

# UPSHUR COUNTY COMMISSION MEETING

## February 15, 2024

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, February 15, 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; Tabatha R. Perry, County Administrator; Cindy M. Hughes, Assistant County Administrator and Lois A. Marsh, Secretary.

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 meeting minutes of February 8, 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 sub-grant adjustment notice from the WV Division of Homeland Security and Emergency Management Division, reflecting a grant adjustment approval to allow the Upshur County Commission to purchase license plate readers for the Upshur County Sheriff's Department, utilizing excess grant funds from the FY 2022 Homeland Security Grant Program Award. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved a contractual agreement with Upshur Monument Works to add two United States Military emblems, representing the United States Coast Guard and Space Force, to the existing monument that is located in front of the Courthouse. The cost of the task is \$125 and work will commence in late Spring 2024. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the purchase of a walk-through and hand-held metal detector to replace the existing equipment in the Courthouse. Funds are being provided by a grant award from the West Virginia Court Security Fund supported by the West Virginia Division of Administrative Services Justice and Community Services Section. (copy included)

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 Regional Crisis Response Organization Team, by and between the following political subdivisions: Randolph County, Lewis County, Upshur County, City of Weston, City of Buckhannon and the City of Elkins. The goal is to optimize the crisis response funds designated through the Emergency Medical Services Salary Enhancement Fund and distributed to counties for the sole purpose of providing care to emergency medical services personnel during a mental health crisis. Tabatha Perry stated that the Commission had approved this earlier, but this is the formal agreement. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign a Land Use Agreement for the FEMA property, located on Norvell Drive – Parcel Number 7-3-42.1. This property will be utilized by Stanley G. White for the purpose of maintaining a garden. Tabatha Perry explained that Mr. White has been using this property and keeping it mowed, but there was never a written agreement. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign an updated judgment regarding real and personal property, located in Warren Tax District – Tax Map 8D - Parcel 12,13,14, owned by Shelby and William Phillips. Commissioner Doug Bush abstained from voting. The Commission requested Tabatha Perry to send a letter to the property owners regarding on-going non-compliance and future possible ramifications. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved advertising a Request for Proposals to seek in-house veterinarian services to be provided at the Lewis-Upshur Animal Control Facility. Proposals must be received by the Upshur County Commission no later than 4:00 p.m. on Wednesday, March 13, 2024. All proposals will be opened, reviewed and evaluated by the Upshur County Commission at 9:30 a.m. on Thursday, March 14, 2024. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign the Work Initiation Document for Wildlife Damage Management, per request from Rickie Dunlap, Wildlife Specialist with USDA – Wildlife Services. This authorization will grant permission to access Upshur County property, located in Selbyville, WV, for the purpose of a River Otter Research Project. USDA Wildlife Services and the West Virginia Division of Natural Resources are working on a project that involves capturing river otters, implanting them with a tracking device and releasing them back into the original location where they were captured. (copy included)

# UPSHUR COUNTY COMMISSION MEETING

## February 15, 2024

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign a Certificate of Substantial Completion for the Upshur County Courthouse Annex HVAC Upgrade Project, dated September 20, 2023. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign Change Order Number: 002 for the Upshur County Courthouse Annex HVAC Upgrade – dimming switches installed in the Magistrate’s Office and new GRD’s installed in the amount of \$1,834.50. The Change Order will be deducted from the remaining \$18,432.60 Contingency Allowance, which will leave a balance of \$16,598.10, thereafter. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign Change Order Number: 003 for the Upshur County Courthouse Annex HVAC Upgrade – credit back to owner in the amount of \$16,598.10. The original Contract Sum was \$643,500 and the new Contract Sum, including this Change Order, will be \$626,901.90. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign a Federal Aviation Administration Outlay Report and Request for Reimbursement for Construction Programs – Request No. 5 – in the amount of five thousand two hundred eleven dollars and twenty-seven cents (\$5,211.27) for an Airport Improvement Program Project at the Upshur County Regional Airport. (copy included)

At 9:15 a.m., Laura Ward, representing Country Roads Transit, appeared before the Commission to provide an annual report and request for continued funding. There were 6,093 rides in Upshur County in 2023, with 2024 trending to an increase of 26% over last year. Routes to medical facilities in Clarksburg have been a huge success. There are two types of route options. One option is the scheduled route throughout the county. The second option is the demand ride services, which requires the user to contact Country Roads Transit to arrange a ride for a specific time and location. An example of the demand ride services option is children from the Child Development Center are transported to the County Recreational Pool once a week during the summer months.

At 9:30 a.m., Jeremiah McCourt, Upshur County Parks and Recreation Director, appeared before the Commission to provide an update regarding the upcoming 2024 season at the Buckhannon-Upshur County Recreational Park Facility. Reservations for the pool and pavilions started on January 1, 2024. The Early Bird Special 10% discounted pass, will be held in March. Last year, the Early Bird Special passes made up 25% of the total season passes. The Rec Desk is continuing to roll out new software, including a 10-day pass that automatically deducts days when the pass is used. A twenty member U.S. Olympic swimming team, from Charlotte, North Carolina, will be using the pool for practice training for two weeks this summer. . A Triathlon competition and a Strongman competition are scheduled for August 10, 2024. Appalachian Impact will conduct a camp for at-risk minors and 4-H camps will once again be utilizing the pool. National Night Out will be held in early August. May 20<sup>th</sup> will be the first day for private evening pool parties, with May 25<sup>th</sup> being the first day for the pool to be open to the public. The tentative closing date will be September 2<sup>nd</sup>.

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, to advertise for Lifeguards, Admission Workers, Concession Stand Workers and Assistant Managers for the 2024 season at the Buckhannon-Upshur Recreational Park Facility. The temporary positions will commence mid-May and continue through mid-September. Applications must be received on or before the close of business on Friday, April 5, 2024. West Virginia Wesleyan College will be holding life guard certification this year, with eligibility for reimbursement being 50% after completing one season of employment and the remaining 50% being reimbursed at the conclusion of the second season of employment. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized an electronic submission of the WV Emergency Management Performance Grant (EMPG) Application for expenditures incurred during calendar year 2022. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the request to appoint the Sheriff of Upshur County as the Administrator for the Estate of Kenneth Morgan, deceased. Carol Smith, County Clerk, explained that Mr. Morgan’s family has not agreed on an Administrator for his estate, but the funeral home has requested this appointment in order for the estate to be probated and the life insurance proceeds to be used to pay the funeral home invoice. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the request to appoint the Sheriff of Upshur County as the Administrator for the Estate of Judith Lynn Fitzgerald, deceased. Carol Smith, County Clerk, explained that Ms. Fitzgerald’s family lives in

# UPSHUR COUNTY COMMISSION MEETING

## February 15, 2024

New Mexico and has requested the Sheriff of Upshur County to be appointed as Administrator. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the request from Cheyenne Troxell, Director of the 26<sup>th</sup> Judicial Circuit Community Correction Program, to hire Suzanna Herron, as a full-time secretary, effective February 20, 2024.

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

1. Training Seminar Schedule for County Officials 2024 provided by the Office of the State Auditor.
2. Correspondence from the Department of Homeland Security – Division of Corrections & Rehabilitation, providing the WV Regional Jail and Correctional Facility monthly invoice for Upshur County for January, 2024. The invoice reflects 2,059 inmate days at \$54.48 per diem rate, totaling \$112,174.32. This amount does not include credits and additional debits made during this period. Sam Nolte stated that this invoice has been reduced by \$1,000, making the total \$111,174.32.
3. Public Notice from the State of West Virginia Department of Environmental Protection – Division of Water and Waste Management, regarding the application for a Class 5 Underground Injection Control Permit for the Upshur County Youth Camp, located at 76 Youth Camp Road, Selbyville, WV 26236. The public comment period begins 2/21/2024 and ends 3/21/2024.
4. Correspondence from Region VII Planning and Development Council, explaining the WV Broadband Equity Access and Deployment (BEAD) Challenge Process for local governments, should they disagree with the level of internet service reported on the FCC’s National Broadband Map.
5. Buckhannon-Upshur County Airport Authority regular audit for the year ended June 30, 2023.
6. Public Notices:
  - a) Newsletters and/or Event Notifications: (none)
  - b) Agendas and/or Notice of Meetings:
    - Hodgesville Public Service District Board January 2, 2024
    - Elkins Road Public Service District Board January 9, 2024
    - Buckhannon Upshur Airport Authority February 12, 2024
    - Upshur County Family Resource Network Board February 12, 2024
    - 26<sup>th</sup> Judicial Circuit Community Corrections February 13, 2024
    - City Council of Buckhannon February 15, 2024
    - Upshur County Parks & Trails Board February 20, 2024
  - c) Meeting Minutes:
    - Upshur County Solid Waste Authority January 8, 2024
    - Elkins Road Public Service District Board January 9, 2024
    - Upshur County Safe Structures & Sites Enforcement Board January 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.

7. 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.\*\*\***

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

The Commission will hold budget hearings at the Upshur County Administrative Annex, unless otherwise noted, on the following dates. For a detailed list of meetings, please contact Tabatha Perry at [tperry@upshurcounty.org](mailto:tperry@upshurcounty.org).

- Thursday, March 7<sup>th</sup> beginning at 10:00 a.m. (*Commission Meeting Room, Courthouse Annex*)
- Friday, March 8<sup>th</sup> beginning at 8:15 a.m.
- Saturday, March 9<sup>th</sup> beginning at 9:00 a.m. and concluding no later than 12:00 p.m.
- Monday, March 11<sup>th</sup> beginning at 1:00 p.m.
- Tuesday, March 12<sup>th</sup> beginning at 9:00 a.m. (*if needed*)

UPSHUR COUNTY COMMISSION MEETING  
February 15, 2024

Tabled Items: (none)

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)

- Carl Burton Bailey – First Annual Settlement
- Bonnie Halleen Rogers – Final Settlement Waiver
- Jerry Wayne Sandy – Final Settlement Waiver

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment:

- Aaron Newman – Certification of Completion
- Pamela J. Rice – Certification of Completion
- William C. Rice – Certification of Completion
- Junior Ray Waid – Certification of Completion

The Commission approved the following Corrections, Exonerations and Refunds:

- Lesondak Patrick - #500000075S - \$24.34 – Exoneration Order
- Helen L Shields - #303750 - \$43.76 – Refund Order

The Commission approved Requests to Attend Meeting:

- Steve Wykoff – March 19-March 20, 2024
- Janella Cochran – April 25, 2024
- Christy Rutter – April 25, 2024
- Mariah Goldsmith – April 25, 2024

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 Cortney Williams to name a road Winchester Trail. This request is for a road in Union District. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the name of **Winchester Trail**. (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 12:10 p.m.