

# UPSHUR COUNTY COMMISSION MEETING

November 5, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, November 5, 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; Carrie L. Wallace, County Administrator; Tabatha R. Perry, Assistant 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 Sam Nolte, seconded by Kristie Tenney, the Commission approved the regular minutes of October 22, 2020, and October 29, 2020, as submitted.

The Commission presented a plaque to Erin Anderson in recognition of being named the 2021 West Virginia Teacher of the Year. Ms. Anderson gave a brief history of herself and her career. Sara Stankus, Upshur County School Superintendent, and Tristan Grey, Principal of Tennerton Elementary School, were present for the presentation.

At 9:15 a.m., the Commission reviewed photos pertaining to Riffle Case Number 61319-02 (Banks Tax District – Tax Map 3P – Parcel Number 20-1) The Order Setting Forth Findings of Fact and Conclusions of Law entered on October 1, 2020 provided the property owners with thirty (30) calendar days to have all refuse, debris, trash and non-licensed recreational vehicles removed from the property. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a fourteen (14) day extension to allow non-licensed recreational vehicles to be removed from the property. Fines will be imposed beginning on November 19, 2020 if clean-up is not completed.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign correspondence to Ryan Halsey, Project Manager, enclosing 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 \$93,060.33. This is for Request for Funds #16. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved allocation of \$5,000 to the Upshur County Parish House and Crosslines, Inc. to benefit the Food Pantry. This expense will be requested for reimbursement from the CARES Act Grant. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved correspondence from Tom S. Elliott, USDA Animal and Plant Health Inspection Service Wildlife Services District Supervisor, providing a cost estimate for vulture and pigeon damage management in the amount of \$8,650. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the reappointment of Joseph A. Malcolm to the Upshur County Building Commission. Mr. Malcolm's term is effective November 10, 2020 through November 10, 2025. (copy included)

At 9:30 a.m., the Commission reviewed photos of property involved with Humphrey Case Number 121318-01 (Washington Tax District – Tax Map 6L – Parcel Number 11.3) - The Order Setting Forth Findings of Fact and Conclusions of Law entered on October 1, 2020 provided the property owners with thirty (30) calendar days to have all debris, trash, salvage materials and unlicensed junk vehicles removed from the property. Mrs. Humphrey joined the meeting via teleconference. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved closing this case.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Upshur County Fire Board, Inc. incentive for the four Tax Deputies who process Fire Fees collected in the Sheriff's Office. Each Tax Deputy will be compensated with an annual \$520.00 supplement to be divided over 26 pay periods. The total cost to the Fire Board for one year is \$2,467.92. This supplement will begin with the first pay period in October and will be contingent upon an annual review in September of each year. (copy included)

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

1. Upshur County Sheriff's Financial Statement for period ending September, 2020.
2. Public Notices:
  - a) Newsletters and/or Event Notification:
    - Santa's Workshop – Saturday, December 5<sup>th</sup> beginning at 10:00 a.m. at the James W. Curry Public Library
    - Christmas at Curry – Friday, December 11<sup>th</sup> and Saturday, December 12<sup>th</sup>

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b) Agendas and/or Notice of Meetings:

- James W. Curry Library/Park Advisory Board October 28, 2020
- Elkins Road PSD November 4, 2020
- City Council of Buckhannon November 5, 2020

c) Meeting Minutes:

- James W. Curry Library/Park Advisory Board September 23, 2020
- Upshur County Fire Board September 15, 2020
- Upshur County Public Library Board of Trustees September 16, 2020

d) Meetings:

- 10/28/20-10:00 a.m.-James W. Curry Advisory Board
- 11/03/20-4:00 p.m.-Hodgesville PSD
- 11/04/20-5:00 p.m.-Elkins Road PSD
- 11/05/20-3:00 p.m.-Adrian PSD
- 11/05/20-6:00 p.m.-Buckhannon-Upshur Board of Health
- 11/05/20-7:00 p.m.-Banks District VFD
- 11/05/20-7:00 p.m.-City Council of Buckhannon
- 11/05/20-7:00 p.m.-Selbyville VFD
- 11/09/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 11/09/20-4:30 p.m.-Upshur County Solid Waste Authority
- 11/09/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 11/10/20-7:30 p.m.-Adrian VFD
- 11/11/20-12:00 p.m.-Upshur County Senior Center Board
- 11/11/20-1:15 p.m.-Upshur County Farmland Protection Board – Special Meeting
- 11/11/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 11/11/20-3:00 p.m.-Tennerton PSD
- 11/11/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 11/11/20-7:00 p.m.-Ellamore VFD
- 11/11/20-7:00 p.m.-Warren District VFD
- 11/12/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 11/12/20-7:30 p.m.-Buckhannon VFD
- 11/15/20-6:00 p.m.-Washington District VFD
- 11/16/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 11/17/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 11/18/20-7:00 a.m.-Upshur County Development Authority – Exec. Board
- 11/18/20-12:00 p.m.-Lewis Upshur LEPC
- 11/18/20-4:00 p.m.-Upshur County Public Library Board
- 11/19/20-6:30 p.m.-Upshur County Youth Camp Board
- 11/20/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 11/24/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 11/30/20-7:00 p.m.-Upshur County Fire Fighters Association
- 12/07/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.
- 12/14/20-12:00 p.m.-Upshur County Family Resource Network

3. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative
- Upshur County Building Commission (Joe Malcolm-11/20/2020)

*\*\*\*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)

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The Commission approved the following Settlements. (as listed)

- Dottie Sue Dukelow – Final Settlement Waiver
- Emmett Travis Heinrich – Final Settlement Waiver
- Gene Lee Johnson – Final Settlement Waiver
- Jerry Richard Lewis – Final Settlement Waiver
- Shirley A. Martin – First Annual Settlement
- Betty Marie Rusmisell – Third Annual Settlement
- John Earl Rusmisell – Third Annual Settlement
- Charlotte Lucille Vest – Second Annual Settlement

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

- Robert Melvin Post – Certification of Completion
- Audrey Blonde Raikes – Certification of Completion

The Commission approved the following Corrections, Exonerations and/or Refunds: (none)

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

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

The County Commission will begin Canvassing for the November 3<sup>rd</sup> General Election on Monday, November 9, 2020 starting at 9:00 a.m. in the County Clerk Area.

After motion by Kristie Tenney, seconded by Sam Nolte, the meeting recessed at 9:38 a.m.

At 9:45 a.m., the Commission reviewed photos of property pertaining to the Chewning Case Number 101019-02 (Warren Tax District – Tax Map 7C – Parcel Number 42.10) – The Order Setting Forth Findings of Fact and Conclusions of Law entered on August 20, 2020 provided the property owner with sixty (60) calendar days to remove and dispose of all debris, trash and other materials associated with the previously demolished trailer in addition to any environmental hazards. The hearing on October 22, 2020 was cancelled due to COVID-19. Mr. Chewning appeared before the Commission and presented photos taken this morning. Tabatha Perry stated she had contacted REAP; however, the only assistance they could provide would be through payment of fees at the transfer station. Since all materials are metal, there is no charge. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved closing this case. (copy include)

Carrie Wallace reviewed a request from Carol Smith for a budget revision. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the budget revisions as discussed with a “Request for Revision to Approved Budget” to be sent to the Office of the State Auditor for approval (copy included)

After motion by Sam Nolte, seconded by Terry Cutright, the meeting recessed at 9:55 a.m.

At 10:30 a.m. Commissioner Terry Cutright provided a third reading of the Ordinance Granting a Renewal Franchise to Cequel III Communications II, LLC, a Delaware Limited Liability Company doing business as Suddenlink Communications, to Operate and Maintain a Cable System in the County of Upshur, West Virginia; and Setting Forth Conditions Accompanying the Grant of Franchise; Superseding All Previous Franchise Ordinances for the County Commission of Upshur County. Wayne Davis, resident, and a representative from the WV Development Office Department of Commerce attended the meeting and Erin Jones, Director of Government and Public Affairs for Altice, USA, joined via teleconference. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Franchise Renewal for five (5) years.

After motion by Sam Nolte, seconded by Kristie Tenney, the meeting recessed at 10:40 a.m.

The Commission reconvened at 1:00 p.m. for the Court Security Advisory Board Meeting and 2:00 p.m. for the Policy Board Meeting.

The Commission received project updates and reviewed administrative business items.

With no further business, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission meeting adjourned at 5:00 p.m.