

## 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: January 18, 2024
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:  
  - January 11, 2024
- 9:15 a.m. Christine Miller, Superintendent of Upshur County Schools - Presentation of Excess Levy to appear on May 2024 ballot.
- 9:30 a.m. Public hearing, second reading and adoption of suggested revisions to the Upshur County Floodplain Ordinance, previously adopted on January 16, 2020. [Page 4](#)
- 10:00 a.m. Joint work session with Lewis County Commission to discuss Lewis-Upshur Animal Control Facility operations, personnel and policies.  
*Item may lead to Executive Session per WV Code §6-9A-4* [Under separate cover](#)
- 1:00 p.m. Supervisor's Meeting
- 2:00 p.m. Policy Board Meeting

### Items for Discussion / Action / Approval:

1. Consider executing an authorization for additional services from Civil & Environmental Consultants, Inc. These services and tasks include those forthcoming or already completed to develop a recreational complex in Upshur County on property located along West Virginia Route 33, donated by the J. F. Allen family. Upon approval, the estimated additional fee will not exceed \$76,200. \* [Pages 5-9](#)
2. Authorization for Tabatha R. Perry, County Administrator, to use Samuel R. Nolte's official signature stamp to sign required documentation on behalf of the Upshur County Commission. \* [Page 10](#)
3. Authorization for Cindy M. Hughes, Assistant County Administrator, to use Samuel R. Nolte's official signature stamp to sign required documentation on behalf of the Upshur County Commission. \* [Page 11](#)
4. Correspondence from Becky Edwards, Senior Companion Program Director, Mid-Ohio Valley Regional Council, requesting funding in the amount of \$500.00 for the Upshur County Senior Companion Program. \* [Page 12](#)
5. Correspondence from Mike Hicks, announcing his resignation as a member of the Upshur County Farmland Protection Board, effective immediately. \* [Page 13](#)

6. Consider the appointment of Frank White, as Tygart Valley Conservation District representative to the Upshur County Farmland Protection Board. Upon approval, the term will be effective immediately through June 30, 2027. \* [Under separate cover](#)
7. Correspondence from Cheyenne Troxell, 26th Judicial Circuit Community Corrections Program Director, requesting the employment of Jessica Stanley, as part-time case aid, effective January 24, 2024. Upon approval Ms. Stanley will work no more than 19.5 hours per week. \*  
*Item may lead to Executive Session per WV Code §6-9A-4* [Under separate cover](#)
8. 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 Public Service Commission of West Virginia releasing an Order to approve the Mount Hope Water Association's application for a certificate of convenience and necessity to construct a water distribution system improvement project in Upshur County. [Pages 14-20](#)
2. Upshur County Building & Floodplain Permits for the month of December, 2023. [Page 21](#)
3. Upshur County E911 Communication Reports – December, 2023. [Under separate cover](#)
  - Monthly Department Summary Report
  - Monthly Wrecker Report
  - Year To Date Wrecker Report
4. Public Notices:
  - a) Newsletters and/or Event Notifications:
    - None
  - b) Agendas and/or Notice of Meetings:
 

• Upshur County Convention & Visitor's Bureau	January 10, 2024	<a href="#"><u>Page 22</u></a>
• Upshur County Fire Board – CANCELLED	January 16, 2024	<a href="#"><u>Page 23</u></a>
• *Rescheduled	January 23, 2023	<a href="#"><u>Page 24</u></a>
• Upshur County Farmland Protection REVISED - CANCELLED	January 16, 2024	<a href="#"><u>Page 25</u></a>
• *Rescheduled	February 6, 2024	
• City Council of Buckhannon	January 18, 2024	<a href="#"><u>Page 26</u></a>
  - c) Meeting Minutes:
 

• Upshur County Solid Waste Authority	December 11, 2023	<a href="#"><u>Pages 27-28</u></a>
• Tennerton Public Service District	December 13, 2023	<a href="#"><u>Page 29</u></a>
• Upshur County Safe Structures and Sites	December 14, 2023	<a href="#"><u>Pages 30-31</u></a>
• Upshur County Fire Board – Special Meeting	December 26, 2023	<a href="#"><u>Page 32</u></a>

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

<http://cms4.revize.com/revize/upshurwv/calendar.php>

or go to [www.upshurcounty.org](http://www.upshurcounty.org) and click on the board meetings calendar box on the main page.

5. Appointments Needed or Upcoming:
  - None

## 6. Board of Review &amp; Equalization Meeting Schedule

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\*Meetings will be held at the Upshur County Administrative Annex unless otherwise noted

- 02/01/2024 1:00 p.m. – 3:00 p.m. No appointments ---Review Property Books
- 02/06/2024 1:00 p.m. – 3:00 p.m.
- 02/08/2024 10:00 a.m. – 12:00 p.m.
- 02/13/2024 1:00 p.m. – 3:00 p.m. Coal, Oil & Gas and Industrial Appointments
- 02/16/2024 9:00 a.m. – 11:00 a.m. Adjourn Sine Die

*\*\*\*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)

Tabled November 30, 2023 - Consider executing a Memorandum of Understanding for Regional Task Force dedicated to optimizing funds available to political subdivisions from the WV First Foundation created as a result of the State opioid litigation and settlements. Upon entering this agreement, parties agree to cooperate and provide information and documentation to Ascension Recovery Services (Ascension). Financial contribution by the parties of this MOU for the services provided by "Ascension" is voluntary, not mandatory.

Pages 34-35

Next Regular Meeting of the Upshur County Commission  
January 25, 2024 --- 9:00 a.m.  
Upshur County Courthouse Annex

NOTICE OF PUBLIC HEARING BY THE UPSHUR COUNTY COMMISSION

The Upshur County Commission ("Commission") has scheduled two readings on an amendment to the Upshur County Floodplain Ordinance, excluding the municipality of Buckhannon. The public hearings will be held in the Commission Meeting Chambers located in Room 301 of the Upshur County Courthouse Annex, 38 West Main Street, Buckhannon, West Virginia, 26201.

- First Reading                      9:30 am              Thursday              January 4, 2024
- Second Reading/Adoption    9:30 am              Thursday              January 18, 2024

Parties in interest may appear before the Upshur County Commission (the "Commission") and may be heard as to whether the following described Ordinance adopted by the Commission shall be revised as recommended.

AN ORDINANCE ESTABLISHING A FLOODPLAIN AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND;

REQUIRING ALL CONTRACTORS, PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ALL OF THE UNINCORPORATED AREAS OF UPSHUR COUNTY FOR ANY AND ALL DEVELOPMENT, SITE PREPARATION, CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR RELOCATION OF ANY BUILDING OR STRUCTURE;

PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS;

ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

A copy of the Ordinance is on file for review by interested persons during regular office hours in the office of the County Administrator of Upshur County, West Virginia, 91 West Main Street, Suite 101, Buckhannon, West Virginia.

Published at the direction of the Upshur County Commission on December 20, 2023.

Kristie G. Tenney

Kristie G. Tenney, President



Civil &amp; Environmental Consultants, Inc.

## AUTHORIZATION FOR ADDITIONAL SERVICES

**Client Name:** Upshur County Commission      **Contact:** Kristie Tenney, President  
**Address:** 38 West Main Street, Room 303      **Client Phone:** (304) 472-1673  
Buckhannon, WV 26201      **Client Email:** kgtenney@upshurcounty.org

**Date:** 01/03/24

**Request No.:** CO3

**CEC Project Manager:** Ryan Haws

**CEC Project:** 328-176      **Task:** 8, 9, 10, & 11

**Project Name:** J.C. Allen Regional Hub (Upshur County Rec Complex)

**Location:** Upshur County, WV

### **Proposed Scope of Services:**

#### **TASK 8 - TRAFFIC IMPACT STUDY**

Purpose: The purpose of these services is to provide you with a Traffic Impact Study (TIS) for the proposed development to be located on along WV Route 33. This proposal assumes that access to the proposed development will be accessed via Red Rock Road and/or Commerce Boulevard.

Scope of Services: The scope of the TIS is assumed to include the following intersections:

- WV Route 33 Weston Road EB/WB with Red Rock Road (existing unsignalized);
- WV Route 33 Weston Road EB/WB with WBUC Road (existing unsignalized); and
- WBUC Road with Commerce Boulevard (existing unsignalized intersection).

It should be noted that a scope of study has not been approved by WVDOH, therefore, any changes to the scope of study requested by WVDOH that will require a revision to this proposal will require a revision to the associated fee.

#### Data Collection

CEC will perform turning movement counts at each of the existing study intersections. These turning movement counts will be performed on a typical midweek day (Tuesday through Thursday) from 6:00 A.M. to 9:00 A.M. and from 3:00 P.M. to 6:00 P.M. In addition, turning movement counts will be performed on a typical Saturday from 11:00 A.M. to 2:00 P.M. These time periods are assumed to include the weekday A.M., weekday P.M., and Saturday peak hours of adjacent street traffic, respectively. A field reconnaissance will be conducted at each of the existing study intersections, which will include the identification of existing roadway widths, approximate existing roadway grades, existing lane widths and geometry, and all regulatory signage, including the posted speed limits, within the environs of each intersection and driveway.

#### Analysis

Future traffic volumes anticipated to be generated by the proposed development will be determined based on data provided by ITE in their Trip Generation publication. For purposes of this proposal, one (1) development scenario will be analyzed for up to two phases of construction, the size of which will be verified with you prior to the onset of any calculations.





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## AUTHORIZATION FOR ADDITIONAL SERVICES

It is also CEC's understanding that WVDOH is preparing a US 33/US 48 Traffic Operations and Safety Study. CEC will request this study and discuss the plans with WVDOH during scoping. Any recommended improvements identified in this study will be incorporated in base (no-build) conditions as instructed by WVDOH.

Traffic volumes will then be projected and analyses performed for the following scenarios:

- Existing traffic volume conditions;
- Forecasted opening year traffic volume conditions without development (phase 1);
- Forecasted opening year traffic volume conditions following development (phase 1);
- Forecasted design year traffic volume conditions without development; and
- Forecasted design year traffic volume conditions following full build-out of the development.

The following analyses will then be performed, as applicable:

- Intersection capacity and queuing analyses using Synchro or HCS Software to be based on the Highway Capacity Manual;
- Auxiliary turn lane warrants evaluation;
- Auxiliary turn lane length calculation (if warranted); and
- Signal warrant evaluation.

The results of these analyses will be a determination of whether the existing roadway system can adequately accommodate the traffic volumes anticipated to be generated by the proposed development at pre-development Levels of Service and any roadway improvements that may be required in order to maintain pre-development operational conditions.

### Report Preparation

A TIS report will be prepared, including tables summarizing the trip generation and the results of the capacity and queuing analyses. Figures and text explaining the data collected and analyses performed will be included, along with a technical appendix containing all traffic count data and calculations. A copy of this report will be available for your review prior to submission to the review agencies.

This proposal assumes that any review comments generated by the review agencies will be questions requiring clarification of the work included in the TIS and are not assumed to require additional work tasks to be performed. These review comments will be addressed as part of this proposal. However, should any review comments require additional work tasks to be performed, a supplement to this proposal and the associated fee estimate will be required.

### Meetings

No meeting attendance, above and beyond the initial scoping meeting with representatives of WVDOH, has been assumed as part of the preparation of the Traffic Impact Study. Attendance at any and all additional required meetings will be considered additional work and will be invoiced on a time and materials basis using the hourly rate schedule included with this proposal.

## **TASK 9 – CIVIL/SITE DESIGN SERVICES / SCHEMATIC DESIGN**

### **9.1 Schematic Design (30% Set)**

Purpose: The purpose of this task is to produce schematic plans based on the current Final Masterplan Concept Rendering to be utilized for establishing the configuration and feasibility of the John C. Allen Regional Hub prior to



Civil &amp; Environmental Consultants, Inc.

## AUTHORIZATION FOR ADDITIONAL SERVICES

detailed design. An opinion of probable cost for the total project and for each of the components will be established based on the final schematic design layout to assist in finance, sponsorship, and funding efforts.

### Scope of Service:

CEC will prepare refined schematic design plans that will depict the required facility elements and site features as displayed in the Final Masterplan Concept Rendering. Specific concept refinement shall be limited to the following items:

#### *9.1.1 Site Layout, Grading, and Utility Plan*

CEC will provide a schematic layout plan of the building location, preliminary utility laterals, Snowflex slope, flowtrack bike facilities, bicycle and pedestrian circulation infrastructure, site stormwater infrastructure, parking improvements, and other improvements and infrastructure as displayed in the Final Masterplan Concept Rendering. The following items will be part of the schematic design process.

- Develop schematic plans based on layout included in the Final Masterplan Concept Rendering. Plans should include refined spaces, elements, supporting infrastructure, grading concepts, drainage, utilities, buildings, and lighting guidelines.
- Plan will include an approximate building footprint as developed during programming coordination with the design team.
- Evaluate earthwork based on the preliminary site layout and provide an estimate of related costs.
- Assess the increase in stormwater flows from the proposed project and identify conceptual locations and sizing of stormwater detention facilities.
- Provide draft schematic to the Commission for review and comment.
- Prepare an overall schematic design level opinion of probable cost based on the approved schematic design plan. Opinions of probable cost will also be prepared and provided for the individual site components for use in phasing/funding discussions. CEC will provide one (1) opinion of probable cost for a potential first phase as requested by the Commission. Additional iterations and variations of phasing and associated opinions of probable cost can be completed for an additional fee.
- Revise schematic design one (1) time based on Commission comments and present final schematic design to the Commission.
- Additional revisions to the schematic design will be considered an additional service and will require additional fee.

## **TASK 10 – PROGRAMMING PHASE (ARCHITECTURAL)**

Architectural Programming is the first step in identifying what goes into a building to determine the design scope of work. It is typically a responsibility of the owner but often architects provide technical assistance in this area. This is particularly true when an owner is involved in a specialized building type for the first time and may not be completely comfortable with the convoluted details of combining various large functional spaces with differing requirements.

This is the critical step in the whole design process as it determines the functional and operational requirements of the building. All interested parties need to be involved in the process since it accounts for all the spaces within the building. It enumerates the number, type, and size of spaces and how each of these spaces need to function with other spaces. Emphasis is placed on gathering and analyzing data early in the process so that the design is based upon sound decisions.





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Efficiencies are gained by avoiding redesign and more redesign as functional requirements emerge during architectural design process. The most cost-effective time to make changes is during this programming phase. This is the time for interested parties to influence the overall outcome of a project to create a successful high-performance building.

Even with various project types, programming formats generally incorporate the same essential elements. In all cases, the building design programming fits within a larger context of planning efforts which can also be programmed. For programming the design of a building, the Architect typically follows a six-step process:

1. Research the Project Type
2. Establish Goals and Objectives
3. Gather Relevant Information
4. Identify Strategies
5. Determine Quantitative Requirements
6. Summarize the Program

This first step, Research the Project Type, is an area where the Architect can provide invaluable expertise based on their experience in working with the Project Type. The architect needs to familiarize the owner and end users with some of the following relevant information:

- The types of spaces frequently included in the building type,
- The space criteria (number of square feet per person) for each space,
- Typical relationships of spaces for these functions,
- Typical ratios of net useable square footage to gross square footage (GSF- total area to the outside walls) for this building type,
- Typical costs per square foot for this building type,
- Typical site requirements for the project type,
- Regional issues that might alter the data above for this project,
- Technical, mechanical, electrical, security, or other issues unique to the project type.

With out minimizing the value of Steps 2-5, the program through these steps solicits discussion, analyzation, and declarations from the Owner and end users regarding functional and operational requirements of the building. Critical areas for discussion are:

- Code Requirements - Understanding and addressing code requirements early to impact cost and design.
- Flexible Space - Designing spaces that can adapt to changes in function and operation.
- Flow and Security - Accommodate the efficient movement of people throughout the facility as well as within each functional space and how this may affect operational security.
- Building Efficiency - Right-sizing spaces for the probable user population and avoiding overdesign, "do not design a church for Easter Sunday"
- Form and Image Goals - Establishing the desired look and feel of the project both internally and externally.
- Economic Goals - Considering construction budget, soft costs, and operational/maintenance costs.
- Time and Schedule Goals - Defining overall project timeline and priorities for project construction phasing.
- Athletic Equipment - Identifying specific type equipment needs in regard to operation, function, and cost for each sport
- Energy Goals - Identifying specific HVAC requirements and addressing energy efficiency and sustainability
- Site Functions and Operations - Considering how the building integrates with its surroundings.
- Future Expansion - Planning for potential future expansion needs

Finally, once all the preceding steps have been discussed and agreed upon, a summary statement of the programming effort can be documented. All the pertinent information included above can be documented for the owner, committee members,





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## AUTHORIZATION FOR ADDITIONAL SERVICES

and the design team as well. The Owner should sign-off on the scope of work as described in the program. This becomes the basis for all the design decisions throughout the design process and is the primary influence to achieving a successful high-performance building.

Programming which will include:

- Initial presentation
- Program revisions
- Final program summary and documentation
- Concept cost and budgeting

Concept Plan:

- Update concept plan to accommodate final program

### TASK 11 – MEETINGS AND FUNDING ASSISTANCE

Purpose: The purpose of this task is to provide additional meetings (virtual or online) to support the commission in determining feasibility and funding for the project and to assist in solidifying stakeholder (local and regional) support.

Scope of Service:

CEC will attend additional meetings (virtual or online) to support the commission in determining feasibility and funding for the project and to assist in solidifying stakeholder (local and regional) support. This currently includes 11 additional meetings and efforts related to local and regional stakeholder meetings, meetings with potential funding sources, revised plans and exhibits to be used in funding (tourism) related meetings, meetings included as part of the feasibility study process, and a site visit with the adjacent property owner to discuss the project and a secondary site access.

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Task 8 – Traffic Impact Study (TIS) (LS).....	\$24,500
Task 9 – Civil/Site Design Services/Schematic Design (LS).....	\$22,000
Task 10 – Programming Phase (Architectural) (LS).....	\$14,600
Task 11 - Meetings and Funding Assistance (T&M).....	\$15,100

### Reason(s) for Additional Services and Impacts to Schedule:

Additional services as requested or required for the project.

CEC Principal Signature: \_\_\_\_\_

Estimated Additional Fee: \$76,200

Please provide a signature below authorizing CEC to proceed with the additional services. Upon receipt, CEC will begin the additional services under the Terms and Conditions of our initial Agreement for the additional fee identified above.

Client Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

UPSHUR COUNTY COMMISSION

Upshur County Administrative Annex  
91 West Main Street, Suite 101 ▪ Buckhannon, West Virginia 26201  
*Equal Opportunity Employer (EOE)*

Telephone: (304) 472-0535  
Telecopier: (304) 473-2802

TDD Numbers  
Business: 472-9550  
Emergency: 911

January 18, 2024

I, Samuel R. Nolte, President of the Upshur County Commission, hereby authorize Tabatha R. Perry, County Administrator, to use my official signature stamp to sign any required documentation on behalf of the Upshur County Commission.

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Samuel R. Nolte  
President, Upshur County Commission

State of WV  
County of Upshur

The foregoing document was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024 by Samuel R. Nolte.

My commission expires: \_\_\_\_\_.

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Notary Public

UPSHUR COUNTY COMMISSION

Upshur County Administrative Annex  
91 West Main Street, Suite 101 ▪ Buckhannon, West Virginia 26201  
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Telephone: (304) 472-0535  
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TDD Numbers  
Business: 472-9550  
Emergency: 911

January 18, 2024

I, Samuel R. Nolte, President of the Upshur County Commission, hereby authorize Cindy M. Hughes, Assistant County Administrator, to use my official signature stamp to sign any required documentation on behalf of the Upshur County Commission.

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Samuel R. Nolte  
President, Upshur County Commission

State of WV  
County of Upshur

The foregoing document was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024 by Samuel R. Nolte.

My commission expires: \_\_\_\_\_.

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Notary Public



# AmeriCorps Seniors

January 8, 2024

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

Dear County Commissioners,

I am writing to you about the Senior Companion Program that has been a vital part of the Upshur County community for several years. The Senior Companion Program is a volunteer program that helps keep people in their own homes that are at risk of losing their independence. Senior Companions provide 5-40 hours per week visiting older adults, most who live alone and would like to have someone share part of their day.

One of the hardest things to have to do as we face getting older is the thought of losing our independence because we can no longer take care of ourselves and our surroundings. The days can be long and lonely, especially for those who live alone. Studies show that loneliness can result in depression, anxiety and make certain conditions worse. Our children work or no longer live close and live busy lives. Our Senior Companion Volunteers can provide light housekeeping, transportation, meal preparation and most of all companionship.

The Senior Companion Volunteers are 55 years or older, meet federal income guidelines, pass a physical, be fingerprinted, and pass Federal and State background checks. These volunteers receive a stipend per hour for their volunteer service and mileage reimbursement. This stipend is tax free and does not affect any benefits that volunteers may receive.

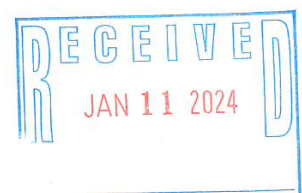
In 2023, Upshur County had 8 senior companion volunteers that provided 9,185.50 hours of service. This volunteer service corresponds to \$34,772.13 in federal dollars that was put back into Upshur County.

While the Senior Companion Program is in part federally funded, there is a 10% non-federal match requirement. Please consider us for funding of \$500 to continue this important program to Upshur County and the elderly we serve.

Please feel free to contact me at (304) 699-3702 or your local coordinator, Michelle Row Williams at (304) 699-3725.

Thank you,

Becky Edwards  
Senior Companion Program Director





Mike Hicks

Buckhannon, WV 26201

January 8, 2023

Upshur County Commission

91 West Main Street, Ste 101

Buckhannon, WV 26201

Dear Commissioners,

I am writing to you to resign my appointment to the Upshur County Farmland Protection Board. I believe in this program and look forward to potentially being appointed to the board in the future.

I have applied for an easement on the property that I own and would like for this easement to be considered. In the best interest of my application, I have decided to not be on the board while this application/easement is being processed. To proceed I feel that the Tygart Valley Conservation District should find a replacement for my appointment on this board.

Sincerely,



Mike Hicks

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON



Entered: December 18, 2023

CASE NO. 23-0762-W-CN

**MOUNT HOPE WATER ASSOCIATION**

Application for a certificate of convenience and necessity to construct a water distribution system improvement project in Upshur County.

RECOMMENDED DECISION

This Order approves the Association's application for a certificate of convenience and necessity to construct a water distribution system improvement project; approves the project financing; and, approves the Staff-recommended rates to support the project.

PROCEDURE

On September 15, 2023, Mt. Hope Water Association (Applicant or Association) filed an application for a certificate of convenience and necessity to construct a water distribution system improvement project in Upshur County.

By Commission Orders dated September 18 and 19, 2023, the Association was directed to give notice of the filing of its application, by publishing a copy of the attached Notice of Filing once in a qualified newspaper as provided in W. Va. Code Sections 59-3-1 *et seq.*, published and of general circulation in counties where service is provided, making due return to this Commission of proper certification of publication within thirty (30) days from the date of publication. The Association was also directed to have completed the mailing of separate notices to each of its customers and make due return to the Commission of its affidavit as proper certification that the notice was provided.

By Commission Order dated September 25, 2023, the proceeding was referred to the Division of Administrative Law Judges with a decision due date of January 29, 2024, if there had been no substantial protest to the application within thirty days after the required notice had been provided and on or before March 13, 2024, if there had been a substantial protest after the required notice had been provided.

KAG

On September 29, 2023, the Association filed the Publisher's Certificate which reflected that the Notice of Filing (per Corrective Order entered September 19, 2023) had been published on September 27, 2023 in The Record Delta, a newspaper published and generally circulated in Upshur County.

On October 11, 2023, Staff filed its first data request to the Association.

On October 11, 2023, Staff Attorney Benjamin J. Calkins filed the Initial Joint Staff Memorandum to which was attached the October 6, 2023 Water/Wastewater and Engineering Divisions Initial Memorandum prepared by Kaitlyn J. Shamblin, Utilities Analyst III, Water and Wastewater Division and Mansour Mashayekhi, Technical Analyst, Engineering Division. Staff reported that it needed additional information to complete its review. Upon completion of its investigation, Staff would file a timely final recommendation.

On October 11, 2023, the Association filed an affidavit which reflected that the Association had completed a postcard mailing to its customers on October 6, 2023, with notice of the proposed rate increase.

On October 18, 2023, the Association filed its responses to Staff's first data request.

On December 1, 2023, Staff Attorney Calkins filed the Final Joint Staff Memorandum to which was attached the November 22, 2023 Water and Wastewater and Engineering Divisions Final Memorandum prepared by Ms. Shamblin and Mr. Mashayekhi. Staff recommended that, pursuant to W. Va. Code Section 24-2-11, the Association's application for a certificate of convenience and necessity to construct a water distribution system improvement project, as well as the approval of the grants and loans to fund the project, be granted subject to certain conditions as detailed in the Staff memorandum.

By Procedural Order dated December 4, 2023, the Association was given ten additional days in which to file a response or objection to the Staff recommendation or to request a hearing.

On December 6, 2023, the Association filed a letter and indicated its agreement with Staff's final recommendations. The Association requested that an Order be issued granting the certificate, approving the funding and approving the Staff-recommended rates.

As of the date of this Order, no protests have been filed.

### DISCUSSION

This project is in the public interest and, therefore, the certificate should be granted. Further, the funding for the project and Staff's recommended rates are reasonable and should be approved. Additionally, no protests were filed after proper notice was provided and the Association agrees with Staff's final recommendations, including the Staff recommended rates.

### FINDINGS OF FACT

1. On September 15, 2023, Mt. Hope Water Association filed an application for a certificate of convenience and necessity to construct a water distribution system improvement project in Upshur County. (Filing dated September 15, 2023).
2. The Association estimated that the project cost to be approximately \$1,698,000 and proposed to fund the project with a West Virginia Infrastructure and Jobs Development Council (WVIJDC) loan in the amount of \$1,408,000 (3% interest, 20 years) and a grant in the amount of \$290,000 from the Upshur County Commission's American Rescue Plan Act funds. (Final Joint Staff Memorandum with attachment filed December 1, 2023).
3. The Association provided notice of the filing and no protests were filed. (Filings dated September 29, 2023, and October 18, 2023; case file generally).
4. The project is needed to address areas with high instances of leaks and subsequent repairs; to recondition water tanks; to obtain emergency generators for booster stations; and to modernize meter reading equipment. (Final Joint Staff Memorandum with attachment filed December 1, 2023).
5. The Staff recommended rates will produce approximately \$55,930 annually in additional revenue, an increase of 8.02%. (*Id.*).
6. The revenue from the Staff-recommended rates would be sufficient to cover operating cash requirements of \$465,832, total debt service requirements of \$259,244 and a surplus of \$29,568 which exceeds the average of \$20,929 per year for capital expenditures. The resulting debt service coverage is 115.58%. (*Id.*).
7. Staff recommended the Association's proposed rate of \$4.68 per 1,000 gallons for an increase in the leak adjustment rate be approved. (*Id.*).
8. Under the Staff-recommended rates, the average residential bill of 3,100 gallons will increase by \$2.85, or by 8.03% and the average commercial bill of 7,000 gallons will increase by \$6.35, or by 8.00%.



9. The Association agreed to Staff's final recommendations, including the Staff-recommended rates. (Filing dated December 6, 2023).

### CONCLUSIONS OF LAW

1. It is reasonable to approve the project which is publicly convenient and necessary and received no protests after being properly noticed.

2. The proposed financing for the project and the Staff-recommended rates, agreed to by the Association, are reasonable and should be approved.

### ORDER

IT IS, THEREFORE, ORDERED that the Mount Hope Water Association, be, and hereby is, granted a certificate of convenience and necessity to construct a water distribution system improvement project in Upshur County as described in its application of September 15, 2023. The cost of the project shall not exceed \$1,698,000. Approval is contingent upon receipt of all necessary federal, state and local permits. The Association shall file all permits not yet received with the Commission upon receipt.

IT IS FURTHER ORDERED that the project funding, consisting of a loan from the WVIJDC in the amount of \$1,408,000 (3% interest, 20 years) and a grant in the amount of \$290,000 from the Upshur County Commission's American Rescue Plan Act funds, be, and hereby is, approved.

IT IS FURTHER ORDERED that the Staff-recommended tariff, set forth in the attached Appendix A, be, and hereby is, approved for use by the Association upon substantial completion of the project.

IT IS FURTHER ORDERED that the Association file an original and six (6) copies of an appropriate tariff reflecting the final rates and charges approved herein within thirty (30) days of the date the rates go into effect.

IT IS FURTHER ORDERED that, if there are any changes in the plans or scope of the project, or any changes in the rates associated with the project, the Association must seek Commission approval of such changes, provided that, if project-related rates remain unchanged, the Association does not need to seek Commission approval for changes in project costs or financing, but is required to file an affidavit with the Commission verifying such.

IT IS FURTHER ORDERED that the Association provide the Commission with a copy of the certificate of substantial completion issued for each construction contract associated with the project, as soon as they are available, but no later than ten (10) days after the issuance of such documents.

IT IS FURTHER ORDERED that the Association comply with all rules and regulations of the Division of Highways regarding the use of Division of Highways' rights-of-way.

IT IS FURTHER ORDERED that this matter be removed from the Commission's docket of open cases.

The Executive Secretary is ordered to serve this Order upon the Commission and its Staff by hand delivery, upon all parties of record who have filed an e-service agreement with the Commission by electronic service, and upon all other parties by United States First Class Mail.

Leave is granted to the parties to file written exceptions supported by a brief with the Executive Secretary of the Commission within fifteen days of the date of this Order. If exceptions are filed, the parties filing exceptions shall certify that all parties of record have been served the exceptions.

If no exceptions are filed, this Order shall become the Order of the Commission, without further action or order, five days following the expiration of the fifteen day time period, unless it is ordered stayed by the Commission.

Any party may request waiver of the right to file exceptions by filing an appropriate petition in writing with the Executive Secretary. No such waiver, however, will be effective until approved by order of the Commission.

*Deborah Yost VanDervort*  
Deborah Yost VanDervort  
Administrative Law Judge

DYV:s:lc  
230762aa

APPENDIX A  
Page 1 of 2

MOUNT HOPE WATER ASSOCIATION  
CASE NO. 23-0762-W-CN  
APPROVED RATES

Effective for all service rendered upon certification of substantial competition of the project.

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATE

First	3,000 gallons per month	\$12.37 per 1,000 gallons
Next	3,000 gallons per month	\$12.32 per 1,000 gallons
Next	4,000 gallons per month	\$11.64 per 1,000 gallons
Next	10,000 gallons per month	\$10.95 per 1,000 gallons
All Over	20,000 gallons per month	\$10.25 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts, according to the size of meter installed:

5/8	inch meter	\$ 37.11 per month
3/4	inch meter	\$ 55.67 per month
1	inch meter	\$ 92.78 per month
1-1/2	inch meter	\$ 185.55 per month
2	inch meter	\$ 296.88 per month
3	inch meter	\$ 593.76 per month
4	inch meter	\$ 927.75 per month
6	inch meter	\$1,855.50 per month

DELAYED PAYMENT PENALTY

The above schedule is net. On all usage billings not paid within twenty (20) days, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an applicant.

APPENDIX A  
Page 2 of 2

A tap fee of \$100.00 will be charged to all customers who apply for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Commission. This pre-construction tap fee will be invalid after the completion of construction adjacent to an applicant's premises that is associated with a certificate proceeding.

A tap fee of \$350.00 will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

LEAK ADJUSTMENT

\$4.68 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above 200% of the customer's historical average usage.

RECONNECT FEE-\$25.00

To be charged whenever the supply of water is turned off for violation of rules, non-payment of bills, or fraudulent use of water.

RETURNED CHECK CHARGE

The Association may not collect any fee greater than that charged to it by a banking institution and under no circumstances shall the fee collected by the Association exceed \$15.00.

SECURITY DEPOSIT

Not to exceed one-twelfth (1/12) of the annual estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for all other service.



**UPSHUR COUNTY BUILDING & FLOODPLAIN PERMITS  
DECEMBER 1, 2023 - DECEMBER 15, 2023**

DATE ISSUED	PERMIT NUMBER	UID NUMBER	APPLICANT NAME	APPLICANT ADDRESS	ESTIMATED PROJECT COST	BUILDING PERMIT PAID	FLOODPLAIN PERMIT PAID	CHECK, CASH, COUNTY CLERK OR ONLINE	DESCRIPTION OF PROJECT	CONTRACTOR OR PROPERTY OWNER	FLOODPLAIN
12/4/2023	9359	5227	KARNES, ROBERT	22253 ADOLPH RD, HELVEITIA, WV 26224	\$600,000.00	\$15.00		OL	60' X 150' SELF STORAGE UNIT; THREE ADDITIONAL SELF STORAGE UNITS (VARIOUS SIZES).	SELF	
12/4/2023	9360	81150	PRINGLE HOUSE APARTMENTS - PAM HAYMOND	405 RT 20 SOUTH RD, BUCKHANNON, WV 26201	\$3,500.00	\$15.00		CASH	10' X 10' WOOD STORAGE SHED	SELF	
12/6/2023	9361	6256	BOYLE, FRANCIS	2187 BUSH RUN RD, FRENCH CREEK, WV 26218	\$35,329.00	\$15.00		OL	INSTALLATION OF GROUND MOUNTED SOLAR ARRAY	SOLAR HOLLER LLC, 2835 PARK AVE, HUNTINGTON, WV 25704	
12/7/2023	9362	7185	LOUDIN, ADAM	298 PARKWOOD DR, BUCKHANNON, WV 26201	\$125,000.00	\$15.00		OL	24' X 32' ONE STORY ADDITION	RON HURST CONST LLC, PO BOX 1051, BUCKHANNON, WV 26201	
12/7/2023	9363	12659	DUNN, CAROL	199 CAROL ST, BUCKHANNON, WV 26201	\$8,000.00	\$15.00		OL	REPLACE WINDOWS	RON HURST CONST LLC, PO BOX 1051, BUCKHANNON, WV 26201	
12/11/2023	9364	82390	LEE, ROBERT AND CONNIE	163 WAUGH WALNUT ST, MARLINTON, WV 24954	\$100,000.00	\$15.00		CHECK	NEW HOME	SELF	

**TOTAL TOTAL TOTAL**  
**\$871,829.00 \$90.00 \$0.00**

**UPSHUR COUNTY BUILDING & FLOODPLAIN PERMITS  
DECEMBER 16, 2023 - DECEMBER 31, 2023**

DATE ISSUED	PERMIT NUMBER	UID NUMBER	APPLICANT NAME	APPLICANT ADDRESS	ESTIMATED PROJECT COST	BUILDING PERMIT PAID	FLOODPLAIN PERMIT PAID	CHECK, CASH, COUNTY CLERK OR ONLINE	DESCRIPTION OF PROJECT	CONTRACTOR OR PROPERTY OWNER	FLOODPLAIN
12/19/2023	9365	60082	SMARR, BRENT	537 W MAIN ST, BUCKHANNON, WV 26201	\$12,500.00	\$15.00		OL	12' X 24' OUT BUILDING TO REPLACE THE EXISTING 8' X 10' OUT BUILDING	SELF	
12/28/2023	9366	6461	BURNS, BARRY T	56 HICKORY FLAT RD, BUCKHANNON, WV 26201	\$11,750.00	\$15.00		CHECK	12' X 32' PRE-MADE OUT BUILDING (SHED)	SELF	
12/28/2023	9367	10256	KELLEY, TERRY AND HALLIE	182 LITTLE TRACE RUN RD, KANAWHA HEAD, WV 26228	\$3,100.00	\$15.00		CC	12' X 16' OUT BUILDING	SELF	

**TOTAL TOTAL TOTAL**  
**\$27,350.00 \$45.00 \$0.00**

**GRAND  
PROJECT  
TOTAL GRAND BP  
TOTAL GRAND FP  
TOTAL**  
**\$899,179.00 \$135.00 \$0.00**



**Upshur County Convention & Visitors Bureau**

**January 10, 2024 Agenda**

- Call Meeting to Order
- Approval of Minutes
- Treasurer's Report
  
- Director's Report
  - Christmas Scavenger Hunt
  - Water Trail meeting
  - RT 33/Music Trail Collab
  - Buck Edwards music event – help with print material
  - Food & Travel Winter Ad submitted
  - Quarterly Camera Club Photo Contest
  
- Old Business:
  - Tourism Day at the Capitol – Jan 22nd
  -
- New Business:
  - 
  -
  
- Motion to Adjourn Meeting

**NEXT MEETING: February 14, 2024 ♥**

## Notice of Meeting

\*\*\*\*\*

**for**  
**Upshur County Fire Board, Incorporated**  
 (Statutory Corporation per Chapter 7 Article 17 of the WV Code)

**Location: Upshur County Administrative Annex, Suite 101, 91 W. Main Street**  
**Date: Tuesday, January 16, 2023, at the Buckhanon VFD, Buckhannon, WV 26201**  
**Time: 6:30 p.m.**

### **AGENDA**

Call Meeting to Order  
 Roll Call

Approval of Minutes---December 26, 2023

Public Questions/Comment Period

Report from Fire Fee Clerk on Collections and/or Operational Procedures

- Cumulative report
- Meeting update with Ellamore VFD's CPA

Financial Matters/Items

- Bank Statement---Checking Account Balance as of 12/31/2023---\$90,067.83
- Disbursement from Chief Tax Deputy for November--- TBD prior to the meeting

Payment of Bills/Invoices

- \*Software Systems---monthly maintenance---Invoice #38160---\$237.00
- \*Upshur County Commission---Reimbursement---Supplies (P-card) ---\$154.62

Review of Ellamore Financial Statement

Tabled Item: Procedure for reviewing Financial Statements from the VFDs

Review/approval of Corrective Tickets and Exoneration requests

Other Items/Matters to Consider

Date of Next Meeting---Tuesday, February 20, 2024, at the Washington District VFD---Adjournment

## Notice of Special Meeting

\*\*\*\*\*

**for**  
**Upshur County Fire Board, Incorporated**  
 (Statutory Corporation per Chapter 7 Article 17 of the WV Code)

**Location: Upshur County Administrative Annex, Suite 101, 91 W. Main Street**  
**Date: Tuesday, January 23, 2023, at the Buckhanon VFD, Buckhannon, WV 26201**  
**Time: 6:30 p.m.**

### AGENDA

Call Meeting to Order  
 Roll Call

Approval of Minutes---December 26, 2023

Public Questions/Comment Period

Report from Fire Fee Clerk on Collections and/or Operational Procedures

- Cumulative report

Financial Matters/Items

- Bank Statement---Checking Account Balance as of 12/31/2023---\$90,067.83
- Disbursement from Chief Tax Deputy for November---\$3,553.63

Payment of Bills/Invoices

- \*Software Systems---monthly maintenance---Invoice #38160---\$237.00
- \*Upshur County Commission---Reimbursement---Supplies (P-card) ---\$154.62
- \*Upshur County Commission---Reimbursement---Postage---October-December---\$200.28

Discussion of usage of the state funding provided to the Commission for VFDs

Review of Ellamore Financial Statement/CPA questions

Tabled Item: Procedure for reviewing Financial Statements from the VFDs

Review/approval of Corrective Tickets and Exoneration requests

Other Items/Matters to Consider

Date of Next Meeting---Tuesday, February 20, 2024, at the Washington District VFD---Adjournment



**Notice of Special Meeting  
Upshur County Farmland Protection Board**

\*\*\*\*\*

Location: Upshur County Extension Office Conference Room  
91 W Main Street, Ste 102  
Buckhannon, WV 26201  
Date: January 16, 2024  
Time: 6:00 pm

**AGENDA**

CALL MEETING TO ORDER / ROLL CALL

PUBLIC QUESTIONS / COMMENT PERIOD

PRESENTATION OF PLAQUES TO PAST MEMBERS

APPROVAL OF MINUTES: December 18, 2023

BUSINESS ITEMS – Discussion/Update/Action

- Introduction of New board Member
- Election of New Treasurer and change to bank proposal
- Review Applications for January 1, 2024, application cycle
  - Suan
  - Hicks
  - Queen

FINANCIAL MATTERS – Discussion/Update/Action

- Financial Report- Financial Spreadsheet
  - Payment of WVAFPB Annual Dues
  - Payment of Bills /Invoices -Turtley For You Consulting, Saddleback Services, etc

OTHER BUSINESS –

Tabled Business: Hinkle Easement- next steps of deed review and baseline documents

DATE OF NEXT MEETING –

ADJOURNMENT





**City Council of Buckhannon – 7:00 P.M. in Council Chambers**  
**Meeting Agenda for Thursday, January 18, 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.

Please join the meeting from your computer, tablet or smartphone <https://global.gotomeeting.com/join/804282709>

You can also dial in using your phone United States: [+1 \(872\) 240-3212](tel:+18722403212) Access Code: 804-282-709

**A. Call to Order**

- A.1 Moment of Silence
- A.2 Pledge to the Flag of the United States of America
- A.3 Mayor's State of the City Address

**B. Recognized Guests**

- B.1 Lata Menon- First Choice Services -Peer Recovery Support Specialist

**C. Department & Board Reports**

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

**D. Correspondence & Information**

- D.1 State Auditor's 2024 Budget Preparation Regional Workshops
- D.2 Charles Gibson Library Director's Report January 2024
- D.3 Notice Accepting Applications for Clerical Position

**E. Consent Agenda**

- E.1 Approval of Minutes -Regular Meeting 01/04/24
- E.2 Approval of Building and Wiring Permits
- E.3 Approval of Payment of the Bills

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

- F.1 Discussion/Possible Action Buckhannon Police Department-First Choice Services- Peer Recovery Support Specialist
- F.2 Approval Resolution 2024-01 Participation in WV Board of Treasury Investments
- F.3 Approval Resolution 2024-02 General Fund Budget Revision #3 FY 2023/2024
- F.4 Discussion/Possible Action to Appoint Opioid Settlement Funds Review Committee
- F.5 Approval Ordinance No. 466 St. Joseph's Hospital Property Annexation 1<sup>st</sup> Reading
- F.6 Application for Solicitor-Door to Door Sales Specialist-Frontier Telecommunication Products & Services

**G. Comments and Announcements**

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

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

**I. Executive Session Per WV Code § 6-9A-4 Personnel Matters**

**J. Adjournment**

POSTED 01/12/24

Upshur County Solid Waste Authority  
Board Meeting Minutes—December 11, 2023

Chair Joyce Harris-Thacker called the regularly scheduled meeting of the Upshur County Solid Waste Authority to order in the Conference Room of the UCSWA Building (located at 380 Mudlick Rd. Suite 102 Buckhannon, WV 26201) at 5:00 p.m. on December 11, 2023.

Present at the meeting were: Joyce Harris-Thacker, Jackie McDaniels, Mary Gower, Paula Stone, Scott Randall and Director Belinda Lewis. A quorum was present. There were no guests.

The minutes of the November 13<sup>th</sup> meeting had previously been sent to the members and were part of the agenda packet. A motion to accept the minutes was made by Jackie. Seconded by Scott. Motion carried.

The Financial Report for November was presented by the treasurer at this time of the agenda. Register Reports for the four bank accounts with First Community Bank covering November 2023 were presented. The ending balances for the accounts are as follows:

	<u>October</u>	<u>November</u>
• REAP	\$100.00	\$100.00
• SWMB	\$9,915.41	\$9,915.41
• Money Market	\$19,682.01	\$19,694.14
• Operating	\$48,828.06	\$49,363.54

A motion to accept was made by Paula and seconded by Mary. Motion carried.


The Director reported on her contact with the appointed auditor and the State Auditor's Office, continuing the update on the Siting Plan and receiving final approval on the SWMB Grant 2023.

A motion to direct the Chair to sign the final letter for Ferrari & Associates was made by Scott and seconded by Jackie. Motion carried.

With no further business, the meeting was adjourned at 5:23 p.m.

Respectfully Submitted, (December 11, 2023)

  
Belinda Lewis, Director

  
Joyce Harris-Thacker, Chair

(Signature copy to be maintained in the UCSWA Office)



Upshur County Solid Waste Authority

**DIRECTOR'S REPORT – Belinda Lewis**

Period from November 14<sup>th</sup> through December 11<sup>th</sup>, 2023

**Activities Included:**

- Prepared and distributed by email the minutes of the November meeting.
- Checked email and post office box several times a week.
- Recorded deposits in the Operating Account and as per the auditor's suggestion, recorded them in the receipt book.
- After November meeting, made copies of checks and mailed them and scanned a copy of the minutes to the county.
- Reconciled bank statements for November.
- Prepared checks to be signed by at the December meeting.
- Prepared agenda and packets for December meeting and emailed a copy of the agenda to the board and the media.
- Cleaned office.
- Fielded many recycling calls on my cellphone.
- Sent updates to the board.
- Received final approval for the closing of the SWMB Grant 2023.
- November 29<sup>th</sup> at 10:00 a.m. I met with Ferrari & Associates to go through the audit.
- Corresponded with my Buckhannon City contact about information needed for the Siting Plan revisions.

Tennerton Public Service District  
Monthly Meeting  
December 13, 2023

The regular monthly meeting of the Tennerton Public Service District was held at the district office at 188 Fayette Street, Buckhannon West Virginia on Wednesday December 13, 2023

In attendance were Bob Heater, Scott Casto, Terry Gould, and Vickie Dean. John Barnes was absent.

The meeting was called to order promptly at 2:00 pm by Chairman Bob Heater. The minutes of the previous meeting held on November 8, 2023 were read, there being no corrections or additions, motion to approve was made by Robert Heater, seconded by John Barnes.

Terry Gould presented the monthly financial reports and the bills to be paid. A motion to pay the invoices was made by Bob Heater and seconded by Scott Casto.

The board reviewed and approved the previous month's credit memos. No shutoffs this month.

Terry Gould reported on the following:

\*Updated agreement with Mt. Hope Water Association. If sewer payment is late, there will be a \$20.00 shut off fee. Scott made the motion to accept, Bob Heater seconded the motion.

\*Joe McDaniels has requested \$631.00 for gravel on the road around the Murphy Mart Pump Station. Mr. McDaniels maintains the road and keeps the brush cut around the pump station at no charge to us.

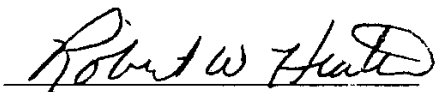
\*TPSD Chase Bank account has been closed. Those funds were used to open a reserve account at First Community Bank.

\*We have received a second bid on the Orr Street Pump House from Davis Electric in Fairmont. Terry has turned it over to the engineers to accept the lowest bid and get started.

\*We have renewed our WVRWA dues.

There being no other business to discuss, motion was made by to adjourn and seconded by Bob Heater.

Approved



Chairman, Tennerton Public Service District

**Upshur County Safe Structures and Sites Enforcement Board  
December 14, 2023**

**Members present:** Chris Garrett, Greg Harris, Jerry Wamsley, Chris Cook, J.B. Kimble  
**Members absent:** None  
**Others present:** Cindy Hughes, Assistant County Administrator

The meeting was called to order at 3:00 p.m. by Greg Harris.

The November 9, 2023 meeting minutes were reviewed. Corrections noted: case # 062223-01 is on their 1<sup>st</sup> extension and 101223-05 has a required action date of January 10<sup>th</sup>, 2024, not April 2024. Motion by J. B. Kimble, seconded by Jerry Wamsley, the meeting minutes were approved with the corrections.

The Board received an update from Cindy Hughes, stating that the proposed revised version of the Property Complaint Form was approved by the Commission at the Upshur County Commission Meeting held November 16, 2023.

**The Enforcement Board reviewed the following cases:**

121322-01 (Carl Tenney): This property is located at 10845 Old Elkins Road Ellamore, WV (Route 151). The Board discussed the status of the property since Mr. Tenney's passing. There remains an old garage on the property that is unsafe and falling down. The Estate has been settled and two new owners were identified. Updated photos will be taken on April 10<sup>th</sup>, 2024 and reviewed at the meeting on April 11<sup>th</sup>, 2024.

060823-01 (Sipe): This property is located at 88 Jack Lane in Buckhannon. The property owner was located by the Upshur County Sheriff's Department and resides in New Martinsville, WV. The property owner has received a Notice of Investigation, through Process of Service, that the property needs cleaned up before the January 11<sup>th</sup>, 2024 Safe Sites and Structures meeting. Photos will be taken on January 10<sup>th</sup>, 2024.

062223-01 (Lee): This property is located at 232 Jackson Park Avenue, Buckhannon, WV. Updated photographs were evaluated at this meeting and the Board noted that the property is now in compliance. On motion by J. B. Kimble, seconded by Chris Cook, the Board voted to close this case.

081023-01 (Bever): This property is located at 1193 Route 20 South, Buckhannon, WV. Updated photographs were reviewed. The Board noted that the property is now in compliance. On motion by Chris Cook, seconded by Jerry Wamsley, the Board voted to close this case.

091423-01 (Casto): This property is located at 65 Orr Street, Buckhannon, WV. Updated photographs were reviewed. The Board noted that the property is now in compliance. On motion by Chris Cook, seconded by J. B. Kimble, the Board voted to close this case.

091423-01 (Holland Enterprises)): This property is attached to the Subway Establishment in Buckhannon, WV. Updated photographs were reviewed. The Board noted that the property is now in compliance. On motion by J. B. Kimble, seconded by Chris Cook, the Board voted to close this case.

101223-01 (Rowland) This property is located at 871 Country Club Road. The Board voted at their November Meeting to give an extension to April 10, 2024 for the property to be brought into compliance. Photos will be taken and reviewed at the April 11, 2024 meeting.



101223-02 (Jiang) This property is located at 218 Academy Street. The structure on this property has been demolished and the Board noted is now in compliance. On motion by Jerry Wamsley, seconded by Chris Cook, the Board voted to close this case.

101223-03 (Ervin) This property is located at 570 Old Elkins Road. The Board voted at their November meeting to give an extension until January 10, 2024 to bring the property into compliance. Photos will be taken and reviewed at the January 11, 2024 meeting.

101223-04 (Robinson) This property is located on the corner of Natural Bridge/Harvey Golden Rd in French Creek. The Board voted at their November meeting to give an extension until April 10, 2024 to bring the property into compliance. Photos will be taken and reviewed at the April 11, 2024 meeting.

101223-05 (Hasaflook): This property is located on the Harvey Golden Road. The Board voted at their November meeting to give an extension until January 10, 2024 to bring the property into compliance; however, the mail notification was returned unopened. Therefore, on motion by J.B. Kimble, seconded by Jerry Wamsley, the Board voted to notify the property owners of the extension through Process of Service. Photos will be taken and reviewed at the January 11, 2024 meeting.

110923-01 (Kenny): This property is located on Slab Camp Road. The Board reviewed photos of the property and found that it is in violation of the Ordinance. On motion by Chris Cook, seconded by J.B. Kimble, the Board voted to send a Letter of Required Action to the property owner giving until April 10, 2024 to bring the property into compliance. Photos will be taken April 10, 2024 and reviewed at the April 11, 2024 meeting.

**The Enforcement Board reviewed the following new cases:**

121423-01 (Grose): This property is located near Middlefork River Campground. On motion by J.B. Kimble, seconded by Jerry Wamsley, the Board voted to send a Notice of Investigation to the property owner.

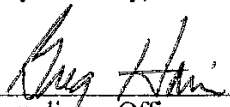
**Public Comment:**

None

**Other Business:**

The next meeting will be held on Thursday, January 11, 2024 at 3:00 p.m. in the Upshur County Commission Administrative Annex, 91 West Main Street, Suite 101, Buckhannon, WV. On motion by Chris Garrett, seconded by Jerry Wamsley, the meeting adjourned at 3:42 p.m.

Approved by:

  
Greg Harris, Compliance Officer

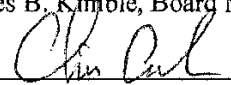
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Date

Chris Garrett, Board Member

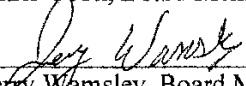
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James B. Kimble, Board Member

\_\_\_\_\_  
Date

  
Chris Cook, Board Member

01-11-24  
Date

  
Jerry Wamsley, Board Member

01-11-24  
Date

✓

**Upshur County Fire Board Special Meeting  
December 26, 2023**

Members Present: Joseph Gower, Sidney Huffman, Kristie Tenney, Donna Matthews, and Jesse Davidson

Members Absent: Steven Linger and Rick Harlow

Others Present: Tyvonne Gibson, Bruce Tomblyn, Sue Dean, Les Schoonover, Art Wilson, Clifton Shaw, Edward Ware and Paul Juker; Guests; and Toni Newman-Fire Fee Clerk

The meeting was called to order by Joe Gower at 6:30 pm. All motions passed unanimously unless otherwise stated.

The meeting minutes from November 14, 2023, were approved on motion by Sid Huffman and second by Donna Matthews.

The Fire Fee Clerk reported the 2023 fees are at 82 percent collected. Audit Reports were distributed to the members present. Updated WV State Financial Statement information was emailed to each Board member. There are two members who terms are expiring on June 30, 2023. Sid Huffman, first term and Joe Gower, second term. We will need to find a replacement for Joe prior to the July meeting of the Board.

The checking account balance as of 11/30/2023 was \$109,106.48. The disbursement from the Chief Tax Deputy was \$6,341.49 for the month of November.

The following invoices were reviewed and approved upon motion by Donna Matthews and second by Jesse Davidson: Software Systems---monthly maintenance---Invoice # 38058---\$237.00; Upshur County Commission---reimbursement---supplies---\$380.14; Ferrari & Associates, PLLC---Audit---\$2,460.00; and State Auditor's office---Audit---\$197.00.

After discussion with the Treasurer and Chief of the Department, and on motion by Kristie Tenney and second by Donna Mathews, the Board decided to compile a list of questions for the auditor of Ellamore VFD's financial records and ask her to set up a meeting at her convenience for a review of the information provided to the Board.

The Tabled item, "procedure for reviewing Financial Statements from the VFDs," was tabled again as Tyvonne Gibson reported the Fire Association will not meet again until January to provide additional requested information.

There was one corrective ticket this month, approved on motion by Donna Matthews and second by Jesse Davidson. The Board approved 6 Exoneration Requests.

There being no further business, the meeting adjourned. The next meeting will be January 16, 2024, at the Buckhannon VFD.

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Joseph Gower, Chairman, Upshur County Fire Board

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Board Member

### 2024 Board of Review & Equalization Meeting Schedule

02/01/2024 (Thur)	1:00-3:00 p.m. No appointments --- Review Property Books
02/06/2024 (Tues)	1:00-3:00 p.m.
02/08/2024 (Thur)	10:00 a.m. -12:00 p.m.
02/13/2024 (Tues)	1:00 p.m. -3:00 p.m. Coal, Oil & Gas Industrials (tentative)
02/16/2024 (Fr)	9:00 a.m. – 11:00 a.m. Adjourn Sine Die

**APPROVED**  
**DEC 14 2023**  
UPSHUR COUNTY COMMISSIONER  


**MEMORANDUM OF UNDERSTANDING  
FOR REGIONAL TASK FORCE**

This Memorandum of Understanding("MOU") is made and entered into by and between the following political subdivisions, namely Randolph County, Tucker County, Upshur County, Lewis County and Barbour County, referred to as Parties.

**RECITALS**

**WHEREAS**, the Parties are members of the Regional Task Force which is dedicated to optimizing the funds available to the political subdivisions from the Opioid Foundation created as a result of the State opioid litigation and settlements; and

**WHEREAS**, the Parties agree that it is effective to be prepared to use these settlement funds when available with a proposal in the form of a White Paper prepared by a professional group that would set forth what has been identified as the Parties top priorities; and

**WHEREAS**, Ascension Recovery Services ("Ascension") is a professional group which has made a proposal to create a White Paper that tests the feasibility of accomplishing our goals to establish a five-county treatment facility and to provide highly accessible services to affected children (See attached); and

**WHEREAS**, for Ascension to complete this White Paper, the Parties will need to cooperate and provide information to Ascension to complete this work as requested.

**NOW THEREFORE** in consideration of the foregoing recital and mutual covenants contained herein, it is mutually agreed as follows:

1. The Parties agree to cooperate and provide information and documentation to Ascension for their work and services in the completion of the White Paper.
2. Each Party shall designate a representative who will be the contact person for Ascension during the process of collecting the information and documentation.
3. Ascension has provided a fee schedule with their proposal. The contribution to the payment of their fees is voluntary, not mandatory. No Party to this MOU is obligated to pay the fees by signing this MOU. However, any payment would be accepted.

**IN WITNESS WHEREOF**, this MOU is made and entered into by the Parties who have signed below as of the date indicated.

Signature \_\_\_\_\_  
On behalf of the Upshur County Commission

Print Samuel R. Nolte

Title President

Signature \_\_\_\_\_  
On behalf of the City of Buckhannon

Print \_\_\_\_\_

Title \_\_\_\_\_