

UPSHUR COUNTY COMMISSION MEETING

January 6, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, January 6, 2022 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Samuel R. Nolte, Commissioner; Kristie G. Tenney, Commissioner; Carol J. Smith, County Clerk; Tabatha R. Perry, Assistant County Administrator/Assistant DHSEM Director and Lois A. Marsh, Secretary. Terry B. Cutright, Commissioner, 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.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the special meeting minutes of December 22, 2021, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

Sam Nolte nominated Kristie Tenney to serve a second term as the Upshur County Commission President for the 2022 calendar year. Ms. Tenney accepted the nomination which was seconded by Terry Cutright and approved. Carol Smith, Upshur County Clerk, administered the Oath of Office to 2022 Commission President, Kristie Tenney. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the Upshur County Commission meetings to be held weekly on Thursdays at 9:00 a.m.

After discussion on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Local Rules for Commission Meetings, as submitted. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the registration sign-in sheet in accordance with the WV Code §6-9A-3, as submitted. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved to continue using the agenda format and material.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the 2022 hours of operation of the Upshur County Courthouse, Annex and Administrative Annex as Monday through Friday from 8:00 a.m. to 4:00 p.m., with all employees receiving one-half hour paid lunch. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the 2022 Calendar Year Legal Holiday Schedule and Administrative Closures, as submitted. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the Commission President, Sheriff and County Clerk to sign Affidavit(s) of County, Municipal or other Public Official Establishing Facsimile Signature. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the appointments/reappointments of Commissioners and administrative staff to serve on boards, as submitted. (copy included)

- Court Security Advisory Board – *Cutright*
- Lewis-Upshur Community Corrections Board – *Cutright*
- Upshur County Farmland Protection Board – *Tenney*
- Lewis-Upshur Local Emergency Planning Committee – *Nolte*
- Region VI Work Force Investment Board – *Cutright*
- Region VII Planning & Development Council – *Cutright*
- Upshur County 4H Foundation – *Nolte*
- Upshur County Development Authority – *Tenney*
- Upshur County Enhanced Emergency Telephone Board – *Tenney*
- Upshur County Extension Service Committee - *Cutright*
- Upshur County Fire Board Incorporated – *Tenney*
- Upshur County Senior Center Board – *Cutright*
- Upshur County Family Resource Network – *Tenney*
- Upshur County Youth Council, Incorporated (SYC) – *Nolte*
- Corridor H Authority Board – *Nolte*
- Mountain CAP of West Virginia, Incorporated – *Tenney*
- Buckhannon-Upshur Airport Authority – *Nolte*
- Emergency Food and Shelter Program – *Cutright*
- Buckhannon-Upshur Parks & Recreation – *Tenney* (attends but not a member of the Board)
- James W. Curry Advisory Board – *Cutright* (attends but not a member of the Board)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Upshur County Commission's mission statement for purposes of meeting grant requirements set by the WV Division of Justice and Community Services. (copy included)

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After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Community Development Block Grant – Small Cities Block Grant Request for Payment for the Elkins Road PSD Phase III Water System Improvements in the amount of \$3,481.04. This is Request for Funds #27. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Victims of Crime Act (VOCA) Supplemental Grant #21-SVA-048 Contract Agreement, Revised Standard Conditions and Assurances, Certifications, Resolution, Subgrantee Schedule of Payments and Request for Funds Form for the grant award in the amount of \$7,992.00. (copy included)

The Commission reviewed the Upshur County Safe Structures and Sites Enforcement Board Petition for Order filed November 15, 2021 – Case Number 051321-01 (Meade Tax District – Tax Map 1 – Parcel Number 130) owned by Mitchell W. Hyre and considered an Order Adopting Enforcement Agency Findings. Tabatha Perry reviewed the timeline: May, 2021 - notice of required action; December 3, 2021 - certified letter was sent to Mr. Hyre stating that he had until December 23, 2021 to protest order. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved entering an Order Adopting Enforcement Agency Findings and providing Mr. Hyre 14 days from the time served to comply with clean-up or a fine of \$50 per day will be assessed. (copy included)

At 9:15 a.m., Tom and Debbie Orsburn appeared before the Commission and stated that they had purchased the property of Yancy Carr that is being handled by the Safe Sites and Structures Enforcement Board – Case number 011421-01 (Washington Tax District – Tax Map 7K – Parcel Number 55.3). The Orsburns requested an extension for the clean-up completion of this property. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved allowing the Orsburns to extend deadline to correct any health and safety hazards until September 30, 2022, with fines being suspended until that time. Tabatha Perry requested the Orsburns to notify the Commission Office if the clean-up is completed prior to that date so that Greg Harris, SS&S Compliance Officer, can inspect the property. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and adopted the Standard Mileage Rates for Business, Medical and Moving Announced December 17, 2021. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Donna Matthews to fill the unexpired term on the Upshur County Fire Board as community representative for the 1st Magisterial District. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Resignation of Employee.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the advertisement for Upshur County Recreational Park Facilities Director. This is a full-time salaried position with benefits. Applications are due no later than Friday, January 21, 2022. (copy included)

Jennifer M. Bostian, Executive Director of the Upshur County Development Authority, appeared before the Commission to request a letter of support from the Upshur County Commission for a grant that Micrologic will submit to West Virginia's Department of Economic Development. This grant will assist with Micrologic's major broadband strategies program to make broadband more accessible to rural areas in Upshur County. Micrologic is preparing the grant, but the Development Authority is requesting the Upshur County Commission, along with the City Council of Buckhannon, to show their support of this project. This letter of support would need to be received by January 21, 2022. Commission President, Kristie Tenney, stated that the Commission will place this item on the agenda for the meeting on January 13, 2022.

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

1. United States of America Federal Energy Regulatory Commission – Notice of Availability of the Final Supplemental Environmental Impact Statement for the Proposed Atlantic Coast Pipeline Restoration Project and Supply Header Restoration Project – December 17, 2021
2. Mon Power and Potomac Edison Propose Environmental Compliance Program for Power Plants – Fort Martin and Harrison plants expected to operate until 2035 and 2040, respectively, following upgrades – December 17, 2021
3. Correspondence from the Kanawha County Commission regarding the Property Tax Modernization Constitutional Amendment (House Joint Resolution 3) that will be up for ratification during the November 2022 General Election.
4. Upshur County Sheriff's Financial Statement for period ending November, 2021

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5. Upshur County Safe Structures and Sites Enforcement Board Petition for Order filed December 16, 2021 – Case Number 070821-02 (Banks Tax District – Tax Map 4 – Parcel Number 2). The property owner, David W. Bolyard, Jr., has twenty days to request a hearing before the Upshur County Commission.
6. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)
 - b) Agendas and/or Notice of Meetings:
 - 26th Judicial Circuit Community Correction Special Board Meeting
January 3, 2022
 - Elkins Road PSD
January 4, 2022
 - City Council of Buckhannon
January 6, 2022

Meeting Minutes:

- Upshur County Fire Board October 19, 2021
- Upshur County Fire Board November 16, 2021

c) Meetings:

- 01/04/22-4:00 p.m.-Hodgesville PSD
- 01/04/22-5:00 p.m.-Elkins Road PSD
- 01/06/22-3:00 p.m.-Adrian PSD
- 01/06/22-6:00 p.m.-Buckhannon-Upshur Board of Health
- 01/06/22-7:00 p.m.-Banks District VFD
- 01/06/22-7:00 p.m.-City Council of Buckhannon
- 01/06/22-7:00 p.m.-Selbyville VFD
- 01/09/22-6:00 p.m.-Washington District VFD
- 01/10/22-12:00 p.m.-Upshur County Family Resource Network
- 01/10/22-4:00 p.m.-Buckhannon Upshur Airport Authority
- 01/10/22-4:30 p.m.-Upshur County Solid Waste Authority
- 01/10/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 01/11/22-7:00 a.m.-Upshur County Development Authority–Full Board
- 01/11/22-12:00 p.m.- Upshur County Senior Center Board
- 01/11/22-7:00 p.m.-Warren District VFD
- 01/11/22-7:30 p.m.-Adrian VFD
- 01/12/22-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 01/12/22-3:00 p.m.-Tennerton PSD
- 01/12/22-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 01/12/22-7:00 p.m.-Ellamore VFD
- 01/13/22-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 01/13/22-7:30 p.m.-Buckhannon VFD
- 01/17/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 01/18/22-6:30 p.m.-Upshur County Fire Board, Inc.
- 01/19/22-12:00 p.m.-Lewis-Upshur LEPC – Upshur Co
- 01/19/22-4:00 p.m.-Upshur County Public Library Board
- 01/20/22-6:30 p.m.-Upshur County Youth Camp Board
- 01/21/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 01/20/22-6:00 p.m.-Upshur County Farmland Protection Board
- 01/25/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 01/31/22-7:00 p.m.-Upshur County Fire Fighters Association
- 02/07/22-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur Co

Appointments Needed or Upcoming:

- Upshur County Fire Board (unexpired term 6/30/22)–Community Representative-1st Mag. District
- Upshur County Fire Board (unexpired term 6/30/23) – 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.

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At 9:30 a.m., Cheyenne Troxell, via teleconference, asked the Commission to consider property acquisition for the relocation of the Lewis County 26th Judicial Court Community Corrections Program pending 1) the Lewis-Upshur Community Corrections Board's decision during their meeting on January 4, 2022 and 2) the Lewis County Commission's approval of the acquisition. The Commission opted out of Executive Session per WV Code §6-9A-4. Ms. Troxell reported that due to growth, the current Lewis County property no longer meets their needs. After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved this acquisition if the Lewis County Commission approves at their meeting.

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)

- Ian Matthew Buckman – Final Settlement Waiver
- Shirley Joann Cutright – Final Settlement
- Patricia Cusick Fallon – Final Settlement Waiver
- James Johnson – Final Settlement
- Dwaine Lee Lipps – Final Settlement Waiver
- Stanley Mullins, Incompetent – Annual Settlement
- Connie Louise Norman – Final Settlement Waiver
- James R. Posey – Fifth Annual Settlement
- John Wesley Robinson, III – Final Settlement Waiver
- Basil Lee Smith – Final Settlement Waiver

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

- Evelyn C. Bennett – Certification of Completion
- Leonidas J. Bennett – Certification of Completion
- Betty Hubbard Irwin – Certification of Completion
- Juanita L. Weber – Certification of Completion

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

- Atlantic Coast Pipeline LLC - #200000453S - \$99,424.97 – Exoneration Order
- Howes Jared Andrew - #28760 - \$242.72 – Refund Order
- Howes Jared Andrew - #29012 - \$261.11 – Refund Order

The Commission approved Requests to Attend Meeting: (none)

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

Table Items: (none)

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Terry Cutright, seconded by Sam Nolte, the Commission meeting adjourned at 12:10 p.m.