UPSHUR COUNTY COMMISSION MEETING
August 20, 2015

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, August 20, 2015, at 9:00 a.m. JC Rafety called the meeting to order. Present were JC Rafety, 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.

On motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the regular meeting minutes of August 13, 2015, as submitted.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved a donation in the amount of $150.00 plus 10 (ten) one day pool passes to the Upshur County Children’s Festival scheduled to take place on September 19, 2015 as requested by the Children’s Festival Committee (copy included). The donation will go towards funding the cost of balloons, face paint, character appearances, bounce houses, a magician, door prizes and other event needs. Pool passes can be used for the 2016 pool season.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the resignation of Natasha N. Perry as Administrative Assistant for the Addressing and Mapping Office, effective August 22, 2015.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the advertisement/job posting for the part time Secretarial-Administrative position in the Upshur County Commission Addressing and Mapping Office. Applications must be received on or before the close of business on September 8, 2015 (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the request from Greg Harris, Upshur County Safe Structures and Sites Enforcement Board representative, to order property clean up concerning case number 09114-01 and authorized the President to sign correspondence to property owner(s) (copy included).

Theresa Bruner and Mary Ann McDonald, Federation of Humane Organizations of West Virginia representatives appeared before the Commission and provided a review of “Commercial Dog Breeding” operations and the effects of “puppy mills” to communities (copies included). Ms. Bruner and Ms. McDonald expressed concerns about the inhumane treatment of dogs, and additionally, that unless counties require permits and a valid business license for breeding operations, commercial breeders may negatively impact an environment and/or economy of a community. Ms. Bruner noted that without licensing requirements, there is no way to enforce inspections or to maintain health standards. JC Rafety advised that the County would need to draft an Ordinance to require such license and permits. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved to move forward with the drafting of a “Commercial Dog Breeding Ordinance”. Carrie Wallace was requested to follow up.

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

1. Administrative Order entered by the Honorable Jacob E. Reger on August 17, 2015 regarding establishing divisions for the 26th Judicial Circuit.
2. Correspondence from Michael Zarrilli, Vice President of Government Relations of Cequel Corporation and Jeremie Bonnin, General Secretary of Altice N.V. updating certain information regarding the upcoming transfer of control of Cequel, the parent of Cequel III Communications II, LLC db/a SuddenLink Communications.
3. Correspondence from Governor Earl Ray Tomblin, approving the Justice Assistance Grant award to the Upshur County Commission in the amount of $20,000. Funds will provide one Prevention Resource Officer (PRO) at the Buckhannon-Upshur Middle School.
4. Upshur County Sheriff’s Financial Statement for period ending July 2015
6. Upshur County Sheriff’s Settlement – June 30, 2015
10. Lewis Upshur Animal Control Facility Adoption/Financial Transactions—July 1, 2015 through July 31, 2015
11. Upshur County E911 Communication Center Reports—July 2015
   - Monthly Call Summary Report
   - Monthly Departmental Summary Report
   - Monthly and YTD Wrecker Report
12. WVU Extension Service Newsletter—August 2015
13. Agendas and/or Notice of Meetings:
   - Elkins Road Public Service District—August 11, 2015
14. Meeting Minutes:
   - Upshur County Safe Structures and Sites Enforcement Board—July 9, 2015
   - Upshur County Road Public Service District—July 14, 2015

15. Meetings:
   - 08/06/15-7:00 p.m.-Banks District VFD
   - 08/06/15-7:00 p.m.-Selbyville VFD
   - 08/04/15-6:00 p.m.-Hodgesville PSD
   - 08/04/15-5:30 p.m.-Elkins Road PSD—Cancelled
   - 08/11/15-5:30 p.m.-Elkins Road PSD—Special Meeting
   - 08/05/15-12:00 p.m.-Upshur County Senior Center Board
   - 08/19/15-1:30 p.m.-Upshur County Conventions & Visitors Bureau—UCDA Office
   - 08/12/15-6:00 p.m.-Upshur County Citizens Corp-CERT
   - 08/12/15-7:00 p.m.-Warren District VFD
   - 08/13/15-1:00 p.m.-Adrian PSD
   - 08/13/15-3:00 p.m.-Temerton PSD
   - 08/13/15-4:30 p.m.-Upshur County Safe Sites & Structures Ordinance Board
   - 08/13/15-7:30 p.m.-Buckhannon VFD
   - 08/10/15-4:00 p.m.-B-U Airport Authority—meeting held at Airport
   - 08/10/15-12:00 p.m.-Upshur County Family Resource Network
   - 08/10/15-4:30 p.m.-Upshur County Solid Waste Authority
   - 08/10/15-6:00 p.m.-B-U Recreational Park Advisory Board
   - 08/10/15-6:00 p.m.-Lewis-Upshur Community Corrections Board
   - 08/05/15-6:00 p.m.-Buckhannon River Watershed Association
   - 08/18/15-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
   - 08/11/15-7:00 p.m.-Adrian VFD
   - 08/19/15-7:00 p.m.-Ellamore VFD
   - 08/19/15-12:00 p.m.-Lewis Upshur LEPC—Upshur location
   - 08/20/15-6:30 p.m.-Upshur County Youth Camp Board
   - 08/18/15-6:30 p.m.-Upshur County Fire Board
   - 08/19/15-7:00 a.m.-Upshur County Development Authority—Exec. Board-NO MEETING
   - 08/16/15-6:00 p.m.-Washington District VFD
   - 08/17/15-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
   - 08/18/15-5:00 p.m.-Upshur County EETAB
   - 08/25/15-4:00 p.m.-Upshur County Public Library Board
   - 08/27/15-3:30 p.m.-Upshur County Farmland Protection Board
   - 08/26/15-10:00 a.m.-James W. Curry Advisory Board
   - 08/24/15-10:00 a.m.-Mountain CAP of West Virginia, CDC
   - TBA-6:00 p.m.-Upshur County Fire Fighters Association
   - 08/20/15-6:00 p.m.-Buckhannon Upshur Board of Health
   - 08/12/15-3:00 p.m.-Upshur County Fire Board-Special Meeting
   - 08/05/15-12:00 p.m.-Upshur County Development Authority Annual Meeting—Event Center Brushy Fork

16. Appointments Needed or Upcoming:
   - Upshur County Safe Structures and Sites Board (Vacant Position-6-30-14)-Fire Chief
   - Upshur County Convention and Visitor’s Bureau-Commission

April Keating and Tom Bond, Mountain Lakes Preservation Alliance representatives appeared before the Commission and provided a review of concerns regarding the protection of water resources from harm from the extraction and transport of fossil fuels in Upshur County. Ms. Keating and Mr. Bond presented information and data concerning contamination, safety hazards, methane release and waste disposal from gas wells and proposed gas pipelines and provided information about what other communities are doing to protect their resources (copies included).

James Farrell, Upshur County Office of Emergency Management Director and John “Buck” Edwards, OEM Deputy Emergency Manager, appeared before the Commission and provided a review and discussion on the proposal for a river access project at the Hampton-Ivanhoe Bridge area. Mr. Farrell and Mr. Edwards provided a power point presentation which highlighted the advantages of the Project. Mr. Farrell advised that the proposed site is county owned property and
would provide for a location for fire departments to draw water, a location to place a boom in case of a spill or water contamination emergency and would provide river access for canoes and kayaks. When asked what the negatives of the project are, Mr. Edwards and Mr. Farrell only cited a potential trash problem, otherwise could think of none. Mr. Farrell requested to move forward with negotiating a funding source. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved Mr. Farrell’s request, pending approval of the name of the benefactor by the Commission. (Mr. Farrell provided the name of the funding source to the Commissioners confidentially).

Carrie Wallace provided an update/status report on the Master Plan Document Amendment # 4 concerning the Upshur County Commission Employee Medical Benefits Plan to redefine “active employment”, out of pocket maximums and schedule of benefits.

JC Raffe ty provided a review of the Gerber Life Insurance Company, Application and schedule for Excess Loss Insurance (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the Master Plan Document Amendment #4 amending the Upshur County Commission Employee Medical Benefits Plan and the 2015 Application and Schedule for Excess Loss Insurance with Gerber Life Insurance Company (copy included).

The Commission approved all invoices for payment (copies included)
The Commission approved all Vacation Orders.
The Commission approved the following “Settlements”:
  • Robert Allen Adams-Final
  • Carol Jean Allman-Final
  • Cecelia C. Black-Final
  • Daisy Ruth Cochran-Final
  • Lota Marie Wilfong-Final
The Commission approved the following “Exonerations and/or Refunds” (copies included):
  • Libby G. or Brian P. Williams--#3686 Corrected Ticket
  • Vu Thanh and Tran Khoi Nguyen—#3687—Corrected (duplicated) Ticket
The Commission approved the following “Consolidation of Land Tracts” (copies included):
  • Washington District-Map 6J Parcel 79.3 with Map 6J Parcel 79.4 to make Map 6J Parcel 79.3-Owners Denzil Edward and Joann Bleigh.

The Commission approved all invoice for payment (copies included)
The Commission approved all Vacation Orders.
The Commission approved the following “Settlements”:
  • Robert Allen Adams-Final
  • Carol Jean Allman-Final
  • Cecelia C. Black-Final
  • Daisy Ruth Cochran-Final
  • Lota Marie Wilfong-Final
The Commission approved the following “Exonerations and/or Refunds” (copies included):
  • Libby G. or Brian P. Williams--#3686 Corrected Ticket
  • Vu Thanh and Tran Khoi Nguyen—#3687—Corrected (duplicated) Ticket
The Commission approved the following “Consolidation of Land Tracts” (copies included):
  • Washington District-Map 6J Parcel 79.3 with Map 6J Parcel 79.4 to make Map 6J Parcel 79.3-Owners Denzil Edward and Joann Bleigh.

The Commission recessed at 11:30 a.m.

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

The Commission approved the following “Settlements”:
  • Robert Allen Adams-Final
  • Carol Jean Allman-Final
  • Cecelia C. Black-Final
  • Daisy Ruth Cochran-Final
  • Lota Marie Wilfong-Final
The Commission approved the following “Exonerations and/or Refunds” (copies included):
  • Libby G. or Brian P. Williams--#3686 Corrected Ticket
  • Vu Thanh and Tran Khoi Nguyen—#3687—Corrected (duplicated) Ticket
The Commission approved the following “Consolidation of Land Tracts” (copies included):
  • Washington District-Map 6J Parcel 79.3 with Map 6J Parcel 79.4 to make Map 6J Parcel 79.3-Owners Denzil Edward and Joann Bleigh.

The Commission recessed at 11:30 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.
The Commission met with David Godwin, Upshur County Prosecuting Attorney to discuss matters concerning pending litigation.

With no further business, on motion by JC Raffety, seconded by Terry Cutright, the Commission adjourned at 5:28 p.m.