The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, September 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.

On motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the regular meeting minutes of August 27, 2015, with the following correction: “An application was received from one of the property owners four days after the deadline recommending the name Ball Hollar Rd. Ms. Bennett advised that the Road Name Request did not meet guideline requirements and recommended that the Commission choose the name. She suggested Ax Drive, Ava Drive or Aiden Drive as alternate choices. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved Ball Hollar Rd as submitted by Cody Ball for a private driveway located off of Sandstone Hollow Road” (copy included).

JC Raffety recommended postponing agenda items 1 and 2 until after the 9:45 a.m. appointment of John “Buck” Edwards.

JC Raffety reviewed the resolution declaring September 13 through September 19, 2015 as Religious Freedom Week in Upshur County. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the Commission to sign the resolution (copy included).

JC Raffety reviewed a letter of support which will be included with the Buckhannon River Watershed Association’s application for funding through the Office of Surface Mining Reclamation and Enforcement’s Cooperative Agreement Program (copy included). If approved, the funds will be used for the treatment of acidic mine drainage/remediation of Herods Run. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign the correspondence.

Pamela Balch, West Virginia Wesleyan College President and Robert Skinner, West Virginia Wesleyan College Vice President for Advancement, appeared before the Commission and provided background information concerning the establishment of the College. WWCC was established in 1890 and is celebrating its 125th Anniversary. Mr. Skinner read a “Proclamation” which designates September 3, 2015 through December 31, 2015 as “WWCC Appreciation Days” throughout Upshur County (copy included). After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the Commission to sign the proclamation. Commissioners expressed their appreciation for the college and noted its significance in “keeping the community thriving.”

JC Raffety provided a review of the “Coalition for Safe Affordable Food, Statement of Support” (copy included). After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the statement which expresses the Commission’s support for establishing the FDA as the nation’s single authority over use and labeling of products containing genetically modified ingredients.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Annual Maintenance Agreement for incident software in the Sheriff’s Department with PTS Solutions in the amount of $700 per year effective September 15, 2015 (copy included)

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Grant Contract Agreement and related documents for Justice and Community Services, Justice Assistance Grant award Project #15-JAG-032, in the amount of $20,000 (copy included). The contract agreement is effective July 1, 2015 through June 30, 2016 and provides funding for the Prevention Resource Officer (PRO) at the Buckhannon-Upshur Middle School.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the promotion of Sierra J. Warner from trainee status to full time E911 Tele communicator at her current salary of $11.00 per hour.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the employment of Harley R. Squires as full time Deputy Circuit Clerk at the rate of $9.00 per hour effective September 21, 2015 as requested by Brian P. Gaudet, Circuit Clerk.

Carrie Wallace provided an update concerning the request from David Godwin, Prosecuting Attorney to re-advertise for the vacant legal assistant position. Ms. Wallace advised that in agenda item (# 10) the starting wage was incorrectly written as $11.75 per hour and should be revised to be stated as “up to” $11.75 per hour. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the advertisement/job posting (copy included). Applications must be received by the close of business on September 21, 2015.
After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the advertisement/job posting for the position of part time Fire Fee Clerk (copy included). Applications must be received by the close of business on September 11, 2015.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved Cheyenne Marlin as volunteer for the Lewis-Upshur Animal Control Facility.

Carrie Wallace requested that agenda item #13 concerning the approval of Commercial Dog Breeding Operations documents be tabled and rescheduled for a future meeting pending establishment of an ordinance.

JC Rafley reviewed the following “For Your Information” items (copies included):
1. Revised Upshur County Sheriff’s Financial Statement for period ending July 2015
2. Agendas and/or Notice of Meetings:
   - Elkins Road Public Service District— September 1, 2015
   - Buckhannon City Council— September 3, 2015
   - Upshur County Solid Waste Authority—September 14, 2015
3. Meeting Minutes:
   - Upshur County Youth Camp Board — June 18, 2015
   - Upshur County Youth Camp Board — June 16, 2015
4. Meetings:
   - 09/03/15-7:00 p.m.-Banks District VFD
   - 09/03/15-7:00 p.m.-Selbyville VFD
   - 09/01/15-6:00 p.m.-Hodgesville PSD
   - 09/01/15-5:30 p.m.-Elkins Road PSD
   - 09/02/15-12:00 p.m.-Upshur County Senior Center Board
   - 09/16/15-1:30 p.m.-Upshur County Conventions & Visitors Bureau-UCDA Office
   - 09/09/15-6:00 p.m.-Upshur County Citizens Corp-CERT
   - 09/09/15-7:00 p.m.-Warren District VFD
   - 09/10/15-1:00 p.m.-Adrian PSD
   - 09/10/15-3:00 p.m.-Temerton PSD
   - 09/10/15-4:30 p.m.-Upshur County Safe Sites & Structures Ordinance Board
   - 09/10/15-7:30 p.m.-Buckhannon VFD
   - 09/08/15-4:00 p.m.-B-U Airport Authority—meeting held at Airport
   - 09/14/15-12:00 p.m.-Upshur County Family Resource Network
   - 09/14/15-4:30 p.m.-Upshur County Solid Waste Authority
   - 09/14/15-6:00 p.m.-B-U Recreational Park Advisory Board
   - 09/14/15-6:00 p.m.-Lewis-Upshur Community Corrections Board
   - 09/02/15-6:00 p.m.-Buckhannon River Watershed Association
   - 09/15/15-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
   - 09/08/15-7:00 p.m.-Adrian VFD
   - 09/16/15-7:00 p.m.-Elamore VFD
   - 09/16/15-12:00 p.m.-Lewis Upshur LEPC—Upshur location
   - 09/20/15-6:30 p.m.-Upshur County Youth Camp Board
   - 09/15/15-6:30 p.m.-Upshur County Fire Board
   - 09/09/15-7:00 a.m.-Upshur County Development Authority-Exec. Board
   - 09/20/15-6:00 p.m.-Washington District VFD
   - 09/21/15-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
   - 09/15/15-5:00 p.m.-Upshur County EETAB
   - 09/22/15-4:00 p.m.-Upshur County Public Library Board
   - 09/24/15-3:30 p.m.-Upshur County Farmland Protection Board
   - 09/23/15-10:00 a.m.-James W. Curry Advisory Board
   - TBA-6:00 p.m.- Upshur County Fire Fighters Association
   - 09/17/15-6:00 p.m.-Buckhannon Upshur Board of Health
5. Appointments Needed or Upcoming:
   - Upshur Fire Board (Vacant Position-6-30-16)-1st District Community Representative

Virginia Gallion, National Federation of Independent Businesses (NFIB) representative, appeared before the Commission and provided a review/status report on the expansion of the Clean Water Act and its effect on small business and private land owners. Ms. Gallion reported that the expanded Environmental Protection Agency (EPA) legislation requires land owners to obtain permits to do any kind of development or alteration to lands defined as “wetlands” and has broadened the definition to include any land that collects water for as little as a few days per year.
The legislation will have a significant impact on citizens by requiring costly permits and imposing exorbitant fines for non-compliance even on private property. The NFIB wants to hold the EPA accountable for violating federal law by bypassing analysis of the rule’s impact on small businesses. Ms. Gallion is requesting citizens to sign a petition against the EPA expanded Water Rule authority. The petition can be found online at www.NFIB.com/Waters.

John “Buck” Edwards, Office of Emergency Management Deputy Emergency Manager, appeared before the Commission and provided an update on the Hampton-Ivanhoe River Access Project. Mr. Edwards advised that Dominion Resources is funding the project, Debbie Frame, a Gassaway, WV resident has donated a parcel of land and the DNR is donating stone. Mr. Edwards has located a volunteer group to do brush hogging. Dominion Resources is planning a volunteer day which will be announced in the near future. They will be constructing the ramp and parking lot. Jim Farrell, OEM Director advised that the project will be completed in phases.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the WVDOH D-7 Encroachment Permit Information forms and the Office of Land and Streams, Stream Activity Application for the Hampton-Ivanhoe River Access Project.

Carrie Wallace reviewed a Road Name Request. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved VioRandy Lane for the private driveway located off of Smith Ave per E911 Addressing and Mapping Ordinance guidelines.

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

The Commission approved all Vacation Orders.

The Commission approved the following “Settlements”:
- Charles Wilson Heckert-Final
- Margaret Pearl Ruble-Final
- Shirley C. Tenney-Final
- Marie Lillian Warner-Final

The Commission approved the following “Exonerations and/or Refunds” (copies included):
- Amy L. Jackson--3701--Corrected Ticket
- Cory Fisher--3702--Corrected Ticket
- Diane Nelson Collins--3703--Corrected Ticket
- Tiffany Jackson--#3704--Corrected Ticket

The Commission approved the following “Request to Attend Meeting(s)” (copies included)
- Tabatha R. Perry-September 15, 2015
- Steve Linger-September 27 through October 1, 2015

The Commission recessed at 11:58 a.m. The Commission reconvened at 1:10 p.m. Steve Linger, E911 Communications Center Director, appeared before the Commission to discuss the department’s management matrix. On motion by Troy A. Brady, seconded by Terry Cutright, the Commission entered executive session at 1:10 p.m. Present were JC Raffety, Troy A. Brady, Terry Cutright, Carrie Wallace, Tabatha Perry and Steve Linger. The Commission returned to open session at 2:48 p.m. No decisions were made in executive session.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved a motion to create a second supervisory position for the E911 Communications Center under the direction/supervision of Steve Linger. The new supervisory position will be equal to and have the same responsibilities as the existing position. Interested (current) E911 employees can apply for the position. Candidates will then be interviewed by Steve Linger and Carrie Wallace with a recommendation due for approval on September 24 during the regular meeting of the Upshur County Commission.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved Steve Linger’s request to purchase a copier/fax machine from Valley Business Systems for the E911 Communications Center. The total cost is $4,866 which includes installation, setup and training (copy included). E911 funds will be used for the purchase.

With no further business, on motion by JC Raffety, seconded by Terry Cutright, the Commission adjourned at 4:00 p.m.