

## Upshur County Commission Meeting Agenda

Agenda packets are available electronically at [http://www.upshurcounty.org/agenda\\_and\\_minutes/index.php](http://www.upshurcounty.org/agenda_and_minutes/index.php) or by request to the Upshur County Commission Office at 304-472-0535.

- Location: Upshur County Courthouse Annex  
If you prefer to participate by telephone, please dial 1-408-650-3123 Access Code: 272 564 045 to enter the conference call.
- Date of Meeting: May 2, 2024
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:  
  - April 25, 2024
- 9:15 a.m. Kathy McMurray – Executive Director of Mountain CAP of WV, providing service highlights for 2023.
- 9:30 a.m. Peggy Rittenhouse, Community Outreach & Resource Specialist – Presentation of Community Action Month Proclamation and Provider Appreciation Day Proclamation. \* [Pages 4-5](#)
- 9:45 a.m. Sue McKisic, representing the Upshur – Buckhannon Health Department Board of Health – Presentation of a proposed rule entitled “Upshur – Buckhannon Health Department Fees for Permits and Services”. The Upshur – Buckhannon Health Department is seeking approval of this proposed rule, which establishes fees for environmental permits and services. \* [Pages 6-15](#)
- 1:00 p.m. Supervisor Meeting
- 2:00 p.m. Policy Board Meeting

### Items for Discussion / Action / Approval:

1. Approve request from 3A Towing, LLC for voluntary removal from the Upshur County Wrecker Rotation List, effective April 24, 2024. \* [Page 16](#)
2. Consider request from Cheyenne Troxell, 26<sup>th</sup> Judicial Community Corrections Program Director, to transfer Jessica Stanley from part-time case aide to full-time case manager, effective May 6, 2024.\*  
*Item may lead to Executive Session per WV Code §6-9A-4 (A)* [Under separate cover](#)
3. Approval of employment of additional Upshur County Youth Camp Staff, effective May 27, 2024. \*  
*Item may lead to Executive Session per WV Code §6-9A-4 (A)* [Under separate cover](#)
4. Approval of Lewis Upshur Animal Control Facility volunteer, Dorothy Crabtree. \*  
[Under separate cover](#)
5. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance

Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

### **For Your Information:**

**(Certain Items May Require Discussion, Action and/or Approval by the Commission)**

1. Correspondence from the Office of the State Auditor and Chief Inspector Division announcing an audit of financial statements of the governmental activities of the Upshur County Commission for the fiscal year ended June 30, 2023. The audit will begin on or near April 29, 2024 and a report will be available approximately August 26, 2024. Pages 17-18
2. Notification from the Pilcrow Foundation stating that the James W. Curry Public Library has been awarded a grant through their April 2024 Children’s Book Project. The books provided through the project will be for the library’s permanent collection. The library will be responsible for raising \$400 and the foundation will match the contribution two-to-one, for a total of \$1,200 worth of books. Page 19
3. Correspondence from the Monongalia County Commission Office rescinding the letter dated April 12, 2024 concerning the WV First Foundation Regional Director vacancy. Each local government must send one delegate to the May 9<sup>th</sup> meeting who is authorized to vote on the selection of a Regional Director. Local governments may submit a nomination prior to or during the meeting. \* Page 20
4. Public Notices:
  - a) Newsletters and/or Event Notifications:
    - None
  - b) Agendas and/or Notice of Meetings:
 

• Region VII Planning & Development Council	April 29, 2024	Page 21
• Community Corrections	April 30, 2024	Page 22
• City Council of Buckhannon	May 2, 2024	Page 23
• Buckhannon – Upshur Chamber of Commerce	May 8, 2024	Page 24
  - c) Meeting Minutes:
    - None

**\*Dates and times of monthly board meetings are viewable at:**

[www.upshurcounty.org](http://www.upshurcounty.org) -- Upcoming events are listed on the main page.

5. Appointments Needed or Upcoming:
  - Mountaineer Trail Network Authority –corporation or landowner representative (7/1/2024 – 6/30/2028)\*

*\*\*\*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 St., Suite 101, Buckhannon, WV 26201 or [chughes@upshurcounty.org](mailto:chughes@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. \*\*\**

**Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: [http://www.upshurcounty.org/agenda\\_and\\_minutes/index.php](http://www.upshurcounty.org/agenda_and_minutes/index.php)**

### **Tabled Items**

**(Certain Items May Require Discussion, Action and/or Approval by the Commission)**

None

Next Regular Meeting of the Upshur County Commission

May 9, 2024 --- 9:00 a.m.

Upshur County Courthouse Annex

The meeting scheduled for May 16, 2024 has been CANCELLED.

The County Commission will begin Canvassing for the May 14<sup>th</sup> Primary Election on  
Monday, May 20, 2024 starting at 9:00 a.m. in the County Clerk area



## Community Action 60th Anniversary and Community Action Month Proclamation

**WHEREAS**, Community Action has made essential contributions across this Nation for 60 years, inspiring a spirit of hope, creating opportunities for millions of people to be a part of the American Dream, and improving communities; and

**WHEREAS**, Community Action remains committed to a nation that creates opportunities for all people to thrive, builds strong, resilient communities, and ensures a more equitable society; and

**WHEREAS**, Community Action is a robust state and local force connecting people to life-changing services and creating pathways to prosperity in 99% of all American counties; and

**WHEREAS**, Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities and stable homes; and

**WHEREAS**, Community Action strategies and innovative solutions evolve as the needs of individuals, families, and communities in cities, suburbs, and rural areas change; and

**WHEREAS**, Community Action is experienced in advancing opportunities by coordinating federal state, local and private resources to achieve results for people and communities; and

**WHEREAS**, Community Action insists on community participation and involvement ensuring that all sectors of the community have a voice and will be heard; and

**WHEREAS**, Community Action is recognizing 60 years of innovation, impact, and providing proven results for Americans.

**NOW, THEREFORE**, the Upshur County Commission hereby proclaims the month of May, as Community Action Month in Upshur County in recognition of the hard work and dedication of Upshur County, WV Community Action Agencies.

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**Samuel R. Nolte**  
 President

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**Douglas K. Bush**  
 Commissioner

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**Kristie G. Tenney**  
 Commissioner

Attest \_\_\_\_\_  
**Tabatha R. Perry, County Administrator**



1200 Harrison Avenue, Suite 400  
Elkins, WV 26241  
(304) 637-2840  
fax (304) 637-2845  
1-877-862-3103

Dreama D. Padgett, Chief Executive Officer

Child Care Resource & Referral  
Consulting Services • Construction  
Employment Training • Energy Assistance  
Head Start / Early Head Start • Parents As Teachers  
Information & Referral • Information Technology  
Medicaid Waiver • PREP • VITA / EITC  
Weatherization • WV Birth To Three

**Proclamation**  
Provider Appreciation Day  
May 10, 2024

WHEREAS, MountainHeart Community Services, Child Care Aware® of America and other organizations nationwide are recognizing Child Care Providers on this day and

WHEREAS, Child Care has provided a safe, nurturing place for the enrichment and development of millions of children nationwide and is a vital force in our economy; and

WHEREAS, the pandemic illuminated how indispensable child care providers are for the well-being and economic security of West Virginia young children, families, and communities.

WHEREAS, child care programs, which are mostly small businesses, run and staffed predominantly by women, continue to recover from the health and financial hardships stemming from the pandemic to meet the needs of more families and

WHEREAS West Virginia recognizes that child care has been and continues to be a lifeline for families, communities, and the economy. As such, it has provided much-needed support to providers to help sustain the viability of child care by issuing payment for enrollment versus attendance and offering grants and professional development opportunities.

WHEREAS, the future depends on the quality of the early childhood experiences provided to young children today; support for high-quality child care represents a worthy commitment to our children’s future.

Now, therefore, the Upshur County Commission hereby proclaims May 10, 2024, as Provider Appreciation Day in Upshur County, WV, and urges all citizens to recognize Child Care Providers for their important work, and how valuable they are for our communities.

\_\_\_\_\_  
Samuel R. Nolte  
President

\_\_\_\_\_  
Douglas K. Bush  
Commissioner

\_\_\_\_\_  
Kristie G. Tenney  
Commissioner

Attest \_\_\_\_\_  
Tabatha R. Perry, County Administrator



Our Health Department is for **EVERYONE!**

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#### **Public Notice for Comment from the Upshur-Buckhannon Health Department**

At a meeting held on March 20, 2024, the Upshur-Buckhannon Board of Health voted to adopt a proposed rule, entitled "Upshur-Buckhannon Health Department Fees for Permits and Services". The proposed Rule establishes fees for environmental permits and services. The Upshur-Buckhannon Health Department is seeking approval of this newly proposed Rule by the Appointing Authorities of the Board of Health. Citizens wishing to obtain a copy of the proposed Rule can do so by contacting the Upshur-Buckhannon Health Department at 15 North Locust Street, Buckhannon, WV, or at 304-472-2810. The proposed Rule is available for review at the Upshur-Buckhannon Health Department from 8:30 a.m. to 4:30 p.m. Monday through Friday, except for legal holidays. Comments must be received no later than the close of business, 4:30 p.m. on April 26, 2024. All comments must be in writing to be considered by the Upshur-Buckhannon Board of Health.

**UPSHUR-BUCKHANNON HEALTH DEPARTMENT  
FEES FOR PERMITS AND SERVICES**

**General.**

1.1. Scope -- This rule establishes the fees for permits and fees for services issued by the Upshur-Buckhannon Board of Health.

1.2. Authority. -- W. Va. Code §16-2-11(a)(9), §16-2-11(b)(3).

1.3. Filing Date. –

1.4. Effective Date. –

**Application and Enforcement.**

2.1. Application - This rule applies to the Upshur-Buckhannon Board of Health which charges a fee for the issuance of permits that are covered by this rule.

2.2. Enforcement - The enforcement of this rule is vested with the Upshur County Health Officer or his or her designee.

**Definitions.**

3.1. Bed and Breakfast - An establishment providing lodging facilities in the form of sleeping accommodations and at a minimum, a breakfast for a fee.

3.2. Body Piercing Studio - means any room or space where body piercing is practiced or where the business of body piercing or any part thereof is conducted.

3.3. Campground - A tract of land maintained and offered to the public for payment for the location or placement of two or more camping units as defined in the bureau's "General Sanitation" rule, 64CSR18.

3.4. Care Facility – Facilities Included, but not limited to, public or private halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non-disaster emergency shelters (such as homeless shelters and family violence protection centers). The term does not include health care facilities licensed by the Office of Health Facility Licensure and Certification in the Office of the Inspector General.

3.5. Child Care Center - A facility where care is provided for seven or more children in a 24-hour period. The term does not include facilities excluded in the bureau's "Child Care Centers" rule, 64CSR21.

3.6. Developed Site - A location for placement and hookup of a manufactured home.

3.7. Fixed Expiration Date - An annual date at which time all permits of the same type expire. The fixed expiration date for each of the permits covered by this rule is derived from the state code or the rule which authorizes the issuance of the particular permit.

3.8. Food Service Establishment - Any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; soda fountain; tavern; bar; cocktail lounge; delicatessen; nightclub; roadside stand; industrial feeding establishment; private, public, or non-profit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

3.9. Hotel/Motel - Any temporary or permanent buildings or structures which are maintained, offered, or used as sleeping quarters for pay.

3.10. Individual Sewage Disposal System - A system for the collection, treatment and disposal of sewage which serves a single dwelling or establishment.

3.11. Industrial Campground - A campground for the location or placement of two or more camping units as defined in 64CSR18, and to be occupied by workers employed for an industrial purpose and intended for long term stays of over 60 days.

3.12. Innovative Alternative Type Sewage System - A method of sewage disposal for a single-family dwelling or establishment for which design standards have been prepared and listed in the West Virginia Bureau for Public Health rule, "Sewage Treatment and Collection System Design Standards," 64CSR47, as an innovative or alternative system.

3.13. Labor Camp - A labor camp includes any lumber, mining, agricultural, construction, or other industrial camp where 10 or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

3.14. Mass Gathering - Any group of 250 or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. The term shall not include assembly in any outdoor venue ordinarily used and equipped for such events. For the purposes of this rule, "equipped" means supplied with adequate sanitary facilities for the intended use.

3.15. Mobile Food Establishment (Includes Reciprocity Permit) - A food establishment that is mobile by means of mechanical, electrical, manual, or otherwise propelled vehicle operating on land or water that complies with 64CSR17 Food Establishment Rule - FDA Food Code Mobile Food Establishment Matrix recommendations based on the menu of food items provided.

3.16. Manufactured Home Community - Any site, area, tract, or parcel of land upon which four or more manufactured homes, used or occupied for dwelling purposes, are parked, either free of charge or for a monetary consideration.

3.17. Organized Camp - Any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation, provided, that

this definition shall not be construed to include a hunting, fishing, or other camp privately owned and used exclusively for the personal pleasure of the owner.

3.18. Potentially Hazardous Food or Drink (time/temperature control for safety food) - Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

3.19. Recreational Water Facility - A body of water, under the control of a person, which has been modified, improved, constructed or installed for the purpose of public swimming or bathing. It includes, but is not limited to, bathing beaches; swimming, wading, and diving pools; water slides, spray pools, lazy rivers, and wave pools; spas, hot tubs, therapeutic pools, hydrotherapy pools and whirlpools. A recreational water facility does not include a private residential swimming pool defined in subsection 2.10 of the bureau's "Recreational Water Facilities" rule, 64CSR16.

3.20. Retail Food Store - Any place, structure, premise, vehicle, or any part thereof in which food is sold retail, offered for retail sale, or served not to be consumed on the premises. For the purpose of this rule, the term "retail food store" does not include establishments which handle only pre-packed non-potentially-hazardous foods; roadside markets that offer only fresh fruits or fresh vegetables; or the delicatessen operation of a retail food store.

3.21. Sewage Tank Cleaner - Any person engaged in the collection, removal, transportation or disposal of sewage.

3.22. School - a public or private organization that provides instruction for the teaching of children. The term includes early childhood/ primary education centers, middle school/junior high education centers, adolescent/high school education centers and vocational education centers. The term does not include child care centers as defined in the bureau's "Child Care Centers" rule, 64CSR21.

3.23. Subdivision - A tract of land which has been divided into two or more lots, tracts, parcels, plats, sites, areas, units, interests, or other division for the purpose of dwelling or establishment development and including the division of land by deed, metes and bounds description, lease, map, plat, or other instrument, or by act of construction.

3.24. Tattoo studio - means any room or space where tattooing is practiced or where the business of tattooing or any part thereof is conducted

3.25. Temporary Food Service Establishment - A food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration and required by W. Va. Code §16-6-3, to have a permit.

3.26. Vending Machine - A machine designed for the dispensing of potentially hazardous food or drink to the public by a self-service method.

3.27. Water Well - Any excavation or penetration in the ground, whether drilled, bored, cored, driven, or jetted for a water supply, for the exploration for water, or for removal of water to dewater construction sites.

3.28. Water Well (Heat Exchange) - Any well constructed to use the heat exchange properties of either groundwater or of geologic material penetrated by the well.

**Option to Charge for Permits; Procedure and Implementation of Permit and Service Fee Schedule.**

4.1. The Upshur-Buckhannon Board of Health shall charge a fee for the issuance of permits and services covered by this rule.

4.2. The Upshur-Buckhannon Board of Health shall follow the following procedures prior to implementation of a Permit Fee Schedule:

- 4.2.1 Present proposed fee schedule to the board of health for initial review and approval.
- 4.2.2 After the local board of health's approval of a proposed schedule of fees, the board shall place notice in the State Register and on the organization's web page setting forth a notice of proposed action, including the text of the new local health department rule or the amendment and the date, time, and place for receipt of public comment [§16-2-11(b)(3)(C)], provide the notice to the board's appointing authority with a request for publication on the authority's website and in its public offices, place a one-time Class II Legal Advertisement in the local newspaper and allow for a 30-day comment period.
- 4.2.3 Upon completion of the 30-day comment period, the board of health shall meet and review any public comments received prior to final approval of the fee schedule.
- 4.2.4 Once all public comments have been considered, the board shall vote on final approval of the proposed permit fee schedule and implementation date.
- 4.2.5 The Board of Health shall notify the appointing authority and request approval of the proposed fee schedule and provide the following information:
  - (a) A copy of the proposed fee schedule;
  - (b) A copy of the posted notice of the proposed fees and a description of the public notice process;
  - (c) A copy of comments received on the proposed fees; and
  - (d) A response to the comments.
- 4.2.6 With approval from the appointing authority, the board of health shall implement the Fees for Permit Schedule.
- 4.2.7 A copy of the final approved Fees for Permit Schedule shall be filed with the county clerk.

**Permits and Fees.**

5.1 The list of permits and corresponding fees are listed in Table 1 attached below.

Table 1

Permit	Permit Fee Guideline	Expiration Date (Annually)
Bed and Breakfast	\$55.00	6/30
Campground		6/30
Fee per site	\$5.50	
Minimum fee	\$55.00	
Care Facility	\$55.00	6/30
Child Care Center		12/31
Number of Children		
Family Day Care Facility (7-12)	\$55.00	
Day Care Center (13-25)	\$110.00	
Day Care Center (26 and over)	\$165.00	
Food Service Establishment		6/30
Seating Capacity		
0 – 20	\$110.00	
21 – 50	\$220.00	
51 – 80	\$330.00	
81 and over	\$440.00	
* If the facility has a liquor license from the West Virginia Alcoholic Beverage Control Administration – an additional \$150 fee shall be added to each seating capacity amount.	\$110.00	
Hotel/Motel		6/30
Number of Rooms		
0 – 20	\$110.00	
21 – 50	\$220.00	
51 – 80	\$330.00	
81 and over	\$440.00	
Individual Sewage Disposal Systems and Innovative Alternative Type Sewage Systems		1 year from date of issue
Type of System		
Conventional Single-Family Dwelling	\$170.00 (DEP fee \$30)	
All other types of system	\$330.00	
Modification of Tank or Field Line	\$110.00	
Industrial Campground	\$120.00	6/30

Permit	Permit Fee Guideline	Expiration Date (Annually)
Labor Camp	\$55.00	6/30
Mass Gathering		End of Event
\$55.00 per event	\$55.00	
Mobile Food Establishment	\$110.00	6/30
Manufactured Home Community		12/31
Per Site	\$5.50	
Minimum fee	\$110.00	
Organized Camp	\$82.50	6/30
Recreational Water Facility	\$110.00	12/31
Retail Food Store		6/30
Fee per checkout	\$55.00	
Retail Food Store 1 Checkout	\$55.00	
Retail Food Store 2 Checkouts	\$110.00	
Retail Food Store 3 Checkouts	\$165.00	
Retail Food Store 4 Checkouts	\$220.00	
Retail Food Store 5 Checkouts	\$275.00	
Retail Food Store 6 or More Checkouts	\$330.00	
Schools (Facility)		6/30
Fee per site	\$55.00	
Subdivision		N/A
Number of Lots		
Fee per lot	\$11.00	
Minimum Fee	\$110.00	
Temporary Food Service Establishment (maximum 14 days per event)		Noted on permit
Fee per unit	\$55.00	
In-State Vendor Temporary Food Service Establishment (non-potentially hazardous food only)		1 year from date of issue
Fee per unit	\$110.00	

Vending Machine (TCS Foods only)			6/30
	Fee per machine per site	\$55.00	
Water Well		\$110.00	1 year from
Permit		Permit Fee Guideline	Expiration Date (Annually)
<b>The following permit fees are set by WV Legislative Code or Rule and cannot be changed</b>			
Body Piercing [WV Rule 64CSR80]		\$200.00	6/30
Tattoo Studio [WV Code §16-38-6(e)]		\$200.00	6/30
Sewage Tank Cleaner [WV Rule 64CSR9]		\$16.00	1 year from date of issue
Statewide Mobile Food Permit/Reciprocity...In process with current Legislative Session [WV Code §16-2-18]		\$110	6/30
Water Well (Heat Exchange) [WV Rule 64CSR19]			1 year from date of issue
	1 to 50 ton heat pump system	\$110.00	
	Over 50 ton system	\$110.00	
<b>Prorating of Fixed Expiration Date Permit Fees</b>			
	# of Months from Fixed Expiration Date	% Annual Fee to be Paid	
	< 3 months	25%. of annual fee	
	3 months to < 6 months	50%. of annual fee	
	6 months to < 9 months	75%. of annual fee	
	9 months to < 12 months	100%. of annual fee	
*	The fee charged for an annual permit with a fixed expiration date.		
**	Proration of fees does not apply to fees set by WV Code or Rule		
<b>Late Fee for Expired Permits</b>			
*	A late fee of 25 percent for all expired permits listed and will be applied to the permit fee schedule. Payment must be received within 10 days of the expiration date to avoid the late fee assessment.		
**	Late fee does not apply to fees set by WV Code or Rule		

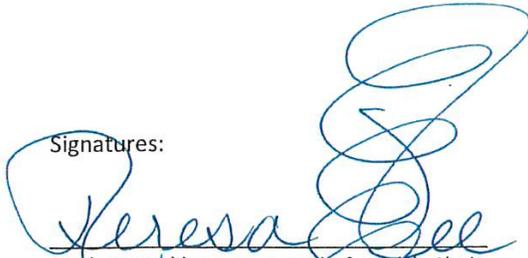
## Services and Fees.

6.1 The list of permits and corresponding fees are listed in Table 1 attached below.

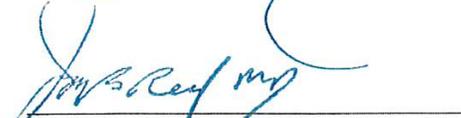
**Table 2**

<b>Environmental Service</b>	<b>Fee</b>
Food Handlers Card Fee (2 year)	\$20.00
Statewide Food Handlers Card Fee	\$30.00
Duplicate Food Handlers Card Fee	\$5.50
Campground Re-inspection	\$82.50
Childcare Center Re-inspection	\$82.50
Food Establishment Re-inspection	\$82.50
Hotel/Motel/Lodging Re-inspection	\$82.50
Manufactured Home Community Re-inspection	\$82.50
Recreational Water Facility Re-inspection	\$82.50
School Re-inspection	\$82.50
Sewage Re-inspection	\$82.50
Tattoo Studio/Body Piercing Studio Re-inspection	\$82.50
Food Establishment Plan Review (0-20 seats)	\$55.00
Food Establishment Plan Review (21-50 seats)	\$55.00
Food Establishment Plan Review (51-80 seats)	\$55.00
Food Establishment Plan Review (Over 80 seats)	\$55.00
Other Facilities Plan Review	\$55.00
Home Loan Evaluation – Individual Water Wells Only	\$165.00
Home Loan Evaluation – Individual Sewage Only	\$165.00
Home Loan Evaluation – Water and Sewage	\$220.00
Individual Water Sample	\$60.00
Individual Water Re-sample	\$60.00
Homeowner Sewage Installer Test	\$55.00
Subdivision Consultation	\$55.00
Homeowner Water Well Pump Installer Test	\$55.00
Consultative Services Fee (Done in the Field Per Hour)	\$55.00
Indoor Air Quality Evaluation – Mold	\$55.00
Animal Specimen/Rabies Testing (Head Removal)	\$0
Duplicate Permit Fee	\$11.00
Change of Installer Fee	\$11.00
Permit Re-Issue Fee	\$11.00
On-Site Food Handlers Class Fee	\$11.00
DEP Sewage Tank Registration- (portion returned to LHD)	\$15.00
PIC Food Card	\$55.00
Serve Safe Certified Food Protection Manager Training	\$110.00
Clean Indoor Re-inspection	\$82.50
Copies of Public Records	\$0.55
Public Record Search Per Hour	\$22.00

Signatures:

  
Kerensa Gee  
Upshur-Buckhannon Board of Health Chair

3-20-2024  
Date

  
John Reafmy  
Upshur County Health Officer

3/20/2024  
Date

Dr. John Medlins by phone SXT, AQ, TCK  
Board of Health Member

3/20/2024  
Date

Suzi Talbot  
Board of Health Member

3-20-2024  
Date

Amy Queen  
Board of Health Member

3-20-24  
Date

Susan McGee  
Upshur-Buckhannon Health Department Administrator

3/20/2024  
Date

Chris Garrett  
Upshur-Buckhannon Health Department Sanitarian

3-20-24  
Date

## Rotation

From: Daniel G <aaatowing@myyahoo.com>

Sent: Wed, Apr 24, 2024 at 9:29 am

To: tperry@upshurcounty.org

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Can we get removed from rotation ? At this time we have decided to go a different route and close the business. Thank you.



State of West Virginia  
**John B. McCuskey**  
 State Auditor and  
 Chief Inspector

Office of the State Auditor  
 Chief Inspector Division  
 State Capitol, Building 1, Suite W-100  
 1900 Kanawha Boulevard, East  
 Charleston, West Virginia 25305

Toll Free: (877) 982-9148  
 Telephone: (304) 558-2251  
 Fax: (304) 558-6414  
[www.wvsao.gov](http://www.wvsao.gov)

April 24, 2024

Honorable Members of the  
 Upshur County Commission  
 Buckhannon, WV 26201

We are engaged to audit the financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Upshur County Commission for the fiscal year ended June 30, 2023. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

**Our Responsibilities under U.S. Generally Accepted Auditing Standards and Government Auditing Standards**

As stated in our engagement letter dated April 24, 2023, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we will consider the internal control of Upshur County Commission. Such considerations are solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether Upshur County Commission's financial statements are free of material misstatement, we will also perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to any RSI is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on supplementary information (SI) which accompany the financial statements but are not RSI. Our responsibility for this SI, as described by professional standards, is to evaluate the presentation of the SI in relation to the financial statements as a whole and to report on whether the SI is fairly stated, in all material respects, in relation to the financial statements as a whole. We have not been engaged to report on other information (OI) which accompany the financial statements but are not RSI. Our responsibility with respect to this OI in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this OI is properly stated. This OI will not be audited, and we will not express an opinion or provide any assurance on it.

Honorable Members of the  
Upshur County Commission  
Page 2

**Planned Scope and Timing of the Audit**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from: (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violation of laws or government regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

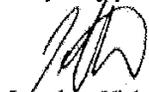
Our audit will include the audit of all the components of the entity. Due to time constraints, we will have the CPA firm of Ferrari and Associates, PLLC conducting the audits of the Upshur County Fire Board and the Upshur County Development Authority and BHM CPA Group, Inc. conducting the audit of Buckhannon-Upshur County Airport Authority.

We have identified significant risks of material misstatement as part of our audit planning. That planning has not concluded; therefore, modifications may be made to the risks identified. We will communicate modifications, if any, to you. These significant risks of material misstatement include management override of controls, revenues and cash.

We expect to begin our audit on approximately April 29, 2024 and issue our report on approximately August 26, 2024. The engagement will be led by Cara Maxson, Regional Supervisor, who will be responsible for supervising and assuring the overall quality and value of our services to you and Charles Petry, Lead Auditor, who will be responsible for on-site administration of the engagement.

This information is intended solely for the use of the Upshur County Commission and management of the Upshur County Commission and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,



Jonathan Vickers, CICA  
Assistant Director  
Chief Inspector Division  
Office of the State Auditor



Providing new, quality, hardcover children's books to rural public libraries.

Joan McDaniels  
James W. Curry Public Library  
1721 Brooks Hill Road  
French Creek, WV 26218

April 20, 2024

Dear Ms. McDaniels,

On behalf of The Pilcrow Foundation, I would like to congratulate you and your library community on receiving a grant through our April 2024 Children's Book Project. The books provided through the Children's Book Project are for your library's permanent collection and may not be distributed as incentives, gifts, or prizes in any way.

Enclosed, you will find: 1) current **Booklists**, 2) the **Book Order Form**, and 3) the **Bookplate Request Form** with shipping address. This letter contains information and guidelines about each document, so please read to the end and keep this letter for your records.

#### **Grant Recipient Agreement**

By submitting your Book Order and matching grant funds, you agree that 1) all of the new, hardcover children's book you receive from The Pilcrow Foundation will be added to your library's permanent collection and will not be distributed as incentives, gifts, or prizes in any way; and 2) you will submit a one-page narrative report within 8-10 weeks of receiving your books. Please see the description for **Required Reporting** below or on your grant application for reporting guidelines.

#### **The Pilcrow Foundation Booklist**

The booklist includes over 700 book titles for children ages birth through 12. The book lists are in two groups: 1) Early and Beginning readers (birth to 7 or PreK - 2<sup>nd</sup>), and 2) Middle and Intermediate to Advanced readers (age 7 to 12 or grades 2<sup>nd</sup> - 7<sup>th</sup>). Unless otherwise stated (e.g., board book) all books are hardcover trade books. The books have been reviewed by Book List, School Library Journal, and other agencies. We have included award-winning titles, newly reissued books, high-interest books, and previous titles in the series or collection if the hardcover version is available.

#### **Book Order Form**

The Book Order Form is alphabetical by author and combines books from both booklists. On the Book Order Form, indicate the number of each title you would like with a numeral. For example, if you would like one copy of a book, write 1 in the left column. If you would like two copies of a book, write 2 in the left column. Please do *not* use tallies, check marks, or Xs to indicate your preferences. Also, identify at least 15 alternative titles with an 'A' in case any of your first-choice items are not readily available. You can order multiple copies of book titles. I will also email a fillable PDF and a calculable Excel versions of the Book Order Form.

As indicated by your grant application, your local sponsor intends to raise \$400.00. The foundation will match your sponsor's contribution two-to-one. With your sponsor's contribution and The Pilcrow Foundation's \$800.00 match, you will be able to select \$1,200.00 worth of books from the booklist. This will be about 70 new children's books for

The Pilcrow Foundation 343 E. Washington Avenue Cottage Grove Oregon 97424

[thepilcrowfoundation.org](http://thepilcrowfoundation.org)

# MONONGALIA COUNTY COMMISSION

243 HIGH STREET, ROOM 202  
COURTHOUSE  
MORGANTOWN, WEST VIRGINIA 26505

Jeffrey L. Arnett, Commissioner  
Thomas C. Bloom, Commissioner  
Sean P. Sikora, Commissioner



Telephone: 304 291-7257

April 24, 2024

Upshur County Commission  
Attention: Commission President  
91 West Main Street, Suite 101  
Buckhannon, WV 26201

RE: West Virginia First Foundation Regional Director Vacancy - **UPDATED**

Dear Sir or Madam,

The purpose of this letter is to follow up with all Region 4 municipalities and counties on the next steps regarding the WV First Foundation. In accordance with the West Virginia First Memorandum of Understanding, each region must create their own governance structure, to ensure that all Local Governments have input and equitable representation regarding Regional decisions, including the selection of projects to be funded using Regional funds.

We have been contacted by Matthew Harvey, Chair of the West Virginia First Foundation, stating that we are required to follow the bylaws approved on October 31, 2023. Which requires an "election of the Directors at or near the expiration of their terms, or, in the event of resignation, death, or incapacity of any director."

In light of this information, we are rescinding the letter dated April 12, 2024, and will now follow the guidance of the bylaws. Each local government must send one delegate to the meeting who is authorized to vote on the selection of the Regional Director and there are no restrictions on who you can select to attend on your behalf. Local governments may submit a nomination prior to or during the meeting, however they must be a resident of both the State of West Virginia and Region 4.

The next meeting/election is planned for **Thursday, May 9, 2024, at 9:30 a.m.** in the **Monongalia County Commission Chambers, 243 High Street, 2<sup>nd</sup> Floor, Morgantown**. If you are planning to participate in person or online, please contact me at [ccoon@monongaliacounty.gov](mailto:ccoon@monongaliacounty.gov) no later than **May 3, 2024**, so we are able to plan for seating or provide you with the Microsoft Teams link.

If you have any questions or concerns regarding this meeting, please do not hesitate to contact the Monongalia County Commission at your earliest convenience.

We look forward to hearing from you.

For the Commission,

*Collene Coon*

Collene Coon  
Office Manager  
Monongalia County Commission



21 East Main Street, Suite 102 | PO Box 849  
Buckhannon, WV 26201

**AGENDA**  
**April 29, 2024**  
**The Outpost and Event Center, Buckhannon, WV**  
**12:00 pm**

1. Call to Order
2. Moment of Silence
3. Pledge of Allegiance
4. Introductions—Verification of Quorum
5. Approve minutes from October 30, 2023 meeting
6. Treasurer's Report
7. Election of Reporting Entity Type
8. FY2023 Audit
9. Executive Director's Report
10. BEAD Update
11. Region VII Multi-Hazard Mitigation Plan Update
12. Nominating Committee
13. Projects for Review
14. Executive Session per WV Code 6-9A-4
15. Other Discussion Items
16. Adjournment

**REGION VII PLANNING & DEVELOPMENT COUNCIL**  
www.regionvii.com | O: 304.472.6564 | F: 304.472.6590

*Proudly Serving Barbour, Braxton, Gilmer, Lewis, Randolph, Tucker, and Upshur Counties*

**\*\*REVISED\*\***

In compliance with West Virginia's Public Meeting Law, the 26<sup>th</sup> Judicial Circuit Community Corrections Program regular board meeting will be held April 30, 2024 at 1:00pm at the Upshur County Day Report Center in Upshur County. The public is invited to attend and learn more about our program, serving Lewis and Upshur Counties.

## **COMMUNITY CORRECTIONS**

### **Board Meeting Agenda**

**April 30, 2024**

**Upshur County Day Report Center in Upshur County 1:00 P.M.**

#### **I. Handouts**

- Sign in sheets
- Agenda, Previous Meeting Minutes
- Budget report

#### **II. New Business**

- 1) Batterer's Intervention Prevention Class Update
- 2) Home Confinement Update- Lewis-21 Upshur-28
- 3) Community Corrections Update
  - Referrals received since July 1, 2022, Upshur-225 Lewis-144 Total-369
  - Resignation of Case Manager Brooklyn Queen
  - Request to move Jessica Stanley from part-time case aide into vacant full-time case manager position
  - Request to interview/hire to fill part-time case aide position
  - Request to hire support service provider
  - Update on Recovery Center
  - Update on services

\*Agenda subject to change

#### **III. Next Meeting**

- **May 20, 2024 at the Lewis County Community Recovery Center time to be determined**

**City Council of Buckhannon – 7:00 pm in Council Chambers**  
**Meeting Agenda for Thursday, May 2, 2024**

Channel 3 is Live Streaming our City Council Meetings at <https://www.facebook.com/ch3buckhannon/>. Send public comments via email to [buckhannon@buckhannonwv.org](mailto:buckhannon@buckhannonwv.org) or drop them in the mail, or drop box behind City Hall.

You may join the meeting from your computer, tablet or smartphone: <https://global.gotomeeting.com/join/443910693> Or by dialing in using your phone: United States: +1 (571) 317-3112 Access Code: 443-910-693

**A. TO CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED ADOPTION ON THIRD AND FINAL READING OF THE FOLLOWING ENTITLED ORDINANCE NO. 467 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ORDINANCE NO. 390 OF THE CITY OF BUCKHANNON, INCREASING THE CITY'S FIRE PROTECTION SERVICE FEES CHARGED TO RESIDENTS AND BUSINESSES WITHIN THE CORPORATE LIMITS OF THE CITY, ESTABLISHING TIERED FEES, PROVIDING FOR THE ADMINISTRATION, COLLECTION AND USE OF FEES RAISED HEREBY, AND SETTING AN EFFECTIVE DATE OF JULY 1, 2024**

**B. TO CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED ADOPTION ON THIRD AND FINAL READING OF THE FOLLOWING ENTITLED ORDINANCE NO. 468 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ORDINANCE NO. 224 OF THE CITY OF BUCKHANNON, INCREASING THE CITY'S POLICE PROTECTION SERVICE FEES CHARGED TO RESIDENTS AND BUSINESSES WITHIN THE CORPORATE LIMITS, ESTABLISHING TIERED FEES, PROVIDING FOR THE ADMINISTRATION, COLLECTION AND USE OF FEES RAISED HEREBY, AND SETTING AN EFFECTIVE DATE OF JULY 1, 2024**

**C. Call to Order**

- C.1 Moment of Silence
- C.2 Pledge to the Flag of the United States of America

**D. Recognized Guests**

- D.1 Kathy McMurray, Executive Director Mountain CAP of WV, Inc- Proclamation Community Action Month
- D.2 Holy Rosary Catholic Church- Proclamation Corpus Christi Day
- D.3 Upshur-Buckhannon Health Department-Sue Mckisic, RN, BSN & Chris Garrett, Registered Sanitarian

**E. Department & Board Reports**

- E.1 Public Works Director- Jerry Arnold
- E.2 Finance Director- Amberle Jenkins
- E.3 Fire Chief- JB Kimble
- E.4 Police Chief- Matthew Gregory
- E.5 City Attorney- Tom O'Neill

**F. Correspondence & Information**

- F.1 Notice of Public Hearing & Proposed Adoption of Ordinance No. 467 Increasing City's Fire Protection Fees
- F.2 Notice of Public Hearing & Proposed Adoption of Ordinance No. 468 Increasing City's Police Protection Fees
- F.3 Notice City Council Meeting Date of May 16, 2024 has been cancelled due to conflict with the WVSF Events
- F.4 Notification to Residents/Businesses Located along the Parade Route & Lineup Staging Areas
- F.5 Webb Grubb Police Officer Recognition Day -May 15, 2024 at 2pm at the Public Safety Complex
- F.6 Friendly Way Firefighter Recognition Day- May 17, 2024 at 3pm at the Public Safety Complex
- F.7 Notice Accepting Resumes for the Position of Director of Public Works for the City of Buckhannon
- F.8 Notice of Special Meeting of the Planning Commission to discuss the request for the consideration to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals

**G. Consent Agenda**

- G.1 Approval of Minutes-Regular meeting 04/18/24
- G.2 Approval of Building and Wiring Permits
- G.3 Approval of Payment of the Bills

**H. Strategic Issues for Discussion and/or Vote**

- H.1 Approval Ordinance No. 467 Increasing the City's Fire Protection Service Fees -3<sup>rd</sup>/Final Reading
- H.2 Approval Ordinance No. 468 Increasing the City's Police Protection Service Fees -3<sup>rd</sup>/Final Reading
- H.3 Request Support from Upshur-Buckhannon Health Department for Policy to Implement Environmental Fees for Permits & Services
- H.4 Due to Holiday-Reschedule the City Council Meeting of June 20, 2024 to be held on Tuesday, June 18, 2024
- H.5 Due to Holiday-Reschedule/Merge the City Council Meetings of July 4 & July 18, 2024 to be held on July 11, 2024
- H.6 Police Civil Service Commission Recommendation of Top 3 Candidates to Council for Consideration of Hiring & To Conduct Interviews for Position of Probationary Police Officer on Tuesday, May 21, 2024 at 9:00AM
- H.7 Memorandum of Understanding between UCECC & BPD re: Upshur County 911 Radio Project

**I. Comments and Announcements**

- I.1 Pamela Bucklew
- I.2 David McCauley
- I.3 Jack Reger
- I.4 David Thomas
- I.5 CJ Rylands
- I.6 Randall Sanders

**J. Mayor's Comments and Announcements**

**K. Adjournment**

Posted 04/29/2024



**Buckhannon-Upshur Chamber of Commerce  
Meeting Agenda  
May 8, 2024**

Welcome

Minutes

Financial Report

Old Business

- State of the Corridor
- Candidates Forum

New Business

- WV Day Birthday Bash & Bartender Battle- Thursday, June 13th

Reports from Collaborative Organizations and Standing Committees:

West Virginia Strawberry Festival  
Upshur County Development Authority  
Southern Upshur Business Association (SUBA)  
Upshur County Convention and Visitor's Bureau (CVB)  
Create Buckhannon  
City of Buckhannon  
County Commission  
Mountain CAP of WV  
WVWC  
St. Joseph's Hospital  
Rotary  
Community Care  
Region VII  
Leadership Upshur  
BBQ Bash

Guest Speaker- Shane Jenkins, West Virginia Strawberry Festival President– will provide a last minute update on the Berry Best Festival!

Announcements

Adjourn