

Upshur County Commission Meeting Agenda

Agenda packets are available electronically at http://www.upshurcounty.org/agenda_and_minutes/index.php or by request to the Upshur County Commission Office at 304-472-0535.

- Location: Upshur County Courthouse Annex
If you prefer to participate by telephone, please dial 1-408-650-3123 Access Code: 272 564 045 to enter the conference call.
- Date of Meeting: May 18, 2023
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• May 11, 2023
- 9:15 a.m. John Waltz, Vice President of Enrollment and Marketing -- Update from West Virginia Wesleyan College.
- 10:00 a.m. Informative meeting hosted by the WV Department of Transportation Division of Highways at the District 7 Headquarters in Weston, WV.

Items for Discussion / Action / Approval:

1. Consider approving clarifications to Procedures to Dispatch Wrecker Services (9/8/2022) as discussed on 5/4/2023. * Pages 4-6
2. Approval and signature of a letter to Sydney Wilson requesting the removal of miscellaneous personal items that have encroached upon the adjoining FEMA property (Parcel Number 5-9J-22) owned by the Upshur County Commission. * Pages 7-12
3. Correspondence from Tabatha Perry, Upshur County Youth Camp Board Nominating Committee member, requesting the appointment of Beatrice Burnside to the Upshur County Youth Camp Board to fill the vacant position within the 3rd Magisterial District. The term will begin immediately and expire on May 31, 2025. * Page 13
4. Consideration and signature of the Election and Release Form for West Virginia Participating Local Governments resolving opioid-related claims against Kroger, found within the Kroger West Virginia State-Wide Opioid Settlement Agreement executed on May 2, 2023. * Under separate cover
Item may lead to Executive Session per WV Code §6-9A-4
5. Consideration and approval of an advertisement for a full-time Deputy Clerk in the Assessor's Office. Applications are due no later than close of business Friday, May 26, 2023. * Page 14
6. Approval of employment of additional Upshur County Youth Camp Staff, effective May 22, 2023. * Under separate cover
Item may lead to Executive Session per WV Code §6-9A-4 A
7. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests

for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from Jimmy Wriston, Secretary of Transportation/Commissioner of Highways for the West Virginia Department of Transportation, providing a fully executed original agreement utilizing the Infrastructure and Investment Jobs Act for the rehabilitation or replacement of the Youth Camp Girder Bridge in Upshur County. Page 15
2. Correspondence from Maureen Lewis, WV Secretary of State Administrative Law Division, requesting the filing of a list of all Public Service Districts (PSD's) and their current board members along with the board member's term of office by July 1, 2023. Page 16
3. Correspondence from Brett Morris, HR Director for Carter Roag Coal Co., providing a Worker Adjustment and Retraining Notification (WARN) notice for Carter Roag Coal Company and Beech Mountain Railroad. Carter Roag Coal Company's Morgan Camp underground operation and Hartridge surface/HWM operation at 14272 Adolph Road, Mill Creek, will cease production May 12, 2023. Pages 17-23
4. Final Order Declaring Location of New Right-of-Way Route Over/Across the Property of Pamela M. Young. Pages 24-33
5. Adrian Public Service District Certification of Customers for Fiscal Year 2024. Page 34
6. Hodgesville Public Service District Certification of Customers for Fiscal Year 2024. Page 35
7. Tennerton Public Service District Certification of Customers for Fiscal Year 2024. Page 36
8. Elkins Road Public Service District Certification of Customers for Fiscal Year 2024. Page 37
9. Adrian Public Service District Budget for Fiscal Year 2023-2024. Page 38
10. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - None
 - b) Agendas and/or Notice of Meetings:

• Community Corrections Board	May 15, 2023	Page 39
• City Council of Buckhannon	May 16, 2023	Page 40
• Upshur County Fire Board	May 16, 2023	Page 41
- Meeting Minutes:

• Tennerton Public Service District Board	April 12, 2023	Page 42
• Upshur County Safe Sites and Structures Enforcement Board	April 13, 2023	Pages 43-44
• Upshur County Youth Camp Board <ul style="list-style-type: none"> ▪ Nominating Committee 	April 24, 2023	Page 45

Meetings: ***Dates and times of monthly board meetings are viewable at:**
<http://cms4.revize.com/revize/upshurwv/calendar.php>
 or go to www.upshurcounty.org and click on the board meetings calendar box on the main page.

11. Appointments Needed or Upcoming:

- Tennerton Public Service District - unexpired term July 31, 2023.
- Upshur County Youth Camp Board – unexpired term May 31, 2025 (1st or 3rd Mag. Dist.)

****If you are interested in serving on an Upshur County board, please submit your letter of interest to the Commission Office at 91 W. Main St., Suite 101, Buckhannon, WV 26201 or chughes@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment. ****

Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: http://www.upshurcounty.org/agenda_and_minutes/index.php

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

Next Regular Meeting of the Upshur County Commission

June 1, 2023 --- 9:00 a.m.

Upshur County Courthouse Annex

Reminder—The Courthouse and Annex will close at 12 p.m. on May 19th

****The Commission Meeting scheduled for May 25, 2023 has been CANCELLED****

UPSHUR COUNTY COMMISSION

Upshur County Administrative Annex
91 West Main Street, Suite 101 • Buckhannon, West Virginia 26201

Telephone: (304) 472-0535
Telecopier: (304) 473-2802

TDD Numbers
Business: 472-9550
Emergency: 911

Procedures to Dispatch Wrecker Services

Effective September 8, 2022
Clarifications delineated in red

In compliance with Chapter 24, Article 6, Section 12 of the Code of West Virginia, as amended, the County Commission of Upshur County does hereby establish a policy or procedure as outlined below to provide for the most prompt, fair, equitable and effective response to requests or dispatches for emergency towing services. Any type of request or call to the Upshur County E911 Communications Center for towing services will be considered as a request for emergency towing services and will be subject to these procedures.

The Upshur County E911 Communications Center will automatically dispatch towing services for all motor vehicle accidents (MVA's). Once the Upshur County E911 Communications Center has dispatched the appropriate towing service and has received an ETA, E911 personnel are to notify responding law enforcement and fire department personnel that a towing service has been contacted and is enroute. If a towing service is cancelled by no fault of their own, they will remain at the top of the rotation list.

If a towing service is the first to arrive on scene, they must stage away from the accident. No vehicle at the scene is to be moved until the investigation has been completed and law enforcement personnel have authorized removal, unless on scene emergency personnel need to move any vehicle in order to provide necessary medical treatment and/or to preserve and protect human life.

The Upshur County E911 Communications Center will follow an established alphabetized rotation list of available towing services located in Upshur County that are in compliance with these procedures. The Upshur County E911 Communications Center will maintain a public record of towing services utilized, including owner requests, officer requests, rotational calls dispatched, rotational calls accepted, rotational calls unanswered/denied, and rotational calls cancelled and forward the same to the Office of the Upshur County Commission each month.

The Upshur County E911 Communications Center will contact the next towing service or operator on the established rotation list to respond to the request or accident. Once a towing service accepts a call, they must depart their location in no more than five (5) minutes. Notification with an estimated time of arrival (ETA) shall be made to the Upshur County E911 Communications Center once they are enroute.

If the towing service company or operator does not answer the call from the E911 Communications Center and confirm the availability of towing services, the towing service will forfeit and forego that call as per the established rotation list. The Upshur County E911 Communications Center will not alter the established rotation list for any missed call(s).

Unless an operator or owner of a vehicle request is made for a particular vehicle at the scene, the towing service dispatched from the rotation list will handle all vehicles located at scene. If necessary, the dispatched towing service or operator should arrange for additional assistance. In order to provide for public safety, first responders located at the accident scene have the authority to direct the E911 Communications Center to contact more than one towing service.

A responding towing service must accept the vehicle(s) unless there is an equipment failure or other circumstance outside of their control that prohibits them from transporting the vehicle(s). If a towing service company or operator refuses a

An Equal Opportunity Employer

vehicle(s) for any other reason they will be suspended from the established rotation list for a period of six (6) months.

To be included and remain on the established rotation list, towing service companies and/or operators must be in compliance with all local, state and/or federal laws or regulations that govern such type of business.

The towing service dispatched from the rotation list is responsible for all vehicle debris clean-up on scene, excluding Hazardous Materials. This is in accordance with PSC Title 150, Series 9: Rules and Regulations for the Government of Motor Carriers and Private Commercial Carriers, Section 5.6, Highway Cleanup, which states: *“Every wrecker vehicle used by a wrecker company must carry a broom and shovel and the driver of and/or helper on the wrecker vehicle shall, when servicing a wreck leaving debris upon the highway, clean up and remove that debris upon the highway that can be removed by a broom and shovel.”* In addition to PSC Title 150 listed above, each wrecker shall carry at least one container/bag of absorbent material for cleanup of liquids and or fluids.

Employees of the towing service are required to conform with all uniform safety requirements. Drivers will wear some type of reflective clothing as required by the Code of Federal Regulations Title 23 (Highways) Part 634 was originally published in the Federal Register Volume 71, No. 226 pp 67792 – 67800.

It is the towing services responsibility to equip their response vehicles and employees in order to adequately and safely provide these services. If a towing service fails to meet regulations and the provisions set forth herein, first responders on scene shall notify the Upshur County E911 Communications Center for notation in the computer aided dispatch (CAD) system. It will be the responsibility of the on-scene Incident Commander to make the towing service aware they are in violation, within 24 hours via telephone or email, and report the same to the E911 Communications Center. The towing service owner will also be provided written documentation of the notation from the Office of the Upshur County Commission, within 5 days of the notation being made. If a towing service receives a 2nd notation within a one-year period following the first notation, the towing service shall be removed from the rotation list for a period of six (6) months. If removal begins mid-month, reinstatement will occur on the first of the following month, after the expiration of the six (6) month period.

Local regulations will require (but are not limited to) the following:

1. Each towing service company must respond to at least one (1) call and cannot refuse more than two (2) calls within a one (1) month time period, unless documentation proving they were on another call is provided to the E911 Communication Center. Offenses and penalties are as follows: 1st offense – removal for three (3) months, 2nd offense – removal for six (6) months, 3rd offense – removal for twelve (12) months. If removal begins mid-month, reinstatement will occur on the first of the following month so long as the wrecker service is in compliance with all other requirements of this policy.
2. Provide a copy of the following documents received on July 1st of each year to the Upshur County E911 Communications Center by July 15th of each year: valid universal cab card, insurance and registration for each unit, current medical examination card for each driver, current Class D or CDL operator’s license for each driver. Failure to provide documents to the E911 Communications Center by the 15th of July will result in being removed from the established rotation list for a period of six (6) months. After the six (6) month period has expired, reinstatement will occur on the first of the following month after a letter of request to be added to the list is provided from the towing service company to the Office of the Upshur County Commission and required documentation is provided to the E911 Communications Center Director.
3. A towing service must have an established place of business within the geographical boundaries of Upshur County, WV that is open to the public during normal business hours, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.
4. A towing service must have at least one towing vehicle registered to its established place of business in Upshur County.

The established rotation list will be followed subject to the following exceptions or deviations:

- The operators or owners of the vehicle(s) may request a specific towing service located in Upshur County. In order to maintain a fair and equitable procedure in the selection of a towing service, operators or owners should not receive any advice or assistance from law enforcement personnel or other emergency personnel located at the scene. The Upshur County E911 Communications Center will record the name and contact information for the vehicle owner, city and state of registration for the vehicle and the officer on scene in the public record. Specific requests from an operator or owner will not cause a towing service to forfeit or forego

their normal position in the established rotation list.

- In order to provide for the public safety and welfare, first responders located at the scene have the authority to override a request made by the operator or owner of a vehicle or make a request for the towing service company in closest proximity to be utilized. **All requests made by or through fire department personnel shall be communicated to law enforcement.** Any specific request under this circumstance will not cause a towing service to forfeit or forego their normal position in the established rotation list.
- **In addition to the above, first responders located on the scene have the authority to request a heavy duty/large towing wrecker vehicle or heavy rollback wrecker, as defined by PSC Title 150, Series 9.**

Approved and adopted by the County Commission of Upshur County, West Virginia on the 9th day of August 2001. Amended by the County Commission of Upshur County, West Virginia on the 16th day of March 2006. Reviewed and approved by the County Commission of Upshur County, West Virginia on the 26th day of February 2009. Amended by the County Commission of Upshur County, West Virginia on the 18th day of June 2015. Amended by the County Commission of Upshur County, West Virginia on the 29th day of September 2016. Amended by the County Commission of Upshur County, West Virginia on the 11th day of April, 2019. Amended by the County Commission of Upshur County West Virginia on the 19th day of September 2019. Amended by the County Commission of Upshur County West Virginia on the 26th day of August 2021. Amended by the County Commission of Upshur County West Virginia on this 24th day of February 2022. Amended by the County Commission of Upshur County West Virginia on this 8th day of September 2022 **and clarified on May 18, 2023.**

Kristie G. Tenney, President

UPSHUR COUNTY COMMISSION
Upshur County Administrative Annex
91 West Main Street, Suite 101 ▪ Buckhannon, West Virginia 26201
Equal Opportunity Employer (EOE)

Telephone: (304) 472-0535
Telecopier: (304) 473-2802

TDD Numbers
Business: 472-9550
Emergency: 911

May 18, 2023

Sydney Wilson
10767 Old Elkins Road
Ellamore, WV 26267

Certified Mail with Return Receipt

Re: FEMA Property (Parcel Number 5-9J-22)

Ms. Wilson,

In 2000 the parcels of land adjoining your property were acquired by the Upshur County Commission through a cooperative grant agreement with the WV Office of Emergency Services and are held to strict conditions and restrictions due to being in the floodplain. The land is meant to be used for open space / recreation and may be leased to a private individual; however, there is no Land Use Agreement on file for this property.

After inspecting the property, it appears there is a chicken coop and other miscellaneous personal items encroaching upon the Commission's property. Due to the property being within the floodplain restrictions are in place to prevent or minimize flood damage in the future.

If the structure(s), fencing and miscellaneous personal property are not removed from the Commission's property within thirty (30) calendar days, the Upshur County Commission will become in possession of the items and will have the right to remove and dispose of the items. If you have any further questions or concerns, feel free to contact the Office of the Upshur County Commission.

Sincerely,

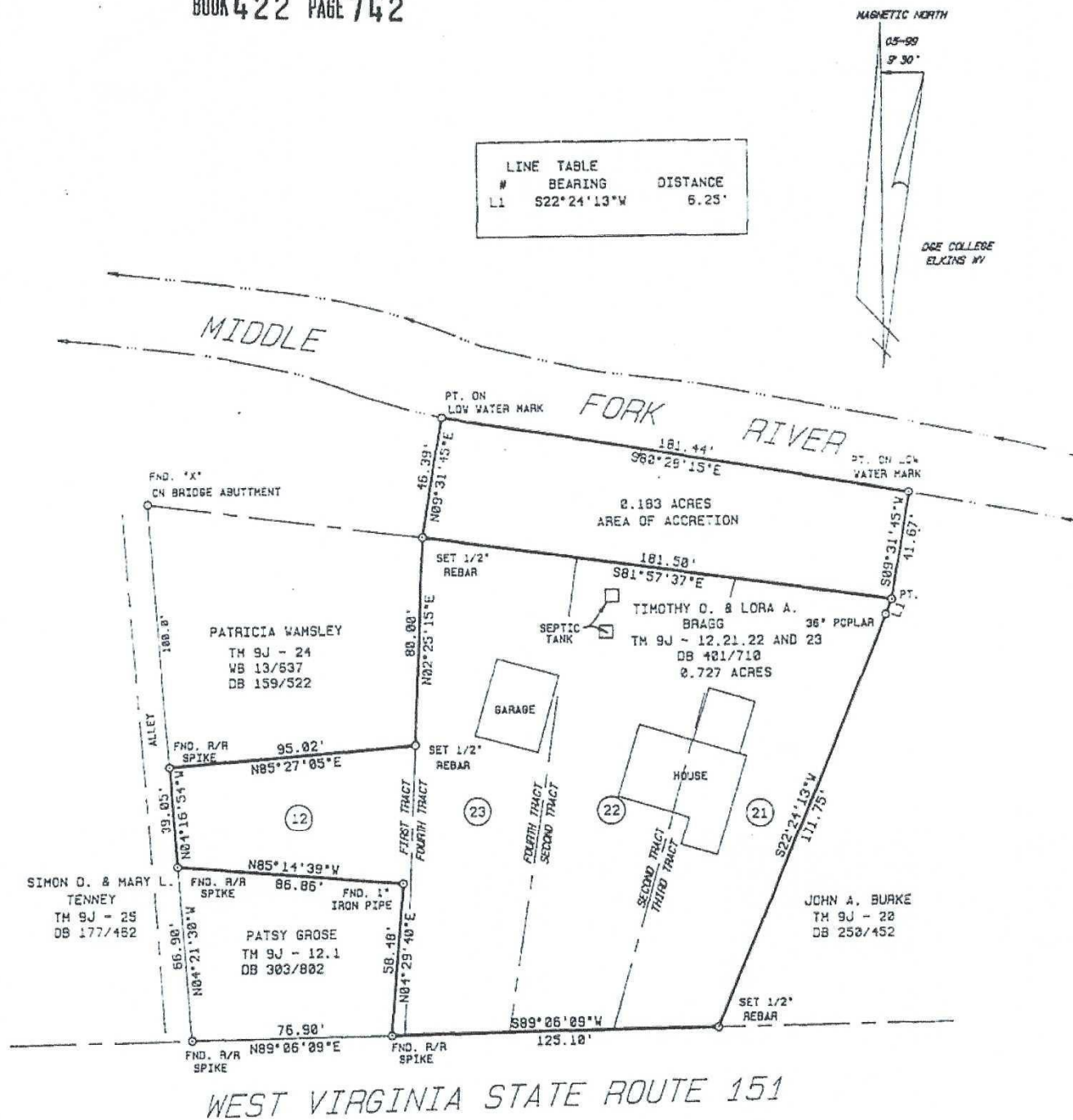
Kristie G. Tenney
Commission President

Enclosure: Photographs
Cc: Terri Jo Bennett, Upshur Co. Floodplain Coordinator

422 @ 742

BOOK 422 PAGE 742

Reduced 5%

PLAT OF RETRACEMENT SURVEY

Situate on the Waters of the Middle Fork River in the Village of Ellamore in Union District, Upshur County, West Virginia.

Being all of the tracts as conveyed to Timothy O. and Lora A. Bragg in Deed Book 401 at page 710, and showing 0.183 acres of accretion area.

Scale 1" = 50'

July 13, 2000



Esri Community Maps Contributors, WVU Facilities, WGIN, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/MASA, USGS, EPA, NPS, US Census Bureau, USDA







INTEROFFICE MEMORANDUM

TO: UPSHUR COUNTY COMMISSION
FROM: UPSHUR COUNTY YOUTH CAMP BOARD NOMINATING COMMITTEE
SUBJECT: RECOMMENDATION FOR APPOINTMENT OF BEATRICE BURNSIDE
DATE: MAY 15, 2023
CC:

Commissioners,

On behalf of the Nominating Committee for the Upshur County Youth Camp Board, I would like to recommend the appointment of Beatrice Burnside to the Youth Camp Board. Ms. Burnside's interest letter was reviewed by the Nominating Committee during their meeting on May 15, 2023. Her appointment is sent to you with unanimous support.

If approved, Ms. Burnside will fill the vacancy created by the resignation of Glen Hawkins. Her term will begin immediately and expire on 5/31/2025. She resides within the 3rd District, meeting requirements set forth in House Bill No. 144, Chapter 115.

Thank you in advance for your consideration.

Tabatha Perry, Nominating Committee Member



REQUEST FOR APPLICANTS

FULL TIME DEPUTY CLERK

UPSHUR COUNTY ASSESSOR'S OFFICE

The Upshur County Assessor's Office is seeking qualified applicants for the position of full-time deputy clerk.

Qualifications: Must have general knowledge of Upshur County, be able to meet and speak with taxpayers in a professional manner, and have good communication/organizational skills. Must have basic computer skills and be willing to take classes to meet state requirements. Duties include, but are not limited to: assisting taxpayers daily, collecting and inputting commercial/personal property tax returns, processing farm census applications, and filing/reviewing homestead applications.

- * A background check will be conducted
- * Must possess a valid driver's license and good driving record
- * Working hours are 8:00 am – 4:00 pm Monday through Friday
- * Starting salary based on experience
- * Standard County Benefits

Applications may be picked up at:

Upshur County Assessor's Office

38 W Main Street Room 102

Buckhannon, WV 26201

Application and resumes must be received by 4:00 pm on Friday, May 26, 2023. Please do not make phone inquiries about this position. Employment with the Assessor's Office is available to all qualified applicants without regard to actual or perceived race, creed, color, national origin, sex, gender identity, sexual orientation, disability, age or handicap. Upshur County has established a drug free and tobacco free work environment.

Please see www.upshurcounty.org for a PDF application and job description.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

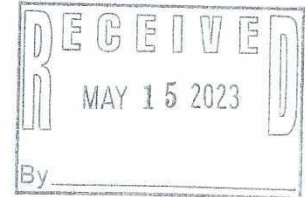
1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Gregory L. Bailey, P.E.
Interim
State Highway Engineer

Jimmy Wriston, P. E.
Secretary of Transportation
Commissioner of Highways

May 10, 2023

Kristie Tenney, Commission President
Upshur County Commission
Upshur County Administrative Annex
91 West Main Street, Suite 101
Buckhannon, West Virginia 26201



Dear Commissioner:

I have enclosed one (1) fully executed original agreement regarding the improvement of Youth Camp Girder Bridge Improvement in Upshur County. As part of Governor Justice's use of the Infrastructure and Investment Jobs Act (IIJA) and as I directed, Upshur County will have no match requirement for the rehabilitation or replacement of the Youth Camp Girder Bridge Improvement. Structures are being evaluated to prioritize bridge improvements. Please be patient. Also, please note that funding is limited to IIJA funding and if those funds become exhausted prior to the work on Youth Camp Girder Bridge Improvement, the WVDOH may not be able to fulfill this agreement.

Thank you for your assistance with this matter. If you require additional information, please contact Mr. Perry J. Keller of our Commissioner's Office of Economic Development, at (304) 414-6925 or Perry.j.keller@wv.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimmy Wriston, P.E.", written in dark ink.

Jimmy Wriston, P.E.
Secretary of Transportation/
Commissioner of Highways

JW:Ks

Enclosure



Mac Warner
Secretary of State
State of West Virginia

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305



Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

May 8, 2022

To The County Commission President:

It is the time of year to update Public Service District information. I am requesting your help to ensure that our records are current. West Virginia Code §16-13A-2(h) states that the county commission shall file a list of all districts in their county, including the current board members, with the Secretary of State and the Public Service Commission by July 1 of each year.

Please supply the name, address and contact information for each **Public Service District** in the county. The list must include **only** the name and term of office of each board member. Please **do not** include personal addresses or phone numbers of board members. This list must be sent to both the Secretary of State's office and the Public Service Commission's office:

Secretary of State
Attn: Maureen Lewis
1900 Kanawha Boulevard E
Building 1, Suite 157K
Charleston, WV 25305

WV Public Service Commission
Attn: Water and Wastewater Division
PO Box 812
Charleston, WV 25323

In addition, I have been asked to remind you of the requirements of West Virginia Code §16-13A-4. "The public service district shall certify the number of customers served to the Public Service Commission beginning on the first day of July, one thousand nine hundred eighty-six, and continue each fiscal year thereafter." The Public Service Commission typically mails the form to public service districts in late May or early June of each year. Please make sure that the districts in your county comply with this statute.

Should you have any questions, please contact me at 304-558-6000. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Maureen Lewis".

Maureen Lewis, Director
Administrative Law Division



United Coal Company

Street Addr	14272 Adolph Rd
City, State, ZIP	Mill Creek, WV 26280
Tele	3049246757
Fax	3049242165

Fax Cover

Date: 05-15-2023 9:39 AM

Fax no: 13044732802

Total Pages w/ Cover: 7

Re: WARN Notice - Carter Roag Coal Co. & Beech Mtn Rail Road

- Randolph County Commission
- Upshur Count Commission

Attached is a WARN notice for Carter Roag Coal Company and Beech Mtn Railroad

Regards,

Brett Morris
HR Director
Carter Roag
Office: (304) 255-9030 ext. 7523
Cell: (304) 580-1175
Fax: (304) 924-2165
brett.morris@unitedcoal.com
www.unitedcoal.com

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Carter Road Coal
A subsidiary of United Coal Company LLC

14272 Adolph Rd
Mill Creek, WV
Phone: 304-255-9030
Fax: 304-924-2165
email: info@unitedcoal.com

fax

TO:	Maureen Persons	FROM:	Brett Morris
FAX:	304-558-7029	PAGES:	4 plus cover page
PHONE:	304-255-9030 ex. 7523	DATE:	05/15/2023
RE:		CC:	
NOTE:	WARN Notice to State		



Carter Roag Coal Co.

A subsidiary of United Coal Company LLC

14272 Adolph Rd

Mill Creek, WV 26280

Phone: 304-335-2145

Fax: 304-335-2163

email: info@unitedcoal.com

May 12, 2023

Via Facsimile and Certified Return Receipt Mail

Maureen Persons

Director

Dislocated Worker Services Unit

1900 Kanawha Blvd E

Bldg. 3, Room 312

Charleston, WV 25305

Phone: 304-558-8414

Fax: 304-558-7029

Maureen.M.Persons@wv.gov

Re: Announcement of Planned Action

Dear Director Persons:

I am writing on behalf of Carter Roag Coal Company to give you notice that Carter Roag Coal Company's Morgan Camp underground operation and Hartridge surface/HWM operation at 14272 Adolph Road, Mill Creek, WV 26280 will cease production on May 12, 2023. During the period that follows, efforts will be directed toward disassembly and removing the equipment from the mine sites. The Star Bridge Preparation Plant at 14272 Adolph Road, Mill Creek, WV 26280 will continue processing coal that is currently held in inventory and is expected to have all inventories eliminated by July 12, 2023. Ultimately, the entire facility (including the underground operations, surface operations, HWM operations, and preparation plant) will be closed, and all employees at the above-referenced operations will be impacted. This closure is expected to be permanent. The expected date of the first separation will be July 12, 2023.

All employees who will be affected during the next 75 days have been notified of their approximate separation dates and that their separation from employment will be permanent. Those employees are expected to be separated from employment beginning on July 12, 2022, with these

separations accomplished by July 26, 2023. The total number of affected employees during this period is 239 employees.

Additional separations will occur as the above-referenced facility closes. At this time, Carter Roag Coal Company anticipates that a second round of layoffs associated with the closure will happen in or about July 26 – Dec 31st with approximately thirty twenty employees being laid off. Additional rounds of layoffs will also occur. The expectation is that all remaining employees will be laid off in 2024. In total, 271 employees will be affected by the closure.

There will not be any bumping rights for the affected employees, that is, employees will not be able to displace more junior employees out of their job positions.

Information related to the job titles affected and the number of affected employees in each such job are available at Carter Roag Coal Company's address listed above.

If you have any questions or want additional information concerning this matter, please contact Brett Morris, HR Director, at 304-255-9030 Ext. 7523.

Sincerely,

Brett Morris

HR Director

cc: Randolph County Commission
4 Randolph Ave., Suite 102
Elkins, WV 26241
Attn: The Honorable Christopher See, Commission President
Fax: (304) 630-1125
(Via Fax and Certified Mail)

Upshur County Commission
91 West Main St., Suite 101
Buckhannon, WV 26201
Attn: The Honorable Kristie G. Tenney, Commission President
Fax: (304) 473-2802
(Via Fax and Certified Mail)

May 12, 2023

Via Facsimile and Certified Return Receipt Mail

Maureen Persons
Director
Dislocated Worker Services Unit
1900 Kanawha Blvd E
Bldg. 3, Room 312
Charleston, WV 25305
Phone: 304-558-8414
Fax: 304-558-7029
Maureen.M.Persons@wv.gov

Re: Announcement of Planned Action

Dear Director Persons:

I am writing on behalf of Beech Mountain Railroad to give you notice that Beech Mountain Railroad located at 14272 Adolph Rd Mill Creek WV 26280 will be shutting down its operations beginning May 12, 2023. Ultimately, the entire facility will be closed, and all employees at the above-referenced operations will be impacted. This closure is expected to be permanent. The expected date of the first separation will be July 12, 2023.

All employees who will be affected during the next 75 days have been notified of their approximate separation dates and that their separation from employment will be permanent. Those employees are expected to be separated from employment beginning on July 12, 2022, with these separations accomplished by July 26, 2023. The total number of affected employees during this period is two employees.

The expectation is that all remaining employees will be laid off in 2024. In total, two employees will be affected by the closure.

There will not be any bumping rights for the affected employees, that is, employees will not be able to displace more junior employees out of their job positions.

Information related to the job titles affected and the number of affected employees in each such job are available at Beech Mountain Railroad's address at 14272 Adolph Rd Mill Creek WV 26280.

If you have any questions or want additional information concerning this matter, please contact Brett Morris, HR Director, at 304-255-9030 Ext. 7523.

Sincerely,
Brett Morris
HR Director

cc: **Randolph County Commission**
4 Randolph Ave., Suite 102
Elkins, WV 26241
Attn: The Honorable Christopher See, Commission President
Fax: (304) 630-1125
(Via Fax and Certified Mail)

Upshur County Commission
91 West Main St., Suite 101
Buckhannon, WV 26201
Attn: The Honorable Kristie G. Tenney, Commission President
Fax: (304) 473-2802
(Via Fax and Certified Mail)



FRANK E. SIMMERMAN, JR.
fes@simmermanlaw.com

CHAD L. TAYLOR
clt@simmermanlaw.com

FRANK E. (TREY) SIMMERMAN, III
trey@simmermanlaw.com

LEGAL ASSISTANT:

STACEY L. FOX
stacey@simmermanlaw.com

TELEPHONE
(304) 623-4900

TELECOPIER
(304) 623-4906

May 10, 2023

Carol J. Smith
Clerk of Upshur County
40 West Main Street
Buckhannon, WV 26201

RE: *Depoy v. Young*
Civil Action No. 22-C-25
Judge Kurt Hall

Ms. Smith:

Please find enclosed a copy of the *Final Order Declaring Location of New Right-of-Way Route Over/Across the Property of Pamela M. Young, and Dismissing Case with Prejudice*, entered in civil action no. 22-C-25, formerly pending in the Circuit Court of Upshur County. Page 3 of Judge Hall's Order, paragraph 4, states:

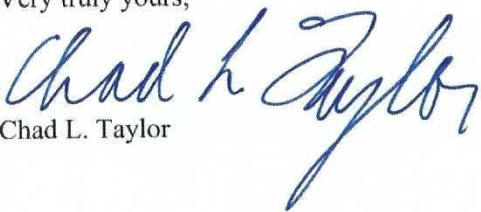
In addition to being filed in the office of the Circuit Clerk of Upshur County, this Order shall also be recorded in the Office of the Upshur County Clerk in the law order book and in the current deed book, indexed in the name of the parties to this action, and shall forever settle, determine, and designate the true location and route of the 20' wide right-of-way over the real property presently owned by Pamela M. Young (5.82 acre tract identified as Tax Map 6P, Parcel 3.15, and more particularly bounded and described by the April 27, 2012, deed recorded in Book 505 at page 176, in the Upshur County Clerk's office), and be binding upon the parties, their heirs, devisees, and assigns.

Accordingly, pursuant to that provision, I enclose this Order and payment of \$35.00 to accomplish the recording of the Order in the deed books in your office, as described above.

Once recorded, please return the original document to the Simmerrman Law Office, PLLC. Thank you for your attention to this matter and please advise of any questions.

May 10, 2023
Page 2

Very truly yours,


Chad L. Taylor

Enclosures



West Virginia E-Filing Notice

CC-49-2022-C-25

Judge: Kurt W. Hall

To: Chad Lewis Taylor
clt@simmermanlaw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF UPSHUR COUNTY, WEST VIRGINIA

Roger L. Depoy v. Pamela M. Young

CC-49-2022-C-25

The following order - case - final was FILED on 5/10/2023 9:47:39 AM

Notice Date: 5/10/2023 9:47:39 AM

Brian P. Gaudet
CLERK OF THE CIRCUIT COURT
Upshur County
38 W. Main Street, Room 304
BUCKHANNON, WV 26201

(304) 472-2370
Brian.Gaudet@courtsww.gov

/s/ Kurt Hall
Circuit Court Judge
Ref. Code: 235M0TLAX

E-FILED | 5/10/2023 9:47 AM
CC-49-2022-C-25
Upshur County Circuit Clerk
Brian P. Gaudet

In the Circuit Court of Upshur County, West Virginia

Roger L. Depoy,
Plaintiff,

v.

Case No. CC-49-2022-C-25
Judge Kurt W. Hall

Pamela M. Young,
Defendant

**Final Order Declaring Location of New Right-of-Way Route Over/Across the
Property of Pamela M. Young, and Dismissing Case with Prejudice**

On or about July 15, 2022, Plaintiff Roger L. Depoy filed his Complaint in this action seeking a declaratory judgment as to his use of a right-of-way over and across the property owned by Defendant Pamela M. Young, along with an award of various damages. On or about August 24, 2022, Defendant filed her Answer to Plaintiff's Complaint along with seven (7) counterclaims. Following a Scheduling Conference convened on November 2, 2022, this Court conducted a two-part in-person evidentiary hearing, on January 11 and 30, 2023, concerning the following issues: (1) the existence and location of a right-of-way for the benefit of Roger Depoy over/across the property of Pamela Young; and (2) the existence and location of a right-of-way for the benefit Pamela Young over/across the property of Roger Depoy.

The Court's rulings following receipt and consideration of the evidence presented at the aforementioned evidentiary hearings are memorialized in its *Order Regarding Evidentiary Hearing Conducted on January 30, 2023*, entered February 12, 2023.

While various rulings as to the parties' right-of-way claims are set forth in the Court's aforementioned Order, one item remained for determination; namely, Defendant Pamela Young was ordered to select a new location for Plaintiff Roger Depoy's 20' right-of-way across her property, and have it surveyed, staked and platted.

On April 24, 2023, Ms. Young filed a *Motion for Approval of New Right-of-Way Route*, which attached a "preliminary draft" plat of a new proposed right-of-way route across her property for Plaintiff's benefit. Ms. Young's Motion noted that one area of her proposed ROW route had a minor encroachment preventing the full 20' width for such right-of-way on her real property, but for the reasons stated in her Motion, requested the Court to approve her proposed new right-of-way route across her property.

On April 26, 2023, Plaintiff Depoy filed a *Response to [Defendant's] Motion for Court Approval of New Right-of-Way Route*, stating simply: "Plaintiff does not object to the proposed route of the replacement road as depicted on the plat."

WHEREUPON, having reviewed and considered:

- a. the evidence presented by the parties at the evidentiary hearings;
- b. the filings of record in this matter;
- c. Defendant Young's *Motion for Approval of New Right-of-Way Route*, and Plaintiff Depoy's expression of no objection to the same; and
- d. the February 6, 2023, letter from Defendant's counsel advising that Ms. Young does not desire to further pursue her remaining counterclaims in light of the Court's rulings made at the January 30, 2023, evidentiary hearing concerning (a) the existence of a right-of-way for the benefit of Roger Depoy across the property of Pam Young, and (b) the existence of a right-of-way for the benefit of Pam Young across the property of Roger Depoy,

the Court hereby **ORDERS, ADJUDGES, and DECREES** as follows:

1. Court hereby renders a final and enforceable determination and declaration that the new location and route of the right-of-way referenced in a deed dated April 27, 2012 (referenced therein as a "proposed 20' right-of-way"), of record in the Upshur County Clerk's office in Book 505 at Page 176, between

Grantor Roger L. Depoy, and Grantee Steven W. Depoy, shall be as described by the "Description of Right-of-Way Survey for Pamela M. Young", attached hereto as Exhibit 1, and as depicted on the "Plat of Right-of-Way Survey for Pamela M. Young", attached hereto as Exhibit 2.

2. The plat attached hereto as Exhibit 2 shall replace the plat attached to the aforementioned deed (prior plat recorded in Book 505 at Page 178) with respect to depicting the route/location of the right-of-way conveyed by the aforementioned April 27, 2012, deed (Book 505 at page 176).

3. The gray shaded portion of the route of the original right-of-way across Pamela Young's property depicted on the plat attached hereto as Exhibit 2, shall be vacated and abandoned (see Note D on the plat attached hereto as Exhibit 2).

4. In addition to being filed in the office of the Circuit Clerk of Upshur County, this Order shall also be recorded in the Office of the Upshur County Clerk in the law order book and in the current deed book, indexed in the name of the parties to this action, and shall forever settle, determine, and designate the true location and route of the 20' wide right-of-way over the real property presently owed by Pamela M. Young (5.82 acre tract identified as Tax Map 6P, Parcel 3.15, and more particularly bounded and described by the April 27, 2012, deed recorded in Book 505 at page 176, in the Upshur County Clerk's office), and be binding upon the parties, their heirs, devisees, and assigns.

5. The Court **DISMISSES** all remaining claims and counterclaims asserted in this action, with prejudice, and the parties shall bear their own costs of suit and attorneys' fees.

6. Upon entry, the Circuit Clerk is hereby **DIRECTED** to serve a certified

copy of this Order upon all counsel of record, with its two exhibits.

Prepared and respectfully submitted by:

/s/Chad L. Taylor

Frank E. Simmerman, Jr. (W.Va. Bar No. 3403)

Chad L. Taylor (W.Va. Bar No. 10564)

Frank E. Simmerman, III (W.Va. Bar No. 11589)

SIMMERMAN LAW OFFICE, PLLC

254 East Main Street

Clarksburg, West Virginia, 26301

Phone No. (304) 623-4900

Fax No. (304) 623-4906

Counsel for Defendant/Counterclaim Plaintiff Pamela M. Young

A copy of this proposed Order was served upon the following counsel with request that he note any objections or exceptions to this Order within five (5) days of receipt, pursuant to W.Va. Trial Court Rule 24.01:

Scott A. Curnutte (WVSB# 5780)

Curnutte Law Office

P.O. Box 1605

Elkins, WV 26241

Counsel for Plaintiff/Counterclaim Defendant Roger L. Depoy

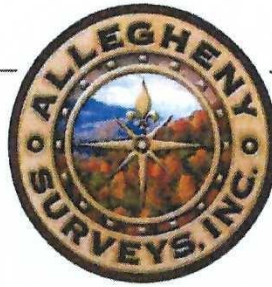
/s/ Kurt Hall

Circuit Court Judge

26th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.

E-FILED 15/10/2023 9:47 AM
CC-49-2022-C-25
Upshur County Circuit Clerk
Brian P. Gaudet



Description of Right-of-Way Survey for Pamela M. Young

Proposed 20' Right-of-Way

A 20' wide Right-of-Way situate on the waters of Buckhannon River, near Alton Ridge Road and Bosley Farm Road, in Washington District, Upshur County, West Virginia and being more particularly described as follows:

Beginning at a calculated point on a line common to the Pamela M. Young's 5.82 acre tract (Tax Map 6P, Parcel 3.15) and to the Roger L. Depoy's 5.67 acre tract (Tax Map 6P, Parcel 3.14), which said calculated point bears S 70°17'56" E 28.68' from a 5/8" rebar with yellow plastic cap (Bennett) found on said common line to said 5.82 acre tract and to said 5.67 acre tract, thence leaving said 5.67 acre tract and through said 5.82 acre tract for twenty lines:

N 12°37'06" W 11.83' to a calculated point, thence;

S 70°17'56" E 104.34' to a calculated point, thence;

N 18°34'58" E 28.30' to a calculated point, thence;

N 35°27'27" E 7.43' to a calculated point, thence;

N 29°59'57" E 13.04' to a calculated point, thence;

N 41°08'36" E 35.93' to a calculated point, thence;

N 37°52'12" E 16.68' to a calculated point, thence;

N 26°28'25" E 47.00' to a calculated point, thence;

N 27°56'42" E 39.03' to a calculated point, thence;

BIRCH RIVER OFFICE

237 Birch River Road
Birch River, WV 26610
phone: 304-649-8606 fax: 304-649-8608

BRIDGEPORT OFFICE

172 Thompson Drive
Bridgeport, WV 26330
phone: 304-848-5035 fax: 304-848-5037

CHARLESTON OFFICE



ALLEGHENYSURVEYS.COM

2

N 13°33'37" E 28.25' to a calculated point, thence;

N 19°44'27" E 19.28' to a calculated point, thence;

N 30°20'02" E 75.60' to a calculated point, thence;

N 27°02'00" E 27.91' to a calculated point, thence;

N 06°41'53" E 13.02' to a calculated point, thence;

N 01°51'27" E 23.30' to a calculated point, thence;

N 45°30'50" E 21.90' to a calculated point, thence;

N 39°14'12" E 64.42' to a calculated point, thence;

N 51°13'54" E 227.93' to a calculated point, thence;

N 44°40'54" E 102.48' to a calculated point, thence;

N 68°54'54" E 55.85' to a calculated point on a line common to said 5.82 acre tract and to the Pamela M. Young & Roger L. Depoy's 33.63 acre tract (Tax Map 6P, Parcel 3.2), which said calculated point bears S 41°47'42" W 50.84' from a 5/8" rebar with yellow plastic cap (Malcomb) found at a corner common to said 5.82 acre tract and to 33.63 acre tract, which said 5/8" rebar with yellow cap found bears S 16°05'00" E 97.03' from a 5/8" rebar with yellow plastic cap (Malcomb) found at a corner common to said 5.82 acre tract and to 33.63 acre tract, **End of Survey.**

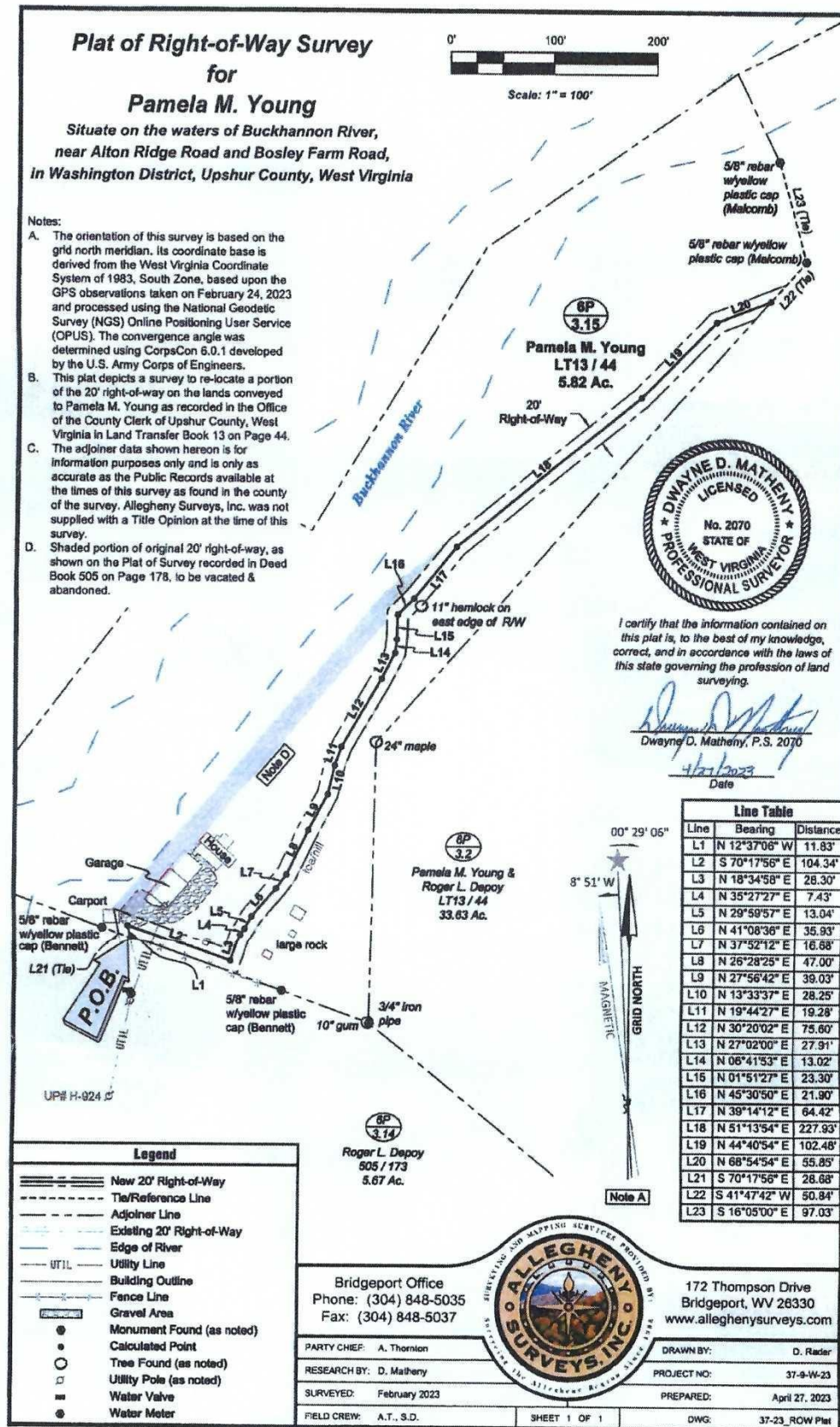
The above described Right-of-Way shall be 20' in width, 10' on both sides of the above described centerline containing 0.44 acres, 19,270 sq.ft., more or less, as surveyed by Allegheny Surveys, Inc in Bridgeport, West Virginia, in February 2023, as shown on a plat entitled "Plat of Right-of-Way Survey for Pamela M. Young" attached hereto, and by reference, made a part of this description.

The above described parcel being part of the same lands conveyed to Pamela M. Young as recorded in the Office of the County Clerk of Upshur County, West Virginia in Land Transfer Book 13 on Page 44.



Dwayne D. Matheny
Dwayne D. Matheny, P.S. 2070

4/27/2023
Date



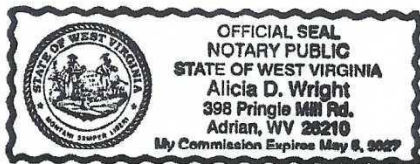
Please list the number of customers in each category. See next page for definition of categories.

	Water	Sewer	Totals
Residential	2,204		
Commercial	81		
Industrial	3		
Public Authority			
Resale			
Totals	2,288		

Signature of Authorized Representative

Norma J. Woody

I, Alicia D. Wright a Notary Public, in and for Upshur County,
West Virginia, hereby certify that Norma J. Woody, authorized representative
of Adrian Public Service District this 11 day of May,
20 23, personally appeared before me in my said county and acknowledged his (her) signature.



My commission expires May 5, 2027

Alicia D. Wright
(Notary Public)

Please mail completed form to: Water and Wastewater Division
Public Service Commission of West Virginia
P. O. Box 812
Charleston, WV 25323

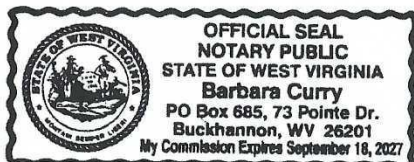
Please list the number of customers in each category. See next page for definition of categories.

	Water	Sewer	Totals
Residential	1127	S	1127
Commercial	77		77
Industrial			
Public Authority			
Resale			
Totals	1204		1204

Signature of Authorized Representative

Terry N. Gould

I, Barbara D. Curry a Notary Public, in and for Upshur County,
West Virginia, hereby certify that Terry N. Gould, authorized representative
of Hodgesville Public Service District this 14th day of May,
2023, personally appeared before me in my said county and acknowledged his (her) signature.



My commission expires

Sept 18, 2027

Barbara D. Curry
(Notary Public)

Please mail completed form to: Water and Wastewater Division
Public Service Commission of West Virginia
P. O. Box 812
Charleston, WV 25323

Please list the number of customers in each category. See next page for definition of categories.

	Water	Sewer	Totals
Residential		799	799
Commercial		78	78
Industrial		2	2
Public Authority		9	9
Resale			
Totals		888	888

Signature of Authorized Representative

Terry N. Gould

I, VICKIE M. DEAN a Notary Public, in and for UPSHUR County,
West Virginia, hereby certify that TERRY N. GOULD, authorized representative
of TENNERTON Public Service District this 11 day of MAY,
20 23, personally appeared before me in my said county and acknowledged his (her) signature.



My commission expires MARCH 4, 2028

Vickie M. Dean

(Notary Public)

Please mail completed form to: Water and Wastewater Division
Public Service Commission of West Virginia
P. O. Box 812
Charleston, WV 25323

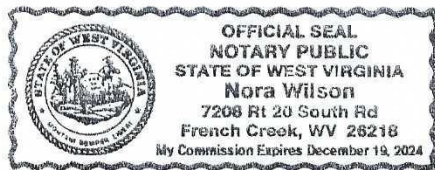
Please list the number of customers in each category. See next page for definition of categories.

	Water	Sewer	Totals
Residential	1191		1191
Commercial	33	N/A	33
Industrial			
Public Authority			
Resale			
Totals	1224		1224

Signature of Authorized Representative

Carolyn Douglas

I, NORA WILSON a Notary Public, in and for Upshur County,
West Virginia, hereby certify that CAROLYN DOUGLAS, authorized representative
of ELKINS ROAD Public Service District this 12 day of MAY,
20 23, personally appeared before me in my said county and acknowledged his (her) signature.



My commission expires Dec, 19 2024

Nora Wilson
(Notary Public)

Please mail completed form to: Water and Wastewater Division
Public Service Commission of West Virginia
P. O. Box 812
Charleston, WV 25323



Form RD 442-2
(Rev. 9-97)

Position 3

FORM APPROVED
OMB NO. 0575-0015UNITED STATES DEPARTMENT OF AGRICULTURE
STATEMENT OF BUDGET, INCOME AND EQUITY


Schedule 1

Name
Adrian Public Service DistrictAddress PO Box 87
French Creek, WV 26201

(1) <u>OPERATING INCOME</u>	PRIOR YEAR <u>Actual</u> (2)	ANNUAL BUDGET		For the _____ Months Ended _____		
		BEG 07-01-2023	END 06-30-2024 (3)	CURRENT YEAR		Actual YTD (Over) Under Budget Col. 3 - 5 = 6 (6)
				Actual Data		
				Current Quarter (4)	Year To Date (5)	
1. <u>Water Sales</u>		1,541,170				1,541,170
2. _____						0
3. _____						0
4. _____						0
5. <u>Miscellaneous</u>						0
6. <u>Less: Allowances and Deductions</u>						0
7. <u>Total Operating Income</u> (Add lines 1 through 6)	0	1,541,170		0	0	1,541,170
<u>OPERATING EXPENSES</u>						
8. <u>Purchased Water</u>		288,000				288,000
9. <u>Payroll Expense</u>		255,000				255,000
10. <u>Pension & Ben</u>		122,634				122,634
11. <u>Operation Supp</u>		25,790				25,790
12. <u>Vehicle Expense</u>		22,910				22,910
13. <u>Payroll Taxes</u>		27,140				27,140
14. <u>Other Expenses</u>		151,090				151,090
15. <u>Interest</u>		210,316				210,316
16. <u>Depreciation</u>		695,000				695,000
17. <u>Total Operating Expense</u> (Add Lines 8 through 16)	0	1,797,880		0	0	1,797,880
18. <u>NET OPERATING INCOME (LOSS)</u> (Line 7 less 17)	0	-256,710		0	0	-256,710
<u>NONOPERATING INCOME</u>						
19. <u>Interest</u>		1,000				1,000
20. _____						0
21. <u>Total Nonoperating Income</u> (Add 19 and 20)	0	1,000		0	0	1,000
22. <u>NET INCOME (LOSS)</u> (Add lines 18 and 21)	0	-255,710		0	0	-255,710
23. <u>Equity Beginning of Period</u>		7,373,321				7,373,321
24. _____						0
25. _____						0
26. <u>Equity End of Period</u> (Add lines 22 through 25)	0	7,117,611		0	0	7,117,611

Budget and Annual Report Approved by Governing Body

Quarterly Reports Certified Correct


 Secretary

 4-6-23
 Date


 Appropriate Official

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 2-1 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In compliance with West Virginia's Public Meeting Law, the 26th Judicial Circuit Community Corrections Program regular board meeting will be held May 8, 2023 at 6:00pm at the Upshur County Day Report Center in Upshur County. The public is invited to attend and learn more about our program, serving Lewis and Upshur Counties.

COMMUNITY CORRECTIONS

Board Meeting Agenda

May 15, 2023

Upshur County Day Report Center 6:00 P.M.

I. Handouts

- Sign in sheets
- Agenda, Previous Meeting Minutes
- Budget report

II. New Business

- 1) Batterer's Intervention Prevention Class Update
- 2) Home Confinement Update- Lewis-15 Upshur-31
- 3) Community Corrections Update
 - Referrals received since July 1, 2022, Upshur-212 Lewis-84 Total-296
 - Request for employee raises
 - Property Updates
 - Upcoming grant review/inspection update
 - Request to get quotes for gutters and painting at Upshur office

III. Next Meeting

- **July 10, 2023 at the Lewis County Day Report Center at 6:00 P.M.**

***City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Tuesday, May 16, 2023***

Channel 3 is Live Streaming our City Council Meetings at <https://www.facebook.com/ch3buckhannon/> Send public comments via email to buckhannon@buckhannonwv.org or drop them in the mail, or drop box behind City Hall.

Please join the meeting from your computer, tablet or smartphone <https://global.gotomeeting.com/join/804282709>
You can also dial in using your phone United States: [+1 \(872\) 240-3212](tel:+18722403212) Access Code: 804-282-709

A. Call to Order

- A.1 Moment of Silence
- A.2 Pledge to the Flag of the United States of America

B. Recognized Guests

- B.1 Holy Rosary Catholic Church- Proclamation-Corpus Christi Day
- B.2 Tracie Thompson, Executive Director of the Upshur County Senior Center

C. Department & Board Reports

- C.1 Public Works Director- Jerry Arnold
- C.2 Finance Director- Amberle Jenkins
- C.3 Police Chief- Matthew Gregory
- C.4 City Attorney- Tom O'Neill

D. Correspondence & Information

- D.1 Proclamation-National Nurses' and National Hospital Week 2023
- D.2 Charles Gibson Library Director's Report March & April 2023

E. Consent Agenda

- E.1 Approval of Minutes -Regular Meeting 05/04/23
- E.2 Approval of Building and Wiring Permits
- E.3 Approval of Payment of the Bills

F. Strategic Issues for Discussion and/or Vote

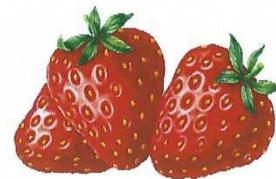
- F.1 Approval Ordinance No. 463 Property Exchange with West Virginia Wesleyan College 2nd /Final Reading
- F.2 Approval Resolution 2023-04 Support of Poundstone Riverwalk Trail Extension Construction Phase 2
- F.3 Approval FEMA/Community Ratings System (CRS) Required Construction Certificate Management Procedures Policy To Maintain CRS Status
- F.4 Reschedule/Cancel City Council Meeting Date of Thursday, July 20, 2023 due to conflict with WAMSB
- F.5 Approval Resolution 2023-05 General Fund Budget Revision #6 FY 2022/23

G. Comments and Announcements

- G.1 Pamela Bucklew
- G.2 David McCauley
- G.3 Jack Reger
- G.4 David Thomas
- G.5 CJ Rylands
- G.6 Randall Sanders

H. Mayor's Comments and Announcements

I. Adjournment



Notice of Meeting

for

Upshur County Fire Board, Incorporated

(Statutory Corporation per Chapter 7 Article 17 of the WV Code)

Location: Upshur County Administrative Annex, Suite 101, 91 W. Main Street
Date: Tuesday, May 16, 2023
Time: 6:30 p.m.

AGENDA

Call Meeting to Order

Approval of Minutes---April 18, 2023

Public Questions/Comment Period

Report from Fire Fee Clerk on Collections and/or Operational Procedures

- Cumulative report
- Steven Linger Approval status
- Updates on Fire Chief and Fire Association meetings

Financial Matters/Items

- Bank Statement---Checking Account Balance as of 4/28/2023---\$89,045.31
- Disbursement from Chief Tax Deputy for April---TBD prior to the meeting

Payment of Bills/Invoices

- *Software Systems---monthly maintenance---Invoice ----\$237.00
- *WVCoRP---Insurance 2023---Invoice ---\$1,462.00
- *Upshur County Commission---reimbursement---Payroll-Jan-March 2023-\$6,350.94

Discussion/approval of a final disbursement of 2022 Fire Fee Funds

Review/approval of Corrective Tickets and Exoneration requests

Other Items/Matters to Consider

Date of Next Meeting---Tuesday, June 20, 2023, at the Administrative Annex, 98 W. Main Street Buckhannon, WV---Adjournment

Tennerton Public Service District
Monthly Meeting
April 12, 2023

The regular monthly meeting of the Tennerton Public Service District was held at the district office at 188 Fayette Street, Buckhannon West Virginia on Wednesday

In attendance were Joe Tenney, John Barnes, Bob Heater, Terry Gould, and Vickie Dean

The meeting was called to order promptly at 2:00 pm by Joe Tenney chairman. The minutes of the previous meeting held on March 15, 2023 were read, there being no corrections or additions, motion to approve was made by Robert Heater, seconded by John Barnes.

Terry Gould presented the monthly financial reports and the bills to be paid. A motion to pay the invoices was made by Joe Tenney and seconded by John Barnes.

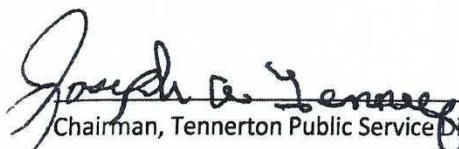
The board reviewed and approved the previous month's credit memos. No shutoffs this month.

Terry Gould reported on the following:

- *Up to date with audits. There were no write ups in any year other than "no segregation of duties". As soon as tax season is over 2022 will be started
- *City past due amount has been paid off.
- *Annual insurance is up for renewal
- *Sunny Buck is on one pump. One pump is fried. Repair time is 15 weeks. Cost for new one is \$4500.00. We will repair the old one and use it as a spare. We will buy 2 new ones and use one as a spare. Motion to buy 2 new pumps was made by Joe Tenney and seconded by Robert Heater.
- *Zurbach is working on an agreement with the City to process sewage.

There being no other business to discuss, motion was made by Joe Tenney to adjourn and seconded by John Barnes.

Approved


Chairman, Tennerton Public Service District

Upshur County Safe Structures and Sites Enforcement Board
April 13, 2023

Members present: Greg Harris, Chris Cook, Chris Garrett
Members absent: Chris Alkire, JB Kimble
Others present: Cindy Hughes, Assistant Administrator

The meeting was called to order at 3:00 p.m. by Greg Harris.

The March 9, 2023 meeting minutes were reviewed. On Motion by Chris Cook, seconded by Chris Garrett, the meeting minutes were approved as presented.

Cindy Hughes, Assistant Administrator shared that Chris Alkire has submitted his resignation from the Board effective April 12, 2023. This will appear on the Commission Meeting Agenda for approval on April 20, 2023.

The Enforcement Board reviewed the following cases:

111022-01 (Hartzel West): This property is located at 529 Hickory Flat Road. Correspondence has been returned unopened. The Board reviewed photos taken of the property on April 12, 2023. Little improvement noted. Process of Service correspondence was accepted by the property owner. After discussion and on motion by Chris Cook, seconded by Chris Garrett, the Board approved to give a second 30-day extension to have the property brought into compliance and also approved to deliver this correspondence through Process of Service. The Board will review updated photographs at the May 11, 2023 meeting.

111022-02 (Gregory Smith): This property is located at 575 Hickory Flat Road. The property is being sold to a new owner who intends to clean and then sell the property. Photos taken April 12, 2023 revealed no changes in the property status thus far. After discussion and on motion by Chris Cook, seconded by Chris Garrett, the Board approved to give a second 30-day extension to have the property brought into compliance. The Board will review updated photographs at the May 11, 2023 meeting.

121322-01(Carl Tenney): This property is located at 10845 Old Elkins Road Ellamore, WV (Route 151). The Board discussed the status of the property since Mr. Tenney's passing. No civil actions were brought against Mr. Tenney by DEP, according to James McClain, while he was living. Investigation of the property will continue to be postponed until more information can be obtained regarding the status of the Estate. An Administratrix of the Estate has been named.

The Enforcement Board reviewed the following new cases:

041323-01 (Nolan) – This property is located on 111 Hawkins Drive. Notice of Investigation sent to owner. Photos will be taken the week of May 8, 2023 and consideration to open an investigation will be discussed after review of the photos at the May 11, 2023 meeting.

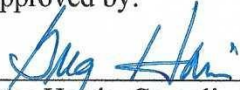
Public Comment:

None

Other Business:

The next meeting will be held on Thursday, May 11, 2023 at 3:00 p.m. in the Upshur County Commission Administrative Annex, 91 West Main Street, Suite 101, Buckhannon, WV. On motion by Greg Harris, seconded by Chris Cook, the meeting adjourned at 3:22 p.m.

Approved by:



Greg Harris, Compliance Officer

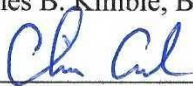
05-11-23

Date

Chris Garrett, Board Member

Date

James B. Kimble, Board Member



Chris Cook, Board Member

Date

05-11-23

Date

Nominating Committee – Upshur County Youth Camp Board April 24, 2023

Members Present: Tabatha Perry, Craig Presar, Thanna Wentz

Members Absent: Clayton Tenney

Others Present: None

The Nominating Committee meeting was called to order by Tabatha Perry at 1:00 p.m. A quorum was established. All motions passed unless otherwise stated.

While reviewing the current Nominating Committee, it was determined Debbie Dean no longer serves as representative of the 4-H Leaders Association. The Association meets at the end of April and will appoint a new representative.

Tabatha Perry provided information regarding the vacancy created by resignation of Glen Hawkins. A new member must be nominated from the 1st or 3rd District as there are already two members serving from the 2nd District. Per House Bill No. 144, Chapter 115, not more than two members may be appointed to serve from each Magisterial District. To date, no letters of interest have been received.

The Nominating Committee reviewed the current Youth Camp Board members and noted that both Debbie Hull and Virginia Burnside-Croaff had been reappointed by the County Commission.

Tabatha Perry will schedule a future meeting once letter(s) of interest have been received for consideration.

The meeting adjourned at 1:15 p.m.

Nominating Committee – Upshur County Youth Camp Board May 15, 2023

Members Present: Tabatha Perry, Craig Presar, Thanna Wentz, Clayton Tenney, Cindy Gay

Members Absent: None

Others Present: None

The Nominating Committee meeting was called to order by Tabatha Perry at 10:00 a.m. A quorum was established. All motions passed unless otherwise stated.

Tabatha Perry provided information regarding the vacancy created by resignation of Glen Hawkins. A new member must be nominated from the 1st or 3rd District as there are already two members serving from the 2nd District. Per House Bill No. 144, Chapter 115, not more than two members may be appointed to serve from each Magisterial District. Two letters of interest have been received by Greenbrier Almond within the 1st district and Beatrice Burnside within the 3rd district. On motion by Tabatha Perry, seconded by Thanna Wentz the Nominating Committee moved to recommend Ms. Burnside's nomination to the Youth Camp Board to the Upshur County Commission.

The Nominating Committee reviewed the current Youth Camp Board members and noted that both Debbie Hull and Virginia Burnside-Croaff had been reappointed by the County Commission and that the next board expiration would be Beatrice Burnside in 2025.

Tabatha Perry will send a letter of nomination for Beatrice Burnside to the County Commission for final approval. Upon approval, correspondence will be sent to Ms. Burnside and the Youth Camp Board.

The meeting adjourned at 10:10 a.m.