

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
Weston WV 26452
Phone:(304)269-8200
FAX: (304)269-2416
Email:lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



COMMISSIONERS:
Agnes Queen, President
Patrick Boyle, Commissioner
Rod Wyman, Commissioner

NOTE: LEWIS COUNTY OFFICES WILL BE CLOSED
MONDAY, SEPTEMBER 2, 2019
IN OBSERVANCE OF LABOR DAY

LEWIS COUNTY COMMISSION
110 CENTER AVENUE, 2ND FLOOR
WESTON, WV 26452

AGENDA
TUESDAY, SEPTEMBER 3, 2019

SILENT MEDITATION and PLEDGE OF ALLEGIANCE

1. **10:00 AM** **Call Meeting to Order**
2. **10:05 AM** **John Breen, Lewis County Assessor**
RE: Exonerations, Consolidations, Apportionments
Draft copies will be available for review on Friday, August 30, 2019
(*action required*)

APPOINTMENTS

3. **NONE**

CORRESPONDENCE

4. **Upshur County Commission Meeting Agenda:** The Thursday, August 29, 2019 Upshur County Commission Meeting Agenda is presented for review. (*information only*)
5. **Lewis/Upshur Local Emergency Planning Council Meeting Packet:** The Lewis/Upshur Local Emergency Planning Council August 21, 2019 Meeting Packet is presented for review.
(*information only*)
6. **Lewis County Park Board Statement of Revenues and Expenditures:** The Lewis County Park Board presents for review the statement of Revenues & Expenditures for January 1, 2019 to August 24, 2019. (*information only*)
7. **Correspondence from Senator Manchin Regarding the Frontier Outages in the County:** The Lewis County Commission has been in contact with Senator Manchin's office regarding the frequent and lengthy Frontier outages in the County. The Senator is contacting the Federal Communications Commission regarding this matter. (*information only*)

LEWIS COUNTY COMMISSION MEETING MANAGEMENT

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.
- At any time during the meeting the need for the County Commission to enter an executive session may be present.

**Roberts Rules of Order is utilized as a guide only.
The Commission controls meeting management, discussion and input.**

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 of Meeting: Upshur County Courthouse Annex

Date of Meeting: August 29, 2019

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance

Approval of Minutes:

- August 22, 2019

9:05 a.m. Doyle Cutright, E911 Director – Update on CAD systems installation; request for confirmation of first due fire department zones.

Items for Discussion / Action / Approval:

1. Order appointing the Sheriff of Upshur County as the Administrator for the Estate of Michael Mangan, deceased. *
2. Order appointing the Sheriff of Upshur County as the Administrator for the Estate of James W. Reed, deceased. *
3. Order appointing the Sheriff of Upshur County as the Administrator for the Estate of Barbara J. Reed, deceased. *
4. 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. Statewide Transportation Improvement Program (STIP) FFY 2016-2021 Program Amendment #28 dated August 13, 2019.
2. Correspondence from Dustin Zickefoose, Upshur County Assessor, acknowledging the outstanding job by the employees in the Assessor's office in passing all areas of the 2019 monitoring by the State Tax Department.
3. Upshur County Sheriff's Financial Statement for period ending July 2019.
4. Upshur County Mileage Reports – July 2019
 - Upshur 911
 - Maintenance

- Emergency Management
- Sheriff
- Addressing and Mapping
- Community Corrections
- Dog Pound

5. Appointments Needed or Upcoming:

- a. Buckhannon-Upshur Airport Authority (7/1/19 – 6/30/2022 City Rep.)

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)

1. Hearing upon the Petition/Complaint of the Upshur County Safe Sites and Structures Enforcement Agency -- Chapman Case Number 101118-01 (Warren Tax District – Tax Map 6B Parcel Number 11.

Next Regular Meeting of the Upshur County Commission
September 5, 2019 --- 9:00 a.m.
Upshur County Courthouse Annex

Lewis/Upshur LEPC
Meeting Agenda- Buckhannon WV.
88 Restaurant- Upstairs
88 East Main Street, Buckhannon
August 21st, 2018 – 12:00

1. Call to Order
2. Pledge of Allegiance/ Moment of silence
3. Approval of minutes of previous meeting
4. Financial Report
5. Power point presentation on LEPC
6. Chairman's comments:
 - a) Introduction of guests
7. Grant Updates:
 - a) Discussion of all grants
8. Committee reports:
 - a) Membership
 - b) By Laws
 - c) Public Education
 - d) Annual exercise planning team (HSEEP)
 - e) Hazard Assessment and Planning
9. Tier II Reports:
10. Off Site Emergency Response Plans:
11. Old Business
12. New Business
13. Membership comments
14. Public comments
15. Adjournment

Lewis-Upshur LEPC Meeting Minutes

The Meeting was called to order by B Shreves at 12:05 in Lewis County.

The Pledge of Allegiance and Moment of Silence was led by S Money Penny.

Members Present: See attached sign-in sheet.

Motion was made by G. Burr and seconded by J. Gum to approve the minutes from the previous meeting. Motion was approved.

Motion was made by J. Gum and seconded by J Taylor to approve the financial report as presented. Motion was approved.

With S. Whited not in attendance J. Gum and B Shreves signed the reimbursement check for the meal.

Chairman's Comments: The training for state emergency managers, will finish in September. The science of disasters was very interesting and the instructor was very knowledgeable, and enthusiastic.

The LEPC conference is in. in Canaan Valley the 20th-22nd of August.

Grant Updates: S. Dunbrack sent word through B. Shreves the CERT and homeland security grants are being processed; mid-August is the expected date to know results. The HMEP grant has not been released yet to be applied for.

Committee Reports:

Membership: Nothing to report

Bylaws: Nothing to report

Public Education/Information: Nothing to report

Motion to adjourn J. Gum Motion passed unanimously. Oct 16th Dec 18th
Are future Meeting dates.

<u>Voting Members</u>	<u>Organization</u>
Dirk Burnside	RACES
Gloria Burr	Upshur County EMS
James Gum	Lewis County OEM
Susan MCKisic	Upshur County Health Department
William Rowan	Lewis County E-911
Brian Shreves	Upshur County OEM
Joe Spray II	Lewis County Fire Association
James Taylor	Lewis County EMS

As per our bylaws 7 Voting Members are required to make a quorum.

LEWIS UPSHUR LOCAL EMERGENCY PLANNING COMMITTEE
JULY 2019 FINANCIAL REPORT

SERC/commission funds beginning	\$ 12,178.99
Ck 1060 7/17/19 James Gum(mtg meal)	- 55.08
	<hr/>
ending balance	\$ 12,123.91

Lewis County Board of Parks
Statement of Revenues, Expenditures - Cash Basis
For the Season January, 2019 thru August 24, 2019

	2019 This Year	2018 Last Year
Revenues		
Pool revenue	\$ 55,084.77	\$ 47,076.50
Slide revenue	14,760.00	14,169.00
Swimming passes	6,961.00	6,150.00
Swimming lessons	3,080.00	3,850.00
Pool parties	8,330.00	7,117.50
Water aerobics	1,995.00	0.00
Shelters	11,057.50	9,405.75
Snack bar	35,500.01	25,573.35
Vending machines	3,169.82	3,507.55
Golf	722.50	397.00
Camping	22,575.00	16,481.15
Chair rental	5,475.00	2,574.00
Telephone	0.00	0.50
Tennis	150.00	463.00
Swim diapers	0.00	21.90
Donations	2,100.00	0.00
Sales tax	2,300.78	2,748.67
Hotel/Motel tax receipts	111,642.27	100,061.48
Oil income	0.00	4,134.10
Interest income	403.95	160.46
Purchasing Card Vendor Rebate	319.36	108.58
	285,626.96	244,000.49
Total Revenues		

Expenditures		
Salaries, wages and benefits	160,397.81	159,514.25
Lifeguard certification	2,850.00	2,900.00
Pool operator certification	754.36	0.00
Utilities-water	11,027.61	9,248.77
Utilities-electric	13,034.88	13,528.92
Utilities-sewage	3,716.88	4,279.70
Utilities-gas	125.97	161.73
Telephone	1,241.28	1,407.46
Satellite radio service	22.83	124.40
Trash removal	3,011.50	3,122.42
Exterminating	300.00	360.00
Pool chemicals	11,330.10	9,871.92
Pool repairs	3,454.73	520.51
Equipment, capital improvement	6,529.10	13,231.49
Other repairs/maintenance	6,348.28	7,536.44
Recreational programs expense	590.00	122.70
Gasoline/diesel	80.34	765.87
Uniforms	1,301.88	661.20
Coke	4,058.62	4,614.82
Trash liners/bath tissue	4,069.82	2,338.18
Other supplies	455.11	977.48
First aid/safety supplies	161.11	834.90
Advertising	625.00	380.00
Auditing	0.00	3,672.00
Office expense	937.67	766.43
Bank charges	0.00	46.28
Postage expense	215.00	187.39
Snack bar purchases/supplies	22,289.35	10,627.93
Health/pool permits/tests	1,100.00	665.00
Sales tax	1,063.89	1,644.97

For Management Purposes Only

261,093.12

Lewis County Board of Parks
Statement of Revenues, Expenditures - Cash Basis
For the Season January, 2019 thru August 24, 2019

	<u>2019</u> <u>This Year</u>	<u>2018</u> <u>Last Year</u>
Total Expenditures	<u>(24,533.84)</u>	<u>10,112.67</u>
Excess of revenues over expenditures	<u>\$ 24,533.84</u>	<u>\$ (10,112.67)</u>

JOE MANCHIN III
WEST VIRGINIA

SUITE 306
HART BUILDING
WASHINGTON, DC 20510
(202) 224-3954

United States Senate

WASHINGTON, DC 20510-4804

COMMITTEES
APPROPRIATIONS
ARMED SERVICES
ENERGY AND NATURAL RESOURCES
VETERANS' AFFAIRS

August 23, 2019

The Honorable Agnes Queen
Commissioner
Lewis County
110 Center Avenue
Weston, West Virginia 26452-1964

Dear Honorable Queen:

Thank you for returning my authorization form regarding poor service with Frontier Communications.

I will contact the Federal Communications Commission and urge that thorough consideration be afforded to your case. My staff will contact you while your case is pending an agency response and provide a written response once received.

Serving West Virginians is an honor and my goal is for my staff to provide you the best possible customer service. The staff person who will assist you is Sylvia Asbury, who can be reached at 304-342-5855 or sylvia_asbury@manchin.senate.gov. If you are not able to reach Sylvia Asbury, please contact my Charleston office at 304-342-5855.

With warmest regards,



Joe Manchin III
United States Senator

JM/sva



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

LRH-2019-342-WFR

Issuance Date:

August 20, 2019

Stream:

Closing Date:

UT of Stonecoal Creek

September 18, 2019

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-RD-S Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

PUBLIC NOTICE FOR ADJACENT PROPERTY OWNERS

The purpose of this notice is to inform you the Huntington District, Regulatory Division has posted a Public Notice on our website for work in which you might be interested. The proposed work is described in Public Notice No. LRH-2019-342-WFR. You can access a copy of Public Notice No. LRH-2019-342-WFR at <http://www.lrh.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

If you do not have an internet access and would like to receive a copy of Public Notice No. LRH-2019-342-WFR through the U.S. Postal Service, please contact Ms. Stormie Roberts by phone at (304) 399-6976 or by mail using the mailing address listed above.

Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Ms. Sarah Workman by phone at 304-399-5710 or by email at sarah.m.workman@usace.army.mil.



Public Notices by Year

- [2019 \(35\)](#)
- [2018 \(30\)](#)
- [2017 \(53\)](#)
- [2016 \(46\)](#)
- [2015 \(27\)](#)
- [2014 \(55\)](#)
- [2013 \(40\)](#)
- [2012 \(46\)](#)

Disclaimer

The below listed documents may not be readable via Optical Character Recognition. To receive public notices via email, please send an email to LRH.Permits@usace.army.mil indicating that you would like to be placed on the public notice electronic distribution list. Your email should also include the state(s) in which you would like to receive public notices.

LRH 2019-342-WFR

Published Aug. 23, 2019 / Expiration date: 9/18/2019

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TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army (DA) Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the United States (U.S.) Army Corps of Engineers' (Corps) request to the West Virginia Department of Environmental Protection (WVDEP) to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Vecellio & Grogan, Inc.

P.O. Box 2438

Beckley, West Virginia 25802

LOCATION: The proposed project would be located in unnamed tributaries (UT) of Stonecoal Creek and their associated wetlands, near Weston, in Lewis County, West Virginia, at Latitude 39.028165 and Longitude -80.425543. The project location is shown on the attached mapping (Sheet 1 of 7).

DESCRIPTION OF PROPOSED WORK: The applicant has requested DA authorization for the proposed discharge of dredged and/or fill material into waters of the U.S. in conjunction with the construction of a spoil disposal site. The proposed soil disposal site would be used for the storage of excess spoil material generated by excavation of a proposed highway project in the vicinity. The excess soil disposal site would have the capacity to store approximately 850,000 cubic yards of material.

To construct the proposed soil disposal site, the applicant proposes to discharge a total of 3,857.09 cubic yards of permanent fill material into 174.55 linear feet (lf) of two streams and 2.20 acres (ac) of three wetlands, as described in the attached Tables 1 and 2. The applicant has also requested authorization to temporarily discharge fill material into 0.17 ac of one wetland for temporary construction access. After completion of the proposed project, all temporary material would be removed and the wetland would be restored. Plans of the proposal are attached to this notice.

ALTERNATIVES ANALYSIS: The proposed project would result in the permanent discharge of fill material into 174.55 linear feet (lf) of two streams and 2.20 ac of three wetlands. Construction of the proposal does not require access to or siting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material.

The applicant has submitted the required alternative analysis, which is currently under review. The applicant has indicated they selected the proposed project location to serve as a disposal area for excess spoil from a highway project in the vicinity. The applicant has indicated the construction sequencing of the overall roadway project reduces the available locations that can be considered for excess fill locations. A complete copy of the



US Army Corps of Engineers Huntington District

Hearing 7/01/19 @ 10:00 AM
-then Agenda @ 10:10 AM

HYMES AND COONTS, P.L.L.C.

ATTORNEYS AT LAW
23 W. MAIN STREET
P.O. BOX 310
BUCKHANNON, WV 26201-0310

Terry D. Reed

Mark H. Reed

Gilbert T. Gray Coonts
(1919-1999)

Myron B. Hymes
(1897-1988)

Telephone (304) 472-1565

Telecopier (304)472-1615

E-Mail: hymco@hymesandcoonts.com

August 23, 2019

RE: West Virginia State Code Section 7-1-3h

Dear Lewis County Commissioners,

After viewing West Virginia State Code Section 7-1-3h I am submitting on behalf of my clients Richard Hicks and Brenda Hicks this application and request that the Lewis County Commission close one unused paper alley shown on the attached plat of survey as being the alley that separates Lot 52, 65, 66 and 67 from Lot 58, 57, 56, 55, 54 and 53. There is only one other land owner that is in entitled to notice and that is Sarah Butcher whose mailing address is 206 Court Street Jane Lew, WV 26378. There are two creditors that are entitled to notice and that is Quicken Loans, Inc. 1050 Woodward Ave. Detroit, MI 48226-1906 and Stonewall Jackson Memorial Hospital PO Box 4669 Bridgeport, WV 26330. Please contact me if you require additional information or have any questions at 304-472-1565.

Sincerely,


Mark H. Reed

MHR:tc

WEST VIRGINIA CODE

☰ MENU

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

All Articles

Article 2

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3h. Authority and procedure for closing unused roads, streets and travel ways; notice and hearing; circuit court review.

The county court of any county, upon the verified application of any landowner whose land abuts on any unused road, street, or other travel way designated on any map or plat of a subdivision of land or otherwise within such county but outside of incorporated towns or cities thereof, is hereby authorized to close and vacate any part or all of any such unused road, street or other designated travel way by order entered of record after hearing as hereinafter provided. Before acting to close and vacate any such road, street or travel way, the county court shall consider the application and shall fix a time and place for hearing on such application. Such hearing shall be held not less than fifteen days after the hearing date and place have been so fixed. The applicant shall cause notice of the time and place of such hearing and the purpose thereof to be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county. The notice shall be published at least fifteen days before such hearing. The applicant shall also cause to be served, at least fifteen days before such hearing, in the manner provided by law for the service of notices and process, a notice showing the time, place and purpose of such hearing, upon every owner of property, and every person holding a lien thereon, abutting on such unused road, street or other travel way. The affidavit of publication of such notice shall be filed with the county court at or before the hearing as a part of the record in the proceedings.

At the time and place fixed for the hearing, the county court shall hear any evidence relating to the use of and rights or claims in or to any such road, street or other designated travel way sought to be closed and vacated. If the county court concludes and finds upon the record and evidence in the proceedings that the use and rights of no person or persons in such road, street or other travel way will be impaired or lost by the closing and vacation thereof, the county court shall proceed to enter an order closing and vacating such road, street or other travel way and shall cause a copy of said order to be prepared and certified for entry of record in the office of the clerk of such county court. The applicant shall pay the recording fee thereon.

Any person aggrieved by the action of the county court in any such case may seek review thereof in the circuit court of the county as provided in article three of chapter fifty-eight of this code.

Previous [§7-1-3gg. Lease agreements for equipment or materials with option to cancel or renew.](#)

§7-1-3h. Authority and procedure for closing unused roads, streets and travel ways; notice and hearing; circuit court review.

Next [§7-1-3hh. Authority to lease, sell or dispose of county property to the state, federal government or an instrumentality thereof.](#)