The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, July 27, 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 July 20, 2017 with typographical corrections.

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

Terry Cutright provided a review of a noise complaint that he received from a visitor/resident of the Middle Fork Campground. Commissioner Cutright stated that a caller requested that the Commission consider enacting a “noise ordinance”. Commissioners expressed that the Campground already has a Home Owners Association with “by-laws” that specify a “quiet time” within the Campground which address the issue and that no action is needed.

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved and authorized the signing of the “Memorandum of Understanding” (MOU) with the Supreme Court of Appeals of West Virginia. The MOU is an agreement regarding “the arrangements essential to establishing and maintaining Family Court facilities in Upshur County” and sets forth the approved rental rate of no more than $698.00 per month for the 1,124 square feet of billable space (copy included). The agreement will be renegotiated next year to take into account an additional 289 square feet of space not included in the current agreement.

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved a request from Craig D. Presar, WVU Extension Service Agent and 4H & Youth Development leader, for a reduction of the pool rental fee to $100 for a “Back to School” pool party which will be held on Friday, August 11, 2017 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the reappointment of Dr. Joseph B. Reed as board member of the Upshur County Farmland Protection Board with a term expiration date of June 30, 2021 (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the reappointment of James L. Farry, Jr. as board member of the Upshur County Enhanced Emergency Telephone Board with a term expiration date of June 30, 2020 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the job posting/advertisement for the employment of (2) full-time E911 Telecommunicators at the rate of $11.00 per hour as requested by Kimbra L. Wachob, Assistant Director of the Upshur County E911 Communications Center (copy included). Applications will be received until the positions are filled.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved a change in the employment status of Samantha Barlow, Buckhannon-Upshur Recreational Park lifeguard, to work as a seasonal concession stand employee on an “as needed” basis at her current hourly rate of pay. Ms. Barlow will work no more than 40 hours per week between both duties (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved Jennifer Collins as volunteer for the Lewis-Upshur Animal Control Facility.

Terry Cutright reviewed the following “For Your Information” items (copies included):
1. Atlantic Coast Pipeline Project: USDA Forest Service Draft Record of Decision
2. Upshur County Sheriff’s Financial Statement for Period Ending June 2017
3. Lewis-Upshur Animal Control Facility Adoption Financial Transactions for June 2017
4. Upshur County Mileage Reports-June 2017
   • Upshur 911
   • Maintenance
   • Emergency Management
   • Sheriff
   • Addressing and Mapping
   • Community Corrections
   • Dog Pound
5. Newsletters and/or Event Notifications
6. Agendas and/or Notice of Meetings:
   • Region VII Planning and Development Council-July 24, 2017
   • Upshur County Farmland Protection Board-July 27, 2017
   • Special Session of Buckhannon City Council -July 27, 2017
   • Buckhannon City Council-August 8, 2017
7. Meeting Minutes:
   • 26th Judicial Community Corrections Board-March 6, 2017
   • Upshur County Youth Camp-June 6, 2017
   • Adrian PSD-June 15, 2017
   • Upshur County Fire Board-June 20, 2017
   • Upshur County Public Library Board of Trustees-June 22, 2017
8. Meetings:
   • 07/04/17-6:00 p.m.-Hodgesville PSD
   • 07/06/17-7:00 p.m.-Selbyville VFD
   • 07/10/17-12:00 p.m.-Upshur County Family Resource Network
   • 07/10/17-4:30 p.m.-Upshur County Solid Waste Authority
   • 07/10/17-5:30 p.m.-B-U Recreational Park Advisory Board
   • 07/11/17-7:00 p.m.-Banks District VFD
   • 07/11/17-7:30 p.m.-Adrian VFD
   • 07/12/17-7:00 p.m.-Buckhannon River Watershed Association-Bd. Of Directors
   • 07/12/17-12:00 p.m.-Upshur County Senior Center Board
   • 07/12/17-3:00 p.m.-Tennerton PSD
   • 07/12/17-7:00 p.m.-Warren District VFD
   • 07/12/17-7:00 p.m.-Ellamore VFD
   • 07/12/17-6:00 p.m.-Upshur County Citizens Corp - CERT
   • 07/13/17-1:00 p.m.- Adrian PSD
   • 07/13/17-3:00 p.m.-Upshur County Conventions & Visitors Bureau–UCDA Office
   • 07/13/17-4:00 p.m.-Upshur County Safe Sites & Structures Ordinance Enforcement Bd.
   • 07/13/17-4:00 p.m.- Buckhannon Upshur Airport Authority
   • 07/13/17-7:30 p.m.-Buckhannon VFD
   • 07/16/17-6:00 p.m.-Washington District VFD
UPSHUR COUNTY COMMISSION MEETING
July 27, 2017

- 07/17/17-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 07/18/17-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
- 07/18/17-5:00 p.m.-Upshur County EETAB
- 07/18/17-6:30 p.m.-Upshur County Fire Board
- 07/19/17-7:00 a.m.-Upshur County Development Authority
- 07/19/17-12:00 p.m.- Lewis-Upshur LEPC-Lewis location
- 07/20/17-4:00 p.m.-Upshur County Public Library Board
- 07/20/17-6:30 p.m.-Upshur County Fire Board
- 07/20/17-6:30 p.m.-Upshur County Youth Camp Board
- 07/24/17-Region VI Local Elected Officials-Annual Meeting
- 07/26/2017-10:00 a.m.-James W. Curry Library and Park Advisory Board
- 07/31/17-6:30 p.m.-Upshur County Fire Fighters Association
- 08/08/17-5:30 p.m.-Elkins Road PSD
- 09/07/17-6:00 p.m.-Buckhannon Upshur Board of Health
- 09/11/17-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur County

9. Appointments Needed or Upcoming

Wes-Mon-Ty Resource Conservation & Development Council (2-year term)-Commission Representative

Upshur County Fire Board (Community Representative-3rd District)-June 30, 2017

Tabled Items

1. US Census Bureau Local Updated Census Address Project
2. Ruling regarding the Upshur County Assessor’s Application for Relief from Erroneous Assessments against property of Appalachian Midstream Services, LLC for Tax Years 2014, 2015 and 2016. A public hearing concerning this matter was held on July 20, 2017 during the regularly scheduled Commission meeting. After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission granted the Relief from Erroneous Assessment and ruled in favor of the Office of the Upshur County Assessor to enable the collection of taxes for the tax years 2014, 2015 and 2016 which were erroneously assessed due to unintentional and inadvertent clerical errors.

Tim Higgins, Upshur County resident, appeared before the Commission and expressed concerns regarding the Commission’s approval of a $5,000 donation to the Corridor H Authority to be used to promote the completion of the Corridor H project during the July 27, 2017 meeting of the Upshur County Commission. Mr. Higgins stated that granting the request “will open up a can of worms” to others wanting donations for lobbyists and expressed that the Commission should have asked the Ethics Board for a ruling on the matter. Terry Cutright responded that the Commission felt that they made a correct ruling and that future requests will be considered on a “case by case” basis.

April Pierson-Keating, Upshur County resident, appeared before the Commission and expressed concerns about the sanitizer/deodorizer which is being used in the public restroom located on the second floor of the Courthouse Annex. Ms. Keating also provided a handout regarding environmental concerns as they relate to natural gas pipelines.

The Commission reviewed a request for a revision to the General County Fund budget. After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the revision as submitted with a “Request for Revision to Approve Budget” to be sent to the Office of the State Auditor for approval (copy included).
UPSHUR COUNTY COMMISSION MEETING
July 27, 2017

The Commission approved all invoices for payment (copies included)
The Commission approved all Vacation Orders.
The Commission approved the following “Settlements” (copies included):
  • Tressie M. Depoy—Final Settlement Waiver
  • Vera H. Farley—Final Settlement
  • John Edward Garvin —Final Settlement
  • Berlin E. Hewitt —Final Settlement Waiver
  • Thelma L. Moreland —Final Settlement
  • Glenda Sue Smith—Final Settlement
  • Gordon J. Thomas—Final Settlement Waiver
  • Christine Teresa Toure—Final Settlement Waiver
  • Genevieve Zickefoose—Final Settlement
The Commission approved the following “Exonerations and/or Refunds” (copies included):
  • David H. and Velma Sue Roby—#4135—$173.38
  • David H. and Velma Sue Roby—#4136—$729.20
  • David B. or Crystal R. Spurlock—#4137—$60.22
  • Brent E. Johnson—#4138—$61.36
  • Melissa Winneberger—#4139—$85.28
  • Scott M. Preston—#4140—$432.66
  • Robert R. Godfrey Ju. And Marguin Godfrey—#4141—$66.98
  • James D. and Linda Lantz—#4142—$75.23
  • Anthony Rohr—#4143—Corrective Ticket
  • Sharon R. Fealy—#4144—$40.98
  • Harrison G. and Donna L. Williams—#4145—$175.12
  • Upshur County Commission (PP Bldg @ Airport)—#4146—$740.76
  • Upshur County Commission (PP Bldg)—#4147—$129.14
  • Carroll Easton—#4148—Corrective Ticket
  • Carroll Easton—#4149—Corrective Ticket
The Commission approved the following “Consolidation of Land Tracts” (copies included):
  • Buckhannon District—Map 5H Parcel 33.22 to blend with Map 5H Parcel 33.23 to make Map 5H Parcel 33.22 -owners Donald G. II and Cora J. Wamsley
  • Buckhannon District—Map 5H Parcel 8.4 to blend with Map 5H Parcel 8.5 to make Map 5H Parcel 8.4-owners Brenda L. and Farrel L. Smallridge
  • Meade District—Map 5P Parcel 49 to blend with Map 5P Parcel 44, Map 5P Parcel 50.2, Map 5P Parcel 90 and Map 6P Parcel 1.1 to make Map 5P Parcel 49-owners Diana and Sheldon Perry
The Commission reviewed agenda items for future meetings, received project updates and discussed administrative business items.

With no further business, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission meeting adjourned at 11:15 a.m.