

UPSHUR COUNTY COMMISSION MEETING

July 9, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, July 9, 2020 at 9:00 a.m. Terry B. Cutright called the meeting to order. Present were: Terry B. Cutright, Commissioner; Kristie G. Tenney, Commissioner; Samuel R. Nolte, 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 June 18, 2020 and June 25, 2020, as submitted.

Terry Cutright requested the Commission to consider asking Upshur County residents to respect and be thoughtful of their neighbors when using fireworks. The Commission did not vote on any limitations but requested neighbors to use common courtesy when deciding on time to use fireworks.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Approval of Depository Bonds of First Community Bank, with all terms in full contained within the letter of credit in lieu of bonds from First Community Bank for the period of July 1, 2020 through June 30, 2021 in the amount of nine million dollars and accepting the bond as presented in correspondence from Michelle Vass, Controller, per the County Financial Institutions as Depositories as Required by WV Code §7-6-1. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Upshur County Flood Control Dam and Channel Operation, Maintenance Funding Agreement in the amount of \$4,000. Annual contributions will be used to address the operation and maintenance of the Peck's Run Watershed. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Upshur County Basic Ordering Agreement for Courthouse Network Support, Administration & Consulting with Global Science and Technology, effective July 1, 2020. These services will be billed on a monthly basis in the sum of \$1,790. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the expenditure of \$175 payable to Skateland for rink rental on August 4th for the grand finale event for the "Imagine Your Story" summer reading program as requested by Judith L. Williams, Director of James W. Curry Public Library. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Weyerhaeuser Giving Fund Grant Application in the amount of \$317,107.55 on behalf of the Upshur County Youth Camp. Carrie Wallace explained that \$5,000 was received last year.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the appointment of Wanda Bailey, Kelly Davis, Skid Gjolberg, Rick Simon and Connie Tenney to the Upshur County Development Authority Board as requested by Skip Gjolberg, President of the UCDA. Terms will begin on July 1, 2020 and expire on June 30, 2023. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the appointment of Delmas Woody and Josh Hinchman as the Upshur County representatives on the Mountaineer Trail Network Authority, effective July 1, 2020. Mr. Woody will serve a four-year term as the landowner representative and Mr. Hinchman will serve a two-year term as the recreation industry representative. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the reappointment of Virgil LaRosa to the Buckhannon-Upshur Airport Authority. Mr. LaRosa's term is effective July 1, 2020 through June 30, 2023.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the reappointment of Joyce Harris-Thacker to the Upshur County Solid Waste Authority. Ms. Harris-Thacker's term is effective July 1, 2020 through June 30, 2024. Ms. Harris-Thacker has served on this board for 30 years. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Upshur County E-911 Assistant Director Job Description (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Advertisement for a full-time WVU Upshur County Extension Service 4-H Assistant. Applications must be received before the close of business on Friday, July 24, 2020. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the request from the Upshur County Sheriff, David H. Coffman, for the seasonal employment of Arlene Harper as Tax Deputy. Ms. Harper's employment will begin July 13, 2020 through August 23, 2020 at a pay wage rate of \$10.00 per hour. (copy included)

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The Commission reviewed correspondence from Steven B. Nanners, on behalf of the Civil Service Board, certifying three candidates for the vacant Deputy Sheriff position. This was for information only and approval by the Commission was not required.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the request from the Upshur County Sheriff, David H. Coffman, for the employment of Adam Gissy as Prevention Resource Officer Supervisor, effective August 1, 2020. Mr. Gissy will be paid under the guidelines set forth in the Memorandum of Understanding with the Board of Education. (copy included)

The Commission recessed at 9:19 a.m. and reconvened at 9:31 a.m.

Bertha Humphrey was on teleconference to discuss Humphrey Case Number 121318-01 (Washington Tax District – Map 6L – Parcel Number 11.3) – the Order Setting Forth Findings of Facts and Conclusions of Law entered on January 9, 2020 providing the property owner with ninety (90) calendar days to have all debris and trash removed from the property. The hearing scheduled for April 9, 2020 was cancelled due to COVID-19. Carrie Wallace stated that Greg Harris inspected the property on June 30, 2020 and took photographs which were presented to the Commissioners to review along with photographs taken previously. Ms. Wallace also read a timeline of the events prepared by Tabatha Perry. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a sixty (60) calendar day extension to the property owner. Tabatha Perry will send a letter to the property owner regarding the extension.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Carrie L. Wallace, County Administrator, for the part-time temporary employment of Emily Adams, housekeeper, to cover upcoming vacations in July and additional shifts as needed. Ms. Adams will work approximately 20 hours per week at the pay wage rate of \$10.00 per hour. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Lewis-Upshur Animal Control Facility Volunteer Abigail Casto. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Lewis-Upshur Animal Control Facility Canine Foster Care Application and Foster Agreement. Carrie Wallace explained that the foster care program has been going on for some time but did not have a formal application and agreement. (see attached)

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

1. Correspondence from John B. McCuskey, WV State Auditor, announcing this year’s In-Service Training Seminar to be held August 2nd through 4th at Canaan Valley Resort and Conference Center in Davis, WV. According to WV Code §7-7-2, each official and, at his or her option, one or more of his or her employees shall participate in the program established by the State Auditor.
2. Correspondence from Carrie L. Wallace, County Administrator, to Chief Circuit Judge Kurt Hall requesting permission to process payment from the Worthless Check Fund for Magistrate Court Bailiff Services for fiscal year ending June 30, 2020. This invoice is in the amount of \$8,610.
3. Executed CARES Act Airport Grants Agreement between the Buckhannon-Upshur Airport Authority, Upshur County Commission and the United States of America (acting through the Federal Aviation Administration), to provide eligible Sponsors with funding to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. The maximum obligation payable is \$20,000 and funds may be used to reimburse airport operational and maintenance expenses incurred no earlier than January 20, 2020. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the \$20,000 payment to the Buckhannon-Upshur Airport Authority.
4. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)
 - b) Agendas and/or Notice of Meetings:
 - City Council of Buckhannon July 2, 2020
 - Lewis-Upshur Community Corrections Program Board July 6, 2020
 - Elkins Road PSD July 7, 2020
 - Upshur County Convention & Visitors Bureau July 8, 2020
 - Upshur County Senior Center July 8, 2020
 - Buckhannon-Upshur Airport Authority July 9, 2020
 - Upshur County Safe Structures & Sites Enforcement Board July 9, 2020

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c) Meeting Minutes:

- James W. Curry Library/Park Advisory Board October 23, 2019
- Upshur County Fire Board May 19, 2020

d) Meetings:

- 07/02/20-3:00 p.m.-Adrian PSD
- 07/02/20-7:00 p.m.-Banks District VFD
- 07/02/20-7:00 p.m.-City Council of Buckhannon
- 07/02/20-7:00 p.m.-Selbyville VFD
- 07/06/20-6:00 p.m.-Lewis-Upshur Community Corrections Board
- 07/07/20-4:00 p.m.-Hodgesville PSD
- 07/08/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 07/08/20-3:00 p.m.-Tennerton PSD
- 07/08/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 07/08/20-7:00 p.m.-Ellamore VFD
- 07/08/20-7:00 p.m.-Warren District VFD
- 07/09/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 07/09/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 07/09/20-7:30 p.m.-Buckhannon VFD
- 07/12/20-11:00 a.m.-Region VI Local Elected Officials - Marion County
- 07/13/20-12:00 p.m.-Upshur County Family Resource Network
- 07/13/20-4:30 p.m.-Upshur County Solid Waste Authority
- 07/13/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 07/14/20-5:30 p.m.-Elkins Road PSD
- 07/14/20-7:30 p.m.-Adrian VFD
- 07/15/20-7:00 a.m.-Upshur County Development Authority – Full Board
- 07/15/20-12:00 p.m.-Upshur County Senior Center Board
- 07/15/20-12:00 p.m.-Lewis Upshur LEPC
- 07/15/20-4:00 p.m.-Upshur County Public Library Board
- 07/16/20-2:00 p.m.-Upshur County Farmland Protection Board
- 07/16/20-6:00 p.m.-Buckhannon-Upshur Board of Health
- 07/16/20-6:30 p.m.-Upshur County Youth Camp Board
- 07/19/20-6:00 p.m.-Washington District VFD
- 07/20/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 07/21/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 07/21/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 07/22/20-10:00 a.m.-James W. Curry Advisory Board
- 07/27/20-7:00 p.m.-Upshur County Fire Fighters Association
- 07/28/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/07/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.

****NOTICE:** All in person county board meetings may resume effective May 18th; however, teleconference meetings are encouraged and social distancing must be followed.**

5. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative
- Hodgesville PSD (Roger Ward-6/30/2020)
- Elkins Road PSD (Larry Heater-6/30/2020)
- Upshur County Solid Waste Authority (Joyce Harris-Thacker-6/30/2020)-Commission
- Upshur County Solid Waste Authority (Mary L. Gower-6/30/2020)-Conservation District
- Buckhannon- Upshur Airport Authority (Virgil LaRosa-6/30/2020)-Commission
- Buckhannon-Upshur Parks & Recreation Advisory Board (Brett Robinson-6/30/2020)-BOE
- Upshur County Public Library (vacant position – 6/30/2021)-Commission

*****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**

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*vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment.****

Tabled items:

1. Chapman Case Number 101118-01 (Warren District – Tax Map 6B Parcel Number 11).
After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved removing this tabled item from the agenda until a later date.

Mrs. Angela McCoy was on teleconference to discuss Riffle Case Number 61319-02 (Banks Tax District – Map 3P – Parcel Number 20.1) – the Order Setting Forth Findings of Facts and Conclusions of Law entered on January 31, 2020 providing the property owner with sixty (60) calendar days to have all debris and trash removed from the property. The hearing scheduled for April 2, 2020 was cancelled due to COVID-19. Mrs. McCoy stated that her husband had built two buildings to store items in and the right-of-way has been cleared for access to Mr. Almond. Carrie Wallace stated that Greg Harris inspected the property on June 30, 2020 and took photographs which were presented to the Commissioners to review along with photographs taken previously. Ms. Wallace also read a timeline of the events prepared by Tabatha Perry. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a thirty (30) calendar day extension to the property owner. Tabatha Perry will send a letter to the property owner regarding the extension

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)

- Linda Gale Ball – Final Settlement Waiver
- Rose Cutright – Final Settlement Waiver
- Barbara Fay McAtee – Final Settlement Waiver

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

- John Paul Harper – Certification of Completion

The Commission approved the following Exonerations and/or Refunds. (as listed)

- Stevenson Fletcher M. Sr. or Coral S. - #302271 - \$17.86 – Exoneration Order
- Long Burl, Long Carol - #8408 - \$17.86 – Exoneration Order
- Happy Grass Lawn Care Curtis Howes - #300776 - \$200.42 - Exoneration Order
- Hull Mary S - #28772 - \$472.82 - Exoneration Order
- Lee Carmen R Lee James Fletcher Jr - #21006 - \$343.15 - Exoneration Order
- Lee Carmen R Lee James Fletcher Jr - #21007 - -\$843.12 - Correction Order
- EMAX Oil Co WI (Crumine) - #307081 - \$0.00 - Correction Order
- EMAX Oil Co WI (Brinkley) - #307080 - \$0.00 - Correction Order
- EMAX Oil Co WI (Bennett-Miller) - #307082 - \$0.00 - Correction Order
- EMAX Oil Co WI (Kesling) - #308226 - \$0.00 - Correction Order
- EMAX Oil Co WI (Tom Stockert-API #2895) - #302656 - \$0.00 - Correction Order
- EMAX Oil Co WI (Thelma Coffindaffer) - #305403 - \$0.00 - Correction Order
- Helmick Charles Vergil - #7721 - \$5.08 – Exoneration Order
- Howes Eva Kathryn - #7927 - \$401.36 - Exoneration Order
- Kesling Jimmie Sr & Sandra L - #20835 - \$277.91 - Exoneration Order
- Perkins Bern or June - #306501 - \$68.82 - Exoneration Order
- Louk Donald L & Sharon K - #29189 - \$0.00 – Correction Order
- MW Logging Lester Wimer - #300935 - \$140.83 - Exoneration Order
- Brown Taylor Kay Wamsley Corley M - #24069 - \$943.64 - Exoneration Order
- A Plus Rental Sales & Service - #302484 - \$0.00 – Correction Order
- Upshur County Commission (PP Bldg) - #302344 - \$129.40 - Exoneration Order
- Upshur County Commission (PP Bldg) Airport 02-4F-74-2-1 - #302343 - \$754.42 - Exoneration Order
- God’s House of Deliverance - #301448 - \$1946.36 - Exoneration Order
- Hawkins Lida K or Clara J - #308715 - \$519.84 - Exoneration Order
- Murrell Isaac W - #21688 - \$4.22 – Correction Order
- Ringer Joshua L - #22297 - -\$4.20 – Correction Order
- Rachel Cuevas - #27943 - \$86.86 - Exoneration Order
- Charles Davidson - #28070 - \$43.26 - Exoneration Order
- Gail Davis - #28081 - \$86.86 - Exoneration Order

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- Virginia Hardman - #28525 - \$43.26 - Exoneration Order
- Statta Krial - #28978 - \$86.86 - Exoneration Order
- Rella Martin - #29239 - \$86.86 - Exoneration Order
- Sara Lea Miller - #29512 - \$86.86 - Exoneration Order
- Arnold Suder - #30735 - \$86.86 - Exoneration Order
- Delmar Simmons - #30441 - -\$303.49 - Correction Order
- Kevin Walton - #31195 - #86.86 - Exoneration Order
- Arden Carpenter - #27276 - \$2.72 - Exoneration Order
- Arden Carpenter - #27520 - \$2.72 - Exoneration Order

The Commission approved the following Correction/Exoneration/Refund Orders: (copy included)

- Steve Wesley Riffle – Apportionment/Split of Assessment and Taxes

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

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

Carol Smith reviewed a request 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)

With no further business, on motion by Sam Nolte , seconded by Kristie Tenney, the Commission meeting adjourned at 12:30 p.m.