The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, September 29, 2016 at 9:05 a.m. Terry Cutright called the meeting to order. Present were; Terry Cutright, Commissioner; JC Raffety, Commissioner; Troy A. Brady, Commissioner; Carrie Wallace, County Administrator; Tabatha Perry, Assistant County 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 discussion, on motion by Troy A. Brady, seconded by JC Raffety, the Commission approved the regular meeting minutes of September 22, 2016 as submitted.

Sandy Bennett, WV Association of Retired School Employees President, appeared before the Commission and presented the Proclamation for WV and Upshur County Association of Retired School Employees Week, September 29 through October 1, 2016 (copy included). Ms. Bennett, read the proclamation which encourages recognition of retired school employees in the community and noted that Upshur County has the most volunteers of any county in WV. After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved and authorized the signing of the Proclamation.

After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the 14th Grant Cycle, WV Courthouse Facilities Improvement Authorities Application for Funding Assistance in the amount of $125,000 ($100,000 and 20% county match) and related documents. The grant funds will be used to make Phase I renovations to the Circuit Courtroom in an effort to bring the Courtroom into compliance with the requirements/standards of the Americans With Disabilities Act. Carrie Wallace advised that the grant application was drafted in partnership with Region VII Planning and Development Council.

At 9:30 a.m., on motion by JC Raffety, seconded by Troy A. Brady, the Commission entered executive session per WV Code §6-9A-4 to discuss current and future vacant employment positions. Present were, Terry Cutright, JC Raffety, Troy A. Brady, Carrie Wallace and Tabatha Perry. The Commission returned to open session at 9:38 a.m. No decisions were made in executive session.

After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission recommended and approved to not fill a Deputy Circuit Clerk vacancy in the Office of the Circuit Clerk at this time. Commissioners noted that due to the projected budget shortfall, any current and/or future employment vacancies will be considered on a case by case basis. The Deputy Circuit Clerk position will be discussed further after January, 2017. Carrie Wallace provided a review of email correspondence from Bill Appleby, FEMA Project Specialist regarding highway damages which occurred in disaster 4273. Mr. Appleby has recommended withdrawal of the Request for Public Assistance due to the non-eligibility status of the county’s application. The WV Department of Highways owns and maintains the highways. After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the Notice of Withdrawal (copy included).

After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the 2016 Application for Excess Loss Insurance with Gerber Life Insurance Company, effective July 1, 2016 through June 30, 2017 (copy included).

After discussion, on motion by Troy A. Brady, seconded by JC Raffety, the Commission approved the Press Release for Immediate Release September 29, 2016 concerning the “Brunch
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Bill”, WV Senate Bill 298 and two excess levies (copy included) which will be placed on the General Election Ballot this November. The Press Release “… is provided in an effort to inform the public and should not be misconstrued as support or opposition of the bill or special levies…”

After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved the appointment of Howard J. Cutright to the Hodgesville Public Service District Board as recommended by Terry N. Gould, Hodgesville Public Service District Manager. Mr. Cutright’s term will expire on August 5, 2022.

The Commission discussed the Buckhannon-Upshur Parks and Recreation Pool fees for the 2017 season, fiscal years 2017 and 2018. Commissioner Raffety provided a review of the current obligation for pool expenditures and the Buckhannon Upshur Parks and Recreation Excess Levy which will be on the General Election Ballot this November. Commissioner Raffety made a motion which was seconded by Terry Cutright (contingent on the passage of the Levy) for Upshur County residents to pay no admission fee for the use of the Upshur County pool for the 2017 season. Commissioner Troy A. Brady expressed disagreement and concerns that if there is no admission fee, additional expenses will be created due to increased pool usage: i.e.; the need for more lifeguards, additional repairs and unforeseen expenses. In addition, Mr. Brady suggested that the admission fee, if not needed for expenses, could be used for enhancements and upgrades such as a “splash pad”.

(Note: motion passed; JC Raffety and Terry Cutright-for; Troy A. Brady-against)

After discussion, on motion by Troy A. Brady, seconded by JC Raffety, the Commission approved and authorized the President to sign correspondence to Wendy Higgins and Rhonda Surette as owners/operators of the Neuromuscular Massage Therapy Center providing notice of termination of the lease agreement for office space at 91 West Main Street effective December 31, 2016 (copy included).

Terry Cutright reviewed the following “For Your Information” items (copies included):
1. Advisory Memorandum from Lisa A. Hopkins, State Auditor, regarding the publication of financial statements.
2. SUBA guest speaker event – Nicholas Cutright of Heavner-Cutright Funeral Home – October 6th at 7:00 p.m. at the Banks District Civic Center
3. Anytime Fitness Flyer – Join for $1 through September 30, 2016
4. Lewis Upshur Animal Control Facility – Adoption Financial Transactions – August 2016
5. Agendas and/or Notice of Meetings:
   • Mountain Lakes Preservation Alliance —September 29, 2016
   • Elkins Road Public Service District—October 4, 2016
6. Meeting Minutes:
   • Upshur Citizen Corp Council Minutes—August 10, 2016
   • Upshur County Fire Board—August 16, 2016
7. Meetings:
   • 10/03/16-12:00 p.m.-Upshur County Family Resource Network – Special Meeting
   • 10/04/16-5:30 p.m.-Elkins Road PSD
   • 10/04/16-6:00 p.m.-Hodgesville PSD
   • 10/05/16-6:30 p.m.-Upshur County Development Authority-Exec. Bd.
   • 10/06/16-7:00 p.m.-Banks District VFD
   • 10/06/16-7:00 p.m.-Selbyville VFD
10/10/16-12:00 p.m.-Upshur County Family Resource Network - Cancelled
10/10/16-4:30 p.m.-Upshur County Solid Waste Authority
10/10/16-6:00 p.m.-B-U Recreational Park Advisory Board-Cancelled
10/10/16-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur
10/11/16-6:00 p.m.-Buckhannon River Watershed Association
10/11/16-7:30 p.m.-Adrian VFD
10/12/16-12:00 p.m.-Upshur County Senior Center Board
10/12/16-6:00 p.m.-Upshur County Citizens Corp-CERT
10/12/16-7:00 p.m.-Ellamore VFD
10/12/16-7:00 p.m.-Warren District VFD
10/13/16-1:00 p.m.- Adrian PSD
10/13/16-3:00 p.m.-Tennerton PSD
10/13/16-4:00 p.m.-Upshur County Safe Sites & Structures Ordinance Enforcement Bd.
10/13/16-4:00 p.m.-B-U Airport Authority–UCDA Office
10/13/16-7:30 p.m.-Buckhannon VFD
10/16/16-6:00 p.m.-Washington District VFD
10/17/16-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
10/17/16-6:00 p.m.-B-U Recreational Park Advisory Board-Special Meeting
10/19/16-6:00 p.m.-Buckhannon Upshur Board of Health
10/18/16-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
10/18/16-4:00 p.m.-Upshur County Public Library Board
10/18/16-5:00 p.m.-Upshur County EETAB
10/18/16-6:30 p.m.-Upshur County Fire Board
10/19/16-12:00 p.m.-Lewis Upshur LEPC—Upshur location
10/19/16-6:30 p.m.-Upshur County Development Authority
10/20/16-6:30 p.m.-Upshur County Youth Camp Board
10/24/16-10:00 a.m.-Mountain CAP of West Virginia, CDC
10/24/16-3:30 p.m.-Upshur County Farmland Protection Board-Special Meeting
10/26/16-10:00 a.m.-James W. Curry Advisory Board
10/26/16-1:30 p.m.-Upshur County Conventions & Visitors Bureau–UCDA Office
10/27/16-3:30 p.m.-Upshur County Farmland Protection Board-Cancelled
10/31/16-6:00 p.m.- Upshur County Fire Fighters Association

8. Appointments Needed or Upcoming:
   - Buckhannon-Upshur Parks and Recreation Advisory Board (Vacant Position 6-30-18)-
     Commission
   - Hodgesville Public Service District (8-5-16-Donnie Kincaid)

Tabled Items
1. Correspondence from Robin Keough requesting a revision of the Lewis-Upshur Animal
   Control Facility Volunteer Program.
2. Review and discuss US Cellular services for local government.
3. Approval and adoption of Updated Procedures to Dispatch Wrecker Services—After
   discussion, on motion by Troy A. Brady, seconded by JC Raffety, the Commission
   approved the document as submitted

David McCauley, City of Buckhannon Mayor, appeared before the Commission and
discussed the events planned for the Buckhannon Bicentennial celebration. Mayor McCauley
advised that the City has ordered 3 Sycamore trees to be planted. The trees will be planted (1) at Jawbone Park, and (2) at College Park, and Mayor McCauley requested approval for the 3rd tree to be planted at Pringle Tree Park with a placard commemorating the bicentennial. After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved the request. Mayor McCauley provided a review of events which are planned for September 30 which include a parade, music and entertainment at Jawbone Park, rides, inflatables and a fireworks display and discussed the time capsule burial and additional events which have been planned through the end of the year. On motion by Troy A. Brady, seconded by JC Raffety, the Commission approved and authorized the signing of the Proclamation-Buckhannon, WV Bicentennial Anniversary which was read by Terry Cutright. Mayor McCauley then read the Mayor’s Proclamation.

The Commission approved all invoices for payment (copies included)
The Commission approved all vacation orders
The Commission approved the following “Settlements” (copies included):
- Joseph Grill-Final Settlement
- Dixie Kennedy-Final Settlement
- John E. Kennedy-Final Settlement
- Robert James Rose-First Annual Settlement

The Commission approved the following “Exonerations and/or Refunds” (copies included):
- Douglas or Kelly Perry—#3971—$512.18
- Christopher K and Angela L. Anderegg—#3972—$37.83
- Bobbi Jo Withers—#3973—$172.85
- George S and Anne M. Chopyak—#3974—$261.17
- Beverlie Burr—#3975—$56.08
- Jeffory Cowger—#3976—$22.06
- Davy E. and Mary Ann Lee—#3977—$74.68
- Davy E. and Mary Ann Lee—#3978—$66.89
- Davy E. and Mary Ann Lee—#3979—$60.03
- Davy E. and Mary Ann Lee—#3980—$53.87
- Davy E. and Mary Ann Lee—#3981—$48.26
- Davy E. and Mary Ann Lee—#3982—$43.55

The Commission approved the following “Requests to Attend Meeting” (copies included):
- Doyle R. Cutright II—October 7, 2016; November 4, 2016; December 2, 2016; January 6, 2017; February 3, 2017 and March 3, 2017 (will alternate attendance with Kimbra Wachob as schedules allow)

The Commission reviewed agenda items for future meetings, received project updates and discussed administrative business items.

With no further business, on motion by Troy A. Brady, seconded by JC Raffety, the Commission meeting adjourned at 12:25 p.m.