

UPSHUR COUNTY COMMISSION MEETING

December 17, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, December 17, 2020 at 9:00 a.m. Sam Nolte called the meeting to order. Present were: Kristie G. Tenney, Commissioner; Samuel R. Nolte, Commissioner; Carol J. Smith, County Clerk; Carrie L. Wallace, County Administrator; Tabatha R. Perry, Assistant County Administrator 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.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Federal Aviation Administration Outlay Request Number 3 (Final) in the amount of two thousand five hundred ninety-two dollars (\$2,592) for the Airport Improvement Program Project No. 3-54-0039-034-2020 at the Upshur County Regional Airport in Buckhannon, WV. (copy included)

Correspondence from Governor Jim Justice announcing the Statewide Implementation, Enhancement, and Evaluation Projects (SIEEP) Grant Award in the amount of \$120,000 to be used to establish telehealth receiving sites in Upshur and Lewis Counties. After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Contract Agreement, Standard and Federal Conditions and Assurances, Certifications and Resolution for this grant award. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the Board of Review & Equalization 2021 schedule. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the Board of Review & Equalization (BORE) Publication Notice; the County Commission will sit as the Board of Review and Equalization beginning at 1:00 p.m. on the 28th day of January, 2021, and shall continue until the work is complete but will adjourn no later than the close of business on the 16th day of February, 2021. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Upshur County Assessor and Property Tax Division of the State Tax Department, giving authorization to correct valuations for real property, personal property, and/or mineral accounts. Any adjustments made after January 28, 2021, must be forwarded to the Commission sitting as the Board of Review & Equalization. (copy included)

At 9:05 a.m., Tabatha Perry opened the sole bid for the X-Ray Inspection System that was received prior to the December 17, 2020 deadline. The bid was from Astrophysics of Arlington, VA. Ms. Wallace requested the Commission to table this item until the bid could be examined to ensure that all requirements were being met. After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the bid award was tabled.

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Sam Nolte thanked Mark Davis and Mike Kelley for 30+ years of service to the citizens of Upshur County.

Sam Nolte reviewed the following "For Your Information" items: (copy included).

1. Proclamation made by Governor Jim Justice on December 11, 2020 permitting public employees of this State to generally cease business the entire workday of Thursday, December 24, 2020 and Thursday, December 31, 2020, in acknowledgement of the holiday season. This proclamation further reads that public employees of this State may be excused from their work duties the entirety both days without charge against accrued annual leave. In accordance with subsection (c), section one, article two, chapter two of the WV Code, County Commissions may treat the days as if they were legal holidays, and the Courts may do the same. The Courthouse and Annex will be closed per the 2020 Calendar Year Legal Holiday Schedule revised on April 16, 2020.
2. Correspondence from Hawthorne Coal Company LLC enclosing the legal advertisement for Hawthorne Coal Company LLC, Permit No. D-184 increment No. 1, in compliance with the surface mining laws of WV. The site is located in Meade District, 3.0 miles east of Adrian and discharges into an Unnamed Tributary of Sawmill Run of the Buckhannon River of the Tygart Valley River of the Monongahela River.
3. Correspondence from Hawthorne Coal Company LLC enclosing the legal advertisement for Hawthorne Coal Company LLC, Permit No. O-39-83 increment No. 1, in compliance

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4. Public Notices:

a) Newsletters and/or Event Notification: (none)

b) Agendas and/or Notice of Meetings:

- Upshur County Convention & Visitors Bureau December 9, 2020
- Buckhannon-Upshur Airport Authority December 14, 2020
- Buckhannon-Upshur Parks & Recreation Advisory Board December 14, 2020
- Upshur County Fire Board, Inc. December 15, 2020

c) Meeting Minutes:

- Upshur County Convention & Visitors Bureau October 14, 2020
- Tennerton PSD October 14, 2020
- Elkins Road PSD November 4, 2020
- Hodgesville PSD November 10, 2020

d) Meetings:

- 12/10/20-7:30 p.m.-Buckhannon VFD
- 12/14/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 12/15/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 12/16/20-12:00 p.m.-Lewis Upshur LEPC - CANCELLED
- 12/16/20-4:00 p.m.-Upshur County Public Library Board
- 12/17/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 12/17/20-6:30 p.m.-Upshur County Youth Camp Board
- 12/18/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 12/21/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 12/22/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 12/28/20-10:00 a.m.-Mountain CAP of WV, Inc., a CDC
- 12/28//20-7:00 p.m.-Upshur County Fire Fighters Association
- 01/05/21-4:00 p.m.-Hodgesville PSD
- 01/05/21-5:00 p.m.-Elkins Road PSD
- 01/07/21-3:00 p.m.-Adrian PSD
- 01/07/21-6:00 p.m.-Buckhannon-Upshur Board of Health
- 01/07/21-7:00 p.m.-Banks District VFD
- 01/07/21-7:00 p.m.-City Council of Buckhannon
- 01/07/21-7:00 p.m.-Selbyville VFD
- 01/10/21-6:00 p.m.-Washington District VFD
- 01/11/21-12:00 p.m.-Upshur County Family Resource Network
- 01/11/21-4:30 p.m.-Upshur County Solid Waste Authority
- 01/11-/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 01/11/21-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.
- 01/12/21-7:00 p.m.-Warren District VFD
- 01/12/21-7:30 p.m.-Adrian VFD
- 01/13/21-12:00 p.m.-Upshur County Senior Center Board
- 01/13/21-1:15 p.m.-Upshur County Farmland Protection Board
- 01/13/21-3:00 p.m.-Tennerton PSD
- 01/13/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 01/13/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 01/13/21-7:00 p.m.-Ellamore VFD
- 01/20/21-7:00 a.m.-Upshur County Development Authority – Full Board

5. 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.****

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Tabled items:

1. Correspondence from Adam M. Gissy requesting to be redesignated to part-time Deputy Sheriff capacity, effective January 4, 2021 (January 7, 2021). Sam Nolte explained that no action would be taken on this matter until Sheriff-Elect Virgil Miller is in office.

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)

- Patrick Eugene Hardman – Final Settlement Waiver
- Laurel Clarice Phillips – Final Settlement Waiver
- Betty June Santee – Final Settlement Waiver
- Melva L. Shipman – Final Settlement
- Ronald J. Simons – 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: (none)

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., Heather Sparks, Chief Tax Deputy, presented Final Disposition List for Tax Year 2019. Ms. Sparks explained that because of COVID-19, the annual property tax sale scheduled for November 17, 2020 was cancelled for this year. The tax sale in 2021 must be completed prior to November 23, 2021 and will include delinquent property from 2019 and 2020. After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Affidavit of Acceptance for the Upshur County Commission. (copy included)

At 9:25 a.m., Mike Coffman reviewed the bid package for the X-ray Inspection System. He reported that the bid was in the amount of \$20,970, the system would be fully covered by the grant and would have a 6-week delivery time. After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the purchase of the X-ray Inspection System from Astrophysics of Arlington, VA.

The Commission received project updates and reviewed administrative business items.

After motion by Kristie Tenney, seconded by Terry Cutright, the meeting recessed at 10:45 a.m.

The Commission reconvened 1:00 p.m. for a Special Policy Board Meeting.

After motion by Kristie Tenney, seconded by Terry Cutright, the meeting recessed at 1:45 p.m.

At 2:30 p.m., the Commission reconvened for a hearing to consider the request from Travis Riggs to remove Linda K. Wygal as Administratrix with the Will Annexed of the Estate of Mark Riggs, deceased. Daya Masada Wright, Fiduciary Commissioner, Linda K. Wygal, Administratrix, and Travis Riggs were present. Phil Isner, Attorney for Travis Riggs, spoke via teleconference to explain he was in quarantine because of COVID-19. Due to his inability to meet with his client, he requested a continuance of this case until a future date. After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved granting a continuance until January 28, 2021 at 3:00 p.m.

With no further business, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission meeting adjourned at 3:15 p.m.