

Harkin talks about disabilities, vigilance

By **BONNIE WILLIAMSON**
Special to the Spirit

SHEPHERDSTOWN — There's nothing in the Constitution concerning people with disabilities.

That's one of the insights shared by retired U.S. Sen. Tom Harkin of Iowa, the primary author of the landmark 1990 Americans With Disabilities Act. He spent part of Monday — Constitution Day — at Shepherd University talking about what led to the ADA as well as the importance of the Constitution to all Americans.

"Vigilance is key to protect those with disabilities," Harkin told the crowd gathered at Robert C. Byrd Center for Congressional History and Education. "There are

always people out there who want to turn the clock back. The ADA broke down barriers. That helps everyone."

Harkin pointed to a bill recently passed in the House of Representatives, then defeated in the Senate. "Under that bill, if a disabled person was discriminated against, that person would have to write a letter to the entity doing the act, document when the violation happened, who did it, exactly where in the ADA the problem is cited then wait for the violator to respond," the Democrat said. "Wait months for a response and wait to see if the violator complies or gets caught, which might not happen. This would reward bad actors. You couldn't just go down to the courthouse to

get action."

Harkin, who has said his brother's hearing loss helped him understand the need for the ADA, said the bill had been sponsored for years, but never made it out of committee.

Amendments to the ADA had to be made in 2008 to ensure continuing protections for the disabled after several court rulings weakened its standards.

In addition, the United States doesn't have a good history when it comes to treatment of people with disabilities. The late 1800s brought a eugenics movement, a set of beliefs and practices designed to improve the genetic quality of the human population. States like California and Washington passed man-



BONNIE WILLIAMSON

LEFT: U.S. Sen. Tom Harkin of Iowa delivers a talk, "The Constitution and Persons with Disabilities," in Shepherdstown Monday evening.

he said. "A living document. It should be taught in schools. Every American should know the basics of the Constitution. I agree with President Truman who said no matter how often he read it, he always found something new."

The late U.S. Sen. Robert C. Byrd, who was Harkin's colleague for decades, knew the Constitution by heart. The West Virginia Democrat led the way in establishing Constitution Day in 2004 to commemorate the final approval of the document by delegates assembled in Philadelphia on Sept. 17, 1787.

datory sterilization laws affecting the "feeble-minded."

"Adolf Hitler said he used California as the model for his programs," Harkin said.

In an interview before his

presentation, Harkin shared his appreciation for the Constitution, calling the document "the shortest and oldest" constitution in the world.

"It's adaptable to any age,"

Briggs' open house celebrates homeless pets' safe haven

By **BONNIE WILLIAMSON**
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CHARLES TOWN—The Briggs Animal Adoption Center held an open house Saturday to welcome community members and share the guiding philosophy at the no-kill animal shelter at 3731 Berryville Pike that "No animal should be killed just to make room for another one."

The special event marked the 70th anniversary of the National Human Education Society, started by animal rights advocate Anna C. Briggs.

James Taylor, the executive director of the shelter, is a grandson of Anna Briggs. His wife Cindy Taylor is vice president who supervises animal care.



BONNIE WILLIAMSON

In a DVD documenting Anna Briggs's work, viewers learn that

LEFT: James Taylor, the executive director of Charles Town's Briggs Animal Adoption Center, cuddles Toby at Saturday's celebration marking 70th anniversary of the National Human Education Society.

she spent years in an orphanage as a child and never forgot how it felt to be abandoned without love. Anna Briggs and her husband started animal sanctuaries and worked to save abandoned dogs and cats all of their lives.

That love of animals can be found at the Briggs adoption center. "We make sure the dogs and cats here receive individual attention every day," Taylor said.

The 24-acre facility houses about 125 cats and some 75 dogs, each in an individual space with a door leading outside. Cats live in a

large cat room filled with toys as well as higher shelves where cats can get privacy.

There are also a number of individual rooms for cats. The facility also has a room that is used by the 26 veterinarians who take part with Briggs to ensure the animals get the medical care they need.

"All of the animals receive vaccinations and are spayed or neutered before they are adopted," Taylor said. "We don't take in more animals than we can care for."

Future pet "parents" are also thoroughly checked out before they can take home a cat, dog, puppy or kitte.

"Some people think we're elitist because we want references, but that's just not true."

Taylor said. "We're here to serve

the animals. We want to make sure the new home will be a good one."

Briggs also provides educational programs so people can learn about animal rescue, adoptions and rehabilitation.

During Saturday's event, popcorn and other snacks were provided. People also had the opportunity to watch the tagging of Monarch butterflies and go on bird walks, thanks to representatives of the Potomac Valley Audubon Society.

— *Bonnie Williamson and her husband Stephen Williamson are part of the Briggs family. "We adopted a sweet black cat named Katy a little more than two years ago. She had been at Briggs for six years. She is healthy and has adjusted to her forever home very well."*

Rockwool

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later than Oct. 16, said JCDA Chairman Eric Lewis. The authority's board members said they wanted to consult attorneys because of the Jefferson County Vision legal filing, he said.

According to the DEP's statement prepared by spokesman Jake Glance, the agency's Division of Air Quality permit engineers traveled to Byhalia, Miss., to review operations of the Rockwool facility to understand the manufacturing process to be used at the former Jefferson Orchards site near North Jefferson Elementary.

"WVDEP then carefully reviewed the Rockwool air quality permit application for their Jefferson County facility," the statement says. "That review determined the air quality permit application met all regulatory requirements. The WVDEP issued the air quality permit in accordance with all state and federal air quality standards, which are inherently protective of human health," the statement reads. "There is no scientific evidence to suggest that the proposed facility will adversely affect human health or the environment."

The decision by the JCDA to take no action followed a special meeting Tuesday morning by the Jefferson County Commission. The five-member JCC could have voiced support against the JCDA's voting to OK the bond, but instead the com-



TIM COOK

Opponents of the Rockwool stone insulation factory planned for Ranson gathered outside where the Jefferson County Development Authority had planned to vote on water bond considered essential to the project.

mission elected to take no action. JCC members consulted with a newly hired legal counsel in executive session and then made no public statement.

JCDA Executive Director Nic Diehl said that had the JCC asked for a delay of the water bond vote, the JCDA chairman would have agreed to do so.

The moves came after a Rockwool attorney sent a letter warning county officials that the county could be liable for millions of dollars in damages if they fail to fulfill "legally binding promises" made to the company, referring indirectly at least to a Payment in Lieu of Taxes (PILOT) agreement the commissioners signed last August.

James A. Walls, an attorney with Spilman Thomas & Battle in Morgantown, said Rockwool "has been fully performing its obligations and keeping its promises" in accordance with the financial incentives it was provided by the county.

"To date, Rockwool has

spent more than \$25 million in the selection and development of its Ranson site, and Rockwool will suffer great economic injury should actions taken by Jefferson County delay the project," Walls wrote in the four-page letter. "Indeed, damages arising from a material delay of the project could exceed \$100 million."

In his letter, Walls said much of the opposition to Rockwool's factory isn't based on accurate information. "Many of the comments lack foundation either in fact or science and some are flat-out wrong," he wrote.

Rockwool has said it is investing about \$150 million to build the 460,000-square-foot factory that will provide as many as 150 full-time jobs that pay well — in the mid-\$30,000s — and offer good benefits.

Company officials have repeatedly said the factory's air emissions will not hurt the environment or residents, including children and those with respiratory medical con-

ditions. Rockwool executives and representatives have also said the factory's actual emissions will be far below the amount permitted.

While Rockwool obtained an air emissions permit from the DEP in April, it will have to obtain other local and state permits as it builds its factory.

The Rockwool opponents, who are being represented by Charles Town's Arnold & Bailey law firm, contended that the JCDA action is outside its jurisdiction by acting to "fund, acquire, construct and activate" the water line extension, according to the 10-page injunction request filed with about 100 pages of supporting documents.

The group, through Shenandoah Junction resident Donald Sutherland who lives near the Rockwool factory and is serving as a lead plaintiff, argued that the JCDA's oversight of the water line's construction turns the authority into a public utility that requires greater regulation than it has had.

"The JCDA's water bond is being rushed through under various 'emergency' authorities that deny the public an opportunity to review and provide input on this deal," according to a statement released by Jefferson County Vision. "Most importantly, the JCDA has not followed the legal requirements imposed on all utilities by West Virginia law. Those requirements include a process of notice, hearings and disclosures intended to protect the public and allow for community input."

The lawsuit also maintains the JCDA is trying to act beyond its jurisdiction by attempting to authorize a public utility bond with a term of 40 years, beyond a 30-year limit set by state law.

On Monday, the Charles Town City Council postponed a decision on whether to authorize a \$16 million public bond to pay for a sewer line that would serve Rockwool.

After discussing legal dimensions involving Rockwool in a closed-door executive session, the council agreed to postpone until Oct. 15 a decision whether to approve a public bond to fund a sewer line the factory is relying on. The delay give the council time to consider its options and allow the city's Building Commission to form a recommendation on the matter.

The approximately six-mile sewer line would extend from the former orchard site — land being prepared for the factory's construction since a groundbreaking ceremony

in late June — to the Charles Town wastewater treatment plant.

At Monday's City Council meeting, council members also talked about whether elected officials should or could direct their JCDA representative to vote a certain way on the water bond.

Citing potential personal legal jeopardy that such a decision might cause the city's JCDA board rep, City Manager Daryl Hennessy, Charles Town council members shied from instructing him how to vote on the water bond.

"The idea that this selected body has to direct the vote of any appointed official on any of our boards and commissions is just shocking to me," said Council member Ann Paonessa. "We work through a whole system of appointed boards. We're talking about directing the vote of an appointed official on any one issue."

Hennessy said he doesn't want to represent the city of Charles Town in "a way that is inconsistent with the way the elected leaders want. 'I don't sit on that council as my own person. I sit there as a representative for you and everyone else who resides in the city of Charles Town,'" Hennessy said.

Meanwhile, the Harpers Ferry Town Council "instructed" its JCDA representative to vote against authorizing the bond.

The JCDA has 19 voting members representing local governments and industries. The county Board of Education has a non-voting liaison.

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