The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, December 3, 2015, at 9:00 a.m. JC Raffety called the meeting to order. Present were JC Raffety, Commissioner; 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 Troy A. Brady, seconded by Terry Cutright, the Commission approved the regular meeting minutes of November 19, 2015 as submitted.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign the ACH authorization form for Empower Retirement, the third party administrator for the State of West Virginia Retirement Plus Plan (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the signing of correspondence via personal service to Larry Cogar, Upshur County resident concerning required action on Upshur County Safe Sites and Structures Ordinance Enforcement Board’s Case Number 071113-01 (copy included). The letter informs the property owner that a member of the Upshur County Sheriff’s Department will visit the property on or about the 15th day of each month and complete inspection reports to ensure progress is being made at the property.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the signing of certified correspondence to Danny L. and Shirley A. Heater, Upshur County residents, acknowledging receipt of the first inspection report concerning Upshur County Safe Sites and Structures Ordinance Enforcement Board’s Case Number 041212-01 (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the signing of certified correspondence to Rick W. Carrier, Jr., Upshur County resident concerning required action on Upshur County Safe Sites and Structures Ordinance Enforcement Board’s Case Number 061214-02 (copy included). The letter acknowledges receipt of a monthly inspection report and informs the property owner that a member of the Upshur County Health Department will visit the property on or about the 15th day of each month and complete inspection reports to ensure progress is being made with a full compliance deadline of March 31, 2016 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign correspondence to Tony O’Leary, West Virginia Development Office, Community Development Representative, concerning the Adrian Public Service District Phase VI Water Extension Small Cities Block Grant Project #10SCBG0035 progress report and request for payment.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the current revision of the Upshur County Employee Handbook of Personnel Guidelines dated December 3, 2015 which were approved by the Upshur County Policy Board on November 19, 2015.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign the West Virginia Courthouse Facilities Improvement Authority Funding Award contract agreement and related documents. The grant award in the amount of $81,291 is for the purpose of partial roof replacement around the dome area.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the employment of Stephanie Marie Burr as part time administrative assistant for the Addressing and Mapping Office (copy included). Effective date of employment is December 9, 2015 at the rate of $9.00 per hour for not more than 19.5 hours per week.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the promotion of Christina M. Pickens from trainee status to full time telecommunicator at her current rate of pay as recommended by Steve Linger, E911 Communications Center Director (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved Becca Davis, Tabitha Swanson and Sabrina Burtner as volunteers for the Lewis-Upshur Animal Control Facility.

JC Raffety reviewed the following “For Your Information” items (copies included):

1. Correspondence from Jacob E. Reger, 26th Judicial Circuit Judge, approving the expenditure of eight hundred forty six dollars and ninety six cents ($846.96) for bullet resistant glass for Magistrate Adams’ office.
2. Correspondence from Carrie L. Wallace, County Administrator to Michael Farnsworth of MACH Excavation Services, modifying Section 2 of the Agreement by and between the Upshur County Commission and MACH Excavation Service for demolition of a dilapidated home off of the Oscar Sayer Road. The deadline has been extended to December 20, 2015.

3. James W. Curry Public Library-November 25, 2015 Newsletter and December 2015 Calendar

4. Upshur County Sheriff’s Financial Statement for period ending October 2015

5. Adoption Financial Transactions—October 1, 2015 through October 31, 2015

6. Agendas and/or Notice of Meetings:
   - Buckhannon City Council—December 03, 2015
   - Upshur County Solid Waste Authority, Bd. of Directors—December 14, 2015

7. Meeting Minutes:
   - Upshur County Farmland Protection Board –September 24, 2015
   - Upshur County Farmland Protection Board - October 22, 2015

8. 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 Conservation & 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
   - 01/08/16-12:00 p.m.-Upshur County Farmland Protection Board-Committee Meeting
   - 01/08/16-2:00 p.m.-Upshur County Farmland Protection Board-Special Meeting
   - 03/23/16-10:00 a.m.-James W. Curry Advisory Board
   - 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

9. 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 Rec Park Advisory Bd. (Vacant Position-06-30-16) –BOE
   - Region VII Planning & Development Council-(6-30-15-Donnie R. Tenney) Private Sector member
   - Corridor H Authority (Vacant Position-06-30-16)-Commission
Carrie Wallace reviewed a road name request from Upshur County resident, Dennis Spittler. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved Softail Dr for the private drive located off of Manning Road (copy included).

Carrie Wallace reviewed two requests for budget revisions. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the “Request for Revision to Approved Budget” (02 and 03) to be sent to the Office of the State Auditor for approval (copy included).

At 10:00 a.m., Carrie Wallace opened and reviewed bids for pest control services for county owned properties. Two bids were received: one from Masters’s Pest Management, LLC in the amount of $650 per month and from Mountain State Pest Guard in the amount of $330 per month (copies included). After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission awarded the bid contract to Mountain State Pest Guard and authorized the President to sign the contract agreement. The 3 year contract is effective December 3, 2015 for the following Upshur County properties: Upshur County Courthouse and Annex, Old County Jail, Maintenance Office, Communication Center/Office of Emergency Management, WVU Extension Office, Upshur County Health Department, Emergency Medical Services Garage/Office, Lewis-Upshur Animal Control Facility, Upshur County Public Library and the James W. Curry Library and house. The contract may be cancelled by either party with a 30 day written notice.

Carrie Wallace reviewed a road name request from Upshur County resident, Bruce L. Bennett. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved Lance Circle for the private driveway located off of Clarksburg Road (copy included).

The Commission approved all invoices for payment (copies included).

The Commission approved all Vacation Orders.

The Commission approved the following “Settlements” (copies included):
- Dezarn, Jimmie L. Jr.—Final
- Herron, Boyd Willis—Final
- Hillard, Zola—Final
- Lantz, Dorothy L.—Final
- Ours, Patricia Anne—Final
- Williams, Roger Carleton II—Final

The Commission approved the following “Exonerations and/or Refunds” (copies included):
- James D. Bosley—#3752
- Jeremy I. Davis—#3753

The Commission recessed at 11:53 a.m.

The Commission reconvened at 3:00 p.m.

JC Raffety opened a hearing to establish if a photo copy of the Last Will and Testament of Clinton L. Mick, deceased, can take the place of an original which was destroyed in a fire. Robert Greer, Attorney, representative for Ronnie Mullens, stepson of Clinton Mick, provided questioning of witnesses. After being sworn in by County Clerk, Debbie Thacker Wilfong, Ronnie Mullens, testified that he was present when the will was prepared by Klie Law Office; that he was given a copy of the will and that he had personal knowledge of where the original will was kept in the home of Clinton L. Mick. In November of 2014, Mr. Mick died in a fire at his residence, which was fully destroyed with all contents. Shirley Anne Mick Messenger, sister of Clinton L. Mick, provided sworn testimony that she submitted a signed affidavit which states that she believes the copy of the will is a true copy of the original and that the original will was destroyed in the fire. Ms. Messenger also answered “yes” to the question “To the best of your knowledge, do Mr. Mick’s siblings agree that (the will provided) is a true copy of the original will?” After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the motion to authorize the filing of the will provided as a “true copy” of the original will of Clinton L. Mick and enter into record that the document meets the purpose of the original will. Mr. Greer advised that he will follow up with preparation of a “Law Order” to enter into record. (Carrie Wallace advised that the “Law Order” will not be required to be placed on a future agenda for action, as the Commission has already given approval)

The Commission returned to open session at 3:25 p.m.

With no further business, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission adjourned at 3:25 p.m.