

UPSHUR COUNTY COMMISSION MEETING

October 3, 2019

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, October 3, 2019 at 9:00 a.m. Sam Nolte called the meeting to order. Present were Sam Nolte, Commission President; Kristie Tenney, Commissioner; Terry Cutright, Commissioner; Carol Smith, County Clerk; Carrie Wallace, County Administrator; Prissilla Peggs, Secretary 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 Terry Cutright, seconded by Kristie Tenney, the Commission approved the regular meeting minutes of September 26, 2019 as submitted.

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the Final Hearing Recommendations from Fiduciary Commissioner, Daya Masada Wright, for the Estate of Sarah Downes, deceased. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved David H. Coffman, Upshur County Sheriff's request for employment of Cole William Bender for the position of Deputy Sheriff. Mr. Bender will begin employment on October 13, 2019 at the starting salary of \$17.00 per hour. Upon completion of the WV State Police Academy, his rate of pay will be increased to \$18.73 per hour provided that his completion is within the current fiscal year. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved David H. Coffman, Upshur County Sheriff's request for employment of Hunter Ryan Fletcher for the position of Deputy Sheriff. Mr. Fletcher will begin employment on October 13, 2019 at the starting salary of \$17.00 per hour. Upon completion of the WV State Police Academy, his rate of pay will be increased to \$18.73 per hour provided that his completion is within the current fiscal year. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved the request from Kimbra Wachob, Upshur County Emergency Communications Center Assistant Director to hire Paris Wilson as full-time telecommunicator, effective October 6, 2019. Ms. Wilson's rate of pay will be \$11.00 per hour. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the request from Kimbra Wachob, Upshur County Emergency Communications Center Assistant Director to hire Yvette Squires as full-time telecommunicator, effective October 6, 2019. Ms. Squires' rate of pay will be \$11.00 per hour. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved the request from Kimbra Wachob, Upshur County Emergency Communications Center Assistant Director to hire Amanda Atchison as full-time telecommunicator, effective October 6, 2019. Ms. Atchison's rate of pay will be \$11.00 per hour. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved the request of Lori Ulderich Harvey, Upshur County Family Resource Network Director and on behalf of the Tobacco Prevention Coalition, to place a table in the Upshur County Courthouse Annex during the month of October for National SIDS Awareness Month and during the month of November for the Great American Smokeout. (copy included)

Delmas Woody and Nate Kennedy appeared before the Commission regarding the southern and eastern boundary lines of the Upshur County Commission property located on the Oscar Sayre Road. Both lines border Woody Lumber property. Mr. Woody offered to paint the boundary lines to alleviate confusion if/when either party would timber their property. Mr. Woody suggested that the Commission investigate the northern boundary line before entering into a Property Line Agreement with Woody Lumber as they may choose to survey the entire property. After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission tabled any property line action until the Commission can investigate the need for a survey of the property. (copy included)

Sam Nolte reviewed the following "For Your Information" items: (copies included)

1. Public Notices:

- a. Newsletters and/or Event Notifications:

- Hodgesville Lions Club Pancake & Sausage, Sausage Gravy & Biscuit Day at Warren District Community Center on October 12, 2019 from 7:00 a.m. to 1:00 p.m.
- Upshur County Employee & Dependent Flu Clinic – October 17, 2019 from 1:00 p.m. to 4:00 p.m.

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b. Agendas and/or Notice of Meetings:

- Upshur County Public Library Board September 25, 2019
- James W. Curry Library/Park Advisory Board September 25, 2019
- Upshur County Youth Camp Board August 15, 2019
- Elkins Road PSD October 1, 2019
- City Council of Buckhannon October 3, 2019

c. Meeting Minutes:

- Upshur County Public Library Board August 21, 2019
- James W. Curry Library/Park Advisory Board July 24, 2019
- James W. Curry Library/Park Advisory Board August 28, 2019
- Adrian PSD August 8, 2019

d. Meetings:

- 10/01/19-4:00 p.m.-Hodgesville PSD
- 10/01/19-5:30 p.m.-Elkins Road PSD
- 10/03/19-6:00 p.m.-Buckhannon-Upshur Board of Health
- 10/03/19-7:00 p.m.-Banks District VFD
- 10/03/19-7:00 p.m.-Selbyville VFD
- 10/08/19-7:30 p.m.-Adrian VFD
- 10/09/19-3:00 p.m.-Tennerton PSD
- 10/09/19-6:00 p.m.-Buckhannon River Watershed Association - WWWC
- 10/09/19-7:00 p.m.-Ellamore VFD
- 10/09/19-7:00 p.m.-Warren District VFD
- 10/10/19-10:00 a.m.-Adrian PSD
- 10/10/19-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 10/10/19-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 10/10/19-4:00 p.m.-Buckhannon Upshur Airport Authority
- 10/10/19-7:30 p.m.-Buckhannon VFD
- 10/14/19-12:00 p.m.-Upshur County Family Resource Network
- 10/14/19-4:30 p.m.-Upshur County Solid Waste Authority - CANCELLED
- 10/14/19-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 10/14/19-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County
- 10/15/19-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 10/15/19-6:30 p.m.-Upshur County Fire Board, Inc.
- 10/16/19-12:00 p.m.-Upshur County Senior Center Board
- 10/16/19-12:00 p.m.-Lewis Upshur LEPC - Lewis location
- 10/16/19-4:00 p.m.-Upshur County Public Library Board
- 10/16/19-7:00 p.m.-Upshur County Fire Fighters Association
- 10/17/19-2:00 p.m.-Upshur County Farmland Protection Board
- 10/17/19-6:30 p.m.-Upshur County Youth Camp Board
- 10/20/19-6:00 p.m.-Washington District VFD
- 10/21/19-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce - Wildlife Center
- 10/22/19-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 10/23/19-7:00 a.m.-Upshur County Development Authority
- 10/23/19-10:00 a.m.-James W. Curry Advisory Board
- 10/28/19-10:00 a.m.-Mountain CAP of WV, Inc., a CDC
- 12/13/19-11:00 a.m.-Region VI Local Elected Officials

2. 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):

- Mary Ann Griffin - Final Settlement
- Robert Keith Lee - Final Settlement Waiver
- Betty Gragg Puffenbarger - Final Settlement Waiver
- Betty Marie Rusmisell – Second Annual Settlement
- John Earl Rusmisell – Second Annual Settlement
- William Ray Ward - Final Settlement Waiver

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The Commission approved the following “Exonerations and/or Refunds” (copies included):

- H. Winston McHenry - #8571 - \$200.07 - Exoneration Order
- Joseph Lancaster ET AL - #20670 - \$22.06 - Refund Order
- Margaret Demastes & Isabell Ruzs C/O Robert Demastes - #1544 - \$4.38 - Exoneration Order
- Margaret Demastes & Isabell Ruzs C/O Robert Demastes - #250 - \$4.38 - Exoneration Order
- Travis Hoover - #306979 - \$167.86 - Exoneration Order
- Margaret Demastes & Isabell Ruzs C/O Robert Demastes - #1342 - \$4.38 - Exoneration Order

The Commission approved the following “Requests to Attend Meeting” (copies included):

- Doyle R. Cutright, II - 10/02/2019-10/06/2019

Tabled items:

1. Hearing upon the Petition/Complaint of the Upshur County Safe Sites and Structures Enforcement Agency - Chapman Case Number 101118-01 (Warren Tax District - Tax Map 6B Parcel Number 11). Case remains open in Magistrate Court. No action was taken.

The Commission reviewed agenda items for future meetings, received project updates and discussed administrative business items.

The Commission meeting recessed at 11:30 a.m.

The Commission reconvened at 1:00 p.m. to review options for utility installation along Rt. 33 west of Buckhannon. Parties present included, but weren't limited to: Dave Watson and Randy Watson representatives of Thrasher Engineering; Dustin Zickefoose, Assessor; Tom Shaw, property owner; multiple representatives from the City of Buckhannon's Public Works division; Shane Whitehair and Cary Smith with Region VII; Dave Anderson with Corridor H Tire; Tom O'Neill, Council for the City of Buckhannon; Sam Ludlow, Director of Sanitation for the City of Buckhannon; Don Nestor, City of Buckhannon Water Board Member; Mike Ross, property owner; Terry Gould, Tennerton PSD Manager; Tim Lewis on behalf of Diversified Oil & Gas; a representative of JF Allen Co.; Jerry Murrell representative of the Way of Holiness Church and; Robert Rodecker Kay Casto & Chaney attorney serving as Council for the Upshur County Commission; David Thomas and Robbie Skinner, City Council Members; Amberle Jenkins, Finance Director for the City of Buckhannon; Randy Sanders, City Recorder.

Thrasher and Tennerton PSD presented a detailed map of the proposed sewer expansion project which would extend sewer along the north side of Corridor H to include Lorentz and Bridge Run areas. This proposal did not include Finks Run area along the south side of Corridor H. With the availability of funding, public notices, etc...the project could have an estimated start date of January 2022 with a targeted completion of June 2023. The financing was estimated to be around 40% grant funding and 60% loan. Thrasher estimated an additional \$200,000 to extend the sewer to the Finks Run area. This source of funding would not require an up-front contribution from the end-user.

Robert Rodecker with Kay Casto & Chaney referenced and reviewed statute §16-13A-1 and §16-13A-2 which outline the process and give authority to the County Commission to extend the service area of a Public Service District. If the County Commission deems an expansion appropriate after following the procedures set forth in the Code, the expansion is then sent to the WV Public Service Commission for final approval.

Tom O'Neill, Council for the City of Buckhannon objected with Tennerton PSD being granted any type of service area expansion. Mr. O'Neill explained the city's two proposals for extending their service; 1) The City would finance the project in its entirety and annex the properties affected by the expansion; 2) End-users would assist in financing the project by providing an up-front contribution. As an example...one phase of the project is estimated at \$300,000; the City share would be \$100,000 and the landowner share would be \$200,000.

The businesses and landowners present voiced their opposition to being annexed under any circumstances.

After much discussion, Terry Cutright made a motion to move forward with Tennerton PSD proposal with no second, the motion died.

Jerry Arnold, City of Buckhannon's Director of Public Works, offered a third option which included the City financing the project in full and placing a surcharge on the bills of those properties affected by the expansion. This option would allow the cost to be paid back over a period of time and would provide a way for the surcharge to be passed down to other businesses as the area expands. Mr. Arnold noted that he had not sought approval of the Sanitary Sewer Board or City Council before making this recommendation, which would be required before moving forward.

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After additional discussion, on motion by Kristy Tenney, seconded by Terry Cutright, the Commission requested the Tennerton PSD, Thrasher and City of Buckhannon to prepare new proposals for water and sewer line extensions on the south side and north side of Rt. 33, including Fink's Run and the Shaw property. The Commission will place this item on the October 31st agenda at 1:00 p.m.

With no further business, on motion by Terry Cutright, seconded by Kristie Tenney the Commission meeting adjourned at 3:45 p.m.