

**BOLIVAR
TOWN COUNCIL MEETING
MINUTES
Tuesday, September 4, 2018 @ 7:30p.m.**

**Helen Dettmer, Mayor
Sarah Gordon
John Paul Heafer-Mayor Pro Tem
Stephen J. Paradis
Jerry Powell
Scott Whetsell
P. Jean Reed, Recorder**

Mayor Dettmer asked everyone to stand for a moment of silence and the Pledge of Allegiance.

Call to Order

The regular meeting of the Bolivar Town Council was called to order by Mayor Helen Dettmer on Tuesday, September 4, 2018 @7:31p.m.

Treasurers Report

Mayor Dettmer asked Council Members to jot down any questions they may have about the Treasurers Report and ready have for Mr. Lewis when he returns. Councilperson Sarah Gordon asked about the licenses being up a little and wondered if that was because of the Air BnB's? Mayor Dettmer said she felt that was a combination of a lot of things. **Councilperson Sarah Gordon moved to accept the Financial Report. Councilpersons John Paul Heafer and Jerry Powell accepted the motion. Motion passed.**

Minutes:

Approval of Minutes for August 7, 2018 Regular Meeting

Councilperson Steve Paradis had a few corrections and Recorder Reed will make the following corrections:

1. Page 2, under Steve Paradis report the meeting was held at the Mather Training Center
2. Celebrating the 75th Anniversary of the Harpers Ferry National Historical Park.
3. NAACP Parade on August 18th at Noon in Ranson.
4. Under the Planning Commission, it should read the Zoning Administrator and not the Board of Zoning Administrator.
5. Page 3, Laurel Drake said she would like to see something lower than 5% but was not against the Hotel Motel Tax.
6. Steve Paradis was asking, are we required by State Code to enact this tax?

Councilperson Steve Paradis moved to approved the Minutes of the August 7 Reguar Meeting as amended. Councilperson Sarah Gordon seconded the meeting. Motion passed.

Attendee Concerns:

1. **John Doyle**, lives in Shepherdstown and is against Rockwool coming here. The State of WV Environmental Laws are in my opinion terribly weak and are being enforced in the most lazed manner possible. Even though no one asked for a public hearing, it was in the authority of the Secretary of Environmental Protection to hold a public hearing and he chose not to do so. If you have a 200 ft. high smokestack, it should have been a no brainer. I know Bolivar just like Harpers Ferry and Shepherdstown is not in favor of Rockwool out of here.
 2. **Ralph Lorenzetti**, lives at 161 Clark Ct, Harpers Ferry. I personally am against Rockwool. We first moved to Wheeling. At the time, Ohio had 200ft. high stacks like Rockwool is planning to build. My first Grandchild lives in Leesburg. The pollution from these stacks will go right to Leesburg. Mr. Lorenzetti feels this plant should be scrapped.
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3. **Jay Mansfield**, lives 74 Briery Court, Shepherdstown. He has lived in the area for 25 years. He knows a little girl with Angle Heart in Kearneysville that has Asthma. Her Mother is very upset because Rockwool is coming to Jefferson County. Mr. Mansfield's family has been in the oil business since 1936. Pollution rates, Rockwool has the highest the EPA will allow. Quality of life matters. We need your help, stop the line and fix it so it does not happen again. School House Ridge is 130ft. lower.
 4. **Guy Werner**, lives at 34 Taylor Court, Bolivar. Mr. Werner works in DC and his wife works in Baltimore, MD. We moved to Bolivar 4 years ago. This place is a gem. I saw a strong resolution from Harpers Ferry and I hope to see a strong resolution from Bolivar expressing a strong opinion against this project.
 5. **Brienne Andrews**, lives 9 General Loudon Court, Harpers Ferry. I moved here from Virginia 3 years ago. There is no place else we want to live. We have a huge backyard which I never thought would be possible. We have a dog which everyone loves. I have a degree in Bio-Chemistry and a Masters Degree in Forensic DNA. Some of the smells coming from this plant will not be good for us and especially children at a school.
 6. **Eric Eastman**, lives 1257 West Washington St., Bolivar. I am super disappointed that this is happening in our community. We moved here from New Jersey where this was ramped with pollution and that is not why I moved here with my family. Whatever you all can do to stem the flow of this, we do not need this in our community. Thank you.
 7. **Laurie Anderson**, lives 55 Clay Street, Bolivar. I have lived in WV for 16 years. I have been a lifelong lover of clean air, clean water, and a clean green environment. I shudder to think what will happen to our children if our environment is affected by these toxins. I don't know that heavy industry is right for our area. It is going to destroy our lives as we have it now. It is going to destroy tourism. It is going to destroy the agriculture business not to mention our lives and our children's lives. I am going to ask you all to write a resolution of opposition to Rockwool just like Harpers Ferry Town Council did and to direct our representative, Laura Whittington, to vote No on the Water Bond in October.
 8. **Alissa Harris**, lives 60 Cleveland & 1627 Washington St., Bolivar. I chose Jefferson County and Bolivar because it most alienated with my values of clean air and clean environment and its natural beauty. I am having a hard time understanding how Rockwool's values alien with our values of clean air and clean environment to raise our children and grow our businesses. I do not feel 150 jobs in an area with 10% unemployment is worth the 100,000 of pounds of toxic waste that will be released into the air. I feel this fact alone will have a negative impact on health, tourism, property values, agriculture, road ways and water ways. Please think about why you stayed or chose to live here and ask yourself if Rockwool's values alien with your values for Jefferson County. If it does not please you, vote anyway you can to help.
 9. **Tim Ross**, lives 1853 Flowing Springs Rd, Charles Town. I have lived here for 20 years. I request you issue a statement like Harpers Ferry did or something better. I would ask your JCDA Representative Laura Whittington to vote against anything concerning Rockwool.
 10. **Paul Kepsick**, lives 81 Madison St., Bolivar. He agrees with Mr. Ross, ditto, ditto, ditto, ditto. I moved to Bolivar 1 year ago. My job used to be cleaning up SUPERFUND sites. Mr. Kepsick is concerned about all the noise from trucks hauling coal and/or stone to the site. The coal will then melt the stone and make fiberboard insulation. We have been sold a bill of bad goods and we have to do everything to get it straightened out.
 11. **Ned Marshall**, lives in Shenandoah Junction. Mr. Marshall is a lifelong citizen of Jefferson County along with my daughter and granddaughter. My family has lived here for over 200 years and we are not going away. In 2014, I had a double lung transplant. I live 11/2 miles from the site of this proposed facility. This plant will be a death sentence for me and others with the same health issues. Do what you can for us with the resolution, stop now.
 12. **Martha Ehlman**, lives in Kearneysville but has a business 180 High Street, Harpers Ferry. I am concerned about the 21 story high smoke stacks that will mar the beauty of our countryside and our HFNPS. This will open the door for more industries like this wanting to come to Jefferson County. Rockwool said the Park Service was not concerned about Rockwool. This was a false statement as this was a statement from Shenandoah National Park, some 35 miles away in Virginia. This was confirmed with HFNPS. I implore you to consider a bold statement, as did Harpers Ferry, about the future of our Town and our County, our Beautiful County that brings in hundreds of thousands of visitors each year.
 13. **Barbara Humes**, lives 670 E. Ridge St., Harpers Ferry. I have been involved for many years with the Elk Run Water Study Committee and have served as Water Commission in Harpers Ferry and I am currently a liaison to the Water Commission and a member of the Harpers Ferry Town Council. I am very
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concerned about the effects this will have on our drinking water which comes from Elk Run. The Rockwool Plant is about 1.7 miles from the head waters of the Elk Run Branch. This is located in the middle of the Frank Buckles Farm. This farm is under Farm Land Protection. We are as a community planning to do an upgrade to our water system. This has been in the making for five years. This will come at a cost of 6 million dollars. Will our state of the art membrane filtration system be able to filter out the chemicals coming from the Rockwool Plant. It will only filter .1 micron or larger. (Ms. Humes gave the Council a handout.

14. **Amanda McDaniel**, lives 11 Elm Street, Bolivar. I have lived in Jefferson County all my life. I grew up in Harpers Ferry Proper and my Husband grew up in Shepherdstown. When we decided to come back to raise our kids, Bolivar was our first choice. We absolutely love it and never plan to leave. Jefferson County will be my home for ever. Jefferson County's Economy holds strong with the lowest unemployment rate in businesses. We need more businesses such as River Riders, APU, and WVU Medical Jobs. Jobs do not justify this business (Rockwool). They scare our landscape and dirty our resources. Stop the chain reaction of heavy industrial facilities that will surely come. Please use the influence you have to represent us even if you perceive it to be a small influence. Please demand better for us.

15. **Bill Gillette**, lives 47 Jasmine Place, Harpers Ferry. I grew up in Shenandoah Valley. I worked and lived in Germantown, MD. My wife said we found the place we are going to live, Charles Town. We would not have come here if we would have seen 2 smoke stacks 21 stories tall right up the road. I urge you to make a public statement in opposition to this new installation. Also, do what you can when talking to the State Legislature and the Governor's Office in voicing the concerns of your constituents.

16. **Benjamin Shankman**, lives 1312 Washington Street, 25425. I am representing the Teahorse Hostel. Over the past few months we have been listening to lodging business owners state that this proposed Hotel Motel Tax represents a threat to what we do. I know it does to me as the cheapest legal place to stay in Bolivar. It is going to hurt me a lot per customer. On the back of this already coming water price increase, this represents a substantial threat to my continued operation. I urge you, to not implement this tax.

17. **Lisa Kovatch**, lives 247 Union Street, Bolivar. I too am in support of Ben and other small businesses and I urge you to not enact the 5% Hotel Motel Tax until you figure out how the money will be spent. I also am here to oppose Rockwool. As a resident of Bolivar, I ask that you try really hard and try your best to stop this from happening. Just this summer, I started riding my bike along the Rt. 9 corridor. It is an amazing place that draws people from all walks of life. I read so much about the history of Jefferson County, looking out at the orchard fields and the battles that took place on either side of the highway there. I really feel like what is going to be shot into the atmosphere that will settle down into our valleys and over the mountains in our neighborhoods is really not something we should be encouraging.

18. **Kevin Carden**, lives 675 Cliff Street, Harpers Ferry. For those who do not know, I am Kevin Carden and I am the Recorder for the Corporation of Harpers Ferry. There have been many times before that Harpers Ferry and Bolivar have not seen eye to eye even though we are one big community. But, I hope this is not one of those occasions. On August 22, we held a special Town Council Meeting in Harpers Ferry. We heard from a number of people from Harpers Ferry, Bolivar, Jefferson County and surrounding areas about the Rockwool Plant. We had one person that spoke in favor of it and everyone else spoke against it. At the end of that public comment period, we took action and issued a resolution against and in opposition to Rockwool Facility. We have a three page long statement that I am not going to read this evening. This is a summary. The Corporation of Harpers Ferry is strongly opposed to the Rockwool Plant that has been proposed for Jefferson County. Heavy industry and this plant in particular are in direct conflict with both our Comprehensive Plan and our Vision. We believe the Rockwool Plant is a present threat to the health, safety and welfare of our citizens and natural resources. We are prepared to take necessary steps against Rockwool in order to protect our people and our natural resources to the fullest extent of the law. Further, we instruct the Harpers Ferry representative to the JCDA, Karen Townsend, to represent the will of our citizens and elected officials by opposing any proposed bonds that would support infrastructure to the proposed Rockwool Site including the upcoming third reading and vote on the same. Finally, we are taking action to educate Bolivar Citizens and Neighbors of the Rockwool threat. We support the citizens that are opposing this project and encourage our neighboring municipality in keeping heavy industry and Rockwool in particular out of Jefferson County. Signed Mayor Wayne Bishop, Recorder, Kevin Carden, and Town Council Members of Harpers Ferry. Mr. Carden encouraged Bolivar to take similar action as Harpers Ferry did.

Mayor Dettmer thanked everyone who spoke.

Town Attorney, Effie Kallas

Attorney Kallas had one thing to report concerning the ongoing Liquor sales tax. On August 13, Attorney Kallas had a conversation with State Tax Personnel to explain we are looking for the Liquor Remittances for Bolivar. Attorney Kallas feels they are playing duck and cover with our questions. Attorney Kallas will continue to work on this concern.

Mayor's Report:

- Thanked Town Council for supporting Music in the Park this summer
- Farmers Market was suspended due to so much rain and a terrible growing season. Planning for next year.
- Representative Lisa Corder, Harpers Ferry-Bolivar Merchants Association. Ms. Corder spoke about an Academic Initiative set up with Shepherd University. Students will be gathering information concerning the History of Bolivar and Harpers Ferry as well as the Business History of Bolivar and Harpers Ferry. One part of the class topic would be a History Log on all businesses in Harpers Ferry and Bolivar. One objective would be a four year tourism degree and hopefully stay in Jefferson County. The Harpers Ferry-Bolivar Merchants Association will be supporting Olde Tyme Christmas and would like to approach Bolivar for a donation next month.
- In recognition of 911, there will be a remembrance ceremony held on Tuesday, at the Independent Fire Company at 9:58. Everyone is welcome to attend.

Sheriff's Department Report and Public Comment (Sheriff Pete Dougherty)

During the month August, 2018 there were a total of 132 recorded calls of service by the Sheriff's Department in Bolivar.

This month the breakdown included: 81 directed patrols, 2 alarm calls, 3 animal complaints, 2 Disabled Vehicles, 1 Loose Dog Complaint, 1 Harassment Complaint, 1 Juvenile Complaint, 4 Noise Complaints, 1 Overdose, 1 Reckless Driver, 1 911 Hang Up, 1 Suspicious Person, 8 Traffic Stops, 1 Civil Process Issues, 4 Welfare Checks, 3 Miscellaneous, 1 assault not in Progress, 1 Break/Enter property NIP, 1 Destruction of Property NIP, 3 Disturbance calls, 1 Domestic Violence Complaint, 1 Fraud Complaint, 1 Intoxicated Driver, 1 MVA no injuries, 3 Public service calls, 4 Welfare Checks, 2 Suspicious Activity. As always, if you have general concerns about law enforcement, call the Sheriff's Office during business hours Monday-Friday 8a.m. to 5:30p.m. and anytime there is an emergency call 911.

Street Committee (John Paul Heafer and Scott Whetsell)

1. State has been contacted to repair a pot hole on Gilbert Street.
2. Place on Jefferson Street washed out by the rains. We will try to get an estimate from Bill Hoak.

Bolivar Planning Commission (Steve Paradis)

Steve Paradis reported they met on August 20.

1. Received an application for Deck permit for Lot 10 in Ashland Village. Permit was granted.
2. Nearing completion of language changes and structural definitions among the Planning Commission, Board of Zoning Appeals and Zoning Administrator.
3. We anticipate a completed draft by conclusion of the September Meeting and then we will pass on to Attorney Kallas for approval.
4. Mike Lowery has resigned from the Bolivar Planning Commission do to a conflict.

Park and Recreation Committee (Eric Eastman)

Eric Eastman wanted to thank everyone for the Music in the Park. He and his family attended every one of them. Mr. Eastman thanked John Garza for mowing all of the grass even though it was a bad summer. We still have some summer projects to complete.

Mayor Dettmer thanked Mr. Eastman and all the work he does for the park.

Old Business

1. **Vote on Hotel Motel Tax**
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Mayor Dettmer said we received two letters today regarding the Hotel Motel Tax. Mayor Dettmer asked for a motion if no one had any questions. Councilperson Sarah Gordon asked if we need a motion to approve, and do we need another motion for when it starts. Mayor Dettmer said it would start January and we would have to complete our agreement with the County Commission for collection of this tax. Mayor Dettmer said on April 3, we had our first reading, the ordinance has already happened, April 19, you had the public hearing and once we take this we will need a second reading to adopt. Councilperson Sarah Gordon asked if it has to be January 1. Mayor Dettmer said we needed to allow time so that gave you one half of a year. Councilperson Scott Whetsell asked if we would be in any violation of the law since we did the first reading and public hearing in April. Mayor Dettmer said you have everything set in order and this is the last step. Mayor Dettmer said this would be collected quarterly by Sheriff Dougherty.

Councilperson John Paul Heafer moved to approve the Hotel Motel Tax. Councilperson Scott Whetsell seconded the motion.

Councilperson Steve Paradis moved to amend the Hotel Motel Tax to 3% and start July 1, 2019.

Councilperson Jerry Powell seconded the motion.

Mayor Dettmer said we will take a roll call vote on the original motion.

Councilperson Steve Paradis asked for his amended motion be voted on first.

Mayor Dettmer asked Attorney Kallas and Attorney Kallas said we have to vote on the first motion because we already seconded that motion.

Councilperson Steve Paradis said that is not Roberts Rules.

Mayor Dettmer asked for a roll call on Councilperson John Paul Heafer's motion to approve the Hotel Motel Tax at 5% starting January, 2019.

John Paul Heafer	Yes	
Stephen Paradis	No	
Sarah Gordon	No	
P. Jean Reed	Yes	
Jerry Powell	No	
Scott Whetsell	Yes	3 to 3 tie

Mayor Dettmer said she has a statement to make pertaining to this particular tax.

We represent 1000+ citizens in this town. We are elected officials; we need to represent everyone as we set at the table. We have been asked to use collected tax funds to support these private businesses and the tool is in place for them to be self supporting. In 1955, this Hotel Motel Tax was enacted and that is how everything should take place through this Hotel Motel Tax. We have been told that some businesses are failing or will fail with this enactment. I have not had any evidence in any other Municipality or even in Jefferson County with anyone failing with collecting this tax from the visitor. A very wise person said to me about two months ago, "The best tax is the tax you don't have to pay." This is a tax strictly collected from the visitor and it is just a pass through. We need to support the tourist industry and hospitality industry. I think everybody in Jefferson County understands how very, very, important that is. It is very important to support the CVB that is right at our door step.

So, I will be the breaking the tie vote and I vote to pass the Hotel Motel Tax. Motion passed,

Mayor Dettmer said we will refer to legal council on this matter, but this action will stand tonight.

New Business

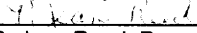
1. Discussion of Rockwool Plant in Ranson

Mayor Dettmer read a letter from Rockwool. They were not able to be at the meeting tonight due to a meeting in Charles Town.

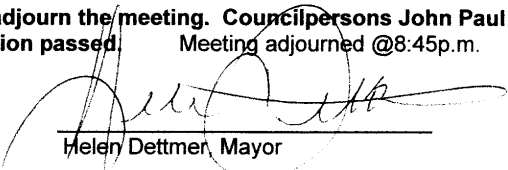
Councilperson Steve Paradis asked about making a statement against Rockwell. Mayor Dettmer said we will have this on the agenda for next month under Executive Session with Legal Council.

Councilperson Scott Whetsell moved to adjourn the meeting. Councilpersons John Paul Heafer and Sarah Gordon seconded the motion. Motion passed. Meeting adjourned @8:45p.m.

Respectfully submitted,



P. Jean Reed, Recorder



Helen Dettmer, Mayor