

UPSHUR COUNTY COMMISSION MEETING

June 16, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, June 16, 2022 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Kristie G. Tenney, Commission President; Terry B. Cutright, Commissioner; Samuel R. Nolte, Commissioner; Carol J. Smith, County Clerk; Tabatha R. Perry, County Administrator; Cindy M. Hughes, Assistant County Administrator and Lois A. Marsh, Secretary.

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 discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the Primary Election canvassing minutes of May 16, 2022, and the regular meeting minutes of June 2, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign a Letter of Support for the City of Buckhannon's Greenway Engineering and Property Acquisition project. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign a Letter of Support for the City of Buckhannon's Elizabeth J. "Binky" Poundstone Riverwalk Trail Extension for the Construction Phase of a 980 linear foot extension to the existing trail system. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign a Consulting Agreement between USI Insurance Services, LLC and the Upshur County Commission, effective July 1, 2022. During the term of the agreement, the fee will be \$5,000 quarterly. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the FY23 Community Corrections Day Report Center Grant (Project No. 23-CC-27) Contract Agreement, Resolution, Certifications, and Standard/Special Conditions and Assurances. The grant award is in the sum of \$161,500 to be used for the continued operation of a community corrections program in Upshur and Lewis Counties. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign a Community Development Block Grant – Small Cities Block Grant Request for Payment for the Elkins Road PSD Phase III Water System Improvements in the amount of \$23,997.39. This is for Request for Funds #30. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the submission of FY22 Community Oriented Policy Services (COPS) School Violence Prevention Program (SVPP) Application and on behalf of the Upshur County Board of Education in the amount of \$421,833. If awarded, the grant will provide additional video surveillance equipment and replace outdated equipment at all nine (9) public schools within Upshur County. Carrie Wallace, representing Region VII, stated the grant application is for 75% funding with 25% local match by the Upshur County Board of Education. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved an Agreement for Consulting Services between the Upshur County Commission, Upshur County Board of Education and Region VII Planning and Development Council for the FY22 Community Oriented Policing Services (COPS) School Violence Prevention Program (SVPP) grant administration, pending approval from legal counsel. This agreement will only take effect so long as the grant application is approved; however, a copy of the Agreement will be submitted with the application as 75% of the consulting agreement is included in the federal funding request. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Judith L. Williams, Director of James W. Curry Public Library, for the expenditure of \$175 payable to Skateland for rink rental on August 9, 2022. This is for the grand finale event for the "Read Beyond the Beaten Path" 2022 summer reading program. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved Charles Wykoff and Megan Wykoff as Upshur County Department of Homeland Security and Emergency Management Volunteers.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved Beau Bunton and Susan Rice as Lewis-Upshur Animal Control Facility Volunteers.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Christopher A. Cook for reappointment to the Upshur County Safe Structures and Sites Ordinance Enforcement Agency/Board. This term will expire on June 30, 2024. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Phil Loftis for reappointment to the Buckhannon-Upshur Airport Authority. This term will expire on June 30, 2025. (copy included)

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After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Jay Hollen to appoint Scott Randall to the Upshur County Solid Waste Authority Board. This term will expire on June 30, 2026. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Shelia M. Adams, Administrative Assistant, for the appointment of Tabatha R. Perry, Upshur County Administrator, to the James W. Curry Library and Park Advisory Board. Ms. Perry will complete the unexpired term of the former Upshur County Administrator, Carrie L. Wallace, expiring on December 31, 2025. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Shelia M. Adams, Administrative Assistant, for the reappointment of Jeremiah McCourt, Upshur County Parks and Recreation Facilities Director, as the recreation industry representative on the Mountaineer Trail Network Authority. Mr. McCourt's term will be July 1, 2022 to June 30, 2024. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized Tabatha R. Perry, County Administrator, to use Kristie G. Tenney's official signature stamp to sign required documentation on behalf of the Upshur County Commission. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized Cindy M. Hughes, Assistant County Administrator, to use Kristie G. Tenney's official signature stamp to sign required documentation on behalf of the Upshur County Commission (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Cheyenne Troxell, 26th Judicial Circuit Community Corrections Program Director, to employ Sam Workman as a full-time case aide for the Lewis/Upshur County offices, effective June 21, 2022. This approval is based on Mr. Workman clearing his background check.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Memorandum of Understanding between the Upshur County Commission and the Supreme Court of Appeals of WV regarding the arrangements essential to establishing and maintaining family court facilities in Upshur County. Commencing July 1, 2022, the Commission will invoice the Court for the amount not to exceed \$942 per month, which is equivalent to \$8 per square foot. Thereafter, and commencing July 1, 2024, the Commission shall invoice the Court for the amount not to exceed \$1,177.50 per month, which is equivalent to \$10 per square foot. The Memorandum of Understanding will be in effect until June 30, 2026. (copy included)

Kristie Tenney reviewed the following "For Your Information" items: (copy included)

1. Proclamation made by Governor Jim Justice on June 17, 2022, permitting public employees of this State to generally cease business the entire workday of Friday, June 17, 2022, in acknowledgement of the historical significance of Juneteenth, and the fact it is to be recognized as an official federal holiday. This proclamation further reads that public employees, of this State, may be excused from their work duties the entirety of the day without charge against accrued annual leave. In accordance with subsection (c), section one, article two of the WV Code, County Commissions may treat the day as if it were a legal holiday, and the Courts may do the same. The Courthouse and Annex will be closed per the 2022 Calendar Year Legal Holiday Schedule. (copy included)
2. WVDOT Virtual Public Workshop to be held on June 17, 2022, 5:00 p.m.-7:00 p.m., for the public to review information on future funding levels and provide input on the potential program categories and funding levels for the 6-year period of 2023-2028. Tabatha Perry stated that this meeting has been rescheduled for June 30, 2022 due to the Juneteenth holiday. <https://transportation.wv.gov/highways/Programming/STIP/Pages/default.aspx>.
3. Upshur County E911 Communication Reports – May, 2022
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
4. Lewis-Upshur Animal Control Facility Reports for the month of May, 2022
 - Adoption Financial Transactions
 - Cat Report
 - Animal Report
 - Animal Control/Humane Officer Animal Report
5. Upshur County Building & Floodplain Permits for the month of May, 2022

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6. Public Notices:

a) Newsletters and/or Event Notifications:

- Upshur County Family Resource Network Family Connections June 20, 2022
- Lewis-Upshur Animal Control Facility Open House June 26, 2022
- Leadership Upshur – Applications Due August 1, 2022

b) Agendas and/or Notice of Meetings:

- Elkins Road PSD June 7, 2022
- Buckhannon-Upshur Chamber of Commerce June 8, 2022
- Upshur County Safe Structures & Sites Enforcement Board June 9, 2022
- Buckhannon-Upshur Airport Authority June 13, 2022
- Lewis-Upshur LEPC June 15, 2022
- City Council of Buckhannon June 16, 2022
- Upshur County Fire Board, Incorporated June 21, 2022

Meet Minutes:

- James W. Curry Library/Park Advisory Board October 27, 2021
- Upshur County Youth Camp Board February 17, 2022
- Upshur County Family Resource Network March 14, 2022
- James W. Curry Library/Park Advisory Board March 23, 2022
- Upshur County Family Resource Network April 11, 2022
- Upshur County Safe Structures & Sites Enforcement Board April 14, 2022
- Upshur County Fire Board, Incorporated April 19, 2022
- Upshur County Public Library Board April 20, 2022
- Elkins Road PSD May 2, 2022
- Upshur County Family Resource Network May 9, 2022
- Tennerton PSD May 11, 2022
- Upshur County Public Library Board – *Special Meeting* May 25, 2022
- Adrian PSD May 5, 2022
- Upshur County Safe Structures & Sites Enforcement Board May 12, 2022
- Upshur County Fire Board, Incorporated – *Cancelled* May 17, 2022

c) Meetings:

- 06/01/22-5:00 p.m.-Upshur County Farmland Protection Board – *Special Meeting*
- 06/02/22-3:00 p.m.-Adrian PSD
- 06/02/22-7:00 p.m.-Banks District VFD
- 06/02/22-7:00 p.m.-City Council of Buckhannon
- 06/02/22-7:00 p.m.-Selbyville VFD
- 06/07/22-5:00 p.m.-Elkins Road PSD
- 06/08/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 06/08/22-3:00 p.m.-Upshur County Convention & Visitors Bureau
- 06/08/22-3:00 p.m.-Tennerton PSD
- 06/08/22-6:00 p.m.-Buckhannon River Watershed Association – *Farm Bureau*
- 06/08/22-7:00 p.m.-Ellamore VFD
- 06/09/22-7:00 a.m.-Upshur County Development Authority – *Executive Board*
- 06/09/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
- 06/09/22-7:30 p.m.-Buckhannon VFD
- 06/12/22-6:00 p.m.-Washington District VFD
- 06/13/22-12:00 p.m.-Upshur County Family Resource Network – *Cancelled*
- 06/13/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
- 06/13/22-4:30 p.m.-Upshur County Solid Waste Authority
- 06/13/22-6:00 p.m.-Lewis-Upshur Community Corrections Board – *Upshur Co.*
- 06/14/22-12:00 p.m.-Upshur County Senior Center Board
- 06/14/22-4:00 p.m.-Hodgesville PSD
- 06/14/22-7:00 p.m.-Warren District VFD
- 06/14/22-7:30 p.m.-Adrian VFD
- 06/15/22-12:00 p.m.-Lewis-Upshur LEPC – *Lewis County*
- 06/15/22-4:00 p.m.-Upshur County Public Library Board
- 06/16/22-6:30 p.m.-Upshur County Youth Camp Board

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- 06/21/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 06/21/22-6:30 p.m.-Upshur County Fire Board, Inc.
- 6/28/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 06/28/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 06/29/22-7:00 p.m.-Upshur County Fire Fighters Association
- 07/14/22-6:00 p.m.-Upshur-Buckhannon Board of Health

7. Appointments Needed or Upcoming:

- Upshur County Public Library (7/1/2022-6/30/2027) – County Commission. Tabatha Perry explained that this is to replace Linda Wygal.

****If you are interested in serving on an Upshur County Board, please submit your letter of interest to the Commission Office at 91 W. Main Street, Suite 101, Buckhannon, WV 26201 or trperry@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment.****

Tabled Items:

1. Correspondence from the Upshur County Fire Fighters Association requesting a Commission appointment to the newly created committee to address multiple critical issues the local fire departments are facing and assist in determining viable solutions. The committee will consist of two (2) private citizens; two (2) business representatives; and, two (2) elected officials, one (1) being from the Upshur County Commission and one (1) being from the Buckhannon City Council. (*tabled on 4/21/22*)
2. Bid award – COPS Grant #15JCOPS-21-GG-03667-SSIX Transportation Surveillance Project (*tabled 6/02/22*). Carrie Wallace of Region VII stated that further negotiations are on-going.

The Commission approved all Invoices for Payment (list included).

The Commission approved all Vacation Orders (list included)

The Commission approved the following Settlements: (as listed)

- Paul Junior Gifford – Final Settlement
- Willis Neil Shingleton – Final Settlement Waiver
- David Gene Smith – Final Settlement Waiver

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment:

- Doris Jean Arnovitz – Certification of Completion
- Hilda Gean Fumerola – Certification of Completion

The Commission approved the following Corrections, Exonerations and/or Refunds:

- Farnsworth Ricky Sr - #200000589S - \$2.10 – Exoneration Order
- Keplinger Jerry - #300000190S - \$2.77 – Refund Order

The Commission approved Requests to Attend Meeting:

- Steve Wykoff – June 22, 2022
- Cindy Hughes – July 13, 2022

The Commission approved Remote Work Request Form:

- Cindy Hughes – As needed

The Commission approved the following Consolidation of Land Tracts: (none)

At 10:15 a.m., Patrick Cadle, Executive Director of the County Commissioners' Association of West Virginia (CCAWV), appeared before the Commission to present an award to Lila Wright, Student at Buckhannon-Upshur Middle School, for Honorable Mention in the 2022 County Government Essay Contest for her submission of a 500-word essay on the topic of "*How does my county commission make life better for me?*" Mr. Cadle also recognized Ms. Lisa Crites, BUMS teacher, for assisting Ms. Wright with her essay. Mr. Cadle stated that there were over 60 students from 11 counties who participated in this essay contest.

At 11:30 a.m., on motion by Terry Cutright, seconded by Sam Nolte, the Commission recessed.

The Commission reconvened at 12:45 p.m.

The Commission received project updates and reviewed administrative business items.

With no further business, on motion by Sam Nolte, seconded by Terry Cutright, the Commission meeting adjourned at 3:30p.m.