The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, November 19, 2015, at 9:00 a.m. Troy A. Brady called the meeting to order. Present were Troy A. Brady, Commissioner; Terry Cutright, Commissioner; Carrie Wallace, County Administrator; Tabatha R. 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 Terry Cutright, seconded by Troy A. Brady, the Commission approved the regular meeting minutes of November 05, 2015 as submitted.

Buckhannon-Upshur High School students, Riley Queen and Caitlyn Lampinen, appeared before the Commission and provided a review of the “Backpack” program in the Upshur County schools. The program provides food items for students to take home when school is not in session (weekends and holidays). Ms. Queen and Ms. Lampinen requested approval for placement of donation boxes from November 20 thru December 18 in the Courthouse and Annex (copy included). Donated food items will be picked up on the morning of December 18 and distributed in backpacks for participating students to take home to ensure that they will have access to nutritious breakfast, lunch and snacks over the Christmas break. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the request.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the advertisement of “Request for Bids” for Pest Control Services (copy included). Sealed bids must be received no later than 9 a.m. on Thursday, December 3, 2015. Bid openings will take place during the meeting of the Upshur County Commission at 10:00 a.m. on December 3.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the resignation of Terry D. Reed as member of the Upshur County Deputy Civil Service Commission (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized Commissioners Cutright and Brady to sign the Service Agreement with “Attachment A” with Staley Service Center for equipment and services at the Upshur County E911 Communications Center. The monthly cost for service and equipment is $960 beginning December 1, 2015 and ending on November 30, 2016.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized Commissioner Brady to sign the Valley Business Systems Service Contract in the amount of $540 yearly for maintenance service for a copier located at the E911 Communications Center. The coverage period is from October 1, 2015 thru September 31, 2016.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved JC Raffety as Upshur County Commission representative to attend Atlantic Coast Pipeline or other pipeline related meetings.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the signing of certified correspondence Amy W. Tenney Upshur County resident concerning required action on Upshur County Safe Sites and Structures Ordinance Enforcement Board’s Case Number 111413-01 and to inform her of pending inspections of the property to ensure progress with compliance (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the signing of correspondence to EBSO, Inc. concerning the payment of medical expenses incurred by an employee’s dependent in 2012.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the request from Tappan Squires, Buckhannon Swim Club representative, to use the Buckhannon Upshur Recreation Park swimming pool to host the North Central West Virginia Swim Association Championship Meet on July 22 and 23, 2016 and the evening of July 21, 2016 to set up for the meet.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved a request from Office of Emergency Management Director, James T. Farrell, and authorized Commissioner Troy A. Brady to sign the “application for authorization to designate a vehicle as an emergency vehicle in order to use red flashing emergency lights” (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized Carrie Wallace, County Administrator, to serve as the fiscal agent for the State of WV, Dept. of Military Affairs and Public Safety, Homeland...
Security State Administrative Agency, Sub-Grant Award Number EMW201500002 in the amount of $6000.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the resignation of J. C. Edwards as Office of Emergency Management Deputy Director, effective November 10, 2015.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the advertisement/job posting for the part time position of Office of Emergency Management Deputy Director (copy included). The part time position is for 19.5 hours per week. Applications will be accepted until the position is filled.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the advertisement/job posting for the full time Animal Control Officer position (copy included). Applications must be received on or before the close of business on November 30, 2015.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved Shannon Carver and Craig Westfall as volunteers for the Lewis-Upshur Animal Control Facility.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the Application for Donated Leave from Lacy M. Harbert.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the resignation of Amanda Woody as Legal Assistant in the Office of the Prosecuting Attorney, effective November 20, 2015.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the advertisement/job posting for the position of Legal Assistant in the Office of the Prosecuting Attorney. The position may be filled as part time or full time depending on the qualifications and circumstances of the most qualified applicant. Applications must be received by noon on December 30, 2015 (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the reappointment of R. Dennis Xander as member of the Upshur County Building Commission. Mr. Xander’s term expiration will be November 10, 2020 (copy included).

The Commission discussed the Safe Structures and Sites Ordinance Enforcement Board’s cases 050913-07 and 051211-01. Tabatha Perry reviewed correspondence to the property owners and advised that no response has been received from Mr. Lantz (050913-07). Ms. Perry noted that the property owners were advised that they were invited to come to today’s Commission meeting for discussion of the matter. Commissioner Brady indicated that he has spoken with Mr. Simons (051211-01) who advised that some cleanup action has been taken and he is working toward compliance. Terry Cutright suggested that the Commission get bids for cleanup of the properties before sending out any further notices in order to be able to include the cost estimates and penalties of non-compliance with the correspondence.

Troy A. Brady reviewed the following “For Your Information” items (copies included):

1. Correspondence, to Philip Lantz, Upshur County property owner, concerning Safe Structures and Sites Ordinance Enforcement Board, Case Number 050913-07.
2. Correspondence to John R. and Rita F. Simons, Upshur County property owners, concerning Safe Structures and Sites Ordinance Enforcement Board, Case Number 051211-01.
3. Correspondence from Melissa Garretson Smith, WV Courthouse Facilities Improvement Authority representative, announcing the approval of a Courthouse Facilities Improvement grant award in the amount of $81,291 (20% funding match by county).
4. Correspondence from James S. Hollen, III PE, City Engineer and Thomas E. Landis, Water Treatment Plant Supervisor, regarding the City of Buckhannon’s water treatment plant improvement project.—Mayor Rick Edwards indicated that the project would begin on March 7, 2016 and would take approximately 180 days. Mayor Edwards advised that if businesses or residents expected to have high water usage at a particular time, they should coordinate with the Water Department for scheduling.
5. Correspondence from Joshua B. Woofter, Justice Programs Monitor, Division of Justice and Community Services, to Director of Student Services, Jodie Akers, concerning a scheduled site visit to meet with the Prevention Resource Officer (PRO) and fiscal officer for the WV Justice Assistance Grant (15-JAG-032).
UPSHUR COUNTY COMMISSION MEETING

November 19, 2015

6. Correspondence from WV Department of Revenue, State Tax Commissioner, Mark W. Matkovich certifying that Helen Phillips, former Assessor, and Donald Rice, Assessor, have substantially complied with the “assessor’s additional duties” as delineated in WV Code §7-7-6a which entitles them to additional compensation.

7. Correspondence from 26th Judicial Circuit Judge, Jacob E. Reger, approving $600 expenditure from the Magistrate Court Fund for modification of counsel tables in the Magistrate Courtroom.

8. Correspondence from Jeff Amburgey, WV State Tax Department representative, notifying Donald Rice, Assessor, that his office is in compliance with the standards established by the Property Valuation Training and Procedures Commission.

9. Correspondence from 26th Judicial Circuit Community Corrections Program Director, Cheyenne Walters, concerning the approval of new board members Dennis J. Willett as Public Defender Board Member to represent Upshur County and Terri Flint as Victim Advocate Board Member to represent Lewis County.

10. Upshur County Building Permits-October 2015

11. Cat Report-October 2015

12. Lewis-Upshur Animal Control, Dog Report-October 2015

13. Upshur County Health Department Newsletter-November 2015

14. Agenda and/or Notice of Meetings:
   - 26th Judicial Circuit Community Corrections-November 16, 2015
   - Upshur County Fire Board, Inc.-November 17, 2015
   - Buckhannon City Council-November 19, 2015

15. Meeting Minutes:
   - Elkins Road Public Service District-October 6, 2015
   - Adrian Public Service District-October 8, 2015
   - Upshur County Solid Waste Authority, Bd. of Directors-November 5, 2015

16. Meetings:
   - 12/03/15-7:00 p.m.-Banks District VFD
   - 12/03/15-7:00 p.m.-Selbyville VFD
   - 12/01/15-6:00 p.m.-Hodgesville PSD
   - 12/01/15-5:30 p.m.-Elkins Road PSD
   - 12/09/15-12:00 p.m.-Upshur County Senior Center Board
   - 12/09/15-1:30 p.m.-Upshur County Conventions & Visitors Bureau–UCDA Office
   - 12/09/15-6:00 p.m.-Upshur County Citizens Corp-CERT
   - 12/09/15-7:00 p.m.-Warren District VFD
   - 12/10/15-1:00 p.m.-Adrian PSD-Cancelled
   - 12/17/2015-1:00 p.m.- Adrian PSD-Special Meeting
   - 12/10/15-3:00 p.m.-Tennerton PSD
   - 12/10/15-4:00 p.m.-Upshur County Safe Sites & Structures Ordinance Board
   - 12/10/15-7:30 p.m.-Buckhannon VFD
   - 12/10/15-4:00 p.m.-B-U Airport Authority–meeting held at Airport
   - 12/14/15-12:00 p.m.-Upshur County Family Resource Network-Cancelled
   - 12/14/15-4:30 p.m.-Upshur County Solid Waste Authority
   - 12/14/15-6:00 p.m.-B-U Recreational Park Advisory Board
   - 01/11/16-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur County
   - 12/02/15-6:00 p.m.-Buckhannon River Watershed Association
   - 12/15/15-10:00 a.m.-Wes-Mon-Ty Resource Conservaion & Development
   - 12/08/15-7:00 p.m.-Adrian VFD
   - 12/16/15-7:00 p.m.-Ellamore VFD
   - 12/16/15-12:00 p.m.-Lewis Upshur LEPC—Upshur location
   - 12/20/15-6:30 p.m.-Upshur County Youth Camp Board
   - 12/15/15-6:30 p.m.-Upshur County Fire Board
   - 12/09/15-7:00 a.m.-Upshur County Development Authority–Exec. Board
   - 12/20/15-6:00 p.m.-Washington District VFD
   - 12/21/15-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
   - 12/15/15-5:00 p.m.-Upshur County EETAB
   - 12/15/15-4:00 p.m.-Upshur County Public Library Board
   - 12/24/15-3:30 p.m.-Upshur County Farmland Protection Board-Cancelled
   - TBA—TBA-Upshur County Farmland Protection Board-Special Meeting
   - 03/23/16-10:00 a.m.-James W. Curry Advisory Board
UPSHUR COUNTY COMMISSION MEETING
November 19, 2015

- TBA-6:00 p.m.- Upshur County Fire Fighters Association
- 12/17/15-6:00 p.m.-Buckhannon Upshur Board of Health
- 12/07/15-10:00 a.m.-Mountain CAP of WV, CDC

17. Appointments Needed or Upcoming:
- Upshur Fire Board (Vacant Position-6-30-16)-1st District Community Representative
- Upshur County Farmland Preservation Board (Vacant Position-06-30-15)-At Large-Non Farming
- Buckhannon-Upshur Recreational Park Advisory Bd (Vacant Position-06-30-16) – BOE
- Upshur County Building Commission (R. Dennis Xander-11-10-15)-Commission
- Corridor H Authority (Vacant Position-06-30-16)-Commission

The Commission recessed at 9:42 a.m.
The Commission reconvened at 9:45 a.m.

James Bostic, WV Beef Industry Council representative appeared and requested to sign a lease for the space that they rent from the Commission which is located at 40 Chancery Street. The agency has been renting the space for many years without a lease agreement, however, recently, the Council has indicated that a lease agreement is now required. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized Commissioners Cutright and Brady to sign the Lease Agreement for a two year period at the rate of $200 per month (copy included) with the option of renewal for an additional two year period.

April Keating, Mountain Lakes Preservation Alliance representative, appeared before the Commission and expressed concerns about gas infrastructure and the proposed Atlantic Coast Pipeline in Upshur County. Ms. Keating advised that Princeton researchers have checked on various gas wells and pipeline locations throughout Upshur County and have noted some “disturbing” readings of leaks ranging from 30 ppm to as high as 250 or more ppm. Acceptable readings are 2 ppm/1000. Ms. Keating expressed that after seeing the problems associated with existing wells and pipelines there is a great likelihood of malfunction with the proposed pipeline system. Ms. Keating also discussed concerns about environment and economic impact of the proposed 550 mile, large-capacity gas pipeline. Robert Orndorff, Dominion Resources Services, Inc. representative provided a rebuttal to Ms. Keating’s concerns and explained the various safety mechanisms that are used for a pipeline of ACP’s size, including x-rays of each weld during the construction process, annual internal inspections via electronic pigs and annual external inspections performed by Dominion staff walking the pipeline.

The Commission approved all invoices for payment (copies included).
The Commission approved all Vacation Orders.
The Commission approved the following “Settlements” (copies included):
- James E. Alderman, Jr.-Final
- Charles Bryan Benett-Final
- Lottie Ellen Bunner-Final
- Joseph T. Carpino-Final
- Flowretta Carter-Final
- Beulah Mae Carver-Final
- Gregory James Chandler-Final
- Leta M. Davidson-Final
- Russell Deuley-Final
- Neva Miller Fallen-Final
- Carolyn Jeanine Fidler-Final
- Margaret Ruth Hiner-Final
- Melba June Linger-Final
- Lenna Mae McCartney-Final
- Helen Neely-Final
- Mary F. O’Hara-Final
- Margaret T. Palchik-Final
- James Roy True-Final
- Margaret Joan Wilson-Final
- Billy Ray Humphrey-Infant-First Annual
- Nicole Renee Humphrey-Infant-First Annual
- Victor R. Newman-Second Annual
The Commission approved the following “Exonerations and/or Refunds” (copies included):

- Latasha Urbina-Rosas or Ronald B. Goodwin—#3744
- Linda S. Lee or Carrie Rice—#3745
- Douglas or Brenda Stout—#3746
- Melvin L. or Deborah Beckner—#3747
- Melvin L. or Deborah Beckner—#3748
- Michael Roby Jr. or Christina Roby—#3749
- Jannie M. Robinson—#3750
- Alvin H. or Miral M. Gibson—#3751

The Commission recessed at 11:53 a.m.

The Commission attended the meeting of the Upshur County Department Supervisors (copy included).

The Commission attended the meeting of the Upshur County Policy Board (copy included).

The Commission reconvened at 2:55 p.m.

With no further business, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission adjourned at 2:55 p.m.