

UPSHUR COUNTY COMMISSION MEETING

June 29, 2023

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, June 29, 2023 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Kristie G. Tenney, Commission President; Samuel R. Nolte, 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 Sam Nolte, seconded by Doug Bush, the Commission approved the meeting minutes of June 15, 2023, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign a Resolution to create two checking accounts designated as Fund #61 – County Clerk Election Administration Fund and Fund #62 – County Clerk Real Property E-Recording Act Fund for the County Clerk per *WV Senate Bill 522*. Carol Smith stated that this is a creative way to plan long-term for future funding receipts beginning July 1, 2023. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the Management Representation Letter for the audit of financial statements for the period ending June 30, 2022. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the Upshur County Sheriff's Office Sign-On Incentive Agreement between the Upshur County Sheriff's Office, the Upshur County Commission and Tyler Gordon. In order to receive and maintain the full incentive, Mr. Gordon must remain satisfactorily employed with the Upshur County Sheriff's Office for eight (8) years.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the revised Director of Emergency Management Job Description. Tabatha Perry explained that this revision changes this position from part-time to full-time and adds supervision of the Deputy Director. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved County Financial Institutions as Depositories as Required by *WV Code §7-6-1* – Freedom Bank, First Community Bank, JP Morgan-Chase Bank, Peoples Bank and Citizens Bank of West Virginia. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission authorized the Commission President Kristie Tenney to attend a meeting in Morgantown on July 13, 2023 at 10:00 a.m. to vote on the selection of the initial Regional Director for the WV First Foundation, a private, non-stock, 501(c)(3) charitable corporation.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the Upshur County Basic Ordering Agreement for Courthouse Network Support, Administration & Consulting with Global Science & Technology, effective July 1, 2023 to June 30, 2024. These services will be billed on a monthly basis in the sum of \$2,168. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Dustin Zickefoose, Upshur County Assessor, for the 2011 Ford Ranger (VIN 2060), previously purchased by the Assessors Valuation Fund, to be sold to the Upshur County Senior Center for \$1.00 per *WV Code §7-3-3(3)(5)*. The vehicle will be used for the Meals on Wheels Program. Sam Nolte commended Dustin Zickefoose and Doug Bush for their effort in coordinating this transfer. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized to submit an electronic signature for the FY 2023 Airport Improvement Program (AIP) Grant Agreement and related documents, made possible through the Federal Aviation Administration Airport Improvement Program, for the Upshur County Regional Airport in Buckhannon, WV. Tabatha Perry and Sam Nolte explained that this will be a reimbursement for the previous construction of two hangars. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to submit the FY 2023 Bipartisan Infrastructure Law (BIL) – Airport Infrastructure Grant (AIG) Project Agreement and related documents, made possible through the Federal Aviation Administration Airport Improvement Program, for the Upshur County Regional Airport in Buckhannon, WV. This grant will be used for beacon design and repair of perimeter fencing. (copy included)

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At 9:15 a.m., Mike Ruffing, on behalf of Leadership Upshur, appeared before the Commission to discuss the recently completed Leadership Upshur program and present upcoming sponsorship tiers for the 2023-2024 class, which will begin in September. All previous sponsors, except for the County Commission, have committed to sponsorships for the upcoming year. The Leadership Upshur program has increased class membership to 18-20 students for the September class and currently has six applications. Last year's class total was 12 students. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved funding of \$2,500 for the Program/Graduation/Gift Sponsor, which matches the City of Buckhannon's sponsorship. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Judith L. Williams, Director of the James W. Curry Public Library, for approval of expenditure of \$175.00, payable to Skateland, for the rink rental on August 8, 2023. This is for the grand finale event for the "Camp iRead: Find Your Voice" 2023 Summer Reading Program. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the revisions made to the Upshur County Farmland Protection Program, dated May 9, 2023. Doug Bush reported that the Farmland Protection Board is seeking willing farmers to commit to this program and hope that by offering a higher percentage of payment, more farmers will be interested in participating. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign an Online Terms Acknowledgement between Motorola Solutions and the Upshur County Sheriff's Department for the acquisition of body-worn cameras and related support equipment. Tabatha Perry explained that the fee is \$11,172 for the first year due to obtaining hardware, subscription fee and transferring data. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the Community Development Block Grant Amendment No. 6, for the Elkins Road PSD Phase III Water System Improvements project. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from Carol J. Smith, Upshur County Clerk, for the employment of Donna J. Bishoff, as a full-time Deputy County Clerk, effective July 24, 2023.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved Barbara Pullen as a Lewis-Upshur Animal Control Facility Volunteer.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the retirement of an employee.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the resignation of an employee.

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

1. Correspondence from Charlotte R. Lane, Chairman of the Public Service Commission of West Virginia, announcing Jacqueline McDaniels has been reappointed as a member of the Board of Directors of the Upshur County Solid Waste Authority, with term expiring June 30, 2027.
2. Correspondence from Brett Morris, HR Director for Carter Roag Coal Co., providing a Worker Adjustment and Retraining Notification (WARN) notice update for Carter Roag Company and Beech Mountain Railroad.
3. Elkins Road PSD Budget for Fiscal Year 2023-2024.
4. Correspondence from Nick Benjamin, Senior Director of Development for Clearway Energy Group, stating the company had purchased the Dan's Mountain Wind Farm project and is inviting comments on the updated Electromagnetic Interference Analysis – Version III.
5. Notification of a change in the amount requested for the FY 24 Victim of Crime Act (VOCA) Victim Assistance Grant Application.
6. Upshur County Sheriff's Financial Statement for period ending May 31, 2023
7. Upshur County Mileage Reports – May, 2023
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound
 - Emergency Management
 - Maintenance
 - Parks & Recreation
 - Sheriff

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- Upshur 911

8. Public Notices:

- a) Newsletters and/or Event Notifications: (none)
- b) Agendas and/or Notice of Meetings:

- Upshur County Parks and Trails June 20, 2023

Meeting Minutes:

- Upshur County Family Resource Network May 8, 2023
- Buckhannon-Upshur Chamber of Commerce May 10, 2023
- Upshur County Fire Board May 16, 2023
- Wes-Mon-Ty RC&D Board May 23, 2023

- c) 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 and click on the board meetings calendar box on the main page.

9. Appointments Needed or Upcoming:

- Tennerton Public Service District – unexpired term July 31, 2023

****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. 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.****

Tabled Items: (none)

At 9:30 a.m., the Commission discussed status of property located in Meade Tax District, owned by the Randall Hughes Ministry, and previously owned by the Estate of John Harman George. Tabatha Perry reported that she has had no communication with Randall Hughes since June 5, 2023. At that time, Mr. Hughes stated that he was waiting on the contractor to get his equipment repaired to complete the clean-up. Greg Harris, Upshur County Safe Structures and Sites, has inspected the property and took photographs, which showed that no progress on clean-up has occurred. Ms. Perry recapped that the Commission approved the first extension in January and a second extension was approved in April. Kristie Tenney stated that she has received several complaints about the condition of the property. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission voted to request a representative from the Randall Hughes Ministry attend the July 13, 2023 Commission Meeting so a decision can be made as to how to move forward.

At 9:45 a.m., Vivian Parsons, Public Entity Specialist for WVcorp, appeared before the Commission to provide an update on the WVcorp. Ms. Parsons stated that Upshur County was one of the first counties to join the pool when it was first established.

At 11:30 a.m., the Commission conducted a hearing to Consider Approval of the First Annual Settlement for the Estate of Doris Jean Carr, deceased. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the First Annual Settlement for the Estate of Doris Jean Carr, deceased.

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)

- Scott D. Barker – Final Settlement Waiver
- Oliver Denzil Brown – Final Settlement Waiver
- Mary E. Ervin – First Annual Settlement
- Nicky Hyre – Final Settlement Waiver
- Lisa Ann Osburn – Final Settlement Waiver
- Betty Marie Rusmisell – Final Settlement
- John Earl Rusmisell – 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: (none)

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 Doug and Catherine Wiant to name a road Harvest Lane. This request is concerning a road directly across from the Rock Cave Elementary School, along Route 20 South

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in Rock Cave. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the name of Harvest Lane. (copy included)

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 2:55 p.m.