

# UPSHUR COUNTY COMMISSION MEETING

## October 13, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, October 13, 2022 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 October 6, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

The Commission reviewed the status of Safe Structures and Sites Enforcement Board Property – Case number 011421-01 (Washington Tax District – Tap Map 7K – Parcel Number 55.3) owned by Thomas & Debra Orsburn, previously owned by Yancy Carr. Tabatha Perry explained that this case was opened on January 6, 2022, while Yancy Carr owned the property. The Orsburns purchased this property from Yancy Carr. After the change in ownership, the County Commission approved allowing the Orsburns time to clean up the property and issued a deadline of September 30, 2022. Greg Harris, Maintenance Director, inspected the property and took photographs showing improvements. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved closure of this case.

At 9:05 a.m., on motion by Sam Nolte, seconded by Doug Bush, the Commission went into Executive Session, per *WV Code §6-9A-4 (9)*, to review and consider authorizing Commission President Kristie G. Tenney to sign a Property Donation Agreement, wherein the Upshur County Commission is the recipient.

At 9:14 a.m., on motion by Sam Nolte, seconded by Doug Bush, the Commission exited Executive Session, with no decisions being made.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized Commission President Kristie G. Tenney to sign a Property Donation Agreement, wherein the Upshur County Commission is the recipient. Further details will be provided at the conclusion of the closing.

At 9:15 a.m., the Commission conducted a bid opening and potential award for the Upshur County Courthouse Annex HVAC Upgrade Project. Tabatha Perry reported that a mandatory pre-bid meeting was held on September 27, 2022, with twelve businesses attending. Three bids were received and will be reviewed by WYK Associates after the bids are opened:

1. Bid 1: City Plumbing and Heating (Morgantown, WV) attended the pre-bid meeting and acknowledged receipt of both addendums (Addendum 1 dated 9/30/2022, Addendum 2 dated 10/11/2022) plus the contingency agreement. Base bid is \$643,500.
2. Bid 2: Hranec Sheet Metal (Uniontown, PA) attended the pre-bid meeting and acknowledged receipt of both addendums (Addendum 1 dated 9/30/2022, Addendum 2 dated 10/11/2022) plus the contingency agreement. Base bid is \$880,000.
3. Bid 3: A. Durer, Inc. dba ADI (Morgantown, WV) attended the pre-bid meeting and acknowledged receipt of both addendums (Addendum 1 dated 9/30/2022, Addendum 2 dated 10/11/2022) plus the contingency agreement. Base bid is \$828,185.

Ms. Perry suggested tabling this item until WYK Associate's President, James Swiger, could review the bids. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved tabling this item until WYK can review. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign a Master Equipment Lease-Purchase Agreement and Related Instruments, by and between the Upshur County Commission and Country Roads Leasing, LLC. The tax-exempt lease-purchase financing for the acquisition of a 2023 Chevy Tahoe at 4.80% interest will cost \$10,375.56 annually, over a period of four years resulting in a total acquisition cost of \$41,502.24. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the Sales Order and related documents between KOMAX Business Systems and the Upshur County Commission for a new color copier to be located in the Upshur County 911 Center. This lease will be for a 36-month period in the amount of \$1,556.88 due annually. (copy included)

The Commission reviewed a Service Contract with Cleveland Brothers to perform semi-annual service and annual maintenance service for the engine, generator and GENSET, located at the E-911 Communications Center. The total cost for the 2023 agreement is \$2,790; the total cost for the 2024 agreement is \$2,874; and the total cost for the 2025 agreement is \$2,958. The agreement includes all

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parts, travel time, mileage and labor for two inspections each year. The Upshur County Commission has the right to terminate this agreement for any reason at any time. Tabatha Perry requested the Commission to table this item until more review could be conducted. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved tabling this item until a later meeting. (copy included)

The Commission reviewed an update from Fitzsimmons Law Firm, PLLC, regarding the pending opioid litigation. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the “WV Local Government Election and Release Forms”.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved Seth Ridley and Sarah Johnson as Lewis-Upshur Animal Control Facility Volunteers.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved an advertisement for a full-time Legal Assistant in the Office of the Upshur County Prosecuting Attorney. Applications are due no later than close of business on Friday, October 21, 2022. Tabatha Perry requested the Commission to waive the rule of requiring an advertisement to be published three times and approve advertisement to be published only two times in The Record Delta on 10/15/22 and 10/19/22 and in My Buckhannon from 10/15/22 through 10/20/22. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Sheriff Virgil D. Miller for the employment of Emily A. Pettit as Tax Deputy, effective October 16, 2022.

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

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

1. Letter of Intent from Matthew Sisk, Director of Safety and Emergency Preparedness, Upshur County Board of Education, regarding the FY 2023 Medical Cannabis Grant Program for continued funding and/or expansion of the Prevention Resource Officer Program ensuring a safer community.
2. Public Notices:
  - a) Newsletters and/or Event Notifications:
    - October Blood Screening sponsored by St. Joseph’s Hospital & Buckhannon Rotary Club October 22 & 29, 2022
    - Community Emergency Response Team (CERT) Informational Flyer
  - b) Agendas and/or Notice of Meetings:
    - Elkins Road PSD September 6, 2022
    - Buckhannon-Upshur Airport Authority October 10, 2022
    - Buckhannon-Upshur Chamber of Commerce October 12, 2022
    - City Council of Buckhannon – *Special Session* October 21, 2022
  - Meeting Minutes:
    - Adrian PSD September 1, 2022
    - Elkins Road PSD September 6, 2022
  - c) Meetings:
    - 10/06/22-3:00 p.m.-Adrian PSD
    - 10/06/22-7:00 p.m.-Banks District VFD
    - 10/06/22-7:00 p.m.-City Council of Buckhannon
    - 10/06/22-7:00 p.m.-Selbyville VFD
    - 10/09/22-6:00 p.m.-Washington District VFD
    - 10/10/22-12:00 p.m.-Upshur County Family Resource Network
    - 10/10/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
    - 10/10/22-4:30 p.m.-Upshur County Solid Waste Authority
    - 10/10/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
    - 10/11/22-12:00 p.m.-Upshur County Senior Center Board
    - 10/11/22-4:00 p.m.-Hodgesville PSD
    - 10/11/22-5:00 p.m.-Elkins Road PSD
    - 10/11/22-7:00 p.m.-Warren District VFD
    - 10/11/22-7:30 p.m.-Adrian VFD
    - 10/12/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce

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- 10/12/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 10/12/22-3:00 p.m.-Tennerton PSD
- 10/12/22-6:00 p.m.-Buckhannon River Watershed Association
- 10/12/22-7:00 p.m.-Ellamore VFD
- 10/13/22-7:00 a.m.-Upshur County Development Authority – *Full Board*
- 10/13/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
- 10/13/22-7:30 p.m.-Buckhannon VFD
- 10/18/22-6:30 p.m.-Upshur County Fire Board, Inc. *at Adrian VFD*
- 10/19/22-4:00 p.m.-Upshur County Public Library Board
- 10/20/22-6:00 p.m.-Upshur County Farmland Protection Board
- 10/20/22-6:30 p.m.-Upshur County Youth Camp Board
- 10/21/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 10/25/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 10/26/22-7:00 p.m.-Upshur County Fire Fighters Association
- 11/14/22-6:00 p.m.-Lewis-Upshur Community Corrections Board-*Upshur Co.*

### 3. Appointments Needed or Upcoming:

- James W. Curry Library/Advisory Park Board – October 31, 2022 – replace Erv Lake

*\*\*\*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](mailto: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)

- Mary Elenor Daniels – Final Settlement
- David Lee Miller – 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/or Refunds: (none)

The Commission approved Requests to Attend Meeting: (none)

The Commission approved the following Consolidation of Land Tracts: (none)

At 9:45 a.m., Shane Whitehair, Executive Director, Region VII Planning & Development Council, appeared before the Commission to provide an update on community news and announcements. Mr. Whitehair stated that the Region VII Planning & Development Council was formed in 1971 (50 years ago) and consists of elected members of local governments plus business leaders. They currently have seven employees. The Region VII Planning and Development Council represents Barbour, Braxton, Gilmer, Lewis, Randolph, Tucker and Upshur counties and currently manages and is developing over 120 projects valued at \$431 million. (copy included)

At 10:30 a.m., Kris Warner, WV Economic Development Authority Executive Director, appeared before the Commission to provide an update of economic development opportunities available throughout the State of West Virginia. Jennifer Bostian, Executive Director of the Upshur County Development Authority, also attended the meeting. (copy included)

The Commission received project updates and reviewed Administrative business items.

At 11:00a.m., on motion by Doug Bush, seconded by Sam Nolte, the Commission recessed until 2:00 p.m.

At 2:00 p.m., the Commission conducted a hearing to consider objection to the first annual settlement, with a request to have Mary Given, Personal Representative, removed in the Estate of Naomi Given, deceased. Present were: Daya Masada Wright, Fiduciary Commissioner; Johnny Given; and William James O'Brien, Attorney for Johnny Given. Present via teleconference were: Mary Given; Gary Given; and Stephen A. Wickland, Attorney for Mary Given and Gary Given. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved granting Mary Given and her attorney 30 days to prepare an itemized statement of all receipts and disbursements and an additional 10 days for Johnny Given and his attorney to review information. If this is not completed within 30 days, Mary Given will resign as Executrix. Daya Masada Wright will prepare the Order for the Commission and will send a draft to Mr. Wickland and Mr. O'Brien. (copy included)

With no further business, on motion by Sam Nolte, seconded by Doug Bush, the Commission meeting adjourned at 2:40 p.m.