

UPSHUR COUNTY COMMISSION MEETING

May 20, 2021

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, May 20, 2021 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Terry B. Cutright, Commissioner; Samuel R. Nolte, Commissioner; Kristie G. Tenney, Commissioner; Carol J. Smith, County Clerk; Tabatha R. Perry, 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 Terry Cutright, seconded by Sam Nolte, the Commission approved the regular meeting minutes of May 6, 2021, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Request to Appoint the Sheriff of Upshur County as the Administrator of the Estate of Wesley Wayne Depoy, deceased. Carol Smith, County Clerk, reported that due to new information concerning an heir to the estate, this action became necessary.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the signing of the Oath and Certificates for the personal property books and real land books.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the WV Department of Homeland Security Emergency Management Division/HS SAA Homeland Security Grant Program Request for Reimbursement in the amount of \$5,423 for period October 16, 2019 through May 1, 2021. These funds have been utilized to make upgrades to the Emergency Operations Center. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the 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 \$123,802.33. This is Request for Funds #20. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Section 125 Flexible Benefit Plan Adoption Agreement by and between American Fidelity Assurance Company. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission accepted, approved and authorized the President to sign the U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions and Assurances of Compliance with Title VI of the Civil Rights Act of 1964. (copy included)

Tabatha Perry explained that the vehicle RFP and advertisement was not ready for action. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, this item was tabled until the Commission meeting on May 27, 2021.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Thanna Wentz to be reappointed to the Upshur County Youth Camp Board, effective June 1, 2021. Ms. Wentz's new term will expire on May 31, 2027. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the employment of Buckhannon-Upshur Recreational Park Assistant Managers, effective May 16, 2021.

Tabatha Perry explained that one life guard had resigned and there were no new life guards hired this week. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission decided to table the approval of employment of additional Buckhannon-Upshur Recreational Park Staff until the next Commission meeting on May 27, 2021.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Cheyenne Troxell, 26th Judicial Circuit Community Corrections Day Report Center Program Director, for employment of Cody Hannah as full-time Case Manager for the Lewis County Office, effective May 24, 2021.

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

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved granting leave under the Family and Medical Leave Act.

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

1. Frontier Communications Corporation, et al – Notice of (I) Entry of Confirmation Order, (II) Occurrence of Effective Date, and (III) Related Bar Dates.

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2. United States of America Federal Energy Regulatory Commission – Notice of Intent to Prepare a Supplemental Environmental Impact Statement and Notice of Schedule for Environmental Review for the Proposed Atlantic Coast Pipeline Disposition and Restoration Plan and Supply Header Project Restoration Plan – issued May 4, 2021.
3. Notice of Public Hearing of the Council of the City of Buckhannon and of Proposed Adoption of Ordinance by the Council of the City of Buckhannon – Ordinance No 451 – Public Hearing will be held on June 3, 2021 at 7:00 p.m. at Buckhannon City Hall.
4. Correspondence from Maureen Lewis, WV Secretary of State Administrative Law Division, requesting the filing of a list of all Public Service Districts (PSD's) and their current board members along with the board member's term of office by July 1, 2021.
5. State of West Virginia Legislative Citation Recognizing County Officials and Personnel as Essential Workers.
6. Correspondence from Carrie L. Wallace, County Administrator, expressing the Upshur County Commission's support of the Hodgesville PSD Water System Improvements Project.
7. Press release announcing a grant award made to the Lewis-Upshur Animal Control Facility in the amount of \$7,500 by Petco Love. Funds will be utilized to obtain emergency veterinarian care for animals that are in need of medical attention when brought to the facility by the Animal Control Officer or surrendered by owner.
8. Upshur County E911 Communication Reports – April, 2021
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
9. Upshur County Mileage Reports – April, 2021
 - Upshur 911
 - Maintenance
 - Emergency Management
 - Sheriff
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound
10. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)
 - b) Agendas and/or Notice of Meetings:
 - Upshur County Senior Center April 14, 2021
 - Upshur County Family Resource Network May 10, 2021
 - Buckhannon-Upshur Airport Authority May 10, 2021
 - Upshur County Public Library May 12, 2021
 - Upshur County Convention & Visitors Bureau May 12, 2021
 - Upshur County Safe Structures and Sites Enforcement Board May 13, 2021
 - City Council of Buckhannon – Special Meeting May 17, 2021
 - Upshur County Farmland Protection Board May 20, 2021
 - City Council of Buckhannon May 20, 2021
 - c) Meeting Minutes:
 - Elkins Road PSD March 2, 2021
 - Upshur County Family Resource Network March 8, 2021
 - Upshur County Safe Structures & Sites Enforcement Board March 11, 2021
 - James W. Curry Library/Park Advisory Board March 31, 2021
 - Adrian PSD April 1, 2021
 - Hodgesville PSD April 6, 2021
 - Elkins Road PSD April 6, 2021
 - Upshur County Solid Waste Authority April 12, 2021
 - Upshur County Family Resource Network April 12, 2021
 - Upshur County Public Library April 14, 2021

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d) Meetings:

- 05/06/21-3:00 p.m.-Adrian PSD
- 05/06/21-6:00 p.m.-Buckhannon-Upshur Board of Health
- 05/06/21-7:00 p.m.-Banks District VFD
- 05/06/21-7:00 p.m.-Selbyville VFD
- 05/09/21-6:00 p.m.-Washington District VFD
- 05/10/21-12:00 p.m.-Upshur County Family Resource Network
- 05/10/21-4:00 p.m.-Buckhannon Upshur Airport Authority
- 05/10/21-4:30 p.m.-Upshur County Solid Waste Authority
- 05/10/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 05/11/21-7:00 p.m.-Warren District VFD
- 05/11/21-7:30 p.m.-Adrian VFD
- 05/12/21-12:00 p.m.-Upshur County Senior Center Board
- 05/12/21-1:15 p.m.-Upshur County Farmland Protection Board
- 05/12/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 05/12/21-3:00 p.m.-Tennerton PSD
- 05/12/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 05/12/21-7:00 p.m.-Ellamore VFD
- 05/13/21-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 05/13/21-7:30 p.m.-Buckhannon VFD
- 05/17/21-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 05/17/21-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County
- 05/19/21-7:00 a.m.-Upshur County Development Authority – Full Board
- 05/19/21-12:00 p.m.-Lewis Upshur LEPC
- 05/19/21-4:00 p.m.-Upshur County Public Library Board
- 05/20/21-6:30 p.m.-Upshur County Youth Camp Board
- 05/20/21-7:00 p.m.-City Council of Buckhannon
- 05/21/21-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 05/24/21-7:00 p.m.-Upshur County Fire Fighters Association
- 05/25/21-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 05/25/21-6:30 p.m.-Upshur County Fire Board, Inc.
- 05/26/21-10:00 a.m.-James W. Curry Advisory Board
- 06/01/21-4:00 p.m.-Hodgesville PSD
- 06/01/21-5:00 p.m.-Elkins Road PSD

11. Appointments Needed or Upcoming:

- Buckhannon-Upshur Airport Authority (unexpired term - 6/30/2021) - City Representative
- Upshur County CVB Board of Directors (7/1/2021-6/30/24)-Commission Tourism Representative
- Upshur County Fire Board (7/1/2021-6/30/2024) – Fire Association Representative

****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. 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:

1. Correspondence from Laura B. Meadows, Upshur County Convention & Visitors Bureau Executive Director, regarding the Commission's representative vacancy, to serve July 1, 2021 through June 30, 2024. (tabled 4/29/2021). No action was taken.

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

The Commission approved all Vacation Orders. (copies included)

The Commission approved the following Settlements. (as listed)

- Mary Josephine Beam – Final Settlement Waiver
- Lenora Bennett – Final Settlement
- Stella Virginia Black – Final Settlement Waiver
- Bettie June Corbitt – Final Settlement Waiver
- Delores Jean Davis – Final Settlement Waiver
- James Donald Dean, Jr. – Final Settlement Waiver
- Patricia Beth Dean – Final Settlement

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- Ella Jane Lowe – Final Settlement Waiver
- Dottie Rae Jordan Trust for Savannah Mae McCartney – Third Annual Settlement
- Patricia M. McDaniels – Final Settlement Waiver
- Garnett R. Phillips – Final Settlement Waiver
- Mary Jane Moore Piske – Final Settlement Waiver
- Edward L. Smith – Final Settlement Waiver
- Jo Ann Smith – Final Settlement Waiver
- Leonard Ken Spotloe – 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:

- Howard Ciara B - #304904 - \$22.59 – Exoneration Order
- Jeffrey L or Ashley R Hibbs – Apportionment of Assessment and Taxes Per Final Divorce Order
- Jeffrey or Ashley Hibbs – Apportionment of Assessment and Taxes Per Final Divorce Order
- Terry & Elissa M Mills – Apportionment of Assessment and Taxes Per Final Divorce Order

The Commission approved the following Requests to Attend Meeting:

- Margie D. Parsons – 7/18/2021 – 7/22/2021
- Doyle R. Cutright, II – 7/18/21 – 7/22/2021

The Commission approved the following Consolidation of Land Tracts:

- Union District – Map 6G Parcel 71.10 and Map 6G Parcel 71.6 and Map 6G Parcel 72 to make Map 6G Parcel 71.6 – Vanessa Heavner & Lawrence Lance
- Union District – Map 7H Parcel 101.1 and Map 7H Parcel 98.1 and Map 7H Parcel 98 to make May 7H Parcel 101.1 – Hamilton Carolyn S & William D
- Buckhannon District – Map 5K Parcel 53.3 and Map 5K Parcel 53.13 to make Map 5K Parcel 53.3 – Fletcher, Andrea D and Barry C

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Terry Cutright, seconded by Sam Nolte, the Commission meeting adjourned at 1:00 p.m.