

December 17, 2025

VIA ELECTRONIC FILING

Ms. Karen Buckley
Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25301

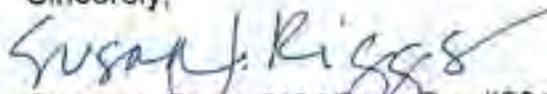
Re: **CASE NO. 25- 1000 -LRR-WS-C**
MADISON GREENS LLC, AND
BEALLAIR HOMES, LLC,
Complainants,
v.
CITY OF CHARLES TOWN, AND
CHARLES TOWN UTILITY BOARD,
Defendants.

Dear Ms. Buckley:

Please find attached for filing on behalf of Madison Greens LLC and Beallair Homes, LLC, their "*Formal Complaint and Request for Relief.*"

Please contact the undersigned if you have any questions concerning this filing.

Sincerely,



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SJR.sds
Enclosures
c: Certificate of Service

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CASE NO. 25- 1000 -LRR-WS-C

MADISON GREENS LLC, AND
BEALLAIR HOMES, LLC,

Complainants,

v.

CITY OF CHARLES TOWN, AND
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Defendants.

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Formal Complaint and Request for Relief

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 25- 1000 -LRR-WS-C

**MADISON GREENS LLC, AND
BEALLAIR HOMES, LLC,**

Complainants,

v.

**CITY OF CHARLES TOWN, AND
CHARLES TOWN UTILITY BOARD,**

Defendants.

FORMAL COMPLAINT AND REQUEST FOR RELIEF

COMES NOW Complainants, Madison Greens LLC ("Madison Greens") and Beallair Homes, LLC ("Beallair Homes"), by counsel, and respectfully submit their Formal Complaint and Request for Relief ("Complaint") in the above-captioned matter against the City of Charles Town ("City") and Charles Town Utility Board ("CTUB").

I. FORMAL COMPLAINT

1. Madison Greens is a West Virginia limited liability company with its principal place of business located at 9729 Garis Shop Road, Hagerstown, MD 21740. Madison Greens is a real estate developer of residential developments in the Ranson, West Virginia, area and is a customer of CTUB. Madison Greens is thus subject to CTUB's Capacity Improvement Fees ("CIF") for connections as a result of Madison Greens' business.

2. Madison Greens has invested millions of dollars in land and infrastructure in Ranson, West Virginia, to develop 292 for-sale residential housing units and approximately 300 multifamily apartment units, which has in turn created significant employment in the area and will help meet critical housing needs in the region. Madison Greens also contributes to the economy of West Virginia through the payment of state and local taxes, including Ranson's Business and Occupation tax.

3. Beallair Homes is a Maryland limited liability company registered as a Foreign Charter with the West Virginia Secretary of State, with its principal place of business located at 5283 Corporate Drive, Suite 300, Frederick, Maryland 21703. Beallair Homes is a real estate developer and homebuilder of residential developments in Jefferson County, West Virginia, and is a customer of CTUB. Beallair Homes is thus subject to CTUB's CIFs for connections as a result of Beallair Homes' business.

4. Beallair Homes has invested millions of dollars in land and infrastructure in Jefferson County, West Virginia, to develop over 440 for-sale residential housing units within The Community of Beallair, which has in turn created significant employment in the area and will help meet critical housing needs in the region. Beallair Homes also contributes to the economy of West Virginia through the payment of state and local taxes.

5. Defendant, City of Charles Town, is a West Virginia municipality that, through its City Council, approves ordinances to amend and reenact the rates,

rules, and regulations for furnishing water and sewer service in Charles Town and the surrounding vicinity served by Defendant, CTUB.

6. Defendant, CTUB, is a municipal water and sewer utility engaged in the business of providing water and sewer service and is subject to the Public Service Commission of West Virginia's ("PSC" or "Commission") jurisdiction pursuant to West Virginia Code §§ 24-2-1, et seq., as amended.

7. Upon information and belief, CTUB's principal place of business is located at 661 S. George Street, Suite 101, Charles Town, WV 25414.

8. CTUB's current CIF for each residential and non-residential water connection that requires new or additional flow from the water distribution system and treatment facility is \$4,399. Attachment 1, City of Charles Town Water Tariff.

9. CTUB's current CIF for each residential and non-residential connection adding new flows into the sewer collection system and treatment facility is \$2,930. Attachment 2, City of Charles Town Sewerage and Sewage Disposal Service Tariff.

10. On July 23, 2025, CTUB held a regular Board Meeting during which Mihaela Coppersmith of Raftelis Financial Consultants, Inc. ("Raftelis") presented Raftelis's assessment on updated CIFs for CTUB's water and sewer connections.

11. Upon information and belief, Raftelis is a consulting company that provides its expertise to local governments and utilities.

12. During the July 23, 2025, CTUB Board Meeting, Raftelis's preferred methodology, the "Incremental Methodology," recommended revised CIFs of \$1,624 for water and \$2,352 for sewer. Ms. Coppersmith explained that the

recommended fees were lower than the current fees because of the decrease in the number of growth-related projects listed in CTUB's adopted Capital Improvement Plan. Attachment 3, CTUB Regular Board Meeting Minutes, July 23, 2025.

13. Upon information and belief, CTUB decided to host a workshop to discuss growth-related percentages and current projects prior to acting on any new CIFs.

14. On September 10, 2025, CTUB held a regular Board Meeting in which a presentation was given regarding a cost summary and review of wastewater plant upgrades for Charles Town and Tuscowilla over the next five years. CTUB's Board Meeting Minutes indicate that CTUB planned to share the updated information from the presentation with Raftelis. Attachment 4, CTUB Regular Board Meeting Minutes, September 10, 2025.

15. Upon information and belief, on September 15, 2025, the City Council of Charles Town held a special meeting to discuss CIFs for both water and sewer.

16. On September 24, 2025, CTUB held a Board Meeting in which Members of the Board voted to approve multiple amendments to Raftelis's documents that would impact the calculation of the water and sewer CIFs, including: (1) adoption of the forward looking "Incremental Methodology" presented by Raftelis; (2) adjustment to the "Cost of Expansion to be Recovered" on Raftelis's CIF worksheet from \$36.5 million to \$39.8 million based on an additional inflation allowance; (3) adjustment from 2.75 Million Gallons Per Day ("MGD") to 2.475

MGD; (4) adjustment from 210 gallons per day ("GPD") per single-family dwelling to 280 GPD per dwelling unit; (5) recommendation that the City Council adopt CTUB's increased inflation adjustment for the "Cost of Expansion to be Recovered"; and (6) recommendation that the City Council adopt a reduced MGD from planned water system improvements from 2.2 MGD to 2.0 MGD. CTUB proposed providing its amendments to Raftelis to incorporate into Raftelis's final report. Attachment 5, CTUB Regular Board Meeting Minutes, September 24, 2025.

17. Upon information and belief, on September 29, 2025, Raftelis sent a Memorandum to CTUB opposing each of the proposed amendments to its report that CTUB recommended in its September 24, 2025, Board Meeting. Raftelis explained that higher inflation rates were unsupported because CTUB's project costs already accounted for inflation and included a \$10 million contingency for each of the \$50 million plant projects CTUB is planning to undertake. Raftelis also opposed any adjustment to the perceived capacity amount of the CIF calculation as a result of Inflow & Infiltration ("I&I") for sewer and 90 percent design capacity for water because CTUB's engineer provided the estimated system capacity resulting from expansion related to Capital Improvement Plans, which was already reflected in Raftelis's calculations. Finally, Raftelis disagreed with the proposed change to the Level of Service ("LOS") in each calculation from 210 GPD to 280 GPD, explaining that 210 GPD is validated from billing data provided by CTUB staff indicating a peaking and

estimate LOS of approximately 210 GPD. Attachment 6, Raftelis Memorandum, September 29, 2025.

18. Upon information and belief, on October 17, 2025, Raftelis provided a "2025 Capacity Improvement Fee Study Update" to provide cost-justified water and sewer CIFs. For water, Raftelis recommended a CIF of \$1,909. For sewer, Raftelis recommended a CIF of \$2,784. Attachment 7, Raftelis 2025 Capacity Improvement Fee Study Update, October 17, 2025.

19. On October 20, 2025, the City held a City Council meeting during which it reviewed recommendations from CTUB for updated CIFs and a proposed timeline for review and approval of new CIFs.

20. On November 3, 2025, the City held a City Council meeting in which it approved a first reading of revised water and sewer ordinances providing for revised CIFs. Attachment 8, City of Charles Town City Council Agenda, November 3, 2025. For water, the ordinance provided for a CIF of \$2,773. Attachment 9, An Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Water Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees. For sewer, the ordinance provided for a CIF of \$4,495. Attachment 10, An Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Sewer Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees.

21. On November 17, 2025, the City held a City Council meeting in which the City Council voted to adopt both proposed water and sewer ordinances with

an effective date of January 1, 2026, for the approved CIFs. Attachment 11, City of Charles Town City Council Meeting Minutes, November 17, 2025.

22. As a result of the City's approval of new CIFs for CTUB's water and sewer systems, to be effective January 1, 2026, the City and CTUB have violated the laws of the State of West Virginia including, but not limited to, West Virginia Code §§ 24-2-1, et seq.

23. Furthermore, Madison Greens and Beallair Homes specifically state that the recently approved CIFs for water and sewer are unjust and unreasonable as CTUB's own consultant, Raftelis, recommended lower CIFs based on its cost-justified analysis.

24. Raftelis's recommendation to CTUB was that the water CIF should be \$1,909, but CTUB and the City instead approved \$2,773. Raftelis recommended a sewer CIF of \$2,784, but CTUB and the City instead approved \$4,495.

25. The City and CTUB's approval of artificially inflated CIFs for both water and sewer will have an adverse impact on development and, in turn, residential housing costs within CTUB's service territory. Since the new CIFs are not cost-justified based on CTUB's own consultant's recommendation, CTUB is unreasonably and unjustly increasing development costs while increasing its own revenues without justification.

26. Pursuant to West Virginia Code § 24-2-1(b), this Commission has jurisdiction over CTUB, which provides:

The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to: [...] (2) Regulation of measurements, practices, acts, or services, as granted and described in §24-2-7 of this code[.]

The City's and CTUB's Violation of West Virginia Code § 24-2-1(b)(7)

27. Pursuant to West Virginia Code § 24-2-1(b)(7):

Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints: *Provided*, That any formal complaint filed under this section that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission complained of and the commission shall resolve the complaint within 180 days of filing. The 180-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the matter complained of is filed by the political subdivision: *Provided, however*, That whenever the commission finds any regulations, measurements, practices, acts, or service to be unjust, unreasonable, insufficient, or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or finds that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed, and followed in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate, or otherwise in violation of this chapter, and shall make an order that is just and reasonable: *Provided further*, That if the matter complained of would affect rates, fees, and charges fixed by the political subdivision providing separate or combined water and/or sewer services, the rates, fees, or charges shall remain in full force and effect until set aside, altered, or amended by the commission in an order to be followed in the future.¹

¹ Emphasis added.

28. West Virginia Code § 24-2-1(b)(7) explicitly provides the Commission with the ability to "set aside, alter[], or amend[]" rates, fees, and charges fixed by a political subdivision.

29. By approving water and sewer CIFs well in excess of those determined to be cost-justified by CTUB's consultant, the City and CTUB have acted in an unjust and unreasonable manner.

The City's and CTUB's Violation of West Virginia Code § 24-2-7(a)

30. West Virginia Code § 24-2-7(a) provides:

Whenever, under the provisions of this chapter, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or shall find that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed and followed in the state in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate or otherwise in violation of this chapter, and shall make such other order respecting the same as shall be just and reasonable.

31. The City and CTUB's approval of non-cost-based CIFs amounts to an unjust, unreasonable, and insufficient act that the Commission may fix in order to make the CIFs just and reasonable.

The City's and CTUB's Violation of West Virginia Code § 24-1-1(a)(4)

32. West Virginia Code § 24-1-1(a)(4) conferred upon the Commission the authority and duty to "[e]nsure that rates and charges for utility services are just, reasonable, applied without unjust discrimination or preference, applied in a manner

consistent with the purposes and policies set forth in article two-a of this chapter and based primarily on the costs of providing these services[.]”

33. By approving unjust and unreasonable water and sewer CIFs that are not cost-based, the City and CTUB have violated West Virginia Code § 24-1-1(a)(4)'s requirement that rates and charges for utility services are just and reasonable.

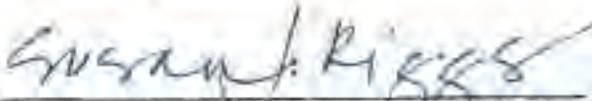
34. Pursuant to West Virginia Code §§ 24-1-1(a)(4), 24-2-7(a), 24-2-1(b)(7), the Commission has the statutory authority to set aside, alter, or amend the CIFs charged by CTUB since CTUB's approved CIFs are unjust and unreasonable.

II. REQUEST FOR RELIEF

Madison Greens and Beallair Homes respectfully request that the Commission enter an Order (1) finding that the City and CTUB have engaged in unjust and unreasonable measurements, acts, and practices in its implementation of the recently approved CIFs, (2) prohibiting the City and CTUB from implementing the recently approved CIFs, and (3) ordering the CIFs be set at the rates recommended by their own expert consultant.

WHEREFORE, Madison Greens LLC, and Beallair Homes, LLC, request that the Public Service Commission of West Virginia order the aforesaid requested relief, together with any such other relief as the Public Service Commission of West Virginia deems necessary, reasonable, and just.

Respectfully submitted,

By 

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*Counsel to Madison Greens LLC and
Beallair Homes, LLC*

Date: December 17, 2025

Attachment 1
City of Charles Town Water Tariff

P.S.C. W. Va. No. 16
Canceling P.S.C. W. Va. No. 15

CITY OF CHARLES TOWN, a municipal utility

OF

CHARLES TOWN, WEST VIRGINIA

RATES, RULES AND REGULATIONS FOR FURNISHING

WATER

at Charles Town, Ranson and vicinity, Jefferson County, West Virginia

**Filed with THE PUBLIC SERVICE COMMISSION
of
WEST VIRGINIA**

Issued January 2, 2024

Effective for service rendered on
and after February 16, 2024

Adopted By City Council
on January 2, 2024

ORDOW Charles Town 24A

Issued by **CITY OF CHARLES TOWN,**
a municipal corporation

By *Robert Thomas*

Mayor

CITY OF CHARLES TOWN (WATER)

P.S.C. W. Va. No. 16
Original Sheet No. 1

RULES AND REGULATIONS

1. Rules and Regulations for the Government of Water Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereafter made by the Commission are hereby adopted by reference.

CITY OF CHARLES TOWN (WATER)

P.S.C. W. Va. No. 16
Original Sheet No. 2SCHEDULE I(C) APPLICABILITY

Applicable within the entire area served except the contract rate.

AVAILABILITY

Available for general domestic, commercial and industrial service.

(I) RATES

First	10,000 gallons used per month	\$12.84 per 1,000 gallons
Next	30,000 gallons used per month	\$10.73 per 1,000 gallons
Over	40,000 gallons used per month	\$ 8.47 per 1,000 gallons

PNGI Contract Rate	\$ 6.08 per 1,000 gallons
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(I) MINIMUM CHARGE

No bill shall be rendered for less than the following amounts, according to the size of the meter installed, to-wit:

(C) 5/8-inch and 5/8 x 3/4-inch	\$ 25.68 per month
3/4-inch	\$ 38.52 per month
1-inch	\$ 64.20 per month
1-1/2-inch	\$ 132.89 per month
2-inch	\$ 207.80 per month
3-inch	\$ 389.68 per month
4-inch	\$ 717.98 per month
6-inch	\$1,348.40 per month

(I) FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, \$44.94 per month.

(I) METERED SALES - OTHER

For direct sales at the Water Treatment Plant \$8.47 per 1,000 gallons

(C) MULTIPLE OCCUPANCY

In apartment buildings, shopping centers or other multiple occupancy buildings, each unit shall be required to pay not less than the minimum monthly charge provided herein.

(C) Indicates change in text

(I) Indicates increase

CITY OF CHARLES TOWN (WATER)

P.S.C. W. Va. No. 16
Original Sheet No. 3**(C) DELAYED PAYMENT PENALTY**

The above schedule is net. On all accounts not paid in full when due, 10% will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of \$500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.

(C) DISCONNECT-RECONNECT FEE

Whenever water service to a City of Charles Town Water customer has been disconnected for non-payment of a water bill, a disconnection fee of \$20.00 shall be charged. Water service will not be restored until all past due bills, penalties and reconnection fees have been paid in full.

(O)**RETURNED CHECK CHARGE**

A service charge equal to the actual bank fee assessed to the water utility up to a maximum of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

(C) (I) LEAK ADJUSTMENT

\$.89 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above 200% of the customer's historical average usage.

(C) SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average usage of the applicant's specific customer class, or \$50.00, whichever is greater. This fee may be changed by applicable statutory provisions. Each new customer shall make a security deposit which shall be refunded per the regulations of the Public Service Commission of West Virginia.

(C) Indicates change in text**(O)** Indicates omission**(I)** Indicates increase

CITY OF CHARLES TOWN (WATER)

P.S.C. W. Va. No. 16
Original Sheet No. 4**(N) CITY OF CHARLES TOWN MUNICIPAL SERVICE FEES****STREET IMPROVEMENTS:**

For the purpose of providing street improvements by the City of Charles Town there is hereby imposed upon the users thereof, that is to say, collectively upon the owners of each residential premise, each manufacturing plant and each business premise from and after July 1, 1999, an annual fee consistent with Article 770 of the City of Charles Town Codified Ordinances. The fee collected by CTUB will be paid directly to the City of Charles Town.

EMERGENCY SERVICE:

For the purposes of carrying out emergency services function as provided for in Article 107, Emergency Services of the City of Charles Town Codified Ordinances, there is hereby imposed upon the users thereof, that is to say each residential and each business premise from and after July 1st, 2006, a fee consistent with Article 774 of the City of Charles Town Codified Ordinances.

PARKS AND RECREATIONAL FACILITIES:

For the purpose of constructing, improving, extending, developing, maintaining, and operating a City public park and recreation system as provided for in Article 138 (of the City of Charles Town Codified Ordinances), there is hereby imposed upon the users thereof, that is to say each residential premise, and each business premise.

(O)**(N)** Indicates new**(O)** Indicates omission of Schedule II (incorporated into Schedule I)

CITY OF CHARLES TOWN (WATER)

P.S.C. W, Va. No. 16
Original Sheet No. 5

(C)

SCHEDULE II
CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection requiring new or additional flow from the water distribution system and treatment facility. Effective for service connections proposed on or after the date of enactment.

(C) CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of \$4,399.00 for each residential connection or non-residential connection requiring new or additional flow from the water distribution system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

(C) Indicates change

CITY OF CHARLES TOWN (WATER)

P.S.C. W. Va. No. 16
Original Sheet No. 6USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL
CAPACITY IMPROVEMENT FEES

Capacity Improvement Fees for multi-residential and non-residential structures requiring new or additional flow from the water distribution system and treatment facility shall be based upon the following:

<u>UNIT</u>	<u>WATER GALLONS/DAY</u>	<u>RESIDENTIAL USAGE EQUIVALENT</u>
Single Family Unit	150	1.0
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
<u>Institutions:</u>		
Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
<u>School:</u>		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.

Attachment 2

**City of Charles Town Sewerage and Sewage Disposal
Service Tariff**

P.S.C. W. Va. No. 22
Canceling P.S.C. W. Va. No. 21

CITY OF CHARLES TOWN, a municipal utility
OF
CHARLES TOWN, WEST VIRGINIA
RATES, RULES AND REGULATIONS FOR FURNISHING
SEWERAGE AND SEWAGE DISPOSAL SERVICE
at Charles Town, Ranson and vicinity, Jefferson County, West Virginia
Filed with **THE PUBLIC SERVICE COMMISSION**
of
WEST VIRGINIA

Issued January 2, 2024

Effective for service rendered on
and after February 16, 2024

Adopted By City Council
on January 2, 2024

ORDUS Charles Town 24A

Issued by **CITY OF CHARLES TOWN,**
a municipal corporation

By _____

Mayor

(N) CITY OF CHARLES TOWN (SEWER)

P.S.C. W. Va. No. 22
Original Sheet No. 1

RULES AND REGULATIONS

- I. Rules and Regulations for the Government of Sewerage Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereafter made by the Commission are hereby adopted by reference.

SCHEDULE 1

(C) APPLICABILITY

Applicable within the entire territory served.

(C) AVAILABILITY

Available for general domestic, commercial and industrial service.

(C)(I) RATES (Customers with a metered water supply)

First	2,000 gallons used per month	\$15.24 per 1,000 gallons
Over	2,000 gallons used per month	\$11.53 per 1,000 gallons

(I) MINIMUM CHARGE

No bill shall be rendered for less than \$30.48 per month, which is the equivalent of 2,000 gallons. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

(I) FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, \$47.78 per month.

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, 10% will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

(I) TAP FEE

A tap fee of \$500.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

(N) Indicates new

(C) Indicates change in text

(I) Indicates increase

CITY OF CHARLES TOWN (SEWER)P.S.C. W. Va. No. 22
Original Sheet No. 2

(N)

(N) DISCONNECT-RECONNECT FEES

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with West Virginia American Water Company, a disconnection fee of \$20.00 shall be charged in addition to a reconnection fee of \$20.00 if service is restored.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

(C)(I) LEAK ADJUSTMENT

\$1.01 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above 200% of the customer's historical average usage.

(C) SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average usage of the applicant's specific customer class, or \$50.00, whichever is greater. This fee may be changed by applicable statutory provisions. Each new customer shall make a security deposit which shall be refunded per the regulations of the Public Service Commission of West Virginia.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average BOD in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$C_s = B_c (B) + S_c (S) + P_c (P) V_u$$

B = Concentration of B.O.D. from a user above a base level (300 mg/l)

B_c = O & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)

S = Concentration of suspended solids from a user above a base level (300mg/l)

S_c = O & M costs for treatment of a unit of suspended solids

P_c = O & M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

V_u = Volume contribution from a user per unit of time.

(N) Indicates new

(C) Indicates change in text

(I) Indicates increase

(N) CITY OF CHARLES TOWN (SEWER)

P.S.C. W. Va. No. 22
Original Sheet No. 3

(O)

SCHEDULE II
CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection adding new flows into the sewer collection system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of \$2,930.00 for each residential connection or non-residential connection adding new flows into the sewer collection system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

ADDITIONAL CAPACITY IMPROVEMENT FEE – FLOWING SPRINGS PUMP STATION

Pursuant to the Flowing Springs Pump Station Repayment Agreement, customers in the Flowing Springs Development District connecting to the Flowing Springs Pump Station shall be charged an additional Capacity Improvement Fee of \$1,625.00 for each residential or non-residential connection. Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth hereinafter.

(N) Indicates new

(O) Indicates omission of Schedule II (incorporated into Schedule I)

CITY OF CHARLES TOWN (SEWER)

P.S.C. W. Va. No. 22
Original Sheet No. 4

(N)

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPACT FEES

Capacity impact fees for multi-residential and non-residential structures adding new flows to the sewer collection system and treatment facility shall be based upon the following:

<u>UNIT</u>	<u>WATER GALLONS/DAY</u>	<u>RESIDENTIAL USAGE EQUIVALENT</u>
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
<u>Institutions:</u>		
Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
<u>School:</u>		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer capacity	0.067/swimmer capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.

(N) Indicates new

Attachment 3

CTUB Regular Board Meeting Minutes, July 23, 2025

**Charles Town Utility Board
Regular Board Meeting
July 23, 2025**

The Charles Town Utility Board held a regular meeting on July 23, 2025 at 4:00 P.M. Members of the Board present were Micheal George, Chairman; John Maxey, Vice Chairman; Duke Pierson, Treasurer; Heidi Parker, and Board Member; Patrick Kratovil, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemeyer, Secretary; Robert Rodecker, Legal Counsel (Zoom) and Pasha Majdi, County Commission Liaison (Zoom).

CALL TO ORDER

The Chairman called the meeting to order at 4:00 P.M.

APPROVAL OF MINUTES

Approval of July 9, 2025 Regular Meeting Minutes

The Chairman called for changes or corrections to the July 9, 2025 regular meeting minutes. Mrs. Parker suggested two minor corrections.

Action: Motion made by Mr. Maxey, second by Mr. Kratovil, the Board unanimously approved the July 9, 2025 regular meeting minutes as amended.

PUBLIC COMMENT

Public comment was received by Jacquelyn Milliron.

UNFINISHED BUSINESS

Update on WV PSC Cases - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

- i. **25-0079-W-PC - Sidewinder Service Agreement for Mountain Pure Development**

Mr. Rodecker provided he is continuing to work with the other party on the revisions to the lease agreement. Mrs. Stolipher mentioned she is aiming to have the final draft before the Board at the next meeting.

Action: No action required by the Board.

- ii. **25-0263-W-C - West Virginia American Water Complaint Case**

Mr. Rodecker stated he and Mrs. Stolipher are continuing to prepare for the July 30 hearing at the new County Commission complex in Charles Town.

Action: No action required by the Board.

Riverpointe (formerly Ranson Heights) Pump Station Operation and Maintenance Agreement

Mrs. Stolipher included the revised O&M agreement for the Riverpointe pump station as discussed last meeting. She mentioned this was a request by the developer that would allow for CTUB to

operate and maintain the pump station prior to accepting the phases of infrastructure at a cost to the developer. The Board provided discussions.

Action: Motion made by Mr. Maxey, second by Mr. Kratovil, the Board unanimously approved the revised Riverpointe Pump Station O&M Agreement.

Sleepy Hollow Mainline Extension Agreement Request

Mrs. Stolipher provided the Board with a memo from Mr. Rodecker recommending the Board not move forward with the Mainline Extension Agreement request per the PSC rules. Mr. Rodecker briefed the Board and recommended the Board offer an Alternate Mainline Extension.

Action: Motion made by Mr. Maxey, second by Mrs. Parker, the Board unanimously approved denial of the request since there are no bona fide customers ready for the project and advise the developer work with management to develop an alternate mainline agreement.

NEW BUSINESS

Raftelis - Capacity Improvement Fee Assessment Presentation

Mihaela Coppersmith from Raftelis presented their assessment on the updated Capacity Improvement Fees (CIF's) for water and sewer, focusing on the incremental methodology. She worked with Mrs. Stolipher and Chris Eckenrode to provide growth-related percentages from the most recent Capital Improvement Plan (CIP's) to calculate the fees. Ms. Coppersmith provided revised fees of \$1,624 for water and \$2,352 for sewer using the Incremental Method (Recommended) and \$1,442 for water and \$2,062 for sewer using the Combined Method. She mentioned the fees are lower than the current fees based on the decrease in the number of growth-related projects listed in the Board adopted CIP's and the increased amount of capacity.

The Board provided discussions on the growth-related percentages, inflation rates and current projects and requested a workshop to discuss the growth-related percentages with Mr. Eckenrode prior to taking any action on the new fees.

Action: Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved holding a special workshop with Chris Eckenrode to review percentages versus what was presented by Raftelis.

Collection System Project - Resolution No. 12 - CWSRF No. 5, Pay Application No. 4

Mrs. Stolipher included the pay application for Resolution No. 12, CWSRF Payment No. 5, Pay Application No. 4 in the amount of \$506,828.03 for work completed.

Action: Motion made by Mrs. Parker, second by Mr. Pierson, the Board unanimously approved Resolution No. 12, CWSRF Payment No. 5, Pay Application No. 4.

Collection System Project - Resolution No. 13 - CIF Payment No. 8

Mrs. Stolipher included the pay application for Resolution No. 13, CIF Payment No. 8, in the amount of \$32,559.03 for work completed.

Action: Motion made by Mr. Kratovil, second by Mr. Maxey, the Board unanimously approved Resolution No. 13, CIF Payment No. 8.

Collection System Project - Change Order No. 1 (Information Only)

Mrs. Stolipher provided the final documentation for Change Order No. 1 relating to the B&O taxes to be paid for by the operating fund.

Action: No action required by the Board.

Locust Hill Pond Aerator Quote

Mrs. Stolipher provided a quote to replace the pond aerator at one of the three ponds with aerators at Locust Hill that CTUB is responsible for. The Board provided discussions and recommended the owner of the golf course dredge the ponds.

Action: Motion made by Mr. Maxey, second by Mrs. Parker, the Board unanimously approved the pond aerator quote for \$16,400.

Service Area Map by Subdivision for Website, updated every 6 months (requested by Director Parker)

Mrs. Parker requested a map detailing the total EDU's of each subdivision and remaining buildout and possibly an interactive map on the website to show water and sewer providers. Mrs. Stolipher suggested putting a link on the CTUB website to the County website to use their interactive map and to update CTUB's maps when the County updates their GIS information.

Action: Motion made by Mrs. Parker, second by Mr. Maxey, with discussions from the Board, the Board unanimously approved adding the maps provided to the website and update as the County updates their GIS information and include a table with the projected and current CIF amounts.

General Manager Report Requirement for the Board of Directors to include: Written, signed GM report to include, monthly water loss percentages, fire hydrant compliance/mapping and manhole maintenance and repairs, total capacity improvement fees and also by subdivision, list task order performed each month, with improvements, critical challenges (requested by Director Parker)

Mrs. Parker suggested adding various tracking to a signed Utility Manager report including the water loss rate, fire hydrant compliance, manholes repairs, etc. The Board provided discussions.

Action: No action required by the Board.

MANAGER REPORTSUtility Manager Report

Mrs. Stolipher gave a brief update on the recent storm damage, several leak repairs, the Renewal and Replacement Project completion with the final pay application at the next meeting, and the ongoing software conversion.

Action: No action required by the Board.

Chairman Report

The Chairman provided an update on the storm damage from a recent storm and the Liberty Street project moving along with the stormwater install.

Action: No action required by the Board.

APPROVAL OF BILLS

July 9, 2025

Mrs. Parker had several questions on the bill report. The Board provided discussions.

Action: Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved the payment of the bills.

UNFINISHED BUSINESS**Draft Sewer System Design and Construction Standards Manual**

Action: Motion made by Mrs. Parker, second by Mr. Maxey, the Board unanimously approved to un-table the Sewer System Design and Construction Standards Manual 2025.

Mrs. Stolipher provided the revised draft document for the Board's review. Mr. Rodecker suggested removing the proposed language on page 2 relating to mainline extension agreements as the current language addresses that option. He mentioned this section is specific to developers, who generally utilize alternate mainline extension agreements as they do not usually have bona fide customers ready at the time of the agreement. Mrs. Stolipher also added language relating to the upsizing of pipe as requested by the Board at the last meeting, which was removed, returning to the first draft per Mr. Rodecker's recommendation. The Board provided discussions.

Action: Motion made by Mr. Maxey, second by Mrs. Parker, the Board unanimously approved adopting the Sewer System Design and Construction Standards Manual with the changes recommended by Mr. Rodecker.

ADJOURNMENT

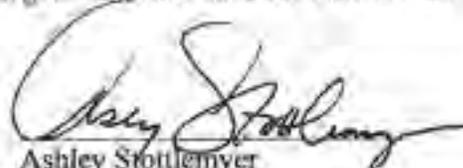
There being no further business at this time, the Board adjourned the meeting at 5:53 P.M.

INFORMATION ONLY

The next meeting is scheduled for Wednesday, August 13, 2025 at 4:00 P.M. at 661 S. George Street.



Micheal George
Chairman



Ashley Stottlemyer
Secretary

Attachment 4

CTUB Regular Board Meeting Minutes, September 10, 2025

**Charles Town Utility Board
Regular Board Meeting
September 10, 2025**

The Charles Town Utility Board held a regular meeting on September 10, 2025 at 4:00 P.M. Members of the Board present were Micheal George, Chairman; John Maxey, Vice Chairman; Duke Pierson, Treasurer; Heidi Parker, Board Member; and Patrick Kratovil, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottemyer, Secretary; and Robert Rodecker, Legal Counsel (Zoom).

County Commission Liaison, Commissioner Mike Mood was absent from the meeting.

CALL TO ORDER

The Chairman called the meeting to order at 4:00 P.M.

SWEARING IN OF NEW CHAIRMAN

The Chairman swore in the new Chairman, Brent Manuel.

APPROVAL OF MINUTES

Approval of August 27, 2025 Regular Meeting Minutes

The Chairman called for changes or corrections to the August 27, 2025 regular meeting minutes. Mr. Maxey suggested a minor spelling correction.

Action: Original motion made by Mr. Pierson, amended by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved the August 27, 2025 regular meeting minutes as amended.

PUBLIC COMMENT

Public comment was received by Jacquelyn Milliron and Dan Casto.

UNFINISHED BUSINESS

Update on WV PSC Cases - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

i. 25-0263-W-C – West Virginia American Water Complaint Case

Mr. Rodecker mentioned a Recommended Decision is scheduled to be entered September 11th. Exceptions to the Recommended Decision can then be filed to the full Commission for their review.

Action: No action required by the Board.

WV-002 Charles Town Road Tank – Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

This item was moved to Executive Session.

Action: Motion made by Mr. Pierson, second by Mr. Maxey, to move agenda items WV-002 Charles Town Road Tank, Madison Greens AMEA and Media Farms AMEA to Executive Session to the end of Unfinished Business.

CJF Workshop Overview

Mr. Eckenrode presented his cost summary and review of the wastewater plant upgrades for Charles Town and Tuscowilla over the next five years. Based on his recommendations a new plant is expected to cost \$50 million including soft costs, with 45% attributing to existing and 55% for growth. The Board provided discussions. Mr. Eckenrode mentioned most of these improvements were noted in his 2018 Preliminary Engineering Report. He also stated that after talking with CTUB's environmental attorney, Richard Lewis, historical data showed elevated levels of Ammonia and BOD at the plant as well as an ongoing unknown issue in the Eastern panhandle of these elevated levels in influent wastewater.

Mr. Maxey suggested that out of the \$10 million in soft costs for the wastewater plant expansion, 20% be allocated to existing customers for engineering and design and 80% to new growth for engineering, design and 100% of all land and easement costs as land is only attributable to growth. He proposed to use 45% to existing and 55% to growth on the \$40 million and a split of 20/80 on the \$10 million, giving the total costs to existing rate payers of \$20 million out the \$50 million leaving the new percentages at 40/60. Mr. Eckenrode accepted Mr. Maxey's recommendation and will get the information to Raftelis for a final report.

Action: No action required by the Board.

Madison Greens AMEA

The Board discussed this item in Public Session rather than Executive Session.

Action: Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved removing this item from the table.

Mrs. Stolipher provided the sewer AMEA for a total of 292 residential units near the Ramson Retail and Fairfax Crossing development. Mr. Rodecker reviewed the agreement. The Board provided discussions.

Action: Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the Madison Greens AMEA as submitted.

Media Farms AMEA

This item was moved to Executive Session at the end of the agenda as motioned earlier in the meeting due to the threat of legal action from a public comment made by the Media Farms attorney, Dan Casto.

NEW BUSINESS

Beallair Pump Station Upgrade

Mrs. Stolipher provided quotes totaling \$107,050 for the labor and material to replace the pumps, rails, bases and controls as it was constructed in 2006 and currently running on one pump. She mentioned the costs will be covered through the expenditure budget previously approved by the Board.

Action: Motion made by Mr. Pierson, second by Mr. Kratovil, the Board unanimously approved the quotes for the Beallair upgrade as submitted.

Unifilt Corporation Air Scour Retrofit

Mrs. Stolipher provided a quote totaling \$165,900 for the replacement of the entire Air Scouring System at the Water Treatment Plant, which was identified in the Sanitary Survey as needing attention. She mentioned the costs will be covered through the expenditure budget previously approved by the Board. The Board provided discussions. Mr. Eckenrode was present to answer questions from the Board.

Action: Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved the Unifilt Corporation proposal.

Identification of the Source of High Ammonia and Nitrate Levels Entering the Charles Town Wastewater Treatment Plant

Mr. Maxey requested this agenda item per comments made by Mr. Eckenrode at the last meeting expressing concern over the high levels of Ammonia and Nitrate at the Charles Town Wastewater Plant which were contributing to the need of plant upgrades. Mr. Eckenrode clarified the high levels are influent Ammonia and BOD, not Nitrate. He mentioned the weekly results vary and spike sporadically and although staff has been monitoring, a source cannot be pinned down. Mr. Eckenrode stated CTUB is not in violation on the effluent.

The Board provided discussions. Mr. Lewis confirmed Mr. Eckenrode's points and provided discussions. Mr. Eckenrode will continue to monitor and any future plant upgrades will be designed to take care of these issues. He will also look into monitoring tools specific for Ammonia.

Action: No action required by the Board.

Collection System Project – Authorized Representative Resolution

Mrs. Stolipher provided the Authorized Representative Resolution will authorize Chairman Brent Manuel to sign all documents related to the Collection System Project. The previous resolution authorized the previous Chairman.

Action: Motion made by Mrs. Parker, second by Mr. Kratovil, the Board unanimously approved Chairman Brent Manuel as the authorized representative.

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher provided she will correct the typo in the wastewater report as mentioned in public comment. She also provided an update on the Liberty Street Stormwater project and the progress meetings on the Collection project and Chlorine Room project. Mrs. Stolipher mentioned a correspondence from Fox Glen to extend sewer to their site and requested they present the request to the Board. She also stated there could be potential grant opportunities through EPA for various project which she will explore.

Mayor Micheal George invited the Board to a joint workshop with City Council on September 15th for a discussion on CIF's.

Action: No action required by the Board.

Chairman Report

The Chairman had nothing to report.

Action: No action required by the Board.

APPROVAL OF BILLS

September 10, 2025

Action: Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved the payment of the bills.

EXECUTIVE SESSION

Media Farms AMEA

Action: Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved removing this item from the table.

WV-002 Charles Town Road Tank - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

Action: Motion by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved convening into Executive Session at 5:04 P.M. to discuss WV-002 Charles Town Road Tank under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

Media Farms AMEA Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

Action: Motion by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved convening into Executive Session at 5:04 P.M. to discuss the Media Farms AMEA under the provision of W. VA. Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

The Board convened back into public session at 5:50 P.M.

WV-002 Charles Town Road Tank

Action: Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously authorized payment of any invoices currently in CTUB's possession relating to the Charles Town Road Tank as quickly as possible.

Media Farms AMEA

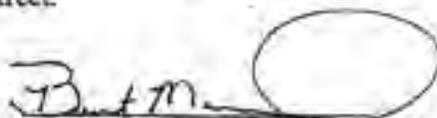
Action: Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the Media Farms AMEA as submitted.

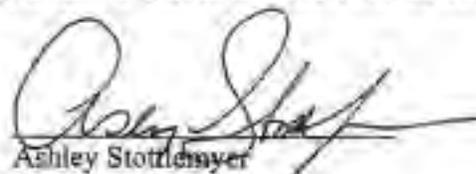
ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting at 5:52 P.M.

INFORMATION ONLY

The next meeting is scheduled for Wednesday, September 24, 2025 at 4:00 P.M. at 661 S. George Street.


Brent Manuel
Chairman


Ashley Stottmeyer
Secretary

Attachment 5

CTUB Regular Board Meeting Minutes, September 24, 2025

**Charles Town Utility Board
Regular Board Meeting
September 24, 2025**

The Charles Town Utility Board held a regular meeting on September 24, 2025 at 4:00 P.M. Members of the Board present were Brent Manuel, Chairman; John Maxey, Vice Chairman; Duke Pierson, Treasurer; Heidi Parker, Board Member; and Patrick Kratovil, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; Robert Rodecker, Legal Counsel (Zoom) and County Commission Liaison, Commissioner Mike Mood.

CALL TO ORDER

The Chairman called the meeting to order at 4:00 P.M.

APPROVAL OF MINUTES

Approval of September 10, 2025 Regular Meeting Minutes

The Chairman called for changes or corrections to the September 10, 2025 regular meeting minutes. Mrs. Parker suggested a few minor corrections.

Action: Motion made by Mr. Maxey, second by Mr. Kratovil, the Board unanimously approved the September 10, 2025 regular meeting minutes as amended.

PUBLIC COMMENT

Public comment was received by Jacquelyn Milliron, Ron Marcus, Clyde Cross, Sharon Will and Jacquelyn Moreno.

UNFINISHED BUSINESS

Capacity Improvement Fee Review

Mrs. Stolipher included the documents that were provided at the joint CJF workshop with City Council and the updated documents from Raftelis. Mr. Maxey provided a series of amendments to the current Raftelis documents in the form of six motions.

Action: Motion made by Mr. Maxey, second by Mrs. Parker, with discussions from the Board, the Board unanimously approved Motion 1 as read:

Whereas the Charles Town Utility Board has adopted a Capacity Improvement Fee policy requiring the cost of new infrastructure be paid by those creating the demand rather than by existing ratepayers,

Whereas the Charles Town Utility Board projects that existing capacity will be exhausted by new development within the next five years,

Whereas state and federal budget considerations may limit the future availability of traditional grant and low interest loan opportunities,

Whereas the entry of a \$25 billion private utility into the Jefferson County market makes future expansion opportunities more difficult to assess,

Therefore, the Charles Town Utility Board recommends that the City Council adopt the forward looking "incremental" methodology

presented by Raftelis Financial Consultants rather than any combined or backward-looking methodologies.

Action: **Motion made by Mr. Maxey, second by Mrs. Parker, with discussions from the Board, the Board unanimously approved Motion 2 as read:**
Whereas bid responses to Charles Town Utility Board RFPs have been running above estimates this year,
Whereas the U.S. Department of Labor reported that inflation accelerated to 2.9% in August 2025, up from 2.7% in July,
Whereas the Federal Reserve has projected that inflation will remain above the 2 percent target rate through at least 2027,
Whereas the cumulative effect of inflation at 2.5% per year over five years is 13.14%,
Whereas the Raftelis report is understood to have incorporated only 4.17% for inflation,
Therefore, the Board recommends adjusting the "Cost of Expansion to be Recovered" on the Raftelis sewer CIF worksheet from \$36,460,360 to \$39,730,854 to include the additional 8.97% inflation allowance.

Action: **Motion made by Mr. Maxey, second by Mrs. Parker, with discussions from the Board and Mr. Rodecker, the Board approved, Mr. Pierson voted against, Motion 3 as read:**
Whereas Raftelis identified 2.75 MGD of theoretical added treatment capacity from the planned wastewater plant expansion.
Whereas prudent utility practice requires reserving an operating margin to maintain compliance and reliability.
Whereas the Board's consulting engineer has reported ROD and ammonia concentrations as much as double typical design values and has expressed that these are not expected to abate.
Whereas the engineer has also reported significant infiltration and inflow during rain events that will consume a portion of the new capacity. Influent flows exceeded the monthly average by more than 10% on at least 20 days during the first eight months of 2025.
Whereas NPDES Permit WV0022349, issued on August 23, 2021, and valid through June 2026, requires CTUB to produce a plan of action demonstrating how insufficient capacity will be addressed if the facility discharges 90% or more of permitted flow for three consecutive months.
Whereas reserve capacity is not available for new taps and therefore cannot be allocated toward CIF recovery.
Therefore, the Charles Town Utility Board recommends that the City Council adopt 90% of the total new capacity, rounded to 2.475 MGD, as the net capacity available for new growth for purposes of calculating the Capacity Improvement Fee.

Action: **Motion made by Mr. Maxey, second by Mrs. Parker, with discussions from the Board and Mihaela Coopersmith, the Board approved, Mr. Pierson voted against, Motion 4 as read:**

Whereas the Raftelis study currently assigns 210 gallons per day per single-family dwelling for purposes of calculating the Capacity Improvement Fee,

Whereas the West Virginia State Sewage Treatment and Collection System Design Standard effective July 1, 2025 (WV State Code of Rules 64CSR47, table 16-47-A) specifies a design loading of 70 gallons per day per person and assumes four persons per residence, resulting in a total of **280 gallons per day per household**,

Whereas aligning the CIF methodology with State design standards ensures consistency with state regulatory expectations and reduces the risk that existing ratepayers will subsidize new development,

Therefore, the Charles Town Utility Board recommends that the City Council adopt **280 gallons per day per dwelling unit** as the standard residential equivalency for purposes of calculating the Capacity Improvement Fee.

Action: **Motion made by Mr. Maxey, second by Mrs. Parker, the Board unanimously approved Motion 5 as read:**

Whereas the Raftelis study identified the "Cost of Expansion to be Recovered" for water capacity projects,

Whereas the Charles Town Utility Board has determined that the inflation assumptions in the Raftelis study are insufficient in light of current U.S. Department of Labor inflation data and Federal Reserve forecasts,

Whereas the Board has adopted an 8.97% upward adjustment to the Sewer CIF cost basis to account for this additional inflation,

Whereas applying the same adjustment to the water capacity cost ensures consistent treatment of both water and sewer capacity improvement fees and protects existing ratepayers from subsidizing new development,

Therefore, the Charles Town Utility Board recommends that the City Council increase the "Cost of Expansion to be Recovered" for the Water Capacity Improvement Fee by **8.97%** above the baseline figure provided in the Raftelis study.

Action: **Motion made by Mr. Maxey, second by Mrs. Parker, with discussions from the Board, the Board unanimously approved Motion 6 as read:**

Whereas the Raftelis study identified a capacity increase of 2.2 million gallons per day from planned water system improvements,

Whereas prudent utility practice requires that capacity calculations account for distribution system realities, including water loss and unbilled water,

Whereas the Charles Town Utility Board's annual reports document an average **lost water rate of approximately 7%**,
Whereas additional accounted-for but unsold water, including hydrant flushing, fire protection use, and water lost during periodic repairs, contributes further to unrecoverable capacity demands beyond the measured lost water rate,
Whereas these factors together reasonably require a reduction of at least **10%** to the theoretical 2.2 MGD capacity increase identified in the study,
Therefore, the Charles Town Utility Board recommends that the City Council adopt **2.0 MGD**, as the net capacity available for new growth for purposes of calculating the Water Capacity Improvement Fee.

The Chairman suggested providing Mr. Maxey's amendments to Raftelis to incorporate into the final report and bring back to the Board next meeting.

Update on WV PSC Case 25-0263-W-C - West Virginia American Water Complaint Case - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

Mr. Rodecker mentioned the Recommended Decision was issued on September 11th in CTUB's favor and exceptions to that decision are due by September 26th. He also stated the Administrative Law Judge recommended CTUB consider changing CIF's.

Action: No action required by the Board.

WV-002 Charles Town Road Tank - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

This item was moved to Executive Session at the end of the meeting.

NEW BUSINESS

Flowing Springs Pump Station Upgrade Design Proposal

Mrs. Stolipher mentioned this upgrade project was included in the Collection System Project as a bid alternate, but pulled due to high costs. GDF reviewed the prior design and provided a proposal for a new design for the pump station upgrade not to exceed \$100,000.00. Mr. Eckenrode briefed the Board on his alternative design. The Board provided discussions.

Action: Motion made by Mrs. Parker, second by Mr. Kratovil, the Board unanimously accepted the Flowing Springs Pump Station upgrade design proposal task order for GDF.

Pneumatic Tank Rental for Huntfield Tank Leak Repair

Mrs. Stolipher included the pneumatic tank rental costs of \$26,050.00 to maintain adequate pressure when the Huntfield leak repair is completed. Mr. Eckenrode briefed the Board on the process of the repair efforts. The Board provided discussions.

Action: Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the tank rental quote as submitted.

STH - Wendy's Spare Pump Quote

Mrs. Stolipher provided a quote from STH totaling \$16,694.00 for a spare pump at the Wendy's pump station. She mentioned the station is currently operating with one pump as the other pump is being repaired. The Board provided discussions.

Action: Motion made by Mrs. Parker, second by Mr. Maxey, the Board unanimously approved the Wendy's pump station quote.

Discussion on Employee Total Compensation Study

Mrs. Stolipher provided the Personnel Committee for Charles Town released an RFP for an Employee Total Compensation Study for City Hall staff and the Police Department, but did not include CTUB staff as historically done in the past. She requested the Board provide a recommendation to the Personnel Committee for CTUB staff to be included in the study as well as contribute an up to amount toward those efforts for CTUB's portion. All employees are currently under the same handbook and pay scale. The Board provided discussions.

Action: Motion made by Mr. Maxey, second by Mr. Kratovil, to approve up to \$20,000.00 for CTUB to be included in the addendum for the salary study by the City of Charles Town. Mrs. Parker amended the motion, second by Mr. Maxey, to include Board member compensation in the salary survey. The Board unanimously approved the original motion and the amendment.

Fox Glen Subdivision Presentation

Mrs. Stolipher briefed the Board on the sewer request. Mr. Ron Marcus presented a request to consider a collaboration with CTUB to extend sewer services to the Fox Glen development. He mentioned he has been in discussions with the County Commission, Health Department and Region 9 about the environmental issues in this area. He mentioned there are 300 lots in the development on septic systems, some that are failing.

The Board provided discussions. Mr. Maxey expressed his concern about any PFAS issues in that area and if that poses any risk to the CTUB system if accepting those flows. He was also concerned about the affordability to its current rate payers, the increased capacity not currently in CTUB's strategic plan and the possibility of purchasing the water system.

Action: Motion made by Mr. Maxey, second by Mrs. Parker, with discussions from the Board, the Board unanimously requested the General Manager contact the Health Department and request the Head Sanitarian speak to the Board at the next meeting, supply copies of the commitment letters matched to subdivisions on the Sewer Strategic Plan, and invite the Development Authority to the next meeting to discuss funding availability.

Collection System Project No. 16 - CIF Payment No. 10

Mrs. Stolipher included the pay application for Resolution No. 16 - CIF Payment No. 10, in the amount of \$34,737.85 for work completed. The Board provided discussions.

Action: Motion made by Mr. Maxey, second by Mr. Kratovil, the Board unanimously approved Resolution No. 16 - CIF Payment No. 10.

Collection System Project Resolution No. 17 - CWSRF No. 7 Pay Application No. 6

Mrs. Stolpber included the pay application for Resolution No. 17 – CWSRF No. 7, Pay Application No. 6, in the amount of \$278,099.71 for work completed.

Action: Motion made by Mrs. Parker, second by Mr. Pierson, the Board unanimously approved Resolution No. 17 – CWSRF No. 7, Pay Application No. 6.

Collection System Project - Work Change Order No. 9 - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

This item was moved to Executive Session at the end of the meeting.

MANAGER REPORTS

Utility Manager Report

Mrs. Stolpber provided she attended the Water Advisory Committee meeting on September 17th, the upcoming decommissioning of the Wills and Orchard Hills pump stations, and the minor revisions to the Consumer Confidence Reports with public notice for older violations.

Action: No action required by the Board.

Chairman Report

The Chairman thanked the Board for attending the joint CJF workshop with City Council earlier in the month.

Action: No action required by the Board.

APPROVAL OF BILLS

September 24, 2025

Action: Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the payment of the bills.

EXECUTIVE SESSION

WV-002 Charles Town Road Tank – Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

Action: Motion by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved convening into Executive Session at 5:44 P.M. to discuss WV-002 Charles Town Road Tank under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

Collection System Project - Work Change Order No. 9 - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

Action: Motion by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved convening into Executive Session at 5:44 P.M. to discuss Collection

System Project - Work Change Order No. 9 under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

The Board convened back into public session at 6:16 P.M.

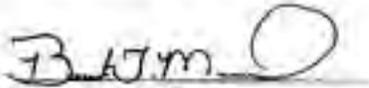
ADJOURNMENT

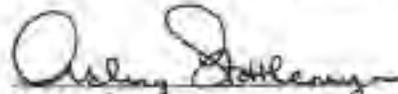
There being no further business at this time, the Board adjourned the meeting.

Action: Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved to adjourn the meeting at 6:17 P.M.

INFORMATION ONLY

The next meeting is scheduled for Wednesday, October 8, 2025 at 4:00 P.M. at 661 S. George Street.


Brent Manuel
Chairman


Ashley Stottlemeyer
Secretary

Attachment 6

Raftelis Memorandum, September 29, 2025



MEMO

To: Kristen Stolpher, Charles Town Utility Board
From: Mihaela Coopersmith, Raftelis
Date: September 29, 2025
Re: Response to proposed Board Action regarding CIFs

During the Charles Town Utility Board (CTUB) meeting on September 24, multiple motions were considered surrounding Raftelis' calculation of Capacity Improvement Fees (CIFs) presented to the Board for consideration. The calculated fees represent the maximum-cost justified CIFs. During the meeting, a Board member introduced a number of proposed revisions to the final recommendation from Raftelis. Raftelis cannot support the proposed revisions for the following reasons provided below:

1. Include a higher inflation rate on the Total Project Costs Eligible for Expansion.

One revision from the CTUB Board member was to add approximately \$8 million dollars of inflationary costs to the total system value of each the water and sewer capacity improvement project cost. Raftelis defers to the Board's Engineering Consultant for the implied value of future project costs. The Utility's Engineer is a qualified expert in this field and provided the total cost of each project utilized in the fee calculations. It is our understanding that the project costs already account for inflation with the inclusion of a \$10M contingency for each of the \$50M plant projects. As such, Raftelis cannot support the inclusion of additional costs to the system value.

Based on the information provided to Raftelis from the independent consulting engineer, Raftelis' recommendation is to use the previously provided Net System Values of \$20.0M and \$36.5M for the water and sewer systems, respectively:

2. Adjust the perceived capacity amount of the calculation as a result of I&I and Design Capacities.

Another revision proposed by the Board member was to lower the added system capacities for the water and sewer systems associated with the capital improvement projects to reflect Inflow & Infiltration for sewer, and a 90% design capacity for water. The Board's engineer provided the estimated system capacity resulting from expansion related capital improvement projects and are reflected in our calculation. Both the inflow & infiltration and design capacity adjustments are already reflected within the Level of Service used to scale up the CIF.

Per the American Water Works Association (AWWA) M1 Manual, "the level-of-service that is commonly used in the utility industry is the amount of capacity (service) allocable to an ERU for system engineering and

planning purposes, whether or not such capacity is actually used by the customer?" Therefore, the Level-of-Service planning number includes the inherent loss of capacity seen through I.&I. and water loss, on the water and sewer systems respectively. Raftelis uses the planned system expansion capacities provided by Mr. Eckenrode for calculation of the CIF.

3. Change the used Level of Service (LOS) in each calculation from 210 ERU per GPD to 280 ERU per GPD.

The final proposal was for the water and sewer CIF calculations to modify the Level of Service from 210 GPD to 280 GPD for one ERU. The 280 LOS is derived from the West Virginia Code of State Rules, using 4 people per household at a Level of Service value of 70 per person. Raftelis recommends using a Level of Service of 210 GPD, which is validated from billing data provided by CTUB staff indicating a peaking and estimated Level of Service (LOS) of approximately 210 GPD per ERU. Current average household use for CTUB customers is 150 GPD, which when multiplied with the 1.4 peaking factor, results in a LOS of 210 GPD. Additionally, Census data indicates the Town has an average of 2.76 people per household, so utilizing 3 people (210 GPD per ERU) is in line with the census data as well. While CTUB can within the laws of West Virginia code implement a maximum LOS of 280 GPD, Raftelis recommends utilizing 210 GPD, which is in line with peak customer usage, and still a significant increase from the previous LOS of 150 GPD.

If the Board can provide data to support 4 people per household, such as from new housing permits, or some other source of data, to substantiate using 280 GPD, Raftelis is willing to make this adjustment in the CIF calculation.

In conclusion, Raftelis will write a report that recommends the following CIFs for water and sewer, based on the incremental methodology, the data provided by the engineer and industry standard required calculations, and a 210 GPD level of service.

Table 1. Calculated CIF at 210 GPD

	Water		Sewer	
Cost per Gallon	\$	9.09	\$	13.26
Level of Service		210		210
Calculated Fee	\$	1,909	\$	2,784
<i>Current Fee</i>	<i>\$</i>	<i>4,399</i>	<i>\$</i>	<i>2,930</i>

Should the Board wish to move forward with the 280 GPD level of service based upon supporting data, the CIFs would be calculated as shown below:

Table 2. Calculated CIF at 280 GPD

	Water		Sewer	
Cost per Gallon	\$	9.09	\$	13.26
Level of Service		280		280
Calculated Fee	\$	2,545	\$	3,712
<i>Current Fee</i>	<i>\$</i>	<i>4,399</i>	<i>\$</i>	<i>2,930</i>

Attachment 7

**Raftelis 2025 Capacity Improvement Fee Study Update,
October 17, 2025**



October 17, 2025

Ms. Kristen M. Stolipher
Utility General Manager
Charles Town Utility Board
Charles Town, WV 25414

Subject: 2025 Capacity Improvement Fee Study Update

Dear Mrs. Stolipher:

Raftelis Financial Consultants, Inc. (Raftelis) has completed an evaluation to develop cost-justified water and sewer capacity improvement fees (CIF) for fiscal year (FY) 2025 for consideration by Charles Town Utility Board (CTUB). This report documents the results of the analysis, which was based on an approach for establishing capacity improvement fees set forth according to Public Service Commission (PSC) of West Virginia, and industry standard methodologies as published by the American Waterworks Association (AWWA). The purpose of this report is to summarize Raftelis' analysis related to cost justified water and sewer capacity improvement fees. It is not intended to address anything else associated with the capacity improvement fees, such as the administration of these fees, etc.

The preparation of this report was developed by Raftelis for CTUB based on a specific scope of work agreed to by both parties. The scope of Raftelis' work consisted of completing a calculation of cost justified water and sewer CIFs using common industry practices and industry standards. We provide no opinion on the legality of the capacity improvement fees implemented by CTUB. It is the responsibility of the Town to ensure compliance of the capacity improvement fees with the West Virginia PSC. The scope of work does not include any additional work other than the calculation associated with the capacity improvement fees, such as opinions or recommendations on the administration of these fees, the timing, and use application of revenues from the collection of these fees, etc., as that is the responsibility of CTUB.

In developing the conclusions contained within this report, Raftelis has relied on certain assumptions and information provided by CTUB staff and CTUB's engineer, who are most knowledgeable of the water and sewer system, its finances, etc. Raftelis has not independently verified the accuracy of the information provided by staff and engineer. We believe such sources are reliable and the information obtained to be reasonable and appropriate for the analysis undertaken and the conclusions reached. The conclusions contained in this report are as of the stated date, for a specific use and purpose, and made under specific assumptions and limiting conditions. The reader is cautioned and reminded that the conclusions presented in this report apply only to the effective date indicated. Raftelis makes no warranty, expressed or implied, with respect to the opinions and conclusions contained in this report. Any statement in this report involving estimates or matters of opinion, whether or not specifically designated, are intended as such, and not as a representation of fact.

Background

Capacity improvement fees are one-time charges assessed to new water and sewer customers for their use of system capacity and serve as an equitable method by which to recover up-front capacity costs from those using the capacity.

In general, capacity improvement fees are calculated based on (1) a cost analysis of the existing or planned infrastructure that is in place, or will be constructed, to serve new capacity demands, and (2) the existing or additional capacity associated with these assets.

There are three methodologies that could be used to calculate capacity improvement fees. These include the Buy-In method, the Incremental Cost method, and the Combined cost method. A description of each of these methods is included in the following paragraphs:

Buy-In Method:

Under the Buy-In Method, a capacity fee is calculated based on the proportional cost of each user's share of existing system capacity. This approach is typically used when existing facilities can provide adequate capacity to accommodate future growth. The cost of capacity is derived by dividing the estimated value of existing facilities by the current capacity provided by existing facilities. Adjustments to the value of existing facilities are made for developer contributed assets, grant funds, and outstanding debt.

Incremental Cost Method:

Under the Incremental Cost Method, also referred to as the Marginal Cost Method, a capacity fee is calculated based on a new customer's proportional share of the incremental future cost of system capacity. This approach is typically used when existing facilities have limited or no capacity to accommodate future growth. The cost of capacity is calculated by dividing the total cost of growth-related capital investments by the additional capacity provided as a result of the investments.

Combined Method:

Under the Combined Method, a capacity fee is calculated based on the blended value of both the existing and expanded system capacity. This method is typically used when existing facilities provide adequate capacity to accommodate a portion of the capacity needs of new customers, but significant investment in new facilities to address a portion of the capacity needs of future growth is also anticipated, or where some capacity is available in parts of the existing system, but incremental capacity will be needed for other parts of the system to serve new customers at some point in the future.

While capacity fees were calculated using each of the three methods, Raftelis recommends that CTUB assess the fee based on the Incremental Cost Method. This recommendation is based on the system's current capacity, which will not be sufficient to accommodate the future growth of the area. CTUB has both Water and Sewer Plant Expansions planned within their Capital Improvement Plan (CIP). Thus, the Incremental Cost methodology is the most appropriate method at this time.

Calculation of CIFs

Step 1 – Examine Capital Improvement Plan to determine Projects Related to Growth

A copy of the CIP for both the water and sewer utilities was provided by Staff, containing costs through 2032. The CIP was reviewed together with staff and the Engineering Consultant, and each individual project was assigned a growth percentage. The plant expansion projects underwent a lengthy analysis component by component done by CTUB's Engineer, to calculate the specific costs related to adding new capacity versus replacing the old plant. The total water and sewer project costs and the associated growth allocations are in Table 1 and Table 2. These costs are as provided by Staff and Engineering, and are inclusive of inflation and contingency, therefore no further inflation or escalation was included in the costs. The total costs included in the study pertain only to those projects within the CIP that aid in creating capacity for growth in the system- any Replacement and Rehabilitation (R&R) projects cannot be included in the calculation. Any allocated project dollars realized through Grant Funding are also excluded from the calculation, as CTUB does not pay for those portions of the projects.

Table 1. Water Capital Improvement Plan

Water Growth Related CIP	Total Cost	Growth %	Total Cost Included
Charles Town RaceTrack	\$ 88,000	50%	\$ 44,000
Fritts & Old Town Ranson	647,500	100%	647,500
Church Street	595,000	70%	416,500
South George Street	279,000	30%	83,700
Water Street	240,000	30%	72,000
Route 340	1,200,000	50%	600,000
West Academy Tie	88,000	30%	26,400
East 10th Street	298,000	30%	89,400
Burns Street PS Upgrade	1,175,333	50%	587,667
Augustine Avenue PS Discharge	298,000	50%	149,000
Augustine Avenue PS Upgrade	780,000	50%	390,000
Well Development/Spring Source Construction	1,614,900	50%	807,450
WTP Upgrade 1	50,000,000	54%	27,000,000
Total Water Growth Projects	\$ 57,303,733		\$ 30,913,617

Table 2. Sewer Capital Improvement Plan

Sewer Growth Related CIP	Total Cost	Growth %	Total Cost Included
Renewal and Replacement Project	\$ 10,165,786	10%	\$ 1,016,579
CTWWTP Upgrades and Expansion 1	55,000	70%	38,500
CTWWTP Upgrades and Expansion 2	50,000,000	60%	30,000,000
Collection System Project	6,088,544	60%	3,653,126
Flowing Springs Pump Station Upgrade	1,000,000	70%	700,000
Greenfield Forcemain & Pump Station Upgrades	1,360,000	100%	1,360,000
Fairfax Crossing Parallel Line/Collector Projects	2,500,000	100%	2,500,000
Collections System Upgrade	3,000,000	70%	2,100,000
Collections Pump Stations Project	3,500,000	70%	2,450,000
Total Sewer Growth Projects	\$ 77,669,330		\$ 43,818,205

Next, the total growth related CIP net of Grants becomes the gross value of each system in calculating the CIPs. The next step in the calculation is to determine the net system value, which is calculated by subtracting future debt service credit from the gross system value. CTUB staff provided input about certain capital projects that will be funded with future planned Debt Service. The two projects to be funded using future Revenue Bond borrowing are the Water Treatment Plant Upgrade and the Sewer Treatment Plant Upgrade. Raftelis calculated planned future borrowings for the project start years based on a 30-Year term and a 5.00% interest rate for each borrowing. A discount rate based on the Utility's Weighted Average Cost of Capital (WACC) of 4.82% was applied to each planned borrowing's outstanding principal to generate a Net Present Value, calculated for a total of \$10,919,461 credit for the water system, and \$7,537,845 for the sewer system. The calculated Net Present Value (NPV) of the borrowings is then subtracted from the growth related CIP of the system to calculate the net system value. This value is removed from the calculation to avoid double charging new customers, who pay their portion of the Debt Service through their monthly water and sewer rates. Table 3 shows the resulting Net System Value Calculation for each Utility.

Table 3. Net System Value Calculation

Description	Water	Sewer
Growth Related CIP Net of Grants	\$ 30,913,617	\$ 43,818,205
Less: NPV of Future Debt	(10,919,461)	(7,357,845)
Net System Value	\$ 19,994,156	\$ 36,460,360

Step 2 – Calculate the Unit Cost of System Capacity

The cost per unit of system capacity was calculated by dividing the net system values (derived in Step 1) by the expected water and sewer system capacities added through the Growth Related CIP projects. The treatment capacity of the water system is currently 2.8 million gallons per day ("MGD"). The Water Treatment Plant Upgrade adds another 2.2 MGD of capacity to the existing system, bringing the total system capacity to 5.0 MGD. Only the expected added capacity is included in the Incremental Cost approach. Therefore, the cost per unit of system capacity for the water system was calculated to be \$9.09 per gallon per day (\$19,994,156 ÷ 2.2 MGD).

The treatment capacity of the sewer system is currently 2.25 MGD. The Sewer Treatment Plant Upgrade adds another 2.75 MGD of capacity to the existing system, bringing the total system capacity to 5.0

Charles Town Utility Board, WV

MGD. Only the expected added capacity is included in the Incremental Cost approach. Therefore, the cost per unit of system capacity for the sewer system was calculated to be \$13.26 per gallon per day (\$30,460,360 ÷ 2.25 MGD). The calculations are provided in Table 4.

Table 4. Calculation of Water and Sewer Capacity Improvement Fees Unit Cost

Description	Water	Sewer
Net System Value	\$ 19,994,156	\$ 36,460,360
Added System Capacity (MGD)	2.20	2.75
Unit Cost of Capacity (\$ / gallon per day)	\$ 9.09	\$ 13.26

Step 3 – Estimate the Level of Service for each Equivalent Residential Unit (ERU)

West Virginia Code of State Rules recommends that there is a Level of Service (LOS) value of 70 gallons per day per person in a household for design purposes. The State Rules indicate using 4 people per household for calculating a residential equivalent unit, however the current Census data shows that households for Charles Town has an average of 2.76 people. Additionally, based on actual billing data provided by CTUB staff, the average annual use per household is 158 gallons per day, which when multiplied by a peaking factor of 1.40 generates a LOS of 210 GPD. This is similar to assuming 3 people per household at 70 gallons per person, which also calculates a LOS of 210 GPD. Therefore, since the Town is currently utilizing 150 GPD in their CIF calculation, Raftelis recommends adopting a LOS of 210 GPD for both the Water and Sewer CIFs.

Step 4 – Calculate the Capacity Improvement Fee for One ERU

The capacity improvement fee for one ERU was calculated by multiplying the unit cost of capacity from Step 2 by the calculated LOS from Step 3. The calculations are shown in Table 5. The water and sewer capacity improvement fees shown in Table 5 represent the maximum cost-justified capacity improvement fees for a 5/8" meter that can be assessed by CTUB based on the current data provided by CTUB staff and CTUB's Engineer.

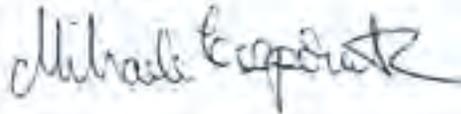
Table 5. Calculation of Water and Sewer Capacity Improvement Fees per ERU

Description	Water	Sewer
Unit Cost of Capacity	\$ 9.09	\$ 13.26
Level of Service (GPD)	210.00	210.00
Calculated Capacity Improvement Fee	\$ 1,909	\$ 2,784

Charles Town Utility Board, WV

We appreciate the opportunity to assist Charles Town Utility Board with this important engagement. Should you have questions, please do not hesitate to contact me at 843-253-0357.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mihaela Cooper-Smith". The signature is written in a cursive, flowing style.

Mihaela Cooper-Smith,
Manager

RAPTELIS FINANCIAL CONSULTANTS, INC.

Attachment 8

City of Charles Town City Council Agenda, November 3, 2025



CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • NOVEMBER 3, 2025

Regular Session

COUNCIL CHAMBERS

7:00 PM

101 E Washington Street, Charles Town, WV 25414

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2025-1195:** City Council Meeting Minutes - October 20, 2025
City Council Meeting Minutes October 20th - draft.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2025-1196:** Parks and Recreation Commission Report - October 23, 2025

: **2025-1197:** Infrastructure Committee Report - October 27, 2025
Report_ Infrastructure October 2025.pdf

: **2025-1198:** Personnel Committee Report - October 27, 2025
Personnel Committee Report 10-27-25.pdf

: **2025-1199:** Ordinance Committee Report - October 28, 2025

7. CITY MANAGER REPORT

: **2025-1200:** City Manager Report - November 3, 2025
CMR 03 November 2025.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2025-1201:** Public Hearing for Consideration of Amendments to the Codified Ordinances of the City of Charles Town, WV with Regard to Chapter Three Traffic Code; Articles 333 Driving Under the Influence, Reckless Driving, Article 335 Speed Restrictions, Article 345 Safety and Equipment, Article 349 Miscellaneous Rules, Article 361 Parking Generally, Part Five; Article 501 Administration and Law Enforcement, and Part Seven, Article 745 Business and Occupation Tax

: **2025-1202:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic

Code, Chapter 5 Vehicular Operation, Article 333 Driving Under the Influence; Reckless Driving as a result of adopted State Changes.
Article 333.pdf

: **2025-1203:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 335 Speed Restrictions as a result of adopted State Changes.
Article 335.pdf

: **2025-1204:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 345 Safety and Equipment as a result of adopted State Changes.
Article 345.pdf

: **2025-1205:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 349 Miscellaneous Rules as a result of adopted State Changes.
Article 349.pdf

: **2025-1206:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 7 Parking, Article 361 Parking Generally as a result of adopted State Changes.
Article 361 Redline.pdf
Article 361 Clean Draft.pdf

: **2025-1207:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Five General Offenses Code, Article 501 Administration and Law Enforcement as a result of adopted State Changes.
Article 501.pdf

: **2025-1208:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seven Business Regulations and Taxation Code, Chapter Three Taxes and Service Charges, Article 745 Business and Occupation Tax as a result of adopted State Changes
Small Business Revision Redline.pdf
Small Business Revision Clean Draft.pdf

: **2025-1209:** Ordinance to Approve the September 2025 Replacement Pages to the Codified Ordinances
SEPT 2025 ADOPT ORD.pdf

: **2025-1217:** Charles Town Utility Board (CTUB) CIF Update - Possible Executive Session

10. NEW BUSINESS

: **2025-1194:** Congress and Lawrence Streets Intersection Improvement West Virginia Division of Highways (DOH) Agreement and Resolution
CHARLES TOWN - CONGRESS AND LAWRENCE WVDOH AGREEMENT OCT 2025.pdf
Resolution.pdf

: **2025-1210:** Vacant Building Appeal Discussion - American Public University System (APUS)

2025-10-21 APUS Vacant Building Appeal.pdf

: **2025-1218:** Jefferson County Community Ministries (JCCM) Food Drive/Food Bank Resolution

: **2025-1219:** First Reading of an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Sewer Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

10-29-2025 SEWER Ordinance Finalized (Whereas Clause Revised) (02085768xA377B).pdf

10-29-2025 SEWER Tariff No. 23 Finalized (02085744xA377B).pdf

: **2025-1220:** First Reading of an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Water Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

10-29-2025 WATER Ordinance - FINALIZED (02085752xA377B).pdf

10-29-2025 WATER Tariff No. 17 - FINALIZED (02085542xA377B).pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

: **2025-1211:** Referral to Finance Committee - Facade Improvement and Walkability Improvement Grants

12. APPROVAL OF BILLS

: **2025-1221:** Payment of Bills - November 3, 2025

GEN FUND COUNCIL REPORT 2025-11-03.pdf

CAPITAL RESERVE COUNCIL REPORT 2025-11-03.pdf

PARKS N REC COUNCIL REPORT 2025-11-03.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING, Monday, November 17, 2025, at 7:00PM

: **2025-1212:** Charles Town Police Department September Statistical Report
September 2025 CTPD Stats.pdf

: **2025-1213:** Raftelis Memo - September 29, 2025
Raftelis Report.pdf

: **2025-1214:** Public Comment Handouts from October 20, 2025, Meeting.
Jaden Bound Public Comment.pdf
Jackie Milliron Public Comment.pdf

: **2025-1215:** Steven Galleher Parks and Recreation Commission Oath of Office
Steve Galleher Oath 2025.pdf

: **2025-1216:** Clean Parks Handout
Clean Park Handout.pdf

15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:

https://www.charlestownwv.us/government/agendas_minutes.php

Attachment 9

An Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Water Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING WATER SERVICE AT CHARLES TOWN AND VICINITY, JEFFERSON COUNTY, WEST VIRGINIA BY REVISING CAPACITY IMPROVEMENT FEES

WHEREAS, Chapter 8, Article 20, Section 10, and Chapter 24, Article 1, Section 1 (j) of the *West Virginia Code*, as amended, gives to municipally operated combined water and sewer public utilities the authority to set their own rates and charges; and,

WHEREAS, the current Capacity Improvement Fees billed by the Charles Town Utility Board for water flow to multi-residential and non-residential structures are insufficient to cover the associated cost; and

WHEREAS, in order to provide sufficient revenue to cover the cost of providing water flow to multi-residential and non-residential structures, the Common Council of the City of Charles Town deems it necessary to revise its Capacity Improvement Fees.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF CHARLES TOWN, WEST VIRGINIA HEREBY ORDAINS the following revisions to **SCHEDULE II** of its Water Tariff No. 16 currently on file with the Public Service Commission of West Virginia:

RULES AND REGULATIONS

The Rules and Regulations Set Forth In Current Water Tariff No. 16
Remain The Same

SCHEDULE I

The Rates and Charges Set Forth In Current Water Tariff No.16
Remain The Same

SCHEDULE II
CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection requiring new or additional flow from the water distribution system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of \$2,773.00 for each residential connection or non-residential connection requiring new or additional flow from the water distribution system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and

a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

**USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL
CAPACITY IMPROVEMENT FEES**

Capacity Improvement Fees for multi-residential and non-residential structures requiring new or additional flow from the water distribution system and treatment facility shall be based upon the following:

<u>UNIT</u>	<u>WATER GALLONS/DAY</u>	<u>RESIDENTIAL USAGE EQUIVALENT</u>
Apartments (two bedroom)	210	0.75/unit
Bowling Alleys		
Per Alley	75	0.3/unit
Per Alley with Bar	225	0.8/unit
Brewery per seat manufacture and sampling only	2	0.01/seat
Brewery per seat with ABCA License for onsite consumption	5	0.02/seat
Churches with kitchen	5	0.02/member
Churches w/o kitchen	2	0.01/member
Clinics		
Per staff	20	0.07/staff
Per patient	5	0.02/staff
Domestic Sewage		
Residences (per resident -a-)		
New Collection System	70	4/unit
Summer Cottages, etc., per resident	50	0.2
Apartment Houses – one bedroom	140	0.5
–two bedroom	210	0.75
–three bedroom	280	1
Hospitals		
Each Patient (bedside)	300	1.1/patient
Each resident staff	100	0.4/staff
Each non-resident staff	20	0.07/staff
Industrial Park (sanitary waste only)		
Per developable acre	500	1.8/acre
Institutions		
Per resident	70	0.25/resident
Laundry (coin operated)		
Per machine	400	1.4/machine

Mobile homes	210	0.75/unit
Nursing and rest homes		
Per resident	150	0.5/resident
Per resident staff	70	0.3/staff
Offices and warehouses		
Per worker, no food service	20	0.07/worker
Add for food service, per worker	5	0.02/worker
Recreation		
Parks, picnic areas	10	.04/area
Campground, per person	25	0.09/person
Amphitheater, per person	5	0.02/person
Historical site, per person	5	0.02/person
Lodges, per person	70	0.3/person
Park Residences, per person	70	0.3/person
Park washhouse, per person	30	0.11/person
Restaurants		
24-hour service, per seat	50	0.18/seat
Ordinary, not 24-hour service, per seat	30	0.11/seat
Fast food service (single service, per seat	25	0.09/seat
Schools		
Elementary, each staff or student	8	0.03/student or staff
High school, each staff or student	10	0.04/student or staff
Boarding school	70	0.25
Service Stations		
Ordinary, not 24-hour service	500	1.8
24-hour service	1,000	3.6
Shopping mall per 100 sq. ft	15	0.05/100 sq. ft.
Tavern-Little or no food, per seat	20	0.1/seat
Theaters		
Movie, per seat	2	0.01/seat
Travel Trailer Park		
No water to site, per person	35	0.13/person
Water to site, per person	50	0.18/person
Winery		
Per seat manufacture and sampling only	2	0.01/seat
Per seat ABCA License allowing onsite consumption	5	0.02/seat
Beauty Parlors/Barber shops		
Per chair	150	0.5/chair
Per operator	20	0.1/operator
Dentist		
Per chair	20	0.1/chair
Per staff	20	0.1/staff

Doctor

Per patient	5	0.2/patient
Per staff	20	0.1/staff

If a unit does not appear on this schedule the sewer department shall determine its Residential Usage Equivalent in consultation with its consulting engineer.

SECTION TWO – EFFECTIVE DATE

The rates, fees and charges contained in this Ordinance are to become effective for all service rendered on and after January 1, 2026.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in *The Spirit of Jefferson* and *The Shepherdstown Chronicle* newspapers as a Class I publication. The publication shall be made at least one week before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on **November 17, 2025 at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises.

Further, said Notice shall advise the public that a copy of this ordinance is available for public inspection.

Passed on First Reading _____, 2025

Passed on Second Reading
Following Public Hearing _____, 2025

CITY CLERK

Attachment 10

An Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Sewer Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING SEWER SERVICE AT CHARLES TOWN AND VICINITY, JEFFERSON COUNTY, WEST VIRGINIA BY REVISING CAPACITY IMPROVEMENT FEES

WHEREAS, Chapter 8, Article 20, Section 10, and Chapter 24, Article 1, Section 1 (j) of the *West Virginia Code*, as amended, gives to municipally operated combined water and sewer public utilities the approval authority to set their own rates and charges; and,

WHEREAS, the current Capacity Improvement Fees billed for the flows to the Charles Town Utility Board's sewer collection system and treatment facility from multi-residential and non-residential structures are insufficient to cover the cost thereof; and

WHEREAS, in order to provide sufficient revenue to cover the cost of the collection and treatment of flows from multi-residential and non-residential structures, the Common Council of the City of Charles Town deems it necessary to revise its Capacity Improvement Fees.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF CHARLES TOWN, WEST VIRGINIA HEREBY ORDAINS the following revisions to SCHEDULE II of its Sewer Tariff No. 22 currently on file with the Public Service Commission of West Virginia:

RULES AND REGULATIONS

The Rules and Regulations Set Forth In Current Sewer Tariff No. 22
Remain The Same

SCHEDULE I

The Rates and Charges Set Forth In Current Sewer Tariff No. 22
Remain The Same

SCHEDULE II
CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection adding new flows into the sewer collection system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of \$4,495 for each residential connection or non-residential connection adding new flows into the sewer collection system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

ADDITIONAL CAPACITY IMPROVEMENT FEE – FLOWING SPRINGS PUMP STATION

Pursuant to the Flowing Springs Pump Station Repayment Agreement, customers in the Flowing Springs Development District connecting to the Flowing Springs Pump Station shall be charged an additional Capacity Improvement Fee of \$1,625.00 for each residential or non-residential connection. Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth hereinafter.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPROVEMENT FEES

Capacity Improvement Fees for multi-residential and non-residential structures adding new flows to the sewer collection system and treatment facility shall be based upon the following:

NEW

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPROVEMENT FEES

Capacity Improvement Fees for multi-residential and non-residential structures requiring new or additional flow from the water distribution system and treatment facility shall be based upon the following:

<u>UNIT</u>	<u>WATER GALLONS/DAY</u>	<u>RESIDENTIAL USAGE EQUIVALENT</u>
Apartments (two bedroom)	210	0.75/unit
Bowling Alleys		
Per Alley	75	0.3/unit
Per Alley with Bar	225	0.8/unit
Brewery per seat manufacture and sampling only	2	0.01/seat
Brewery per seat with ABCA License for onsite consumption	5	0.02/seat

Churches with kitchen	5	0.02/member
Churches w/o kitchen	2	0.01/member
Clinics		
Per staff	20	0.07/staff
Per patient	5	0.02/staff
Domestic Sewage		
Residences (per resident -a-)		
New Collection System	70	4/unit
Summer Cottages, etc., per resident	50	0.2
Apartment Houses – one bedroom	140	0.5
--two bedroom	210	0.75
--three bedroom	280	1
Hospitals		
Each Patient (bedside)	300	1.1/patient
Each resident staff	100	0.4/staff
Each non-resident staff	20	0.07/staff
Industrial Park (sanitary waste only)		
Per developable acre	500	1.8/acre
Institutions		
Per resident	70	0.25/resident
Laundry (coin operated)		
Per machine	400	1.4/machine
Mobile homes	210	0.75/unit
Nursing and rest homes		
Per resident	150	0.5/resident
Per resident staff	70	0.3/staff
Offices and warehouses		
Per worker, no food service	20	0.07/worker
Add for food service, per worker	5	0.02/worker
Recreation		
Parks, picnic areas	10	0.4/area
Campground, per person	25	0.09/person
Amphitheater, per person	5	0.02/person
Historical site, per person	5	0.02/person
Lodges, per person	70	0.3/person
Park Residences, per person	70	0.3/person
Park washhouse, per person	30	0.11/person
Restaurants		
24-hour service, per seat	50	0.18/seat
Ordinary, not 24-hour service, per seat	30	0.11/seat
Fast food service (single service, per seat)	25	0.09/seat
Schools		
Elementary, each staff or student	8	0.03/student or staff
High school, each staff or student	10	0.04/student or staff
Boarding school	70	0.25

Service Stations		
Ordinary, not 24-hour service	500	1.8
24-hour service	1,000	3.6
Shopping mall per 100 sq. ft.	15	0.05/100 sq. ft.
Tavern-Little or no food, per seat	20	0.1/seat
Theaters		
Movie, per seat	2	0.01/seat
Travel Trailer Park		
No water to site, per person	35	0.13/person
Water to site, per person	50	0.18/person
Winery		
Per seat manufacture and sampling only	2	0.01/seat
Per seat ABCA License allowing onsite consumption	5	0.02/seat
Beauty Parlors/Barber shops		
Per chair	150	0.5/chair
Per operator	20	0.1/operator
Dentist		
Per chair	20	0.1/chair
Per staff	20	0.1/staff
Doctor		
Per patient	5	0.2/patient
Per staff	20	0.1/staff

If a unit does not appear on this schedule the sewer department shall determine its Residential Usage Equivalent in consultation with its consulting engineer.

SECTION TWO – EFFECTIVE DATE

The rates, fees and charges contained in this Ordinance are to become effective for all service rendered on and after January 1, 2026.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in *The Spirit of Jefferson* and *The Shepherdstown Chronicle* newspapers as a Class I publication. The publication shall be made at least one week before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on **November 17, 2025 at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises.

Further, said Notice shall advise the public that a copy of this ordinance is available for public inspection.

Passed on First Reading _____, 2025

Passed on Second Reading
Following Public Hearing _____, 2025

CITY CLERK

Attachment 11
City of Charles Town City Council Meeting Minutes,
November 17, 2025



CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • November 17, 2025

Regular Meeting

Council Chambers

7:00 PM

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Michael George	Mayor	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Remote	
Jeff Hynes	Councilmember	Remote	
Kevin Tester	Councilmember	Present	
Nate Hartman	Councilmember	Present	
Alden Roth	Councilmember	Present	
Julie Smith	Councilmember	Present	
Andie Sugrue	Councilmember	Remote	

Mr. Brent Manuel, City Manager; Ms. Alissa Meeks, Assistant City Manager; Ms. Stephanie Grove, City Attorney; Ms. Cindy Reamer, Operations Director; Ms. Lori Nice, Finance Director; Mr. James Newman, City Planner; Ms. Kristan Stolipher, Charles Town Utility Board (CTUB); and Chief Chris Kutcher, Charles Town Police Department (CTPD) were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2025-1263: City Council Meeting Minutes - November 3, 2025

There being no corrections, additions, or changes to the minutes, Mayor George declared them approved.

3. PUBLIC COMMENT

Mr. Wilc spoke of his concerns that the Charles Town Utility Board (CTUB) and the City of Charles Town are no longer collaborating with the City of Ranson and that there is a lack of communication and transparency.

Ms. Reese, chair of the Jefferson County Landmarks Commission, spoke about the two cemeteries on the Huntfield property and requested that ground penetrating radar be used in the future to delineate the boundaries.

Mayor George read into the record an email from Ms. Derr on the Huntfield masterplan and a letter from Mr. Casio on the Charles Town Utility Board (CTUB) CIP.

4. WARD REPORTS

Ward 1

Mr. Kratovil had nothing to report.

Ms. Ricketts had nothing to report.

Ward 2

Mr. Hynes had nothing to report.

Mr. Tester reported that he attended the Finance and Personnel Committee meetings and the American Legion's Veteran's Day BBQ at the Jefferson County Memorial Park.

Ward 3

Mr. Hartman had nothing to report.

Mr. Roth reported that he attended the Robert's Rules training, the Earth Grounds Street Festival, and the American Legion's Veteran's Day BBQ.

Ward 4

Ms. Smith reported she attended the Robert's Rules training and that the Old Opera House outdoor sign will not be delivered until January 2026.

Ms. Sugrue reported that she attended the Robert's Rules training, the "Walks About Nothing" where they toured the Old Opera House, and the Earth Grounds Street Festival. She also reported that Paddy's has trivia night on Monday nights and the next "Walks About Nothing" is Wednesday, November 19, 2025. On November 29, 2025, Small Business Saturday, there will be a market at Charles Town Washington Hall.

5. MAYOR'S REPORT

Mayor George reported he attended the following meetings/events:

- The Prospect Place COA meeting - November 4, 2025.
- Met with a citizen about stormwater issues - November 4, 2025.
- Robert's Rules training - November 5, 2025.
- The Ranson Civic Center food drive - November 8, 2025.
- Police Civil Service Commission meeting and administered the oath of office for the following promotions: Captain Knott, Lieutenant Quinnam, Sergeant Clamps, and Corporal Lipscomb.
- "Walks About Nothing" - November 5, 2025
- Met with local banks, including Potomac Bank, on the marketing and sale of the 100 block of E. Washington Street buildings.
- Met with Senator Capito along with other local mayors.
- Attended the American Legion Veteran's Day BBQ.

Mayor George reported the upcoming meetings/events:

- Board of Zoning Appeals meeting - November 18, 2025.
- Meeting with Chief Kutcher and the city manager to discuss a possible accreditation manager position - November 19, 2025.
- Meeting with the WV Emergency Management Division on the Liberty Street Project Grant - November 19, 2025.
- "Walks About Nothing" - November 19, 2025.
- Ordinance Committee meeting - November 20, 2025.
- Infrastructure Committee and Planning Commission meetings - November 24, 2025
- Small Business Saturday, November 29, 2025, and Christmas ornament making at City Hall.
- Vacant Structure Appeal Special Meeting on December 1, 2025, at 6:00PM

6. COMMITTEE REPORTS

2025-1264: Finance Committee Report - November 12, 2025

Mr. Tester reviewed the Finance Committee Report with the council.

2025-1265: Personnel Committee Report - November 13, 2025

Ms. Sugrue reviewed the Personnel Committee Report with the council.

7. CITY MANAGER REPORT

2025-1280: City Manager Report - November 17, 2025

Mr. Manuel reviewed the City Manager's Report with the council.

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the October Statistical Report with the council.

He reported that the two applicants that completed the first round of testing could not proceed to the next level. A new testing date will be scheduled in 2026. There will also be a vacancy in the administration department at the end of the month. Chief Kutcher thanked Ms. Patajo and wished her luck in her next endeavor. And finally, he thanked AAA for recognizing the department with a Platinum Traffic Safety award.

9. UNFINISHED BUSINESS

2025-1266: Thomassen Ford Building Discussion - Update

There was no action taken on this agenda item.

2025-1281: Public Hearing on an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Sewer Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

Mr. Tester moved to open the public hearing. Mayor George, hearing no objections, opened the public hearing.

Mr. Wilt spoke during the public hearing.

Mayor George asked if there was any objection to closing the public hearing. Hearing none, he closed the public hearing.

2025-1282: Public Hearing on an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Water Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

Mr. Tester moved to open the public hearing. Mayor George, hearing no objections, opened the public hearing.

No one signed up for the public hearing.

Mayor George asked if there was any objection to closing the public hearing. Hearing none, he closed the public hearing.

2025-1283: Second Reading of an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Sewer Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

Mr. Kratovil moved to Table this agenda item until the December 1, 2025, meeting. Mr. Tester seconded the motion, and it failed by a 4-5 vote.

RESULT:	FAILED [4-5]
MOVER:	James Kratovil
SECONDER:	Kevin Tester
AYES:	George, Kratovil, Tester, Smith
NAYS:	Ricketts, Hynes, Hartman, Roth, Sugrue

Mr. Hartman moved to approve the Second Reading of an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Sewer Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees. Mr. Roth seconded the motion, and it passed by a 5-4 vote.

RESULT:	APPROVED [5-4]
MOVER:	Nathanael Hartman
SECONDER:	Alden Roth
AYES:	Ricketts, Hynes, Hartman, Roth, Sugrue
NAYS:	George, Kratovil, Tester, Smith

2025-1284: Second Reading of an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Water Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees

Mr. Hartman moved to approve the Second Reading of an Ordinance to Amend and Reenact the Rates, Rules and Regulations for Furnishing Water Service at Charles Town and Vicinity, Jefferson County, West Virginia by Revising Capacity Improvement Fees. Mr. Roth seconded the motion, and it passed by a 6-3 vote.

RESULT:	APPROVED [6-3]
MOVER:	Nathanael Hartman
SECONDER:	Alden Roth
AYES:	Kratovil, Ricketts, Hynes, Hartman, Roth, Sugrue
NAYS:	George, Tester, Smith

10. NEW BUSINESS

2025-1109: Presentation - DR Acquisitions - Huntfield Master Plan

There was no action taken on this agenda item.

2025-1267: FY2026 Capital Revision #5

Mr. Kratovil moved to approve the FY2026 Capital Revision #5. Mr. Hartman seconded the motion, and it passed by unanimous vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Kratovil
SECONDER:	Nathanael Hartman
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

2025-1278: Prospect Place Conditions of Annexation

Mr. Hartman moved to approve the Prospect Place Conditions of Annexation. Ms. Smith seconded the motion, and it passed by unanimous vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nathanael Hartman
SECONDER:	Julie Smith
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

2025-1285: FY2026 General Fund Revision #3

Mr. Kratovil moved to approve the FY2026 General Fund Revision #3. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Kratovil
SECONDER:	Kevin Tester
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

11. REFERRALS TO COMMITTEES/COMMISSIONS

2025-1286: Referral to Ordinance Committee - Article 111 Council

Mr. Tester moved to refer Article 111 Council to the Ordinance Committee. Mr. Roth seconded the motion, and it passed by unanimous vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Tester
SECONDER:	Alden Roth
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

12. APPROVAL OF BILLS

2025-1287: Payment of Bills - November 17, 2025

Mr. Kratovil moved to approve the bills for payment. Mr. Hartman seconded the motion, and it passed by unanimous vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Kratovil
SECONDER:	Nathanael Hartman
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

13. ADJOURNMENT

Mayor George asked if there was any other business to come before the council.

Ms. Ricketts reported that the Jefferson County Commission has advertised seeking applicants for several board openings including the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPD) municipal representative and she asked that her letter of nomination be resent to the Commission.

Mayor George requested that advertising begin on the City's boards and commissions for upcoming vacancies. He then adjourned the meeting.

14. INFORMATION ONLY - NEXT MEETING, City Council Workshop, December 1, 2025, at 8:00PM and City Council Meeting, December 1, 2025, at 7:00PM.

2025-1268: Ordinance Committee Report - October 28, 2025

2025-1269: An Ordinance to Approve the September 2025 Replacement Pages to the Codified Ordinances

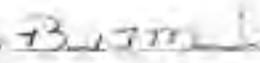
2025-1270: Charles Town Police Department Neighborhood Traffic Summary

- 2025-1271: Resolution Authorizing the City to Enter into a Suballocated Funding/Carbon Reduction Program Funding Agreement with the West Virginia Division of Highways for Congress and Lawrence Street Intersection Improvements.
- 2025-1272: A Resolution of the Charles Town City Council, Authorizing Financial Assistance to Jefferson County Community Ministries in Response to the Government Shutdown and Supplemental Nutrition Assistance Program (SNAP) Service Disruption.
- 2025-1273: Letter to the Building Commission
- 2025-1274: Invitation to Participate in "Charles Town CLEAN Parks" Initiative Letter
- 2025-1275: WV Division of Highways (WVDOT) Letters
- 2025-1276: The Old Opera House Letter
- 2025-1277: Boys and Girls Club Letter
- 2025-1279: Letter to Jefferson County Commission - October 7, 2025
- 2025-1288: Charles Town Utility Board Meeting Minutes - October 22, 2025

15. **NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas_minutes.php**

Mayor: 

Date: Dec 4 2025

City Clerk: 

Date: 12/4/2025

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Verifications

VERIFICATION

STATE OF MARYLAND.

COUNTY OF Washington to-wit:

Robert Rotz, Member of Madison Greens LLC, being first duly sworn, deposes and states that the information contained in the foregoing Complaint is true to the best of Madison Greens LLC's knowledge and belief.

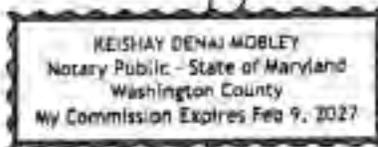
Robert A. Rotz

Taken, subscribed, and sworn to before the undersigned Notary Public on this 17th day of December, 2025.

My commission expires February 9th 2027

Keishay Mobley
Notary Public

NOTARIAL SEAL



VERIFICATION

STATE OF MARYLAND,

COUNTY OF FREDERICK to-wit:

Michael Wiley, Member of Beallair Homes, LLC, being first duly sworn, deposes and states that the information contained in the foregoing Complaint is true to the best of Beallair Homes, LLC's knowledge and belief.



Taken, subscribed, and sworn to before the undersigned Notary Public on this 17th day of December, 2025.

My commission expires 5-26-28



Notary Public

NOTARIAL SEAL



Certificate of Service

CERTIFICATE OF SERVICE

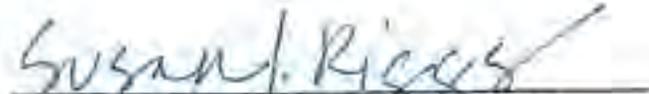
I, Susan J. Riggs, counsel to Madison Greens LLC and Beallair Homes, LLC, do hereby certify that on this 17th day of December, 2025, a copy of the "*Formal Complaint and Request for Relief*" was served upon the parties and/or counsel of record in this proceeding as follows:

VIA FIRST-CLASS MAIL

The Honorable Michael George
Mayor, City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Kristen Stolipher
Utility Manager, Charles Town Utility
Board
661 S. George Street, Suite 101
Charles Town, WV 25414

Brent Manuel
Chairman, Charles Town Utility Board
661 S. George Street, Suite 101
Charles Town, WV 25414



Susan J. Riggs (WV State Bar #5246)