

UPSHUR COUNTY COMMISSION MEETING

August 18, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, August 18, 2022 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Kristie G. Tenney, Commission President; Terry B. Cutright, Commissioner; Samuel R. Nolte, 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 Terry Cutright, seconded by Sam Nolte, the Commission approved the meeting minutes of July 28, 2022 and August 11, 2022, 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 Order requesting the appointment of Virgil D. Miller, Sheriff of Upshur County, as the Administrator for the Estate of Lori Lamson, deceased. Carol Smith explained that the deceased had one daughter whose whereabouts are unknown, and her brother and sister do not wish to perform these duties. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved changes in maintenance contract amounts presented by Software Systems, Inc. Review and approval of 2022-2023 maintenance levels. This maintenance includes program updates, telephone support and time spent performing data conversions and other on-site tasks depending upon which level is requested for each system. (copy included)

After reviewing correspondence from attorney Robert Fitzsimmons of Fitzsimmons Law Firm, PLLC, regarding the pending opioid litigation, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the "Distributors West Virginia Subdivisions Settlement Agreement". (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Bethany Kirchberg, Tri-Count Exchange & Visitation Program Coordinator, to employ Kristen Greathouse, as part-time Program Supervisor, effective immediately, pending background check.

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

1. Correspondence from Dennis Cortes announcing his resignation as City Representative for the Upshur County Parks & Recreation Advisory Board.
2. Upshur County Sheriff's Financial Statement for period ending July 2022
3. Public Notices:

a) Newsletters and/or Event Notifications: (none)

b) Agendas and/or Notice of Meetings:

- Upshur County Fire Board, Inc. August 16, 2022
- City Council of Buckhannon August 18, 2022

Meeting Minutes:

- Buckhannon-Upshur Chamber of Commerce July 6, 2022
- Upshur County Safe Structures & Sites Enforcement Board July 14, 2022

c) Meetings:

- 08/02/22-5:00 p.m.-Elkins Road PSD
- 08/02/22-7:00 p.m.-City Council of Buckhannon
- 08/04/22-3:00 p.m.-Adrian PSD
- 08/04/22-7:00 p.m.-Banks District VFD
- 08/04/22-7:00 p.m.-Selbyville VFD
- 08/08/22-12:00 p.m.-Upshur County Family Resource Network
- 08/08/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
- 08/08/22-4:30 p.m.-Upshur County Solid Waste Authority
- 08/08/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 08/09/22-12:00 p.m.-Upshur County Senior Center Board
- 08/09/22-4:00 p.m.-Hodgesville PSD
- 08/09/22-7:00 p.m.-Warren District VFD
- 08/09/22-7:30 p.m.-Adrian VFD
- 08/10/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 08/10/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 08/10/22-3:00 p.m.-Tennerton PSD
- 08/10/22-6:00 p.m.-Buckhannon River Watershed Association
- 08/10/22-7:00 p.m.-Ellamore VFD
- 08/11/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board

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- 08/11/22-7:30 p.m.-Buckhannon VFD
- 08/14/22-6:00 p.m.-Washington District VFD
- 08/15/22-6:00 p.m.-Lewis-Upshur Community Corrections Board – *Upshur Co.*
- 08/16/22-6:30 p.m.-Upshur County Fire Board, Inc. @ *Selbyville Fire Dept*
- 08/17/22-4:00 p.m.-Upshur County Public Library Board
- 08/18/22-6:00 p.m.-Upshur County Farmland Protection Board
- 08/18/22-6:30 p.m.-Upshur County Youth Camp Board
- 08/19/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 08/19/22-10:00 a.m.-James W. Curry Library Advisory Board
- 08/23/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 08/24/22-7:00 p.m.-Upshur County Fire Fighters Association
- 08/26/22-7:00 a.m.-Upshur County Development Authority - *Annual Meeting*
- 09/01/22-6:00 p.m.-Upshur-Buckhannon Board of Health

4. Appointments Needed or Upcoming:

- Upshur County Parks & Recreation Advisory Board-6/30/23-Dennis P. Cortes-City Appointment

****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. Review the Upshur County Safe Structures and Sites Enforcement Board Petition for Order filed on June 13, 2022 – Case Number 021121-01 (Union Tax District – Tax Map 7H – Parcel Number 76.1) owned by Bryce Chapman and consider Order Adopting Enforcement Agency Findings. (*tabled 7/21/2022*) Tabatha Perry stated that no action has been taken at this time.
2. Consideration of Mutual Aid Agreement by and between the Elkins Police Department, Philippi Police Department, Buckhannon Police Department, Randolph County Sheriff's Department, Upshur County Sheriff's Department, Barbour County Sheriff's Department and the Tucker County Sheriff's Department (*tabled 8/11/2022*) Kristie Tenney spoke to Sheriff Virgil Miller who stated that a few changes had been made to the agreement and confirmed the agreement has been executed. Tabatha Perry stated that Prosecuting Attorney Bryan Hinkle confirmed the Commission does not need to take further action on this item.
3. Consideration of request for funding from Elizabeth J. Gribble, representative for Stargazer Garden Club, for donation to complete work at the Veteran's Park in Rock Cave. (*tabled 8/11/2022*). Tabatha Perry spoke to Ms. Gribble who said the group had spent \$2,285 on the Veteran's Park project, which included \$1,500 for a gold marker. The requested funds would be used for flowers for the park and school a few times a year, plus wreathes for the Christmas season. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved a donation of \$500.00 to be made to the Stargazer Garden Club.

At 9:15 a.m., Tabatha Perry reported that one company (Trisco Systems, Inc. from Lima, OH) had attended the pre-bid meeting and also submitted a bid for the Upshur County Former Jail Facility Porch Rehabilitation Project. The base bid was for \$53,880 with two alternate bids; one bid was for \$13,331 for paint lead abatement and the second bid was for \$14,356 for roof repair. After reviewing the bid, Cindy Hughes and Tabatha Perry confirmed that everything was in order with the bid package. With the \$45,014.21 remaining grant funds from the Upshur County Jail Roof Repair, the Commission would be obligated for approximately \$16,553.00 to complete the total project. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved accepting the base bid and both alternates submitted by Trisco Systems, Inc. for a total of \$81,567. Greg Harris, Maintenance Supervisor, reported that brick mortar had eroded on the alley side of the Former Jail and Trisco Systems, Inc. estimated that the cost to repair these items would be \$1,500. These repairs will also be addressed while Trisco Systems, Inc. is on-site; however this is not part of the grant funded project. (copy included)

At 9:30 a.m., Jeff Perkins, Upshur County Schools Director of Finance, appeared before the Commission to discuss the Excess Levy renewal, which will appear on this November's general election ballot. Mr. Perkins announced that Dr. Sara Stankus has been appointed Deputy Superintendent of the West Virginia Department of Education effective August 29, 2022. Mr. Perkins explained that due to a state law change, there will no longer be special levy elections. Thanks to COVID relief funding, Apple

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computers have been distributed to all teachers and students in Upshur County. Mr. Perkins also stated that there will be no increase in taxes with the renewal of the Excess Levy.

Carol Smith, County Clerk, reported that roller shelving has been installed in the County Clerk office.

At 10:00 a.m., James Swiger, President/Principal-in-Charge of WYK Associates, Inc., Vince Feidler, Principal of Scheeser Buckley Mayfield, and Steven Kelley of WYK Associates Inc., appeared before the Commission to discuss the Upshur County Courthouse Annex HVAC Project, which will improve efficiency and reliability of the HVAC system. The budget is \$570,000 but with a 10% to 20% variable, the cost could be \$650,000. WYK Associate, Inc. will coordinate drawings next week, bid the project in the next two weeks and award the bid by late September.

The Commission approved all Vacation Orders (list included)

The Commission approved the following Settlements: (as listed)

- Patricia Ann Carr – First Annual Settlement
- Elizabeth Jane Scott – 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 Requests to Attend Meeting:

- Jeremiah McCourt – October 11, 2022 to October 13, 2022

The Commission approved the following Consolidation of Land Tracts:

- Banks District – Map 4T Parcel 1, Map 4S Parcel 13 and Map 4S Parcel 14 to make Map 4T Parcel 1 – Strader Gary S & Alice M
- Banks District – Map 4T Parcel 28, Map 4T Parcel 29, Map 4T Parcel 32 and Map 4T Parcel 33 to make Map 4T Parcel 33 – Strader Gary S & Alice M
- Corporation District – Separate Map 2 Parcel 89 to make Map 2 Parcel 88 and Map 2 Parcel 89 – Henderson Geraldine
- Banks District – Map 3N Parcel 5 and Map 3N Parcel 4 to make Map 3N Parcel 5 – Bryan Kathy Gail, Lipps Ralph G & Opal K

The Commission received project updates and reviewed Administrative business items.

At 11:35 a.m., on motion by Terry Cutright, seconded by Sam Nolte, the Commission recessed.

The Commission reconvened at 1:00 p.m. and attended the Department Supervisors Meeting at 1:00 p.m. and the Policy Board Meeting at 2:00 p.m.

With no further business, on motion by Sam Nolte, seconded by Terry Cutright, the Commission meeting adjourned at 3:05 p.m.