

Southern Conservation District

Special Board/Committee Meeting Minutes

May 28, 2025

10:00 AM

The Southern Conservation District Board of Supervisors met on Wednesday, May 28, 2025, at 10:00 AM in the conference room of the district office located at

263 Ragland Rd. Beckley, WV 25801

Those in Attendance:

Supervisors:

Randall Patton, Chairman

Bill Harris, Vice Chair

Edgar Hendrick, Secretary

Randy Prince

Rachel Prince (Teleconference)

Steven Johnston

Curtis Murphy

Ron Testerman

Others:

Jesus Nandi Roman, WVCA

Dave Parkulo, SCD

Jeremy Salyer, WVCA

Jacob Lavender, WVCA

Morgan Dial, WVCA

John Wooton, Attorney

Open & Welcome

Randall Patton, Chairman

- Curtis Murphy led in the pledge; Bill Harris led in prayer.

Southern Conservation District Operations and Business

Administrative Specialist Report:

Jesus Nandi Roman, WVCA

Jesus Nandi Roman provided updates for the five invoices totaling approximately \$83,763.38 for completed work on Cranberry Creek and Little Whitestick. These invoices have been sent to Jacob Lavender for verification. It was clarified that Cranberry Creek accounts for roughly \$65,276.38 and Little Whitestick for \$18,487.00, with remaining amounts covering upstream and downstream work. A discussion followed on funding sources, specifically whether costs should be drawn from restricted O&M funds or regular O&M. The current restricted balance of approximately \$130,000 will be significantly reduced after these invoices. The board emphasized proper coding and documentation to ensure accountability.

It was confirmed that a \$37,000 check from Mercer County, approved in July, has now been received following administrative follow-up. It was recommended assigning such tracking to district staff going forward. The board plans to request \$50,000 from Raleigh County for the next fiscal year and noted concerns over reduced state-level contributions (now \$3,000 per structure). Members expressed the need for a consistent funding formula and agreed to provide detailed spending reports to support future funding requests.

LORS:

LOR ID: 16392

Purpose: WVDA Pasture Renovation #4

Amount: \$1,295.38

AGR: 1502-00

The board reviewed a revised **Letter of Request** originally submitted to **rebalance the books** under the **Pasture Renovation Q4 allotment**. It was noted that **Application #17733716**, a **drought-related payment**, had been previously overlooked. The payment was added to the LOR, bringing the revised total to **\$1,295.38**.

Bill Harris moved to approve the updated LOR. The motion was seconded by Randy Prince. Motion carried.

Discussion and Action on SCC Response to Our Attorney's Letter:

John Wooton, Attorney

Attorney John Wooton was granted the floor to address concerns regarding the reduction of the \$150 per diem. He explained that the issue was raised with the State Conservation Committee (SCC) in January, and a response was received four months later, stating the per diem is considered a salary and subject to adjustment. Mr. Wooton disagreed, citing Article VI, Section 38 of the West Virginia Constitution and State Code §6-7-7, which prohibits salary changes for elected officials during their term.

He noted that the per diem is taxed and provides no retirement or health benefits, making it more akin to a wage than a reimbursement. He proposed sending a formal response to SCC counsel, Laura Walker, arguing that the payment is in lieu of wages and cannot be reduced mid-term. Mr. Wooton also suggested that board members who did not receive increases could serve as potential parties in the event of legal proceedings.

Bill Harris moved to authorize Attorney John Wooton to respond to SCC's legal counsel on behalf of the board. Curtis Murphy seconded. The motion carried.

Discussion/Action on Sanitary Board runoff:

Attorney John Wooton reported on-site meetings regarding runoff issues from the Sanitary Board's disposal impacting district property. They are currently working on a plan to address the problem, including a temporary fix. One suggested solution involved directing runoff into an existing manhole, though the long-term viability of that option remains unclear. Another proposal to install an open ditch in the parking area was rejected by the board due to concerns over future maintenance responsibilities. Mr. Wooton emphasized the need for a solution that does not burden the board with ongoing upkeep. He discussed coordinating access with the city to monitor the fence line where debris could enter the drainage system.

Concerns were raised about potential liability if the site experiences further collapse or damage. Mr. Wooton stated that the city has now been formally notified of the hazard, and if no corrective action is taken, responsibility will fall on them. The board discussed prior drainage issues in the area and noted that the opening has worsened over time. While funding and coordination remain uncertain, Mr. Wooton stressed the urgency of sealing or reinforcing the site to prevent further risk. The board agreed to await a formal plan from the Sanitary Board before taking further action. The meeting concluded with thanks and acknowledgment of next steps pending the city's proposal.

Approval of April adjusted Co-Administered funds:

The board reviewed April's adjusted Co-Administered funds, which were modified by Chris Casto, which addressed a previously unaccounted \$80,000 discrepancy.

Bill Harris made a motion to approve the adjusted Co-Administered funds; Edgar Hendrick seconded; motion carried.

Adjournment

With no further comments from the board, **Bill Harris moved to adjourn the special board meeting. Steven Johnston seconded the motion. The motion carried**, and the meeting was **adjourned at 11:54 AM**. The board then proceeded directly into the scheduled committee meeting.

Southern Conservation District Committee Meeting:

Tractor Purchase:

Dave Parkulo reported difficulties locating a bill of sale for the CAT 312 excavator purchased in 2009 due to multiple mergers involving Walker Machinery and lost records. Archived board minutes from 2005 and 2009 confirming the purchase will be used as proof of ownership. Final confirmation from Doug Shelton regarding insurance documentation is pending. At this time, there are no plans to purchase another excavator, as the current one is operational and in use at Curtis's site. Rental options will be considered for larger projects. Dave Parkulo is also exploring options to replace the district's aging loader. The goal is to find a used articulating loader in the \$40,000 range with a 1 to 1.5-yard bucket. Lease-to-own programs are being considered. Additional discussion covered landfill usage, weighing accuracy, and the long-term value of maintaining quality equipment. Dave Parkulo will bring a specific option and cost estimate to the next meeting.

Farm Tour:

Attempts to confirm **Jason Tarp**, McDowell County's nominee for a non-typical farm, were unsuccessful. A brief reply was received, but no firm commitment was made. The board reviewed current nominations:

- **Mercer County:** Steve D. Hart (typical)
- **Raleigh County:** Greenhouse operation (non-typical)
- **McDowell County:** Jason Tarp (non-typical, pending confirmation)

If McDowell County does not confirm, Steve D. Hart will be designated the district's typical farm winner by default, and Raleigh County's nominee will be selected as the non-typical winner. If McDowell confirms, only the non-typical farm nominees will be evaluated.

The board tentatively scheduled the **district farm tour for Friday, June 6 at 9:00 AM**, contingent on McDowell's participation. If confirmed, members will meet at the **Marathon gas station near the Raleigh farm**. McDowell County will be notified that a response is required by **Saturday, May 31** in order to proceed with the tour.

Committee Updates/Reports:

Building, Bill Harris:

Bill Harris provided an update on the building. A broken sewer pipe was discovered at the connection point where the new line from the road was installed. The contractor will return to excavate and repair the damaged joint at an estimated cost of \$16,000. This repair had been previously approved. Following the repair, a camera will be run through the line to determine if further attention is needed. The issue has caused recurring clogging and basement backups, which this repair is expected to resolve. It was also noted that no updates have been received regarding the lease extension. There were no updates on the fire escape repairs.

Finance, Curtis Murphy:

Curtis Murphy provided a report noting that recent AGeP payments had been processed, and that he and Bill Harris signed 15 checks earlier that morning. He confirmed that multiple contracts are current and that payment disbursements are up to date. The board discussed upcoming tourist reimbursements and anticipated funding in July.

Education, Ron Testerman:

Ron Testerman informed the board that NRCS held a High Tunnel Workshop Series on Thursday, May 29, in Princeton, WV. Additionally, NRCS staff have been in contact with producers in Summers County regarding Agricultural Enhancement Program opportunities available through the Southern Conservation District. Discussion was also held concerning the upcoming photo contest. Jesus Nandi Roman (WVCA) will collaborate with NRCS to coordinate submissions, and a winning entry will be selected for each contest category.

Site 12 Violation:

The board discussed ongoing concerns related to Site 12 and a long-standing easement violation caused by the unauthorized installation of an inadequate culvert. It was noted that despite multiple attempts over a period of approximately four years, no response has been received from the landowner regarding the information provided to guide corrective action. NRCS has

indicated that replacement with either a 12' x 12' box culvert or a 24-foot span bridge would be necessary to meet stormwater capacity and dam safety requirements. Current access infrastructure is insufficient, contributes to downstream erosion, and poses increasing liability. Additional complications include the pending request for a permanent easement for future access, as well as the potential for further action against the property owner should no corrective steps be taken. It was confirmed that a violation letter was previously issued and remains in effect. The board expressed concern over continued delays and discussed whether legal action should be pursued to remove the culvert and restore a compliant flow channel. Board members also emphasized that the landowner has been given sufficient technical guidance to engage an engineer and present an acceptable solution to NRCS. In closing, the board agreed to place this issue on the agenda for the next regular board meeting for formal action. The conversation was tabled.

Meeting Adjournment:

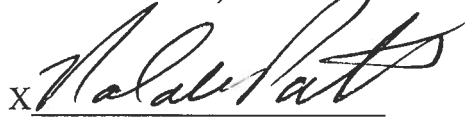
There being no further business, the meeting was adjourned by the Chair.

Dates To Remember:

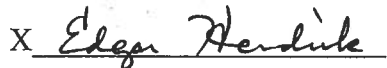
SCD Board Meeting: June 12, 2025 at 10:00 AM @ 463 Ragland Rd, Beckley WV, 25801

Respectfully Submitted:

Randall Patton, SCD Chairman

X 

Edgar Hendrick, SCD Secretary

X 

RH/EH/as

Recorded By: Jesus Nandi Roman, Administrative Specialist

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