

**West Virginia Board of Public Works  
Monday, March 23, 2026 – 2:00 p.m.  
Governor's Cabinet and Conference Room  
Minutes**

**Attendees:**

Members

Governor Patrick Morrisey  
Secretary of State Kris Warner  
State Auditor Mark Hunt  
Commissioner of Agriculture Kent Leonhardt  
State Treasurer Larry Pack  
Steven Travis for Attorney General J.B. McCuskey

Guests:

Cassandra Means-Moore, Attorney General's Office  
John Willems, Attorney General's Office  
Kelli Talbott, Dept. of Education  
Caleb Knight, Dept. of Natural Resources  
Spencer Elliott, Lewis Gianola PLLC for Air Cargo Carriers LLC  
Jakeb Shuck, Dept. of Agriculture  
Sarah Runyon, Division of Highways  
Scott Caudill, Auditor's Office  
Sean Whelan, Governor's Office  
Dave Cook, Secretary of State's Office  
Maureen Lewis, Secretary of State's Office

The West Virginia Board of Public Works met on Monday, March 23, 2026 at 2:00 p.m. in the Governor's Cabinet and Conference Room, Building 1, Suite 10 of the State Capitol Complex. The meeting was called to order and chaired by Governor Morrisey. A quorum of members was established.

The first item on the agenda was the approval of minutes from the February 9, 2026 WV Board of Public Works meeting. Auditor Hunt made a motion to approve the minutes. Commissioner Leonhardt seconded the motion. The motion carried.

The second item on the agenda was consideration and vote on approval of the following property transfers:

1. Deed and conveyance of permanent easements between the State of West Virginia, Department of Commerce, Division of Natural Resources and Canaan Valley Public Service District, approved as to form prior to acknowledgment by the Attorney General's office March 17, 2026.

2. Quitclaim deed and partial release of right of reverter between West Virginia Board of Education and Town of Romney Building Commission, dated March 12, 2026, approved as to form by the Attorney General's office after Board approval on March 26, 2026.
3. Deed between West Virginia State Rail Authority Company, now known as, Division of Multimodal Transportation Facilities and the West Virginia Department of Transportation, Division of Highways, dated January 15, 2026, approved as to form by the Attorney General's office March 17, 2026.
4. Deed between McDowell County Commission and the West Virginia Department of Transportation, Division of Highways, dated March 5, 2026, approved as to form by the Attorney General's office March 17, 2026.

Caleb Knight addressed the Board concerning transfer 1. He explained that the DNR is proposing to take a 1.25 acre tract, within Canaan Valley Resort State Park, and convey it to the Canaan Valley PSD. Upon receipt, the Canaan Valley PSD is going to build a water treatment facility on that acre. This will take the DNR out of the sewer treatment business for Canaan Valley Resort State Park. It allows the DNR to become a customer instead of a provider of service. The new plant is projected to be online next year. At that time they will start the process of switching the treatment of the wastewater to the new plant from the DNR's existing plant. The PSD will de-construct the existing facility. The lagoon that sits outside of the current wastewater treatment plant can be re-claimed by the DNR for other purposes. The 1.25 tract transfer will result in re-claiming a 2.5 acre tract. The consideration for the transfer is \$5,000. He continued that another benefit of the transfer is that it will allow the Canaan Valley PSD to provide services to two customers with property off of the resort property by piping their wastewater to be treated at the new plant. Auditor Hunt stated that, aside from the monetary consideration, he didn't fully understand how the PSD benefits. Mr. Knight replied that the PSD is gaining a sizable customer in the Resort as well as the two private high volume companies. He added that the construction cost of the new facility is approximately 7.3 million dollars, but it will be funded through a combination of grants. There is no State money being spent for this project.

Commissioner Leonhardt made a motion to approve the transfer. Secretary Warner seconded the motion. The motion carried.

Kelli Talbott addressed the Board concerning transfer 2. She explained that the State Board of Education owns and operates the Schools for the Deaf and the Blind in Romney. The particular property involved in the transfer is off the main campus. Initially, the Schools acquired approximately 140 acres of land that was used to garden for the school and also contains a dairy barn. Over time, they have given off pieces of the property, which have been approved by the Board of Public Works. In 2020, the Board of Education deeded a little over 9 acres to the Town of Romney, that includes the property with the barn on it. Since then, the Town of Romney is interested in developing part of the 9 acres for a public recreation center and public pool. When the conveyance was approved by the Board in 2020, the deed had a reverter clause. She continued that although the purpose of the transfer meets the requirement for public purpose

consistent with the deed, she has been informed that the type of federal funding that is being granted to the Town of Romney for the project requires that the town owns the property absolute without a reverter clause. The town has approached the State Board of Education requesting that the reverter clause be waived for the 2 acres of the original 9 and to execute a quitclaim deed. On March 11, 2026 the State Board voted to do that. Governor Morrissey asked what the timeline is for the pool and recreation center to be complete. Ms. Talbott replied that question would be better answered by the Mayor. She was told that this transaction needed to be in place by the end of March to get the federal grant piece in place.

Treasurer Pack made a motion to approve the transfer. Secretary Warner seconded the motion. The motion carried.

The last two transfers involved the Division of Highways. Sarah Runyon addressed the Board. She explained that transfer 3 involves the Main Street project in Richwood. They are raising the grade of Main Street through the town because of flooding that occurred in 2016. Part of the project is being funded by a grant that the town applied for. She continued that transfer 4 involves a deed with McDowell County Commission for a permanent drainage easement needed to maintain the drainage structure in the area.

Auditor Hunt made a motion to approve transfers 3 and 4. Secretary Warner seconded the motion. The motion carried.

The third item on the agenda was a discussion with Air Cargo Carriers LLC pursuant to a motion that was made and passed at the February 9, 2026 Board of Public Works meeting relating to tax payments to the Board. Spencer Elliott addressed the Board on behalf of Air Cargo Carriers LLC. He stated he would start by providing some background information. The issue began 2 decades ago when the company mistakenly believed that UPS was paying tax obligations for them. Air Cargo Carriers owns multiple airplanes that are parked in Beckley and Charleston that are contracted with UPS for package delivery. The Tax Division filed and obtained 3 default judgements on tax years 2006, 2007, and 2008. He then referred to some documents he had sent to the Board for context. A letter had been sent to the Board in 2012 explaining the mistake that UPS was taking care of the taxes and to offer a compromise. The figures given were estimates. When the numbers were run, they would have produced a tax liability much lower than was listed. At that time, they were successful at negotiating a settlement that was paid. In the present time, Air Cargo Carriers LLC is attempting to sell the company. They would like to be able to transfer the company with a clean record with the State Tax Division. He then referenced a printout from the Attorney General's office listing taxes owed. The list shows old 2004 and 2005 estimates which are uncollectable. The history shows high estimates. With the passage of the salvage value statute in 2008, they were subject to 5% of actual cost. The tax figures from 2009 to current show liabilities in the \$3000 realm on an annual basis. What is currently collectible within the 5-year look back is approximately \$9,000. The offer that was made for today's meeting was \$13,789.33. That would pay everything back to the 2009 figure. Mr. Elliott stated that, as of today, he has authority to increase the offer to \$20,000. He continued that it would represent payment of the three most current outstanding years, roughly \$5,000 toward tax liability that's still outstanding for uncollectible periods, and about \$6,000 that would

be applied against the 20 and 21 year old tax liabilities. He stated that regardless of the outcome today, Air Cargo Carriers LLC will take care of the 2022, 2023, and 2024 taxes promptly.

Auditor Hunt made a motion that the Board go into executive session to hear advice of counsel. Secretary Warner seconded the motion. The motion carried. The Board went into executive session.

The Board came out of executive session after receiving legal advice on the pending settlement proposal. Governor Morrissey stated that no action was taken during the executive session.

Auditor Hunt made a motion to authorize the Attorney General's office to negotiate a settlement with Air Cargo Carriers LLC. Commissioner Leonhardt seconded the motion. The motion carried.

The final item on the agenda was for adjournment. With no further business, Auditor Hunt made a motion to adjourn. Treasurer Pack seconded the motion. The motion carried. The meeting was adjourned.



Kris Warner, Secretary of State and  
Ex-Officio Secretary of the  
Board of Public Works