The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, October 22, 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 Terry Cutright, seconded by Troy A. Brady, the Commission approved the regular meeting minutes of October 15, 2015 as submitted.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the Recommendation for Extension of Time to Settle the Estate of Robert James Stansbury as requested by Daya Masada Wright, Fiduciary Commissioner (copy included)

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the Commission to sign the Financial Statements of Upshur County West Virginia for the Fiscal Year Ended June 30, 2015 (copy on file in the Office of the Upshur County Commission).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign the “Agreement between the County Commission of Upshur County, West Virginia (owner) and DBA Mach Excavation Service (contractor) for a demolition project located in Banks District...” (copy included) for the stipulated price of $2,000.

Carrie Wallace provided a review of E911 Communications Center’s personnel scheduling challenges and advised that the current schedule has the potential of personnel shortages on shifts. The current schedule provides for only 2 workers to be present per shift, working two eight hour days and two 12 hour days per week. The requested scheduling change will provide for four teams of three workers each which will include a supervisor on each shift and will work one, thirty six hour week and one, forty eight hour week equaling eighty four hours per pay period and provide 14 to 16 off days per month. Ms. Wallace recommended that the scheduling change begin in January so as not to interrupt vacation days or sick days that have already been scheduled. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the recommended scheduling change to be implemented in January 2016. Carrie Wallace advised that she will follow up with a revision to the Employee’s Handbook/Definition of full time employee.

Joyce Harris Thacker appeared with student representatives of various Upshur County schools in support of “Red Ribbon Week”. Student, Isaac Stankus, read the proclamation which encourages “families, schools, businesses, churches, law enforcement agencies and service organizations...to...establish an atmosphere that supports awareness, education and on-going initiatives to prevent illegal drug use...” and designates October 26 through October 30, 2015 as “Red Ribbon Week” in Upshur County (copy included). After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the proclamation. Tonya Zickafoose, Buckhannon Academy Elementary School counselor, provided information about how “Red Ribbon Week” got started and reviewed daily themes and initiatives to prevent illegal drug use… and designates October 26 through October 30, 2015 as “Red Ribbon Week” in Upshur County (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the Commission to sign and send correspondence to Larry Cogar, upshur County resid...

Carrie Wallace advised that she will follow up with a revision to the Employee’s Handbook/Definition of full time employee.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved and authorized the Commission to make a plan for corrective action.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the Commission to sign correspondence to Larry Cogar, Upshur County resident, concerning required action for Safe Structures and Sites Ordinance Enforcement Board’s Case Number 041212-01 (copy included). JC Raffety commended the Heater’s for making arrangements with the Commission to bring the property into compliance with the Ordinance, and encouraged non-compliant property owners meet with the Commission to make a plan for corrective action.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the current revisions to the Upshur County Employee Handbook of Personnel Guidelines, dated October 22, 2015 which were approved by the Upshur County Policy Board on September 17, 2015 (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 the advertisement for the temporary position (6 to 12 weeks) of Commission Assistant to work between twenty and forty hours per week at the rate of $15 per hour, beginning on or around the first of January, 2016 (copy included).
After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved Eleni Brick, Tiffany Reynolds and Sarah Sisson as Lewis-Upshur Animal Control Facility volunteers.

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the appointment of David E. Godwin, Prosecuting Attorney, to the Lewis-Upshur Community Corrections Board per WV Code §62-11c-6 with Kelley Cunningham, Assistant Prosecuting Attorney as proxy with voting rights to attend meetings when Mr. Godwin is unavailable (copy included).

JC Raffety reviewed the following “For Your Information” items (copies included):
1. Correspondence from April Keating, Mountain Lakes Preservation Alliance representative in response to the project update on Columbia Gas’ WB pipeline upgrade and expansion.
2. Dog Report—September 2015
3. Cat Report—September 2015
4. Buckhannon-Upshur Chamber of Commerce Newsletter—October 2015
5. Agendas and/or Notice of Meetings: None
6. Meeting Minutes:
   - Upshur County Youth Camp Board—August 20, 2015
   - Adrian Public Service District—September 9, 2015
   - Adrian Public Service District—September 10, 2015
   - Lewis/Upshur LEPC—September 16, 2015
   - Upshur County Youth Camp Board—September 17, 2015
   - Adrian Public Service District—September 23, 2015
7. Meetings:
   - 10/01/15-7:00 p.m.—Banks District VFD
   - 10/01/15-7:00 p.m.—Selbyville VFD
   - 10/06/15-6:00 p.m.—Hodgesville PSD
   - 10/06/15-5:30 p.m.—Elkins Road PSD
   - 10/14/15-12:00 p.m.—Upshur County Senior Center Board
   - 10/14/15-1:30 p.m.—Upshur County Conventions & Visitors Bureau—UCDA Office
   - 10/14/15-6:00 p.m.—Upshur County Citizens Corp-CERT
   - 10/14/15-7:00 p.m.—Warren District VFD
   - 10/08/15-1:00 p.m.—Adrian PSD
   - 10/08/15-3:00 p.m.—Tennerton PSD
   - 10/08/15-4:00 p.m.—Upshur County Safe Sites & Structures Ordinance Board
   - 10/08/15-7:30 p.m.—Buckhannon VFD
   - 10/08/15-4:00 p.m.—B-U Airport Authority—meeting held at Airport
   - 10/12/15-12:00 p.m.—Upshur County Family Resource Network-Cancelled
   - 10/05/15-12:00 p.m.—Upshur County Family Resource Network-Special Meeting
   - 10/12/15-4:30 p.m.—Upshur County Solid Waste Authority
   - 10/12/15-6:00 p.m.—B-U Recreational Park Advisory Board-Cancelled
   - 10/19/15-6:00 p.m.—B-U Recreational Park Advisory Board-Special Meeting
   - 10/12/15-6:00 p.m.—Lewis-Upshur Community Corrections Board-Cancelled
   - 10/13/15-6:00 p.m.—Lewis-Upshur Community Corrections Board-Special Meeting
   - 10/07/15-6:00 p.m.—Buckhannon River Watershed Association
   - 10/20/15-10:00 a.m.—Wes-Mon-Ty Resource Conservation & Development
   - 10/13/15-7:00 p.m.—Adrian VFD
   - 10/21/15-7:00 p.m.—Ellamore VFD
   - 10/21/15-12:00 p.m.—Lewis Upshur LEPC—Lewis location
   - 10/18/15-6:30 p.m.—Upshur County Youth Camp Board
   - 10/20/15-6:30 p.m.—Upshur County Fire Board
   - 10/21/15-7:00 a.m.—Upshur County Development Authority
   - 10/07/15-7:00 a.m.—Upshur County Development Authority—Exec. Board
   - 10/18/15-6:00 p.m.—Washington District VFD
   - 10/19/15-12:00 p.m.—Buckhannon-Upshur Chamber of Commerce
   - 10/20/15-5:00 p.m.—Upshur County EETAB
   - 10/13/15-4:00 p.m.—Upshur County Public Library Board
   - 10/22/15-3:30 p.m.—Upshur County Farmland Protection Board
   - 10/28/15-10:00 a.m.—James W. Curry Advisory Board
   - TBA-6:00 p.m.—Upshur County Fire Fighters Association
   - 10/15/15-6:00 p.m.—Buckhannon Upshur Board of Health
   - 10/26/15-10:00 a.m.—Mountain CAP of West Virginia, CDC
8. Appointments Needed or Upcoming:
   - Upshur Fire Board (Vacant Position-6-30-16)-1st District Community Representative
   - Upshur County Farmland Preservation Board (Vacant Position-06-30-15)-At Large-Non Farming

The Commission approved all invoices for payment (copies included).
The Commission approved all Vacation Orders.
The Commission approved the following “Settlements”:
   - Gale Adams-Final
   - William David Alkire-Final
   - Donald Wade Crites-Final
   - Vesta M. Johnson-Final
   - Vesta M. Johnson-Final
   - Howard Rex Phillips-Final
   - Letcher A. Tenney-Final

The Commission approved the following “Exonerations and/or Refunds” (copies included):
   - Dave Sites--#3727—Corrected Ticket
   - Mary Anne Newman--#3728—Duplicate Ticket
   - Mary Anne Newman--#3729—Duplicate Ticket
   - Alan C. and Nora L. Griffith--#3730—Corrected Ticket
   - Donnie Slaton--#3731—Correction-wrong county
   - Harlan Messenger--#3733—Corrected Ticket
   - Steven B. Nanners--#3734—Corrected Ticket
   - Darlene T. Gregory--#3735—Corrected Ticket

Dr. Joseph Reed, Upshur County resident, appeared before the Commission and requested to be appointed as Upshur County Coroner. Dr. Reed has been a long-time member of the Buckhannon-Upshur Board of Health and has served the Community for many years. After discussion, on motion by Troy A. Brady, seconded by JC Raffety, the Commission approved the appointment. The State of West Virginia provides payment of the Coroner’s “fees or amounts for the services as may be fixed by the chief medical examiner” and for malpractice insurance. (Note: Terry Cutright was not present for the vote)

The Commission recessed at 11:45 a.m.

At 1:00 p.m., the Commission reconvened as the Board of Assessment Appeals per WV Code §11-3-24b. Representatives for Consol Energy, Inc dba CNX Gas Company, LLC appeared before the Commission and requested tax relief concerning a July 1, 2014 through June 30, 2015 assessment. CNX challenged the values set by the WV State Tax Department. Kirsten Evans, an independent tax consultant, appeared on behalf of CNX and Jan Mudrunch and Cynthia Hooper appeared on behalf of the West Virginia State Tax Department. Steptoe and Johnson Attorney, Craig Griffith, provided a review of the case and questioned Ms. Evans, Mr. Mudrunch and Ms. Hooper concerning their methods of evaluation. After review and discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission denied the request for tax relief and advised that CNX did not meet their “burden of proof with clear and convincing evidence” (copy included).

At 2:20 p.m., on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved to adjourn as the Board of Assessment Appeals.

The Commission reconvened at 2:20 p.m.

With no further business, on motion by Terry Cutright, seconded by JC Raffety, the Commission adjourned at 2:20 p.m.