Town Council Agenda

SHEPHERDSTOWN TOWN COUNCIL MEETING AGENDA

Wednesday, October 14, 2026 – 6:30 p.m.

Town Hall – 104 North King Street

Join online by Zoom:

https://us06web.zoom.us/j/86067120451?pwd=fWNLscmYpiOmof8Pknlig4oZKNXa8i.1

Or join by telephone:

Dial: (301) 715-8592

Meeting ID: 860 6712 0451

Passcode: 818383

1. Call to Order

2. Attendance

3. Approval of Minutes

a. Town Council Minutes of September 9 and 15

4. Public Comment Period

5. Public Hearings

a. First Reading of an Ordinance Authorizing Accessory Dwelling Units (ADU)

6. Mayor's Report and Proclamations

7. Ongoing Business

a. Purchase of Former Elementary School Property
b. Postal Service Mail Delivery in Town
c. Traffic Issues on West High Street and the Surrounding Area
d. Use of Video Lottery Terminals in Town
e. Proposed Donation of Building
f. Holiday Lights on German Street Buildings
g. Call for Volunteers for Town Boards, Committees and Commissions

8. New Business

a. Application for Planned Unit Development – Property at 5026 River Road
b. Mayor's Advisory Committee on Police / Traffic Enforcement
c. Business License Enforcement
d. Special Events Requests – Votes
    i. Town Wide Yard Sale – October 24

ii. Holiday Kick Off & Tree Lighting – November 27
iii. Festive First Friday – December 4

e. Shepherdstown Community Grant Applications – None
f. Donations Received - Status
g. Town Applications for Grants – Status
h. Posted Requests for Bids, Proposals and Qualifications
i. Resolution in Support of Volunteers Opposing Line Transmission (VOLT) – Catherine Kemmerling

9. Town Staff / Department Reports

a. Department Reports
b. Town Financial Status
c. Approval of Town Expenditures

10. Reports by Committees, Commissions, and Boards

a. Age Friendly Shepherdstown Committee
b. Finance Committee
c. Grants Committee
d. Historic Landmarks Committee
e. Parks and Recreation Committee
f. Personnel Committee
g. Planning Commission
h. Police Committee
i. Public Works Committee
i. Tree Commission
j. Water Board
k. Sanitary Board

11. Adjournment

Town Council Meeting Minutes

SHEPHERDSTOWN TOWN COUNCIL MEETING MINUTES

Regular Meeting — Wednesday, September 9, 2026 — 6:30 p.m.
Town Hall — 104 North King Street and via Zoom

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1. Call to Order

The meeting was called to order at 6:35 p.m. Mayor Gatz presided.

2. Attendance

Council Members Present: James Gatz (Gatz), Mayor; Jim Auxer (Auxer); Marcy Bartlett (Bartlett); Harriet Pearson (Pearson); Cheryl Roberts (Roberts); Ashleigh Sanders (Sanders); and Joe Yates (Yates). All members were present in person.

Members Absent: None.

Staff Present: Amy Boyd (Boyd), Town Clerk; Maged Kirollos (Kirollos), Finance Director; Woody Coe (Coe), Public Works Director; Police Chief Mike King (King); Police Officer B. Dickens (Dickens); Gino Sisco (Sisco), Town Administrator; Karl Musser (Musser), Program Manager and Planning & Zoning Specialist; and Hunter Wetzel (Wetzel), Intern.

Visitors Present: List of those who signed in is available from the Town Clerk.

3. Approval of Minutes

a. Town Council Minutes of August 12 and August 26. Bartlett moved, Roberts seconded, to approve both sets of minutes. Gatz asked that the letter read at the August 12 meeting regarding the Shepherdstown Farmers Market be attached to those minutes so that the record reflects exactly what was said. The motion was amended to include that edit. Motion carried, all ayes.

4. Public Comment Period

Immigration Enforcement Resolution. S. Acuff, E. McGowan, S. Brown, T. Schwarzhoff and M. Condon spoke in support of the resolution on the agenda (Item 8.c). L. Carter asked for stronger language addressing the safety of all people.

Mail Delivery. L. Clark requested the Town's help to have the U.S. Postal Service deliver mail directly to her home instead of the Post Office.

West End Traffic Pattern. S. Turner, C. Grantham and S. Brown described speeding and cut-through traffic on Brown's Alley, Maiden Lane and Shoe Lane, and asked the Council to take action, including making the streets one-way.

5. Public Hearings

a. Second Reading of an Amendment to Chapter 13 of the Code of Shepherdstown to Adopt the 2018 International Property Maintenance Code. Auxer moved, Bartlett

seconded, to approve the ordinance on second reading. To preserve the Town's existing local provisions, Pearson offered a floor amendment providing that, except as expressly amended, the 2018 edition is substituted for the 2012 edition previously adopted and that Sections 2 through 9 of Chapter 13, as currently set forth, are readopted and incorporated by reference. Auxer moved, Sanders seconded, to adopt the amendment. Motion carried, all ayes. The ordinance as amended then carried, all ayes except Bartlett, who voted no.

6. Mayor's Report and Proclamations

Gatz announced a special Town Council planning workshop on Tuesday, September 15 at 6:30 p.m. at the Byrd Center to review the Comprehensive Plan; it is open to the public, without public comment. He also announced a joint meeting of the Water Board, Sanitary Sewer Board and Town Council on Wednesday, September 23 at 6:30 p.m., at which the boards' legal counsel will brief on the process for their potential rate increases. Gatz noted the 25th anniversary of September 11 and invited reflection on it.

Gatz also reported that the County Commission will convene a September 28 meeting of all municipalities on guardrails for data centers. Discussion supported the Town sending a letter to the County Commission thanking the County for its engagement and emphasizing the importance of local control, and encouraged that any member who attends do so in their individual capacity. No formal action was taken.

7. Ongoing Business

a. Contract for Consultant Services for Grant Writing and Advocacy. An update from the Mayor was discussed regarding the agreement with the consultant, Sustainable Strategies. A kickoff meeting with the consultant is set for October 5.

b. Elementary School Purchase. Gatz presented a proposed workplan for decisionmaking on the purchase and use of the elementary school property, including formation of Town Council working groups on financing of the purchase, potential uses of the property, and engagement with the community. There was general agreement; no vote was taken.

8. New Business

a. FY27 Budget Revision #1. Pearson moved, Roberts seconded, to approve Budget Revision #1, funded by $112,500 from Town reserves, $15,000 in Norfolk Southern grant revenue and $100,000 from the contingency account. Motion carried, unanimous.

b. Water and Sanitary Sewer Department Capital Expenditures. Sanders moved, Auxer seconded, to approve purchase of an articulating boom lift ($65,000, Sewer) and a mini excavator ($81,275, split between Water and Sewer), as recommended by the Water and Sanitary Sewer Boards. Motion carried, all ayes.

c. Resolution on the Role of Local Law Enforcement and the Preservation of Community Trust and Transparency. Council considered the resolution as printed in the packet. Pearson proposed amendments to conform the resolution to W. Va. Code § 15-16,

including removing the reference to SB 615, which did not become law. Bartlett moved, Roberts seconded, to accept the amendments and approve the resolution as amended. Motion carried, all ayes. The resolution as approved is attached.

d. Appalachian Heritage and Dolly Parton Day Proclamation. Boyd read the proclamation, proposed by Pearson, designating September 25, 2026 as Appalachian Heritage and Dolly Parton Day in Shepherdstown, in recognition of the 30th year of Shepherd University's Appalachian Heritage Festival. Auxer moved, Yates seconded, to adopt it. Motion carried, all ayes.

e. Experience Shepherdstown Plans for Holiday Festivities. Experience Shepherdstown, represented by Ashley Nease, Marketing and Events Coordinator, reported on December holiday season event plans with the theme "Holiday Magic."

f. Special Events Requests.

i. Freedom's Run, October 10. Tim Mason, logistics manager for Freedom's Run, reviewed the event, with about 1,000 runners expected. Roberts moved, Auxer seconded, to approve the request, with the application to be corrected to identify the host (Eastern West Virginia Area Health Education Center) and Shepherd University's role. Motion carried, all ayes.

ii. BooFest, October 31. Meredith Moore, BooFest chair for Experience Shepherdstown, presented plans for this event. She reported there will be no bonfire this year due to the Fire Department's conflict. Roberts moved, Pearson seconded, to approve the request as corrected. Motion carried, all ayes.

g. Shepherdstown Community Grant Applications.

i. Boots-on-the-Ground Youth Leadership Academy. The application was not moved forward because it was incomplete.

ii. We the People Parade. Mark Kohut, organizer of the Second Annual Constitution Day parade on September 19, requested a grant of up to $1,000. Roberts moved, Auxer seconded, to approve the grant, with receipts to be provided. Motion carried, all ayes.

h. Donations Received. None.

i. Town Applications for Grants. Musser reported on a $15,000 Norfolk Southern Safety First award for railroad safety, and on three pending applications to the West Virginia Department of Highways Transportation Alternatives Program for planning and engineering of sidewalk and path projects, with a decision expected around November.

j. Proposed Edit of Town Special Event Request Form. Sanders proposed adding lines to the "for office use only" section of the form for department heads to estimate staff hours needed for each event. Bartlett moved, Auxer seconded, to approve the change. Motion carried, all ayes.

k. Briefings.

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i. Postal Service Mail Delivery in Town. Sisco briefed Council on the history of mail delivery in town and on his September 1 conversation with Postmaster Jason Braman. Council agreed to invite the postmaster to a future meeting. No action was taken.

ii. Traffic Issues on West High Street and the Surrounding Area. Roberts proposed making Maiden Lane and Shoe Lane one-way northbound and Brown's Alley one-way southbound, with added speed humps and stop signs. Gatz referred the proposal to the Public Works Committee, with input from police. No vote was taken.

iii. Use of Video Lottery Terminals in Town. Sisco reported that video lottery is not a permitted use under the Town's zoning ordinance for the commercial district and that Council would have to amend the ordinance to allow it. No action was taken.

9. Town Staff / Department Reports

a. Department Reports.

Police. King reported on August activity per written report, including traffic enforcement, and advised that federal Customs and Border Protection will conduct training exercises in the area on Friday, September 11.

Public Works. Coe reported on department activities per written report, including placement of "see me" safety flags at all 4-way intersections. A DEP inspection of the wastewater plant found the plant in compliance but resulted in a citation for glass on the ground and an oil leak; remediation is quoted at $16,000.

b. Town Financial Status. Kirollos reported that July revenue was about $115,000 under budget, due to timing of tax receipts, and expenses were about $42,000 under budget. Implementation of the new financial and utility billing software is ahead of schedule, and staff are preparing the annual PSC report.

c. Approval of Town Expenditures. Council asked for a consolidated review of the Tek Advisors contract, which Kirollos will bring through the Finance Committee. Pearson moved, Roberts seconded, to approve the expenditures. Motion carried, all ayes.

10. Reports by Committees, Commissions, and Boards

a. Age Friendly Shepherdstown Committee. Spreen reported that the committee is supporting data collection for the Plaza project, with about 20 volunteers, and will distribute paper surveys in addition to the QR code.

b. Finance Committee. No report.

c. Grants Committee. No report.

d. Historic Landmarks Committee. No report.

e. Parks and Recreation Committee. The crabapple tree in Library Park is within its last decade and in early decline; a replacement marker is needed for the Rumsey Park marker; the committee is changing its meeting schedule.

f. Personnel Committee. No report.

g. Planning Commission. No report.

h. Police Committee. No report.

i. Public Works Committee. No report.

j. Tree Commission. The chair has resigned for personal reasons; the commission needs more members.

k. Water Board. The Council is invited to the Water Board's legal counsel briefing on September 23 at 6:30 p.m.

l. Sanitary Board. No report.

11. Adjournment

Bartlett moved, Pearson seconded, to adjourn. Motion carried, all ayes. The meeting adjourned at 10:00 p.m.

Prepared and submitted by Harriet Pearson, Recorder

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Proposed Amendment

Resolution Regarding the Role of Local Law Enforcement and the Preservation of Community Trust and Transparency

Summary of proposed changes

- Removes the description of SB 615 (2026) as enacted law imposing turnover and felony-penalty requirements. SB 615 passed the Senate but died in the House Judiciary Committee and was never signed into law, so it should not be described in an adopted Town resolution as a current legal requirement.

- Add a "Whereas" clause that makes it clear that the Town intends to comply with federal law.

- Removes text in section 1 that describes the scope of compliance with state law as it is unnecessary and potentially too narrow a description.

- Deletes text in section 3 because it referenced actions (officers not inquiring into immigration status) that are prohibited under state law (WV Code section 15-6-2).

- A few tightening edits – no substantive change

CORPORATION OF SHEPHERDSTOWN

Mayor and Town Council, Shepherdstown, West Virginia

Resolution Regarding the Role of Local Law Enforcement and the Preservation of Community Trust and Transparency

WHEREAS, the Town of Shepherdstown is governed by West Virginia state law, including HB 2008 (2023), which requires local entities to enforce state and federal immigration laws and requires local law enforcement to assist or cooperate with a federal immigration officer as reasonable and necessary~~; and SB 615 (2026) which requires that individuals determined to be in the United States illegally by local, state or federal law enforcement in this state be turned over the Immigration and Customs Enforcement ("ICE") for purposes of deportation, as well as stipulating that individuals determined to be in the United States illegally in this state for a second time shall be guilty of a felony offense and shall be incarcerated in a state penitentiary for no less than three years and no more than five years,~~;

WHEREAS, the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g) to the Immigration and Nationality Act (INA), authorizing U.S. Immigration and Customs Enforcement (ICE) to delegate state and local law enforcement officers the authority to perform specified immigration officer functions under ICE's direction and oversight, and

participation in the 287(g) Program is limited to law enforcement agencies (LEAs) only, and LEAs interested in participating in the 287(g) Program must sign an MOA with ICE;

WHEREAS, the Town of Shepherdstown has a long-standing but unwritten policy of not choosing to participate in the Section 287(g) Program;

WHEREAS, this Resolution is not intended to, and will not, obstruct, hinder, or interfere with the legal exercise of federal immigration enforcement authority, but rather is intended to enhance transparency, accountability, and public safety within the Town;

WHEREAS, the Town Council seeks to provide clarity regarding the role of local law enforcement and the preservation of community trust and transparency;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. Compliance with State Law: The Town shall continue to comply with all mandatory provisions of W. Va. Code §15-16.

2. Declination of 287(g) Participation: The Town continues to and by this Resolution formally declines to enter into a Section 287(g) Memorandum of Agreement.

~~alignment with state law, Town officers shall not inquire into the immigration status of individuals who are victims of, or witnesses to, a crime. Protecting the safety of all residents is paramount to effective law enforcement~~

3. Constitutional Limits: The Town affirms that all law enforcement in its jurisdiction shall align with the US Constitution, including First Amendment rights to free speech and assembly, Fourth Amendment prohibitions against unwarranted entry onto private property, and Fifth Amendment protections including the right to remain silent. The Fourth Amendment ensures officers (local or federal) may not enter private residences or non-public areas of business without valid judicial warrant or lawful consent. The First Amendment ensures the Right to Record and protects the right to observe and record law enforcement activities, including immigration enforcement, if recording does not interfere with official duties.

4. Opposition to Mandatory Deputizing: The Town opposes any measure that would mandate 287(g) participation, as it infringes upon local budgetary and operational autonomy, should the state legislature take up any such measure.

Adopted this ____ day of _____, 2026.

_____
James K. Gatz, Mayor
Town of Shepherdstown

SHEPHERDSTOWN TOWN COUNCIL MEETING MINUTES

Special Town Council Workshop — Tuesday, September 15, 2026 — 6:30 p.m.
Byrd Center for Legislative Studies — 213 N. King Street, Room #164

1. Call to Order

The meeting was called to order at 6:42 p.m.

Council Members Present: Jim Auxer (Auxer); Marcy Bartlett (Bartlett); James Gatz (Gatz), Mayor; Harriet Pearson (Pearson); Cheryl Roberts (Roberts); Ashleigh Sanders (Sanders); and Joe Yates (Yates).
Members Absent: None.
Staff Present: None.
Visitors Present: None.

2. Comprehensive Plan Overview

Council reviewed the goals and strategies of the Comprehensive Plan as a group. No action was taken.

3. Adjournment

The meeting adjourned at 8:20 p.m.

Prepared and submitted by Harriet Pearson, Recorder

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Public Hearings

Accessory Dwelling Unit Ordinance

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October 9, 2026

Town Council of The Corporation of Shepherdstown
c/o James Gatz
Mayor
By email: jgatz@shepherdstown.gov

RE: Consideration and Adoption of
Ordinance regulating Accessory Dwelling Units

Dear Mayor and Council:

This letter summarizes the **Ordinance of the Corporation of Shepherdstown Establishing Requirements for Accessory Dwelling Units**, (the Ordinance) which was reviewed by the Planning Commission at its September 21, 2026, regular meeting, and its October 5, 2026, special meeting, along with the state laws now regulating Accessory Dwelling Units (ADUs) and amendments to the zoning ordinance by the Town Council.

1. **State ADU Law and Timeline.**

Senate Bill 659 (2026) requires municipalities to allow an ADU on any lot or parcel occupied by a single-family dwelling. The law, now codified at *W. Va. Code* §§ 8-42-1 to -3, provides that any inconsistent law is void as of **January 1, 2027**. The Town must update its zoning regulations to comply with the new law by the deadline. Amendments to the zoning regulations by the Town Council are governed by *W. Va. Code* § 8A-7-8, which requires that the Planning Commission advise the Town Council on whether a proposed change is consistent with the Town's Comprehensive Plan.

Town Council will need to adopt the ordinance by holding two readings at separate meetings, which could occur at the October and November regular meetings of the Council. In order to meet the state law deadline, it is suggested that the Council adopt the ordinance no later than December 2026.

2. **Ordinance Summary.**

The Ordinance amends Title 9 of the Town Code to meet the state law ADU requirements. The substantive changes are mainly contained within Section 9-208, which governs private garages and accessory buildings. This section is amended to regulate characteristics of ADUs in subsection (b). New definitions related to the state law regulation of ADUs are added within Chapter 13, and the various zoning district regulations are updated to reflect the mandatory allowance of ADUs on lots with existing single-family dwellings, and to refer to the new regulations in Section 9-208.

The new regulations provide that a single ADU will be permitted on each lot or parcel with a single-family dwelling, as long as it meets other requirements of the Code. A Project Permit and Occupancy Permit are required to construct and occupy an ADU, respectively, but no additional fee is charged beyond those permit fees (state law would allow a separate $250 fee). ADUs must meet design guidelines in historic districts, be served by water and sewer (may be the same service as the principal dwelling), and comply with life safety codes. Specific reference is made to the Shepherdstown Historic District Design Guidelines, as well as the certificate of appropriateness issued by the Historic Landmarks Commission. ADUs must meet lot size, frontage, and coverage requirements, as well as building height and setback requirements, applicable to single-family dwellings in the district. By state law, no additional parking is required for ADUs, and no improvements to streets or sidewalks, or imposition of impact fees, is permitted as a condition of establishing an ADU. ADUs may be attached to the existing dwelling or detached.

A summary of the state law requirements and local options is included as **Exhibit A – State Law Summary.** A copy of the ordinance is included as **Exhibit B – Ordinance**.

3. Comprehensive Plan Review.

West Virginia law allows for amendments to the zoning code when they are consistent with the comprehensive plan, or when there have been significant changes in an area. *W. Va. Code* §8A-7-8. In this case, *W. Va. Code* §§ 8-42-1 to -3 now mandate the changes included in the ADU ordinance as well. Shepherdstown's Comprehensive Plan[1] adopts a vision statement that "Shepherdstown will be the cultural hub of the WV Eastern Panhandle while continuing to cherish our historic treasures, natural beauty, and small-town riverside charm" and establishes four overarching goals:

1. Promote Shepherdstown's economic prosperity and cultural vibrancy. (EC)
2. Preserve, protect, restore, and complement Shepherdstown's historic attributes. (H)
3. Conserve natural resources and preserve green spaces using orderly and cohesive planning and zoning while supporting growth and development in the greater Shepherdstown area. (LU)
4. Administer a range of high-quality and affordable services for residents, businesses, and visitors. (PS)

1 The current Comprehensive Plan, adopted July 9, 2025, is published here: https://www.shepherdstown.gov/media/Comp%20Plan%20Files/Shep%20-%20Comp%20Plan_V11_Approved%207.9.25.pdf.

The ADU Ordinance supports Goal EC13, supporting taking action to allow accessory housing:

EC13: Take Action to Allow Accessory Housing, Including Accessory Dwelling Units– Authorize property owners to develop accessory housing units, including Accessory Dwelling Units, on lots in residential areas in town to increase affordable housing and diversify housing options. Update Town zoning ordinances to establish clear standards for size, design, and placement while preserving neighborhood character. Streamline permitting and authorize financial and other types of incentives to encourage the development of accessory dwelling units. Permitting accessory dwellings in established single-family residential neighborhoods can provide a wide range of benefits to the community.

Id. at p. 24. This Ordinance authorizes ADU development, increasing affordable housing and diversifying housing options, and establishes standards for size, design, and placement consistent with state law. The Ordinance does not limit ADUs to residential districts due to state law mandate, but it does limit ADUs to lots or parcels with existing single-family dwellings.

The Ordinance also supports the purpose of Goal 2, preserving historic attributes, to the extent possible consistent with the state law mandate, by requiring ADUs in historic districts follow the design guidelines for the district. While consistent with the Plan, the Ordinance does not address the specific implementation strategies of Goal 2.

The Ordinance likewise supports the purpose of Goal 3, conservation of natural resources and green spaces, by encouraging more dense housing development and allowing more housing without expansion into open spaces. While consistent with the Plan, the Ordinance does not address the specific implementation strategies of Goal 3.

Based on the foregoing review, it is suggested that the Planning Commission find that the Ordinance is consistent with the Comprehensive Plan.

4. Planning Commission Recommendation.

West Virginia Code section 8A-7-8 allows the Town Council to amend the zoning code, with advice of the Planning Commission on the amendment's consistency with the Comprehensive Plan. Shepherdstown has also enacted ordinances providing for amendment of the zoning code, at Sections 9-1101 to -1103 of the Town Code.[2]

2 The Town Code provisions are at page 112 of the following link:
https://www.shepherdstown.gov/media/Ordinances/Chapter%209%20Planning%20and%20Zoning.pdf.

Section 9-1101 prescribes an amendment procedure relating to petitions to amend the zoning ordinance under *W. Va. Code* § 8A-7-93, and requires the Commission to make findings of fact on amendments that change the zoning classification of a parcel, which is not applicable to the Ordinance. Section 9-1102 provides that no amendment to the zoning code will be made without approval or disapproval of the Planning Commission – this tracks the state law requirement in *W. Va. Code* §8A-7-8 that the Town Council must find, with the advice of the Planning Commission, that an amendment is consistent with the Comprehensive Plan. Section 9-1102 provides that Council may act if the Planning Commission does not approve or disapprove within 90 days, but in this case the state law deadline requires earlier action.

A. Advice on consistency with the adopted Comprehensive Plan.

Based on its review of the Comprehensive Plan, the Planning Commission voted unanimously to forward a recommendation to Town Council that the **Ordinance of the Corporation of Shepherdstown Establishing Requirements for Accessory Dwelling Units** is consistent with the Comprehensive Plan by supporting Goal EC13, taking action to allow Accessory Housing Units and providing clear guidance for these units while preserving historic character and open space consistent with the general Comprehensive Plan goals, and in addition to recommend that the Town Council apply fees to ADUs within the subcategory of Category III of the current Fee Schedule applied to accessory structures and garages, and to recommend that Town Council consider more lenient setback requirements for detached ADUs than for primary dwellings, and note that the Commission believes this requires thorough study.

The included ordinance for consideration on first reading further amends the Project Permit Fee Schedule in Section 9-902.XIV. to specify that ADUs are considered, for project permitting purposes, under the fee

3 *W. Va. Code* § 8A-7-9, is copied below. It provides for a Class I legal advertisement and public hearing before either the Planning Commission or the Town Council prior to adopting a zoning amendment on petition by either the Planning Commission or owners of affected real estate. *W. Va. Code* §8A-7-8 separately provides for amendments to the zoning ordinance by the governing body.

§ 8A-7-9. Amendments to the zoning ordinance by petition.
(a) After the enactment of the zoning ordinance, the planning commission or the owners of fifty percent or more of the real property in the area to which the petition relates may petition to amend the zoning ordinance. The petition must be signed and be presented to the planning commission or the clerk of the governing body.
(b) Within sixty days after a petition to amend the zoning ordinance is received by the planning commission or the governing body, then the planning commission or the governing body must hold a public hearing after giving public notice. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area affected by the proposed zoning ordinance, as a Class I legal advertisement, in accordance with the provisions of article three [§§ 59-3-1 et seq.], chapter fifty-nine of this code, at least fifteen days prior to the public hearing.

W. Va. Code § 8A-7-9 (a)-(b).

schedule of Category III covering new construction of garages and accessory structures rather than the fee schedule of Category III covering additions to residential buildings. This change, if approved, would establish a lower fee for ADUs than for other residential construction, tending to promote the first additional recommendation of the Planning Commission.

B. Suggestions for further review of setbacks and lot provisions.

The Planning Commission recommended that Town Council thoroughly study the application of setbacks to ADUs to determine whether setbacks for ADUs should be reduced from those for primary dwellings in order to promote ADUs. The Commission discussed general lot provisions under Title 9 requiring 40-foot setbacks, as well as discussing how common those setbacks are in practice with historical development and new subdivision development. The Commission also discussed state law limitations requiring that ADUs may not be limited in height to less than the primary dwelling, and the impact of a taller structure at lot locations ordinarily designated for lower-height accessory buildings.

In addition to setbacks, lot provisions such as required lot frontage or size and maximum lot coverage requirements could be studied to determine appropriate ways to promote ADUs consistent with maintaining the character of surrounding development and maintaining compliance with the new state law.

Due to the state-law deadline, investigation of potential changes to lot and setback provisions for ADUs should be conducted separately from adoption of the present ordinance.

5. Recommended Council action.

Based on the State law, the Comprehensive Plan provisions, and the Planning Commission recommendations, it is suggested that Town Council adopt the Ordinance as presented, putting compliant ADU regulations in place ahead of the January 1, 2027 deadline. Further study of lot and setback provisions for ADUs can be undertaken after adoption, led by Town staff or by outside consultants, and any amendments can be adopted by following the zoning amendment process in the future.

Very truly yours,

/s/ Ryan Simonton

Ryan Simonton
KAY CASTO & CHANEY, PLLC
Counsel to Corporation of Shepherdstown

Exhibit A – State Law Summary and Text

Accessory Dwelling Units
Summary of State Law
(as of July 9, 2026)

2026 Legislation:
2026 Senate Bill 659 (https://www.wvlegislature.gov/Bill_Status/bills_history.cfm?INPUT=659&year=2026&sessiontype=RS) requires municipalities to allow one accessory dwelling unit by right on each lot or parcel occupied by a single-family dwelling.

Brief overview
Municipalities may not require additional parking or fees in lieu of parking, require the ADU match the design/pitch/finishing of the principal dwelling; among several other restrictions, and must allow manufactured homes used as ADUs. The municipality may require an application fee up to $250 and require a will-serve letter from water/sewer systems.

FAQ/Legal Requirements

1. 2026 SB 659 passed March 6, 2026, and becomes effective June 4, 2026.
2. The bill adds a new Article 40 to Chapter 8 of the WV Code [Note: WV Code contained an existing Chapter 8, Article 40, and this act was recodified at Chapter 8, Article 42]
3. In brief, it requires municipalities to allow Accessory Dwelling Units on **every lot or parcel that contains a single-family dwelling unit**.
4. An Accessory Dwelling Unit is "a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements."
    a. The single-family dwelling must be larger than the ADU.
    b. The ADU has its own cooking, sleeping, and sanitation facilities.
    c. A **manufactured home** may be used as an ADU, and it may share water, sewer, and utility connections with the single-family dwelling. (W. Va. Code 8-42-2(h) and (i)).
        i. A Manufactured Home is "a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 *et seq.*, and installed on a permanent foundation."

5. A Single-Family Dwelling is "a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit."
    a. **The bill does not require someone to be living in the Single-Family Dwelling in order to have an ADU**
6. ADUs must be permitted "by right," – this is defined at § 8-42-1(b) as approval without (1) a public hearing, (2) a variance, conditional use permit, special permit, or special exception; or (3) other discretionary zoning action other than site plan approval and confirming construction plans conform to regulatory requirements [here, regulatory requirements means the Fire Code, local law, zoning code, building code, and other generally applicable law - §8-42-1(d)(2)]
7. The ADU can be attached, detached, or internal to the single-family dwelling.
    a. A detached ADU has a maximum size: 75% of gross floor area for the single-family dwelling, or 1,000 square feet, whichever is less.
8. There are several categories where municipalities cannot regulate. Cannot require:
    a. Additional parking for an ADU or fees in lieu of parking
    b. Matching exterior design of the single-family dwelling (**exception for historical districts where there is a district-wide regulation**)
    c. Family/marital/employment relationship between occupants of the Single Family Dwelling and the ADU
    d. Development impact fees over $250 [can have a $250 fee]
    e. Improvements to streets or sidewalks (but repair/reconstruction is permitted if damaged by construction)
    f. Maximum building heights, minimum setbacks, minimum lot sizes, maximum lot coverages, or minimum building frontage **that are *more restrictive* than those for the single-family dwelling (i.e., general zoning code requirements can apply)**
    g. Restrictive covenant (this does not limit or prohibit restrictive covenants between private parties, i.e. HOAs can require them, but cities cannot)
    h. Require separate water or sewer connection for the ADU
9. There are several things municipalities specifically *can do*. Cities can:
    a. Regulate short-term rentals (subject to W. Va. Code 8-1-5a)
    b. Require an application/review fee of up to $250 for an ADU, in addition to usual fees for building permits ("building fees" in the bill)
    c. Require a "will-serve" letter from the water and sewer system serving the single-family dwelling, or approval from Department of Health if municipal water/sewer service is not available.
10. Effective date: any regulation in violation of the bill is invalid as of January 1, 2027. Indicates compliance need by 1/1/27 (rather than 6/4/26).
11. This will require updates to the existing Zoning Code.

a. ADUs definition will need to be updated to the state law definition
b. The ADU should likely to be defined as an accessory use permitted by right in all zoning districts, subject to a supplemental regulation requiring that they be accessory to an existing single family dwelling on the same lot or parcel.
c. Supplemental regulations related to accessory structures will need to be updated.
d. Council can decide whether to assess the application fee, whether to reduce setbacks or lot coverage requirements (or whether to require that these apply to ADUs in the same way they apply to single-family dwellings)

12. Process options:
    a. Prepare draft ordinance, Planning Commission review, recommendation to Council.
    b. Discussion with Council / draft to Council, Council refers preferred draft to Planning Commission for concurrence on Comprehensive Plan, and adopts ordinance after Planning Commission recommendation.
    c. Ordinance should be adopted no later than December 31, 2026.

Text of State Law

WEST virginia legislature
2026 regular session
Enrolled
Committee Substitute
for
Senate Bill 659
By Senators Rucker, Z. Maynard, and Thorne
[Passed March 6, 2026; in effect 90 days from passage (June 4, 2026)]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §8-40-1, §8-40-2, and §8-40-3, relating to prohibiting municipalities from prohibiting certain restrictions on the regulation of accessory dwelling units; defining terms; prohibiting certain restrictions on accessory dwelling units; and providing exemptions.
Be it enacted by the Legislature of West Virginia:

article 40. accessory dwelling units.
§8-40-1. Definitions.
As used in this article:

(a) "Accessory dwelling unit" means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements;
(b) "By right" means the ability to be approved without requiring:
(1) A public hearing;
(2) A variance, conditional use permit, special permit, or special exception; or
(3) Other discretionary zoning action other than a determination that a site plan and any construction plans conform with applicable regulatory requirements;
(c) "Gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit;
(d)(1) "Regulatory requirements" means the requirements determined by a municipality to be necessary for approval of plans, permits, or applications under this section.
(2) "Regulatory requirements" includes:
(A) The West Virginia Fire Code as adopted by the State Fire Marshal;
(B) Any locally adopted ordinances and amendments to the ordinances;
(C) Applicable zoning ordinances and conditions;
(D) Design and construction standards, including any applicable building codes; and
(E) Other federal, state, and local laws, rules, and ordinances applicable to the plan, permit, or application in question;
(e) "Short-term rental" means an individually or collectively owned single-family house or single-family dwelling unit or a unit or group of units in a condominium, cooperative, time-share, or owner-occupied residential home that is offered for a fee for 30 days or less; and
(f) "Single-family dwelling" means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.
(g) “Manufactured home” means a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 *et seq.*, and installed on a permanent foundation.

§8-40-2. Prohibition on policy regulations restricting accessory dwelling units.

(a) Except as provided in this article, a municipality shall not adopt a policy, regulation, or ordinance that restricts, prohibits, or otherwise regulates the use of at least one accessory dwelling unit by right on a lot or parcel that contains a single-family dwelling.
(b) An accessory dwelling unit may be attached, detached, or internal to the single-family dwelling on a lot or parcel.
(c) If the accessory dwelling unit is detached from or attached to the single-family dwelling, it shall not be more than 75 percent of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less.
(d) A municipality may not:

(1) Require that a lot or parcel have additional parking to accommodate an accessory dwelling unit or require fees in lieu of additional parking;
(2) Require that an accessory dwelling unit match the exterior design, roof pitch, or finishing materials of the single-family dwelling: *Provided,* That a municipality may require an accessory dwelling unit to match exterior design, roof pitch, finishing materials, and other design guidelines if the single family dwelling or accessory dwelling unit is located within a historic district, as defined in **§8A-1-2** of this code, and the requirement is imposed pursuant to an ordinance or regulation duly adopted for the preservation of that historic district;
(3) Require a familial, marital, or employment relationship between the occupants of the single-family dwelling and the occupants of the accessory dwelling unit;
(4) Assess development impact fees in excess of $250 on the construction of an accessory dwelling unit;
(5) Require improvements to public streets or sidewalks as a condition of permitting an accessory dwelling unit, except as necessary to reconstruct or repair a public street or sidewalk that is disturbed as a result of the construction of the accessory dwelling unit;
(6) Set maximum building heights, minimum setback requirements, minimum lot sizes, maximum lot coverages, or minimum building frontages for accessory dwelling units that are more restrictive than those for the single-family dwelling on the lot;
(7) Impose more onerous development standards on an accessory dwelling unit beyond those set forth in this article;
(8)(A) Require a restrictive covenant concerning an accessory dwelling unit on a parcel zoned for residential use by a single-family dwelling.
(B)(i) Paragraph (A) of this subdivision does not prohibit restrictive covenants concerning accessory dwelling units entered into between private parties.
(ii) Notwithstanding clause (i) of this paragraph, a municipality shall not condition a permit, license, or use of an accessory dwelling unit on the adoption or implementation of a restrictive covenant entered into between private parties; or
(9) Require water and sewer for the accessory dwelling unit separate from that serving the primary structure.
(e) A manufactured home may be used as an accessory dwelling unit by right on a lot or parcel that contains a single family dwelling in any zoning district where accessory dwelling units are permitted.
(f) A municipality may not prohibit or unreasonably restrict the use of a manufactured home as an accessory dwelling unit, provided that the manufactured home is installed on a permanent foundation and complies with applicable building, fire, and safety codes and any other requirements in this article.
(g) A municipality may not impose design, aesthetic, age of construction, or prior use requirements on a manufactured home used as an accessory dwelling unit that are more restrictive than those imposed on site built accessory dwelling units of comparable size.
(h) A manufactured home used as an accessory dwelling unit shall be assessed and taxed as real property.

(i) A manufactured home used as an accessory dwelling unit may share water, sewer, and utility connections with the primary single family dwelling. Separate utility connections or meters may be required only where necessary to protect public health and safety and where such requirements are applied uniformly to all accessory dwelling units.

§8-40-3. Exemptions.

(a) This article does not prohibit a municipality from regulating short-term rentals.

(b)(1)(A) A municipality may require a fee for reviewing applications to create accessory dwelling units; and

(B) The application fee may not exceed $250 for each accessory dwelling unit.

(2) Subdivision (1) of this subsection does not prohibit a municipality from requiring its usual building fees in addition to the application fee.

(c) A policy, regulation, or ordinance in effect on or after January 1, 2027, that applies to an accessory dwelling unit and does not comply with this article is invalid to the extent of its conflict with this article.

(d) A municipality may require an accessory dwelling unit to have:

(1) A will-serve letter from both the water system and the sewer system that serves the primary dwelling; or

(2) Approval from the Department of Health where municipal or private water service or sewer service is not available.

(e) This article does not:

(1) Supersede applicable regulatory requirements; or

(2) Prohibit a municipality from adopting a policy, regulation, or ordinance that is more permissive than the provisions under this article.

Exhibit 2 – Ordinance

Ordinance No. 2026-____

AN ORDINANCE OF THE CORPORATION OF SHEPHERDSTOWN ESTABLISHING REQUIREMENTS FOR ACCESSORY DWELLING UNITS

The Corporation of Shepherdstown hereby ordains as follows:

Section 1. Findings and Purpose.

The Town Council finds and concludes that 2026 West Virginia Senate Bill 659, codified at W. Va. Code §§ 8-42-1 *et seq*., requires municipalities to allow one accessory dwelling unit by right on each lot or parcel occupied by a single-family dwelling, and provides various requirements for municipalities in connection with permitting accessory dwelling units in their communities which supersede the general authority to implement zoning regulations under Chapter 8A of the West Virginia Code.

This ordinance is adopted for the purpose of complying with newly-adopted state law, and to further the purposes of the current Shepherdstown Comprehensive Plan.

In accordance with W. Va. Code § 8A-7-8, this Ordinance has been referred to the Shepherdstown Planning Commission for its advice, and Town Council receives and accepts the recommendation of the Planning Commission that the ordinance amendments are consistent with the current adopted comprehensive plan.

The Town Council additionally finds and concludes that the amendment to the Planning and Zoning Code established by this Ordinance is consistent with the current adopted comprehensive plan, including by furthering Goal EC13, taking action to allow accessory housing.

Section 2. Adoption of Amendment to Title 9 of the Codified Ordinances of the Town.

The following portions of the Codified Ordinances of the Town are hereby amended as provided (new matter underlined; deleted matter ~~stricken~~):

Sec. 9-207. Off-street parking requirements.

Parking space or spaces surfaced with asphalt, concrete or other stabilized material such as crusher-run and three (3) inches of stone shall be provided on any lot on which any of the following uses are hereafter established. Each space shall have access to a street or alley. For purposes of computing, each space will be not less than nine (9) feet wide nor twenty (20) feet long.

I. Minimum requirements for specific uses:

(a) For dwellings, one (1) space on the lot for each living unit in the building. For lodging houses, one (1) space on the lot for each lodging unit in the dwelling. No additional spaces will be required for the first ADU on any lot which already contains a single-family dwelling.

(b) For churches erected on new sites, one parking space on the lot for each ten (10) seats in the main auditorium, but existing churches and additions to or enlargements of churches existing at the time of passage of this title shall be exempt from this requirement.

(c) For places of public assembly, including auditoriums and theatres, one space for each seven (7) seats provided .

(d) For all schools, except high schools, two (2) spaces for each classroom; for high schools ten (10) spaces for each classroom.

(e) For institutions, clubs, lodges and other public and semi-public buildings, five (5) spaces for each one thousand (1,000) square feet of floor area.

(f) For commercial and residential uses located on the same lot in the Residential Commercial District, one space for each dwelling unit and one space for each two hundred (200) square feet of commercial floor area, with a minimum of two (2) spaces required. No additional spaces will be required for the first ADU on any lot which already contains a single-family dwelling.

(g) For commercial uses, except as specified in Section 9-207 I(f), one (1) space for each three hundred (300) square feet of floor area and one (1) space for each two (2) employees.

II. General rules and exceptions:

(a) In the RC and C Districts, parking space may be provided on a separate lot if within three hundred (300) feet of the building served, and two (2) or more owners may join together in the provision of this parking space.

(b) No parking space may be located in a front yard. This does not prohibit parking in a driveway.

(c) Parking spaces may be provided in side and rear yards in the Commercial District but are limited to rear yards in Residential Districts.

(d) Parking space for any use specifically permitted in an R District may be provided on a lot adjoining that use.

(e) Existing buildings not complying with off-street parking requirements may be remodeled, repaired or structurally altered, but any enlargement must provide the required parking spaces for said enlargement.

Sec. 9-208. Accessory Dwelling Units; Private detached garage or accessory building.

(a) A single Accessory Dwelling Unit (ADU) shall be permitted on any lot or parcel containing an existing single-family dwelling, subject to the following requirements:

i. **Single-family dwelling.** For purposes of determining whether the lot or parcel contains an existing single-family dwelling, a structure is a single-family dwelling if it meets the definition provided in this Code and is not used primarily for another purpose (such as a dwelling occupied for multifamily or commercial purposes as a preexisting, nonconforming use).

ii. **Type.** The ADU may be attached to or detached from the single-family dwelling.

iii. **Area.** The ADU must have a smaller area than the existing single-family dwelling, determined by measuring gross floor area. Attached or detached ADUs shall not be more than 75 percent of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less.

iv. **Setbacks**: setbacks from front, side, and rear property lines, and from other structures, for detached ADUs will be the same as those for single-family dwellings in the district. Attached ADUs shall be considered a part of the principal structure for purposes of determining compliance with setbacks.

v. **Height:** Maximum building heights for ADUs shall be the same as the maximum building height for single-family dwellings in the zoning district.

vi. **Lot size:** An ADU will be permitted on a lot having the minimum lot size required for a single-family dwelling in the district.

vii. **Lot coverage:** An ADU will be subject to the maximum lot coverage provisions in the district. An ADU will be permitted if the ADU, together with the existing single-family dwelling and any other structures on the lot or parcel, will not exceed the maximum lot coverage for the district.

viii. **Building or lot frontage:** An ADU will be permitted on a lot having the minimum lot frontage required for a single-family dwelling in the district.

ix. **Streets and Sidewalks:** No improvements to streets or sidewalks will be required as a condition of establishing an ADU, but the property owner and/or contractor shall be responsible for the full cost of repairing and restoring any portion of a street, curb, sidewalk, or other public infrastructure damaged or deteriorated in connection with the construction of an ADU.

x. **Parking**: No additional off-street parking shall be required beyond what is required for the principal dwelling.

xi. **Use**: ADUs shall be used as a dwelling and may be rented, leased, or used for short-term rental purposes subject to applicable law.

xii. **Design:**

(A) Within a historic district as defined by W. Va. Code §8A-1-2, an ADU shall follow the design requirements imposed pursuant to any ordinance or regulation duly adopted for the preservation of that historic district.

(B) Within the Shepherdstown Historic District established pursuant to Chapter 3 of this Title, the requirement to follow such historic district design requirements shall include, but not be limited to, compliance with the then-current Shepherdstown Historic District Design Guidelines and the requirement to obtain a certificate of appropriateness prior to issuance of a project permit pursuant to Section 9-309.

(C) Except for applicable historic district regulations, an ADU shall not be required to match the exterior design, roof pitch, or finishing materials of the existing single-family dwelling.

(D) Unless expressly preempted by this subsection, all design and performance standards applicable to single-family dwellings in the zoning district shall apply to ADUs. If there are no design and performance standards applicable to single-family dwellings in the zoning district, then, unless expressly preempted by this subsection, all design and performance standards applicable to accessory structures in the zoning district shall apply to ADUs.

xiii. **Application**: No ADU may be constructed without a Project Permit as required by Section 9-902 or occupied without an Occupancy Permit as required by Section 9-903. Each application shall be accompanied by an application fee in the amount provided by Section 9-902.XIV.

xiv. **Water and Sewer Service:** No ADU will be permitted unless the applicant provides with the application for a Project Permit and/or Occupancy Permit, as applicable, a "will-serve" letter from the water and sewer system serving the single-family dwelling, or approval from Department of Health if municipal water/sewer service is not available. Water and sewer service for the ADU do not need to be separate from the service for the primary structure.

xv. **Manufactured homes**. A manufactured home may be used as an ADU subject to the requirements of this Section only if it is installed on a permanent foundation and complies with applicable building, fire, and safety codes, as well as historic district design guidelines where applicable.

xvi. **Other zoning regulations**. ADUs will be subject to all other requirements of this Code, including Title 9 Planning and Zoning.

(b) A private garage or other accessory building, except an ADU, located in the rear yard may not be nearer than three (3) feet to any side lot line, nor nearer than twelve (12) feet to an alley line, except that a common or joint garage may be erected on adjoining lots. On corner lots, said garage or other accessory building shall not be nearer to the side street line than the main building.

CHAPTER 4 - COS (Conservation Open Space) District

Section 9-405 Accessory uses

(a) General signs. Section 9-210-I, "Signs, general."

(b) ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

CHAPTER 5 (PR) Park-Residential, R-1, R-2 Districts

Section 9-502 Uses permitted in the PR (Park Residential) District

(a) Uses (a) through (d) permitted in the COS District

(b) A single family residence per existing lot as presently recorded with no construction on a slope greater than twelve (12) percent, or below the base flood level as determined by H.U.D.

(c) ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

CHAPTER 6 - RC (Residential Commercial) District

Section 9-602 Uses permitted in the Residential Commercial District

The following uses shall be permitted if not more than three thousand (3,000) square feet of floor area:

(a) Any use permitted in the R-2 District, including ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

(b) Transient lodgings.

(c) Retail outlets: furniture, department, clothing dry goods, shoe and variety stores, hardware, electrical appliance, paint and wallpaper stores.

(d) Specialty shops: gift shops, jewelry stores, magazine, book and stationery outlets, florist shops, camera and photography shops and studios, sporting goods and antique shops.

(e) Food, Drug and Beverage: grocery, fruit and/or vegetable stores, delicatessens, drug stores, bakeries, restaurants, taverns, and the like.

(f) Service and recreation: laundromats, dry cleaning and laundry pick-up stations, barber and beauty shops, dressmaking and millinery shops, shoe repair and tailor shops, commercial recreation, repair shops for appliances and small articles, furnace, heating and plumbing shops.

(g) Business and professional offices: medical, dental, clinics, law offices, banks, finance, and utility company offices, insurance and real estate offices.

(h) Public service buildings: libraries, museums, and community centers.

(i) Accessory uses or buildings not used for dwelling; provided, that ADUs are permitted as provided in Section 9-208 of this Code.

(j) Business and advertising signs, real estate and public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located, provided that they meet the requirements of Section 9-210

CHAPTER 7 C (Commercial) District

Section 9-702 Uses permitted in the Commercial District

The following uses shall be permitted:

(a) Any use permitted in the RC District; including ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

(b) Newspaper printing and publishing facilities and print shop.

(c) Indoor storage and transfer.

(d) Automobile filling stations, automobile repair and sales.

(e) Lumber yards.

(f) Feed, grain and farmers' supplies

(g) Dry cleaners.

(h) Other commercial ventures, except that none shall be permitted that interfere with neighboring properties in terms of fire hazards, smoke emission, glare, noise, odor, dust, vehicle movement, liquid and solid waste, visibility, vibration, heat, electrical static, or radioactivity.

CHAPTER 9 – ENFORCEMENT AND PENALTIES

Section 9-902 Project permit

I. Required

(a) Before any construction, alteration, reconstruction, moving, or demolition of any structure is made within the town which would affect the exterior appearance of the structure, the applicant proposing to make the construction or change shall file with the Planning Commission an application for permission to build, alter, reconstruct, move, demolish or make the addition.

(b) Before any installation, erection, construction or moving of any utility equipment, including, but not limited to, any overhead electric transmission line, on metal or wooden poles or towers or pole structures, cross country telephone trunk line including microwave, transmission pipe line, natural gas line, trunk sewer

line or sub-station and pump station, portable and stationary standby generators, fuel and oil tanks, air conditioning compressors, liquid propane gas tanks and security alarms, is made within the town, the applicant proposing to make the installation, erection, construction or move shall file with the Planning Commission an application for permission.

(c) Every application shall be referred to and considered by the Planning Commission and accepted or rejected by it; Provided, that: a duly appointed zoning officer may consider and approve, on behalf of the Planning Commission, applications filed which are for Category I projects as the same are defined in Section 9-902 XIV herein, entitled "Project permit fee schedule." No permit for any such change may be granted until the Planning Commission or appropriate zoning officer has acted thereon as hereinafter provided. Applications not approved by the Zoning Officer will automatically be referred to and considered by the Planning Commission and accepted or rejected by it.

XIV. Project permit fee schedule. In order to defray the expense of administering this title, a fee is adopted in the following categories:

Category I:

Minor projects such as murals, awnings, porch railings, window boxes, satellite dishes, solar panels, gutters & downspouts, patios, sidewalks, hardscaping, signs, fences, storage sheds (not attached to the ground) and other minor changes and permit extensions. $50.00

Category II:

Window replacement, roof replacement, siding replacement, porch enclosure, driveways, carports and decks. $100.00

Category III:

New construction of and/or additions to residential, commercial and industrial structures, excluding additions for the purpose of constructing attached ADUs. $300 + $0.50 per sq. ft.

New construction of garages & other accessory buildings including ADUs, and additions to residential structures for the purpose of constructing attached ADUs (permanently attached to the ground). $50 + $0.10 per sq. Ft.

Category IV: Demolition or Relocation of a Structure:

Removal of any building feature(s) or razing of any structure(s) or relocation of a structure to new location. For either project, the applicant must submit the following in writing (in addition to an application):

1. Reason for the demolition/relocation (including historic documentation).
2. Describe the structure's condition in detail.
3. Describe the proposed reuse of the site, including full drawings of new structure & landscaping.
4. Evidence of relevant funding or financial concerns.
5. Timeframe for project

$50.00 Accessory Buildings
$150.00 Non-Contributing Structures (< 50 years old)
$500.00 Contributing Structures (≥ 50 years old)

The Planning Commission shall categorize any request not specifically listed in the above categories.

Fees shall be paid to the Town Treasurer/Clerk and must accompany the application. If work begins without the required permit, double the cost of said permit would be charged

CHAPTER 13 – DEFINITIONS

For the purpose of this title certain terms or words used herein shall be interpreted as follows:

Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not 131 directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used."

Accessory Dwelling Unit means a self-contained and independently accessed living unit that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements.

Accessory Dwelling Unit, Attached means an accessory dwelling unit located within or attached to a structure on the same parcel, with its own entrance/exit directly to the exterior of the property.

Accessory Dwelling Unit, Detached means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a structure on the same parcel.

Accessory use or building - A use or separate unattached building customarily incidental and subordinate to the principle use or building and located on the same lot with such principal use or building.

Apartment - Dwelling unit clearly delineated from adjacent dwelling units as evidenced by the existence of separate entrance, separate plumbing, and separate kitchen. See dwelling unit.

Bed-and-Breakfast Establishment - A residence occupied by the owner in which rooms are let for transients and in which no meal other than breakfast is served for payment. Includes inns in which no long-term lease for rooms is executed by the guest and in which no meals are served for payment.

~~*Dwelling, accessory apartment* - A secondary dwelling unit established in conjunction with a primary dwelling unit, whether a part of the same structure or detached from the primary dwelling unit.~~

Dwelling, one-family - A building containing not more than one (1) dwelling unit

Dwelling, single-family means, in connection with any *Accessory Dwelling Unit* use, a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit, and shall have the same meaning as that term defined by W. Va. Code §§ 8-42-1 *et seq*., as it may be amended.

Dwelling unit - A building or portion thereof arranged or designed for occupancy by not more than one (1) family for living purposes and having cooking facilities.

Family - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family may contain more than three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Floor area of building, total - The total number of square feet of floor area in a building, excluding cellars, uncovered steps, and uncovered porches; but including the total floor area of accessory buildings on the same lot. All horizontal measurements shall be made between interior faces of walls.

Gross Floor Area means, in connection with *Accessory Dwelling Units*, the interior habitable area of a single-family dwelling or an accessory dwelling unit.

Household means a family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Independently accessed means, for purposes of any accessory dwelling unit, an entry and exit leading to the exterior of the accessory dwelling unit, as required by the International Residential Code adopted as part of the State Building Code.

~~*Lot* A parcel of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as required.~~

Lot means part of a subdivision or a parcel of land, the map or plat of which has been legally recorded with the office of the County Clerk, or, a lot or parcel of land, described by metes and bounds, the deed of which has been recorded with the office of the County Clerk.

Manufactured Home means a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 *et seq.*, and installed on a permanent foundation.

Parcel means a single lot, or a grouping of lots acquired by a single deed and considered as one buildable lot for zoning purposes. Parcels that consist of a grouping of lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, subject to compliance with all regulations contained within this Code, including the subdivision regulations.

Short-term rental means an individually or collectively owned single-family house or single-family dwelling unit or a unit or group of units in a condominium, cooperative, time-share, or owner-occupied residential home that is offered for a fee for 30 days or less.

~~*Short-term rental housing* A dwelling unit offered to a succession of renters, tourists, or transients by lease for periods of time less than four (4) months. Short term rental housing includes, but is not limited to, day to day, week to week, and month to month leases Month to month extensions to leases longer than four (4) months shall not be considered short term rental housing. Short term rental housing shall be considered a boardinghouse under these Ordinances. (added December 2011)~~

Section 3. Repeal, Savings, Severability.

Any section of this Code repealed or modified by a subsequent ordinance will continue in force until the effective date of the repealing ordinance.

The repeal or modification of any part of this Code does not affect any existing right acquired, or liability or obligation incurred, under the code sections amended or repealed unless the modifying ordinance expressly so provides. Any repealed or modified part of this Code will remain in force for the purpose of sustaining any proper legal proceedings and prosecutions related to the enforcement of such right or liability brought prior to the repeal or modification.

The repeal of any repealing ordinance, clause, or provision does not revive any former ordinance, clause, or provision unless expressly provided by ordinance.

If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction or other entity or agency having jurisdiction to make such determination, the remainder of this Ordinance and the application to other persons or circumstances remain in effect.

Section 4. Effective date; application. This ordinance shall be effective on January 1, 2027. This Ordinance does not affect rights, duties, or liabilities that matured, penalties that were incurred, and proceedings that were begun, before its effective date. The law remains in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture or liability.

Section 5. Recording of ordinance. The Recorder is directed to obtain all signatures required by the form of Ordinance adopted and maintain an executed original ordinance with the official records of the Town, to be maintained, preserved, and accessed in accordance with the laws of the State of West Virginia, and to take the following additional actions: None.

Section 6. Regulations and guidance. Within 60 days of the adoption of this Ordinance, the Mayor or designee shall prepare, and publish, regulations and/or guidance designed to inform members of the public, in plain language, of the effect of the Ordinance. The regulations or guidelines may also include examples of permitted or preferred designs for ADUs, diagrams showing appropriate locations for ADUs, and a process or workflow describing how to create an ADU by identifying appropriate size and lot locations, preparing designs, applying for permits, constructing in accordance with Codes, and obtaining any necessary inspections and Occupancy permits.

FIRST READING: _____

SECOND READING: _____

ADOPTED: _____

FILED: _____

_____
Mayor

_____
Recorder

Ordinance No. 2026-____

AN ORDINANCE OF THE CORPORATION OF SHEPHERDSTOWN
ESTABLISHING REQUIREMENTS FOR ACCESSORY DWELLING UNITS

The Corporation of Shepherdstown hereby ordains as follows:

Section 1. Findings and Purpose.

The Town Council finds and concludes that 2026 West Virginia Senate Bill 659, codified at W. Va. Code §§ 8-42-1 et.seq., requires municipalities to allow one accessory dwelling unit by right on each lot or parcel occupied by a single-family dwelling, and provides various requirements for municipalities in connection with permitting accessory dwelling units in their communities which supersede the general authority to implement zoning regulations under Chapter 8A of the West Virginia Code.

This ordinance is adopted for the purpose of complying with newly-adopted state law, and to further the purposes of the current Shepherdstown Comprehensive Plan.

In accordance with W. Va. Code § 8A-7-8, this Ordinance has been referred to the Shepherdstown Planning Commission for its advice, and Town Council receives and accepts the recommendation of the Planning Commission that the ordinance amendments are consistent with the current adopted comprehensive plan.

The Town Council additionally finds and concludes that the amendment to the Planning and Zoning Code established by this Ordinance is consistent with the current adopted comprehensive plan, including by furthering Goal EC13, taking action to allow accessory housing.

Section 2. Adoption of Amendment to Title 9 of the Codified Ordinances of the Town.

The following portions of the Codified Ordinances of the Town are hereby amended as provided (new matter <u>underlined</u>; deleted matter ~~stricken~~):

Sec. 9-207. Off-street parking requirements.

Parking space or spaces surfaced with asphalt, concrete or other stabilized material such as crusher-run and three (3) inches of stone shall be provided on any lot on which any of the following uses are hereafter established. Each space shall have access to a street or alley. For purposes of computing, each space will be not less than nine (9) feet wide nor twenty (20) feet long.

I. Minimum requirements for specific uses:

(a) For dwellings, one (1) space on the lot for each living unit in the building. For lodging houses, one (1) space on the lot for each lodging unit in the dwelling. No additional spaces will be required for the first ADU on any lot which already contains a single-family dwelling.

(b) For churches erected on new sites, one parking space on the lot for each ten (10) seats in the main auditorium, but existing churches and additions to or enlargements of churches existing at the time of passage of this title shall be exempt from this requirement.

(c) For places of public assembly, including auditoriums and theatres, one space for each seven (7) seats provided .

(d) For all schools, except high schools, two (2) spaces for each classroom; for high schools ten (10) spaces for each classroom.

(e) For institutions, clubs, lodges and other public and semi-public buildings, five (5) spaces for each one thousand (1,000) square feet of floor area.

(f) For commercial and residential uses located on the same lot in the Residential Commercial District, one space for each dwelling unit and one space for each two hundred (200) square feet of commercial floor area, with a minimum of two (2) spaces required. No additional spaces will be required for the first ADU on any lot which already contains a single-family dwelling.

(g) For commercial uses, except as specified in Section 9-207 I(f), one (1) space for each three hundred (300) square feet of floor area and one (1) space for each two (2) employees.

II. General rules and exceptions:

(a) In the RC and C Districts, parking space may be provided on a separate lot if within three hundred (300) feet of the building served, and two (2) or more owners may join together in the provision of this parking space.

(b) No parking space may be located in a front yard. This does not prohibit parking in a driveway.

(c) Parking spaces may be provided in side and rear yards in the Commercial District but are limited to rear yards in Residential Districts.

(d) Parking space for any use specifically permitted in an R District may be provided on a lot adjoining that use.

(e) Existing buildings not complying with off-street parking requirements may be remodeled, repaired or structurally altered, but any enlargement must provide the required parking spaces for said enlargement.

Sec. 9-208. Accessory Dwelling Units; Private detached garage or accessory building.

(a) A single Accessory Dwelling Unit (ADU) shall be permitted on any lot or parcel containing an existing single-family dwelling, subject to the following requirements:

1) Single-family dwelling. For purposes of determining whether the lot or parcel contains an existing single-family dwelling, a structure is a single-family dwelling if it meets the definition provided in this Code and is not used primarily for another purpose (such as a dwelling occupied for multifamily or commercial purposes as a preexisting, nonconforming use).

2) Type. The ADU may be attached to or detached from the single-family dwelling.

3) Area. The ADU must have a smaller area than the existing single-family dwelling, determined by measuring gross floor area. Attached or detached ADUs shall not be more than 75 percent of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less.

4) Setbacks: setbacks from front, side, and rear property lines, and from other structures, for detached ADUs will be the same as those for single-family dwellings in the district. Attached ADUs shall be considered a part of the principal structure for purposes of determining compliance with setbacks.

5) Height: Maximum building heights for ADUs shall be the same as the maximum building height for single-family dwellings in the zoning district.

6) Lot size: An ADU will be permitted on a lot having the minimum lot size required for a single-family dwelling in the district.

7) Lot coverage: An ADU will be subject to the maximum lot coverage provisions in the district. An ADU will be permitted if the ADU, together with the existing single-family dwelling and any other structures on the lot or parcel, will not exceed the maximum lot coverage for the district.

8) Building or lot frontage: An ADU will be permitted on a lot having the minimum lot frontage required for a single-family dwelling in the district.

9) Streets and Sidewalks: No improvements to streets or sidewalks will be required as a condition of establishing an ADU, but the property owner and/or contractor shall be responsible for the full cost of repairing and restoring any portion of a street, curb, sidewalk, or other public infrastructure damaged or deteriorated in connection with the construction of an ADU.

10) Parking: No additional off-street parking shall be required beyond what is required for the principal dwelling.

11) Use: ADUs shall be used as a dwelling and may be rented, leased, or used for short-term rental purposes subject to applicable law.

12) Design:

(A) Within a historic district as defined by W. Va. Code §8A-1-2, an ADU shall follow the design requirements imposed pursuant to any ordinance or regulation duly adopted for the preservation of that historic district.

(B) Within the Shepherdstown Historic District established pursuant to Chapter 3 of this Title, the requirement to follow such historic district design requirements shall include, but not be limited to, compliance with the then-current Shepherdstown Historic District Design Guidelines and the requirement to obtain a certificate of appropriateness prior to issuance of a project permit pursuant to Section 9-309.

(C) Except for applicable historic district regulations, an ADU shall not be required to match the exterior design, roof pitch, or finishing materials of the existing single-family dwelling.

(D) Unless expressly preempted by this subsection, all design and performance standards applicable to single-family dwellings in the zoning district shall apply to ADUs. If there are no design and performance standards applicable to single-family dwellings in the zoning district, then, unless expressly preempted by this subsection, all design and performance standards applicable to accessory structures in the zoning district shall apply to ADUs.

13) Application: No ADU may be constructed without a Project Permit as required by Section 9-902 or occupied without an Occupancy Permit as required by Section 9-903. Each application shall be accompanied by an application fee in the amount provided by Section 9-902.XIV.

14) Water and Sewer Service: No ADU will be permitted unless the applicant provides with the application for a Project Permit and/or Occupancy Permit, as applicable, a "will-serve" letter from the water and sewer system serving the single-family dwelling, or approval from Department of Health if municipal water/sewer service is not available. Water and sewer service for the ADU do not need to be separate from the service for the primary structure.

15) Manufactured homes. A manufactured home may be used as an ADU subject to the requirements of this Section only if it is installed on a permanent foundation and complies with applicable building, fire, and safety codes, as well as historic district design guidelines where applicable.

16) Other zoning regulations. ADUs will be subject to all other requirements of this Code, including Title 9 Planning and Zoning.

(b) A private garage or other accessory building, except an ADU, located in the rear yard may not be nearer than three (3) feet to any side lot line, nor nearer than twelve (12) feet to an alley line, except that a common or joint garage may be erected on adjoining lots. On corner lots, said garage or other accessory building shall not be nearer to the side street line than the main building.

CHAPTER 4 - COS (Conservation Open Space) District

Section 9-405 Accessory uses

(a) General signs. Section 9-210-I, “Signs, general.”

(b) ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

CHAPTER 5 (PR) Park-Residential, R-1, R-2 Districts

Section 9-502 Uses permitted in the PR (Park Residential) District

(a) Uses (a) through (d) permitted in the COS District

(b) A single family residence per existing lot as presently recorded with no construction on a slope greater than twelve (12) percent, or below the base flood level as determined by H.U.D.

(c) ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

CHAPTER 6 - RC (Residential Commercial) District

Section 9-602 Uses permitted in the Residential Commercial District

The following uses shall be permitted if not more than three thousand (3,000) square feet of floor area:

(a) Any use permitted in the R-2 District, including ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

(b) Transient lodgings.

(c) Retail outlets: furniture, department, clothing dry goods, shoe and variety stores, hardware, electrical appliance, paint and wallpaper stores.

(d) Specialty shops: gift shops, jewelry stores, magazine, book and stationery outlets, florist shops, camera and photography shops and studios, sporting goods and antique shops.

(e) Food, Drug and Beverage: grocery, fruit and/or vegetable stores, delicatessens, drug stores, bakeries, restaurants, taverns, and the like.

(f) Service and recreation: laundromats, dry cleaning and laundry pick-up stations, barber and beauty shops, dressmaking and millinery shops, shoe repair and tailor shops, commercial recreation, repair shops for appliances and small articles, furnace, heating and plumbing shops.

(g) Business and professional offices: medical, dental, clinics, law offices, banks, finance, and utility company offices, insurance and real estate offices.

(h) Public service buildings: libraries, museums, and community centers.

(i) Accessory uses or buildings not used for dwelling; provided, that ADUs are permitted as provided in Section 9-208 of this Code.

(j) Business and advertising signs, real estate and public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located, provided that they meet the requirements of Section 9-210

CHAPTER 7 C (Commercial) District

Section 9-702 Uses permitted in the Commercial District

The following uses shall be permitted:

(a) Any use permitted in the RC District; including ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

(b) Newspaper printing and publishing facilities and print shop.

(c) Indoor storage and transfer.

(d) Automobile filling stations, automobile repair and sales.

(e) Lumber yards.

(f) Feed, grain and farmers' supplies

(g) Dry cleaners.

(h) Other commercial ventures, except that none shall be permitted that interfere with neighboring properties in terms of fire hazards, smoke emission, glare, noise, odor, dust, vehicle movement, liquid and solid waste, visibility, vibration, heat, electrical static, or radioactivity.

CHAPTER 9 – ENFORCEMENT AND PENALTIES

Section 9-902 Project permit

I. Required

(a) Before any construction, alteration, reconstruction, moving, or demolition of any structure is made within the town which would affect the exterior appearance of the structure, the applicant proposing to make the construction or change shall file with the Planning Commission an application for permission to build, alter, reconstruct, move, demolish or make the addition.

(b) Before any installation, erection, construction or moving of any utility equipment, including, but not limited to, any overhead electric transmission line, on metal or wooden poles or towers or pole structures, cross country telephone trunk line including microwave, transmission pipe line, natural gas line, trunk sewer line or sub-station and pump station, portable and stationary standby generators, fuel and oil tanks, air conditioning compressors, liquid propane gas tanks and security alarms, is made within the town, the applicant proposing to make the installation, erection, construction or move shall file with the Planning Commission an application for permission.

(c) Every application shall be referred to and considered by the Planning Commission and accepted or rejected by it; Provided, that: a duly appointed zoning officer may consider and approve, on behalf of the Planning Commission, applications filed which are for Category I projects as the same are defined in Section 9-902 XIV herein, entitled “Project permit fee schedule.” No permit for any such change may be granted until the Planning Commission or appropriate zoning officer has acted thereon as hereinafter provided. Applications not approved by the Zoning Officer will automatically be referred to and considered by the Planning Commission and accepted or rejected by it.

XIV. Project permit fee schedule. In order to defray the expense of administering this title, a fee is adopted in the following categories:

Category I:

Minor projects such as murals, awnings, porch railings, window boxes, satellite dishes, solar panels, gutters & downspouts, patios, sidewalks, hardscaping, signs, fences, storage sheds (not attached to the ground) and other minor changes and permit extensions. $50.00

Category II:

Window replacement, roof replacement, siding replacement, porch enclosure, driveways, carports and decks. $100.00

Category III:

New construction of and/or additions to residential, commercial and industrial structures, excluding additions for the purpose of constructing attached ADUs. $300 + $0.50 per sq. ft.

New construction of garages & other accessory buildings including ADUs, and additions to residential structures for the purpose of constructing attached ADUs (permanently attached to the ground). $50 + $0.10 per sq. Ft.

Category IV: Demolition or Relocation of a Structure:

Removal of any building feature(s) or razing of any structure(s) or relocation of a structure to new location. For either project, the applicant must submit the following in writing (in addition to an application):

1. Reason for the demolition/relocation (including historic documentation).
2. Describe the structure's condition in detail.
3. Describe the proposed reuse of the site, including full drawings of new structure & landscaping.
4. Evidence of relevant funding or financial concerns.
5. Timeframe for project

$50.00 Accessory Buildings
$150.00 Non-Contributing Structures (< 50 years old)
$500.00 Contributing Structures (≥ 50 years old)

The Planning Commission shall categorize any request not specifically listed in the above categories.

Fees shall be paid to the Town Treasurer/Clerk and must accompany the application. If work begins without the required permit, double the cost of said permit would be charged

CHAPTER 13 – DEFINITIONS

For the purpose of this title certain terms or words used herein shall be interpreted as follows:

Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not

131 directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used.”

Accessory Dwelling Unit means a self-contained and independently accessed living unit that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements.

Accessory Dwelling Unit? Attached means an accessory dwelling unit located within or attached to a structure on the same parcel, with its own entrance/exit directly to the exterior of the property.

Accessory Dwelling Unit? Detached means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a structure on the same parcel.

Accessory use or building - A use or separate unattached building customarily incidental and subordinate to the principle use or building and located on the same lot with such principal use or building.

Apartment - Dwelling unit clearly delineated from adjacent dwelling units as evidenced by the existence of separate entrance, separate plumbing, and separate kitchen. See dwelling unit.

Bed and Breakfast Establishment - A residence occupied by the owner in which rooms are let for transients and in which no meal other than breakfast is served for payment. Includes inns in which no long-term lease for rooms is executed by the guest and in which no meals are served for payment.

~~Dwelling? accessory apartment - A secondary dwelling unit established in conjunction with a primary dwelling unit, whether a part of the same structure or detached from the primary dwelling unit.~~

Dwelling? one family - A building containing not more than one (1) dwelling unit

Dwelling? single family means, in connection with any Accessory Dwelling Unit use, a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit, and shall have the same meaning as that term defined by W. Va. Code §§ 8-42-1 et.seq., as it may be amended.

Dwelling unit A building or portion thereof arranged or designed for occupancy by not more than one (1) family for living purposes and having cooking facilities.

Family One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family may contain more than three (3)

persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Floor.area.of.building?total._.The total number of square feet of floor area in a building, excluding cellars, uncovered steps, and uncovered porches; but including the total floor area of accessory buildings on the same lot. All horizontal measurements shall be made between interior faces of walls.

Gross.Floor.Area means, in connection with Accessory.Dwelling.Units, the interior habitable area of a single-family dwelling or an accessory dwelling unit.

Household means a family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Independently.accessed means, for purposes of any accessory dwelling unit, an entry and exit leading to the exterior of the accessory dwelling unit, as required by the International Residential Code adopted as part of the State Building Code.

~~Lot - A parcel of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as required.~~

Lot means part of a subdivision or a parcel of land, the map or plat of which has been legally recorded with the office of the County Clerk, or, a lot or parcel of land, described by metes and bounds, the deed of which has been recorded with the office of the County Clerk.

Manufactured. Home means a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 et. seq¡, and installed on a permanent foundation.

Parcel means a single lot, or a grouping of lots acquired by a single deed and considered as one buildable lot for zoning purposes. Parcels that consist of a grouping of lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, subject to compliance with all regulations contained within this Code, including the subdivision regulations.

Short_term.rental means an individually or collectively owned single-family house or single-family dwelling unit or a unit or group of units in a condominium, cooperative, time-share, or owner-occupied residential home that is offered for a fee for 30 days or less.

~~Short_term.rental.housing – A dwelling unit offered to a succession of renters, tourists, or transients by lease for periods of time less than four (4) months. Short-term rental housing includes, but is not limited to, day-to-day, week-to-week, and month-to-month leases Month-to month extensions to leases longer than four (4) months shall not be considered~~

~~short-term rental housing. Short-term rental housing shall be considered a boardinghouse under these Ordinances. (added December 2011)~~

Section 3. Repeal, Savings, Severability.

Any section of this Code repealed or modified by a subsequent ordinance will continue in force until the effective date of the repealing ordinance.

The repeal or modification of any part of this Code does not affect any existing right acquired, or liability or obligation incurred, under the code sections amended or repealed unless the modifying ordinance expressly so provides. Any repealed or modified part of this Code will remain in force for the purpose of sustaining any proper legal proceedings and prosecutions related to the enforcement of such right or liability brought prior to the repeal or modification.

The repeal of any repealing ordinance, clause, or provision does not revive any former ordinance, clause, or provision unless expressly provided by ordinance.

If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction or other entity or agency having jurisdiction to make such determination, the remainder of this Ordinance and the application to other persons or circumstances remain in effect.

Section 4. Effective date; application. This ordinance shall be effective on January 1, 2027. This Ordinance does not affect rights, duties, or liabilities that matured, penalties that were incurred, and proceedings that were begun, before its effective date. The law remains in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture or liability.

Section 5. Recording of ordinance. The Recorder is directed to obtain all signatures required by the form of Ordinance adopted and maintain an executed original ordinance with the official records of the Town, to be maintained, preserved, and accessed in accordance with the laws of the State of West Virginia, and to take the following additional actions: None.

Section 6. Regulations and guidance. Within 60 days of the adoption of this Ordinance, the Mayor or designee shall prepare, and publish, regulations and/or guidance designed to inform members of the public, in plain language, of the effect of the Ordinance. The regulations or guidelines may also include examples of permitted or preferred designs for ADUs, diagrams showing appropriate locations for ADUs, and a process or workflow describing how to create an ADU by identifying appropriate size and lot locations, preparing designs, applying for permits, constructing in accordance with Codes, and obtaining any necessary inspections and Occupancy permits.

FIRST READING: _____

SECOND READING: _____

ADOPTED: _____

FILED: _____

_____
Mayor

_____
Recorder

Special Events Request

Special Events Application

The Corporation of Shepherdstown has enacted Ordinance 8-801 et seq. requiring a special events application be submitted for all assemblies, demonstrations, special events and parades, as detailed in Sections 8-801 through 8-810 in the Corporation of Shepherdstown Codified Ordinances. All requests must be submitted for departmental and Town Council review. The information requested by this form will be used to determine eligibility for a special events permit. **The event will not be considered for approval until the entire application and all of its parts have been submitted. Applications are due to the Office of the Town Administrator no later than 14 days prior to the proposed special event.**

Event Title SHEPHERDSTOWN YARD SALE **Event Date** 10/24/26

Event Sponsor PIA PELTOLA IF THE TOWN DOESN'T WANT TO SPONSOR THE EVENT **Secondary Date** 11/14/26

Organizer's Contact Information

Name: PIA PELTOLA **Cell:** [redacted]

Address: [redacted] SHEPHERDSTOWN, WV 25443

Email [redacted] **Alt. Phone** —

Event Information

Requested Area(s) ___ City Streets/Sidewalks ___ Sidewalks only ___ Other X SEE THE OTHER SIDE

Location of Event IN FRONT OF PEOPLE'S OWN HOUSES / IN THEIR BACKYARDS

Attach route for processional events. Be precise when indicating location.

Event Hours _____ until _____ **Set up start time** 10:00 AM **Clean up end time** 4:00 PM

****NOTE**** **Town Square Events are limited to SIX (6) Hours, including set-up and clean-up time.**

Anticipated Attendance (per day): **Participants** ? **Spectators** 2 (SEE THE OTHER SIDE)

Office Use Only

Department Heads: Please indicate disposition of event proposal and attach any comments or conditions.

Police: BAC Approved ___ Denied ___ Conditional	**Planning:** KM Approved ___ Denied ___ Conditional
Fire: ___ Approved ___ Denied ___ Conditional	**Public Works** N Approved ___ Denied ___ Conditional
Town Admin.: TSB 10/8 Approved ___ Denied ___ Conditional	**Town Council:** ___ Approved ___ Denied ___ Conditional

Estimated Staff Needed: **Police:** _____ **Fire:** _____ **Public Works:** _____

Recorder _____ **Amount Due** $25.00 **Amount Paid** $25.00 **Insurance Provided** _____ **Council Agenda** 10-14-26

Permit No. _____ **Conditions Attached?** _____

* I AM NOT SURE THE TOWN NEEDS TO BE INVOLVED IN A COMMUNITY YARD SALE..
* ALSO NO FOOTBALL GAME THAT DAY.

RECEIVED
SEP 24 2026
$25.00
CC - Rot

Event Information

Answer the following questions, in full, and attach any additional information

Name of Event SHEPHERDSTOWN YARD SALE

Brief Description of Event: AS IN 2025, SHEPHERDSTOWN FAMILIES WHO CHOOSE TO PARTICIPATE IN THE EVENT, CAN SET UP A YARD SALE IN THEIR YARD/IN FRONT OF THEIR HOUSE (KEEPING SIDEWALKS OPEN) BETWEEN THE DESIGNATED TIMES, AFTERWARDS EVERYONE IS RESPONSIBLE FOR CLEANING UP THEIR OWN YARD SALE. ☆ (SEE BELOW)

Has your organization held this event in the past? YES

When and Where? IN OCTOBER 2025

Is the event a fundraiser? NO

Will you require assistance from Fire/EMS? NO (additional fees apply) How many units? — Council reserves the right to assign additional units at applicant cost.

Will you require assistance from the Police Department? NO (additional fees apply) How many units? — Council reserves the right to assign additional units at applicant cost.

Will items be left overnight? NO What and where? —
Hazmat items must be attended constantly.

Will you be providing private security? NO

Will alcohol NO or food NO be served?
Additional approvals may be necessary through the ABCA or Health Department.

Will you have vendors? NO Are you charging admission NO?
Check with B&O Licensing to obtain additional licenses and tax information.

Will streets NO or intersections NO be blocked? **Requires** police department assistance.
List streets and/or intersections

Public Works assistance needed? NO Street Sweeping NO Barricades or fencing Material NO (additional fees apply)—Council reserves right to assign additional units at applicant cost

Will you be using loud speakers or amplification devices? NO

Continued on next page

☆ THE ANNOUNCEMENTS ABOUT THE EVENT WOULD ASK PARTICIPANTS TO KEEP SIDEWALKS OPEN TO PEDESTRIANS.

Will you be installing temporary structures, such as tents, bleachers, stages, inflatables? NO What and where? —

Check with Planning for U&O Requirements

Will you require dedicated parking or bagged meters? NO

What and where? —

Check with Parking for costs and arrangements

Indemnification

P— Pelkey shall defend and hold harmless the Corporation of Shepherdstown, its officers, employees, agents and representatives thereof, from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages or violation of rights sustained by any person or property in consequence of any neglect on behalf of — (name of organization or business), while their personal property is situated on Town property. I shall further hold the Corporation of Shepherdstown harmless from any claims or amounts arising from any violation of any law, bylaw, ordinance, regulation or decree.

[If required] A certificate of general liability insurance coverage in the amount of no less than $1 million per instance and $2 million aggregate naming the Corporation of Shepherdstown as an additional insured is attached to this application.

I further swear that all information provided in this application is true and accurate to the best of my knowledge and understand that the Shepherdstown Town Council has authority to change or amend my indicated needs, as necessary, and I am responsible for additional fees.

Signature P— Pelkey Date 9/24/26

Title —

FEE SCHEDULE

Application Fee--$25.00

Police Fees--$50.00 per hour or partial hour worked, per officer.

Fire/EMS--$35.00 per hour or partial hour worked, per firefighter and $100 per hour or partial hour for firefighting apparatus and/or medic unit.

Public Works--$35.00 per hour or partial hour worked, per laborer, including time requested or deemed necessary for setup and/or clean-up and $100 per hour or partial hour for Public Works equipment including but not limited to street sweeper, garbage collection, or other heavy equipment required to provide support.

Example – An event beginning at 11am and continuing until 4pm that requires one police officer would incur a cost of 5 hours X $50.00 = $250.00. The same event requiring Public Works setup and support beginning at 10am to 11am with event cleanup and breakdown from 4pm to 5pm would incur a Public Works expense of 2 hours X $50.00 = $100.00.

Additional fees for Town Service may be waived for all Town Funded Events and Town Co- Funded Events

*** The need for Town services is determined by applicant request or staff recommendation and ultimately approved by Town Council***

Receipt

Your payment receipt

Dear **PIA PELTOLA** ,

Thank you for your payment.

Accounts Included
00000000 $25.00

Payment Details
Transaction Amount $25.00
Processing Fee $2.95
Total Amount $27.95
Authorization Code 8224523
Transaction Date 9/24/2026 2:48:42 PM
Card Holder PIA PELTOLA
Card ending with

Please contact Shepherdstown at if you need assistance or have any questions.

Special Events Application

The Corporation of Shepherdstown has enacted Ordinance 8-801 et seq. requiring a special events application be submitted for all assemblies, demonstrations, special events and parades, as detailed in Sections 8-801 through 8-810 in the Corporation of Shepherdstown Codified Ordinances. All requests must be submitted for departmental and Town Council review. The information requested by this form will be used to determine eligibility for a special events permit. **The event will not be considered for approval until the entire application and all of its parts have been submitted. Applications are due to the Office of the Town Administrator no later than 14 days prior to the proposed special event.**

Event Title Shepherdstown's Holiday Kickoff and Tree Lighting **Event Date** 11/27/26

Event Sponsor Experience Shepherdstown **Secondary Date**

Organizer's Contact Information

Name: Ashley Nease (Experience Shepherdstown **Cell:** [redacted]

Address:

Email [redacted] **Alt. Phone**

Event Information

Requested Area(s) X City Streets/Sidewalks ___ Sidewalks only ___ Other

Location of Event German St (between Church & Princess) and King St (btwn German & Old Queen Alley)

Attach route for processional events. Be precise when indicating location.

Event Hours 4:00pm until 8:00pm **Set up start time** 3:00pm **Clean up end time** 10:00pm

******NOTE**** Town Square Events are limited to SIX (6) Hours, including set-up and clean-up time.**

Anticipated Attendance (per day): **Participants** 15 **Spectators** 100

Office Use Only

Department Heads: Please indicate disposition of event proposal and attach any comments or conditions.

Police: ✓ **Approved** ___ **Denied** ___ **Conditional**	**Planning:** ✓ **Approved** ___ **Denied** ___ **Conditional**
Fire: ___ **Approved** ___ **Denied** ___ **Conditional**	**Public Works:** ✓ **Approved** ___ **Denied** ___ **Conditional**
Town Admin: ✓ **Approved** ___ **Denied** ___ **Conditional**	**Town Council:** ___ **Approved** ___ **Denied** ___ **Conditional**

Estimated Staff Needed: **Police:** 3 **Fire:** ___ **Public Works:** ___

Recorder ___ **Amount Due** N/A **Amount Paid** N/A **Insurance Provided** N/A **Council Agenda** 10/14/26

Permit No. ___ Conditions Attached? ___

#BLACK FRIDAY#

Event Information

Answer the following questions, in full, and attach any additional information

Name of Event Shepherdstown's Holiday Kick Off

Brief Description of Event: SVFD Bonfire with S'mores and volunteers dressed as magical winter characters reading by the fire, talking about Shepherdstown's missing Magic Light; Help the Elves find Shepherdstown's Magic Light! (short skit); The Mayor Welcomes Santa to Town & Lights the tree - Santa arrives on fire truck down German St; Kids line up for Santa visits inside McMurran Hall. Santa visits & photos until last kid leaves.

Has your organization held this event in the past? Yes (formerly known as 'Welcome to Christmas'

When and Where? German St (between Church & Princess), King St (btwn German & Old Queen Alley), Shepherd University's McMurran Hall and McMurran Hall Lawn

Is the event a fundraiser? No

Will you require assistance from Fire/EMS? Yes, SVFD (additional fees apply) How many units? Truck & Bonfire Council reserves the right to assign additional units at applicant cost.

Will you require assistance from the Police Department? No (additional fees apply)
How many units? _____ Council reserves the right to assign additional units at applicant cost.

Will items be left overnight? No What and where? _____
Hazmat items must be attended constantly.

Will you be providing private security? No

Will alcohol No or food No be served?
Additional approvals may be necessary through the ABCA or Health Department.

Will you have vendors? No Are you charging admission No?
Check with B&O Licensing to obtain additional licenses and tax information.

Will streets Yes or intersections Yes be blocked? Requires police department assistance.
List streets and/or intersections German St (between Church & Princess), King St (btwn German & Old Queen Alley)

Public Works assistance needed? Not sure Street Sweeping No Barricades or fencing Material Not sure (additional fees apply)—Council reserves right to assign additional units at applicant cost

Will you be using loudspeakers or amplification devices? Yes Will you be installing temporary structures, such as tents, bleachers, stages, inflatables? No What and where? _____
Check with Planning for U&O Requirements

Will you require dedicated parking or bagged meters? Yes

What and where? _____
Check with Parking for costs and arrangements

Also on King St, since there is going to be a bonfire.

Indemnification

I Ashley Nease shall defend and hold harmless the Corporation of Shepherdstown, its officers, employees, agents and representatives thereof, from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages or violation of rights sustained by any person or property in consequence of any neglect on behalf of Shepherdstown Visitors Ctr / Experience Shepherdstown (name of organization or business), while their personal property is situated on Town property. I shall further hold the Corporation of Shepherdstown harmless from any claims or amounts arising from any violation of any law, bylaw, ordinance, regulation or decree.

[If required] A certificate of general liability insurance coverage in the amount of no less than $1 million per instance and $2 million aggregate naming the Corporation of Shepherdstown as an additional insured is attached to this application.

I further swear that all information provided in this application is true and accurate to the best of my knowledge and understand that the Shepherdstown Town Council has authority to change or amend my indicated needs, as necessary, and I am responsible for additional fees.

Signature _____ Date 9/29/26

Title Marketing & Events Coordinator
Experience Shepherdstown

FEE SCHEDULE

Application Fee--$25

Police Fees--$35 per hour or partial hour worked, per officer.

Fire/EMS--$35 per hour or partial hour worked, per firefighter and $100 per hour or partial hour for firefighting apparatus and/or medic unit

Public Works--$20 per hour or partial hour worked, per laborer, including time requested or deemed necessary for set up and/or clean up

Additional fees for Town Service may be waived for all Town Funded Events and Town Co-Funded Events

*** The need for Town services is determined by applicant request or staff recommendation and ultimately approved by Town Council***

Special Events Application

The Corporation of Shepherdstown has enacted Ordinance 8-801 et seq. requiring a special events application be submitted for all assemblies, demonstrations, special events and parades, as detailed in Sections 8-801 through 8-810 in the Corporation of Shepherdstown Codified Ordinances. All requests must be submitted for departmental and Town Council review. The information requested by this form will be used to determine eligibility for a special events permit. **The event will not be considered for approval until the entire application and all of its parts have been submitted. Applications are due to the Office of the Town Administrator no later than 14 days prior to the proposed special event.**

Event Title Festive First Friday **Event Date** 12/4/26

Event Sponsor Shepherdstown Visitor Center / Experience Shepherdstown **Secondary Date**

Organizer's Contact Information

Name: Ashley Nease **Cell:** [redacted]

Address:

Email [redacted] **Alt. Phone**

Event Information

Requested Area(s) X City Streets/Sidewalks ____ Sidewalks only ____ Other

Location of Event German St (between Church & Princess), King St (btwn German & Old Queen Alley

Attach route for processional events. Be precise when indicating location.

Event Hours 5:00pm until 8:00pm **Set up start time** 4:00pm **Clean up end time** 9:00pm

****NOTE**** **Town Square Events are limited to SIX (6) Hours, including set-up and clean-up time.**

Anticipated Attendance (per day): **Participants** 15 **Spectators** 100

Office Use Only

Department Heads: Please indicate disposition of event proposal and attach any comments or conditions

Police: ✓ Approved ____Denied ____ Conditional	**Planning:** Approved ____Denied ____Conditional
Fire: ____Approved ____Denied ____ Conditional	**Public Works:** Approved ____Denied ____Conditiona
Town Admin: Approved ____Denied ____ Conditional	**Town Council:** ____Approved ____Denied ____Conditional

Estimated Staff Needed: **Police:** 3 **Fire:** _____ **Public Works:** _____

Recorder _____ **Amount Due** N/A **Amount Paid** N/A **Insurance Provided** N/A **Council Agenda** 10/14/26

Permit No. _____ **Conditions Attached?** _____

Event Information

Answer the following questions, in full, and attach any additional information

Name of Event Shepherdstown's Festive First Friday

Brief Description of Event: On King St: SVFD Bonfire w/S'mores, Hot Bev Cart from Amy & Alex, Live Carolers performing in Reynolds Hall & On German St: Carolers (Girl Scouts & Youth Choir) roving about town, visiting open businesses. Shops open late -till 8pm.

Has your organization held this event in the past? Yes
When and Where? Dec 5, 2025, Same parts of town

Is the event a fundraiser? No

Will you require assistance from Fire/EMS? Yes (additional fees apply) How many units? Bonfire Council reserves the right to assign additional units at applicant cost.

Will you require assistance from the Police Department? No (additional fees apply)
How many units? _____ Council reserves the right to assign additional units at applicant cost.

Will items be left overnight? No What and where? _____
Hazmat items must be attended constantly.

Will you be providing private security? No

Will alcohol No or food Yes be served?
Additional approvals may be necessary through the ABCA or Health Department.

Will you have vendors? Yes Are you charging admission No ?
Check with B&O Licensing to obtain additional licenses and tax information.

Will streets Yes or intersections Yes be blocked? **Requires police department assistance.**
List streets and/or intersections German St (btwn Church & Princess), King St (btwn German & Old Queen Alley)

Public Works assistance needed? Not Sure Street Sweeping No Barricades or fencing Material Not sure (additional fees apply)—Council reserves right to assign additional units at applicant cost

Will you be using loudspeakers or amplification devices? No Will you be installing temporary structures, such as tents, bleachers, stages, inflatables? Yes What and where? Possibly one or two tents on King St (Town Hal Plaza)
Check with Planning for U&O Requirements

Will you require dedicated parking or bagged meters? Yes

What and where? Bagged meters for free parking will already be in place, we ask that there be no parking signs on King St and German St so cars don't get stuck. If not along German St, then on King St, since there is going to be a bonfire.
Check with Parking for costs and arrangements

Indemnification

I Ashley Nease shall defend and hold harmless the Corporation of Shepherdstown, its officers, employees, agents and representatives thereof, from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages or violation of rights sustained by any person or property in consequence of any neglect on behalf of Shepherdstown Visitors Ctr / Experience Shepherdstown (name of organization or business), while their personal property is situated on Town property. I shall further hold the Corporation of Shepherdstown harmless from any claims or amounts arising from any violation of any law, bylaw, ordinance, regulation or decree.

[If required] A certificate of general liability insurance coverage in the amount of no less than $1 million per instance and $2 million aggregate naming the Corporation of Shepherdstown as an additional insured is attached to this application.

I further swear that all information provided in this application is true and accurate to the best of my knowledge and understand that the Shepherdstown Town Council has authority to change or amend my indicated needs, as necessary, and I am responsible for additional fees.

Signature _____ Date 9/29/2026

Title Marketing & Events Coordinator
Experience Shepherdstown

FEE SCHEDULE

Application Fee--$25

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*** The need for Town services is determined by applicant request or staff recommendation and ultimately approved by Town Council***

Transmission Lines Resolution

Resolution of the Shepherdstown Mayor and Town Council

Opposing the Valley Link North, Gore-Doubs-Goose Creek, and Mid-Atlantic Resiliency Line Project

WHEREAS, the Town of Shepherdstown, founded in 1762 and recognized as one of the oldest towns in West Virginia, is home to an extraordinary concentration of historic architecture, cultural landscapes, and scenic vistas that define its identity and contribute significantly to heritage tourism, education, and community life; and

WHEREAS, Shepherdstown's historic district—listed on the National Register of Historic Places—contains irreplaceable 18th- and 19th-century structures, including German-influenced stone buildings, Civil War–era sites, and the iconic Rumsey Monument, all of which rely on intact viewsheds and rural surroundings to preserve their historical meaning; and

WHEREAS, the surrounding countryside, including the Potomac River bluffs, the Shenandoah River, agricultural lands, and wooded ridgelines, forms a scenic and environmental buffer that is essential to Jefferson County's character, ecological health, and tourism economy; and

WHEREAS, the proposed Valley Link North, Gore—Doubs-Goose Creek, and Mid-Atlantic Resiliency Line (MARL) high-voltage transmission line projects would introduce industrial-scale infrastructure—including 200-foot-wide rights-of-way and towers exceeding 150 feet—into the Jefferson County landscapes surrounding Shepherdstown, causing severe and irreversible harm to historic viewsheds, rural character, and the affecting Jefferson County's nationally recognized and celebrated cultural resources; and

WHEREAS, these transmission corridors would degrade the scenic quality of the Potomac River Valley, disrupt agricultural operations, fragment wildlife habitat, and diminish the natural environment that supports recreation, outdoor tourism, and the quality of life for residents and visitors;

WHEREAS, these transmission lines endanger Jefferson County's karst aquifer system, which supplies drinking water to residents and supports agricultural operations, through herbicide use, tower foundation excavation, soil disturbance, and potential disruptions to groundwater flow; and

DRAFT

WHEREAS, Shepherdstown's cultural identity is deeply tied to its role in American history—including early settlement, the Civil War, the development of higher education, and the arts—and the intrusion of industrial transmission infrastructure would undermine the authenticity and integrity of these historic narratives; and

WHEREAS, the Town Council finds that the proposed projects fail to meet the standards of responsible siting, environmental stewardship, and historic preservation expected for infrastructure of this scale, and that the sponsoring entities have not demonstrated adequate community engagement, transparency, or responsiveness to public concerns; and

WHEREAS, the people of Shepherdstown and Jefferson County have repeatedly expressed strong opposition to transmission corridors that threaten historic landscapes, including during the failed PATH project, and the current proposals replicate many of the same deficiencies including justification, route selection, and community involvement; and

WHEREAS, Shepherdstown recognizes the importance of reliable energy infrastructure but affirms that such infrastructure must be planned and sited in ways that protect historic communities, scenic resources, and the cultural heritage of West Virginia and provide benefit to Jefferson County;

NOW, THEREFORE, BE IT RESOLVED that the Shepherdstown Town Council formally opposes the Valley Link North, Gore-Doubs-Goose Creek, and MARL transmission line projects and urges state and federal regulators, including the West Virginia Public Service Commission, to deny any Certificates of Public Convenience and Necessity associated with these projects; and

BE IT FURTHER RESOLVED that the Town Council directs that this resolution be transmitted to the West Virginia Public Service Commission, Jefferson County Commission, state legislators, federal representatives, and relevant preservation and conservation organizations.

ADOPTED AND APPROVED by the Council of Shepherdstown, West Virginia, this ___ day of _____, 2026.

_____

James K. Gatz, Mayor

_____

ATTEST

DRAFT

Staff Reports

Wastewater, Water and Streets Department

Water/Sewer Leaks / Issues

1) Billmyer mill rd service line leak

2) Perth way service line leak

3)Rt 45 service line leak

Water plant/Wastewater plant

Water plant-

-PSC reports

-Replumbing CL2 Carrier water lines and injector

Wastewater plant-

- Main pump station transfer switch

-PSC reports

Lead and Copper rule

-GRR plan-line replacement deadline Oct 2037

Streets

Fix street signs

Boofest Banners up

Road work/ patch work

Install Kays bench

Leaks

Plaza maintenance

Concrete pad with bays (new construction) PW yard

“See Me” flags installed

Curb clean up

Miller environmental oil clean up complete

Trash/Recycling/Yard waste/Rough cost

Glass- 0 tons

Trash – 48 Tons collected in the month of Aug $2500.00

Recycling- 12 Tons collected in the month of Aug $1200.00

Yard Waste- 15 loads - Dump cost $250

PATH Project update (Kenny Shipley)

construction scheduled to be completed by July 2027

Operator update

Reviewing applications

Police Department

During September, the Shepherdstown Police Department responded to a total of **417 calls for service**. Of those calls, 26 involved assistance to the Jefferson County Sheriff's Office, representing approximately 5.6% of the department's total calls for service. In return, the Jefferson County Sheriff's Office provided assistance to Shepherdstown Police on 17 calls for service during the same period.

The majority of these mutual-assistance calls involved emergencies or circumstances where an additional officer was required due to the nature of the incident. Examples included alarms, motor vehicle crashes involving injuries, panic alarms, suspicious persons, and other calls where additional personnel were necessary for officer and public safety.

It should also be noted that law enforcement agencies throughout Jefferson County operate under a Mutual Aid Memorandum of Understanding (MOU), which provides for reciprocal assistance between agencies when circumstances require additional personnel or resources.

Noteworthy Events and Enforcement Activity

The month of September marked the return of Shepherd University football, which resulted in an increase in vehicular and pedestrian traffic throughout the area. In response to several recent traffic-related incidents, officers increased traffic enforcement efforts throughout the month.

During September, officers conducted 164 traffic stops and issued 79 citations for various traffic offenses. These violations included stop-sign violations, speeding, crosswalk violations, cellular telephone violations, and other traffic-related offenses.

The department also made an arrest for Assault stemming from an incident that occurred at the Mecklenburg Inn.

Additionally, the department finalized the investigation and completed the motor vehicle crash report related to the July 4, 2026, pedestrian in crosswalk collision. The investigation resulted in charges being filed, and the driver involved was subsequently served with those charges.

Town Financial Status

FY27 Budget Executive Summary

Corporation of Shepherdstown | Through August 31, 2026

YTD REVENUE	REVENUE VARIANCE	YTD EXPENSES	EXPENSE SAVINGS
$357,769	($145,881)	$430,371	$83,654
71.0% of YTD budget	Below plan	83.7% of YTD budget	Favorable to plan

YTD NET POSITION	BUDGETED YTD NET	GAP TO PLAN	ANNUAL BUDGET BALANCE
($72,602)	($10,375)	($62,227)	-
Actual revenues less actual expenses	Planned through August	Actual net vs planned net	FY27 revenues less expenses

High-level reading: Revenues are $145,881 below YTD plan. Expenses are $83,654 under plan, but the timing gap in revenues produces a YTD net position of ($72,602).

YTD FINANCIAL OVERVIEW

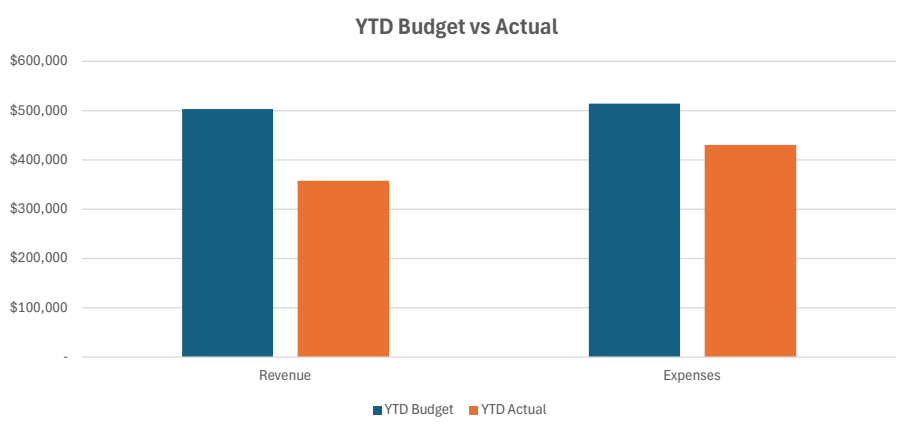
Metric	YTD Budget	YTD Actual	Variance
Revenue	$503,650	$357,769	($145,881)
Expenses	$514,025	$430,371	$83,654
Net position	($10,375)	($72,602)	($62,227)

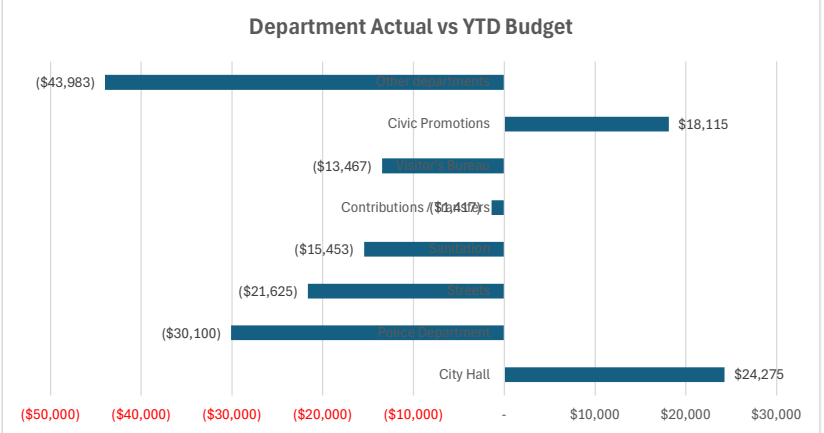
DEPARTMENT SPENDING WATCHLIST

Department	YTD Budget	YTD Actual	Actual vs Budget
City Hall	$115,750	$140,025	$24,275
Police Department	$172,500	$142,401	($30,100)
Streets	$72,342	$50,716	($21,625)
Sanitation	$61,667	$46,213	($15,453)
Contributions / Transfers	$13,917	$12,500	($1,417)
Visitor's Bureau	$26,667	$13,200	($13,467)
Civic Promotions	-	$18,115	$18,115
Other departments	$51,183	$7,201	($43,983)

KEY REVENUE VARIANCE DRIVERS

Revenue source	Variance	Management context
Sales Tax	($104,167)	Quarterly distribution; expected Oct / Jan / Apr / Jul
Taxes Ad Valorem	$52,139	Collections are seasonally heavy in Aug/Sep and Feb/Mar
Liquor Tax	($33,333)	Quarterly state distribution; higher revenue anticipated in Q2
Video Lottery	($31,261)	Weekly state distribution; currently below YTD plan
Contributions from Other Ent	($10,000)	No receipts recorded against YTD plan
Hotel / Motel Tax	($8,166)	Monthly collections below YTD plan
B&O Tax	$6,693	Quarterly tax receipts ahead of YTD plan
Parking Meters	($5,560)	Meter and permit revenue below YTD plan
Interest Income	($4,018)	Operating-account interest below YTD plan
Refuse Collection	$3,335	Monthly collection revenue ahead of YTD plan
Net of other revenue lines	($11,542)	Remaining revenue variances combined





Conclusion: FY27 spending remains controlled and $83,654 below the YTD budget; however, revenues are $145,881 behind plan, resulting in a $72,602 operating deficit. Management should prioritize monitoring the timing and collection of major revenue sources—especially Sales Tax, Liquor Tax, and Video Lottery—while maintaining current expense discipline to restore the budget to plan.

Corporation of Shepherdstown

FY26 Budget vs Actuals

Through August 31, 2026

	REVENUES	FY26 Budget Approved	FY26 Budget Actuals	FY27 Budget	FY267Budget Thru 8/31/2026	FY 27 Actuals Thru 8/31/2026	Over/(Under) Budget Thru 8/31/26	Notes and Explanations
299	Carryover	$ 384,522	$ 384,522	$ 300,000	$ 50,000	$50,000	$0	
301	Taxes Ad Valorem	$ 253,444	$ 273,184	$ 275,000	$ 45,833	$97,972	$52,139	Property Taxes (Collections are heavy in Aug/Sep and Feb/Mar)
301-06	Supplemental Taxes	$ 26,155	$ 501	$ 0	$ 0	$0	$0	These are additional Property Taxes that are collected on reassessed values of properties throughout the year
303	Gas & Oil Severance Tax	$ 5,000	$ 3,817	$ 5,000	$ 833	$0	($833)	Annual distribution from WV for Gas and Oil mining taxes imposed on businesses (Distribution occurs in October)
304	Utility Tax	$ 80,000	$ 97,720	$ 85,000	$ 14,167	$8,662	($5,504)	Monthly Utility Taxes assessed on all utilities
305	B&O Tax	$ 85,000	$ 89,186	$ 90,000	$ 15,000	$21,693	$6,693	Quarterly tax assessed on First Energy Only
306	Liquor Tax	$ 185,000	$ 217,791	$ 200,000	$ 33,333	$0	($33,333)	Quarterly tax assessed on the sale of Wine, Liquor, and Private Clubs by WV - Anticipation of higher revenue in Q2
307	Animal Control Tax	$ 400	$ 173	$ 400	$ 67	$116	$49	Fees for dog tages collected by Jefferson County
308	Hotel/Motel Tax	$ 300,000	$ 209,714	$ 310,000	$ 51,667	$43,500	($8,166)	Monthly Tax assessed on local hotels, motels, and short term rentals
314	Sales Tax	$ 560,000	$ 636,586	$ 625,000	$ 104,167	$0	($104,167)	Quarterly 1% sales tax collected by WV on sales within Shepherdstown limits (Distributions received in Oct, Jan, Apr, and Jul)
320	Fines, Fees, and Court Costs	$ 55,000	$ 46,263	$ 50,000	$ 8,333	$9,695	$1,362	
321	Parking Violations	$ 12,000	$ 19,490	$ 18,000	$ 3,000	$1,430	($1,570)	
325	Business Licenses	$ 10,000	$ 16,929	$ 10,500	$ 1,750	$3,772	$2,022	
326	Building Permits	$ 4,000	$ 3,343	$ 3,000	$ 500	$180	($320)	
327	WV Opioid settlement fund	$ 0	$ 1,029	$ 3,000	$ 500	$0	($500)	
328	Franchise Tax	$ 5,500	$ 7,894	$ 5,000	$ 833	$0	($833)	Quarterly Tax assessed by Shepherdstown on Comcast Cable
330	Interstate/International Registration Plan	$ 5,000	$ 1,622	$ 5,000	$ 833	$0	($833)	Fees assessed by WV on commercial vehicles using the roads in The State (Usually collected monthly, but they are sporadic)
342	Parking Meters	$ 155,000	$ 137,256	$ 156,000	$ 26,000	$20,440	($5,560)	Includes Parking Meter and Parking Permit Revenue
345	Rent and Concession Revenue	$ 45,000	$ 54,101	$ 56,000	$ 9,333	$9,000	($333)	Monthly rent from the Water and Sewer Departments ($1,800 each)
350	Refuse Collection	$ 175,000	$ 188,720	$ 180,000	$ 30,000	$33,335	$3,335	Monthly refuse collection revenue
368	Contributions from Other Entities	$ 0	$ 0	$ 60,000	$ 10,000	$0	($10,000)	
374	Payroll Reimbursement	$ 0	$ 3,131	$ 0	$ 0	$0	$0	
376	Gaming Income	$ 90,000	$ 101,559	$ 100,000	$ 16,667	$15,569	($1,098)	Monthly Tax assessed by WV on gaming revenue in The State
380	Interest Income - Operating Account	$ 130,000	$ 185,125	$ 180,000	$ 30,000	$25,982	($4,018)	
381	Misc. Reimbursements	$ 0	$ 0	$ 0	$ 0	$0	$0	
382	Refunds and Rebates	$ 10,000	$ 8,728	$ 10,000	$ 1,667	$0	($1,667)	Quarterly Rebate from WV Purchasing Card
391	Recycling Program	$ 36,000	$ 41,537	$ 40,000	$ 6,667	$5,992	($674)	Monthly recycling collection revenue
397	Video Lottery	$ 243,129	$ 324,378	$ 250,000	$ 41,667	$10,405	($31,261)	Weekly Tax assessed by WV on Video Lottery Games
399	Miscellaneous Revenue	$ 350	$ 28,788	$ 5,000	$ 833	$25	($808)	Grant Revenue - Payroll Reimbursement for Police grant work
	Total Revenues	**$ 2,855,500**	**$ 3,083,084**	**$ 3,021,900**	**$ 503,650**	**$ 357,769**	**($145,881)**	

	Department Expense Line Items	FY26 Budget Approved	FY26 Budget Actuals	FY27 Budget	FY267Budget Thru 8/31/2026	FY 27 Actuals Thru 8/31/2026	Over/(Under) Budget Thru 8/31/26	Notes and Explanations
409	**Mayor's Office - 409**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
101	Salary	$ 2,000	$ 0	$ 2,000	$ 333	$0	($333)	
104	FICA	$ 0	$ 0	$ 0	$ 0	$0	$0	
111	Telephone	$ 500	$ 0	$ 500	$ 83	$0	($83)	
226	Liability Insurance	$ 100	$ 0	$ 100	$ 17	$0	($17)	Workers Comp
	Total Mayor's Office	**$ 2,600**	**$ 0**	**$ 2,600**	**$ 433**	**$ 0**	**($433)**	
410	**City Council -410**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
101	Salaries	$ 6,000	$ 6,000	$ 6,000	$ 6,000	$0	($6,000)	
104	FICA	$ 450	$ 459	$ 250	$ 250	$0	($250)	
226	Liability /Workers Comp Insurance	$ 250	$ 0	$ 200	$ 200	$0	($200)	Workers Comp
	Total Council	**$ 6,700**	**$ 6,459**	**$ 6,450**	**$ 6,450**	**$ 0**	**($6,450)**	
87								
411	**City Recorder**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
101	Salaries	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$0	($1,500)	
104	FICA	$ 115	$ 115	$ 106	$ 106	$0	($106)	
226	Liability /Workers Comp Insurance	$ 64	$ 0	$ 94	$ 94	$0	($94)	Workers Comp
	Total Recorder	**$ 1,679**	**$ 1,615**	**$ 1,700**	**$ 1,700**	**$ 0**	**($1,700)**	
141								
416	**Police Judges - 416**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
223	Professional Services	$ 9,900	$ 2,400	$ 2,400	$ 400	$ 400	$0	One Municipal Court Judge and one prosecutor
	Total Police Judges	**$ 9,900**	**$ 2,400**	**$ 2,400**	**$ 400**	**$ 400**	**$0**	
435	**Regional Dev Authority - 435**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
222	Dues & Subscriptions	$ 2,649	$ 0	$ 2,500	$ 417		($417)	Annual Bill from Regional Development Authority
	Total Regional Dev. Authority	**$ 2,649**	**$ 0**	**$ 2,500**	**$ 417**	**$ 0**	**($417)**	
437	**Planning & Zoning - 437**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 85,508	$ 44,299	$ 0	$ 0	$ 0	$0	
104	FICA	$ 6,541	$ 3,086	$ 0	$ 0	$ 0	$0	
105	Group Insurance	$ 12,000	$ 12,407	$ 0	$ 0	$ 0	$0	
106	Retirement	$ 8,550	$ 0	$ 0	$ 0	$ 0	$0	
211	Telephone	$ 0		$ 0	$ 0	$ 0	$0	

	Department Expense Line Items	FY26 Budget Approved	FY26 Budget Actuals	FY27 Budget	FY267Budget Thru 8/31/2026	FY 27 Actuals Thru 8/31/2026	Over/(Under) Budget Thru 8/31/26	Notes and Explanations
214	Travel	$ 0		$ 0	$ 0	$ 0	$0	
218	Postage	$ 0	$ 27	$ 0	$ 0	$ 0	$0	
220	Advertising/Legal Publications	$ 0	$ 697	$ 0	$ 0	$ 0	$0	
221	Training & Education	$ 0		$ 0	$ 0	$ 0	$0	
222	Dues & Subscriptions	$ 0		$ 0	$ 0	$ 0	$0	
209	Professional Services	$ 8,500	$ 25,813	$ 0	$ 0	$ 0	$0	legal costs
226	Insurance & Bonds	$ 2,000	$ 1,407	$ 0	$ 0	$ 0	$0	Workers Comp
230	Contracted Services	$ 2,000		$ 0	$ 0	$ 0	$0	
341	Departmental Supplies	$ 0	$ 769	$ 0	$ 0	$ 0	$0	
353	Computer Software / Tech	$ 0	$ 5,424	$ 0	$ 0	$ 0	$0	
	Total Planning and Zoning	**$ 125,099**	**$ 93,929**	**$ 0**	**$ 0**	**$ 0**	**$0**	
438	**Elections - 438**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 1,000	$ 1,800	$ 0	$ 0	$ 0	$0	
222	Departmental Supplies	$ 4,500	$ 1,392	$ 0	$ 0	$ 0	$0	
223	**Total Elections**	**$ 5,500**	**$ 3,192**	**$ 0**	**$ 0**	**$ 0**	**$0**	No election in FY 25
440	**City Hall - 440**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 202,008	$ 271,029	$ 320,000	$ 53,333	$ 57,932	$4,599	
104	FICA	$ 15,454	$ 20,584	$ 23,000	$ 3,833	$ 4,406	$572	
105	Group Insurance	$ 32,000	$ 23,880	$ 40,000	$ 6,667	$ 6,947	$280	
106	Retirement	$ 25,930	$ 21,455	$ 27,000	$ 4,500	$ 4,979	$479	
108	Overtime/Extra Help	$ 2,000		$ 2,000	$ 333		($333)	
211	Telephone	$ 8,000	$ 8,000	$ 9,000	$ 1,500	$ 1,500	$0	
213	Utilities	$ 12,000	$ 12,288	$ 10,000	$ 1,667	$ 2,778	$1,112	
214	Travel	$ 2,000		$ 2,000	$ 333		($333)	
215	R&M Building & Grounds	$ 8,000	$ 22,153	$ 20,000	$ 3,333	$ 615	($2,718)	
216	R&M Equipment	$ 2,000	$ 2,628	$ 2,000	$ 333	$ 743	$410	
218	Postage	$ 4,000	$ 1,001	$ 2,500	$ 417		($417)	Mail Machine
219	Building & Equipment Rental	$ 700	$ 704	$ 1,000	$ 167	$ 2,201	$2,034	
221	Training and Education	$ 2,000	$ 447	$ 10,000	$ 1,667		($1,667)	
220	Advertising/Legal Publications	$ 1,200	$ 1,535	$ 1,500	$ 250	$ 65	($185)	
222	Dues & Subscriptions	$ 0	$ 3,265	$ 2,500	$ 417	$ 52	($364)	Zoom, Adobe Acro, Monday.com subscription --annual - 5 seats for Work Management
223	Professional Services	$ 25,000	$ 85,959	$ 50,000	$ 8,333	$ 13,169	$4,836	Monthly Communication Director and all professional fees / Planning & Zoning Professional Services
224	Audit Costs	$ 8,000	$ 18,856	$ 17,000	$ 2,833		($2,833)	Yearly Audit Costs - BHM, CPA HRP - CH Audit Cost June 30, 2024
226	Insurance & Bonds	$ 35,000	$ 41,231	$ 30,000	$ 5,000	$ 4,220	($780)	Workers Comp and liability insurance

	Department Expense Line Items	FY26 Budget Approved	FY26 Budget Actuals	FY27 Budget	FY267Budget Thru 8/31/2026	FY 27 Actuals Thru 8/31/2026	Over/(Under) Budget Thru 8/31/26	Notes and Explanations
230	Contracted Services	$ 41,000	$ 44,831	$ 50,000	$ 8,333	$ 7,223	($1,110)	
440.71	Pass-Through Grant Expenses			$ 0	$ 0	$ 23,849	$23,849	The Mills Group 2 invoices- submitted for reimbursement
341	Departmental Supplies	$ 23,000	$ 31,925	$ 30,000	$ 5,000	$ 5,708	$708	Office Supplies, Cleaning Supplies, Town Uniform Laundry Services, Etc
353	Computer Software/IT	$ 30,000	$ 29,192	$ 45,000	$ 7,500	$ 3,637	($3,863)	Tek Advisor IT Services , Intuit software
	Total City Hall	**$ 479,292**	**$ 640,965**	**$ 694,500**	**$ 115,750**	**$ 140,025**	**$24,275**	Even though appears to be an increase reflects lines that are underbudgeted in the current year
444	**Contributions/Transfers-444**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
566	Contributions/Transfers to Other Funds	$ 0	$ 5,126	$ 2,000	$ 333	$ 0	($333)	Streets Grant Expense - Pass-Through Grant Expenses
568	Contributions - Community Grants	$ 15,000	$ 112,200	$ 49,000	$ 12,250	$ 12,500	$250	Shepherdstown Visitor's Center - Community Grant - PYMT # 1
568-1	Fire Dept	$ 8,000	$ 7,201	$ 8,000	$ 1,333	$ 0	($1,333)	
	Total Contributions/Transfers	**$ 23,000**	**$ 124,527**	**$ 59,000**	**$ 13,917**	**$ 12,500**	**($1,417)**	
571	**Parking-571**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 51,084	$ 0	$ 0	$ 0	$ 0	$0	New Dept for FY 26 - will allocate from Police Dept moving forward.
104	FICA	$ 3,908	$ 0	$ 0	$ 0	$ 0	$0	
105	Group Insurance	$ 6,800	$ 0	$ 0	$ 0	$ 0	$0	
106	Retirement	$ 8,000	$ 0	$ 0	$ 0	$ 0	$0	
216	R&M Equipment	$ 2,000	$ 0	$ 0	$ 0	$ 0	$0	
345	Uniforms	$ 750	$ 0	$ 0	$ 0	$ 0	$0	
	Total Parking	**$ 72,542**	**$ 0**	**$ 0**	**$ 0**	**$ 0**	**$0**	
699	**Contingencies-699**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
566	Merit	$ 0	$ 0	$ 0	$ 0	$ 0	$0	
	COLA	$ 0	$ 0	$ 0	$ 0	$ 0	$0	
566	Unexpected Contingencies	$ 215,947	$ 0	$ 200,000	$ 33,333	$ 0	($33,333)	
	Total Contingencies	**$ 215,947**	**$ 0**	**$ 200,000**	**$ 33,333**	**$ 0**	**($33,333)**	
700	**Police Department - 700**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 467,725	$ 532,410	$ 550,000	$ 91,667	$ 81,485	($10,182)	Inlcudes Parking Enforcement and Admin Support
104	FICA	$ 35,781	$ 39,990	$ 42,000	$ 7,000	$ 6,110	($890)	
105	Group Insurance	$ 106,720	$ 107,523	$ 110,000	$ 18,333	$ 17,778	($555)	
106	Retirement	$ 53,000	$ 19,794	$ 45,000	$ 7,500	$ 2,391	($5,109)	
108	Overtime/Extra Help	$ 40,000		$ 25,000	$ 4,167		($4,167)	Overtime is not being broken out separately but is being included in Salary line (This had not been previously separated from Salaries before FY25)
211	Telephone	$ 10,000	$ 10,000	$ 10,000	$ 1,667		($1,667)	

	Department Expense Line Items	FY26 Budget Approved	FY26 Budget Actuals	FY27 Budget	FY267Budget Thru 8/31/2026	FY 27 Actuals Thru 8/31/2026	Over/(Under) Budget Thru 8/31/26	Notes and Explanations
213	Utilities	$ 5,000	$ 6,209	$ 10,000	$ 1,667	$ 1,773	$106	
215	R&M Building & Grounds	$ 15,000	$ 24,852	$ 5,000	$ 833		($833)	
216	R&M Equipment	$ 5,000	$ 8,795	$ 8,000	$ 1,333	$ 234	($1,099)	
217	R&M Auto	$ 14,000	$ 7,925	$ 20,000	$ 3,333	$ 3,865	$532	
218	Postage	$ 2,100	$ 1,961	$ 2,000	$ 333	$ 1085	$752	
219	Building & Equipment Rental	$ 0	$ 0	$ 0	$ 0	$ 132	$132	
220	Advertising/Legal Publications	$ 1,000	$ 0	$ 1,000	$ 167		($167)	
221	Training & Education	$ 5,000	$ 1,477	$ 6,000	$ 1,000	$ 1,574	$574	
222	Dues & Subscriptions	$ 0	$ 0	$ 0	$ 0	$ 738	$738	
223	Professional Services	$ 6,000	$ 6,257	$ 6,000	$ 1,000	$ 69	($931)	Law Firm Fees + Police Legal Fees
226	Insurance & Bonds	$ 77,500	$ 79,539	$ 80,000	$ 13,333	$ 12,908	($425)	Workers Comp and Liability Insurance
229	Court Costs and Damages	$ 1,000	-$ 647	$ 1,000	$ 167		($167)	
230	Contracted Services	$ 3,450	$ 8,524	$ 15,000	$ 2,500	$ 743	($1,757)	Magistrate and Police Court Attorney
235	Police Remittance Fees	$ 7,000	$ 7,380	$ 7,000	$ 1,167	$ 1,540	$373	
307	Bank Charges	$ 0		$ 0	$ 0		$0	
341	Departmental Supplies	$ 35,000	$ 11,042	$ 15,000	$ 2,500	$ 1,838	($662)	
343	Police Gas/Fuel	$ 20,000	$ 34,786	$ 25,000	$ 4,167	$ 4,246	$80	
345	Uniforms	$ 6,400	$ 6,553	$ 7,000	$ 1,167	$ 434	($733)	Police Uniform
353	Computer Software/IT	$ 47,000	$ 31,116	$ 45,000	$ 7,500	$ 3,457	($4,043)	Software costs, Tek Advisors Etc - (Notebooks for 2 police vehicles)
	Total Police Dept	**$ 963,676**	**$ 945,486**	**$ 1,035,000**	**$ 172,500**	**$ 142,401**	**($30,100)**	
750	**Streets - 750**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 123,963	$ 121,803	$ 170,000	$ 28,333	$ 17,275	($11,058)	
104	FICA	$ 9,483	$ 9,250	$ 12,000	$ 2,000	$ 1,317	($683)	
105	Group Insurance	$ 29,500	$ 27,294	$ 30,000	$ 5,000	$ 4,513	($487)	
106	Retirement	$ 6,500	$ 6,306	$ 7,000	$ 1,167	$ 729	($438)	
211	Telephone	$ 600	$ 381	$ 700	$ 117		($117)	
213	Utilities	$ 28,000	$ 24,819	$ 28,000	$ 4,667	$ 3,946	($720)	
215	R&M Buildings & Grounds	$ 7,000	$ 6,303	$ 12,000	$ 2,000		($2,000)	
216	R&M Equipment	$ 5,000	$ 24,186	$ 16,000	$ 2,667	$ 875	($1,792)	
217	R&M Auto	$ 11,000	$ 13,107	$ 15,000	$ 2,500	$ 4,861	$2,361	
220	Advertising/Legal Publications/Postage	$ 250	$ 3000	$ 250	$ 42		($42)	
221	Training & Education	$ 250	$ 36	$ 600	$ 100		($100)	
226	Insurance & Bonds	$ 22,000	$ 20,699	$ 20,000	$ 3,333	$ 3,278	($55)	Workers Comp and Liability Insurance
230	Contracted Services	$ 72,500	$ 78,693	$ 75,000	$ 12,500	$ 1,940	($10,560)	Includes Tree Maintenance
341	Departmental Supplies	$ 35,000	$ 25,821	$ 35,000	$ 5,833	$ 10,036	$4,203	Stop to Pedestrian in Crosswalk signs x 6 and anchor kit/6 solar barricade lamps $2.7K
343	Auto Supplies	$ 7,500	$ 7,873	$ 7,500	$ 1,250	$ 1,101	($149)	
345	Uniforms	$ 5,000	$ 4,145	$ 5,000	$ 833	$ 845	$12	

	Department Expense Line Items	FY26 Budget Approved	FY26 Budget Actuals	FY27 Budget	FY267Budget Thru 8/31/2026	FY 27 Actuals Thru 8/31/2026	Over/(Under) Budget Thru 8/31/26	Notes and Explanations
353	Computer / Software			$ 3,000	$ 500	$ 0	($500)	
	Total Streets	**$ 363,546**	**$ 373,716**	**$ 437,050**	**$ 72,342**	**$ 50,716**	**($22,125)**	
800	**Sanitation-800**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 137,780	$ 181,557	$ 190,000	$ 31,667	$ 20,975	($10,692)	
104	FICA	$ 10,540	$ 13,791	$ 14,000	$ 2,333	$ 1,591	($742)	
105	Group Insurance	$ 10,000	$ 9,925	$ 10,000	$ 1,667	$ 1,641	($26)	
106	Retirement	$ 12,200	$ 13,240	$ 16,000	$ 2,667	$ 896	($1,771)	
216	R&M Equipment	$ 1,000	$ 5,518	$ 2,000	$ 333	$ 6,377	$6,043	Trash Truck Repairs
217	R&M Auto	$ 10,000	$ 3,897	$ 5,000	$ 833	$ 277	($556)	
218	Postage	$ 250	$ 0	$ 0	$ 0		$0	
220	Advertising	$ 100	$ 0	$ 0	$ 0		$0	
221	Training & Education	$ 200	$ 0	$ 0	$ 0		$0	
226	Insurance & Bonds	$ 1,200	$ 1,046	$ 2,000	$ 333	$ 180	($153)	Workers Comp
230	Contracted Services	$ 25,000	$ 33,071	$ 50,000	$ 8,333		($8,333)	Reimbursement to Bavarian Inn for Trash Service Per Annexation Agreement
341	Departmental Supplies	$ 12,000	$ 9,719	$ 12,000	$ 2,000	$ 2,362	$362	
343	Auto Supplies	$ 5,000	$ 4,776	$ 5,000	$ 833	$ 835	$2	
345	Uniforms	$ 4,000	$ 4,188	$ 4,000	$ 667	$ 1,035	$368	
349	001-Landfill	$ 28,000	$ 34,128	$ 40,000	$ 6,667	$ 6,142	($525)	Landfill Fees
349	002-Recycling	$ 20,000	$ 18,903	$ 15,000	$ 2,500	$ 3,766	$1,266	Recycling Fees
353	Software/IT	$ 6,000	$ 738	$ 5,000	$ 833	$ 136	($697)	Intuit, Tek Advisors Etc
	Total Sanitation	**$ 283,270**	**$ 334,498**	**$ 370,000**	**$ 61,667**	**$ 46,213**	**($15,453)**	
806	**Water & Sewer-806**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 0	$ 0	$ 0	$ 0	$ 0	$0	Salaries are being recorded in Due To/From Account Instead of here
104	FICA	$ 0	$ 0	$ 0	$ 0	$ 0	$0	FICA is being recorded in Due To/From Account Instead of here
105	Group Insurance	$ 0	$ 0	$ 0	$ 0	$ 0	$0	
106	Retirement	$ 0	$ 0	$ 0	$ 0	$ 0	$0	Retirement is being recorded in Due To/From Account Instead of here
	Total Water & Sewer	**$ 0**	**$ 0**	**$ 0**	**$ 0**	**$ 0**	**$0**	Water and Sewer will reimburse for these expenses
900	**Parks and Rec - 900**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
103	Salaries	$ 0	$ 0	$ 0	$ 0	$ 0	$0	
104	FICA	$ 0	$ 0	$ 0	$ 0	$ 0	$0	
105	Group Insurance	$ 2,500	$ 0	$ 4,000	$ 667	$ 760	$93	Parks ER Workers Comp
106	Retirement	$ 0	$ 0	$ 0	$ 0		$0	
213	Utilities	$ 250	$ 67	$ 1,700	$ 283	$ 103	($180)	

	Department Expense Line Items	FY26 Budget Approved	FY26 Budget Actuals	FY27 Budget	FY267Budget Thru 8/31/2026	FY 27 Actuals Thru 8/31/2026	Over/(Under) Budget Thru 8/31/26	Notes and Explanations
215	R&M Buildings & Grounds	$ 8,000	$ 3,891	$ 9,000	$ 1,500		($1,500)	
216	R&M Equipment	$ 1,000	$ 0	$ 1,000	$ 167		($167)	
226	Insurance & Bonds	$ 1,500	$ 7,204	$ 3,000	$ 500	$ 422	($78)	Liability Insurance -
341	Departmental Supplies	$ 2,000	$ 259	$ 1,000	$ 167	$ 250	$84	
343	Auto Supplies	$ 1,000	$ 2,077	$ 1,000	$ 167	$ 265	$99	
459	Capital Outlay-Equipment	$ 0	$ 0	$ 0	$ 0	$ 0	$0	
	Total Parks and Rec	**$ 16,250**	**$ 13,498**	**$ 20,700**	**$ 3,450**	**$ 1,801**	**($1,649)**	
901	**Visitor's Bureau - 901**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
567	Contributions	$ 150,000	$ 106,311	$ 155,000	$ 25,833	$ 13,200	($12,633)	50% of Hotel/Motel Tax Collections
460	Construction in progress	$ 0	$ 7,892	$ 5,000	$ 833	$ 0	($833)	Rankin Painting - Market House Painting Project for $12k
	Total Visitor's Bureau	**$ 150,000**	**$ 114,203**	**$ 160,000**	**$ 26,667**	**$ 13,200**	**($13,467)**	
912	**Civic Promotions-912**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
568	Contributions	$ 0	$ 0	$ 0	$ 0	$ 0	$0	50% of Hotel/Motel Tax Collections - New Department
568-001	Contributions-Vibrant Downtown & Support the Businesses	$ 21,782	$ 0	$ 0	$ 0	$ 12,549	$12,549	Market House Plaza
568-002	Contributions-Housing & Historical Preservation	$ 21,782	$ 13,161	$ 0	$ 0	$ 0	$0	Installation of Christmas lights at the Market House and Town Hall
568-003	Contributions-Land Use Planning	$ 21,782	$ 0	$ 0	$ 0	$ 0	$0	
568-004	Contributions-Sustainable Services	$ 21,782	$ 5,566	$ 0	$ 0	$ 5,566	$5,566	Tobacco Warehouse Flood Insurance
568-005	Contributions-Town Facilities & Parks	$ 21,782	$ 0	$ 0	$ 0	$ 0	$0	
	Total Civic Promotions	**$ 108,910**	**$ 18,727**	**$ 0**	**$ 0**	**$ 18,115**	**$18,115**	
916	**Library 916**	**FY26 Budget Approved**	**FY26 Budget Actuals**	**FY27 Budget**	**FY267Budget Thru 8/31/2026**	**FY 27 Actuals Thru 8/31/2026**	**Over/(Under) Budget Thru 8/31/26**	**Notes and Explanations**
567	Contributions	$ 24,840	$ 24,840	$ 30,000	$ 5,000	$ 5,000	$0	Monthly Contribution from Shepherdstown to the library of $2,070
	Total Library	**$ 24,840**	**$ 24,840**	**$ 30,000**	**$ 5,000**	**$ 5,000**	**$0**	
381	**Total Expenses**	**$ 2,855,400**	**$ 2,698,056**	**$ 3,021,900**	**$ 514,025**	**$ 430,371**	**($84,154)**	
382								
383	**Surplus or (Deficit)**		**385,028**	**0**			**(61,727)**	Transfer to Capital Outlay
	True Surplus or (Deficit)						**(61,727)**	

Corporation of Shepherdstown

Balance Sheet

As of August 31, 2026

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
106 Petty Cash	440.00
GENERAL FUNDS BANKING	3,386,256.25
RESTRICTED FUNDS	333,222.83
RESTRICTED FUNDS ICS ACCOUNTS	4,651.00
Undeposited Funds	617.98
Total Bank Accounts	**$3,725,188.06**
Accounts Receivable	
General Funds A/R	211,589.46
Total Accounts Receivable	**$211,589.46**
Other Current Assets	
150.00 Net OPEB Asset	19,086.00
Other Current Assets	19,317.00
Total Other Current Assets	**$38,403.00**
Total Current Assets	**$3,975,180.52**
Fixed Assets	
General Fixed Assets (Gov-Wide)	5,490,341.04
Total Fixed Assets	**$5,490,341.04**
Other Assets	
Beneficial Interest in Assets Held by Others	53,343.10
Due from Market House Legal Settlement	15,104.00
Total Other Assets	**$68,447.10**
TOTAL ASSETS	**$9,533,968.66**
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
General Funds A/P	45,672.28
Total Accounts Payable	**$45,672.28**
Credit Cards	
213 Purchase Card Payable	65,295.25

Corporation of Shepherdstown

Balance Sheet

As of August 31, 2026

	TOTAL
Total Credit Cards	**$65,295.25**
Other Current Liabilities	
140.02 DO - Change in Proportionate	-1,320.00
140.5 DO - Change in Assumptions	-2,695.00
2104 PEIA Payable	4,356.00
260 Accrued Compensated Absences	71,127.04
280.10 DI-Different Expected/Actual I	11,110.00
280.20 DI-Difference Proj/Actual Earn	318.00
280.30 DI-Changes/Differences Prop. S	13,022.00
280.40 DI - Changes in Assuptions	10,648.00
290.50 Restricted for Equipment	96,206.00
292.20 PPA-Beginning OPEB Liability	927.00
292.30 PPA-2017 RHBT Payment	-16,675.00
Child Support	-971.53
Christmas Club	-360.00
Due to (from) Coal Severance	-22,750.31
Due to (from) Sewer	-1,243,056.16
Due to (from) Water	-1,553,598.77
Garnishments	3,170.12
Gen Fund Other Current Liab.	29,076.11
Payroll Liabilities	34,453.17
VALIC Retirement Payable	27,819.97
Total Other Current Liabilities	**$ -2,539,193.36**
Total Current Liabilities	**$ -2,428,225.83**
Total Liabilities	**$ -2,428,225.83**
Equity	
290 Investment in Gen. Fixed Assets	5,200,923.00
Fund Balance	6,211,937.83
Retained Earnings	671,943.25
Net Income	-122,609.59
Total Equity	**$11,962,194.49**
TOTAL LIABILITIES AND EQUITY	**$9,533,968.66**

Note
These financial statements have not been subjected to an audit, review, or compilation engagement, and no assurance is provided on them.

Approval of Town Expenditures

Transaction Detail by Account

Corporation of Shepherdstown

Aug-26

	Transaction date	Transaction type	Num	Name	Memo/Description	Amount
GENERAL FUNDS BANKING						
101.011 General Operating Funds 6209						
	09/01/2026	Bill Payment (Check)	ACH	Michael Chalmers	Work Completed within the Communication Director role per contract -August 2026	-1,700.00
	09/01/2026	Bill Payment (Check)	23930	Tek Advisors	IT Services	-2,309.39
	09/01/2026	Bill Payment (Check)	ACH	Potomac Edison Company	Utilities - Town Hall / Police	-653.68
	09/02/2026	Bill Payment (Check)	23931	Shepherdstown Chess Club	Community Grant in support of the Chess Club's Tournament	-1,000.00
	09/02/2026	Bill Payment (Check)	ACH Payment	Kershner Controls	Electric service to run wire for two ADA doors on the ground floor	-5,200.00
	09/02/2026	Bill Payment (Check)	23932	Jefferson County Emergency Communications	6 Cradlepoint Devices / FrisNet Nightwaks CAD/Mobile Data	-203.34
	09/02/2026	Bill Payment (Check)	23933	For Generations Quilting LLC	2 Uniform Shirts - Patches	-20.00
	09/02/2026	Bill Payment (Check)	23934	Arthur J. Auxer, III	2 arraignments for August 2026	-80.00
	09/08/2026	Bill Payment (Check)	23935	Panhandle Printing	Market House Plaza Signs (24" x 36")	-540.00
	09/08/2026	Bill Payment (Check)	23936	PA Municipal, Inc.	Invoice #6240214	-505.89
	09/08/2026	Bill Payment (Check)	ACH	Frontier - Market House Elevator	Elevator phone for the Market House for July/August	-360.17
	09/09/2026	Bill Payment (Check)	ACH Payment	Corporation of Shepherdstown	370 Rumsey Avenue--Rumsey Park Water Bill	-39.27
	09/09/2026	Bill Payment (Check)	ACH	Corporation of Shepherdstown	Water Bill 102 N King St	-81.83
	09/09/2026	Bill Payment (Check)	ACH Payment	Corporation of Shepherdstown	Water Bill for 104 N. King Street	-439.67
	09/09/2026	Bill Payment (Check)		Fogle Accounting and Consulting	Accounting Services	-2,750.00
	09/10/2026	Bill Payment (Check)	23937	Tek Advisors	IT Services	-2,830.99
	09/10/2026	Bill Payment (Check)	23938	WV Corp	General Liability Insurance 7/1/26 - 6/30/27 (quarterly payment)	-64,338.00

09/10/2026	Bill Payment (Check)	23939	East Mountain Health Physicians Inc.	Pre-Employment Placement Screening for Anthony K. Gall (Streets)	-137.00
09/10/2026	Bill Payment (Check)	ACH	Potomac Edison Company	Street Lights for Tobacco Warehouse	-19.70
09/10/2026	Bill Payment (Check)	ACH Payment	Potomac Edison Company	O'Hurley's Street Lights	-33.25
09/10/2026	Bill Payment (Check)	ACH	Potomac Edison Company	City of Shepherdstown Street Lights	-1,844.43
09/15/2026	Expense	August 2026	WV Treasury	Remittance by Municipal Court fees-August 2026	-930.00
09/15/2026	Bill Payment (Check)	23940	Jamie Byron	Installation and maintenance of a native garden located between 101 E. German St. and 107 E. German St.	-2,500.00
09/16/2026	Bill Payment (Check)	23941	Susquehanna Door Service	ADA and Energy Efficient Door Upgrades	-9,700.00
09/16/2026	Bill Payment (Check)	23942	Ellie Blevins	Public Mural Bench	-1,000.00
09/16/2026	Bill Payment (Check)	23943	Shenandoah Sales & Service, Inc.	Serial #1HTMMMMN8GH232217; 2016 Freight 4300- -Sanitation Vehicle	-765.33
09/16/2026	Bill Payment (Check)	23944	Encova Insurance	Worker's Comp Insurance 7/1/26 - 6/30/27 quarterly payment	-4,631.00
09/16/2026	Bill Payment (Check)	23945	Jefferson Co. Solid Waste Authority	Sanitation Dumoing Invoice #8593	-123.50
09/16/2026	Bill Payment (Check)	23946	United Way of the Eastern Panhandle	Teen Court Remittance for August 2026	-200.00
09/16/2026	Bill Payment (Check)	23947	Northeastern Supply, Inc	Invoice #5000744	-651.16
09/16/2026	Bill Payment (Check)	ACH	We-Design Mfg & Construction	Sanitation dept. supplies	-2,924.11
09/21/2026	Bill Payment (Check)	ACH Payment	Viking Tree Service LLC	Invoice #2812 Tree Removal	-4,485.00
10/01/2026	Bill Payment (Check)	ACH	The Bavarian Inn	Reimbursement for trash service per agreement - May, June, July, Aug., Sept. 2026	-13,175.65
10/01/2026	Bill Payment (Check)	ACH Payment	Kershner Controls	Service call for Town Hall outdoor lighting/installation of bulbs	-1,350.00
10/01/2026	Bill Payment (Check)	23948	Native Havens LLC	Landscaping Payment # 2	-11,000.22
10/05/2026	Bill Payment (Check)	23949	Linda Layne	Soil and Mulch for Ped Walkway/Plants behind the Welcome Center	-500.40
10/05/2026	Bill Payment (Check)	23950	Birds Nest Natives	Plants for the planter boxes	-407.00
10/05/2026	Bill Payment (Check)	23951	D&A Cleaning Company, LLC	Cleaning Services	-950.00

10/05/2026	Bill Payment (Check)	23952	Storm, LLC	October/November 2026 Lease Payment for 102 N. King Street	-1,250.00
10/05/2026	Bill Payment (Check)	23953	D. Frank Hill, III, Municipal Judge	Municipal Judge	-200.00
10/05/2026	Bill Payment (Check)	23954	Shepherdstown Public Library	Monthly donation for October 2026	-2,500.00
10/05/2026	Bill Payment (Check)	23955	Melissa E. Viteri	Reimbursement per court 9/16/26	-155.00
10/05/2026	Bill Payment (Check)	23956	Jason Frank Anderson	Reimbursement per court 9/16/2026	-155.00
10/05/2026	Bill Payment (Check)	23957	Tiffany R. Thompson	Reimbursement per court 9/16/2026	-100.00
10/05/2026	Bill Payment (Check)	23958	Crystal Gastley	Interpreting Services on 7/7/26 and 9/23/26 (3 hours total)	-100.00
10/05/2026	Bill Payment (Check)	23959	Tek Advisors	I.T. Services--9/1/26 - 10/1/26	-3,595.73
10/05/2026	Bill Payment (Check)	23960	Panhandle Printing	Plaza Project - October Calendar Signs	-60.00
10/05/2026	Bill Payment (Check)	23961	Danleeco-Concrete	Plaza Project - Invoice #31042	-3,056.00
10/06/2026	Bill Payment (Check)	ACH Payment	Mosca Design	Plaza Project - Cafe Lighting	-118.68
10/06/2026	Bill Payment (Check)	ACH	Potomac Edison Company	Town Hall / Police Electric	-697.77
10/06/2026	Bill Payment (Check)	ACH	Potomac Edison Company	Rumsey Park Electric	-12.33
10/06/2026	Bill Payment (Check)	ACH	Potomac Edison Company	Street Lights	-1,873.57
10/08/2026	Bill Payment (Check)	ACH Payment	Viking Tree Service LLC	Invoice #2823--Silver Maple - Tree removal and stump grinding	-5,850.00
10/08/2026	Bill Payment (Check)	23962	Sustainable Strategies DC, LLC	Grant Consulting Retainer - October 2026/Communications Fee	-3,020.00
Total for 101.011 General Operating Funds 6209					**-$163,124.06**

101.09 PoliceDR/CR Acct-all 6798

08/04/2026	Expense		Merch SETL EPX	MERCH SETL EPX ST 290414701	-0.35
08/04/2026	Expense		Merch SETL EPX	MERCH SETL EPX ST 290414701	-55.95
08/10/2026	Expense		Merch SETL EPX	MERCH SETL EPX ST 290414701	-0.35
08/13/2026	Expense		Merch SETL EPX	MERCH SETL EPX ST 290414701	-0.35
08/18/2026	Expense		Merch SETL EPX	MERCH SETL EPX ST 290414701	-0.35
08/25/2026	Expense		Merch SETL EPX	MERCH SETL EPX ST 290414701	-0.35
Total for 101.09 PoliceDR/CR Acct-all 6798					**-$57.70**

101.50 Payroll Checking 0471

08/04/2026	Expense		Gusto	FEE 840322 GUSTO 2453942850	-728.86
08/07/2026	Expense		VALIC	EREMIT PRM VALIC 9728278001	-9,126.09
08/10/2026	Check	23594	JSB	Christmas Club	-240.00
08/14/2026	Bill Payment (Check)	23595	WV-Mountaineer Flexible Benefits	Insurance - Benefits	-2,020.68
08/14/2026	Bill Payment (Check)	ACH	Aflac	Insurance - Benefits	-567.52
08/17/2026	Expense		VALIC	EREMIT PRM VALIC 9728278001	-9,594.59
08/21/2026	Check	23596	Jefferson Security Bank	Christmas Club	-240.00
Total for 101.50 Payroll Checking 0471					**-$22,517.74**

Total for GENERAL FUNDS BANKING with sub-accounts **-$185,699.50**

213 Purchase Card Payable

08/01/2026	Expense	3985	Comcast Business, Inc	Sewer Telecommunications (401.22 sewer)	297.19
08/01/2026	Expense	5623	WV DHHR Bureau for Public Health	Lab Testing (635.11 water)	20.00
08/01/2026	Expense	5623	Intuit	QuickBooks	149.80
08/01/2026	Expense	5623	Intuit	QuickBooks	149.80
08/01/2026	Expense	5623	Intuit	QuickBooks	90.95

08/03/2026	Expense	2654	Johnnie's Restaurant	Supplies - National Night Out	344.80
08/03/2026	Expense	3082	Gingers Flowers	Funeral flowers for Gary McDowell	199.95
08/03/2026	Expense	3985	Zoom	Zoom Dues	10.00
08/03/2026	Expense	3985	Comcast Business, Inc	telecommunication	431.49
08/03/2026	Expense	5623	Apple Valley Waste Inc	Sanitation - Invoice #0007130354	1,138.80
08/04/2026	Expense	4810	Specialty Business Supplies, Inc	Sample postage (635.11 water)	12.25
08/04/2026	Expense	4810	Shepherdstown Rocs	Ice Samples ---635.11 water	2.99
08/04/2026	Expense	5623	Oldcastle APG	Sanitation - Mulch tip fee trucks/trailers	150.00
08/04/2026	Expense	5623	Kershner Controls	Sewer Supplies Invoice #287	260.00
08/05/2026	Expense	4802	Carquest of Martinsburg- (S.Corp.)	Batteries - GMC C6500/Farm Trucks	403.18
08/05/2026	Expense	3985	Frontier - Market House Elevator	Market House elevator phone	183.49
08/05/2026	Credit Card Credit	5623	Oracle Elevator Holdco Inc.	Credit Card Refund--Dupe payment	-615.18
08/05/2026	Expense	5623	Gladhill Pest Control Inc.	Pest Control	653.00
08/05/2026	Expense	5623	Specialty Business Supplies, Inc	Window Envelopes	200.00
08/05/2026	Expense	5623	Waste Management Inc	Landfill / Sludge	2,422.48
08/06/2026	Expense	4602	Les's Auto & Truck Repair	Repairs to Officer Gisler's vehicle	1,100.00
08/06/2026	Expense	2540	Berkeley Club Beverages, Inc.	Cooler Rental and Water	118.59
08/06/2026	Expense	5623	Everest Window Cleaning (Bolyard Ent.)	Window Cleaning - City Hall	91.80
08/06/2026	Expense	5623	Berkeley Club Beverages, Inc.	Cooler Rental and Water	80.41
08/06/2026	Expense	5623	Cintas Corporation	Uniforms	671.64
08/06/2026	Expense	5623	Cintas Corporation	Uniforms	531.29
08/06/2026	Expense	5623	Cintas Corporation	Uniforms	542.13
08/06/2026	Expense	2615	Walmart	Supplies	51.94
08/06/2026	Expense	2615	You Should Have It	Plaza Project -Rolling Planters	170.13
08/07/2026	Expense	5586	Home Depot	Keys for 102 N. King St. x 2	12.54
08/07/2026	Expense	4810	Hach Co.	Battery replacement samples (635.11 water)	238.60
08/07/2026	Expense	2615	Costco.com	Office Supplies	12.92
08/07/2026	Expense	2615	Home Depot	Plaza Project-Table with Umbrella Hole, 3 benches	333.88
08/08/2026	Expense	3985	Comcast Business, Inc	Telecommunications	1,149.69
08/08/2026	Expense	3985	Comcast Business, Inc	water telecomm (401.22 water)	365.09
08/08/2026	Expense	3985	Bowles Rice LLP	Legal Services--Annexation	1,221.50
08/08/2026	Expense	5623	Intuit	CH QuickBooks Advanced	363.80
08/10/2026	Expense	2654	Genspark AI	Computer Software monthly subscription	24.99
08/10/2026	Expense	4802	84 Lumber Co.	Lumber Boxes for Plaza Project	$385.30
08/10/2026	Expense	2540	Quill Corporation	Office Supplies	$258.62
08/10/2026	Expense	5623	Quill Corporation	Office Supplies	$179.95
08/11/2026	Expense		US Bank	payment - US Bank	-$40,623.61
08/11/2026	Expense	5623	Kershner Controls	Service Call (401.43 sewer)	$520.00
08/12/2026	Expense	2654	Carquest of Martinsburg- (S.Corp.)	Vehicle Maintenance/Equipment	$138.74
08/12/2026	Expense	3009	Les's Auto & Truck Repair	Car Repairs/Maintenance #802	$179.90
08/12/2026	Expense	4810	Home Depot	Softener Supplies (401.42 water)	$209.62
08/12/2026	Expense	4802	Dollar General Store	Paper Towels/TP	$60.05
08/12/2026	Expense	2540	Law Enforcement Systems, Inc.	Plastic protector bag for parking tickets	$93.00

08/12/2026	Expense	2540	Pitney Bowes	Lease of Postage machine	$85.41
08/12/2026	Expense	2540	Law Enforcement Systems, Inc.	Plastic protector bag for parking tickets	$119.00
08/12/2026	Expense	5623	Oldcastle APG	Sanitation - Liquidation - Bag Mulch	$65.00
08/12/2026	Expense	5623	WV DHHR Bureau for Public Health	Lab Testing (635.11 water)	$92.00
08/12/2026	Expense	5623	WV DHHR Bureau for Public Health	Lab Testing (635.11 water)	$69.00
08/12/2026	Expense	2615	Home Depot	Plaza Project	$429.26
08/13/2026	Expense	4594	Amazon.com	Office Chair	$67.40
08/13/2026	Expense	5623	Quill Corporation	Supplies	$312.51
08/13/2026	Expense	5623	Super Shoes	Uniforms	$154.99
08/13/2026	Expense	2615	See Me Flags	15 crosswalk starter sets (reflective flags)	$3,251.41
08/14/2026	Expense	5623	AR&E	Monthly Inspection of Raw Water Pumps (401.46 water)	$302.26
08/14/2026	Expense	5623	Berkeley Club Beverages, Inc.	Hot and cold cooler rental	$11.11
08/14/2026	Expense	5623	Rentals Unlimited, Inc.	Rental of chainsaw/chain loops/suction hose/freight	$1,419.96
08/14/2026	Expense	5623	Quill Corporation	Black toner 2 pack/letter size folders	$113.98
08/14/2026	Expense	2615	Costco.com	Gazebo - Plaza project	$1,551.49
08/15/2026	Expense	3985	Bowles Rice LLP	Professional fees - Legal Fees	$5,290.25
08/15/2026	Expense	3985	CallingPost Communications, Inc.	Communication	$583.00
08/15/2026	Expense	3985	Philadelphia Indemnity Insurance-Flood	FEMA NFIP Flood Insurance policy	$5,566.00
08/15/2026	Expense	2615	Walmart	Computer- TH Supplies	$799.00
08/17/2026	Expense	3985	Amazon.com	4 Halogen bulbs	$94.69
08/17/2026	Expense	2615	Groupon	MS Office Key License	$39.00
08/18/2026	Expense	2654	Ink Technologies	Toner for HP Color Printer	$101.65
08/18/2026	Expense	4258	Team Viewer	Renewal of Team Viewer License (401.211 sewer)	$840.74
08/18/2026	Expense	4802	Craig Paving	Asphalt for Maddex	$355.15
08/18/2026	Expense	3082	Amazon.com	Water Parts (401.43 water)	$85.25
08/18/2026	Expense	5623	Oldcastle APG	Sanitation - tip fee - vehicle with trailer	$30.00
08/18/2026	Expense	5623	AR&E	Pump Maintenance (401.43 water)	$384.82
08/18/2026	Expense	2615	Walmart	Plaza Project--Patio furniture	$238.80
08/19/2026	Expense	3082	Amazon.com	Sewer Plant Supplies (401.42 sewer)	$57.55
08/19/2026	Expense	3082	Home Depot	Water Parts (401.43 water)	$183.54
08/19/2026	Expense	3985	Comcast Business, Inc	Telecommunications for 102 N. King St.	$347.34
08/19/2026	Expense	5623	Quill Corporation	HP 80A Black Toner 2 Pack	$285.99
08/20/2026	Expense	2654	Sheetz	Sheetz	$15.99
08/20/2026	Expense	4602	Booking.com	Police Training 8/24 and 8/25/26 (Hotel)	$93.97
08/20/2026	Expense	3082	Amazon.com	Water Parts (401.43 water)	$271.86
08/20/2026	Expense	5623	WV DHHR Bureau for Public Health	Lab Testing (635.11 water)	$20.00
08/20/2026	Expense	5623	Everest Window Cleaning (Bolyard Ent.)	Window Cleaning	$91.80
08/20/2026	Expense	2615	Home Depot	Plaza Project - Patio furniture	$439.84
08/21/2026	Expense	2540	USPS Shepherdstown	PO Box 237 Rental	$132.00
08/21/2026	Expense	3082	Hach Company	Water Sample Reagents (635.11 water)	$777.18
08/21/2026	Expense	2615	Barco	Plaza project - Square Wheelchair Accessible Picnic table	$1,371.81
08/21/2026	Expense	2615	Walmart	Plaza Project--16 inch round resin umbrella bases x 9	$182.87

08/21/2026	Expense	2615	You Should Have It	Planters - Plaza Project	$2,101.11
08/22/2026	Expense	3009	SpyPoint	Monthly subscription--camera equipment	$10.00
08/22/2026	Expense	3985	EVO GOV	Monthly fee for web site hosting and content management system	$150.00
08/22/2026	Expense	3985	WV Division of Labor	Market House Elevator Inspection	$92.03
08/22/2026	Expense	2615	Lowes	Plaza Project - Patio furniture	$1,335.17
08/23/2026	Expense	5623	Waste Management Inc	Landfill / Sludge	$1,564.85
08/24/2026	Expense	4602	CJ Maggie's American Grill	Police Meal - Training	$16.04
08/24/2026	Expense	3985	Amazon.com	Sidewalk signs/folding sandwich boards	$500.00
08/24/2026	Expense	2615	Wayfair	Plaza Project - Patio furniture	$492.16
08/24/2026	Expense	2615	Walmart	Cleaning supplies	$28.08
08/24/2026	Expense	2615	Home Depot	Plaza Project - Patio furniture	$1,900.29
08/25/2026	Expense	4602	Tudors	Gas - Training	$50.30
08/25/2026	Expense	4602	Tudors	Meal - Training	$5.34
08/25/2026	Expense	4810	Specialty Business Supplies, Inc	Sample postage (635.11 water)	$12.51
08/25/2026	Expense	3082	Amazon.com	Fax Machine for Water Plant (401.24 water)	$659.00
08/25/2026	Expense	3082	Core & Main	Water Parts (401.43 water)	$2,838.57
08/25/2026	Expense	3082	Walgreens	Eye wash - Chemical spill water plant (401.24 water)	$43.44
08/25/2026	Expense	5623	Miss Utility of West Virginia Inc	Message Fees W&S	$44.90
08/25/2026	Expense	5623	Griffith Energy Services, Inc. (diesel)	Diesel / Fuel	$2,042.47
08/25/2026	Expense	5623	Griffith Energy Services, Inc. (gasoline)	Gasoline	$2,844.51
08/26/2026	Expense	4594	Walgreens	Batteries	$19.06
08/26/2026	Expense	3985	WV Division of Labor	Town Hall Elevator Inspection	$92.03
08/27/2026	Expense	2654	Ink Technologies	Toner for color printer	$295.32
08/27/2026	Expense	3009	Les's Auto & Truck Repair	Car Repairs/Maintenance #800 and #805	$2,019.34
08/27/2026	Expense	3082	Home Depot	Plaza Project - Patio furniture	$399.00
08/27/2026	Expense	2615	Lowes	Plaza Project - Patio furniture	$275.97
08/28/2026	Expense	3082	Auto Zone	Work Truck Battery (Streets)	$222.22
08/28/2026	Expense		Adobe Acropro	Adobe Dues / Sub	$21.19
08/28/2026	Expense	5623	Cintas Corporation	Uniforms	$542.13
08/28/2026	Expense	5623	Cintas Corporation	Uniforms	$665.10
08/28/2026	Expense	5623	Cintas Corporation	Uniforms	$524.75
08/28/2026	Expense	5623	Cintas Corporation	Uniforms	$537.22
Total for 213 Purchase Card Payable					**$24,056.47**

RESTRICTED FUNDS

103 Customer Deposit Accounts 3194		
	8/31/2026	
Total for 103 Customer Deposit Accounts 3194		**$0.00**
Total for RESTRICTED FUNDS with sub-accounts		**$0.00**
	TOTAL	**$0.00**

Reports of Committees, Commissions and Boards

Age Friendly Shepherdstown – September 16

The committee reviewed the progress of the Pedestrian Plaza data collection project. Volunteer training has been held on five occasions, with additional training available as needed. Volunteers are scheduled to continue collecting data through September, with additional October dates still available. Data packets have been prepared and an overview of the collection process was provided to staff members assisting with the project.

The committee also reviewed the status of the online survey, with 75 responses received toward the goal of 100. The committee did not feel additional publicity was necessary at this time.

Two items were deferred to the October meeting: continued discussion of Crash Studio and a discussion regarding the committee's structure, including whether it should remain a committee or become an advisory body. The next meeting is scheduled for October 21, 2026, at 1:30 p.m. via Zoom.

Finance Committee – October 7

The Corporation will develop a coordinated timeline for the Edmunds software transition, including key milestones for data migration, system configuration, testing, employee training, and implementation. The Corporation will work with Edmunds to resolve technical and data-related issues and allow sufficient time for testing and troubleshooting to ensure a smooth transition with minimal disruption to operations. The Corporation will schedule a workshop for residents to provide information about the upcoming changes and assist with any questions or concerns. The workshop will allow residents to better understand the process, ask questions, and receive guidance to help ensure a smooth transition.

The Corporation will provide a summary of its current cash assets and available reserves to assist the Mayor and Council in evaluating the proposed school purchase. The information will show available funds, the anticipated purchase costs, and the remaining cash balance to ensure the Corporation can make the purchase while maintaining sufficient reserves for ongoing operations and future needs.

Historic Landmarks Commission – September 14

The Historic Landmarks Commission reviewed and approved four applications involving a fence at 312 W. High Street, a shed at 322 W. German Street, gutter replacements at 200 & 202 S. Princess Street, a rear addition and deck at 320 W. German Street, and a new sign at 112 E. German Street. All applications were approved as consistent with the applicable Historic District Guidelines.

The Commission also held a workshop regarding a proposed addition at 112 E. New Street. Discussion focused on the proposed changes to the roofline and height, the impact on the existing chimney, and the distinction between the original structure and the proposed addition.

Ongoing business included discussion of the Welcome Center sign on the Market House and potential restoration and maintenance work at the Shepherd Family Burial Ground. The Commission expressed support for the proposed burial ground restoration project while noting that general maintenance is outside its purview. Staff also provided updates on the historic preservation enforcement process and the onboarding of a Historic Preservation intern. No new business was discussed.

Planning Commission – September 21

The Planning Commission reviewed and approved four applications involving a fence at 312 W. High Street, a shed at 322 W. German Street, a rear addition at 320 W. German Street, and a hanging sign at 112 E. German Street. The Commission received an update that Town Council had adopted revisions to the Planned Unit Development ordinance and discussed onboarding procedures for new commission members. The Commission also reviewed the draft Accessory Dwelling Unit (ADU) Ordinance, discussing fees, setbacks, internal ADUs, permitting, historic district guidelines, and rental provisions. Revisions and coordination with the Historic Landmarks Commission were discussed, with a special meeting scheduled for October 5 to continue reviewing the ordinance; no recommendation was made to Town Council. The Commission also recognized Ebonee Helmick for three years of service, as this was her final meeting.

Joint Meeting of the Water and Sanitary Boards - September 24

The Water Board is pursuing a rate increase for the water system. This fall we will propose a simple rate increase with more comprehensive recommendations on capacity and other fees after receiving advice from the Town's consultants.
We are putting focus on developing a long-range plan for capital improvements for both the water and wastewater systems.
We have a renewed effort to understand the water distribution system and why the unaccounted water is so high.

1. **Attendees:**
   Members Attending: Leigh Ann Evanson, Lois Spreen, LouAnn Stovall, Marcy Bartlett
   Staff Attending: Gino Sisco, Amy Boyd
   Absent: Jan Hafer

2. **Introductions:** None

3. **Minutes:** The minutes of the August committee meeting were approved.

4. **Old Business:**

   a) **Pedestrian Plaza update:** Reviewed progress on data collection activity.
      a. To date, volunteer training has been offered on five separate occasions. Additional volunteer training will be offered as needed.
      b. Volunteers are currently scheduled to collect data through September. There remain open dates for October.
      c. Amy Boyd and Rachel Oviatt were provided an overview of the data collection process. Data packets have been prepared. Rachel will collect/hand them out to the volunteers.
      d. 75 surveys have been submitted on-line to date against a goal of 100. So, the committee did not feel the need to recommend that the town do anything more to publicize the survey.

5. **New Business:**

   a) **Crash Studio –** defer to October meeting. Leigh Ann is continuing to explore this for AFS.
   b) **Committee structure –** defer to October meeting. This will be a discussion of a committee vs. advisory structure.

6. **Next Meeting:** October 21, 2026 at 1:30pm via ZOOM

DRAFT

SHEPHERDSTOWN FINANCE COMMITTEE MEETING MINUTES

Date/Time: September 02, 2026 – 6:30 P.M.

Location: Town Hall – 104 North King Street

1. Call to Order & Roll Call 6:30 pm

- **Attendance:** Committee members and attendees present in person (no virtual participants). James Gatz (J Gatz), Marcy Bartlett (M Bartlett), Harriet Pearson (H Pearson)
- **Staff/Guests Present:** Maged Kirollos.
- **Errors noted in previous attendance logs:** Correction requested regarding spelling of Harriet's name (**H-A-R-R-I-E-T**) on past documentation.

2. Approval of Minutes

- **August 5th Minutes:** Missing from the meeting packet; to be presented at next month's meeting.
- **August 20th Minutes:** Reviewed with corrections:
  - Correction of Harriet's name spelling (**H-A-R-R-I-E-T**).
  - Addition of explicit motion and second notation when returning from **Executive Session**.
- **Action:**
  - **Motion:** Approved the August 20th meeting minutes subject to the noted corrections.
  - **Outcome:** Motion carried unanimously.

3. Grant Application Reviews

A. Boots on the Ground Youth Leadership Academy (Multicultural Festival)

- **Amount Requested:** $2,500
- **Discussion Points:**
  - Application felt incomplete; lacks detailed project descriptions, event dates, and an expectation of external fundraising.
  - Clarified that while the organization noted intent to offset costs via fundraising, the current request appears to ask the town to cover the majority of initial costs.
  - Standard committee practice/expectation established: Applicants or staff representatives should be present at meetings to present applications and answer questions.
- **Action/Follow-up:**
  - Application deferred/tabled.

- Staff/Committee to gather more data, contact the applicant, and request representation at an upcoming meeting.

B. Constitution Day Parade

- **Amount Requested:** Up to $1,000 (Estimated food expenses: $500; reimbursement for prior flyer/sign costs, postage, and petty expenditures).
- **Discussion Points:**
  - Recognized as a positive civic engagement event based on successful participation in previous years.
  - Noted that any unspent funds from the grant will be returned, as done previously.
- **Action:**
  - **Motion:** Recommend approval of the $1,000 grant request to Town Council.
  - **Outcome:** Motion passed unanimously.
  - **Recommendation:** Encourage applicant representation at the Town Council meeting.

4. Policy Discussion: Community Grant Program & Process Improvement

- **Evaluation Criteria:** Noted that formal criteria exist and should be consistently applied to grant evaluations going forward.
- **Program Structure Issues Identified:**
  - Current process handles requests on a ad-hoc, month-by-month basis, forcing on-the-spot decisions in front of applicants.
  - Total available grant budget line-item pool remains unclear to committee members during evaluation turns.
- **Proposed Process Improvements:**
  - Establish set grant cycles (e.g., quarterly or open period calls for applications with fixed submission deadlines) rather than ongoing ad-hoc submissions.
  - Establish a clear total funding budget pool and maximum award caps per application.
  - Committee to evaluate all submitted applications in totality against set criteria before issuing recommendations to Town Council.

5. Review of Capital & Expenditure Requests

A. Water Board & Sanitary Sewer Board Capital Equipment Requests

- **Items Requested:** Excavator (Sewer), Lift/Platforms (Wastewater), and related capital equipment approved previously by the Water and Sanitary Sewer Boards.
- **Governance & Oversight Discussion:**

    - Questions raised over whether utility capital requests need full Finance Committee and Town Council approval or if Water/Sewer Board approvals suffice.
    - Consensus reached that Town Council retains ultimate financial liability and oversight responsibility, requiring Council/Finance oversight across all town entities (Water, Sanitary Sewer, Parks, Tree Commission, etc.).
    - Committee requested full budget documentation packets (Town Hall, Water, and Sanitary Sewer budgets) to properly evaluate cross-departmental debt levels and reserve balances.
- **Follow-up:** Consult town legal counsel (Corey/Roy Shingleton) and administrative leadership regarding proper statutory governance procedures and approval workflows for utility budgets and rate increases.

B. Departmental Expenditure Oversight

- **Discussion:**
    - Reviewed procedure for major budgeted capital purchases (e.g., garbage truck, police enforcement equipment).
    - Clarified distinction between daily operational spend authority of department managers vs. major capital line-item execution.
    - Highlighted the need for clearer transparency and formal project plan reviews before departments commit substantial funds across all town committees (e.g., Parks Commission, Tree Commission).

6. Next Steps & Action Items

1. **Minutes:** Correct August 20th minutes spelling/Executive Session entries; obtain and present missing August 5th minutes for the next meeting.
2. **Boots on the Ground Grant:** Staff/Committee to contact applicants for additional details and invite them to present at the next meeting.
3. **Budget Documentation:** Ensure members receive comprehensive budget documentation covering Town General Fund, Water, and Sanitary Sewer funds ahead of upcoming review sessions.
4. **Legal Counsel Consultation:** Clarify advisory vs. decision-making roles regarding Water/Sewer board approvals with the town attorney.

7. Motion to move into an executive session under West Virginia law (West Virginia Code § 6-9A-4),

a) M Bartlett moved for an executive session; H Pearson seconded.

8. Adjournment

a) H Pearson moved to adjourn; M Bartlett seconded.
b) Motion to adjourn was unanimous.
c) The meeting adjourned at 9 pm.

SHEPHERDSTOWN HISTORIC LANDMARKS COMMISSION
Monday, September 14, 2026
6:00 p.m.,
TOWN HALL
104 NORTH KING STREET

In attendance: Commissioner Chair Keith Alexander (KA), Ashley Reynolds (AR), Cheryl Brown (CB), Jim King (JK) (advisory), Karl Musser (KM) (staff)
In absentia: Tom Mayes (TM), Rebecca Bicker (RB)
In audience: Sylvia Turner (ST), Lindsey Bordovsky (LB), Jamison Deason (JD), Carlos Niederhauser (CN), Elizabeth Wheeler (EW), Wesley Bateman (WB), Mariette Corrocan (MC), Chris Stroech (CS), Annette Gavin Bates (AGB), Shane Harris (SH), Mike Nickerson (MN)

1. **Call to Order:** KA called the meeting to order at 6:00 p.m.
2. **Approval of Minutes:** Approved as submitted.
3. **Introductions:** Joe Yates
4. **Visitors:** None
5. **Conflicts of Interest:**
6. **Applications**

26-20 – 312 W. High Street

ST summarizes the project which involves adding a vinyl fence to enclose the yard that matches the portion of existing fence in style.

- Commissioners discuss the project, CB notes a preference for wood, but commissioners conclude the fence matches other fences in the neighborhood. KA also notes the need for a fence due to the applicant's traffic issues. AR moved to approve application as being consistent with Guidelines on PG 68. CB seconded. All in favor. None opposed. Passed.

26-21 – 322 W. German Street

JD summarizes the project which involves adding a shed to the backyard.

- Commissioners discuss the project. CB moved to approve application as being consistent with Guidelines on PG 56 (C). AR seconded. All in favor. None opposed. Passed.

26-22 – 200 & 202 S. Princess Street

EW summarizes the project which involves replacing the gutters, using half-round style on the public facing sides and K style on the interior sides.

- Commissioners discuss the project, clarify which sides count as public facing, which EW notes does include the side facing Union Alley. CB moved to

approve application as being consistent with Guidelines on PG 50. AR seconded. All in favor. None opposed. Passed.

26-23 – 320 W. German Street

WB summarizes the project which involves adding an addition and deck to the rear of a brick building that already has an older addition behind it. The new addition would attach to the older addition rather than the original building.

- Commissioners discuss the project with KA reviewing the list of guidelines for additions. Issues discussed include the overall scale of the project, comparisons between the new addition, old addition, and original building, particularly in regards to the materials and different roofing styles and the windows. Commissioners note there are clear differentiations between the different sections. AR moved to approve application as being consistent with Guidelines on PG 68 with reference. CB seconded. All in favor. None opposed. Passed.

26-24 – 112 E. German Street

MC summarizes the project which involves a new sign for The Mutt Market using the same bracket previously used by Cooper Captures Gallery.

- Commissioners discuss the project. AR moved to approve application as being consistent with Guidelines on PG 63. CB seconded. All in favor. None opposed. Passed.

6. **Workshop Sessions:**
   - 112 E. New Street—CS presented a possible addition to the residence that would extend to the rear and side of the primary structure and raise the roof height. The commissioners expressed concerns about losing the chimney to the side extension, changes to the roofline and height, and the lack of differentiation between the original structure and the addition.

7. **Ongoing Business**
   - Welcome Center sign on the Market House
     - AGB gives background on the existing sign and questions the need for replacement. KA summarizes HLC concerns about the sign. AGB describes damage done by the old sign and hidden by the current sign, agrees to provide installation details for the current sign. AGB also expresses a maintenance need for the smaller Public Library sign currently on the building and for any new sign. For a new sign AGB stresses that legibility is important and suggest if it references past uses of the building a preference for the Market House. Discussion of how sign is attached to the building. Discussion of possible damage

behind the sign, the need to address that and prevent future damage. SH expresses willingness to do restoration work on the smaller library sign and discusses designs of a potential new sign.

- Shepherd Family Burial Ground restoration work
    - MN gives a summary of proposed restoration work to be performed by Gruber-Latimer, including additional maintenance issues that need to be addressed. CB notes that the sidewalk is particularly dangerous. The HLC expresses support for the project, but also notes that general maintenance is outside the HLC purview.
- Town Staff Report.
    - Enforcement process is still being worked on and almost complete.
    - Historic Preservation intern onboarding this week.
- AR mentions possible nomination for the Historic Preservation Awards.

8. **New Business**
    - None

9. **Adjournment:** Adjourn at 7:57 p.m.

SHEPHERDSTOWN PLANNING COMMISSION MEETING MINUTES

September 21, 2026 – 6:00 p.m.

Town Hall – 104 North King Street

1. **Call to Order**

   The meeting was called to order at 6:00 pm by Lauren Chapalee.

   Attendance

   Members Present: Lauren Chapalee, Ebonee Helmick, Michael Binder, Madge Morningstar, James Gatz

   Staff Present: Karl Musser

2. **Approval of Previous Months' Minutes**

   Michael Binder moved to approve the August 2026 meeting minutes. Ebonee Helmick seconded. All ayes; motion carried.

3. **Introductions**

   Joe Yates (not present) was identified as the new Town Council representative to the Planning Commission.

4. **Visitors**

   Visitors Present: Keith Alexander (HLC), Jim Auxer

5. **Conflicts of Interest**

   No conflicts of interest were disclosed.

6. **Applications**

   a. **Application 26-20 – 312 W. High St. – Fence**

      The Commission reviewed the proposed four-foot vinyl fence and confirmed that the gates would swing inward. Discussion addressed the ordinance's preferred materials and the Historic Landmarks Commission's assessment that vinyl was compatible with existing fencing on the property and in the neighborhood.

      Madge Morningstar moved to approve Application 26-20. Michael Binder seconded. All ayes; motion carried.

   b. **Application 26-21 – 322 W. German St. – Shed**

      The applicant clarified that the plans provide at least three feet between the fence and the nearest shed wall. The Commission reviewed the application on the basis of that clarification.

      Ebonee Helmick moved to approve Application 26-21. Michael Binder seconded. All ayes; motion carried.

   c. **Application 26-23 – 320 W. German St. – New addition**

      The applicant's designer presented the rear addition, including a mudroom expansion, family room, covered porch, and metal roofing on the existing rear addition. The Commission discussed setbacks, green space, building size, energy efficiency, and compatibility with the historic structure.

      Michael Binder moved to approve Application 26-23. Madge Morningstar seconded. All ayes; motion carried.

DRAFT

d. **Application 26-24 – 112 E. German St. – Sign**
The applicant proposed a hanging wooden sign using the existing bracket and clarified that the paw-shaped sign would be made from one solid piece of wood.
Madge Morningstar moved to approve Application 26-24. Ebonee Helmick seconded. All ayes; motion carried.

7. Continuing Business

a. **Town Council update**
The Commission received an update that Town Council had adopted revisions to the Planned Unit Development ordinance. A development application was expected to come before the Commission within the next month or two.

8. New Business

a. **On-boarding new commission members**
Members discussed town email, shared-drive access, training resources, and access to Title IX, Chapter 8, the Open Governmental Meetings Act, historic design guidelines, and the comprehensive plan. Shared-drive access would be provided, and a similar orientation discussion was proposed for Joe Yates.

b. **Draft Accessory Dwelling Unit (ADU) Ordinance**
The Commission reviewed the draft's consistency with the comprehensive plan and discussed fees, setbacks, internal ADUs, simultaneous permitting of a principal dwelling and ADU, historic district guidelines, and rental provisions; revisions and coordination with the Historic Landmarks Commission were discussed. Committee agreed to circulate a revised draft by Friday, and the Commission agreed to review it at a special meeting on October 5, 2026, at 7:30 p.m., following the Historic Landmarks Commission meeting, before making a recommendation to Town Council; no recommendation was adopted.

c. **Recognition of Ebonee Helmick**
The Commission recognized Ebonee Helmick for three years of service, including her leadership as president, her work during a period without staff support, and her contributions to the comprehensive plan. This is Ebonee Helmick's last meeting.

9. Adjournment

Madge Morningstar moved to adjourn. Ebonee Helmick seconded. All ayes; motion carried. The meeting adjourned at 7:57 pm.

DRAFT

SHEPHERDSTOWN WATER AND SANITARY BOARDS MEETING

MINUTES

Thursday, September 24, 2026-6:30 p.m.

Town Hall-104 N. King Street, Shepherdstown

1.Call to Order: The Meeting was called to order at 6:30 p.m.

2. Visitors - Mr. Auxer

3. Attendance

a. Water Board Members Present: James Gatz, Marcy Bartlett, John Bresland, Jack Eggleston, Dan Shelton, Kathleen Stratton, Sue Kemnitzer

b. Sanitary Board Members Present: James Gatz, Harvey Heyser, Bob Keller

4. Approval of Minutes

a. July Regular Meeting

Vote: The Sanitary Board approved with change of wording of vote to approve purchase of excavator from "staff request to staff proposal".

Vote : The Water Board approved with change of wording of vote to approve purchase of excavator from "staff request to staff proposal".

5. Flow and Quality Reports

Boards asked for more explanation of the difference between the monthly average of gallons of water pumped from the water plant (659, 155) and the amount entering the sewer plant (173,800). Plus, the boards asked for the volume of water that is billed to customers. Staff will provide more information at the October meeting.

6. Financial Reports

Financials continue to project an operating deficit for the year for the water department.

7. Old Business

a. Methodology for charging intraplant water usage: The mayor handed out an analysis of the costs of intraplant water and sewage usage. He suggested that we explore the feasibility of charging both systems for their "domestic" use of water and sewer services only but not charge for any "production" uses of water or sewer services. A vote on this issue will be taken at the October meeting.

b. Discussion of Water Rate Increases and timeline for application to PSC: Members expressed appreciation for the briefing by legal counsel at the September 23 joint meeting with the Town Council. Decker accounting firm has begun producing financial information supporting a change in rates. It will not be ready until October.

c. Status of study of Water Department capacity fees and long-term capital needs: The boards suggest that a consultant is engaged to study our needs and prepare a thorough analysis of the financial options that we could employ to meet those needs.

d. Status of the Water and Sanitary Departments annual reports to the Public Service Commission: The staff reports that Decker accountants are working on these but they will not be ready until the end of October. Information in that report will then be used in Deckers's advice on rate increases.

e. Hydrant Report: Flushing, replacements and some repairs are completed. Eight hydrants are still in need of repair.

8. New Business

a. **Approval of FY27 expenditure for grant writing support. The** mayor asked the boards to share the cost of a new contract for grant writing services. The Water Department is asked to pay 30%, the Sanitary Department 30% and the town 40%. The boards asked for assurance that a commensurate amount of effort would be devoted to their needs. Board members are encouraged to suggest projects for the consultant.

Vote: The Water Board approves cost sharing for grant writing services.

Vote: The Sanitary Board approves cost sharing for grant writing services.

9. Summary for Town Council

a. Status of the preparing a rate increase for the water department: Simple rate increase proposal to council this fall. More comprehensive recommendations on capacity fees etc. after advice from consultants.

b. Continued focus on developing a long-range plan for capital improvements

c. Renewed effort to understand the water distribution system and why unaccounted water is so high.

10. Next meeting will be October 22**.** Then we meet again on Thursday, December 3. Due to the holiday period, we will combine the November and December meetings. Our first meeting in 2027 will be on January 28, 2027.

11. Adjourn

Materials Distributed at the Meeting

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PUD PRE-APPLICATION CONFERENCE REQUEST

PLEASE TYPE OR PRINT IN INK

The purposes of the Planned Unit Development (PUD) Pre-Application Conference are to:

1. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town plans and policies.
2. Allow the Mayor and/or Zoning Officer to inform the applicant of pertinent policies, standards, ordinance requirements, materials, and procedures for the Planned Unit Development (PUD) as well as identify and discuss potential site and off-site constraints.
3. The pre-application conference is intended only for the above purposes. Any discussion, comment, guidance, recommendation, interpretation, or indication of support expressed by Town officials, staff, consultants, or representatives during a PUD pre-application meeting shall be advisory only and shall not be binding upon the Corporation of Shepherdstown or the applicant. No statement made at such meeting shall constitute a formal decision, approval, or commitment regarding the PUD application. All determinations shall be made only upon formal submission, review, and action in accordance with the PUD procedures and standards set forth in Section 9, Chapter 7A of the Corporation of Shepherdstown's Codified Ordinances.

I. OWNER / APPLICANT					
Name:	Applicant: J. L. Moore, Inc. Attn: Michelle Shipley			Phone:	N/A
Mailing Address:	P.O. Box 1355			Mobile:	304-279-2208
	Shepherdstown, WV 25443	Email:	ghshipley@hotmail.com		
II. AGENT / CONTACT INFORMATION					
Name:	Marc A. Mezzanotte			Phone:	240-875-5896
Mailing Address:	7100 Guilford Drive, Suite 200			Mobile:	304-820-8048
	Frederick, MD 21704	Email:	mamezzanotte@labellapc.com		
Mailings:	Send all correspondence to (check one): ☐ Owner/Applicant OR ☒ Agent/Contact				
III. PROPERTY					
Street Address (if assigned):	5026 River Road, Shepherdstown, WV 25433				
Tax Map(s) #:	1 & 8	Parcel(s) #:	44, 44.1, 89, 90, 91	Acreage:	12.5859
Current Zoning Classification(s): Residential- Low & Planned Unit Development (PUD)					
Current Land Use(s): Residential					

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PUD PRE-APPLICATION CONFERENCE REQUEST

IV. CONTEMPLATED PUD NARRATIVE

A. Provide a general description and purpose of the contemplated Planned Unit Development (PUD):

The property is situated prominently along the Potomac River on the eastern edge of Shepherdstown, WV. This premier 55+ active adult community will perfectly blend luxury riverfront living with the historic, intellectual charm of the Town. Comprising 148 beautifully appointed residential units distributed across five low-rise buildings, this Planned Unit Development (PUD) provides an upscale, maintenance-free sanctuary for older adults. By pairing resort-style amenities with panoramic views of the Potomac River, the community provides a secure, accessible, and social environment that allows residents to seamlessly transition into a vibrant "right-sized" lifestyle.

B. Provide the general development character and anticipated phasing:

The proposed 148 unit active adult (55+) community has a lot to offer internally such as:

-- **Riverfront Wellness:** The community is physically engineered to optimize mental tranquility and physical health. The sweeping river views and structured outdoor layouts encourage a lifestyle deeply connected to nature and active aging.

-- **Scenic Walking Trails:** Private, low-impact walking paths loop through the property's landscaped grounds and trace the ridge line overlooking the Potomac River, providing daily exercise with an incredible backdrop.

-- The Rooftop Event Terrace: Capitalizing on the dramatic elevation of the River Road property, an expansive rooftop deck serves as the community's premier social space—ideal for evening cocktail parties, stargazing, and viewing the rolling West Virginia hillsides.

-- The Clubhouse & Fitness Center: Serving as the central social and wellness hub, this modern facility features a fitness center tailored for active adult wellness, alongside community rooms for hosting neighborhood clubs, cards, and private events.

-- The Community Garden: Shared agricultural plots offer a therapeutic space for growing fresh vegetables, cultivating flowers, and participating in collaborative outdoor projects like Beekeeping. Community gardens provide a wide range of health, social, economic and environmental benefits.

The project does not anticipate being phased.

C. Identify any known deviations from otherwise applicable zoning standards:

Sidewalk & pathways are less than 1-mile.

V. PUD SKETCH PLAN

Please attach a PUD Sketch Plan that identifies the following basic elements. The Sketch Plan may be presented in multiple drawings and/or by the following elements. Please check each of the following elements illustrated in the attached Sketch Plan. The PUD Sketch Plan and any information presented or discussed during the pre-application conference are conceptual and preliminary in nature and are provided solely to facilitate early review and discussion of the contemplated PUD. Neither the PUD Sketch Plan nor any comments, recommendations, or guidance provided by Town staff or Town representatives shall constitute approval of the contemplated PUD, create any vested right or entitlement, or bind the applicant, the Town, or any Town official, board, commission, or other reviewing or decision-making body in the subsequent review of the PUD Outline Plan or any related application.

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PUD PRE-APPLICATION CONFERENCE REQUEST

☒ Site Context	Property boundaries; adjoining properties, land uses, and streets
☒ Development Layout	General location of buildings or development areas; contemplated lots, if applicable
☒ Access & Circulation	Existing and contemplated streets; access points; internal circulation; pedestrian and bicycle connections
☒ Parking	General location and arrangement of parking areas
☒ Open Space & Amenities	Permanent Open Space, recreation areas, common areas, and areas intended for preservation.
☒ Natural Features	Streams, floodplains, wetlands, steep slopes, wooded areas, and other significant natural features
☒ Stormwater	General location of anticipated stormwater management facilities or areas

VI. CONTEMPLATED PUD DEVELOPMENT DATA

Approximate Total PUD acreage:	12.5859	Approximate Percentage Lot Coverage:	50+/-%

LAND USE SCHEDULE Approximate Acreage and Percentage by Contemplated Land Use	☒ Residential acreage:	10.4222	Percentage:	82.81%
	☐ Mixed-Use acreage:	Acreage	Percentage:	%
	☐ Commercial acreage:	Acreage	Percentage:	%
	☐ Industrial acreage:	Acreage	Percentage:	%
	☒ Permanent Open Space acreage:	4.05	Percentage:	32.17%

RESIDENTIAL SCHEDULE Type and Approximate Number of Dwelling Units	☐ Single-Family detached No. of Units:	Number of units
	☐ Two-Family attached No. of Units:	Number of units
	☐ Townhouse No. of Units:	Number of units
	☒ Multi-Family No. of Units:	148
	☐ Mixed-Use No. of Units:	Number of units
	Approximate Total:	148
	☐ Affordable (≤ 80% AMI) No. of Units:	Number of units
	☐ Workforce (80%-120% AMI) No. of Units:	Number of units
	☐ Market-Rate No. of Units:	Number of units
	☒ Senior No. of Units:	148

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	Approximate Total:			148
	Contemplated residential density (units/acre):			11.76
OPEN SPACE SCHEDULE Approximate Acreage and Percentage of Contemplated Permanent Open Space	Total Permanent Open Space acreage:	4.05	Percentage of PUD acreage:	32.17%
	Total Improved Open Space acreage:	1.90	Percentage of Open Space acreage:	47.0%
	Total Natural Open Space acreage:	2.15	Percentage of Open Space acreage:	53.0%
Approximate building heights in feet:	42+/-		Approximate parking spaces provided:	197

VII. TRANSPORTATION & ACCESS

Describe contemplated vehicular access:

The main access point will be off of state route 17/1 River Road. The road will go to a traffic circle and then loop through the property. A secondary emergency access point will be located on East High Street.

Identify existing road network(s) serving the property:

East German Sreet comes off of King Street and leads to the property turning into State Route 17/1 River Road.

Describe contemplated internal street system:

The main access point will be off of state route 17/1 River Road. The road will go to a traffic circle and then loop through the property. A secondary emergency access point will be located on East High Street.

Describe contemplated pedestrian connections:

Sidewalks and pathways throughout the community will connect to the existing sidewalk along East German Street.

Describe and identify approximate traffic generation, when appropriate:

Trip generation for 55+ communities (ITE code 252) is low in comparison to residential development. This 55+ community of 148 units will generate 30 peak AM trips and 37 peak PM trips.

Identify known transportation and/or access constraints:

All levels of service per WVDOH standards will remain the same after the development is constructed.

VIII. UTILITIES & INFRASTRUCTURE

Describe contemplated water and sanitary sewer service:

A new 8" water line will need to be constructed from River Road thru the development with necessary fire hydrants and connections to all buildings. An on-site pump-station and an off-site force main will need to be constructed by the developer.

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Describe general stormwater management approach:

Providing 3 stormwater facilities to provide quality and quantity.

Describe known utility extensions or improvements:

Water main extension and a force main extension. Electric, telephone, internet.

Describe any anticipated off-site infrastructure improvements:

The developer would like to construct a sidewalk from the site along E. German street to the existing sidewalk approximately 550-feet.

A sewer forcemain will need to be extended to the nearest gravity manhole.

IX. NATURAL & ENVIRONMENTAL FEATURES

Are floodplains and/or floodways present within the contemplated PUD? ☒ Yes ☐ No
If Yes, please describe:

The 100-yr floodplain for the Potomac River is on the property, but not on the improved building space, as shown on the plans.

Are wetlands and/or streams present within the contemplated PUD? ☐ Yes ☒ No
If Yes, please describe:

None

Are steep slopes present within the contemplated PUD? ☒ Yes ☐ No
If Yes, please describe:

There are some steep slopes next to the Potomac River and will be shown on the Outline Plan.

Are significant wooded or natural areas present within the contemplated PUD? ☒ Yes ☐ No
If Yes, please describe:

There are approximately 4.5 acres of wooded areas on the property.

Are there any known environmental constraints within the contemplated PUD? ☐ Yes ☒ No
If Yes, please describe:

None

Are these areas, if applicable, contemplated for preservation? ☒ Yes ☐ No
If Yes, please describe:

The plan is showing 2.16 acres of Natural Open Space for preservation.

X. REQUESTED MODIFICATIONS OR FLEXIBILITY

Identify specific ordinance standards from which the applicant anticipates requesting modification:

Modification of the width of the streets to 24-feet with sidewalk/pathways next to the curb.

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Reduction of sidewalk/pathways of less than a mile due to site constraints.

Provide an explanation of how the contemplated PUD provides an alternative design or community benefit in exchange for the requested flexibility:

This neighborhood development is intentionally designed to serve as a vital engine for local economic growth, municipal revenue stabilization, and intergenerational civic engagement. 55+ adult communities bring a unique and invaluable asset to their surrounding areas: a deeply rooted desire to give back, connect, and invest in the local community. Senior residents possess a collective lifetime of experience perfectly positioning them to support the community through volunteering their time. Local non-profits, libraries, and civic programs often struggle to find consistent, daytime volunteer support. The residents of a 55+ community are uniquely positioned to fill these gaps. Because the majority of these individuals are retired or working flexible hours, they provide a reliable, highly skilled volunteer base during the hours when working-age families are at their jobs and are usually eagar to assist with town events

The proposed community garden is designed to be a connection to the community. The Garden Space could possibly host a "Green Thumb" weekend workshops, where experienced gardeners could plan to invite local families and school groups into the space. This shared agricultural space will serve as a living classroom for younger generations to learn about sustainability, healthy food production, and environmental stewardship.

Ultimately, this 55+ adult neighborhood will not isolate itself from the town, it will anchor it. This proposed community offers the town council a rare development opportunity: a project that generates full property tax revenue to fund township infrastructure, places zero burden on our local school system's budget, and actively pours human capital back into the heart of the community. This project should be viewed as an added amenity to the Town.

XI. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize the Town of Shepherdstown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

EARL C. YOUNG, ...

SAMANTHA P. YOUNG, ...

GARRY H. SHIPLEY, ...

MICHELLE A. SHIPLEY .....

Type/Print Name of Applicant/Agent	Signature	Date
		9/15/2026

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PUD PRE-APPLICATION CONFERENCE REQUEST

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Acknowledgment of Receipt. Acceptance of this application by the Corporation of Shepherdstown acknowledges receipt only and shall not constitute a determination that the application is complete, compliant with applicable requirements, or approved. The application shall be subject to review for completeness and compliance in accordance with the requirements the Town's Codified Ordinances.

Date Received:		Time Received:			
Received By:		Application/File No.:			
Submission Method:	☐ In Person ☐ Mail ☐ Electronic		Electronic Files Received:	☐ Yes	☐ No
No. of Plan Sets/Copies:		Town Staff Initials:			

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SKETCH PLAN
RIVER ROAD DEVELOPMENT
5026 RIVER ROAD, SHEPHERDSTOWN, WV 25443
CORPORATION OF SHEPHERDSTOWN

PROJECT DATA

DEVELOPMENT INFORMATION

APPLICANT	J.L. MOORE, INC.
OWNERS	EARL C. YOUNG, SAMANTHA P. YOUNG, GARRY H. SHIPLEY, & MICHELLE A. SHIPLEY
SITE ADDRESS	5026 RIVER ROAD SHEPHERDSTOWN, WV 25443
PARCEL TAX IDS	PARCELS 44, 44.1, 89, 90, 91
DEED	BOOK 1308 PAGE 687
TAX MAPS PARCELS DEED BOOKS AND PAGES & DEEDED ACREAGES	TAX MAP 1 PARCEL 89 DB 1308, PG 687 - 6.39 ACRES TAX MAP 1 PARCEL 90 DB 1308, PG 687 - 0.92 ACRES TAX MAP 1 PARCEL 91 DB 1308, PG 687 - 0.96 ACRES TAX MAP 8 PARCEL 41 DB 1308, PG 687 - 0.37 ACRES TAX MAP 8 PARCEL 41.1 DB 1308, PG 687 - 3.94 ACRES
GPS	N: 342772.0276, E: 2449215.6963
SITE MEAN ELEVATION	373.788'
NET TRACT AREA	12.5859 ACRES
DISTURBANCE AREA	±10 ACRES
WETLANDS	NONE
HISTORIC	ALL PARCELS ARE LOCATED OUTSIDE THE HISTORIC DISTRICT OF THE CORPORATION OF SHEPHERDSTOWN
APPLICABLE BUILDING PERMIT AUTHORITY	CORPORATION OF SHEPHERDSTOWN
APPLICABLE PLANNING AUTHORITY	CORPORATION OF SHEPHERDSTOWN
FEMA NUMBER	54037C0041E EFF. 12/18/2009
6-DIGIT HUC	CONOCOCHEAGUE-OPEQUON (2070004)
PERMANENT IMPROVED OPEN SPACE	±1.8879 ACRES
PERMANENT NATURAL OPEN SPACE	±2.1937 ACRES
TOTAL PERMANENT OPEN SPACE	±4.0516 ACRES

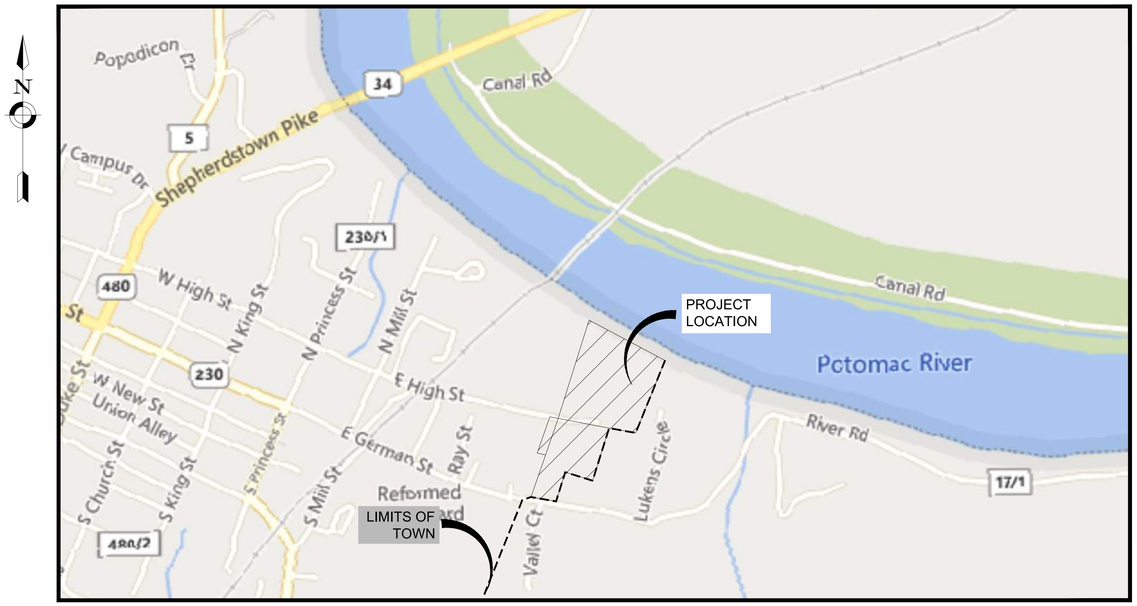
ZONING INFORMATION

	REQUIRED
CODE APPLIED	CORPORATION OF SHEPHERDSTOWN
WEBSITE	HTTPS://WWW.SHEPHERDSTOWN.GOV
CLASSIFICATION	PARCEL 44 ; RESIDENTIAL ONE ...R-1 PARCEL 44.1 ; RESIDENTIAL ONE ...R-1 PARCEL 89 ; PLANNED UNIT DEVELOPMENT... PUD PARCEL 90 ; PLANNED UNIT DEVELOPMENT... PUD PARCEL 91 ; PLANNED UNIT DEVELOPMENT... PUD
ZONING MAP	CORPORATION OF SHEPHERDSTOWN
ENTRANCE WIDTH	30 FT FOR 100' THEN TAPERING TO 24'
ROAD WIDTH	24 FT CURB TO CURB
MAX FENCE HEIGHT	8 FT
MAX STRUCTURE HEIGHT	60 FT
DENSITY	11.76 UNITS/ACRE
NO. UNITS	148 UNITS

SETBACKS

MINIMUM YARD SETBACK	PROPOSED MIN.
FRONT	100 FT
REAR	100 FT
SIDE	25 FT

NOTE: SETBACKS ARE BEING PROPOSED FOR PUD.



LOCATION MAP
1"=500'

J.L. MOORE, INC.
PO BOX 1355
SHEPHERDSTOWN, WV 25443

LABELLA PROJECT NO: 2265520
OCTOBER 2026

GENERAL NOTES:

1. EXISTING CONDITIONS SHOWN AS SURVEYED BY A TO Z LAND CONSULTING SERVICES, LLC COMPILED IN 2023.

CIVIL DRAWING INDEX

C-000	COVER SHEET
C-001	GENERAL NOTES AND LEGEND
C-100	EXISTING CONDITIONS MAP
C-200	SKETCH PLAN
A-100	PUD BLDG. EXHIBIT

CONTACT INFORMATION

PROJECT CLIENT/OWNER:
J.L. MOORE, INC.
ATTN: MICHELLE SHIPLEY
PO BOX 1355
SHEPHERDSTOWN, WV 25443
304-279-7525

PROJECT CIVIL ENGINEER:
LABELLA ASSOCIATES, DPC.
ATTN: MARC MEZZANOTTE, PE
7100 GUILFORD DR, STE. 200
FREDERICK, MD 21704
877-626-6606
MMEZZANOTTE@LABELLAPC.COM

PROJECT ARCHITECT:
JHA COMPANIES
SIERRA SIMKO, AIA
20 E. BURD STREET, STE. 7
SHIPPENSBURG, PA 17257
SSIMKO@JHACOMPANIES.COM

SURVEYOR:
A TO Z LAND CONSULTING SERVICES, LLC
ATTN: RORY CHAPMAN, PLS
403 LINCOLN WAY EAST, SUITE 100
MCCONNELLSBURG, PA 17233

WATER/ SEWER:
CORPORATION OF SHEPHERDSTOWN
ATTN: CRYSTAL PAINTER, UTILITIES CLERK
104 NORTH KING ST
SHEPHERDSTOWN, WV 25443
304-876-2574

ELECTRIC:
POTOMAC EDISON
CHAD HINES
304-433-7167
CEHINES@FIRSTENERGYCORP.COM

WEST VIRGINIA 811

WEST VIRGINIA STATE LAW REQUIRES THAT YOU CALL TWO BUSINESS DAYS BEFORE YOU DIG IN THE STATE OF WEST VIRGINIA, IT'S THE LAW!

VERSION 23.1
10/5/2026 11:50 AM

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Frederick, MD 21704
240-617-1858
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PO BOX 1355
SHEPHERDSTOWN, WV 25443

RIVER ROAD DEVELOPMENT
5026 RIVER ROAD
SHEPHERDSTOWN, WV 25443

DRAFT PRINT 10/08/2026

NO:	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: 2266520
DRAWN BY: MAM & ELS
REVIEWED BY: MAM & JJP
ISSUED FOR: REVIEW
DATE: OCTOBER 2026
DRAWING NAME: COVER SHEET
DRAWING NUMBER: C000

GENERAL NOTES

1. PARCELS 44, 44.1, 89, 90 & 91 CURRENTLY RESIDE IN THE TOWN OF SHEPHERDSTOWN CORPORATION.
2. THE TOTAL SITE AREA OF THE 5 PARCELS IS 12.5859 ACRES.
3. THE ZONING OF PARCELS 89, 90 & 91 IS PLANNED UNIT DEVELOPMENT (PUD). THE ZONING OF PARCELS 44 & 44.1 IS CURRENTLY R-1 AND IS BEING PROPOSED AS PLANNED UNIT DEVELOPMENT ZONING REQUESTED CHANGE.
4. THE SITE WILL BE SERVED BY ONE MAIN ACCESS POINT ON RIVER ROAD AND A SECONDARY EMERGENCY ACCESS POINT ON EAST HIGH STREET FOR FIRE, RESCUE, AND POLICE ACCESS.
5. TRAFFIC IMPACT DATA:

   • THE WVDOH PROVIDES AVERAGE DAILY TRAFFIC COUNTS OF 1,200 PER DAY FOR RIVER ROAD (ROUTE 17/1).
   • TRIP GENERATION BY THE TRAFFIC SOLUTIONS, INC., ESTIMATED THE FOLLOWING NUMBERS:
   AM PEAK HOUR: (AVERAGE RATE) - 30
   PM PEAK HOUR: (AVERAGE RATE) - 37
6. ADJOINING PROPERTY OWNER INFORMATION HAS BEEN PROVIDED ON SHEET C100, EXISTING CONDITIONS MAP. THIS DATA WAS TAKEN FROM PUBLICLY AVAILABLE SOURCES IN JULY OF 2026. (WWW.MAPWV.GOV).
7. THIS PROPERTY IS CURRENTLY BEING SERVED BY PUBLIC WATER AND SEWER.
8. THE PLAN WAS PREPARED WITH THE BENEFIT OF AN ENVIRONMENTAL ASSESSMENT REPORT DATED MAY 2024 BY JHA COMPANIES. THE ASSESSMENT REVEALED NO EVIDENCE OF RECOGNIZED HAZARDOUS ENVIRONMENTAL SITE CONDITIONS.THE PROPERTY DOES NOT HAVE ANY REGULATED WETLANDS OR STREAMS. THE PROPERTY DOES HAVE SOME STEEPER SLOPES NEAR THE POTOMAC RIVER.
9. THE SUBJECT PROPERTY CONTAINS SLOPES GREATER THAN 25% ON THE SIDE ALONG THE POTOMAC RIVER. PORTIONS OF THIS SITE ARE WITHIN THE 100-YEAR FLOODPLAIN, OTHERWISE KNOWN AS ZONE "A" AND THE HIGH-RISK ADVISORY FLOOD ZONE WHICH IS SHOWN ON PLANS. (PANEL 41 OF 245, NUMBER 54037C0041E, DATED 12/18/2009) AND (NUMBER 24043C0370D, DATED 8/15/2017 MD, MAP PANEL 370 OF 470). THE 100-YR HIGH WATER ELEVATION IS APPROXIMATELY 324 FT.
7. THIS PROJECT WILL FOLLOW THE CORPORATION OF SHEPHERDSTOWN PLANNED UNIT DEVELOPMENT ORDINANCE RECENTLY UPDATED IN AUGUST 2026.
8. THIS PLAN PROPOSES A 55+ COMMUNITY WITH 5 BUILDINGS AND 148 CONDO UNITS. THE PLAN IS PROPOSING A STORAGE BUILDING, A MAINTENANCE BUILDING, AND A COMMUNITY GARDEN AREA.
9. THIS PLAN PROPOSES 24-FT WIDE CURB & GUTTER PRIVATE ROADWAYS WITH 8-FT AND 6-FT WIDE CONCRETE OR ASPHALT SIDEWALKS/PATHS.
10. PARKING ONSITE WILL BE PROVIDED BY SURFACE AND GARAGE PARKING LOTS. THE 55+ PRIVATE COMMUNITY WILL PROVIDE 1.33 SPACES PER UNIT = 196 SPACES OF WHICH 24 WILL BE ADA SPACES.
11. A NEW LARGER WATER LINE WILL BE EXTENDED FROM RIVER ROAD TO THE UNITS WITH ADDITIONAL FIRE HYDRANTS AND A NEW SEWER PUMP STATION WILL NEED TO BE INSTALLED. WATER DEMAND ESTIMATE = ±20,720 GPD. (EST 70 GPD PER/ PERSON.
12. STORMWATER MANAGEMENT IS BEING PROPOSED WITHIN 3 FACILITIES.
13. A MERGER PLAT WILL BE COMPLETED TO MAKE THE SUBJECT PROPERTIES INTO ONE PARCEL.

LEGEND

EXISTING	PROPOSED	DESCRIPTION
PL		SUBJECT PROPERTY LINE
		ADJACENT PROPERTY LINE
MbC		SOIL MAP UNIT
SOILS		SOIL BOUNDARY
510	510	MAJOR CONTOUR
512	512	MINOR CONTOUR
		CONTROL POINT
		TREELINE
		SETBACK
		STONE WALL
		EASEMENT
		RIVER EDGE
		FEMA 100-YR FLOODPLAIN
		EDGE OF PAVEMENT
		RIGHT-OF-WAY (ROW)
		CENTERLINE
E_A	UGE	UNDERGROUND ELECTRIC LINE
OHE	OHE	OVERHEAD ELECTRIC LINE
C_A		UNDERGROUND COMMUNICATION LINE
ET		ELECTRIC PEDESTAL
		ELECTRIC TRANSFORMER
		UTILITY POLE
W	W	WATER LINE
WV	WV	WATER VALVE
		HYDRANT
MH	MH	STORM MANHOLE
FM	SA SA	SEWER FORCE MAIN
S	S	SEWER MANHOLE
		BUILDING/STRUCTURE
		PAVED ROAD/PARKING
		8' WIDE PAVED SIDEWALK
		6' WIDE PAVED SIDEWALK
		CROSSWALK
		PAVERS
		CONCRETE
		IMPROVED OPEN SPACE
		NATURAL OPEN SPACE
		SWM FEATURE
		PAVEMENT MARKING
		STANDARD PARKING
		ADA PARKING & STRIPING
8		PARKING SPACE COUNT
LOD		LIMITS OF DISTURBANCE
		RETAINING WALL

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SHEPHERDSTOWN, WV 25443

RIVER ROAD DEVELOPMENT
5026 RIVER ROAD
SHEPHERDSTOWN, WV 25443

DRAFT PRINT 10/08/2026

NO:	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: 2265520
DRAWN BY: MAM & ELS
REVIEWED BY: MAM & JJP
ISSUED FOR: REVIEW
DATE: SEPTEMBER 2026
DRAWING NAME:

GENERAL NOTES AND LEGEND

DRAWING NUMBER:

C001

VERSION 23.1
10/5/2026 11:50 AM



1 / C100 EXISTING CONDITIONS MAP

SCALE: 1"=50'

DATUM: NAD83 WEST VIRGINIA STATE PLANES, NORTH ZONE, US FOOT

0' 50' 100' 150'

VERSION 23.1
10/5/2026 11:50 AM

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RIVER ROAD DEVELOPMENT
5026 RIVER ROAD
SHEPHERDSTOWN, WV 25443

DRAFT PRINT 10/08/2026

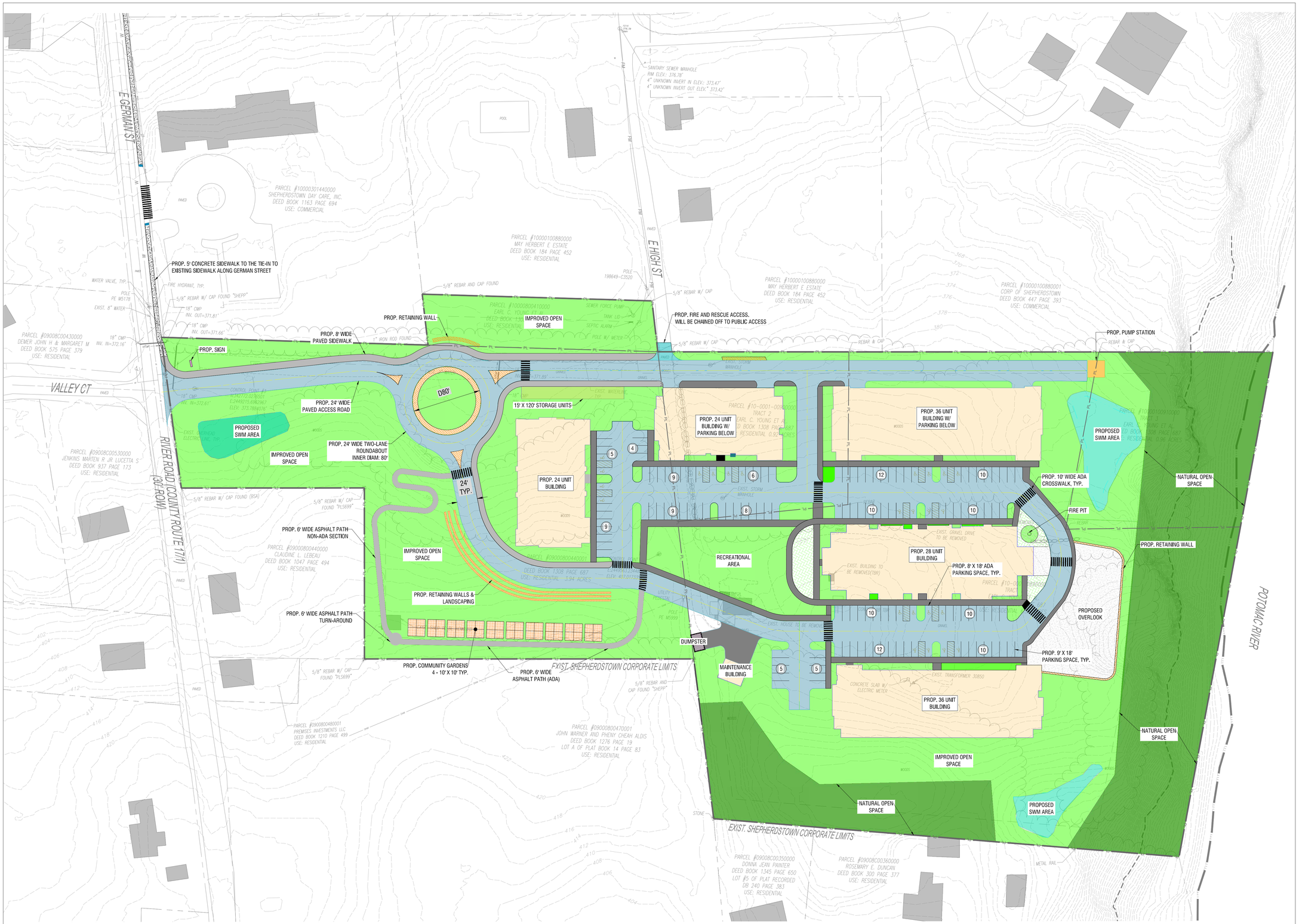
NO:	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: 2265520
DRAWN BY: MAM & ELS
REVIEWED BY: MAM & JJP
ISSUED FOR: REVIEW
DATE: OCTOBER 2026
DRAWING NAME:

EXISTING CONDITIONS MAP

DRAWING NUMBER:

C100



1 C200 SKETCH PLAN

SCALE: 1"=50'
DATUM: NAD83 WEST VIRGINIA STATE PLANS, NORTH ZONE, US FOOT

0' 50' 100' 150'

SITE NOTES:

148 TOTAL PROPOSED RESIDENTIAL UNITS.

197 TOTAL PROPOSED PARKING SPACES
(24 ADA SPACES AND 157 STANDARD SPACES).

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10/5/2026 11:50 AM

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SHEPHERDSTOWN, WV 25443

RIVER ROAD DEVELOPMENT
5026 RIVER ROAD
SHEPHERDSTOWN, WV 25443

DRAFT PRINT 10/08/2026

NO:	DATE:	DESCRIPTION:
Revisions		

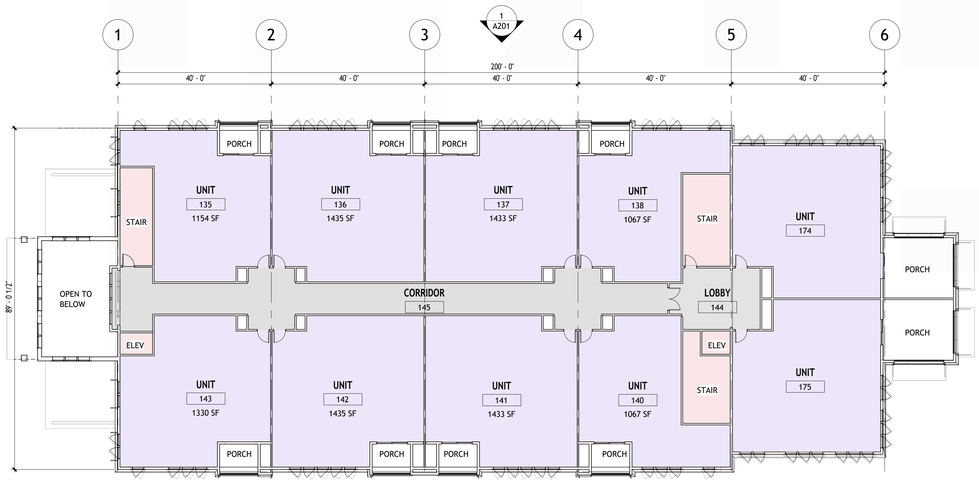
PROJECT NUMBER: 2265520
DRAWN BY: MAM & ELS
REVIEWED BY: MAM & JJP
ISSUED FOR: REVIEW
DATE: SEPTEMBER 2026
DRAWING NAME:

SKETCH PLAN

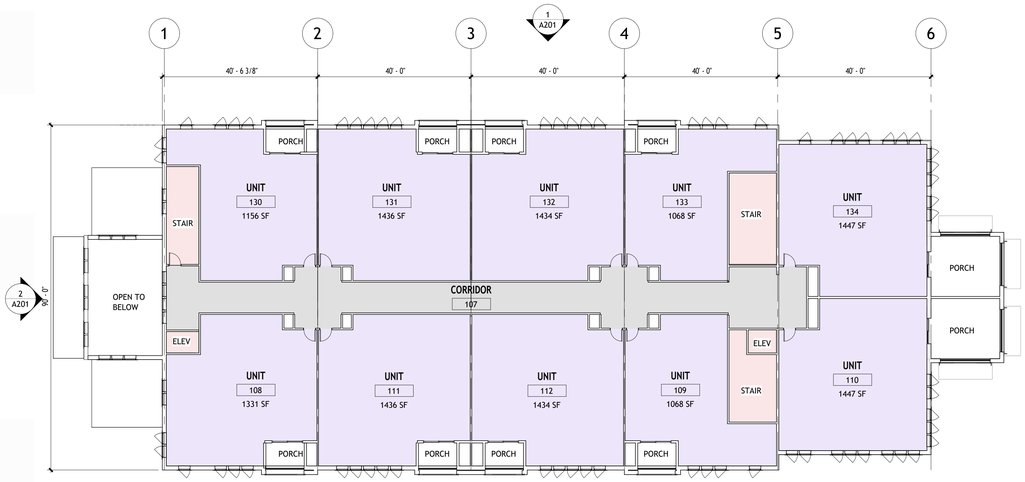
DRAWING NUMBER:

C200

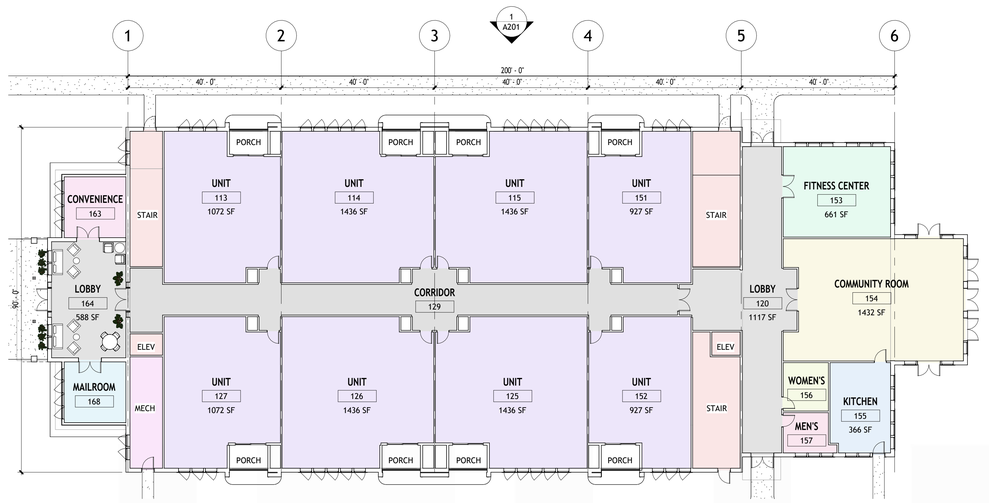
These Drawings shall not be utilized by any Person, Firm, or Corporation without the specific written permission of JHA Companies.



3 L3 - Dependent 1
1/16" = 1'-0"



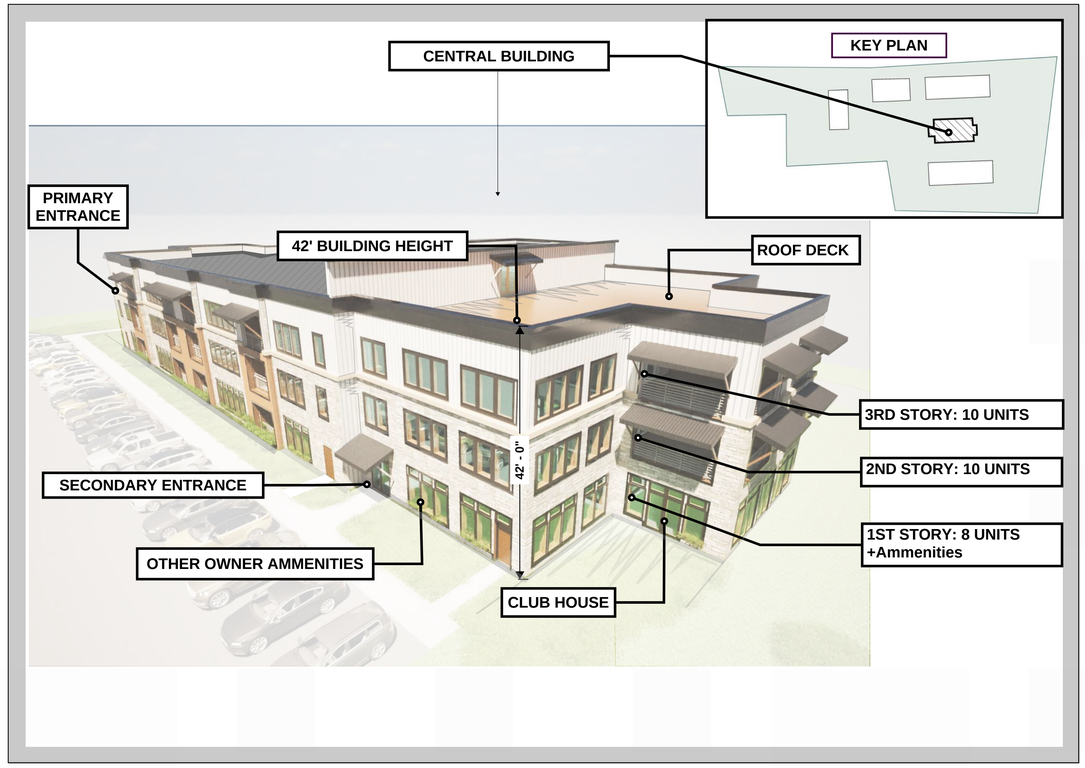
2 Second Floor Architectural Plan
1/16" = 1'-0"



1 First Floor Architectural Plan
1/16" = 1'-0"



DRAFT PRINT 10/08/2026



JHA
PA - NY - OH - WV
466 S Main Street
Montrose, Pennsylvania 18801
844-542-4757

Rev #	Revision Description	Date

Project Contacts:
JHA Companies

Seal:

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Project Notes:

JL Moore, Inc.

Project Location:
PO Box 1355
Shepherdsown WV 25443

River Road Development

Sheet Title:
PUD EXHIBIT

Project No:	2025-0388
Sheet Issue Date:	04/30/2025
Project Issue Date:	04/10/2025
Checked By:	Checker
Plan Status:	Schematic Design

A-100

Scale: As Indicated

Special Events Application

The Corporation of Shepherdstown has enacted Ordinance 8-801 et seq. requiring a special events application be submitted for all assemblies, demonstrations, special events and parades, as detailed in Sections 8-801 through 8-810 in the Corporation of Shepherdstown Codified Ordinances. All requests must be submitted for departmental and Town Council review. The information requested by this form will be used to determine eligibility for a special events permit. **The event will not be considered for approval until the entire application and all of its parts have been submitted. Applications are due to the Office of the Town Administrator no later than 14 days prior to the proposed special event.**

Event Title Founders Day Procession **Event Date** 10/16/2026

Event Sponsor Shepherd University **Secondary Date**

Organizer's Contact Information

Name: Rachael Meads **Cell:** 304-620-4520

Address: PO Box 5000 - Shepherd University

Email rmeads@shepherd.edu **Alt. Phone**

Event Information

Requested Area(s) ____ City Streets/Sidewalks ____ Sidewalks only ____ Other

Location of Event Line up for procession (block closure High to German for 30 mins

Attach route for processional events. Be precise when indicating location.

Event Hours 3 pm until 3:30 PM **Set up start time** 3:00 pm **Clean up end time** 3:30 pm

******NOTE**** Town Square Events are limited to SIX (6) Hours, including set-up and clean-up time.**

Anticipated Attendance (per day): **Participants** 200 **Spectators**

Office Use Only

Department Heads: Please indicate disposition of event proposal and attach any comments or conditions.

Police: AD **Approved** ____**Denied** ____ **Conditional**	**Planning:** **Approved** ____**Denied** ____**Conditional**
Fire: ____**Approved** ____**Denied** ____ **Conditional**	**Public Works:** **Approved** ____**Denied** ____**Conditional**
Town Admin: **Approved** ____**Denied** ____ **Conditional**	**Town Council:** ____**Approved** ____**Denied** ____ **Conditional**

Estimated Staff Needed: **Police:** _____ **Fire:** _____ **Public Works:** _____

Recorder _____ Amount Due_____ Amount Paid_____ Insurance Provided_____ Council Agenda_____

Permit No. _____ Conditions Attached? _____

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ALB

Event Information

Answer the following questions, in full, and attach any additional information

Name of Event Founders Day Procession line up area

Brief Description of Event: Shepherd University Founders Day procession - students and staff line up behind marching band in front of Knutti Hall and to German for procession through campus as part of Homecoming celebration

Has your organization held this event in the past? Yes

When and Where? Skipped last year -- have done for the previous 8 years

Is the event a fundraiser? no

Will you require assistance from Fire/EMS? no (additional fees apply) How many units? no Council reserves the right to assign additional units at applicant cost.

Will you require assistance from the Police Department? No (additional fees apply) How many units? no Council reserves the right to assign additional units at applicant cost.

Will items be left overnight? no What and where? no

Hazmat items must be attended constantly.

Will you be providing private security? SU Police

Will alcohol no or food no be served?

Additional approvals may be necessary through the ABCA or Health Department.

Will you have vendors? no Are you charging admission no?

Check with B&O Licensing to obtain additional licenses and tax information.

Will streets Yes or intersections _____ be blocked? **Requires** police department assistance.

List streets and/or intersections Block German to High Street for line up.

Public Works assistance needed? block street Street Sweeping _____ Barricades or fencing Material _____ (additional fees apply)—Council reserves right to assign additional units at applicant cost

Will you be using loud speakers or amplification devices? No

Continued on next page



Will you be installing temporary structures, such as tents, bleachers, stages, inflatables? no What and where? no

Check with Planning for U&O Requirements

Will you require dedicated parking or bagged meters? no

What and where? _____

Check with Parking for costs and arrangements

Indemnification

I _____ shall defend and hold harmless the Corporation of Shepherdstown, its officers, employees, agents and representatives thereof, from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages or violation of rights sustained by any person or property in consequence of any neglect on behalf of _____ (name of organization or business), while their personal property is situated on Town property. I shall further hold the Corporation of Shepherdstown harmless from any claims or amounts arising from any violation of any law, bylaw, ordinance, regulation or decree.

[If required] A certificate of general liability insurance coverage in the amount of no less than $1 million per instance and $2 million aggregate naming the Corporation of Shepherdstown as an additional insured is attached to this application.

I further swear that all information provided in this application is true and accurate to the best of my knowledge and understand that the Shepherdstown Town Council has authority to change or amend my indicated needs, as necessary, and I am responsible for additional fees.

Signature _____ Date _____

Title SU EXEMPT FROM THIS AS STATE AGENCY

FEE SCHEDULE

Application Fee--$25.00

Police Fees--$50.00 per hour or partial hour worked, per officer.

Fire/EMS--$35.00 per hour or partial hour worked, per firefighter and $100 per hour or partial hour for firefighting apparatus and/or medic unit.

Public Works--$35.00 per hour or partial hour worked, per laborer, including time requested or deemed necessary for setup and/or clean-up and $100 per hour or partial hour for Public Works equipment including but not limited to street sweeper, garbage collection, or other heavy equipment required to provide support.

Example – An event beginning at 11am and continuing until 4pm that requires one police officer would incur a cost of 5 hours X $50.00 = $250.00. The same event requiring Public Works setup and support beginning at 10am to 11am with event cleanup and breakdown from 4pm to 5pm would incur a Public Works expense of 2 hours X $50.00 = $100.00.

Additional fees for Town Service may be waived for all Town Funded Events and Town Co- Funded Events

*** The need for Town services is determined by applicant request or staff recommendation and ultimately approved by Town Council***

JEFFERSON COUNTY COMMISSION

393 N. Lawrence Street, P.O. Box 250, Charles Town, WV 25414
Phone: (304) 728-3284 **Fax**: (304) 725-7916
Web: www.jeffersoncountywv.org

PRESIDENT
Pasha Majdi

VICE PRESIDENT
Cara Keys

COMMISSIONER
Mike Mood

COMMISSIONER
Steve Stolipher

COMMISSIONER
Jack Hefestay

Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25301

October 1, 2026

RE: Opposition to Valley North, Gore-Doubs-Goose Creek, and Mid-Atlantic Resiliency Link (MARL) Transmission Line Projects

To the Honorable Members of the West Virginia Public Service Commission:

On behalf of the Jefferson County Commission, we submit this letter to express our strong and unequivocal opposition to the proposed **Valley North, Gore-Doubs-Goose Creek,** and **MARL** high-voltage transmission line projects. These projects pose severe and irreversible risks to Jefferson County's historic landscapes, agricultural economy, groundwater resources; and long-term fiscal stability. They also fail to meet the statutory requirements for a Certificate of Public Convenience and Necessity under **WV Code §24-2-11a.**

Our concerns are broad, well-documented, and shared by residents, farmers, historians, conservation organizations, and local governments across the Eastern Panhandle and the State.

1. **Irreparable Harm to Historic Properties, Cultural Landscapes, and Rural Character**
   The Eastern Panhandle is one of West Virginia's most historically significant regions. Jefferson County's farms, battlefields, rural homesteads, and cultural landscapes are integral to the identity of our state and to a tourism economy that supports thousands of jobs.

   This concern is echoed by nationally respected voices. **Ken Burns, Malcolm Gladwell, Bill Danoff (Take *Me Home Country Roads),*** and other historians and conservationists and artists have warned that these transmission corridors would inflict profound damage on the Shenandoah Valley and Jefferson County's historic farms, cultural resources, and scenic viewsheds. Their testimony underscores that these projects are not simply infrastructure-they are industrial incursions into some of the most culturally important landscapes in the United States.

2. **Severe Impacts on Jefferson County's Agricultural Economy and Family Farms**

The proposed routes for Valley North, Gore-Doubs-Goose Creek, and MARL would carve through long-established family farms, severing fields, disrupting agricultural operations, and permanently reducing productive acreage. These farms are multi-generation enterprises that form the backbone of Jefferson County's rural economy.

Fragmentation of farmland is incompatible with the PSC's statutory obligation to minimize adverse environmental, cultural, and historic impacts.

3. **Threats to Jefferson County's Underground Water Supply**

Jefferson County relies heavily on **karst aquifers,** which are uniquely vulnerable to contamination, sedimentation, and hydrological disruption. Large-scale transmission construction, including blasting, heavy equipment, and deep tower foundations-poses substantial risk to groundwater quality and flow. Residents have expressed further concerns about the ground water contamination risks from chemical vegetation herbicides used to maintain the 200' rights-of-way.

These aquifers supply drinking water to thousands of residents and support agricultural operations countywide. No adequate hydrological assessment has been conducted for any of the three proposed projects, and no mitigation plan has been presented that would protect Jefferson County's water resources.

4. **Property Value Decline and Resulting Loss of County Tax Revenue**

High-voltage transmission lines are well-documented to reduce adjacent property values. In Jefferson County, where residential, agricultural, and historic properties form the tax base, this decline will directly reduce county revenue.

Property owners would be dealt with substantial blows to their property values, oftentimes their most substantial asset. Lower property values mean lower property tax collections, which in turn reduce funding for schools, emergency services, infrastructure, and county operations. The PSC must consider these fiscal impacts as part of its statutory duty to protect the financial well-being of West Virginia communities.

5. **Community Engagement Efforts Fell Far Short of Statutory Requirements**

Valley Link's community engagement process for Valley North-and similarly inadequate outreach for Gore-Doubs-Goose-Creek and MARL-failed to meet the burden required under West Virginia law.

Community meetings were structured in ways that prevented meaningful dialogue. Residents repeatedly reported that their questions went unanswered and that the route maps provided were incomplete or outdated.

There has been no formal discussion of data centers in Virginia driving the need for transmission lines, and relevant questions about cost allocation for infrastructure needs for data centers in Virginia have been omitted.

6. **Failure to Demonstrate Reliability Benefits or Economic Justification**

Valley Link says **the project won't make electric bills "skyrocket."** But that avoids the question our residents and the Commission need answered: How much more will we pay?

Valley Link says the project's costs will be spread among millions of electricity customers. But its "Get the Facts" page does not tell a Jefferson County family how much of Valley North's cost will be charged to Jefferson County customers or what that means for a typical monthly electric bill.

PJM does not spread these costs evenly. It allocates the cost of baseline reliability projects to the load zones most served by the new facility. So, the number exists. Valley Link can say what Jefferson County's share is.

That matters because the projected growth is not evenly spread across the region. West Virginia accounts for just 1% of the projected growth from very large electricity users in Virginia accounts for 33%.

Why this matters to West Virginia: West Virginians should not have to settle for being told their bills won't "skyrocket." We deserve to know how our bills will be affected. How much will Valley North cost West Virginia customers? How much will the average household pay each month? And why should West Virginia families pay that amount when so little of the projected growth from very large electricity users is happening here?

West Virginia is a net exporter of electricity and does not require new 765-kV transmission corridors to meet instate reliability needs. West Virginia will become an extension cord carrying power from west of West Virginia to Virginia for very little if any benefit.

Additionally, FERC has already found Valley Link's formula rate proposal could be "unjust, unreasonable, unduly discriminatory or preferential." This raises serious concerns about cost allocation, ratepayer burden, and the financial prudence of these projects.

7. **Precedent: PATH-Like Failures**

The Valley North footprint closely resembles the failed **PATH** project, which never received a CPCN in any state. The same deficiencies-lack of demonstrated need, inadequate community engagement, and severe environmental and historic impacts-are present here.

West Virginia Energy and Community Alliance

Jefferson County Groundwater and Karst: Implications for Valley North
October 2026

Valley North would place a massive 765 kV transmission line across Jefferson County. Its construction would require extensive drilling and excavation for tower foundations, new and improved access roads, grading, and changes to drainage. Limestone and dolomite lie beneath approximately 86 percent of the county.[1] In that rock, groundwater moves through fractures, faults, bedding planes, solution conduits, and sinkholes. It can move rapidly, it can follow more than one path from a single point,[2] and the features that carry it are often not visible at the surface.

This aquifer has been studied extensively. The U.S. Geological Survey has investigated Jefferson County groundwater for decades, much of that work conducted in cooperation with the County. The County has commissioned its own groundwater studies, maintains mapping of springs and sinkholes, and has identified karst mitigation as a planning need. West Virginia law expressly recognizes that the State's groundwater is vulnerable, that it is interconnected with surface water, and that cumulative effects on it must be evaluated.

Jefferson County has also recently been through a proceeding in which the adequacy of groundwater analysis in this aquifer was directly disputed. The Planning Commission's 2024 and 2025 review of Sidewinder Enterprises' proposed Mountain Pure water-bottling facility near Middleway produced competing expert hydrogeology: a consultant's assessment for the applicant concluding that effects would be modest, and a review by a karst hydrogeologist retained by an intervenor concluding that the applicant's modeling rested on incorrect assumptions. That disagreement, between qualified professionals working on a single well at a single location, is the most useful local evidence available about how far groundwater analysis in Jefferson County can be trusted when it is done from the surface.

This paper sets out what the existing record establishes about groundwater in Jefferson County, and what Valley Link has not yet answered about how its route alternatives would affect it.

A note on sources: a significant part of the Jefferson County groundwater record is publicly accessible because the Jefferson County Foundation compiled, organized, and published it during the Mountain Pure and Sidewinder proceeding.[3] That compilation is the reason much of the material discussed below can be located at all, and it is cited as such throughout. Where a document in that collection originates with an applicant, a consultant, or an agency, this paper cites the underlying document; where a proposition is the Foundation's own analysis or position, it is identified that way.

What is not yet independently verified, and where to get it

Every source cited in this paper was retrieved at the address given in the notes, with the following exceptions. Each is flagged in the text and in the notes, and each is obtainable.

- The WVDEP Voluntary Remediation Program file for the former Kodak and 3M property. Obtain from the WVDEP Office of Environmental Remediation by file review request.
- The TRIAD Engineering hydrogeologic report and the Groves report. Neither has been retrieved. What this paper says about them comes from the Foundation's published account,

the Foundation's circuit court brief, and contemporaneous press coverage, each cited as such. Sources for the reports themselves are identified at the end of this paper.

- The circuit court order. Obtain from the Jefferson County Circuit Clerk, Case No. CC-19-2025-C-93.

These should be confirmed before this paper is relied on or circulated further.

Jefferson County groundwater and karst baseline

USGS work establishes that groundwater behavior in Jefferson County cannot reliably be inferred from surface distance or surface drainage patterns alone.

USGS Water-Resources Investigations Report 90-4118 documented groundwater movement of approximately 70 to 840 feet per day parallel to bedrock strike and approximately 30 to 235 feet per day perpendicular to strike in dye-tracer tests conducted in Jefferson County carbonate terrain.[4] These measurements came from particular tracer tests rather than uniform countywide conditions. They demonstrate that groundwater can move rapidly and preferentially through the County's carbonate aquifer.

In 2005, USGS Open-File Report 2005-1407 published a Jefferson County fracture-trace and aquifer-test dataset containing results from 181 single-well aquifer tests and fracture traces identified through aerial photography and field investigation.[5] That work provides a county-specific basis for examining the relationship between groundwater productivity and geologic structure.

Later dye-tracer work in the Leetown area of Jefferson County found that groundwater does not necessarily travel a single path. Eight tracer tests there produced flow patterns USGS describes as divergent, with velocities ranging from about 12.5 to 610 feet per day and a median of 50 feet per day.[6]

USGS Scientific Investigations Report 2009-5145, prepared in cooperation with the Jefferson County Commission, measured 28 springs in the Jefferson County area, with discharge ranging from no flow to approximately 2.43 million gallons per day.[7] USGS also inspected 110 additional stream sites, of which 65 were flowing and 45 showed no flow. The study documented gaining and losing stream reaches and found that large springs in some western Jefferson County watersheds occur next to watersheds with little or no surface discharge, probably because groundwater is transferred between watersheds along faults.[8]

A separate USGS report, Scientific Investigations Report 2009-5153, modeled groundwater flow across the Opequon Creek watershed area.[9] Opequon Creek rises in Frederick County, Virginia, runs east into Clarke County, and then turns north through Berkeley and Jefferson Counties to the Potomac River.[10] Its watershed covers the western portion of Jefferson County; the remainder of the county drains directly to the Potomac in the northeast and to the Shenandoah River in the south and southeast. The USGS model covered roughly 391 square miles and drew on investigations in Jefferson, Berkeley, and Morgan Counties in West Virginia and Clarke, Frederick, and Warren Counties in Virginia.[11]

The study concluded that thrust faults, cross-strike faults, and low-permeability bedding provide important structural and lithologic controls on groundwater flow, and must be incorporated to produce a realistic groundwater-flow simulation.[12] That conclusion is regional rather than

specific to Jefferson County, but it was developed from a model area that includes the county and it rests in part on earlier detailed work in the Hopewell Run watershed, an Opequon tributary in Jefferson County that contains the USGS Leetown Science Center.[13]

These studies establish a consistent technical baseline. Groundwater movement in Jefferson County is strongly influenced by subsurface structure. Surface distance, topography, and surface-drainage boundaries alone cannot establish whether a well, spring, stream, contaminated area, or construction location is hydraulically connected to another part of the aquifer.

Jefferson County's own groundwater record

The County Office of Engineering maintains the ASI County-Wide Groundwater Assessment, issued as a final report on April 2, 2012, and the Westridge Hills Test Wells Pump Test Report, finalized October 31, 2011, among its official groundwater studies.[14] Both predate Valley North and were commissioned by the County itself. Valley Link's route-stage groundwater work should account for them alongside the USGS record.

The County also maintains GIS resources containing hydrologic and geologic information, including mapped springs and sinkholes.[15]

The County Commission's release of August 20, 2026, Commission Publishes Map of Valley Link Study Segments, states that “Valley Link declined to provide the GIS data requested by the County” and that staff therefore “used publicly available information to create a best-estimate overlay.” The map overlays the published Valley Link study segments with affected parcels, historic resources, zoning, and existing land use, and adds right-of-way, quarter-mile, and half-mile buffers. The County cautions that “the locations shown are approximate and should not be considered official or final transmission line routes.”[16]

That limitation matters in both directions. The County has enough local hydrogeologic information to support a more refined analysis, but precise route data from Valley Link remain necessary before groundwater and karst overlays can be completed with confidence.

Jefferson County has also identified karst as a planning issue in its own right. The County's 2023 Hazard Mitigation Plan includes a specific “Project 3: Karst Mitigation Plan,” calling for best practices and recommendations for land use, resiliency, and infrastructure in karst areas. The plan describes karst aquifers as highly productive but extremely vulnerable to contamination and contemplates construction requirements tailored to mapped and verified karst terrain.[17]

The County Engineering Department separately cautions that there is no efficient way to determine from surface conditions whether an underground sinkhole is present and forming and suggests that property owners may want to consider contacting a geotechnical engineer familiar with karst geology and regional sinkholes.[18]

These County materials reinforce a central planning issue for Valley North: significant subsurface conditions may not be apparent during ordinary surface route screening.

The Mountain Pure and Sidewinder record

A separate Jefferson County proceeding has produced a substantial project-specific groundwater record. The Mountain Pure and Sidewinder matter concerned a proposed large-scale groundwater withdrawal for a water-bottling facility near Middleway.[19]

The Jefferson County Foundation, which participated in that proceeding as an intervenor, assembled and published a large volume of the underlying technical and permitting material. That work has made a detailed Jefferson County groundwater record publicly usable, and it is the principal reason the documents discussed in this section can be identified and located.[20]

That record is useful to Valley North for reasons unrelated to the merits of the bottling proposal. It is a recent occasion on which the adequacy of hydrogeologic analysis in Jefferson County karst was examined in detail, with competing technical work on the record.

The applicant's December 6, 2024 concept plan submission to Jefferson County reports the results of hydrogeologic work on the proposed supply well. It states that the hydrological study included assessment of offsite impacts 5,000 feet from well MW-B; that after one year of pumping under drought conditions the estimated change in water level is approximately four feet; and that after thirty years of pumping at 1,200 gallons per minute the estimated change is approximately three feet.[21] Twelve hundred gallons per minute is roughly 1.73 million gallons per day.

The same submission describes monitoring of Turkey Run during pump testing, conducted to determine whether water was recycling from Lake Louise to the supply well, and reports that flow in Turkey Run increased by 1,156 gallons per minute during the test.[22]

TRIAD Engineering prepared hydrogeologic work for the applicant. TRIAD conducted pump testing in 2022 that ran five days at 1.7 million gallons per day, and TRIAD and Sidewinder representatives stated that the testing had little effect on the aquifer; TRIAD used the test results to predict that the aquifer would perform strongly even under drought conditions.[23] The Foundation's description of the applicant's report is consistent with that: the report found that in times of normal rainfall the well would lower the water table only a few feet.[24]

The Foundation had that report reviewed by Dr. Chris Groves, Distinguished University Professor of Geography at Western Kentucky University and director of both the Crawford Hydrology Laboratory and the Hoffman Environmental Research Institute.[25] The Crawford Hydrology Laboratory specializes in dye tracing of karst groundwater, which is the method USGS used to produce the Jefferson County flow measurements described earlier in this paper.

The Foundation's account of that review is specific. Its expert hydrogeologist “found that the incorrect assumptions were made for the modeling and therefore the findings of this report were likely incorrect and unreliable.”[26] In its circuit court brief, the Foundation cites the Groves report for the conclusion that industrial-scale groundwater extraction at the site could draw down the water table for surrounding properties, including farms and homes that depend on wells. The brief places that report at pages 2679 through 2712 of the record.[27]

Two details reported from TRIAD's work point the same way. The TRIAD report shows that the applicant's well encountered a cavern fourteen feet deep, a feature of the kind that surface investigation does not reveal.[28] And TRIAD's own hydrogeologist, Nicholas Wolfe, described the governing condition at the March 11, 2025 hearing: “That's the complexity of karst geology is that you don't know what you don't know.”[29]

That sentence is the single most useful statement in the Jefferson County record for present purposes, because it comes from the applicant's own expert. It concedes that karst cannot be fully characterized before the ground is opened. A retired environmental hydrologist who has done

site remediation work for Exxon and BP, Walt Eifert, told the Commission there were twenty-three hydrology questions that needed answers before he could be confident in the operation.[30]

Neither the TRIAD report nor the Groves report has been retrieved for this paper. The descriptions above are drawn from the Foundation's published account, from the Foundation's circuit court brief, and from contemporaneous press coverage of the March 11, 2025 hearing, and are attributed accordingly. Where to obtain each report is set out at the end of this paper.

What matters for Valley North is not who was right. It is that two qualified hydrogeologists reached materially different conclusions about the reach of groundwater effects in this aquifer, on a record built for a single well at a single location, and that the applicant's own hydrogeologist acknowledged the limits of what could be known in advance. Valley North would place repeated excavations across the same aquifer, on a record that at present contains nothing comparable.

The significance is therefore methodological. Jefferson County's karst system can produce substantial technical disagreement over the geographic reach of groundwater effects, the location of water-bearing zones, the adequacy of monitoring, and the assumptions used to characterize subsurface behavior. Valley Link should state what it assumed, why it assumed it, and how much its conclusions would change if those assumptions proved wrong.

The circuit court order and the underlying record

The Jefferson County Planning Commission denied the Mountain Pure concept plan in March 2025 on the grounds that it did not conform to the County zoning ordinance. Sidewinder petitioned the Circuit Court of Jefferson County, arguing that the Commission lacked authority to deny at the concept plan stage.[31] The case is State of West Virginia ex rel. Sidewinder Enterprises LLC d/b/a Mountain Pure v. Jefferson County Planning Commission, No. CC-19-2025-C-93, before Judge Bridget M. Cohee. The court denied the petition in November 2025 and entered a written order in December 2025. Sidewinder appealed in January 2026 to the West Virginia Supreme Court of Appeals, the State's highest court. Sidewinder filed its brief on April 16, 2026, and the National Trust for Historic Preservation and the Preservation Alliance of West Virginia filed an amicus brief supporting the County in June 2026. No decision has issued and oral argument has not been scheduled.[32]

For Valley North purposes, the order and the record beneath it should be kept separate, for two reasons.

First, the order rests on county zoning authority. What the court decided was that the Planning Commission could deny a concept plan and could consider conformity with the zoning ordinance. A Public Service Commission siting proceeding raises neither question. The holding does not transfer.

Second, propositions in that proceeding differ in how well they are independently supported. The karst setting, the existence of a technical dispute over the adequacy of the applicant's analysis, and the presence of contamination at the former industrial site each have support in the underlying record and in the sources cited in this paper. Findings that required the court to resolve disputed hydrogeologic questions of its own stand differently, and Sidewinder's appeal argues the court exceeded its role on certiorari review in making them.[33]

Nothing in this paper depends on the order. The groundwater material drawn from that proceeding comes from applicant submissions, agency permit files, the Foundation's published

compilation, and published research, and it remains available whichever way the appeal is decided.

Study boundaries in karst

A recurring question in Jefferson County groundwater review is how far out the investigation has to reach.

The Mountain Pure applicant assessed offsite impacts within 5,000 feet of its supply well.[34] The submission states that distance. It does not state the hydrogeologic basis for choosing it. That distinction matters in this aquifer. USGS has measured groundwater in Jefferson County moving as fast as 840 feet per day,[35] and has found large springs in watersheds with little or no surface discharge, which it attributes to groundwater transfer between watersheds along faults.[36] A radius selected by convention rather than by geology may or may not capture the wells and springs actually connected to the site. The adequacy of that analysis was contested in the County proceeding, and the Foundation's expert concluded that the modeling behind it rested on incorrect assumptions.[37]

Valley North presents the same question in a harder form, for two reasons.

First, there is nothing yet to examine. The Mountain Pure record at least contains a stated study area, drawdown estimates, and monitoring results that others could review and dispute. For Jefferson County, Valley Link has not published its structure locations, foundation depths, access road mileage, or any groundwater study area at all. A fixed corridor of a half mile or a mile may be a reasonable starting point for screening, but Valley Link has not yet said what it will use or why.

Second, a transmission line is not a single point of withdrawal. A supply well is one location. A 765 kV line would place repeated excavations across the county, each one a separate opportunity to intersect a fracture, solution conduit, or void, and each one potentially connected to the others through the same groundwater system. The question is therefore not only how far effects extend from any one structure, but what those effects amount to across a connected aquifer. A study boundary drawn around individual towers, without regard to whether those towers sit on the same flow path, would not answer it.

Private wells, springs, and baseline conditions

Jefferson County groundwater is not an abstraction. The Legislature's finding that more than 90 percent of the State's rural population depends on groundwater for drinking water[38] applies directly here, and many households on private wells have no second source of supply and no routine monitoring of the kind a public water system receives: if yield falls or quality changes, the household loses its water.

The federal government also draws on this aquifer. The USGS Leetown Science Center, and the USDA National Center for Cool and Cold Water Aquaculture co-located on its property, are supplied by three large springs and three production wells. USGS undertook its detailed Leetown investigation because the second facility placed additional demands on available water resources and the agency needed to determine whether groundwater could sustain both.[39]

For Valley North, private wells and springs should be treated as the places where groundwater effects would actually be felt, and their existing condition should be documented before construction.

Depending on location and hydrogeologic risk, baseline information should include:

- well depth and construction information;
- static water level;
- known water-bearing intervals;
- historic or reported yield where available;
- baseline water quality;
- nearby springs, seeps, sinkholes, or losing streams; and
- relationship to mapped faults, fractures, bedding, and other structural features.

Baseline monitoring serves both preventive and evidentiary purposes. If a landowner later reports reduced well yield, increased turbidity, sediment, altered taste or odor, or another water-quality change, preconstruction data provide a reference for determining whether conditions changed and whether construction may have contributed. Without preconstruction data, that determination becomes substantially harder for the landowner, the company, and any reviewing agency.

The Mountain Pure record shows that a Jefferson County applicant proposing a significant groundwater effect undertook pre-project hydrogeologic characterization, including pump testing and surface-water monitoring, before any withdrawal began.[40] Whether that record also contains specific private-well monitoring commitments, and on what radius and triggering conditions, is identified below as material that would strengthen this analysis.

Existing contamination and groundwater pathways

The Jefferson County record also includes an existing groundwater-contamination issue at the former Kodak and 3M industrial property involved in the Mountain Pure proposal. The property has a remediation history and monitoring wells and is addressed in WVDEP's Voluntary Remediation Program file.[41]

The Valley North implication is methodological rather than site-specific. Valley Link should evaluate known contaminated areas together with local groundwater pathways where construction activities could alter groundwater conditions. Drilling, excavation, dewatering, infiltration changes, or disturbance of fractures and conduits require additional analysis where contamination and potentially connected groundwater pathways coincide.

Proximity alone does not establish a hydraulic connection. Karst conditions make it particularly important to determine whether such a connection exists before significant ground disturbance occurs, rather than after.

Linear construction in Jefferson County karst

The Sidewinder raw-water pipeline is a useful local reference because it involves linear construction through Jefferson County karst under a construction-stormwater registration.[42]

The Jefferson County Foundation has compiled and published material from the permit file for registration WVR113389, including the stormwater pollution prevention plan, the groundwater protection plan certification and inspection checklist, erosion and sediment control plans, the pipeline soil report, and review comments on the application.[43] That collection identifies the practical construction questions that arise in this terrain: drilling and excavation, dewatering, encounters with voids and sinkholes, loss of drilling fluid, concrete washout, fuel and hydraulic-fluid releases, stormwater management, and stabilization.

The Foundation's materials indicate that the groundwater protection plan for that project contains a karst mitigation plan at Section J.[44] The Foundation has taken the position that the karst mitigation plan is inadequate and has recommended additional geophysical investigation. That is the Foundation's stated position rather than a WVDEP requirement and is identified as such here. It nevertheless points to investigative techniques worth evaluating at Valley North locations where surface inspection leaves substantial uncertainty about subsurface karst.

West Virginia law recognizes the vulnerability of groundwater

The West Virginia Groundwater Protection Act, enacted in 1991, is the State's principal groundwater statute. It designates a lead agency for groundwater management, directs the Department of Environmental Protection to coordinate groundwater protection across the several agencies whose permits can affect groundwater, establishes a groundwater certification program, and sets out legislative findings on the condition and vulnerability of the State's groundwater.[45] Several of those findings bear directly on Valley North.

Nothing located to date indicates that the Act was invoked in the Mountain Pure and Sidewinder proceeding. That proceeding turned on county zoning authority, not on State groundwater law. The Act's application to a transmission line is therefore an open question rather than a settled one, which is itself an opportunity and is addressed below.

The Legislature found that more than 50 percent of West Virginia's population and more than 90 percent of its rural population depend on groundwater for drinking water.[46] The Act states that West Virginia's groundwater resources are “geologically complex, with the nature and vulnerability of groundwater aquifers and recharge areas not fully known.”[47] The Legislature further found that contamination of groundwater is generally much more difficult and expensive to clean up than is the case with surface water.[48]

Most important for Jefferson County, the statute expressly recognizes that groundwaters and surface waters “can be highly interconnected.”[49] That finding supports treating springs, gaining and losing streams, and other connected surface-water features as part of the groundwater analysis where the hydrogeology supports such a connection.

The statute also establishes a policy of maintaining and protecting the State's groundwater at existing quality so as to support present and future beneficial uses, subject to specified feasibility, practicality, and societal considerations.[50]

These provisions create a broader groundwater framework than simple construction-permit compliance. They place protection of existing groundwater quality, connected waters, and future beneficial uses within the State's express groundwater policy.

Cumulative groundwater effects

Section 22-12-8 establishes a groundwater certification program and directs the director to oversee and coordinate its implementation in order to ensure a "comprehensive, consistent and unfragmented approach" to the management and protection of groundwater, "including evaluation of the cumulative effects of all activities that have the potential to impact on groundwater."[51]

Valley North would not enter an undisturbed aquifer. It would enter a groundwater system already supporting private wells and springs, stream base flow, agriculture, and development, and containing known contamination in places. The statute makes evaluation of those cumulative effects part of what the certification program exists to accomplish. It does not, by its terms, place that evaluation on a project applicant. That is the point: the obligation runs to the agency, so the question of what cumulative analysis will be done for this project, and by whom, has to be raised rather than assumed.

Valley Link's groundwater baseline for Jefferson County should therefore account for the following, wherever they are hydro geologically connected to a proposed route:

- existing groundwater withdrawals, and any significant new or expanded withdrawal;
- known contaminated groundwater;
- private and public water-supply dependence;
- existing development;
- springs and streams dependent on groundwater discharge;
- construction-related dewatering;
- changes in infiltration;
- multiple Valley North construction locations affecting a connected groundwater system; and
- other identifiable activities capable of affecting groundwater quality, quantity, gradients, or flow paths.

A route-by-route comparison that treats each structure location in isolation and treats the existing condition of the aquifer as a given, would not answer the cumulative-effects question that Section 22-12-8 places at the center of groundwater certification. The cumulative question is what the project adds to a system already under stress, and it should be answered while the route can still change.

Section 22-12-8(b) goes further than a finding. It requires every state, county, or local governmental body that reviews or issues permits, licenses, registrations, certificates, or other approvals for activities that may affect groundwater quality to submit the proposed approval to the director for groundwater certification. The director may grant, condition, deny, or waive that certification, and any condition imposed becomes a condition of the underlying approval.[52]

Section 22-12-8(b) reaches "certificates of other forms of approval" issued by any state, county or local government body for activities that may affect groundwater quality. Whether a Public Service Commission certificate authorizing construction of a 765 kV transmission line is such an approval has not been determined. It is a question that can be put, and there are two ways to put it. Section 22-12-12 lets any person petition the appropriate rule-making agency for rule making on an issue arising under the article, and a decision not to pursue rule making "must set forth in

writing reasons for refusing to do so."[53] A declaratory ruling is the second route. Section 22-12-12's own declaratory-ruling provision reaches only rules already promulgated under the article, but the State's Administrative Procedures Act is broader: on the petition of any interested person, an agency may issue a declaratory ruling on the applicability of any rule or statute enforceable by it.[54] That reaches Section 22-12-8(b) itself. The agency is not obliged to issue such a ruling, and a ruling binds only the agency and the petitioner.[55] Neither route guarantees an answer. Both force the question into writing before a route is selected, which is worth more now than it will be later.

Karst-specific legislation considered but not enacted

House Bill 2980, introduced in 2021, would have amended sections 22-12-2, 22-12-3, and 22-12-8 to provide specifically for groundwater protection in karst terrain and to define karst terrain. The bill was referred to the House Committee on Health and Human Resources and then Judiciary and received no further recorded action.[56]

The current Groundwater Protection Act therefore continues to address karst primarily through its broader provisions governing groundwater vulnerability, interconnected waters, existing groundwater quality, certification, and cumulative effects. The bill history supports a limited conclusion: karst-specific amendments were proposed and did not advance. It does not establish why the Legislature failed to enact them.

Construction risks specific to Valley North

Transmission construction presents several potential mechanisms for groundwater disturbance in karst terrain:

- drilling and excavation for tower foundations;
- encounter with fractures, conduits, cavities, or shallow water-bearing zones;
- blasting where required;
- temporary or sustained dewatering;
- diversion or concentration of groundwater or stormwater;
- drilling-fluid loss into fractures or voids;
- unexpected groundwater inflow during excavation;
- changes in infiltration from access roads, grading, and compaction;
- erosion and sediment movement into karst features;
- fuel, hydraulic-fluid, concrete-washout, or other construction releases; and
- destabilization or exposure of previously unknown karst features.

The cavern encountered by the Mountain Pure supply well is a concrete local instance of the second item on that list.[57] It was found because the applicant drilled. Valley North would drill repeatedly, across the county.

Valley Link has not published project-specific engineering information sufficient to determine the number, dimensions, or depth of excavations that would occur in Jefferson County, or the mileage of new or improved access road each alternative would require. Those details are necessary before the groundwater consequences of competing routes can be compared.

Madison Cave isopod

The Madison Cave isopod, Antrolana lira, lives in the flooded limestone caves and deep karst groundwater of the Great Valley of Virginia and West Virginia. It is blind, unpigmented, and cannot survive outside groundwater. U.S. Fish and Wildlife Service materials describe its range as a narrow belt running from Lexington, Virginia to Charles Town, West Virginia, and identify documented population centers in the valley of the main stem of the Shenandoah River, including Jefferson County, West Virginia.[58]

The species matters here for what its survival depends on. Groundwater conditions in this county are difficult to observe directly, which is the recurring theme of this paper. An organism that spends its whole life inside the aquifer is exposed to those conditions continuously and has nowhere else to go. The Fish and Wildlife Service identifies the threat in those terms: "Agriculture and encroaching industrial and urban development threaten the quality of groundwater habitat and thus the survival of this species."[59] The species has been federally listed as threatened since November 3, 1982.[60]

Where the isopod is found, the aquifer at that point is functioning as habitat and not only as a water supply, and the conditions that sustain it are the same conditions that sustain the wells and springs around it. That is the sense in which it serves as a canary. Two cautions belong with the argument. Available Fish and Wildlife Service material supports the species' dependence on groundwater quality; it does not establish that abundance at a given point can be read as a direct measure of flow or connectivity. And occurrence data are currently too coarse to test any particular route segment.

Occurrence records specific enough to compare against route alternatives have not been obtained. They should be requested from the U.S. Fish and Wildlife Service West Virginia Field Office and from the Natural Heritage Program of the West Virginia Division of Natural Resources.

Questions Valley Link has not answered

The following are answerable now, from information Valley Link necessarily holds in order to have developed route alternatives at all. None has been made public for Jefferson County.

- How many miles of each Jefferson County alternative cross mapped karst.
- What structure types, spacing, foundation dimensions, and foundation depths are anticipated.
- How many individual foundation and anchor excavations each alternative would require in karst.
- How many miles of new or improved access road each alternative would require, and where those roads cross karst.
- Whether blasting, dewatering, or grouting of encountered voids is anticipated, and at what locations.
- What subsurface investigation has been performed in Jefferson County to date, and what will be performed before a preferred route is selected.
- What groundwater study area will be used around each structure and access road, and what hydrogeologic evidence supports that distance.

- How wells and springs hydraulically connected to construction will be identified, including those outside any fixed buffer.
- What long-term right-of-way vegetation management is planned, including whether herbicides will be used over recharge areas.
- Whether the groundwater analysis supporting the route decision will be public before the Public Service Commission application is filed.

One question matters more than the others: what groundwater condition would cause Valley Link to move or reject a route. If the answer is that no groundwater condition would, then karst is not a routing criterion for this project and the remaining questions are about mitigation after the fact. If some condition would, Valley Link should say what it is and should say so while the route can still change.

Karst investigation needed for Valley North

The existing Jefferson County record supports route-specific groundwater and karst investigation before the preferred Valley North alignment is fixed.

Valley Link should be able to demonstrate how it has:

- identified karst terrain and known karst features along each route alternative;
- incorporated faults, fractures, bedding, and other structural controls on groundwater movement;
- inventoried potentially affected wells, springs, sinkholes, losing streams, seeps, and other groundwater-dependent features;
- established baseline water-level and water-quality information in higher-risk areas;
- identified known contaminated sites and evaluated relevant groundwater pathways;
- assessed drilling, excavation, blasting, foundation construction, and dewatering in areas of elevated karst risk;
- established procedures for unexpected cavities, sinkholes, groundwater inflow, and drilling-fluid loss;
- justified the geographic boundaries used for groundwater investigation based on hydrogeology;
- evaluated groundwater and karst conditions while meaningful route alternatives remain available; and
- considered existing and reasonably identifiable groundwater stresses when evaluating cumulative effects.

The scope and intensity of investigation can vary by location. Jefferson County's geology supports more intensive investigation where route segments cross conditions associated with higher groundwater or karst risk.

Material that would strengthen this analysis, and where to get it

Several items in the Jefferson County record would materially improve the groundwater case for route-stage review. Each is listed with what is required to document it and who holds it. Nothing below is treated as established in this paper; each is identified as material still to be obtained.

- The Groves report. A karst hydrogeologist's review of the applicant's modeling and the assumptions behind it applies directly to Valley North. Required: the complete report rather than any description of it. It is in the circuit court record at pages 2679 through 2712 in Case No. CC-19-2025-C-93. Request from the Jefferson County Foundation, which commissioned it, or from the Jefferson County Circuit Clerk.
- The TRIAD Engineering hydrogeologic report. Required: the report as submitted. It was filed with the concept plan rather than with the court petition, so request it from the Jefferson County Office of Planning and Zoning, which holds the Planning Commission agenda packet of March 11, 2025 and the staff reports of December 17, 2024 and February 11, 2025. TRIAD Engineering and the Circuit Clerk are alternative sources.
- The two reports read side by side. The documented disagreement is already useful; the reports themselves would let us state precisely where the two diverge on the geographic reach of effects and on the assumptions used to characterize subsurface behavior. Required: both reports and any responsive filings. Same sources as above.
- The applicant's private-well monitoring commitments. A Jefferson County precedent establishing a specific monitoring radius and specific conditions triggering remedial action would be the most useful available analogue for what Valley North should offer landowners. Required: the monitoring proposal itself, with the radius, the trigger conditions, and their stated basis. Request from the Jefferson County Office of Planning and Zoning.
- The WVR113389 karst mitigation plan and any WVDEP correspondence on it. This would show what the agency actually required, questioned, or accepted for linear construction through Jefferson County karst, which is the closest regulatory precedent available to a transmission line. Required: the plan as submitted and the agency's review correspondence. Request from the WVDEP Division of Water and Waste Management by file review request; the Foundation has published portions already.
- The WVDEP Voluntary Remediation Program file for the former Kodak and 3M property. Plume location and groundwater-flow direction would allow an assessment of whether any Valley North alternative approaches contaminated groundwater. Required: the VRP file. Request from the WVDEP Office of Environmental Remediation.
- The 2012 County-Wide Groundwater Assessment. A countywide assessment commissioned by the County itself would carry particular weight with County decision-makers, and may contain recharge and vulnerability mapping usable for route comparison. Required: the full report. Request from the Jefferson County Office of Engineering.
- Current status of any Mountain Pure or Sidewinder withdrawal. Sidewinder's challenge to the denial was rejected in the circuit court and is on appeal, so no withdrawal at the proposed scale can proceed while that denial stands. Whether any withdrawal is nonetheless occurring, at what volumes, and with what monitoring results, bears on the groundwater baseline against which Valley North would be evaluated. Required: current withdrawal and monitoring data. Request from the WVDEP Division of Water and Waste Management and

the Jefferson County Office of Planning and Zoning. This paper makes no claim that any withdrawal has caused measurable effects.

- The GIS correspondence behind the County's August 20, 2026 release. The release itself is confirmed. The underlying exchange would show what the County asked for, when, and how Valley Link answered, which is evidence about the company's conduct toward the County rather than about groundwater. Request from the Jefferson County Office of GIS & Addressing and the County Commission.
- Madison Cave isopod occurrence records. Documented occurrence locations relative to the route alternatives would show whether the species can serve as an indicator at any specific point along a proposed corridor. Required: current occurrence records. Request from the U.S. Fish and Wildlife Service West Virginia Field Office and the Natural Heritage Program of the West Virginia Division of Natural Resources.

Conclusion

Jefferson County is not a place where groundwater conditions have to be assumed. They have been measured. USGS has recorded water moving as fast as 840 feet per day through the county's carbonate rock,[61] following more than one path from a single point,[62] and crossing surface-watershed boundaries along faults.[63] The County has commissioned its own groundwater studies, maps its springs and sinkholes, has identified karst mitigation as a planning need, and tells its own residents plainly that there is no efficient way to determine from the surface whether a sinkhole is present and forming underground.[64] West Virginia law has said since 1991 that the State's aquifers are vulnerable, that their nature and vulnerability are not fully known, that groundwater and surface water are interconnected, and that cumulative effects on groundwater must be evaluated.[65]

The county has also recently watched this question be fought out on a far smaller project. One well, one site, one applicant, and the result was two qualified hydrogeologists reaching materially different conclusions about how far the effects would reach, with the applicant's own hydrogeologist conceding that in karst you do not know what you do not know.[66] Valley North is a 765 kV line across the same aquifer.

Against that record, Valley Link has published nothing about Jefferson County. Not the structure locations. Not the foundation depths or dimensions. Not the access road mileage. Not the miles of karst any alternative would cross. Not a groundwater study area, or the hydrogeologic basis for one. Not a statement of what groundwater condition, if any, would cause it to move or reject a route. When the County asked for the route data that would let it do the analysis itself, the County's published account is that Valley Link “declined to provide the GIS data requested by the County.”[67]

That absence is the problem this paper identifies, and it has a deadline. Several of the karst-specific controls West Virginia applies to construction arise during later construction permitting, by which point the route may already be substantially fixed. A karst mitigation plan can govern how a tower is built at a chosen location. It cannot ask whether a different location would have been better. Once the route is fixed, the only remaining question is how to build it.

So the sequence matters more than the substance of any single objection. The groundwater work should be done now, disclosed now, and used to compare routes now, while the route can still

change. Jefferson County has the studies, the maps, the statute, and a fresh local demonstration of how wrong confident groundwater modeling can be in this rock. What it does not have is any indication that Valley Link has looked. If that does not change before the route is fixed, the decision that matters most for Jefferson County's water will have been made before anyone examined the water.

Source notes

1. Kozar, M.D., Hobba, W.A., Jr. & Macy, J.A., 1991. Geohydrology, Water Availability, and Water Quality of Jefferson County, West Virginia, with Emphasis on the Carbonate Area. U.S. Geological Survey Water-Resources Investigations Report 90-4118. https://pubs.usgs.gov/wri/1990/4118/report.pdf The flow-rate figures and the carbonate-extent figure appear in the Abstract.
2. Kozar, M.D., McCoy, K.J., Weary, D.J., Field, M.S., Pierce, H.A., Schill, W.B. & Young, J.A., 2008. Hydrogeology and Water Quality of the Leetown Area, West Virginia. U.S. Geological Survey Open-File Report 2007-1358. https://pubs.usgs.gov/publication/ofr20071358 The dye-tracer findings appear in the Abstract.
3. Jefferson County Foundation, Groundwater Bottling Facility in Middleway. https://www.jeffersoncountyfoundation.org/zoning/water-bottling-facility-in-middleway/ The Foundation has compiled and published the concept plan submissions, County-hosted filings, and litigation briefs from this proceeding. The quoted language describing the Foundation's expert review appears on this page.
4. Kozar, Hobba & Macy, supra note 1.
5. McCoy, K.J., Podwysocki, M.H., Crider, E.A. & Weary, D.J., 2005. Fracture Trace Map and Single-Well Aquifer Test Results in a Carbonate Aquifer in Jefferson County, West Virginia. U.S. Geological Survey Open-File Report 2005-1407. https://pubs.usgs.gov/of/2005/1407/
6. Kozar and others, Leetown Area (Open-File Report 2007-1358), supra note 2.
7. Evaldi, R.D., Paybins, K.S. & Kozar, M.D., 2009. Hydrogeologic Factors Affecting Base-Flow Yields in the Jefferson County Area, West Virginia, October–November 2007. U.S. Geological Survey Scientific Investigations Report 2009-5145. Prepared in cooperation with the County Commission of Jefferson County and the West Virginia Division of Water and Waste Management. https://pubs.usgs.gov/publication/sir20095145
8. Evaldi, Paybins & Kozar, supra note 7.
9. Kozar, M.D. & Weary, D.J., 2009. Hydrogeology and Ground-Water Flow in the Opequon Creek Watershed Area, Virginia and West Virginia. U.S. Geological Survey Scientific Investigations Report 2009-5153. https://pubs.usgs.gov/publication/sir20095153 The simulated area covers approximately 1,013 square kilometers (about 391 square miles) in Jefferson, Berkeley, and Morgan Counties, West Virginia, and Clarke, Frederick, and Warren Counties, Virginia.
10. Canaan Valley Institute, The Opequon Creek Watershed. https://www.canaanvi.org/the-opequon-creek-watershed Cited for the course and extent of the watershed only.
11. Kozar & Weary, supra note 9.

12. Kozar & Weary, supra note 9.

13. Kozar & Weary, supra note 9.

14. Jefferson County Commission, Office of Engineering, Studies & Reports. https://www.jeffersoncountywv.org/county-government/departments/engineering-department/studies-reports The page lists the ASI County-Wide Groundwater Assessment — Final Report, April 2, 2012, and the Westridge Hills Test Wells Pump Test Report — Final, October 31, 2011.

15. Jefferson County Commission, Commission Publishes Map of Valley Link Study Segments, August 20, 2026. https://www.jeffersoncountywv.org/Home/Components/News/News/461/18 The quoted language, the description of the overlay and its buffers, and the caution that the locations shown are approximate all appear in this release. County GIS resources generally: https://www.jeffersoncountywv.org/county-government/departments/gis-addressing

16. Jefferson County Office of GIS & Addressing, supra note 15.

17. Jefferson County Hazard Mitigation Plan, 2023 Update, Project 3: Karst Mitigation Plan. https://www.jeffersoncountywv.org/home/showpublisheddocument/27698/638811792787830000 Project 3 calls for best practices and recommendations for land use, resiliency, and infrastructure in karst areas, and the plan describes karst aquifers as highly productive but extremely vulnerable to contamination. Confirmed against the plan text.

18. Jefferson County Commission, Office of Engineering, Sinkhole Information. https://www.jeffersoncountywv.org/county-government/departments/engineering-planning-and-zoning/office-of-engineering/sinkhole-information

19. Jefferson County Foundation, Groundwater Bottling Facility in Middleway, supra note 3.

20. Jefferson County Foundation, Groundwater Bottling Facility in Middleway, supra note 3.

21. Mountain Pure concept plan submission, December 6, 2024, published by Jefferson County. https://www.jeffersoncountywv.org/home/showpublisheddocument/26854/638691013541900000 Located through the Jefferson County Foundation compilation of this proceeding. The figures summarized in the text are taken from this document. Note: the County-hosted file is a scanned image without searchable text, so the figures were read from the document rather than extracted.

22. Mountain Pure concept plan submission, supra note 21.

23. Erik Anderson, “Sidewinder’s Mountain Pure project rejected at end of 8-hour planning commission meeting; officials say plan conflicts with county zoning code,” Spirit of Jefferson, March 13, 2025 (reporting the Planning Commission hearing of March 11, 2025). https://www.spiritofjefferson.com/news/article_fcc02534-0029-11f0-9690-43572fed7ac7.html Contemporaneous press account. The TRIAD pump-test description, the cavern encountered by the well, the quotation from Nicholas Wolfe, and the statement by Walt Eifert are reported in this article; none has been confirmed against the TRIAD report or a hearing transcript.

24. Jefferson County Foundation, Groundwater Bottling Facility in Middleway, supra note 3.

25. Dr. Chris Groves, Distinguished University Professor of Geography, Western Kentucky University; Director, Crawford Hydrology Laboratory and Hoffman Environmental Research Institute; Ph.D., Environmental Sciences, University of Virginia, 1993.

https://midwestgeo.com/bios/chrisgroves.php and https://www.wku.edu/eeas/staff/chris_groves

26. Jefferson County Foundation, Groundwater Bottling Facility in Middleway, supra note 3.
27. Brief of Intervenor Jefferson County Foundation, State of West Virginia ex rel. Sidewinder Enterprises LLC d/b/a Mountain Pure v. Jefferson County Planning Commission, No. CC-19-2025-C-93 (Cir. Ct. Jefferson Cty., W. Va.), filed October 10, 2025. https://www.jeffersoncountyfoundation.org/wp-content/uploads/2025/10/JCF-Sidewinder-brief.Oct102025.pdf The brief cites the expert report of Dr. Chris Groves at pages 2679 through 2712 of the record.
28. Anderson, Spirit of Jefferson, March 13, 2025, supra note 23.
29. Anderson, Spirit of Jefferson, March 13, 2025, supra note 23.
30. Anderson, Spirit of Jefferson, March 13, 2025, supra note 23.
31. Verified Petition, State of West Virginia ex rel. Sidewinder Enterprises LLC d/b/a Mountain Pure v. Jefferson County Planning Commission, No. CC-19-2025-C-93 (Cir. Ct. Jefferson Cty., W. Va.), filed April 10, 2025. https://wvpublic.org/wp-content/uploads/2025/04/042025_Sidewinder-Legal-Complaint_Jefferson-County-Circuit-Court.pdf The petition's appendices identify the Planning Commission agenda packet of March 11, 2025 and the staff reports of December 17, 2024 and February 11, 2025.
32. Procedural history of State of West Virginia ex rel. Sidewinder Enterprises LLC d/b/a Mountain Pure v. Jefferson County Planning Commission, No. CC-19-2025-C-93 (Cir. Ct. Jefferson Cty., W. Va.) (Cohee, J.): petition filed April 10, 2025; petition denied November 2025; written order December 2025; appeal filed January 2026; appellant's brief filed April 16, 2026; amicus brief of the National Trust for Historic Preservation and the Preservation Alliance of West Virginia filed June 2026. Sources: West Virginia Press Association, "Sidewinder Enterprises has petition denied in Circuit Court," November 13, 2025, https://wvpress.org/breaking-news/sidewinder-enterprises-has-petition-denied-in-circuit-court-a-win-for-the-jefferson-county-planning-commission/ ; West Virginia Public Broadcasting, "Jefferson Co. Water Bottling Facility Developers Appeal To Supreme Court," January 21, 2026, https://wvpublic.org/story/energy-environment/jefferson-co-water-bottling-facility-developers-appeal-to-supreme-court/ ; Preservation Alliance of West Virginia, amicus announcement, July 2026, https://www.pawv.org/news/leading-preservation-organizations-file-amicus-brief-in-opposition-to-massive-water-extraction-and-bottling-facility , and the Jefferson County Foundation's Middleway page. The circuit court order itself has not been independently retrieved; obtain from the Jefferson County Circuit Clerk. As of September 29, 2026 the appeal does not appear on the Supreme Court's September argument calendar, https://www.courtswv.gov/appellate-courts/supreme-court-of-appeals/current-docket/september, and no merits decision was located. The live docket should be checked immediately before this paper is circulated.
33. Procedural history, Sidewinder v. Jefferson County Planning Commission, supra note 32.
34. Mountain Pure concept plan submission, supra note 21.
35. Kozar, Hobba & Macy, supra note 1.
36. Evaldi, Paybins & Kozar, supra note 7.
37. Jefferson County Foundation, Groundwater Bottling Facility in Middleway, supra note 3.

38. W. Va. Code § 22-12-2(a)(2). https://code.wvlegislature.gov/22-12-2/

39. Kozar, M.D., Weary, D.J., Paybins, K.S. & Pierce, H.A., 2007. Hydrogeologic Setting and Ground-Water Flow in the Leetown Area, West Virginia. U.S. Geological Survey Scientific Investigations Report 2007-5066. https://pubs.usgs.gov/publication/sir20075066 The description of the Leetown supply and the reason for the investigation appears in the Abstract.

40. Mountain Pure concept plan submission, supra note 21.

41. West Virginia Department of Environmental Protection, Voluntary Remediation Program file for the former Kodak/3M property, Jefferson County. Not independently retrieved. Obtain from the WVDEP Office of Environmental Remediation by file review request. Plume chemistry, boundaries, groundwater-flow direction, monitoring history, and current remediation status should be taken from that file rather than from any secondary description.

42. Jefferson County Foundation, Sidewinder Water Line through Middleway. https://www.jeffersoncountyfoundation.org/zoning/water-bottling-facility-in-middleway/sidewinder-water-line-through-middleway/ The page publishes material from the permit file for construction-stormwater registration WVR113389, including the raw water line stormwater pollution prevention plan, the groundwater protection plan certification and inspection checklist, erosion and sediment control plans, the pipeline soil report, a topographic map, and review comments on the application. For any statement about what the agency itself required, the WVDEP file should be cited rather than this page.

43. Jefferson County Foundation, Sidewinder Water Line through Middleway, supra note 42.

44. Jefferson County Foundation, Sidewinder Water Line through Middleway, supra note 42.

45. West Virginia Groundwater Protection Act, W. Va. Code §§ 22-12-1 to 22-12-14. https://code.wvlegislature.gov/22-12/ Enactment year per West Virginia Department of Environmental Protection, Groundwater Programs and Activities, biennial report to the Legislature, https://dep.wv.gov/WWE/Programs/gw/Documents/2014/FinalReport14.pdf

46. W. Va. Code § 22-12-2(a)(2).

47. W. Va. Code § 22-12-2(a)(4).

48. W. Va. Code § 22-12-2(a)(5).

49. W. Va. Code § 22-12-2(a)(6).

50. W. Va. Code § 22-12-2(b).

51. W. Va. Code § 22-12-8(a). https://code.wvlegislature.gov/22-12-8/

52. W. Va. Code § 22-12-8(b)–(c).

53. W. Va. Code § 22-12-12. https://code.wvlegislature.gov/22-12-12/ “Any person may petition the appropriate rule-making agency for rule making on an issue arising under this article”; “A decision by the appropriate rule-making agency not to pursue rule making must set forth in writing reasons for refusing to do so.” The declaratory-ruling provision of the same section reaches “the applicability to any person, property or state of facts of any rules promulgated by that agency pursuant to this article,” and so does not extend to the statute itself.

54. W. Va. Code § 29A-4-1 (West Virginia Administrative Procedures Act, declaratory rulings). https://code.wvlegislature.gov/29A-4-1/ “On petition of any interested person, an agency

may issue a declaratory ruling with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it." Issuance is discretionary, and a ruling binds only as between the agency and the petitioner on the facts alleged, and only where issued after argument and stated to be binding.

55. W. Va. Code § 29A-4-1, supra note 54.
56. West Virginia House Bill 2980, 2021 Regular Session. https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2980+INTR.htm&yr=2021&sesstype=RS&i=2980
57. Anderson, Spirit of Jefferson, March 13, 2025, supra note 23.
58. U.S. Fish and Wildlife Service, Madison Cave Isopod (Antrolana lira). Fact sheet: https://www.fws.gov/sites/default/files/documents/508_madison%20cave%20isopod%20fact%20sheet.pdf Species profile: https://ecos.fws.gov/ecp/species/4162 The fact sheet gives the range as a fifteen-mile-wide belt from Lexington, Virginia to Charles Town, West Virginia, and identifies documented population centers including the valley of the main stem of the Shenandoah River in Warren and Clarke Counties, Virginia and Jefferson County, West Virginia. It states that "Agriculture and encroaching industrial and urban development threaten the quality of groundwater habitat and thus the survival of this species," and gives the federal listing date as November 3, 1982.
59. U.S. Fish and Wildlife Service, Madison Cave Isopod, supra note 58.
60. U.S. Fish and Wildlife Service, Madison Cave Isopod, supra note 58.
61. Kozar, Hobba & Macy, supra note 1.
62. Kozar and others, Leetown Area (Open-File Report 2007-1358), supra note 2.
63. Evaldi, Paybins & Kozar, supra note 7.
64. Jefferson County Office of Engineering, Sinkhole Information, supra note 18.
65. W. Va. Code § 22-12-2(a)(4), (a)(6); W. Va. Code § 22-12-8(a).
66. Anderson, Spirit of Jefferson, March 13, 2025, supra note 23.
67. Jefferson County Office of GIS & Addressing, supra note 15.

The PSC should not allow a repackaged version of a previously rejected corridor to advance.

Conclusion and Request

We respectfully urge the Public Service Commission to:

1. **Deny Certificates of Public Convenience and Necessity** for Valley North, Gore-Doubs-Goose Creek, and MARL.
2. **Require comprehensive environmental, hydrological, cultural, and historic impact assessments** for any future proposals.
3. **Mandate genuine community engagement** that meets statutory standards and respects the voices of affected residents.

Jefferson County stands ready to provide additional documentation, testimony, and analysis as needed.

Respectfully submitted,

Jefferson County Commission
Jefferson County, West Virginia

Pasha Majdi, President

Cara Keys, Vice-President

Steve Stolipher, Commissioner

Mike Mood, Commissioner

Jack Hefestay, Commissioner

West Virginia Energy and Community Alliance

VALLEY NORTH: THE FACTS BEHIND VALLEY LINK'S "GET THE FACTS" CAMPAIGN

Valley Link says West Virginians "deserve the facts" about Valley North. They do. The problem is that several of Valley Link's claims are either incomplete or answer a much narrower question than the one West Virginians need answered.

One: VALLEY LINK SAYS "No final route has been selected for the Valley North Project."

- That's true. But the route is not the first question. The first question is why West Virginia should host this line at all, and what West Virginia gets for it.
- West Virginia is on the map because of geography. The power plants are west. The customers are east. West Virginia is in between.
- Where the demand is growing is a different matter, and Valley Link's fact sheet leaves it out. The organization that manages the electric grid for West Virginia and 12 other states expects nearly 69,000 megawatts of new demand from very large electricity users over the next decade. Virginia accounts for 33%. Pennsylvania 13%. Maryland 4%. West Virginia accounts for 1%.
- And the grid operator says these new high-capacity lines are needed to move electricity from the western part of the region toward the central and southern parts — primarily Virginia.
- As currently proposed, Valley North has no intermediate connections delivering electricity to West Virginia communities between Putnam County on the western side of the state and Maryland in the east. The Hardy County facility supports operation of the 765-kV line but its listed scope does not include connections supplying the local electric system. Those communities would bear major land-use impacts without the direct benefit of additional electricity delivered to their homes and businesses. Valley Link has not yet demonstrated in its public-facing project materials what--if any--specific reliability improvements these communities would receive.

Why this matters to West Virginia: Being in the middle explains the map. It does not explain the terms. West Virginians are being asked to give up land, host the towers, live with the views, and help pay for a line built to serve growth happening in another state. The route matters. West Virginians should get an answer on what they receive in return before they are asked which farms and ridgelines this line should cross.

Sources:

PJM Interconnection, "Discussion Around Goals, Principles and Elements of a Reliability Backstop Procurement," Feb. 6, 2026, p. 16.

PJM — Large-Load Growth by State

PJM Interconnection, "PJM Board Approves New Transmission Projects To Support Grid Reliability," Feb. 26, 2025.

PJM — Board Approval of New Transmission Projects

<u>Two:</u> VALLEY LINK SAYS more public meetings are coming and community feedback will help shape the route.

- That's true, too. But public meetings should give West Virginians a meaningful opportunity to examine the need for this line, its costs and benefits, and alternatives that could reduce its impact on our state.
- West Virginians need more than a choice among routes. They need to know how Valley Link will evaluate community concerns, what alternatives it will consider, and how public input will affect its decisions.
- The same basic questions remain unanswered: How much will West Virginia customers pay? What specific reliability benefits will they receive? And why should West Virginia bear so much of the land-use burden when just 1% of PJM's projected growth from very large electricity users is expected here?

Why this matters to West Virginia: An open house is an opportunity to ask questions. Meaningful participation also requires clear answers about the project's need, costs, benefits and alternatives, while there is still time for those answers to influence decisions. West Virginians should be able to evaluate the case for this line as well as comment on where it might run.

<u>Sources:</u>

Valley Link Transmission Company LLC, "Get the Facts — Valley North," discussion of public participation.
<u>Valley Link — Get the Facts</u>
PJM Interconnection, "Discussion Around Goals, Principles and Elements of a Reliability Backstop Procurement," Feb. 6, 2026, p. 16.
<u>PJM — Large-Load Growth</u> by State

<u>Three</u>: VALLEY LINK SAYS property owners will still own their land.

- That's true. But owning your land and controlling what happens on it are two different things.
- Valley Link plans to obtain permanent rights to use portions of private property for the power line. Those rights remain attached to the property even though the landowner still holds the deed.
- Valley Link itself says there will be restrictions on what landowners can do within the power-line corridor.
- And if Valley Link and a property owner cannot reach an agreement, Valley Link says eminent domain, the legal power to take property rights for a public use in exchange for compensation, remains an option.

Why this matters to West Virginia: "You still own your land" leaves out the information a property owner needs. West Virginia property owners need to know the answers to

questions like: How much of my property will be affected? What can I still build there? What trees can I keep? When can the power company enter my property? Can I refuse the easement? And what happens to my land if I want to sell it someday?

Keeping your name on the deed does not mean keeping all the rights you have today.

Sources:
Valley Link Transmission Company LLC, "How Easements and Rights-of-Way Work Together," Aug. 26, 2026.
Valley Link — Easements and Rights-of-Way
Valley Link Transmission Company LLC, "Get the Facts — Valley North," discussion of easements and eminent domain.
Valley Link — Get the Facts

Four: VALLEY LINK SAYS the project won't make electric bills "skyrocket."

- That avoids the question West Virginians need answered: How much more will we pay?
- Valley Link says the project's costs will be spread among millions of electricity customers. But its "Get the Facts" page does not tell a West Virginia family how much of Valley North's cost will be charged to West Virginia customers or what that means for a typical monthly electric bill.
- PJM does not spread these costs evenly. It allocates the cost of baseline reliability projects to the load zones most served by the new facility. So the number exists. Valley Link can say what West Virginia's share is.
- That matters because the projected growth is not evenly spread across the region. West Virginia accounts for just 1% of the projected growth from very large electricity users. Virginia accounts for 33%.

Why this matters to West Virginia: West Virginians should not have to settle for being told their bills won't "skyrocket." Tell us the number. How much will Valley North cost West Virginia customers? How much will the average household pay each month? And why should West Virginia families pay that amount when so little of the projected growth from very large electricity users is happening here?

Sources:
Valley Link Transmission Company LLC, "Get the Facts — Valley North," discussion of utility bills.
Valley Link — Get the Facts
PJM Interconnection, "PJM Board Approves New Transmission Projects To Support Grid Reliability," Feb. 26, 2025.
https://insidelines.pjm.com/pjm-board-approves-new-transmission-projects-to-support-grid-reliability/

PJM Interconnection, “Discussion Around Goals, Principles and Elements of a Reliability Backstop Procurement,” Feb. 6, 2026, pp. 13, 16.
PJM — Cost Allocation and Large-Load Growth

Five: VALLEY LINK SAYS Valley North will benefit all the states and communities it reaches.

- A stronger electric grid can benefit more than one state. But that doesn't tell us how much **West Virginia** benefits.
- Valley Link says Valley North will support homes, businesses, hospitals and emergency services across the regional grid. But the proposed line includes no intermediate connections delivering electricity to West Virginia communities along its route. Any claim that those communities will benefit therefore needs a specific explanation of how the project improves their existing electric service. Which communities would see fewer outages or other measurable improvements, by how much, and when? Hosting the towers is a definite local impact. Valley Link should demonstrate what local customers receive in return.
- The regional grid operator PJM says these new high-capacity power lines are needed in part to move more electricity from west to east, toward the central and southern part of the region, primarily Virginia.
- Its latest forecast shows Virginia with 33% of the expected growth from very large electricity users. West Virginia has 1%.

Why this matters to West Virginia: How much more reliable will electricity be for West Virginia customers because of Valley North? Where in West Virginia will reliability improve? How much will West Virginians pay for it? Valley Link says more than 5,200 people attended its 23 open houses across the state. Yet West Virginians still do not have those answers to these basic questions.

Those answers should be quantified. "Everyone benefits" isn't enough.

Sources:
West Virginia News, “FirstEnergy Pushes Back on Opposition to Proposed West Virginia Power Line, August 31, 2026.
https://www.wvnews.com/news/wvnews/firstenergy-pushes-back-on-opposition-to-proposed-west-virginia-power-line/article_da74ddd7-f5f3-49d6-a473-254969b8f330.html
PJM Interconnection, “PJM Board Approves New Transmission Projects To Support Grid Reliability,” Feb. 26, 2025.
PJM — Board Approval of New Transmission Projects
PJM Interconnection, “Discussion Around Goals, Principles and Elements of a Reliability Backstop Procurement,” Feb. 6, 2026, p. 16.
PJM — Large-Load Growth by State

Six: VALLEY LINK SAYS electricity demand is growing rapidly across the region.

- It is. But **where** it is growing matters. PJM projects an extraordinary increase in demand from very large electricity users, concentrated heavily in other states.
- Valley Link also says the project is intended to strengthen the broader regional grid, rather than to serve a single customer or industry in Loudoun County, Virginia. **The relevant question is how much of the projected growth is in West Virginia, what benefits West Virginia will receive, and whether those benefits justify the costs and land-use impacts imposed here.**
- PJM's own numbers provide that answer. Its latest projections show where growth from very large electricity users is expected: Virginia: 33%; Ohio: 26%; Illinois: 16%; Pennsylvania: 13%; Maryland: 4%; West Virginia: 1%.

Why this matters to West Virginia: "Demand is growing across the region" is true, but it is not growing at anything close to the same rate everywhere. Virginia accounts for 33% of the growth PJM expects from very large electricity users. West Virginia accounts for 1%. **Where** that growth is happening belongs in any honest discussion of why West Virginia is being asked to host a major new power line.

Sources:

West Virginia News, "FirstEnergy Pushes Back on Opposition to Proposed West Virginia Power Line, August 31, 2026.
https://www.wvnews.com/news/wvnews/firstenergy-pushes-back-on-opposition-to-proposed-west-virginia-power-line/article_da74ddd7-f5f3-49d6-a473-254969b8f330.html
PJM Interconnection, "Discussion Around Goals, Principles and Elements of a Reliability Backstop Procurement," Feb. 6, 2026, pp. 3, 12, 16.
PJM — Large Loads and Growth by State

Seven: VALLEY LINK SAYS the West Virginia Public Service Commission will ultimately vote on the project and the final route.

- That's true, and it matters. West Virginia law requires the Commission to decide whether the project is in the best interests of West Virginia customers and citizens, and to consider the route and its environmental effects.
- But that review is only as good as the record Valley Link builds. The Commission cannot weigh what West Virginia gains against what West Virginia pays unless Valley Link puts those numbers in its case.
- Valley Link has not said what share of Valley North's cost West Virginia customers will carry, what that comes to on a monthly bill, or what reliability West Virginia gets in return and where.

Why this matters to West Virginia: The Commission proceeding is real, and West Virginians should take part in it. But Valley Link can answer these questions now. A number that arrives only after the line is approved comes too late to be worth arguing about.

Source:
West Virginia Code § 24-2-11a.
West Virginia Code § 24-2-11a

THREE POWER LINES, THREE SEPARATE DECISIONS

Valley North is not the only high-voltage line proposed to cross West Virginia. The Mid-Atlantic Resiliency Link (MARL) would run about 59 miles through Monongalia, Preston, Mineral and Hampshire counties. The Gore–Doubs–Goose Creek (GDGC) project would run about 15 miles through Jefferson County. Both are 500-Kv projects approved as part of the same December 2023 regional transmission package.

Valley North is a 765-Kv project chosen in a later round, stretching roughly 260 miles from Putnam County, West Virginia, to Frederick County, Maryland, with about 225 miles of it in West Virginia. Valley Link does not expect to file with the Public Service Commission until 2027.

Each of the three goes before the Public Service Commission separately, at a different time, on its own record.

Why this matters to West Virginia: The WVPSC will decide whether each line is in West Virginia's interest in separate proceedings. West Virginians also deserve a clear accounting of the combined burden of these projects. PJM's analysis ties successive rounds of regional transmission expansion to growing electricity demand in Virginia and other eastern parts of the region, as well as generator retirements. In the later round that produced Valley North, PJM pointed to heavy west-to-east power flows driven by growing demand in Virginia and other eastern parts of the region. West Virginia is being asked to host three lines that are part of this larger buildout. What do all three together mean for this state — how much land, how much cost, and how much benefit stays here?

Sources
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https://www.firstenergycorp.com/about/transmission_projects/westvirginia/gore-doubs.html

December 2023 regional transmission package and eastern electricity demand: PJM Interconnection, *PJM Board of Managers Approves Critical Grid Upgrades,* Dec. 11, 2023.

PJM identifies new electricity demand in Virginia and Maryland, together with generator retirements, as drivers of the approved upgrades.
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Valley North regulatory timing: Valley Link Transmission Company LLC, *Valley North Open House Displays,* June 2026. The project timeline places identification of proposed and alternate routes and state regulatory filings in 2027.
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Valley North and west-to-east regional transfer needs: PJM Interconnection, *PJM Board Approves New Transmission Projects To Support Grid Reliability,* Feb. 26, 2025. PJM states that the projects address west-east regional transfer needs by connecting the western portion of PJM with central and southern portions of the region, "primarily Virginia."
https://insidelines.pjm.com/pjm-board-approves-new-transmission-projects-to-support-grid-reliability/

THE QUESTIONS WEST VIRGINIANS NEED ANSWERED: The regional grid operator that determined Valley North was needed in the first place now projects that West Virginia will account for just 1% of the region's growth from very large electricity users.

That fact alone demands clear answers about why West Virginia should bear so much of the impact of Valley North.

So before West Virginians are asked to debate which farms, communities and mountains Valley North should cross, they deserve some very simple answers:

- How much of the need for Valley North comes from growth in West Virginia?

- How much will West Virginia families pay?
- What specific benefits will West Virginia receive?
- And is there another way to meet the region's electricity needs that puts less of the burden on West Virginia?

Those are facts, too.