

UPSHUR COUNTY COMMISSION MEETING

July 1, 2021

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, July 1, 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; Carrie L. Wallace, County Administrator; 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 Sam Nolte, seconded by Terry Cutright, the Commission approved the regular meeting minutes of June 24, 2021, and special meeting minutes of June 25, 2021, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Craig D. Presar, on behalf of the WVU Extension Service, to waive fees associated with the use of the Upshur County Pool on July 29, 2021 for the Upshur County 4-H Summer Splash pool party held by the WVU Upshur County 4-H Leaders Association. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized Kristie G. Tenney, President, to execute any and all documents necessary for the Promissory Note and Business Loan Modification Agreement between the Upshur County Commission, Buckhannon-Upshur Airport Authority and Community Bank. The outstanding principal balance as of June 18, 2021 was fifty thousand four hundred fifty dollars and twenty cents (\$50,450.20). The maturity date will be extended from July 14, 2021 to July 14, 2022. Carrie Wallace explained that the Buckhannon-Upshur Airport Authority makes all payments; however, the liability is reflected in the FY 22 budget as required by WV Code. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the WV Communities Risk Pool Coversheet to Member Agreement. The total annual contribution, including workers' compensation, is one hundred seventy-five thousand five hundred sixteen dollars (\$175,516). Carrie Wallace stated that this total is \$4,000 less than last year. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign an Agreement between the Upshur-Buckhannon Health Department and the Upshur County Commission, parties of the first part, and Frank N. Floyd, in his individual capacity and doing business as Fisher Auto Parts, Inc. This agreement jointly engages Fidler's Tree Service to clean-up a shared property line located between the Upshur-Buckhannon Health Department and Fisher Auto Parts, Inc., and further creates between them a mutual hold harmless and cross-indemnity arrangement. Carrie Wallace explained that the estimate is \$1,200 for these services, which will be 50/50 by the two property owners. (copy included)

Review and approval of the revised Internal Purchasing Policy for Department Supervisors that report to the Upshur County Commission. Carrie Wallace reported that Bryan Hinkle, Upshur County Prosecuting Attorney, is awaiting response from the West Virginia Purchasing Division regarding this item. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission agreed to table this item until July 15, 2021 Commission Meeting.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the revised 2021 Buckhannon-Upshur Recreational Park Rental Contract. Carrie Wallace explained that public swim doesn't end until 6:00 p.m.; therefore, party rentals may experience the public departing the facility as they enter and set up for their party.. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign a Liquid Propane Tank Lease Agreement between Southern States Buckhannon Coop and the Upshur County Commission for a 120-gallon tank to be located at the Hampton Community Center. The lease will be for a period of one year in the amount of \$36 per year due on October 15th. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Joyce Harris-Thacker for a wage rate increase for Belinda Lewis, effective June 20, 2021. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved rescinding the COVID-19 Sick Leave and Travel Policies per the Policy Board vote on June 24, 2021. Carrie Wallace explained that there are no employees using this policy at the present time; therefore, there isn't a need for a "grandfather" clause. (copy included)

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After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved termination of Buckhannon-Upshur Recreational Park employee.

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

1. Correspondence from Carrie L. Wallace, County Administrator, to Chief Circuit Judge Jacob Reger requesting permission to process payment from the Worthless Check Fund for Magistrate Court Bailiff Services for fiscal year ending June 30, 2021. This invoice is in the amount of \$4,270.
2. Correspondence from Harold D. Ward, Cabinet Secretary of the WV DEP, appointing Paula Stone to the Board of Directors of the Upshur County Solid Waste Authority, effective July 1, 2021. Her appointment will expire on June 30, 2025.
3. Correspondence from Ann Urling, WV Governor’s Office Deputy Chief of Staff, notifying local governments that received funding from the Governor’s allocation for local governments of the required information for pass-through entries.
4. Proclamation made by Governor Jim Justice on June 18, 2021 terminating the “Face Covering Order” effective 12:01 a.m. EDT, on June 20, 2021.
5. June 28, 2021 New Release – WV Department of Arts, Culture and History to Host Webinar on American Rescue Plan Funding for arts-funding programs on July 7th at 10:00 a.m.
6. Deed between Patricia Linger, Harold Rowan, Ray Unrue, David Linger, Jerry Hoover, Huelin Linger and Robert Hoover, as Trustees of the Hampton United Methodist Church and the Upshur County Commission. The land and real estate have ceased to be used as a community building to benefit the citizens residing in Hampton, Upshur County and the land and real estate shall now revert back to the County Commission of Upshur County, effective June 28, 2021.
7. Upshur County Sheriff’s Financial Statement for period ending May, 2021
8. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)
 - b) Agendas and/or Notice of Meetings:
 - Buckhannon-Upshur Parks & Recreation Advisory Board June 28, 2021
 - City of Buckhannon July 1, 2021
 - c) Meeting Minutes:
 - Buckhannon-Upshur Parks & Recreation Advisory Board May 10, 2021
 - Buckhannon-Upshur Airport Authority May 10, 2021
 - Upshur County Fire Board May 18, 2021
 - James W. Curry Library/Park Advisory Board May 26, 2021
 - d) Meetings:
 - 07/01/21-3:00 p.m.-Adrian PSD
 - 07/01/21-6:00 p.m.-Buckhannon-Upshur Board of Health
 - 07/01/21-7:00 p.m.-Banks District VFD
 - 07/01/21-7:00 p.m.-Selbyville VFD
 - 07/06/21-4:00 p.m.-Hodgesville PSD
 - 07/06/21-5:00 p.m.-Elkins Road PSD
 - 07/08/21-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
 - 07/08/21-7:30 p.m.-Buckhannon VFD
 - 07/11/21-6:00 p.m.-Washington District VFD
 - 07/12/21-12:00 p.m.-Upshur County Family Resource Network
 - 07/12/21-4:30 p.m.-Upshur County Solid Waste Authority
 - 07/12/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
 - 07/12/21-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur County
 - 07/13/21-4:00 p.m.-Buckhannon Upshur Airport Authority
 - 07/13/21-7:00 p.m.-Warren District VFD
 - 07/13/21-7:30 p.m.-Adrian VFD
 - 07/14/21-12:00 p.m.-Upshur County Senior Center Board
 - 07/14/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
 - 07/14/21-3:00 p.m.-Tennerton PSD
 - 07/14/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau

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- 07/14/21-7:00 p.m.-Ellamore VFD
- 07/15/21-6:30 p.m.-Upshur County Youth Camp Board
- 07/15/21-7:00 p.m.-City Council of Buckhannon
- 07/16/21-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 07/19/21-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 07/21/21-7:00 a.m.-Upshur County Development Authority – Full Board
- 07/21/21-12:00 p.m.-Lewis Upshur LEPC
- 07/21/21-4:00 p.m.-Upshur County Public Library Board
- 07/26/21-7:00 p.m.-Upshur County Fire Fighters Association
- 07/27/21-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 07/27/21-6:30 p.m.-Upshur County Fire Board, Inc.
- 07/28/21-10:00 a.m.-James W. Curry Advisory Board
- TBD–1:15 p.m.-Upshur County Farmland Protection Board-Special Meeting

9. Appointments Needed or Upcoming:

- Buckhannon-Upshur Airport Authority (unexpired term - 6/30/21) - City Representative
- Upshur County Fire Board (7/1/21-6/30/24) – Fire Association Representative
- Buckhannon-Upshur Parks and Recreation Advisory Board (7/1/21-6/30/23)-City Representative
- Buckhannon-Upshur Parks and Recreation Advisory Board (7/1/21-6/30/23)-City Representative
- Buckhannon-Upshur Parks and Recreation Advisory Board (7/1/21-6/30/23)-BOE Representative
- Upshur County Farmland Protection Board (7/1/21-6/30/25)-County resident
- Upshur County Farmland Protection Board (7/1/21-6/30/25)-Farm Bureau 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: (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)

- Alice Virginia Jones – Final Settlement
- Gloria Bell Kittle – Final Settlement
- James E. Long – Final Settlement Waiver
- Barbara Nelson – Final Settlement Waiver
- Clarence Arthur Rice, Jr. – Final Settlement Waiver
- Ronald Edward Roth – Final Settlement Waiver
- Glenna Lynn Starkey – Final Settlement Waiver
- Johnivell Tenney – 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)

At 9:15 a.m., Terry Gould on behalf of the Hodgesville PSD appeared before the Commission to request emergency ARP funding in the amount of \$4,693.00 to replace the control valve for the Shuemaker water tank. The existing 8” control valve is approximately 40 years old and inoperative, thus, the PSD has no means to shut water flow from the tank off in the event of an emergency. After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved funding to the Hodgesville PSD in the amount of \$4,693.00. Carrie Wallace requested Terry Gould to send an invoice to the County Commission for payment. Kristie Tenney explained that the County Commission is going to review a list of needs of each PSD and approve projects after the August 19, 2021 Commission meeting.

At 10:37 a.m., on motion by Sam Nolte, seconded by Terry Cutright, the Commission entered executive session to discuss the status of pending opioid litigation. At 10:55 am, the Commission exited Executive Session on motion by Terry Cutright, seconded by Sam Nolte. No decisions were made in Executive Session or upon exiting Executive Session.

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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 1:45 p.m.