The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, February 16, 2017 at 9:00 a.m. Terry Cutright called the meeting to order. Present were Terry Cutright, Commissioner; Troy A. Brady, Commissioner; Sam Nolte, Commissioner; Carol Smith, Upshur County Clerk; 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 Sam Nolte, seconded by Troy A. Brady, the Commission approved the regular meeting minutes of February 9, 2017 as submitted.

Terry Cutright provided a review of Agenda Items to be covered in today’s meeting.

Christine Mitchell and Ben Hardesty, Dominion Resources, Inc. representatives appeared before the Commission and provided a status report/update on the Atlantic Coast Pipeline. Mr. Hardesty advised that job fairs have been held and reviewed an “Economic Analysis” Ms. Mitchell provided a review of the timeline and advised that the project is now in the 90-day public comment phase, with the last session to be held in Elkins on April 1 from 5:00 to 9:00 p.m. Mr. Hardesty reported that the project has received “good support” from area Commissions and requested the Upshur County Commission to consider drafting a resolution in support of the Pipeline.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the “Recommendation to Appoint Debra Dean as Administratrix with the Will Annexed” in the Estate of Susan J. Osborn, deceased as recommended by Daya Masada Wright, Fiduciary Commissioner (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the Community Development Block Grant-Small Cities Block Grant Agreement and related documents in the amount of $283,434 for the Elkins Road PSD Phase III Water System Improvement Project, Project Number 16SCBG0008 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved and authorized the signing of correspondence to Patrick Morrisey, WV Attorney General, concerning inflated gasoline prices in Upshur County in relationship to surrounding counties (copy included).

Judith Williams, James W. Curry Library Head Librarian, appeared before the Commission and provided a review/status report on events and activities over the past year. Ms. Williams reviewed data and information about the use of grant funds and provided data concerning camp grounds revenues. Ms. Williams reported an increase in usage of library, camping and park facilities and requested the Commission’s consideration during budget review for funding.

David Coffman, Upshur County Sheriff, appeared before the Commission to discuss a future vacancy for the position of Court Bailiff. Sheriff Coffman advised that Bailiff Rick W. Kitzmiller will be retiring as of April 15, 2017 (copy included). In addition to the need for filling the vacancy, Sheriff Coffman requested an allotment of additional hours for the bailiff position due to the addition of a judge and additional court proceedings. Sheriff Coffman advised that he would like to add a second part time bailiff and discussed the number of hours requested. After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved Sheriff Coffman’s request to advertise for two (2) part time bailiffs at the rate of $11.50 per hour not to exceed (average) 19.5 hours per week.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the resignation of Rick W. Kitzmiller effective April 15, 2017.

Brandi Miller, Upshur County resident, appeared before the Commission to discuss landowner rights and economics relating to the construction of the Atlantic Coast Pipeline. Miss Miller discussed long term benefits vs. immediate short term benefits and expressed that by 2019, the pipeline would only support 20+ jobs, and even in the short term, would not guarantee local employment. Ms. Miller concluded that she doesn’t feel that the pipeline will be beneficial to our community. In addition, Ms. Miller expressed concerns about the proximity of the pipeline to the high school, airport and water supply and area businesses and requested Dominion to consider rerouting the pipeline away from critical infrastructure.
Dominion representative, Ben Hardesty, advised that the Board of Education, has granted a right of way with full knowledge of the proposed location of the project, and encouraged residents to attend the comment meetings or to submit written comments.

Residents, Michael Choban, Kyle Nuttell, April Keating and Tim Higgins expressed their concerns about pipeline safety and economics and requested that the Commission not write a letter of support for the pipeline.

The Commission recessed at 11:00 a.m.

The Commission reconvened at 11:24 a.m.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved and authorized the signing of correspondence (copy included) to Jessica Bennington providing notification of the existing Safe Structures and Sites case # 041212-01 that is open as discussed during the February 9, 2017 Commission meeting.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved to release the annual funding in the amount of $3,900 per agreement dated February 24, 2000 for the operation and maintenance of the Pecks Run Channel as requested by Hillary Wooffter, Tygart Valley Conservation District representative (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the “Request for Bids for the Grounds Keeping Contract for 2017”. Sealed bids must be received no later than 8:00 a.m. on March 16, 2017 and will be opened and review by the Upshur County Commission at the regular Commission meeting at 9:15 a.m on March 16, 2017 (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved to table action concerning the appointment of Patrick Traxler to the Enhanced Emergency Telephone Advisory Board pending review with Bennie Nazelrod concerning the status of the position.

The Commission discussed correspondence from Carol J. Dean, concerning her resignation as E911 Supervisor. On motion by Sam Nolte, seconded by Troy A. Brady, the Commission entered executive session per WV Code § 6-9A-4 at 11:35 a.m. Present were Terry Cutright, Troy A. Brady, Sam Nolte, Carrie Wallace and Tabatha Perry. The Commission returned to open session at 11:40 a.m. No decisions were made in executive session.

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the resignation of Carol J. Dean as E911 Supervisor, effective March 1, 2017. Terry Cutright reviewed the following “For Your Information” items (copies included):

1. Correspondence from Charles K. McKinney, Assistant Chief Inspector, WV State Auditor’s Office, including a copy of the audit report of the Upshur County Commission for fiscal year ended June 30, 2015 (copy on file in the Office of the Upshur County Commission).
2. Correspondence from Chris Garrett, R.S., Upshur-Buckhannon Health Department Sanitarian, providing a monthly progress inspection report for the Rick Carrier Property, Safe Structures and Sites Ordinance Enforcement Board Case # 061214-02.
3. Lewis-Upshur Animal Control Facility Cat Report-January 2017
4. Upshur County Animal Control Officer Dog Report-January 2017
5. Upshur County Animal Control Facility Adoption Financial Transactions-January 2017
6. Upshur County Mileage Reports-January 2017
   • Upshur 911
   • Maintenance
   • Emergency Management
   • Sheriff
   • Addressing and Mapping
   • Community Corrections
   • Dog pound
7. Newsletters and/or Event Notifications
   • 10th Annual WV Scholar Program Application Announcement
   • Buckhannon-Upshur Chamber of Commerce Newsletter-February 1, 2017
8. Agendas and/or Notice of Meetings
UPSHUR COUNTY COMMISSION MEETING
February 16, 2017

- Upshur County Family Resource Network-February 13, 2017
- Buckhannon City Council-Special Session-February 16, 2017
- Buckhannon City Council -February 16, 2017
- Upshur County Fire Board, Inc.-February 21, 2017
- Wes-Mon Ty R C & D Board of Directors-February 21, 2017

9. Meeting Minutes:
- Upshur County Solid Waste Authority-January 9, 2017
- Upshur County Family Resource Network- January 9, 2017
- Upshur Citizen Corp Council-January 10, 2017
- Elkins Road PSD-January 10, 2017
- Upshur County Safe Structures and Sites Ordinance Enforcement Board-January 12, 2017
- Upshur County Public Library Board-January 17, 2017
- Upshur County Safe Structures and Sites Ordinance Enforcement Board-January 20, 2017

10. Meetings:
- 02/14/17-7:30 p.m.-Adrian VFD
- 02/15/17-7:00 a.m.-Upshur County Development Authority-Executive Board
- 02/15/17-12:00 p.m.- Lewis-Upshur LEPC-Upshur location
- 02/16/17-6:30 p.m.-Upshur County Farmland Protection Board-Farm Bureau Office
- 02/16/17-6:30 p.m.-Upshur County Youth Camp Board-Extension Office
- 02/19/17-6:00 p.m.-Washington District VFD
- 02/20/17-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 02/21/17-10:00 a.m.-Wes-Mon Ty Resource Conservation & Development-Tygart Valley Conservation District Office
- 02/21/17-4:00 p.m.-Upshur County Public Library Board
- 02/21/17-5:00 p.m.-Upshur County EETAB
- 02/21/17-6:30 p.m.-Upshur County Fire Board
- 02/27/17-10:00 a.m.-Mountain CAP of West Virginia, CDC
- 02/27/17-6:00 p.m.- Upshur County Fire Fighters Association
- 03/02/17-7:00 p.m.-Banks District VFD
- 03/02/17-7:00 p.m.-Selbyville VFD
- 03/02/17-6:00 p.m.-Buckhannon Upshur Board of Health
- Upshur
- 03/06/17-5:30 p.m.-Elkins Road PSD
- 03/06/17-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur County
- 03/07/17-6:00 p.m.-Hodgesville PSD
- 03/08/17-7:00 p.m.-Buckhannon River Watershed Association-Bd. Of Directors
- 03/08/17-12:00 p.m.-Upshur County Senior Center Board
- 03/08/17-3:00 p.m.-Tennerton PSD
- 03/08/17-6:00 p.m.-Upshur County Citizens Corp-CERT
- 03/08/17-7:00 p.m.-Warren District VFD
- 03/08/17-7:00 p.m.-Ellamore VFD
- 03/09/17-1:00 p.m.- Adrian PSD
- 03/09/17-3:00 p.m.-Upshur County Conventions & Visitors Bureau–UCDA Office
- 03/09/17-4:00 p.m.-Upshur County Safe Sites & Structures Ordinance Enforcement Bd.
- 03/09/17-4:00 p.m.- Buckhannon Upshur Airport Authority
- 03/09/17-7:30 p.m.-Buckhannon VFD
- 03/10-17-11:00 a.m.- Region VI – Local Elected Officials – Dodridge County-The Fairview
- 03/13/17-12:00 p.m.-Upshur County Family Resource Network
- 03/13/17-4:30 p.m.-Upshur County Solid Waste Authority
- 03/13/17-6:00 p.m.-B-U Recreational Park Advisory Board
- 03/22/17-10:00 a.m.-James W. Curry Advisory Board

11. Appointments Needed or Upcoming:
- Mountain CAP of West Virginia CDC-Commissioner
- Upshur County Building Commission (Joe Malcolm-11-10-2016)—Commission
• Upshur County Safe Structures and Sites Ordinance Enforcement Board (unexpired term-6-30-2018)-Community Member

12. Board of Review & Equalization Meeting Schedule
• 02/01/2017-1:00 p.m.-No appointments---Review Property Books
• 02/03/2017-9:00 a.m.
• 02/06/2017-1:00 p.m.-Coal, Oil & Gas and Industrial Appointments (3:00 p.m.)
• 02/09/2017-1:00 p.m.
• 02/14/2017-9:00 a.m.
• 02/16/2017-9:00 a.m.-Adjournment

The Commission approved all invoices for payment (copies included)

The Commission approved all Vacation Orders.

The Commission approved the following “Settlements” (copies included):
• Ernest Roland Cook—Final Settlement Waiver
• Faith Miranda Hill—Release of Guardian
• Daisy Mary Lewis—Final Settlement Waiver
• Lucy Belle Long—Final Settlement Waiver
• Russell Lynn Robinson—Final Settlement
• John C. Rowan—Final Settlement Waiver
• Joyful Peace Sneed—Third Annual Settlement
• Debra Frances Triplett—Final Settlement Waiver
• Steven Craig Underwood—Final Settlement Waiver
• Lucy F Waugh Testamentary Trust—Tenth Annual and Final Settlement

The Commission approved the following “Exonerations and/or Refunds” (copies included):
• Andrew S. or Sabrina Loudin—#4027—$267.15

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

The Commission recessed at 11:50 a.m.

The Commission reconvened at 1:00 p.m. at the Administrative Annex as the Board of Review and Equalization (BORE).

The Commission extended the time for the adjournment of BORE for an additional hour and twenty minutes to accommodate for any last minute appointment requests.

With no further business, on motion by Terry Cutright, seconded by Sam Nolte, the Board of Review and Equalization and the Commission meeting adjourned at 2:21 p.m.