

GRANT COUNTY COMMISSION  
PETERSBURG, WEST VIRGINIA 26847

GRANT COUNTY COMMISSION MINUTES

**Date:** October 22, 2019    **Time:** 3:30 p.m.    **Location:** Conference Room  
Courtthouse    Grant County

**Commissioners:**

Doug Swick  
Jeff Berg  
Scotty Miley

**Reporting:**

Erin Camp, Grant County Press

**AGENDA ITEM:** Commissioner Swick called the regular meeting to order at 9 a.m.

**AGENDA ITEM:** Approval of Minutes

**DISCUSSION:** Presented for approval were the minutes from the regular meeting held on October 8, 2019.

**ACTION:** A Motion was made to approve the minutes from the regular meeting held on October 8, 2019. **MOTION: Miley-Berg**

**AGENDA ITEM: Funding Request for Thermal Imagers**

**DISCUSSION:** Bobby Funk from the Petersburg Volunteer Fire Department appeared before the Commission. The thermal imagers that the fire company currently has are over 20 years old and it is hard to find batteries for them. The thermal imagers are used for fires, automatic alarms, and when searching for lost people. The total for two thermal imagers is \$9,500.00.

**ACTION:** A Motion was made to give the Petersburg Volunteer Fire Department \$9,500.00 for the thermal imagers in order for them to stay in compliance. **MOTION: Miley-Berg**

**AGENDA ITEM: Commission Questions**

**DISCUSSION:** Jill Long appeared before the Commission. Ms. Long stated that on July 10, 2019 she requested, by FOIA, ten months of invoices from Bailey Glasser. She received them. On July 25, 2019, Ms. Long stated that she requested more. Approximately at the same time Jane Kite Keeling also requested two invoices. Both requests were denied, claiming attorney/client privilege. Ms. Long stated that she received the amount of the invoice, which is not what she requested. Ms. Long asked Commissioner Berg what changed in those couple month. The Prosecuting Attorney, John Ours, stated that he needed to answer that question. Mr. Ours stated that in the materials requested with regard to the billings there was privileged information. Mr. Ours stated that he made a mistake when he sent out the information in the first FOIA. He stated that it was his mistake and not the fault of the Commission.

Ms. Long asked Mr. Ours if the law states that the citizens should know how their money is spent. Mr. Ours said there are items that are exempt from a FOIA. He further stated that he told Ms. Long orally how much money was spent.

Ms. Long stated that after speaking with the Secretary of State's office they do not understand why a response was provided in the first FOIA and not the second. Mr. Ours stated that he already told her it was his mistake in giving them the information in response to the first FOIA request.

Ms. Long further asked for the amount of money the county received in revenues from the windmills. The reply was that a FOIA does not answer questions and there is no document

that states the amount of revenue. The revenue is divided among 6 entities. Ms. Long asked Commissioner Miley and Commissioner Berg the names of the entities. They stated that they did not know.

Mr. Ours stated that he felt he should answer that question. He stated that the reason an answer was not provided is because there is no document that states the amount of money that comes in from the windmills. The revenue regarding the windmills comes in as a tax on the property that has a windmill. The only way to determine the answer is to do a calculation on every property in the county that has a windmill.

Ms. Long asked what six entities receive the money from the windmills. Commissioner Berg stated that he spoke with Sandy at the BOE and was told that Maysville Elementary and Union Educational Complex receive \$40,000.00 to \$50,000.00 from the windmills. Ms. Long asked who the other four entities were. Mr. Ours stated that he did not know the names of the six entities but he could find out.

Ms. Long stated that Ms. Keeling had documentation, minutes and agenda concerning the dedication of the ambulance building. Ms. Long asked Commissioner Berg when the decision was made to dedicate the building. Commissioner Swick stated that was before Commissioner Berg was a Commissioner. Commissioner Swick stated there was no meeting regarding the plaque that was placed on the ambulance building. Commissioner Swick also stated that there were no minutes regarding the plaque on the annex building.

**ACTION:** No action needed.

**AGENDA ITEM: Hott Disposal Dumpster Rental Contract**

**DISCUSSION:** Michelle Sites stated that the contract is the same as last year.

**ACTION:** A Motion was made to sign the Hott Disposal Dumpster Rental Contract.  
**MOTION:** Berg-Miley

**AGENDA ITEM: Surplus of Equipment (Metal Shelving)**

**DISCUSSION:** The metal shelving was in the law library and is currently being stored at the Dorcas school. Michelle Sites stated that Living Waters Ministries, a non-profit organization, has requested some of the shelving to use for the food pantry.

**ACTION:** A Motion was made to surplus the metal shelving and donate them to the Living Waters Ministries for the food pantry. **MOTION:** Miley-Berg

**AGENDA ITEM: Bid Opening for Kut Kwick Slope Mower (Levee)**

**DISCUSSION:** There was one sealed bid received from Hunter Lewis in the amount of \$500.00 for the Kut Kwick slope mower.

**ACTION:** A Motion was made to approve the bid from Hunter Lewis in the amount of \$500.00 for the Kut Kwick mower. **MOTION:** Berg-Miley

**AGENDA ITEM: CDBG Updates & Approvals**

**DISCUSSION:** Michelle Sites stated that there were no updates at this time.

**ACTION:** No action needed.

**AGENDA ITEM: Actions of the Clerk**

**DISCUSSION:** None required.

**ACTION:** Commission approved the following actions of the County Clerk:

-Wills lodged in Clerk's Office:  
None

-Wills admitted to probate:  
Jean M. DiGiustino  
Curtis H. Nesselrodt  
Marie L. Kifer

William Ballard Lingo  
Robert E. Ellison  
Patricia Ellen Graham Turner

-Qualification orders granted in the following estates:

- J. Michele Hanlin, Administratrix in the Estate of Jean M. DiGiustino
- James Paul Geary, II, Administrator in the Estate of Curtis H. Nesselrodte
- Curtis L. Kifer, Executor in the Estate of Marie L. Kifer
- James Paul Geary, Executor in the Estate of William B. Lingo
- Norma J. Bible, Executrix in the Estate of Robert E. Ellison
- James Paul Geary, II Ancillary Administrator in the Estate of Patricia Ellen Graham Turner

**MOTION: Miley-Berg**

**AGENDA ITEM: Approval of Estates**

**DISCUSSION:** No discussion required.

**ACTION:** Commission approved the following estates for closure:

- Waiver of Final Settlement in the Estate of Linda Ann Baer **MOTION: Berg-Miley**
- Final Settlement in the Estate of Geneva Susan Berg **MOTION: Berg-Miley**
- Waiver of Final Settlement in the Estate of Raymond E. Delawder **MOTION: Berg-Miley**
- Waiver of Final Settlement in the Estate of James Mongold **MOTION: Berg-Miley**
- Waiver of Final Settlement in the Estate of Michael Nash **MOTION: Berg-Miley**
- Waiver of Final Settlement in the Estate of Nellie M. Ours **MOTION: Berg-Miley**
- Waiver of Final Settlement in the Estate of Bryant H. Rexrode **MOTION: Berg-Miley**

**AGENDA ITEM: Exonerations**

**DISCUSSION:** Having been filed by the Assessor and approved by the Prosecuting Attorney, an exoneration was reviewed for Patricia Bray, Executrix in the Estate of Michael Nash.

**ACTION:** Commission approved the following exonerations:

- Patricia Bray, Executrix in the Estate of Michael Nash Milroy District (19) \$260.73 ph **MOTION: Miley-Berg**

**AGENDA ITEM: Budget Revisions**

**DISCUSSION:** There were no budget revisions presented this day.

**ACTION:** No action needed.

**AGENDA ITEM: Board Appointments/Removals**

**DISCUSSION:** There was one board re-appointment presented for the Grant County Development Authority Board for Bob Sisk.

**ACTION:** A Motion was made to re-appoint Bob Sisk to the Grant County Development Authority Board. **MOTION: Berg-Miley**

**AGENDA ITEM: Commissioner's Packet**

**DISCUSSION:** Commissioner Swick reviewed the commissioner's packet and presented the following information:

- A letter from the Commission to the DOT regarding no center or fog lines on the Ridge Road. Commissioner Swick stated he agreed that a letter needed to be sent to the DOT regarding this issue, but he wanted to take some time to obtain more information before a letter is sent.
- Letter from State Treasurer regarding the distribution of the coal severance tax;
- Assessor's Certificate of Compliance;

- Letter of resignation from Callie Taylor, Administrative Secretary at the WVU Extension Office;
- Letter to Dennis Rogers regarding the CMAP review;
- Minutes from the Grant Co. PSD Board meeting of 9/26/2019.

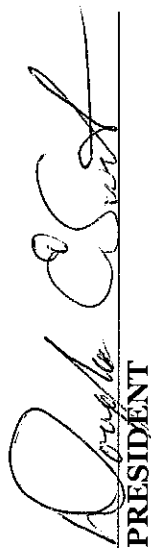
**AGENDA ITEM: Approval of Expenses**

**DISCUSSION:** The Commission reviewed the expenses as presented.

**ACTION:** Commission approved the expenses as presented. Commissioner Swick did request clarification with regard to the invoice from Unemployment Benefits. **MOTION:** Berg-Miley

**AGENDA ITEM: Adjournment**

**ACTION:** There being no further business before the Commission, the meeting adjourned. **MOTION:** Miley-Berg

  
PRESIDENT

ATTEST:

  
CLERK OF THE COUNTY COMMISSION

11-12-19  
DATE APPROVED

IN THE COUNTY COMMISSION OF GRANT COUNTY, WEST VIRGINIA

The Grant County Commission hereby orders the following actions taken by the Grant County Clerk, Seymour V. Fisher, in vacation of the County Commission be approved:

1. Wills Lodged in the Clerk's Office:

None

2. Wills Admitted to Probate:

- Jean M. DiGiustino
- Curtis H. Nesselrodte
- Marie L. Kifer
- William Ballard Lingo
- Robert E. Ellison
- Patricia Ellen Graham Turner

3. Qualification Orders Granted in the Following Estates:


Estate

- Jean M. DiGiustino
- Curtis H. Nesselrodte
- Marie L. Kifer
- William B. Lingo
- Robert E. Ellison
- Patricia Ellen Graham Turner

Person Qualifying:

- J. Michele Hanlin, Administratrix
- James Paul Geary, II, Administrator
- Curtis Kifer, Executor
- James Paul Geary, Executor
- Norma J. Bible Executrix
- James Paul Geary, II, Ancillary Administrator

Approved this the 22<sup>nd</sup> day of October, 2019.

  
 President

State of West Virginia  
County of Grant  
5 Highland Avenue  
Petersburg, WV 26847

To the Honorable, the County of Grant County, WV

I, **Ralph G. Layton, Assessor** hereby makes application for the correction of an erroneous assessment against to **Bray, Patricia Exec. for the Michael L. Nash Estate in Milroy District** amounting to \$ 260.73 p h Class III being taxes for the year of 2019 on map 629, parcel 54 valued at 76,800 for the following reason:

*The property was transferred in error to Patricia Bray for 16, 17 and 18 and granted Class II in 2018. The records for 2019 were corrected until Michael Nash Estate was settled then it was re-entered on books and given Class III. Taxpayer were inherited the property requesting Class II for the 2019 since it had been changed for 2018.*

Upon application of a taxpayer who is aggrieved by an erroneous assessment. The Prosecuting Attorney having had reasonable notice Of the intentions and character of the corrections desired in said application, and being present and defending the interest of the State, County, District and the Court having heard the evidence, it is ordered That said the applicants are exonerated from the payment of taxes for the year, if same has not been paid and if paid, the Sheriff refund the same, the court being of opinion that: **Ticket Number: 5719**

**Exonerate: Value: 76,800 Taxes: \$ 260.73 p h Class III**  
**Pay On: Value: 76,800 Taxes: \$ 260.74 p h Class II**

The Clerk is directed to furnish a copy of this order, which, when properly endorsed, shall be a voucher for the Sheriff in his settlement

Signature on File 10/16/19  
Taxpayer *Ralph G. Layton* Date 10/16/19  
Assessor \_\_\_\_\_ Date \_\_\_\_\_

*Robert Y. D... 10/22/19*  
Prosecuting Attorney Date  
*R. Layton* 10/22/19  
President Date