

# UPSHUR COUNTY COMMISSION MEETING

January 7, 2021

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, January 7, 2021 at 9:00 a.m. Terry Cutright called the meeting to order. Present were: Kristie G. Tenney, Commissioner; Samuel R. Nolte, Commissioner; Carrie L. Wallace, County Administrator; Tabatha R. Perry, Assistant County Administrator and Lois A. Marsh, Secretary. Terry B. Cutright, Commissioner, and Carol J. Smith, County Clerk, participated in the meeting via teleconference.

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

Terry Cutright reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the regular meeting minutes of December 10, 2020 and December 17, 2020.

Sam Nolte nominated Kristie Tenney to serve as Upshur County Commission President for the 2021 calendar year. Ms. Tenney accepted the nomination which was seconded by Terry Cutright and approved. Lisa Reeder, Deputy County Clerk, administered the Oath of Office to 2021 Commission President, Kristie Tenney. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved to continue the Upshur County Commission meetings weekly on Thursdays at 9:00 a.m.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Local Rules for Commission Meetings submitted. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the registration sign-in sheet in accordance with the WV Code §6-9A-3 as submitted. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved to continue using the agenda format. \* Later in the meeting this item was reconsidered. After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved omitting pay wage rate for personnel requests from future agendas and minutes. Name, position and effective date will be kept.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the 2021 hours of operation of the Upshur County Courthouse, Annex and Administrative Annex as Monday through Friday from 8:00 a.m. to 4:00 p.m. with all employees receiving one-half hour paid lunch. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the 2021 Calendar Year Legal Holidays Schedule as submitted. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the Commission President, Sheriff and County Clerk to sign Affidavit(s) of County, Municipal, or other Public Official Establishing Facsimile Signature. (copies included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the appointments/reappointments of Commissioners and administrative staff to serve on boards as submitted. (copy included)

- Court Security Advisory Board – *Cutright*
- Lewis-Upshur Community Corrections Board – *Cutright*
- Upshur County Farmland Protection Board – *Tenney*
- Lewis-Upshur Local Emergency Planning Committee – *Nolte*
- Region VI Work Force Investment Board – *Cutright*
- Region VII Planning & Development Council – *Cutright*
- Upshur County 4H Foundation – *Nolte*
- Upshur County Development Authority – *Tenney*
- Upshur County Enhanced Emergency Telephone Board – *Tenney*
- Upshur County Extension Service Committee – *Cutright*
- Upshur County Fire Board Incorporated – *Tenney*
- Upshur County Senior Center Board – *Cutright*
- Upshur County Family Resource Network – *Tenney*
- Upshur County Youth Council, Incorporated (SYC) – *Nolte*
- Corridor H Authority – *Nolte*
- Mountain CAP of West Virginia, Incorporated – *Tenney*
- Buckhannon-Upshur Airport Authority – *Nolte*
- Emergency Food and Shelter Program – *Cutright*
- Buckhannon-Upshur Parks & Recreation – *Tenney* (attends but not a member of the Board)
- James W. Curry Advisory Board – *Cutright* (attends but not a member of the Board)

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At 9:15 a.m., the Commission discussed Gardner Case Number 010920-01 (Warren Tax District – Tax Map 8D – Parcel Number 12,13,14) The Order Setting Forth Findings of Fact and Conclusions of Law entered on December 3, 2020, provided the property owners with thirty (30) calendar days to take corrective action with respect to the property at issue. Mrs. Gardner attended via teleconference. Commissioner Terry Cutright and Greg Harris went to review progress on cleanup of property and found no improvement. Sam Nolte made a motion to implement a fine of \$50.00 (fifty dollars) beginning on January 8, 2021, seconded by Terry Cutright. Tabatha Perry stated that the fine would be imposed on both the real property owner and the personal property owner at \$50.00 (fifty dollars) each beginning January 8, 2021. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission agreed to revisit the issue in 30 (thirty) calendar days to see if improvements are made or if the Commission is contacted by Mrs. Gardner prior to (30) thirty calendar days.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Upshur County Commission's mission statement for purposes of meeting grant requirements set by the WV Division of Justice and Community Services. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the Commission President to sign correspondence to Ryan Halsey, Project Manager, enclosing Community Development Block Grant – Small Cities Block Grant Request for Payment for the Elkins Road PSD Phase III Water System Improvements in the amount of \$164,776.02. This is for Request for Funds #17. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Recommendation for Denial of Claim for the Estate of Charlotte Lucille Vest as requested by Fiduciary Commissioner, Daya Masada Wright.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Recommendation for Extension of Time to File Appraisal for 60 days (until February 17, 2021) for the Estate of Doris Jean Davis Carr as requested by Fiduciary Commissioner, Daya Masada Wright. Carol Smith stated that she had discussed with Penny Parcell and opposing council and found no problem with this request.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request of Vigil D. Miller, Sheriff of Upshur County, to hire John Michael Coffman as Chief Deputy of Law Enforcement, effective January 7, 2021, with a pay wage rate of \$25.26 per hour.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, approval of the revised Coronavirus Disease (Covid-19) Sick Leave Policy will be postponed until meeting on January 14, 2021. Policy Board will review at meeting on January 8, 2021.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Resignation of Employee.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and adopted the Standard Mileage Rates for Business, Medical and Moving Announced December 22, 2020.

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

1. Upshur County Sheriff's Financial Statement for period ending November, 2020.
2. Upshur County E911 Communication Reports – November & December, 2020.
  - Monthly Department Summary Report
  - Monthly Wrecker Report
  - YTD Wrecker Report
3. Upshur County Mileage Reports – November, 2020
  - Upshur 911
  - Maintenance
  - Emergency Management
  - Sheriff
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound

4. Public Notices:

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Newsletters and/or Event Notification: (none)

- Agendas and/or Notice of Meetings:
  - Elkins Road PSD January 5, 2021
  - Buckhannon-Upshur Board of Health January 7, 2021
  - City Council of Buckhannon January 7, 2021
  - Lewis-Upshur Community Corrections Board January 11, 2021
- Meeting Minutes:
  - Adrian PSD November 5, 2020
  - Upshur County Solid Waste Authority November 9, 2020
  - Upshur County Fire Board November 17, 2020
  - Tennerton PSD November 18, 2020
- Meetings:
  - 01/05/21-4:00 p.m.-Hodgesville PSD
  - 01/05/21-5:00 p.m.-Elkins Road PSD
  - 01/07/21-3:00 p.m.-Adrian PSD
  - 01/07/21-6:00 p.m.-Buckhannon-Upshur Board of Health
  - 01/07/21-7:00 p.m.-Banks District VFD
  - 01/07/21-7:00 p.m.-City Council of Buckhannon
  - 01/07/21-7:00 p.m.-Selbyville VFD
  - 01/10/21-6:00 p.m.-Washington District VFD
  - 01/11/21-12:00 p.m.-Upshur County Family Resource Network
  - 01/11/21-4:00 p.m.-Buckhannon Upshur Airport Authority
  - 01/11/21-4:30 p.m.-Upshur County Solid Waste Authority
  - 01/11/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
  - 01/11/21-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co
  - 01/12/21-7:00 p.m.-Warren District VFD
  - 01/12/21-7:30 p.m.-Adrian VFD
  - 01/13/21-12:00 p.m.-Upshur County Senior Center Board
  - 01/13/21-1:15 p.m.-Upshur County Farmland Protection Board
  - 01/13/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
  - 01/13/21-3:00 p.m.-Tennerton PSD
  - 01/13/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
  - 01/13/21-7:00 p.m.-Ellamore VFD
  - 01/14/21-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
  - 01/14/21-7:30 p.m.-Buckhannon VFD
  - 01/15/21-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
  - 01/18/21-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
  - 01/19/21-6:30 p.m.-Upshur County Fire Board, Inc.
  - 01/20/21-12:00 p.m.-Lewis Upshur LEPC
  - 01/20/21-4:00 p.m.-Upshur County Public Library Board
  - 01/20/21-7:00 a.m.-Upshur County Development Authority – Full Board
  - 01/21/21-6:30 p.m.-Upshur County Youth Camp Board
  - 01/25/21-12:00 p.m.-Region VII Planning and Development Council
  - 01/25/21-7:00 p.m.-Upshur County Fire Fighters Association
  - 01/26/21-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board

## 5. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative
- James W. Curry Library and Park Advisory Board (Shanna Collins-12-31-2020). Carrie Wallace stated Ms. Collins will be submitting a letter of interest.

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

Tabled items: (none)

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

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The Commission approved all Vacation Orders. (copies included)

The Commission approved the following Settlements. (as listed)

- Charles J. Dean – Final Settlement Waiver
- James Esley Hayes, Jr. – Final Settlement Waiver
- Timothy Michael Hicks – Final Settlement
- David Morgan Laign – Final Settlement Waiver
- Larry Loudin – Final Settlement Waiver
- Mary E. Orndorff – Final Settlement Waiver
- Margaret Ann Riggs – Final Settlement Waiver
- Tracey L. Segur – Final Settlement
- Buford Lee Snyder – Final Settlement Waiver

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: (none)

The Commission approved the following Requests to Attend Meeting (none)

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

The Commission received project updates and reviewed administrative business items.

The Commission reviewed December 10, 2020 tabled request from Adam M. Gissy to be redesignated to part-time Deputy Sheriff capacity, effective January 4, 2021. At 9:45 a.m., Sam Nolte requested the Commission to go into Executive Session per WV Code, seconded by Terry Cutright.

At 10:23 a.m., the Commission returned from Executive Session. No decisions were made at this time but the Commission will revisit after receiving more information from Bryan Hinkle, Prosecuting Attorney.

Because of the Executive Session, Tabatha Perry participated in the West Virginia Communities Group Self-Insurance Risk Pool (WVCoRP) teleconference. Ms. Perry reported that the update was very general and was not County specific.

After motion by Sam Nolte, seconded by Kristie Tenney, the meeting recessed at 10:28 a.m.

After motion by Sam Nolte, seconded by Kristie Tenney, the meeting resumed at 11:15 a.m.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved continuing the hours of the Lewis-Upshur Animal Control Facility. These hours are the first Sunday of each month, from 10:00 a.m. to 1:00 p.m. There is no additional cost for this service as a person is already there during those hours.

After motion by Sam Nolte, seconded by Kristie Tenney, the meeting recessed at 11:19 a.m.

After motion by Sam Nolte, seconded by Kristie Tenney, the meeting resumed at 11:30 a.m.

Per teleconference, Julia Kastner, on behalf of the Upshur County Trails Volunteer Group, provided an update pertaining to the trails located at the Upshur County Recreational Park and requested permission to utilize an area of the Upshur County Recreational Park located adjacent to the basketball court. Ms. Kastner reported that the group had completed four projects: 1) purchased native plants; 2) built archway at trail entrance; 3) built and installed trail signs (35 caution, name of trail, and directional installed in November); and 4) trail kiosk at entrance completed in December. The group would like to create an area for three progressive drops that can help build biking skills. In the future, the group would like to use the concrete pad at the amphitheater for a skate park. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission decided to table this item for two weeks in order for Tabatha Perry to speak with John McGarrity regarding use of the property for this matter.

After motion by Sam Nolte, seconded by Terry Cutright, the meeting recessed at 11:50 a.m.

After motion by Sam Nolte, seconded by Terry Cutright, the meeting resumed at 12:30 p.m.

After motion by Kristie Tenney, seconded by Sam Nolte, the Commission entered Executive Session with Bryan Hinkle, Prosecuting Attorney to discuss Adam Gissy's request to be redesignated to part-time Deputy Sheriff capacity. After motion by Terry Cutright, seconded by Sam Nolte, the Commission exited Executive Session at 1:15 p.m.. No decisions were made in Executive Session. After motion by Sam Nolte, seconded by Terry Cutright, the Commission denied Adam Gissy's request to be redesignated to part-time Deputy Sheriff capacity.

The Commission reviewed administrative business items and received project updates.

With no further business, on motion by Terry Cutright, seconded by Sam Nolte, the Commission meeting adjourned at 1:55 p.m.