

COUNTY COMMISSION OF LEWIS COUNTY

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Weston, WV 26452
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COMMISSIONERS:
Patrick D. Boyle
President
Agnes Queen
Commissioner
Rod Wyman
Commissioner

LEWIS COUNTY COMMISSION
110 CENTER AVENUE, 2nd FLOOR
WESTON, WV 26452
MEETING AGENDA
Monday, July 3, 2017

SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

1. **10:00 AM Call Meeting to Order** (*action required*)
2. **10:05 AM John Breen, Lewis County Assessor**
RE: Exonerations, Consolidations, Apportionments
Draft copies will be available for review Thursday, June 29, 2017 upon request. (*action required*)

APPOINTMENTS

3. **10:10 AM Deputy Eli Carpenter and Deputy Joe Moran**
RE: Oath of Office for Position of Corporal
The Lewis County Commission, on request by the Lewis County Civil Service Commission, approved the promotion of Deputies Eli Carpenter and Joe Moran to the rank of Corporal at the June 26, 2017 meeting. The oath of office for the rank of Corporal will be administered. (*action required*)
4. **1:00 PM RE: Executive Session per WV Code §6-9A-4**
The Lewis County Commission will enter into Executive Session per WV Code §6-9A-4 to discuss pending litigation involving prescription drug manufacturers and distributors. (*action required*)

CORRESPONDENCE

5. **Upshur County Commission Meeting Agenda:** Upshur County Commission Meeting Agenda for Thursday, June 29, 2017 meeting. (*information only*)
6. **Lewis County Park Board Meeting Minutes and Agenda:** Minutes of Lewis County Park Board Meeting of May 22, 2017 and Agenda for Monday, June 26, 2017. (*information only*)
7. **Jane Lew Public Service District Meeting Minutes:** Minutes of the Jane Lew Public Service District Regular Meeting of May 11, 2017. (*information only*)
8. **Division of Justice and Community Services Justice Assistance Grant (JAG) On Site Grant Review:** The Division of Justice and Community Services Justice conducted an on site grant review of the Justice Assistance Grant (Grant 16-JAG-007) for fiscal year 2016-2017. There were no deficits noted. (*information only*)

**LEWIS COUNTY COMMISSION
MEETING MANAGEMENT**

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.

*Roberts Rules of Order is utilized as a guide only.
The Commission controls meeting management, discussion and input.*

OATH OF OFFICE AND CERTIFICATE

STATE OF WEST VIRGINIA

COUNTY OF LEWIS, TO-WIT:

I, Eli Carpenter, do solemnly swear that I will support the
Constitution of the United States and the Constitution of the State of West Virginia,
and that I will faithfully discharge the duties of serving as a CORPORAL
for LEWIS COUNTY SHERIFF'S DEPARTMENT to the best of my skill and
judgment, SO HELP ME GOD.

Signature _____

Subscribed and sworn to before the Lewis County Commission in said
County and

State, this 3RD day of July 2017.

Patrick D. Boyle, President
Lewis County Commission

Attest: _____

Cynthia S. Rowan
Lewis County Clerk

OATH OF OFFICE AND CERTIFICATE

STATE OF WEST VIRGINIA

COUNTY OF LEWIS, TO-WIT:

I, Joseph Moran, do solemnly swear that I will support the
Constitution of the United States and the Constitution of the State of West Virginia,
and that I will faithfully discharge the duties of serving as a CORPORAL
for LEWIS COUNTY SHERIFF'S DEPARTMENT to the best of my skill and
judgment, SO HELP ME GOD.

Signature _____

Subscribed and sworn to before the Lewis County Commission in said
County and

State, this 3RD day of July 2017.

**Patrick D. Boyle, President
Lewis County Commission**

Attest: _____

**Cynthia S. Rowan
Lewis County Clerk**

Upshur County Commission Meeting Agenda

Agenda packets are available electronically at http://www.upshurcounty.org/agenda_and_minutes/index.php or by request to the Upshur County Commission Office at 304-472-0535

Location of Meeting: Upshur County Courthouse Annex
Date of Meeting: June 29, 2017

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:

- June 15, 2017
- June 22, 2017

Scheduled Appointments:

9:15 a.m. Eric Robinson, Eric's Towing and Recovery – Discuss Procedures to Dispatch Wrecker Services

Items for Discussion / Action / Approval:

1. Approve County Financial Institutions as Depositories as Required by WV Code §7-6-1 --- Freedom Bank, First Community Bank, JP Morgan-Chase Bank, Premier Bank, Progressive Bank and Citizens Bank of WV.
2. Correspondence from Michelle Vass, Controller, enclosing Depository Bonds of First Community Bank for the period July 1, 2017 through June 30, 2018 for deposits in the name of the Sheriff of Upshur County. Approval of all the terms in full contained within the letter of credit from First Community Bank for the period of July 1, 2017 through June 30, 2018 in the amount of nine million dollars.
3. Correspondence from Stephanie Brown, Member Services Manager with WV Counties Risk Pool, enclosing the WVCoRP Self-Insurance Renewal Package. Review and Signature of WV Association of Counties Group Self Insurance Risk Pool Coversheet to Member Agreement.
4. Approval and signature of Upshur County Basic Ordering Agreement for Courthouse Network Support, Administration & Consulting with Global Science and Technology, effective July 1, 2017. These services will be billed on a monthly basis in the sum of \$1,198.
5. Approval of Upshur County Development Authority Appointments. Upon approval, the terms will begin July 1, 2017 and end June 30, 2020.
6. Correspondence from Doyle R. Cutright, II, Upshur County Emergency Communications Center Director, requesting the employment of Brandon C. Wolfe and Meagan M. Linger as full-time telecommunicators, effective July 9, 2017. Upon approval, their hourly rate of pay will be \$11 per hour.
7. Correspondence from Darien Howell, BU Recreational Park lifeguard, announcing her resignation effective June 21, 2017.
8. Memorandum from Tabatha R. Perry, Assistant Administrator, requesting the seasonal employment of Samantha Barlow as a lifeguard for the 2017 season at the Buckhannon-Upshur Recreational Facility. Upon approval, Ms. Barlow will begin work on July 2, 2017 and will receive the hourly wage of \$9.05.

9. Approval of granting leave under the Family and Medical Leave Act
Item may lead to Executive Session per WV Code §6-9A-4
10. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from Judge Gary Johnson, WV Court Security Board Chairperson, announcing the award of a Court Security Fund Grant to the Upshur County Commission in the amount of \$71,525 for the purpose of enhancing the county's court security.
2. Correspondence from Angela J. Brady, Upshur County Magistrate Clerk, announcing the resignation of Geneva Peggs, who was paid out of the Worthless Check Fund, effective June 14, 2017.
3. Press Release – Capito Delivers Expanded Broadband to Barbour, Randolph and Upshur Counties
4. Upshur County Animal Control/Humane Officer Dog Report – May 2017
5. Lewis-Upshur Animal Control Facility Cat Report – May 2017
6. Upshur County Mileage Reports – May 2017
 - Upshur 911
 - Maintenance
 - Emergency Management
 - Sheriff
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound
7. Appointments Needed or Upcoming:
 - Wes-Mon-Ty Resource Conservation & Development Council (2 year term) – Commission Representative
 - Upshur County Fire Board (Community Representative – 2nd District) – June 30, 2018
 - Upshur County Fire Board (Community Representative – 3rd District) – June 30, 2017

Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: http://www.upshurcounty.org/agenda_and_minutes/index.php

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. US Census Bureau local updated census address project

Next Regular Meeting of the Upshur County Commission

July 13, 2017 --- 9:00 a.m.

Upshur County Courthouse Annex

The Regularly Scheduled Commission Meeting on July 6, 2017 has been CANCELLED

LEWIS COUNTY PARKS AND RECREATION AGENDA

Monday June 26, 2017 6:00 pm at the Park

- 1) Call to Order**

- 2) Reading of the Minutes**

- 3) Treasurer's Report**

- 4) Public Comment**

- 5) Director's Report**

- 6) Old and Unfinished Business**

- 7) New Business**

- 8) Adjourn**

If you are unable to attend, please contact Gene Edwards, at 304-269-4836

LEWIS COUNTY PARK BOARD

Minutes of the Meeting of May 22, 2017

Present: Barbara Paugh, Vice President, Betty Hill, Treasurer, Shirley Taylor, Secretary, Richard Messenger, Josie Britton, Andrea Clem, Agnes Queen, Rod Wyman, John Shaffer, Director, Tom Alkire.

John Shaffer made a correction to the minutes, a gutter to the dumping buckets in the Pool area was repaired. A Health Inspection was made, the crack in the Pool Slide was inspected and approved for use. Hiring is finished.

The Meeting was called to order by Barbara Paugh, Vice President. The Minutes were read and approved on a motion by Richard Messenger and seconded by Barbara Paugh. The Treasurer's report was presented by Betty Hill, and approved on a motion by Richard Messenger and seconded by Josie Britton and accepted subject to audit.

Director's Report: John was approached by Leah Bailey, teacher at Roanoke and Melissa Oldaker, aide at the Roanoke School for a Summer Program at the Park from 10-2 for young people. Shared an update on the Walking Trail around the Park, A new ideal of a Cross Country Trail, All of the above were discussed. Tennis resurfacing, approved on a motion by Richard Messenger with a second by Andrea Clem. Additional fine surface cracks of 460 linear feet at \$20.00 per foot in the playing area for a total of \$9,200.00. The before mentioned costs are above the original contract of \$42,600.00.

Tom Alkire requested a non certified Pool Operator on duty for the weekends subject to Agnes Queen checking on our insurance for liability purposes.

Minutes taken by Betty Hill and Shirley Taylor

The next meeting will be Monday June 26, 2017 at 6:00 pm at the Park

Respectfully submitted by Shirley Taylor, Secretary

Minutes of Jane Lew Public Service District

Regular Meeting May 11, 2017

Present: Elaine B. Flaxer (Chairman); Thomas E. Bailey (Secretary); Oscar R. Mills (Board); Nancy E. Gee (General Manager).

Guests:

Absent:

1. **Call to Order:** The meeting was called to order by Chairman Flaxer at 4:09 p.m. at the Jane Lew PSD Office, 70 Park Avenue, Jane Lew.

2. **Minutes: (Gee)**

MOTION: (Mills/Bailey) to approve attached Minutes of 04/13/17 regular meeting. [Carried Unanimously]

3. **General Manager's April Reports: (Gee)**

- A. WATER:**

1. **Bills** (Attached)

MOTION: (Bailey/Flaxer) to ratify payment of attached list of water invoices for April 2017. [Carried Unanimously]

2. **Treasury Report** (Attached)

MOTION: (Bailey/Mills) to approve attached Water Treasury Report for April 2017. [Carried Unanimously]

3. **Water Adjustments Report** (Attached)

MOTION: (Bailey/Mills) to approve attached Water Adjustments Report for April 2017. [Carried Unanimously]

4. **Water Purchase, Sales & Loss Report** (Attached) – actual unaccounted April loss of 9%.

MOTION: (Flaxer/Bailey) to approve attached Water Purchase & Sales Report for April 2017. [Carried Unanimously]

5. **Water Preventive Maintenance Report** -

- a) **Lines** - Matt Neely told Gee he does unidirectional flushing whenever he flushes hydrants
- b) **Fire hydrants** [57] – scheduled for June
- c) **Flushing Hydrants** [25] – scheduled for June
- d) **Valves** [148] –
- e) **Meters** [659] – 25 replacement touch-read meters changed out, leaving 190 more to go
- f) **Booster Stations** [3] - checked
- g) **Tanks** [2] –
- h) **Office Heating -Cooling Systems** -
- i) **Vehicles**-1.5 -
- j) **Generators** [2 portable] – exercised
- k) **Critical Inventory** – nothing needed

6. **Water System Repairs Report** (*fixing breakdowns*) – repaired our service line leak at Broad Run Village

7. **Water Leak Detection Report** – visual check when reading meters. Also had Bertis McCarty (WVRWA) come to help find cause of increased water loss; nothing found.

8. **Cross-Connections/Backflow Report** - ongoing

9. **New Non-Project Water Taps** – none

10. Other –

- CCR report completed and published in Weston Democrat.
- Hired Pope LLC to tear down and dispose of intake tank beside the creek. GM pleased with work and price (\$214)

Assignments

- ✓ Weather permitting, to continue installing replacement touch-read water meters. 190 left to do.
- ✓ Gee to research how and how often to backwash or otherwise scour water pipes as a maintenance measure.

B. WASTEWATER:1. Wastewater Bills (Attached)

MOTION: (Bailey/Flaxer) to ratify payment of list of Sewer invoices for April 2017. [Carried Unanimously]

2. Wastewater Treasury Report (Attached)

MOTION: (Flaxer/Mills) to approve Sewer Treasury Report for April 2017. [Carried Unanimously]

3. Wastewater Adjustments Report (Attached)

MOTION: (Bailey/Mills) to approve Sewer Adjustments Report for April 2017. [Carried Unanimously]

4. Wastewater Volume & Cost Report (Attached) -

MOTION: (Bailey/Mills) to approve Sewer Volume & Cost Report for April 2017. [Carried Unanimously]

5. Wastewater Preventive Maintenance Report (attached)

- a) Lines –
- b) Manholes [594] – 8 more manholes checked. We are currently checking with Atlas Group LLC to come restore at least 5 leaky manholes, evaluate the fix, then possibly schedule the remainder of the leaky ones to be restored.
- c) Grinder Pumps [46]
- d) Lift Stations [16 total] – checked & amped weekly; sprayed all with weed killer.
- e) Bar Screen [1] – cleaned weekly
- f) Vehicles – [1.5] –
- g) Generators [5 total] – exercised weekly
- h) Classroom Heating & Cooling
- i) Critical Inventory – nothing needed

6. Wastewater Repairs Report (attached) – changed out Grogg's pump on Kimberley Lane7. I&I Loss & Prevention Report – actual I&I loss 2,142,428. Rainfall 3.9 inches. Jason Foster still searching for manholes needing to be resealed.8. New Non-Project Sewer Taps – none9. Other –Assignments

- ✓ Keep searching for I&I sources

4. **Announcements:** Longtime former PSD Board member Robert Stewart died this week at the age of 90. A moment of silence was observed for Bob and his decades of service to the Jane Lew PSD.

5. Correspondence:

1. Letter (04-21-17) to Mayor Julia Spelsberg of Weston from Nancy Gee Re: Payments to the Weston Sanitary Board from 10/21/14 to the present.
2. Letter (04-24-17) to Mr. Dan Parker of the WVBPH/OEHS from Nancy Gee Re: Publication of the CCR Certification and CCR Report which was published in the Weston Democrat.
3. Letter (05-01-2017) from Casey J. Spagnuolo, CPA, Tetrick & Bartlett, PLLC, to Nancy Gee, Re: Engagement Letter, Enclosures.
4. Letter (05-02-2017) from James V. Kelsh, Bowles Rice LLP to Nancy Gee, Re: Lewis County Civil Action No.: 16-C-74 John H. Brooks v. Oscar Mills, et al, Enclosures, Unsigned Amended Complaint with changes in bold, Civil Case Information Statement and filed Amended Complaint, Notice of Mediation for May 30, 2017.

~ ~ OLD BUSINESS ~ ~

6. Update: Phase II Sewer Upgrade [09-1043-PSD-42T-PC-PW-CN] (Gee)

- A. New Customer Hookups – only one. GM Gee called and talked to Lewis County Sanitarian, David Whittaker, and offered to send him a list of “customers” who have not hooked into the public sewer system since it went online in October of 2014. Whittaker said Yes and that he would follow up with them.
- B. Lift Pump Issues – According to Steve Gee, representative of C.I. Thornburg, the ABS factory in Europe is relocating, thus slowing down production. Consequently, the Lift 10 replacement pumps we had anticipated receiving by or before June 30th now should be arriving by or before December 31, 2017. GM Gee told Steve Gee that we want something in writing from the manufacturer stating that the company still plans to repair the current flawed pumps at no charge until the replacements are installed and properly working, also that CI Thornburg Co. will continue to pick up and bring the replacement pumps to us at no charge. Mr. Gee agreed to get this in writing for us.
- C. Odor Issue – no complaints from anyone
- D. Final Cleanup – Regina (Mrs. Joe) Frazier of 444 Broad Run Church Rd. called to ask when the cleanup would be done on their property. GM Gee emailed Dan Ferrell P.E. (ThrasherEng), who stated that he had contacted the contractors and was waiting for them to call back. Gee will continue following up with Ferrell.
- E. Other -

Assignment

- ✓ *Gee to keep eye on promised agreements regarding fix of lift 10.*
- ✓ *Gee to follow up with Thrasher's Dan Ferrell until Frazier property is cleaned up.*
- ✓ *Gee to send list to Sanitarian.*

7. Update: Pending Non-Project Extensions and Road Bores (Gee) - none

8. Update: Board Review of PSD Policies and Job Descriptions (Flaxer) – no progress

- A. Private Fire Protection Policy
- B. Professional Incentives Policy
- C. Revise Water Job Description to be consistent with a water PURCHASE entity
- D. Asset Management Policy

9. **Update: Personnel Matters (Gee)** – nothing new

- A. Office Staff
- B. Water Staff
- C. Sewer Staff

10. **Update: Civil Action No. 16-C-74 John H. Brooks v Jane Lew PSD, Oscar R. Mills, et alia (Gee)** – Oscar Mills recused himself and left the building at 5:11 after the Board covered Items 11 of Old Business and Items 12 and 13 of New Business.

Discussion:

- ✓ Nancy Gee and Kelly Bruffey now formally made defendants in the Brooks suit;
- ✓ Next hearing May 30th, Steptoe & Johnson Offices in Bridgeport, at 9:30 a.m.
- ✓ Board discussed possibility of limiting future legal expenses, but no conclusions could be drawn

Assignments

- ✓ Stay in touch and cooperate with Attorney Kelsh.

11. **Boggs' Sewer Problem (Gee)** – Hold Harmless agreement (approved in April Board meeting) was signed by the property owner, Walter Boggs, who then received our check for \$1,200. The executed document was filed with the April Minutes.

~ ~ **NEW BUSINESS** ~ ~

12. **NEW: 2017/2018 PSD Budget (Gee)** –

MOTION: (Flaxer/Bailey) - To approve 3% Water Division pay increase for all full-time non-exempt employees, except for Office Manager Vickie Perrine who shall receive a 6% increase, for FY 2017/18. [Carried Unanimously]

MOTION: (Flaxer/Bailey) - To approve 3% Sewer Division pay increase for all full-time non-exempt employees, except for Office Manager Vickie Perrine who shall receive a 6% increase, for FY 2017/18. [Carried Unanimously]

MOTION: (Flaxer/Mills) - To approve 4% salary increase from \$50,376 to \$52,391.04 for General Manager for FY 2017/18.
[Carried Unanimously]

MOTION: (Bailey/Mills) - To approve the FY 2017/18 Water Division Budget as presented. [Carried Unanimously]

MOTION: (Bailey/Mills) - To approve the FY 2017/18 Sewer Division Budget as presented. [Carried Unanimously]

13. **NEW: 2016-2017 Water and Wastewater Division Audits (Gee)** –

MOTION: (Bailey/Mills) - To authorize Elaine B. Flaxer as Chairman to sign indicating Board approval of attached Letter of Engagement with Tetrick and Bartlett dated 04-24-17 to complete the 2016-2017 Water Division annual audit.
[Carried Unanimously]

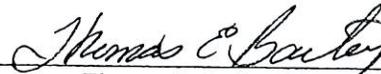
MOTION: (Bailey/Mills) - To authorize Elaine B. Flaxer as Chairman to sign indicating Board approval of selfsame attached Letter of Engagement with Tetrick and Bartlett dated 04-24-17 to complete the 2016-2017 Wastewater Division annual audit.
[Carried Unanimously]

14. Late Received Agenda Items (Gee) - none.

15. Adjournment: The meeting was adjourned by Chairman Flaxer at 5:23 p.m.



Elaine B. Flaxer, Chairman



Thomas E. Bailey, Secretary

Attachments:

- April '17 Bills Paid (Water/Wastewater)
- April '17 Treasury Reports (Water/Wastewater)
- April '17 Adjustments Reports (Water/Wastewater)
- April '17 Water Purchase/Sales Report
- April '17 Wastewater Volume/Treatment Cost Report
- All correspondence listed on page 2
- List of not hooked up "customers" sent to County Sanitarian
- Approved copies of 2017-18 Water & Sewer Budgets
- Executed copy of 4-24-17 Letter of Engagement with Tetrick & Bartlett to complete 2016/17 Water and Sewer Audits

E-Copies of Unapproved Minutes Sent to:

- James V. Kelsh, Attorney
- Dan Ferrell, Phase II Sewer Project Engineer, Thrasher Engineering
- PSD Office
- Board Members

Assignments



Department of Military Affairs & Public Safety

June 12, 2017

The Honorable Agnes Queen
President
Lewis County Commission
110 Center Avenue
Weston, WV, 26452

RE: Grant 16-JAG-007

Dear Agnes Queen:

A DJCS staff member recently completed an on-site program review of the above-referenced grant project on May 9th, 2017. Enclosed for your information is a copy of the report following his on-site review. Please respond to any findings, recommendations, or comments in this report.

We appreciate the helpfulness and cooperation from your staff during this review by providing information as requested and answering all questions.

If you have any questions regarding this review, please do not hesitate to contact me at (304) 558-8814, extension 53352 or via email at Jonathan.G.Culbertson@wv.gov or Sarah Price at extension 53313 or via email at Sarah.E.Price@wv.gov.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan G. Culbertson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan G. Culbertson
Justice Programs Monitor

JGC/lbm
Enclosure

Cc: Sergeant Michael Cayton, Project Director
Ms. Crystal Revis, Fiscal Officer

*Sent
audit
6/21/2017
Law*



~~WVA.~~

Walkersville

June 14-2017

Lewis County Commission
Pat Boyle
Agnes Queen
Rod Wyman

Dear Commissioners

My term as a appointed member on the Lewis County Fire Board will end on June 30,2017.

At this time due to health concerns I will not place my name before the Lewis County Firemens Association to serve again.

Since the Fire Board was organized this is my third time to serve on the Board.

I think it is in my best interest to step down when my terms ends.

Thank you for allowing me the privelege of serving on the Board

Sincerely



Rick Metzgar
Walkersville V.F.D.