

UPSHUR COUNTY COMMISSION MEETING

September 17, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, September 17, 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. 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 September 10, 2020, as submitted.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the 2019 Board of Assessment Appeals (BOAA) meeting minutes. (copy included) Carrie Wallace stated that the Greylock Energy LLC case was finalized on September 3, 2020.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the 2020 Board of Assessments Appeals hearing schedule. Carrie Wallace reported that three requests were received by February 20, 2020.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Patty Wager, on behalf of the Buckhannon-Upshur Visual Arts Department, to utilize the large pavilion at the Upshur County Recreational Park on weekdays during September and October from 9:30 a.m. to 1:00 p.m. without fee. (copy included)

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

1. Correspondence from Charles Grishaber, State Coordinator with the State Office of the National Flood Insurance Program, notifying WV state and local governmental entities and non-profit organizations that flood insurance may be available through the National Flood Insurance Program (NFIP).
2. Upshur County E911 Communication Reports – August, 2020
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
3. Public Notices:
 - Newsletters and/or Event Notifications:
 - Blood Donation Drive hosted by St. Joseph's Hospital and the Rotary Club of Buckhannon-Upshur on October 8th from 9:00 a.m. to 3:00 p.m.
 - Agendas and/or Notice of Meetings:
 - Upshur County Public Library September 16, 2020
 - City Council of Buckhannon September 17, 2020
 - Special Session of City Council of Buckhannon September 24, 2020
 - Elkins Road PSD October 6, 2020
 - Meeting Minutes:
 - Upshur County Safe Structures & Sites Enforcement Board June 11, 2020
 - Upshur County Safe Structures & Sites Enforcement Board July 9, 2020
 - Upshur County Solid Waste Authority August 10, 2020
 - Upshur County Convention & Visitors Bureau August 12, 2020
 - Tennerton PSD August 12, 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
 - 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

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- 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

****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. 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)

- James Lewis Jones – Final Settlement
- Leona P. Reed – Final Settlement Waiver

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment (none)

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

- Sugar Run Rentals LLC - #22411 - \$229.06 – Refund Order
- Sugar Run Rentals LLC - #22609 - \$225.91 – Refund Order
- Sugar Run Rentals LLC - #22858 - \$224.86 – Exoneration Order
- Hank Tenney - #305892 - \$40.24 – Exoneration Order
- Hank Tenney - #305584 - \$40.98 – Exoneration Order
- Jason A or Melisa F Luterek - #306371 - \$225.90 – Exoneration Order
- Crystal D Shaw – Apportionment/Split of Assessment and Taxes for Classification

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

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

At 9:15 a.m., Ms. Richadeen Gardner joined the meeting via teleconference. She explained that her son-in-law had established a small engine business on the property with the WV Secretary of State's office online. Ms. Gardner was not sure what effect this would have on this case. Carrie Wallace explained that the Safe Sites and Structures Board had voted to turn the case over to the County Commission. Ms. Gardner requested a private meeting to discuss options. Ms. Wallace said she would schedule a meeting early next week. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved

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the request for Hearing filed by Richadeen Gardner – Case Number 010920-01 (Warren Tax District – Tax Map 8D – Parcel Numbers 12, 13, 14) to be scheduled at 9:30 a.m. on October 1, 2020. (copy included)

After motion by Sam Nolte, seconded by Kristie Tenney, the meeting recessed at 9:20 a.m.

At 11:00 a.m., the Commission reconvened with the Elected Officials to further discuss continued operations as they relate to COVID-19. Present were: Terry Cutright, Kristie Tenney, Sam Nolte, Carol Smith, Mike Kelley, Carrie Wallace and Lois Marsh.

Mike Kelley stated that things were going fine in Sheriff's Office. All employees will be released from quarantine by Saturday.

Carol Smith stated that her department was running smoothly.

Carrie Wallace reported that Sue McKisic, Upshur County Health Department, said there were no new COVID-19 cases at the Courthouse and she felt regular hours could be resumed next week. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved returning to regular business operations beginning Monday, September 21, 2020.

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.

The Commission reviewed administrative business items and received project updates.

After motion by Sam Nolte, seconded by Kristie Tenney, the meeting recessed at 12:30 p.m.

At 2:00 p.m., the Commission held a hearing on the Estate of Doris Jean Carr, deceased, to consider (1) acceptance of the Last Will and Testament and (2) appoint an Administrator and set Penalty of Bond. Present were William J. O'Brien, counsel for Penny Parcell, Renee Carr, Sheree Strickland. Upon conclusion of Proffers offered by William J. O'Brien, counsel for Penny Parcell, Renee Carr and Sheree Strickland on their own behalf. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission Ordered that the Last Will and Testament of Doris Carr be accepted in accordance with West Virginia Code §41-1-3. That, Penny Parcell be appointed as the Administratrix with penalty of Bond set at One Hundred Twenty Thousand (\$120,000.00) Dollars. That, Daya Masada Wright be appointed as the Fiduciary Commissioner and that she oversee estate transactions. In addition, under supervision of the Fiduciary Commissioner, monthly reporting is to commence upon filing of the Appraisal of Assets and copies distributed to the heirs. (copy included)

With no further business, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission meeting adjourned at 3:40 p.m.