

# UPSHUR COUNTY COMMISSION MEETING

## January 25, 2024

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, January 25, 2024 at 9:00 a.m. Sam Nolte called the meeting to order. Present were: Samuel R. Nolte, Commission President; Douglas K. Bush, Commissioner; Carol J. Smith, County Clerk; Tabatha R. Perry, County Administrator; Cindy M. Hughes, Assistant County Administrator and Lois A. Marsh, Secretary. Kristie G. Tenney, Commissioner, was absent.

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 Doug Bush, seconded by Sam Nolte, the Commission approved the meeting minutes of January 18, 2024, as submitted.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from Kimbra Wachob, Assistant Director for the Upshur County Emergency Communications Center, to hire Trevor Phillips as full-time Emergency Telecommunicator, effective February 5, 2024, pending a background check.

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

1. Removal of Purple Martin Drive from the road name index, due to the minimum number of residential structures not being met. Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, explained that the road was named and added to the road name index when the owners of the property were planning to convert a storage building into a residential structure, but changed their minds and left it as a storage building. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved removing Purple Martin Drive from the road name index.
2. Upshur County Sheriff’s Financial Statement for period ending December 31, 2023.
3. Upshur County Mileage Reports – December, 2023
  - Addressing and Mapping
  - Dog Pound
  - Emergency Management
  - Maintenance
  - Parks & Recreation
  - Sheriff
  - Upshur 911
4. Lewis-Upshur Animal Control Facility Reports for the month of December, 2023
  - Revenue Report
  - Account of Animals Report
  - Animal Control/Humane Officer Animal Report
5. West Virginia Treasurer’s Office Reports:
  - a. 4<sup>th</sup> Quarter 2023 Volunteer Fire Department State Distribution – January, 2024
  - b. 25% Coal Severance Tax Distribution for period October 1, 2023 – December 31, 2023
6. Upshur County Development Authority Financial Statements and Independent Auditor’s Report for the fiscal year ended June 30, 2023
7. Public Notices:
  - a) Newsletters and/or Event Notifications: (none)
  - b) Agendas and/or Notice of Meetings:
    - Upshur County Fire Board January 23, 2024
    - Elkins Road Public Service District February 6, 2024
  - c) Meeting Minutes: (none)  
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.
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.\*\*\**

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9. Board of Review & Equalization Meeting Schedule – *Meetings will be held at the Upshur County Administrative Annex unless otherwise noted.*

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

Tabled Items:

1. *Tabled November 30, 2023* – Consider executing a Memorandum of Understanding for Regional Task Force dedicated to optimizing funds available to political subdivisions from the WV First Foundation, created as a result of the State opioid litigation and settlements. Upon entering this agreement, parties agree to cooperate and provide information and documentation to Ascension Recovery Services (Ascension). Financial contribution by the parties of this MOU for the services provided by “Ascension” is voluntary, not mandatory. *Kristie Tenney, Commissioner, is attending a meeting regarding this Memorandum of Understanding today; therefore, the Commission agreed to continue to table this item.*

At 9:15 a.m., Tabatha Perry, County Administrator, stated that a Request for Bid Proposals was approved by the Commission at the December 21, 2023 meeting. This Request for Bid Proposals was published as a Class II advertisement on December 27, 2023 and January 3, 2024. A pre-bid meeting was held on January 5, 2024, with five companies attending. Two of these companies submitted bids prior to the deadline: SmokeyJoe Enterprises, LLC from Dailey, WV and Reclaim Company, LLC from Fairmont, WV. Ms. Perry reviewed the bid proposals and verified that all requirements had been met. SmokeyJoe Enterprises, LLC, submitted a project total of \$120,585, which includes asbestos abatement and demolition of all three buildings. Reclaim Company, LLC submitted a project total of \$84,500, which includes asbestos abatement and demolition of all three buildings. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved accepting the bid from Reclaim Company, LLC in the amount of \$84,500. (copy included)

At 9:30 a.m., Sandra Marfield, Sexual Assault Advocate with the Centers Against Violence, appeared before the Commission to discuss the rising problem with Human Trafficking in Upshur County and the state of West Virginia. Ms. Marfield stated that January 18, 2024 was celebrated as Human Trafficking Prevention Day and read a proclamation declaring January as Human Trafficking Prevention Month. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and signed the Proclamation declaring January as Human Trafficking Prevention Month. (copy)

Addie Helmick, with the Center Against Violence, appeared before the Commission to discuss problems with stalking, which is on the rise in our school system. Ms. Helmick read a proclamation declaring January as Stalking Prevention Month. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and signed the Proclamation declaring January as Stalking Prevention Month. (copy)

At 10:30 a.m., the Commission reviewed the resignation of the Personal Representative, Beverly A. Waugaman, from the Estate of Kirk Doris Cutright. Present were: Upshur County Sheriff Mike Coffman, Beverly Waugaman, Nicky Smith and Randall Cutright. Carol Smith, County Clerk, gave a review of the estate and explained why Ms. Waugaman had requested to be removed as the Administratrix of her father’s estate. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request by legal heirs, Beverly A. Waugaman and Nicky Smith, to appoint the Sheriff of Upshur County as Administrator De Bonis Non for the Estate of Kirk Doris Cutright. Carol Smith directed Beverly Waugaman to give all documentation to the Sheriff.

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

The Commission approved all Vacation Orders: (list included)

The Commission approved the following Settlements: (as listed)

- Franklin Smith – Final 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 Refunds:

- Goodwin Ronald B or Goodwin Tammy (Vaughn) - #500000035S - \$319.66 – Exoneration Order

The Commission approved Requests to Attend Meeting:

- Tabatha Perry – February 2, 2024
- Steve Wykoff – April 9, 2024 – April 11, 2024

The Commission approved the following Consolidation of Land Tracts:

- Union District – Map 7G Parcel 29.1 and Map 7G Parcel 29.4 and Map 7G Parcel 107 to make Map 7G Parcel 29.1 – Robert B. Mallett

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The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Doug Bush, seconded by Sam Nolte, the Commission meeting adjourned at 12:15 p.m.