The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, December 03, 2009 at 9:00 a.m. Donnie R. Tenney called the meeting to order. There were present Donnie R. Tenney, Commissioner; Eugene C. Suder, Commissioner; Creed G. Pletcher, Commissioner; William A. Parker, Administrator and Terri Jo Bennett, Administrative Assistant. The meeting began with a moment of silent meditation and prayer, followed by the Pledge of Allegiance. All motions passed unanimously unless otherwise stated.

After reading of the minutes, on motion by Eugene C. Suder, seconded by Creed G. Pletcher, the Commission approved the regular meeting minutes of November 19, 2009 as submitted.

Jeff Barksdale, representative of Dawson Geophysical Company, appeared before the Commission to request a Seismic Permit for access across a portion of the Upshur County Recreation Park property. The Commission will follow up with Prosecuting Attorney, Jacob Reger and will review the Park property. The item will be placed on next week’s agenda for further discussion. (copy included)

After review by William A. Parker, on motion by Creed G. Pletcher, seconded by Eugene C. Suder, the Commission approved and authorized the Commission to sign the letter of response concerning the removal of the Fiduciary Commissioner. (Amendment to Order) for the Estate of Clyde Harper, deceased. (copy included)

After review by Donnie R. Tenney, on motion by Eugene C. Suder, seconded by Creed G. Pletcher, the Commission approved granting an additional half day off for Upshur County employees on December 24th as declared by Governor Manchin.

The Commission received the following information: (copies included)

1. Correspondence concerning “Land Use Master Plan Workshop” on December 9th in regards to surface mining operations. William A. Parker will follow up with Stephen Foster to register for attendance.

2. Building Permits-November 2009
3. Agendas and/or Notice of Meetings: None
4. Meeting Minutes and/or Financial reports:
5. Meetings:
   - 12/01/09-6:00 p.m.-Elkins Road Public Service District
   - 12/01/09-7:00 p.m.-Hodgesville Public Service District
   - 12/08/09-7:00 a.m.-Buckhannon Upshur Airport Authority
   - 12/08/09-6:00 p.m.-Region VII Planning & Development Council
   - 12/09/09-7:00 a.m.-Upshur County Development Authority – Exec. Board
   - 12/09/09-7:00 p.m.-Upshur County Litter Control Committee
   - 12/10/09-1:00 p.m.-Adrian Public Service District
William A. Parker reviewed an invitation from Weatherford Fracturing Services to attend a dedication ceremony of their new regional location on December 17, 2009 at 11:00 a.m. (copy included)

William A. Parker reviewed the Board of Review and Equalization process and provided a handout of a Supreme Court of Appeals case. (copy included)

The Commission recessed at 9:50 a.m.

The Commission reconvened at 10:05 a.m.

Jerry Rice, Rice Enterprises appeared before the Commission for a review of the “Agreement Between Owner and Contractor On the Basis of A Stipulated Price”
for the HVAC project at the Upshur County Public Library. Mr. Rice expressed concerns with the agreement. William A. Parker will follow up. (copy included)

Tim Higgins, Upshur County resident, appeared before the Commission and provided an update/status report on PATH and follow up on his request for the funding of “Expert Witness Fees” for Larry McDaniel, Certified Professional Appraiser, for testimony associated with the PATH project which he presented at the November 12 Commission meeting. (copy included) No action was taken on the request. The Commission will review the request with Jacob Reger, Prosecuting Attorney and with neighboring counties.

After discussion, on motion by Eugene C. Suder, seconded by Creed G. Pletcher, the Commission approved and authorized the President to sign the “Agreement Between Owner and Contractor…” for the Upshur County Public Library HVAC Project. (copy included)

The Commission approved all invoices for payment. (copy included)

The Commission approved the following purchase orders:

- Dayton Legal Blank-#20101154-$250.00
- Quill Corporation-#20101155-$1,000.00
- Southern States Coop, Inc.-#20101156-$100.00
- Grainger, Inc.-#20101157-$500.00
- L & T Farm Equipment-#20101158-$120.00
- PTS of America, LLC-#20101159-$1,058.75

The Commission approved the following Final Settlements:

- Helen Lou Becker-Final Settlement
- Berdena V. Bellingham-Final Settlement
- Clyde C. Bellingham-Final Settlement
- Ramona Ervin-Final Settlement
- Paul Eugene Hinkle-Final Settlement
- Herman L. Kimble-Final Settlement
- Mary Rosaline Moran-Final Settlement
- James John Davis, II-Final Settlement
- Jennifer Kay Kelley-Final Settlement
- Frank Dale Berisford-Final Settlement
- Duane Allen Cremeans, Infant-Final Settlement

The Commission approved the following exonerations and/or refunds: (copies included)

- Geraldine P. Moore (Albright)-#2612-$183.48
- Arlen Moore-#2613-$27.56
The Commission approved the following “time out of the office” for Commission employees: (copies included)

- Edward Boeteng-#2614-$21.66
- Lindey M. Williams or Glenn C. Ludwig-#2615-$57.92

With no further business, on motion by Eugene C. Suder, seconded by Creed G. Pletcher, the Commission meeting adjourned at 1:03 p.m.