

**AGENDA**  
**MORGAN COUNTY COMMISSION**  
**77 Fairfax Street, Room 101**  
**Berkeley Springs, WV 25411**

**July 5, 2012 - 9:30 AM Open Meeting**

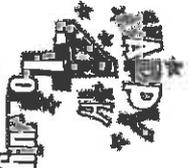
**9:30 AM- ADMINISTRATION & APPROVE MINUTES**

Assessor's Exonerations  
Calendar for July

**AGENDA ITEMS**

- 10:00 AM- Kim Nickles, County Clerk Office- Estate of Arnold Bearup
- 10:15 AM- Larry Schultz- Presentation of Preliminary Report on Marcellus Shale by the Marcellus Shale Committee
- 10:30 AM- George Didawick- Interview for Planning
- 10:45 AM- Angela Gray- Interview for Board of Health
- 11:00 AM- Patti Hamilton, West Virginia Association of Counties- Benefits of remaining a member
- 11:15 AM- Susan Webster- Billing policy of the Warm Springs Public Service District
- 11:30 AM- Kevin Sites- Official Vote & Resolution on establishing an Animal Control Committee
- 11:45 AM- Contract Lease Agreement with Blue Ridge CTC & Morgan County Commission
- 12:00 PM- Brenda Hutchinson- Volunteer Boards

**ADMINISTRATORS ITEMS**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
		Robert Sridemiller 	<b>Closed</b> 	Commission mtg- 9:30		
8	9	10	11	12	13	14
	911 Advisory- 4:00 Farmland- 6:00		WSPSD- 3:30			
15	16	17	18	19	20	21
		LEPC mtg- 3:00 pm	Parks & Rec- 7:00	Commission mtg-9:30	Teen Court- 1:00	
22	23	24	25	26	27	28
		EDA- 4:00 Planning- 7:00				
29	30	31	<b>Notes:</b>			

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/25/12

NAME: Kim Nickels, County Clerk Office

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOME PHONE: \_\_\_\_\_

\_\_\_\_\_

BUSINESS PHONE:

304-258-8540

\_\_\_\_\_

\_\_\_\_\_

DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION:

Estate of Arnold Bearup

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\_\_\_\_\_

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SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)

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\* Please include any handouts or material that will be discussed or presented to the County Commission. Thank you !

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/28/12

NAME: Larry Schultz

ADDRESS: \_\_\_\_\_

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\_\_\_\_\_

HOME PHONE: \_\_\_\_\_

\_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

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\_\_\_\_\_

DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION:

Presentation of Preliminary Report on Marcellus Shale by the  
Marcellus Shale Committee

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SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)

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\_\_\_\_\_

\* Please include any handouts or material that will be discussed or  
presented to the County Commission. Thank you !

# Draft

## **Preliminary Report of the Morgan County Marcellus Shale Committee to the Morgan County Commission**

June \_\_, 2012

### **EXECUTIVE SUMMARY**

There is little chance that any Marcellus drilling will take place in Morgan County and the county has little power to regulate gas drilling. Nevertheless, there is a great deal the County can and should do to assure that its citizens are protected in the event of drilling here, such as:

- 1) seeking expert opinion on the possibility of migration of fracking chemicals into the Warm Springs because of it's unusual geology;
- 2) supporting landowner rights *vis-à-vis* drillers by education and, e.g., facilitating baseline testing of well water;
- 3) requesting that the County Clerk report to the Commission when and if on oil and gas lease activity begins in the County, thus triggering:
  - a. negotiations directly with the drillers of Memoranda of Understanding, which will set forth the expectations of the industry and the County; and
  - b. the organizing of volunteers to help monitor for illegal dumping.\*\*\*

### **INTRODUCTION**

The Morgan County Commission formed a committee in September, 2011, to study the current Marcellus Shale boom and make recommendations to the Commission.

#### **A. WHAT IS THE MARCELLUS SHALE?**

The Marcellus Shale is a layer of rock that lies 5000-8000 feet below parts of New York, Pennsylvania, West Virginia and Ohio. This shale rock contains large amounts of natural gas, natural gas liquids, and oil. Geologists have been aware of

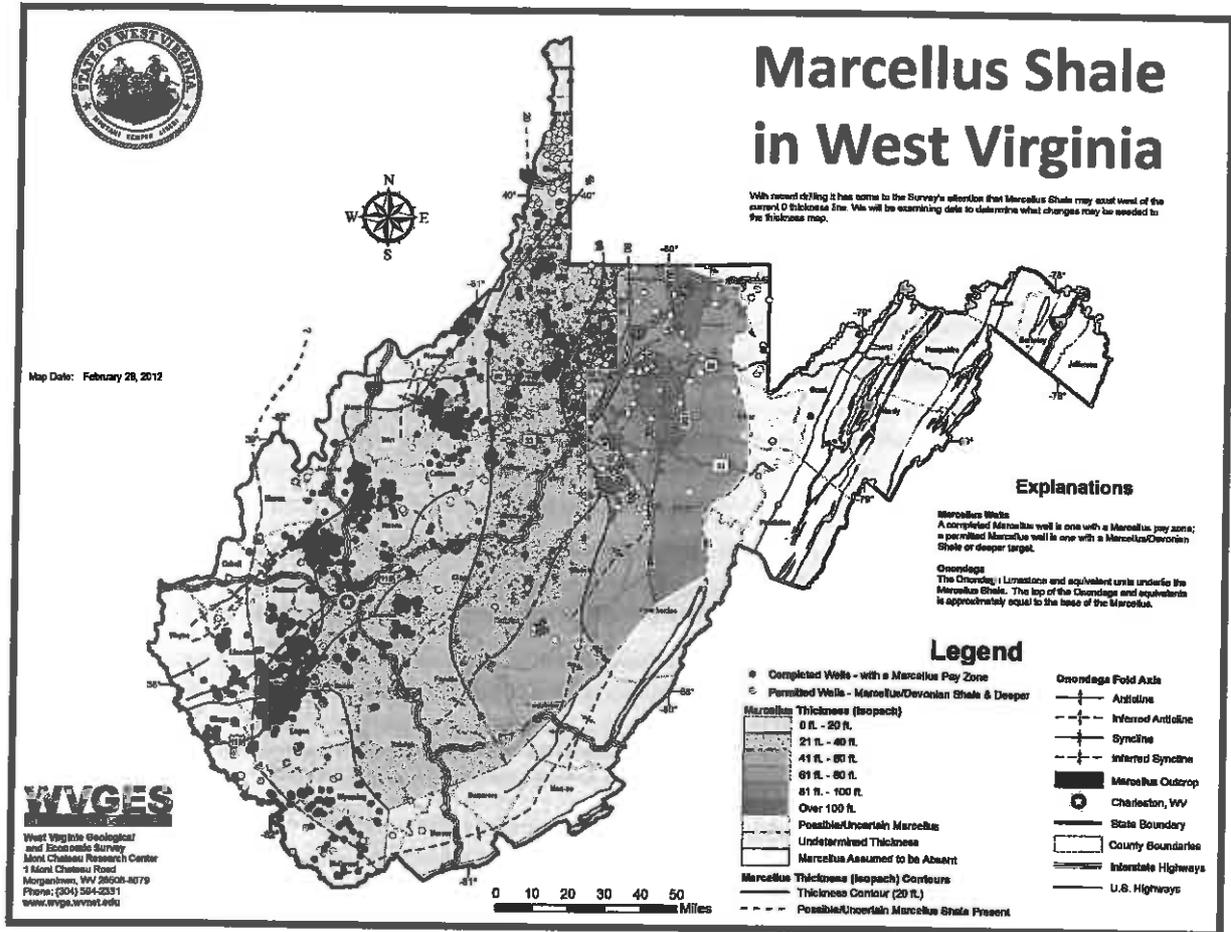
the existence of these hydrocarbons for many years, but the gas is embedded in a relatively thin layer of non-porous rock and is not easily extracted. Recent technological innovations, including horizontal drilling and hydraulic fracturing (also called hydrofracking or fracking) now make production economically feasible. Drillers turn the drill 90 degrees and drill *within and along* the profitable layer of rock to extract hydrocarbons from a production zone a mile long.

To allow gas to escape, millions of gallons of fresh water mixed with chemicals, salt, and sand are forced into the well at very high pressure. The mixture travels into the formation through perforations made in the pipe to force open cracks or fissures in the productive rock while the sand props open the fissures in the rock. The propped-open cracks allow natural gas and oil to flow into the perforated pipe and then under natural pressure to rise to the surface.

Fracking is inescapably an industrial process. In Wetzel County it has produced an archipelago of industrial sites (pads) a few acres in size and a few miles apart perched mostly on the flattened tops of some of the many wooded hills, interconnected by a network of truck traffic and both above- and below-ground pipes, and surrounded by scattered farms and residences. The public will also notice traffic, noise, and an influx of outsiders living in temporary accommodations. Whether this is beautiful or ugly, desirable or not, is in the experience of the beholder.

Fracking has been occurring for years. What is new is horizontal drilling, which allows drillers to extract gas from a mile away from the drill pad. Thus drill pads are dispersed. It means that gas could be extracted from a property, with the owner's permission, without disturbing the surface, probably the most likely situation in Morgan County, since we have few parcels greater than 2 miles across. Furthermore, there is no urgency to drill. However, one neighbor could block another neighbor from extracting gas if his parcel is between the drill pad and the neighbor. Some states force the reluctant landowner to pool his land with others for the purpose of gas extraction. West Virginia does not, but clearly it is in everyone's interest if owners pool voluntarily.

In West Virginia today there are over 2,000 active Marcellus wells. This map shows their locations:



As you can see, the vast majority of the activity to date in West Virginia has been well to the west of Morgan County, and will continue in those regions of the state for many years to come. The Marcellus Shale under Morgan County is near the western and southern borders of the county. No geologic map shows the Marcellus Shale extending under or to the north or east of the Town of Bath. Berkeley and Jefferson Counties have no Marcellus Shale.

Though the chances of major local drilling activity in Morgan County in the near future are fairly small, this could change were there a major strike in Hampshire

County, since that would change the estimates regarding the feasibility of drilling here. Thus, drilling in Hampshire County may serve as a warning sign of potential drilling here, at which time we might reiterate the warnings and cautions for landowners such as those included in the attached brochure.

Leases are typically purchased from the landowner by “landmen” acting for speculators who often hold them for years and then sell to drilling companies if an economically viable strike is made. Moreover, a pipeline is needed to transport the gas to market. It is possible that a pipeline or pipelines could be constructed across Morgan County even if wells are not drilled here.

## **B. BENEFITS**

There are several benefits to the production of gas from the Marcellus Shale in West Virginia. The production of this resource figures into the energy plan for the United States as a whole. Natural gas is clean burning, so as an energy source for the production of electricity, and for powering diesel trucks, it has much appeal. Of course it is also used in cooking, heating, and for industrial processes that require heat. Estimates range from a 50 to 100 year supply. It is a viable alternative to acquiring hydrocarbons from the Middle East.

By-products of natural gas, such as ethane, butane, and propane, also make it attractive.

West Virginia taxes the production of natural gas at 5% of production at the wellhead. This generated about \$60 million in 2010, and estimates show a steady incline to \$300 million in 2035 where it is projected to produce more tax revenue than coal.

Direct pay of royalty money to the owner of mineral rights is substantial if the well(s) produce in volume. Five figure payouts per month are not unheard of. It has made millionaires out of hard-scrabble farmers.

Employment figures are varied. WorkForce, a division of the West Virginia state Department of Commerce, shows there were 2,244 Mountain State oil and gas workers in 2010. However, the Independent Oil and Gas Association of West Virginia cited a study commissioned by the America's Natural Gas Alliance that shows 16,888 gas workers in the state for 2010. That number includes jobs that are

direct, indirect, and induced. Indirect jobs being non-drilling support activities, such as exploration, transportation, and provision of supplies. Induced are jobs in the hospitality or service industries, such as hotels, restaurants, and gas stations. The industry numbers do not show the ratio of local to out-of-state workers, which explains some of the difference.

### **C. RISKS**

Harmful effects, mostly on fresh water, have occurred as a result of fracking. There are several moments in the process when fresh water is at risk. First, when the well is drilled through the water table (usually less than 1,000 feet below the surface of the ground) a complete cement seal must be poured between the well casing and the water table, so that nothing can enter the water table.

Secondly, the water used in hydraulic fracturing—usually reported as anywhere from 3 to 5 million gallons per well—is generally obtained from freshwater streams. (Depending on the season and exact location the flow of Sleepy Creek is about one to three million gallons/hour.) The West Virginia Code now requires permits from the state DEP for amounts over 210,000 gallons per thirty day period.

A third source of freshwater risk is from the disposal of well tailings and waste water used in hydraulic fracturing. Aside from the chemicals used in fracking operations, one byproduct of the process is that saltwater, or brine, is produced when the fresh water returns from the well. These chemicals and brines pose a very substantial risk of harm to rivers and streams if not closely controlled. Most drillers recycle them. Depending on the precise content, the water is approved by the EPA to de-ice roads. Or, if necessary, they are injected into deep old wells.

The fourth potential area of risk to freshwater is migration of chemical compounds used in fracking from the rock strata where fracking occurs thousands of feet up to\*\*\* groundwater aquifers within a few hundred feet of the surface. Although the industry has long denied this can ever happen, the U.S. EPA confirmed in December, 2011, that fracking chemicals had migrated through gaps in the rock strata to contaminate groundwater in Pavillion, Wyoming. This is an early study which has yet to be replicated, and so it is less certain that this could be a widespread problem.

However, this study is especially meaningful for Berkeley Springs. The warm springs for which our town is named are warmed by steam or hot water deep in the earth. In some way, heat is flowing from deep in the earth to warm the water that forms the springs. In the exact same way the heat travels up through the rock strata it would seem that fracking chemicals could travel through deep strata up to the surface.

We need not dwell upon the devastating effect on the springs that contamination with fracking\*\*\* chemicals would cause. Presumably, Berkeley Springs' centuries – old reputation as a spa destination would be destroyed.

We are not geologists. We do recommend that the County hire a consultant to advise it on this risk. Even a small risk of such a devastating outcome is intolerable to us. The springs are the lifeblood of this County.

#### **D. COUNTY GOVERNMENT IS RELATIVELY POWERLESS TO REGULATE OIL AND GAS**

Chapter 8A of the West Virginia *Code* permits county government to regulate only in specific, limited ways. The extraction of minerals, including hydrocarbons, is exclusively regulated by the State of West Virginia. Counties are prohibited from regulating oil and gas extraction in West Virginia, and any such ordinance is doomed to defeat in court. We strongly recommend that any funds available for such a futile legal fight be employed instead to protect our water.

### **RECOMMENDATIONS**

#### **A. NEGOTIATE MEMORANDA OF UNDERSTANDING**

Oil and gas companies will not enter enforceable contracts with counties. West Virginia county governments which have large scale Marcellus drilling and production activity have instead agreed to Memoranda of Understanding (MOUs) with drillers. For example, while wells are being drilled, scores or even hundreds of very large trucks might travel to and from a well site 24 hours a day, so it would be in both parties' interest to coordinate with the operation of school buses. Also,

drilling companies might agree to provide specialized training, equipment or both to rural volunteer fire companies to help with emergency procedures in the event of a catastrophe at a well site, or a drilling company might agree (or contract) to repair and maintain damaged county roads. A driller might agree to provide baseline water testing within an area larger than that required by the *Code* or might agree voluntarily not to drill in certain sensitive water recharge areas. Attached to this report is one such MOU endorsed by and between Monroe County and an energy company. Even if the driller will not agree to an enforceable contract, if both sides have placed their intentions in writing in an MOU, failures will be exposed to a great deal of bad publicity and other pressure.

## **B. REQUEST CHANGES IN STATE LAW**

We recommend that the County Commission seek the following changes in the State Law passed in December 2011:

1. Counties should be permitted to prohibit drilling operations in well head protection areas.
2. State law should require all drilling and fracking fluids, if stored, to be stored in systems in which the fluid never touches the surface.
3. Well pad sound barriers should be required during drilling/fracking operations, unless 100% of the residents living within a certain distance agree.
4. The Code should require all drilling fracking, and production operations take place a minimum of 1,000 feet from all <sup>1</sup>water wells and residences.

## **C. SUPPORT LANDOWNER CONTROL OF MINERAL RIGHTS**

Some of the risk and nuisances as well as the benefits associated with fracking accrue to the general public. Contamination near a drilling pad may spread through the larger aquifer system, particularly in karst areas, and affect municipal supplies. However, other issues, including well contamination, noise, disruption, and those very important royalties, affect mostly the landowner and his neighbors. If the surface owner possesses his mineral rights he is in a strong position to

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<sup>1</sup> The minority objected to an increase in water-well setbacks because adequate recourse for the rare offense of well contamination is available in common law. \*\*\*

negotiate these nuisances and benefits. From our observations in Wetzel County landowners whose mineral rights were transferred to a stranger long ago are not happy, whereas those who still possess them are happy.

Negotiations in the mining industry are notoriously difficult and tricky-- comparable to, but with fewer consumer protections than buying real estate or used cars. Government's role is to provide a transparent framework of ownership rights, common law, and reasonable regulation in order to:

1. protect current landowners from fraud and perceived high-pressure landman sales tactics while sensitizing and demystifying our residents to mineral rights issues;
2. enhance the value of the land by facilitating voluntary pooling;
3. maintain a non-confrontational political environment for drillers for straightforward, productive, and predictable negotiations.

There appear to be 100-200 leases and 9 parcels with severed mineral rights in the County records. At this time the price of mineral rights in the county is on the order of \$2/acre.

The EPA standard for potable water covers some contaminants, but does not include volatile chemicals, typically found in water that is contaminated from oil or gas drilling. Many contaminants, such as uranium, radon, strontium, methane and barium, have no indicators that they are present in your water, unless you have it laboratory analyzed.

West Virginia mandates *de facto* that drillers conduct independent tests of water wells within 1,000 feet of a drill pad. Beyond that limit the landowner would be wise to obtain certified testing to establish a baseline that will hold up in court. Subsequent tests are indicated if contamination is suspected.

The following actions would assist our citizens secure their water rights under common law:

- organize testing: name a lab, publicize a testing day, negotiate prices and possibly consolidate tests;
- publish (e.g., via the Internet\*\*\*) results;

- suggest which chemicals to test for to establish baseline levels of various substances which have been alleged to result in contamination of well water in other locations where fracking with horizontal drilling is carried out.\*\*\*

Tests should be paid for by the landowner. The County may invest staff time, but not money.

We also recommend that the County:

- 1) terminate, hold, or return to the surface owner any severed mineral rights or leases that fall into county hands (as has happened)<sup>2</sup>;
- 2) provide general mineral rights education such as in the proposed brochure to property owners and others;
- 3) maintain an information sharing mechanism (clearing house) for data related to mineral rights: ownership, prices, complaints, pooling opportunities, water tests, and resources; and
- 4) try to secure the mineral rights on state-owned lands.

#### **D. VOLUNTEER EFFORTS**

When drilling is imminent we recommend that the County set up a liaison with local volunteers and organizations such as the watershed associations, in order to 1) engage volunteers to help track changes in water quality over time; and, 2) encourage landowners to test their well water. This responsibility could go to a reconstituted County Water Committee. \*\*\*

#### **E. PUBLIC INFORMATION CAMPAIGN—BROCHURE AND PUBLIC MEETINGS**

See the attached brochure.

#### **F. FINANCING**

The following items may require sine resources:

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<sup>2</sup> Attorney Richard Gay has opined informally that holding mineral rights would be speculative and beyond the authorized scope of the county. He has stated his intention to revisit this opinion in light of experience with parks and farmland protection, but has not yet done so.

Publish handout: print & list w/tax bills	(est. \$1,500)
Monitor compliance: volunteers	
Acquisition of leases & rights:	No net cost
Manage Program: part-time county employee	
Legal opinion regarding County's ability to acquire leases.	Est. \$500

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/28/12

NAME: George Didawick

ADDRESS: \_\_\_\_\_

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HOME PHONE: \_\_\_\_\_

258- 5163

BUSINESS PHONE:

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DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION:

Interview for Planning Commission board

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SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)

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\* Please include any handouts or material that will be discussed or presented to the County Commission. Thank you !

**Morgan County**  
**Boards, Authorities & Commissions**  
INTERESTED VOLUNTEER APPLICATION

DATE: 2/29/12

NAME: GEORGE Didawick

ADDRESS: P.O. Box 615

BERKELEY SPRINGS, WV 25411

TELEPHONE: 304-258-5163 CELL: 304-266-8752

BOARD, AUTHORITY OR COMMISSION (interested in serving on)

PLANNING Commission

REASON: Having been of resident most of my life, I would

like to become active in protecting and yet promoting the  
development of our county.

BRIEF SUMMARY OF LIFE EXPERIENCE (if resume available, please attach)

SEE ATTACHED

Are you available now? YES, if not, when? \_\_\_\_\_

Please return the form to: **MORGAN COUNTY COMMISSION**  
77 FAIRFAX ST., RM. 101  
BERKELEY SPRINGS, WV 25411

Or Fax the Form To: 304-258-7305

*Recd 3.2.12  
ALB*

## **George H. Didawick**

P O Box 615 263 Waugh Road, Berkeley Springs, West Virginia 25411 Telephone 304-258-5163

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### **Professional Experiences**

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After 38 years with U.S. Silica, retirement in March of last year as the Vice President of Operations afforded the opportunity to catch-up on a divers list of "Honey dew" projects, enjoy small-mouth bass fishing with my son and watch my seven grandchildren participate in various sports and school related activities. After two years of service in the U.S. Army, that included a free trip to Viet Nam and provided the basis for a college degree, my career with U.S. Silica began as a plant engineer in a small community near Tallahassee, Florida. That career included responsibilities as Manager of Industrial Engineering, Production Manager, Plant and Regional Manager. These various positions afforded a lifetime of learning, not to mention, a return trip to Florida and two to Berkeley Springs for a total of ten family relocations that provided my family the opportunity to experience people, culture, and life in other communities.

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### **Educational Experience**

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- **Berkeley Springs High School**
  - **General Studies - Northern Virginia Community College 1968-1970**
  - **Bachelor Of Science Industrial Engineering - West Virginia University 1973**
  - **Management Science - Frostburg State University 1978-1980**
  - **Center for Management Development -University of Tennessee 1983**
- 

### **Community Service**

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- **Activities**
  - **Present**
    - **Warm Springs Watershed Association-member**
    - **Berkeley Springs-Mount Wesley-Bath School Reunion Committee - chairman**
  - **Past**
    - **Morgan County Economic Development Authority-member**
    - **CEE Citizen's for Educational Excellence - president**
    - **Berkeley Springs Athletic Boosters - member**
    - **Berkeley Springs PTA - president**
    - **Berkeley Springs Jaycees - president**
    - **Asbury Youth Program - leader**

*George H. Didawick*  
2/29/12

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/28/12

NAME: Angela Gray

ADDRESS: \_\_\_\_\_

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HOME PHONE: 258- 5080

BUSINESS PHONE: \_\_\_\_\_

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DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION:  
Interview for Board of Health

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SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)

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\* Please include any handouts or material that will be discussed or presented to the County Commission. Thank you !

MCG  
#1

# Morgan County Boards, Authorities & Commissions

INTERESTED VOLUNTEER APPLICATION

DATE: 5-22-12  
NAME: Angela K. Gray  
ADDRESS: 23 Gloyd Lane  
Gt. Cacapon, WV 25422  
TELEPHONE: 304-258-5080 CELL: 304-839-7433

BOARD, AUTHORITY OR COMMISSION (interested in serving on)  
Morgan County Board of Health

REASON: To help serve my community with the experience I have obtained in my career.

BRIEF SUMMARY OF LIFE EXPERIENCE (if resume available, please attach)  
See attached resume.

Are you available now? Yes, if not, when? N/A

Please return the form to: **MORGAN COUNTY COMMISSION**  
**77 FAIRFAX ST., RM. 101**  
**BERKELEY SPRINGS, WV 25411**  
Or Fax the Form To: **304-258-7305**

## Angela K. Gray

### Objective

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Healthcare professional seeking a position in a team environment to promote nursing education. Personal traits include hard worker, team player, positive attitude, and inquisitive learner.

### Experience

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9/06- Present: Berkeley County Health Dept. Martinsburg, WV

#### Nurse 2

- Public Health Nurse
- TB Program Coordinator
- Immunizations
- Disease Surveillance
- Community Educator

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4/05-9/06: Julia Manor Hagerstown, MD

#### Staff Nurse

- Physical assessment and management of 20 patients ranging from intermediate to subacute care.
- Supervised the delivery of care by nursing assistance, LPNs, and medication aides.
- Coordinate patient and physician services.

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9/99 – 4/05: Blue Ridge Care and Rehab Charles Town, WV

#### Wound Care Nurse

- Established facility protocol for wound care.
- Evaluated and tracked presence of skin conditions.
- Educated staff on wound management and prevention

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3/99 – 9/99: Eastern Regional Jail Martinsburg, WV

#### Staff Nurse

- History and assessment upon intake.
  - Administered medications.
  - Sick call and management of inmate emergencies.
-

## Angela Gray

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1/90 – 3/99:

Berkeley Springs Rehab and Nursing

Berkeley Springs, WV

### **Director of Restorative Nursing 1995 - 1999**

- Managed 10 restorative nursing assistants, including scheduling, evaluation, and supervision.
- Assisted in management of rehabilitation therapy staff.
- Participated in care planning and MDS assessments.
- Medicare billing for skilled residents.
- Education for nursing staff on restorative nursing processes.
- Correlated dietary programs for residents with dietician.

**Staff Nurse** 1994 - 1995

- Supervised certified nursing assistants.
- Administered medications and treatments to 62 patients.
- Completed assessments for MDS and care plan.

**CNA 1990 - 1994**

- Patient care

## Education

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2006

Mountain State University

Martinsburg, WV

### **Bachelors of Science in Nursing**

- Graduated Magna Cum Laude
- Received award for highest grade point average in cohort II.

1994

James Rumsey Technical Institution

Martinsburg, WV

### **Diploma as Licensed Practical Nurse (LPN)**

- Awarded Triple A Award for Attitude, Achievement, and Attendance.
- 1st Place in Regional Knowledge Bowl.

## References

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References are available on request.

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/28/12

NAME: Patti Hamilton, West Virginia Association of  
Counties

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HOME PHONE: \_\_\_\_\_  
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BUSINESS PHONE:  
304-415-0192  
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DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION:  
Benefits of remaining a member  
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SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)  
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\* Please include any handouts or material that will be discussed or  
presented to the County Commission. Thank you !

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/28/12

NAME: Susan Webster

ADDRESS: \_\_\_\_\_

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HOME PHONE: \_\_\_\_\_

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BUSINESS PHONE:

304-258-1102

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DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION:

Billing policy of the Warm Springs Public Service District

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SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)

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\* Please include any handouts or material that will be discussed or presented to the County Commission. Thank you !

COMPLAINT  
State of West Virginia  
Public Service Commission  
Charleston

RECEIVED

12 JUN 25 AM 0:51

WV PUBLIC SERVICE  
COMMISSION  
SECRETARY'S OFFICE

TYPE OR PRINT CLEARLY USING BLACK INK

CASE NO. 12-0854-PSD-C (leave blank), Complainant  
(Mr./Mrs./Ms.) TOWN OF BATH MAYOR AND COUNCIL (your name)  
271 WILKES STREET, SUITE A, BERKELEY SPRINGS ,WV 25411 (your full address)  
MORGAN (your county)

Please provide email address so that we may keep you informed electronically of filings in your case. email: \_\_\_\_\_

vs.

WARM SPRINGS PUBLIC SERVICE DISTRICT, Defendant

The petition of the above-named complainant, respectfully shows:

1. That the above-named WARM SPRINGS PSD (name of defendant), is a public utility engaged in the business of SEWER (state the public utility business of the defendant, i.e. gas, electric telephone, etc.) at 271 WILKES ST., #B ,BERKELEY SPRINGS, WV (their address), in the State of West Virginia, and as such is subject to the provisions of Chapter 24 (or 24A) of the Code of West Virginia, 1931, as amended, and the provisions thereof applicable to said class of public utilities.

2. That the said defendant has violated the laws of the State of West Virginia, governing said public utility business, in the following particulars, to-wit:

(a) [Here state concisely the matters complained of.] THE WARM SPRINGS PUBLIC SERVICE DISTRICT PASSED THE ENCLOSED BILLING POLICY ON JUNE 13, 2012. THE TOWN OF BATH COUNCIL IS OPPOSED TO THIS POLICY AS IT IS INAPPROPRIATE TO CHARGE CITIZENS, BUSINESS AND PROPERTY OWNERS FOR SERVICES NOT RENDERED.

DO NOT WRITE ON BACK OF PAGES - attach a sheet of paper

(b) Here state the remedy you seek

THE TOWN OF BATH COUNCIL DOES NOT WANT THIS POLICY TO GO INTO EFFECT.

THE TOWN OF BATH COUNCIL REQUEST REIMBURSEMENT FOR ANY LEGAL FEES THIS

ACTION MAY INCUR TO THE TOWN OF BATH

Wherefore, the complainant prays that the said defendant WARM SPRINGS PSD (defendant's name) be required to answer the charges herein above set out, and that, after due investigation, an order may be made commanding the said defendant to cease and desist from the wrongful conduct aforesaid, and for such other and further order as the Public Service Commission of West Virginia may deem necessary, reasonable and just in the premises.

[Prayer may ask for the ascertainment of lawful rates of practices, and an order requiring the defendant to conform thereto.]

Dated this 22 day of JUNE, 20012.

(Signed) Susan Webster, Signature of Complainant

(Your Full Address) 27th WILKES STREET, SUITE A, BERKELEY SPRINGS ,WV 25411

(Phone) 304)258-1102 (Fax) 304)258-2638

(Email) \_\_\_\_\_

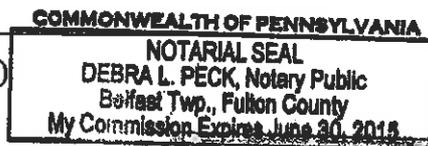
(If you have an attorney, his/her name) \_\_\_\_\_, Attorney, if applicable.

Attorney's Address: \_\_\_\_\_

**THIS FORM MUST BE NOTARIZED**

Subscribed and sworn before me this 22nd day of June, 2012.

Debra L Peck  
(Official signature and official seal of notary)



[If Complainant is signing out-of-state, please use verification Form No. 12]

**PLEASE NOTE:**

**It is extremely important to notify the PSC of any changes to your contact information and to promptly retrieve Certified Mail upon notification of such.**

Warm Springs Public Service District

BILLING POLICY

Pursuant to West Virginia Code §16-13A-9(d), Warm Springs PSD will bill the owner, in the absence of a qualified application for service from a tenant, of any house, dwelling or building located near the sewer facility a monthly fee for sewer service as provided in the District's tariff. In the case where metered public water service is not being utilized and measured, the District will charge the flat rate, as per Tariff Schedule No. 2, which is based upon the average consumption of 4,500 gallons of water per month. This flat rate will be charged regardless of the status of occupancy of the premises provided there is a connection to the District's sewer system, and until such time as the property is declared uninhabitable by a qualified agency.

This Policy will become effective July 1, 2012.

This Policy was approved at a regular meeting of the WSPSD Board this 13<sup>th</sup> day of June, 2012.

\_\_\_\_\_

Chairman

\_\_\_\_\_

Secretary

\_\_\_\_\_

Member

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/28/12

NAME: Kevin Sites

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOME PHONE: \_\_\_\_\_

304-270-0516

BUSINESS PHONE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION:

Official vote and resolution on establishing an Animal Control  
Committee

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)

\_\_\_\_\_

\_\_\_\_\_

\* Please include any handouts or material that will be discussed or  
presented to the County Commission. Thank you !



Morgan County Commission  
77 Fairfax Street, Room 101  
Berkeley Springs, WV 25411  
304-258-8540

**- COMMISSIONERS-**

Brenda J. Hutchinson  
5154 Milo School Rd.  
Great Cacapon  
WV 25422  
304-947-7713

Stacy A. Dugan  
401 S. Laurel Ave.  
Berkeley Springs  
WV 25411  
304-258-9648

Bradley J. Close  
380 Dry Run Rd.  
Berkeley Springs  
WV 25411  
304-258-3795

**RESOLUTION IN SUPPORT OF A SPECIAL COMMITTEE TO REVIEW ANIMAL CONTROL SERVICES**

WHEREAS, The Morgan County Commission met on July 5, 2012, with a quorum present and considered the following resolution, and

WHEREAS, the Commission will appoint a six person Special Committee, each commission will appoint two individuals; and

WHEREAS, the Special Committee will deliver to the Commission within six months recommendations for the priorities, within context of the pertinent West Virginia statutes and will present to the Commission suggested improvements for the operation of County animal control services; and

WHEREAS, the Animal Control Committees will evaluate the county's current animal service and needs, which should include but not limited to hours of operation, facilities, policies and procedures, training requirements, humane officer needs, and grant availability; and

WHEREAS, Animal Control Committees will present to the County Commission a complete analysis and recommendation that will include short-term and long-term goals for animal control.

NOW THEREFORE, BE IT RESOLVED,

that we, the County Commissioners of Morgan County, West Virginia appoint the named special committee to deliver its recommendations and suggestions within the given time frame.

\_\_\_\_\_  
Stacy Dugan, President  
Morgan County Commission

\_\_\_\_\_  
Brenda Hutchinson  
Morgan County Commission

\_\_\_\_\_  
Bradley Close  
Morgan County Commission

ATTEST: \_\_\_\_\_  
Debra A. Kesecker  
Clerk of the County Commission

MORGAN COUNTY COMMISSION  
AGENDA REQUEST

DATE OF REQUEST: 06/28/12

NAME: Brenda Hutchinson

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOME PHONE: \_\_\_\_\_

\_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

304-258-8540 ext 1313

\_\_\_\_\_

\_\_\_\_\_

DATE OF MEETING REQUESTED: July 5

TOPIC (S) OF DISCUSSION: \_\_\_\_\_

Volunteer Boards

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SPECIAL EQUIPMENT NEEDS ( i.e. Powerpoint, etc.)

\_\_\_\_\_

\_\_\_\_\_

\* Please include any handouts or material that will be discussed or presented to the County Commission. Thank you !