

UPSHUR COUNTY COMMISSION MEETING

April 16, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting via teleconference on Thursday, April 16, 2020 at 9:00 a.m. Terry B. Cutright called the meeting to order. Present via teleconference were Terry B. Cutright, Commissioner; Kristie G. Tenney, Commissioner; Samuel R. Nolte, Commissioner; Carrie L. Wallace, County Administrator; Tabatha R. Perry, Assistant County Administrator and Lois A. Marsh, Secretary. Those participating via teleconference included, but not limited to: Tim Pingley, FirstEnergy; Mike Cozad, Atlantic Coast Pipeline; and Monica Zalaznik, My Buckhannon. The meeting began with a moment of silent meditation and prayer followed by the Pledge of Allegiance. All motions passed unanimously unless otherwise stated.

Terry B. Cutright reviewed scheduled appointments and agenda items.

Tim Pingley of FirstEnergy updated the Commission on how they are handling repairs during the COVID-19 social distancing. Line crews are separated so that the same crew works together each day. Upshur County had minimal problems during the recent wind storms.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the regular meeting minutes of April 2, 2020, as submitted.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Revised 2020 Calendar Year Holidays/Hours of Operation. The revisions are due to the postponement of the Primary Election and the cancellation of the Strawberry Festival. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Rich Clemens' request for the Rotary Club of Buckhannon-Upshur to place on the courthouse property a sign expressing gratitude to healthcare workers and first responders during this difficult time. Tabatha Perry will ask Rich Clemens to coordinate location with Greg Harris. The Rotary Club will assume all costs associated with the project and will maintain/remove the sign as directed. (copy included)

Laura B. Meadows, Upshur County Convention and Visitors Bureau Executive Director, notified the Commission of the upcoming term expiration of Carrie Wallace, the Commission's representative on the Board. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Tabatha Perry to represent the Commission on the Board with term beginning on July 1, 2020 and expiring on June 30, 2023. (copy included)

The request from Jason Keeling, Executive Director of the American Red Cross Allegheny Highlands Chapter, for a donation in the amount of \$2,500 to aid in their effort to assist the community died for lack of a motion. (copy included) Carrie Wallace will contact Mr. Keeling and advise him of the budget schedule and timeframe for submitting funding requests for FY 22.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Section 125 Flexible Benefit Plan Amendment for Flexible Spending Accounts (FSA's), effective upon execution. The plan will be amended to include changes in the definition of medical expenses related to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The Section 125 Plan Amendment allows the employee to pay for certain qualified medical expenses on a pre-tax basis using their FSA accounts. Carrie Wallace stated that only a few employees have FSA accounts and they will be notified of the amendment. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the WV Association of Counties Group Self Insurance Risk Pool Coversheet to Member Agreement. The total annual contribution including workers' compensation is \$179,562. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the termination of Kelly Pugh as Law Enforcement Administrative Assistant, effective March 16, 2020 as requested by Sheriff David H. Coffman.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request of Cheyenne Troxell, Program Director for Community Corrections, to increase Andrew Pinkney's rate of pay to \$35 per hour, effective immediately. Mr. Pinkney has achieved his ADC counseling certification and the expense is reimbursed by the Community Corrections Board. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Proclamation and Certificate of Recognition in honor of National Public Safety Telecommunicators Week.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission closed the pool at the Upshur County Recreational Park for the 2020 season and agreed to hire a part-time weekend employee to handle pool and pavilion maintenance. The decision was based on a number of factors related to COVID-19, including the inability to obtain life guard certifications, social distancing requirements, additional cleaning measures that would be required and the unknown date of the State's re-opening and lifting of the Stay at Home Order. Pavilion rentals will be determined once additional information regarding social distancing and cleaning requirements are released from the Center for Disease Control (CDC)

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following the County and State's "re-opening". Terry Cutright explained that he had contacted Greg Harris, Maintenance Supervisor, and was told that the pool has to have water in it to keep water from pooling beneath the concrete bottom and freezing in the winter causing damage and that the water has to be treated to prevent algae growth. Mr. Harris stated that his department can handle the chlorine testing during the week, but require assistance on weekends

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

1. Correspondence from Brad Ayers, Senior Director of Government Affairs for Suddenlink by Altice USA, notifying the commission that effective April 21, 2020, the Company will offer new tiered video packages for all new and existing business customers. All existing video pricing will be unaffected.
2. Upshur County Fire Board, Inc. Cumulative Financial Reports FY20 – July 1, 2019 through April 11, 2020. Carrie stated that on-line tax payments for March had increased 32% in comparison to last year and April increased 62% to date.
3. U.S. EPA Brownfields Quarterly Progress Report for period January 1, 2020 through March 31, 2020. Tabatha Perry will contact WVDEP and schedule a site inspection in May with Terry Cutright accompanying the DEP official.
4. Upshur County E911 Communication Reports – March, 2020
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker
5. Public Notices:
 - a. Newsletter and/or Event Notifications:
 - FirstEnergy Corp. Press Release – FirstEnergy Committed to Maintaining 24/7 Service to Customers Through Coronaviris Health Emergency
 - b. Agendas and/or Notice of Meetings:
 - Upshur County Public Library March 18, 2020
 - Upshur County Senior Center April 8, 2020
 - Buckhannon-Upshur Airport Authority April 9, 2020
 - Emergency Meeting of City Council of Buckhannon April 16, 2020
 - City Council of Buckhannon April 16, 2020
 - c. Meeting Minutes:
 - Upshur County Public Library February 19, 2020
 - d. Meetings:
 - 04/08/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
 - 04/08/20-7:00 p.m.-Warren District VFD
 - 04/08/20-7:00 p.m.-Ellamore VFD
 - 04/15/20-7:00 a.m.-Upshur County Development Authority – Exec. Board
 - 04/15/20-12:00 p.m.-Upshur County Senior Center Board
 - 04/15/20-12:00 p.m.-Lewis Upshur LEPC – Upshur Location – CANCELLED
 - 04/15/20-4:00 p.m.-Upshur County Public Library Board
 - 04/16/20-6:30 p.m.-Upshur County Youth Camp Board
 - 04/19/20-6:00 p.m.-Washington District VFD
 - 04/21/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
 - 04/22/20-10:00 a.m.-James W. Curry Advisory Board
 - 04/27/20-10:00 a.m.-Mountain CAP of WV, Inc. a CDC
 - 04/27/20-7:00 p.m.-Upshur County Fire Fighters Association
 - 04/28/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
 - 05/01/20-6:00 p.m.-Buckhannon-Upshur Board of Health
 - 05/04/20-6:00 p.m.-Lewis-Upshur Community Corrections Board
 - 05/05/20-4:00 p.m.-Hodgesville PSD
 - 05/05/20-5:30 p.m.-Elkins Road PSD
 - 05/07/20-3:00 p.m.-Adrian PSD
 - 05/07/20-7:00 p.m.-Banks District VFD
 - 05/07/20-7:00 p.m.-City Council of Buckhannon
 - 05/07/20-7:00 p.m.-Selbyville VFD
 - 05/11/20-12:00 p.m.-Upshur County Family Resource Network
 - 05/11/20-4:30 p.m.-Upshur County Solid Waste Authority
 - 05/11/20-5:30p.m.- Buckhannon-Upshur Recreational Park Advisory Board
 - 05/12/20-7:30 p.m.-Adrian VFD

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- 05/13/20-3:00 p.m.-Tennerton PSD
- 05/13/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 05/14/20-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 05/14/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 05/14/20-7:30 p.m.-Buckhannon VFD
- 05/18/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 05/19/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 05/21/20-2:00 p.m.-Upshur County Farmland Protection Board
- 06/12/20-11:00 a.m.-Region VI Local Elected Officials – Kingwood

NOTICE: All in person county board meetings have been cancelled until at least May 1st, at which time the Commission will re-assess CDC guidelines concerning gatherings and meetings. If meetings are necessary to continue operations, they must be performed via teleconference.

6. Appointments Needed or Upcoming: None.

Tabled items:

1. Chapman Case Number 101118-01 (Warren District – Tax Map 6B Parcel Number 11).
No action was taken.

At 10:00 a.m., Sam Nolte made a motion to enter Executive Session, seconded by Kristie Tenney, for a conference call with Attorneys Clayton Fitzsimmons and Mark Colantonio of Fitzsimmons Law Firm PLLC to obtain an update on the pending opioid litigation per WV Code §6-9A-4. The Commission exited Executive Session at 10:55 a.m. with no decisions being made in Executive Session.

The Commission reconvened via teleconference with Elected Officials at 11:00 a.m. to further discuss continued operations as they relate to COVID-19. Present via teleconference were Terry Cutright, Commissioner; Kristie Tenney, Commissioner; Sam Nolte, Commissioner; Dustin Zickefoose, Assessor; Brian Gaudet, Circuit Clerk; David Coffman, Sheriff; Carrie Wallace, County Administrator; Tabatha Perry, Assistant County Administrator and Lois Marsh, Secretary. Members of the public also participated in the meeting via teleconference.

Dustin Zickefoose stated that his department is continuing to work on a rotating schedule with no problems. The appraisers are out in the field conducting annual reviews in Warren District, Buckhannon Corporation District and Union District. Appraisers will be conducting reviews from the vehicle with no contact with individuals.

Sheriff Coffman reported that business in his department is going smoothly with many people using online tax payments. Carrie Wallace read the status report from the Tax Department that was reviewed earlier in the Commission meeting.

Sam Nolte asked Dustin Zickefoose if he will be advertising on-line assessments again this year. Mr. Zickefoose said letters will go out to coincide with tax tickets and signs will be placed on the courthouse lawn prior to July 1.

Brian Gaudet stated that his department has started taking credit card payments over the phone.

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)

- Richard Allen Cerullo – Release of Guardian
- Mary Sue Darnall – Final Settlement Waiver
- Thomas Alexander Darnall, Jr. – Final Settlement Waiver
- Rose M. Foster – Final Settlement Waiver
- Edna Sue Miller – Final Settlement Waiver
- Barbara J. Reed – Final Settlement
- James William Reed – Final Settlement
- Mary Ellen Rowan – Final Settlement
- Regina M. Talbott – Final Settlement Waiver
- Dessie Lorene Tenney – Final Settlement
- Robert Junior Wagoner – Final Settlement Waiver
- Vera Mae Wilfong – Final Settlement Waiver

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

- Ronald Dorsey George – Certification of Completion
- Diana R. Linger – Certification of Completion
- Elizabeth R. Strader – Certification of Completion

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The Commission approved the following Exonerations and/or Refunds.

- Charles Vergil Helmick – #7654 – -\$768.60 – Correction Order
- Charles Vergil Helmick – #7653 – \$770.80 – Correction Order

The Commission approved the following Consolidation of Land Tracts. None

The Commission approved the following Requests to Attend Meeting. None

The Commission reviewed administrative items.

With no further business, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission meeting adjourned at 11:20 a.m.