The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, February 05, 2015 at 9:00 a.m. JC Raffety called the meeting to order. There were present JC Raffety, Commissioner; Troy A. Brady, Commissioner; Terry Cutright, Commissioner; Carrie Wallace, 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 reading of the minutes, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the regular meeting minutes of January 29, 2015 with typographical corrections.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved a request from Steve Linger, E911 Communications Center Director, requesting a change in the employment status of Henry T. McDonald from full time to part time E911 Telecommunicator effective January 4, 2015 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the job posting/advertisement for the position of full time Assistant County Administrator (copy included). The position does not have a closing date for submitting applications.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the job posting/advertisement for the position of full time and/or part time E911 Telecommunicator. Applications must be received on or before the close of business on Friday, March 6, 2015 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved Stephanie Talerico and Jacob Ortiz as volunteers for the Lewis-Upshur Animal Control Facility.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the Commission to sign the SAS 99 Questionnaire and Management Inquiry, Management Representation Letter and Response to Audit Findings required for 2012-2013 fiscal year financial audit from the Office of the West Virginia State Auditor (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the Victims of Crime Act (VOCA) Victim Assistance Grant Program application in the amount of $34,662 for the 2015-2016 fiscal year (copy on file in the Office of the Upshur County Commission).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the President to sign correspondence to the West Virginia Development Office agreeing to the terms outlined in correspondence from Norman T. Farley of West & Jones Law Offices, for the purchase of land to implement the Adrian PSD Phase VI Water Extension (copy included).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the adoption of the Buckhannon-Upshur Recreational Park Rental Contract for the 2015 season (copy included).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the James W. Curry Scholarship announcement, application and newspaper advertisement for the 2015 awards. Carrie Wallace advised that applicants would be requested to visit the James W. Curry Library and Park and the essay question would be concerning the needs of the Brooks Hill Community (copy included).

JC Raffety provided a review of the request from Bryson VanNostrand, Create Buckhannon representative, for support of the establishment and expansion of a comprehensive “Art in Public Places Program” in the City of Buckhannon and Upshur County. Mr. VanNostrand appeared at the January 22, 2015 County Commission meeting and provided an overview of the proposed arts program. After discussion, on motion by Terry Cutright, seconded by JC Raffety, the Commission approved and authorized President to sign the “Letter of Support” for the program as requested by Mr. VanNostrand.

JC Raffety reviewed the following “For Your Information” items: (copies included).
1. Correspondence from North Central Regional EMS expressing gratitude for the payment of the FY 2015 Local Assessment
2. Correspondence from Senator Greg Boso announcing his representation of the 11th Senatorial District
3. Correspondence from West Virginia Development Office announcing the denial of the Elkins Road PSD Phase III Water System Improvement Project
4. Correspondence from Joseph N. Geiger, Jr., West Virginia Division of Culture and History, announcing the unofficial offer for funding in the amount of $10,000 for the 2015-2016 fiscal year. The funds will be used in the Office of the Circuit Clerk to scan and index chancery and law case files.
5. Correspondence from West Virginia Department of Environmental Protection announcing changes for reporting requirements of water use
6. Correspondence from Mike Rezac, West Virginia Counties Risk Pool, regarding recent sexual harassment and discrimination training for all County employees
7. James W. Curry Library Newsletter---January 2015
8. Building Permits---January 2015
10. Agendas and/or Notice of Meetings:
    - Upshur-Buckhannon Health Department—February 10, 2015
    - Family Resource Network—February 9, 2015
11. Meeting Minutes:
    - Lewis-Upshur LEPC---December 17, 2014
    - Parks & Recreation Advisory Board---December 18, 2014
    - Family Resource Network---January 12, 2015
12. Meetings:
    - 02/05/2015-7:00 p.m.-Banks District VFD
    - 02/05/2015-7:00 p.m.-Selbyville VFD
    - 02/03/2015-6:00 p.m.-Hodgesville PSD
    - 02/03/2015-5:30 p.m.-Elkins Road PSD
    - 02/11/2015-12:00 p.m.-Upshur County Senior Center Board
    - 02/18/2015-1:30 p.m.-Upshur County Conventions & Visitors Bureau-UCDA Office
    - 02/11/2015-6:00 p.m.-Upshur County Citizens Corp - CERT
    - 02/11/2015-7:30 p.m.-Warren District VFD
    - 02/12/2015-7:00 p.m.-Adrian PSD
    - 02/12/2015-3:00 p.m.-Tennerton PSD
    - 02/12/2015-4:30 p.m.-Upshur County Safe Sites & Structures Ordinance Board
    - 02/12/2015-7:30 p.m.-Buckhannon VFD
    - 02/12/2015-7:00 a.m. - Buckhannon Upshur Airport Authority—meeting at airport
    - 02/09/2015-12:00 p.m.-Upshur County Family Resource Network
    - 02/09/2015-4:30 p.m.-Upshur County Solid Waste Authority
    - 02/09/2015-6:00 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
    - 02/09/2015-6:00 p.m.-Lewis-Upshur Community Corrections Board
    - 02/09/2015-6:00 p.m.-Buckhannon-Upshur Watershed Association
    - 02/17/2015-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
    - 02/10/2015-1:00 p.m.-Adrian VFD
    - 02/10/2015-7:00 p.m.-Ellamore VFD
    - 02/18/2015-7:00 p.m.-Lewis Upshur LEPC
    - 02/19/2015-6:30 p.m. -Upshur County Youth Camp Board
    - 02/17/2015-6:30 p.m.-Upshur County Fire Board
    - 02/11/2015-7:00 a.m. -Upshur County Development Authority – Exec. Board (cancelled)
    - 02/15/2015-6:00 p.m.-Washington District VFD
    - 02/16/2015-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
    - 02/17/2015-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
    - 02/17/2015-4:00 p.m. -Upshur County Public Library Board
    - 02/18/2015-7:00 a.m. -Upshur County Development Authority – Full Board
    - 02/26/2015-4:00 p.m.-Upshur County Farmland Preservation
    - 02/23/2014-10:00 a.m.-Mountain CAP of West Virginia, CDC
    - 03/25/2015-10:00 a.m.-James W. Curry Advisory Board
    - TBA -6:00 p.m.-Upshur County Fire Fighters Association
13. Board of Review and Equalization Meeting Schedule
   - 01/29/2015-1:00 p.m. - No Appointments - Review Property Books
   - 02/03/2015-9:30 a.m. - Board of Review and Equalization
   - 02/06/2015-9:00 a.m. - Board of Review and Equalization
   - 02/11/2015-9:00 a.m. - Board of Review and Equalization
   - 02/12/2015-1:00 p.m. - Board of Review and Equalization
   - 02/18/2015-9:00 a.m. - Coal, Oil and Gas and Industrial Appointments
   - 02/19/2015-1:00 p.m. - Adjournment as BORE

14. Appointments Needed or Upcoming:
   - Upshur County Safe Structures and Sites Board-(Vacant Position- 06-30-14)-Community
   - Upshur County Enhanced Emergency Telephone Advisory Board-(Vacant Position- 06-30-13)- Community
   - Upshur County Civil Service Board-(Vacant Position-12-31-13)-Commission

The Commission recessed at 9:22 a.m.

The Commission reconvened at 9:30 a.m.

Eugene Suder, Upshur County resident and former Upshur County Commissioner, appeared before the Commission and expressed concerns about several topics which included 1) the elimination of Good Friday as a paid holiday for County employees; 2) the decision of the Upshur County Commission to discontinue its membership in the West Virginia Association of Counties (WVACo) and 3) the proposed rate hike by Mountaineer Gas Company. JC Raffety reviewed Mr. Suder’s concerns and advised that 1) the decision was due to a 1986 WV Supreme Court of Appeals decision and cited WV Code Chapter 7 Article 3 Section 2. Mr. Raffety said that several attorneys had been consulted and that even though Commissioners might not “personally agree” with the decision, they could not “pick and choose” which laws to follow. 2) The Commission’s decision not to continue membership with the West Virginia Association of Counties was because Commissioners felt that the Association did not represent the needs of County Commissioners and was a “conflict of interest” but encouraged elected officials to continue their memberships. The Commission is a member of the County Commissioners Association. The Commission’s WVACo membership will be reconsidered for the 2015-2016 fiscal year. 3) Mr. Raffety advised that no decision has been made by the Public Service Commission to grant the rate increase to Mountaineer Gas. Mr. Raffety advised that residents should write letters to legislators and attend hearings to voice their concerns and stated that the Commission would take Mr. Suder’s concerns “under advisement” and consider writing a letter to the PSC. Commissioners Brady and Cutright expressed comments in support of Mr. Raffety’s explanations.

County resident, Guy DeRico, appeared before the Commission and expressed concerns about a road name. Mr. DeRico stated that until 2013, he was unaware of a driveway located on his property having been named/renamed Slater Lane in 2005. Terri Jo Bennett, Addressing and Mapping Coordinator, stated that the driveway was named Slater Lane under a former Addressing and Mapping Coordinator and she was not aware of the reasoning for the change as it does not qualify for naming under current guidelines. Ms. Bennett met with Mr. and Mrs. DeRico in February, 2013 when they requested to have the name dropped. At the time, there was a “moratorium” in effect until January 1, 2015. Ms. Bennett advised that the Slater Lane designation can now be eliminated and she has provided the required paperwork to Mr. and Mrs. DeRico but there are costs in the amount of $272 involved. Mr. DeRico is requesting exemption from paying the fees because the change was made without his knowledge. Ms. Bennett is concerned about setting a precedent if guidelines are not followed for the requested change. JC Raffety advised that the Commission will take the request under advisement and try to reach a fair resolution. Carrie Wallace advised that Mr. DeRico will be contacted by Terri Jo Bennett or the Commission with a resolution to the issue.

Chad Spencer, Pony League Baseball Board of Directors representative, appeared before the Commission and reviewed a proposal to develop playing fields for the Pony League and for the Buckhannon Youth Football Inc. at the Wellness Complex. Mr. Spencer advised that the League wants to enter into a lease agreement with the County for the property and will take
financial responsibility for the development of the fields. The general public would still be able to use the fields; however, the League would control usage and scheduling. Commissioners Raffety, Brady and Cutright commented that the proposal appears to be a “win, win” situation for all involved parties. JC Raffety advised to have a contract drawn up for review by the Commission and its insurance carrier and attorneys. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved to move forward with the proposal.

Greg Harris, Director of Facilities Operations and David Coffman, Upshur County Sheriff, appeared before the Commission and requested to meet in executive session to discuss the vacant position for the Animal Control Officer and salary for the position. At 10:55 a.m., on motion by Troy A. Brady, seconded by Terry Cutright the Commission entered executive session per WV Code 6-9A-4. Present were JC Raffety, Troy A. Brady, Terry Cutright, Carrie Wallace, Greg Harris and David Coffman. The Commission returned to open session at 11:38 a.m. No decisions were made in executive session.

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

The Commission approved all Vacation Orders.

The Commission approved the following Settlements:
- James F. Gregory-Final Settlement
- Glen G. Guthrie-Final Settlement
- Verna O. Spurlock-Final Settlement
- Ann Marie Marino-First Annual Settlement

The Commission approved the following “Requests to Attend Meeting”: (copies included)
- Carrie Wallace-February 23 and April 22, 2015

The Commission approved the following “Exonerations and/or Refunds”: (copies included)
- Ann B. Mickle--#3547--$82.46
- Jonathan Tenney--#3548--$35.52
- Jeffrey D. and Melissa Browning--#35499--$105.64

The Commission approved the following “Separation of Land Tracts”: (copies included)
- Banks District, Map 3P Parcel 63 divided to make Map 3P Parcel 59 (2. Acres) and Map3P Parcel 63 (3/4 int. in 97.62 acres)—owners Beulah W. Riffle et al

The Commission recessed at 12:35 p.m.
The Commission reconvened at 1:40 p.m.
The Commission discussed budgetary and administrative concerns.

With no further business, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission meeting adjourned at 4:50 p.m.