

# UPSHUR COUNTY COMMISSION MEETING

## October 31, 2019

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, October 31, 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 Kristie Tenney, seconded by Terry Cutright, the Commission approved the regular meeting minutes of October 24, 2019 as submitted.

Lt. Mark Davis appeared before the Commission with an update on implementation of the Drug Abuse Resistance Education (D.A.R.E.) Program, which has been inactive for 17 years. Crystal Linger will be the D.A.R.E. Officer and completed her training in how to teach the curriculum to students for making good choices and having a positive interaction with law enforcement. The D.A.R.E. program will launch in January 2020 in the 6<sup>th</sup> grade at the Buckhannon-Upshur Middle School. It is a 10-week program and should be completed by April 2020. There will be approximately 43 students in each class. Mark Davis thanked and introduced Elizabeth Shahan, Executive Director of Family Resource Network out of Clarksburg. Ms. Shahan stated they provide resources and programs to counties enabling prevention awareness to students through multiple agencies. The Family Resource Network's name will be changed to West Virginia Prevention Solutions.

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the revised resolution gifting two fire trucks owned by the Upshur County Commission, the 1996 Smeal Freightliner Pumper VIN#1FV6JLCB6TL682573 and the 2003 Kenworth Pumper VIN#2NKMHZ8X33M387293 located within the Buckhannon Volunteer Fire Department (BVFD) to the BVFD per WV Code 7-3-3. The BVFD is scheduled to meet on Thursday, November 14, 2019 to consider the subsequent transfer agreement. The executed transfer agreement must be returned to the Commission no later than Friday, November 15, 2019. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved a resolution setting forth the Commission's intent to allocate \$15,000 to the City of Buckhannon for fire response within the first due fire service zone, beginning in the Fiscal Year 2021 pending annual budgetary approval. This resolution is contingent upon the Buckhannon Volunteer Fire Department accepting the gift of the fire trucks referenced above; namely the 1996 Smeal Freightliner Pumper VIN#1FV6JLCB6TL682573 and the 2003 Kenworth Pumper VIN#2NKMHZ8X33M387293. (copy included)

Mike Cozad, Dominion Energy, introduced Jason Harshbarger, WV Public Affairs Director, who replaced Bob Orndorff. Jason gave an update on the Atlantic Coast Pipeline Project. They are currently working on two permits that were challenged in the 4<sup>th</sup> Circuit Court. One pertains to the Fish and Wildlife Department challenge that the "rusty patch bumblebee" could be affected by the proposed pipeline. Contractors are working on a solution and have submitted new permits. The second permit concerned the pipeline boring 650 feet below the Appalachian Trail. The United States Supreme Court should hear this appeal in February 2020, with a ruling hopefully by June of 2020. Once they receive the Courts ruling, they will renew their permits and return to operation. Provided they can resume construction in or around June of 2020, the approximate completion date of the project is December of 2021.

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Contract Agreement, Standard and Special Conditions, Certifications and Resolution for the Victims of Crime Act (VOCA) Grant Award in the amount of \$36,380 to be used to provide direct services to crime victims in Upshur County per correspondence from Governor Jim Justice. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved the revised Upshur County Part-time Employee Time Sheet which will be effective the first payroll in January, 2020. (copy included)

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

1. Correspondence from Lindsey Woody, Office Manager at the Adrian Public Service District, announcing that during the October 2019 Board of Directors meeting it was approved to change their monthly meeting from the second Thursday of the month at 10:00 a.m. to the first Thursday of the month at 3:00 p.m. to accommodate their new Vice Chairman, Carolyn Douglas.

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2. Upshur County Fire Board, Inc. Financial Statement – July 1, 2018 through June 30, 2019.
3. Upshur County Fire Board, Inc. Financial Statements and Independent Auditor's Report for Fiscal Year ended June 30, 2019. Copies are available for public inspection in the office of the Upshur County Commission upon request.
4. Elkins Road Public Service District Independent Audit for Fiscal Year July 1, 2018 through June 30, 2019. Copies are available for public inspection in the office of the Upshur County Commission upon request.
5. Public Notices:
  - a. Newsletters and/or Event Notifications:
    - Veteran's Day Celebration presented by the Buckhannon-Upshur High School Military Club, Thursday, November 7<sup>th</sup> 2:00 p.m. – 3:00 p.m. in the Main Gym, 270 BU Drive.
  - b. Agendas and/or Notice of Meetings:
    - Upshur County Solid Waste Authority November 5, 2019
    - Buckhannon-Upshur Board of Health November 7, 2019
  - c. Meeting Minutes:
    - James W. Curry Advisory Board September 25, 2019
  - d. Meetings:
    - 11/04/19-4:30 p.m.-Upshur County Solid Waste Authority
    - 11/05/19-4:00 p.m.-Hodgesville PSD
    - 11/05/19-5:30 p.m.-Elkins Road PSD
    - 11/07/19-6:00 p.m.-Buckhannon-Upshur Board of Health
    - 11/07/19-7:00 p.m.-Banks District VFD
    - 11/07/19-7:00 p.m.-Selbyville VFD
    - 11/11/19-12:00 p.m.-Upshur County Family Resource Network - Cancelled
    - 11/11/19-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
    - 11/12/19-7:30 p.m.-Adrian VFD
    - 11/13/19-3:00 p.m.-Tennerton PSD
    - 11/13/19-6:00 p.m.-Buckhannon River Watershed Association - WVWC
    - 11/13/19-7:00 p.m.-Ellamore VFD
    - 11/13/19-7:00 p.m.-Warren District VFD
    - 11/14/19-3:00 p.m.-Adrian PSD
    - 11/14/19-3:00 p.m.-Upshur County Conventions & Visitors Bureau
    - 11/14/19-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
    - 11/11/19-4:00 p.m.-Buckhannon Upshur Airport Authority
    - 11/14/19-7:30 p.m.-Buckhannon VFD
    - 11/17/19-6:00 p.m.-Washington District VFD
    - 11/17/19-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce - Innovation Center
    - 11/18/19-6:00 p.m.-Lewis-Upshur Community Corrections Board
    - 11/19/19-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
    - 11/19/19-6:30 p.m.-Upshur County Fire Board, Inc.
    - 11/20/19-12:00 p.m.-Upshur County Senior Center Board
    - 11/20/19-12:00 p.m.-Lewis Upshur LEPC - Lewis location
    - 11/20/19-4:00 p.m.-Upshur County Public Library Board
    - 11/20/19-7:00 p.m.-Upshur County Fire Fighters Association
    - 11/21/19-2:00 p.m.-Upshur County Farmland Protection Board
    - 11/21/19-6:30 p.m.-Upshur County Youth Camp Board
    - 11/25/19-10:00 a.m.-Mountain CAP of WV, Inc., a CDC
    - 11/26/19-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
    - 11/27/19-7:00 a.m.-Upshur County Development Authority – Full Board
    - 11/27/19-10:00 a.m.-James W. Curry Advisory Board
    - 12/13/19-11:00 a.m.-Region VI Local Elected Officials
6. 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):

- Marsha Alice Gregory - Final Settlement Waiver

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- Charlotte Lucille Vest - First Annual Settlement
- Ernest Junior Vest - First Annual Settlement

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

- Alisa R. Elmore - #300205 - \$64.72 - Exoneration Order
- Alisa R. Elmore - #300204 - \$64.72 - Exoneration Order
- Christopher or Beverly Zickefoose - #5000000380S - \$82.74 – Exoneration Order

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

- Corporation District-blend Map 14 Parcel 39.1 and Map 14 Parcel 39.3 to make Map 14 Parcel 39.1 - Owners, Gary & Melba Osburn

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). After speaking with Magistrate Coffman, Carrie Wallace expects to receive the Magistrate Court ruling next week. No action was taken.

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved and authorized the President to sign a Proclamation recognizing E911 telecommunicators as “First Responders”. Upshur County E911 is on the forefront in West Virginia with Kanawha County being the only other county to issue a proclamation. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Service Contract with Cleveland Brothers to perform semi-annual service and annual maintenance service for the engine, generator and GENSET located at the E911 Communications Center and Tallmansville Radio Tower, beginning in 2020. The total cost for the 2019 agreement is \$1,390; the total cost for the 2020 agreement is \$2,610; and the total cost for the 2021 agreement is \$2,660. The agreement includes all parts, travel time, mileage and labor for two inspections each year. The Upshur County Commission reserves the right to terminate the agreement for any reason at any time. (copy included)

At 9:44 a.m. on motion by Kristie Tenney, seconded by Terry Cutright, the Commission entered Executive Session per WV Code §6-9A-4 to discuss a successor to David E. Godwin, Prosecuting Attorney. The Commission reconvened at 10:00 a.m. with no decisions made in Executive Session. Commissioner Cutright explained that he had spoken with Kelley Cunningham, Senior Assistant Prosecuting Attorney, concerning the position; she had stated that at this time she was not interested in the position of Prosecuting Attorney. After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission established a timeline for filling the position. All interested attorneys should submit resumes and letters of interest to the County Commission Office at 91 West Main Street by November 6, 2019 by close of business at 4:30 p.m. The County Commission will review applications on November 7, 2019 and will conduct interviews November 14, 2019. The Commission expects to appoint the permanent candidate on November 21, 2019 and they will begin their position as Prosecuting Attorney at midnight on December 1, 2019. The appointment will end on December 31, 2020. After additional discussion due to there being no active local Bar Association, the Commission decided to advertise for the position.

The Commission reconvened at 1:00 p.m. to continue discussions regarding options for the utility installation along Route 33 west of Buckhannon. Parties present were Tom O’Neill, Randy Sanders, Jerry Arnold, Jay Hollen, Amberly Jenkins, Robbie Skinner, Mark Sankoff - City of Buckhannon; Shane Whitehair, Region VII; Bob Rodecker – Kay Casto & Chaney counsel for County Commission; Terry Gould - Tennerton PSD; Ron Watson, Dave Watson - Thrasher Engineering; Jerry Murrell – The Way of Holiness Church; Tammy Reger - BU Chamber of Commerce; Tim Shaw, Travis Shaw – Norwins Development, LLC; Ken Sanford, Karen Sanford – residents; Greg Hadjis – JF Allen Company; Dave Anderson – Corridor H Tire.

Tom O’Neill presented plans for the City of Buckhannon, which would be completed in phases over three to four years. Phase I would extend sewer service on the north side of Route 33 to Corridor H Tire, David Anderson’s property, at an estimated cost of \$300,000. The Sanitary Board would provide \$100,000 of the \$300,000 and finance the remaining \$200,000 locally. A surcharge would then be applied to new and existing customers to cover repayment of the loan. It was explained that new customers joining the service in the area would not decrease the surcharge but would shorten the length of repayment. The total sewer project cost for both the north and south side including residential customers, is estimated at \$5.2 million. Mr. O’Neill indicated that the Sanitary Board did a survey of 142 potential residential customers on the south side of Route 33. At this time with only a 24% positive response rate the City does not feel the residential portion of the sewer line extension is viable. The State mandates that customers within 500

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feet are required to hook into a sewer line if one is available. The City has already purchased the railroad right of way and currently has an existing pump station at the Huddle House. Phase II would be sewer only on the south side of Route 33. Jay Hollen clarified that the Sewer Service Survey conducted on residential customers surveyed 147 potential customers; 63 potential customers responded; with 36 of the 63 potential customers responding indicated that they would be interested in connecting to public sewer service, if available.

Ron Watson with Thrasher Engineering, on behalf of Tennerton PSD, provided a cost estimate of \$4,800,300 to complete the sewer extension for the north side of Route 33 from the Farm Bureau to the Upshur County line. Tennerton PSD rates would increase by 25% for all current customers with no surcharge for new or existing customers. After discussion and an explanation of the process to expand Tennerton PSD's service territory from Bob Rodecker, legal counsel to the Commission in this matter, on motion by Terry Cutright, seconded by Kristie Tenney the Commission approved to begin the process of extending the boundaries of the Tennerton PSD west to the county line.

The Commission, sitting as the Board of Assessment Appeals (BOAA), attended a Telephonic Hearing for Pringle House LP-2019 Valuation at 3:00 p.m.

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