The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, July 26, 2012 at 9:00 a.m. Donnie R. Tenney called the meeting to order. There were present Donnie R. Tenney, Commissioner; Creed G. Pletcher, Commissioner; JC Raffety, Commissioner, William A. Parker, Administrator and Jacqueline Dinklocker, 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.

After reading of the minutes, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission approved the regular meeting minutes of July 19, 2012 as submitted.

After reading of the minutes, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the special meeting minutes of July 18, 2012 Contested Election Hearing as submitted.

The approval of the Canvass minutes of the Primary Election was deferred to later in the meeting.

William A. Parker provided an update/status report on the establishment of Upshur County Appraisal-Assessment Advisory Board. Mr. Parker advised the Commission that a meeting is scheduled for today at 4:30 p.m. with Helen R. Phillips, Upshur County Assessor, representatives of the Upshur County Assessor’s Office and representatives from the West Virginia State Tax Department.

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved and authorized the President to sign the grant agreements and related documents with the Division of Justice and Community Services for Juvenile Accountability Block Grant (JABG) awards for Project Number 11-ABG-001 in the amount of $12,711.00 and for Project Number 09-ABG-023 in the amount of $2,289.00 (copies on file in the Office of the Upshur County Commission).

William A. Parker provided a review of correspondence from Seneca Settlement, concerning a class action settlement of Civil Action No. 1:09-cv-00139; Cather v. Seneca-Upshur Petroleum, et al. The settlement is relating to royalty payments for oil and gas leases located on the property of the James W. Curry Library and Park. After discussion, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission approved and authorized the President to sign the claim form with selection of Settlement Option B (50% of maximum Settlement Payment) to receive payment of $1,000.60. By electing Option B, the Commission retains the right to challenge “…method of calculating royalties…” (copy included)

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved Kelly Michelle Page as volunteer for the Office of the Upshur County Sheriff/Tax Department.

After discussion, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission approved the following volunteers for the Office of Emergency Services/CERT: Jamie E. Howes, Veronica M. Linger, Robin L. Pierson, Patricia R. Bailey, Heather N. Loutfi, Karen A. Cragle and Dorothy Valdez. William A. Parker advised the Commission that four other volunteer applications had been received from the OEM Director. One was from an individual that had picked up paperwork to petition or file for the Office of the Sheriff. Mr. Parker advised to hold on that
application until after the deadline has passed for filing and consider at a later date. The other three were from current employees of Upshur County. Mr. Parker advised to hold approval due to Fair Labor Standards Act (FLSA) regulations regarding public employees volunteering for their employer.

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the reinstatement of April D. Smith as full time E911 Dispatcher at her current hourly rate effective July 29, 2012 as recommended by Steve Linger, E911 Communications Center Director.

Agenda item “employment of Brian Wayne LaFontaine as temporary seasonal maintenance personnel” was delayed for review with Greg Harris, Director of Facility Operations.

On motion by JC Raffety, seconded by Creed G. Pletcher, the Commission entered into executive session at 9:30 a.m. per WV Code §6-9A-4, to review applications and resumes for the position of Assistant County Administrator. Present were Donnie R. Tenney, Creed G. Pletcher, JC Raffety and William A. Parker. The Commission returned to open session at 10:00 a.m. No decisions were made in executive session.

Timothy Stranko, Kay, Casto and Chaney, PLLC, legal counsel to the Upshur County Commission in the matter of the Contested Election Petition and Response—David D. Taylor, Petitioner v. Michael R. Kelley, Respondent—Misc. 10-416, appeared before the Commission and provided a review of the “Final Order” (copy included). After review and discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved and authorized the President to sign the “Final Order” as submitted.

The Commission recessed at 10:20 a.m.
The Commission reconvened at 10:35 a.m.

Terri Jo Bennett, Addressing and Mapping Coordinator, appeared before Commission to discuss the road name request for the Pioneer Camp Ground in French Creek. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the road names of Pioneer Rd and Douglas Dr for two separate private driveways located within the Pioneer Camp Ground property that is required to be named per the 911 Addressing and Mapping Ordinance and as recommended by Ms. Bennett. (copies included)

On motion by Creed G. Pletcher seconded by JC Raffety, the Commission reconvened into executive session per WV Code §6-9A-4 at 11:00 a.m. to continue review of applications and resumes for the position of Assistant County Administrator. Present were Donnie R. Tenney, Creed G. Pletcher, JC Raffety and William A. Parker. The Commission returned to open session at 11:45 a.m. No decisions were made in executive session.

The Commission recessed at 11:45 a.m.
The Commission reconvened at 1:30 p.m.
The Commission met with Jacob Reger, Upshur County Prosecuting Attorney to discuss personnel matters.

Greg Harris, Director of Facility Operations, appeared before the Commission and reviewed his request to employ Brian Wayne LaFontaine as temporary seasonal
maintenance employee. After discussion, due to lack of a motion, no action was taken.

James Bryson VanNostrand, VanNostrand Architects, appeared before the Commission to review and discuss construction planning for various projects. Mr. VanNostrand discussed the Courthouse HVAC system and related cost of operations. Mr. VanNostrand discussed issues at the new E911/OEM building and issues concerning the backup generator. Mr. VanNostrand and Greg Harris have tested the equipment with favorable results and will continue to monitor the generator. Mr. VanNostrand requested written documentation from the general contractor on corrective actions.

Mr. VanNostrand discussed the problem of the settling of the new E911/OEM building on the OEM side of the building and stated that the problem was a result of inadequate compaction. He recommended that immediate steps should be taken to remedy the situation. The cost will be approximately $25,000 to drill to bedrock and install hydraulic lift jacks. Mr. VanNostrand will pay for the work with a division of cost to be reviewed at a later date. After discussion, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission approved the recommendation. Mr. VanNostrand will follow up to start on the project next week.

The Commission reviewed the following “For Your Information” items:

1. Agendas and/or Notice of Meetings:
   • Upshur County Public Library Board-July 17, 2012
   • Upshur County Youth Camp Board-July 19, 2012
2. Meeting Minutes and/or Financial Reports
   • Upshur County Public Library Board – June 19, 2012
3. Meetings:
   • 07/30/12-7:00 p.m.-Region VII Planning & Development Council
   • 08/01/2012-12:00 p.m.-Upshur County Senior Center Board
   • 08/01/12-12:00 p.m.-Upshur County Development Authority-Annual Meeting
   • 08/02/12-7:00 p.m.-Banks District Volunteer Fire Department
   • 08/02/12-7:00 p.m.-Selbyville Volunteer Fire Department
   • 08/08/12-6:00 p.m.-Elkins Road Public Service District
   • 08/07/12-6:00 p.m.-Hodgesville Public Service District
   • 08/08/12-1:30 p.m.-Upshur County Conventions & Visitors Bureau
   • 08/08/12-7:30 p.m.-Warren District Volunteer Fire Department
   • 08/09/12-1:00 p.m.-Adrian Public Service District
   • 08/09/12-3:00 p.m.-Tennerton Public Service District
   • 08/09/12-6:30 p.m.-Upshur County Safe Sites & Structures Ordinance Board
   • 08/09/12-7:30 p.m.-Buckhannon Volunteer Fire Department
   • 08/10/12-7:00 a.m.-Buckhannon Upshur Airport Authority
   • 08/13/12-12:00 p.m.-Upshur County Family Resource Network
   • 08/13/12-4:30 p.m.-Upshur County Solid Waste Authority
UPSHUR COUNTY COMMISSION MEETING
July 26, 2012

• 08/13/12-6:00 p.m.-Lewis-Upshur-Braxton Community Corrections Board
• 08/13/12-6:00 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
• 08/14/12-4:00 p.m.-Upshur County Public Library Board
• 08/14/12-7:00 p.m.-Ellamore Volunteer Fire Department
• 08/14/12-7:00 p.m.-Adrian Volunteer Fire Department
• 08/15/12-7:00 p.m.-Lewis Upshur LEPC
• 08/16/12-6:30 p.m.-Upshur County Youth Camp Board
• 08/16/12-6:30 p.m.-Upshur County Fire Board
• 08/19/12-7:30 p.m.-Washington District Volunteer Fire Department
• 08/20/12-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
• 08/20/12-7:00 p.m.-Upshur County Fair Association
• 08/21/12-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
• 08/21/12-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
• 08/22/12-10:00 a.m.-James W. Curry Advisory Board
• 08/23/12-4:00 p.m.-Upshur County Farmland Preservation Board
• TBA-7:00 a.m.-Upshur County Development Authority-Executive Board
• TBA-Buckhannon River Watershed Association

4. Appointments Needed or Upcoming:
• Buckhannon-Upshur Airport Authority - (Richard Clemens-06/30/12-City
• Buckhannon-Upshur Health Department- (Dalton Cutright- 06/30/12-City
• Buckhannon-Upshur Parks & Recreation Board- (Richard Edwards-06-30-12- City
• Buckhannon-Upshur Parks & Recreation Board- (Doug Bush - 06-30-12)-Bd. of Education
• Buckhannon-Upshur Parks & Recreation Board- (Joe Fealy-06-30-12)-County
• Buckhannon-Upshur Parks & Recreation Board- (Laura Reed-06-30-12) - County
• Buckhannon-Upshur Parks & Recreation Board- (Kelly Davis- 06-30-13) -County
• James W. Curry Advisory Board- (William A. Parker- 12-30-12)-County
• James W. Curry Advisory Board- (Mark Riggs-12-30-12- County
• James W. Curry Advisory Board- (Vacant-12-30-12)- County
• Elkins Road Public Service District- (Carey Wagner- 09-30-12)- County
Elkins Road Public Service District - (Vacant --- 09/30/14) - County
Hodgesville Public Service District - (Robert Wright - 06-30-12) - County
Region VII Planning & Development Council - (William A. Parker - 12/31/12) - County
Region VII Planning & Development Council - (Connie Tenney - 12/31/12) - County
Region VII Planning & Development Council - (Sam Nolte - 12/31/12) - County
Region VII Planning & Development Council - (Dr. Pamela Balch - 12/31/12) - County
Region VII Planning & Development Council - (A.G. Trusler - 12/31/12) - County
Upshur County Building Commission - (Richard Ralston II - 11-10-12) - County
Upshur County Civil Service Board - (Terry D. Reed - 12-31-12) - County
Upshur County CVB - (Dale Darnell - 5/2012) - City - Tourism Representative
Upshur County CVB - (Dale Hawkins - 5/2012) - BU Chamber - Tourism Representative
Upshur County CVB - (Carol Long - 5/2012) - WV Strawberry Festival Representative
Upshur County CVB - (Dr. Joseph Reed - 5/2012) - Community Member Representative
Upshur County CVB - (John Waltz - 5/2012) - City of Buckhannon Representative
Upshur County Development Authority - (Sam Nolte - 06-30-12) - County
Upshur County Development Authority - (Dennis Klingensmith - 06-30-12) - County
Upshur County Development Authority - (Dave Thomas - 06-30-12) - County
Upshur County Development Authority - (Emiel Butcher - 06-30-12) - County
Upshur County Development Authority - (Terry D. Reed - 06-30-12) - County
UC Enhanced Emergency Telephone Advisory Board - (Rodney Rolenson 06-30-12) - Law Rep
UC Enhanced Emergency Telephone Advisory Board - (Steve Long - 06-30-12) - Fire Service
Upshur County Fire Board - (Joe Malcolm - 06-30-12 - 2nd Term) - Fire Association
Upshur County Fire Board - (Ed Beer - 06-30-12 - 1st Term) - County
The Commission approved all invoices for payment (copies included)
The Commission approved all Vacation Orders.
The Commission approved the following Settlements:
  • Evelyn N. Siron-Final Settlement
  • Letha Arreta Malcomb-Final Settlement
  • Kevin James Wood-Final Settlement
  • Adon Rocky Simmons-Final Settlement
  • Eula Mae Brown-Final Settlement
  • James Gilbert Easton-Final Settlement
  • David Dwight Jones-Final Settlement
  • Ronnie Allen Landis-First Annual Settlement
The Commission approved the following “Exonerations and/or Refunds”:
  (copy included)
  • George A. Smith-#3061-$14.69
  • Richard and Waneta Small-#3062-$186.47
  • Frances C. Riffle-#3063-Corrective Ticket
The Commission approved the following “Consolidation of Land Tracts”:
  (copy included)
  • Meade District-Map 4N Parcel 15.3 with Map 4N Parcel 15.5, Map 4N Parcel 15.6 and Map 4N Parcel 15.7 to make Map 4N Parcel 15.3-owners Carlton E. and Janet L. Howard
On motion by Creed G. Pletcher, seconded by JC Raffety, the Commission approved the Canvass Minutes of the May 8, 2012 Primary Election (copy included).
The meeting with Helen R. Phillips, Upshur County Assessor, representatives of the Upshur County Assessor’s Office and representatives of the West Virginia State Tax Department was postponed. Ms. Phillips will follow up with rescheduling the meeting.
With no further business, on motion by JC Raffety, seconded by Donnie R. Tenney, the Commission meeting adjourned at 4:15 p.m.