

# UPSHUR COUNTY COMMISSION MEETING

August 6, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, August 6, 2020 at 9:00 a.m. Terry Cutright called the meeting to order. Present were: Terry B. Cutright, Commissioner; Samuel R. Nolte, Commissioner; Kristie G. Tenney, Commissioner; Tabatha R. Perry, 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.

Terry Cutright reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the regular meeting minutes of July 23, 2020, as submitted.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the "Request for Bids" and Minimum Vehicle Specifications for one police sport utility vehicle. Sealed Proposals must be received no later than 4:00 p.m. on September 2, 2020 at the Administrative Annex located at 91 W. Main Street, Suite 101. Proposals received by the deadline will be publicly opened, reviewed and read aloud by the Commission at 10:00 a.m. on Thursday, September 3, 2020. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign an Order to Permit the Lawful Holding of Upshur County Circuit Court at the Event Center at Brushy Fork for Jury Selection in August, September, October, November and December, 2020, pursuant to WV Code §51.3.7. Occupying the existing Court space is not feasible for the purpose of a jury selection without creating a substantially increased risk of transmission of the COVID-19 virus. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Help America Vote Act (HAVA) Subgrant Agreement in the amount of \$23,591.28. These emergency funds have been made available for the purpose of preventing, preparing for, and responding to COVID-19, for the 2020 federal election cycle. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign the FY21 Community Corrections Day Report Center Grant (Project No. 21-CC-27) Contract Agreement, Resolution, Certifications and Standard and Federal Conditions and Assurances. The grant award is in the sum of \$161,500 to be used for the continued operation of a community corrections program in Upshur and Lewis Counties. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the esri renewal quote in the amount of \$4,450 for term period October 1, 2020 to September 30, 2021. Of this amount, \$1,200 is to be paid by the Assessor's Revaluation Fund. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign verifications for Answers/Responses to various First Sets of Interrogatories on Liability to County and Municipal Plaintiffs in the consolidated opioid litigation. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and adopted Policy Extending Emergency Absentee Voting. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Signature of Order to approve the Number of Election Officials and Election Commissioners for the November 3, 2020 General Election. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Order to approve the Number of Sets of Emergency Absentee Voting Commissioners for the November 3, 2020 General Election. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Resignation of an Employee without going into Executive Session.

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After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Upshur County Sheriff, David H. Coffman, for the employment of Timothy P. Bennett as a part-time Court Security Officer. Mr. Bennett's employment will begin on August 9, 2020 at the pay wage rate of \$11.00 per hour. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Kimbra Wachob, Upshur County Emergency Communications Center Assistant Director, for the employment of Evan Carpenter as full-time telecommunicator. Mr. Carpenter's employment will begin on August 17, 2020 at the pay wage rate of \$11.00 per hour. (copy included)

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At 9:15 a.m., Laura B. Meadows, Executive Director of the Upshur County Convention and Visitors Bureau appeared before the Commission to provide an Annual Report and discussed operations difficulties during the COVID-19 virus. Even with the COVID-19 virus, the goals for 2020 are: receive accreditation for another 3 years which means that they are guided by State Code, Strawberry Festival website which will be user friendly, reinstate advertising grant program, focus on the outdoors. The Event Center hosted 47 events but revenue was down. Terry Cutright asked if the CVB was eligible for CARES money but because of tax status they are not. Ms. Meadows said they have received an \$8,000 grant that is secured by SBA. In addition, the CVB has been approved for a \$60,000 SBA loan. If decision is made to accept the loan, funds can be reserved in case of need, but repaid next year if not used.

At 9:30 a.m., Kevin Nicholson on behalf of the Upshur County Youth Soccer Association, Inc. appeared before the Commission to request renewal of Wellness Complex Property Use Agreement for the initial lease agreement dated September 28, 2017 and requested opportunity of coming back to Commission after the H&H Study is completed. The Soccer Association has cancelled all Fall 2020 soccer programs. The Soccer Association has spent many hours cleaning brush from the fields. In order to be eligible for grants the lease would need to be for 10 years. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved renewal of the lease for 3 years and to allow revisiting after H&H Study is completed.

**Amended August 20, 2020.** At 9:45 a.m., after discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Request for Hearing filed by Chester Chewning – Case Number 101019-02 (Warren Tax District – Tax Map 7C – Parcel Number 42.10). (copy included)

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

1. Correspondence from Katie Loudin announcing her resignation from the Buckhannon Upshur Parks and Recreation Advisory Board, effective immediately. Ms. Loudin is a Board of Education representative and this term expires on June 30, 2021.
2. Upshur County Sheriff’s Settlement, Reconciliation of Cash and Commission – Fiscal Year Ending June 30, 2020.
3. Correspondence from the 26<sup>th</sup> Judicial Circuit Court Judge Kurt W. Hall to WV Supreme Court of Appeals Court Administrator Joseph Armstrong requesting the approval of an expenditure in the amount of eight thousand six hundred ten dollars (\$8,610) from the Upshur County Worthless Check Fund to cover the cost of bailiff services for the Upshur County Magistrate Court for fiscal year 2020.
4. Correspondence from WV Supreme Court of Appeals Court Administrator Joseph Armstrong approving the request to expend eight thousand six hundred ten dollars (\$8,610) from the Upshur County Worthless Check Fund to cover the cost of bailiff services for the Upshur County Magistrate Court for fiscal year 2020.
5. Correspondence from Samantha L. Woods, Assistant Director of the WV State Auditor Chief Inspector Division, enclosing the Report on Applying Agreed-Upon Procedures of the Upshur County Magistrate Court for the period ending December 31, 2019. Report is available for public review in the Upshur County Commission Office.
6. Upshur County Building Permits for July, 2020
7. Upshur County Mileage Reports – June, 2020
  - Upshur 911
  - Maintenance
  - Emergency Management
  - Sheriff
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound
8. Public Notices:
  - a) Newsletters and/or Event Notifications: (none)
  - b) Agendas and/or Notice of Meetings:
    - Upshur County Public Library July 15, 2020
    - James W. Curry Library/Park Advisory Board July 22, 2020
    - Buckhannon-Upshur Airport Authority July 28, 2020
    - Elkins Road PSD August 4, 2020
    - City Council of Buckhannon August 6, 2020

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c) Meeting Minutes:

- Upshur County Fire Board June 16, 2020
- Upshur County Public Library June 17, 2020
- James W. Curry Library/Park Advisory Board June 24, 2020

d) Meetings:

- 08/04/20-4:00 p.m.-Hodgesville PSD
- 08/04/20-5:30 p.m.-Elkins Road PSD
- 08/06/20-3:00 p.m.-Adrian PSD
- 08/06/20-7:00 p.m.-Banks District VFD
- 08/06/20-7:00 p.m.-City Council of Buckhannon
- 08/06/20-7:00 p.m.-Selbyville VFD
- 08/10/20-12:00 p.m.-Upshur County Family Resource Network
- 08/10/20-4:30 p.m.-Upshur County Solid Waste Authority
- 08/10/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 08/11/20-7:30 p.m.-Adrian VFD
- 08/12/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 08/12/20-3:00 p.m.-Tennerton PSD
- 08/12/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 08/12/20-7:00 p.m.-Warren District VFD
- 08/12/20-7:00 p.m.-Ellamore VFD
- 08/13/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 08/13/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 08/13/20-7:30 p.m.-Buckhannon VFD
- 08/16/20-6:00 p.m.-Washington District VFD
- 08/17/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 08/18/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 08/18/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 08/19/20-7:00 a.m.-Upshur County Development Authority – Annual Meeting
- 08/19/20-12:00 p.m.-Upshur County Senior Center Board
- 08/19/20-12:00 p.m.-Lewis Upshur LEPC
- 08/19/20-4:00 p.m.-Upshur County Public Library Board
- 08/20/20-2:00 p.m.-Upshur County Farmland Protection Board
- 08/20/20-6:00 p.m.-Buckhannon-Upshur Board of Health
- 08/20/20-6:30 p.m.-Upshur County Youth Camp Board
- 08/25/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 08/26/20-10:00 a.m.-James W. Curry Advisory Board
- 08/31/20-7:00 p.m.-Upshur County Fire Fighters Association
- 09/07/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.

**\*\*NOTICE:** All in person county board meetings may resume effective May 18<sup>th</sup>; however, teleconference meetings are encouraged and social distancing must be followed.\*\*

9. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative
- Hodgesville PSD (Roger Ward-8/05/2020)
- Elkins Road PSD (Larry Heater-9/30/2020)
- Upshur County Solid Waste Authority (Mary L. Gower-6/30/2020)-Conservation District
- Buckhannon-Upshur Parks & Recreation Advisory Board (Brett Robinson-6/30/2020)-BOE

**\*\*\*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)

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The Commission approved all Vacation Orders. (copies included)

The Commission approved the following Settlements. (as listed)

- Dedorah D. Heater-Tomblyn – Final Settlement Waiver
- Delmar Hinkle – 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 Exonerations and/or Refunds. (as listed)

- Breann Huffman - #308904 - \$67.30 – Exoneration Order
- Breann Huffman - #308728 - \$64.62 – Exoneration Order
- Breann Huffman - #308672 - \$63.26 – Exoneration Order
- Arlene Harper - #15745 - \$138.70 – Exoneration Order
- James Michael Sharpolisky - #303982 - \$160.17 – Exoneration Order
- Precision Pipeline LLC - #01315778 - \$16,541.60 – Exoneration Order
- Mandy Sandy - #200000126S - \$39.66 – Exoneration Order
- E & M Investments Inc Buckhannon Save A Lot - #304364 - \$39.53 – Exoneration Order
- Douglas Tanner Bush - #303237 - \$218.42 – Exoneration Order
- Marsh Vincent K - #200000085S - \$215.38 – Exoneration Order
- Vincent K Marsh - #200000085S - \$215.38 – Exoneration Order
- Joshua Ryan Simmons – #300000112S - \$373.36 – Exoneration Order
- James W. Frush Jr C/O James Huber - #7415 - \$38.88 – Exoneration Order
- Clifford Moore - #400000337S - \$96.92 – Exoneration Order
- James P or Diana Liccardi - #309385 - \$85.11 – Refund Order
- James P or Diana Liccardi - #308854 - \$88.68 – Refund Order
- James P or Diana Liccardi - #308848 - \$88.89 – Refund Order
- Grose Aaron R - #500000036S - \$155.51 – Exoneration Order
- Keegan or Don M Adkins - #305732 - \$101.66 – Exoneration Order
- Herbert & Betty Jack - #8021 - \$6.30 – Exoneration Order
- Ernest R (Ernie) or Barbara Smith - #100000118S - \$34.22 – Exoneration Order
- Coastal Forest Resources Co - #1188 - \$20.14 – Exoneration Order
- Sierra P Lowther - #200000077S - \$98.50 – Exoneration Order
- Marple Cordell R or Kalyn M - #01318672 - \$147.36 – Exoneration Order
- Karen K Dipietro – Apportionment/Split of Assessment and Taxes for Classification
- Diane Marie & Edward M Poach – Apportionment/Split of Assessment and Taxes for Classification
- Zastawniak, Naomi J or Lloyd M – Apportionment of Assessment and Taxes Per Final Divorce Order

The Commission approved the following Requests to Attend Meeting (none)

The Commission approved the following Consolidation of Land Tracts (as listed)

- Union District – Map 9E Parcel 39.16 and Map 9E Parcel 39.11 and Map 9E Parcel 39.10 to make Map 9E Parcel 39.16 – Owner, Chris Hickman
- Buckhannon District – Map 5H Parcel 86 and Map 5H Parcel 86.2 to make Map 5H Parcel 86 – Owners, John R & Mary A Meivogel

With no further business, on motion by Kristie Tenney, seconded by Samuel Nolte, the Commission meeting adjourned at 12:20 p.m.