

**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, December 3, 2019
10:00 AM**

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 on Wednesday, November 27, 2019.
(*action required*)

APPOINTMENTS

- 3. 10:10 AM Adam Gissy, Lewis County Sheriff**

RE: Approval to Hire Part Time Court Security Officer

Sheriff Adam Gissy requests advice and consent per WV Code §7-7-7 to hire Brian McClain as a part time security officer. If approved, the oath of office will be administered. (*action required*)

- 4. 10:20 AM 1st Reading of an Ordinance to Prohibit Vicious and/or Dangerous Dogs and to Restrict Dogs from Running at Large**

This is a first reading of an ordinance to prohibit vicious and/or dangerous dogs and to restrict dogs from running at large. The ordinance will be read in title unless requested and will be available for review in the Lewis County Commission Office. There will be a second reading and a third reading and public comment prior to consideration of adoption. (*action required*)

CORRESPONDENCE

- 5. Upshur County Commission Meeting Agenda:** The Friday, November 22, 2019 Upshur County Commission Meeting Agenda is presented for review. (*information only*)
- 6. Jane Lew Public Service District Meeting Minutes:** Minutes of the October 10, 2019 regular meeting of the Jane Lew Public Service District are presented for review. (*information only*)

7. **State of West Virginia Notification of Funding for the Lewis County Board of Education:** The Lewis County Board of Education received \$18,987.98 from the State of West Virginia. This is a result of the leasing of lands for flood control, navigation and allied purposes from the United States Department of Interior, pursuant to WV Code § 2-3-18. This is the revenue the Board of Education lost due to the flood control dam construction. *(information only)*

BUSINESS

8. **Board(s) and Committee(s) Reports:** Reports by Commissioners of any board(s) or committee(s) attended including: Budget Hearings; North Central WV Airport Authority; Special Meeting to sign Justice Assistance Grant Acceptance; Special Meeting to sign Local Economic Development Grant Application; Estate Hearings; Weston and Jane Lew Christmas Parades. *(information only)*
9. **Resignation of Assistant Prosecuting Attorney:** Brian Hinkle has tendered his resignation as Assistant Lewis County Prosecuting effective November 30, 2019. Mr. Hinkle has been appointed to the position of Upshur County Prosecuting Attorney. *(action required)*
10. **William R. Sharpe Hospital Tree Lighting Ceremony:** The Lewis County Commission is invited to the annual Christmas Tree Lighting at William R. Sharpe Hospital on Tuesday, December 10, 2019 at 6:00 PM. A response is requested. *(action required)*
11. **Time Sheets and Leave Requests** *(action required)*
- a) Barbara Winans December 3, 2019

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

12. **Actions of the Clerk:** County Clerk Cynthia S. Rowan presents actions of the clerk in recess of the county commission for approval. Draft copies will be available for review upon request Wednesday, November 27, 2019. *(action required)*
13. **Approval of Estates:** County Clerk Cynthia S. Rowan presents the estates ready for settlement to the Lewis County Commission for approval. Draft copies will be available for review upon request Wednesday, November 27, 2019. *(action required)*
14. **Presentation by the County Clerk of the Orders of Prior Meeting(s):** The Lewis County Clerk presents the Orders (minutes) of previous Lewis County Commission meeting(s) for approval. Draft copies will be available for review upon request Wednesday, November 27, 2019. *(action required)*
15. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Wednesday, November 27, 2019. *(action required)*

ADJOURNMENT:

16. **With no further action being required by the Lewis County Commission the meeting will be adjourned.** *(action required)*

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. Agenda items may require an executive session.
- 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 are unanimous unless otherwise stated.

**LEWIS COUNTY COMMISSION
NOTICE OF INTENT
TO CREATE AN ORDINANCE TO
PROHIBIT VICIOUS AND/OR DANGEROUS DOGS
AND TO RESTRICT DOGS FROM RUNNING AT LARGE**

The Lewis County Commission, in order to promote the health, safety and welfare of the citizens of Lewis County, intends to create an ordinance to prohibit vicious and/or dangerous dogs and to restrict dogs from running at large in the unincorporated areas of Lewis County. The ordinance will be read at the Lewis County Commission Meetings on December 3 and December 10, 2019. A Public hearing will be held December 17, 2019 at 9:45 AM at the Lewis County Commission Meeting Chambers, 110 Center Avenue, 2nd Floor, Weston, WV 2642. This will allow the public to comment on the proposed ordinance. The final reading and consideration of passage will be held on December 17, 2019 at 10:30 AM.

Copies of the ordinance are available for review from the Lewis County Commission, 110 Center Avenue, 2nd Floor, Weston, WV 26452.

LEWIS COUNTY COMMISSION
LEWIS COUNTY, WEST VIRGINIA

ORDINANCE TO PROHIBIT VICIOUS AND/OR DANGEROUS DOGS AND
TO RESTRICT DOGS FROM RUNNING AT LARGE

In order to promote the health, safety and welfare of the citizens of Lewis County and to eliminate the public nuisance created by vicious and/or dangerous dogs, and dogs running at large, Lewis County enacts this Ordinance restricting dogs from running at large, and prohibiting vicious and/or dangerous dogs, which shall be effective in the unincorporated areas of Lewis County, West Virginia.

The Lewis County Commission finds and determines that there has been a substantial increase in the number of citizen complaints concerning the escalating population of dogs in the county and that such dogs are causing injury to persons and property, thereby creating a nuisance and preventing the full enjoyment by citizens of their property. There is reasonable cause to believe that some of these animals harbor and transmit deadly diseases, and as a result, have created conditions that are detrimental to the health, safety, and welfare of the citizens of Lewis County. This Ordinance is hereby enacted to define, regulate, and prohibit these conditions.

Pursuant to West Virginia Code § 7-1-3kk, § 7-1-14, and § 19-20-6, as amended, as well as other applicable provisions, the Lewis County Commission has the authority to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance; and to prevent animals from becoming a public nuisance or risk to public health or safety or the environment.

The Sheriff's designee is hereby appointed as the County Humane Officer, as those terms are defined in the West Virginia Code, 1931, as amended.

NOW, THEREFORE, BE IT ORDAINED this ____ day of _____, 20____, the County Commission of Lewis County, West Virginia, hereby adopts this Ordinance superseding and revoking all prior ordinances that may have been enacted or in effect relating to dogs running at large and relating to vicious and/or dangerous dogs.

Definitions. For purposes of this Ordinance, the following terms are defined as follows:

- (a) A dog shall be defined as a Public Nuisance when:
 - (1) A dog which chases, attacks, injures, bites or scratches a person;
 - (2) A dog which repeatedly scatters garbage or impinges upon or destroys property of another person;
 - (3) A dog which chases, attacks, or injures another animal not belonging to the owner of the dog and not located on the premises of the owner of the dog;
 - (4) A dog which chases vehicles, bikes or other means of transportation, while not located on the dog owner's property.
- (b) An Owner or Keeper is any person or group of persons, firms, partnerships, corporations, organizations, or associations that keep, harbor, allows an animal, has the animal in their care, acts as caregiver of an animal, or has a possessory property right in a dog.
- (c) Owner's real property shall mean any real property owned or leased by the owner(s) of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, townhouse or subdivision development.
- (d) Injury shall mean any breaking of the skin, which results in bleeding, caused by a bite.
- (e) Severe injury shall mean any physical injury which results in broken bones or disfiguring lacerations or which require surgery or hospitalization.
- (f) A dangerous dog is a dog in which there is reasonable cause to believe that there is a risk of injury or harm to a person or animal based on the dog's actions.
- (g) A vicious dog shall be defined as:
 - (1) A dog which has killed or inflicted severe injury upon a person. Severe injury shall mean any physical injury that results in broken bones or disfiguring lacerations or which require surgery or hospitalization;
 - (2) A dog which has killed or inflicted severe injury upon a domestic animal, horse or other livestock, when the dog was not on the offending dog owner's property;
 - (3) A dog which has approached a person when not on the offending dog owner's property in a vicious or terrorizing manner, in an apparent attitude of attack, as

determined by the Humane Officer, his or her designee, or other duly authorized law enforcement officer, and upon the sworn affidavit of at least two eye-witnesses;

- (4) Any dog owned or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting;
- (5) Any dog which is in the habit of biting or attacking other persons, or other dogs or animals, whether or not such dog wears a tag or muzzle.

Section 1 – Dogs Running at Large.

- (a) All dogs in the unincorporated areas of Lewis County shall be kept under control by the owner or keeper of the dog. No person being the owner, keeper or having charge of any dog shall permit it to run at large upon any public place, or upon the premises of another.
- (b) The Assessor shall at the time Lewis County residents pay the dog tax or fee and receive their dog tag, make available a copy of this or any subsequently amended Dog Management Ordinance. This Ordinance shall also be posted on the County website.
- (c) The name and address of the owner as well as the license and rabies vaccination tags shall be attached to the collars of all dogs. Any dog which does not have on its collar a tag indicating that the applicable county taxes or fees have been paid and/or any dog which does not have a tag indicating that the particular dog has had its rabies vaccination, shall be considered uncontrolled and subject to seizure as set forth herein.
- (d) The running at large of any such dog in or upon any place mentioned in this Ordinance is *prima facie* evidence that the dog is running at large in violation of this Ordinance. The Humane Officer, or his or designee, may seize on sight and impound any dog found running at large. The Humane Officer, or his or designee, shall be responsible for the proper care and final disposition of all impounded dogs. When any dog shall have been seized and impounded, the Humane Officer, or his or designee, shall forthwith give notice to the owner of such dog, if known, that such dog has been impounded and that it will be sold or destroyed if not redeemed within five (5) days, excluding weekends and state holidays. If the owner of such dog be not known to the Humane Officer, or his or her designee, he/she shall post a notice in the county courthouse and the county animal shelter. The notice shall describe the dog and the time and place where dog was seized and shall advise the unknown owner that such dog will be sold or destroyed if not redeemed within five (5) days, excluding weekends and state holidays.
- (e) No person having possession, ownership, or control of a dog shall lead or take such dog upon the private property of another person without permission, or knowingly permit any such dog to soil on, damage or destroy, any yards, flowers, trees or

shrubbery of another person or otherwise trespass upon the property of another person without permission.

(f) Any responsible person who witnesses a violation of this Ordinance may file a complaint in the following manner:

(1) Any person who personally witnesses a violation of this Ordinance may submit a complaint to the Animal Control Department at 201 Orchard Street, Weston, West Virginia 26452. Such complaint must be in writing, signed by the witness, and shall include a detailed description of the animal and a detailed explanation of the alleged violation(s). The complaint shall also include the complainant's full name, address, telephone number, and driver's license number and issuing state.

(2) Within a reasonable period of time, considering available resources, the Humane Officer, or his or designee, shall notify the owner or keeper of the dog and advise him/her that a complaint has been filed and what steps are available to resolve the matter.

(3) The Humane Officer, or his or designee, may also issue a citation for a violation of this Ordinance, at his or her discretion, without first receiving a written complaint from another person.

(4) An owner of a dog who permits his/her dog to leave waste on public or private property not belonging to the owner, shall immediately remove and properly dispose of the waste.

(g) This ordinance shall not be applicable to the following:

(1) Any vaccinated dog running at large while engaged in a lawful hunting activity;

(2) Any vaccinated dog running at large while engaged in any lawful training activity;

(3) Any vaccinated dog running at large while engaged in any lawful herding or other farm related activity.

Section 2. Vicious Dogs.

- (a) The Humane Officer, or his or designee, shall be designated as the person(s) responsible for initially determining that there is probable cause to believe that a dog is a dangerous or vicious dog. The officer may, after appropriate observation at the animal control facilities, determine that the dog is not vicious or dangerous, but rather, that the act of the dog was an anomaly and not the act of a vicious or dangerous animal. This determination shall not be open to dispute through this Ordinance.
- (b) Any determination that a dog is vicious or dangerous shall be communicated by the Humane Officer, or his or designee, to the owner in writing, stating the reasons for such determination, along with a Citation and a Summons to appear before the Magistrate Court of Lewis County, West Virginia, for a violation of West Virginia Code § 19-20-20, and this Ordinance.
- (c) If, in the discretion of the Humane Officer, or his or designee, a dog cannot be safely captured and detained, and the same has been determined by the Humane Officer, or his or designee, to be vicious or dangerous, either by definition or upon following full investigatory observation, the Humane Officer, or his or designee, is authorized to take immediate and, if necessary, lethal action, against such dog, notwithstanding the fact that no written notice has been communicated to the owner of the dog and that no hearing into said determination has been requested or held.
- (d) Any dog determined by the Court to be vicious or dangerous or in the habit of biting or attacking other persons, dogs or animals, shall upon Order of the Court, be disposed of by the Humane Officer, or his or designee, except that vicious or dangerous dogs shall not be made available to the public through adoption.
- (e) No police dog engaged in the performance of its duties at the time of the acts complained of, shall be found to be a dangerous or vicious dog. No dog shall be found to be a dangerous or vicious dog solely because of its breed, nor is a particular breed of dog precluded from being determined to be vicious or dangerous.
- (f) No dog shall be found to be a dangerous or vicious dog if the bite, attack, or injury was sustained by a person who was:
 - (1) committing, at the time, a crime upon the premises occupied by the dog's owner;
 - (2) committing, at the time, a willful trespass or other tort upon the premises occupied by the dog's owner; or
 - (3) provoking, tormenting, or physically abusing the dog.

- (g) When a dog has been judicially determined to be vicious or dangerous or in the habit of biting or attacking other persons, dogs, or animals, such dog is, therefore, a nuisance. All costs of disposition, housing of the dog during the legal proceedings, termination of the dog's life and administrative costs expended by the County shall be reimbursed by the dog's owner. Additionally, the owner shall pay any and all medical and/or veterinary costs, including costs for disposing of the bodies of pets which have died or been put down as a result of attack by such vicious or dangerous dog.
- (h) A finding by a Magistrate that a person is in violation of this Ordinance may be appealed to the Circuit Court.

Section 3. Impoundment.

- (a) The County has established a dog pound and may keep therein dogs seized under any of the provisions of this ordinance. Any dog found running at large in the County may be seized. The owner or keeper of any dog may retrieve such dog upon paying all of the costs, fines and fees imposed for a violation of this ordinance, or by posting proper bond pending trial for a charge of a violation of this ordinance, in an amount sufficient to cover the fine and the appropriate impound fees charged, including any necessary veterinary fees and court costs. If not paid, such dog may be sold and any costs, fines or fees imposed, if any, shall be deducted from the proceeds of the sale, and any residue of the sale shall be payable to the owner of the dog. If such dog is not sold, it may be placed for adoption. If such dog is not placed for adoption, it may be properly euthanized and its body disposed of by the County without liability to the owner.
- (b) If a trial is requested, bond shall be re-posted every thirty (30) days to cover the cost of caring for the animal that is being held by the County.
- (c) Notwithstanding any provision herein to the contrary, no dog impounded pursuant to this ordinance shall be released to its owner or keeper without proof of a current license and rabies vaccination.
- (d) The Owner of any impounded dog shall pay a fee of Ten Dollars (\$10.00) per day for each day a dog is impounded, plus a fee of Twenty-Five Dollars (\$25.00) for the first impoundment; Fifty Dollars (\$50.00) for a second impoundment; Seventy-Five Dollars (\$75.00) for a third impoundment; One Hundred Dollars (\$100.00) for a fourth impoundment; and One Hundred Fifty Dollars (\$150.00) for a fifth or any subsequent impoundment.

Such fees shall be paid into the county treasury where they shall constitute and be set aside in the "Dog and Kennel Fund," as provided under West Virginia Code § 19-20-10, as amended.

Section 4. Enforcement.

- (a) This ordinance shall be enforceable by the Humane Officer, or his or her assistant(s), or the County Humane Officer, or any other duly authorized law enforcement officer, whichever the case may be.
- (b) The Humane Officer, or his or designee, whichever the case may be, shall patrol the County and shall seize on sight and impound any dog found running at large.
- (c) When any dog has been seized and impounded, the Humane Officer, or his or designee, whichever the case may be, shall forthwith give notice to the owner of such dog, if such owner is known, that such dog has been impounded and that it will be sold or destroyed if not redeemed in five (5) days. If the owner of the dog is not known to the Humane Officer, or his or designee, whichever the case may be, he or she shall post a notice at the front door of the Lewis County Courthouse. The notice shall describe the dog, the location where the dog was seized, and advise the unknown owner that such dog will be sold or destroyed if not redeemed within five (5) days. The five (5) day time period to redeem the dog shall be business days that the Lewis County Courthouse is open to the public and shall not apply in contested cases or cases where a trial of the matter has been requested by the owner and proper bond posted as set forth herein.
- (d) The owner, keeper, or person having charge of any dog seized and impounded under this ordinance may, prior to the expiration of the five (5) days from the date that notice of the seizure and impounding of the dog shall have been given, posted or published as required by this ordinance, redeem the dog by paying the Lewis/Upshur County Animal Control Facility all of the costs, fines and fees assessed against such dog.
- (e) Reasonable costs and fees, in such amount as may be determined from time to time by the Lewis County Commission, shall be assessed against the owner of every dog seized and impounded under the provisions of this Ordinance, and there shall be assessed an administrative fee, plus a fee for each day of impoundment.
- (f) The Humane Officer, or any other duly authorized law enforcement officer(s), is/are hereby authorized to issue citations, including warnings, if warranted in the exercise of their discretion, for any violation of this ordinance.
- (g) Nothing herein shall constitute a waiver of any ordinance that provides for the arrest and fine for any other violation of county ordinances, or state law relating to dogs.

Section 5. Penalty and Enforcement.

- (a) Any person in violation of Section 1 of this Ordinance, shall for the First Offense, be issued a written warning and shall be given a reasonable time to correct the violation, not to exceed 24 hours. Any person is convicted of any subsequent offense, if the violation occurs within six (6) months of any prior violation, is guilty of a misdemeanor and the penalty shall be a fine not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), plus court costs.
- (b) Any person who is convicted of a violation of Section 2 of this Ordinance, shall for the First Offense be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00), or be confined in jail not more than thirty (30) days, or both such fine and confinement. Any person in convicted of any subsequent offense, is guilty of a misdemeanor and the penalty shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or confinement in jail not less than thirty (30) days nor more than six (6) months, or both such fine and confinement.
- (c) Any owner or keeper of any dog who permits such dog to run at large shall be liable for payment of restitution for any damages inflicted upon the person or property of another by such dog while so running at large, in accordance with West Virginia Code § 19-20-13, as amended.
- (d) If any costs, fines, forfeitures, penalties or restitution are not paid in full within the time period prescribed by law, a judgment may be entered against the Defendant by the Court or a civil action may be commenced to recover the same, together with the costs associated with the collection thereof.
- (e) If any costs, fines, forfeitures, penalties or restitution imposed by the court upon conviction of a person for any offense under this Ordinance are not paid in full when ordered to do so by the court, the clerk of the court shall notify the Division of Motor Vehicles of such failure to pay. Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the costs, fines, forfeitures or penalties are paid. The Court may also submit unpaid costs, fines, forfeitures, and penalties assessed by the Court to the State Tax Commissioner for withholding of the unpaid amounts from any individual's personal income tax refund due and owing.
- (f) The Magistrate Court of Lewis County, West Virginia, and the Circuit Court of Lewis County, West Virginia, shall have concurrent jurisdiction to enforce the misdemeanor penalties prescribed by this Ordinance.

Section 6. Effective Date

Passed first reading on the ____ day of _____, 20__.

Passed second reading on the ____ day of _____, 20__.

Public Hearing held on the ____ day of _____, 20__.

Enacted and passed on the ____ day of _____, 20__.

This ordinance is effective upon adoption.

LEWIS COUNTY COMMISSION

President of the Lewis County Commission

Commissioner

Commissioner

Attest:

Clerk of the County Commission

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: November 21, 2019

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• November 14, 2019

9:15 a.m. Susie Haught, Case Manager for Community Care of WV– Presentation of Lung Cancer Awareness Proclamation

2:00 p.m. Hearing to consider acceptance of the Last Will and Testament of Steven McWhorter Casto, deceased

Items for Discussion / Action / Approval:

1. Order appointing the Sheriff of Upshur County as the Administrator for the Estate of James L. Jones, deceased. *
2. Consideration and signature of correspondence to Senator Shelley Moore Capito and Joe Manchin III expressing appreciation for their support of the Land and Water Conservation Fund and further requesting them to cosponsor the measure that will permanently fund the program before the end of the year. *
3. Consideration and signature of correspondence to Department of Revenue Secretary Dave Hardy, Chief of Staff Mike Hall and DHHR Secretary Bill Crouch, supporting the Upshur-Buckhannon Health Department's endeavor to forego mid-year budget cuts by the State due to the nature of the services provided. *
4. Consideration and signature of correspondence to all wrecker service providers participating in the wrecker rotation within the County clarifying provisions contained within the Procedures to Dispatch Wrecker Services updated on September 19, 2019. *
5. Approval for Samuel R. Nolte, Commission President, to sign the Contract Agreement, Standard and Federal Conditions and Assurances, Certifications and Resolution for the Justice Assistance Grant (JAG) in the amount of \$15,000. *
6. Approval and signature of the Second Addendum to Prevention Resource Officer Agreement retiring the male Labrador retriever/German shorthaired pointer canine officer and transferring the canine officer to Rocky Hebb. *
7. Correspondence from Bethany Kirchberg, Program Coordinator, Tri-County Visitation Center, requesting employment of Jayme Burkhardt to Tri-County Child Exchange & Visitation Program staff at the pay rate

of \$8.75 per hour, effective November 21, 2019, pending background check. Upon approval, Ms. Kirchberg will work no more than 19 hours per week. *

Item may lead to Executive Session per WV Code §6-9A-4

8. Consider appointment to the position of Prosecuting Attorney following David E. Godwin's retirement on November 30, 2019.

Item may lead to Executive Session per WV Code §6-9A-4

9. 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. Executed Donation/Transfer of Equipment Agreement between the County Commission of Upshur County and the Buckhannon Volunteer Fire Department
2. Upshur County Sheriff's Financial Statement for Period Ending October 2019
3. Upshur County E911 Communication Reports – October 2019
 - Monthly Department Summary Report
 - Monthly Wrecker Report
4. 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
December 5, 2019 --- 9:00 a.m.
Upshur County Courthouse Annex

The regularly scheduled Commission Meeting on Thursday, November 28, 2019 has been CANCELLED

Jane Lew Public Service District

70 Park Avenue
Jane Lew, WV 26378

Minutes of Regular Meeting **October 10, 2019**

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

Guests: None

Absent: None

- I. **Call to Order:** The meeting was called to order by Chairman Mills at 4:04 p.m. at Jane Lew PSD Office, 70 Park Avenue, Jane Lew, WV. Secretary Elaine Flaxer attended by phone from New York State.

~ ROUTINE MONTHLY BUSINESS ~

II. **Minutes: (09/12/19)**

MOTION: (Bailey/Mills) to approve attached Minutes of 09/12/19 regular meeting. [Carried Unanimously]

III. **General Manager's September Reports (Gee)**

A. **WATER:**

1. **Bills** (Attached)

MOTION: (Flaxer/Bailey) to ratify payment of attached list of water invoices for September 2019. [Carried Unanimously]

2. **Treasury Report** (Attached)

MOTION: (Bailey/Mills) to approve attached Water Treasury Report for September 2019. [Carried Unanimously]

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

MOTION: (Flaxer/Mills) to approve attached Water Adjustments Report for September 2019 [Carried Unanimously]

4. **Water Purchase, Sales & Loss Report** (Attached) – estimated unaccounted loss of 10%

MOTION: (Bailey/Flaxer) to approve attached Water Purchase, Sales & Loss Report for September 2019. [Carried Unanimously]

5. **Water Preventative Maintenance Report** –.

- a) **Lines** – visually checked when reading meters
- b) **Loss Prevention/leak detection** – daily readings recorded
- c) **Fire + Flushing Hydrants** [57 + 25] – all hydrant flushing completed; grass cut around hydrants

- d) Valves [148] – September valve exercising now scheduled to be completed during October
 - e) Meters [659] – all 10 meters at Broad Run Village changed out as all were old and 3 had failed
 - f) Booster Stations [3] – checked monthly
 - g) Tanks [2] –
 - h) Office Furnace + A/C – Marple Heating & Cooling checked office for winter season
 - i) Vehicles ['05 Chevy Truck, ½ '19 Ford; ½ crane truck & ½ Buggy] – washed all trucks & checked fluids; washed buggy & checked fluids
 - j) Generators [1 big port + 2 small] – exercised monthly
 - k) Expensive Equipment [Mower] – in good shape
 - l) Critical Inventory – in good shape
 - m) Other –
6. Water Leak Detection Report (*finding & repairing actual leaks*)– found and fixed leak on brand new line newly relocated by DOH on Hacker's Creek Road
 7. Water System Repairs Report (*fixing other unplanned breakdowns*) – **nothing**
 8. Cross-Connections/Backflow Report – ongoing
 9. New Non-Project Water Taps – none
 10. Other –
 - ✓ Gee stated that WVRWA might purchase a camera to inspect interiors of water tanks
 - ✓ Gee reported a police officer came to office about pepper spray question. Recommended against it. Gee plans to budget for a wall next fiscal year.

<u>Water Assignments</u>

B. WASTEWATER:

1. Wastewater Bills (Attached)

MOTION: (Bailey/Mills) to ratify payment of list of Sewer invoices for September 2019. [Carried Unanimously]

2. Wastewater Treasury Report (Attached)

MOTION: (Mills/Bailey) to approve Sewer Treasury Report for September 2019. [Carried Unanimously]

3. Wastewater Adjustments Report (Attached)

MOTION: (Bailey/Mills) to approve Sewer Adjustments Report for September 2019. [Carried Unanimously]

4. Wastewater Treatment Purchase, Sales & Loss Report (Attached) -

MOTION: (Flaxer/Bailey) to approve Sewer Treatment Purchase, Sales & Loss Report for September 2019. [Carried Unanimously]

5. Wastewater Preventive Maintenance Report (*averting unplanned breakdowns*)

- a) Lines – nothing
- b) I&I Prevention – nothing (very dry month; very little I&I)
- c) Manholes [594] – nothing
- d) Duplex + ABS Grinder Pumps [5 + 2] – duplex stations amped & enzymed every Friday
- e) Lift Stations [16 total] – inspected, amped & enzymed every Friday
- f) Bar Screen [1] – cleaned every Friday
- g) Vehicles – ['06 GMC Truck; ½ '19 Ford; ½ crane truck; & ½ Buggy] – washed 06 GMC
- h) Generators [3stat. + 2 port.] – 3 stationary generators self exercise weekly on timer; 2 portables exercised monthly
- i) Classroom Furnace & A/C – not due until warm season ends
- j) Expensive Equipment [mower] -- nothing due until season ends.

- k) Critical Inventory – in good shape
6. Wastewater Repairs Report –
- ✓ Lift 5 pump quit working again, pulled, replaced bolt and put pump back in place
 - ✓ Replaced more cleanout caps that were found broken during the smoke testing
 - ✓ At Tom Hawkins residence on Rt. 19 N, installed new valve in the side of the grinder pump pit, also installed new grinder pump and control box
 - ✓ At Lift 2, cable broke loose from its holder, fell down to bottom of pit, cable got sucked up into pump and twisted until it broke. Pump was pulled and taken to Soles for repair.
 - ✓ At Lift 10, pump was pulled & taken to Soles for repair. Second pump also pulled and taken to Soles for testing to ensure there were no issues with it before installing new VFD. Tested okay.
7. New Non-Project Sewer Taps – none
8. Other –

Wastewater Assignments

✓ *Gee to keep pressure on ABS Pump Co. re Lift 5 issues*

- IV. **Update: Pending Non-Project Extensions and Road Bores (Gee)** - none
- V. **Update: Board Review of PSD Policies and Job Descriptions (Gee/Flaxer)** – nothing done on list below
- A. Private Fire Protection Policy
 - B. Revise Water Job Description to be consistent with a water PURCHASE entity
- VI. **Update: Personnel Matters (Gee)** – none
- A. Office Staff
 - B. Sewer Staff –
 - C. Water Staff -
- VII. **Announcements:**
- VIII. **Correspondence:** - (attached)
- A. Letter (09-12-2019) from Nancy Gee to all Industrial Park Customers, RE: Items being disposed in sewer system and plugging it up.
 - B. Letter (09-13-2019) from Nancy Gee to Rinkers Automotive, RE: Shut Off Notice for noncompliance with Backflow Prevention Requirements
 - C. Letter (09-13-2019) from Nancy Gee to Richards Heating & AC, RE: Shut Off notice for noncompliance with Backflow prevention requirements
 - D. Letter (09-16-2019) from Robert B. Brown to Robert Lang (Doss Enterprises), Tim Ruppert (WV DOH), Anthony Carovillano (WV DOH) & Chad Lowther (WV DOH) RE: DOH Line Relocation Flush Cleanouts.
 - E. Letter (10-07-2019) from Nancy Gee to Jeffrey Blosser, RE: I & I found on his property during smoke testing.

~ ~ OLD BUSINESS ~ ~

IX. WV-DOH – JL PSD Utility Line Relocations (Gee) – Finished. Remove from future Minutes.

~ ~ NEW BUSINESS ~ ~

X. Late-Received Agenda Items (Gee) – none.

XI. Adjournment: The meeting was adjourned by Chairman Mills at 4:25 p.m.

Oscar R. Mills

Oscar R. Mills, Chairman

Elaine B. Flaxer

Elaine B. Flaxer, Secretary

Attachments:

- September '19 Bills Paid (Water/Wastewater)
- September '19 Treasury Reports (Water/Wastewater)
- September '19 Adjustments Reports (Water/Wastewater)
- September '19 Water/Wastewater Treatment Purchase, Sales & Loss Reports
- All Correspondence noted above on Page 3

E-Copies of Unapproved Minutes Sent to:

- James V. Kelsh, PSD Attorney (Bowles Rice)
- PSD Office
- Board Members

Assignments



State of West Virginia

John B. McCuskey

**State Auditor and
Commissioner of Delinquent
and Nonentered Lands**

Office of the State Auditor
County Collections Division
State Capitol, Building 1, Suite W-118
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Toll Free: (888) 509-6568
Telephone: (304) 558-2262
Fax: (304) 558-4156
www.wvsao.gov

November 18, 2019

Monika Weldon
Treasurer of the
Lewis County Board of Education
239 Court Avenue
Weston, WV 26452

Dear Treasurer Weldon:

In the near future, you will receive a check in the amount of \$18,987.98 from the Office of the State Auditor, representing the funds allocated the Board of Education of Lewis County, as a result of the leasing of lands for flood control, navigation and allied purposes from the United States Department of Interior, pursuant to West Virginia Code Chapter 20, Article 3, Section 18.

As a pass-through entity, the Office of the State Auditor is responsible for monitoring the subrecipient's activity in order to provide reasonable assurance that the subrecipient is administering the Federal Award in compliance with Federal Regulations. As part of that responsibility, I'm making you aware of the following information:

Please be aware of the following information:

CFDA Title Number: 15.433
Award Name: Flood Control Act Lands
Name of Federal Agency: United States Department of the Interior

The Office of the State Auditor will request a copy of the Annual Audit Report for the Lewis County Commission in order to review your A-133 Audit. If any problems are discovered with the audit, you will be promptly notified in order that corrective action is taken.

If you have any questions concerning this distribution amount or procedures, please contact this office at (304) 558-2262, extension 2183.

Sincerely,

G. Russell Rollyson Jr.
Senior Deputy State Auditor

cc: The Honorable Adam Gissy
Sheriff, Lewis County

Joseph Mace
Superintendent, Lewis County Board of Education

The Honorable Patrick D. Boyle
President, Lewis County Commission

Bryan S. Hinkle
40 arnold Avenue
Buckhannon, West Virginia 26201
304-940-6212
hinklebsh@gmail.com

November 22, 2019

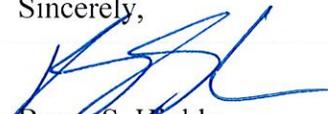
Lewis County Commission
110 Center Avenue
Weston, WV 26452

Dear Commissioners,

Yesterday, the Upshur County Commission appointed me to the position of Prosecuting Attorney for Upshur County and I will take office there on December 1, 2019. Therefore, I will be resigning from my position as Assistant Prosecuting Attorney here in Lewis County effective 11:59:59 p.m. on November 30, 2019. Mrs. Flanigan is already aware of this and I have kept her in the loop on this possible development. It is now official as of yesterday.

It has been a great pleasure serving you and the citizens of Lewis County and I look forward to continue working in Lewis County on special prosecutor appointed cases in the future.

Sincerely,



Bryan S. Hinkle

cc: Christina Flanigan

*The patients and staff of William R. Sharpe, Jr.
Hospital cordially invite you to attend the Annual
Christmas Tree Lighting Ceremony in memory of*

Senator William R. Sharpe, Jr.



Tuesday, December 10, 2019,

6:00 pm,

in the hospital's main lobby and multi-purpose room.

Your attendance is greatly appreciated.

Light refreshments will be served.