.e. dilution, adsorption, neutralization, settling). **Describe measures that will be taken to prevent spills or additions of unintentional wastes to enter the permitted waste stream (oil, grease, solvents etc.)**

C. Construction details - Submit schematic or other appropriate drawings of the surface and subsurface construction details of the well(s) and surrounding facilities including wastewater system layout. Indicate the depth, diameter, and other dimensions of the well(s) or septic system. The drawing should include the leach field and surrounding buildings and/or dwellings associated with the wastewater system layout.

**If this is an alternative system** (something other than a conventional septic tank and drain field), how many people does it serve?

No

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**How many businesses does it serve?**

One County Government Agency - Jefferson County Animal Control

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(A list of the business names and the type of waste to be discharged should be included with this application.)

Section XIII

Part A

Groundwater users within 1/4 mile boundary (Topography map and 1/4 boundary map also attached)

Parcel	Ownership	OWNER_ADDR	CITYNAME	STATE	Legal_Desc	PARCEL_Add
07 15000200050000	TODD TIMOTHY L & CHRISTINE A	88 ROUND OAK LN	KEARNEYSVILLE	WV	LT #2 (10AC) ROUND OAK-TABB	88 ROUND OAK LN
07 15000200000000	TABB ROBERT C & NANCY K	1885 DARKE LN	KEARNEYSVILLE	WV	66.99 AC-ROUND OAK-SAGLE	0 DARKE LN
07 15000500000000	SAGLE JEFFREY L ET AL	2118 OLD LEETOWN PIKE	KEARNEYSVILLE	WV	109 1/2 AC PLEASANT VIEW	2118 OLD LEETOWN PIKE
07 15000100050000	ROCK SPRING CHURCH - TR	0 PO BOX 1674	KEARNEYSVILLE	WV	14.73 AC-JEFF CO FARM	114 POOR FARM RD
07 15000100040000	JEFFERSON COUNTY SOLID WASTE	0 PO BOX 70	RANSON	WV	62.67 AC-JEFF CO FARM	332 JEFFERSON ORCHARD RD
07 15000100000000	JEFFERSON COUNTY FARM	0 PO BOX 23	CHARLES TOWN	WV	41.52 AC-INFIRMARY	192 POOR FARM RD
07 15000100020000	JEFFERSON COUNTY FAIR ASSOCIATION INC	0			34.47 AC-JEFFERSON COUNTY FAIR	1004 OLD LEETOWN PIKE
07 15000100070000	JEFFERSON COUNTY FAIR ASSOC INC	0	CHARLES TOWN	WV	32.145AC COUNTY FARM	0 OLD LEETOWN PIKE
07 15000100080000	JEFFERSON COUNTY FAIR ASSOCIATION	0	CHARLES TOWN	WV	13.46 AC-LEETOWN RD	0 OLD LEETOWN PIKE
07 15000200040000	HENRY JAMES S & JENNIFER L	85 ROUND OAK LN	KEARNEYSVILLE	WV	LT #1 (12.01 AC)ROUND OAK-TABB	85 ROUND OAK LN
07 15000200030000	DDS LLP	18034 SHAWLEY DR	HAGERSTOWN	MD	3.39 AC-ROUND OAK-LLOYD	2236 OLD LEETOWN PIKE
07 15000100030000	ANIMAL WELFARE OF JEFFERSON COUNTY	0	CHARLES TOWN	WV	1 AC. COUNTY FARM	23 POOR FARM RD





## **Jefferson County Animal Control**

### **Section XIII**

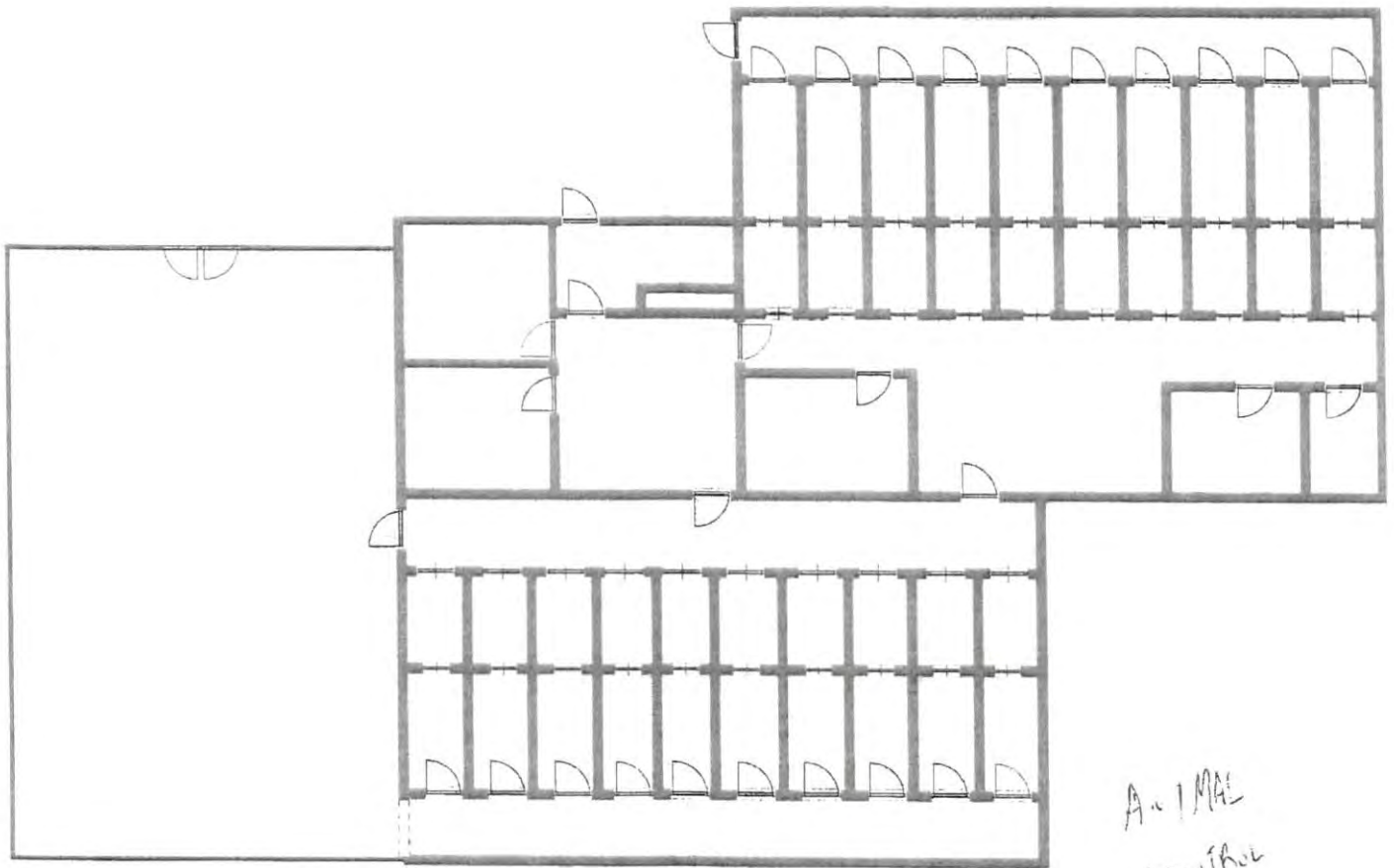
#### **Part B. Operating Data**

The Jefferson County Animal Control facility operates a kennel dedicated to dogs under its care, managed by a team of five employees. The kennel area comprises 20 dog runs, with the office space accommodating typical usage for a small team. Daily, our Animal Control staff meticulously clean the kennels to maintain stringent sanitation standards. Solid waste is promptly collected and disposed of in designated waste bags and receptacles, while kennels are thoroughly hosed down to ensure maximum cleanliness. To further safeguard against contamination, drain filters have been installed to intercept any hair or solids from entering the septic system. A protective barrier for secondary containment is in place within the sumps, serving as an added precaution against groundwater contamination. Our dedicated Animal Control team has been provided with instructions on proper cleaning protocols to mitigate any risk of groundwater pollution.

**Jefferson County Animal Control**

**Section XIII**

**Part B. Construction Details**



A-1 MAE  
Control



SS-182  
Rev. 11-'71

WEST VIRGINIA  
APPLICATION FOR A PERMIT TO INSTALL, CONSTRUCT, OR MODIFY  
A SEPTIC TANK SEWAGE DISPOSAL SYSTEM

COUNTY HEALTH DEPARTMENT

A. GENERAL

1. Application is hereby made to ( ) INSTALL ( ) CONSTRUCT ( ) MODIFY a septic tank sewage disposal system.
2. Owner JEFFERSON COUNTY FARM Address \_\_\_\_\_  
Contractor CARTEE GASKINS Address 501 PUNCH TREE DR. ORCHARD HILL, BENSON, W. VA 25438
3. Installation or Construction Site:
  - a. Location JEFFERSON COUNTY FARM
  - b. Lot Size: Width \_\_\_\_\_ ft. x depth \_\_\_\_\_ ft. = ACREAGE sq. ft.
  - c. Total area suitable for Septic Tank Absorption Field \_\_\_\_\_ sq. ft.
  - d. Distance to public sewer \_\_\_\_\_.
  - e. Lot is ( ) Level (X) Sloping ( ) Steep
4. Describe type and size of dwelling or establishment to be served:
 

a. (X) Home	No. of Bedrooms <u>3</u>	c. ( ) Food Service Establishment
b. ( ) School		d. ( ) Other (Specify)
5. Multiple Units:
 

No. Water Closets <u>1</u>	No. Showers or Tubs <u>1</u>
No. Garbage Grinders <u>—</u>	No. Automatic Washers <u>1</u>
6. Type Water Supply Serving This Property:
 

a. ( ) Public	c. ( ) Dug Well	3. ( ) Other (Specify) _____
b. (X) Drilled Well	d. ( ) Cistern	

B. SEPTIC TANK

- a. Capacity in Gallons: 1000 Liquid Depth 4.5 ft. Total Depth 6 ft.
- b. Tank Construction: ( ) Metal (X) Concrete ( ) Block ( ) Fiber Glass  
Metal tank identified by Listing Mark (ULI) \_\_\_\_\_ Yes \_\_\_\_\_ No
- c. Distance of Tank From: House Foundation >10 ft. Nearest Property Line >10 ft. Neighboring Water Supply >50 ft.

ABSORPTION BED  
20x38

C. SOIL ABSORPTION FIELD

- a. Number of sq. ft. of absorption field to be installed 742.5 sq. ft.
- b. Number of Lines \_\_\_\_\_ Length of each Line ABSORPTION BED ft. Total \_\_\_\_\_ ft.
- c. Lines are sloped not more than 0 inches per 100 ft.
- d. Distribution Lines: ( ) Clay Tile (X) Plastic ( ) Other \_\_\_\_\_
- e. Trench Width BED inches Depth 30-40 inches Distance between trenches NA ft.
- f. Distance from Water Supply >100 ft. Neighboring Water Supply >100 ft.  
House Foundation 10 ft. Nearest Property Line >10 ft.
- g. Type Filter Media: (X) Gravel ( ) Slag ( ) Other (Specify) \_\_\_\_\_  
( $\frac{1}{2}$ " - 2 $\frac{1}{2}$ " diameter graded materials required).
- h. Depth of Filter Media Under Lines 12-14 Inches; Over Lines 2 Inches
- i. Distribution Box: ( ) Yes (X) No Number of Outlets NA
- j. Type Soil: (X) Clay ( ) Sandy Clay ( ) Loam ( ) Fill ( ) Other \_\_\_\_\_
- k. Depth to: Water >6 ft. Rock >6 ft. Hardpan >6 ft. Other >6
- l. Method and point of discharge of gutter drains, foundation drains and basement drains (X) Surface ( ) Other (Specify) \_\_\_\_\_

D. PERCOLATION TESTS

- a. Depth of Test Holes Checked 30, 30, 30, 30, \_\_\_\_\_, \_\_\_\_\_ Inches
- b. Percolation Test Results:

Test Hole #1	Time required for Water to fall 6 inches	<u>80</u>	Minutes
Test Hole #2	Time required for Water to fall 6 inches	<u>50</u>	Minutes
Test Hole #3	Time required for Water to fall 6 inches	<u>50</u>	Minutes
Test Hole #4	Time required for Water to fall 6 inches	<u>40</u>	Minutes
Test Hole #5	Time required for Water to fall 6 inches	_____	Minutes
Test Hole #6	Time required for Water to fall 6 inches	_____	Minutes

TOTAL 220 MINUTES

Total minutes \_\_\_\_\_ divided by 6 equals \_\_\_\_\_ total minutes per inch of fall. The total minutes per inch of fall divided by \_\_\_\_\_ the number of test holes equals 9.17 the average time of fall per one inch. Obtain the number of square feet of absorption field from Chart on page 7, Bulletin ES-52. This figure 165 multiplied by 3 number of bedrooms equals 495 the total square feet required.

50% for  
ABSORPTION BED =

E. CERTIFICATION

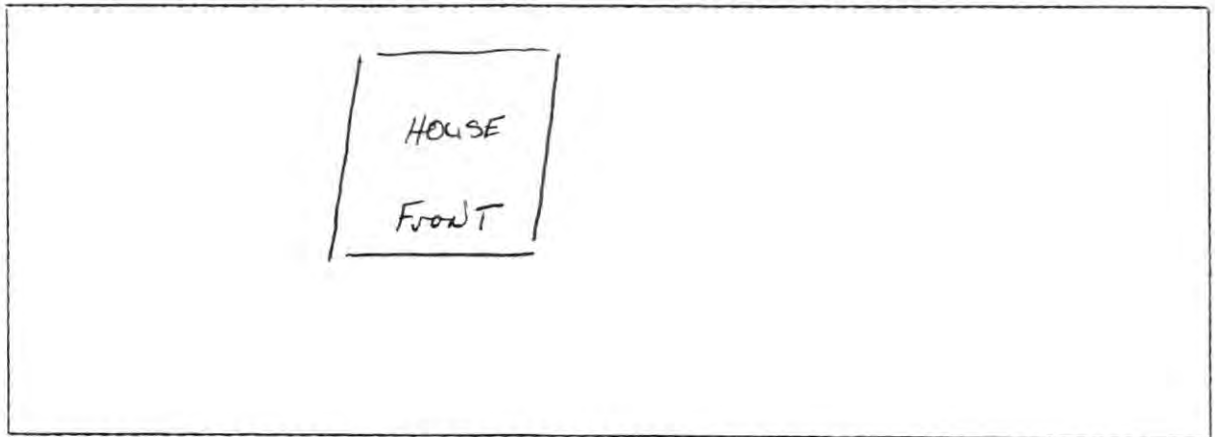
I, Arthur Russell certify that the procedure outlined in Bulletin ES-52, "Design Standards for Small Septic Tank Systems", Pages 5, 6 and 7, were followed in conducting these percolation tests and that the information furnished herein is true and accurate. Further, I understand that this SEPTIC TANK SYSTEM MUST BE INSPECTED AND APPROVED BY HEALTH DEPARTMENT SANITARIAN PRIOR TO BEING COVERED WITH EARTH.

May 3, 1982  
DATE

\_\_\_\_\_  
SIGNATURE

Arthur Russell  
TITLE Installer # 54-76-160

PLOT LAYOUT - SKETCH



\* Symbols:

- House
- X Water Supply
- ⊙ Swamp Area

- ||||| Trees
- Septic Tank

- - - - Soil Absorption Field
- Slope Ground
- ⊗ Percolation Test Hole Sites

\* Within 200 feet radius of soil absorption field.

FOR HEALTH DEPARTMENT USE ONLY

Permit Issued  Permit No. \_\_\_\_\_  
Permit Denied  Suspended  Revoked

7-6-82  
DATE

Willie  
SANITARIAN

SMALL SEWAGE DISPOSAL INSTALLATION PERMIT

To: Jefferson County Farm Address: Charles Town, W.Va.

Carter Gaskins 501 West Third Avenue, Ranson, W.Va.

You are hereby issued a permit to install  
a small sewage disposal system consisting of a septic system soil absorption field  
and located at Jefferson County Farm.

This small sewage disposal system shall meet the following specifications:

1. Septic Tank
  - a. Shall be made of concrete and not less than 1000 gallon capacity.
2. Soil-Absorption System
  - a. Shall consist of \_\_\_\_\_ distribution lines 4" in diameter.
  - b. Each distribution line shall be \_\_\_\_\_ feet in length
  - c. Each trench shall be \_\_\_\_\_ inch width with ZERO slope on trench bottom and ZERO slope on each distribution line.
  - d. No trench shall be more than \_\_\_\_\_ inches deep.
  - e. Total soil-absorption area in trench bottoms shall be \_\_\_\_\_ sq. ft.
  - f. Filter material shall be \_\_\_\_\_ and not greater than 1/2 - 2 1/2 inches in diameter.
  - g. Filter material under each line shall be not less than \_\_\_\_\_ inches deep and not less than \_\_\_\_\_ inches over each distribution line.
  - h. Filter material shall be covered with \_\_\_\_\_ prior to backfilling.
  - i. Trenches shall be backfilled at least 6" above ground surface to provide for settling of backfill.
3. Other Small Sewage or Excreta Disposal Systems (Name the type system to be used, then use back of sheet to describe the details of the system.) \_\_\_\_\_  
ABSORPTION BED 20x38
4. Special Requirements
  - a. Small sewage and excreta disposal systems shall be located at least 10 ft. from any property line and a minimum of 20 ft. from any stream or roadside cut.
  - b. Septic tanks shall be located at least 10 ft. and excreta disposal systems a minimum of 20 ft. from building foundation.
  - c. Septic tanks shall be located a minimum of 50 ft. and soil-absorption systems and excreta disposal systems a minimum of 100 ft. from any ground water supply or cistern.
5. This permit is not transferable and automatically expires 6 months after date of issue.
6. The applicant or his agent must notify this department, phone 725-9761 at least 72 hours before the system is ready for inspection.
7. All small sewage and excreta disposal systems must be inspected and approved prior to being covered with earth or otherwise put into service. Any applicable system or part thereof covered before being inspected shall be uncovered at the direction of the SANITARIAN.
8. This permit is NULL AND VOID when official inspection reveals conditions are different than those stipulated in this permit or if facts later become known that a health hazard would result by the installation of this system.

\_\_\_\_\_  
Date of Issue

Earl A. Allara, M.D.

\_\_\_\_\_  
Name

Jefferson County

Physician/Director

\_\_\_\_\_  
Health Department

\_\_\_\_\_  
Title

WEST VIRGINIA  
SEPTIC TANK INSPECTION FORM

JEFFERSON Health Department Installation Permit No. ST98182227  
Name of Owner JEFFERSON COUNTY COMMISSION  
Address JEFFERSON COUNTY COURTHOUSE  
Property Address JEFFERSON COUNTY FARM

DESCRIPTION & NUMBER OF UNITS SERVED

Type Facility Served HOME No. Water Closets 1  
Lot Size APREAGE sq. ft. Area suitable for sewage disposal installation — sq. ft.  
Source of Water Supply DRILLED WELL No. Lavatories 1  
No. Bedrooms 3 No. Showers or Tubs 1 No. Baths 1  
No. Garbage Grinders — No. Automatic Washers 1

PRECAST (map) SEPTIC TANK  
Material CONCRETE Length 1.5 x Width 3.5 x Depth 4.5 = — cubic feet  
Liquid Depth 4.5 ft. Liquid Capacity 1000 gal.  
Distance to: Dwelling >10 Water Supply >50 Nearest Property Line >10

SOIL ABSORPTION SYSTEM

Type Drain Line Material PLASTIC Trench Width 36 Inches  
Trench Depth 30 Inches Total Absorption area in Trench Bottom 900 sq. ft.  
Diameter of Drain Line 4 Inches Type Filter Media GRAVEL  
No. of Drain Lines 3 Depth Filter Media Under Drain Line 6+ Inches  
Length of Each Line 100, 100, 100, ft. Depth Filter Media Over Drain Line 2 in.  
Distance of Disposal Field to: (a) Dwelling >10  
(b) Water Supply >100 (c) Nearest Property Line >10

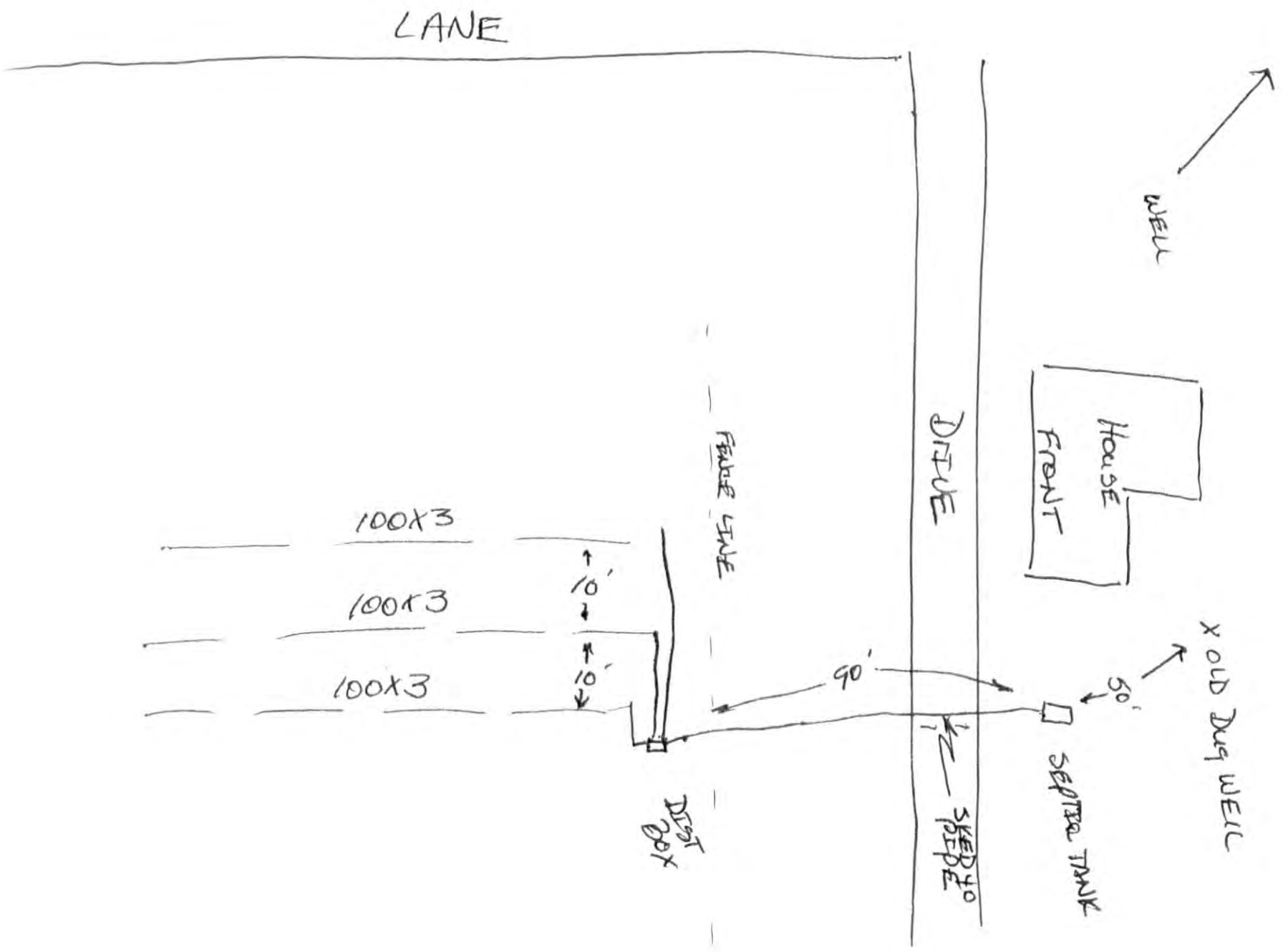
An inspection of the septic tank system described herein disclosed that said system (MEETS, DOES NOT MEET) the minimum standards established by the West Virginia State Department of Health.

7-6-82  
Date

William Miller  
Sanitarian

SKETCH OF SYSTEM TO BE DRAWN ON BACK

Note: Copy of this inspection report must be given to owner and the original filed in the Health Department files. PERMANENT RECORD - DO NOT DESTROY.



Does this facility prepare and serve food? Yes  No

Does this facility have grease traps associated with the subsurface distribution system?  
Yes  No

If this facility has grease traps, how many? N/A Do you inspect the grease trap(s) monthly to ensure that they are working properly? Yes/No

Do you clean and remove excess grease and solids periodically from the grease trap(s)?  
Yes/No N/A

NOTE: The oil and/or grease from this system cannot be land applied.

**ON-SITE SEWAGE DISPOSAL SYSTEM INFORMATION (if applicable):**

Number of people served 5 Design flow: 250-500 (gpd)

Dispersal area in square feet 900

Total bottom area (TBA) loading rate (gpd/sq. ft.) \_\_\_\_\_  
or drip linear loading rate (gpd/lf) \_\_\_\_\_

Vegetative ground cover: i.e. grass, trees, or both grass

County location of the facility Jefferson

Average rainfall for county location 36"

Nutrient reduction estimated \_\_\_\_\_

Locate all the following on the plat map: topography map attached

1. Perennial streams
2. Intermittent streams
3. Lakes, impoundments, ponds
4. Floodplains & floodways
5. Wetlands
6. Springs & seeps

(If you have more than one plant and drain field, please provide this information for each.)

**Sewage tank(s) information:**

Material Concrete Liquid depth 4.5 ft

Liquid capacity: 1000 gal.

Length 7.5 ft Width 3.5 ft Depth 4.5 ft

Distance to: nearest dwelling >10 ft.

Nearest water supply: >50 ft. - Private or public Private

Nearest property line: >10

**Soil adsorption system:**

Type drain line material Pipe & Gravel (plastic)

Trench width 36" Trench depth 30"

Total adsorption area in trench bottom 900 sq.ft.

Diameter of drain line: 4". Type filter media Gravel

No. of drain lines 3 Length of each Line 100, 100, 100, \_\_\_\_\_ ft.

Depth filter media over drain line 2 in.

Distance of disposal field to: Nearest dwelling: >10 ft;

Nearest Water supply: >100 ft; Public or private Private Nearest property line: >10 ft.

D. Percolation rate - Provide the average time for water to fall 1 inch, utilizing standard methods, in the adsorption area. 9.17 min/inch

E. Existing permits - **List and provide copies of any state and/or local permits for the waste disposal facility.** ST-19-8182-227RH

F. Plugging and abandonment - Submit a plan detailing procedures for abandonment of the Class V well when the useful life is complete. See Attached Page

**Note: fill out as much of this as you can – your local sanitarian may assist you in obtaining these details. Re-applicants - Were there any changes to the disposal system since the last application was filed?**

## Section XIII

### F. Plugging & Abandonment

1. **Initial Assessment and Permitting:**
  - Conduct a thorough assessment of the existing septic system to determine its condition.
  - Obtain necessary permits and approvals from local health departments or regulatory agencies for the abandonment process.
2. **Notification and Coordination:**
  - Notify relevant stakeholders, such as property owners, tenants, and utility companies, about the planned abandonment of the septic system.
  - Coordinate with local authorities to ensure compliance with regulations and guidelines governing septic system abandonment.
3. **Preliminary Preparations:**
  - Shut off all water sources to the septic system to prevent further wastewater flow into the system.
  - Empty the septic tank of any remaining sludge or liquid waste using vacuum trucks or pumping equipment.
4. **Safety Measures:**
  - Implement safety measures to protect workers and the surrounding environment during the abandonment process.
  - Provide appropriate personal protective equipment (PPE) for workers involved in handling waste and equipment.
5. **System Decommissioning:**
  - Disconnect all plumbing fixtures, pipes, and connections leading to the septic tank and distribution field.
  - Safely remove and dispose of any components of the septic system, such as tanks, pipes, and distribution boxes, following applicable waste disposal regulations.
6. **Tank Removal or Abandonment:**
  - Determine whether to remove the septic tank entirely or abandon it in place based on site conditions and regulatory requirements.
  - If removing the tank, excavate and extract it from the ground using heavy machinery and equipment.
  - If abandoning the tank in place, follow specific procedures outlined by regulatory agencies, such as filling it with inert material or sealing it to prevent groundwater contamination.
7. **Distribution Field Treatment:**
  - Treat the distribution field area to promote natural remediation of the soil and prevent any residual contaminants from leaching into groundwater.
  - Apply soil amendments or bio-remediation techniques as needed to enhance soil quality and microbial activity.
8. **Site Restoration:**
  - Restore the area affected by septic system abandonment to its original condition or as required by regulatory authorities.
  - Backfill excavated areas, re-grade the terrain, and replant vegetation as necessary to stabilize the site and prevent erosion.

9. **Final Inspection and Documentation:**

- Conduct a final inspection of the abandoned septic system site to ensure compliance with regulatory standards and closure requirements.
- Prepare and submit documentation, including reports, permits, and certification of completion, to regulatory agencies as proof of proper abandonment procedures.

10. **Monitoring and Follow-Up:**

- Establish a monitoring plan to periodically assess the abandoned septic system site for any potential environmental impacts or groundwater contamination.
- Maintain records of monitoring activities and results to demonstrate ongoing compliance with regulatory requirements.

G. Groundwater protection plan(GPP) - The GPP is to be submitted and reviewed as part of the facility's or activity's permit application and shall contain the following from Title 47 Series 58 of the legislative rules: [GPP Attached](#)

- ❖ An inventory of all operations that may reasonably be expected to contaminate the groundwater resources with an indication of the potential for soil and groundwater contamination from those operations
- ❖ A description of procedures designed to protect groundwater from the identified potential contamination sources, with specific attention given to:
  - Manufacturing facilities
  - Materials handling
  - Equipment cleaning
  - Construction maintenance and activities
  - Maintenance activities
  - Pipelines carrying contaminants
  - Sumps and tanks containing contaminants
- ❖ A list of procedures to be employed in the design of any new equipment/operations
- ❖ A summary of all activities carried out under other regulatory programs that have relevance to groundwater protection
- ❖ A discussion of all available information reasonably available to the facility/activity regarding existing groundwater quality at, or which may be affected by, the site
- ❖ A clarification that no wastes be used for deicing, fills, etc., unless provided for in existing rule.
- ❖ Provisions for all employees to be instructed and trained on their responsibility to ensure groundwater protection. Job procedures shall provide direction on how to prevent groundwater contamination.
- ❖ The GPP shall include provisions for quarterly inspections to ensure that all elements and equipment of the site's groundwater protection program are in place, properly functioning and appropriately managed.
- ❖ A copy of Title 47, Series 58 - Groundwater Protection Regulations or Title 47, Series 13 - Underground Injection Control Regulations can be obtained by contacting the Secretary of State's office at (304) 558-6000.

#### **XIV. PERMIT and APPLICATION FEES**

In accordance with the West Virginia Code, Chapter 22, Article 11, Section 10(c), a permit application fee shall accompany the permit application. **No permit application will be processed until the appropriate fee has been received; therefore, you must calculate the appropriate application fee and submit it with the application.** The minimum permit application fee is \$25 and the maximum permit application fee is \$1,500. All tanks associated with one drain field are considered to be one system and must be calculated as a cumulative total capacity for the volume fee. All sewage tanks associated with the subsurface distribution system must be registered with this office before any permit is issued.

**A. THE FEE CALCULATION CAN BE COMPLETED BY ONE OF THE THREE METHODS LISTED BELOW: (PLEASE CIRCLE THE ONE USED TO CALCULATE THE FEE)**

- 1. Total fluid capacity (in gallons) of the sewage tank(s) associated with the subsurface distribution system.**
- 2. Copies of water bills from the previous year to calculate the average daily volume gallons per day discharge.**
- 3. The design flow listed on the permit to construct or final inspection form issued by the Health Department.**

**B. TREATMENT FACTOR DEFINITIONS: (consult the attached list for codes)**

- 1. Sewage tank and drain field constitutes "primary treatment".**
- 2. Additional aeration chamber, disinfection, and settling chamber constitute "secondary treatment".**
- 3. Additional aeration and settling and sand filtration or re-circulating sand filters, disinfection, constitutes "tertiary treatment".**
- 4. All of the above constitutes "greater than tertiary treatment".**
- 5. If your system utilizes other treatments not listed above, contact this office for assistance in determining the treatment factor.**

**Sanitary waste is defined as:** liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

Use Tables A (Volume Fees), B (Treatment Factors), and C (Well Type Codes & Factors) to calculate your application fee using the following formula:

$$\text{Permit application fee} = (\text{Volume Fee}) \times (\text{Treatment Factor}) \times (\text{Well Type Factor})$$

EXAMPLE:

If you input 450 gallons per day into a Type 5W32 well (sewage tank with drain field) the permit application fee would be as follows:

$$\text{Fee} = (\text{Volume Fee}) \times (\text{Treatment Factor}) \times (\text{Well Type Factor}) = \\ \$75.00 \times 2.5 \times 1 = \$187.50$$

In accordance with the West Virginia Code, Chapter 22, Article 11, Section 10(c), **a permit application fee shall accompany the permit application.**

**CALCULATE THE PERMIT APPLICATION FEE FOR YOUR FACILITY IN THE SPACE BELOW.**

$$\text{Fee} = (\text{Volume Fee}) \times (\text{Treatment Factor}) \times (\text{Well Type Factor})^*$$

$$\text{Fee} = \frac{\$75}{(\text{Table A})} \times \frac{2.5}{(\text{Table B})} \times \frac{1}{(\text{Table C})}$$

$$\text{Calculated permit application fee} = \underline{187.50}$$

ACTUAL PERMIT APPLICATION FEE = \_\_\_\_\_

B. The annual fee is assessed at 0.333% of the application fee and you will be invoiced for the annual fee on the one year anniversary date of the issuance of the permit. Do not send this annual fee in with the permit.

- Title 47, Legislative Rules, Div. Of Environmental Protection, Office of Water Resources, Series 9, Underground Injection Control Fee Schedule.
- §47-9-3. Fee Assessment and Collection – 3.1 – Any person who applies or re-applies for a permit shall pay the appropriate permit application or renewal fee in accordance with the provisions of Sections 4 through 6 of this rule.

<b>TABLE A - VOLUME FEES</b>	
<b>VOLUME* gal/day average</b>	<b>FEE</b>
<250	\$ 50
250 - 500	\$ 75
501 - 1000	\$ 150
1001 - 5000	\$ 200
5001 - 50,000	\$ 400
50,001 - 100,000	\$ 600
>100,000	\$ 850

**\*SEE SECTION XVI, SUBSECTION A, PAGE 8 FOR FEE CALCULATION**

<b>TABLE B - TREATMENT FACTORS</b>	
<b>LEVEL OF TREATMENT</b>	<b>TREATMENT FACTOR</b>
NO TREATMENT	3
PRIMARY TREATMENT	2.5
SECONDARY TREATMENT	2
TERTIARY TREATMENT	1.5
>TERTIARY TREATMENT	1

**\*SEE ATTACHMENT FOR WELL TYPE INFORMATION**

<b>TABLE C -- CLASS 5 WELL TYPE CODES &amp; FACTORS</b>	
<b>DRAINAGE WELLS</b>	<b>CODE FACTOR</b>
5F1	1
5D2	1
5D3	2
5D4	3
5G30	1
<b>GEOHERMAL REINJECTION WELLS</b>	
5A5	3
5A6	3
5A7	1
5A8	3

<b>DOMESTIC WASTEWATER DISPOSAL WELLS</b>	
5W9	3
5W10	1
5W11	2
5W31	2
5W32	1
5W12	1
<b>MINERAL AND FOSSIL FUEL RECOVERY RELATED WELLS</b>	
5X13	3
5X14	2
5X15	2
5X16	2
<b>OIL FIELD PRODUCTION WASTE DISPOSAL WELLS</b>	
5X17	3
5X18	2

<b>INDUSTRIAL/COMMERCIAL/UTILITY DISPOSAL WELLS</b>	
5A19	2
5W20	3
<b>RECHARGE WELLS</b>	
5R21	1
5B22	1
5S23	1
<b>MISCELLANEOUS WELLS</b>	
5N24	4
5X25	3
5X26	1
5X29	3
5X27	3

**UNDERGROUND INJECTION CONTROL  
CLASS V  
NOTARIZED STATEMENT FOR BILLING**

The Jefferson County Animal Control (name of company, facility, or proprietor), of which I am an authorized representative, has applied for a West Virginia Underground Injection Control Permit from the West Virginia Department of Environmental Protection, Division of Water and Waste Management, Regulatory Programs/UIC Office. **Under state Legislative Rules, Title 47, Series 13, Section 13.24, the costs of publishing a Class 1 legal advertisement are to be paid by the applicant who must also send the certificate of publication to the Division of Water and Waste Management upon publication.**

The Jefferson County Commission, Department of Fleet & Facilities (name of company, facility, or proprietor) hereby agrees to pay the cost of such legal advertisement. The publishing newspaper should send the certificate of publication and bill to:

NAME OF COMPANY, FACILITY, OR PROPRIETOR: Jefferson County Fleet & Facilities Management

ADDRESS: 128 Industrial Blvd, Kearneysville, WV 25430

TELEPHONE NUMBER: 304-728-3355

What county is your business in? Jefferson

\_\_\_\_\_  
(Signature of authorized representative)

Sworn and subscribed to before me this Type text here day of

\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

\_\_\_\_\_  
(Commission Expires)

**West Virginia Department of Environmental Protection  
Division of Water and Waste Management  
Ground Water Protection Plan  
for  
Small Businesses**

A Ground Water Protection Plan (GPP) for your small business is required by WVDEP. The primary purpose of the GPP is to make the business operator aware that ground water, by law, must be protected. Other important factors are the inventory of all operations (processes, materials and containment devices) that may be expected to contaminate ground water. A description of procedures to prevent potential contamination from occurring should also be included.

FACILITY NAME:           JEFFERSON COUNTY ANIMAL CONTROL  
FACILITY LOCATION: 161 POOR FARM ROAD  
                                  KEARNEYSVILLE, WV 25430

The attached form will be your GPP after you:

1. Read and understand each GPP requirement section.
2. Fill in the information required below each GPP section. Add additional sheets if necessary.
3. Attach a location and facility site map showing the location of GPP elements.
4. Sign and date the GPP.

The attached form references sections from the GPP guidance document and regulations from 47CSR58 Ground Water Protection Rule.

**GPP Requirements**

**Required Information**

<b>Process &amp; Activities (4.11.a)</b>	
A list of all operations that may reasonably be expected to contaminate ground water.	A list of all processes, materials and other activities that could contaminate ground water. Examples include: unlined ponds, UST's, AST's, underground piping, waste piles and raw material piles.

The Jefferson County Animal Control facility houses a kennel for dogs in the custody of Animal Control. The Animal Control team diligently maintains the kennels, ensuring they are cleaned daily to uphold optimal sanitation standards. There are no unlined ponds, underground or aboveground storage tanks on the property. Wastewater is routed to a septic tank system located on the property.

<b>Containment Processes (4.11.b)</b>	
A description of procedures and facilities used to protect ground water quality from the list of contaminant sources in the previous section.	Secondary containment for AST's, underground piping and drum storage areas are examples. Specifically, Manufacturing Facilities, Materials Handling, Equipment Cleaning, Construction and Maintenance Activities, Pipelines Carrying Contaminants, Sumps and Tanks Containing Contaminants need to be addressed.

To safeguard groundwater quality against contamination, we've implemented several proactive measures. First, we have installed drain filters in the kennel to effectively trap hair and solids, ensuring they do not enter our septic system. Additionally, we have provided secondary containment for the sumps by creating a protective barrier to prevent wastewater from contaminating the groundwater.

**GPP Requirements****Required Information**

<b>New Operations / Equipment (4.11.c)</b>	
List procedures to be used when designing and adding new equipment or operations.	Examples may be: the addition of loading docks for salt storage or fuel storage tanks at a facility. What structures and operating practices will be used to prevent ground water contamination from these.

Any additions of new equipment or operations will adhere to procedures to safeguard the groundwater. As the facility has no need for UST's or unlined ponds, there is very little to our operations that may lead to contamination. While the likelihood of introducing new equipment or expanding operations is low, should the need arise, such as adding more kennels, we're committed to implementing appropriate containment measures. This includes ensuring that any animal waste, including hair and solids, is effectively contained to prevent any adverse impact on our septic system and, ultimately, groundwater quality.

<b>Activities Regulated for Ground Water Protection (4.11.d)</b>	
Summarize all activities at your facility that are already regulated for ground water protection.	Examples might be: registration of UST's and required ground water monitoring, or the construction and use of a landfill with required monitoring.

At present, our facility does not utilize any underground or aboveground tanks, unlined ponds, or engage in any other activities necessitating regulation for groundwater protection.

**GPP Requirements**

**Required Information**

<b>Ground Water Quality (4.11.e)</b>	
Discuss any existing ground water quality data for your facility or adjacent property.	Include the most recent year of sampling data (if available) or data for an adjacent facility. Many facilities will not have information for this section.

No information available for this section.

<b>Fill Material (4.11.f)</b>	
A statement that no waste material will be used for deicing or fill material on the site unless allowed by another rule.	Write an appropriate statement that this practice will not be used at your facility.

Jefferson County Animal Control will refrain from utilizing waste materials for deicing or as fill material on this property, unless expressly permitted by other governing regulations or rules.

**GPP Requirements**

**Required Information**

<b>Responsibility &amp; Training (4.11.g)</b>	
Provisions for all employees to be instructed and trained on their responsibility to ensure ground water protection. Job procedures shall provide direction on how to prevent ground water contamination.	Summarize training for all employees to ensure familiarity with the GPP. Specific inspection, maintenance and cleanup procedures should be included.

See attached sheet

<b>Inspections (4.11.h)</b>	
Include provisions for inspections of all GPP requirements and equipment. Inspections must be made quarterly at a minimum.	Include inspection form (if used). Inspection records should be saved to verify GPP inspections.

The Jefferson County Department of Fleet & Facilities Management utilizes a Computerized Maintenance Management System (CMMS) for preventive maintenance and inspections for all county-owned facilities and properties, including Animal Control. The CMMS will automatically schedule and assign work orders to maintenance staff to perform routine inspections and preventive maintenance. Daily walkthroughs are performed at all county-owned facilities to ensure everything is functioning properly. Any deficiencies found during these inspections will immediately be addressed by maintenance staff.

Signature	
Date	

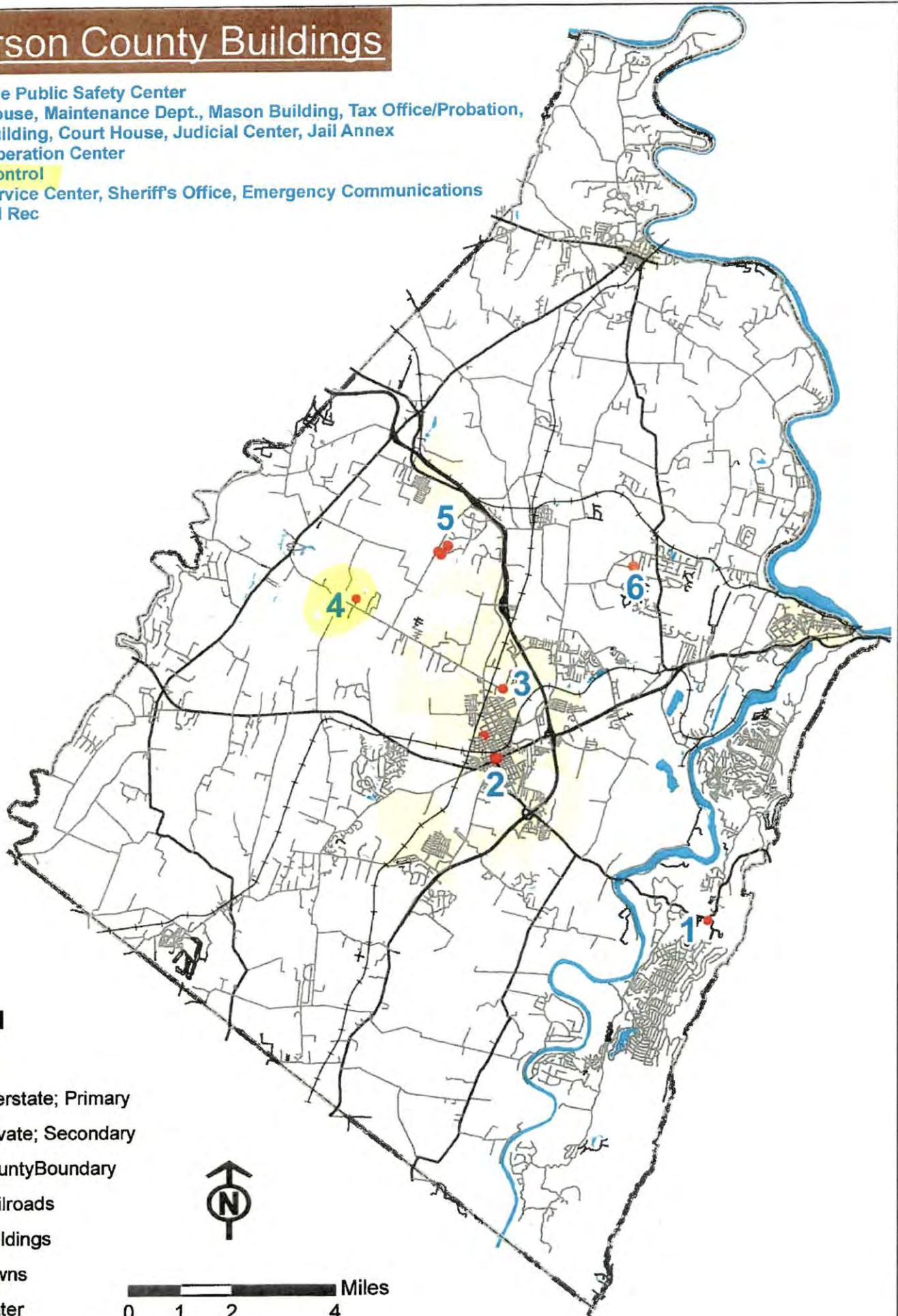
## **Groundwater Protection Plan – Jefferson County Animal Control**

### **4.11.g Training Instructions:**

1. Prioritize Proper Waste Management:
  - Ensure all solid waste, including animal waste and hair is promptly removed from the kennels.
  - Dispose of solid waste in designated receptacles or waste disposal areas to prevent solids from entering the septic system.
  
2. Implement Effective Drainage Practices:
  - Direct wastewater from kennel cleaning activities away from areas susceptible to groundwater infiltration.
  - Utilize filtered drainage to collect hair and solids to prevent access to the septic system.
  
3. Maintenance and Inspections:
  - The Department of Fleet & Facilities Management’s maintenance staff will regularly inspect and maintain the kennel plumbing and drains and septic system to prevent leaks or malfunctions that could lead to groundwater contamination.
  - Animal Control employees should inform the Department of Fleet & Facilities Management of issues regarding plumbing, the septic system, kennel drains, or any other issue that could potentially lead to groundwater contamination.
  
4. Monitor and Address Potential Spills:
  - Be vigilant for any spills or leaks of cleaning agents or wastewater during kennel cleaning tasks.
  - Promptly contain and clean up any spills using appropriate absorbent materials to prevent migration into groundwater.

# Jefferson County Buildings

1. Blue Ridge Public Safety Center
2. Hunter House, Maintenance Dept., Mason Building, Tax Office/Probation, Foot Building, Court House, Judicial Center, Jail Annex
3. JCESA Operation Center
4. Animal Control
5. Public Service Center, Sheriff's Office, Emergency Communications
6. Parks and Rec



## Legend

### Roads

— Interstate; Primary

— Private; Secondary

— County Boundary

+ Railroads

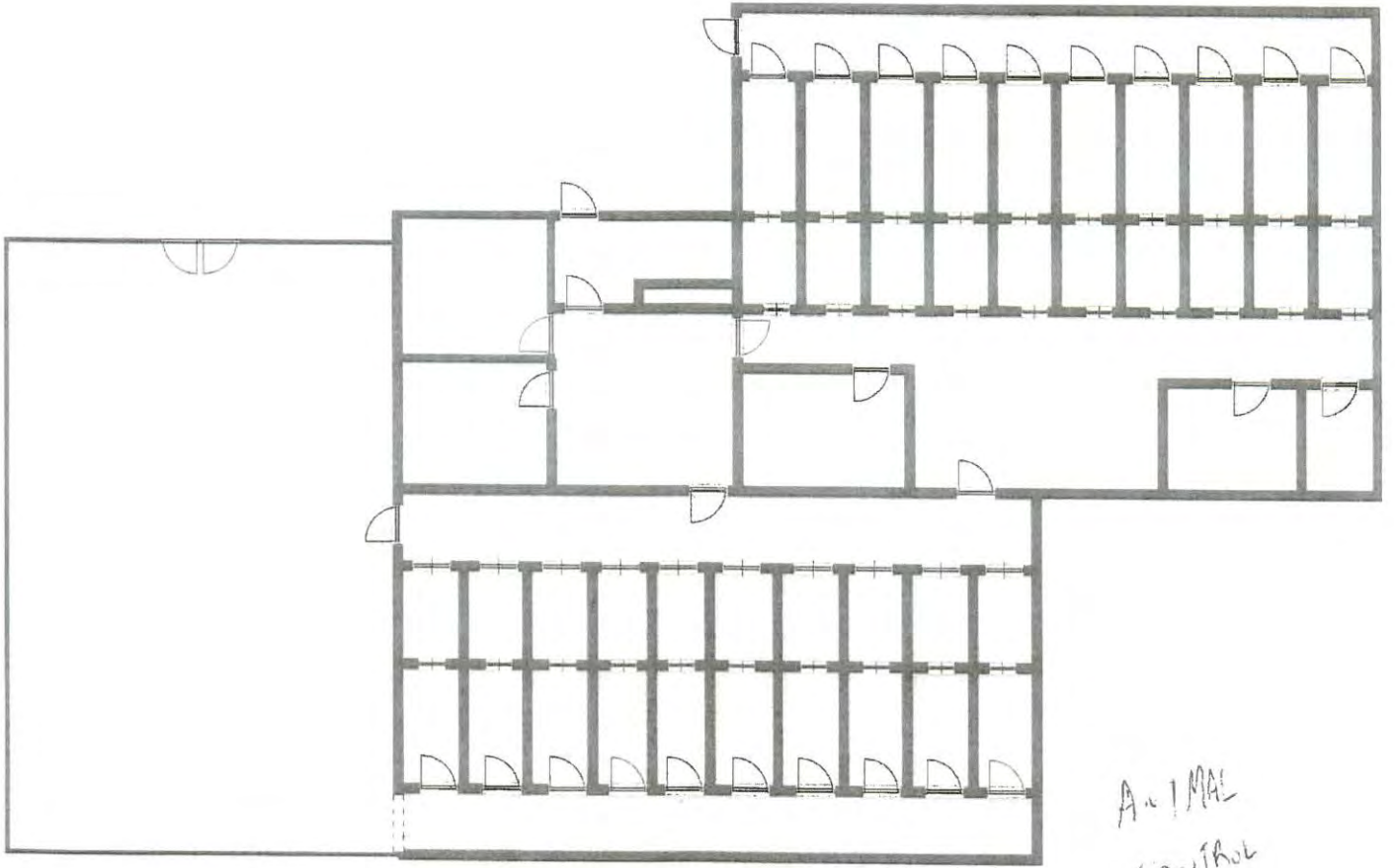
■ Buildings

■ Towns

■ Water

0 1 2 4 Miles





ANIMAL  
CONTROL

0ft                      24ft                      48ft

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



Name: Jessica James, Assistant Deputy County Administrator

Department or Organization: Jefferson County Commission




Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **July 11, 2024**

*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*):

-  Approval of Hire – Executive Director, Farmland Protection
-  Approval of Employee Pay Adjustment – ESA
-  Employee Recognition

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



1. **Liz Wheeler, current director of the Jefferson County Farmland Protection Board, will be retiring soon. The position being vacated by Ms. Wheeler is a full-time, 80 hr. position at a Grade VII. The Board has identified their top selection from the candidates interviewed and has offered the candidate a starting salary of \$65,000, plus benefits, with a 90-day probation period. Effective date is TBD pending successful completion of a background check.**
2. **Director Sine has indicated an employee from the ESA is eligible for a pay adjustment (in accordance with ESA AP1192) for four years of prior work experience and service. This request would provide a two-step increase for the employee, with an adjustment from \$24.46/hr. to a new rate of \$26.66/hr., (including FY25 5% COLA) to be effective June 30, 2024.**
3. **Employee Recognition – no request, informational only.**

Is this a funding request? Y/N - NO – no funding requested or necessary

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 Jason Adams as at the Director of the Jefferson Farmland Protection Board at a Grade VII, with a salary of \$65,000.00, effective date TBD pending completion of successful background check.***
-  ***I move to approve the pay adjustment for Josh Smith, FF/EMT III, in accordance with AP1192 from a rate of \$24.46/hr. to a new rate of \$26.65, (which includes the FY25 5% COLA)***

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: Jessica James

Email address:      [jjames@jeffersoncountywv.org](mailto:jjames@jeffersoncountywv.org)

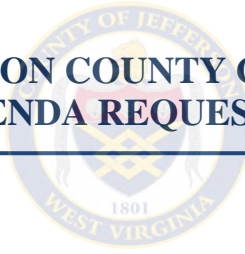
Phone Number:      304-728-3282

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>
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not applicable
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**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

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Name:

Department or Organization:

Commission Meeting Date:

Special Meeting Date (if necessary):

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

Please provide a description of your request or presentation, including any background information:

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (*type out wording of the motion 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      Internet/Wi Fi:      Conference/Video      No

Contact Information:

Phone Number:

Email Address:



**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

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Additional Comments Page:

## **BYLAWS OF THE JEFFERSON COUNTY PLANNING COMMISSION**

### **Article I - General**

#### **Section 1.1 – References**

As used throughout these Bylaws, “Planning Commission” shall refer to the Jefferson County Planning Commission, and “County Commission” shall refer to the County Commission of Jefferson County, both of Jefferson County, West Virginia. The term “item” as used herein shall refer to any matter before the Planning Commission for consideration or discussion, and shall be construed broadly.

#### **Section 1.2 – Authority**

These bylaws and its provisions are authorized by W.Va. Code § 8A-2-11, which empowers the Planning Commission, among other things, to “(2) Prescribe rules and regulations pertaining to administration, investigations and hearings[,]” provided that the same are adopted by the County Commission.

#### **Section 1.3 – Severability**

The invalidation of any provision or section of these Bylaws shall not invalidate any other provision or section of these Bylaws.

#### **Section 1.4 – Amendments**

These Bylaws may be amended at any regular meeting of the Planning Commission by a majority vote of the Planning Commission, and shall take effect upon adoption by the County Commission or at a date certain thereafter.

### **Article II - Organization**

#### **Section 2.1 – Membership**

The Planning Commission, by ordinance previously adopted by the County Commission, shall be comprised of nine (9) members appointed by the County Commission pursuant to W.Va. Code § 8A-2-4.

#### **Section 2.2 – Term of office**

Upon appointment to the Planning Commission, a member shall serve a term of three years pursuant to W.Va. Code § 8A-2-4(g).

#### **Section 2.3 – Powers and Duties**

In addition to the powers and duties provided in these Bylaws, the Planning Commission shall have such other powers and duties as provided by law, including but not limited to W.Va. Code § 8A-2-11.

#### **Section 2.4 – Committees**

The Planning Commission may establish one or more committees to which, pursuant to W.Va. Code § 8A-2-11 (15), it may delegate limited powers. Committees shall consist of no less than three (3) members nor more than ~~five (5)~~ four (4) members of the Planning Commission, and shall not consist of a quorum of the Planning Commission. Appointments to committees shall be made by a majority vote of the Planning Commission. The purpose of the Committees is to act as a fact finding body for the use of the Planning Commission and no action is to be taken by the Committees.

Notice for all Committee meetings shall be in writing, will include the date, time, and place of the Committee meeting as well as the purpose of the meeting. The notice shall be sent to all Committee members and publicly posted at least ~~two~~ three days before the Committee meeting. A Committee meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a Committee meeting to be a video conference only meeting, in which case Planning Commission members, staff, and members of the public can attend via video conference.

The Committee meetings are open to the public; however, there will be no public comment. Such Committee meetings shall be recorded, and such recordings and minutes shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

### **Article III - Officers**

#### **Section 3.1– Elections**

At its first regular meeting each January, the Planning Commission shall elect a President, Vice President, and Secretary.

#### **Section 3.2 – President**

The President shall preside at all public hearings and meetings held by the Planning Commission. The President may call special meetings of the Planning Commission as necessary, and is empowered to certify by signature or otherwise any official and valid action of the Planning Commission. The President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

#### **Section 3.3 – Vice President**

During any absence of the President, the Vice President shall assume the duties and functions of President. The Vice President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

#### **Section 3.4 – Secretary**

The Secretary shall perform such duties and functions as may from time to time be required by the Planning Commission.

#### **Section 3.5 – Absence of President and Vice President**

In the absence of both the President and Vice President, any present member may call to order a regular or special meeting of the Planning Commission, if a quorum is present, which shall thereupon immediately empower one or more of its present members to fulfill the duties and functions of President and/or Vice President during said absence.

#### **Section 3.6 – Replacing Officers**

In the event of the death, resignation, or removal of an officer of the Planning Commission, the Planning Commission shall thereupon elect one of its members to complete the unexpired term. A three-fifths majority of the total membership of the Planning Commission may, at any regular meeting, remove the President and/or the Vice President from office, provided that a new election to fill the remaining term(s) of office is immediately held.

### **Article IV - Meetings**

#### **Section 4.1 – Regular Meetings**

The Planning Commission shall hold regular meetings on the second Tuesdays of each month at 7:00 p.m. in the ground floor meeting room of the Old Charles Town Library, at 200 East Washington Street, Charles Town, West Virginia. Prior notice shall be provided in the event that any regular meeting is held at a different location.

An additional regular meeting may be called by the President or by two or more members of the Planning Commission for a specific agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda.

A regular meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a regular meeting to be a video conference only meeting, in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.

#### Section 4.2 – Special Meetings

A special meeting may be called by the President or by two or more members of the Planning Commission to be held on a different day and/or a different time than regular meetings.

Pursuant to W.Va. Code § 8A-2-7, notice for all special meetings shall be in writing, include the date, time and place of the special meeting as well as the purpose of the meeting, and be sent to all members and publicly posted at least two days before the special meeting. A special meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a special meeting to be a video conference only meeting, in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.

#### Section 4.3 – Recording of Meetings

All meetings of the Planning Commission shall be recorded, and such recordings shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

#### Section 4.4 – Agendas

An agenda shall be made available at least seven (7) days prior to the start of all regular ~~and special~~ meetings. Items shall be listed on the agenda in such a manner as to sufficiently identify the substance of the item and allow for a vote on the item by the Planning Commission if necessary. The Planning Commission may deviate from an agenda's order if necessary.

#### Section 4.5 – Quorum

In order to conduct a regular or special meeting, a quorum of the members must be present. A majority of the members of the Planning Commission shall constitute a quorum. No action of the Planning Commission shall be official or valid unless authorized by a majority of members present at a regular or special meeting.

An individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone or other electronic media with prior approval of the President and will count towards a quorum.

#### Section 4.6 – Procedures for Conducting Meetings

In the absence of state law or of other procedures of the Planning Commission, Roberts Rules of Order, current edition, shall be the parliamentary authority of Planning Commission meetings.

#### Section 4.7 – Open Governmental Proceedings

All meetings and actions of the Planning Commission shall comply with the requirements of West Virginia's

open meetings laws, codified at W.Va. Code § 6-9A-1, et seq.

#### Section 4.8 – Training

All newly appointed Planning Commission members shall attend ~~a two hours~~ s of training ~~session~~ within 90 days of their appointment to the Planning Commission. Such training may be provided by the County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another authorized organization. The focus of this initial training will be to provide an orientation to the roles, responsibilities and duties of a Planning Commission member.

Annually, all PC members shall attend ~~a two hours~~ s of training ~~session~~ provided by County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another ~~authorized~~ organization. Staff shall make the Commissions members aware of local training opportunities and/or shall provide access to webinars to provide the Planning Commission members with a variety of training opportunities.

Planning Commission members shall be encouraged to attend local, regional, and/or national on-site or webinar planning training sessions. As the Planning and Zoning budget allows, assistance may be provided for registration for such training.

#### Section 4.9 - Attendance at Regular Meetings

Regular attendance of all Planning Commission members is critical to the effective functioning of the Planning Commission. Planning Commissioners shall strive to attend all Regular Meetings, either in person or via video conference, with notice. Accordingly, if a Commissioner, over a ~~ny consecutive~~ six month period, misses ~~six three~~ Regular Meetings with notice, or ~~four two~~ Regular Meetings without notice, the Planning Commission may forward this information to the County Commission with the request that the County Commission consider removal from the Planning Commission due to a lack of interest.

### **Article V – Consideration of Items**

#### Section 5.1 – Voting

A member must be or have been physically present at a meeting to vote on any item considered at said meeting. However, on occasion Planning Commission members may attend any meeting via video conference with notice to the Planning staff ~~an individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone with prior approval of the President~~. The individual will count towards a quorum and will have full voting privileges.

As noted in Section 4.1 and 4.2, on occasion, the Planning Commission President may also call a regular or special meeting to be a video conference only meeting in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.

Voting via proxy is not permitted. Abstention shall not be permitted by a member who is otherwise entitled to vote on an item.

#### Section 5.2 – Recusal

A member may recuse himself/herself in relation to an item for the reasons set forth herein, in which case such member shall not participate in discussion, consideration or vote on said item. Valid reasons for recusal include (1) having a personal interest in an item, (2) having a contractual, employment, or other relationship with a party involved with an item, (3) being unable to impartially consider an item, or (4) having been absent from part or all of the discussion or consideration of an item. A member recusing himself or herself shall thereupon state the reason for such recusal and leave the meeting, remaining absent for the duration of consideration and/or discussion of the item.

### Section 5.3 – Ex Parte Communications

For purposes of these Bylaws, ex parte communications consist of communications regarding the substance of an item that is or will be before the Planning Commission for consideration and/or discussion, when such communications are between one or more members of the Planning Commission and one or more individuals involved with the item. No member of the Planning Commission shall voluntarily and knowingly engage in ex parte communications without the authority of the Planning Commission. In the event that a member of the Planning Commission has engaged in or receives any ex parte communication, said member shall bring the same to the attention of the Planning Commission. Communications with third parties regarding procedural aspects of items do not constitute ex parte communications in the context of these Bylaws.

### Section 5.4 – Ex-Officio Member Voting

A member who is also a member of the County Commission is a full voting member of the Planning Commission. However, any such ex-officio member may elect not to vote as a member of the Planning Commission on items which will subsequently require action or consideration by the County Commission.

An ex-officio member may remain at the meeting and participate in discussion on an item on which they elected not to vote under this section.

- 8. Waiver Request** from Section 20.201A.2, which requires all lots in Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 30' access easement instead of the required 50' access easement. Property Owner/Applicant: Susquehanna Properties LLC; Property Location: 21 Bella CT, Charles Town, WV 25414; Parcel ID: 02001700190000; Size: 0.879 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-9-PCW).

Mrs. Brockman provided an overview of the staff report stating that the applicant is requesting to utilize an existing 30' access easement for a two lot subdivision, instead of the required 50' access easement.

The applicant Doug Porter, owner of Susquehanna Properties LLC, explained the nature of the request to the Planning Commission.

Mrs. Brockman provided staff recommendations.

Mr. Hefestay made a motion to approve the request, with staff recommendations. Mr. Stolipher seconded the motion, which carried unanimously.

- 9. Discussion and Possible Action:** Draft amendments to the Bylaws of the Jefferson County Planning Commission for discussion and possible action:

- a. Section 2.4 "Committees" related to public notice and records for Planning Commission Committee and Subcommittee meetings.
- b. Section 5.1 "Voting" related to the use of a video conferencing program for regular and special meetings.

Mrs. Brockman discussed the Bylaws of the Jefferson County Planning Commission and provided the proposed changes related to opening Planning Commission committee meetings to members to the public and clarifying attendance to meetings held via video conferencing as requested by the Planning Commission.

Mr. Fisher made a motion to approve the proposed changes. Mr. Hefestay seconded the motion, which carried unanimously.

- 10. Discussion and Possible Action:** Draft amendment to Section 24.300 of the Subdivision Regulations related to allowing public comment on waiver applications under consideration by the Planning Commission.

Mrs. Brockman discussed the draft proposed amendment to Section 24.300 of the Subdivision Regulations regarding holding Public Hearings for waiver applications as requested by the Planning Commission. Mrs. Brockman also stated to the Planning Commission that they can schedule a public hearing on the Text Amendment at the next meeting.

Mr. Louthan made a motion to proceed with a Public Hearing on the proposed Subdivision Regulation Text Amendment at the April Planning Commission meeting.. Mr. Hefestay seconded the motion, which carried unanimously.

**11. Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV

001717 434301. Funds will be allocated from the Coal Severance Funds. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

8. Jennifer Brockman-chief county planner, Jefferson County Department of Engineering, Planning, and Zoning- proposed revision to the bylaw of the Jefferson County Planning Commission requests.

Mr. Majdi motioned to have legal review the current bylaws and bring them back to the April 4, 2024, Commission meeting and have suggested edits be submitted to the Jefferson County Planning Commission for consideration. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

9. Mike Sine, director, Emergency Service Agency-

- a) Approval of support letters for the Regional Fire, EMS, and Law Enforcement training facility

Mr. Stolipher motioned to approve the support letters for the Regional Fire, EMS, and Law Enforcement training facility and for the President of the Commission to sign the associated documents. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.

- b) Ambulance transport billing

Ms. Jackson motioned to authorize the Emergency Service Agency to bill for the emergency dispatch services for patients who receive treatment but refuse to be transported. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

10. Nathan Cochran-Assistant Prosecuting Attorney

- a) Discussion of minor boundary issues between Berkeley and Jefferson Counties
- b) Consider matters involving or affecting the construction, planning, purchase, sale, or lease or property.

Mrs. Krouse moved to enter into executive session to receive legal advice and status updates on item 10a. The motion seconded was by Mr. Majdi. The motion was approved unanimously.

Mr. Stolipher moved to exit executive session and reconvene in regular session. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.

## UNFINISHED BUSINESS

### 9. Tax Increment Financing Proposal- Hill Top House

To consider and act upon a proposed Resolution regarding the approval of (1) a Tax Increment Financing Application (the “TIF Application”) with respect to the proposed creation of a Tax Increment Financing District to be designated “Jefferson County Redevelopment District No. 1 – Hill Top House Hotel” (the “Property TIF District”) and the adoption of a project plan for the Property TIF District to be designated as “Project Plan No. 1”; and (ii) submission of the TIF Application to the West Virginia Department of Economic Development for approval

Mr. Majdi motioned to approve the resolution regarding the property tax increment financing application to officially submit a materially complete TIF application with consultation with outside counsel hired by the County Commission, TIF application to the West Virginia Department of Economic Development with updated figures for the based assessed value.

The motion was seconded by Mr. Stolipher. The motion passed 3-2 with Commissioner Majdi, Commissioner Stolipher, and Commissioner Tabb voting in favor of the motion, and Commissioner Jackson and Commissioner Krouse opposing it.

**Presentation and possible action on proposed revisions to the Bylaws of the Jefferson County Planning Commission (carried over from 3/21/24)**

**Mr. Stolipher motioned to take our counselor changes, send it to send it to the Planning Commission for review and approval, and then bring it back here, to this board. The motion passes on a 3-2 with Commissioner Stolipher, Commissioner Tabb, and Commissioner Majdi voting for, and Commissioner Krouse and Commissioner Jackson opposing.**

## NEW BUSINESS

### 10. Scheduling of Interviews for County Administrator position

Mr. Stolipher motioned to hold interviews for the County Administrator position on April 22, 2024, at 9:30 am. Applications will be provided to the Commissioner by end of business on April 5, 2024. Each Commissioner will provide two (2) names to be interviewed. The motion was seconded by Mrs. Krouse. The motion passed on a 4-1 vote. Commissioner Stolipher, Commissioner Tabb, Commissioner Jackson, and Commission Krouse are in favor, and Commission Majdi is opposing.

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



Name: Jennifer Brockman, County Planner

Department or Organization: Office of Planning and Zoning

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **06/27/2024**

*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 and possible action on proposed revisions proposed amendment to Division 24.300 c and D of the Jefferson County Subdivision and Land Development Regulations related to holding Public Hearings for Waiver Applications (STA24-01)

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  Internet/Wi Fi  Telephone for conference call

Contact information:

Email address:

Phone Number:



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



Name: **Christopher L. Callas, Esq.**  
**Jackson Kelly PLLC**

Department or Organization: **Wild Hill Solar, LLC**

Estimation of amount of time needed for appointment: **15-20 minutes**

Date Requested – 1<sup>st</sup> Choice: **June 27, 2024**

*If a specific date is needed, please provide reason for specific date:* **Wild Hill Solar requests the June 27 date to facilitate the continued development of its project taking into account upcoming project milestones.**

Date Requested – 2<sup>nd</sup> Choice: **July 11, 2024**

Subject (*Wording to be placed on agenda*): **Discussion/Action: Request of Wild Hill Solar, LLC for County Commission Resolution and Order Authorizing the Execution and Delivery of a Payment in Lieu of Taxes Agreement and a Lease Agreement with Wild Hill Solar, LLC.**

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

- Discussion/Action: Wild Hill Solar, LLC requests that the County Commission enter an order to authorize the execution and delivery of a Payment in Lieu of Taxes Agreement and a related Lease Agreement in connection with Wild Hill Solar's 92.5 MW solar electric generating facility.**

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*):

**RESOLUTION AND ORDER OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYMENT IN LIEU OF TAXES AGREEMENT AMONG THE COMMISSION, THE BOARD OF EDUCATION OF JEFFERSON COUNTY, WEST VIRGINIA, AND WILD HILL SOLAR, LLC, AND A LEASE AGREEMENT BETWEEN THE COUNTY COMMISSION AND WILD HILL SOLAR, LLC.**

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

If not attached, explain: **Copy of proposed Resolution and Order and attached agreements to be provided by June 5, 2024.**

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

Contact information:            **Christopher L. Callas, Jackson Kelly PLLC**

Email address: **ccallas@jacksonkelly.com**            Phone Number:    **304-340-1251 (office) 304-539-3219 (cell)**

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

not applicable



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



Name: Edwina Benites-LM

Department or Organization: County Administration

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **July 11, 2024**

*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:**

- Hill Top House TIF (See attached)
- Letter of Support- Parks and Recreation (See attached)
- Cox Hollida Young engagement letters (See attached)

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

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

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

PRESIDENT  
*Steve Stolipher*

VICE PRESIDENT  
*Jane Tabb*

COMMISSIONER  
*James Cook*

COMMISSIONER  
*Pasha Majdi*

COMMISSIONER  
*Kelvin Upson*

To: Commissioner James Cook  
Commissioner Pasha Majdi  
Commissioner Steve Stolipher  
Commissioner Jane Tabb  
Commissioner Kelvin Upson

From: Edwina Benites-LM, county administrator

Date: July 3, 2024

Re: County Administrator Report, July 11, 2024

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### Hill Top House TIF:

The West Virginia Department of Economic Development approved the TIF (tax increment financing) application for the County Commission of Jefferson County Redevelopment District No. 1- Hill Top House Hotel.

The next steps are to consider a resolution establishing the district and establish the TIF fund. We are waiting on guidance from our attorney.

### **Attachment A**

### Letter of Support- Parks and Recreation

The Hagerstown/ Eastern Panhandle MPO requested that we share a letter of support for the Sam Michaels Park Recreation Trail Improvements Project. The letter of support does not obligate the County to any matching funds. I signed and sent the attached letter.

### **Attachment B**

### Cox Hollida Young engagement letters

Cox Hollida Young sent us two engagement letters: one to prepare the financial statements for 2024 and the second to assist the budget director.

**Suggested motion: Motion to approve the engagement letters as presented.**

### **Attachment C**

County Administrator  
*Edwina Benites-LM*

June 7, 2024

The Honorable Steve Stolipher  
President  
Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

Dear Mr. Stolipher,

This correspondence serves as official notice pursuant to WV Code 7-11B-7 and 7-11B-8, the West Virginia Department of Economic Development (WVDED) has reviewed the tax increment financing application for the Jefferson County Redevelopment District No. 1 - Hill Top House Hotel.

The WVDED has found the application complete and thereby approved per the project plans with bond financing not to exceed \$30,000,000. These funds will be used to make the capital improvements within or which serve the TIF District including the design, permitting, acquisition, construction and equipping of the site, infrastructure and other improvements, both public and private, that will support and facilitate development within, or for the benefit of, the TIF district as outlined in Section II of the application.

Thank you for your cooperation regarding this process. If you have any questions, please do not hesitate to contact Mr. Todd E. Hooker at (304) 558-2234.

Sincerely,



Mitch Carmichael  
Cabinet Secretary



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

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

PRESIDENT  
*Steve Stolipher*

June 6, 2024

VICE PRESIDENT  
*Jane Tabb*

The Honorable Jimmy Wriston

COMMISSIONER  
*James Cook*

Secretary

COMMISSIONER  
*Pasha Majdi*

West Virginia Department of Transportation

COMMISSIONER  
*Kelvin Upson*

1900 Kanawha Boulevard East

Charleston, West Virginia 25305

Dear Secretary Wriston,

On behalf of the Jefferson County Commission, I am writing to support the Sam Michaels Park Recreation Trail Improvements Recreational Trails Program (RTP) application. It is my understanding that funding will be used for demolition, design and construction of a one-mile paved walking trail in the park to allow community members and visitors to safely and comfortably use the facility. The state of the current trail has quality and condition issues, making it unsafe and ADA non-compliant due to its narrow width and degradation.

Sam Michaels Park is the largest and most diversified park in Jefferson County, WV, encompassing an area of 136.6 acres. The park, having the greatest mix of passive and active recreational facilities, hosts the majority of organized programs within the county's Parks and Recreation program, is home to the 18,900 square foot Jefferson County Community Center and is the hub of the county's Parks and Recreation services operations. This project would help complete phase two of the Sam Michaels Park Master Plan and is also supported by the 2026 Jefferson County Parks and Recreation Master Plan and the Envision Jefferson 2035 Comprehensive Plan.

This critical facility improvement will help enhance the health and safety of all those who enjoy the park. Parks and Recreation fulfills a vitally important community need by facilitating social engagement that forms a strong sense of community identity. Again, the Jefferson County Commission strongly supports this essential transportation project to Sam Michaels Park.

Respectfully,

Edwina Benites-LM  
County Administrator

101 North Spring Street  
Suite 200  
Martinsburg WV 25401  
Phone 304.263.0891  
Fax 304.263.0997  
www.chycpa.com



June 27, 2024

Jefferson County Commission  
124 E. Washington Street  
Charles Town, WV 25414

We are pleased to confirm our acceptance and understanding of the services we are to provide for the Jefferson County Commission for the year ended June 30, 2024.

You have requested that we prepare the financial statements of the Jefferson County Commission, which comprise the annual financial statements of the governmental activities, the business activities, each major fund and the aggregate remaining fund information of the Jefferson County Commission, for the year ended June 30, 2024, and the related notes to the financial statements, and perform a compilation engagement with respect to those financial statements.

The supplementary information accompanying the financial statements will be presented for the purposes of additional analysis. Such information is the responsibility of management. The supplementary will not be subject to our compilation engagement. We will not audit or review the supplementary information and will not express an opinion, a conclusion, nor provide any assurance on such information.

### **Our Responsibilities**

The objective of our engagement is to –

1. prepare financial statements in accordance with accounting principles generally accepted in the United States of America based on information provided by you and
2. apply accounting and financial reporting expertise to assist you in the presentation of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements in order for them to be in accordance with the accounting principles generally accepted in the United States of America.

We will conduct our compilation engagement in accordance with Statement on Standards for Accounting and Review Services (SSARS) promulgated by the Accounting and Review Services Committee of the AICPA and comply with applicable professional standards, including the AICPA's *Code of Professional Conduct*, and its ethical principles of integrity, objectivity, professional competence, and due care when preparing the financial statements and performing the compilation engagement.

We are not required to, and will not, verify the accuracy or completeness of the information you will provide to us for the engagement or otherwise gather evidence for the purpose of expressing an opinion or a conclusion. Accordingly, we will not express an opinion, a conclusion, nor provide any assurance on the financial statements.

Our engagement cannot be relied upon to identify or disclose any financial statement misstatements, including those caused by fraud or error, or to identify or disclose any wrongdoing within the entity or noncompliance with laws and regulations.

### **Your Responsibilities**

The engagement to be performed is conducted on the basis that you acknowledge and understand that our role is to prepare financial statements in accordance with accounting principles generally accepted in the United States of America and assist you in the presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America. You have the following overall responsibilities that are fundamental to our undertaking in the engagement in accordance with SSARS:

1. The selection of accounting principles generally accepted in the United States of America as the financial reporting framework to be applied in the preparation of the financial statements.
2. The preparation and fair presentation of financial statements in accordance with accounting principles general accepted in the United States of America and the inclusion of all informative disclosures that are appropriate for accounting principles generally accepted in the United States of America.
3. The design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.
4. The prevention and detection of fraud.
5. To ensure that Jefferson County Commission complies with the laws and regulations applicable to its activities.
6. The accuracy and completeness of the records, documents, explanations, and other information, including significant judgments, you provide to us for the engagement.
7. To provide us with-
  - access to all information of which you are aware is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.
  - additional information that we may request from you for the purpose of the compilation engagement.
  - unrestricted access to persons within the entity of whom we determine it necessary to make inquiries.

You are also responsible for all management decisions and responsibilities and for designating an individual with suitable skills, knowledge, and experience to oversee our maintenance of your fixed asset schedule and the preparation of your financial statements. You are responsible for evaluating the adequacy and results of the services performed and accepting responsibility for such services.

### **Our Report**

As part of our engagement, we will issue a report that will state that we did not audit or review the financial statements and that, accordingly, we do not express an opinion, a conclusion, nor provide any assurance on them. There may be circumstances in which the report differs from the expected form and content. If, for any reason, we are unable to complete the compilation of your financial statements, we will not issue a report on such statements as a result of this engagement.

We are not independent with respect to the Jefferson County Commission and will disclose that we are not independent in our compilation report.

Jefferson County Commission

June 27, 2024

Page 3

You agree to include our accountants' compilation report in any document containing financial statements that indicates we have performed a compilation engagement on such financial statements and, prior to inclusion of the report, to obtain our permission to do so.

**Other Relevant Information**

Charli E. Heilmann, CPA is the engagement partner and is responsible for supervising the engagement and signing the compilation report or authorizing another individual to sign it.

Our fees for the annual compiled financial statement will be based on our discounted rates and will not exceed \$28,000. These fees do not include the Management's Discussion and Analysis as required by Governmental Accounting Standards Board (GASB).

You agree to hold us harmless and to release, indemnify, and defend us from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to us.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign and return a copy to us.

Sincerely,  
CoxHollidaYoung PLLC

*Charli Heilmann*

Charli E. Heilmann, CPA  
Partner

ACKNOWLEDGED:

By: \_\_\_\_\_

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

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



June 27, 2024

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

Dear Jefferson County Commission:

Thank you for allowing our Firm to propose on your professional accounting service needs.

#### **SCOPE OF ENGAGEMENT**

Based on our understanding of your professional service needs, we are proposing to provide the following accounting assistance for Jefferson County Commission.

As needed, assist:

- Budget Director budget preparation, review and analysis.
- With annual year end closing.
- With preparing and reviewing reporting requirements due to the State of West Virginia.
- Budget Director with financial statement audit coordination and preparation.
- With professional guidance related to Generally Accepted Accounting Principles.

#### **QUALIFICATIONS AND EXPERIENCE**

CoxHollidaYoung PLLC was founded in 1963 and is the largest public accounting firm situated in Eastern West Virginia with an office located in downtown Martinsburg with approximately ten (10) professionals. We offer a unique combination of professional services ranging from assurance services, financial and estate planning, business succession planning, business consulting services, business bookkeeping and accounting services and income tax planning and preparation. We are truly large enough to meet your needs, yet small enough to deliver the responsive service you expect.

Our experience in governmental accounting and/or audit includes services to health and welfare entities, county commissions, municipalities, development authorities, public service districts, and other commissions, authorities and entities.

The firm belongs to the American Institute of Certified Public Accountants (AICPA) and is enrolled in its peer review program. The firm participates in a peer review, conducted by other professionals, every three years. The firm is also an approved Auditor by the West Virginia State Auditor's Office.

### **ENGAGEMENT TEAM**

The selection of the proper engagement team members is critical to the success of the engagements. CHY is staffed with professionals and support staff to provide the necessary services while preserving responsive, personalized involvement with each client. We have assembled a team of qualified individuals for this engagement to include:

#### Charli E. Heilmann, CPA

Charli is the firm's audit and assurance income partner. She has over 10 years of experience in public accounting, including extensive governmental and not-for-profit engagements. Charli also has experience with County governments. She has a understanding of the software used by the County's finance department and understands how the software interacts with other departments.

#### Chuck W. Young, CPA

Chuck is the firm's managing partner. He has worked in public accounting for over twenty years and has extensive experience in performing and supervising numerous governmental audits, Rule 42 exhibits, and other governmental accounting and assurance engagements.

### **FEES**

Depending on the staff required, fees would be based on a discounted hourly rate between \$85 to \$200, with a fee ceiling of \$15,000. When and if services exceed this threshold, we will meet with the County Clerk and Administrator to determine how to proceed.

We will only perform services that is requested by either the County Clerk or Administrator. To manage the costs, we can provide weekly progress on the status of the current project and costs incurred. If requested we will provide an itemized billing detailing subject matter, time and cost.

Jefferson County Commission  
June 27, 2024  
Page 3

We believe the foregoing meets the requirements of your request for proposal, but if you have any questions, please contact me. We would be pleased to discuss this proposal with you at any time. Thank you again for the opportunity to propose. We hope to be selected to continue to provide accounting services for your organization.

Very truly yours,

*CoxHollidayYoung PLLC*

*Charli E. Heilmann, CPA*

Charli E. Heilmann, CPA  
Partner



## Quarterly Report

April 1, 2024 – June 30, 2024

### 1. Active Projects

- a. Civil War Battlefield Preservation in Jefferson County – Ongoing
  - i. Shepherdstown Battlefield properties acquisition and management – ongoing
  - ii. Lobby for Antietam National Battlefield boundary expansion to include Shepherdstown Battlefield – ongoing.
  - iii. James Osbourn House and barn maintenance & repair - ongoing
  - iv. Potomac River front clean up April and October of every year
- b. Peter Burr Farm building and grounds improvements and programing – ongoing
- c. Develop grant application and eligibility requirements for JCHPF, a new grant program
- d. JC History Wiki – sponsor and coordinate - ongoing
- e. Duffields Depot rehabilitation - ongoing
- f. Concept Plan reviews in conjunction with JC Planning Department – ongoing
- g. Cell tower reviews in conjunction with WVSHPO & JC Planning Department – ongoing
- h. Continual verification of JCHLC historic sites inventory data – ongoing
- i. Identify all cemeteries in Jefferson County and add to GIS layer- ongoing.
- j. Actively maintain Fairview, Kearneysville Methodist, and Middleway cemeteries - ongoing
- k. Text amendment to Zoning Ordinance to include - Delay of demolition & Demolition by neglect– ongoing
- l. Articles on historic preservation to appear in the *Observer* and *Spirit* – ongoing.
- m. Use Duffield's Depot as an example to implement *Teaching with Historic Places* – ongoing
- n. Studying the viability of history tours of Jefferson County
- o. Create a Friends Group for Duffield's Depot, 501c3.
- p. Work with JC Parks & Rec. to create a park on the Potomac River

### 2. Projects Completed

- a. James Osbourn Farm title transferred from Amer. Battlefield Trust to JCHLC – April 5, 2024
- b. Shepherdstown Battlefield and Trough Rd. cleanup - April 6, 2024
- c. Rose Hill Cemetery, Shepherdstown, cleanup, grant funded – April 6, 2024
- d. *Shenandoah Oaks* – declared a Jefferson County Landmark – April 10, 2024
- e. *Shady Grove* – declared a Jefferson County Landmark – April 10, 2024
- f. Jefferson County Courthouse celebrated as a National Historic Landmark - April 13, 2024
- g. Received a \$66,000 grant for the rehabilitation of Duffield Depot, from WV DOT – May 2, 2024
- h. Rt. 340 mitigation, documented four houses – May 6, 2024
- i. WV Heritage Day, HF Middle School presented a program on historic preservation May 21, 2024
- j. National Register nomination for *Woodbryne* presented to WVA&H Council - June 13, 2024

Submitted by  
Martin Burke, Chair

JEFFERSON COUNTY COMMISSION  
SHEPHERDSTOWN TOWN HALL WITH COMMISSIONERS JAMES COOK AND KELVIN UPSON  
SHEPHERDSTOWN COMMUNITY CLUB, 102 E. German Street, Shepherdstown, WV 25443  
MONDAY, JULY 1, 2024  
6:00 PM

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This town hall-style informational session will receive public comments from the residents of the Shepherdstown Magisterial District, especially on solar development.

PLEDGE OF ALLEGIANCE

Introduction: Commissioner James Cook

Introduction: Commissioner Kelvin Upson

Public Comments

- 3 minutes per speaker

Conclusion: Commissioner Kelvin Upson

Conclusion: Commissioner James Cook

First, thank you for being here.

My name is Carrie Blessing & I am here on behalf of Shep. Community Club. SCC is a service-based Nonprofit that will be in its 80<sup>th</sup> yr in 2025.

SCC maintains & cares for the building we are in today - as well as a safe & well-maintained 26 acre park. Morgens Grove Park continues to grow with the community & is now planned as the end of the Rt. 480/Shep Bike Path.

On February 27<sup>th</sup>, Board Members presented to the Commission - asking for an annual sponsorship of \$10k. Currently, we are not the budget & I'm here to tell you SCC absolutely should be.

A source for this could be from new construction such as ~~the~~ some proposed solar farm or in fact the 69 homes <sup>that</sup> were built next door to our park with virtually no impact fees.

~~Morgens~~ We have many needs. Some of the things we do - with all volunteers



Maintaining our playground  
Daily + Monthly Water Testing  
Mowing  
Spring + Fall Cleanup  
Ash Tree treatments since 2014  
Riparian plantings w/ Cecaper +  
Trout Unlimited  
Stonewalk program  
Free Community Movie Nights  
Spring House restoration + care  
Kitchen + bathroom maintenance  
Fence repair  
Tree care + removal  
Utilities  
Stream Restoration  
Supporting the community in rentals  
of the park + building

- 
- + Upgrading our playground for ADA accessibility
  - + Entryway + Signage in preparation for our bike path
  - + Upgrading restrooms, kitchen, ventilation unit
  - + Paving + marking our lower lot
  - + Stage Build - sustainable revenue w/multipurpose → will take \$\$  
Economic improvement for surrounding area/businesses →
  - + solar panels on our park building

Given all of this, I plead  
w/ the ~~both~~ of you  
or the ~~entire~~ community  
~~to invest in our park to~~  
~~to understand how important~~  
impact fees are ~~for~~  
in supporting the local  
economy & infrastructure.  
You have heard many voices tonight.  
I ask you to invest in  
Morgan's Grove Park as it  
is ~~in itself~~ a  
vital part of ~~a~~ a  
healthy community.  
I ask you to hear what  
the community is saying to you.  
We do not want to issue enormous  
tax breaks ~~to~~ at the  
cost of our county's  
well-being.

## Solar Energy Plants Townhall Meeting: July 1, 2024 6:00PM- Public Comment prepared by Jacquelyn Milliron

1. Solar Facilities Committee was created by the Jefferson County Planning Commission as far back as 2019. We do not know for sure when they met nor was the public privy to the process of creating the text amendments. We learned recently that potentially the creation of the solar text amendments may have been performed in violation of the Open Meetings Act. The public does not know the impact of not being able to participate in that process as those meetings were deemed private. This is the genesis of a lack of transparency.
2. Solar farms are not really farms are they. A congregate large parcel of industrial sized solar panels is, for all intent and purpose, serves as an unregulated energy plant. When all other types of energy producing plants are regulated by the Public Service Commission of West Virginia, why aren't solar plants?
3. What does hosting several unregulated energy plants mean to West Virginians?
  - a. That the land next to them could be legally sold to a foreign enemy and that any foreign enemy can pay top dollar for land as a carrot to control our national energy grid.
  - b. It means that solar energy plants are getting subsidized by tax funded government when our county health department is getting fiscal cuts.
  - c. It also means that these unregulated solar plants are stripping the topsoil from the farmland building over sink holes and subsequent run off is allowed to go into our Beautiful Shenandoah River. From there, it goes to the Chesapeake Bay increasing sediment which may contribute to further negative impacts resulting in interstate relationship issues.
4. The representative from Wild Hill Solar acknowledged that the plants are being created to serve other states to forward the production of Data Centers. Also, suggested that without a PILOT the project is a no go. So, a private corporation can be subsidized for solar, then have an astounding reduction in taxes, and our County Commission literally creates underserved areas within the rural communities and is told that the state is cutting our health department budget? This is entire undertaking of solar plants has been one unconscionable decision after another at all costs to the hard-working residents of our beautiful county. No PILOTS and redo the solar text amendments and get it right this time.

*Richard  
Wiegler*

## Talking points for Town Hall

How many of you are in favor of raising your property taxes by 20% in five years?

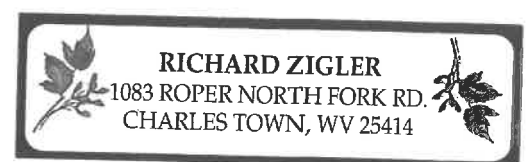
Without commercial enterprises, such as Commercial Solar facilities like Wild Hill, taxpayers will have to foot the bill, through their wallets, to pay for the exponential residential Growth we are currently experiencing. There are around 2000 new homes being, or soon to be, constructed within the next two to three years. If you figure a modest 1.7 children per household, that is 3400. Of those 3400 children, reasonably estimate sixty to seventy percent will be of school age. That is 2000 to 2,300 new students.

Now consider that the farmers that are about to retire, a few of us have chosen the option to retain the land, rent it to a commercial entity that will provide financial stability for us, and our families, provide millions of dollars in tax revenue to our county, that you will not have to provide through new excess levies and higher assessment on your properties. The County will get the money it needs to provide services, through taxes. If a negotiated PILOT cannot be reached, Wild Hill, and the other facilities, will go

away. Then you, the taxpayer are stuck with the disparity of what the County has, and what the County needs, to provide mandatory services.

The sticker is that the county has to pass a negotiated reduced tax plan for these facilities to make them financially viable to the financial backers of the projects. Without a reduced tax rate, Wild Hill Solar, and the other facilities to be built here, will not provide enough incentive to build the facility. All the dreams of the naysayers, that want every last penny of tax revenue, will be dashed. The County will be on the verge of financial ruin trying to meet mandatory services of water and sanitary infrastructure, schools, including teachers and staff, and the land that the schools will have to be built on. All this from the taxpayer's pocket. How much can you afford? Since solar facilities, such as Wild Hill, will not be adding students to schools, or requiring public water and sewer, but support it for others, why should they have to pay full rate. It is basically the same reason we have the "Homestead Exemption" for older residents, because they no longer demand such services that accompany school aged children.

Yes, the Blake Solar facility has not asked for a PILOT agreement, yet. They bought their land instead of renting it, and have no incentive to care for the land other than to ensure the panel racks are not compromised by erosion, or return the land to a state fit for agriculture, or anything else. They don't have any accountability as to reclamation of the land, and basically could pull out and leave at any time, leaving their panels or other equipment behind that would have no recycling value for them. The project managers for the other planned facilities know that there will have to be a PILOT for them in the future if they are to be financially viable, unless they have other funding from the state or federal government, or other private or public sources we are unaware of. Or they might be hoping that the government mandates will allow them to sell their installation for a profit elsewhere, like some other foreign entity, such as China, which will get heavily subsidized.



Richard  
Ziegler

Dear members of the Jefferson County Commission,

I'm writing to encourage you to support the PILOT agreement proposed by the Wild Hill Solar Project. The project would bring fruitful use of our land, generate tax revenue for the county, and represent the preservation of private property rights.

The PILOT agreement, or 'payment in lieu of taxes' is the only realistic and responsible financial solution for a solar project to operate under the West Virginia property tax structure. The agreement would primarily consist of an initial substantial lump sum payment to the county, and then yearly installments throughout the project's lifecycle.

Since 1968, our family has owned and operated our farm that has produced food and other products, providing for the people of our region. However, in recent years we have moved into the next stage of our lives. In 2003, we sold our dairy herd because the market didn't support the investment that would be required to continue that endeavor. We went to Angus cattle and row crops as the mainstay of our farming operation. Currently, economics being as they are, the livestock portion of our operation will no longer support itself. We wish to keep our family tradition alive of using our land to benefit the people of our wonderful county and region. We have come together with our neighbors, the Hough and Rissler families, to conceptualize an area for the solar project comprised of sections of land owned by each family that is set back significantly and not reasonably visible from any road while silently generating revenue for the county. Driving down Route 340, there is a five second window that our farm is visible from the highway. I do not consider that a reasonable window of time to claim ruinous to the character of the vista, or viewshed, of our end of the county.

The Wild Hill Solar Project presents our proud American family with the opportunity to use our land to provide clean and efficient energy to the surrounding region, as well as garner tens of millions of dollars in property tax revenue from the solar company that would go directly to the Jefferson County government and Jefferson County Schools over almost four decades. This is a monumental opportunity for our county to use a minuscule percentage of its privately owned land to secure funds that could be used for increased quality of education, water and sanitary infrastructure, and other essential public services integral to a quality lifestyle that could entice the next generation to stay and raise families in Jefferson County.

As a proud conservative West Virginia family, an American freedom that we stand for is private property land-use. Swift approval of the Wild Hill Solar Project would be a representation of our reserved and upheld right to do with our land as we see fit in a responsible manner. We know that no one wants to see solar panels when they look out to the Jefferson County horizon, so we have worked with the project team to implement visual barriers to shroud the solar panels from view with trees, shrubbery, and other vegetation so no equipment could be seen even from close distances.

At least one other solar facility has requested a PILOT agreement, through the Development Authority. After talking to a representative from the Flowing Springs project, I am told they

too will be asking for a Pilot. It is not just one project requesting a financial concession on taxes.

The reason a PILOT is requested was best explained by WVPSC Chairwoman, Charolette Lane in her article in the June 12 edition of "The Spirit". It explains that any business, especially a utility, including solar generating facilities, have to make a profit. Without a PILOT, Wild Hill Solar, and possibly the other facilities wishing to be a part of our community, will not generate enough return on investment to continue development and installation. This would be a horrific tragedy because of the missed opportunity for significant, unencumbered, tax revenue. Unencumbered in that Wild Hill Solar will not cause more over crowding in our schools, add to the congestion on our roads, require Emergency Services, or require new water and sanitary infrastructure.

The alternative to solar facilities for our land would be residential housing. Almost eight hundred and fifty acres of new housing would require as many as five new schools, at \$33- \$44Million each. Wild Hill Solar will not be developed for housing for thirty to forty years.

The concern of using farmland is moot. Farmers retire and expire, just like any other individual. When they do, and there isn't anyone to farm the land, it ceases to be farmland. Our lease agreement requires the land to be left in a condition to promote agriculture. But in thirty-five to forty years, new technology may deem it best to renew as electrical generation, so there will be options at that time besides residential.

So, the county should consider the good that such a facility as Wild Hill Solar can provide, in tax revenue, funding for schools and infrastructure, as well as the positive environmental issues I have discussed several times before. I therefore implore that you approve the proposed PILOT by the Wild Hill Solar Project, which stands for economic benefits and property rights. It would set a new benchmark for sensible and responsible development in our area. It's a simple economic win for us all.

Sincerely,  
Richard Zigler

*Richard  
Zigler*

## Housing, or Solar

There are projected 11,000 new housing units already planned in the near future for this county. Harvest Hills has planned 1,000-1,200. Presidents Pointe will add 500. Tollhouse Woods another 300. Huntfield is expanding. There is a new rental complex of nearly 200 apartments, Washington Landing, under construction on Augustine Avenue. Another, King's Crossing, off Route 115, will have over 175 units. These are only part of the increasing number of family units under construction, or soon to be. What land is going to be used to put all this on?

Who is going to build the needed infrastructure of Schools (including new teachers, staff, busses, and hardware such as computers, desks and chairs), Sewer and Water treatment plants, Roads, and acquire the land required to build these necessities, and where? At what cost to the County, and taxpayers, will these items be built? Residential housing will not come close to providing the finances required to keep up with these demands. The County needs a "Cash Cow". Better yet, a herd of them.

This is where Commercial Solar Facilities can be lucrative, for the landowner, the facility owner, and the County. They provide tax dollars but put no burden on our already stressed infrastructures. Land must be designated for these producers of energy. Essential Utilities can be designated as Permitted Principal Use within corridors close to existing high-voltage power lines, as Commercial Growth, within both Designated Urban Growth Zones, and Rural/Agricultural Zones. This would not only allow them to be built, but slow residential growth, and pay for the needed developing infrastructure, without all the frivolous lawsuits and petty politics currently being endured by Wild Hill Solar and, inevitably, others.

There is the concern of loss of farmland. It never seems to be a problem if it is to become permanent residential use. But when it comes to private land being leased for solar facilities, and, as in our case, returned to a state to which agricultural practices can be resumed at the end of lease, farmland is not "lost", just temporarily used as a source of renewable energy. Besides, when there are no more farmers, because they have retired or expired, the land ceases to be farmland. At this juncture of time the County has the option to allow thirty-year leases, on private property, with temporary structures (in that they are to be removed at the termination of the lease) or become Residential Housing, or become Commercial Growth. Thirty years from now, it might be profitable to farm that land again, or continue as a "Cash Cow" energy utility, or become residential housing, which ever is the most pressing need.

So, let's project the needs of these developments I just mentioned. Of the 2,175 family units, and one point eight (1.8) children per household, would come to three thousand-nine hundred-fifteen (3,915) children requiring an education. Depending on the age distribution, and continual growth rates, how many schools would that come to in the next five to ten years? As few as three, but as many as five new schools may be required to handle the influx. If land, slated for Commercial Solar were added to that, the numbers could possibly be doubled in ten to fifteen years. Then there are the water and sewer plants required for the two thousand plus households and the amenities like restaurants and stores.

*Richard  
Zigler*

Since Commercial Solar Facilities are permitted to be constructed in Jefferson County, according to the current Comprehensive Plan, and as denoted by Chairwoman Charlotte Lane of the WVPSC, without changing any ordinances, reclassification of land use zones, or new legislation at the County level, it is time to clarify the language in the next Comprehensive Plan to allow Commercial Solar Facilities and protect Property Rights. They would add to the financial base of the County, retard residential growth, while not adding financial burdens on County infrastructures.

Planned facilities either within, or with the majority of the planned facility within, areas designated Commercial, Urban Growth, Mixed Use, or Agricultural, can at this point be developed. As to the voice of those against projects, a precedence has been set at the State Level of Government when the governor, back when the area of the Shepherdstown Battlefield was slated for residential housing, "If you are not the property to be developed, the property contiguous to the property to be developed, nor the property contiguous to a property contiguous to the property to be developed, you do not have a dog in the fight." This limits who can protest the construction of a facility. An example of this was that persons from Harpers Ferry claimed that Wild Hill Solar would degrade their "Viewshed", even though the facility will be hidden by the curvature of the earth. It is time to get this settled so that the development of Cash Cow Renewable facilities can be developed, without the continual harassment of frivolous lawsuits.

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*Richard  
Egler*

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Richard  
Ziglar

Questions before we start.

1. How many of you believe in Property Rights?
- Emotion  
on side* 2. How many of you are just against Solar?
3. How many are just against a legal PILOT for a commercial entity?
4. How many are willing to see your property taxes go up 20% in the next 5-7 years because of the current exponential residential growth, and that the solar facilities, which would provide Millions of unencumbered Tax Dollars, will be forced to pull out without the requested tax concessions?
5. Since most of you avidly believe in Property Rights, why should ours, the farmers/landowners, be denied our Constitutional Property Rights? Especially since there is already language in the Comprehensive Plan that allows for renewable energy, including Commercial Solar?

*How many live beside a solar site  
How many solar sites already 30 years old?*

*Angie Banks*

I want to share with you why I am not in support of a pilot agreement for Wild Hill Solar Project or for any solar farms. They need to pay their fair share of taxes. They are an industry not a farm. The farmers get a tax break on their land for farming in which they must apply on time on an annual basis. This break is given to help keep farms in WV. The residents of Jefferson County pay their fair share of real estate and personal property taxes. I do not see how giving a solar farm project a 39-year tax break will help the people that live here. We will not see a reduction on our taxes or utilities.

Please do not vote for a pilot agreement for a solar power project. Do we really want thousands of acres in solar panels owned by outside companies who only came here based on a pilot agreement in lieu of paying their portion of property taxes? I know that I do not.

Solar panels on our home produce about 80% of our energy needs.  
~~We are close to net zero thanks to the solar panels on our home.~~

Commissioner  
Thank you for this opportunity, to speak to you as you assume new responsibilities. I much appreciated your openmindedness & concern.

My name is Charlotte Baker-Shenk. I'm a Shepherdstown resident.

I think <sup>clear</sup> transitioning our energy system away from fossil fuels to solar energy and other renewables just makes good sense. So yes, of course, let's find ways to increase our solar capacity in Jefferson County.

BUT not at the expense of our farmlands -- not when it means losing that topsoil in which 95% of our food is grown!

You know, there's a reason why wealthy investors across the country are buying up farmland. They know we are losing this land rapidly (for a whole variety of reasons); ~~some~~ soil scientists have predicted that at current rates, we have only 50-60 years left of topsoil -- that fertile soil that's necessary for growing our food. Even the USDA says this rate of topsoil loss is unsustainable. We're in trouble. *BTW we can't just make more topsoil fast -- it can take up to 500 years for healthy topsoil to develop*

So here we are in our County -- losing our beautiful bucolic farmlands and other rural areas not only to huge new housing developments but also to huge new solar arrays. Developers of those so-called "solar farms" scrape off and then sell off that top layer of the land -- that vital topsoil -- and then install fields of panels over that once productive and vital farmland. Whoever thought this was a good plan?!

Perhaps good money for the developer. Devastating to the County. And short-sighted. Where will our food come from?

And how does this rapid loss of farmland align with the Comprehensive Plan's stated desire to support our farmers and the preservation of their farms?

So yes, let's wholeheartedly support the development of solar energy -- but not by ruining the land!

I hope JeffCo Commissioners will insist that developers find other ways to expand solar power -- for example, by adding it to existing rooftops (commercial & residential) and/or <sup>by</sup> using the model called "low impact solar" -- keeping the top soil and planting <sup>under the panels</sup> crops that are more shade-friendly, as projects in several states have been doing.

work to please preserve our vital farmlands!

Thank you,

Kendra Clark - Charles Town  
25 yr resident

Thanks  
for  
coming  
tonight

~~Please~~ do not vote to give these utility scale solar facilities a tax abatement deal. Tax abatement deals are financial incentive instruments used to drive economic development that will benefit the community. This is not the case with utility scale solar.

Solar is already developing in Jefferson County without economic incentives.

~~One utility scale solar facility is already at least a year into construction and several other facilities are planned.~~ <sup>the other planned</sup> None of these facilities have indicated they require a tax abatement deal to continue. If this PILOT agreement is approved, it will create a dangerous precedent where all the facilities will demand a similar agreement—whether they need one or not—cheating the county out of millions of dollars in revenue.

Solar is already developing in Jefferson County at a much greater rate than the adjoining counties in Maryland or Virginia.

Tax abatement deals are used to encourage development to locate in one place over another. However, this is not needed in the case of utility scale solar facilities, because they must locate in Jefferson County to fulfill their purpose—supplying electricity to the data centers in northern Virginia. Jefferson County is the only place these facilities can locate that is close enough to supply the energy but avoid the regulation of Loudoun and Clarke counties. So, there is no need to incentivize the solar facilities to locate in Jefferson County.

Utility scale solar does not provide enough benefit to the community to justify tax abatement incentives.

The facilities will only provide 2-4 long term jobs and the quality of these jobs is far from certain.

The construction jobs will likely not be local. Even the attorney for Wild Hill Solar said Thursday night, "our construction workers will stay in your hotels." Why do local construction workers need to stay in hotels? Also, <sup>in the case of</sup> ~~according to Wild Hill Solar, in their case,~~ the county will be losing \$632 million in tax revenue over 39 years. The local benefit of relatively few short-term construction jobs does not justify this long-term loss.

<sup>Blake</sup> These facilities like in the case of the facility ~~already under construction~~ have the potential to destroy farmland by removing topsoil, pollute rivers and streams with contaminated runoff from their massive construction sites, and pollute view sheds negatively impacting property values and tourism. Under the current system, these facilities are not good for the environment or our local economy.

So, they certainly do not benefit our community enough to justify tax abatement deals. Please vote no on the PILOT for Wild Hill Solar and any other utility scale solar facility.

This County is already taking a hit because the County Commission did away w the impact fee

REVENUE FROM PROPERTY TAXES IS CRITICAL FOR THE SURVIVAL OF THE COUNTY.

NO PILOT PROGRAM

LOW IMPACT FEES HAVE CREATED A PARADISE FOR DEVELOPERS AND REZONERS.

### NO MORE SOLAR COMPOUNDS

In short here are some items to consider:

- The generated power is going elsewhere and has no direct positive impact on our residents.
- The workforce is short term. Only minimal maintenance jobs are required long term.
- The topsoil from our farmland is being stripped and damage from silt runoffs abound and foliage buffers are inadequate. Long term environmental soil damage is apparent.
- Setbacks are inadequate especially where established housing is in place. No one wants a solar eyesore in their backyard. (MRS 3398)
- The solar facilities are visually unappealing (ugly) and are a disgrace to our formerly beautiful county vistas.
- Solar industry is developing and these - the pipeline - facilities could easily be obsolete and abandoned in the near future.
- Property owner rights are important but should be coupled with property owner responsibilities. Many of these formerly good neighbors have sold out to the corporations - with no regard to their neighbors or our county. Property values for neighbors is a nightmare.

NO PILOT AGREEMENT Liberty, Jack HEFESTRY

RENO

2024

It seems as if the County Commission has forgotten who they work for.

The people are not in favor of the Solar projects

The project does not benefit the people of the county. The harms caused are serious and catastrophic

It is the duty, not the option of the County Commission to vote for things which benefit the

County and the people and to vote against things that harm them. They were

dictated and sworn in to represent the people of the county. It is wrong, unethical, and illegal for

FEBRUARY 2024

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29 Thursday

them to vote for things that harm the county or the people of the county, if they vote with any expectation whatsoever of any type of gain, it is criminal.

1 Friday

The removal of topsoil, the toxic nature of the project, the ~~change~~ negative effect on property values, are all irreparable harm.

2 Saturday

3 Sunday

Everyone in this room should pay attention to this phrase "irreparable harm"

## FEBRUARY 2024

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## 3 MARCH 2024

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## APRIL 2024

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14 Thursday

This is a legal term. It is the legal standard that would be applied to put a stop to a harmful project, ~~the decision to stop~~

15 Friday

It is your job to vote ~~for~~ for only those things that benefit us. It is our job to ensure that you do yours.

16 Saturday

17 Sunday

ROBERT COOPER, CHARLES TOWN

**From:** ~~txrob89@comcast.net <txrob89@comcast.net>~~  
**Sent:** Tuesday, May 2, 2023 3:56 PM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Cc:** 'Alicia Cooper' <okitten89@comcast.net>  
**Subject:** Flowing Springs Farm Solar Project (File 23-4-SP)

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Jefferson County Planning Commission,

First, thank you for providing residents the opportunity to provide comments, concerns and questions regarding the Flowing Springs Farm Solar Project (File 23-4-SP).

However, we had to be informed by our neighbors as we didn't receive any correspondence or notice from the Jefferson County Planning Commission, even though our property is adjacent to the Flowing Springs Farm AND our Beallair home is only 15 feet from that property line (Harpers Ferry District No 4, Map 10A, Parcel 150, Plat Book 26, Pg 216, Jefferson County, WV – Final Survey attached).

These questions are written and submitted in good faith by a homeowner with no legal training and should be addressed as intended by a reasonable person. Many questions were gleaned from a review of <https://craven.ces.ncsu.edu/considerations-for-transferring-agricultural-land-to-solar-panel-energy-production/>.

1. Who is reviewing the contract on behalf of Jefferson County and residents?
2. Can the contract or any agreement/obligation of the contract be sold, transferred or assigned to another party. If so, what are the terms?
3. Who is responsible for disputes?
4. What is timeframe of the contract?
5. Do both parties have the right to terminate the agreement without cause?
6. What are the projected, guaranteed tax revenues to Jefferson County?
7. What tax or other incentives are Jefferson County providing to the owners of the Flowing Springs Solar Project?
8. What other federal, state tax incentives will the Flowing Springs Solar Project receive and when will they terminate?
9. How many temporary (construction)/permanent (management/operations) jobs will provided to Jefferson County residents?
10. Who are the intended customers for the energy produced?
11. Will Jefferson County and/or residents have access to the energy produced?
12. What is the short and long term impacts on the environment, during construction, operation, maintenance and after it is decommissioned?
13. How will the Flowing Springs Solar Project cleaned and maintained?
14. Will any hazardous equipment or materials, such as, acids, oils, hydraulic fluids, metal and silicone by-products, be used to operate and maintain the facility? How will these materials be used and disposed of and will there be any impact on the property, adjacent properties or water table?
15. Will the Flowing Springs Solar Project store power? How will energy be stored and what are the known hazards and mitigation plans?

16. What is the plan to accommodate runoff, erosion and soil quality/sampling in and around the Flowing Springs Solar Project?
17. How will the grounds, including weed and vegetative, be maintained, including fertilizers, herbicides and other, and what will the impact be on the property, adjacent properties or water table?
18. What is the potential of glint and glare to homes on adjacent and nearby properties?
19. To what degree will the solar panels be a fire hazard and how will this be mitigated?
20. What are the applicable fire codes, including but not limited to clear areas around arrays?
21. How long is the equipment expected to be serviceable and profitable?
22. What will happen to equipment and property when the technology becomes obsolete? Is there any legal assurance the Flowing Springs Solar Project won't be abandoned?
23. Will decommissioning be required under any of the following conditions: The land lease ends  
The system does not produce power for 12 months  
The system is damaged and will not be repaired or replaced?
24. What will the project/landowners be required to perform at decommissioning, including but not limited to within 12 months;
  - a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
  - b. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
  - c. Restore the land to a condition reasonably similar to its condition before development, including replacement of top soil removed or eroded.
  - d. Revegetate any cleared areas with warm season grasses that are native to the region unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.
  - e. Provide soil (and water if near a stream) sample reports from a private lab showing soil (water) on the location is free of heavy metals and contaminants and is suitable for agricultural production or desired use.
25. Regarding shared property lines:
  - a. How far from the property line will the fence be set?
  - b. How far from the property line will trees be planted? What are the immediate and mature dimensions of the trees and shrubs used
  - c. Who manages grass from trees to property line?
  - d. Who will take care of trees (Dead, disease, nesting, insects, trimming, etc....)?
  - e. If a tree falls onto adjacent property (diseased, storm, insects, etc....) who is responsible?

Additional questions from the Planning Commission meeting.

26. Didn't see the Beallair neighborhood south of the farm, east of Old Country Club Ln addressed
27. When would we see an updated plan, including homes built since submission?
28. What conditions to remove voluntary buffer, guarantee to homeowners?
29. 200' setback from closest home to line or the mean?
30. How tall are the original trees?

31. Are the slides a part of the public record? How do I get a copy?

Comments to JC Commissioners 7/1/2024

Good evening. My name is Kay Schultz. I live in Shepherdstown. Thank you for your willingness to serve the County and to listen here this evening.

The County's key assets include our beautiful rural landscape, our agricultural heritage, our historic towns and properties, and our Community scale quality of life.

In order to steward these key assets, we must conserve and protect our landscape and viewsheds, our water quality and air quality, and our Community's health. I heard yesterday from friends working in the southern coalfields that there, new projects are required to articulate a Community Benefit Plan showing how they will foster the Common Good, not only private gain. We should adopt such a requirement for any future proposals of this type and carefully negotiate its terms.

Mr. Cole

Large utility scale solar installations do not serve our local power needs. They feed the power hungry data centers in adjoining states. Rather than contributing to the local common good, they remove land from agricultural use, scar the rural landscape, pollute our streams and rivers - degrading our key assets. Any such proposed land use must require significant screening from roadways and residential communities, wide stream and river buffers and other stormwater management practices to protect surface and groundwater. Removal of topsoil should be prohibited as it assures that the land cannot be reclaimed for agricultural use.

No on  
PILOT  
848  
acre

Agric  
land

On another matter, <sup>Impact fees</sup> new residential development should pay its share of the cost of schools, libraries, parks, roads, policing, fire safety, and other public infrastructure. The cost of these important public community services should not be borne solely by those who came before. We each must pay our share. Likewise with business. We all stand on the shoulders of those who came before and must do our part.

Calvin Upton Hays Ferry Commission  
Longterm planning  
~~step~~

20% property tax increase

2,000 houses =

1000 people -

Carpentown Rd -

Dipool = solar  
taxes -

3300  
acres.

Wiedhills Solar =

Solar port amendments

~~2018~~

Leah Rampy

We live on a rapidly warming Earth. Climate chaos is already upon us and will only worsen. So yes, we need solar energy as one of many strategies for helping move us toward a more livable climate.

I am an advocate for solar on homes, garages, over parking lots and retail megastores, and on city and county buildings. On impermeable surfaces.

However, when we consider adding solar arrays on working farms and on open spaces, we are looking at a different equation. Why? Land and water.

Land. Specifically, soil. Soil in collaboration with plants and trees

- minimize stormwater runoff and help purify water
- sequester carbon; in fact, land is one of our largest carbon sinks
- ~~enables~~ the growth of healthy food  
*supports*

If the land is scraped of topsoil, left bare to be eroded by wind and rain, and compacted by heavy equipment, serious problem – because it takes between 500 and 1,000 years for nature to develop an inch of topsoil. And of course to grow food, you want more than an inch of topsoil.

we are looking at thousands of years of recovery before land, laid bare, comes close to feeding us again.

~~The~~ *Also Solar Company*  
Energy Prosperity Coalition website states that solar energy “preserves the land’s agricultural potential.” That can be possible. And it’s happening in a few innovative locations and on some tribal lands across the US. *Agrioltives*

But if the Blake Solar Project is a template for massive solar installations here, we are in trouble. A Jan Independent Observer article noted mass grading of topsoil in that 500+ acre project. It showed photos and videos of sediment covering nearby roads and flowing into the Shenandoah via Evitts run. Linked to the multiple violations Blake received from WV DEP

Unless JC can ensure that topsoil and plant cover will remain intact, that land disturbance will be mitigated, that soil and water will be protected, then any tax income – and certainly the reduced payment in lieu of taxes – is a Faustian

bargain. We need creative, integrated long term solutions that protect and preserve the land and water ~~that~~ our lives – all lives -- depend ~~upon.~~

*upon which*      *life*

Commissioner Steve Stolipher

- There are several reasons to support Wild Hill Solar here are just a few

The facilities will produce significant amounts of emission-free energy.

- Potomac Edison has the exclusive right to provide power to Jefferson County residents, which means the solar companies will sell their generated electricity directly onto the wholesale market.

- The power generated from one of the pending facilities will be injected into the First Energy transmission grid which serves the region and will likely support a commercial corporate partner.

- No new transmission lines will be required to support the Wild Hill Project.

Please vote yes on Wild Hill

James Wolfe

304-283-1937

Commissioner Steve Stolipher

The Wild Hill Solar project in Jefferson County has signed a contract to build their plant using Local Workers please vote YES and give these workers the chance to work here and give the kids in your County the chance to join a trade and have the ability to support their family.

Kenneth Shrieves

304-582-0055

Commissioner Steve Stolipher

Wild Hill Solar has entered into an agreement to use the Local Workers to build their new Solar project in Jefferson County.

Please approve their project and let the workers in community have the opportunity to work local

Danny O'Dell

304-886-1183

Commissioner Steve Stolipher

Please approve the Wild Hill Solar project it will generate jobs for Local Workers in our region.

These jobs will produce good paying job with benefits in an economy that is struggling

This project will also employ workers with health insurance and retirement funds

This project will also become one of the largest tax payers in Jefferson County

For these reasons I ask you to vote yes!

Tonya Neil

240-310-8515

Commissioner Steve Stolipher

The Wild Hill Solar Project in Jefferson County will generate positive economic impacts for the region and state, with specific benefits for the local community.

The pending solar facility will be among the highest annual tax paying companies in the area.

The Wild Hill Solar Project stands to generated hundreds of millions of dollars in direct, indirect, and induced economic impacts in the Jefferson County area.

Additionally, the project will pay hundreds of thousands of dollars in local property tax revenues to Jefferson County during their first year of operation

Please approve this project and don't stop Jefferson County from receiving the benefits that Wild Hill has committed to the County.

Brendan Mitchell

716-949-3678

Commissioner Steve Stolipher

I am an Electrician that lives in the Jefferson County community. I will ask you to approve the Wild Hill Solar project so I have the opportunity to work close to home instead of have to travel out of State for a job.

Thank you

Justin Duke

304-283-2167

Commissioner Steve Stolipher

Hello my name Michael Gray I am an Electrician that specializes in doing large industrial projects like the Wild Hill Solar. I ask you to support this project not only will it give me an opportunity to have a job close to home it will also help the next generation. Projects that agree to work Union help support the apprenticeship programs of those trades which gives young people the chance to learn a new skill and make a good wage with health insurance.

PLEASE VOTE YES.

Sincerely yours,

Michael Gray

304-206-8861

Commissioner Steve Stolipher

Please VOTE YES for Wild Hill Solar

This project will not only create hundreds of jobs for Local Construction Workers it will have an economic impact on the region. Workers spend their money locally, the project will buy supplies locally, the County and the School will receive the taxes from the project that will allow them to spend more money on things the community needs it's a win, win for all parties.

Please VOTE YES

Samuel Hubbard

304-261-6670

Commissioner Steve Stolipher

Hello, my name is Ronald Lewis I am a WV resident and work in the Eastern Panhandle portion of the State. I am writing you to ask for your support for the Wild Hill Solar project that is proposed for Jefferson County. The developer has entered into an agreement to use Local WV workers on this job. I know people say construction jobs are not important because they are temporary but that is the nature of my profession, we start a job and work ourself out of a job when it is complete and hope that companies like Wild Hill select us to build the next one. So that is not temporary for us it's a constructions workers way of life we use that money to support our families and pay our taxes to help support the community. I ask you to support this project the same way Wild Hill has committed to support those of us working in WV.

Roanld Lewis

IBEW 307

304-676-1577

Commissioner Steve Stolipher

There are several reasons I would like you to vote to support Wild Hill Solar here are a few:

The Wild Hill Solar Project stands to generated hundreds of millions of dollars in direct, indirect, and induced economic impacts in the Jefferson County area.

The facilities will produce significant amounts of emission-free energy

Not only has the Wild Hill Project been transparent about their plans and process, but they have shown their goodwill and intentions to be engaged neighbors in the Eastern Panhandle community

The solar panels are 90% recyclable by the end of the thirty-year project. Once decommissioned, the company will remove all project equipment, fencing, and wiring. The land will be returned to its original state, suitable for farming, grazing, or other agricultural practices at the landowner's discretion

Please vote to allow Wild Hill to build this project

James Liller

540-336-8481

Commissioner Steve Stolipher

My family will benefit from you voting yes on the Wild Hill Solar project

It will give me a job where I can work close to home and not have to leave the state to find a job

It will give the chance to have health insurance for me and my family and give me a retirement fund

All while generating money for Jefferson County from taxes and the ripple effect of the money we make here while we are building it

Thank you

Tyrone Lyles

304-707-5539

Dear members of the Jefferson County Commission,

I am writing you to voice my support of the PILOT agreement for the Wild Hill Solar Project. Jefferson County stands to benefit for the next 39 years from the conditions proposed in the PILOT agreement. By diversifying our county's business portfolio with solar energy generation, our local government and school system will receive sustainable revenues each year. If the PILOT is approved, Wild Hill Solar is slated to generate \$134 million in direct, indirect, and induced economic impacts to Jefferson County.

Wild Hill Solar presents a tremendous opportunity to our family who have been farming in Jefferson County for decades. This project represents an avenue for our family to preserve the farmland that we hold dearly and together, we can maintain the land while exporting a much-needed resource to the local community.

Jefferson County currently imports most of its electricity used in residential homes and businesses. West Virginia has always been known as an energy producing state and with the addition of Wild Hill Solar, Jefferson County can contribute to the state's overall energy portfolio. The energy harvested by Wild Hill Solar will be inserted into the PJM grid. As such, the energy travels along local transmission line and is distributed where it is needed most.

While the Wild Hill Solar team has been working thoroughly to develop this project for the past several years, their team has become active members of the Jefferson County community and will continue to do so over the lifespan of the project. Wild Hill Solar is an active member of the Jefferson County Chamber of Commerce and has contributed to important organizations that serve as the foundation of our community such as Jefferson County Community Ministries, the Boys & Girls Club of the Eastern Panhandle, Jefferson County 4-H Club, and Citizens Fire Company.

Wild Hill Solar has become a valued citizen in Jefferson County and by approving the PILOT agreement, they can continue their great work. On behalf of our family, I ask that you approve Wild Hill Solar's proposed PILOT agreement. As the years go on, I will be proud to say that our farmland is contributing to the betterment of Jefferson County by paying significant taxes by having a partner that is a stalwart citizen in the community.

Thank you for your consideration,  
Todd Hough

Dear members of the Jefferson County Commission,

I implore you to support the Wild Hill Solar Project by approving their proposed PILOT agreement.

Allowing solar energy production through a PILOT is a sound financial benefit opportunity for Jefferson County. The Wild Hill Solar Project will consist of parcels owned by our family, the Zigler family, and the Hough family. The parcels amount to 841 acres that currently generate approximately \$10,000 in property taxes each year. If the PILOT is approved, Wild Hill Solar is set to pay \$400,000 to Jefferson County in annual lease payments as well as an additional \$200,000 that will be distributed to the County and Jefferson County Schools from the PILOT.

Within the \$200,000 PILOT agreement, Jefferson County Schools will receive \$154,000 annually that they can use at their discretion. As such, Jefferson County Schools will receive significant revenue each year to help improve existing infrastructure or build new schools that our county needs.

The Jefferson County Commission is poised to receive economic stability through Wild Hill Solar's annual lease and tax payments for over the next thirty years. If, however, the Jefferson County Commission denies the PILOT agreement, Wild Hill Solar may determine not to proceed with the project. If so, the Commission will forfeit approximately \$590,000 in annual revenue over the next three decades. If Wild Hill Solar determines it is not feasible to implement the project due to the PILOT agreement being denied, the owners of the parcels may determine to sell their property for housing development, creating a substantial burden on the County schools and emergency services. The County Commission's decision to deny the PILOT may not sit well with Jefferson County schools and County emergency services that are denied funding for future projects due to lack of revenue.

Sincerely,  
Ron Rissler

## Edwina Benites

---

**From:** Charlotte Fremaux <cmfremaux@gmail.com>  
**Sent:** Tuesday, July 2, 2024 1:38 PM  
**To:** Edwina Benites  
**Subject:** 6/1 citizen comments re Wild Hill solar project

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Dear Ms. Benites-LM,

I would like to express my gratitude for what was the first public hearing/public meeting of either the JCC or the JCPC which I have ever attended in which the commissioners were actually engaged in and listening to the citizens of Jefferson County. And this was from two new appointees. (Where were the other commissioners and why weren't they equally interested in hearing from the people who elected them?) I have sat in many, many other meetings where the public was denied a voice, or our voices were relegated to "non-actionable correspondence" or if we were allowed to speak, were all but ignored.

My previous experiences attempting to be an engaged citizen (what any local government should be thrilled to encounter) have been bitterly disappointing and frankly, insulting. It has seemed that certain commissioners regard the county as their private fiefdom, as opposed to a common area in which their role is to advocate for the citizens and the wellbeing of our community and its resources - not rubber stamp projects, ignore their own ordinances, and appear irritated at the gall of the public for speaking up. It is no surprise that there is a palpable degree of anger being expressed by our citizens.

I hope that this represents a paradigm shift toward transparency and democracy in Jefferson County government. The public should not have to hammer on the doors to be heard. And they should be listened to.

Thank you.

\*\*\*\*\*

Below is my testimony from last night's public hearing:

I would like to raise my voice against utility-scale solar in Jefferson County, as it is being proposed here, and as it has been executed so far. This is a rural county, historically agricultural, and situated in an area of abundant water sources and fertile soil, where agricultural use of land makes sense.

It is also in an area that annually attracts thousands of tourists who come for the natural beauty of our area, contributing eco-tourist, agro-tourist, and historical-tourist dollars. They do not come to tour our solar arrays. And we should not be a sacrifice zone.

Solar energy is an important part of our sustainable-energy future, but it needs to be placed in appropriate areas and installed with planning to mitigate the harm their development causes: the stripping of topsoil that renders the land unsuitable for anything else, and the runoff of stormwater that potentially harms our streams, rivers, and aquatic life.

So far the development that has taken place here has been haphazard and has done neither of these, and indeed has benefitted only the landowners and the data centers in the Dulles corridor that will be the recipients of the electricity generated. None of this “green” energy benefits West Virginia. It is not a win-win situation.

So far the arrays have been set immediately along rural or farm roads, without any attempt to make them less of an eyesore, without adequate control of water runoff, and without adopting the retention of topsoil and use of native plantings that would benefit pollinators, hold and nourish the soil, and benefit the adjacent farms that are still operating. It is easy to imagine that further utility-scale development will only make matters worse, and further rob us of valuable farmland, destroy our viewshed, and negatively change the character of our county.

I also object to the PILOT incentive being offered to the Wild Hill development. Why would you miss the opportunity to benefit our tax basis if our farmland is being coopted, and there appear to be no shortage of eager solar companies willing to come in and pay taxes? Haven’t we learned anything from rushing to court Rockwool? This proposal doesn’t even offer a number of meaningful jobs.

It seems the planners are not looking at what we already have to offer, and what we have that encourages people to move here and to invest in the area. All of the current housing construction assumes there will be people who want to move here. Let’s make sure there are reasons to move here and to stay.

End of comments.

\*\*\*\*\*

Again, thank you for offering the forum. I look forward to a better engaged and more respectful and responsive commission in the future.

Sincerely,

Charlotte M Fremaux  
175 Fern Drive  
Harpers Ferry, WV 25425  
301-404-8639

## Edwina Benites

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**From:** Edwina Benites  
**Sent:** Monday, July 8, 2024 1:49 PM  
**To:** 'Denise Nick'  
**Cc:** Edwina Benites  
**Subject:** RE:  
**Attachments:** 2024-01-17 FOIA Response\_Milbourne re Benites Pay\_Hours.pdf

Ms. Nick:

Thank you for your comments.

To allay any concern, I've worked two positions in the County without additional compensation. I've attached the FOIA request response to Toni Milbourne with additional information and backup.

Cc'ing myself here so there is a record that you have received this information. Fingers crossed there are no more incidents of accidental defamation.

Eddie



Edwina Benites-LM  
County Administrator  
Jefferson County Commission  
124 East Washington Street  
Charles Town, West Virginia 25414  
(304) 728-3284

**From:** Denise Nick <desirecompassion@yahoo.com>  
**Sent:** Tuesday, July 2, 2024 1:09 PM  
**To:** Edwina Benites <ebenites@jeffersoncountywv.org>  
**Subject:**

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Comments for the record and meeting minutes of the Shepherdstown Town Hall.

Don't solar our WV.

Don't double dip in county taxpayer funds and not appear for meetings Edwina.

Upson isn't Shepherdstown district. He's Harpers Ferry district. When will he host a meeting there?

Jackson and Krouse held a solar town hall but THIS commission failed to recognize them.

Thank you.

Denise Nick

[Yahoo Mail: Search, Organize, Conquer](#)



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

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

PRESIDENT

*Steve Stolipher*

VIA EMAIL- [tmilbourne@journal-news.net](mailto:tmilbourne@journal-news.net)

VICE PRESIDENT

*Jane Tabb*

Ms. Milbourne:

COMMISSIONER

*Tricia Jackson*

Your Freedom of Information Act request was forwarded to me regarding records on rates of pay and hours of work required for Edwina Benites-LM as Jefferson County Development Authority Director and Interim County Administrator.

COMMISSIONER

*Jennifer Krouse*

COMMISSIONER

*Pasha Majdi*

We have two records under our control regarding this issue:

- Jefferson County Commission Minutes, December 21, 2023 (in draft/ not approved by the Commission)
- Jefferson County Commission Personnel Action Form- Edwina Benites-LM

By law, I must inform you the responsibility of the custodian/public body to produce the requested records or documents is at an end. Consequently, you have the opportunity to avail yourself of the procedures contained in W.Va. Code 29B-1-3(4)(c), including the opportunity to institute proceedings for injunctive or declaratory relief in the Jefferson County Circuit Court.

Very Respectfully,

Jessica James

Assistant Deputy County Administrator

cc: Nathan Cochran  
Matt Harvey  
file

Interim County Administrator  
*Edwina Benites*

## Minutes

### Jefferson County Commission

Thursday, December 21, 2023

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A meeting of the Jefferson County Commission was held on Thursday, December 21, 2023, during the third quarterly session at 6:00 pm. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, Commissioner Tricia Jackson, Commissioner Jennifer Krouse, Commissioner Pasha Majdi and Commissioner Jane Tabb. Also present were Nathan Cochran, assistant prosecuting attorney, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, December 21, 2023, meeting is available on the Jefferson County Commission website.

**PRAYER-** Pastor Craig Bush- Grace Baptist Church

#### **APPROVAL OF MINUTES**

Motion by Mr. Stolipher to approve the December 7, 2023, regular Minutes. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the December 11, 2023, Special Session Minutes. Motion seconded and unanimously approved.

#### **APPROVAL OF PAYROLL**

Motion by Mr. Stolipher to approve the Payroll for December 9, 2023, in the amount of \$314,904.91. Motion seconded and unanimously approved.

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

CHECK NUMBER	VENDOR NAME	UNCLEARED
88940	AMANDA MILLER	139.20
88941	AMERIFLEX	126.65
88942	CAMPBELL FLANNERY PC	17,937.75
88943	FRONTIER	55.00
88944	FRONTIER	2.25

88945		FRONTIER	7,263.14
88946		FRONTIER	162.78
88947		FRONTIER	979.97
88948		FRONTIER	120.99
88949		FRONTIER	209.29
88950		GUTTMAN OIL CO	5,036.73
88951		J.C. EHRLICH	795.47
88952		JOHN DEERE FINANCIAL	503.37
88953		MICHAEL MONAGHAN	119.50
88954		ROBIN KENNEDY	139.20
88955		SANDRA KELLEY	42.35
88956		UNIFIRST	99.97
88957		US BANK	64,226.44
88958		US POSTAL SERVICE	226.00
88959		W B MASON CO. INC	127.34
88960		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	49,071.08
88961	AM/053	AXIOM STAFFING GROUP	1,001.20
TOTAL			148,385.67

- **Motion by Mr. Stolipher to approve the Accounts Payable for December 14, 2023, in the amount of \$148,385.67. Motion seconded and unanimously approved.**

CHECK NUMBER		VENDOR NAME	UNCLEARED
88963		BUREAU OF CHILD SUPPORT	373.39
88964		COMPTROLLER OF MARYLAND	841.71
88965		CORMAC QUINN	5.40
88966		DARYLL WIMER	11.11
88967		DAVID EVERETT BOOBER	411.00
88968		DAVID WAMPLER	37.73
88969		EFTPS IRS TAXES	105,634.51
88970		EMPOWER RETIREMENT	6,557.47
88971		FEDEX	68.02
88972		GUTTMAN OIL CO	5,033.51
88973		JEFFERSON SECURITY BANK	4,085.00
88974		JOSEPH FORMAN	18.01
88975		LUKE SEIGFRIED	1,995.91
88976		MONICA ANDERSON	4,634.86
88977		NAT. ASSOC. OF EXT. 4-H YOUTH DEVELOP PROFESSIONAL	95.00
88978		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00

88979		PRIORITY DISPATCH	11,114.00
88980		SOFTWARE SYSTEMS INC	1,396.70
88981		SPIRIT OF JEFFERSON	349.74
88982		STATE TAX DEPARTMENT	150.00
88983		STEVEN HOLZ	19.07
88984		UNIFIRST	199.76
88985		VA DEPT OF TAXATION	3,319.48
88986		WV DEPUTY SHERIFF RETIREMENT SYSTEM	24,462.30
88987		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	3,472.73
88988		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	46,675.45
88989		WV STATE TAX DEPARTMENT	29,893.77
88990		WVU WEST VIRGINIA UNIVERSITY	1,950.00
88991	FG/009	SHERIFF OF JEFFERSON COUNTY	8,424.62
88992	BS/011	SHERIFF OF JEFFERSON COUNTY	8,207.89
88993	AM/053	AXIOM STAFFING GROUP	1,001.20
<b>TOTAL</b>			<b>271,504.34</b>

- **Motion by Mr. Stolipher to approve the Accounts Payable for December 21, 2023, in the amount of \$271,504.34. Motion seconded and unanimously approved.**

#### **APPROVAL OF MANUAL CHECKS**

				14-Dec-23
				OTHER FUNDS
Check #	Fund	Vendor	Amount	
886	HD/008	ALLIED UNIVERSAL ELECTRONIC MONITORING US INC	2,614.40	
887	HD/008	D-TRAX, LLC	712.00	
888	HD008	SHERIFF OF JEFFERSON CO	91.36	
1121	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC	221.99	
1122	AV/056	SHERIFF OF JEFFERSON COUNTY	2,330.48	
279	AR/207	CITIZENS VOLUNTEER FIRE COMPANY	3,400.00	
280	AR/207	INDEPENDENT VOLUNTEER FIRE COMPANY	2,400.00	
281	AR/207	SHEPHERDSTOWN VOLUNTEER FIRE COMPANY	1,600.00	
282	AR/207	SHERIFF OF JEFFERSON CO	898.64	
1432	SI/249	SHERIFF OF JEFFERSON COUNTY	47.00	
1433	LI/249	SHERIFF OF JEFFERSON COUNTY	5,089.84	
1434	PI/249	SHERIFF OF JEFFERSON COUNTY	45,036.50	
1435	EI/249	SHERIFF OF JEFFERSON COUNTY	4,746.30	
1436	AI/249	SHERIFF OF JEFFERSON COUNTY	2,099.15	
980	CW/059	HUNTZMAN ENTERPRISES	822.00	
<b>TOTAL</b>			<b>\$72,109.66</b>	

- **Motion by Mr. Stolipher to approve the Manual Checks for December 15, 2023, in the amount of \$72,109.66. Motion seconded and unanimously approved.**

			21-Dec-23
OTHER FUNDS			
Check #	Fund	Vendor	Amount
332	DG/003	SHERIFF OF JEFFERSON COUNTY	73.37
889	HD/008	SHERIFF OF JEFFERSON COUNTY	1,469.79
369	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD	101,871.29
283	AR/207	SHERIFF OF JEFFERSON COUNTY	13,247.12
1865	CO/246	MOTOROLA SOLUTIONS INC	61,593.42
157	IP/249	MINGHINI'S	2,850.00
133	IS/249	JEFFERSON COUNTY BOARD OF EDUCATION	1,276,081.00
134	IS/249	JEFFERSON COUNTY BOARD OF EDUCATION	2,166,204.20
1123	AV/056	SEGRA	653.14
<b>TOTAL</b>			<b>\$3,624,043.33</b>

- **Motion by Mr. Stolipher to approve the Manual Checks for December 22, 2023, in the amount of \$3,624,043.33. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:** Marilyn White, Denise Nick, Jacquelyn Milliron, Gale Bard, David Tabb, Doug Rockwell, Bob Aitcheson, Richard Zigler.

## **PRESENTATIONS**

2. Angie Banks- Assessor- Requested -Promotion/ Job Reclassification
  - **Motion by Mrs. Tabb to approve the promotion of Victoria Myers from a Grade 7 to Grade 8 as a mapping specialist, IT and Archivist with a \$10,000 pay increase. Motion seconded and unanimously approved.**
2. Tom Hansen, Sheriff -Tax Deputy – Requested
  - a. Tax Deputy-Hire

- **Motion by Mr. Stolipher to approve the hire of Brittini Fletcher as an 80 hour Tax Deputy beginning December 26, 2023, with a starting salary of 35,000.00. Motion seconded and unanimously approved.**

b. **New Hire -Part-time Bailiff -New Hire**

- **Motion by Mr. Stolipher to approve the hire of Kathleen O'Connor as a part-time Bailiff beginning January 2, 2024, at a rate of \$17 per hour. Motion seconded and unanimously approved.**

3. **Jackie Shadle-County Clerk- Requested**

- a. **Clarification on Benefit Package for Ambulance Fee Position.**

**Motion Mr. Stolipher to make Pam Eddy a county employee and be eligible for the county benefits. Motion seconded and unanimously approved.**

b. **New Hire approval for part-time Finance Clerk**

- **Motion by Mr. Stolipher to approve the hire of Kelly Campbell as a part-time finance clerk with a pay rate of \$20.00 per hour with a start date of January 22, 2024. Motion seconded and unanimously approved.**

4. **Bryan Sutherland & Greg Sager- Jefferson County Little League- Requested**

- **Motion by Mr. Stolipher to provide Jefferson County Little League with \$113,000.00 to help fund the replacement of the lights on the Little League baseball field, to come out of ARPA funds. Motion seconded and unanimously approved.**

5. **Nathan Cochran- Prosecuting Attorney's Office- Presentation of Briefs in the Estates of Sherry Ellen Hoffman and Richard Walter Accurso, deceased.**

***Motion by Mrs. Tabb to convene as a Fiduciary Review Board. Motion Seconded and unanimously approved.***

*Motion by Mrs. Tabb to adjourn as a Fiduciary Board and reconvene in regular session. Motion seconded and unanimously approved.*

- **Motion by Mr. Majdi to refer the case back to Frank Hill-Fiduciary Commissioner and to report back to the commission. Motion Seconded and unanimously approved.**

6. James B Crawford, III, Esquire, Crawford Law Group, PLLC- Requested to receive Petition of ROW/Easement Abandonment and schedule Public Hearing pursuant to Section 7-1-3, Code of West Virginia, 1931, as amended.

- **Motion by Mr. Stolipher to accept the Petition filed on behalf of RAI Properties, LLC and G&S Properties, LLC and to Schedule a Public Hearing for January 18, 2023. Motion seconded and unanimously approved.**

7. Jefferson County Civil Service-

- a. Interview/Appointment to the Jefferson County Deputy Sheriff Civil Service Commission -one unexpired term ending September 29, 2025.

**Will Liston**

**James Crawford**

- **Motion by Mr. Stolipher to appoint James Crawford as the citizen representative for the Jefferson County Deputy Sheriff Civil Service Commission for one unexpired term ending September 29, 2025. Motion seconded and unanimously approved.**

8. Roger Goodwin- Engineering, Planning & Zoning- Requested

- a. Beallair Homes, LLC-Beallair Subdivision, Phase 2 (File #05-41) complete bond release re-securing with a new performance bond provider.

- **Motion by Mr. Stolipher to authorize a complete release of Performance Bond #BRIFSU0613433 with International Fidelity Insurance Company,**

**Hunt Valley, MD, in the amount of \$272,333.55 for Beallair Homes, LLC-Beallair Subdivision, Phase 2 (File 05-41). Motion seconded and unanimously approved.**

- b. **Beallair Homes, LLC -Beallair Subdivision, Phase 3 (Ale #21-31-SD) complete bond release re-securing with a new performance bond provider.**
  - **Motion by Mrs. Tabb to authorize a complete release of Performance Bond #1092062 with The Hanover Insurance Company, Worcester, MA, in the amount of \$1,948,535.00 for Beallair Homes, LLC-Beallair Subdivision, Phase 3 (File 21-31-SD). Motion seconded and unanimously approved.**
- c. **Beallair Homes, LLC -Beallair Subdivision, Phase 4A (File #19-16-SD) complete bond release re-securing with a new performance bond provider.**
  - **Motion by Mrs. Tabb to authorize a complete release of Performance Bond #1086065 with The Hanover Insurance Company, Worcester, MA, in the amount of \$905,157.00 for Beallair Homes, LLC -Beallair Subdivision, Phase 4A3 (File 19-16-SD). Motion seconded and unanimously approved.**

**9. Mike Sine-Director of Jefferson County Emergency Services Agency Requested- 4 Promotions w/Salary adjustments**

- **Motion by Mrs. Tabb to approve Ronnie Shutts FF/EMT III an increase in hourly rate for 10 years of previous career work experience in accordance with AP1192. His new rate will be \$24.92 per hour effective December 17, 2023. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve Matthew Minnick a promotion from FF/AEMT Technician to FF/Paramedic III. His new pay rate will be \$25.45 per hour effective December 17, 2023. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve Brice Billings a promotion from FF/AEMT Technician to FF/Paramedic III. His new pay rate will be \$25.00 per hour effective December 17, 2023. Motion seconded and unanimously approved.**

- **Motion by Mrs. Tabb to approve McKenzie Pattison a promotion from FF/AEMT I to FF/Paramedic I. Her new pay rate will be \$25.00 per hour effective December 17, 2023. Upon completion of her probationary period and meeting the requirements of AP1060 she will now receive the corresponding promotion to FF/Paramedic II. Motion seconded and unanimously approved.**

10. Selection of Interim County Administrator-

Commissioner Jackson and Commissioner Krouse voiced concern about the workload and responsibility of holding two, executive-level offices. Additionally Commissioner Jackson and Commissioner Krouse voiced desire to nominate additional applicants.

- **Motion by Mr. Majdi to appoint Edwina Benites as the Interim County Administrator. Motion passed on a 3-2 vote with Commissioner Majda, Commissioner Stolipher and Commissioner Tabb voting for and Commissioner Jackson and Commissioner Krouse voting against.**

11. Nathan Cochran- Prosecuting Attorney's Office-

- a. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir.Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.
- b. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103, 2022-C-14 and 2023-C-112, WV Supreme Court No.'s 210727, 21-0728, and 21-0731 and WV Intermediate

Court of Appeals No. to be assigned (appeal of Jefferson County Circuit Court Civil Action No. 2022-C-141).

- c. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
- d. Discussion of wage issue regarding Deputy Sheriffs.
- e. Preliminary Report by Council as directed by the Commission on December 7, 2023 regarding Fire Levy.
  - **It was advised by legal counsel that the Fire Levy was not ready to move forward and additional time was needed to review it thoroughly and to consider holding multiple workshops between now and leading into the General elections.**

#### **NEW BUSINESS**

12. Approval of 2024 Holiday Schedule

- **Motion by Mr. Majdi to approve the 2024 Holiday Schedule. Motion seconded and unanimously approved.**

13. Approval of 2024 Jefferson County Commission Regular Meeting Schedule & selection of date and time for the first Regular Meeting of 2024

- **Motion by Mr. Stolipher to approve the 2024 Jefferson County Commission Regular Meeting Schedule & with Commissioner Stolipher stating the next regular meeting will be held on January 4, 2024. Motion seconded and unanimously approved.**

14. Approval of Shepherdstown Fire Department and Friendship Fire Company \$85k Annual Allocation.

- **Motion by Mr. Majdi to approve the yearly allocations for Shepherdstown Fire Department and Friendship Fire Company in the amount of \$85,000. Motion seconded and unanimously approved.**

15. Discussion/Action by County Commission to seek an advisory opinion from the Ethics Commission on subunits of the Planning Commission abiding by the Open Meetings Act to include an agenda and meeting minutes (TJ)

- **Motion by Ms. Jackson for the county commission to seek an advisory opinion from the ethics commission if subunits created by the Jefferson County Planning Commission, including but not limited to the Ordinance Rewrite, Solar Facilities, and Budget committees are subject to abiding by the open meetings act to include a published agenda and meeting minutes. Motion seconded and unanimously approved**

16. Review/Consider the request from counsel at Bowles Rice & Jackson Kelly PLLC to reinstate the June 2022 Solar Text Amendment by annulling its action of September 7, 2023.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on item 16. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**
- **Motion by Mr. Stolipher to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**
- **Motion by Mr. Majdi to move to rescind action of the County Commission meeting on September 7, 2023 regarding the Solar Text Amendment, Further more to request the Planning Commission to review Section 8.20 in the Zoning Ordinance and provide recommended edits based on projects submitted thus far. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**

**\*Commissioner Majdi asked Roger Goodwin-Director-Chief County Engineer three questions:**

**1) What Article 12 procedures follow?**

- a. No- it is my understanding that the procedures of Article 12 were not followed.

**2) Have you or your staff amended the Zoning Ordinance that resulted in the Commission to take action at the September 7, 2023 meeting?**

- a. No, it is my understanding that the staff was not directed to amend the zoning ordinance and no further direction was provide as we lost the County Administrator and the Commission was not meeting. The process to amending an ordinance is to present the new amended change to the Commission that is to be adopted, along with an order directing staff to record the amended ordinance at the county clerk's office. This did not happen.

**3) Is there any difference in the language in the current Solar Text amendment since it was first written?**

- a. Attorney William F. Rohrbaugh Stated that there has been no changes to the Solar Text Amendment that was adopted back in June of 2022.

Adjourn

The Commission adjourned at 8:46 pm a motion by Commissioner Stolipher. Motion was seconded and unanimously approved.

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Steve Stolipher, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant

# JEFFERSON COUNTY COMMISSION PERSONNEL ACTION FORM

Name:   
 Effective Date:   
 Employee Number:

STATUS:  A - Active  
 B - Benefits Only  
 I - Inactive  
 P - Pension

Approved by JCC 12/21/2023

Action Type: S100- Status Change  
 Reason: S100-Promotion

**Other Information:**  
 'Updated Interim County Administrator position to reflect:  
 Interim County Administrator / Director - Development  
 Authority (Max. hours as CA (32 / week). No change in pay.

**Section A**

	Part 1: From Position or New Hire/ Re-Hire	Part 2: To Position
Location	431-Development Auth	401-County Commission
Job Class	0805	1000
Position Number	43106	40114
Position Start / End Date	/ 1/1/24	1/2/24
Hours Per Day	8	8
Work Days Per Year		
Status FT or PT	Full-Time 80HR	Full-Time 80HR
Temporary Position	No	Yes
Employee Being Replaced		
Grade	08	10
Annual Pay	\$99,750.00	\$99,750.00
Hourly Rate (4 digits)		

**Section B**

<p style="text-align: center;">Retirement Program</p> <p>DSRS Member <input type="text" value="N/A"/></p> <p>PERS Member <input type="text" value="Current"/></p>	<p style="text-align: center;">Leave Status</p> <p>Started Leave Date: <input type="text"/></p> <p>Ended Leave Date: <input type="text"/></p>
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**Section C**

Separation Reason:

Last Date Worked:  Eligible for Rehire:

Vacation/Annual Leave Days Remaining:

Compensatory Leave Days Remaining:

Holiday Leave Days Remaining:

Verify correct address is on file for W-2 purposes:

Elected Official Signature	Date <input type="text" value="1/4/24"/>
Commission Approval	Date <input type="text"/>
Hiring Manager Signature	Date <input type="text"/>

July 1, 2024

Town Hall-Style Meeting before County Commissioners Cook and Upson  
Shepherdstown Community Club

Good evening. My name is Phil Baker-Shenk. I reside in Shepherdstown, and recently chaired our Town's Advisory Steering Committee on updating our next Shepherdstown Comprehensive Plan. Thank you for scheduling this town hall discussion.

In the coming months the County Planning Commission will be asking you to vote to approve the County's next Comprehensive Plan. The pending draft of that Plan sets forth values and goals that clash and collide with each other.

One section says County farmland and greenspace should be preserved and that agricultural and recreational use should be protected.

Another section says the County should promote commercial, industrial and residential development of the County's land.

The internal contradictions in the County's draft Comp Plan reveal a fundamental problem with how the County government's values have become out of sync with the values of the County's voters.

People who live here, live here because we value the County as it is, with small towns and active farms and scenic battlefields. With its wildlife and recreational features. Its springs and rivers. Its historical landmarks and small businesses and independent restaurants that are not found in strip-malled America.

I ask that you apply these values to every decision you are asked to make as County Commissioners.

Those values mean, for example, that you should not hand out huge PILOT tax breaks or other incentives to outside investors who seek to

buy up prime agriculture land in Jefferson County and cover it with huge, utility-scale solar arrays. The highest and best use of prime agricultural land is food production, not solar production.

I would venture a guess that most of us here in this room are in favor of using solar over fossil fuel to generate power, but there are plenty of available options other than huge solar fields. Look at all the acres upon acres in Jefferson County that are already covered by rooftops or pavement. That's where the County should incentivize the placement of solar panels, not on prime farmland.

The decisions you make directly reflect the values you choose to embrace. Will you value what your voters value? Or will you value what large scale developers value – cheap agricultural land turned into short-term gain that forever alters the long-term rural agriculture and small town character of Jefferson County?

Agricultural use of land is one of the main foundations of our tourist economy in the County. I urge you to defend it as your top priority, and insist that solar developers develop solar power generation on every existing roof top and over every existing parking lot and paved highway before gobbling up prime agricultural land.

Don't be misled. The highest, best use of the land is not commercial development, if, that is, you honestly measure all the impacts, both short and long term. Turning our County's working farmland into solar production fields is not the only option for a green power future. Nor is it the smart option, if, that is, you value the way of life most of your neighbors cherish.

Thank you for taking to heart these concerns and values and I urge you to vote your for values and against things like providing the PILOT tax break proposal for the proposed Wild Hill solar utility facility.

Dear members of the Jefferson County Commission,

I am from a multigenerational farm family and we are at a crossroads trying to determine the future of our farmland. What are the options? Continue farming (at a less than ideal rate of return, some years even a negative return), lease the land to someone else, apply to develop the land with housing, or sell it. I appreciate the fact that many people in this county are against solar panels...I, too, love to see the green space and crops. However, please understand that farmers have purchased land over the years not only to make a living by farming it, but also as a long-term investment (like a 401k plan or IRA). If it were easy and inexpensive to buy and own land and to properly care for it so that everyone could enjoy the green space, more people would be doing it. I am pro property rights...I would not tell someone else how to manage their 401k or IRA investments and do not believe that others should be able to quash an opportunity for farmers...a viable option to keep all of their family's land by leasing a portion of it for solar panels. Believe me, if there were different and better options available to farmers, I am confident we would not be discussing solar projects.

The enormous amount of housing development that is occurring right now in our county is almost unbelievable. Every single day, houses and townhomes are popping up in multiple locations and it makes me wonder how the county is going to support the influx of residents. It makes it much easier to say that I am in 100% in support of the PILOT agreement for the Wild Hill Solar Project. Jefferson County stands to benefit for the next 39 years from the conditions proposed in the PILOT agreement. By diversifying our county's business portfolio with solar energy generation, our local government and school system will receive sustainable revenues each year. If the PILOT is approved, Wild Hill Solar is slated to generate \$134 million in direct, indirect, and induced economic impacts to Jefferson County. We cannot overlook that.

Wild Hill Solar presents a tremendous opportunity to our family who has been farming in Jefferson County for decades. This project represents an avenue for our family to preserve the farmland that we hold dearly and together, we can maintain the land while exporting a much-needed resource to the local community.

Jefferson County currently imports most of its electricity used in residential homes and businesses. West Virginia has always been known as an energy producing state and with the addition of Wild Hill Solar, Jefferson County can contribute to the state's overall energy portfolio. The energy harvested by Wild Hill Solar will be inserted into the PJM grid. As such, the energy travels along local transmission lines and is distributed where it is needed most.

While the Wild Hill Solar team has been working thoroughly to develop this project for the past several years, their team has become active members of the Jefferson County community and I am confident that they will continue to do so over the lifespan of the project. Wild Hill Solar is an active member of the Jefferson County Chamber of Commerce and has contributed to important organizations that serve as the foundation of our community such as Jefferson County Community Ministries, the Boys & Girls Club of the Eastern Panhandle, Jefferson County 4-H Club, and Citizens Fire Company. I am a Jefferson

County 4-H Leader and have seen the benefits offered to 4-H such as covering expenses for children to attend a Jackson's Mill State 4-H Camp event and providing 250 solar STEM projects for 4-Hers.

Wild Hill Solar has become a valued citizen in Jefferson County and by approving the PILOT agreement, they can continue their great work. On behalf of our family, I ask that you approve Wild Hill Solar's proposed PILOT agreement. As the years go on, I will be proud to say that our farmland is contributing to the betterment of Jefferson County by paying significant taxes by having a partner that is an outstanding citizen in the community.

Thank you for your consideration,  
Stacey Hough

## Public Comment for Jefferson County Commission meeting for June 27, 2024

I, **David Tabb**, a lifelong resident/taxpayer make the following comments:

### PUBLIC COMMENT –

The agenda seems to be stacked with problems, that cost a LOT of money, that the county doesn't have. The impact fee was all but eliminated to subsidize the builders that paid for Stolipher's campaign.

The public knows why Stolipher is doing what he does. The question is why Jane Tabb has sold out the county with Stolipher. Could it be an additional solar project with a pilot agreement is on the way?

Just as a reminder, Jane Tabb did the first pilot program, in secret, with Rockwool years ago, where the public had no say.

In regard to the agenda:

**Agenda #11** – Wild Hill Solar, LLC., Pilot agreement. The agreement is incomplete. The agreement only funds the "Fire/EMS Funding" program. So, how many fire stations and equipment does the county own? "None". That means the volunteer fire companies, once again, will subsidize the county on another county emergency service requirement. Keep in mind, no one has been trained to handle a solar or field fire in an emergency event.

"Open Meeting" portion, yes there were meetings with "no" support to approve such a pilot program. The only place this type of approval should be approved is with the Jefferson County voters!

Now that the Jefferson County Commission consists of more appointed county commissioners than elected; I believe this agenda item should be delayed until we have the proper elected officials in place instead of Stolipher's sidekicks. Remember, Mr. Cook has not met the 60-day requirement to be a Mountain Party member at the time of appointment.

That's right the state doesn't have a Judicial body that protects the taxpayers and or the victims of negligence, foul play and or fraud. The Judicial system only protects the fraudulent activities of the government.

The agenda has 319 pages with the County Administrator having 48 of those pages. Some of the topics are as follows: Commissioner Appointments, Hill Top House TIF, Letters of Support (Parks & Rec and Shepherdstown TAP), WVDEP permit #WV0116025, Fire Services Study (\$40,000), Appointment Policy and ARPA public review for remaining funds (the amount was not given). I encourage everyone to review page 279, seeking volunteers. I apply for three appointments: Boliver-Harpers Ferry PSDB, JCSWA and EPRPDC. Do you think I will get picked? Lol.

The other point of review is the impact fee status report. Collected \$159,503.00. The schools received - \$102.00. Law Enforcement - \$27,348.00. Parks and Rec - \$114,274.00. EMS - \$12,026.00. Admin Facilities Fee (our County Commission slush fund) - \$5,753.00. Did you notice that the local Volunteer Fire Companies got nothing but provide most of the services. Another point of interest is a letter of concern, dated June 6, 2024, with some 30 signatures of individuals/property owners and taxpayers over the submission for commercial and residential growth areas south of Shepherdstown. Do you really think that the current county commission will take this into consideration? NOT!

If you didn't already know, I am on the November ballot for the Charles Town Dist. County Commission seat. If the voting public would give me the opportunity to be the next Charles Town Dist. County Commissioner, I could challenge the Commission and the County Officials daily and or in person and not be limited to six minutes a month within the agenda's public comment portion.

So, lets make Stolipher and Jane Tabb's day by voting David Tabb as the next Charles Town District County Commissioner.

*"The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The Governor has ordered the Government to be "open for business" and not deprived the public of notice and comments that would violate ethic provisions.*

*It is hard to be safe, with the current County Commission.*

**Have a nice day!**