

# UPSHUR COUNTY COMMISSION MEETING

May 23, 2024

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, May 23, 2024, at 9:00 a.m. Sam Nolte called the meeting to order. Present were: Samuel R. Nolte, Commission President; Kristie G. Tenney, Commissioner; Douglas K. Bush, Commissioner; Carol J. Smith, County Clerk; Cindy M. Hughes, Assistant County Administrator, and Lois A. Marsh, Secretary. Tabatha R. Perry, County Administrator, joined the meeting at 10:00 a.m.

The meeting began with a moment of silent meditation and prayer, followed by the Pledge of Allegiance. All motions passed unanimously unless otherwise stated.

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved the Regular Meeting minutes of May 9, 2024, and Special Meeting/Canvassing minutes of May 20, 2024, as submitted.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign a Memorandum of Understanding for 2025 countywide four-inch Aerial Imagery in the amount of \$27,355. The MOU sets forth the terms and understanding among the contracted state vendor (The Thrasher Group), the State of West Virginia (West Virginia University), and the local government beneficiary (Upshur County). Sam Nolte stated that this expenditure was included in the budget. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign a grant agreement between the Department of Arts, Culture and History on behalf of the Records Management and Preservation Board and the Upshur County Commission to accept a grant award in the amount of \$29,000. The funds will be dispersed as follows: \$10,000 for the Assessor's Office to digitize property documents; \$10,000 for the Circuit Clerk's Office to complete a scanning project; and \$9,000 to the Sheriff's Department to purchase commercial shredders and cover personnel costs to digitize documents. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign a Request for Payment #8 for the Mt. Hope Water System Improvement Project in the amount of \$7,540. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the appointment of Aaron Critchfield to the Upshur County Development Authority, as recommended and approved by the Upshur County Development Authority's Board of Directors. Mr. Critchfield will fill an unexpired term ending June 30, 2025. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the request from Jeremiah McCourt, Upshur County Parks and Recreation Director, regarding employment status changes, resignations and additional hires. (copy included)

Sam Nolte reviewed the following "For Your Information" items: (copy included)

1. Correspondence from Russell Rollyson, Senior Deputy State Auditor – County Collections Division, providing notice of the Upshur County Auction of Delinquent and Nonentered Lands. Auction will take place June 26, 2024, at 12:30 p.m., in the Upshur County Circuit Courtroom.
2. Correspondence from the West Virginia Secretary of State requesting updated Public Service District information.
3. Elkins Road Public Service District Certification of Customers for Fiscal Year 2025.
4. Notification of disbursement of Wireless E-911 subscriber fees for the months of February, March and April, 2024.
5. Upshur County Mileage Reports – April, 2024
  - Addressing and Mapping
  - Dog Pound
  - Emergency Management
  - Maintenance
  - Parks & Recreation
  - Sheriff
  - Upshur 911
6. Lewis-Upshur Animal Control Facility Reports for the month of April, 2024
  - Revenue Report
  - Account of Animals Report
  - Animal Control/Humane Officer Animal Report

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### 7. Public Notices:

#### a) Newsletters and/or Event Notifications:

- Healthy Grandfamilies Announcement
- Upshur County Financial Literacy 2024 Tour

#### b) Agendas and/or Notice of Meetings:

- Buckhannon-Upshur Airport Authority May 13, 2024
- Upshur County Family Resource Network May 13, 2024
- James W. Curry Library/Park Advisory Board May 20, 2024

#### c) Meeting Minutes:

- Tennerton Public Service District March 13, 2024
- Elkins Road Public Service District April 2, 2024
- Upshur County Solid Waste Authority April 8, 2024
- Tennerton Public Service District April 10, 2024
- Upshur County Safe Structures and Sites Enforcement Board April 11, 2024

#### d) Meetings: **\*Dates and times of monthly board meetings are viewable at:**

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

### 8. 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 West Main Street, 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 a board that does not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment.\*\*\**

At 9:30 a.m., after discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission Certified the 2024 Primary Election Results for Upshur County and the City of Buckhannon. Carol Smith explained that one county has not completed their Canvass, so the 2024 Primary Election Results for the State and Federal contests will be certified on Wednesday, May 29, 2024, at 9:30 a.m. An agenda for the Special Meeting will be issued.

At 9:30 a.m., Dirk Burnside, Upshur County Emergency Medical Services Board of Directors representative, appeared before the Commission to give an update on the Upshur County Emergency Squad. Mr. Burnside stated that the Emergency Squad is celebrating its 50<sup>th</sup> Anniversary this week. The first Emergency Services Week was declared by President Gerald Ford. The theme this year is “Honoring Our Past and Forging Our Future.” Those present representing Emergency Services were: Kevin Huffman, Emergency Medical Services; Dennis Wilson, Healthnet Pilot; Maria Potter, Buckhannon Fire Department Paramedic. Maria Potter stated that she has coordinated installation of five AED’s in Buckhannon. Cindy Hughes, Assistant County Administrator, read a proclamation declaring the week of May 19<sup>th</sup> through May 25<sup>th</sup> as Emergency Medical Services Week. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved signing the Proclamation declaring the week of May 19<sup>th</sup> through May 25<sup>th</sup> as Emergency Medical Services Week. (copy included)

At 10:00 a.m., the Commission reviewed a request to remove the Sheriff of Upshur County as he Personal Representative for the Estate of Judith Lynn Fitzgerald and to appoint Bryan L. Fitzgerald as the Administrator De Bonis Non with surety to be determined. Those present were: Daya Masada Wright, Fiduciary Commissioner; Natalie Nicholson, representing the Upshur County Sheriff; Bryan Fitzgerald and Tim Fitzgerald. Michelle Fitzgerald joined the meeting via teleconference. Carol Smith, County Clerk, explained that Tim Fitzgerald requested for Bryan Fitzgerald to replace the Upshur County Sheriff as Administrator but Michelle Fitzgerald objected to the proposal. Daya Masada Wright recommended that the Upshur County Sheriff be left in charge of the estate. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the recommendation by Daya Masada Wright, Fiduciary Commissioner, to allow the Sheriff of Upshur County to remain as the Personal Representative for the Estate of Judith Lynn Fitzgerald. (copy included)

At 11:00 a.m., the Commission reviewed the Recommendation to Permit a Seventh Annual Settlement and Deadline for the Removal of the Executor for the Estate of James R. Posey, as presented by Daya Masada Wright, Fiduciary Commissioner. Carol Smith, County Clerk, stated that the estate has been open for seven years and the Executor, James R. Posey, Jr., has failed to perform his duties in a timely manner. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the recommendation of Daya Masada Wright, Fiduciary Commissioner, and authorized the Commission President to sign an Order Permitting a Seventh Annual Settlement And Establish a Deadline for the Removal of the Executor. (copy included)

Tabled Items: (none)

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

The Commission approved all Vacation Orders: (list included)

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The Commission approved the following Settlements: (as listed)

- Neil Stewart Edwards – Final Settlement Waiver
- Billy Ray Humphrey – Infant – Sixth and Final Settlement
- Margaret “Peggy” Loudin – Final Settlement
- William Sheridan Messinger – Final Settlement Waiver
- John Porter Siron Jr Trust for Judy Marie Strader – Final Settlement
- Coretha Jean Smith – Final Settlement Waiver
- James R. Posey – Seventh Annual Settlement

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment: (none)

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

- Chad & Duane Christenson - #301153 - \$84.58 – Exoneration Order
- Landaplenty LLC - #21235 - \$1,124.27 – Refund Order
- Rex A or Donna J Snider – Apportionment of Assessment and Taxes Per Final Divorce Order

The Commission approved Requests to Attend Meeting: (none)

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

Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, presented a request from David W. Posey to name a road Slick Ridge Drive. This request is concerning a road off of Kesling Mill Road. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the name of **Slick Ridge Drive**. (copy included)

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Kristie Tenney, seconded by Doug Bush, the Commission meeting adjourned at 1:40 p.m.