

# UPSHUR COUNTY COMMISSION MEETING

## December 15, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, December 15, 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 tabling the meeting minutes of December 1, 2022, as submitted, until the next meeting.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved an Order appointing the Sheriff of Upshur County as the Administrator De Bonis Non with the Will Annexed for the Estate of Edward E. Crawford, deceased. Carol Smith explained that the Administrator of Mr. Crawford's estate lives in Florida and is unable to return to West Virginia to carry out the Administrator duties. Ms. Hull and her brother both agreed to allow Sheriff Virgil Miller to be appointed as Administrator De Bonis Non with the Will Annexed for the Estate of Edward E. Crawford, deceased. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved an Order regarding the Recommendations from Daya Masada Wright, Fiduciary Commissioner, following a November 15, 2022 Hearing by Ms. Wright, for the Estate of Bertha Burnside, deceased. Carol Smith stated that she had reviewed the recommendations cited by Ms. Wright and did not have any reservations regarding her recommendations. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the 2023 Board of Review & Equalization Schedule. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the Board of Review & Equalization (BORE) Publication Notice. The County Commission will sit as the Board of Review & Equalization beginning at 1:00 p.m. on the 1<sup>st</sup> day of February, 2023, and shall continue until the work is completed but will adjourn no later than the close of business on the 16<sup>th</sup> day of February, 2023. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the 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. Any adjustments made after January 26, 2023 must be forwarded to the Commission sitting as the Board of Review & Equalization. (copy included)

At 9:15 a.m., Senators Bill Hamilton and Robert Karnes attended the Commission meeting to present a check in the amount of \$10,000 for the Upshur County Youth Camp Bridge Project. This is in addition to the \$10,000 previously allocated in August, 2022. Senator Hamilton stated that additional funds will be issued in a few weeks. Tabatha Perry reported that the Upshur County Youth Camp Bridge will be put out for bid in the Spring of 2023.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the West Virginia Courthouse Facilities Improvement Authority Funding Award Notice in the amount of \$27,728.00 to be used to replace the front entry doors to the Courthouse and Annex. The funding period will commence on January 1, 2023 and end on December 31, 2023. Documents approved and signed included: Funding Assistance Contract Agreement, Special Conditions and Assurances and the WV Courthouse Facilities Improvement Authority (CFIA) 20<sup>th</sup> Cycle Funding Recipient Check-Off List.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the correspondence from Marty Allen Hatfield, Senior Program Manager, Justice and Community Services, State of WV Department of Homeland Security Funding Award Notice, Project Number 23-SIEEP-11 in the amount of \$100,000.00 to sustain and improve telehealth receiving sites in Upshur and Lewis Counties. The funding period commences on October 1, 2022 and ends on September 30, 2023. Documents approved and signed included: Funding Assistance Contract Agreement, Resolution, Special Conditions and Assurances, and Certifications. Tabatha Perry reported that this is \$20,000 less than last year but Cheyenne Troxell said this would not cause a problem with their budget. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the lease agreement by and between the Upshur County Commission, the James W. Curry Advisory Board and the Trustees of the Brooks Hill Community Building. The term of the lease shall be for a period of one year, commencing on December 15, 2022 and continuing through December 14, 2023, unless renewed. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the lease agreement by and between the Upshur County

# UPSHUR COUNTY COMMISSION MEETING

## December 15, 2022

Commission and Appalachian Impact, concerning the use and lease of the Hampton Community Building, located at 156 Hampton Road. Appalachian Impact will lease the property for \$1.00 per year and be responsible for any and all property taxes, liability and fire insurance, fire fees, repair and maintenance, and utilities to the property. The term of the lease shall be for a period of one year commencing on January 1, 2023 and terminating on December 31, 2023, unless renewed. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the revised Upshur County Emergency Operations Plan Annex C: Notification and Warning. Steve Wykoff explained that this was updating the notifications for the warning system due to the move to Nixel. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from Rodney Rolenson, President of the Deputy Sheriff's Association for Upshur County, for the reappointment of Richard Kitzmiller to the Upshur County Civil Service Board. Mr. Kitzmiller's term will expire on December 31, 2026. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Laura B. Meadows, Upshur County Convention & Visitors Bureau Executive Director, to appoint a replacement board member as tourism representative to replace Josh Hinchman, who has resigned. Tabatha Perry said she had contacted Cheryl Lewis, who owns an air bnb rental. If Ms. Lewis is not interested, the tourism representative vacancy will appear on future Commission Meeting Agendas until filled. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved Claire Coffman as a Volunteer for the Lewis-Upshur Animal Control Facility.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Sheriff Virgil D. Miller to employ Melvin D. Woods as part-time Court Security Officer, effective December 18, 2022.

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

1. Correspondence from Thomas J. O'Neill, Senior Director of Government Affairs, Altice USA, announcing their intent to seek renewal of the cable television franchise agreement with Upshur County due to expire on November 5, 2025.
2. Correspondence from Volunteer West Virginia extending an invitation to apply to the Volunteer Generation Fund. Cindy Hughes stated that the application is due on January 12, 2023. Ms. Hughes and Steve Wykoff are working on the grant.
3. Upshur County Building & Floodplain Permits for the month of November, 2022
4. Public Notices:

a) Newsletters and/or Event Notifications:

b) Agendas and/or Notice of Meetings:

- Elkins Road PSD December 6, 2022
- Upshur County Fire Board December 14, 2022
- Upshur County Farmland Protection Board December 15, 2022
- City Council of Buckhannon December 15, 2022

Meeting Minutes:

- Upshur County Family Resource Network September 12, 2022
- Elkins Road PSD November 1, 2022
- Adrian PSD November 3, 2022
- Upshur County Safe Structures & Sites Enforcement Board November 10, 2022

c) Meetings:

- 12/01/22-3:00 p.m.-Adrian PSD
- 12/01/22-7:00 p.m.-Banks District VFD
- 12/01/22-7:00 p.m.-City Council of Buckhannon
- 12/01/22-7:00 p.m.-Selbyville VFD
- 12/06/22-5:00 p.m.-Elkins Road PSD
- 12/08/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
- 12/08/22-6:00 p.m.-Upshur-Buckhannon Board of Health-*Cancelled*
- 12/08/22-7:30 p.m.-Buckhannon VFD
- 12/09/22-11:00 a.m.-Region VI Local Elected Officials-*Muriales-Fairmont*
- 12/11/22-6:00 p.m.-Washington District VFD
- 12/12/22-12:00 p.m.-Upshur County Family Resource Network
- 12/12/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
- 12/12/22-4:30 p.m.-Upshur County Solid Waste Authority

# UPSHUR COUNTY COMMISSION MEETING

## December 15, 2022

- 12/12/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 12/12/22-6:00 p.m.-Lewis-Upshur Community Corrections Board-*Cancelled*
- 12/13/22-12:00 p.m.-Upshur County Senior Center Board
- 12/13/22-4:00 p.m.-Hodgesville PSD
- 12/13/22-7:00 p.m.-Warren District VFD
- 12/13/22-7:30 p.m.-Adrian VFD
- 12/14/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 12/14/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 12/14/22-3:00 p.m.-Tennerton PSD
- 12/14/22-6:00 p.m.-Buckhannon River Watershed Association
- 12/14/22-6:30 p.m.-Upshur County Fire Board, Inc.-*Ellamore VFD*
- 12/14/22-7:00 p.m.-Ellamore VFD
- 12/15/22-6:00 p.m.-Upshur County Farmland Protection Board
- 12/15/22-6:30 p.m.-Upshur County Youth Camp Board
- 12/16/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 12/21/22-12:00 p.m.-Lewis-Upshur LEPC-Upshur County-*Cancelled*
- 12/21/22-4:00 p.m.-Upshur County Public Library Board
- 12/27/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 12/28/22-7:00 p.m.-Upshur County Fire Fighters Association
- 01/05/23-6:00 p.m.-Upshur-Buckhannon Board of Health
- 01/23/23-6:00 p.m.-Lewis-Upshur Community Corrections Board-*Lewis County*

### 5. Appointments Needed or Upcoming: (none)

*\*\*\*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:

1. Review and approval of revised Overtime/Compensatory Time Policy within the Upshur County Employee Handbook of Personnel Guidelines, dated February 10, 2022. (*tabled 11/03/2022*) Tabatha Perry stated that she has reviewed the new policy and Bryan Hinkle, Prosecuting Attorney, said the wording needs to be adjusted per WV Code.

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)

- Betty L. Lee – Final Settlement
- Joan V. Phillips – Final Settlement Waiver
- Nancy Lou Phipps – Final Settlement Waiver
- Howard J. Queen – Final Settlement
- Karen S. Alkire Trent – Final Settlement Waiver
- John Joseph Wasowicz, Jr. – Final Settlement Waiver

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment:

- Henry L. Christopher – Certification of Completion
- Mabel Sue Christopher – Certification of Completion
- Howard F. Koch aka Howard Frederic Koch – Certification of Completion
- Hildur J. Mercure – Certification of Completion

The Commission approved the following Corrections, Exonerations and/or Refunds:

- Jack William Roy II - #20236 - \$20.48 – Refund Order
- Jack William Roy II - #20249 - \$18.12 – Refund Order
- Jack William Roy II - #20453 - \$18.64 – Refund Order
- Jack William Roy II - #20710 - \$19.44 – Refund Order
- Jack William Roy II - #20830 - \$19.00 – Refund Order
- Jack William Roy II - #21013 - \$19.00 – Exoneration Order
- Jack William Roy II - #20237 - \$153.32 – Refund Order
- Jack William Roy II - #20250 - \$147.46 – Refund Order
- Jack William Roy II - #20454 - \$138.26 – Refund Order
- Jack William Roy II - #20711 - \$122.24 – Refund Order

# UPSHUR COUNTY COMMISSION MEETING

## December 15, 2022

- Jack William Roy II - #20831 - \$114.70 – Refund Order
- Jack William Roy II - #21014 - \$120.48 – Exoneration Order
- Snider Cody J - #17911 - -\$372.83 – Correction Order

The Commission approved Requests to Attend Meeting: (none)

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

At 9:45 a.m., Tabatha Perry discussed the Upshur County Safe Structures and Sites Enforcement Board Case Number 021121-01 (Union District – Tax Map 7H – Parcel Number 76.1), property owned by Bryce Chapman. Ms. Perry recommended that the Commission amend or rescind the previously made motion imposing the \$50 per day fine, since Mr. Chapman is incarcerated. Bryan Hinkle, Prosecuting Attorney, is working to, hopefully, obtain an outside agency to clean up the property. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved rescinding the Motion until a later date.

At 10:02 a.m., Virgil D. Miller, Sheriff of Upshur County, appeared before the Commission to recognize and present appreciation plaques to Mike Shaver of Mountain V Oil & Gas, Jennifer Fluke of Tuscany Oil & Gas LLC, and Emily Pettit of the Elks Lodge #1736 for their generous donation to the Upshur County K-9 Program.

Kristie Tenney introduced Rico - the new K9 Officer and recognized Officer K9 AJ, along with Deputy Marshall Powers, for years of service upon K9 AJ's retirement.

Sheriff Miller recognized Derek Long for his assistance during the incident on I-79 on June 16, 2022. Sheriff Miller also thanked Dave Gosa, Sheriff of Lewis County, for his assistance in working along with the Upshur County Sheriff's Department during the June 16, 2022 incident.

Sheriff Miller recognized Chief Deputy Mike Coffman and presented a Purple Heart to him for his exemplary service on June 16, 2022, when he was wounded during the I-79 incident.

At 10:30 a.m., Tabatha Perry discussed a bid opening and review for Planning/Design Services for the development of a master plan for the newly acquired property within Upshur County, consisting of 70.87 acres. A Request for Qualifications was published as a Class II legal advertisement in the Record Delta and Charleston Gazette. Submissions were due on December 9, 2022. Submissions received from the following:

- Terradon – Nitro, WV
- McKinley Architecture and Engineering – Charleston, WV
- The Thrasher Group, Inc. – Bridgeport, WV
- Chapman Technical Group – Buckhannon, WV
- CEC Civil & Environmental Consultants, Inc. – Bridgeport, WV
- DRS Architects – Pittsburgh, PA

Tabatha Perry stated a committee of three to five representatives will be formed to evaluate the statements of qualifications and performance data and select three firms, in which the Commissioner's opinion, are best qualified to perform the desired service. Interviews will be conducted and the Committee will then rank, in order of preference, who they deem to be most highly qualified and to provide the planning and design services.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, a committee was formed consisting of the three Commissioners, Jeremiah McCourt and Mitchell Shaw.

The Commission postponed conducting property inspections.

Carol Smith reviewed two requests for budget revisions. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the budget revisions as discussed with a "Request for Revision to Approved Budget" to be sent to the Office of the State Auditor for approval. (copies included)

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Sam Nolte, seconded by Doug Bush, the Commission meeting adjourned at 10:40 a.m.