

## 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: <u>272 564 045</u> to enter the conference call.
Date of Meeting:	September 21, 2023
9:00 a.m.	Moment of Silent Meditation --- Pledge of Allegiance Approval of Minutes: • September 14, 2023
9:30 a.m.	Upshur County CEOS - Presentation of Proclamation declaring October 2023 as Breast Cancer Awareness month in Upshur County. *
1:30 p.m.	Property Inspections

### Items for Discussion / Action / Approval:

1. Approval and signature of the 2023-2024 school year Prevention Resource Officer Agreement by and between the Upshur County Board of Education, Upshur County Commission and Upshur County Sheriff's Office for the Prevention Resource Officer located at the Buckhannon-Upshur Middle School. \* [Pages 5-11](#)
2. Approval of an electronic application submission to apply for Justice Assistance Grant (JAG) Program funds offered through the Justice and Community Services (JCS) Section of the West Virginia Division of Administrative Services. This application is made possible through the ongoing partnership with the Upshur County Board of Education. If awarded, this funding would be utilized to support the position of the Prevention Resource Officer at the Buckhannon-Upshur Middle School for period beginning October 1, 2023 and ending September 30, 2024. \* [Page 12](#)
3. Approval and signature of a Federal Aviation Administration Outlay Report and Request for Reimbursement for Construction Programs – Request No. 2 - in the amount of fourteen thousand nine hundred ninety-four dollars and twenty-seven cents (\$14,994.27) for an Airport Improvement Program Project at the Upshur County Regional Airport. \* [Pages 13-16](#)
4. Approval and signature of a Resolution of Participation for the West Virginia Certified Development Community (CDC) Program for the Upshur County Development Authority. \* [Pages 17](#)
5. Approval of a Standard Agreement between Stericycle, Inc. and the Upshur County Commission for purging of documents. \* [Under separate cover](#)
6. Approval and Signature of 2023 – 21st Grant Cycle WV Courthouse Facilities Improvement Authority Application for Funding Assistance in the amount of \$70,280. The maximum grant award is \$100,000 with a 20% match. The project consists of removing and replacing worn stair treads on the rear staircase in the main Courthouse, painting the stair stringers, risers/railings and installing pipe handrails along the walls. \* [Pages 18-32](#)
7. Correspondence from Brandon Tenney, Assistant Director of the Upshur County Development Authority requesting the appointment of the below individuals to the UCDA Board of Directors. Upon approval, these terms will begin immediately and expire on June 30, 2026. \* [Page 33](#)
  - (a) Rebecca Bowers-Call on behalf of the Fred W. Eberle Technical Center; and,
  - (b) Trish Collett on behalf of Community Care of WV. \*

8. Approval of Upshur County Department of Homeland Security and Emergency Management volunteers:
- a) Floyd Tenney \*
  - b) Robyn Simons \*
  - c) David Rowan \*
  - d) Twila Moreland \*

[Under separate cover](#)

9. Approval of Lewis-Upshur Animal Control Facility volunteers:

- a) Michael Simpson \*
- b) Haven Farrar \*

[Under separate cover](#)

10. Consider resignations of two employees. \*

*Item may lead to Executive Session per WV Code §6-9A-4 A*

[Under separate cover](#)

11. Approval of advertisement for part-time Court Security Officer(s). Applications will be accepted until position(s) are filled. \*

[Page 34-35](#)

12. 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. Review ranking of interviews conducted with potential firms to provide engineering services for the potential Curry Campsite Improvement Projects. Once negotiations have been completed, the scope of work and fee schedule will be placed on a future agenda for consideration.

2. Public Notices:

- a) Newsletters and/or Event Notifications:

- Mountain CAP Family Support Center-
  - Family Fun Day Resource Fair September 24, 2023 [Page 36](#)
- Women's Trauma Recovery Support Group Beginning September 29, 2023 [Page 37](#)
- Breast Cancer Awareness Day Ceremony October 2, 2023 [Page 38](#)
- Hodgesville Lions Club Breakfast October 14, 2023 [Page 39](#)
- Trunk or Treat October 30, 2023 [Page 40](#)

- b) Agendas and/or Notice of Meetings:

- City Council of Buckhannon September 21, 2023 [Page 41](#)

#### Meeting Minutes:

- Upshur County Safe Structures and Sites August 10, 2023 [Pages 42-43](#)
- Tennerton Public Service District September 13, 2023 [Page 44](#)

- c) Meetings: **\*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.

3. Appointments Needed or Upcoming:

- None

\*\*\*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 until October 5, 2023** - Public Hearing to consider evidence related to the possible closure of an unused travel way identified on the Ballah View Addition plat as Buckhannon Avenue, located north of Ballah Street and running in a north-eastern direction to a private driveway known as Private Lane on the 911 Addressing and Mapping project, in the Buckhannon District of Upshur County. This application has been submitted by Cornerstone Community Church per WV Code §7-1-3h.

**Next Regular Meeting of the Upshur County Commission**

**October 5, 2023 --- 9:00 a.m.**

**Upshur County Courthouse Annex**

**The meeting scheduled for September 28<sup>th</sup>, 2023 has been cancelled.**

# PROCLAMATION

## West Virginia Breast Cancer Awareness Day and Breast Cancer Awareness Month

In 2023, an estimated **1,470** West Virginia women will be diagnosed with breast cancer and approximately **290** women will die from the disease. Breast cancer continues to be a leading cause of cancer related deaths among WV women. A woman has about a 1 in 8 (13%) chance of developing breast cancer in her lifetime and about a 1 in 39 (3%) chance of dying from the disease.

Currently, the best method to reduce deaths due to breast cancer is through early detection of the disease. Women age 50 and older should have a mammogram every year. Women ages 40-49 should talk with their health care provider about their screening schedule.

Mammograms can save lives. Women should talk to their health care provider about their individual screening schedule.

**In recognition of the important lifesaving early detection practices available for breast cancer, we the Commissioners of Upshur County, do hereby proclaim October 2, 2023, as West Virginia Breast Cancer Awareness Day and October 2023 as Breast Cancer Awareness Month. We urge all Upshur County women to become aware that they are at risk for developing breast cancer and to discuss screening with their health care providers.**

\_\_\_\_\_  
Kristie Tenney, President

\_\_\_\_\_  
Sam Nolte

\_\_\_\_\_  
Doug Bush

\_\_\_\_\_  
Date



## PREVENTION RESOURCE OFFICER AGREEMENT

*Between:*

- The Upshur County Board of Education by and through the State Superintendent of Schools as designee of the West Virginia Board of Education,
- The Upshur County Sheriff's Office, and
- The Upshur County Commission

**For Fiscal Year 2023-2024 Prevention Resource Officer located at**

**Buckhannon-Upshur Middle School**

This agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between the Upshur County Board of Education by and through the State Superintendent of Schools as designee of the West Virginia Board of Education (hereinafter referred to as "BOARD"), the Upshur County Commission, (hereinafter referred to as "COMMISSION", and the Upshur County Sheriff's Office, hereinafter referred to as "SHERIFF").

### WITNESSETH

WHEREAS, the BOARD has established a Prevention Resource Officer Program (hereinafter referred to as "PRO Program"); and

WHEREAS, the BOARD, the COMMISSION and the SHERIFF understand that the Program is established for the purpose of assistance in the prevention of juvenile delinquency through programs specifically developed to respond to those factors and conditions which give rise to delinquency; and

WHEREAS, the BOARD, the COMMISSION and the SHERIFF realize the PRO program is a great benefit to school administration, students and the community as a whole; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

#### SECTION 1. DUTIES AND RESPONSIBILITIES OF THE COMMISSION and SHERIFF

1.01 The COMMISSION and SHERIFF shall provide one Deputy Sheriff, assigned as a

Prevention Resource Officer, (hereinafter referred to as PRO") to the Buckhannon-Upshur Middle School operated by the BOARD.

- 1.02 PRO shall abide by the Upshur County Board of Education policies and procedures, as they relate to School Prevention Resource Officers. The PRO shall consult and coordinate instructional activities through the applicable principal. Activities conducted by the PRO, which are part of the regular instruction program of the school, shall be under the direction of the principal. The BOARD shall approve the content of educational programs and instructional materials used by the PRO.
- 1.03 The PRO will provide to student's instruction in various aspects of law enforcement, public safety and education as requested and supervised by the principal and teachers.
- 1.04 The SHERIFF shall be responsible for the control and direction of all aspects of employment of the Deputy Sheriff assigned to the PRO Program. The Deputy Sheriff shall adhere to the Policy and Procedures Manual of the Upshur County Sheriff's Office.
- 1.05 The SHERIFF shall ensure that the exercise of the law enforcement powers by the PRO is in compliance with the authority granted by law.
- 1.06 The PRO will be a full-time employee working 12 calendar months for the BOARD. The PRO will be expected to be available to work the BOARD's approved school calendar, 200-day school term, except for excused absences and emergency situations. In addition, the PRO will work in the summer months to provide services during summer school terms, scheduled summer activities, attend PRO training and assist with safety related planning activities and other such activities as agreed upon by the BOARD and the SHERIFF. When not scheduled to work during the summer, the PRO will utilize accrued compensatory time.
- 1.07 The SHERIFF shall be responsible for all non-salary expenses (excluding benefits billed to the BOARD) related to the PRO position: to include Travel, Law Enforcement Training, Gasoline, Equipment, Uniforms, Telephone, Vehicle and Vehicle Maintenance.
- 1.08 The SHERIFF and the COMMISSION shall hold harmless the BOARD for any injuries suffered by the Prevention Resource Officer arising under their employment with the PRO program. The COMMISSION shall provide worker's compensation insurance coverage for the Deputy Sheriff at all times.
- 1.09 The PRO shall not function as a school disciplinarian, or safety officer. It is not the responsibility of the PRO to intervene with the normal disciplinary actions of the school system or to be used as a witness to disciplinary procedures in the school. The PRO will, at all times, be expected to act within the scope of authority granted by law. The PRO will perform duties according to the following:
  - a) Perform law enforcement functions within the school setting.
  - b) Identify and prevent, through counseling and referral, delinquent

- behavior, including substance abuse.
- c) Foster a better understanding of the law enforcement function.
- d) Develop a better appreciation of citizen's rights, obligations and responsibilities.
- e) Provide information about crime prevention.
- f) Provide assistance and support for crime victims identified within the school setting.
- g) Promote positive relations between students and law enforcement officers.
- h) Enhance knowledge of the fundamental concepts and structure of law.
- i) Adhere to confidentiality requirements.

- 1.10. The Deputy Sheriff may be changed during the course of the agreement by the COMMISSION and the SHERIFF as long as a substitute officer has received the required training or mutually agreed upon training in lieu thereof. The PRO shall be on duty at the school in adherence to the Board's approved school calendar during regular school hours when students are required to attend and when the required PRO training programs are conducted, unless a police emergency arises, law enforcement requirements prohibit such duty assignment, or when needed for training.
- 1.11. The PRO will not be required to attend extracurricular activities, which are held beyond his/her regular workday, nor require the PRO to leave his/her jurisdiction, but the PRO shall have the option, if they choose to do so, with the approval of the SHERIFF. The BOARD shall be responsible for all salary related costs (ex. Wages earned, overtime wages, social security, Fedmed, retirement, workers compensation) associated with the PRO attendance at these types of events.

## SECTION 2. DUTIES AND RESPONSIBILITIES OF THE BOARD

- 2.01 The principal at Buckhannon Upshur Middle School shall be the on-site contact person for the PRO. The Upshur County Superintendent of Schools shall designate the Prevention Resource Officer Coordinator to serve as the BOARD liaison for the program.
- 2.02. Payments to the COMMISSION from the BOARD shall be made in quarterly installments upon submission of quarterly invoices by the COMMISSION and certification by the principal or his/her designee that the services were rendered. The quarterly payment shall be based on the annual salary expense and benefits for the time worked by the PRO on behalf of the BOARD during the quarter. The BOARD will be responsible for the full amount of benefits that are fixed as to their annual amount, including but not limited to, items such as health, dental, vision and life insurance, other post-employment benefit liability charges, health care reimbursement account charges, and health care retirement subsidies (if applicable); benefits that vary with the rate of pay such as FICA and Workers Compensation will be prorated between the BOARD's share and the SHERIFF's share of the calculated cost. Overtime will be the responsibility of the BOARD only when it relates to activities of the officer in performance of duties defined under the PRO agreement.



Compensatory time may be accrued upon the execution of the Compensatory Time Agreement. All other overtime is the responsibility of the SHERIFF and the COMMISSION. The BOARD's approved school calendar including legal school holidays, will be the basis for calculating the amount of reimbursement due to the COMMISSION. On days when school is closed or curtailed due to inclement weather or other conditions, the school principal and the SHERIFF will mutually agree as to work assignment for the PRO and the resultant portion of the officer's time to be billed to the BOARD. As mutually agreed, to by the school principal and the SHERIFF, the PRO may need to work in the school for other needed tasks. The quarterly payment shall be offset by any applicable grant funding available for the PRO program. Payment shall be made within thirty (30) days of receipt of the invoice.

- 2.03. All payments due and owing to the COMMISSION and/or the SHERIFF by the BOARD shall be made out of the appropriate local account of the Upshur County Board of Education and shall not be a liability of the State Superintendent of Schools and/or the West Virginia Board of Education.

### SECTION 3. TERM OF AGREEMENT

- 3.01 This agreement shall be made for a twelve (12) month term beginning the 1<sup>st</sup> day of July 2023, through the 30<sup>th</sup> day of June 2024.
- 3.02 This agreement shall continue in effect until the duration of the term as described in paragraph 3.01 or until terminated by either of the parties in accordance with the term listed in Section 4.01 below.

### SECTION 4. TERMINATION

- 4.01 Either party may terminate this agreement by serving written notice upon the other party at least thirty (30) days in advance of such termination. In the event that the BOARD terminates this agreement and/or does not renew an agreement for the PRO position for an upcoming fiscal year, the BOARD shall be responsible for all costs associated with the closing of the PRO officer position as set forth within this agreement. Such cost shall include, but not be limited to, unused accrued vacation and compensatory time and any unemployment compensation due to a reduction in force in the law enforcement area of the COMMISSION and SHERIFF as a result of the closing of the PRO position.

### SECTION 5. INVALID PROVISION

- 5.01 Should any part of this Agreement be declared invalid by a court of law, such decision shall not affect the validity of any remaining portion which shall remain in full force and effect as if the invalid portion was never a part of this Agreement, materially affect any other rights or obligations of the parties hereunder, the parties hereto will negotiate in good faith to amend this Agreement in a manner satisfactory

to the parties.

## SECTION 6. ASSIGNMENT

6.01 Neither party to the Agreement shall, directly or indirectly, assign or purport to assign this Agreement, or any of its rights or obligations, in whole or in part, to any third party without the prior written consent of the other party.

## SECTION 7. NO WAIVER

7.01 The failure of either party to enforce at any time any of the provisions, rights, or elections shall in no way effect the validity of this Agreement. The failure to exercise, by either party, any of its rights herein contained, shall not preclude or prejudice it from exercising the same or any other right it may have under this Agreement, irrespective of any previous action or proceeding taken by it hereunder.

## SECTION 8. COMPLETE AGREEMENT

8.01 This Agreement is the complete Agreement of the parties; may be amended or modified only in writing; and supersedes, cancels, and terminates any and all prior agreements or understandings of the parties, whether written or oral, concerning the subject matter hereof.

## SECTION 9. CHOICE OF LAW

9.01 This Agreement shall be governed by and construed and interpreted according to the laws of the State of West Virginia. It shall be binding upon and inure to the benefit of the successors of the BOARD, the COMMISSION and the SHERIFF,

## SECTION 10. NOTICES

10.01 All notices or other communications required or permitted by this Agreement shall be in writing and deemed effectively delivered upon mailing by certified mail, return receipt requested, or delivered personally to the following persons and addresses unless otherwise specified herein:

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Upshur County Board of Education by and through Michele L. Blatt, State Superintendent of Schools, as designee of the West Virginia Board of Education (Signature and Title of Board Officer) Date

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Upshur County Superintendent of Schools Date



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Upshur County Commission	(Signature and Title of Commission Officer)	Date
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Upshur County Sheriff	(Signature and Title of Sheriff)	Date
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## COMPENSATORY TIME AGREEMENT

According to Chapter 21, Article 5-C, of the West Virginia Code county employees may receive compensatory time in lieu of overtime compensation, provided that the employee and employer agree. Review the following guidelines and if you desire compensatory time, please sign and return form to your supervisor. Once signed by both parties, the County Clerk's office must receive a copy of this form.

- Compensatory time is in lieu of overtime for hours worked in excess of forty (40) and must be calculated as one and one-half hours.
- A written agreement must be completed and signed by both the employee and employer. This agreement may be canceled at any time by either party.
- Deputy Sheriff personnel may accrue up to 480 hours. Elected officials or supervisors have the right to direct employees to utilize compensatory time to reduce the accrued balance for an employee at any time.
- Upon termination of employment, an employee will be paid for the balance of their unused compensatory time.
- Compensatory time must be utilized within one year from the time it was accrued. Again, the elected official or supervisor may require an employee to utilize compensatory time at any time.
- Employee requests to utilize compensatory time should be made in writing at least three (3) days in advance, unless an emergency situation occurs.

Accepted and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Supervisor's Signature

<b>West Virginia Justice Assistance Grant Program Application</b>	<b>General Administrative Information Page 1</b>
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<b><u>Applicant Agency:</u></b> Upshur County Commission <b>Address:</b> 91 West Main Street, Suite 101 Buckhannon, WV 26201 <b>Phone:</b> 304-472-0535 <b>Fax Number:</b> 304-473-2802	<b><u>Type of Agency:</u></b> <input type="checkbox"/> State <input checked="" type="checkbox"/> County <input type="checkbox"/> Non-Profit
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<b><u>Project Director:</u></b> Matthew Sisk <b>PD Title:</b> Director of Safety & Technology <b>Address:</b> 102 Smithfield St Buckhannon, WV 26201  <b>Phone:</b> 304-472-5480 x1019 <b>Fax:</b> <b>Email:</b> Matthew.sisk@k12.wv.us	<b><u>Fiscal Officer:</u></b> Tabatha Perry <b>FO Title:</b> County Administrator  <b>Address:</b> 91 West Main Street Suite 101  <b>Phone:</b> 304-472-0535 x2 <b>Fax:</b> 304-473-2802 <b>Email:</b> trperry@upshurcounty.org
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**Funds Requested:** 28,000      **Amount Awarded:**  
**Match Proposed:** 9,333      (For JCS use only)  
**Project Period:** October 1, 2023 – September 30, 2024

**Number of years previously funded:** 11      **Estimated Number to be Served:** 800  
**Geographic Area(s) Served:** Upshur County  
**Total Population:** 23,791  
**DUNS Number:** 028608099  
**FEIN Number:** 55-6000406  
**Project Title:** Prevention Resource Officer

**Project Description:** A collaborative effort between the Upshur County Board of Education, the Upshur County Sheriff's Department and the Upshur County Commission to continue the employment of PRO at Buckhannon-Upshur Middle School

*Certification: To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by the governing body and the applicant will comply with the attached special conditions and assurances if funding is provided.*

<b><u>Authorized Official:</u></b> Kristie G. Tenney <b>Address:</b> 91 West Main Street, Suite 101 Buckhannon, WV 26201	<b><u>AO Title:</u></b> Commission President <b>Phone:</b> 304-439-4698 <b>Fax:</b> 304-473-2802 <b>E-Mail:</b> kgtenney@upshurcounty.org
<b>Signature:</b>	<b>Date:</b>

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS		OMB Number 4040-0011 Expiration Date: 01/31/2025	
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED  <b>Federal Aviation Administration</b>		1. TYPE OF REQUEST [ ] FINAL [ X ] PARTIAL	2. BASIS OF REQUEST [ X ] CASH [ ] ACCRUAL
6. EMPLOYER IDENTIFICATION NUMBER <b>30-0733276</b>		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY <b>3-54-0039-039-2023</b>	
UEI: <b>YLDRBMJNSZP5</b>		5. PARTIAL PAYMENT REQUEST NO. <b>Request No. 2</b>	
8. PERIOD COVERED BY THIS REPORT FROM: (MONTH / DAY / YEAR) <b>August 15, 2023</b>		TO: (MONTH / DAY / YEAR) <b>September 11, 2023</b>	
9. RECIPIENT ORGANIZATION Name: <b>Buckhannon Upshur Airport Authority</b> No. and Street: <b>Post Office Box 1042</b> City, State and ZIP Code: <b>Buckhannon, West Virginia 26201-1042</b>		10. PAYEE (Where check should be sent if different than item 9) Name: No. and Street: City, State and ZIP Code:	
11. COMPUTATION OF AMOUNT OF REIMBURSEMENT / ADVANCES REQUESTED			
PROGRAMS / FUNCTIONS / ACTIVITIES	(a) Budget	(b) Total to Date	(c) Previously Requested
a. Administrative expense	\$10,000.00	\$7,488.38	\$7,488.38
b. Preliminary Expense	\$0.00	\$0.00	\$0.00
c. Land, structures, right-of-way	\$0.00	\$0.00	\$0.00
d. Architectural engineering basic fees	\$77,793.00	\$67,395.30	\$64,535.00
e. Other Architectural engineering fees	\$72,365.00	\$13,800.00	\$0.00
f. Project Inspection fees	\$2,597.00	\$0.00	\$0.00
g. Land Development	\$0.00	\$0.00	\$0.00
h. Relocation expenses	\$0.00	\$0.00	\$0.00
i. Relocation payments to individuals and businesses	\$0.00	\$0.00	\$0.00
j. Demolition and removal	\$0.00	\$0.00	\$0.00
k. Construction and project improvement costs	\$57,000.00	\$0.00	\$0.00
l. Equipment	\$0.00	\$0.00	\$0.00
m. Miscellaneous cost	\$0.00	\$0.00	\$0.00
n. Total Cumulative to Date (sum of line a. through line m.)	\$219,755.00	\$88,683.68	\$72,023.38
o. Deductions for program income			
p. Net cumulative to date (line n. minus line o.)			
q. Federal share to date			
r. Rehabilitation grants (100% reimbursement)			
s. Total Federal Share (line q. plus line r.)	\$197,779.00	\$79,815.31	
t. Federal payments previously requested		\$64,821.04	
u. Amount requested for reimbursement			\$14,994.27
v. Percentage of physical completion of project		40%	
12. CERTIFICATION			
I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.	RECIPIENT	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	DATE REPORT SUBMITTED 9/11/2023
		TYPED OR PRINTED NAME AND TITLE Michael Ruffing President, Buckhannon Upshur Airport Authority	TELEPHONE 412-812-2757
	Representative certifying to line 11v.	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE SIGNED
		TYPED OR PRINTED NAME AND TITLE Kristie G. Tenney President, Upshur County Commission	TELEPHONE 304-472-0535



**BUCKHANNON UPSHUR AIRPORT AUTHORITY**  
**SUMMARY OF SPONSOR INVOICE # W22-039-R2**  
**GRANT # 3-54-0039-039-2023**

Contractor/Consultant Name	Contractor Invoice #	Invoice Date	Due Date	Billed Amount	AIP Costs (90%)	Non-AIP Costs	Worksite Name	Short Summary of Services/Materials
Chapman Technical Group	23005-20607	8/31/2023	N/A	\$ 2,860.30	\$ 2,574.27	\$ 286.03	Upshur County Regional Airport	Basic Engineering Fees for Install Perimeter Fencing
Chapman Technical Group	23006-20608	8/31/2023	N/A	\$ 13,800.00	\$ 12,420.00	\$ 1,380.00	Upshur County Regional Airport	Other Engineering Fees for Rehabilitate Airport Beacon (Design)
<b>TOTAL REQUESTED</b>					<b>\$ 14,994.27</b>			



# INVOICE

August 31, 2023

Buckhannon Upshur Airport Authority  
Attn: Jennifer Powers, Airport Manager  
P.O. Box 1042  
Buckhannon, WV 26201

Re: Install Perimeter Fencing  
FAA AIP No. 3-54-0039-039-2023

## INVOICE NO. 20607

Professional Engineering Services from July 23, 2023 through August 19, 2023.

	Phase	Contract Amount	% Comp	Amount Earned to Date	Amount Previously Invoiced	Balance Remaining	Amount this Invoice	
01	Design Development	\$ 14,669.00	100%	\$ 14,669.00	\$ 14,669.00	\$ -	\$ -	
02	Construction Documents	7,781.00	100%	\$ 7,781.00	\$ 7,781.00	\$ -	\$ -	
03	Bidding & Constructing	6,820.00	100%	\$ 6,820.00	\$ 5,115.00	\$ -	\$ 1,705.00	
04	Construction Administration	11,553.00	10%	\$ 1,155.30	\$ -	\$ 10,397.70	\$ 1,155.30	
05	Resident Observation	2,597.00	0%	\$ -	\$ -	\$ 2,597.00	\$ -	Hrly
06	Surveying Services	1,801.00	0%	\$ -	\$ -	\$ 1,801.00	\$ -	Hrly
07	Additional Services-Geotechnical	51,000.00	0%	\$ -	\$ -	\$ 51,000.00	\$ -	
<b>Totals:</b>		<b>\$ 96,221.00</b>		<b>\$ 30,425.30</b>	<b>\$ 27,565.00</b>	<b>\$ 65,795.70</b>	<b>\$ 2,860.30</b>	
<b>TOTAL AMOUNT DUE THIS INVOICE</b>							<b>\$ 2,860.30</b>	

PLEASE REMIT TO:  
Chapman Technical Group LTD  
c/o GRW Engineers  
801 Corporate Dr.  
Lexington, KY 40503  
304.727.5501  
[www.chapttech.com](http://www.chapttech.com)

*Thank you for your business!*  
Chapman Technical Group/GRW | engineering | architecture | landscape architecture | geospatial

# INVOICE

August 31, 2023

Buckhannon Upshur Airport Authority  
Attn: Jennifer Powers, Airport Manager  
P.O. Box 1042  
Buckhannon, WV 26201

Re: Relocate Airport Beacon  
FAA AIP No. 3-54-0039-039-2023

**INVOICE NO. 20608**

Professional Engineering Services from July 23, 2023 through August 19, 2023.

	Phase	Contract Amount	% Comp	Amount Earned to Date	Amount Previously Invoiced	Balance Remaining	Amount this Invoice
01	Design Development	\$ 22,729.00	100%	\$ 22,729.00	\$ 22,729.00	\$ -	\$ -
02	Construction Documents	8,376.00	100%	\$ 8,376.00	\$ 8,376.00	\$ -	\$ -
03	Bidding & Constructing	5,865.00	100%	\$ 5,865.00	\$ 5,865.00	\$ -	\$ -
06	Surveying Services	2,144.00	0%	\$ -	\$ -	\$ 2,144.00	\$ - Hrly
07	Additional Services-Geotechnical	12,420.00	100%	\$ 12,420.00	\$ -	\$ -	\$ 12,420.00
09	Special Services	5,000.00	28%	\$ 1,380.00	\$ -	\$ 3,620.00	\$ 1,380.00
<b>Totals:</b>		<b>\$ 56,534.00</b>		<b>\$ 50,770.00</b>	<b>\$ 36,970.00</b>	<b>\$ 5,764.00</b>	<b>\$ 13,800.00</b>
<b>TOTAL AMOUNT DUE THIS INVOICE</b>							<b>\$ 13,800.00</b>

PLEASE REMIT TO:  
Chapman Technical Group LTD  
c/o GRW Engineers  
801 Corporate Dr.  
Lexington, KY 40503  
304.727.5501  
[www.chaptech.com](http://www.chaptech.com)

WEST VIRGINIA  
CERTIFIED DEVELOPMENT COMMUNITY (CDC)  
PROGRAM

***RESOLUTION OF PARTICIPATION***

***WHEREAS***, the governing body of Upshur County is interested in the economic well being of its citizens and community at-large; and

***WHEREAS***, the governing body is prepared to support appropriate efforts within the community to become totally prepared to promise economic development; and

***WHEREAS***, the West Virginia Chamber of Commerce, the West Virginia Economic Development Council and the Governor's Office of Community and Industrial Development are offering a program that is especially designed to help West Virginia communities become better prepared for industrial and related economic development; and

***WHEREAS BE IT RESOLVED***, by the Upshur County Commission that our community and/or region wishes to participate in the Certified Development Community program and that the leadership of this community fully realizes this program requires dedicated efforts; and

***BE IT FURTHER RESOLVED***, that by making entry into this program, we are pledging our honest efforts to continue to be designated a "Certified" community, and

***BE IT FURTHER RESOLVED***, that the program requires the existence or formation of a Local Economic Development Organization, and this governing body designated the Upshur County Development Authority as representing or community for the purpose of participation in this program.

This resolution is in full effect upon its adoption the 21<sup>st</sup> day of September, 2023.

Approval:

Attest:

KRISTIE G. TENNEY  
President, Upshur County Commission

CAROL J. SMITH  
Clerk, Upshur County Commission

## 2023 – 21<sup>st</sup> Grant Cycle



## Application for Funding Assistance

**Application Postmark Deadline: September 29, 2023**

### **Contact Information:**

Shelly Murray, Executive Director  
2003 Quarrier Street, Charleston, WV 25311  
Telephone (304) 558-5435  
Cell (304) 380-4032  
Email: [shelly.murry@wvcfia.com](mailto:shelly.murry@wvcfia.com)  
[www.cfia.wv.gov](http://www.cfia.wv.gov)

## **Courthouse Facilities Improvement Fund**

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### **Application for Funding Assistance - Instructions**

The application must be completed in its entirety in order to be considered for funding. Focus your application on only ONE category. Incomplete applications will not be considered.

Each application shall consist of 7 tabs:

- I. County Applicant Information and Category Selection
- II. Define the Project
- III. Describe the Proposed Improvements
- IV. Project Budget
- V. Historical Significance / SHPO contact
- VI. Letters of Support
- VII. Supporting Documents, including pictures

Application Review. The Authority staff shall receive all applications and date-stamp them. All grants shall stand as received on the grant deadline date. If an application is incomplete as of the deadline, it will not be considered for funding.

Draft Review: To take advantage of the Draft Review, an applicant may submit a completed application by September 8<sup>th</sup> to the CFIA. The application must be received in the CFIA office by September 8<sup>th</sup> to take advantage of this review, not postmarked by that date. Staff will review the submitted application and contact the Grant Manager to let them know if information is missing. Staff will not provide feedback on ways to improve the application, but simply on its completeness. Grants received after the Draft Review deadline must stand as received. Staff will NOT contact grant applicants to notify of missing information within two weeks of the postmark deadline.

### **Application Postmark Deadline: September 29, 2023**

**Total number of pages submitted should not exceed fifty (50) pages. Do NOT staple any part of your application. Upon completion, please forward the original application, with blue ink signatures, and two (2) copies (for a total of 3) to:**

WV Courthouse Facilities Improvement Authority  
2003 Quarrier Street  
Charleston, WV 25311



## **Tab I. County Contact Information and Category Selection**

---

1. County Applicant: Please list county name, complete mailing address, and general telephone number for county applicant.

**Upshur County Commission  
91 W Main Street Suite 101  
Buckhannon, WV 26201  
304-472-0535**

2. Project Director: Name, mailing address, email address and telephone number of individual responsible for the daily implementation of the project. This person **cannot** also be listed as the Authorized Official or the Fiscal Director.

**Cindy M. Hughes  
Assistant County Administrator  
91 W Main Street  
Buckhannon, WV 26201  
304-472-0535 x3  
[chughes@upshurcounty.org](mailto:chughes@upshurcounty.org)**

3. Grant Manager: Name, mailing address, email address and telephone number of the individual responsible for submitting quarterly progress reports should the project receive funding. This person will be the contact person regarding the project who will communicate with the CFIA Director, if funded.

**Cindy M. Hughes  
Assistant County Administrator  
91 W Main Street  
Buckhannon, WV 26201  
304-472-0535 x3  
[chughes@upshurcounty.org](mailto:chughes@upshurcounty.org)**

4. Fiscal Director: Name, mailing address, email address and telephone number of the individual responsible for the financial records of the project. This person **cannot** also be listed as the Project Director or the Authorized Official.

**Tabatha R. Perry  
County Administrator  
91 W Main Street  
Buckhannon, WV 26201  
304-472-0535 x2  
[tperry@upshurcounty.org](mailto:tperry@upshurcounty.org)**

5. Authorized Official: Name, mailing address, email address and telephone number of County Commission President. This is the individual who would be authorized to enter into a contractual agreement.

**Kristie G. Tenney**  
**Upshur County Commission President**  
**91 W Main Street**  
**Buckhannon, WV 26201**  
**304-472-0535**  
[kgtenney@upshurcounty.org](mailto:kgtenney@upshurcounty.org)

6. Federal Employer's Identification Number (F. E. I. N. #):

**55-6000406**

7. Are you applying for grant funds that will be applied to the main courthouse building?

☒ Yes

☐ No, please explain \_\_\_\_\_

\_\_\_\_\_

8. Provide a brief description of your construction project in the space below:

**The Upshur County Commission has determined there is a need to remove the existing, aged, and very worn stair treads located on the rear stairwell in the main Courthouse. These particular stair treads are original to the Courthouse and have deteriorated to the point of being unsafe and treacherous for staff to utilize. Upon professional assessment and much research, the treads appear to be made of black slate. Although the treads are still firm and steadily adhered to their base, they are worn so severely that they are no longer level and pose a slippage fall risk to users. Along with replacing the stair treads, the stairwell will receive a refresh in the form of painting the stair stringers, risers, and railings. To become compliant with Life Safety Code and ADA requirements, new, painted pipe railings will be installed continuously along the wall per flight of stair runs.**

9. Applicants May Only Apply for Funding under one Category. Please place an X in the box next to the category for which you are requesting funding assistance.

Project Categories:

- ☐ Life Safety
- ☒ Accessibility
- ☐ Structural Improvements
- ☐ Roofing
- ☐ Electrical
- ☐ Communications Cabling
- ☐ Exterior Improvements
- ☐ Interior Improvements
- ☐ Mechanical (HVAC/Plumbing)
- ☐ Doors and Windows
- ☐ New Construction / Space

Tab II and Tab III should be consistent with the category that you have indicated above.

<b>Category 2: Accessibility</b>
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Types of Projects:

Building Access, Courtroom Access, Toilet Room Access and Layout, Accessible Parking, General ADA Compliance Projects, Repair and/or Replacement of Door Hardware, Ramps, Stairs, Railings, Elevators, Lifts, Signage, Curb-Cuts.

**Tab II: Define the Project**

- Is the project occurring at the main courthouse facility? If not, describe the facility.

**Yes, this project is occurring in the main courthouse facility located at 40 W. Main Street Buckhannon, WV 26201.**

- Describe the scope of the proposed building accessibility concern. Document the project with photographs and attach them to the application.

**The general scope of the project consists of removing and rehabilitating the existing slate stair treads on stairs located in the rear portion of the main courthouse that are 125 years old. This particular stairwell has been identified as the proposed evacuation route for the Circuit Courtroom and judicial offices. The stairwell is comprised of 33 stair treads, 2 square landings approximately 4 ft X 4 ft in size and 2 triangular shaped landings. Upon assessment by a professional team including an architect and contractor, it was concluded that the material of the existing treads is comprised of a hard stone material, most likely being black slate, which was consistent with the time period in which the Courthouse was built. A natural veining is visible throughout the stairs. The particular treads in question are severely worn**



in the centers of each tread, making them unlevel. This is particularly concerning as one's foot tends to slide off the landing due to it sloping forward. The treads themselves have also worn on the very front, making the likely of slipping off the stair even greater. The risers themselves appear to be in good condition and are not in need of repair. However, they would be freshened up with a coat of paint along with the stair stringers and railings to achieve a cohesive appearance. Pipe railings would also be installed along the wall to meet Life Safety Code requirements and ADA compliance. Please refer to attached photos.

- Have there been any complaints from building occupants regarding accessibility? If yes, document the complaints.

**Yes, staff who access the building have expressed concern for the deteriorating stair treads and their hazardous condition. However, no documented falls or claims have been submitted.**

- Is there accessible parking, and an accessible route into the building? Please document with photographs.

**Parking is not being identified as an area of concern within this grant proposal; however, there is accessible parking in front of the Annex and Courthouse and in the alley between the main Courthouse and the Annex, under the skywalk that connects the two buildings. There is an adequate route of access to the two buildings as well. The basement of the main Courthouse can be accessed through the alleyway between the Courthouse and Annex. Access to the first floor of the Courthouse is possible with the ADA outdoor lift. To access the 2<sup>nd</sup> floor of the Courthouse, entry begins in the Annex and taking the elevator to the Annex 3<sup>rd</sup> floor. The 3<sup>rd</sup> floor Annex gives access to the skywalk ramp and connects to the 2<sup>nd</sup> floor of the main Courthouse, leading directly to the Circuit Courtroom area. All floors of the Annex can be accessed by the main elevator. The 2012 Upshur County Courthouse Facility Assessment recognizes this parking and access as sufficient.**

- Once in the building is there an accessible toilet facility available? Please document with photographs.

**Toilet facilities are not the identified area of concern within this proposal; however, ADA compliant toilet facilities are located on the 2<sup>nd</sup> floor of the Courthouse. Additionally, there are ADA accessible facilities in the alleyway between the Courthouse and Annex.**

- Are major public spaces in the building, such as a courtroom or public office, accessible for people with disabilities? If no, document the current conditions.

**Yes. The Courthouse is accessible for visitors with disabilities through the use of an exterior vertical lift that bypasses the exterior staircase and allows direct access into the building. This allows direct access to public spaces such as the County Clerk's**

**Office. The Circuit Courtroom is accessible through the breezeway connecting the Courthouse Annex to the Courthouse.**

**The scope of this project funding request pertains to the rear staircase, which is primarily utilized by staff to access the first and second floors of the building. The wear and tear that the stair treads have experienced certainly creates a significant safety hazard for persons utilizing them. They no longer have a flat/horizontal platform, which creates a downward slope. The treads are also very slippery when wet due to this downward slope. The base of the stairwell is met by two doors, one entering into the postage machine area and the other exits outside. Therefore, they do become wet from exposure to an individual's shoes when they enter or exit the building, creating a hazardous combination of sloping stairs and wet shoes. The stairs are primarily utilized by Judicial Staff as the Courthouse houses the 26<sup>th</sup> Judicial Circuit Court and Probation. County employees working in the Courthouse and Annex also utilize these stairs to access the postage machine which is located in the basement of the Courthouse. Maintenance personnel heavily utilize the stairs during election time as the "election room" is located adjacent to the Courthouse basement. More importantly, the stairwell is a required means of egress from the first and second floors.**

- If the facility has multiple floors, please document the current method of vertical transportation (ramps, lift, limited capacity elevators, elevators, etc.).

**The Courthouse has an external vertical lift, recently replaced in 2022/2023, that bypasses the exterior stairs. After bypassing these, public offices are located on one floor of the main Courthouse. The Courts are located on the second floor of the main Courthouse; however, they can be accessed through an adjoining Courthouse Annex that has an internal elevator, ramp and is fully ADA compliant.**

- Does the building meet current ADA standards? If no, describe the non-compliant areas and attach relevant photographs.

**The Commission has worked very hard over the past few years to create an environment that meets ADA standards. Through the support of CFIA funds, most areas within the original Courthouse do meet standards. The rehabilitation of the rear staircase would help to meet those standards by providing a safe egress for users. See photos of rear Courthouse stairwell.**

### **Tab III: Describe the Proposed Improvements**

- Describe the proposed improvements.

**Improvements to the area will consist of demolishing and removing the current worn and dangerous stair treads, painting the stair stringers, risers and railings, then installing new treads. Next, the paint will be touched-up after the tread**



installation. Finally, new painted pipe railings will be installed continuously along the wall per flight of stair runs.

- Provide information about the materials or systems that will be used in the project. If possible, provide architectural drawings of the proposed improvements.

**See attached Test Data Sheet that provides the specifications of the “Grayson Slate” material that will be used to replace the stair treads.**

#### **Tab IV. Project Budget Information**

Attach an overall detailed budget for the proposed improvements. Consider the requirements listed within the “Special Conditions and Assurances” section of this application when developing your project budget. Include testing, design fees, demolition costs, construction costs, and a project contingency in the budget. Indicate whether the project is a phased project and what phase you are seeking funding for with this application.

1. Provide an estimated total cost of the proposed project:  
**\$87,850.00**
2. Provide the amount of funding assistance requested (can not exceed \$100,000):  
**\$70,280.00**
3. Please list or attach a detailed project budget:

See attached Budget Worksheet.

#### **Tab V. Historical Significance**

1. Provide proof that SHPO has been contacted regarding your potential project. Provide a letter from SHPO, name of a contact person at SHPO or a general statement that explains your communication with SHPO.
2. Attach a description of how the proposed project will impact the historic characteristics of the courthouse facility and how the project will either maintain or enhance the historic characteristics.

#### **Tab VI. Letters of Support**

#### **Tab VII. Supporting Documents – resolution, statement of need, etc...**

**Signature Page**

Provide the signature and printed name of the Authorized Official (County Commission President) and the names, signatures, official positions (of elected officials) whose areas of responsibility are affected by the requested improvements. For clarification purposes, the signatures could be those of the Circuit Judge, Sheriff, Circuit Clerk, Assessor, County Clerk, Magistrate, Family Court Judge, Prosecuting Attorney, or any combination depending on the improvements anticipated. The County Administrator/Manager may not sign as the Authorized Official. The Commission President must sign this page.

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Signature and Position/Title – Printed Name

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Signature and Position/Title – Printed Name

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Signature and Position/Title – Printed Name

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Signature and Position/Title – Printed Name

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Signature and Position/Title – Printed Name

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Signature and Position/Title – Printed Name

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Signature and Position/Title – Printed Name

## **Special Conditions and Assurances**

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The applicant hereby certifies and assures that it shall comply with the following special conditions, regulations, policies, guidelines, and requirements of the Courthouse Facilities Improvement Authority. These policies, Special Conditions, and Assurances apply to all funds expended for purposes associated with this project.

1. **Commencement within 60 days:** The funded project must be initiated within 60 days of the project starting date specified in the contract agreement. If the project has not been initiated within 60 days of the specified project starting date, the Authority may accept a written explanation of the delay by the county applicant to terminate the funding agreement.
2. **Project Completion:** If the funded project is incomplete by the end date specified in the contract agreement, the county applicant must submit to the Authority a written explanation of the delay. The Authority may either accept the written explanation for the delay or it may cancel the project and redistribute the funds to other projects.
3. **Press Release:** Any release of funding information must include the funding amount and the name of the “West Virginia Courthouse Facilities Improvement Authority”. Please forward a copy of these to the CFIA office.
4. **Procurement Procedures:** County applicants are required to solicit and consider competitive proposals from a minimum of three qualified vendors, utilizing a public bidding format. The applicant shall be governed in all respects by the laws of the State of West Virginia. At a minimum, an advertisement must be placed in a public, printed newspaper. A copy of the ad must be forwarded to the CFIA office.
5. **Wage Rate:** Any wages paid by contractors must meet any governing West Virginia Department of Labor regulations.
6. **Green Buildings Minimum Energy Standards:** In accordance with §22-29-4, all new building construction projects of public agencies that have not entered the schematic design phase prior to July 1, 2012, or any building construction project receiving state grant funds and appropriations that have not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed complying with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007: Provided, That if any construction project has a commitment of federal funds to pay for a portion of such project, this provision shall only apply to the extent such standards are consistent with the federal standards.



7. **Legal Authorization:** The county applicant hereby certifies it has the legal authority to apply for funding assistance; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizing the person identified as the official county representative of the applicant to act in connection with the application and to provide such additional information as may be required.
8. **Relationship:** The relation of the county applicant to the Authority shall be that of an independent contractor, not that of a joint enterprise. The county applicant shall have no authority to bind the Authority for any obligation or expense without the express prior written approval of the Authority.
9. **Laws of West Virginia:** Any funding application/contract shall be governed by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the Courthouse Facilities Improvement Authority.
10. **Access to Records:** The Courthouse Facilities Improvement Authority, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the funds distributed, and to relevant books and records of contractors.
11. **Use of Funds:** Funds awarded through the Courthouse Facilities Improvement Fund may be expended only for the purposes and activities specifically covered by the county applicant's approved project agreement. The funds may only be used on property legally owned and occupied by the county and county officials.
12. **Sanctions for Noncompliance:** In the event of the county applicant's noncompliance with the terms, conditions, covenants, rules, or regulations of this funding assistance, the Courthouse Facilities Improvement Authority may impose such contract sanctions as it may deem appropriate, including, but not limited to the following:
  1. Withholding of payments to the applicant until the applicant complies, or
  2. Cancellation, termination, or suspension of the contract, in whole or in part, or
  3. Refrain from extending any further assistance to the applicant until satisfactory assurance of future compliance has been received.
13. **Written Approval of Changes:** The county applicant must obtain prior written approval from the Courthouse Facilities Improvement Authority for all project changes.



14. **Contracts:** No contract or agreement may be entered into by the county applicant for the execution of the project activities or provisions of service which is not incorporated in the approved agreement, and without the prior written approval of the Courthouse Facilities Improvement Authority
15. **Accounting Requirements:** County applicant agrees to record all project funds and costs following generally accepted accounting procedures. A separate account number or cost recording must separate all project costs from the county's other or general expenditures. Adequate documentation for all project costs and income must be maintained. All relevant information must be retained for audit purposes.
16. **Obligation of Project Funds:** Funds may not, without prior written approval from the Courthouse Facilities Improvement Authority, be obligated prior to the effective date or subsequent to the termination date of the project period. Obligations outstanding as of the termination date shall be liquidated within thirty days.
17. **Program Accountability:** Fund accounting, auditing, monitoring, and evaluation procedures will be conducted by the applicant to assure fiscal control, proper management and efficient distribution of funds.
18. **Reporting of Irregularities:** Applicants are responsible for reporting promptly to the Courthouse Facilities Improvement Authority the nature and circumstances surrounding any fiscal irregularities discovered. Failure to report known irregularities may result in suspension of funding or other remedial action.
19. **Public Availability of Information:** The applicant agrees to comply with the terms and conditions of pertinent state Freedom of Information Acts, and to require its contractors comply with these requirements.
20. **Conflict of Interest:** No public official or employee of the applicant agency, who performs any duties under the project may participate in an administrative decision with respect to the project if such a decision can be expected to result in any benefit or remuneration to him/her or his/her immediate family.
21. **Release of Information:** If requested, all records, papers, and other documents kept by recipients of financial assistance are required to be made available to the Courthouse Facilities Improvement Authority or its representative.
22. **Inspection and Audit:** County applicants and sub-applicants have the responsibility to provide for an audit of their activities. The county applicant agrees to submit a copy of each audit conducted to the Courthouse Facilities

Improvement Authority along with a method for timely and appropriate resolution of audit findings and recommendations.

23. **Discrimination Prohibited:** No person shall, on the grounds of race, religion, color, national origin, sex, or handicap, be excluded from participation in, be denied benefits, or be otherwise subjected to discrimination under, or denied employment in connection with assistance awarded pursuant to the Anti-Drug Abuse Act of 1986. The applicant assures that it will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safety Streets Act, as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G; and, Executive Order 11246, as amended by Executive Order 11375; and their implementing regulations, as well as the West Virginia Human Rights Act, as amended (Section 5-11-1 of the Code of West Virginia), and 41 CFR Pat 60.1 et.seq., as applicable to construction contracts.
24. **Equal Employment Opportunity Program:** Each county applicant certifies that it has executed and has on file, an Equal Employment Opportunity Program which conforms with the provisions of 28 CFR Section 42.301 et.seq., Subpart E, or that in conformity with the forgoing regulations, no Equal Employment Opportunity Program is required.
25. **Confidentiality of Research Information:** Pursuant to Section 229 of the Act, research information identifiable to an individual, which was obtained through a project funded wholly or in part with Courthouse Facilities Improvement Funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22). Confidential Information- The applicant should only include the program description, the funds involved, and the number of projects. The unit of local government implementing the program will be made known to the Courthouse Facilities Improvement Authority upon request or upon completion of the project.
26. **Criminal Penalties:** Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of grant or contractor or other form of assistance pursuant to this title, whether received directly or indirectly from the administration; or whether receives, conceals, or retains such funds, assets, or property to use his/her gain, knowing such funds, assets, or property to have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be



fined not more than \$10,000 or imprisoned not more than five years or both.

Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act shall be subject to prosecution under the provisions of Section 1011 of Title 18, United States Code. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant or contract or other form of assistance pursuant to this Act, whether received directly or indirectly from the administration, shall be subject to the provisions of Section 871 of Title 18, United States Code.

27. **Patents and/or copyrights and rights in data:** Where activities supported by this funding assistance produce original graphical, pictorial, written, and/or similar works for which a patent, or copyright application, is contemplated, the Courthouse Facilities Improvement Authority should be contacted for further instructions.
28. **Time Extensions:** Time extensions for this program are unallowable unless written extensions are submitted by the county applicant and approved in written form by the Courthouse Facilities Improvement Authority. Any funds remaining at the conclusion of the contract period shall be deobligated unless otherwise determined by the Courthouse Facilities Improvement Authority.
29. **Cost Overruns:** Any cost overruns incurred by the county applicant in conjunction with the completion of a project funded, wholly or in part, by the Courthouse Facilities Improvement Fund will be the responsibility of the applicant. Any changes or upgrades to a funded project that have not been approved by the Courthouse Facilities Improvement Authority are the responsibility of the county applicant.
30. **Project Reporting:** Progress reports are required. They are to be submitted to the Authority by the 20<sup>th</sup> of the month following the end of each quarter during the project period. Progress reports must also accompany each request for reimbursement. Within 30 days of completion, a Project Completion Report must be submitted to the Authority. This report will be available on the website: [www.cfia.wv.gov](http://www.cfia.wv.gov). Information to be included is as follows: Cost comparisons, Quality of workmanship, Quality of materials used, Employee/Courthouse visitor benefits, Timeliness of contractors/materials, Problem areas and County applicants project overview/recommendations. A Project Completion Report must accompany the final request for reimbursement. Failure to submit any of the reports listed above is considered a violation of the signed contract and may result in contract termination.

### **Sample RESOLUTION**

The **County Commission** of \_\_\_\_\_ County met on \_\_\_\_\_ (date) with a quorum present and passed the following resolution.

Be it resolved that the **County Commission** hereby authorizes \_\_\_\_\_ (first name) \_\_\_\_\_ (last name), Commission President of the \_\_\_\_\_ County Commission, to act on its behalf to enter into a contractual agreement with WV Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provisions of the WV Courthouse Facilities Improvement Fund program.

Signed: \_\_\_\_\_  
County Clerk

**\*\*\*Please complete and return this form with your completed application.\*\*\***



**Cindy Hughes**

---

**From:** Brandon Tenney <brandon@upshurda.com>  
**Sent:** Wednesday, September 13, 2023 9:36 AM  
**To:** Cindy Hughes  
**Subject:** Board Members for approval

Cindy, Yesterday morning, September 12, 2023 the Board of Directors for the Upshur County Development Authority nominated and approved the recommendation of Rebecca Bowers-Call on behalf of the Fred W. Eberle Technical Center as the Director and Trish Collett as the Deputy CEO of Community Care of West Virginia. Please put this on the County Commission's Agenda to vote on the recommendation at the next available meeting. If you need anything else from us in order to do this, please let me know.  
Thank you.

Brandon Tenney  
Assistant Director  
21 East Main Street, Suite 101  
Buckhannon, West Virginia 26201  
Phone: (304) 472-1757



# Upshur County Sheriff's Office

**J. Michael Coffman, Sheriff**

38 West Main Street, Room 103

Buckhannon, WV 26201

Tax Office Phone: 304-472-1180 • Law Enforcement Phone: 304-472-1182

Tax Office Fax: 304-472-0937 • Law Enforcement Fax: 304-472-4547

September 18, 2023

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

Dear Commissioners:

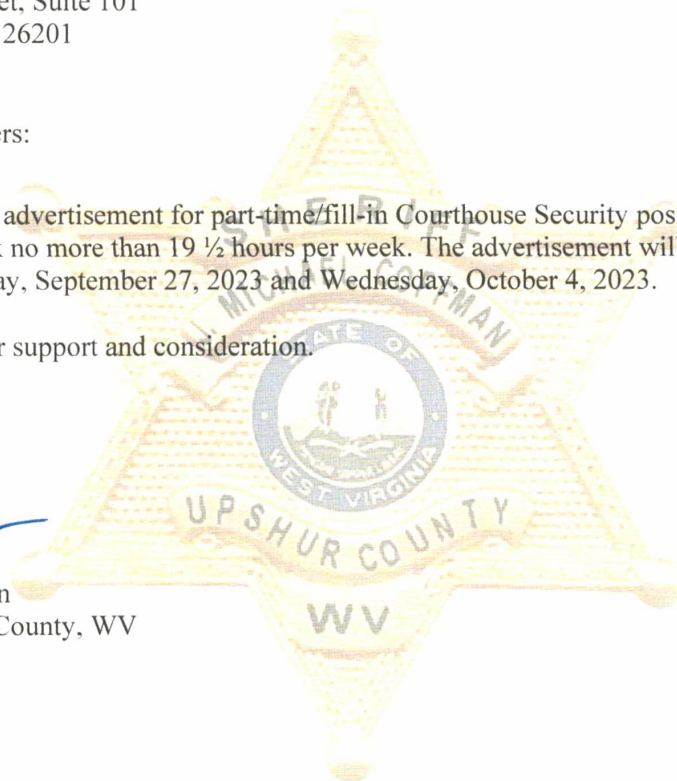
Please approve the advertisement for part-time/fill-in Courthouse Security positions. These positions will work no more than 19 ½ hours per week. The advertisement will run in the Record Delta on Wednesday, September 27, 2023 and Wednesday, October 4, 2023.

Thank you for your support and consideration.

Respectfully,



J. Michael Coffman  
Sheriff of Upshur County, WV



**COURTHOUSE SECURITY**  
**Sheriff of Upshur County**

The Sheriff of Upshur County is accepting applications for part-time / fill-in Courthouse Security positions. Individuals will be required to perform all Courthouse Security/Bailiff duties.

Applicants must have a high school diploma or equivalent. Individuals may obtain an application and full job description at the following address:

**Upshur County Sheriff's Department**  
**LAW ENFORCEMENT DIVISION**  
38 W. Main Street, Room 103  
Buckhannon, WV 26201

Monday –Friday 8:00 am – 4:00 pm

**Applications will be received until**  
**positions are filled.**

Please do not make phone inquiries about this position. Employment with the Sheriff of Upshur County is available to all qualified applicants without regard to (actual or perceived) race, creed, color, national origin, sex, age or disability. Upshur County has established a drug free and tobacco free work environment.





# Mountain CAP Family Support Center

## Family Fun Day Resource Fair

ARLINGTON COMMUNITY

CENTER 15801 RT. 20 S.,

ROCK CAVE, WV

SEPTEMBER 24, 11:00

A.M.-3:00 P.M.

FREE BOUNCE HOUSE,  
DUNKING BOOTH &  
DOOR PRIZES

### VENDORS:

HOME OWNERSHIP CENTER  
COMMUNITY CARE  
PARISH HOUSE  
FIRST CHOICE SERVICES  
RED CROSS  
JOBS & HOPE  
MOUNTAIN CAP OF WV

\*OUTDOOR EVENTS CANCELLED IF  
INCLEMENT WEATHER\*

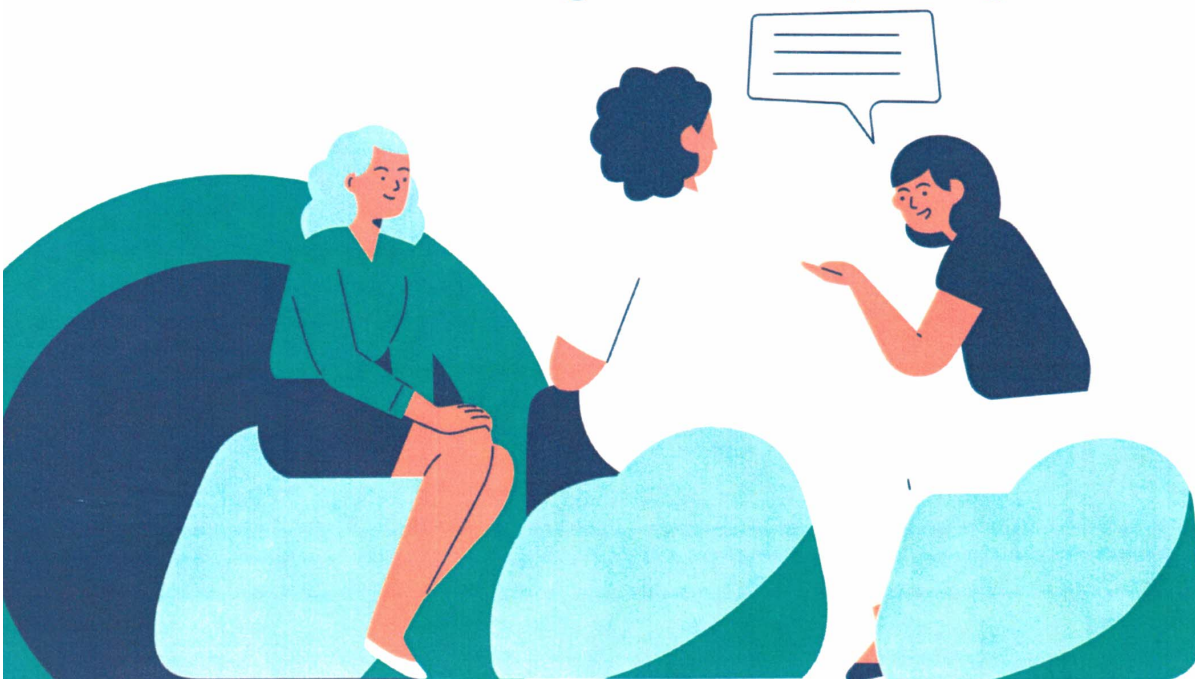




# **Women's Trauma Recovery Support Group**

**Friday's Beginning September 29th  
5:30 p.m.--6:30 p.m.  
Mountain CAP Family Support Center  
30 East Main Street  
Buckhannon, WV**

**For more information contact:  
(304) 878-1115  
[Lvannostrand@mountaincapwv.org](mailto:Lvannostrand@mountaincapwv.org)**



“EVERY STEP BRINGS HOPE”



JOIN US FOR  
BREAST CANCER AWARENESS DAY AT  
STOCKERT YOUTH CENTER ON  
**OCTOBER 2, 2023**

**REGISTRATION 11:00AM - 12:00PM**  
**CEREMONY AND LIGHT LUNCH**  
**12:00PM**

WELCOME TO ALL SURVIVORS AND  
SUPPORTERS

OPEN TO THE PUBLIC

FOR MORE INFORMATION PLEASE  
CONTACT THE UPSHUR COUNTY  
EXTENSION OFFICE AT

304-473-4208

**SPONSORED BY:**

**UPSHUR COUNTY CEOS**





## **HODGESVILLE LIONS CLUB**

### **ALL-YOU-CAN EAT BREAKFAST**

#### **MENU:**

**PANCAKES**

**BUCKWHEAT CAKES**

**SAUSAGE**

**SAUSAGE GRAVY OVER BISCUITS**

**ORANGE DRINK, COFFEE, MILK**

**\$10.00 PER PERSON**

**UNDER 6 FREE**

**50/50**

**QUILT RAFFLE**

**SATURDAY, OCTOBER 14, 2023, 7AM-1PM**



BPD, UCFRN, and Colonial  
Theater present:

# Trunk *or* Treat

Monday, October 30th from  
6:30p-8:30p



**Buckhannon Safety Complex**

Sign up to be a trunk or questions contact UCFRN at  
[upshurfrn@yahoo.com](mailto:upshurfrn@yahoo.com) or 304.473.1051



**City Council of Buckhannon – 7:00 pm in Council Chambers**  
**Meeting Agenda for Thursday, September 21, 2023**

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

**B. Recognized Guests**

- B.1 Scott Allan, OneFiber-Municipal Fiber Presentation
- B.2 Thomas Aman, Bond Counsel, SYCC Proposed Project Update & Financing

**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 West Virginia Make It Shine-Saturday, 09/23/23 7:30AM-3:30PM at COB Transfer Station 444 Mud Lick Rd
- D.2 UC Solid Waste Authority-Free Residential Paper Shred Event-09/23/23 9:00AM-12:00 Noon at 395 Mud Lick Rd
- D.3 Trick-or-Treat in City Limits 10/31/23 6:00PM-7:30PM & Boookhannon Community Halloween Events
- D.4 FOIA Request-SmartProcure re: PO/Vendor Information
- D.5 FOIA Request-Alexander Barger re: Building permits 20 Raella Ln, 1 Armory Rd, 66 W Main St
- D.6 Report of Cat & Dog Activity –Upshur County Commission-August 2023

**E. Consent Agenda**

- E.1 Approval of Minutes -Regular Meeting 06/15/23, 08/03/23, 08/17/23, 09/07/23
- 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 Advertise Stockert Youth & Community Center Bid for Construction Project
- F.2 Approval Financial Statement Period Ending 06/30/2023
- F.3 Discussion/Possible Vote Poundstone Riverwalk Trail Extension Project Status
- F.4 Council Appointment to the Historic Landmarks Commission- Pamela Bucklew
- F.5 City's Appointment Upshur County Recreation Board-Amberly Stump
- F.6 Westfield Property Insurance Quote #1 & Quote #2
- F.7 Request Building Façade Grant Extension-Foster Marketing Group -10 N. Spring Street

**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. Adjournment**

**POSTED 09/18/2023**

UPSHUR COUNTY SAFE STRUCTURES AND SITES  
ENFORCEMENT BOARD  
August 10, 2023

**Members Present:** Greg Harris, Chris Garrett, Chris Cook, Jerry Wamsley

**Members Absent:** Cindy Hughes, Assistant Administrator

**Others Present:** None

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

The July 13, 2023 meeting minutes were reviewed. On motion by Chris Garrett, seconded by Chris Cook, the meeting minutes were approved as presented.

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

121322-01 (Carl Tenney) This property is located at 10845 Old Elkins Road, Ellamore, WV (Route 151). There is an old garage on the property that is unsafe. The Committee discussed that while previous efforts to contact the owner with a Notice of Investigation had been unsuccessful, a new address had been ascertained for the Administratrix of the Estate. It is 5148 Buckhannon Pike, Coalton, WV 26257. On motion of Chris Garrett, seconded by Jerry Wamsley, the Committee voted to send a Notice of Investigation to the Administratrix at the new address.

060823-01 (Sipe) This property is located at 88 Jack Lane in Buckhannon. Efforts to send the owner a Notice of Investigation via Certified Mail have been unsuccessful. At the last Committee meeting it was decided to have Assistant Administrator Cindy Hughes contact the Tyler County Sheriff's Office to have it serve the Notice of Investigation on the owner. The Tyler County Sheriff's Office's attempt to do so was unsuccessful. On motion by Chris Garrett, seconded by Jerry Wamsley the Board moved to refer the matter to the Upshur County Commission for further action.

062223-01 (Kesling) This property is located at 232 Jackson Park Avenue, Buckhannon, WV. Greg Harris informed the Board that the property was sold to a new owner in January 2023. The new owner is Wesley Lee. On motion by Jerry Wamsley, seconded by Chris Cook, the Board voted to send the new owner a Notice of Investigation.

(Dexter Bever) This is a new complaint. The property is located at 1193 Route 20 South, Buckhannon, WV 26201. An adjoining owner says the property has drainage issues that have created a mosquito problem. On motion by Chris Cook, seconded by Jerry Wamsley, the Board voted to have Greg Harris investigate the property.

**Other Business:**

The next meeting will be held on Thursday, September 14, 2023 at 3:00 p.m. in the Upshur County Commission Administrative Annex, 91 West Main Street, Suite 101, Buckhannon, WV.

By consensus of the Board, the meeting was adjourned at 3:30 p.m.

Approved by:

  
\_\_\_\_\_  
Greg Harris, Compliance Officer

09-14-23  
Date

  
\_\_\_\_\_  
Chris Garrett, Board Member

9/14/2023  
Date

\_\_\_\_\_  
James B. Kimble, Board Member

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chris Cook, Board Member

09/14-23  
Date

  
\_\_\_\_\_  
Jerry Wamsley, Board Member

9-14-23  
Date



Tennerton Public Service District  
Monthly Meeting  
September 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 September 14, 2023

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

The meeting was called to order promptly at 2:00 pm by Chairman Bob Heater. The minutes of the previous meeting held on August 9, 2023 were read, there being no corrections or additions, motion to approve was made by Robert Heater, seconded by Scott Casto.

Bob Heater made a motion to remove Joe Tenney from all bank accounts at Freedom Bank, First Community Bank and Chase Bank. John Barnes seconded the motion. Bob Heater also made a motion to have Donald Scott Casto added to all the mentioned accounts. John Barnes seconded the motion. The board unanimously agreed that the current board members will remain on the account and to continue that these accounts be two (2) signature accounts.

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:

\*Ringers was sent to check out a complaint made by Leanne Karlin about a runoff coming from Dexter Bever's property that she thought was sewer. Ringer's determined that it was not. However, the County Commission will be sending the Health inspector out.

\*The Murphy Mart Pump Station rebuild has been completed.

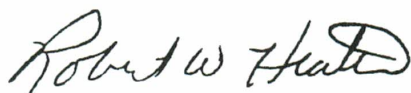
\*Bob Heater suggested that signs be put up at the pump stations stating, "In case of trouble call". Terry will contact Floyd signs.

\*The complete rebuild project for the Orr Street Lift Station has only received one bid. There must be 2 bids before the job can be awarded. David Electric from Elkins has submitted a bid. We are still waiting for another bid. We will do a temporary bypass while work is being done.

\*The Jack Wilfong manhole needs the riser and seal redone.

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

Approved



Chairman, Tennerton Public Service District