

## Upshur County Commission Meeting Agenda

- 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: June 3, 2021
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:
- May 20, 2021
  - May 27, 2021
- 9:15 a.m. Fred Brooks Garden Club – Presentation of National Garden Club Week (June 6th - June 12th) Proclamation
- 9:30 a.m. Mel Stemple, UCDA Assistant Director - Request Signature of Resolution for FY 22 Industrial Access Road (IAR) Grant Funds Page 4
- 9:45 a.m. Dr. Sara Stankus, Superintendent of Upshur County Schools – Provide overview of Upshur County Board of Education summer feeding program
- 10:00 a.m. Discuss potential property acquisition  
*Item may lead to Executive Session per WV Code §6-9A-4*

### Items for Discussion / Action / Approval:

1. Approval and signature of a Memorandum of Agreement between the Upshur County Board of Education and First Responders with Access to Confidential Student Information. This agreement will be effective immediately and terminate on June 3, 2022. \* Page 5-6
2. Approval and signature of Release of Judgment against Richadeen Gardner (Case Number 010920-01). \*
3. Approval of resignation of Buckhannon-Upshur Recreational Park employee. \* Page 7  
*Item may lead to Executive Session per WV Code §6-9A-4 (A)* Under separate cover
4. Approval of employment of additional Buckhannon-Upshur Recreational Park Staff, effective June 6, 2021. \*  
*Item may lead to Executive Session per WV Code §6-9A-4 (A)* Under separate cover
5. Consider Resignation of Employee \* Under separate cover  
*Item may lead to Executive Session per WV Code*
6. 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

**For Your Information:**

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

1. Correspondence from Upshur Property LLC enclosing the legal advertisement for Upshur Property LLC, Permit No. P-698 Increment No. 1, in compliance with the surface mining laws of WV. The site is located in Washington District, 3.5 miles southeast of Tallmansville and discharges into Tenmile Creek of the Tygart Valley River. Page 8-10
  
2. Public Service Commission of West Virginia Commission Order increasing the wireless enhanced 911 fee from \$3.47 to \$3.51 per month, per subscriber, effective July 1, 2021 and shall be billed separately from the wireless tower fee of \$0.08, the public safety fee increment for the WV State Police of \$0.10 and the public safety fee increment for the Division of Homeland Security and Emergency Management of \$0.19 each month. Page 11-17
  
3. Lewis-Upshur Animal Control Facility Reports for the month of April, 2021 Page 18-22
  - Adoption Financial Transactions
  - Cat Report
  - Animal Report
  - Animal Control/Humane Officer Animal Report
  
4. Public Notices:
  - a) Newsletters and/or Event Notifications:
  
  - b) Agendas and/or Notice of Meetings:
 

• Elkins Road PSD	June 1, 2021	<u>Page 23</u>
• City Council of Buckhannon	June 3, 2021	<u>Page 24</u>
  
  - c) Meeting Minutes:
 

• Upshur County Youth Camp	April 6, 2021	<u>Page 25-26</u>
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  - d) Meetings:
 

• 06/01/21 5:00 p.m.	Elkins Road PSD
• 06/01/21 4:00 p.m.	Hodgesville PSD
• 06/03/21 7:00 p.m.	Banks District VFD
• 06/17/21 7:00 p.m.	City Council of Buckhannon
• 06/03/21 7:00 p.m.	Selbyville VFD
• 06/14/21 12:00 p.m.	Upshur County Family Resource Network
• 06/14/21 4:30 p.m.	Upshur County Solid Waste Authority
• 06/14/21 5:30 p.m.	Buckhannon-Upshur Recreational Park Advisory Board
• 07/12/21 6:00 p.m.	Lewis-Upshur Community Corrections Board – Upshur Co.
• 06/08/21 7:30 p.m.	Adrian VFD
• 07/01/21 6:00 p.m.	Buckhannon-Upshur Board of Health
• 06/16/21 7:00 a.m.	Upshur County Development Authority –Executive Board
• 06/09/21 12:00 p.m.	Upshur County Senior Center Board
• 06/09/21 3:00 p.m.	Upshur County Conventions & Visitors Bureau
• 06/08/21 7:00 p.m.	Warren District VFD
• 06/03/21 3:00 p.m.	Adrian PSD

- 06/09/21 3:00 p.m. Tennerton PSD
- 06/10/21 3:00 p.m. Upshur County Safe Sites & Structures Enforcement Board
- 06/10/21 7:30 p.m. Buckhannon VFD
- 06/08/21 4:00 p.m. Buckhannon Upshur Airport Authority
- 06/17/21 6:30 p.m. Upshur County Youth Camp Board
- 06/13/21 6:00 p.m. Washington District VFD
- 06/21/21 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 06/16/21 4:00 p.m. Upshur County Public Library Board
- 06/18/21 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development Council
- 06/22/21 6:30 p.m. Upshur County Fire Board, Inc.
- 06/22/21 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 06/09/21 7:00 p.m. Ellamore VFD
- 06/16/21 12:00 p.m. Lewis Upshur LEPC
- 06/09/21 1:15 p.m. Upshur County Farmland Protection Board
- 06/28/21 7:00 p.m. Upshur County Fire Fighters Association
- 06/09/21 6:00 p.m. Buckhannon River Watershed Association - Farm Bureau
- 05/26/21 10:00 a.m. James W. Curry Advisory Board
- 06/28/21 10:00 a.m. Mountain CAP of WV, Inc., a CDC

#### 5. Appointments Needed or Upcoming:

- Buckhannon-Upshur Airport Authority (unexpired term -- 6/30/2021) – City Representative
- Upshur County CVB Board of Directors (7/1/2021-6/30/2024) – Commission Tourism Representative
- Upshur County Fire Board (7/1/2021-6/30/2024) – Fire Association Representative

*\*\*\*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 [trperry@upshurcounty.org](mailto:trperry@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. \*\*\**

#### Tabled Items

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

Next Regular Meeting of the Upshur County Commission  
June 10, 2021 --- 9:00 a.m.  
Upshur County Courthouse Annex

## RESOLUTION

A resolution of support for an application by the Upshur County Development Authority for an amount not to exceed \$400,000.00 in program FY 2022 Industrial Access Road funding through the West Virginia Development Office and West Virginia Department of Transportation.

WHEREAS, the Upshur County Commission accepts the ultimate responsibility for economic development activities in Upshur County, West Virginia, and

WHEREAS, the Commission is aware of the need to support the Upshur County Development Authority to develop new and expanding business in Upshur County, West Virginia, and

WHEREAS, the Commission is aware of the Upshur County Development Authority's interest and intention to submit an Industrial Access Road grant application in an amount not to exceed \$400,000.00 to construct an industrial access road to serve a business expansion project along Brushy Fork Road.

NOW THEREFORE, BE IT RESOLVED, that the Upshur County Commission does hereby support the development and submission of a program FY 2022 Industrial Access Road grant application in an amount not to exceed \$400,000.00 through the West Virginia Development Office and the West Virginia Department of Transportation.

BE IT FURTHER RESOLVED, that the funding, if awarded, be used to construct a new industrial access road to serve an industry expansion project in Upshur County.

The foregoing Resolution was duly passed and adopted by the Upshur County Commission at its regular meeting on the \_\_\_\_ day of June 2021.

***SIGNED:***

***ATTEST:***

\_\_\_\_\_  
Terry Cutright, Commissioner

\_\_\_\_\_  
Sam Nolte, Commissioner

\_\_\_\_\_  
Carol Smith, County Clerk

\_\_\_\_\_  
Kristie Tenney, President

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE UPSHUR COUNTY BOARD OF EDUCATION  
AND  
FIRST RESPONDERS WITH ACCESS TO CONFIDENTIAL STUDENT INFORMATION**

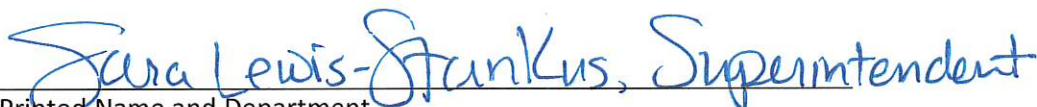
1. The Purpose of this agreement is to define the legal duties and requirements of first responders with respect to confidential student data. First responders are vital, critical, and dedicated individuals to protecting health and safety.
2. First responders are identified as those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence and environment including 911 dispatch operators, emergency medical personnel, those defined as emergency responders by the Homeland Security Act of 2002 which includes federal, state and local emergency, public safety, law enforcement, emergency response, emergency medical and related personnel, as well as public health, clinical care, public works and other support personnel which provide immediate support services during prevention, response, and recovery operations.
3. This Agreement is made by and between the Upshur County Board of Education ("District") and any person who would be defined as a first responder.
4. The terms of this Agreement shall commence on the \_\_\_\_ day of \_\_\_\_, 2020 and end on the \_\_\_\_ day of \_\_\_\_ 2021. This Agreement may be terminated without cause by either party hereto upon thirty (30) days written notice. This Agreement shall be automatically renewed unless terminated by one of the parties.
5. The District recognizes that in the event of an emergency incident it may be necessary for persons identified as first responders to access the Upshur County security system and cameras for purposes of responding and managing the emergency incident.
6. The District expects and all first responders agree that access to the Upshur County security system and cameras will only occur in the event of an emergency incident or during scheduled training events.
7. The District will monitor access to the cameras to identify possible breaches of the security system and camera access.
8. For purposes of the Family Educational Rights and Privacy Act ("FERPA"), first responders will be identified as appropriate parties and the District will grant temporary access limited to the time period of the emergency. Any first responder accessing the Upshur County security and camera system in an emergency response shall comply with the provisions and regulations of FERPA in all respects. Nothing in this Agreement may be construed to allow either party to maintain, use, disclose or share personally identifiable student information in a manner not allowed by state or federal law.
9. "Disclose" or "disclosure" means to permit access to or the release, transfer, or other communication of Confidential Information contained in education records by any means, including

oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

10. District may disclose necessary Confidential Information to first responders for the purpose of carrying out the terms of this agreement and the first responders having access to information shall maintain the confidentiality of that information.
11. First responders shall not: (i) disclose any Confidential Information to any unauthorized third party; (ii) make any use of Confidential Information except to perform its obligations under this Agreement; or (iii) make Confidential Information available to any of its employees, officers or agents under its direct supervision except those individuals authorized to use the information to manage or respond to an emergency incident.
12. All employees, officers, and agents identified as possible first responders with access to the security and camera system and the confidential Information possibly obtained from that access, must acknowledge that they are aware of and will abide by provisions of this Agreement by executing the Statement of Confidentiality and Nondisclosure at the end of this Agreement
13. This Agreement shall be governed by and construed in accordance with the laws of West Virginia.
14. In witness hereto the parties signify their agreement by signature below:

Signature

Date

  
Sara Lewis-Stankus, Superintendent

Printed Name and Department

  
Signature, Authorized Representative  
Upshur County Schools

5-20-2021  
Date

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

**RELEASE OF JUDGMENT**  
**Case Number: 010920-01 (Gardner/Phillips)**  
**Property in Warren Tax District – Tax Map 8D – Parcel Number 12,13,14**  
**Deed Book 576 Page 686**

I, Kristie G. Tenney, Upshur County Commission President hereby release judgment rendered by the Upshur County Commission on December 3, 2020 against Richadeen Gardner, effective May 13, 2021, in the case referenced above, in the amount of \$4,950 from the date of judgment.

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Kristie G. Tenney  
President, Upshur County Commission  
June 3, 2021

State of WV  
County of Upshur

The foregoing Judgment was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by Kristie G. Tenney.

My commission expires: \_\_\_\_\_.

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Notary Public



# UPSHUR PROPERTY LLC

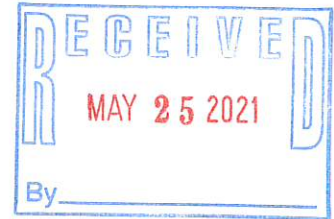
100 TYGART DRIVE • GRAFTON, WV 26354 • (304) 265-9700

A Subsidiary of  
**ARCH**  
RESOURCES

May 19, 2021

**CERTIFIED MAIL No. 7020 1290 0001 2014 0939**  
**Return Receipt Requested**

Upshur County Commission  
38 W. Main Street, Suite 302  
Buckhannon, WV 26201




To Whom it May Concern:

In compliance with the surface mining laws of West Virginia, enclosed please find a copy of a Legal Advertisement for Upshur Property LLC, Permit No. P-698 Increment No. 1 to be placed in the local newspaper in conjunction with applying to the West Virginia Department of Environmental Protection for a Phase 1, 2 and 3 release. This site is located in Washington District of Upshur County, 3.5 miles southeast of Tallmansville and discharges into Tenmile Creek of the Tygart Valley River.

Current laws and regulations require that local agencies be notified of this release.

**Upshur Property LLC**



	<b>Applicant: UPSHUR PROPERTY LLC</b>	<b>Type: Incremental Phase 3</b>
	<b>Reference ID: P-698 INC. 1 Phase 1.2.3 Release</b>	<b>Release</b>
	<b>(10/13/2020)</b>	<b>Permit ID: P069800</b>
	<b>Status: New</b>	<b>Printed: May. 18, 2021 12:41 PM</b>

**MR-7-AD: Advertisement**

INSTRUCTIONS	
This advertisement is for an application for a release of an Article 3 permit.  Initial Date of Publication: <u>Thursday May 20, 2021</u>	Ad will be published once a week for four successive weeks with six full days between publication. <b>Advertisement must include a location map.</b>  Final Date of Publication: <u>June 10, 2021</u>

ADVERTISEMENT	
Notice is hereby given that <u>UPSHUR PROPERTY LLC, 100 TYGART DR, GRAFTON, WV 26354</u> has submitted an application with the Department of Environmental Protection (DEP), for a Phase <u>1, 2 and 3</u> release on Permit Number <u>P069800</u> Increment Number <u>1</u> issued for <u>11.5</u> acres.	
The permit is located in <u>WASHINGTON</u> County, <u>3.5</u> miles <u>southeast</u> (Direction) of <u>TALLMANSVILLE</u> (Nearest PO) on <u>N/A</u>	District of <u>Upshur</u>
<u>Tenmile Creek</u>	(Primary Receiving Stream) of
<u>Tygart Valley River</u>	(Secondary Receiving Stream) of (Major Drainage Basin).
<u>UPSHUR PROPERTY LLC</u> completed final reclamation on <u>5/24/2019</u> (Date) and is requesting release of <u>0</u> percent of the reclamation performance bond currently in the amount of \$ <u>\$60,000.00</u> .	
Written comments will be received at the DEP address above until <u>July 10, 2021</u> , or thirty (30) days from date of <b>final publication</b> .	

### GENERAL LOCATION MAP

#### UPSHUR PROPERTY LLC

245 Enoxy Blvd., Tallmansville, WV 26237

PERMIT NO.: P-698 NPDES NO.: WV0050717

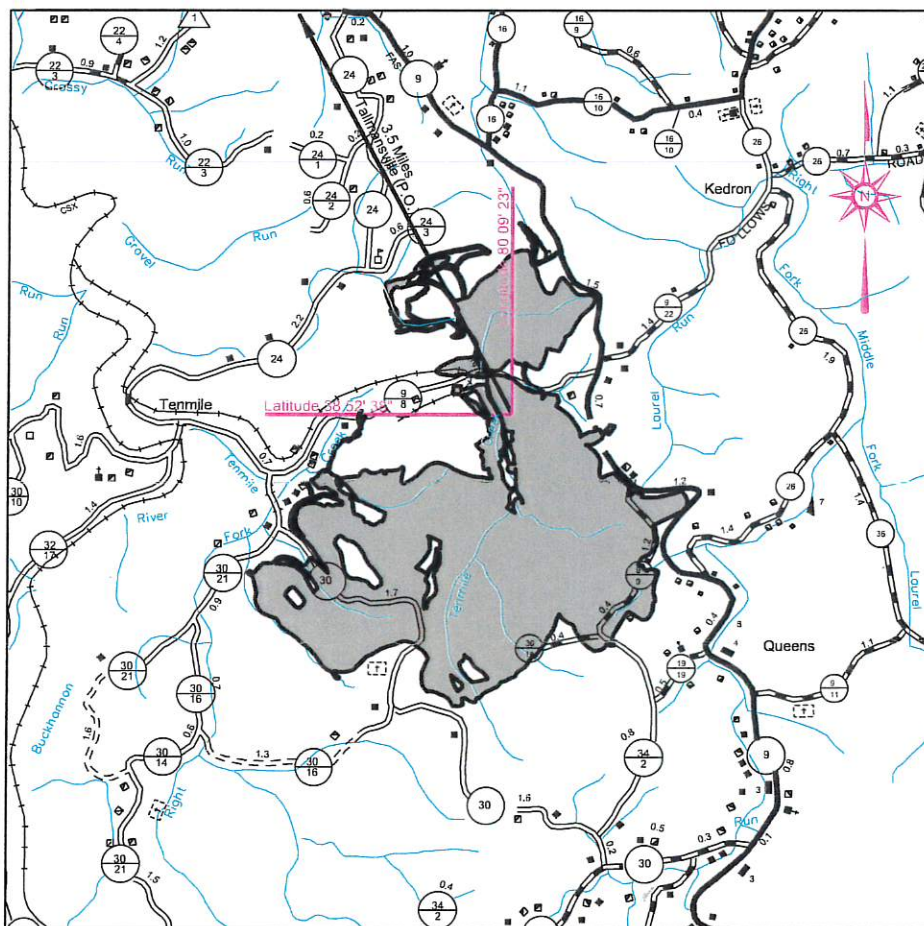
Upshur County Highway Map

See USGS - Topo Map (7.5' Series) Scale 1" = 1 Mile

Buckhannon/Alton Quadrangles, Washington District, Upshur County

Nearest Post Office - Tallmansville, WV

Receiving Streams: An Unnamed Tributary of Right Fork of Tenmile Creek and Tenmile Creek and Laurel Run of the Buckhannon River and Unnamed Tributaries of Right Fork Middle Fork River and Laurel Run of the Middle Fork River of the Tygart Valley River.



Wyoming County Commission  
Wyoming County Courthouse  
PO Drawer 309  
Pineville, WV 24874

RE: General Order No. 187.58  
In the matter of wireless enhanced 911 fees

Ladies/Gentlemen:

Enclosed is a copy of a Commission order issued today in the above-styled proceeding. **All other parties of record have provided an email address.**

If you have provided an email address you will automatically receive notifications as documents are filed in this proceeding. The email notifications allow recipients to view a document within an hour from the time the filing is processed. If you have not provided your email address, please send an email to [caseinfo@psc.state.wv.us](mailto:caseinfo@psc.state.wv.us) and state the case number in the email subject field.

**PLEASE NOTE:** The Public Service Commission has adjusted its filing procedures during COVID-19 Pandemic: All public utilities and parties to Commission cases are to follow the directives in General Order 262.3, issued April 7, 2020. Filings of 30 pages or less should be filed in formal cases via email sent to [caseinfo@psc.state.wv.us](mailto:caseinfo@psc.state.wv.us). All filings over 30 pages should be sent by U.S. Postal Service or other commercial courier services, whenever possible. Individuals who are unable to file via email may file via fax or file paper copies. The Commission will continue to receive hand-delivered filings prior to 3:30 p.m. if at all possible.

Sincerely,

Connie Graley  
Executive Secretary

CG/jn  
Enc.

**PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 28th day of May 2021.

GENERAL ORDER NO. 187.58

In the matter of wireless enhanced 911 fees.

**COMMISSION ORDER**

As directed by statute, the Public Service Commission conducted a survey of the enhanced 911 fees imposed by counties, recalculated the wireless enhanced 911 fee and will increase the wireless enhanced 911 fee from \$3.47 to \$3.51 per month, per subscriber. Beginning July 1, 2021, and each month thereafter, commercial mobile radio service (CMRS) providers will collect a \$3.51 wireless enhanced 911 fee, an \$0.08 wireless tower fee and a \$0.29 public safety fee (comprised of ten cents for West Virginia State Police (State Police) and nineteen cents for the Division of Homeland Security and Emergency Management (Homeland Security)) from each service subscriber.

**BACKGROUND**

County Commissions derive revenues to operate enhanced emergency telephone systems from two different sources, the first being that County Commissions are authorized by statute to impose a fee (Enhanced 911 Fee) on consumers of local exchange service as well as voice over internet protocol (VoIP) service within their respective counties. W.Va. Code §7-1-3cc. This fee is placed on the bills of the telephone providers and the monies received by the providers are distributed directly to the County Commissions. Other than establishing rules, as directed by the Legislature, for the payment and collection of VoIP fees, the Commission has no role in the establishment, administration, or collection of these fees. Rules Governing Emergency Telephone Service, 150 C.S.R. 25, (Emergency Telephone Rules).

The second source of emergency telephone system revenue for County Commissions comes from a wireless enhanced 911 fee (Wireless Enhanced 911 Fee) pursuant to W.Va. Code §24-6-6b(b). In March 2020, the West Virginia Legislature amended and reenacted W.Va. Code §24-6-6b. Senate Bill 579 (2020 Regular Session). Most notably the Legislature adjusted the Wireless Enhanced 911 Fee by removing the public safety and wireless tower fees to ensure that monies from each fee type are properly segregated and only used for purposes authorized under the statute. W.Va. Code §24-6-6b(a). As a result, the Wireless Enhanced 911 Fee was adjusted from \$3.83 to \$3.47 and the \$0.08 wireless tower fee and \$0.29 public safety fee (comprised of ten



cents for State Police and nineteen cents for Homeland Security) were separately identified. Also, the statute increased the minimum Wireless Enhanced 911 Fee from \$3.00 to \$3.47 per month for each valid retail CMRS subscription. W.Va. Code §24-6-6b(b), (d) and (e).

On June 5, 2020, the Commission adjusted the amount of the Wireless Enhanced 911 Fee and directed all CMRS providers to itemize the Wireless Enhanced 911 Fee, wireless tower fee and the increments of the public safety fee for State Police and Homeland Security on monthly billing statements and separately collect each fee pursuant to W.Va. Code §24-6-6b, as amended. General Order No. 187.55, In the matter of Emergency Telephone Rules to provide guidance regarding E-911 fee billing requirements (Jun. 5, 2020). The CMRS providers retain a three percent billing fee from the sum total of the fees collected and then remit the balance to the Commission. W.Va. Code §24-6-6b(a).

The Commission retains none of the fees and distributes the monies received according to instructions contained in statute. Specifically, on a monthly basis, the Commission

- Deposits the eight cent wireless tower fee collected per subscriber to a fund administered by the Commission entitled, the Wireless Tower Access Fund, to subsidize the construction of wireless towers;
- Distributes ten cents of the public safety fee amount collected per subscriber to the State Police for equipment upgrades to improve and integrate their communication efforts with those of the enhanced 911 systems;
- Deposits nineteen cents of the public safety fee amount collected per subscriber to a special fund established by Homeland Security solely for the construction, maintenance and upgrade of the West Virginia Interoperable Radio Project; and
- Distributes the remainder of the money to the counties according to the formula set forth in W.Va. Code §24-6-6b(c).

W.Va. Code §24-6-6b(c), (d) and (e).

W.Va. Code §24-6-6b(b) provides that,

Beginning in the year 2021, and every two years thereafter, the Public Service Commission shall conduct a survey of the enhanced 911 fees imposed by counties and shall recalculate the Wireless Enhanced 911 Fee so that increases or decreases by the same percentage as the change in the

weighted average rounded to the nearest penny, as of March 1 of the respecification year, of all the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance: Provided, That the Wireless Enhanced 911 Fee may never be increased by more than 25 percent of its value at the beginning of the respecification year: Provided, however, That the fee may never be less than the amount set in subsection (b) of this section.

Thus, if the weighted average of the Enhanced 911 Fees changes, the Commission must adjust the Wireless Enhanced 911 Fee by the increase or decrease in the weighted average of the Enhanced 911 Fees, but can never increase the Wireless Enhanced 911 Fee more than twenty-five percent of the Wireless Enhanced 911 Fee at the beginning of the respecification year and can never reduce the Wireless Enhanced 911 Fee below \$3.47.

Commission Staff has periodically calculated the weighted average of Enhanced 911 Fees imposed by the County Commissions during the respecification years, which are the odd years. Recent weighted average Enhanced 911 Fees in odd years were \$2.38 (2011), \$2.30 (2013), \$2.63 (2015), \$3.34 (2017) and \$3.86 (2019). Staff also determined that the weighted average statewide Enhanced 911 Fee in 2020, when the \$3.47 statutory Wireless Enhanced 911 Fee was established, was \$3.93. The 2021 data submitted to Staff from the providers of landline service and VoIP service show the number of subscribers per county and the Enhanced 911 Fee imposed by each County Commission. As of March 1, 2021, Staff calculated a weighted average statewide Enhanced 911 Fee of \$3.98, an increase of 1.27% since the \$3.47 was established by statute.

Emergency Telephone Rule 11.1 provides that if it is necessary for the Commission to recalculate the Wireless Enhanced 911 Fee, the new rate takes effect July 1 of the respecification year.

As previously stated, the statute directs the Commission to recalculate the fee by the percentage change in the weighted average of the statewide Enhanced 911 Fees. Based on the data collected by Staff, the 1.3% increase should be applied to \$3.47 Wireless Enhanced 911 Fee currently in effect and not to the wireless tower fee, or to the State Police and Homeland Security increments of the public safety fee.

Accordingly, effective July 1, 2021, under the provisions of W.Va. Code §24-6-6b(b), the Commission is required to establish a Wireless Enhanced 911 Fee of \$3.51 per month.

### FINDINGS OF FACT

1. The Enhanced 911 Fees imposed by the County Commissions are authorized by W.Va. Code §7-1-3cc.
2. The Wireless Enhanced 911 Fees collected by CMRS providers are authorized by W.Va. Code §24-6-6b.
3. Staff calculates the weighted average of Enhanced 911 Fees during the respecification years, which are the odd years.
4. The landline and VoIP service data showing the number of subscribers per county and Enhanced 911 Fees result in a weighted average statewide Enhanced 911 Fee of \$3.98 as of March 1, 2021, which is an increase of 1.27% over the statewide weighted average Enhanced 911 Fee in 2020 when the Legislature established the Wireless Enhanced 911 Fee at established by law at \$3.47.

### CONCLUSIONS OF LAW

1. W.Va. Code §24-6-6b(b) provides that,

The wireless enhanced 911 fee is \$3.47 per month for each valid in-state two-way service subscriber . . . Beginning in the year 2021, and every two years thereafter, the Public Service Commission shall conduct a survey of the enhanced 911 fees imposed by counties and shall recalculate the wireless enhanced 911 fee so that increases or decreases by the same percentage as the change in the weighted average rounded to the nearest penny, as of March 1 of the respecification year, of all the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance: Provided, That the wireless enhanced 911 fee may never be increased by more than 25 percent of its value at the beginning of the respecification year: Provided, however, That the fee may never be less than the amount set in subsection (b) of this section.

2. Because the weighted average of the 2021 Enhanced 911 Fees have increased by 1.27% since the Legislature established the statutory minimum \$3.47 per month Wireless Enhanced 911 Fee, the Commission must increase the Wireless Enhanced 911 Fee from \$3.47 to \$3.51 per subscriber, per month, effective July 1, 2021. W.Va. Code §24-6-6b(b).

3. When it is necessary for the Commission to respecify the Wireless Enhanced 911 Fee, that fee takes effect July 1 of the respecification year. Emergency Telephone Rule 11.1.



**ORDER**

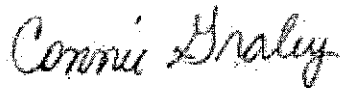
IT IS THEREFORE ORDERED that the Wireless Enhanced 911 Fee is \$3.51 per month, per subscriber, to become effective July 1, 2021, and shall be billed separately from the wireless tower fee of \$0.08, the public safety fee increment for the West Virginia State Police of \$0.10 and the public safety fee increment for the Division of Homeland Security and Emergency Management of \$0.19 each month.

IT IS FURTHER ORDERED that beginning July 1, 2021, CMRS providers should remit the PSC WV Form No. WLF-1, entitled Public Service Commission of West Virginia Wireless E-911 Subscriber Fee Report, attached to this Order as Attachment A to the Commission with the Wireless Enhanced 911 Fees, wireless tower fees and public safety fee increments.

IT IS FURTHER ORDERED that on entry of this Order, this case shall be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on each County Commission and each provider of commercial mobile radio service or alternatively by United States First Class Mail on each County Commission and each provider of commercial mobile radio service as needed, and on Staff by hand delivery.

A True Copy, Teste,



Connie Graley, Executive Secretary

NNT/pb  
GO 187.58c.sca.doc

**PUBLIC SERVICE COMMISSION OF WEST VIRGINIA  
WIRELESS E-911 SUBSCRIBER FEE REPORT**

**MONTH OF** \_\_\_\_\_

Must remit to the WVPSC no later than the 17th of the  
month or the first business day thereafter.

**FEIN** \_\_\_\_\_

**COMPANY NAME** \_\_\_\_\_

**DBA (IF APPLICABLE)** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**CONTACT PERSON** \_\_\_\_\_ **PHONE** \_\_\_\_\_

**EMAIL ADDRESS** \_\_\_\_\_

	<b>Authorized Fee</b>	<b>Number of Fees Collected</b>	<b>Amount Collected</b>
Wireless Enhanced 911 Fee: \$	<u>3.51</u> X	_____	\$ _____
Wireless Tower Fee: \$	<u>0.08</u> X	_____	\$ _____
WV State Police Public Safety Fee: \$	<u>0.10</u> X	_____	\$ _____
Homeland Security Public Safety Fee: \$	<u>0.19</u> X	_____	\$ _____
Total Amount Collected: \$ _____			
Less 3% Administrative Fee: \$ _____			
Net Payable to PSC: \$ _____			

**MAIL PAYMENT TO:** Public Service Commission of West Virginia  
Administrative Services Division  
PO Box 812  
Charleston, WV 25323

**OR, FILE ELECTRONICALLY:** executive\_director [e911@psc.state.wv.us](mailto:e911@psc.state.wv.us)

**FAX INFO:** (304) 340-3753, ATTN: E-911 FEE REPORT

LEWIS-UPSHUR ANIMAL CONTROL FACILITY		
MONTH OF <u>April</u> 2021		
	UPSHUR	LEWIS
<b>ADOPTIONS</b>		
CASH	\$295	\$260
CHECK	\$0	\$0
E STORE CREDIT CARD	\$200	\$140
<b>SUBTOTAL</b>	<b>\$495</b>	<b>\$400</b>
<b>SPAY/NEUTER DEPOSIT</b>		
CASH	\$500	\$300
CHECK	\$0	\$0
E STORE CREDIT CARD	\$250	\$200
<b>SUBTOTAL</b>	<b>\$750</b>	<b>\$500</b>
<b>BOARD RESCUE</b>		
CASH	\$80	\$0
CHECK	\$0	\$0
E STORE CREDIT CARD	\$0	\$0
<b>SUBTOTAL</b>	<b>\$80</b>	<b>\$0</b>
<b>MICRO-CHIPPING</b>		
CASH	\$13	\$0
CHECK	\$0	\$0
E STORE CREDIT CARD	\$0	\$0
<b>SUBTOTAL</b>	<b>\$13</b>	<b>\$0</b>
<b>DONATIONS</b>		
CASH	\$0	\$0
CHECK	\$295	\$0
E STORE CREDIT CARD	\$0	\$0
<b>SUBTOTAL</b>	<b>\$295</b>	<b>\$0</b>

OTHER	\$0	\$0
TOTAL	\$1,633	\$900

EXPLANATION:

LEWIS-UPSHUR ANIMAL CONTROL FACILITY REPORT  
ACCOUNT OF CATS  
JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES  
(April) 2021

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	5	0	5
Cats brought in by Animal Control Officer	0	3	3
Cats brought in by County Residents	19	26	45
Cats brought in by Law Enforcement	0	0	0
Cats in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	2	0	2
Cats Escaped	0	0	0
Adoptions:			
With Charge	8	3	11
Without Charge	0	0	0
Rescues:			
With Charge	0	0	0
Without Charge	13	19	32
Euthanasia:			
Owner Request	0	0	0
Other	3	4	7

*Janelle L. Cochran*  
Signature

5-5-2121  
Date

**LEWIS - UPSHUR ANIMAL CONTROL FACILITY**  
**ANIMAL REPORT (May 4, 2021)**  
**ACCOUNT OF ANIMALS HOUSED AT THE LEWIS - UPSHUR ANIMAL CONTROL FACILITY**  
**FOR THE MONTH OF (April 2021)**

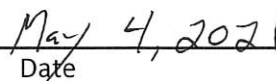
TRANSACTION	UPSHUR	LEWIS	TOTAL
Dogs brought in by Animal Control Officer	7	20	27
Other Animals brought in by Animal Control Officer	0	0	0
Dogs brought in by County Residents	2	3	5
Dogs brought in by Law Enforcement	0	0	0
Dogs in Drop Box	0	0	0
Dogs Quarantined	2	0	2
Dogs Returned to Owner	4	5	9
Dogs Escaped	0	0	0
Adoptions:			
With Charge	11	11	22
Without Charge	0	0	0
Rescues:			
With Charge	2	0	2
Without Charge	0	2	2
Euthanasia:			
Owner Request	1	1	2
Other	0	0	0
Total	29	42	71

 May 4, 2021  
 Signature Date

**Jason.Knicely, ANIMAL CONTROL / HUMANE OFFICER**  
**for the month of April 2021**

TRANSACTION	#
Animals picked up by ACO:	
Dogs	7
Other	0
Animals returned to Owner by ACO:	0
Dogs	4
Other	0
Animals Delivered to LUACF:	0
Dogs	27
Other	0
Animals Quarantined by ACO:	0
Dogs	0
Other	0
Animals Terminated:	0
Dogs	0
Other	0
Total Number of Hours Involved	80

  
 Signature

  
 Date



# ELKINS ROAD PUBLIC SERVICE DISTRICT

23

## Agenda

<b>Meeting</b>	<i>Regular Monthly Meeting</i>	<b>Start Time</b>	<i>5:00 PM</i>
<b>Date</b>	<i>Tuesday, June 1, 2021</i>	<b>Place</b>	<i>P.S.D. Office 4536 Old Elkins Rd, Buckhannon</i>

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Meeting Called to Order by Chairperson	5:00 PM
Pledge of Allegiance	
Roll Call Introduce Board of Directors	
Chair/Treasurer-Carey Wagner, Secretary-Larry Heater, Board Member-David Burr	
Introduce Office Staff - Office Manager, Carolyn Douglas; Billing Clerk - Linzy Wilson;	
System Operator-David Wamsley	
Recognize Current Customers	
Approval of Minutes - May 4, 2021 Regular Monthly Meetings	<b>Vote</b>
Treasurer Report/Payment of Bills for June/bal of May Invoices	<b>Vote</b>

### ITEMS FOR DISCUSSION

<b>Phase III Extension Project Update</b>	<b>Vote</b>
Invoice payment approval	
Progress Reports & Discussion	
Change Orders	
Project Underruns & Proposed Use	

**Maintenance Report**  
Leak Detection

**Date & Time of July 2021 Meeting - Tuesday, July 6, 2021 @ 5:00 pm**

<b>Adjournment</b>	<b>Vote</b>
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**Anyone wishing to address the Board that is not on the agenda will be addressed at the end of the meeting or as time permits in between other items on agenda. Please ask to be added so we can be sure to address you. Thank you for your patience!!!! ☺)**

**City Council of Buckhannon – 7:00 pm in Council Chambers**  
**Meeting Agenda for Thursday, June 3, 2021**

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

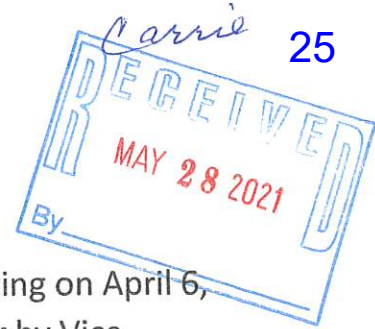
- A. A PUBLIC HEARING OF THE COUNCIL OF THE CITY OF BUCKHANNON REGARDING PROPOSED ADOPTION OF ORDINANCE NO. 451 OF THE CITY OF BUCKHANNON. AN ORDINANCE: (1) AMENDING ORDINANCES NOS. 207, 228, 342, 362 AND 392 OF THE CITY OF BUCKHANNON, AND (2) SPECIFICALLY ESTABLISHING NEW WATER RATES AND CHARGES FOR WATER DISTRIBUTION SERVICES PROVIDED BY THE WATER BOARD OF THE CITY OF BUCKHANNON**
- B. Call to Order**  
 B.1 Moment of Silence  
 B.2 Pledge to the Flag of the United States of America  
 B.3 Mayor's Greetings
- C. Recognized Guests**  
 C.1 Fred Brooks Garden Club-Bethany Post--National Garden Week Proclamation  
 C.2 Freddy Suder-15 Shawnee Drive  
 C.3 Josh Hinchman-178A Camden Avenue
- D. Department & Board Reports**  
 D.1 Public Works Director- Jerry Arnold  
 D.2 Finance Director- Amberle Jenkins  
 D.3 Fire Chief- JB Kimble  
 D.4 City Attorney- Tom O'Neill  
     • Community Bank Alley Easement
- E. Correspondence & Information**  
 E.1 Notice of Public Hearing of the City Council RE: Ordinance No. 451 New Water Rates & Charges-June 3, 2021 at 7pm  
 E.2 Letter of Intent to WVDOH RE: Transportation Alternatives Recreational Trails Grant Application- Binky Poundstone Riverwalk Trail System  
 E.3 Letter of Intent to WVDOH RE: Transportation Alternatives Grant Application -Morton Avenue & N. Locust Street Sidewalk & Lighting Project  
 E.4 Deed Property Purchase 65 East Main Street- Knights of Pythias & COB  
 E.5 Letter from UCCVB –City's Representative Appointment is Vacant  
 E.6 Request for Professional Surveying Services for City's Surveying Services Project  
 E.7 Waste, Water, Sanitary, & CPW Boards-Monthly Meeting Time Changed from 4PM to 7:30AM  
 E.8 Evolution Bar LLC-Zoning Form to WVABCA Licensing Department  
 E.9 Notice of Special Planning Commission Meeting on 06/15/21 at 7pm RE: To discuss the possible uses for the Madison Street property (former Chase Bank drive-thru)
- F. Consent Agenda**  
 F.1 Approval of Minutes-Regular meeting 05/20/2021 & Special meeting 05/17/2021  
 F.2 Approval of Building and Wiring Permits  
 F.3 Approval of Payment of the Bills  
 F.4 Approval Resignation of Shauna Jones from the Zoning Board of Appeals  
 F.5 Approval Resignation of Susan Beathe from the Charles W. Gibson Library
- G. Strategic Issues for Discussion and/or Vote**  
 G.1 Approve Ordinance No. 451 New Water Rates & Charges- 3<sup>rd</sup>/Final Reading  
 G.2 Approval Street Paving Bid Opening Results  
 G.3 Approval Agreement WVWC to Display Art at the Colonial Theatre Gallery  
 G.4 Approval to Open Checking Account at Citizens Bank for the American Rescue Plan & Approval of Mayor & Director of Finance as Authorized Signatories & using \$500.00 to open the Account  
 G.5 Approval Resolution 2021-05 Property Purchase 65 E Main Street  
 G.6 Approval Resolution 2021-06 Budget Revision #7 General Fund FY 2020/21  
 G.7 Approval City Hall Landscaping  
 G.8 Approval Recommendation Use of American Rescue Plan Funds for Water & Sanitary Projects  
 G.9 Approval of the American Rescue Plan Checklist of Agreements & Procedures
- H. Comments and Announcements**  
 H.1 Mary Albaugh  
 H.2 Pamela Bucklew  
 H.3 C J Rylands  
 H.4 David Thomas  
 H.5 Jack Reger  
 H.6 Randall Sanders
- I. Mayor's Comments and Announcements**
- J. Adjournment**

Posted 05/28/2021

Next Regular Scheduled City Council Meeting Thursday, June 17, 2021

## UPSHUR COUNTY YOUT CAMP BOARD

April 6, 2021



The Upshur County Youth Camp Board held its monthly meeting on April 6, 2021 in the WVU Extension Office. The meeting was called to order by Vice President, Craig Presar at 4:30 pm. Board members present were: Gini Croaff (virtual), Debbie Hull, Craig Presar, Thanna Wentz. President Glen Hawkins was unable to attend. Also present was Greg Woody, camp manager.

The secretary's report for the March 17, 2021 meeting was approved with the correction that Gini and Glen were not in attendance. The financial report was approved as presented. Motions to approve both reports were made by Debbie and seconded by Gini.

### Old Business:

1. Debbie told us that we will receive a copy of our budget after it has been approved during the commission meeting on April 8. The only change is that Greg received a 3% raise for the coming year. Because none of the workers worked last summer, their wages will remain the same as was allotted to them during last year's budget.
2. Gini stated that the brochure will be ready for printing by the next meeting. She asked if we wanted tri fold or four fold. Craig recommended we go with tri fold and he will check prices for printing with the college and other options.
3. Thanna wondered if it might be a good time to reconsider sale of the timber. Gini will contact Chris Cartwright to ask for his opinion on this matter.

### New Business:

1. Food prices have gone up 25% from the last camping season.

A raise in camp rates will be across the board: one rate for meals and one rate for sleeping for all campers. (Exception: 4-Hers do not pay board)

Rates for amenities are as follows:

Meals \$19.50 for 3 meals per day (\$6.50 per meal)

Small cabins \$20.00 per person

Large cabin \$100.00 (\$20.00 per person)

Dining Hall rental ~~\$200.00~~ \$100.00 *Collected 5/20/2021*

Swimming pool rental \$100.00

Pavilion rental \$35.00

Assembly Hall rental \$40.00

Debbie made a motion to approve these price changes, Gini seconded the motion. Motion Carried.

2. Bread will be delivered to the camp this summer so Greg will not have to go to Rock Cave to pick it up.
3. Tygart Valley Band has cancelled its' summer camp this year and has requested their \$500.00 deposit refunded. Greg stated that the D & E girls soccer team may be interested in that week for their camp.
4. Donnie Tenney, representing WesMonTy, has contacted Craig regarding planting hybrid chestnut trees on camp property. He has offered two trees, Craig has asked for maybe four (one for each of the tribes)

Greg's Comments:

1. Camp Consume has requested that an air conditioner be installed in the hunter's cabin for their leaders. No action was taken.

There being no further business, the meeting was adjourned at 5:45 pm. The next meeting will be held at the WVU Extension Office on May 20, 2021

Respectfully submitted,

*Theresa Wooty*