

# UPSHUR COUNTY COMMISSION MEETING

September 10, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, September 10, 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; Carol J. Smith, County Clerk; Carrie L. Wallace, County Administrator and Lois A. Marsh, Secretary. Members of the public also participated in the meeting via teleconference. 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 Kristie Tenney, seconded by Sam Nolte, the Commission approved the regular meeting minutes of September 3, 2020 and Emergency Meeting minutes of September 7, 2020, as submitted.

The Overview of the new Upshur County website was delayed until a later meeting when Channel 3 is able to livestream the Commission meeting.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Community Development Block Grant Amendment No. 2 extending the contract period necessary to complete the Elkins Road PSD Phase III Water System Improvement Project. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved Election Officials, Alternates, and Emergency Ballot Commissioners for the November 3, 2020 General Election. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Shanna Collins to fill the vacant position on the James W. Curry Library/Park Advisory Board, effective immediately. Ms. Collins' term will end on December 31, 2020. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the request from Carrie L. Wallace, County Administrator, to transition Shelia Adams's temporary employment to a full-time position as an Administrative Assistant in the Commission Office, effective September 13, 2020 at her current rate of pay. The Commission approved that Ms. Adams's previous 18 years and 4 months of service would be used for calculating vacation accrual, per past practice. (copy included)

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

1. Upshur County Building Permits for the month of August, 2020
2. Upshur County Mileage Reports – July, 2020
  - Upshur 911
  - Maintenance
  - Emergency Management
  - Sheriff
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound
3. Public Notices:
  - Newsletters and/or Event Notifications (none)
  - Agendas and/or Notice of Meetings:
    - Upshur County Senior Center September 9, 2020
    - Buckhannon-Upshur Airport Authority September 10, 2020
    - Upshur County Fire Board, Inc. September 15, 2020
  - Meeting Minutes:
    - Elkins Road PSD August 4, 2020
    - Adrian PSD August 6, 2020
  - Meetings:
    - 09/03/20-3:00 p.m.-Adrian PSD
    - 09/03/20-6:00 p.m.-Buckhannon-Upshur Board of Health
    - 09/03/20-7:00 p.m.-Banks District VFD
    - 09/03/20-7:00 p.m.-City Council of Buckhannon
    - 09/03/20-7:00 p.m.-Selbyville VFD
    - 09/07/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.
    - 09/08/20-7:30 p.m.-Adrian VFD
    - 09/09/20-12:00 p.m.-Upshur County Senior Center Board

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- 09/09/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 09/09/20-3:00 p.m.-Tennerton PSD
- 09/09/2020-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 09/09/20-7:00 p.m.-Warren District VFD
- 09/09/20-7:00 p.m.-Ellamore VFD
- 09/10/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 09/10/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 09/10/20-7:30 p.m.-Buckhannon VFD
- 09/11/20-11:00 a.m.-Region VI Local Elected Officials
- 09/14/20-12:00 p.m.-Upshur County Family Resource Network
- 09/14/20-4:30 p.m.-Upshur County Solid Waste Authority
- 09/14/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 09/15/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 09/16/20-7:00 a.m.-Upshur County Development Authority – Executive Board
- 09/16/20-12:00 p.m.-Lewis Upshur LEPC
- 09/16/20-4:00 p.m.-Upshur County Public Library Board
- 09/17/20-2:00 p.m.-Upshur County Farmland Protection Board
- 09/17/20-6:30 p.m.-Upshur County Youth Camp Board
- 09/18/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 09/20/20-6:00 p.m.-Washington District VFD
- 09/21/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 09/22/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/23/20-10:00 a.m.-James W. Curry Advisory Board
- 09/28/20-7:00 p.m.-Upshur County Fire Fighters Association
- 10/06/20-4:00 p.m.-Hodgesville PSD
- 10/06/20-5:30 p.m.-Elkins Road PSD

#### 4. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative
- James W. Curry Advisory Board (unexpired term ending 12/31/2020)

*\*\*\*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)

The Commission approved all Vacation Orders. (copies included)

The Commission approved the following Settlements. (as listed)

- Bobby Charles Carpenter – Final Settlement Waiver
- Carolyn Pearl Carpenter – Final Settlement Waiver
- Patricia Ann Miller Trust for Suzanne Michelle Miller – Third Annual Settlement
- Jo Ann Rohr – Final Settlement Waiver
- Myrtle May Umble – Final Settlement

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

- Denver P. Echard, Jr. – Certification of Completion
- Patricia J. Echard – Certification of Completion
- Ronald G. Wilson – Certification of Completion

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

- Joshua L. Ringer - #500000165S - \$17.86 – Exoneration Order
- Clarence L. Rowan - #306627 - \$14.46 – Exoneration Order
- Riffle Rodney E or Waugh Tosha C - #300510 - \$160.24 – Exoneration Order
- Smith Gaila L or James B - #305829 - \$84.86 – Exoneration Order
- Murvin & Meier Oil Co WI (B Reger #1 API #2888) - #302887 - \$0.00 – Correction Order
- Murvin & Meier Oil Co WI (U G Young #1 API #2890) - #302886 - \$0.00 – Correction Order
- Richard E & Norma J Spangler - #4864 - \$260.58 – Exoneration Order

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- James L Simons - #4680 - -\$54.47 – Exoneration Order
- Widmer Morgan Rose - #400000175S - \$16.02 – Exoneration Order
- James C & Patricia M Marsh - #303709 - \$14.12 – Exoneration Order
- Paula L Smith (Kelley) Clarisa H Linger - #309132 - \$183.08 – Exoneration Order
- Gerald W Zirkle - #305320 - \$64.30 – Refund Order
- Day Elizabeth or Justin J - #305993 - \$11,406.00 – Exoneration Order
- Sow Misty (Linger) - #9825 - \$63.05 – Exoneration Order
- Sow Misty (Linger) - #9824 - \$427.65 – Exoneration Order
- Edward N Godfrey - #307670 - \$63.83 – Refund Order
- Edward N Godfrey - #307669 - \$49.65 – Refund Order
- Stephens Alan C - #300000276S - \$81.12 – Exoneration Order
- Ruth Ann Liggett - #300000066S - \$50.96 – Exoneration Order
- Mike Ross Inc - #8792 - \$3,204.00 – Exoneration Order
- Trish or Matthew W Fultz - 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 (none)

At 10:00 a.m., the Commission considered the Recommendation to Remove the Fiduciary Commissioner for the Estate of Steven M. Casto, deceased. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Recommendation.

At 10:15 a.m., the Commission held a hearing to consider the Petition to Remove the Executrix for the Estate of Shirley A. Martin, deceased. Present were: *via teleconference* William J. O'Brien, counsel for Petitioner Carl J. Martin, II, *in person* Roy H. Cunningham, counsel for Sherree D. Martin the Executrix, John F. Hussell, IV, counsel for Sherree D. Martin the individual, Sherree D. Martin, Executrix and Daya Masada Wright, Fiduciary Commissioner. Upon conclusion of Proffers offered by counsel and after discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission requested Daya Masada Wright the Fiduciary Commissioner, to draft an Order Declining to Remove Sherree D. Martin as Executrix of the Estate of Shirley A. Martin, deceased. Pursuant to West Virginia Code §58-3-1, this matter is now appropriate for an appeal to the Circuit Court of Upshur County, West Virginia. After preparation, the Commissioners signed the Final Order (copy included).

At 11:30 a.m., the Commission held a meeting with the Elected Officials to further discuss continued operations as they relate to COVID 19. Present were: Terry Cutright, Commissioner; Sam Nolte, Commissioner; Kristie Tenney, Commissioner; Carol Smith, County Clerk; Dustin Zickefoose, Assessor; Brian Gaudet, Circuit Clerk; Bryan Hinkle, Prosecuting Attorney; Jacob Reger, Senior Circuit Court Judge; Jim Vance, Security Officer Supervisor; Carrie Wallace, County Administrator and Lois Marsh, Secretary.

Carrie Wallace stated that there were no new positive results for County employees, but there is one positive case in the county that was transmitted because of association with an infected employee. Except for the original four employees, all other County employees' COVID tests were negative.

Judge Reger discussed upcoming court trials for the next few weeks. Jury selection will be conducted at the Event Center but court will be held in the Courthouse. Jim Vance stated that Security Officers will check temperatures of jurors then escort them to the courtroom one at a time.

Judge Reger and Bryan Hinkle discussed using face shields for witnesses during trials. Carrie Wallace contacted Brian Shreves and he will deliver 15 face shields to the Circuit Courtroom.

Dustin Zickefoose said his office is operating on a reduced staff in the office but remainder of the staff is working from home.

Jim Vance reported that the Security Officers are collecting the incoming mail and distributing to each office in order to cut down on public in the courthouse.

Terry Cutright stated that the Commission feels the Courthouse should be operated on a limited schedule until it can be reviewed next Thursday morning.

Terri Jo Bennett, Addressing & Mapping Coordinator/Building Permit Officer, provided an overview of options for the Wellness Complex as they pertain to the Hydrology & Hydraulic (H&H) Study that is underway. No action was taken.

With no further business, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission meeting adjourned at 2:40 p.m.