

UPSHUR COUNTY COMMISSION MEETING

January 9, 2020 (Amended January 16, 2020)

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, January 9, 2020 at 9:00 a.m. Sam Nolte called the meeting to order. Present were Terry Cutright, Commissioner; Kristie Tenney, Commissioner; Sam Nolte, Commissioner; Carol Smith, County Clerk; Tabatha Perry, Assistant County Administrator; and Lois 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.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the regular meeting minutes of December 19, 2019 and the special meeting of December 23, 2019, as submitted.

Kristie Tenney nominated Terry Cutright to serve as Upshur County Commission President for the 2020 calendar year. Mr. Cutright accepted the nomination which was seconded by Sam Nolte. The Commission approved Terry Cutright as Upshur County Commission President for the 2020 year. Carol J. Smith, Upshur County Clerk, administered the Oath of Office to 2020 Commission President, Terry Cutright (copy included).

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved to continue the Upshur County Commission meetings weekly on Thursdays at 9:00 a.m.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Local Rules for Commission Meetings as submitted. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the registration sign-in sheet in accordance with WV Code §6-9A-3 as submitted (copy included).

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved to continue using the agenda format. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved a change to the 2020 hours of operation of the Upshur County Courthouse, Annex and Administrative Annex effective February 1, 2020 to Monday thru Friday from 8:00 a.m. to 4:00 p.m. with all employees receiving one-half hour paid lunch. (Amended)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the 2020 Calendar Year Legal Holidays Schedule as submitted. (copy included).

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved a ninety (90) days continuation in order for the Humphreys to complete clean up. Ms. Humphrey appeared before the Commission to give an update on her property which is named in Case Number 121318-01 (Washington Tax District – Tax Map 6L – Parcel Number 11.3). This Order Setting Forth Findings of Fact and Conclusions of Law entered on September 26, 2019 provided the property owner with ninety (90) calendar days to have all debris and trash removed from the property. Tabatha Perry presented photos taken September 26, 2019 and compared them to photos taken on January 9, 2020. Ms. Humphrey stated that delay in finishing clean-up was due to weather and health issues.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President, Sheriff and County Clerk to sign Affidavit(s) of County, Municipal, or Other Public Official Establishing Facsimile Signature (copies included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the appointments/reappointments of Commissioners and administrative staff to serve on boards as submitted with the exception of Kristie Tenney serving on the Upshur County Development Authority. (copy included).

- Court Security Advisory Board - Cutright
- Lewis-Upshur Community Corrections Board - Cutright
- Upshur County Farmland Protection Board - Tenney
- Lewis-Upshur Local Emergency Planning Committee - Nolte
- Region VI Work Force Investment Board - Cutright
- Region VII Planning & Development Council - Cutright
- Upshur County 4H Foundation - Nolte
- Upshur County Development Authority - Tenney
- Upshur County Enhanced Emergency Telephone Board - Tenney
- Upshur County Extension Service Committee - Cutright
- Upshur County Fire Board Incorporated - Tenney
- Upshur County Senior Center Board - Cutright
- Upshur County Family Resource Network - Tenney
- Upshur County Youth Council, Incorporated (SYC) - Nolte

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- Corridor H Authority - Nolte
- Mountain CAP of West Virginia, Incorporated - Tenney
- Buckhannon-Upshur Airport Authority - Nolte
- Emergency Food and Shelter Program - Cutright
- Buckhannon-Upshur Parks & Recreation -Tenney
- James W. Curry Advisory Board - Cutright (attends, but not a member of the Board)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Order appointing Daya Masada Wright as the Administratrix De Bonis Non for the Estate of Lois Jeanette Brown, deceased. Carol Smith stated that this account has been open since 1994 and had previously been administered by Matthew Hymes. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Board of Review & Equalization 2020 schedule as submitted (copy included).

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Board of Review & Equalization (BORE) Publication Notice (copy included). The County Commission will sit as the Board of Review and Equalization beginning at 1:00 p.m. on the 30th day of January 2020, and shall continue until the work is complete but will adjourn no later than the close of business on the 18th day of February 2020.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign correspondence to the Upshur County Assessor and Property Tax Division of the State Tax Department, giving authorization to correct valuations for real property, personal property, and/or mineral accounts (copy included). Any adjustments made after January 30, 2020, must be forwarded to the Commission sitting as the Board of Review & Equalization.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized Carrie Wallace, County Administrator, to sign Application for Pennsylvania – out of State Dealers 2020 – Kennel License for the Lewis-Upshur Animal Control Facility. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign a Proposal for Financing provided by Country Roads Leasing, LLC and Resolution Authorizing the Execution and Delivery of a Master Equipment Lease-Purchase Agreement, and Related instruments, and Determining Other Matters in Connection Therewith. The tax-exempt lease-purchase financing for the acquisition of a 2020 Ford Explorer will cost \$8,678.50 annually over a period of four years resulting in a total acquisition cost of \$34,714. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the “Request for Bids” and Minimum Vehicle Specifications for one police interceptor/sedan. Sealed Proposals must be received no later than 4:00 p.m. on February 5, 2020 at the Administrative Annex located at 91 W. Main Street, Suite 101. Proposals received by the deadline will be publicly opened, reviewed and read aloud by the Commission at 10:00 a.m. on Thursday, February 6, 2020. This will replace Tyler Gordon’s cruiser which was totaled. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Robert L. Morris, Jr., Chairman of the Robert C. Byrd Corridor H Highway Authority, for a financial contribution in the amount of \$5,000 to the Corridor H Authority during fiscal year 2020. This item was tabled during the regularly scheduled Commission Meeting held on May 2, 2019. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign a Gold Service Agreement with ThyssenKrupp Elevator Corporation. ThyssenKrupp Elevator Corporation will provide a comprehensive maintenance program designed to protect and maximize the performance, safety, and life span of the hydraulic elevator located within the Upshur County Courthouse Annex. The agreement will be in effect immediately and the price for the services stated within the agreement will be \$225 per month, payable annually in advance. Tabatha Perry stated that she was able to negotiate to bring the price down, which will result in a yearly savings of \$650.00. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved to adopt the Standard Mileage Rates for Business, Medical and Moving Announced – December 31, 2019 (copy included).

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized Carrie Wallace to sign Application for Pennsylvania – Out of State Dealers 2020 – Kennel License for the Lewis Upshur Animal Control Facility. (copy included)

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After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the E-911 Communication Center on-call scheduling proposal. (copy included)

After discussion, on motion by, the Commission approved and authorized the President to sign the Law Enforcement Appreciation Proclamation, which was presented by Lori Ulderich Harvey, Upshur County Family Resource Network Director. Law Enforcement Appreciation Day is January 9, 2020. (copy included)

Tabatha Perry presented the First Reading of the Upshur County Floodplain Ordinance Revision, which was previously adopted on September 16, 2010. No action will be taken until after the Second Reading on January 16, 2020.

Terry Cutright reviewed the following "For Your Information" items: (copies included)

1. Representatives of the Water & Wastewater Division, Legal Division, and Engineering Division's response to the Upshur County Commission/City of Buckhannon/Tennerton PSD/Hodgesville PSD Informal Request.
2. Correspondence from Joseph A. Tenney, Tennerton PSD Chairman, regarding the public hearing scheduled for January 9, 2020.
3. Correspondence from Jason S. Harshbarger, Dominion Energy State Policy Director, regarding safe digging throughout the community.
4. Correspondence from Hannah Lively announcing her resignation from the Buckhannon-Upshur Parks and Recreation Advisory Board, effective immediately. This term expires on June 30, 2019 and is a Board of Education appointee.
5. Fiscal Year 2020 Land and Water Conservation Fund Notice: Invitation to Submit Applications by May 1, 2020.
6. Upshur County Safe Structures and Sites Enforcement Board Petition for Order – Case Number 061319-02 (Banks Tax District – Tax Map 3P – Parcel Number 20.1)
7. Upshur County Building Permits for the month of December 2019
8. Upshur County E-911 Communication Reports – November and December 2019
 - Monthly Department Summary Report
 - Monthly Wrecker Report
9. Upshur County Mileage Reports – November, 2019
 - Upshur 911
 - Maintenance
 - Emergency Management
 - Sheriff
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound
10. Public Notices:
 - a. Newsletters and/or Event Notifications:
 - The Curry Courier – November and December 2019.
 - b. Agendas and/or Notice of Meetings:

• City Council of Buckhannon	January 2, 2020
• City of Buckhannon Waste Collection Board	January 2, 2020
• Buckhannon-Upshur Airport Authority	January 9, 2020
• Upshur County Safe Structures and Sites Enforcement Board	January 9, 2020
• Upshur County Solid Waste Authority	January 13, 2020
• Lewis-Upshur Community Correction Board	January 13, 2020
 - c. Meeting Minutes:

• Upshur County Safe Structures and Sites Enforcement Board	November 14, 2019
• Upshur County Fire Board Special Meeting	November 19, 2019
 - d. Meetings:
 - 01/02/20-3:00 p.m.-Adrian PSD
 - 01/02/20-6:00 p.m.-Buckhannon-Upshur Board of Health
 - 01/02/20-7:00 p.m.-Banks District VFD
 - 01/02/20-7:00 p.m.-Selbyville VFD
 - 01/07/20-4:00 p.m.-Hodgesville PSD
 - 01/07/20-5:30 p.m.-Elkins Road PSD
 - 01/08/20-3:00 p.m.-Tennerton PSD
 - 01/08/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau

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- 01/08/20-7:00 p.m.-Ellamore VFD
- 01/08/20-7:00 p.m.-Warren District VFD
- 01/09/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 01/09/20-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 01/09/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 01/09/20-7:30 p.m.-Buckhannon VFD
- 01/13/20-12:00 p.m.-Upshur County Family Resource Network
- 01/13/20-4:30 p.m.-Upshur County Solid Waste Authority
- 01/13/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 01/13/20-6:00 p.m.-Lewis-Upshur Community Corrections Board
- 01/14/20-7:30 p.m.-Adrian VFD
- 01/15/20-7:00 a.m.-Upshur County Development Authority – Full Board
- 01/15/20-12:00 p.m.-Upshur County Senior Center Board
- 01/15/20-12:00 p.m.-Lewis Upshur LEPC – Lewis location
- 01/15/20-4:00 p.m.-Upshur County Public Library Board
- 01/16/20-2:00 p.m.-Upshur County Farmland Protection Board
- 01/16/20-6:30 p.m.-Upshur County Youth Camp Board
- 01/19/20-6:00 p.m.-Washington District VFD
- 01/20/20-12:00 p.m.- Buckhannon-Upshur Chamber of Commerce
- 01/21/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 01/21/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 01/21/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 01/27/20-12:00 p.m.-Region VII Planning & Development Council
- 01/27/20-7:00 p.m.-Upshur County Fire Fighters Association
- 03/13/20-11:00 a.m.-Region VI Local Elected Officials
- 03/25/20-10:00 a.m.-James W. Curry Advisory Board

11. Appointments Needed or Upcoming: (none)

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)

- Emerick A. Cerullo – Final Settlement Waiver
- Franklin R. Cool – Final Settlement Waiver
- Bobby Gene Davis – Final Settlement Waiver
- Harry T. Dunmire – Final Settlement
- John J. George – Final Settlement
- Jean Louise Jackson Trust For Lisa A. Karickhoff – Final Settlement
- Clarence C. Smarr – First Annual Settlement

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment. (as listed)

- Bernice R. See – Certification of Completion

The Commission approved the following Exonerations and/or Refunds. (copies included)

- Paul & Rhonda K. Ringer - #17187 - \$161.82 - Exoneration Order
- Cheryl Suzanne Criss - #14910 - \$42.56 - Exoneration Order
- Cheryl Suzanne Criss - #14909 - \$386.67 - Exoneration Order
- Ann L. or Michael P. Livesay or Amy Livesay - #303686 - \$188.24 - Exoneration Order

The Commission approved the following “Consolidation of Land Tracts” (copies included):

- Union District-blend Map 6 Parcel 107 and Map 6 Parcel 108 to make Map 6 Lots 137 and 136 Section 1 - Owners, Livesay, Ann L. and Michael P.

Tabled Items: (none)

The Commission reviewed administrative items.

The Commission meeting recessed at 2:15 p.m.

The Commission reconvened at 6:00 p.m. in the Circuit Courtroom for a Tennerton PSD Boundary Extension Hearing.

With no further business, on motion by Sam Nolte, seconded by Kristie Tenney the Commission meeting adjourned at 8:45 p.m.