

**COUNTY COMMISSION
OF LEWIS COUNTY**

110 Center Avenue
Weston WV 26452
Phone:(304)269-8200
FAX: (304)269-2416
Email:lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



COMMISSIONERS:
Agnes Queen, President
Patrick Boyle, Commissioner
Rod Wyman, Commissioner

**LEWIS COUNTY COMMISSION
110 CENTER AVENUE, 2ND FLOOR
WESTON, WV 26452**

Agenda for Tuesday, November 5, 2019

SILENT MEDITATION and PLEDGE OF ALLEGIANCE

- 1. 10:00 AM** **Call Meeting to Order**
- 2. 10:05 AM** **John Breen, Lewis County Assessor**
RE: Exonerations, Consolidations, Apportionments

Draft copies will be available for review on Friday, November 1, 2019
(action required)

APPOINTMENTS

- 3. NONE**

CORRESPONDENCE

- 4. Upshur County Commission Meeting Agenda:** The Upshur County Commission meeting agenda for October 31, 2019 is presented for review.*(information only)*
- 5. Lewis County Park Board Meeting Minutes and Agenda:** The Lewis County Park Board September 23, 2019 meeting minutes and the agenda for October 28, 2019 meeting are presented for review. *(information only)*
- 6. Frontier Service Issue Response from Congressman Mooney:** Congressman Alex Mooney responded to President Agnes Queen's concerns regarding Frontier Communications. He has sent a letter to Frontier Communications. *(information only)*
- 7. Fiscal Year 2020 Coalbed Methane Distribution:** Lewis County received \$3,754.71 in coalbed methane distribution for Fiscal 2020. Last year the county received \$5,562.49.
(information only)

BUSINESS

- 8. Boards and Committee Report(s):** Reports by Commissioners of any board(s) or committee(s) attended including: Fire Board Hearing; Lewis County School Advisory Council; Ireland Neighborhood Watch. *(information only)*
- 9. Lewis County General County Budget Revision #:** The Lewis County Commission is asked to consider approval of general county budget #2 in the amount of \$27,858.00. Revenue revisions include: Regional Jail Operation Partial Reimbursement \$8,646.00; Miscellaneous Revenue \$6,155.00; Refunds and Reimbursements \$13,057.00. Expenditure Revision include increase in the

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: October 31, 2019

- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• October 24, 2019
- 9:05 a.m. Lt. Paul Mark Davis, Upshur County Deputy - Update on implementation of the Drug Abuse Resistance Education (D.A.R.E.) Program
- 9:15 a.m. Mike Cozad and Jason Harshbarger - Update on the Atlantic Coast Pipeline Project
- 9:30 a.m. Proclamation recognizing E911 telecommunicators as "First Responders"
- 11:00 a.m. Clayton J. Fitzsimmons of Fitzsimmons Law Firm PLLC - Update on pending opioid litigation via conference call
Item may lead to Executive Session per WV Code §6-9A-4
- 1:00 p.m. Continued discussion regarding options for utility installation along Rt. 33 west of Buckhannon
- 3:00 p.m. Board of Assessment Appeal (BOAA) Telephonic Hearing for Pringle House LP- 2019 Valuation

Items for Discussion / Action / Approval:

1. Consideration of a revised resolution gifting the two Commission owned fire trucks (1996 Smeal Freightliner Pumper Vin#1FV6JLCB6TL682573; 2003 Kenworth Pumper Vin#2NKMHZ8X33M387293) located within the Buckhannon Fire Department to the Buckhannon Volunteer Fire Department per WV Code 7-3-3. *
2. Consideration of a resolution setting forth the Commission's intent to allocate \$15,000 to the City of Buckhannon for fire response within the first due fire service zone, beginning in Fiscal Year 2021 pending annual budgetary approval. *
3. Correspondence from Governor Jim Justice announcing the Victims of Crime Act (VOCA) Grant Award in the amount of \$36,380 to be used to provide direct services to crime victims in Upshur County. Approval for Samuel R. Nolte, Commission President, to sign the Contract Agreement, Standard and Special Conditions, Certifications and Resolution for this grant. *
4. Approval and signature of Service Contract with Cleveland Brothers to perform semi-annual service and annual maintenance service for the engine, generator and GENSET located at the E-911 Communications Center. The total cost for the 2019 agreement is \$1,390; the total cost for the 2020

agreement is \$2,610; and the total cost for the 2021 agreement is \$2,660. The agreement includes all parts, travel time, mileage and labor for two inspections each year. The Upshur County Commission reserves the right to terminate the agreement for any reason at any time. *

5. Approval of the revised Upshur County Part-time Employee Time Sheet. Approval will be effective the first payroll in January, 2020. *
6. Discussion regarding a successor to David E. Godwin, Prosecuting Attorney. *
Item may lead to Executive Session per WV Code §6-9A-4
7. 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 Lindsey Woody, Office Manager at the Adrian Public Service District, announcing that during the October 2019 Board of Directors meeting it was approved to change to their monthly meeting from the second Thursday of the month at 10:00 a.m. to the first Thursday of the month at 3:00 p.m. to accommodate their new Vice Chairman, Carolyn Douglas
2. Upshur County Fire Board, Inc. Financial Statement – July 1, 2018 through June 30, 2019
3. Upshur County Fire Board, Inc. Financial Statements and Independent Auditor's Report for Fiscal Year ended June 30, 2019. Copies are available for public inspection in the office of the Upshur County Commission upon request.
4. Elkins Road Public Service District Independent Audit for Fiscal Year July 1, 2018 through June 30, 2019. Copies are available for public inspection in the office of the Upshur County Commission upon request.
5. Appointments Needed or Upcoming:

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. Hearing upon the Petition/Complaint of the Upshur County Safe Sites and Structures Enforcement Agency -- Chapman Case Number 101118-01 (Warren Tax District – Tax Map 6B Parcel Number 11).

Next Regular Meeting of the Upshur County Commission
November 7, 2019 --- 9:00 a.m.
Upshur County Courthouse Annex

MINUTES OF THE LEWIS COUNTY PARK BOARD OF DIRECTORS

Meeting Date of September 23, 2019

Present: Gene Edwards, President, Barbara Paugh, Vice President, Betty Hill, Treasurer, Josie Britton, Secretary, Josh Hinchman, Director, Glen Brown, Member, Shirley Taylor, Member, Alyce Henry, Member, Barbara Tucker, Member, Heather Fluharty, Member, and Tom Alkire, Maintenance

The meeting was called to order by Gene Edwards. Minutes from the previous meeting(August 26, 2019) were approved by Glen Brown, seconded by Alyce Henry.

Betty Hill went over the treasurer's report. There were no questions or concerns with the given information. The report was approved by Alyce Henry, seconded by Josie Britton.

There was no public comment.

Josh Hinchman gave the director's report next.

* He informed the Board that he would be taking some inclusion playground classes and safety services in Fairmont.

* The company that made the whale for the baby pool gave Josh a quote of \$5,000.00 to replace the broken whale or approximately \$2,800.00 (plus shipping cost) to refurbish. He will continue to check other companies for more options.

* The blue tile in the baby pool is coming up. Josh doesn't advise replacing with the same product, as this seems to be an ongoing

problem. He is looking for other alternatives, but estimates that it will cost near \$20,000.00 to replace.

* Josh updated the Park's website himself. When time allows, he will add some new, updated photos.

* The sponsorships for the new disk golf have been fulfilled. Dominion is sponsoring 6 holes, Mountaineer RV 1 hole, Beth Nichols and family 1 hole, and Gene Edwards 1 hole. Each hole was \$400.00 for a 5 year term. Next we will need sponsors for the volleyball courts.

* Josh would like to make a LC Park catalog, detailing what the park offers, goals we would like to meet, and how the public can donate.

* Thru a grant, West Virginia American Water can install a water bottle filling station at the Park. Game Time Playground is offering a grant that would match 100% of our investment on new equipment. Alyce Henry made a motion that we apply for a total of \$30,000.00 (\$15,000.00 from the Park and \$15,000.00 from GTP), with Barb Tucker making the second. All were in favor except Glen Brown.

* Trunk or Treat will be held at the RLB middle school again this year due to the Park's poor lighting issues.

* JR Dodson says he will still have the hiking trail built, whether the park helps to maintain it or not. The Board will wait to see if this actually transpires before we make any type of commitment.

* Per Agnes Queen, the Park must wait for the County Commission to hold a public auction before we can sell the lockers in the pool restrooms.

* Josh distributed the proposed pool prices for next season. He included current prices from four other community pools in neighboring counties. Our pricing is by far the lowest, even with the proposed increase for next year. General admission will go from \$3.00 to \$4.00. The big slides will remain at \$2.00. General season passes will go from \$50.00 to \$60.00 and we will add a season pass WITH SLIDES for \$85.00. Alyce Henry made the motion to accept the proposed prices for the 2020 pool season, and Barb Paugh seconded the motion. All were in favor except Glen Brown.

* Coke has sent the Park 2 new umbrellas and new menu boards at no charge.

Tom Alkire gave a brief run down on what the maintenance department had been working on. He stated that the #4 shelter drain is finished, 3 new swings/chains have been hung, new lap chains are on the baby swings, the old tractor has been moved from the building, slides have been waxed for winter, kitchen has been cleaned/reorganized, pool has been winterized, and the lines are getting ready to be redone.

In Old and Unfinished Business, Shirley Taylor inquired about any updates on Christmas lights for the Park. Josh says he can never get his contact in Elkins to give him a concrete answer. Gene Edwards said he would ask Rod Wyman if he has any ideas on the matter.

Gene Edwards adjourned the meeting after determining the Board will meet again on MONDAY, OCTOBER 28, 2019 at the Lewis County Court House at 6 pm.

Respectfully submitted by Josie Britton, Secretary

If unable to attend, please contact Gene Edwards at 304-997-9021

LEWIS COUNTY PARKS AND RECREATION AGENDA

Monday, October 28, 2019 @ 6:00 pm at the LC Court House

- 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**

ALEX X. MOONEY
2ND DISTRICT, WEST VIRGINIA

FINANCIAL SERVICES COMMITTEE
SUBCOMMITTEE ON
INVESTOR PROTECTION, ENTREPRENEURSHIP
AND CAPITAL MARKETS
SUBCOMMITTEE ON
DIVERSITY AND INCLUSION

Congress of the United States
House of Representatives
Washington, DC 20515-4802

CHARLESTON OFFICE:
405 CAPITOL STREET
SUITE 306
CHARLESTON, WV 25301
MARTINSBURG OFFICE:
300 FOXCROFT AVENUE
SUITE 101
MARTINSBURG, WV 25401
(304) 264-8810
WASHINGTON OFFICE:
2440 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2711
<http://mooney.house.gov>

October 22, 2019

Ms. Agnes G. Queen
110 Center Avenue
Weston, WV 26452-1964

Dear Ms. Queen,

Thank you again for contacting my office for assistance and to update you on your case. As your Congressman, one of my main responsibilities is to help constituents resolve problems with federal agencies.

Upon receipt of the information you provided, I have forwarded the enclosed letter to Frontier along with your information. I will promptly notify you when the agency replies to this inquiry and provide you with a copy of their response.

In the meantime, should you have any questions, comments or concerns, please do not hesitate to contact Madison T. Neeley at my Charleston office at 304.925.5964. I hope this matter is resolved quickly and to your satisfaction.

Sincerely,



Alex X. Mooney
Member of Congress

AXM/mtn

ALEX X. MOONEY
2ND DISTRICT, WEST VIRGINIA

FINANCIAL SERVICES COMMITTEE

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100 FOXCROFT AVENUE
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MARTINSBURG, WV 25401

WASHINGTON OFFICE:
2440 RAYBURN HOUSE BUILDING
WASHINGTON, DC 20515

[HTTP://MOONEY.HOUSE.GOV](http://MOONEY.HOUSE.GOV)

Dear Billy,

Ms. Agnes G. Queen has contacted my office in resolving a matter with which you might be able to provide assistance. Enclosed are copies of the information we have been provided on the particular situation for your review.

Your prompt consideration would be greatly appreciated as Madison T. Neeley in my Charleston office is eager to resolve this matter as soon as possible. A copy of your response will be sent to my constituent. If you could please send your response to:

Office of Congressman Mooney
Attn: Madison T. Neeley
405 Capitol Street, Suite 306
Charleston, WV, 25301-1786

Should you have any questions, please feel free to contact me at 304.925.5964.

Sincerely,



Alex X. Mooney
Member of Congress

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Subject: Coal Bed Methane Severance
From: afarnsworth@lewiscountywv.org
Date: Wed, Oct 30, 2019 12:37 pm
To: <lwhetsell@lewiscountywv.org>

Hi, just wanted to let you know that we received the coal bed methane severance this month and it was \$3754.71. Last year it was \$5562.49.
Thanks!

Amanda J. Farnsworth

Assistant Chief Tax Deputy
Lewis County Sheriff's Tax Office
110 Center Avenue
Weston, WV 26452
Phone: (304) 269-8222
Fax: (304) 269-8698

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Budget Resolution

At a regular session of the County Commission, held **November 5, 2019** the following order was made and entered:

SUBJECT: The revision of the Levy Estimate Budget of the **GENERAL COUNTY FUND, FY 2019/2020**, for the County of **LEWIS**. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised **PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS**, as shown on budget revision number **2 (two)**, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____ the vote thereon was as follows:

	<i>(circle one)</i>	
	yes	no
_____ Agnes G. Queen		
_____ Patrick D. Boyle		
_____ Roderick B. Wyman		

WHEREUPON, Agnes G. Queen, President, declared said resolution duly adopted, and it is therefore **ADJUDGED AND ORDERED** that said resolution be, and the same is, hereby adopted as so stated above, and the President is authorized to affix his signature on the attached "*Request for Revision to Approved Budget*" to be sent to the State Auditor for approval.

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 FY: 2019/2020
 Fund: 1
 Rev. No. 2
 Pg of No. 1

Lewis County Commission

GOVERNMENT ENTITY

Person To Contact Regarding Request:

Name: Crystal Haught

Phone: (304) 269-8215

Fax: (304) 269-8202

110 Center Avenue

STREET OR PO BOX

Weston

CITY

26452

ZIP CODE

COUNTY

Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY			REVISED AMOUNT
		APPROVED AMOUNT	(INCREASE)	(DECREASE)	
362	Regional Jail Operations Partial Reim.	45,000	8,646		53,646
366	Miscellaneous Revenue	10,000	6,155		16,155
382	Refunds/Reimbursements (External Sources)	132,451	13,057		145,508
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

27,858

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY			REVISED AMOUNT
		APPROVED AMOUNT	(INCREASE)	(DECREASE)	
401	County Commission	303,793	350		304,143
424	Courthouse	2,910,403	23,061		2,933,464
431	Economic Development	45,928	3,755		49,683
700	Sheriff-Law Enforcement	761,694	692		762,386
	#N/A				

NET INCREASE/(DECREASE) Expenditures

27,858

APPROVED BY THE STATE AUDITOR

BY:

Deputy State Auditor, Local Government Services Div.

Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE