

Bond vote FROM PAGE A1

many other citizens made Thursday.

Harpers Ferry resident Shaun Amos, who has attended numerous public town hall meetings to voice his worries about the factory's proximity to North Jefferson Elementary School, impatiently urged the JCC to confront the JCDA.

"It has become clear that the JCDA is culpable for the mess you now find yourselves in," Amos, a nurse at Jefferson Medical Center, told the commission. "This rogue committee has misled you and ignored the citizens long enough. No more deception. No more rogue representatives. "It's time for you guys to take them behind the shed and give them a pants-down spanking."

Opposition to the factory on the former 400-acre Jefferson Orchards site off Charles Town Road began after Sierra Club Eastern Panhandle leaders first raised questions just after Rockwool held a groundbreaking ceremony in late June.

A Facebook page called Concerned Citizens Against Rockwool Ranson quickly drew thousands of followers, many of whom now are organized as the nonprofit Jefferson County Vision. A petition calling on public officials to stop Rockwool has attracted more than 10,000 signatures.

At Thursday's JCC session, residents fighting Rockwool did encounter some pushback.

Commissioner Patsy Noland noted that any move to disband the JCDA board or replace any of its 20 members doesn't rest with the JCC alone but with the independent governments of Charles Town, Ranson and other entities.

"It's not just a county development authority," Noland said. "It is a countywide development authority that includes all the municipalities, and those folks all have a vote and a voice on that authority."

Commissioner Peter Onoszko stressed the legal standing any JCC action should have, as well as the state and federal emissions standards controlling the factory. In April, the West Virginia Department of Environmental Protection granted Rockwool an air emissions permit.

Both Commission President Josh Compton and Onoszko agreed that successfully challenging the factory will require finding defects in the information the company provided to other agencies.

"If somebody can demonstrate where there is a flaw – not in the methodology but in the information contained in Rockwool's application or in the DEP's permit – then we have something we can seriously talk about," said Onoszko, who serves as the commission's liaison to the JCDA. "But until that happens, what is is. That is the reality and we can talk about all sorts of things until we're blue in the face, but that is the area that has to be addressed."

Added Compton: "To that point, find me something that was done incorrectly. I don't care if it was the permitting process – from the state, the utilities, something – and get back to me. I'm more than happy to hear it. I'll jump on it. Just find me that thing."

Both Noland and Compton pointed out the power that the city of

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ERIC LEWIS, Chairman, Jefferson County Development Authority |



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PETER ONOSZKO, Jefferson County Commissioner |

Ranson has over the factory development. "We don't have the authority that you think we do, and that's where we are and that's how we got to where we are," she said.

Saying they were awaiting advice from county attorneys, the commissioners – except for Wayne Caleb Hudson, who stayed silent – emphasized the millions of dollars in potential liability Jefferson County could face if the JCC stopped the plant without solid legal justification.

Noland said, "It's my responsibility to protect the county and to protect us from lawsuits."

Onoszko added: "All of us have a fiduciary responsibility to ensure that we do not drive Jefferson County off the cliff."

Onoszko went on to highlight that the county government collects about \$72 million local taxes, of which 80 percent of that tax revenue is directed to the school board. The county budget operates on a budget of about \$23 million, he said.

Rockwool is planning to spend \$150 million to build its Ranson factory, Onoszko pointed out. "Some of that money has already been spent," he said. "There are contracts that they have let. ... Even, I think, if we were to order a stop work until a study was done, would open us up to a liquidation lawsuit, a liquidation damage lawsuit."

In addition to the JCDA bond authority vote, also in play for the Rockwool resisters is an Oct. 1 meeting of the Charles Town City Council and the Charles Town Building Commission, when those municipal bodies plan to discuss and possibly decide whether to authorize a public utility bond of up to \$16 million that would provide the long-term financing to fund construction costs

for a sewer line.

The six-mile line would extend from the Jefferson Orchards Industrial Park to existing pipes flowing into Charles Town's wastewater treatment plant.

The state Department of Commerce has arranged legal agreements that commit the agency to assume the long-term risk of paying for water and sewer line extensions, both of which could serve homes and other businesses inside and outside the Jefferson Orchards Industrial Park.

Another potential pressure point that anti-factory protestors are hoping to squeeze is a so-called Payment in Lieu of Taxes (PILOT) tax-reduction agreement the JCC, the JCDA, the Ranson City Council and the Jefferson County school board signed last year.

Protesters said they wanted to persuade the JCC and the school board to annul their approval of the PILOT legal agreement giving Rockwool as much as \$8 million to \$10 million in local real estate tax breaks.

They argue that canceling the 15-page agreement would be justified because local officials have said they signed the agreement before they were fully informed about potential impacts associated with the company's manufacturing operations.

Chris Kinnan, a Shepherdstown resident and Jefferson County Vision board member, told the JCC Thursday that the lack of detailed information was no accident.

"Rockwool – part of their strategy was, 'Let's get in here. Let's get binding agreements with the county before anybody understands what this is' – before there's any environmental review. Heck, before there's even any economic review."

Commissioners again expressed



cautious hesitation to pull out of the PILOT agreement.

"The threat of this lawsuit is real," Compton said. "I'm just going to be real blunt with you. I have real concerns about doing something rash in regard to the PILOT agreement to a potential lawsuit in that regard."

"We're talking about hundreds of millions of dollars," Onoszko said. "We're talking about a lot of money, even if we thought we were right to hire a competent law firm to defend us. So even if we won, the odds are it would be a Pyrrhic victory."

Looking beyond Rockwool

While many anti-Rockwool citizens spoke for three minutes each during the public comment period that kicked off Thursday's JCC meeting, two citizens spoke with the commissioners at length during a scheduled discussion on Thursday.

Kinnan said that, based on advice from attorneys Jefferson County Vision has consulted, the county's legal liabilities are not to the degree commissioners have suggested.

Melissa Hynes of Charles Town, another leader of the Rockwool factory opposition, highlighted a mixed-use "transit-oriented" residential and commercial development that was previously planned for the Jefferson Orchards site under zoning approved by Ranson officials.

With planning assistance from the Hagerstown (Md.) Eastern Panhandle Metropolitan Planning Organization, the development with hundreds of homes was to be centered around a so-called NorthPort Station served by MARC and the Eastern Panhandle Transit Authority.

The station, with 43,000 square feet for mixed retail uses, would replace the Duffields MARC train sta-

tion, Hynes said.

Compton reiterated that any changes to the NorthPort Station would be dictated by Ranson officials, not the JCC.

On Tuesday, Matt Mullenax, executive director of the Hagerstown/Eastern Panhandle planning group, said an alternative site for the NorthPort Station has been selected on the orchard property. Efforts to obtain future funding to develop the station are on hold, he said, as West Virginia officials determine how provide \$3.2 million in annual support payments requested by the Maryland Transit Administration to continue the MARC service into West Virginia from Maryland and Washington, D.C.

Kinnan and Hynes continued to urge the commissioners to consider the influence they have with the JCDA.

"One of the big concerns is that the vision that the Rockwool plant provides is so contrary to the vision that most people have for this community," Kinnan said. "Everyone understands that this is the wrong fit for our county, everyone except for the JCDA. ... This barreling ahead is just inappropriate in its overall context."

"There's a sense that there's a lot of things coming to a head and that you all should ask them to wait."

By the end of a discussion on Rockwool legal options, Compton agreed to contact JCDA board members to ask them to delay their vote on whether to approve the utility bond for the water line.

On Monday, JCDA Chairman Eric Lewis issued a statement that reads in part: "With regard to Rockwool, to the best of my knowledge, the company and every involved government agency and/or entity followed each and every law, regulation and ordinance."

"The opponents of the plant want to change the rules in the middle of the process. That goes against the rule of law and the way our government is set up. It would also have a chilling effect on economic development in this county for years to come."

"If companies find out that they can follow all of the rules laid out for them and still face roadblocks or stoppages mid-process, we won't ever be able to bring any kind of new companies into this county, emissions or not."

"Ultimately, of course, it is up to the County Commissioners as to how they would like to proceed. I trust that they understand and appreciate the process and that the JCDA has done nothing outside of the process and nothing to hide anything from the public."

Compton, who as JCC president who assembles the panel's meeting agenda, assured those crowding into the room for Thursday's meeting that he would schedule Rockwool discussions as "a standing agenda item until some kind of resolution occurs."

Onoszko added that he and the other commissioners are taking the residents' concerns and recommendations seriously.

"As one of the speakers mentioned, we're not in a business-as-usual mode," he told the residents. "This has got to be the sixth or seventh different time that you all have come in different forums that I have listened to you. Let me assure you, this ain't business as usual."



TIM COOK

Melissa Hynes of Charles Town and Chris Kinnan of Shepherdstown, both leaders of the Rockwool opposition group Jefferson County Vision, address the Jefferson County commission. Leading up to a pivotal Sept. 18 water bond vote by the Jefferson County Development Authority, Kinnan and Hynes asked the commission to use whatever influence it has to stop the company's insulation factory in Ranson. "One of the big concerns is that the vision that the Rockwool plant provides is so contrary to the vision that most people have for this community," Kinnan said.

A LOOK AT MEETINGS RELATED TO ROCKWOOL

Upcoming public meetings where the Rockwool factory will be under discussion include:

■ **TODAY**, the Jefferson County Historic Landmarks Commission planned to discuss the Rockwool insulation factory. The meeting take place at 7 p.m. in the basement of the Charles Town Library at 200 E. Washington St.

■ **THURSDAY**, the Jefferson County Commission scheduled a special meeting to discuss its possible legal options regarding the factory. Commissioners say they will hear legal advice related to Rockwool in executive session, and then plan to comment publicly afterward. The meeting begins at 7 p.m. in the basement of the Charles Town Library at 200 E. Washington St.

■ **MONDAY**, a special Charles Town Council workshop discussion on a planned Charles Town Utilities Board sewer line extension to serve the Rockwool factory. The meeting begins at 6 p.m. at City Hall at 101 E. Washington St., just before a regular council meeting at 7 p.m.

■ **TUESDAY**, the Jefferson County Development Authority's board of directors plans to address whether to authorize a \$7 million public utility revenue bond for the construction of a water service line extension to serve the Rockwool factory. The meeting begins at 3 p.m. in the Jefferson County Public Services Building at 1948 Wiltshire Road in Kearneysville.

■ **OCT. 1**, the Charles Town City Council plans to discuss and possibly vote on whether to authorize a planned sewer line extension to the factory. The meeting begins at 7 p.m. at City Hall.