

# COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue  
Weston WV 26452  
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**COMMISSIONERS:**  
Rod Wyman, President  
Patrick Boyle, Commissioner  
Agnes Queen, Commissioner

## LEWIS COUNTY COMMISSION 110 Center Avenue, 2nd Floor Weston, WV 26452 Meeting Agenda Tuesday, April 7, 2020

### 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, April 3, 2020  
(*action required*)

### APPOINTMENTS

3. 10:10 AM **None**

### CORRESPONDENCE

4. **Upshur County Commission Meeting Agenda:** The March 26, 2020 Upshur County Commission Meeting Agenda is presented for review. (*information only*)
5. **Jane Lew Public Service District Meeting Minutes:** The February 13, 2020 Jane Lew Public Service District Meeting Minutes are presented for review. (*information only*)
6. **Notification of New Video Packages for SuddenLink Business Customers:** SuddenLink will be offering new video packages to their business customers beginning April 21, 2020. (*information only*)

### BUSINESS

7. **Board(s) and Committee(s) Reports:** Student Meal Delivery; COVID 19 conference with the White House, National Association of Counties, West Virginia Association of Counties, County Commissioners Association of West Virginia, Lewis County Health Department, Lewis County Office of Emergency Management, Lewis County Schools and the Lewis County Family Resource Network. (*information only*)
8. **Consideration of Future Meeting Schedules:** The Lewis County Commission will consider future meeting dates for implementation during the COVID 19 National Pandemic. (*action required*)

9. **West Fork Conservation District Annual Agreement for Fiscal Year 2021:** The West Fork Conservation District requests the Lewis County Commission enter into an annual agreement for operation and maintenance of the Polk Creek Watershed Dams for Fiscal Year 2020. An annual contribution of \$5,000.00 is requested. (action required)

**ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:**

10. **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 Friday, April 3, 2020. (action required)
11. **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 Friday, April 3, 2020. (action required)
12. **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 Friday, April 3, 2020. (action required)
13. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, April 3, 2020. (action required)

**ADJOURNMENT:**

14. **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.
- Agenda Items may require an executive session.
- 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.
- Commissioners may participate and vote via conference call if two(2) commissioners are in attendance.

## Upshur County Commission Meeting Agenda

Agenda packets are available electronically at [http://www.upshurcounty.org/agenda\\_and\\_minutes/index.php](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: March 26, 2020

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

Approval of Minutes:

- March 12, 2020
- March 20, 2020 – Emergency Meeting

9:15 a.m. Sue McKisic, Upshur-Buckhannon Health Department Nurse Director and Brian Shreves, Upshur County Department of Homeland Security Emergency Management Director – Provide COVID 19 Update

9:45 a.m. Approval and Signature of FY 21 Community Oriented Policing Services (COPS) School Violence Prevention Program (SVPP) Application on behalf of the Upshur County and Lewis County Board of Educations. If awarded, the grant will provide updated emergency notification telephone systems to both Upshur and Lewis County Board of Educations.

11:00 a.m. Meeting with Elected Officials to further discuss continued operations as they relate to COVID 19

### Items for Discussion / Action / Approval:

1. Approval and signature of 2020 Board of Review and Equalization (BORE) meeting minutes. \*
2. Approval and signature of Upshur County 2020 – 2021 fiscal year budget. \*
3. Approval and signature of an Order allowing the Commission to join with the Upshur County Development Authority (UCDA) to form a Joint Development Entity, as permitted under Chapter 7, Article 12 of the Code of West Virginia. This Entity is required to receive new market tax credits (NMTC) for the Innovation Center. \*
4. Correspondence from Shane Whitehair, Executive Director of Region VII Planning and Development Council regarding Small Cities Block Grant recipient requirements to affirmatively further fair housing. Approval and signature of a Resolution proclaiming April 2020 as Fair Housing Month. \*
5. Approval and signature of the Mountaineer Trail Network Appalachian Regional Commission (ARC) POWER Implementation Grant Letter of Support. \*
6. Approval and signature of an Agreement between the Department of Arts, Culture and History for and on behalf of Archives and History for and on behalf of the Records Management and Preservation Board and the Upshur County Commission for fiscal year July 1, 2020 through June 30, 2021. The award is for personnel costs to scan and index records in the amount of \$3,000 in the Assessor's Office and digitizing chancery and civil order books in the amount of \$10,000 in the Circuit Clerk's Office with a ten percent cash match to be provided by the County. \*

7. Correspondence from Sheriff David H. Coffman requesting the lateral transfer of Crystal Linger from part-time Circuit Court Bailiff to full-time Law Enforcement Administrative Assistant, effective March 29, 2020 at the pay rate of \$11.22 per hour. \*  
*Item may lead to Executive Session per WV Code §6-9A-4*
8. Correspondence from Sheriff David H. Coffman requesting a lateral transfer of Mark Cunningham from Court Security Officer to Circuit Court Bailiff, effective March 29, 2020 at the pay rate of \$12.00 per hour. \*  
*Item may lead to Executive Session per WV Code §6-9A-4*
9. Correspondence from Sheriff David H. Coffman requesting the employment of Roger Lee Davis as a “fill-in” Court Security Officer, effective March 29, 2020.  
*Item may lead to Executive Session per WV Code §6-9A-4*
10. Correspondence from Toni C. Newman, Fire Fee Clerk, requesting to decrease her work hours to 44 hours per pay period effective April 1, 2020. \*  
*Item may lead to Executive Session per WV Code §6-9A-4*
11. Approval of Lewis–Upshur Animal Control Facility Volunteer Hannah Greenlief. \*
12. 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. Order of the Public Service Commission of West Virginia entered March 18, 2020 regarding the “Petition for consent and approval to enlarge the service territory of the Tennerton Public Service District”.
2. Announcement of FY2021 Litter Control Grant Application offered through the WVDEP REAP Litter Control Grant Program
3. Press Release: Secretary Warner Encourages West Virginians to Vote Early and Absentee in the May 12 Primary Election.
4. Notice of Proposed Adoption of Amendment to Municipal Zoning Ordinance by the Council of the City of Buckhannon
5. Upshur County Sheriff’s Financial Statement for period ending February 2020
6. 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](http://www.upshurcounty.org/agenda_and_minutes/index.php)

Tabled Items

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

1. Chapman Case Number 101118-01 (Warren Tax District – Tax Map 6B Parcel Number 11)

Next Regular Meeting of the Upshur County Commission  
April 2, 2020 --- 9:00 a.m.  
Upshur County Courthouse Annex

# Jane Lew Public Service District

70 Park Avenue  
Jane Lew, WV 26378

## Minutes of Regular Meeting February 13, 2020

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

**Guests:**

**Absent:**

- I. **Call to Order:** The meeting was called to order by Chairman Elaine Flaxer at 4:02 p.m. at the Jane Lew PSD Office, 70 Park Avenue, Jane Lew, WV.

### ~ ROUTINE MONTHLY BUSINESS ~

II. **Minutes: (01/09/20)**

**MOTION:** (Bailey/Mills) to approve attached Minutes of 01/09/20 regular meeting. [Carried Unanimously]

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

A. **WATER:**

1. **Bills (Attached)**

**MOTION:** (Flaxer/Bailey) to ratify payment of attached list of water invoices for January 2020. [Carried Unanimously]

2. **Treasury Report (Attached)**

**MOTION:** (Bailey/Flaxer) to approve attached Water Treasury Report for January 2020. [Carried Unanimously]

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

**MOTION:** (Bailey/Mills) to approve attached Water Adjustments Report for January 2020. [Carried Unanimously]

4. **Water Purchase, Sales & Loss Report (Attached) – estimated unaccounted loss of 09%**

**MOTION:** (Bailey/Flaxer) to approve attached Water Purchase, Sales & Loss Report January 2020. [Carried Unanimously]

5. **Water Preventative Maintenance Report –**

a) **Lines – visual check when reading meters**

b) **Loss Prevention/leak detection – daily readings recorded**

- c) Fire + Flushing Hydrants [57 + 25] – 2020 flushing to be scheduled
  - d) Valves [148] – 2020 valve exercising to be scheduled
  - e) Meters [659] – nothing
  - f) Booster Stations [3] – checked heater and all pumps
  - g) Tanks [2] – re-checked batteries for telemetry at Big Tank
  - h) Office Furnace + A/C – nothing
  - i) Vehicles ['05 Chevy Truck, ½ '19 Ford; ½ crane truck & ½ Buggy] – washed Chevy truck and Ford truck
  - j) Generators 2 small portable – exercised
  - k) Expensive Equipment [Mower] – started mower and let run to keep battery charged
  - l) Critical Inventory – nothing needed
  - m) Other –
6. Water Leak Detection Report (*finding & repairing actual leaks*) – nothing found
  7. Water System Repairs Report (*fixing other unplanned breakdowns*) – changed out guts in meter at Clay Lick Booster Station & tested station for leaks
  8. Cross-Connections/Backflow Report – ongoing
  9. New Non-Project Water Taps/Road Bores – 2<sup>nd</sup> water tap & bore for Steve Mathess on Jesse Run Road [See December 2019 Minutes]
  10. Other – nothing

Water Assignments

- ✓ Gee to budget for work on tanks during next fiscal year.
- ✓ Gee to see that water valve boxes damaged by DOH get repaired.

## B. WASTEWATER:

1. Wastewater Bills (Attached)

**MOTION:** (Mills/Bailey) to ratify payment of list of Sewer invoices for January 2020. [Carried Unanimously]

2. Wastewater Treasury Report (Attached)

**MOTION:** (Flaxer/Bailey) to approve Sewer Treasury Report for January 2020. [Carried Unanimously]

3. Wastewater Adjustments Report (Attached)

**MOTION:** (Bailey/Mills) to approve Sewer Adjustments Report for January 2020. [Carried Unanimously]

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

**MOTION:** (Flaxer/Mills) to approve Sewer Treatment Purchase, Sales & Loss Report for January 2020.  
[Carried Unanimously]

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

- a) Lines – ran camera in line on Hall Street
- b) I&I Prevention – rainfall 2.8 inches; ground already wet; lots of I&I
- c) Manholes [594] – opened fixed and unfixed manhole lids to check and recheck for I&I; cleaned manholes on Sycamore Lick Road
- 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] – nothing
- h) Generators [3stat. + 2 port.] – 3 stationary generators self-exercise weekly on timer; 2 big portables exercised

- i) Classroom Furnace & A/C – nothing
  - j) Expensive Equipment [mower] – see Water report
  - k) Critical Inventory – in good shape
  - l) Other -
6. Wastewater Repairs Report –
- ✓ Atlas repaired 9 manholes
  - ✓ repaired GMC truck door
  - ✓ Lift 5 bolt broke again; repaired and put back in
7. New Non-Project Sewer Taps/Bores – Patrick Martin (Homeland)
8. Other – nothing

Wastewater Assignments

- ✓ *Gee to follow up on ABS Pump Co. re Lift 5 issues*

IV. **Update: Pending Non-Project Extensions/Taps/ 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:**

- ✓ Flaxer on vacation from 01/22 - 01/27

VIII. **Correspondence:** - (attached)

- A. Letter (01/16/2020) To Nancy Gee, From Don Goldsmith, Compliance and Enforcement D.H.H.R. Re: 2020 Monitoring Schedule
- B. Letter (01/18/2020) To Nancy Gee, From Phil Nuce, Bennett & Dobbins, Re: Asset Retirement Obligations
- C. Letter (01/23/2020) To Board of Directors, From Bennett & Dobbins, Re: Annual Reports for Water & Wastewater (Copies Attached)
- D. Letter (01/28/2020) To Dan Fischer, Land Manager, Tenmile Land, LLC, Re: Mineral Rights
- E. Letter (01/29/2020) To Thomas Bailey, From Laura Leport, Utilities Analyst III, PSC, Re: 2019 Annual Report.
- F. Letter (02/10/2020) To Elaine Flaxer, Chairman From Lori Devereux NPDES Team, WV DEP. Re: WV/NPDES Permit Application, (Copy Attached)

~ ~ OLD BUSINESS ~ ~

~ NEW BUSINESS ~

IX. Potential Revisions to Personnel Policy 2.4 "Holiday Leave" (Flaxer)

Discussion: Flaxer showed Board a preliminary version of a revision based largely on State of WV/ Benefits/Holidays policy. Board and General Manager gave feedback.

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

XI. Adjournment: The meeting was adjourned by Chairman Flaxer at 5:01 p.m.

*Elaine B. Flaxer*

Elaine B. Flaxer, Chairman

*Thomas E. Bailey*

Thomas E. Bailey, Secretary

**Attachments:**

- January '20 Bills Paid (Water/Wastewater)
- January '20 Treasury Reports (Water/Wastewater)
- January '20 Adjustments Reports (Water/Wastewater)
- January '20 Water/Wastewater Treatment Purchase, Sales & Loss Reports
- All Correspondence noted above on Page 3
- State of WV Personnel/Benefits/Holidays Policy

**E-Copies of Unapproved Minutes Sent to:**

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

Assignments



March 20, 2020

Agnes Queen  
Commission President  
110 Center Avenue  
Weston WV 26452

Re: Launch of New Video Packages for Business Customers

Dear Commission President Agnes Queen:

Altice USA, Inc. (“Altice USA” or “the Company”) hereby notifies your office that effective April 21, 2020, the Company will offer new tiered video packages for all new and existing business customers, as detailed below. All existing video pricing will be unaffected.

Existing business customers currently subscribing to legacy Suddenlink video packages will be migrated to the new package offerings, which will include the same content they currently receive at the same monthly rate.

Suddenlink Business

- Suddenlink Business Choice – \$58.99/month
- Suddenlink Business Value – \$98.90/month<sup>25</sup>
- Suddenlink Business Preferred – \$118.85/month<sup>26</sup>

Suddenlink Entertainment (Bars & Restaurants)

- Suddenlink Entertainment Value – \$84.99/month<sup>Error! Bookmark not defined.</sup>
- Suddenlink Entertainment Preferred – \$94.99/month<sup>27</sup>

Should you have any questions, please do not hesitate to contact me at 347-527-3424.

Sincerely,

Brad Ayers  
Senior Director, Government Affairs

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<sup>25</sup> Customers subscribing to Basic + Expanded will be migrated to either Suddenlink Business or Suddenlink Entertainment Value packages, depending on type of account, with no change to their current rate.

<sup>26</sup> Customers subscribing to Basic + Expanded with Commercial Digital Tier will be migrated to Suddenlink Business Preferred, with no change to their current rate.

<sup>27</sup> Customers subscribing to Basic + Expanded with Bars & Restaurants Digital Tier will be migrated to Suddenlink Entertainment Preferred, with no change to their current rate.



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**WEST FORK CONSERVATION DISTRICT**

87 Ollie Lane Suite 102- Mt. Clare, WV 26408 - Phone (304) 627-2160

March 20, 2020

Lewis County Commission  
110 Center Ave. 2<sup>nd</sup> Floor  
Weston, WV 26452

Dear Lewis County Commission,

Enclosed you will find the same agreement that was discussed at your last meeting. You have submitted your funds for FY20 and we are very thankful for your support and contribution. However, the agreement has not been signed for FY20, and I need an agreement to reflect FY20 for our records. The one that you are currently processing is for FY21 funds. Please review and sign this enclosed agreement for FY20 along with the FY21 agreement. If you should have any questions, please feel free to contact our office.

Sincerely,

Robin Ward, District Manager  
West Fork Conservation District/ West Virginia Conservation Agency

**Program: OM&R Funding**  
**County: Lewis**  
**Agreement #**

**Lewis County Flood Control Dam and Channel  
Operation, Maintenance Funding Agreement**

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THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Lewis County Commission, West Fork Conservation District, and the West Virginia Conservation Agency.

AUTHORITY: WVCA: W.Va. Code 19-21A-4  
Lewis County Commission: W. Va. Code 7-1-3i

THE PURPOSE of this agreement is to recognize the need for ongoing operation, maintenance and inspection for critical infrastructure and to provide annual funding to operate and maintain the flood control structures in Lewis County.

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**It is Mutually agreed that:**

This agreement shall run on a 12-month fiscal year, July 1 to June 30. This agreement may be extended for up to five years by mutual consent of each party.

All sponsors agree to provide funding to the West Fork Conservation District on an annual fiscal year basis to address the operation and maintenance of the structures covered under this agreement.

Unless otherwise noted, the annual contributions will be:

|                                       |            |
|---------------------------------------|------------|
| Lewis County Commission .....         | \$5,000.00 |
| West Virginia Conservation Agency ... | \$5,000.00 |

The West Fork Conservation District shall send a letter in January of each year requesting these funds in accordance with the list above.

As part of the request, the West Fork Conservation District, in collaboration with the West Virginia Conservation Agency, shall make a report to the Lewis County Commission on prior fiscal year's operation and maintenance work, and provide a projection of work that will be performed during the upcoming fiscal year.

All parties listed above shall attend the scheduled operation and maintenance inspections on an annual basis at a time mutually agreed to by the parties.

Any costs outside of the regular operation and maintain will be negotiated and become part of a separate agreement between the parties.

**Page 3**  
**OM&R Funding Agreement**  
**Lewis County**  
**Agreement #**

**WEST VIRGINIA CONSERVATION AGENCY**

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_