

Good Afternoon,

1. Sidewinder Enterprises LLC Project Agreement:

- a. In May of 2021, CTUB Board of Directors granted that Berkeley County could provide both water and wastewater service to Sidewinder. At that meeting, it was made clear that CTUB reserved first right of refusal for any other service needs in that area. Additionally, the chairman at the time summarized that any other additional service needs would need to come back to the Board for approval inferring this a normal to policy.
- b. At the September 28, 2022 CTUB meeting, there was an unidentified executive session item where the Board took no action. Was that related to the Sidewinder agreement? W
- c. When was this agreement approved by the CTUB Board of Directors and subsequently posted at the Public Service Commission of West Virginia like all other development agreements?
- d. When was the unsigned agreement "created" compared to when the chairman signed it on April 26, 2024?
- e. The agreement as I understand it, contains a private well owned by Sidewinder, a pipe extension needing a WVDOH permit, and a water facility on leased land owned by Sidewinder. The pipe and facility would be conveyed to CTUB. The well and land the facility sits on would remain privately owned by Sidewinder.
- f. Is Sidewinder licensed and/or permitted to provide water to a codified water utility?
- g. If so, isn't there a substantial risk in CTUB not owning the water source?
- h. Who is responsible to operate and maintain a well, pipe, facility, and land? Will Sidewinder be a volumetric paying customer of CTUB? If so, how much volume of water will it be purchasing?
- i. Has CTUB required a report on water volume and quality and a feasibility assessment to ensure that depreciation, operation and maintenance costs are not violating the used and useful principle?
- j. How does the CTUB Sidewinder agreement not conflict with November 2024 PSCWW order related to service from Berkeley County?
- k. How many other secret development agreements have been signed by this public body?

2. Gannett Contract:

- a. Did CTUB retain at least three quotes for service? If so, where is the general written request for service?
- b. It's a fact that CTUB undercharged CIFs, used a corruptible policy, then propose to subtract debt out. How about adding in what the ratepayers had to subsidize for profit development because of inadequate CIFs. You would know that if you bothered to do a cost benefit analysis on these agreements.

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Jefferson County WV Planning Committee:

Regards: Purposed water plant in Middleway

It doesn't take a lot of common sense to see that the purpose water bottling plant in Middleway is a bad idea. First off, the amount of water that is planned for extraction each day is far more than the property owned by Sidewinder at Lake Louisa can regenerate and is far more than they should be allowed to extract since they have only a small area to be used for regeneration compared to their neighbors that contribute for this purpose. Please see example:

District/Map/parcel	Acreage	Owners
7/22/34	13.25 ac	Sidewinders
3/33/9	8.31 ac	RLMHP LLC
7/22/32	2.01 ac	Sidewinders
7/22B/19.2	1.14 ac	Sidewinders
Total acreage	24.71 ac	
7/22/33	32.80 ac	Bill Hewitt
7/33/22	9.51 ac	Linda Newsom
7/33/14	10.31 ac	Linda Newsom
7/22/25	27.76 ac	Joseph & Donna White
7/22/31	137.45 ac	Frank & Mary Supplee
7/21/2	203.39 ac	David Liskey
7.21/1	90 ac	Bill & Kerry Grantham
7/21/3	96.85 ac	Bill & Kerry Grantham
7/21/4	103.54 ac	Phyllis Grantham
7/21/4.1	61.90 ac	Amon & Peggy Grantham
Total acreage	773.51	

$773.51 \text{ divided by } 24.71 = 1/31.30 \text{ or about } 3\%$

Sidewinders total land only provided about 3% of the area of regeneration that their neighbors provided. Therefore, the maximum withdraw should not be the limit here.

If the water supply by the well is 1.7 million gallons per day, their take should only be about 3% or about 51,000 gallons per day but wait, they have 27 mobile homes which the EPA says an average household use is 300 gallons of water per day or 8100 gallons, so minus this usage, the number becomes 43,000 gallons. Please keep in mind that Turkey Run begins off Shirley Road near Keith Drive which is several miles upstream before Lake Louise and they too provided regeneration land which is not included in this

example. Keep in mind, this type of water extraction has never been attempted before and private water wells could dry up in Middleway. Let the lawsuits begin. Secondly, the groundwater contamination already on the Kodak site will likely start to move towards the extraction point once pumping begins and this will contaminate everyone's property in the village of Middleway and could eventually, contaminate Lake Louisa. Example: you place a water pump on your pool cover to pump off the winter's water, first the pump just runs but eventually the area around the other side of the cover starts to get less water up to the point where what's left will start streaming towards the pump. This could be your contamination plume. Let the lawsuits continue. Thirdly, the tractor-trailer traffic is going to make the town's road more dangerous. These trucks will have to swerve into oncoming traffic at every turn which will make head-on collision more likely. Let the lawsuits continue. Our county roads are already become more dangerous within the past decade or two. Speed limit declines are seen everywhere because of poor planning. Infrastructure needs to be first and not a knee jerking response to poor planning. I also personally don't want to think about the truck noise running around the clock in our village everyday of the week. 3M shipping and receiving department only worked first shift so trucks running after hours were rare. Everyone with common sense can see this is a bad idea. Please vote NO!

Respectfully,

Timothy Smith

132 No Name Lane

Middleway, WV 25430

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CTUB meeting 1/8/24

From: Rosalind Welsh (welsharch@yahoo.com)

To: welsharch@yahoo.com

Date: Wednesday, January 8, 2025 at 02:08 PM EST

After reading the agreement April 26, 2024, I have many questions. This agreement is going around the rejection of Sidewinder's water proposal to the Planning Commission. This proposal prevents Jefferson County from participating in protecting Jefferson County residents. By using the amount of water Sidewinder has proposed to the Planning Commission, there will be a significant effect on local wells in Middleway and surrounding areas. No water study by accredited hydrologists is included in this proposal.

The Developer has purchased land including Lake Louise and the existing trailer park. Rumor is that all the trailer park residents have been asked to leave. Since by code water cannot be pumped from a rural zoned area into a commercial zoned area, Sidewinder is offering an enormous expense to transport the raw water through 12" mains they will provide to a water treatment plant they will build at their expense on their property. When complete, these facilities are to be leased to CTUB for 100 years at \$1/yr.

This bargain does not limit the amount of water Sidewinder can take from our aquifer at any time, now or future. They are planning to expand to 1,000,000 square foot facility. It only includes available public water for 200 future homes. In the proposal before the Planning Commission, Sidewinder agreed to redrill dry wells for residents within 1000 feet of the property. Sidewinder also agreed to monitoring stations. None of the protections initially proposed are in this agreement.

Middleway, on the National Historic Register, will be destroyed by the constant vibrations from semis going through the center of town due to the vehicular traffic produced by this bottling plant. Stone foundations cannot support heavy duty road activity. There is no extra space since the homes are about 5' from Leetown Road. CTUB must be aware of the other problems not covered by this proposal before it signs any agreement.

How much bribery is necessary to donate unlimited amounts of our water, no future limit, to a commercial enterprise? They have stated they are donating \$25,000 to Jefferson County Fair Board and \$15,000 to 4H. If Sidewinder can offer the expense of all the construction for new 12" lines and a water treatment plant, how much water do you think they plan to steal from Jefferson County to sell? If CTUB needs to drill more wells to provide for Jefferson County needs, it should not be at the expense of Middleway District residents.

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Shawn: A Collaborative Path Forward

Hello, I'm Shawn Franklin, a resident of Middleway, and I want to thank the board for recognizing the need to give this agreement the attention it deserves. I appreciate the opportunity to share my perspective today.

Honestly, I do not understand how CTUB can uphold the current agreement with Sidewinder Enterprises. To my knowledge, this agreement violates the West Virginia Open Governmental Proceedings Act, and should be considered null and void until an agreement can be reached following the legal public process.

Without proper public input and oversight of this agreement, there several questions left unanswered. Just to list a few:

- If Berkeley County already has a letter of intent to supply domestic water and sewer to this site, how and why did CTUB get involved?
- How and when will this project benefit the public and not just Sidewinder?
- Why is Sidewinder willing to lease the pipeline and water treatment facility, but not the wells?
- The benefits to Sidewinder are front and center of this agreement, but the public benefit seems to be an afterthought. If water is eventually supplied to residents, who will bear the cost of hooking up to the pipeline, and will the public subsidize Sidewinder's water usage?
- Why is the daily water allocation for residents assumed to be only 150 gallons per day, far below the average household use of 300 gallons? What happens when residential use of a household is higher than 150 gallons per day

This agreement prioritizes Sidewinder's immediate profit over the long-term sustainability of Middleway's resources. In an Economics Class, this would be a textbook example of the "Tragedy of the Commons."

We believe there is a way to move forward that benefits everyone, but it requires transparency, collaboration, and a commitment to protecting Middleway's resources and historic character.

We urge CTUB to halt this agreement until these critical issues are addressed, financial details are clarified, and meaningful public input is incorporated into the decision-making process. Middleway deserves nothing less.

Jessie: Historic and Infrastructure Impacts

Good afternoon. My name is Jesse Norris, and I'm proud to call Middleway home. I am also the President of the Middleway Conservancy. I want to thank the board for acknowledging that this agreement deserves thoughtful consideration and for providing a forum where our voices can be heard.

This project poses a direct threat to Middleway's historic district, which is listed on the National Register of Historic Places.

- Why does the proposed pipeline cut through the heart of our historic district without apparent consideration of alternative routes?
- Was the pipeline design dictated by Sidewinder? Does it reflect the needs of the community, or only Sidewinder's interests? The current pipeline route is only a couple feet from our Civil War Hospital and one of our oldest homes. It also goes incredibly close to buried civil war soldiers we have marked and through areas that we have not yet determined if anyone is still buried from the Civil War battles that took place in the area.

The infrastructure details are equally troubling:

- Are water towers planned for the 3M property? If so, what visual or environmental impact will they have on our community?
- The Exhibit 1 map shows the water treatment plant serviced by a "stub out" that doesn't appear connected to the pipe. What does this mean? Is it a future hookup? The agreement text and map don't align.
- If water capacity decreases in the pipeline, will residents and Sidewinder be impacted equally, or will residents bear the brunt of the burden?

Furthermore, Sidewinder promised fire hydrants along the pipeline for the Middleway Fire Department, but this is not included in the agreement. How will CTUB ensure this commitment is followed?

Our historic district and community infrastructure deserve better than vague promises and unanswered questions. We need clear, enforceable answers to these questions to ensure Middleway's infrastructure and historic character are preserved.

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Nichole: Environmental and Water Resource Concerns

Hello, my name is Nichole Chapman, and I've lived in Jefferson County for 32 Years. I appreciate the board recognizing the importance of addressing this agreement and for taking the time to listen to community input.

We are deeply concerned about the impact this project could have on Middleway's water resources.

- Why hasn't CTUB conducted an independent water study to evaluate the sustainability of this project and its impact on surrounding homes and farms outside the CTUB network?
- The contract prioritizes Sidewinder's extraction rights even if CTUB expands its operations. Why won't Sidewinder agree to similar protections for local farmers and residents?
- Failing septic systems was a concern in a document in 2004. What has been done to show this is an issue in Middleway in the last 20 years?
- The Turkey Run Spring marl wetland, protected in part by farmland conservation easements, is threatened by this project. Who will be held liable for damages to this jurisdictional wetland?

Additionally, the toxic plume in this area presents serious risks:

- What happens if the toxic plume spreads due to water extraction?
- Who will monitor its movement, and how will affected residents not on the CTUB network be protected?

Water is a shared resource, and this agreement risks putting our community at the mercy of private interests without adequate safeguards in place. Without clear answers, this project threatens the long-term sustainability of Middleway's water resources and the health of our community.

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Stacy: Transparency and Accountability

Good afternoon. My name is Stacy Chapman, and I'm a resident of Middleway. Thank you for the opportunity to share our concerns today.

We are troubled that a public utility company, funded by ratepayers, has advanced a major project without Transparency, public input or apparent board approval. This brings up multiple critical questions:

1. The pipeline application was submitted to the WVDOH on August 23, 2023, and approved just two weeks later on September 8th. However, the provided agreement is dated April 26, 2024 - eight months after the permit was submitted. Where is the original agreement from 2023? Additionally, the date appears overwritten. Were other changes made, and why was this version created months later?
2. Why are financial details missing? How will this project be funded, and who will bear the costs? CTUB ratepayers or Sidewinder?
3. Was the pipeline's design dictated by Sidewinder, with CTUB merely signing off? Why does it appear to solely reflect Sidewinder's interests and not address any resident interests or concerns?
4. If Sidewinder retains ownership of the pipeline and facility, will CTUB ratepayers be responsible for maintaining, operating, or expanding this infrastructure? Will these expenses, such as repairs or upgrades, be funded by ratepayers?
5. Middleway residents would be forced to pay for the water delivered through this pipeline to our homes. Will Sidewinder pay for the water they extract and transport through the CTUB pipeline? And if Sidewinder is charged only a low or nominal rate for this water, does that mean CTUB ratepayers are effectively subsidizing Sidewinder's private profits?

A project of this scale demands clear financial terms and community oversight. Without transparency, how can we trust that this agreement serves the public interest?

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Name:

Rebecca Thompson

Email:

beccatmail@gmail.com

Date:

01/09/2025

Requests/Comments:

To the Charles Town Utility Board,

I spoke at the CTUB meeting on January 8th regarding CTUB's agreement with Sidewinder developer for the Mountain Pure water bottling facility.

I HIGHLY URGE YOU TO RESUME AN AGREEMENT WITH SIDEWINDER, THAT WOULD ALLOW CTUB TO OWN AND OPERATE THE INFRASTRUCTURE!

It is far better for Jefferson County, if CTUB, a public utility, partners with and maintains an agreement with Sidewinder, rather than them having an agreement with a private utility.

I understand Sidewinder has sought out an agreement with CTUB in order to make it much easier for them to get an easement in the WV Division of Highways right of way, and therefore make it easier for them to proceed with their role as developer.

But, I am very concerned that if you do not recommit to an agreement with them, they will seek to enter into an agreement with the private utility, American Water.

American Water would be more than happy to have an agreement with Sidewinder. However, this would be devastating for the county and the people in it. The only thing American Water cares about is making as much of a profit as possible and exploiting and taking advantage of the people and the county's resources.

CTUB, on the other hand, could act responsibly, with the best interest of the public and county in mind.

To be clear, I am completely against the Mountain Pure water bottling facility. It would be disastrous for the whole county, including farmers, everyone on well water, horsemen, those that raise livestock, etc.

It would also negatively affect the county's economy, as a significant part of our economy is tourism and agriculture.

But, if the water bottling facility is somehow approved, it is paramount that CTUB have and maintain an agreement with Sidewinder, not American Water or any other private entity!

At the meeting on January 8th, I was happy to see that several people on the board genuinely seemed to have the county's best interest in mind. They seemed willing to be more transparent and have a better relationship with the public going forward.

I truly appreciate your effort and willingness to act in the best interest of the people!

Sincerely,

Rebecca Thompson

Summit Point resident

Sent from [Charles Town Utility Board](#)